



Herman Goldstein

2016-2017

Oral History Interview

Interviewed by: Troy Reeves



BEGIN TRANSCRIPT

REEVES: Good morning. Today is October 26th, 2016. This is the first of a series of oral history interviews with Herman Goldstein. My name is Troy Reeves and I'm with the UW-Madison oral history program.

Herman, so I can get the sound quality as good as I can, can you say your name and spell your last name?

GOLDSTEIN It's Herman Goldstein. G-O-L-D-S-T-E-I-N.

REEVES: Great, thank you.

[00:00:30] So, we had a chat, before we actually turned on the recorder, about how best to start. Maybe we just start at the beginning?

GOLDSTEIN Good.

REEVES: If you want to talk a little bit about -- start with your childhood, particularly things that you remember from your childhood that might help explain the path that you took.

GOLDSTEIN Right. Well, I was born in New London, [00:01:00] Connecticut. My parents were immigrants, my mother from Lithuania, my father from an area just north of Poland. My grandparents lived around the corner, so that was very much part of our family. [00:01:30] Had a brother and a sister. And some extended family living in the community. Went to elementary school in New London, through high school. In the New England tradition, the high schools in New London were [00:02:00] separated gender-wise and in terms of one's ultimate ambitions, so I went to a boy's high school named Buckley. It was, of the high school options I had, this was the college-prep school. The other was a technical.

REEVES: [00:02:30] So can I jump in and ask, reflecting upon it, did your parents value making sure that their children had a good education?

GOLDSTEIN Oh, it was very intense. That reminds me that I'm a product of the depression, since, as an immigrant, my father came to this country and worked [00:03:00] as a farmer, then he got into raising tobacco in Connecticut, which always takes people by surprise, because it's not considered tobacco country, but it was the - they grew the tobacco that was used in cigars, under cheesecloth, that protected them, so that it was [00:03:30] high-quality, didn't have any holes in it from hail [00:03:33] or anything. Then he took an opportunity with his father to establish a plant for the pasteurizing of milk, when pasteurization just came into being. And moved from Hartford to New London.

[00:04:00] So he was part-owner of the dairy for a short period of time, and with the depression, lost the dairy. And became a worker for the dairy for the

rest of his life. He delivered milk, for all the time that I knew my dad until his retirement. Nevertheless, as a laborer he was [00:04:30] very, very committed to our getting a full, adequate education.

My mother came from Lithuania and from a very rabbinic family, and she was sort of the intellectual. Very, very very committed to our getting a full and complete [00:05:00] education. She herself -- in coming to the country, enrolled in all kinds of night-school programs to learn English, and she took a great deal of interest in cultural matters and tried to excel in her own literacy. It was from her that my brother and I -- and I'll be mentioning my [00:05:30] brother because my sister was a half-sister, and had a different sort of orientation than the two of us -- as I'll point out later, ultimately the both of us went into academia. But, she instilled in us these very deep values of the importance of education and intellectual development.

REEVES: So, [00:06:00] where did you fit in this series of siblings?

GOLDSTEIN I was the youngest.

REEVES: So, as you were attending this boys' high school, college-prep high school, where were your thoughts focused, in terms of not only college, but possibly, were you thinking about what your occupation would be?

GOLDSTEIN There was no question that I was [00:06:30] going to college, if we could afford it, and if we could work it out. That was my goal. The big limitation was financial. In high school ... I should say that, before high school ... In my adolescence, my first job [00:07:00] experiences and all -- I really enjoyed working, and I aspired to move ahead in whatever I was doing, and I enjoyed management and administration a great deal. So, I went to work initially when I was 16, as a cashier at a local beach, which [00:07:30] was a very advanced, highly developed sort of beach that served that area, because we were on Long Island Sound. It was like Jones' Beach in New York state: highly developed, run by the municipality, and sophisticated [00:08:00] in its management. As I said, run by the municipality.

And so I started in, just at the bottom, as a city cashier, and I moved up in that job, and ultimately, in my college years became the head cashier [00:08:30] for the beach, which was a big operation. And got to enjoy sort of running things, planning things, being organized, and having a staff that I was, at a young age, responsible for. And so, I began to focus on administration, and that's all I can remember from [00:09:00] those years. I should say, before that I, starting at the age of 12, I worked at my grandfather's store, so I got a lot of experience just selling things and merchandising.

And so, when I went to college, it was with the thought that I wanted to get a full, [00:09:30] adequate college education, but with the thought that it would

equip me to get into a position where I could run something. That's the best way I can describe it.

REEVES: So, to back up a little bit, you just mentioned your grandfather's store. Was that store in New London?

GOLDSTEIN Yes, yes. It was an army-navy store, and New London was [00:10:00] -- we were at war, and New London was a major sea port. Much of our business related to serving the needs of people in the armed services, mostly the Navy. I worked in that store[00:10:24], I worked in another store which was owned by a cousin, through my high school days. [00:10:30] And then I got the summer experience at the beach, and I look back and see those experiences as occupying much of my teenage years.

REEVES: Was your brother significantly older than you?

GOLDSTEIN: He was four years older. And he did [00:11:00] some of the same things. Not the beach, he worked in the stores, and he of course left for college four years before I did. He went to the University of Connecticut. We were the first to go to college in our family. That was considered not only a great opportunity, but a great adventure. [00:11:30] I learned a lot about what college was like from him. I should step back for a moment and say that in high school, I enjoyed several different major activities. One was, I became very involved in [00:12:00] high school dramatics. Not as an actor, but as managing and being the president of the drama group, as sort of a stage manager helping to put on the productions. The organization was called "Mask and Gavel". And then I became the business manager for the [00:12:30] yearbook, and I had a major role in getting that out. So that was my major activity in Buckley, and in the high school. I enjoyed those extracurricular [00:12:50] managerial sort of things more than my academics, though I did quite well [00:13:00] in the academic areas as well.

REEVES: So, if you could afford to go to college, you were going to go. But where were you interested in going?

GOLDSTEIN: I was interested in ... I had great ambitions, but very, very conscious of what we could afford. My [00:13:30] brother went the University of Connecticut. He was the Valedictorian of his class, but the financial limitations were such that in those days it was sort of a given that that's where we were going to go - to a state university that we could afford, with a tuition of about \$70 a semester. [00:14:00] I followed in his pattern.

He excelled, as he did in high school. He went into sociology, and a specialty in demography, and then he went on from there to do his graduate work at Penn, and went on [00:14:30] the get a PhD at Penn in demography. And this jumps far ahead, but he was a very distinguished demographer through his career, and ultimately ended up on the faculty at Brown University.

I followed his footsteps. I recall applying to [00:15:00] one or two other colleges, I think Yale or one of the others. But not with any ... I had serious questions to whether 1. I could get in, and 2. Whether we could afford it. And so it was perfunctory; I didn't think of it so seriously.

REEVES: [00:15:30] Did you know UConn, because you said you followed in your brother's footsteps, but I guess I'm asking, while he was there, did you get to know the University ...

GOLDSTEIN: Yeah I got to know the university, and I got to have admiration for the kind of education that he got. I recall very often falling asleep at night listening to my brother [00:16:00] relating to my mother all that he was learning ... the avenues he was pursuing. I was very impressed by that. For us, that was a major, major, major step.

REEVES: So, then before we get you [00:16:30] to college, and then since we've been talking now for a bit, are there other things popping up in your head about your early pre-college years that you think it's important for people to know?

GOLDSTEIN: ... I ... When [00:17:00] I think about my childhood, it was one of being very industriously involved in just trying to jet ahead, and be prepared for the future. [00:17:30] I was always impressed by how much my dad was able to do on his meager income to give us a high quality of life. My parents exposed us to as much as we could in the way of education and experiences. In a modest sort of way, they would arrange [00:18:00] family trips to Washington, D.C., to New York City, to various areas of New England. But those were considered major adventures. We never went west of the Hudson River. [00:18:30] Both my mother and father worked very industriously to give us as rich a childhood experience as we could have. I've always thought retrospect how grateful I am to all that they poured into that effort.

REEVES: So, [00:19:00] you're at college at UConn ... I guess maybe my first question is do you recall, or have you reflected on your transition from high school to college. And if you have, what are some of your initial thoughts about that?

GOLDSTEIN: That was of course one of the first ... since we hadn't traveled extensively or anything, that was one of the first opportunities I had [00:19:30] to ... you know, living away from home, getting accustomed to making all the social connections that I had to make in terms of other students and faculty. Stores ... Where the university was located was close to home, so we would go [00:20:00] home about every third, fourth week or so for a weekend. I became a member of a fraternity and that provided a lot of friendships and contacts and you know, sense of brotherhood that one gets in first, second year of college. [00:20:30] I supposed I have to deduce at this point the fact that because my family was Jewish and very committed, that was a, in retrospect, much more of a factor than I maybe have realized at the time because [00:21:00] we were living in an era in which, as members of the Jewish faith, we felt that there were limitations on us that had some potential bearing upon who we were, where we were

going, and what we would be able to do. So for example, that was [00:21:30] a factor in our not being overly ambitious in deciding on educational options. We knew that we would be accepted some places, but not others.

And that also came in when I started to anticipate what I was going to be doing after college because in those days admissions to the professions were somewhat limited [00:22:00] for young Jewish kids, both in terms of the universities one could attend and the professions one could enter. And I remember thinking about going to law school at that time, but ruled that out and said, no, I wouldn't get into law school.

So that bore on my interests in [00:22:30] college. And building on this old notion of my management and administration and all, and business was out, I decided that the thing to do based upon the success I'd had in working in this in my adolescence in city government, and still carry that over while I was in college, I found a lot [00:23:00] of satisfaction in working in government where one didn't run into any of those barriers. And I started to take a special interest in local government administration and state government in the political science department. And indeed as I recall, maybe it was by junior or my senior year, I started taking some directed sort of [00:23:30] research on a one-on-one basis with one of the two of the faculty members. And I remember doing a one-on-one course in which I did a thesis on the...what was called Ocean Beach Park, which was this unique local beach that was developed after the 1938 hurricane, which [00:24:00] destroyed our shoreline in New London. There was this major effort to take over the whole area, redevelop it, and create this exquisite public park with which I was associated from the time I was in high school through my college years, all four of my college [00:24:30] years.

And so I did a thesis on that, you know, how it was, what happened at the beginning, the storm, and the redevelopment, and the financing of it, and how it was administered, and drew on my experience in operating within that [00:25:00] agency. And that sort of shaped my interest in college. I took a lot of courses in local government administration, every one I could take. And so that when I got to the end of my four years in arts and sciences, there was no question but that I wanted to go on [00:25:30] to study local and state government. And that's when I applied for this program at Pennsylvania. It was called the Fel's Program at the University of Pennsylvania in local and in state government administration [00:26:00] and was successful at getting a, what was called a Fel's Scholarship that enabled me to get a master's degree. This was in the Wharton School at Penn.

That launched me on the path toward getting a master's degree in local and state government [00:26:30] at Penn. That was a fascinating, sort of very intensive experience of a year and a half. Two years, roughly.

REEVES:

Do you recall how you found about that possibility?

GOLDSTEIN: Well, I started to explore where one could get into city government administration and there were several programs I recall at the time. One at Syracuse where [00:27:00] people were studying city government, city management. And the Pennsylvania program popped up, and the thing that made it so attractive was that they offered scholarships. \$150 a month they were going to give us in cash, plus our education to get into that program. And so I gave that [00:27:30] high priority and when I succeeded in getting in, that was it.

Also, the thing that made it nice and convenient and comfortable was that my brother had gone to Penn, and he was already in their PhD program. He had married and he and his wife were located in Philadelphia, so I had family there.

REEVES: So a continuation of [00:28:00] inadvertently or advertently following your brother's footsteps.

GOLDSTEIN: Yeah. Yeah.

REEVES: So you said in high school that you were far more interested in the extracurriculars than the academics. What about college?

GOLDSTEIN: Yeah, I don't want to skew it that far because, you know, I was a very good student and I particularly enjoyed [00:28:30] the courses in history and political science and English. I didn't particularly like the science courses, just took what was necessary in that area. The other part of your question [00:29:00] was?

REEVES: The other was, so, now in college ...

GOLDSTEIN: Oh, in college. Well there, of course, I indulged because everything that I was being offered was relevant. I recall the most far out sort of course was something in political theory, but otherwise they were courses on how [00:29:30] state and local government functioned. It was a very intensive program. We worked in the morning in different city agencies in Philadelphia. At that time Philadelphia had gone through a renaissance. A mayor Clark had been elected against the background of its being one of the most corrupt and [00:30:00] inefficient city government. It was now under a reform administration and we were given internships in the morning to work in the managing director's office in various departments of city government.

REEVES: Mm-hmm (affirmative)

GOLDSTEIN: And, in the afternoon, we had our courses including Saturdays and ... [00:30:30] on public administration. The courses extended through, sometimes, the dinner hour. We would have guests. We would have night courses. We were doing ... we worked on a thesis at the same time, so it was very, very intensive.

[00:31:00] And, I suppose it's important to acknowledge that one of the agencies that I was assigned to was a police department. In the police department, I was assigned to explore how the relationships between in management, in supervision, between sergeants and police [00:31:30] officers. Of all things, I was assigned to a precinct that was run by a captain named Frank Rizzo. Frank Rizzo was a unique character in Philadelphia, a very brusque, tough, guy, who subsequently became mayor of Philadelphia. [00:32:00] I was in his precinct. I was just thrown in ... the understanding was I would spend my time with the police officers on the street to find out and observe their relationships with their supervisors. In doing that, I was just blown away by what I was given an opportunity to see.

Philadelphia police officers [00:32:30] operated in what were called 'red cars', the cars were literally painted red.

REEVES: Mm-hmm (affirmative)

GOLDSTEIN: I ... had trouble, as I recall, focusing on the supervision. This was a department that was just beginning to come together under a commissioner [00:33:00] named Gibbons. They were trying to get things lined up and get them in order and get their officers to be doing the right things and working, spent putting in the right number of hours and all that stuff. But in the course of it, I saw the relationship between the police and the public that they were supposedly serving. It was horrendous. [00:33:30] It just opened my eyes to ...

Up to this stage, my concept of a police officer was the officer who used to help us cross the street going to elementary school. He was this delightful guy that we all adored and [00:34:00] a father figure of sorts. Here, I was thrown into a situation in which there was this very adversary relationship between police officers, and especially minority members of the community. I'm sort [00:34:30] of vague in my recollection of what it was all about but I just recall a lot of hostility, roughness. I don't recall seeing any outright brutality but it was a different world for me.

[00:35:00] In part, it was a different world because, up to that time in New London and at the university, I had no presence in a minority community or in low-income communities. It was all new for me to see this [00:35:30] interaction of government officials and people representing government-

REEVES: Mm-hmm (affirmative)

GOLDSTEIN: - and people living in poverty and social conditions that were dramatically different from what I grew up in. I should back up here for a moment.

REEVES: Okay.

GOLDSTEIN: [00:36:00] And say that my ... what colored my approach to a lot of this stuff was that, in New London, I lived in an extraordinarily diverse community. It was an immigrant community. We lived in a three-decker house, three flats. The family upstairs [00:36:30] was the Pescatellos, very Italian in their origins, background, traditions. Downstairs were the O'Sullivans, from an Irish background. We got along famously. This was ... just all [00:37:00] lived together and that was true of the entire neighborhood. We were curious about their traditions and they were curious about our traditions. We shared different foods and I learned all about Christmas and other things, traditions that the different families had. That was true. The whole [00:37:30] street that I lived on, it was called Grand Street, and I still have pictures in my photo album of all the kids gathered together. It was remarkable. I think we were the only Jewish family on the street.

That was a very rich experience [00:38:00] and I think that had ... I didn't realize it at the time, but it had an enormous influence on my life. That comes to mind as I think about what I was thrown into in Philadelphia. Which was entirely different neighborhoods. Which [00:38:30] was a major education for me.

REEVES: Mm-hmm (affirmative) So you said that was a year and a half-

GOLDSTEIN: It was two years roughly.

REEVES: Okay.

GOLDSTEIN: The reason I say year and a half to two years is that part of the very intensive program that was developed under Fels. Fels is the man from Fels-Naptha, the soap. He left his fortune [00:39:00] to the establishment of this program to educate people for public service.

The last part of the program was an internship, a full-time internship, where we were sent out to serve under city manager. At that time, in a very narrow sense, they wanted to educate people [00:39:30] in a very narrow way to become city managers. If you said you wanted to go into federal service, you were an outlander. They wanted to include local government. That's why the emphasis was on giving us so much of an exposure to Philadelphia city government. Once we left the institute, [00:40:00] to go out into the field, they placed us in different cities and that was sort of a negotiation, they worked out these marriages. I remember the person who did it was the head of the institute Dr. Steven Sweeney, and because one could indicate preference and all that [00:40:30] but the ultimate negotiation between the city manager that you would be working for and the student was conducted by Dr. Sweeney. So, individuals went off to serve as city managers for somebody in Ohio or somebody in California or somebody in Pennsylvania.

[00:41:00] We had a lot of exposure to that kind of ... Come to think of it the different jurisdictions. One time I was assigned to work out in township in

Philadelphia while I was doing school. I'd go out there in the morning and come back for classes in the afternoon, so they squeezed a lot into that period of time.

[00:41:30] My internship came up and I remember a little episode here that I wanted ... Coming from New England, they were going to put me in New England, but the question was which community and they zeroed in on Portland Maine because Portland Maine had a reputation at the time for having ... They had a really [00:42:00] great experience with a wonderful city manager whose name I now forget and who had gotten a national reputation. He had drawn attention to Portland Maine as city with a high quality of city management but he had left and there was now a new man there named Julian Orr. The plan [00:42:30] was that I would be going to Portland Maine but Dr. Sweeney had questions whether or not they would be accepting of a Jewish student, so that held the thing up for about a month and then he got assurances that I would be comfortable [00:43:00] there and they would be comfortable with me, so we hooked up and it worked out beautifully.

I was never apprehensive about it. I thought I could work in any kind of a setting but in any event, I got placed in Portland Maine and it was very very successful. [00:43:30] I spent I think it was about six months there as an intern, which meant that we were compensated at our usual a \$150 a month and maybe there was something additional that made it possible for us to cover our housing.

[00:44:00] I was exposed. Initially, I felt isolated. I was assigned to, of all things ... Of all things, the City of Portland had a full range municipal police services but they didn't collect rubbish, and I was assigned to design a rubbish collecting system for the city. [00:44:30] I had to do that all the way to the point of what equipment would be necessary, the number of employees, what rubbish would be collected and on which days. I had to develop the roots for collecting this rubbish and all that stuff. The program was adopted and went through. That then [00:45:00] brought me ... Apparently, I was able to demonstrate my capacity cause initially I was located somewhere else in the City Hall in a room all by myself, but the manager then brought me into his outer office and I got involved in the everyday activity of running the city: answering correspondence, going to City Council [00:45:30] meetings, preparing different projects that had to be presented; and felt very very much a part of it.

The City Manager went before the City Council and requested that I'd be hired as the administrative assistant [00:46:00] for \$3600 a year. That caused a lot of grief for him because one City Council member thought that that was outrageous for a recent college graduate with a master's degree, he objected to it. I still have the newspaper clippings of his raising questions about my appointment, [00:46:30] but ultimately it was approved by the City Council.

I really felt very close to the members of the City Council but maybe this because one guy. We had a wonderful, wonderful relationship. I learned so

much about legal operations of the city from the city attorney, the people at [inaudible] were correct [00:47:00] that the quality of city government was superb, and every department head was top-notch whether it was a purchasing agent or ... The city attorney was a Harvard law graduate, exceptional, taught me all about redevelopment and other kinds of things, he took me to ... He served the legal needs of various [00:47:30] small communities in the vicinity, so when there was the annual cycle of town meetings in New England, which they had where they ... In a direct democracy people come together and vote on different issues, he would serve those meetings and he took me out to [00:48:00] them. I sat through them and observed democracy in its purest form as people would argue about various issues in their little towns of Old Orchard and other little towns surrounding Portland. That was an extraordinarily rich experience.

REEVES: So [00:48:30] Herman, I'm getting close to the time where I need to, but it sounds like we're ... If there's more you want to say about your time in Portland that might be a good place or we could sort of start there with Portland and then your transition to whatever is next.

GOLDSTEIN: Yeah, because then comes the big transition and maybe I can just get that in here and then we-

REEVES: Why don't we preview the big transition and then we'll follow up on it? I guess [00:49:00] the final question is talk about this move from Portland to whatever was next.

GOLDSTEIN: I spoke about the high quality of these administrators in Portland. The big weakness in Portland was the police department. Many many problems started surfacing in the police department. I was assigned to look at them and I reported back to the City [00:49:30] Manager that things were pretty much of a mess, was extremely primitive by any standards. The City Manager decided that something had to be done about that and he arranged, with the approval of the City Council, to bring in a consultant to examine the police department, [00:50:00] and that consultant was O.W. Wilson. O.W. He went by his initials. Orlando was his first name. Wilson. And he was the Dean of the School of Criminology at the University of California. And O.W. came in there during the summer when he was not committed to his work at California. [00:50:30] The city manager assigned me to be the liaison to O.W. Wilson. So I did ... Before Wilson even arrived the scene, he sent me a long list of things I had to gather data on from the police department. I was assigned to the police department pretty much for full-time.

When Wilson came I worked with him on a daily basis - gave him all the information. [00:51:00] He gave me directions. I became his assistant. We had this very close relationship for a period of months. Wilson then wrote his report on the Portland police department as to what he thought should be done. The consequence of that was that I had this close [00:51:30] personal relationship with Wilson.

The report was filed and the department was ... the Chief resigned. A new Chief was put in place and he begin to implement this report and they were off running. I was left in a position of "now [00:52:00] what?" This perhaps would be a good point for breaking because ... we're moving on to our next session.

In that, I then had to make some professional decisions as to what I was going to do. I saw myself as very limited in what I could further do in Portland. Hanging over my head [00:52:30] was that this was a period of war. We were at war in Korea at the time. People of my age were still in the draft. I was facing military service and the question was: will I be drafted? Am I [00:53:00] going into military service? How do I square this with my desire to move on? I thought at that time becoming an assistant city manager elsewhere because here I was as an administrative assistant to the city manager, but it was a very modest job. I wanted to ... I was anxious to move on. So I volunteered. There was an option given to those of us at my age at that [00:53:30] time that said you can go into the service for six months and then get it over with and go on with your career. I volunteered to go into the military for six months.

I went into the military ... So I quit my job in Portland, went home, packed up, came back to Portland to get on the bus to go into [00:54:00] the military. I was there for two days and they decided I was ineligible because I had high blood pressure. I was sitting there saying "what do I do now?" City manager of Portland says "Come back here, and we'll do this."

O.W. Wilson learns about it and says "Hey! I've just been [00:54:30] appointed as a consultant to a national study of criminal justice. I'd like to have you join our staff there. You would be headquartered in Chicago." There might have been one or two options available to me. I can't remember. But, the offer that Wilson made was so overwhelming and so exciting. It took me out of New England [00:55:00] and it was gonna expose me to the rest of the world. I enjoyed working with Wilson. He respected me. I respected him. I said "great." I think a week later I was on a plane to Chicago.

REEVES: And that's probably a good place to stop for this session. Let's conclude the first session with Herman Goldstein. Thank you for your time.

REEVES: Okay. Today is November 2, 2016. [00:55:30] This is the second interview with Herman Goldstein. We are here at his apartment in Madison Wisconsin. My name is Troy Reeves and I'm with the U.W. Madison oral history program. Herman, for sound quality purposes can you say your name and spell your last name?

GOLDSTEIN: Herman Goldstein. G-o-l-d-s-t-e-i-n.

REEVES: Great. I'm gonna slide that a little closer to you and as I said I'm gonna try to project my voice on to the recording. So we finished last week. [00:56:00] You had just ... You were in a transition period.

GOLDSTEIN: Right. I was in the process of leaving Portland. I fell into this situation as a result of the relationship I had developed with O.W. Wilson when he had been a consultant in Portland with regard to the policing.

REEVES: Right, so that means when we left, you had taken the job [00:56:30] with Wilson.

GOLDSTEIN: Right.

REEVES: And Wilson was working on a multi-year project.

GOLDSTEIN: Right.

REEVES: That meant you would reside in Chicago.

GOLDSTEIN: My base would be in Chicago.

REEVES: Okay. Unless there's something you feel like you need to help us fill in why don't we start there and then we'll carry on chronologically.

GOLDSTEIN: Right. Okay.

I knew relatively little about this project [00:57:00] at the time except for what Wilson explained to me. I did a lot of quick inquiry and research with regard to what it was all about. It was called the American Bar Foundation Study of Criminal Justice in the [00:57:30] United States. At the time that I was connected with it ... Several years had gone into preparing a plan for this massive study of the administration of criminal justice in the United States, it was prepared under the auspices of the American Bar Foundation, which I should point out [00:58:00] had just been created as a research unit for the American Bar Association. This was the first major study that it was conducting. The Foundation itself was in a very formulative stage. We were housed at the new headquarters of the American Bar Foundation. The American Bar Association, [00:58:30] which had just been constructed on the midway at the University of Chicago.

The survey was sponsored by the Ford Foundation. In retrospect I forget the exact amount, but it was something like \$500,000 [00:59:00] dollars or something. It was ... [inaudible 00:59:07] what we always refer to as a little green book, which was prepared by a committee. The Chair of which was author Sherry. There was some very distinguished people involved, including the then [00:59:30] Chief Justices of the U.S. Supreme Court. It was driven by one of the Justices, Robert Jackson. What this reflected was I suppose if you took the long history of criminal history in the United States, periodic times [01:00:00] when people would become concerned and say "we've got to do something about the mess that our criminal justice system is in." So this, I don't know of the exact date of when the beginnings of the thinking went on, but it was about, I would

estimate 1954 or so. And a plan was developed, presented here in the green book, [01:00:30] to survey the state of the criminal justice system throughout the United States and naively the plan was to go into every state in the country and find out what was going on. It was incredibly naïve.

The formulation of the study was unique though and [01:01:00] that survived but in a very miniature sort of way compared to the original plan. That was to take teams of individuals who knew something about different aspects of the criminal justice system, and at that time we broke it down into the police, the prosecutor, the courts, probation/corrections, incarceration, [01:01:30] and parole, and to send teams into each of these teams to take an inventory. I emphasize inventory because that was part of the naiveness, that we would just go in and find out what they were doing.

And so if you look at, if you study the little green book, for each of those [01:02:00] - first of all it reviewed all of the commissioned studies that have been done about criminal justice in the United States up to that point and said we have got to do something more comprehensive, more profound and potentially with a greater impact. But the emphasis was on going in and finding out [01:02:30] what they had. So for example, with regard to policing, which I had the greatest interest in, there is in this book a checklist, and the checklist essentially is: how many police officers do you have, what do they do, what do they wear, what kind of uniform do they wear, do they use motorcycles, do they use cars, are they on foot, how are they organized ... things of [01:03:00] that kind. And the feeling was, the surveys would go out, take these inventories, come back, and then go on to the next state.

There was, very fortunately, a period of time between the writing of this book and it's goal. And I shouldn't say this is devoid of looking at the issues, but the issues got quickly translated in terms of [01:03:30] who is doing it and where they were doing it and how they were doing it. The author of Sherry sort of took a backseat of the director of this thing and the connections were made with Frank Remington and this is the Wisconsin connection. Because Frank was the senior member of the law faculty here at the University [01:04:00] of Wisconsin Law School, and he was appointed Director of Field Research. Another major appointment was made and that was of Lloyd Ohlin, who was Director of Research, who was on the faculty at the University of Chicago in Sociology.

So when [01:04:30] I entered the scene in 1956, I arrived in Chicago, and they had assembled the first two teams of people to go out in the field. And these were individuals who were experienced as practitioners but somehow were brought to the attention of the four consultants they had for the four different areas. One of them was [01:05:00] O. W. Wilson for police, and the other was a professor from Northwestern named Fred Imbel, who was the expert with regard to prosecution and defense. And then there was a gentleman named Matthews, I think his first name was Ben Matthews, who was consultant with regard to courts, and the [01:05:30] very famous man named Sanford Bates who had been head of the federal prison system who was in charge of corrections

and parole. They were the major consultants. So the direction of the project shifted to those four people.

Frank Remington, Ohlin and I would say from the very outset [01:06:00] that Ohlin and Remington had the primary responsibility for focusing the study. And we got ready to go out into the field and that was the point at which I joined them. I went to Chicago, I got there in time for orientation, and within a matter of a week or two I think we were on our way. The first state we went on [01:06:30] to experiment with was Wisconsin, because Frank was from Wisconsin and he knew all the agency people and had the opportunity for access. By that time some important work had been done in getting clearance from all the national organizations like the International Association of Chiefs of Police and others to lend support to the project, [01:07:00] which was very significant because up to that point one of the major breakthroughs here was that the police departments in particular had never allowed access of people from the outside to come in and grope around their organizations. And they had endorsement for that.

Now [01:07:30] so long as the goal was to find out how many police officers you have, and how many cars you have, I don't know what they were committing themselves to, but somehow in that period of time there was a transition that occurred, in which Remington and Ohlin said "We're not just interested in that, we're interested in doing," and this was Ohlin's influence "a more ethnographic study as to how these people operate, [01:08:00] how did they make decisions, what were they doing in the field." And so there was this transition that occurred, perhaps before I got there, that we would count people, yes, and we would do that, and the pressure from people like Wilson and Bates was to certainly do that, but we wanted you to go in and find out who these [01:08:30] people are, what they do, and most importantly to get out into the field and observe what they were doing and to try to get those inventories done quickly at the very outset and then get on with the real significance and importance of the study.

So that's the mandate with which we left for the field. [01:09:00] I was on the first field team to Milwaukee. There were three of us in the policing field, one person in the prosecution field, one in courts, and one in corrections. And we each introduced ourselves to the relevant chiefs and [01:09:30] administrators, but we were under great pressure from Chicago and from Frank Remington and Lloyd Ohlin - and I'll be mentioning Frank all along, and that's Frank Remington and Lloyd Ohlin who was the professor of Sociology at Chicago - to get out into the field and find out what to do. We were confused [01:10:00] at the time because we thought, "Boy, if we're going to do this, we're not going to get to 48 states at the time." But they said, "This is an experiment, let's see what we can do." While we were very confused as to how much we could acquire, the major instruction I found [01:10:30] that was helpful from Lloyd Ohlin was to get yourself placed with police officers in the field and observe them, record what you were doing, and ask the question, "What's hot? What's going on tonight? What are you doing?"

We were each given a very ... I recall it as very heavy piece of equipment called [01:11:00] a Dictaphone that we carried around. We would observe usually, sometimes during the day, sometimes in the police, mostly at night, and the next day dictate our comments and send our tapes into Chicago where they were recorded. Transcribed, I should say. And sent back to us for review and [01:11:30] correction and then distributed to the consultants and to the others. This was highly ... There was an understanding, several understandings, including the fact it was confidential. This was not going into the press, and we were not interested in wrong doing and corruption. We wanted to get a picture of how the system operated. That [01:12:00] was very important in terms of our explaining this to police agencies and such. I would go before roll calls and said, "We're not interested in those kinds of things. We're primarily interested in how you operate on a daily basis and make decisions."

So, we produced those reports and they were all typewritten just as they are here. There's a set [01:12:30] of these, several sets of these, on the file in the law library at the University of Wisconsin. Each was numbered and they were sent to Chicago where they were coded and indexed as to subject matters to what they were. There's a system for ... The coding system is all documented [01:13:00] in Chicago, and so that we could retrieve material from those files. I have a set of the materials here which I will deposit with the University. There's already two sets on file in the law library. I think, that's very important to note here in this history because the last time that somebody tried [01:13:30] to look for these at the library of the American Bar Foundation they could not locate them. So I'm left with the impression that the only collection of these materials is available currently in the law library at the University of Wisconsin.

REEVES: I just took a picture, but just to describe it, I mean this is a ... [01:14:00] It's a thick set of paper, and that's just one volume of a multi-volume set of data you collected, you and the team collected.

GOLDSTEIN: Right, and I think one set of this material probably consists of about eight or 10 of these.

REEVES: [01:14:30] Okay.

GOLDSTEIN: Of collections of this size.

REEVES: Right, so a substantial amount of data was collected.

GOLDSTEIN: Yeah, and that's the original stuff. It's the notes, and the notes consist of, "I set out tonight with Sergeant so and so, and we were in this area of the city, and our first call was this, and this is what happened when we went there. This is the situation [01:15:00] we're presented with." Then, we were always instructed that if we had observations and impressions beyond objective description, we should include that in a page at the end, separated from the objective descriptions we had at the beginning. You'll find that throughout the material.

Now, one [01:15:30] of the goals here was, because this was a study of the system, if I went out on a Saturday night and observed that they arrested John Smith, I would alert the observer and prosecution and the courts to the fact that we arrested John Smith. He would try to see what happened to John Smith when John Smith [01:16:00] got to the prosecutor's office the following day, or to the courts, in addition to the general observations he was making about what's hot in the prosecutor's office this morning. And so you'll find a lot of continuity there in terms of these cases because our hope was to figure out, even though the life of a case would extend far beyond [01:16:30] the period of time we were in the jurisdiction, we would pick up as much of that as possible. But the importance was to see how ... Where the fallout was in terms of cases not going forward.

This was all being done against the background of prior studies where there was great concern from the fact [01:17:00] that if the police brought 100 people into the system, only three of them ended up in the corrections system, and what happened to the fallout along the way. We got enormous insight as to what that was all about. [01:17:30]

I think it's important to inject here that early on we discovered that these checklists of how many officers do you have, and how many cars do you have an all, was so irrelevant to what Remington and Ohlin wanted, that we [01:18:00] would go in there the first day and try to fill those things out like a checklist and get them out of the way, so that people who had prepared the checklist like O. W. Wilson, who had a different concept of what was important in policing. He was confused because once he got that, he says, "What's all this other stuff about?" But, this was directly responsive to what Remington and Ohlin thought was [01:18:30] the most important substance of what we could find.

Now, I should put this in context that we were under enormous pressure. It became apparent at the onset that we could only ... We lived in the same hotel. It used to be called the Tower Hotel in Milwaukee. Our communication among the team was very expeditious. We [01:19:00] ate and we socialized together. Some of the families were with us, some of the team members. But we were only able to be in Milwaukee, I think, for about three months. Here we were, we were supposed to look at all of Wisconsin. So, immediately decisions were made, "Well, let's just sample the place." I mean, [01:19:30] I'd say 'we', Ohlin and Remington decided this.

So we got a picture of the urban area. I spent time in Wauwatosa and to get a picture of a suburban community. I spent time with the Sheriff's office. Some of the other police observers went to a few other jurisdictions in the Milwaukee area, [01:20:00] but there were glimpses. But the glimpses were intensive on the ground experiences. A night spent with the sheriff's patrol in Milwaukee. We collected all that stuff sent to Chicago, it was being reviewed there. Remington and [01:20:30] Ohlin were reacting to it. And I remember they were very, very excited by the kind of material that we were turning in, and realized

this is radically different than what the planners of this project anticipated. But they pushed for it and got approval.

And we went from Milwaukee ... I don't remember the sequence but to [01:21:00] several quite different jurisdictions in Wisconsin. We spent time ... I spent time in Neillsville. There is a bit of humor ... We were checked out by the Neillsville Police the night that we arrived there because, Neillsville being as small as it is ... Who [01:21:30] are these strangers in town? What were they doing? But, that was a radically different situation, because we could have lunch the next day with the sheriff, the judge, the prosecutor, and the corrections people. They were all so readily available and we so outnumbered them. And the justice at the time was [01:22:00] Justice Beilfuss in Neillsville who subsequently became Chief Justice for the state of Wisconsin.

They were all very cooperative, come on in to court tomorrow, you know. And when I, in Neillsville, said I was there to see everything the police were doing, they took me literally [01:22:30] in that. Woke me up in the middle of the night at the motel and said they had a call. And I went out with them and I recall the incident that someone was being held overnight because he was intoxicated had escaped from the place he was being held and they were going to look for him and apprehend him and bring him back. And they took [01:23:00] me literally and said, "You said you wanted to see everything", so I accompanied them as they apprehended this individual and brought him back to his facility.

But the cases were few in number and we learned more of a novel on about them. But it was a fascinating inquiry into the nature of policing in a very rural, small area and the [01:23:30] kind of attention the cases got. We were invited into the judge's chambers. We were overwhelmed with information about each case that came along because they were not very busy. We knew every inmate in the jail and what he or she was there for. And so it was a very intimate picture of criminal justice [01:24:00] in a small rural area. We were there for only a short period of time, needless to say. We also spent time in Ashland. And we then spent some time in Hurley, which was known at that time as a place where there was a great deal of prostitution, relatively [01:24:30] speaking for Wisconsin. And again, the goal was to spend time with the sheriff, the police chief, and all the personnel in his agency: the prosecutor, the courts, probation and parole.

As I recall ... Oh, we also [01:25:00] spent time in Eau Claire. And so I got a nice sampling of what policing was like in Wisconsin and the rest of the team got a good picture of the rest of the system. But it was a small sample, it was not a scientific sample. So, the weakness of the study was that it was [01:25:30] ... Those who were concerned with adequately sampling what was going on, would've been horrified. Those who placed a high value on ethnographic studies and finding out what actually happens when a police officer has an encounter with a citizen were ecstatic because were getting information that in picture honesty, [01:26:00] candidness that had never previously been recorded.

And that was the strength of the study. And Remington and Ohlin celebrated that. They said, "This is fantastic." Because the numbers and the other stuff on the checklist was insignificant, compared to learning how [01:26:30] these decisions were being made. And so, with the results of the Wisconsin study and the confidence that Remington and Ohlin had, and that they conveyed to people to whom they were responsible and to the Ford Foundation, they said "This is what's really needed, this is what it's all about." We anticipated [01:27:00] expanding, but not to 48 states. And they decided to go to Michigan and to Kansas. And so, our team was moved to Michigan and the new team was created to go to Kansas. And-

REEVES: Herman, do you happen to know why those two states?

GOLDSTEIN: There were some good [01:27:30] relationships that had been established with the Kansas City Police Department. And, we had excellent access in Michigan and the big attraction in Michigan was Detroit. And the Commissioner of Police in Detroit was a man named Edwards, who [01:28:00] was previously a judge. And I think as a member of the Bar Foundation and Bar Association he was very supportive and sympathetic to this. And so, it was the contacts that, through the Bar Association I think that influenced those choices. And of course Detroit held the potential for going into a large metropolitan area.

[01:28:30] And so, by the time we got to Detroit in this relatively short period of time, this was just months. We said, "Hey, we now know what we're all about. We're doing ethnographic studies." I don't even think we counted the number of people in the Detroit Police Department. We went immediately into the tough areas of the city. [01:29:00] I was assigned to the 13th precinct. And from the day I got there, that night, I went out with police officers to observe policing in the year 1956.

And, it was so far from the image of what policing was all about, [01:29:30] that it was, for us, it was extraordinarily rich in what it began to reveal. And if I can just give you one or two examples is; You know, there was this old notion that police investigate, and they arrest, and they prosecute ... Well, we found out that was so much less formal than that. That police were [01:30:00] just making improvised decisions, that there was no real concern for the amount of evidence that they had that ... I went out with what ... For example, I think it was the second night I was in Detroit. They introduced to me to what they referred to as the "whore squad." And it was just a group of officers who were assigned in the 13th district to harass the prostitutes. [01:30:30] And we just went out and the officers knew these women and they referred to them by their first name and it was so informal. And they said, "You know, you're going to have to go in tonight. And so, if you're going to do your business, do your business and then we'll pick you up at 11 o'clock." Or something like that. And [01:31:00] "What are you being charged with? Disorderly conduct. The evidence? What?" Very little concern about evidence. They were all released in the morning. They didn't even go to court. So this whole notion of lockstep, you know, the formal system, was just totally abandoned, and it was all very, very, very informal.

And [01:31:30] what began to emerge here was that an arrest was just sometimes a method of harassment, not the initiation of a criminal prosecution. One of the things that the Bar Foundation quickly established was that, which was new in 1956, [01:32:00] was the notion of cases going to trial, and trials being held, and determinations made as to guilt was incredibly naïve because it applied to just a small percentage of the cases going to the system. That for the most part, there was an effort to try to resolve the thing early on, to even [01:32:30] dismiss the case if in exchange for some kind of agreement. And then plea bargaining, what became, which was sub-Roosevelt up to that point, surfaced as the primary means by which cases were disposed of. So it was the exceptional case that went to trial. [01:33:00] The vast percentage of the cases that actually went into the courts were plea bargained. And that's taken for granted today, but it was not acknowledged up to that point. So that surfaced that.

The other big thing that was found was that arrest was not [01:33:30] just used to initiate a criminal prosecution. Arrest was used for a variety of purposes. It was used to investigate. It was used to harass. It was used to detain the person. And occasionally, it was even used to initiate a criminal prosecution. [laughter] [01:34:00] So we surfaced all this informal stuff that was going on in the system and documented it. I was going to say for the first time but I have to insert a footnote here, for the first time in the history of the United States.

The only other occasion in which this was done was by a man named Wesley, who was [01:34:30] a graduate student at the University of Chicago, who, as a doctoral student, somehow managed to gain access to a department that for a long time, was identified anonymously. It was given a fake name so it couldn't be identified so he could gain access to it. It turned out to be Gary, Indiana. And he documented the informal character [01:35:00] of the criminal justice system in Gary, especially relating to police. But apart from his one study, we could not find anything that had been done in the United States that documented how the criminal justice system actually operated.

REEVES: So Herman, I still have a bit of time. I've got about 10, maybe 15 minutes.

GOLDSTEIN: Okay.

REEVES: So, I just wanted to [01:35:30] interject that. It's not like I'm not, I'm gonna come back, I just wanted to ... So you've done your data collection in Milwaukee and in Detroit?

GOLDSTEIN: Right.

REEVES: Got it.

GOLDSTEIN: And let me use those 10 minutes, if I can, to, maybe we could back to this, because this study had such a profound effect upon the study of criminal justice

in the United States, but also upon what had subsequently happened in Wisconsin.

So I think I would like [01:36:00] to use the 10 minutes to just say that after the extraordinarily rich material, when it was found in Detroit, we stayed there a much longer period of time. The results started coming in from Kansas as well. And everybody on the staff including the most skeptical individuals, like Wilson said, "This is far more important than counting the number of police officers." [01:36:30] So there was great enthusiasm for what was collected. And at Chicago we had the people who were coding this stuff. And then, as the consultations with the Ford Foundation as to what we can do, it was agreed that we should make this sort of a pilot study rather than the ambitious, [01:37:00] we're going to find out what's happening in the United States.

And so some of the staff returned to Chicago and I was one of those individuals. And we took these original type-written reports and we produced an interim summary of what we found in the field, in the form of a series of reports that described the system [01:37:30] as it was operating. And they were referred to as the "pilot project report." And they were considered so sensitive that they were numbered, and mine doesn't bear a number, but that was my personal copy, because I wrote it. But otherwise, they were distributed to about 20 people. [01:38:00] And they were each numbered and the person had to sign for it and agree that they wouldn't reveal anything from the report. And those were in the days when there was less sensitivity to openness. They were circulated among a group of academics who studied the reports. [01:38:30] They were the subject of a seminar that was held here, at the law school at the University of Wisconsin.

Led by Remington, hosted by him and with Lloyd as the dominant research person involved. And they brought together a [01:39:00] very distinguished group of people teaching criminal law from around the country. And included people like Frank Allen from Chicago, and Joe Goldstein from Yale, and Jerry Skolnick from California. And a few other people who were at that time, were the top people in the criminal justice area. And they studied this and they said, "Wow, [01:39:30] what we've got here is incredible." And I recall one or two of the leading criminologists, Marvin Wolfgang from California, who said, "We've got to rewrite all the books on criminology, criminal procedure, etc. in the light of this mass of data that had been collected and reflected in these volumes." So this [01:40:00] made order out of it. As you'll see from the titles of the articles, it describes criminal justice in Detroit, and it takes it from what happened in policing. And then that was the second level of analysis. The third was that we then involved a group of people, most of whom were graduate [01:40:30] students of Frank Remington here at Wisconsin, and they were stars. They were top-notch people, and one of them, for example, was Wayne LaFave [01:40:42] who subsequently became a distinguished law professor at the University of Illinois and who was extensively quoted by the Supreme Court in their decisions over the last x years. And Wayne [01:41:00] took the materials from here and he wrote a book on "What is arrest?" And took all the interpretations that we

found from the study and put it into the form of a book. And there were about six or seven such books on each stage of the criminal justice system. From arrest, investigation, prosecution, adjudication, [01:41:30] the decision to use probation, parole, sentencing. And one of the authors was Donald Newman who became involved and he was from our school of social work here at the university.

And Donald, he's significant because he had partial appointment with the law [01:42:00] school. And he did the book on ... not on sentencing, but I think on the correctional aspects. So there's this series of books that it the ultimate sort of summary of the results of the Bar Foundation study. The concern was to get something out for more popular consumption. [01:42:30] And so Donald McIntyre [01:42:32], who was a member of the staff, produced this volume on law enforcement in the metropolis. Which was, again, a revelation of how the criminal justice system really operates in a large urban area, but there the focus was on Detroit.

And so the Bar Foundation [01:43:00] study, in summary, was a seminal effort that turned out to turn on its head, the understanding of how the criminal justice system in the United States operated. [laughter] Based on just these snapshots of what was happening in these ... a subset [01:43:30] of snapshots taken in three states of Wisconsin, Michigan, and Kansas City. And I think in retrospect for any historian, and there is a historian who has done this, and that is Sam Walker at the University of Nebraska, and what he has written up is essentially ... this turned on its head our understanding [01:44:00] of the operations of the criminal justice system in the United States.

So it's just a fascinating study. And the conclusion of that, maybe we can pick up next time is that the money ran out, there was uncertainty as to where to go to from here, but it was clear that this was gonna have a major [01:44:30] impact on our understandings of where we're going. And the results were very well received by the legal field and by the field of criminology. And it led to lots of other things. And in my case, coming back to my own professional interest, I [01:45:00] went on onto something else, I'll explain the beginning of that at our next interview, but that was for a very short period of time. And then, very shortly thereafter, because of unrelated developments in Chicago, there was a commitment to [01:45:30] reforming with Chicago Police Department. And that resulted in my coming back to Chicago.

REEVES: All right. So let's end this here. So thank you for your time today, Herman. I appreciate it. So this concludes the second interview with Herman Goldstein.

GOLDSTEIN: All right.

REEVES: All right. Today is November 3rd, 2016. This is the third interview with Herman Goldstein. We're here at his [01:46:00] apartment in Madison, Wisconsin. My name is Troy Reeves, and I'm with the UW Madison oral history program.

Herman, for sound quality purposes, can you say your name and then spell your last name?

GOLDSTEIN: Herman Goldstein. G-O-L-D S-T-E-I-N.

REEVES: Thank you. So when we last left off, Herman. You were in Chicago, and you were doing this study where you'd showed us book and pamphlets, but the money had ran [01:46:30] out of that project. And I think we were sorta gonna talk about ...

GOLDSTEIN: Where to from there.

REEVES: Yep. Where to go from there. So let's start with that.

GOLDSTEIN: Right. Well the Bar Foundation study project lasted for two and a half, three years, roughly. The last part of it, the explorations, were at the headquarters in Chicago at the American Bar Association building on the campus of the University of Chicago. [01:47:00] And the last stage of the project was sort of the summation of all the material, the enormous volume of material that had been collected, which then was done in the form of a series of summary reports; Copies of which [01:47:30] are ... limited number of copies available. They were very confidential at the time, they all had names attached to them, to whom it was distributed out of concern that we, at that stage, had not decided what to do with this mass of data. And it had been collected under certain conditions, and so in those days, with confidence, one could [01:48:00] circulate, and privately they were not ... you felt that you would not be reading about it in the press.

I was the last member of that lodged staff to be employed. I remember winding up, and cleaning off the desks and saying goodbye as we wrapped up the project. As it turned out, my mother [01:48:30] and father, who were living in Connecticut at the time, my mother died. And so making a decision as to "Where to from there?" There was no logical place. Here I was caught between the field of public administration, and this intense exposure to criminal justice issues.

I decided to take a job, I knew it was temporary at the time, that would take me back to Connecticut so that I would [01:49:00] provide some company for my dad. And I took a job at a governmental research unit. It was very small, two person, three person operation in Hartford, Connecticut, that was sort of a taxpayer-financed, business interest-financed little unit that was a watchdog on city government and local [01:49:30] government generally. And I served there just for a year, it turned out, because it was not very challenging work. I learned a lot about state government, and Hartford city government and representing, and exploring local government issues. But I was anxious to get going, [01:50:00] professionally. And after a year, and my father's having gotten settled, I decided to join Public Administration Service, which was the non-profit

national consulting service for city and state governments headquartered on the same midway in Chicago as the Bar Foundation study was. So it was a return my old grounds. [01:50:30] And that was the association with which O.W. Wilson, with whom I had worked in Portland, had a relationship. He was their consultant for policing matters. But as a generalist, I was assigned to do studies around the country that took me to Ohio and Georgia where I learned about city government issues and state government issues [01:51:00] and as pretty much of a young pipsqueak, nevertheless as a staff person with appropriate guidance, played the role of consultant in addressing major issues that those governmental jurisdictions confronted.

I should say that in the period of time that I was in Hartford and the period of time that I was with Public Administration Service, I [01:51:30] took leave on occasion for a week or so to participate in seminars here at the University of Wisconsin, sponsored by Frank Remington and funded by foundations like the Russell Sage Foundation or the Ford Foundation, which brought together people to mull over the data we acquired in the Bar Foundation study. What we [01:52:00] were to do with it, some of the people who were associated with that, who had access to the data, started writing articles.

Several of them subsequently became very, very significant classic pieces like Joe Goldstein, my namesake but no relationship, who was a professor at Yale Law School, wrote an article [01:52:30] on police discretion which he discovered from the Bar Foundation material, which he was enamored with, and where he took a very traditional view that police, alarmed at the amount of discretion police had and that it should be dramatically and radically controlled. And he asked me to be co-author of that. I refused [01:53:00] to do so because our positions were so diametrically opposed, even though I lent great support to him in interpreting the data from the Bar Foundation study as the basis for his article, because I took the position that if there was anything that came out of the Bar Foundation study, it was that the vast discretion of police exercises what was essential, and the challenge was to refine [01:53:30] it and control it, rather than to prohibit it. Prohibiting it, I thought was totally unreasonable, given what I saw as the dynamics of policing.

But in any event, those things were significant because even though I was away in Hartford and I was working for the Public Administration Service, I maintained a hand in the Bar Foundation data and studies and [01:54:00] as to what use was going to be made of it because while the data gathering had been completed, the analysis really had not yet begun.

While I was working for Public Administration Service and being assigned out to different communities, I was back in Chicago at one point, I think it was in finishing up or writing a report with regards to some municipal [01:54:30] function or problem, it may have even related to something as mundane as rubbish collection in Highland Park or one of the Chicago suburbs. And the Chicago newspapers had revealed that I had learned something about the Chicago Police Department in the period of time that I was working in Chicago

for the Bar Foundation, and its reputation was pretty poor. It was a large department, it was [01:55:00] recognized as disorganized, and widely, very corrupt and had many, many serious problems. And I became aware of the fact that, through the newspapers, that it was now experiencing an extraordinary scandal.

It was called the Summerdale Scandal in which police officers, while on duty were, as I recall, to put it bluntly, [01:55:30] stealing a large volume of meat just having been carved up from the animals from freezers and they were placing it in their squad cars and taking it home. And the newspapers exposed this and that led to a lot of publicity, and it was sort of the kind of bold [01:56:00] scandal that carried a message to the city of Chicago that "This was the ultimate, this was extreme." I don't even know if it was done under cover of night. And the officers were in uniform and they were transporting the meat in squad cars.

So that led to widespread and unusual demand [01:56:30] in the city, a city that had experienced corruption for a long, long time, where it was routine, where members of our research staff at the Bar Foundation, distinguished members, reported how they were stopped on the street and they were pressured to make bribe payments in order to get out of traffic violations.

In the midst [01:57:00] of that I learn that O.W. Wilson has come to town because Mayor Daley, as a matter of utter and complete disgust with the situation in the police department, had appointed a committee to look for a new commissioner. And he selected O.W. Wilson to head this committee. And I think he selected [01:57:30] Wilson out of the University of Chicago, O.W. was then serving as Dean of the School of Criminology at California, on the recommendation of a man named Frank Kreml who was former Chief of Evanston, Illinois and now Head of the Traffic Institute, which trained police officers at Northwestern University. And Kreml was on the committee that Daley appointed [01:58:00] to select the new Superintendent.

The committee deliberated for a period of time, several weeks I think, and concluded that their chairman, Wilson, should be the new Superintendent. And I wasn't there for any of those deliberations, but the next thing I know, that decision was announced [01:58:30] to the newspaper, and the next day I received a call from O.W. saying "I'm going to be appointed Commissioner of Police in Chicago, and I want you to be my assistant." And this was based on the very wonderful relationship we had established when I was working in Portland, Maine.

[01:59:00] When he asked me this, my reaction was a sense of disbelief. And I recall the conversation almost word for word, saying "O.W., do you know what you're getting yourself into?" I thought O.W. was incredibly naïve, this was a 12,000, I think roughly 12,000 person police department at the time. It was distinguished for its corruption. It was [01:59:30] in a horrible state of affairs in terms of its structure, its competence. It was a laughing stock of both the city

and I think, in those who had an interest, the country. And Mayor Daley was in charge and Daley had a reputation as being a highly political figure, so [02:00:00] my conversation was dominated by a sense that this was a very unstable situation not likely to go very far. Again, I asked OW, "Do you know what was in ... You were involved in the ..." It was ... It took a little humility on my part given our differences in age. I was only 20, I think 27 or so at the time, to inquire about [02:00:30] his judgement. But he said he thought it was gonna go. And that the city was so shook by this thing that it was going to be receptive to reform. And that he had received great assurance from the mayor that this was [02:01:00] going to work.

I remember asking him about the size of the operation. And the fact that this was 12,000 police officers. His last experience as a chief of police was in Wichita, Kansas, very small. And his response jokingly was that you've just got to be good at multiplication, in terms of taking the plan for doing what he did in Wichita and expanding it to a larger [02:01:30] city. Now, OW knew some things at the time that I didn't quite know and learned subsequently. One was that there was talk of and ultimately, arrangements for his contract, for him to have a contract to carry this out. And the contract was ... Assured him that he would [02:02:00] be paid if he were to leave the University of California for three years. And the contract was guaranteed by private interests, by Lloyd's of London.

And that was made known. And it was a powerful force, saying If this man takes the job, he's gonna be there. He's not gonna be forced out in the next month or two. Moreover, [02:02:30] Wilson knew in his conversations from the mayor that the mayor in sincerity, he was convinced. Told him that he was behind him 100%, that he would run the police department. And that he would have absolutely no interference in the police department.

When I subsequently got to know the mayor, I discovered [02:03:00] that despite whatever reputation he had as a wheeler and dealer, when he made that kind of a commitment, he was sincere and he meant it. And as I can tell you later on, for the period of time that I was in Chicago for four years but with one exception. He adhered to his commitment to [02:03:30] take ... To remain free from the police department, and not ever instruct the superintendent as to what to do on any matters whatsoever, including the choice of personnel. And he also made a commitment to provide Wilson with whatever resources he needed, to carry that out.

And I must tell you that in retrospect, that commitment was [02:04:00] extraordinary because in some cities, mayors are bound by budgets, other kinds of things, but the political capacity of Daley delivered resources to us just on request. And I don't know where the funds came from, but it got there.

REEVES: Can I jump in here just to say [02:04:30] Mayor Daley is such a, sort of known figure in US history?

GOLDSTEIN: Yes.

REEVES: I wonder if you recall ... I mean you talked about meetings you had with him. But I wonder if you recall perhaps even the first meeting with him and what your initial impressions were.

GOLDSTEIN: I was incredibly impressed by this man. First, for the contacts we had with him with regard to the [02:05:00] redoing of the police department, the sincerity he conveyed. Mayor Daley was a very religious man. He went ... He attended church every single morning. And I had a feeling that his religious spirit or faith dictated a kind of ethical contract with us that was iron-bound compared to whatever else went on in his administration. I also [02:05:30] learned later that much of his reputation was based upon a strange phenomenon in which people would invoke his name without ever even consulting him to get things done. And that added to the aura of his power.

So, individuals would say, "I can get you a job with the police department." They would do in legitimate sort of way. And then those individuals would say, "We'll see that as an affirmation for Daley's corruption." [02:06:00] But as to the other things that he did, I don't know. But I can tell you that in our sphere, it was genuine. And ... So ... And I should throw in one anecdote here. When I learned within the first few weeks of the nature of his power, which may have been achieved, I don't know, from [02:06:30] political power, corrupt power. I have no way of knowing.

But let's see, this was 1960, the Democratic Convention was in town. The city was preparing for it. The superintendent and I ... Wilson was unable to make a meeting. So, I was sent in his ... As a representative. I sat at the meeting and the mayor [02:07:00] said that he had driven into town that morning. And he followed the route that guests in the community, all the delegates, etc., would be following between the Loop and the Stockyards, where the convention was held. And he discovered that there was this one structure that was dilapidated, an eyesore. And that would reflect poorly on the reputation of the community. And [02:07:30] he wanted it taken down.

As a student of government coming in public administration coming into that situation, I said, "That's impossible!" You've got to go through this long procedure, inquiry, the building, dealing with the owners, and eminent domain possibly before you can get this down. The convention was within a week or so. The building came down. [02:08:00] And it's said that Wilson, that OW could achieve miracles. I don't know how he did it. And I never learned all the mechanisms, but he just mobilized his department heads who said, "The mayor wants the building taken down." It was acquired and it was demolished. And there was grass growing on this location before the guests came to town. [02:08:30] And that was an object lesson for me and how powerful the mayor was, provided he was on your side. And he was on our side. He wanted us to succeed.

I should also inject here that there was a little hiccup in what otherwise seemed like a steamroller kind of operation in that somebody appointed ... The state's

attorney who was an adamant opponent [02:09:00] of the mayor, said that the mayor could not appoint Wilson because to be Commissioner of Police in Chicago, you had to be a resident of Chicago for a certain period of time. Well, the mayor instructed his city attorney, lawyer to corporation counsel, it was called, to work that out. And that was in Daley language, [02:09:30] apparently. Just do it, like taking that house down. So, the corporation counsel put together a piece of legislation that went to the Illinois legislature and handled by all the mayor's political supporters in the city. That established that the head of the police department was not the, was no longer the commissioner, but the police board. And that [02:10:00] the police board was the head of the department and they hired a superintendent and so Wilson was appointed Superintendent. Very few people recognize that, but that's why the name of the head of the police department changed from commissioner to superintendent. He was superintendent for that first year until he gained residence.

The Police Board consisted mostly of the individuals [02:10:30] that Daley had brought together to select the new superintendent, headed at that time by Wilson. And it had on it this fellow, Frank Kremol [inaudible 02:10:39], and several other very distinguished members of the community and they became the Police Board. For the first year we went through the charade of the Police Board being the head of the Police Department. We used to have to get the head of the Police Board to sign off on payroll and things like that, [02:11:00] which required the head of the department. Wilson as Superintendent ran the department and undertook the reorganization.

All that occurred at the end of April in 1960 and Wilson asked me to join the Police Department. I was very reluctant to do so. I thought, " [02:11:30] This is not going to work." My security was very unstable. I was not as assured as O.W. was, that this was a going situation given my local knowledge of the police department. So I refused to do it unless he hired me under contract with Public Administration [02:12:00] Service, the consulting firm, the non-profit consulting firm on the campus of the University of Chicago. For the first X months I worked as an employee of Public Administration Service, paid by them under contract with the City of Chicago. And for all these things, O.W. had immediate access to legal consult to work out the contracts [02:12:30] and the arrangements, et cetera, because city department heads were instructed by Daley to do whatever the Superintendent asked for. And the Superintendent had no reluctance to ask for the most outrageous things. But he got them.

So I went to work as Executive Assistant to the Superintendent. The office at the time, was in City Hall, in the Commissioner's office, located [02:13:00] adjacent to that of the Mayor, with a door that went from the Mayor's office to the old Commissioner's office, Superintendent's office, which was symbolic, in the sense that it indicated how close the control the Mayor previously had of the Police Department. One of the first things we did was to move out of City Hall. We moved to Police Headquarters, [02:13:30] where O.W. thought that the Superintendent's office ought to be located, and which he thought was symbolic

as a way of saying that the Police Department is not going to be under the direct control of the Mayor.

We began to discover from the first day that this was a department out of control, in an incredible state of [02:14:00] disrepair, disorganization. It was unbelievable. It was unbelievable. And under the control of a bunch of Captains, who had retired but who the previous Commissioner and the Mayor had brought back to run the department. [02:14:30] They were there at the whim of the head of the department and within the first few weeks the Superintendent dismissed all of them.

We had a number of things going for us as beyond just the ironclad contract that O.W. had and that was not announced publicly, but most importantly to the Police Department that he was going to be around for a minimum of three [02:15:00] years. And we learned that the Superintendent had ... No, the head of the department acting through the superintendent, had control over the top maybe 30 positions in the department that were considered, that were characterized as exempt from civil service. So we did not, we're not stuck with the bureaucracy that was [02:15:30] ironclad or tenured. He was free to appoint the top 30 people of the police department roughly. That was critical because he was able to interview people in the department.

We made a quick inventory of everybody in the department, their education in the 12,000 person police department, where they came from, what their past experience was. The park police had just recently been integrated [02:16:00] into the city police, so we could choose from them as well. They had previously been a separate organization. And Wilson, in those first weeks, he spoke to the entire police department. I have a tape recording of that speech in which he, which we could put into the archives, [02:16:30] in which he announced his new policies and what kind of a department this was going to be in terms of honesty, integrity, organization, professionalism, and respect for individual rights and minorities. He gave those talks at the Stock Pavilion and at several different sessions where all [02:17:00] members of the department were required to attend. They were covered by the press and that set the tone for the first years ... for the first weeks and months, which was critical.

The message that went out was so strong, that within the first year, over 1,000 members of the department resigned, which was [02:17:30] an indication that we were being effective in getting out word that this was not going to be the department that it used to be, at least for three years. The bottom line was we recognized that the level of corruption was of such a nature that if these individuals were denied their corrupt income and had to survive on just their salary, which at the time was roughly \$5,000 [02:18:00] a year, that it wasn't worth their time to remain members of the department and they'd retire. So it was a dramatic, dramatic period of time and each day Wilson took actions, which destroyed segments of the department, reassigned people.

And [02:18:30] that gets me into this point, that the major effort for those first, for the three years, the four years that I was there was on cleaning up the department and the structure of the department. We had to find people to make sure that if they were getting paid, they were working for us. There was [02:19:00] a whole group of officers we discovered were on the payroll for whom we were signing each month that we couldn't find, we had to, so

Wilson had hired a contract, and usually on a consulting basis, about five or six people, these outstanding people associated with professional policing around the country who he brought to Chicago, just as he brought me in. He either put them in key positions, or he used them as consultants. [02:19:30] We used these individuals to do all the leg work. Among the other things, they went out and found these people that had been giving away, for as long as 10 years, sometimes in response to just a cry of help from a merchant who had been attacked, and the way the police department had of responding to that was saying we would put a police officer in your store to make sure that you will never be [02:20:00] attacked again. And they were integrated into the store's operation so that when we found them, and found they were getting a police department paycheck, we brought them back into the department. And there were some 250 of those that we put into the detached ... We called it the detached policing unit, and then we gradually screened them out and got them back to regular work, or had them retire.

[02:20:30] Wilson gave us ... Daley provided unlimited funds first to move ahead with the redoing, the reorganization. And it felt to me, as I was just 27 or so at the time, as a pip squeak, to execute some of these things, and I must say that I was nervous about doing so. So, for example, on one occasion, [02:21:00] Wilson said, discovered that our vehicular fleet was so down, so bad and so run down, that the police officers were using their own cars, putting police radios in them and responding to calls because the police cars didn't work. So, Wilson said "look, we are going to need so many cars Herman, why don't you just go down and tell the purchasing [02:21:30] agent to place an order for 500 cars as a starter". Well I was not accustomed to working in those numbers, and so I had to get up my nerve and go down and tell the purchasing agent. And Daley had told every city agent, every city department head, "You cooperate with Wilson and give him whatever he needs." And I just got out of my mouth the fact the [02:22:00] superintendent wants you to place an order for 500 cars. And he said, "when do you want them?" And he went off on parking, the motor companies around the city purchased cars off the lot, had them painted.

That's a story in itself as to how we, over a weekend, decided how they should be painted, in what colors, distinct, clear, [02:22:30] fresh, a part to say "this is a new police department." And they started being delivered. And we had, each one of things spun off other needs, like getting someone to care for this fleet. We went out and hired a guy who had run the fleet for one of the big meat packing companies, and he set up the mechanism for taking care of the cars. But city department heads were at our beck and call, to [02:23:00] do whatever we wanted to do to press this reorganization.

As I indicated earlier, in the course of this, Wilson started proclaiming new policies, rules, to deal with the corruption investigation, and created a unit to do that. Whereas Lakeshore Drive had the reputation of ... Some comedian had labeled it " [02:23:30] The last outpost of collective bargaining", to mean that a motorist passing through the city from Idaho, who knew that the city was corrupt, could bargain with a police officer about a parking ticket. If he was in route to Wisconsin, for example, he wanted to get out of the city fast, there was an incentive for doing that. We had a unit that started under cover operations to [02:24:00] apprehend such officers, and they were fired. All of that stopped, and people were very apprehensive about approaching officers with bribes, knowing all the publicity associated with the fact that citizens were bribing, police officers were being arrested.

We got great public relations. We had a very weak police union. [02:24:30] The head of it was a bit of a joke, and he would attack Wilson for what he was doing on these undercover operations. Wilson would just announce in public television that he was brought to Chicago to deal with corruption. And that was what he was doing. It went very quickly. The city had 40 some precinct stations. Wilson thought that these [02:25:00] old, dilapidated, inadequate buildings, and the organization structure they reflected had no significance to the effectiveness of the organization. We started taking them down, we reduced this to 21 districts, and we did it in a ruthless way. So, little communities, little neighborhoods ... Chicago consists of 170 some definable neighborhoods. [02:25:30] They would complain vigorously about losing their police station. And so, in order to do it, and do it in the most painless sort of way, Wilson would arrange with the city department heads who were very efficient, to just come in some night and rip the station down and put a sign there saying that if you want police services, call this number.

So, over almost overnight, the department was transformed into an [02:26:00] organization that, with its new police cars, started responding to calls quickly, without regard to the stations with the ... The theme was that old buildings do not provide police service. They were just political headquarters for graft, and if you wanted police services, you called PO 51511111 whatever the number was, and that was widely promoted [02:26:30] on billboards around the city, to re-train people as to what to call for police services. It worked, even though it was very upsetting to a lot of people in the way in which they did things.

Now to move on, quickly, I could ... Wilson was committed to what I call organizational change. [02:27:00] I learned in the Bar Foundation study, from the checklists we referred to when he wanted us to go out and study police agencies, that he was concerned about numbers of police officers, spans of control, how they operated on walking versus riding in squad cars, and he had what he called the "professional model of policing" which he [02:27:30] had articulated in his book called, "Policing Administration", which was the bible for policing in those days. And he was implementing the matrix on Chicago that had implemented in Wichita, and that he had been advocating for years. And he felt that at the end of this, there would be success.

I came [02:28:00] to this with the background of the Bar Foundation study, and I realized that all the complex issues in policing work, the interactions between police officers and citizens on the street, and I was skeptical about whether just reorganizing the department, getting police officers to look professional. We had campaigns to get police officers to wear their uniforms properly and be proud of them. And we had ceremonies [02:28:30] in which each district would select the best dressed officer of the month, and they would come in and get a reward from the superintendent.

That was the focus. Get the records in order, get the responses fast. Streamline the department and get it so that if a call came in for help, a police officer responded quickly. [02:29:00] And that was when we initiated the whole history of policing, of the use of the blue lights, started in Chicago. We got a piece enacted by the legislature that made that the exclusive use of the police department. Nobody else could use a blue light, I don't know what ever happened to that. But, in any event, there were blue lights all over Chicago, and Chicago had [02:29:30] seen a dramatic change in its policing in a very, very short period of time. And OW's model for structural change, for administrative change, for organizational change, took hold very, very, very fast. I had my reservations about that, because I saw the limits of it. Because my concern was with the more subtle things, about how [02:30:00] citizens were interacting with police were interacting with citizens on the street beyond just being more honest and better dressed and better organized and responding quickly. I would spend many hours when I was not working in the superintendent's office out in the field. Especially at weekends [02:30:30] at that time, I was still a bachelor and I would show up at a police department at 10 o'clock at night and I could tell you a lot of funny stories about how that was received to accompany police officers as I did in the Bar Foundation study in seeing how they interacted with citizens and observing the issues and the processes that the Bar Foundation discovered [02:31:00] and their study discovered.

And how those were being carried out in Chicago, how arrests were being made, how officers were stopping and questioning people on the street. That gave me an entirely different picture. So, to shortcut that, I have to say that I never lost enthusiasm for assisting OW [02:31:30] in implementing his structural changes. I concluded that until you had the police department that was well-organized, that was honest, that was operating efficiently, you couldn't really get to those more subtle sorts of things. You had to have all this in place. You had to know where the police officers were and what they were doing and who they were responsible to. [02:32:00] And It took us maybe four years that I was there to get to the point where when you pressed a button, something happened and you had a clean organizational structure.

It would take me, you know, hours of discussion such as we're engaged in here to fill you in all that happened in that four year [inaudible 02:32:30] [02:32:30] period and in what I learned about policing. Needless to say, I had a lot to do with the officers. I am greatly appreciated ... Greatly indebted to the officers for allowing me, a young squirt, non-police officer to associate with them and to

spend hours with them learning about their task and they came to me [02:33:00] with their problems, their issues. I was a go between the superintendent and the officers. There was a time when we felt we weren't getting a message through. Once a week for about maybe 20 weeks or so, the top staff of the superintendent, including the small number of people he brought in, took their turns in going out to roll calls [02:33:30] to talk with the officers and ask them, "What are your concerns and all?"

And sometimes when I would stand before a roll call, the initial discussions were very hostile of, what do you people at headquarters know about what our needs are? It took a lot of talking and open discussion to the point where we became friends with a lot of them. There was a steady stream of officers [02:34:00] into my headquarters. The officers said, "You know, I've been a member of this department for 26 years and I've never been to police headquarters. They felt awkward and uncomfortable coming into the superintendent's office and talking to his assistant about some issue that was a concern to them. So, I emphasize this only that I learned about police officers, as human beings, as individuals, as [02:34:30] the variety of them, the variety of commitments, some hostile, some supportive, some anxious to be of help, some people who would seek out a private source, place where they felt there was no way that anybody could hear them to tell you that, "You guys are doing a great job and I'm in your corner," in this major reform.

Now, [02:35:00] having done that ... Our time is quickly running out. How much time do we have?

REEVES: We have 10, 10-ish minutes.

GOLDSTEIN: Oh good. Let me identify one of the major ... As I move into these what I call as distinct from structural changes in the department that what I call [02:35:30] the substantive changes. One of the first things I discovered ... I don't think after a week on the job was the diversity of Chicago, the 170-some neighborhoods [inaudible 02:35:47] and especially the relationship of the police to the minority community. Some of these immediately surface as a result of [02:36:00] OW's emphasis on achieving structural change. So, for example, one of the first things we did in the first few months was to count up the number of people in the department and to see where they were distributed and relate that to the population of the community. We discovered an incredibly disproportionate relationship that the officers had been bled out of the minority communities [02:36:30] where there was a high rate of crime and where they were needed.

And there was a disproportionate assignment of officers to the better established communities and the wealthier communities. So, benefiting from OW's professional model of ... You count up the number of people in this city, you count up the amount of crime, and [02:37:00] you count up the number of your officers and then you distribute the officers according to need. We reassigned officers in a way that resulted in a high percentage ... A very large number of them being assigned to minority communities. I remember the

reaction, "Wow, I called the police and I reported a robbery and somebody responded." [02:37:30] So, we knew that our system was working. That was the first very powerful indicator we had that ... We had been warned about this.

We had also been warned about the fact that there was a few minority officers in the department. We started exploring that. And we discovered that an extraordinary high percentage of the applicants, especially those who are black, [02:38:00] were being rejected at the very first stages of application. I did a study of why the applicants were being rejected and it was for physical reasons that they had flat feet. That was odd that such a high percentage of black applicants were being rejected because they had flat feet. [02:38:30] So, we did some research on that in medical areas and discovered that, at that time as I recall vaguely, there was some generic factor that indicated that that may have contributed to the phenomenon. But there were two other much more powerful forces.

One was a physician or several [02:39:00] physicians who were part of the medical unit of the police department. The police department had its own doctors, were doing the physical exams, and they were the ones who were rejecting these people almost in a wholesale sort of way. It was sort of ironic because in the old movies, one of the synonyms for a police officer was a flat foot. [02:39:30] If you reflect that, if they had flat feet, maybe that should qualify them, but many of them we concluded it was just a fiction and that it was a colossal, major factor that resulted in their keeping black people out of the police department. And so we eliminated that whole part of the exam. And starting very [02:40:00] shortly afterward, there were an influx of minority officers to the department. I remember O.W. Wilson being interviewed on television and he asked the question, "Is there the possibility that, at the rate you're going, this might become a black police department?" He said, "So be it, if that's what objective criteria are in the selection of new police officers." Beyond that, there were very, [02:40:30] very, very, very few members of the department in supervisory positions, from sergeant to captain, who were black. We started promoting people based upon new exams that we created that were administered almost scientifically, if I overuse that term, to achieve honesty and objectivity under supervision by the department [02:41:00] in the exam for detectives. To assure the officers that this was being done honestly when they turned their exams in at the high schools where they were administered, they were scored on the spot in the presence of the officer who took the exam and he or she was given their score.

One final thing on this [02:41:30] matter of race and bias in hiring, which surfaced so early on was that ... We invited Martin Luther King to come in and talk to our command staff about the needs and the injustices that had arisen in the policing of minority communities. That [02:42:00] was a powerful force, and I have photographs of Wilson and King meeting in those early meetings. That paid great dividends because we maintained a close relationship with King. At one subsequent public meeting when Wilson was honored and King was present, he made the pronouncement that the [02:42:30] coming of O.W.

Wilson to Chicago was the greatest thing that happened to the city since Lake Michigan. That influence, which grew and was of enormous importance and had played out in a variety of ways over the Wilson administration, addressed a lot of the racial tensions [02:43:00] that existed in that city.

I should at some point tell you of what our role was in handling the open occupancy laws and enforcing them, really, and then integrate ... This was a period of time of integrating public facilities and using the police force in a powerful sort of way to integrate public facilities. On one occasion I recall that we used thousands of police officers [02:43:30] on a Sunday afternoon to guarantee the right of 12 black citizens to use a beach that previously was segregated. Rainbow Beach on the South Side of Chicago, where thousands of people gathered on a Sunday afternoon on any weekend and where, by prior arrangement, 12 black individuals decided to integrate the beach [02:44:00] and we provided, as I recall, upward to 3,000 officers to make that possible.

REEVES: So maybe just one more thing, since you mentioned him. I talked about whether you had met ... your relationship with Mayor Daley. Did you actually get a chance to meet and talk to Dr. King?

GOLDSTEIN: Did I? Yes.

REEVES: What were your impressions [02:44:30] of him?

GOLDSTEIN: I was overwhelmed by the man, but he was so approachable and so cooperative and so understanding of our mission and so supportive of it that it made for a very comfortable relationship. And he had not yet reached the stature that he subsequently reached on the national scene.

REEVES: [02:45:00] Okay. I'm going to need to wrap up for today, so I guess we'll decide how much more you need to say about Chicago before we get you to Madison, but we probably should try to get you to Madison the next session.

GOLDSTEIN: Yes. That was going to be ... I was going to jump over all this stuff and talk to you about reaching the end of my four years in Chicago and how I received an invitation [02:45:30] to join the faculty at Wisconsin.

REEVES: Okay. All right. This concludes the third interview session with Herman Goldstein. Herman, thank you for your time.

Good morning. Today is December 7, 2016, the 75th anniversary of Pearl Harbor. This is the fourth interview with Herman Goldstein. Again, we are here at his apartment in Madison, and again my name is Troy Reeves with [02:46:00] the UW Madison Oral History program. Herman, as we've done for each session, could you start by saying your name and spelling your last name?

GOLDSTEIN: Herman Goldstein. G O L D S T E I N

REEVES: I'm going to get this just a little closer to you, make sure we don't tip it over. Okay. So when we last left off, we were going to try to start this session by talking about your remaining time, or the end of your time at the Chicago Police Department. [02:46:30] If that's where you want to start, let's start there.

GOLDSTEIN: Right. As I indicated in our earlier discussions, Wilson had a contract to be in Chicago for three years. We were now beyond that contract. He was, I think, from our perspective, certainly succeeding to [02:47:00] an extraordinary degree and it was going very, very well. But we also knew ... He had had one serious health episode and, while I felt as close to O.W. as anyone there, he was a very private person and he didn't confide very much about his personal plans and [02:47:30] life. On one occasion, he just came in the office and just announced that he was going to be retiring. This was after four years. As I think I've told you, I could ... perhaps being a bit egotistical, provide you with 10 hours of interview about the Chicago experience. But I think our objective here is somewhat different [02:48:00] and so I'm going to cut that short and just tell you that after O.W. announced that he was leaving, I knew that there was going to be this dramatic change.

I'd worked so closely with him. We were in sync on practically everything with perhaps two exceptions. One was that, on one occasion I recall, he [02:48:30] announced to a group of five or six of us sitting in his office that when he left, his confidence in what he had accomplished was so great that it was just going to go merrily on its way. He was just extraordinarily confident about that. One of his brighter young assistants from within the department, a career person, said, [02:49:00] "O.W., when you leave this place will just fall apart." I was in that school because I knew that unless there was somebody of his background, orientation and independence there to carry on, if it was passed over to a career member in the Chicago Department, it would be like sending a signal out on the police radio that, [02:49:30] "Okay, guys, it's been four years but we can go back to what we were doing." I think, in retrospect, that's essentially what happened down the line.

I anticipated that, so I didn't think it would be as welcome a place and it wouldn't have the spirit and the enthusiasm and the progressive attitude that Wilson had instilled. The other thing is, I was thinking about my own career and what I wanted to do. Did I want to go back to general [02:50:00] work in government, government consulting government management, city management, in particular- But while I was in this position, as you recall from the last interview, I got highly stimulated by what I call the substantive issues in policing, rather than the management of a police organization. I thought management could only take it so far. And O.W. was A1 when it came to management. He wrote the book [02:50:30] on managing a police agency.

But, just as I argued about the future, the potential in the Chicago police department, I argue that that by itself could not get us there, that the really important issues in policing were the issues that I discovered during the American Bar Foundation study, which was what the police were doing on the

street. And you can have all the polish and all of the streamlined organization [02:51:00] in place and all of the buttons to press and the new technology to apply, but unless you got into the heads of the police officers and really explored what their relationship was with individuals on the street, that one was limited in what one could do in terms of impacting the quality of policing.

And so I was drawn to that area and I was drawn to the people that I worked [02:51:30] with in the Bar Foundation study, and I was drawn to a more academic kind of exploration of policing. And so that had enormous attraction to it. However, I saw some impediments there as I didn't see myself as really an academic person. And I didn't have a PhD, and I had questions as to how comfortable I would be in [02:52:00] the academic world.

The thing that made it very comfortable for me was that, for reasons I can't fully explain, when I was in the Chicago Police Department, I was a major contact with, and maybe more open to relating to, academics than anybody within the department. Not anyone, I should say, but the people on the superintendent staff apart from the superintendent, who himself [02:52:30] had served in academia. And so I established some close relationships with the people at the University of Chicago, maybe because they also had crime problems, and I spent a lot of time out in Hyde. I lived in Hyde Park, and I spent a lot of time in Hyde Park concerned about the threat of crime to the University of Chicago area.

So from the president on down, but also with the people at the University of Chicago Law School. [02:53:00] Frank Allen, who was the criminal law person, was a very close friend and collaborator. I met and brought into the department to give instruction James Q. Wilson, who got his first start in policing by virtue of his teaching some of our command personnel about management from the university. He was on loan at the University of Chicago and Jim Wilson [02:53:30] became one of the major scholars in policing ultimately.

Some people were beginning to do research on policing and Wilson being there, they said, "Hey! Maybe we've got access there." And so I got to know Al Reese from the University of Michigan, and subsequently at Yale, a sociologist who did some very significant ethnographic work in how the police were functioning [02:54:00] in Chicago. And one of my closest collaborators that I met through the Bar Foundation study, in one of those seminars that I told you we conducted here on the Madison campus based upon the data from the ABF study, was a fellow named Joe Goldstein. And Joe was a professor at Yale University Law School.

And that's very significant for two reasons. Well, [02:54:30] for one reason, and that is that Joe in his seminars got extremely interested in this area that we had explored in the Bar Foundation study about the exercised discretion by the police as being central to understanding the nature of policing, that police exercised a lot of discretion. And he got very involved in that. Wrote a piece in which he argued, [02:55:00] I think in the traditional Liberal posture of that

police ought not to be given too much leeway, a strong piece in the Yale Law Review essentially saying that discretion should be greatly curtailed.

And I had come away from the study saying, "This is the heart of policing, and we've got to address the question of discretion and how they can best exercise it. And that's what policing is all about." [02:55:30] And so we used to have tremendous arguments about this. And the funny thing about it is that even though these pieces ended up going in 180 degree differences, that to this day, people who write about policing get the two Goldsteins confused and they attribute his article to me and my articles to him, which I think is [02:56:00] a funny comment on the nature of citing materials in research.

So there's the famous Joe Goldstein article on discretion. They should have none, and then the question came up, "How do I respond to that?" And Frank Allen at the University of Chicago Law School was in my camp, and he had also attended these seminars. And so he invited me to [02:56:30] give a talk at the University of Chicago's Law School. A building had just been dedicated, and they had a series of conferences in connection with the dedication. The third conference I think was devoted to criminal law and he invited me to use that as a forum to make the opposite point that police had enormous discretion and the challenge is how best to exercise it.

And so I gave a talk at that conference [02:57:00] and that was my seminal publication of an academic nature. It got published in Public Administration Review. It has been republished numerous times, translated into various languages. It got published in the press, at the time, picked up, because it was novel. It said, "Wow! Police exercise discretion." [02:57:30] Just as a post note and boasting about this, within the past year or two I received an award from Public Administration Review as the article having been one of the most often cited and significant articles published in Public Administration Review.

But for me, it was the beginning of essentially a career in academia, because I saw in this [02:58:00] business of exploring police discretion an enormous opportunity. And I have devoted much of my career to that. So having mentioned those people and the academic ties, I was comfortable relating to those individuals. I had had this experience, the talk and the article. The talk was made in 1960. And I didn't go to Wisconsin until 1964, and throughout that period I maintained contact [02:58:30] with all these individuals. And very involved in all that process was Frank Remington, who had been the field director for the American Bar Foundation study, field director for research, and who was on the law faculty of Wisconsin and had established an international reputation for himself as the prime revisers of criminal statutes and he [02:59:00] revised the Wisconsin Code, the first state code, the first criminal code, integrated and well-thought-through criminal code that set a pattern for such revisions elsewhere in the country.

So Frank started to put the bug in my ear about coming to Wisconsin, and started talking about that back in 1963. And [02:59:30] Frank was a very

modest, very quiet individual and so his techniques were very subtle. But among the things he did, which he may never have realized was as powerful as it was, was that I had developed this enormous respect and worship for Willard Hurst, who was the leading senior scholar [03:00:00] in legal history at Wisconsin. And Frank had—well I shouldn't say this, Willard may have done it on his own. But Willard wrote me a letter, which had an enormous impact on me in December of 1963, telling me that Frank had kept him informed of his efforts to invite me, and that they had followed it closely with— they had talked to president Fred [03:00:30] Harvey Harrington about the possibility. And he wanted to express to me the fact that there was a very strong positive desire on the part of the faculty here to bring me to Wisconsin, both in terms of the law school and in central administration.

The point that I think was critical to all this was typical of all [03:01:00] of Willard's work, where he would sit down at his little typewriter and in a paragraph express something that it would take the rest of us a book to write. Willard in one paragraph convinced me why I should come to Wisconsin. I think we can best capture this—not best, but the only way we can capture, is by quoting Willard's own words. So [03:01:30] I'm going to take the liberty of just reading one paragraph from the letter that he sent to me.

He said, this is a quote, "From the more immediate standpoint of law and action research," which I inject here, was the central focus of the Wisconsin law school, and then he says, "which has been an approach central to the most productive activity in this law faculty, there is challenge and [03:02:00] excitement in the notion that we might bring police operations within the domain of administrative law as a researchable and teachable area. Given the working reality, that's the bulk of public policy expressed in the criminal law, finds its whole content in what the police do or do not do. It is disturbing testimony to the limited imagination which has confined works in administrative law, [03:02:30] that up to date there has been practically no law school ever to come to terms with the operating values in police activity."

And wow, that was a powerful piece for me to receive from him. He then went on to tell me about the lake phenomenon, that is that Wisconsin, Madison, was a great place to work, and a welcome place, and a wonderful city in which to live, [03:03:00] et cetera. But that had a very powerful influence on me. And it was with that in mind ... I must say that that influenced my academic work for my entire career. And that is essentially to explore the incredibly important decisions that are made within the policing field and how they affect the quality of our life and how [03:03:30] unstudied they had been. And that remains a central issue today in the discussions with regard to use of force, in discussions nationally, in discussions locally, about public reaction to policing. The public may not be aware of that, they're talking about the specifics [03:04:00] of what happened on the street yesterday, but they are essentially discussing the guidelines, the discretion, that is exercised with regard to important decisions that affect the lives of all citizens.

I did tell you that I had qualms about going into academia, and without a PhD, [03:04:30] but I was convinced by Willard. And Frank reported back to me about specific—they even arranged a special meeting with Fred Harvey Harrington and reminded him that "you know, this guy doesn't have a PhD, and he doesn't have a law degree," that's more important. But I think it was a testament to the [03:05:00] nature of Wisconsin and the nature of, the quality of this university that it was reported to me that President Harrington said "well, is there anybody else that could do this?" And when they said no, he said, "Well what's the problem?" That, I should say, gave me a great source of comfort and from that day forward I never had any qualms about that. I was extremely comfortable, and the law [03:05:30] school made me very, very comfortable for my entire career being a non-lawyer in the law school. Indeed, I attended some conferences where there were certain members of the faculty who identified me as a bit of a freak that testified to the unique character of the law school, that I could carry on without these traditional credentials.

So, I moved to [03:06:00] Madison in August of 1964. Now, how did I get here? The critical point here was that continuing with his low key manner and exceptional ability, Frank had worked things out so that Wisconsin, not being the wealthiest of institutions at that time, he applied [03:06:30] for a grant from the Ford foundation to fund all this. And happily in Ford, found support for what he was trying to do, what Willard was trying to do, and what the Ford foundation was trying to do in its sponsorship of the Bar Foundation's study. And that was to gain more insight into this area, and to perpetuate that they had sponsored these various seminars at Wisconsin to which I had come, [03:07:00] to encourage this, to try to spread the word and share the data through the country. And so they thought it was appropriate. And essentially the goal was to develop an academic program within an academic institution, not just any academic institution but the uniqueness of Wisconsin, to support and interest in policing.

This was in many respects [03:07:30] an expansion of what Frank had already started here through his leadership of the Bar Foundation study and his incorporating a lot of the results of the study in his teachings within the law school. He had already begun to teach criminal law in an entirely different way than it was taught in other law schools as a result of the findings of the Bar Foundation study, and he saw this as an extension of that. [03:08:00] So, I was told, "you are being brought here for a program of teaching, research, publication training relating to policing," and that Frank put together that proposal, a copy of which will be in the archives. Ford made the grant, and it was largely left to me to [03:08:30] craft what that program might look like and fit into what Frank was already well advanced in trying to do.

REEVES:

Herman, can I let you have a sip of your tea there while I ask a question about a seminal moment in U.S. history. I always like to ask these types of questions. And so you moved here in August of 1964 but November of 1963, President Kennedy was assassinated, [03:09:00] you were still in Chicago and so maybe we can, I know you have plenty more things to say, but wanted you to have a sip

of your drink and then maybe ask about your thoughts and memories about that.

GOLDSTEIN:

Wow, the most significant, the thing that comes to mind- let me back up for a moment. This is [03:09:30] going to be quite different than what you expected to come out of my mouth at this point. Obviously I shared in the horror, the shock that came with the announcement of his death, but for me it was especially tragic because I had been exposed to some of the issues [03:10:00] relating to the security of the president.

And just prior to this, I can't be specific as to dates, we had the Cuban missile crisis. Kennedy was scheduled to come to Chicago to attend one of these football games [03:10:30] at Soldier Field between two of the academies, I can't recall if it was army, navy, what. And my boss, O.W. Wilson, was horrified by the prior experiences we had had in hosting the president in Chicago, by the enormity of the effort that it took to provide security to the president [03:11:00] on coming to Chicago. The cost involved and the underlying uncertainty about whether we had all bases covered, it was a nervous experience.

And on this occasion of the missile crisis, because of the crisis Kennedy stayed in Washington and sent ... At the last minute, we got word that Johnson was coming in his place. [03:11:30] But the word was that we would go through the whole experience as if this was the president. The relevance of that was because of Wilson's concern, he had assigned me to stay on top of this particular experience by observing it closely, studying it and coming up with some recommendations.

So I was at O'Hare Field, but we were all disappointed [03:12:00] that Kennedy wasn't arriving. Johnson arrived, but we went through with the thing, and I can never be able to tell you how much the experience differed because it was the vice president rather than the president, but ... I was with the deputy superintendent in charge of this whole experience, with thousands of police officers assigned, and I followed it and [03:12:30] it was overwhelming in terms of the resources that went into it. But the most interesting aspect of it was that I was appalled at how ritualistic it was, and how in reality it did not guarantee, at least in that time, the safety of the president.

Indeed, coming in on the northwest expressway from O'Hare Field [03:13:00] ... The northwest expressway has two lanes, and we were to shoot into town fast with the vice president behind us, and the press corps and all that stuff, and all of a sudden we hit a block, we couldn't move. We couldn't understand it, and the person in charge with whom I was just went off of northwest expressway, and we were going down streets that were in no way protected, and [03:13:30] where they were not expecting us because we could not have kept going. And crowds that Mayor Daley had arranged to cheer the president into town were in the wrong places, and we were on streets without crowds.

We finally got to the Hilton hotel, where we were to drop off the vice president. We swept the ... We took the sweat off our brows and delivered him there, and then afterwards discovered [03:14:00] that one police officer had stopped traffic in one lane, rather ... in the wrong lane. He had a misunderstanding. And that resulted in this blockage, and so it threw the whole plan off, and I was really shook up by that. And so my first reaction, I must say ... Not my first reaction, after the tragedy and absorbing all the things that had happened in Dallas, [03:14:30] I got to thinking that ... I was not as shocked as other people were that something like this could happen.

Get that story in there.

REEVES: Thank you. So now we're back to -

GOLDSTEIN: The Ford grant.

One major element of the program that Frank launched [03:15:00] in addition to changing the way in which criminal law was taught, so that we were teaching the realities of what was happening on the street rather than how the Supreme Court viewed the development of the criminal law ... And he was teaching discretion, and the way in which police officers were actually making decisions. [03:15:30] He thought it was important that students have an experience true to the law and action; getting out there and seeing what was happening in these institutions, as Willard pointed out, that we're administering all this stuff.

And so he had already developed, with a grant from the Russel Sage Foundation, an internship program for students in which they place students in correctional [03:16:00] institutions, but they did it in this context; not just to go out and see how the institutions operated, but by at the same time providing legal services to the inmates. So that the students were getting experience in understanding what the legal problems were of an undeserved part of the population, and at [03:16:30] the same time, learned how institutions ran and how decisions were made. And that was an extraordinarily rich experience. I think he had about eight interns going at any one time, and they went into the correctional institutions here in Wisconsin, subsequently into the federal system as well.

And so the Ford grant called for establishing a similar program for policing, and we gave high priority to that. And it provided [03:17:00] actually some of the funds, very modest in those days, in which we afforded students who are interested in an opportunity to be placed in police departments. And I placed them in departments around the country, and they spent the summer working in the department.

And somewhat parallel to giving them a legal [03:17:30] job while having the opportunity to observe, they would, by arrangement—the chief of police, myself and the student, we had the student select an area of study of one of these discretionary areas that the police operate in, and try to develop policies that would help them to structure [03:18:00] the discretion in that area. And so the student was assigned, I would go out into the field and meet with the students in the field, and then subsequently when they came back to the law school in that fall, we would have a seminar in which we would share experiences. And so there was an extension to the Ford grant of the program that Frank had initiated. And that was the beginning of a program that was subsequently to blossom over the years, [03:18:30] and exist today in the form of the Frank Remington Center with the law school for clinical instruction, relating to criminal law ... And has been expanded far beyond that to providing legal services to meet many other needs as well. Those were the seeds.

[03:19:00] The question then came up as to what I was to do in the law school, and I was given a free license to part from running the internship program, which was high priority. I've participated in courses with Frank, I lectured or participated in the first-year courses in criminal law, [03:19:30] engaging students with regard to issues that were then of concern in policing ... And Frank had started a new course called criminal justice administration, which was an effort to focus on how the law was actually administered, rather than on the substance of criminal law; that is, what is homicide, and what are the various elements of the criminal procedure.

And [03:20:00] I was a regular participant along with Frank and Margo Melli and Ed Kimball, and Don Newman. The five of us in that course in Criminal Justice Administration covering Margo; covering Juvenile Justice; myself covering police; Ed Kimball joining with Frank relating to issues in adjudication; and [03:20:30] Don Newman covering issues in corrections. And it was a very, very rich experience for the students and certainly for us. One of the questions ... Then I started to branch off and I created my own course in relating to police. I'll say more about that in just a moment, but [03:21:00] the question was, what was our goal in reaching law school students with regard to teachings related to policing? And we're not ... Why would students take my course, which focused exclusively on policing? And what were they to do with the knowledge they acquired?

And we had a very, I think [03:21:30] in retrospect, a very solid notion about that. First of all we thought that it was important for lawyers as members of the community to have a better understanding of this important institution which had so much influence on the quality, the way in which the law was carried out in a very important area. [03:22:00] So, we saw it as contributing to their overall quality of education as a lawyer. We also knew from a practical standpoint that a lot of these individuals would be influential in their community and carrying into that experience, a better knowledge about policing would be productive, helpful, to improve the quality of policing. [03:22:30] We also knew of course that some of these students would become prosecutors. Some of them would

become legal advisors in police departments or city attorneys. And indeed some of them might choose to be police officers.

And that occasionally happened at the early stages and much more so as the program developed. And we had ultimately [03:23:00] a substantial number of law school students who either initially decided to go into law enforcement or after experiencing something ... Having a different experience as a prosecutor or something like that they decided to go into policing. And we had people who went into legal education and carried with them a special interest in criminal [03:23:30] justice administration and especially in policing. So, it was not ... when somebody came and said [03:23:39] but why ... if somebody wants to be a police officer, they're not going to go to law school but there was a much broader goal here. This was not a vocational sort of program by any means. It had a very, very, I think, strong intellectual, [03:24:00] academic commitment to the value of broad exposure to this field, which was in keeping with everything else that was going on in the law school and certainly in our law and society emphasis.

I should perhaps just note here that I came here to [03:24:30] Wisconsin in August, started the classes in September. And I noticed in the file there is ... I did a rather lengthy memo in which I proposed to Frank and to others on the faculty the various ways in which we could implement the forward grant and avenues that we could possibly pursue, and in retrospect I think it not only accurately reflects the thoughts of [03:25:00] the time, but we were able to achieve a good number of those things. As the months went by I focused more and more of my attention on my own courses, and developed a central course which, I don't know what I called it at the beginning, but it emerged over the years [03:25:30] and it became my course. And I put together a film reel of materials each year.

So each year I had a volume. I had a number of these notebook.

REEVES: It's like a three inch binder.

GOLDSTEIN: Yeah.

REEVES: Or maybe two or three inch binder. It's a thick binder.

GOLDSTEIN: Right and by ... this happens to be the one from far down the line, 1998, when the last ... And the course ultimately [03:26:00] got called the Role of the Police. I don't know what it was called in the beginning. And the materials in the binder were a collection of academic articles, and popular articles, reports out of police departments, and an odd assortment of stuff that [03:26:30] were used to supplement classroom coverage or stimulate students. A lot of reports that would come out of jurisdictions. So if in a particular year, 1982, there was a major episode in some jurisdiction and there was a citizen's inquiry into it, I might have had the report on that—the Watts Riots and [03:27:00] things like that in there—and afford students an opportunity to reflect on that in the

context of the issues that we were covering in the course. So the materials were revised every year and a lot of them being dropped and new ones added.

And as I developed this course ... And I should ... Maybe this is [03:27:30] a good point to inject it ... Let's see, that was '64. By 1977 my coverage of the issues in the course had taken on a sufficiently clear format in terms of what was important, the issues to be covered, the resources to be called to student attention, that [03:28:00] I wrote this book called *Policing a Free Society*. And that was, as I said, published in '77 and is I suppose my major child, my major classic. And it's been ... It's had a long life. It was initially published by [03:28:30] Ballinger Press, and then it got transferred from Ballinger Press and I switched the copyright to the University Board of Regents. And so, the law school extension was in charge of its publication for many years. And then two years ago, [03:29:00] it got caught up in issues with regard to how we could continue to make it available for those who wanted it.

And Kris Turner at the law school kindly arranged to get it up on the web, so it's now available where it continues to have a life. And it was down ... I got a report just yesterday, day before yesterday, saying it's been downloaded some [03:29:30] 1,300 times or so. And that's in 2016. So there it is. In addition to that basic course where I would have anywhere from ... It started small and at the height of all the urban disturbances, et cetera, we had as many [03:30:00] as fifty or so students in the class.

But that ran alongside Frank's course in Criminal Justice Administration which ultimately was integrated and became the first year course. So the significance of that is that Frank's approach to teaching Criminal Justice, which was to focus on the administrative aspects rather than procedure got brought into the first year classes. [03:30:30] And Frank was part of an effort to spread that approach to teaching Criminal Law to other law schools. And that was done largely through his graduate students like Wayne LeFave at Illinois, and Frank Miller, Don Newman, Bob Dawson, others who had worked on the Bar Foundation study. So that we were influencing the way in which criminal [03:31:00] law was being taught in law schools around the country. This vehicle for doing that was to publish the materials that he used in his criminal justice course in a separate volume, which had the five authors: Remington, Kimball, Melli, Newman, and Goldstein. [03:31:30] That book, published by Bobbs-Merrill, had several editions to it and supplements that kept it alive.

Another interesting dimension to our teaching in those days was that in addition to the internship program, we would take all the students in first year Criminal Law, in Frank's class, down to Chicago for a weekend. [03:32:00] And we made it a social event ... get on the train here in Madison, and went down on a Friday, met with the ... I say we met with the superintendent which means that the superintendent didn't leave before I left. That's right, he left shortly after so he was still there in these last months. So we met with [03:32:30] the superintendent in that first experience or two, after that he was gone. But I had all the connections in Chicago to make it possible, and the students would be

broken up into groups and sent out into different districts. They would spend Friday night in the field. We warned them that they would have to spend many hours alert and they would ride [03:33:00] with police officers in various sections of Chicago to be exposed to the way in which police receive calls, responded to calls, and most importantly their on-the-street contact with citizens: in stopping them, questioning them, et cetera.

We wake them up the following morning after getting into their hotels maybe at two or three in the morning and [03:33:30] take them to court so that they could see how some of the cases that they had observed the previous night were handled in court. We held discussions on the train going down there. We held discussions over breakfast. We held discussions after the court session, and then they would go back out into the field on Saturday night. And then Sunday morning we would set off back for Madison, and [03:34:00] on the train, rehash the weekend. And it was a major, major contribution to their classroom experiences from then on.

Just a little anecdote. On one of these occasions when I had a group of academics gathered here in Madison, I did the same thing and took them down to Chicago. And they were all teachers of Criminal Law and it just blew them away. [03:34:30] Victor Rosenblum, a sociologist at Northwestern who lived in Evanston, nevertheless had not had that experience. Joe Goldstein did it and all the others. Today one of the issues we talk about in policing is stopping and questioning. And that's been going on for a long, long, long, long time and very aggressively in large cities like Chicago. [03:35:00] Police just indiscriminately stopped people, "Let's pull this guy over." And they would take off of them guns and knives and all kinds of things. Guns they would inventory, but knives were so common that they just would remove them from the individual. So they gave them to these academic people. And I remember one of the academics came back to Madison with around 15 knives that he had acquired from just being with police officers stopping [03:35:30] and questioning people on the street.

This was truly indiscriminate and had enormous impact on the quality of life especially in the minority communities because it was obviously very oppressive. Police officers just stopped a car. The individuals were almost, to me at the time, embarrassingly conditioned to just [03:36:00] getting out of their vehicles, putting their hands up in the air and saying, "Search me." And if they turned over whatever they had on them, then they'd usually be sent on their way.

I have to take a break.

REEVES:

Okay.

Okay, so we're back. You just, sir, finished talking about the road trips that you would take to Chicago.

GOLDSTEIN:

Right. Another very important dimension of the program as we wanted to develop it [03:36:30] was how can we better serve the needs of the state. And as soon as I got here I started to establish a relationship with the State Patrol, with Madison police, attorney general's office, police unions. And that took the form of meeting with them, talks with them, some participation in their training programs. But [03:37:00] one of the challenges was that we were very, very conscious of the fact we were not going to get involved in just providing training on a routine sort of basis.

So one of the most interesting things we did was to ask the question, "If we were to set up, if we were to offer a motto for what should be that others could do, what might that motto, what form might that take?" And so [03:37:30] we made a decision to connect with the Beloit police department. And it had a very progressive chief, Howard Bjorklund [03:37:38], who still lives out here at Oakwood. And Howard encouraged us to come into his department, and I would take the bus down to Beloit once a week and meet with his staff to provide a training program on [03:38:00] the police and the Constitution. And I still have all the materials from that course—which was novel in those days, to teach the police about the 5th Amendment, the 4th Amendment, the 1st Amendment, and the sensitivity of the police, the importance of the police [03:38:30] being sensitive to the legal framework in which they were operating. And I must say the command staff were very enthused by it. We met at Beloit College, at a seminar room there. And it was, from my standpoint, one of the more satisfying experiences I had because [03:39:00] these individuals were hungry for the knowledge. They had explained to them, in some instances, why they were doing some things they never really understood the reason for. And at that time there was hardly any instruction for police on the fundamentals, the real fundamentals, that were the framework for policing in a democratic [03:39:30] society.

So that made for a very productive relationship with the Beloit department and we carried on from there. We did a lot of that subsequently and meeting with police around the state. I participated in the attorney general's conference annually. Again, bringing to their attention what the issues with regard to the substance of policing, [03:40:00] what police could, could not do, and the reasons for that. There was a lot of community outreach: League of Women Voters, Bar Associations, other groups, and I was considered sort of to be a novel character around here who had had this experience in policing and could talk about it in what I suppose were engaging ways.

That then began [03:40:30] ... I then also personally participated in a lot of national meetings and the City Managers Association. There was a group at Michigan State that sponsored national programs—training relating to police that were concerned with community issues, minority issues, and it was the beginning of developing a greater sensitivity on the part of police to the needs [03:41:00] of minority communities.

And so we were very committed to lending support to that program. My notes reminded me that even though I came here in the '60s, in '64, our national outreach began very, very quickly. And that was often in the form of my serving on various [03:41:30] committees or as a consultant, advisor, to various task forces. One of the very first was a task force organized by Mayor Lindsay in New York in 1965 in response to his concerns; he came into office and was very concerned about some of the problems in the New York City Police Department, [03:42:00] and so he created a task force of some ... I forget the number of people, and I served on that. That was my first major exposure to serving on what subsequently became a lot of these local groups to review issues in large cities.

I think this is going to be a good place to break, but with this sort of preview [03:42:30] of other things, that that was the beginning of deep involvement: the President's Commission on Law Enforcement and Administration of Justice, the Wisconsin Council on Criminal Justice, the Kerner Commission, National Advisory Commission on Civil Disorders, and then working with the American Bar Association on their standards for the police function. [03:43:00] And that's only in the first ten years of the period of time that I was here, when we were able to take the Wisconsin idea, take the folks that we had, take the underlying premise, justification for our program that I quoted from Willard Hirsch, and give meaning to that beyond the boundaries of the state—and including within the boundaries [03:43:30] of the state.

Perhaps that's a good point at which to-

REEVES: I think so. I do want to ask one more thing-

GOLDSTEIN: Yes.

REEVES: Because I don't know if you'll allude to it in a subsequent session. So you're, in the '60s, and late '50s, you're deeply tied to the city of Chicago. You worked there-

GOLDSTEIN: Yes.

REEVES: So, again, as a historian and someone who's just interested in protest in general, [03:44:00] in 1968 the Democratic National Convention comes to Chicago-

GOLDSTEIN: Right.

REEVES: And you're not there, you're here, but I'm wondering as a, I'm guessing as an interested outsider by that point, what are your thoughts about what was happening there during that convention?

GOLDSTEIN: Well I was horrified, because what I feared might happen happened to an extreme. The police [03:44:30] department was consumed, subsumed, in that

whole thing. Mayor Daley who, up until the time I left, had a hands off, made the famous proclamation of ... I can't quote it ...

REEVES: Right, I know the one you're talking about but I can't.

GOLDSTEIN: Shoot. Well in any event, he was very forceful, [03:45:00] should I say, as to how to handle the demonstrators. And the police department went along with it, there was no serious thought given to how to handle that demonstration. It was in such sharp contrast to 1964 when there was a convention in Chicago where I was present, but of course the political [03:45:30] state of the country was not anywhere near as aggravated. So that was a very peaceful gathering. I was horrified by it because it was the exact opposite of what I had hoped for in how a large city police department could handle protests. But also we were experiencing protests on the campus, so we will [03:46:00] be able to talk about that in that same context. Yes. I experienced that and I've experienced since many reversals of the kind of policing that I had worked hard to try to support because when things go wrong in policing, [03:46:30] they go wrong in a big, big way. And I'll have to rethink the sequence of event—you know, Watts and the episodes and what happened in Chicago, et cetera. And how we were reacting to that. Gave us a lot of material for class discussion.

REEVES: Right. Well Herman thank you for your time again today, I appreciate it.

So this concludes the fourth interview with Herman Goldstein.

[03:47:00] Okay today is December 14, 2016, this is the continuing oral history with Herman Goldstein. My name is Troy Reeves with the UW Madison oral history program.

Herman as we've done with every session, can you say your name and spell your last name?

GOLDSTEIN: Herman Goldstein, G-O-L-D-S-T-E-I-N.

REEVES: Great. So, we left off with you wanting to talk about national outreach, but then upon reflection you also have [03:47:30] some comments you want to make about a resource that ended up being created for the library, so we'll let you start and we'll go from there.

GOLDSTEIN: Right. I did want to inject at this point, Troy, but early on we realized that just as the program itself was very unique, and new, [03:48:00] filling a gap, that there had existed a major gap in the university in the collection of materials relating to crime, criminal justice, and its administration. So with the close cooperation of the law librarian at the time, Maury Leon, we set up [03:48:30] a special collection in the law library and at that time special collections were common. they subsequently as I'll point out disappeared, in which we started to collect materials that previously had never been assembled on crime, criminal justice,

and a lot of what at that time the librarians referred to as "fugitive [03:49:00] material", the reports of various criminal justice agencies, police departments, the publications of prisoners in the institutions, and it became a very comprehensive collection. We were fortunate in hiring a special librarian for the project named Sue Center, who subsequently played a major role in librarianship [03:49:30] here at the university. But that was her start, and she designed and established the organization and developed the collection. And it quickly became a national resource, one of the best collections in the criminal justice area in the country.

Unique because this was the time when it was [03:50:00] the first focus on this area within academic institutions, at the university level. The collection expanded rapidly, and most of her effort went into the collecting process, and the significance, broadly, was that not only did it support those [03:50:30] of us on the faculty who were engaged in research in the area, but Sue [03:50:36] very quickly developed an extension program in which she promoted the collection among practitioners in the states, so that judges, corrections personnel, and especially police became aware of it, and made use of it. She had an easy process whereby individuals could [03:51:00] request, and she would mail out materials, and so it was just another dimension of the outreach effort, that paralleled what the broader commitment that the university made, and so many other areas, and so a police officer in Superior could call in, and get materials if that officer was particularly interested in [03:51:30] what police we doing elsewhere with regard to domestic violence, or some other topic of that nature.

I don't off hand recall the dates, but that collection grew, and Sue made presentations at all the meetings of police around the state regularly to make them aware of the resource, and what the librarians would do, and they did a [03:52:00] superb job in in-depth research, and response to requests that were made of them. And, until— I hesitate to designate the year here—until we got to the point where the libraries as a matter of policy were eliminating special collections, and [03:52:30] integrating their collections in the larger library, and there came a point when Blair Kauffman [03:52:37] was librarian when the criminal justice collection was—oh, I should point out before doing that, that the value of the collection was of such a nature that we went to the state legislature, and got special funding for it, because funds were not available within the university.

And, so there is on record that a piece of legislation [03:53:00] that made available a substantial chunk of money to lend support to the collection, in large measure because it was serving needs far beyond than just the needs of the university, and the state. And we had a lot of support for that from the users out there in the state.

When the temp period came for the elimination, and the reduction of special collections, then the collection was integrated [03:53:30] into the law school library itself. The library tried to maintain its commitment to serving that need, but there was not the specialized intensive sort of commitment to developing that service.

And at that point, a lot of the ephemeral material was discarded, so we were no longer studious in trying to keep up to date on the publications of the [03:54:00] prisoners, and the Michigan State correctional system. And so, the ambition, the breadth of collection was greatly reduced to more traditional materials, with a core of concern for being rich in our addition of published volumes, relating to the criminal justice [03:54:30] system. I thought it was important to get that in. Needless to say, the assistance of the library greatly enriched the work those of us on the faculty did in publishing, and I personally am grateful to the library, because my own publications, the books that I got out, [03:55:00] the studies that I got out, were extraordinarily well supported, and footnoted in large measure by the close collaboration that I had with the library.

I thought I would try today to cover the effort that our program made toward contributing toward [03:55:30] the exploration of critical issues, relating to criminal justices on the national scene. And I do so with an awareness that we had, what I would loosely refer to as a symbiotic relationship, in that, as we progressed in our own thinking, and I say our thinking: Frank Remington, myself, Ed Kimball, Don Newman [03:56:00], and the people specializing in the criminal justice area. As we pursued that, we greatly advanced our own conceptual work. And, what it was we thought should be the directions for improvement, and development of the criminal justice system in the state and the nation. [03:56:30] But we did that in collaboration with this new wave of interest in the topic, and it interest in those areas, that came about nationally. So, it was very convenient that as our thinking developed, there were vehicles, national vehicles available for airing that thinking, [03:57:00] and getting it published, in ways that got national attention. And it was symbiotic in the sense that as those national needs were defined by commissions, and by study groups, that they influenced our own work and how we contributed to it.

So it was nice a relationship, I would say, that extended over a period of about [03:57:30] 15 to 20 years. So, you had those of us on the faculty through our teaching, and through our own research projects, developing and formulating new approaches, and new insights, as to how to deal with these issues, and for me especially in the policing field. And then we had [03:58:00] these national groups through which we could broadcast these findings, very conveniently. And to the extent that we got support for that from these groups, the impact was much greater than it otherwise would have been had we just published in an academic journal. So, I thought this morning I would talk about some of those national efforts, and then [03:58:30] in the context of each of them, how they dealt with some of key substantive issues that we were working on.

The first one, and this does not quite fit into that paradigm, was the very special one that came along very, very early in that member of our faculty, Nate Feinsinger [03:59:00] who was nationally recognized as a labor expert, was appointed to mediate a strike in New York City, when Mayor Lindsay was first appointed. And so he was very active, and was very prominent nationally because of the work that he did in that connection. And because of his relationships with New York, he pulled Frank and I into consideration [03:59:30] of some of the criminal justice issues that were currently of concern in New York City. The new mayor, John Lindsay, was very concerned about the quality of policing in New York, and so he established a task force, and that resulted from Nate's work in my being pulled into New York City, and serving on [04:00:00] the task force on law enforcement and that was a great opportunity to get national exposure and to inject some of the Wisconsin thinking into uh- and effort that was then going on, that got a great deal more of attention. It wasn't among the most, the big- the most important things we did but that came in 1965. Shortly after my arrival here, [04:00:30] but very soon on the heels of that, President Johnson in reaction ... As, you know in the election leading up to Johnson's selection um ... Johnson's selection, yes.

REEVES: '64?

GOLDSTEIN: Yes. When, he ran against Goldwater.

REEVES: Mm-hmm (affirmative)

GOLDSTEIN: In the Goldwater/Johnson election one ... For the first time in this country [04:01:00] crime was a national issue and was the subject of a lot of the debate in that campaign. And so ... When um- Johnson was elected he appointed what was called the President's Commission on Law Enforcement and Administration of Justice. It was headed, I forget [04:01:30] the individuals who headed the Commission themselves but the key staff person was Professor Warrenburg from Harvard. He became a critical person in Criminal Justice Policy and that period of time. He led the effort and he had on his staff a number of the people who had worked on The American Bar Foundation Study. Especially Lloyd [04:02:00] Owen, the research methodologist and sociologist who was ... by that time had moved from Chicago to Harvard. With um- I having worked with Lloyd we became very involved in that effort from the very beginning.

One of the factors that was contributing to that was that the Supreme Court had become very active on some criminal justice [04:02:30] issues. They had come down with the Miranda decision and a few other important decisions. That um- This is, you know, a gross kind of characterization but they sent a message out that some of the procedures and techniques being employed by the police were uh- questionable in nature and that there was [04:03:00] need to curtail them. The Court struggled with that.

The Miranda decision was significant in the sense that in extending the right of individuals to legal counsel in criminal cases. It dealt with the abuses that had

been made in [04:03:30] bringing undue pressures on individuals suspected of crimes by setting forth a formula in which police had to inform individuals of their rights to remain silent and their rights to an attorney. And anyone who watched police dramas on television can almost recite some of those warnings verbatim.

[04:04:00] The significance of that was, there was a quick realization that the Supreme Court was not going to be able to correct all these issues by setting forth procedures for police departments in that kind of detail, and so in one measure. One of the objectives of the President's Commission in addition to taking a comprehensive look at all the issues in criminal [04:04:30] justice. From policing to prosecution, adjudication, sentencing and corrections, was to try to address these issues in ways that ... in methods, in long procedural means so that it wouldn't fall to the Supreme Court to have to correct all of the inadequacies and weaknesses in the system.

[04:05:00] So, that was very much a guideline in what ... from some of the things we were trying to do. Um- one of the ... The President's Commission effort was broken down into these, to looking at the police, separate task force on corrections and separate task force on prosecution [04:05:30] et cetera. Frank and I, Frank Remington and I worked on the task force on police and this was a critical turning point because when the task force set off it tried to focus ...the inclination of many of the staff people working on it was to institutionalize the, then existing professional model of policing: [04:06:00] How many police do you have? Where do you put them? Were they uniformed? What kind of daily procedures do they follow? How are they distributed in a community? What kind of training do they have?

Most of it was an organizational focus. That presented a tremendous challenge to Frank and I because we had already [04:06:30] progressed in the short time I had been here, and Frank was here longer, to thinking about the substantive issues in policing. How they were dealing with citizens, how they were dealing with minorities. Degree to which they were adhering to the rule of law. And so the challenge was to reconcile our approach which we thought was much more substantive and much more important and connected more with [04:07:00] rest of the criminal justice system. All this reflecting the results of the study we did with the Bar Foundation.

That was much more important than the professional motto of policing. So there were actually a lot of compromises with some of the people and the staff going off and writing materials about um- how police departments should be organized and the relationship between Officers and Sergeants and Detectives [04:07:30] and things like that. That was done and there's some of the results of that, that got published but Frank and I used it as an opportunity to try to get the word out but the need was to become more substantively involved. To be concerned about how police deal with citizens on the street. How they make use of the law and the enormous [04:08:00] discretion they exercise and how they exercise that discretion.

Through the President's Commission effort I think we were able to turn a page and that was reflected I think, In the President's Commission publications. There was a summary publication which was the popular ... the publication that became a pocketbook and was sold on the newsstands, and [04:08:30] then there were task force reports on each area.

We contributed to the Task Force Report on Policing and, in particular, chapter two of that in which we spoke to what we thought were the major issues that were confronted in policing. And uh- we got an enormous positive response [04:09:00] to that and in the ... some of the summary letters after the study Vorenburg and the Chair of the Commission and others wrote us and told us that they thought that the contribution that was made from here in Wisconsin was a major contribution toward the total effort.

[04:09:30] Let me elaborate a little on the nature, that substantive contribution. The first one is a specifics of a case study, but traditionalists who came to the President's Commission argued very, very strongly that all the effort should be made to divest the police of what they called at the time, "Non-policed functions." So the police could concentrate on dealing with crime [04:10:00]

GOLDSTEIN:

And so, much of the effort was to both reduce the definition of what the police role was, and to also promote the creation of a new type of police officer, who was something between a police officer ... something less than a regular police officer, who would be out there on the street taking care of what, at the time were defined as peripheral tasks [04:10:30] that fell to the police, which in the signal was that we thought these were less important to the police function and therefore ought now to get the attention of a regular police officer.

I think the term was called police agent and that person would be paid less and have fewer qualifications in order to take care [04:11:00] of all of these tasks that fell to the police, whether it was directing traffic or on the street, in those days before we had much use of stoplights and things like that. And to just responding to calls about cats and trees and emergency things of that nature. Frank and I took a very, very, very strong position at that time, that the job of the police realistically [04:11:30] was broader than just dealing with crime and it was broader than dealing with law enforcement and enforcing the law.

And that was the beginning of a major division that colored the rest of my career and that is the difference between law enforcement and policing. I don't use the term law enforcement even though police officers are commonly referred to as law enforcement officers, [04:12:00] because they spend a relatively small percentage of their total amount of time enforcing the law, a relatively small percentage of their time dealing directly with crime and a high percentage dealing with a wide range of social issues and situations in which people are in need of support, attention, [04:12:30] care, assistance because of their condition, age, addiction and the nature of the problems and mental illness and the nature of the problems that they're experiencing.

And we had a tremendous battle within the staff in trying to address the issue of what is the job of the police, to recognize that the job of the police consisted [04:13:00] of much more than just criminal justice and enforcing the criminal law which was the topic of this commission, the focus of this commission. It also recognized that whereas the law and law enforcement was used to arrest and prosecute individuals [04:13:30] for crimes, that the Bar Foundation had discovered that the law was being used to do a whole range of other things, because the police without adequate resources used and abused the criminal justice system in order to get their job done, and therein rested a lot of the issues and complexities of policing that had previously not been addressed.

[04:14:00] So, through the President's Commission on Crime, we were able to broadcast a message to the police field, to the criminal justice system, and to the public generally that the police do much more than just enforce the law and fight crime. And therein lies a range of complexities, especially [04:14:30] in their relationship with minority communities and with the diversity that we have in our society. Let's refocus some of our attention on those kinds of things. Now, right behind that observation substantively, was what we carried over from the Bar Foundation study and that is the discovery that police exercised enormous discretion. That whereas [04:15:00] the statutes and the case law dictate what they can and cannot do, that the police were not the ministerial agency that the public had come to view it as being.

At that time, one of the most popular television programs was Dragnet, the image of the police officer, "Sir, I [04:15:30] don't make the law, I just enforce the law, and I do that in a strict and rigorous sort of fashion, following the guidelines that are provided to me." That is a myth and we have discovered that. And so, the challenge in the President's Commission was to begin to guide police officers in how they should address this. And we took the position that it was not for the Supreme [04:16:00] Court to decide all those things, it was not for legislatures to decide all those things. It was not within their capacity to do it.

And that as to many, many aspects of policing, it was going to fall to police administrators to take the initiative as policymakers in government, to provide much more guidance to their personnel in how they should carry out their function. [04:16:30] And so, we set out to recognize that police exercised enormous discretion in deciding what they should do, how much resources they should put into it, which laws they should enforce, what they should investigate, what they should initiate, what kind of investigation techniques they should employ, undercover operations. We posed [04:17:00] these questions; "Who decides if the police should have an undercover operation?"

In an effort to elicit the fact that at that point nobody had really examined that, and decisions as to how quickly a person should be taken before a judge, which was a tough legal issue that people were confronting at the time and looking to the courts to resolve. And down the line [04:17:30] once arrested, should police be authorized to release an individual if they establish it was not an adequate

basis to hold them? What other resources might the police use rather than just arrest? There were literally, I'd say, if we strung them all out, 30, 40, 50 areas [04:18:00] of discretion.

So we propose that we elevate and we redefine the role of police chief as a policy maker, apart from the ministerial functions that his agency was performing, and the chief take on the responsibility for developing policies to guide his or her personnel in [04:18:30] as to pronouns, let me say here in those days we talked exclusively in the male pronoun. The chapter two was a pioneering piece in the sense that it outlined progressive techniques for addressing discretionary areas of policing. And one [04:19:00] of the areas that we chose to address, and this was in the 1966/67 was the police function in stopping and questioning people on the street.

Because we had discovered in the Bar Foundation study that police spent a lot of time stopping and questioning people, and this had all kinds of implications for the people being stopped and questioned [04:19:30] without any guidance. And what they were doing in some areas was totally indiscriminate and arbitrary, like Detroit, in the Bar Foundation study. And the practices in a place like Detroit were absolutely unthinkable in some smaller areas where the police were less aggressive, but stopping [04:20:00] and questioning him, what at that time was called "Aggressive Preventive Patrol." It was a euphemism. Aggressive Preventive Patrol, the major effect, the major strategy was that police were using it to try to suppress crime. So the image of police officers being out there in squad cars, just responding to calls for help accounted for the very small percentage of the time [04:20:30] that police were using in urban areas. They were engaged in Aggressive Preventive Patrol.

And our conceptual work applied to that in this fashion: we advocated that police administrators develop policies that guide their officers in their decisions as to who to stop, [04:21:00] who to question, who to frisk, who to search; so that that wholesale unregulated practice would be brought under control. And if I recall correctly, our method for illustrating that was in a parallel effort, the state of New York had come around to realizing that this was a very serious problem, and they had enacted guidelines [04:21:30] and a statute, I believe, that regulated stopping and questioning. The divisions at that time were so enormous that when we were advocating these forms of regulation, and that state legislatures minimally define what authority police had to stop and question, we were challenged by the ACLU, saying the police [04:22:00] had no authority to stop and question people. And our response to that was, "You've got to be kidding!" The police are out there all the time. They're responding on patrol. What are they supposed to be doing on patrol but looking into suspicious circumstances? And what I came to refer to as "departures from the norm" to see whether or not crimes were being committed. And it was not a matter of prohibiting the practice, [04:22:30] in which case you would make the police totally impotent, it was a matter of addressing that question, and providing guidelines as to when they could do it. And out of that effort developed a legal standard that, whereas previously there were standards for when police could

arrest an individual, there was now a lesser standard, and it was usually expressed in terms [04:23:00] of "reasonable grounds to suspect that an individual was committing a crime." And that was an authorization not for an arrest, not for a search, but to stop a person and question them. "Reasonable grounds to suspect." And that was the legal standard, but then it fell to the administrative standards to try to spell out [04:23:30] what it was that the police should do in order to carry that out.

So that's my--in brief and all too brief, because it doesn't do justice to the massive nature of the development. I feel that Frank and I and those of us, we who are in Wisconsin, contributed to the national debate and [04:24:00] exploration and development in a very specific way, to push police agencies to undertake self-regulation over their discretion, number one, and then number two, to begin to accept the fact that our job in policing is more than law enforcement. And we've got to be [04:24:30] equipped to hand over, for example, the problem of the addicted, the down-and-outers, what we call the public inebriates who are incapable of function because of their consumption of alcohol, and who accounted for a large number of people coming into the criminal justice system, that we have to have means available, resources [04:25:00] available, legal procedures available to deal with those things in addition to just the criminal law.

One of the things that very rapidly came out of this effort and was part of the President's Commission's effort was to advocate that police be authorized to take into custody, [04:25:30] I use those terms very precisely, rather than arrest, to take into custody individuals who are inebriated, and take them to a detox facility other than a jail. Taking them out of the criminal justice system. And that was consistent with the pattern that I've described, recognizing the discretion, and rather than having [inaudible 04:25:57] "Well, we've got a down-and-outer, we've got to arrest him, take him to [04:26:00] jail," instead, take him into custody, in a civil fashion, not an arrest, and take him to a detox facility. And subsequently, there developed a great deal of support for that approach in dealing with that whole segment of individuals who were a responsibility of the police, but in my view, not a part of their law enforcement obligations.

[04:26:30] I want to inject here that one of the results of the President's Commission on Law Enforcement and the Administration of Justice was that there was established in most of the state's councils that brought together people from police, prosecutor/judicial area, corrections, to do a more effective job of coordinating their efforts. [04:27:00] And this was also a result of one of the major themes of the President's Commission effort, and that is that we're dealing with a system, not just with individual agencies. Not just the police, not just the courts. Lots of emphasis within the study on the importance of viewing things as a system. And it was in this period of time that the term "Criminal Justice [04:27:30] System" was invented. It was not a common term before the early 1960s. I think the Bar Foundation Study had a great deal to do with that.

So in that regard, we developed here in Wisconsin, to get back to a local observation, we developed a Wisconsin Council on Criminal Justice. As I recall, from the very outset, it was headed by Chief Justice [inaudible 04:28:00] [04:28:00]. I served on the Council. And we met regularly, bringing together representatives of the different agencies, and we tried to address systemic problems here in Wisconsin. We held conferences, we promoted the development of local commissions, so that we got representatives in the police, prosecutor courts, and corrections talking with each [04:28:30] other. And the history of that in itself is gigantic. It existed and it continues to exist in some form, but it has been absorbed into the administrative structure of the state government. I'm not [04:29:00] sure where it's currently located.

The Council at one point was bolstered in its strength and influence because it became the vehicle through which federal funds were made available for spending on criminal justice issues in the state. And it reviewed applications.

Now, [04:29:30] things progressed very, very rapidly in this period of time. And from the focus on crime--and certainly the problems were not solved in that short period of time--we moved into the problem of urban disturbances. The Watts Riot in L.A., and other disturbances [04:30:00] across the country. Race relations and civil rights became the dominant national issue. So, very much on the heels of the President's Commission on Law Enforcement was the National Advisory Commission on Civil Disorders. Which otherwise was referred to as the Kerner Commission. They were [04:30:30] initially set up to explore the causes of discontent. The causes of the disturbances that occurred in the urban areas and that Commission explored in depth racial relationships at that point in time in the United States.

Our role in that was to [04:31:00] address the role, the contribution, plus and minus, on the part of the police. The police obviously were involved in suppressing riots, but the police also were identified in the course of those explorations as contributing to some of the unrest. While [04:31:30] a lot of the effort in the Kerner Commission report was to look at the role of the police in suppressing riots and in relating to the communities in that kind of a role ... Frank and I did not get involved in that, but we did contribute and our words got into the national report.

[04:32:00] On this business of the degree to which aggressive preventive patrol and stopping in questioning the police practice, the stopping in questioning, had contributed to the tensions that existed in the larger urban areas, so that when, in this case, the black community in particular complained about the abuse of [04:32:30] governmental authority, the abuse of police authority, they were very often referring to the practice of stopping and questioning. And so if you examine the Kerner Commission report while there is no, as I recall ... in the underlying documents and certainly in the archives in some papers that we submitted to the Kerner Commission, we dealt with this very, very, very specifically in [04:33:00] the Kerner Commission report itself. The Wisconsin contribution is reflected in the materials that describe the impact, the potential

impact that aggressive preventive patrol made to the tensions in large urban areas.

[04:33:30] These concerns quickly led ... I'm just amazed on reflection of the speed with which this occurred, to increase concern in many corners about [04:34:00] the role of the police. A new recognition of the importance that the police were playing in the quality of life in our - especially in our urban areas. So, there was new sensitivity within the legal profession, to what role lawyers were playing. Just not as lawyers but as responsible members of the community. In guiding [04:34:30] our criminal justice system. And in the late 1960s and early '70s, in that period of time ... That suggested it was just a few months it was actually a few years. In that period of time the American Bar Association launched its project on the standards for criminal justice. [04:35:00] Provoked by some of the same factors that I was talking about earlier they came to realize that there was need to establish higher standards for all of the agencies working within the criminal justice system.

So a major project was launched to establish professional standards for each of these agencies and that resulted in a whole series of publications. The Wisconsin connection here is that [04:35:30] the chair of that overall committee was Chief Justice Warren Burger and he appointed the committees. Frank Remington was the point of the head of the National ABA committee on standards relating to the American police function. And we undertook, [04:36:00] here, at Wisconsin, to develop those standards.

That ultimately resulted in a publication called, "The Standards Relating to the Urban Police Function," and once again, it was an opportunity to broadcast to a larger audience the emerging [04:36:30] recommendations for taming police agencies around the country. It became an even more sophisticated and current effort to define what it is that the police do. Their function, the discretion [04:37:00] that they exercise, their accountability to the public, the methods by which that accountability can be achieved, the responsibility of the police administrators in the control of their officers, and also it extended to recommendations as to the qualifications of police officers. That is what should be required, [04:37:30] their training and education. The way in which they ought to be organized and many other aspects of police function.

It was essentially an effort to integrate a lot of the recommendations initially proposed by the President's Commission on Crime and by the Kerner Commission. And then there was, in the interim [04:38:00] between those two, also a commission that responded to, violence, as I recall, on the campuses. The shootings at Kent State and the ... This of course got involved with the protests with regard to Vietnam War. I may have to work back and get my time frame clear here as to the war and this stuff, but the [04:38:30] Bar Foundation publication on policing sort of advanced all that, brought it together in a very organized fashion and was widely promoted around the country and still remains for me sort of an encyclopedia of the best recommendations that were available at that time, to promote higher standards in [04:39:00] policing.

Now, that effort was especially significant in that the ABA reached out to get the endorsement and cooperation of the International Association of Chiefs of Police and the National Sheriffs' Association and when the standards were finally formulated ... And [04:39:30] there had been overlap in that we had brought in members of those organizations to work on them ... They were published, they were approved not only by the American Bar Association itself, but by the International Association of Chiefs' of Police and the National Sheriffs' Association, so when we went out to promote and sell these recommendations we could do so [04:40:00] with those endorsements. One of the major recommendations in the Bar Foundation Standards was a greater involvement of the legal community and the role of lawyers in advising police departments. And so we tried ... and here I'll try to wrap this up ... [04:40:30] We cooperated with the Federal Bureau of Investigation and they made available their training facilities at Quantico to bring together police, sheriffs, community members and the heads of Bar Associations from around the entire country in seminars to [04:41:00] study and review the standards that the Bar Association had created with the objective of trying to get local organizations all over the country to take these standards and conduct local studies as to the degree to which they were in compliance with them and what they ought to be doing to get in compliance with them. And that was a very dramatic effort.

[04:41:30]And I can perhaps, at the risk of ... this is incredible summary ... but, throw out this little story to summarize the experience. I recall checking in at Quantico for that meeting because Frank and I were very much a part of it, having participated in and written the Bar Foundation Standards [04:42:00] on the police function. We were checking in at the desk and we were in line and I introduced myself to some of the people present and I recall the Chief of Police of Honolulu and the President of the Bar Association in Honolulu and some of the other people who were active, relating to policing in Hawaii, in line and [04:42:30] they were meeting for the first time in checking in at Quantico. They had never met in their own communities and this was their opportunity to sit together and reflect on what their mutual obligations were to help improve the quality of policing in their respective jurisdictions. So those were very productive meetings [04:43:00] and I think they had an enormous influence in altering the ways in which we viewed the criminal justice system as it operated in different jurisdictions around the country.

REEVES: So, one questions from all of that and then maybe a question or comment that might help set the stage for next time.

GOLDSTEIN: Yes.

REEVES: So, [04:43:30] when you were in Chicago you were really boots on the ground in a sense?

GOLDSTEIN: Yes.

REEVES: And now in these efforts you're at a distance, commenting and then providing comments that way. So I guess maybe the specific questions I would ask would be the difference between ... so for example you were on a task force to consult for New York City? That's different than actually being [04:44:00] on the ground in Chicago?

GOLDSTEIN: That's for sure.

REEVES: So I wonder ... and I don't know how you might want to try to comment on that, but I guess just the difference between being more actively involved in something as opposed to being on a task force in a place that you don't necessarily live.

GOLDSTEIN: Right. And I might say that I've just highlighted the major national efforts here. Throughout all this stuff they were sprinkled, literally hundreds [04:44:30] of meetings and conferences that Frank and I were attending around the country. Whether it was in Cincinnati and Cleveland and down in Florida and out in California, relating to them as we did in New York City.

The difference was that in Chicago ... Chicago, for me was a learning experience, where the output was to try to improve [04:45:00] the Chicago Police Department. Once I came to Wisconsin, I had the opportunity to ... my days were spent at the Law School teaching, researching, exploring these issues, writing about them and what I've just described was the effort that we made to feed the results of those efforts into major national [04:45:30] initiatives to upgrade the quality of policing generally, not just a single police agency. And in doing so we had the freedom. Whereas Chicago was to take a bad situation and rapidly and under enormous pressure, improve it, we were here had moved from just improving organization, the organization and how it ran, we were working [04:46:00] on substantive issues that affected the way in which government interrelated with citizens in the democracy and we were having this enormous opportunity to influence it on a very, very, very broad scale.

REEVES: So then, my last questions isn't necessarily a question, more perhaps a comment that might help us start [04:46:30] our next session and that's ... so you're in Madison, you're teaching, learning, writing and then sort of feeding results into this overall national conversation or perhaps national change. So this is all happening, at least the bulk of it is happening while Madison Police and Campus Police are dealing with disturbances on campus?

GOLDSTEIN: Enormous.

REEVES: So, my hope is for the [04:47:00] next session we might be able to look locally about, not only your work and how it might of, or if it did affect what was going on. And then also your involvement, if any, in what was going on on campus.

GOLDSTEIN: And that corresponds to my hope that I think we ought to use the next session to ... we can use the entire session to [04:47:30] talk about how, while all this was happening nationally and we were feeding this effort, we were here at the UW Campus, where a lot of things were playing out, relating to social change, political change, war in the nation and a very active student body that was very involved [04:48:00] in making their feelings known with regard to these things. So the University administration, mostly we work with the Madison campus but also with the system, had to respond to those things. And the challenge was, for a group of academics who had never even [04:48:30] met their local police chiefs, how they went about doing that and all the issues that arose and I'd love to be able to focus on that.

REEVES: All right. So let's start and go as long as we need in our next session about that?

GOLDSTEIN: Yes.

REEVES: So this concludes the December 14th interview with Herman Goldstein. Herman, thank you for [04:49:00] your time.

GOLDSTEIN: Right.

REEVES: All right. Good Morning, today is January 6th, 2017. This is I believe the 5th interview with Herman Goldstein, as usual we are here in his apartment in Madison. My name is Troy Reeves, I'm with the UW Madison Oral History program. So Herman, as we've done for all the interviews, can you say your name and spell your last name?

GOLDSTEIN: Herman Goldstein. G-O-L-D-S-T-E-I-N.

REEVES: Okay. [04:49:30] All right, so we were talking before we turned on the recorder about today's topic, and the overarching topic's going to be a few years on our campus and in town, '67 through '70 but before that you wanted to sort of contextualize your involvement with some of this before that time period.

GOLDSTEIN: Yeah. I thought it would be helpful to connect [04:50:00] with what we've talked about in prior interviews. By just indicating that from the time I came here in '64, I ... From the very outset, I think I talked to you. We talked some on the tape about reaching out to the State and my involvement, experiment down in Beloit, working with police on the basics of the role of the police [04:50:30] in a free society. And the Constitution. And things like that.

So, I got very involved in that and was working along those lines leading up to the ... As the things were beginning to heat up with regard to attitudes toward the Vietnam War. And, also, the President's Commission effort had [04:51:00] come and gone on law enforcement and the concern about crime. And one of the consequences of that was that we established ... There was a recommendation that each state establish a council that coordinated the efforts

of police, prosecutor, courts, corrections. And, here in Wisconsin, we established the Wisconsin Council on Criminal Justice. [04:51:30] And, I essentially served to staff for that. I was on the Council. And so we began to work through the Council to address the need for change and improvement in the criminal justice system in the state. And that led to tentacles reaching out from the University to various agencies in the state in a more organized way than we did in the past.

We also ... I [04:52:00] distinctively remember also that we began to develop a very close relationship with the Attorney General's Office. They took on a more central role in coordinating criminal justice changes in the state. It was a lot of progress under the administration of Bronson La Follette as Attorney General. And that was aided by the fact that [04:52:30] ... We had the Deputy Attorney General at the time was ... I'll come back to that.

REEVES:

Okay.

GOLDSTEIN:

And, I also should mention by way of context that the Chief of Police of Madison was Bill Emory. And, he was a very competent person, [04:53:00] and I worked ... I got to know him as soon as I got here in '64. We had a good relationship. And I had established ... One of the vehicles through which I established a special relationship through the Madison Police Department was that the then mayor, Otto Festge, had asked me to work with a city council work group on a problem [04:53:30] that had originated in that there was a high turnover in the Madison Police Department. And they were losing a high percentage of their employees. And Mayor Festge asked me to explore that. And, I did so. And that required that I dig deeply into the Madison department and interview [04:54:00] many of the officers and to find out if there were some internal issues that were contributing toward the high turnover. So, it was a good relationship established.

And also, from the very beginning of my coming to Madison, I got to know the people at University's what was then called Protection Security Department, the Police Department. And I think it was coincident, coincidental with my coming here [04:54:30] or shortly thereafter that a new head of that department was appointed, Ralph Hanson. Previously worked in the ... For the Federal Government. The Armed Forces. Knew Madison. Well, had come from Maine originally. And, we had a superb relationship. Ralph was an extraordinarily good person. [04:55:00] Very sensitive to the needs of the campus. And he was subsequently to play a very, very central role in how the police responded and the University responded to the issues that arose as a result of the protests and relating to the Vietnam War.

I ... Ralph and I got together very often and [04:55:30] numerous issues that arose in protection security was the subject of our discussion. And I think out of ... it was a lunch perhaps once a week, or every other week, in which we were discussing issues that were coming up in his department. And I appreciated that very much because it gave me a very direct involvement in some [04:56:00] of

the problems that were coming, that were arising at that time, even though it wasn't in the slower environments of the Campus Police compared to the work I was doing in relationship to the same issues on a much broader basis in police agencies around the country.

I think it's important to note [04:56:30] that sometimes all the discussion about the Vietnam War protests on campus start with the Dow Riot. And, in the fall of '67. But I think it's important to note that just before that, we had a substantial build up to that. And there were several other episodes that got a great deal of attention. [04:57:00] One of which was in February of '67, the Dow Riot having occurred in October. In February of '67, Robert Kennedy spoke on campus at the Stock Pavilion. And protestors at that time, sought to keep him from speaking through what we've come to refer to as the Heckler's Veto, by [04:57:30] disrupting his talk. And that promoted an enormous amount of debate and discussion about the propriety of protests, the limits of protests, and ... Robben Fleming was the chancellor at the time. He issued statements about the need to respect the right of people to speak [04:58:00] and the conflict and the various values that were being reflected in that kind of situation.

I was also reminded in thinking about our interview today that the CAA - the CIA - which was the ... their recruitment on campus was the focus of the Dow [04:58:30] Riot, had actually interviewed shortly before that, in April of 1967. And their interviews, as I recall it, were held in the Law School. And there was an effort at protest there and so, as a sort of a preview of what was to come, there was talk, there was some modest [04:59:00] efforts at demonstration and a lot of reflection on the question of whether or not CIA ought to be interviewing on the campus. And what student reaction should be to that and the role of protest against the CIA, as a vehicle for protesting against Vietnam ... and I recall, there was a lot of debate and discussion within the Law School [04:59:30] and some resolutions and actions taken by the faculty with regard to the, what happened at that demonstration.

So, in the fall of 1967, as students returned to school things were heating up very, very rapidly. And, [05:00:00] it's important to note, in that setting, that we had a change in chancellors, with Robben Fleming moving on, and Bill Sewell of the sociology department having been appointed chancellor. Perhaps we'll [05:00:30] get to this later, but I think it's significant in that ... Bill Sewell was very much of an academic person, and I think, in aspiring to be chancellor and setting forth his expectations of what is like to be chancellor, he viewed it in the very traditional role of being an academic leader, [05:01:00] and I'm not sure he knew what he was in for. But, here I'm jumping the gun a little bit, but I recall, after one of these meetings, when we sat back in this very stressful combative atmosphere, I recall his saying to me that, [05:01:30] "When I aspired to and took this job, I had, in my mind, the traditional role of a chancellor for this campus, so I didn't expect I was going to be heading up an army, and being involved in combat", as a role into which he was thrown by virtue of what happened, starting [05:02:00] with the disturbance and so-called riot on October 18th of '67.

I suppose it's best if we probably just shift to a discussion of what happened on '67 and how I was brought into this. I can't recall, specifically, the day that I got involved [05:02:30] but I ... Oh, I'm sure it was by virtue of the continuing relationship I had with Ralph Hanson, because if Ralph and I consulted about relatively petty things before that, you can imagine after the riot, we were to get the very next day as to what happened and where do we go from here, and when I just glanced back at some of the files, I realized [05:03:00] that within the days ... the next day and on, Ralph and I were making notes and writing memos as to what happened and where do we go from here. And so, I'm not sure who introduced me to the campus administration, but from the day of the CIA riots on, [05:03:30] I found myself spending a chunk of my time, everyday, dwelling on these issues and the role of the police, and spending time with the chancellor, and in lesser degree with Fred Harvey Harrington, the president, because, while he had been elevated to president of [05:04:00] the whole operation, he still had very much of a foot in the Madison campus. He wasn't here the day of the disturbance, he was in Milwaukee, but he came back and was fully supportive of what the chancellor was doing.

I think it's worthwhile noting now just [05:04:30] how ill-prepared we were for anything like this. The disturbance has been fully documented elsewhere, we need not go into that, in the Commerce Building. But the questions that arose that day ... Once the police found themselves in an absolutely overwhelming ... the campus police, [05:05:00] in an absolutely overwhelming situation, the decision, and it wasn't an easy one, was made by Ralph, the chancellor, Joe Kauffman, the dean of students and others who worked out their staffs, but they had to turn to the Madison Police Department for help. And these [05:05:30] relationships had not been established. That is Ralph had it, a relationship with the Madison Police Department, but I think I ended up introducing Fred Harvey Harrington to the chief of police of Madison sometime in the context of our meetings after the CIA demonstration, and the same was probably too of Bill Sewell, although I can't recall that I was involved in making that introduction.

[05:06:00] But the call went out for assistance from the Madison Police Department, and it's been thoroughly documented as to how they responded. But I think it's important to recognize that it was not unlike just a call being made to the police for a brawl elsewhere [05:06:30] in the city initially, except this was on the campus with students that hadn't thought very much about it, and the police came in, they were equipped primarily with batons, or as they called them I think "riot sticks" in those days, and helmets. And, by the way, I think, given our experience from recent years, it's important to know that there's hardly any talk, any reference, throughout [05:07:00] all the stuff, to firearms, use of weaponry. I don't think any of the notations and the documentation talks about the place for deadly force in any of the situations. It escalated on the day of the riot, ultimately, to the use of tear gas as [05:07:30] weapon or strategy.

But, I think it's fair to say that there was almost no thinking about how such an event would be handled prior to its actually occurring. No plan as to who would be in charge, [05:08:00] what strategies would be used. It was just a call for more help, and the police mobilized, and to try to do that, I think, at the height of the disturbance, some 50 or 60 Madison police officers came around to the campus, where as the university police were totally overwhelmed in [05:08:30] their capacity to do anything when the students tried to shut down the interviews. Even the response of the Madison police officers was not adequate just by their being there, and ultimately the crowd dispersed through means of tear gas.

[05:09:00] My recollection is that the only thing they went in [inaudible 05:09:10] strategy was just the caution on the part of Chief Emery, in reconstructing the thing, that the officers be cautious in the use of their riot sticks. And I say that to make [05:09:30] clear that the primitive nature of the response. There was no set policy training, strategy in place or anything like that. And so, what happened was predictable and just happened.

[05:10:00] Needless to say, that blew everybody away and was the beginning of a period of time in which the administration, the campus police, were in constant turmoil and in constant meetings [05:10:30] to anticipate what might occur next. And to plan for what might occur next. These meetings went on late into the evening. They consumed weekends. Everybody was groping and feeling [05:11:00] their way. While there was obviously a great concern to reflect on and learn from what happened on October 18th, everything was focused on what was going to happen with regard to the university's policies and practices [05:11:30] in conducting these interviews into the future.

There was a very strong, strong commitment to the position that the [05:12:00] university could not terminate the interviews. That it was imperative that the opportunity, as a matter of principle, the opportunity for interviews continue. Before everybody had an opportunity to recover from what happened on the 18th of October, plans went forward [05:12:30] for rescheduling the CIA interviews. I vaguely recall there were some interviews with the military that may have been combined with that. Those were ultimately scheduled for November 20th. It was in the context [05:13:00] in preparation for that, that the first massive investment of planning was made. As to what the role of the different police agencies would be ... [05:13:30] and what their strategy would be in the handling of the protection of the protests.

What I'm trying to express here is that there was a great deal of rush to move from analysis of what went on, as a result [05:14:00] of those lessons, to implementing plans to avoid a similar situation in November. And that required an enormous amount of negotiation because everybody was on uncomfortable ground as to what the role of the university police was and what the role of the city police. [05:14:30] But each were dependent upon the other. I think it's correct to say the university was much more dependent upon the city police at that point because they could not have carried this off on their own.

One of the major sources of tension, [05:15:00] as is obvious, predictable, was that the university was concerned about carrying this out in a manner that maximized the opportunity for the event to occur, the interviews to occur, and that maximized the opportunity to carry those out in a way that [05:15:30] minimized conflict and violence. From the beginning, there was an enormous amount of tension with the city police in that, at that time, before any police agencies had much experience in handling protests of this magnitude, there was [05:16:00] a tendency to want to resort to traditional police tactics, which might be those that they have used in dealing with a fight that broke out at a football game or at a bar. And there was a rush to arrange for arrests and taking people into custody.

[05:16:30] In the planning for the recruitment for the interviews that were to follow in approximately a month, a lot of effort at these various, numerous meetings that were held, went into strategizing and thinking of techniques, procedures by which the [05:17:00] interviews might best be held. The first thing that was done was to move it away from central campus where all the students were present, could drop in with an intense desire to participate or just as observers, "let's see what's going on." And that's what occurred at the Dow [05:17:30] proceedings. Many of the students just walking up and down Bascom Hill joined in the fracas.

And so the interviews in November were taken off of central campus and conducted in the Memorial Building next to the field house, thinking that there was plenty of space there. It [05:18:00] was away from the flow of students, and it could be much better controlled. Everyone was then forced, including the Madison Police Department, to ask the question, "well what do we do when we run out of our own resources, not just of the campus police, of the Madison Police, but beyond?" [05:18:30] Arrangements were made through these mutual assistance pacts for police from all over the state to come in as backup but again, as part of the strategy, the lessons learned was that a show of force was itself very provocative.

I recall that at the interviews held [05:19:00] ... I'll refer to that as Camp Randall ... all the police from outside the state, and there were hundreds of them over whom the campus police had very little control, had almost no training, and there wasn't time to provide training, [05:19:30] were brought in and they were standby being held in the field house with the hope that they wouldn't be used or have to be used. The campus police were assigned most directly to the rooms in which and indoor area [05:20:00] at which the interviews were held, and the Madison Police to securing the building, but in a discreet manner, so that it was not a show of force. An enormous amount of effort went into that, and there are in the files many, many memos that outline each detail of it.

I recall one of the ... Apart from [05:20:30] being a participant in all the discussions and try to help sharpen the issues and the points based upon the limited experience I had had in handling major demonstrations in Chicago, and there they were all focused on race relations, so my involvement in Chicago was

with regard to protecting large areas of the cities [05:21:00] from protest with regard to open occupancy or assuring as peaceful integration of the beaches and parks in those days. I was able to ... and the administration agreed that since I knew these individuals, I could handpick one or two people from Chicago and [05:21:30] got authorization to bring them in here to consult with both Chief Emery and Chief Hanson as to whether the bases were covered before the event in November, the recruitment in November of 1967. They were very helpful, extraordinarily [05:22:00] helpful in reviewing the plans and making suggestions and drawing on the best expertise that had been accumulated up to that point in how best to plan for that event.

[05:22:30] I think, without going into all the details, it was a nerve-wracking sort of experience, because I, more than anybody perhaps, was aware of the lack of training and ability of an odd assemblage of police agencies, having been brought in from other jurisdictions and just hoped and prayed that there would be no need to use them. [05:23:00] I think it's fair to say in retrospect that the kind of planning that was done minimized that. I don't know how much of it was police planning and how much of it was the sensitivities of the students and the protesters. There were protests on the grounds, but the interviews were not disrupted. They were carried out effectively. A [05:23:30] large number of students, I think well over 100, interviewed with a minimum of disturbance, and conflict. That was considered to be a success under the most strenuous of circumstances.

Those two events sort of defined [05:24:00] and guided much of what subsequently occurred, and I think the administration of the University, the Chancellor, his staff, the Dean of Students, his staff, and we brought in George Bunn, who was a member of the faculty of [05:24:30] the law school, who sort of became legal advisor and sat in on all the meetings. That set sort of a pattern for the immediate period that followed.

[05:25:00] The recollection of those meetings in the Chancellor's office in Bascom Hall left with me a picture that I will never, never, never forget, because those of you been in the Chancellor's office know it's a very August looking room. It has [05:25:30] paintings of former administrators on the walls. The very thing you would think of as the office that housed the head of this long-established and distinguished university. To be sitting in there, drawing up battle plans of sorts, [05:26:00] was so incongruous and uncomfortable, especially for the administrators. It was an extraordinary exercise, because we were bringing together people of such different orientations [05:26:30] and trying, in a short period of time, to create a common understanding of how to handle matters on the campus.

They even had trouble establishing a common language. One of [05:27:00] the key participants was the Sheriff of Dane County, Jack Leslie. Jack was a very earthy character and he would use very earthy language around this table in expressing his feelings toward these students who were calling him all kinds of earthy [05:27:30] names. It was in large measure an exercise in trying to tame

that element and educate them as rapidly as to the interests that the campus had in pulling all this off. At the same time, the police had to educate the administrators [05:28:00] as to the complexity of a small number of police people having to deal with the emotions of the students and being put in the position of being the buffer, knowing that, to the extent to which they could be made the enemy, that contributed to the goal and the purpose that the students were trying [05:28:30] to achieve. The police were terribly vulnerable and became the target.

I think it's fair to say in the end that the two interests learned a hell of a lot very rapidly about each other, but more importantly, came to respect each other. In that respect, [05:29:00] it was a marvelous sort of exercise. I attribute most of the success for that effort to the University's police chief, Ralph Hanson, who became a translator, a mediator, a strategist in bringing [05:29:30] all these people around, and who could talk to both sides and suggest language, suggest strategies that would represent a compromising sort of situation that was designed to achieve and work through the enormous conflicts and conflicting pressures that the University was under. One has [05:30:00] to recognize the background throughout all this stuff with the legislature looking on, with the people at the state looking on, and not having the kind of understanding we had within that room that I described. There was this audience out there. There were several audiences. There were the protestors, there were the mass of students who were not involved in the protests and then there was the faculty and there [05:30:30] were the people of the state. What are you doing down in Madison? Why is this happening?

In these strategy sessions, I recall one aspect of it that was particularly poignant, and that is ... On the Saturdays and Sundays [05:31:00] that we met in the office, the question was, "Well, what's going to happen tomorrow?" We were just a few inches behind the students and the protestors in thinking about that. I recall one little vignette that illustrates the tension. At the end of a meeting on one occasion, [05:31:30] Chancellor Sewell, for sort of reassurance, having worked through the whole day, these tensions as to how we were going to handle this thing, said, "Well, are we all set for tomorrow?" If it wasn't Sewell it was one of the other administrators, "Are we all set for tomorrow?"

That kind of a question [05:32:00] always prompted me to remind the group that we were terribly vulnerable. On one occasion, I recall distinctly saying, and I repeated it over and over and over again in the weeks and months that followed, that our capacity to think through what might happen the following day [05:32:30] was entirely dependent on the imagination and resourcefulness of these thousands of students who were involved in these protests. This was a college campus. These were bright students. They had unlimited capacity to think through how they were going to express themselves, and it was misleading for us to assume that we were on [05:33:00] top of the situation at any one time. We were extraordinarily vulnerable. I didn't want to express very often the worst thoughts I had about what they could do, and one of those

subsequently materialized in the Sterling Hall bombing. Those things were always on my mind.

[05:33:30] Humor helped us a great deal, and one of the people who had the greatest and best sense of humor was Ed Young, who was present through much of this. I'm vague in my recollection of what his specific position was at the time but he subsequently, as you know, became chancellor. I think he was working with central ... Harrington's [05:34:00] office at the time.

REEVES: Maybe. I guess I haven't looked at in a while but I thought he was ...

GOLDSTEIN: An assistant vice president or ...

REEVES: Maybe, because his background is in ... Was his background in economics?

GOLDSTEIN: Yes, yes. He was in economics and labor. But his sense of humor was wonderful, and often was the lubricant that got us through. I recall one of his comments was, he said [05:34:30] the one thing that we had going for us is that if you had to deal with something approximating a revolution, it was a good situation to be in when you knew that the people involved in the revolution usually didn't get up until noontime. We often had mornings in which to recover and worry about what was going to happen starting at 1:00, 2:00, 3:00.

[05:35:00] I have not made any effort in these comments to chronicle what happened betwixt and between all of these things, but there were protests every day while all of this was going on, of varying magnitude. It wasn't just a matter of moving from [05:35:30] one event to another. Ralph Hanson would often leave the meetings because there were things going on, or Bill Emery would leave the meeting, that they would have to respond to. In reflection on this ... [05:36:00] I think it's important to note that there were a lot of accommodations made by various entities involved. I am particularly impressed, as [05:36:30] I think back over it, the accommodations that were made by the Madison Police Department in that particular period that they, much more so than the sheriff who was always dragging behind and we always had to sort of bring him on board. They were very ... Chief Emery and his people, I think [05:37:00] progressed at a very, very rapid rate in their response to these matters and were on board with regard to many of the more restrained policies that were being advocated by the campus and by Chief Hansen.

As an illustration of that, at the interviews on November 20th, [05:37:30] Chief Emery, from the outset, insisted that there be a show of force at the Memorial Building where the interviews were held by stationing officers, and at that time it would have been in a more enhanced riot gear, more so than just sticks and helmets, [05:38:00] outside the building as a way of pronouncing that the police were here and these things were going to go forward. The university administrators, the university police and myself, argued strenuously that the presence of ... That kind of presence was provocative and sort of invited

[05:38:30] a more stepped-up demonstrations and that it was far better to have police on reserve in the field house and out of sight, or in plain clothes, than to have a massive show of riot equipped police. While Chief Emery fought that very vigorously, [05:39:00] he subsequently agreed to our approach and it was, and I think that contributed to the success of the operation.

While there was enormous cooperation in the matter, that's not to say that there weren't very sharp differences of opinion [05:39:30] in the initial planning of some of these events. How are we doing for time?

REEVES: I think we have a few more minutes. Yeah, we have a few more minutes.

GOLDSTEIN: I think that it might be well to ... Oh, hm. It should move very [05:40:00] rapidly. As a consequence ... Boy I got lost in that. As a consequence of all of that effort and after the successful recruitment staged in September, in the Summer of '68. I was asked to produce, to make a massive study of [05:40:30] the University's capacity to police under the kind of conditions and to confront the circumstances that the campus was created, was experiencing. And this request came from the Board of Regents' President Harrington. And so I did a study, a massive study with Ralph's great involvement of protection and security, [05:41:00] as it was called then policing on the campus. And also on all the other campuses of the University. And submitted that study to the Board of Regents. This massive material relating to that study hopefully will be in the archive. And it came out with a whole series [05:41:30] of recommendations for strengthening the police, for coordinating them, for giving them new powers and authority.

The local, the campus police were under the, they were under the control of, as I recall, the grounds people. The administrators [05:42:00] concern with the grounds, their authority was defined based upon the campus being a park. And their authority was extremely limited. I think it was equivalent to conservation officers initially. And they were ultimately deputized by the Sheriff, so they had full police power in order to function. [05:42:30] But this called for looking at the State statutes, looking at their authority, the use of firearms, the power to arrest, their status, their salary, both on the Madison campus and elsewhere. And so that was a very very comprehensive overall [05:43:00] view of, study of the operations. I recall I had, as an interesting highlight here, I had the assistance of, Willard Hurst's young son, Willard Hurst having been on the law school faculty, as a research assistant on that project, and he subsequently himself became a lawyer and a member of [05:43:30] a law faculty elsewhere in the country.

This is a major major major leap but I think it's important to get this on the record, is that while this was going on there were other things happening on the campus. Crime was increasing around the country. Violence was increasing. Student protest [05:44:00] was spread all over the country. In '68, we had the fire bombing of South hall. In '68, we had the Christine Rothschild murder on

the campus. So lots of questions about are our current resources adequate? Should Madison campus police be expanded?

[05:44:30] While this was going on the tensions in the State as a whole were increasing in terms about, I had a feeling, how well the campus was dealing with what was happening on the campus. And so shortly after, as I recall, this was the sequence. Shortly after I finished my report to the Board of Regents, to address a lot of these issues [05:45:00] and prepare, not only this campus, but things were beginning to happen on the Milwaukee campus. There was need for relationship with the Milwaukee police department. I recall going to Milwaukee with President Harrington, and going for a visit to the Chief of Police in Milwaukee. And that is a very humorous sort of thing because [05:45:30] the Chief of Police in Milwaukee was an Emperor in his own right in those days.

And I in the company of President Harrington went ... He wanted to see us and we wanted very much to see him to find out what his relationship might be with the Milwaukee campus should any event occur there. And [05:46:00] because he had this emperor type quality to him and President Harrington enjoyed this enormous status and state. I sat with President Harrington for a substantial period of time in his outer office as he purposely, I believe, had us wait to meet with him. And President Harrington by various things that occurred in that meeting, [05:46:30] the Chief made it very very clear as to who was in charge and who was calling the shots. And he had heard a lot about what had happened on the Madison campus, and he was determined to make sure that that did not happen in Milwaukee.

But once again I was the intermediary having met this Chief and knowing his characteristics tried to work with him, and I was on speaking terms with him. So [05:47:00] we had a meeting, which ended up being constructive in terms of these two people getting to meet each other, but it was a very very cold awkward meeting. And fortunately we never really had to call upon the Milwaukee department as best I can recall in the Milwaukee situation.

But at this time the legislature was getting very upset [05:47:30] about what had happened on the campus. And a proposal was introduced in '68, I believe, to abolish the University police. This was led by Jim Klauser, who was a member of the staff of Speaker Harold Froehlich of the legislature. And [05:48:00] the legislation was introduced by Speaker Froehlich. And the argument was that the campus police were inefficient and inadequate in their handling of their policing function on the campus. That it would be a relatively easy thing for the Madison police to take over the job and just incorporate the campus [05:48:30] as just a neighborhood within the city. And that this could be done if there was need to augment resources, it could be done by a contractor. And at that time everybody was feeling their way on who was going to pay for all this stuff in bringing police in and compensating for the police that were being used, et cetera.

And [05:49:00] I'm a little vague in my recollection to the sequence here, but my recollection was that it was among the various protests that followed, there was the protest with regard to black studies. And it was in the context of that protest and the concern about how previous matters had gotten out of hand that the University in [05:49:30] collaboration with the governor decided to bring the National Guard onto campus to augment the police. I was very much in favor of that, because I felt that the Guard as a restrained force, as a trained force, even though they were not trained in protest on the campus, would do a much better job than this odd assemblage of local police departments that were our back up earlier [05:50:00] on. And so the Guard was brought out to the campus on several occasions, and this too highlighted the legislature's feeling of the inadequacy of the arrangements that were in place. I should also add there: that is a long story in its own right, in that one of the reasons I was very much [05:50:30] in favor of the Guard was ... While that was thought up as an extraordinary measure, to bring the military in, the reality was that many of the officers serving in the Guard were students. I think that the students on the campus identified more with the Guard than they did with the police.

The people in the Guard were more responsive to their role [05:51:00] on the campus, the sensitive nature of that role, than the image would suggest of this being an extraordinary turning it over to the military. And the relationship between ... I know that Ralph Hanson found it easier to relate to the National Guard and its commanders on the campus than he did to the multiple local police departments that were brought in [05:51:30] onto the mutual aid arrangement.

Let me move back to the movement in the legislature. That was ... As I said, that was led by Senator Froehlich, and his staff person was Jim Klauser, and ... Mr. Klauser conducted his own report, which is in the files in which to support the legislation in which he attacked my report [05:52:00] on the campus police and the recommendation that we expand modernized trained ... Part of that report was that we have a core of members of the police force that were themselves students who would better relate to the students on the campus. There were a lot elements like that to try to bridge the gap between the police and students.

His report was highly critical of mine, and [05:52:30] indeed there was some confusion at one point in that he maintained before the legislature that I had made the claim that the campus police were inadequate. And I had to do a lot of report writing and letter writing to Governor Knowles and others to direct their attention to my report and to indicate to the contrary. My report [05:53:00] strongly recommended that the campus have its own police and develop a police force that was uniquely suitable to dealing with students - that would have student input, that would develop policies for the campus, et cetera - whereas Mr. Klauser's report argued that the incidents [05:53:30] on campus were relatively minor and that it could ... Especially Madison campus could easily be incorporated, just by the reassignment of some Madison police officers to the job of policing the campus.

That conflict played out over a year or two [05:54:00] in the legislature, and there were numerous hearings. I participated in those hearings and testified as to the importance of having a campus police. The university administrators all testified. Deans of students, students themselves, [05:54:30] members of the law school faculty, on one side and on the other side the legislature had several other people. I forget who, but among them in that particular period, Chief Emery sided with the legislature in arguing that the Madison police should take jurisdiction. Now, one of the central points here was that apart [05:55:00] from the accumulated feelings about how the university handled the protest, drugs were becoming a greater concern. And the legislature was very critical of the ... Took the position that the campus police were [05:55:30] laid-back in their enforcement of marijuana laws and other drug laws.

They argued very strongly that responsibility for enforcement - all enforcement - especially with regards to drugs could better be done by the city police. There [05:56:00] are numerous memos in the files that set out all the details that ... And here's a role - I suppose if I make it more personal here - A role that I was able to play by bringing together and expressing and researching and documenting support for all the arguments to maintain a campus police force that would be under the control of the campus rather [05:56:30] than have a campus administration that was entirely dependent upon an outside police force.

That outside police force would have its own mandate coming from I-don't-know-where, state statutes, the city, as to how the campus was to be policed. The bottom line here is [05:57:00] that legislation was never adopted, and additional funds were made available for expansion of the campus police.

Another major element in all this was that, apart from making more money available, all these considerations led to a substantial [05:57:30] increase in the level of training for all the police involved - on the campus, in the city, and more broadly in the state. It gave rise to the need for elevating the quality of training for police throughout the state.

There were some innovative programs advocated, but there was a big push to commit to [05:58:00] the drawing of college graduates into policing and to educate the officers ... Provide educational opportunities for the people who were already in policing to create a cadet corps of students to support the police on the campus and drew attention to the fact that, as a university, the university has an obligation to create [05:58:30] the educational opportunities that would meet those needs as a means to elevate the quality and the status of police serving not just the campus, but city police forces as well.

REEVES: Well, I think we've reached the end of our time today.

GOLDSTEIN: Yeah, I assume so.

REEVES: So, Herman thank you so much, and this concludes this interview.

GOLDSTEIN: [05:59:00] Yeah

REEVES: All right. Good morning. Today is January eleventh, 2017. Wow. My name is Troy Reeves. I'm with the UW Madison Oral History Program, and we are here interviewing Herman Goldstein. All right, Herman. As usual, could you say your name and spell your last name?

GOLDSTEIN: Herman Goldstein. G-o-l-d-s-t-e-i-n.

REEVES: Thank you. So, we have a couple of follow-ups from last [05:59:30] session, which was about the Vietnam era, and then we'll move on to some of the national organizations that you have helped to found. So, I really only had a couple of follow-up questions from last time. They weren't even really follow-up questions. They were questions we didn't really get to.

GOLDSTEIN: Right.

REEVES: So after we turned off the recorder, you talked about how the Madison police had ... Well, basically you talked about the Mifflin Street block [06:00:00] party and the issues that came up because of that. So let's start there.

GOLDSTEIN: Okay. I raise to—do you want to refer to the [inaudible 06:00:14]

REEVES: Oh, sorry, yeah. And then we should also say that there was also an addendum, or an errata, if you will, so go ahead and do that first, Herman, and then talk about the Mifflin Street.

GOLDSTEIN: I just wanted to make clear that in our last [06:00:30] interview, I referred to being invited, shortly after I got to campus, to conduct a study for the city. That was my introduction to working with the Madison police department. That invitation was issued to me not by Mayor Fikey, but Mayor Otto Festge, F E S T G E, and [06:01:00] that led to my involvement in the Madison department for the first time, and working with them to try to resolve a question.

REEVES: All right. So now the Mifflin Street block party.

GOLDSTEIN: As to the Mifflin Street block party, I jumped immediately to that and don't want to ignore the fact that there were a lot of incidents and protests [06:01:30] and confrontations that started after the CIA situation at the commerce building, the Dow episode. And they were on campus. They were off campus, and they presented new challenges for the campus police, for the Madison police, [06:02:00] and for the administration in how to respond to that. And they were incidents that occurred off campus, where they were concerned about the students involved, and while they took place in the community, off of the campus, issues arose about whether the University had a responsibility to

discipline students who were alleged to have misbehaved [06:02:30] off campus.

And so a lot of those complex issues began to arise at that point, handled by or processed, considered by the Dean of Students office, which was headed by Joe Kauffman. But I am, for purposes of this interview, just zeroing in on some of the major [06:03:00] incidents that occurred off campus and got a lot of attention. And one of them, which occurred in 1969, was the first so-called Mifflin Street block party. That was the first major one, as I recall it. And it was a confrontation between [06:03:30] students who were in a strange blend of celebrating in anticipation of the end of the academic year and also with a heavy dose of protest against the Vietnam War.

It also was a strange blend in that it was a social event, to a high degree, [06:04:00] mixed with protest, and lubricated by the alcohol that was being consumed. And so it made for a very volatile mix. And that first year, the police were very inexperienced in handling an episode of that nature, [06:04:30] and there was a substantial amount of violence, and things got out of control. Because they were the overtones of the students being aligned against the police, and the police being aligned against the students. And all of the initial complexities [06:05:00] that occurred in the context of the Dow episode showed up in that, you know, in aggravated form.

That is, you had police who, without very much in the way of past experience in episodes of this kind, committed to a narrow concept of their role as enforcing the law. [06:05:30] And that led to an orientation which was confrontational. And there was aggression on the part of both the police and the students, with the students angry at the police as a symbol of authority and control. And in those days, it all [06:06:00] was articulated in the expression that the police used, in calling the police pigs. And that was used commonly to provoke the police.

We came to realize in the Mifflin Street episode that another phenomenon, that was slow to be recognized widely, and that is that the [06:06:30] capacity of the police was limited. That a small number of police officers, contrary to the deeply embedded notion in the minds of the public and the police, was that they were omnipotent. They were capable of handling anything. But the reality was, when you had small numbers of police committed to controlling [06:07:00] these large, disorderly crowds, it was clear that they were often overpowered. They could not be everywhere, every place, and take actions that were effective.

So it started in a very crude sort of way, and I think it's just worth noting here, maybe in jumping ahead, that each year, the police learned more about how best [06:07:30] to handle that Mifflin Street demonstration in terms of planning, in terms of investing ahead of time and prevention, investing in communicating with the individuals who were likely to be involved, in reflecting on regulations and city ordinances that might have relevance. And I think [06:08:00] some changes were made in that. In committing themselves to, each year, in an

increasing fashion, to de-escalating the thing. And one of the terms that emerged in that period was the use of soft hats, that is police remove their traditional police hats, and [06:08:30] that was a symbol of the fact that we're not here to hit you over the head or to get you in line, but to help you in the celebration.

And so they increased the kind of low-key sort of approach, posture, they were not confrontational, and that had great value in reducing the number of arrests. [06:09:00] And a substantial investment was made, I thought, on the part of both the students and the police, in trying to pull those annual social events off with minimum arrests and certainly a minimum amount of violence.

REEVES: Can I jump in?

GOLDSTEIN: Yeah.

REEVES: So, [06:09:30] from your memory of it, these early Mifflin Street block parties, were the campus police or campus safety involved at all in those?

GOLDSTEIN: Yes. They would assist, just as any police department was called upon to assist, when a municipality asked for help, but I think there was a special relationship that had developed by then between the campus police and the city police. And I can't [06:10:00] say with certainty my recollections as to whether or not the campus police were on the scene in the Mifflin Street incidents. I cannot recall that.

REEVES: Okay.

GOLDSTEIN: But by that time, the relationship between the two agencies was so well cemented that there was a great deal of cooperation in responding to incidents [06:10:30] occurring both on campus and in the city. And the lines between the two agencies were not rigid.

REEVES: Okay. Anything else you want to say about Mifflin before we move on?

GOLDSTEIN: Well, one could say a lot about it, but I just wanted to provide that kind of elaboration and put it in the bigger context. The other event that occurred that redefined [06:11:00] things was in 1970 the following the year, in August, with the Sterling Hall bombing, and I seem to recall the oral history program has a whole collection of materials on that. So I would add just my observation in terms of putting that in the context of this interview, that [06:11:30] as I reflect back on the bombing, which was a shock and produced enormous trauma on the campus, on the part of both the police and University administrators was the redefining incident in the evolution of student protest on the campus. With regards to the anti-war protest. [06:12:00] I think, literally, symbolically, and perhaps even literally, the bomb, the explosion got people's attention.

The death of one of the members of the university community [06:12:30] sort of sent out a shock that afforded an opportunity to reflect on the limits of violence, the limits of protest ... when they extended to the point where it cost a human life. And I think it's important just in the context of what we have been discussing generally, to acknowledge that this [06:13:00] had a calming effect on student protest, in my view ... and was a turning point where there was greater discipline and greater care in how the students were expressing themselves in the response to [06:13:30] the war.

REEVES: Okay.

GOLDSTEIN: Now, that's obviously hardly an adequate coverage of what the police involvement was in the Sterling bombing, etc. but I leave that to the other records that have been entered into the archives. Just briefly, you asked if I might reflect [06:14:00] on that period, and on my role and in doing so it occurred to me that I ended up in a somewhat unique role of being the intermediary between university leadership and the police, both the campus police and the Madison police.

[06:14:30] Now, being the intermediary between the campus police was easy because as I mentioned, Ralph Hanson who was head of the police was highly sophisticated in his capacity to handle these things, and he didn't need much in the way of outreach or efforts to influence. For obvious reasons, he was part of the campus ... he [06:15:00] was an employee of the campus, and also he in his personality and his orientation was very sophisticated in what he saw as the appropriate police strategies for dealing with this. But with regard to the larger community whether it was the Madison police, whether it was the National guard, [06:15:30] whether it was police from other jurisdictions.

What that whole experience left with me was a newfound realization on my part of the enormous cultural gap between the leadership on the campus, the faculty, [06:16:00] the students, and the culture of policing. Being thrown into that ... I was on tap but not on top. I was available to both the police and to campus [06:16:30] administrators, but I was not making the decisions. It was an extraordinary experience because while I may have been seen as helpful as bringing these parties together, I learned a great deal in the process. I came to realize that in society generally, there was an enormous gap [06:17:00] between the police and those who were policed. And it was a cultural gap.

The police had a fairly narrow perspective that their job was to enforce the law, to fight crime, they ... handling protests [06:17:30] and dealing with ... for the protection of Constitutional rights, for many of them it was something they had never been involved in. Although we assume that if the need came up, they would perform it, but not much thought had been given to that function. Yet, if you reflect on what the role of the police is in a free society, protection of Constitutional rights, I [06:18:00] would rank it higher in priority than dealing with crime.

So it took some big leaps to take police out of their comfortable position of being enforcers, and making arrests, and expecting if they told somebody something they would do it. In that comfortable viewing they had that we had uniforms [06:18:30] and badges, and guns, and when we spoke, people would listen, and coming around to realize that they had this much broader function to facilitate the expression of free speech, etc. Coming around to recognizing they were not omnipotent. They just could not deal with this thing. [06:19:00] They had to, ultimately, come to the realization they had to work with the people who were involved in the protest to get their cooperation so the situation was manageable, and that their job was to facilitate the expression of free speech for example. To come around to recognizing that the answer to every protest, every confrontation, was not arrest, [06:19:30] but the de-escalation and the investment in the prevention upfront so that these episodes, these incidents, these protests, could be handled ... could be effective. Could accomplish what people wanted to accomplish without resulting in violence. [06:20:00] And that called for tremendous stretch on the part of police officers who had this narrow stereotypical view of what police did, but it also called for a stretch on the part of the academics who were involved, who maybe socially, culturally, felt [06:20:30] 180 degrees removed from police in the kind of atmosphere that was considered the prevailing atmosphere on the campus, and called for their recognizing that, yes, we do have need for police in society and, yes, the police have to ... we [06:21:00] depended upon them. We have to call upon them to help us deal with some of these things and, therefore, yes, we have to relate to them, and we ... if you're in an administrative position, you had to work with them.

And so, what we saw come out of this was, while people weren't sensitive to this, while they were doing it, they wouldn't articulate it as I'm now doing it in retrospect. They [06:21:30] developed means for talking with each other, for relating to each other, and I dare say ultimately they developed some respect for each other. The police learned much more about constitutional rights, free speech, the kind of environment we were trying to, were committed to maintaining on the campus, and how a faculty committed to learning [06:22:00] and to creating a supportive atmosphere had a vested interest in trying to maintain that atmosphere. The police learned all of that, and on the other hand, the academics learned a lot about the strategies of policing. They learned initially that the police had never confronted these things in the past, but by communication, by frequent, frequent meetings, and [06:22:30] ultimately by training, each party came to understand the needs and the mutual dependency of these agencies, these interests that were, to start with, very polarized and not very understanding of the other group's roles.

[06:23:00] And I think ... as I reflect on that, that gave us a preview of what the challenge was to be ... as police confronted [06:23:30] issues in urban areas, that ... one would have to line up the dates and the chronology of this, but we then had the series of urban riots from starting with Watts and Los Angeles, and all the way through to the riot that really established [06:24:00] or addressed ... raised questions about campus disturbances with the shootings of Kent State.

The tensions that I observed here on the Madison campus surfaced in much more aggravated form in these other contexts and, indeed, those have not been resolved [06:24:30] to this day. But, I think they informed what happened later and we have been in a constant state of evolution, and so it's not surprising that the national studies that were made and commissions that were appointed have dealt with some of the same issues, but in different [06:25:00] form through all these years.

So, today, in 2016 and 2017, as we experience a crisis with regard to shootings by police, examination of them and the challenge of how to reduce them and tensions that rise to them [06:25:30] ... they are dealing with some of the same issues that we were dealing with back in 1968 and in 1970, trying to address and redefine the police role and how they can best respond to the complex social issues [06:26:00] that arise in urban areas. I should point out that, returning to the campus, that evolution took a dramatic change [06:26:30] in 1972 when the City of Madison had need to select a new chief of police.

Now, despite the fact that I portray a picture of constant evolution, there was still a lot of tensions, and the tensions arose more in [06:27:00] subsequent years from the demonstrations out in the community with a lot of pressure to draw the line on these things, for the police to become more assertive. They also developed, with regard to a sequence of events in which the reaction to what was happening on the campus from citizens and the rest of the state resulted in pressures [06:27:30] from legislators elsewhere in the state, to impose stricter requirements on the police role in Madison and on the campus. I spoke last time of the pressure in the legislature to eliminate the campus police and have the needs on the campus fulfilled on the Madison Police Department. So, [06:28:00] when the then-chief of the Madison department retired, there was this need to find a new chief to head that agency.

I think it's poignant ... it's a great insight into the state of mind at that time of everybody [06:28:30] involved, that when I was first asked for assistance in recruiting a police chief for the City of Madison, I tried to refrain from getting involved because I felt that the lines were clearly drawn and that the decision as to who was going to become chief was going to reflect [06:29:00] the strong polarized positions that had been taken by the legislature, some of the citizens outside the city, the citizens in the city, the campus, and the person who was mayor at the time, although I should point out that the mayor did not have a role or a responsibility in the selection of a chief. It was to be selected by the [06:29:30] police and fire commission. But, I felt that a strong commitment had been made to find a replacement for Chief Emory who would represent a rather harsh and hard posture on policing matters in the city and in the student areas and [06:30:00] on the campus. And I was reluctant to make recommendations for people to come in here without feeling empowered to tell the candidates that I would have recommended, that there was an opportunity for them to bring about a more lightened approach to policing, a softer approach, a non-confrontational approach.

[06:30:30] So when the head of Police and Fire Commission asked me for help in selecting or in recruiting a candidate, I told him very upfront that I didn't feel that I could go out on the limb in enticing candidates to the city, because I had a feeling that a commitment had already been made by the Police and Fire Commission to hire somebody who was more [06:31:00] rigid and wanted to continue to perpetuate more of the stereotype of what policing was, than the kind of policing that I thought we had been successful.

I remember specifically, and I think this account captures the state of mind at the time, that Mr. Stevens who was the head of the Police Fire Commission [06:31:30] ... when he came to me and I told him that I wasn't going to recommend, come forward with candidates, but that I had a number of very enlightened police chiefs who were coming in to speak to my classes at the law school. If he wanted to meet with those individuals to find out what other chiefs were thinking, what they brought to the job, [06:32:00] he was welcome to connect with them and arrange to do that on his own and it didn't involve me.

Mr. Stevens was an extraordinary individual, I subsequently learned. He seriously undertook to meet with I believe three chiefs that I [06:32:30] just happened to be committed to bringing in to meet with my class to talk about progressive policing elsewhere in the country.

One of them was Chief Eigelberger who was from Dayton, Ohio and who we invited to be a police chief in residence for a year here on the campus. He worked with us on the faculty. Another one of those chiefs was Dave Cooper [06:33:00] from Burnsville, outside of Minneapolis, and a former Minneapolis police officer. He headed a suburban police department in Burnsville. It was a combined police fire department.

Mr. Stevens met with Chief Cooper, [06:33:30] with these three I believe, chiefs, and he was enamored with Chief Cooper and had him meet with the ... I think he advanced his name before the Police Fire Commission. I can't recall if he had them meet with him.

In the meantime, the Police Fire Commission had split. It has five members [06:34:00] and two of them were very strong supporters of one former member of the Madison Police Department. The other two were strong supporters of another member of the Madison Police Department. Mr. Stevens ended up supporting Chief Cooper and the Commission was deadlocked [06:34:30] ... and I mean deadlocked. To the point where Mr. Stevens told me at one point, in desperation, that he had called a meeting for a Saturday morning and at that meeting the plan was that ... he told his fellow commission members, [06:35:00] he gave them times when they would have a vote and when they would announce their selection, and that he would head out of the appointment to play tennis, in that order.

The Commission was so deadlocked that the other four members, deadlocked with regard to those two [06:35:30] internal candidates that they ultimately

voted for Mr. Stevens' candidate, who was Dave Cooper. That was significant because Cooper brought to Madison at that time in 1972, a radically different orientation with regard to policing.

[06:36:00] Shortly after he was hired, he took charge and there was a lot of tension in the police department as you can imagine. He took to the streets and when there were protests he, in collaboration with some members of the department who fell into line and who supported [06:36:30] his efforts, decided on a very soft approach to dealing with protests that accommodated the protests, rather than for example, requiring that the protestors only walk on the sidewalk and if they walked on the street they were to be issued a summons or arrested.

I think those who around the time will remember the one [06:37:00] incident in which the Chief, the plan of the department was to be very hard in dealing with a street protest up State Street. The new chief changed the directions, the issue to the officers and actually volunteered to lead the protest, that is, to march ahead of them, not [06:37:30] in protest, but to be present and to lead the marchers down State Street.

I think that was a key event that redefined the way in which the Madison department responded to these things in a much more accommodating and supportive way, and a great deal of the tension [06:38:00] between the students and the police at that point began to dissipate.

REEVES: All right, so I think you want to shift gears or we want to shift gears.

GOLDSTEIN: Yes.

REEVES: I want to give you an update here on ... so I think we have at least a half hour, maybe 35 minutes.

GOLDSTEIN: Good.

REEVES: So, you now want to talk about some of the national organizations that were formed around your work.

GOLDSTEIN: Right.

REEVES: Okay.

GOLDSTEIN: [06:38:30] I had mentioned in an earlier tape that from the time that I came to Madison, we started a lot of outreach programs to police in the state. I've spoken about the work with the governor and the council of criminal justice. I did want to speak about our work nationally, especially as it related to [06:39:00] helping create some new institutions that advanced the quality of policing in the country.

Earlier, I had mentioned that my involvement on the national scene began during my work with the Chicago Police Department. I had a very strong relationship with the people at the University of Chicago and developed a relationship with [06:39:30] the U.S. Department of Justice and participated, for example, in the national conference on bail, which was organized by Attorney General Ramsey Clark. The ethic was to focus attention on the inequalities in our bail system and [06:40:00] ways in which the use of bail could be modified, and in some cases, eliminated, so that the heavy burden in bail that was placed on individuals without means could be reduced. That was one of the major national [06:40:30] commitments, work on the national scene that I engaged in before I came to the campus.

Starting in '68 and really coinciding with a lot of what was happening on the campus and also with the increased concern about crime nationally and then subsequently the various riots that occurred around the country [06:41:00] and the Martin Luther King disturbances, disturbances around the death of Martin Luther King. Being located now at an academic institution and working with, closely with Frank Remington. We were invited to participate in a very central sort of way in the president's commission on crime.

Subsequently in the current commission [06:41:30] on urban disturbances and the heavy concerns about minority communities and their relationship with the police and then as, after the Kent episodes and the increased violence on college campuses. [06:42:00] We work with the violence commission as well. So there were three national commissions and ... Frank Remington and I from the law school have a heavy involvement in all, in the work of the staff of all three of those commissions.

We had very close relationship with the US Attorney General in that period of time and responded to his requests to help [06:42:30] staff seminars that he held around the country to try to communicate with and influence the actions of police chiefs.

I have vivid memories of Ramsey Clark as a very effective spokesperson in appealing to police chiefs around the country to, [06:43:00] sort of, elevate their thinking and see themselves as agents of social change. Rather than just there to suppress disturbances and bring them under control. I thought he was extraordinarily effective in influencing the police chiefs in the country [06:43:30] by appealing to them to rise to a higher plane in seeing their role in this challenge and this crisis.

So there was that activity at the national scene and it was intense at the time, in that period. As we mentioned up front in this [06:44:00] series of interviews my coming to the law school was facilitated by a grant from the Ford Foundation and they remained extremely active in response to all the problems that were occurring out there and trying to support improvement in policing.

[06:44:30] It wasn't two years, I think, after I came to campus, maybe even just one year, that the Ford Foundation gave me a grant to travel in Europe, in England, Norway, Denmark, the Netherlands. To examine their police operations and at that time we were, sort of, naïve. The question was the police [06:45:00] in this country were having so much difficulty in doing, especially with regards to legal issues. Interrogations, accusations of third-degree, other kinds of things. They wanted me to explore how police in these other countries operated and, of course, that was very informative to me with departments that [06:45:30] were not armed, the English police with a very, very strong commitment to civility and see how they dealt with issues. Although their issues were, in no way, as aggravated or as challenging as the crime and the disturbances that we were having in our country.

My relationship with [06:46:00] the Ford foundation was a very close one in those years and whenever they got a request for a grant from a police agency or a academic institution they wanted to do work related with the police. I commonly got involved in the review of the grant and offered them comments along with other people who were asked to comment. [06:46:30] That special relationship that I had with, the gentleman's name was Bill Pincus, at the Ford Foundation, which has its roots in the American Bar Foundation survey that I was a part of, resulted in a decision on the part of the Ford Foundation in 1970 that they could not handle these requests [06:47:00] from the police on an individual basis and that the need and demands for reform in policing were so great that Ford made a grant of \$30 million in creating what they, what was called the Police Foundation.

This was a new organization that was, would be seen as making its [06:47:30] own grants and developing its own staff to stimulate and steer police reform in the country. We were intimately involved in the creation of the Police Foundation. They asked us, initially, to host a meeting at the, which was held at the law school of the individuals. [06:48:00] ... the individual who was appointed director of the foundation, the initial director foundation, a gentleman named Charles Rogovin, out of Philadelphia, the people that he had brought on to his staff, and so the initial planning for what the Police Foundation was going to do was done right here on the campus.

One of the major goals of that effort was to [06:48:30] connect the police field with academia and to try to further the conduct of research on college campuses that would inform police reform. The decision was made then to, for the Police Foundation, to work with four [06:49:00] major cities and develop them as, sort of, laboratories. A lot of thought went into that and there are many memos that were written in speculation and in planning for what the Police Foundation might best do.

...

The cities that emerged [06:49:30] as most committed to that were Kansas City and ... Baltimore, and I believe, Cincinnati.

...

Somewhat reflective of the role that we [06:50:00] played in those days of the disturbances on the campus of being the intermediaries. We served in bringing together the practitioners of those cities and other cities and the new staff of the police foundation. And in ... [06:50:30] I believe it was in 1972 that the Fort Foundation gave us a grant at the law school to bring together a group of people from each of about eight communities for a seminar [06:51:00] that lasted 3 weeks here on the college campus. Out here on the Madison campus. So we had this extraordinary experience of having the commissioners and the police chiefs of this collection of cities on the campus as sort of students for 3 weeks. [06:51:30] And a delegation came from each of the cities that were represented. And the delegations consisted of the chief, some key members of the staff, and they accounted for most of the people present. But we also tried to bring in members of the press from those cities because we recognize that [06:52:00] press coverage and the quality of press coverage had to be elevated just as the quality of policing had to be elevated. And it was important to involve these people in that early stage.

Much was gained by having these people communicate with each other and share [06:52:30] their perspectives, their experience, their plans, and their hopes. I think the fact that they were willing to come reflected their recognition that policing was confronting a very serious challenge. And by [06:53:00] having been selected the message went to these individuals that some of us thought that they had the capacity to bring to bear a new perspective with regard to how to handle the range of issues that were being confronted in urban areas.

We staffed that 3 week seminar with faculty from [06:53:30] the law school and elsewhere on the campus. And we also brought in some academics who we thought very highly of and who had themselves engaged in some progressive experiments in policing. Among them, I am not going to try to name all of them here, but [06:54:00] Egon Bitner from Brandeis who had written some of the most thoughtful pieces based upon ethnographic work that he had done on policing and the insights that he brought to bear. And it was remarkable to sit in on those sessions where, once again the contrast of cultures, the police chiefs were challenged by Bitner. Bitner was challenged by the police chiefs. And [06:54:30] after 3 weeks they ended up, since they were in residence, they ended up having enormous respect for each ... for what each of them could contribute to the other. I think it reflected our own posture and was a common theme for us, that while we set out to be of help to the chiefs in bringing them together. We as academics also stood to benefit [06:55:00] in learning from the chiefs and their experiences.

Another of these individuals was a faculty member at one of the New York Universities, named Morton Bard. I think it was City University. And Morton Bard was a Psychologist and he had developed some experiments in how police might better respond to domestic violence. And [06:55:30] he was giving special training to these police officers. Now that was really avant garde for 1972. But

they all took away a lot from studying with Morton Bard. So those were some dramatic efforts we made [06:56:00] to help the police foundation establish its own agenda. And it has since, it's existed now for all these years, it has had an amazing influence on policing as a well-established institution at the national level. We've not continued our relationship with them and they've gone off in various other directions but a lot of their initial staff, [06:56:30] George Kelly, Marion Wycuff, and several other people were people that they picked up as graduate students here at the University of Wisconsin at the time those seminars were held. And these were individuals that we engaged in the seminar.

Another major institution [06:57:00] ...

I'm going to have to take a break.

REEVES: Okay so I think we have time for probably one more of your ...

GOLDSTEIN: Right.

And in like fashion, the police foundation, which by this time was headed by Pat Murphey [06:57:30] who was former commissioner of police of New York ... [06:58:00] and who was now had been appointed as director of the police foundation. So that transfer was significant in that the relationship was then cemented. That is he had participated in our session here and then he was then the director of the foundation for a number of years. [06:58:30] He recognized, as we did, that the foundation while it started research projects it initially conducted one of the most significant studies in policing, which was the Kansas City patrol project in which they measured for the first time the value of police random patrol, which was a strong strategic commitment on the part of most police departments in the country. And George Kelling [06:59:00] who had been a graduate student here at Madison and who was employed by the police foundation conducted that study and raised questions as to its value. Which, and this was a period in which a number of studies conducted by the police foundation raised questions about the existing strategies of police departments and the investments they were making. [06:59:30] And it opened up the opportunity for experimentation. The value of quick responses to calls, the value of patrol on the street, and the value of a number of different strong commitments that police departments have made. And that then spurred other kinds [07:00:00] of studies as to what might replace those standard procedures.

One of the other things that became apparent was that there was a need to develop police leadership, and to give impetus to the enlightened police chiefs around the country, and give them support. And so the Police Foundation [07:00:30] then gave birth to another organization called the Police Executive Research Forum, which is commonly referred to as PERF. Police Executive Research Forum. And, there were several characteristic of this. One was that it was by invitation, there were I think 14 initial members. [07:01:00] They all had to be college graduates because we were at this point trying to elevate the status of a police chief and set a requirement that a police chief have a college

degree, Indeed, that police officers have college degrees ... And that they be committed to research; that they be open to research, because police agencies rarely open their agencies [07:01:30] to research ...

The Kansas City preventive patrol project was done under Clarence Kelley who subsequently became head of the FBI when he was chief of police in Kansas City. And that was a big breakthrough because they invited researchers into their police agencies. They opened themselves up to research. And one of the commitments of PERF was to be that these agencies ... [07:02:00] that the chiefs had to have college degrees, that they had to be invited in, and they had to make a commitment to opening their agencies to research.

We were very involved in developing that organization, PERF, and getting it going, but most specifically we [07:02:30] were fortunate in that after one or two interim directors for just a month or two, Pat Murphy selected Gary Hayes to head PERF as the executive director. Gary Hayes had been a student of mine here in the law school. Participated in all the seminars [07:03:00] that we had with these chiefs that I referred to earlier. So it was well indoctrinated and informed and supportive of the kinds of things that we were doing. And so he was the ideal person to head PERF. And that again was the Wisconsin influence. And Gary [07:03:30] directed PERF in ways that gave them a strong commitment to conducting research that disseminated the results of that research and he strongly resisted other efforts for PERF to [07:04:00] get involved in matters that we thought would've been diversions. So, we were very indebted to Gary for shaping and narrowing the function of PERF and he maintained it's, what I call "purity" for those early years.

Gary unfortunately was taken from us by cancer, and [07:04:30] died ... and I wish I could immediately recall the date but it was within a few years of his initial service but he established himself very quickly on the national scene as a leading reformer of policing. PERF subsequently had several very competent [07:05:00] directors, but like the Police Foundation it grew in all kinds of directions that we had never anticipated, and one of the big things that PERF has done is that it has become a membership organization. And, it was not based on invitation, but one could become a member of PERF by paying dues.

[07:05:30] And I think it's commitments and it's interests and it's role has expanded in all kinds of directions. I think, on reflection, I would argue that it has had a very strong and positive influence on policing. And there have been times when I have been much more enthusiastic about it's work than I have at others. [07:06:00] It was very helpful to me in getting my work going on problem-oriented policing, and it helped to sponsor conferences that promoted problem-oriented policing ... Published a special newsletter on developments in problem-oriented policing for a long period of time.

[07:06:30] This jumps but I just wanted to insert here that I was recently excited and enthused by a step that PERF made in the current 2016 crisis relating to police involving the shootings by police and allegations of wrongdoing

[07:07:00] in that regard. It has come out with a guideline with 30 steps for getting control of the use of force issue in police departments. That is among the best resources that can be made available to police in the country.

So over the years PERF has done a great deal. It has advanced the importance of education. [07:07:30] One still needs a minimum of a baccalaureate to become a member of PERF and I think it has greatly elevated the quality of police leadership in the country. In that regard I think ... I personally and I think the Wisconsin School should take great pride in having helped give birth to the organization, [07:08:00] and helped to staff it in the beginning, and to guide it in some of its commitments.

REEVES: So Herman you mentioned problem-oriented policing there, so that might be a good pivot for our final session because that's been your work ...

GOLDSTEIN Right for the past ... 30 years

REEVES: All right so that wraps up this session so thank you Herman for your time today, I appreciate it.

REEVES: [07:08:30] All right today is January 17th, 2017. This is the final Oral History session with Herman Goldstein. We're again here in his apartment in West Madison. My name is Troy Reaves. So Herman one last time if you could say your name and spell your last name.

GOLDSTEIN Herman Goldstein, G-O-L-D-S-T-E-I-N.

REEVES: So Herman for this final session we've decided we're going to [07:09:00] talk about your work in the acronym "POP," Problem-Oriented Policing. So you have a lot you want to say so I think we probably just jump right in.

GOLDSTEIN Right. Since it was pointed out in the earlier interviews I've been working on this concept from the 1970s on. The concept increasingly [07:09:30] became my primary focus and that was convenient because it was based upon all the prior knowledge I had acquired and served very usefully as a sort of conceptual framework for my work and for my primary commitment which was to bring about [07:10:00] change and progress in policing and the evolution of problem-oriented policing, I think is, very appropriately, and in a very satisfactory way, captured in an interview, which Professor Sam Walker did, back in 2005, at the University of Nebraska. [07:10:30] He's very, very familiar with my work, and I thought the result of his effort, nicely traced the evolution of my thinking of problem-oriented policing. From the very first stages working with Professor Frank Remington, here at the law school, moving from it's application, to the study of criminal law, through to it's [07:11:00] application to policing, and then ultimately promoting it as a very prominent strategy for improving policing in the country.

So I will not be covering all of that, and the Walker interview is available on disc, at a number of sources on the web. I did think it was important [07:11:30] however, just to be clear on our discussion today, to review very, very, briefly, the essence of problem-oriented policing, in two forms. Sort of one, writ large, as to what we were trying to achieve, and the other, much more instrumental at the micro level of what it really involved.

[07:12:00] So let me briefly try to achieve those two objectives. In terms of the gross picture, and I think this is not fully understood in the field, and in many individuals reference to the concept. This was at the outset, intended as a very radical [07:12:30] change, a very multi-faceted change, in the nature of the police institution. It's holistic, it's not just a simple strategy, like say community policing is, it affects all aspects of the institution of policing. And it builds largely on the insights and the reality, the awareness that we [07:13:00] acquired from the American Bar Foundation study. That is, it moves the police from understanding, it moves us from viewing the police and understanding the police, as engaged in handling endless incidents, to handling collectively, behavioral problems. It moves us from the single [07:13:30] function, single concept that the police are committed to fighting crime. When the individuals are asked, what are the police about? They're our law enforcement officers.

Well, it moves them from the goal, fighting crime, to acknowledging that the police have hundreds of tasks, each distinct to behavioral problem, one from the other. And there's no difference between, there's a big [07:14:00] difference, I should say, between finding missing children and chasing and trying to solve a homicide. And in-between there are hundreds of different variety behavioral problems that they're responding to, including the sensitive ones of protecting constitutional rights and handling protest. And unless one focuses on them, you're constantly engaged [07:14:30] in the stretch as to if you think whether primary focus is law enforcement and crime. Because neither of those are particularly central to handling, effectively these other things. It moves police from the single response, you know, law enforcement, arrest, prosecution, to an incredible range of different responses. [07:15:00] It moves us from viewing the police function as simple; go out and do it! And to recognize it as extraordinarily complex. It invests in the substance of policing, trying to deal with the behavioral problem in the community, in a court with the values that are inherent in a democracy, which is the essence of policing.

Rather [07:15:30] than just the operations of the police, getting cars on the street, men and women assigned to handling matters, it refocuses from the operational concerns to the end product, to how effective are we in dealing with the behavioral problems that arise. [07:16:00] And effectiveness, we get to define that as not just putting people out of circulation, in prison, but solving the problem and solving it effectively. An inherent in all this stuff, is a new commitment, to a field that previously did not have much of it, and that is, to making use of research as a way of building a body of knowledge that [07:16:30] best equips the police to carry out this function.

So if that were all not enough, it restyles the institution of policing, in all of its internal management, in a way that serves to serve all of these other functions. So I can not overstate, [07:17:00] the fact that this is revolutionary. And it stands the institution on its end, as we commonly conceive it, and as a by-product, radically changes the culture of the organization. So that's a big, big, big order and I get very upset, when people say problem solving, that's going [07:17:30] out there and just handling that problem and getting on your way. There's much, much more to it, of a holistic nature in what we're trying to achieve. And in the course of all this, we're changing the job of a police officer, so that the officer is engaged; the officer is tapped; and the officer gets invested [07:18:00] in this process; to the point that it produces greater satisfaction, greater pride, is achievable, and hopefully elevates the professional status of a police officer.

Now, I also indicated I wanted to briefly talk about the essence of policing, of the concept, the [07:18:30] essence of problem-oriented policing at the instrumental level, at the micro level, and what this means for the operation of police officers. And here I'm going to, with some apology, read something, because over the years, people who have been frustrated by my focus on this holistic approach, say "whoa, come on, tell us what it's all about."

[07:19:00] And so, I was once challenged in the contexts of meeting, to say, essentially by a rather cynical officer, to say, this all very, very good, but in two or three sentences, tell us what you want us to do. And I saw that as a challenge and so I wrote it out and I am going to for purposes of clarity here just read those few sentences that I gave to that officer back in 2001. [07:19:30] And, which I have effectively used to speak to officers and tell them what does this call for in the way of change for you. And I said at that time, that problem-oriented policing is an approach to policing, in which discreet pieces of police business each consisting of a cluster of similar incidents whether crimes [07:20:00] or acts of disorder that the police are expected to handle are subject to microscopic examination. Drawing on the especially honed skills of crime analysts and the accumulated experience of operating field personnel and also drawing on available literature and research in hopes that what is freshly learned about each problem [07:20:30] will lead to discovering a new and more effective strategy for dealing with it.

POP, or problem-oriented policing, places a high value on new responses that are preventive in nature and are not dependent on the use of the criminal justice system. And that engage other public agencies, the community and the private sector, when their involvement [07:21:00] has the potential for significantly contributing to the reduction of the problem. POP carries a commitment to implementing the new strategy, rigorously evaluating its effectiveness, and subsequently reporting the results in a way that will benefit other police agencies and that will ultimately contribute to building a body of knowledge that supports [07:21:30] the further professionalization of the police. And that sort of micro-definition has served me well in trying to communicate to police officers what it is that we're trying to do.

Well having given you that summary and proceeding based upon it, I'd like to highlight some of [07:22:00] things that we did since 1994 when I retired from the department, from the law school I should say, and especially after 2005 when the interview was conducted with Professor Walker. I retired from full time teaching in 1994 to [07:22:30] devote myself to developing the problem-oriented policing concept, freeing myself of daily classroom commitments. Although I was available to students for a long time at the law school and I continued to teach some classes here and there. But, I did a lot of writing.

My focus for the most [07:23:00] part was on consultation and training and further development of problem-oriented policing. And in the course of that, learned a great deal and lent support to numerous developments in the concept. What I want to [07:23:30] do is highlight some of the things that occurred in this period. The most spectacular achievement, I think, was the accumulation of case studies from police departments that engaged in problem-oriented policing. And today, we've documented in excess of 1,000 case studies that police agencies and individual officers have [07:24:00] participated in. They're all chronicled on POP Center website, to which I will refer later.

Interestingly and most importantly, we developed a lot of these case studies by showcasing them at the annual problem-oriented policing conference. [07:24:30] Which has been going on now for some 26 years. Initially meeting year after year in San Diego, but subsequently meeting around the country so as to spread that out and engage police agencies in different areas of the country. And in preparation for that, departments submit write-ups [07:25:00] of their cases, which makes it convenient to put them on the web. And they are submitted for judgment and evaluation and awards. And that's an incentive. So each year, we add a substantial number of cases, screened by their colleagues and a panel of judges, [07:25:30] to the accumulation of cases on the website.

I would love to have the opportunity here to describe a lot of those cases, but let me just take one, two, three, as examples so that we're talking in concrete terms. And here, this oral history being a recent Wisconsin project out, initially drawing on one or two of the Wisconsin projects that [07:26:00] got attention. But, one very significant project occurred right here in Madison, and it was the Madison Police Department and City of Madison response to the Halloween parties. Halloween parties on State Street had become quite rowdy developments to the point where some would have characterized them [07:26:30] as annual riots. Where starting with the display of creative costumes would often end up in bonfires and disturbances and conflicts.

That went on for a number of times, there was sort of a resolution in the community; we gotta do something about this. The Madison Department, [07:27:00] with the help of the city and especially then Joe Plant, who was an assistant to the mayor and who had been a student of ours in policing at the law school and was a lawyer. They applied problem-oriented policing in its ultimate form and they analyzed the incident, what was happening, what the participants wanted [07:27:30] to achieve, psychologically what was going on. And they

ultimately redefined the event from what we used to refer to as a riot, to a musical event with controlled access, with organized bands and with a very orderly, but entertaining [07:28:00] and satisfying event. And this thing was a constant and steadily increasing challenge to the police, with people coming in from outside the city to say "let's riot," was dramatically repurposed and became a musical event. And remains that to this day.

And of course they, among other things, [07:28:30] evaluated it and the statistics on number of arrests and investment of police personnel, et cetera. All dramatically support the fact that it was turned around and was no longer the law enforcement challenge for policing by virtue of the sponsors, the people that made the arrangements and police department seeing it as a different [07:29:00] kind of event.

Let me just pick another case study out of the thousand that are out there. The Merseyside Police Constabulary in England confronted a problem of a dramatic increase in assaults where the item used in the assault [07:29:30] was glasses broken at the bar and used to attack other individuals. This was in Merseyside, which was the home of, I think, the Beatles, I'm not sure, but in any event, the numbers of assaults had skyrocketed and the police undertook [07:30:00] an analysis of it in depth as to who were the assaulters, what were they doing, what were they using with the weapons, and all that stuff.

In all their research, they came down to the realization that if they could substitute plastic cups for the glasses, taking on the fact that the glasses were considered an integral part of the culture of the event, that they could eliminate the [07:30:30] problem, and they did so by regulation. The regulation of the use of plastic cups over glasses became a common way of controlling this behavior. In other sections of England where it was deemed appropriate, and where they had the problem it was stressed just how [07:31:00] an in depth examination of what was going on could lead to a rather simple response.

Here in the States, one of the responses we had to robberies on mass transit, which was I think prior to the formulation of the POP concept, was that we charge, we use exact change on buses [07:31:30] so that the drivers do not have wads of dollar bills that they have to have on them to make change, therefore eliminating the target of robberies. We do not have robberies on mass transit now, because the people that hold the money are not expected to have large amounts of money with which to make change.

REEVES:

[07:32:00] Herman, can I jump in here, and if you're gonna talk about it later that's great, but one of the things I wanted to make sure that you highlighted was the fact that POP is not just the police department, but it's also engaging community.

GOLDSTEIN:

Others.

REEVES: Yeah, others.

GOLDSTEIN: Yes.

REEVES: And if there's any of these examples that could help not only illustrate the police, but the police working with others.

GOLDSTEIN: I will make a specific [07:32:30] response to that, but I will do that in much greater detail later on.

REEVES: Perfect.

GOLDSTEIN: Let me just say one other case study here. Glendale, California, where they had a problem of homelessness and where individuals were soliciting funds on the street, and where the department on putting that under the microscope and asking why were these people doing it? How [07:33:00] were they doing it? Who were they? What were their needs? Etc ...

They arranged for Catholic charities to establish a facility near a Menard's store. The staff of the facility invited homeless individuals to come there to register [07:33:30] to make a record of their professional competence as a gardener, as a carpenter, etc. Then they had individuals, they invited individuals who would purchase items at the store to stop at the facility and sign up a person to help them with their alteration, with their gardening, etc. The store, at the same time, provided educational [07:34:00] programs. Not the store, but the facility. It was a major ... At the same time they used a more regulatory effort to dissuade individuals from soliciting on the streets, so that they were encouraged to go to the facility in order to get some employment for themselves on a regular basis.

That model was copied in many other places. [07:34:30] So those are just a few examples. We'll get back to other things, and also to the role that other agencies are playing in strengthening these alternatives.

A few of the other things that I would quickly want to highlight that were developed in this period of time between the 1990s when my book came out on problem oriented policing, and 94 as [07:35:00] I retired and in the subsequent years.

The practice of engaging in problem or in policing moved down within the organizations, so we encouraged individual officers to take on the responsibility for responding to problems that they saw of [07:35:30] a repetitious nature on their beats. Using their expertise, but acquiring expertise elsewhere. Being given the opportunity, the time in which to work on these problems. To produce results, and then to realize personally and for their department, the rewards.

One of the famous case studies here in Wisconsin was in the Green Bay Police Department where a group of [07:36:00] officers worked on problems created by a concentration of public inebriates in the downtown area, where they worked with the business interest, with the taverns, with social agencies to otherwise engage these individuals. With some introduction of some increased regulations about repetitious [07:36:30] drinking, and as a consequence contributed to cleaning up an entire area of Green Bay to the great satisfaction of the community.

They were also efforts engaging entire police departments. I took off 2 years, not entirely, but in a 2 year period I made frequent visits to Charlotte Mecklenberg [07:37:00] County in North Carolina, where we conducted a project with the cooperation of the Charlotte Police Department. In launching a whole bunch of projects to not only engage officers, but to train the rest of the department on the use of problem oriented policing. We've not quite succeeded in establishing a police department that operates [07:37:30] exclusively based upon this concept, but there are some that make greater use of it than do others.

Often, the attraction of the concept was greater for the individual officers than for the chiefs, and as a result we would have the officers working on some of these projects without full awareness of what their administrators, full awareness on the part [07:38:00] of the administrators as to what they were doing.

There was a substantial increase in investment in the analysis and evaluation, which was very weak. Police did not have the training and the methodology with which to analyze and engage in research. Some of them did, some of them didn't. Some of them did so very crudely and very effectively, [07:38:30] but less so in the evaluation of what they had done.

As a result, there was a move, which we encouraged, the training of which we created much greater number of crime analysts in police departments so that there was collaborative effort between the [07:39:00] crime analysts and the police officers on the street, with the analysts backing up the officers in digging for the data and providing them in a creative way with the information that would enable them to get insights into their problems and to develop alternative response to them.

There were lots of examples of elaborate efforts to measure [07:39:30] the incidence of auto theft, for example, the incidence of theft from residences and to determine common practices, and then to introduce various responses and measure the results of those responses.

[07:40:00] I should say that one of the most successful dimensions of the work that we did in this period of time was to develop a very elaborate range of alternatives by which to more creatively respond to problems ranging from the most...the least intrusive, [07:40:30] like just educating people about how they

could prevent crime, by how they could prevent theft of their vehicles. To organize in communities, to gently, trying to influence how landlords manage [07:41:00] their properties, how store keepers manage their stores so as to avoid shop lifting. And ultimately moved up that ladder to introduce new resources from other agencies and get them to cooperate with the police and with the communities in bolstering the support.

[07:41:30] And that's where for example, we introduced substantial pressure for police to make use of other professionals in the community. And that's reflected today in the popularity of getting mental health workers to associate with police and be available to assist in the handling of [07:42:00] mental health cases. Which, I gotta tell ya are quite different then, is quite different than dealing with crime in the community.

Ultimately, when some of these things didn't work got together to formulate regulations that might avoid common problems that were rising in residences, multiple residences and stores, [07:42:30] in neighborhoods. In order to eliminate that factor which gave rise to the concern that the police were otherwise trying to deal with through the simple mechanism of law enforcement.

This has parallels as you will recognize to the original thinking that we talked about in an earlier [07:43:00] interview. When Frank Remington was working in the criminal law area and he was trying to point out to students that there was a big difference in the techniques that police were using as like for example, wiretapping, as to whether it applied to one crime or the other. This was a similar [07:43:30] effort to refine the responses that were bringing to bear. With a concern about minimizing intrusiveness in order but to achieve effective results.

Also here, going back just one of the earlier points that we made, that in the early studies that we did in Madison in addition to [07:44:00] drinking driving we covered sexual assault. And this is the repeat offender who was released to the institution. And that early study revealed to us that we were just releasing sexual offenders from the institution back in the community without any guidance and without the means to re-establish themselves in the community. And that original study demonstrated on examination the value in equipping these individuals [07:44:30] with the means by which they can survive in the community without getting into difficulty. Well that was the beginning of a massive effort that has been created and illustrated by many problem orient policing projects.

That involves deterrents, targeted deterrents, in which police agencies try to identify [07:45:00] the individuals who are most prone or most likely to repeat certain kinds of behavior and to work with them whether that is in committing robberies or most recently in committing domestic violence and to identify them and work with them by providing them with the resources, the opportunities for [07:45:30] guidance from social workers, the opportunities for

to connect them with opportunities for work and profitable engagement employment in the community and a whole range of other services that hopefully and we've demonstrated have been effective, in diverting them from a life of crime to a more [07:46:00] normal life in the community. So it's sometimes the target is a place, a park, sometimes it's an individual and sometimes it's an event like the Halloween demonstrations. So we have developed sort of matrices that show how these different techniques can apply to different kinds of situations and [07:46:30] have beneficial results.

One of the things also that came out of that period of exploring was in product design. And this was promoted initially I think most directly by my colleagues in England and Nick Tilley. Where it became apparent that police [07:47:00] advocacy for things like anti-theft devices in automobiles had a much greater potential for reducing the incidents of theft from vehicles than did police waiting for a car to be stolen and trying to find the individual that stole it. And the theft of vehicles has greatly reduced, been greatly reduced, and my own thesis [07:47:30] is that one of the major contributors to that has been the vast increase in anti-theft devices for cars.

We asked about cooperation with other agencies and the spread and through the efforts of George Gascon who is the D.A. in San Francisco, and cooperation with the police department, it was a major national effort [07:48:00] to redesign and this gets into the product design area, to redesign cell phones so that they are un-usable if they are stolen. That it requires the owner of the phone to make use of it and to gain access to it. And if you can reduce the access to phones once they're stolen then you reduce them as being a target for theft. [07:48:30] And this was in response at the time to an Enormous increase in the theft of vehicles and the strong arming that went along with that. Not that theft of vehicles, the theft of cell phones, and the strong arming that went along with that, thereby substantially reducing that aspect of of theft and robbery.

Inherent in all of this was the development [07:49:00] of a concept that we came to refer to as the shifting and sharing that since the police are dumped upon with a whole range of what seemed like unsolvable problems the theme behind a lot of this was to analyze the problems and to come up with creative solutions that we could then shift [07:49:30] over to the private sector, to other governmental agencies and invite them, encourage them, cajole them to take this on so that the magnitude of the problem could be greatly reduced.

To cite for you a problem that I think is currently in the forefront is that there has been in the past year or two a substantial [07:50:00] increase in traffic accidents. That has been the result of distracted driving and is traceable to the use of cell phones in cars. The industry has the means, and, I understand it's readily available to be implemented, to create a situation in which, when a person is driving a car, [07:50:30] the cell phone is simply not accessible. But that has tremendous economic consequences, as do a lot of these alternatives for eliminating crime. And it is just a matter in the general community of the competition between the economic costs, the social costs, in implementing that

kind of a control, [07:51:00] and the other costs in the form of accidents, deaths, injuries resulting from distractions. And it remains to be seen how that competition is going to work out.

Now, there's an additional dimension that became very important in this period of time, and that is the [07:51:30] spread of the concept of problem oriented policing to other areas. One of the most significant, and I want to emphasize in all this, I don't take credit, nor does the problem oriented policing concept take credit for all of this. But they developed a movement of innovation in the courts to create problem courts where judges just dealt [07:52:00] with certain kinds of offenses with the objective to see if the judicial involvement in the case could bring back about a resolution that avoided the traditional incarceration.

And so, we saw this, we have the creation of drug courts, mental health courts, domestic violence courts, and this was, much of this was done under the center for court innovation, [07:52:30] headed by Greg Berman. And problem oriented policing had some influence on the development of that very important, dramatic, productive movement.

Likewise, a whole bunch of prosecutors around the country, maybe as many as fifteen that I know of, reorganized their offices so that their [07:53:00] prosecutors were bunching cases and handling them in a way that, by looking at the problem, rather the actual, the incidental behavior of offenders brought before them, resulted in their bringing to bear different kinds of responses, often with alternatives to prosecution, that put these [07:53:30] people back in the community without sending them on to the courts and to, and possibly ultimately to incarceration.

Throughout this period I have to acknowledge that the term "problem" got increasingly incorporated in community policing. Kaufman was cited as an element in it, very often for the good, [07:54:00] in that the community policing took on a more specific focus of working out a problem, and the community policing recognized that the community itself had a role in responding to that problem. But sometimes, it was very pro forma, it was just, a lot of agencies got talking about the fact that they were implementing community and problem oriented policing. But the [07:54:30] problem oriented policing itself had relatively little of an element.

I did a lot of lecturing and training during this period. We established a program in Wisconsin that we ran for four summers for police from Wisconsin that involved several weeks of training for them, and they're doing exercise as I recall, they put [07:55:00] in a week, went away, worked on some issues, came back, for a second week, and ultimately for a third week. And so, it was a very intensive effort to try to spread the concept in Wisconsin. And we likewise promoted similar efforts in other states.

Now, there was a big international dimension to all of this related to my continued teaching and consulting. I worked [07:55:30] very, a great deal with

the police in England, with Scotland Yard, with various constabularies, Thames Valley, Lancashire, and a few others, and with key people in England like Nick Tilley and Guardia Lakeark, in promoting the concept. And for a number of years England also had its own problem oriented [07:56:00] policing conference. And there was collaboration between the conference there and the conference here in the States.

I worked also very closely with Johannes Knutson in Norway and Sweden, and those two countries account for some of the most significant work done in the expansion and development of problem oriented policing. And I might say that there are times when I think that [07:56:30] problem oriented policing has taken deeper roots in England and Scandinavian countries, in Australia and New Zealand where we worked, than it has here in the States. I spent an intensive period in Spain, working with the, both the police in that country, and academic people, in trying to promote [07:57:00] the concept there. And there are case studies reflecting some of the work that was done there, in the total collection of case studies that we have.

There was a period when I invested a lot of time in Chile, Argentina, and Brazil, planting the seed of problem oriented policing. Those are countries that have much greater difficulty, where the police [07:57:30] have had difficult periods of time and introducing the concept has been much stronger there. But nevertheless, they republished my 1977 book and translated it, in case of Brazil, into Portuguese. And a lot of people in the policing field were enamored with the concept, and I'm still [07:58:00] in touch with some of them who are trying to push it in various forms.

A publication came out by Ron Clark, who has been a critical supporter of policing, because of his work on situational crime prevention, which is a related concept. And John Eck has a guide to implementing problem oriented policing. And [07:58:30] that guide, which has some 60 steps for implementing problem oriented policing, has been translated into hmm, I think about 20 languages, which says something about its spread, the spread of the concept elsewhere in the world.

Now, [07:59:00] it would be important to emphasize that throughout all of this, and especially in this period, it was an extraordinarily significant development through the engagement in my efforts, and ultimately in taking the leadership role of Michael Scott. [07:59:30] He became a key person and is now the key person identified with problem oriented policing. I first got to know Mike when he was an undergraduate at the University of Wisconsin in behavioral sciences and sociology. And he worked as, he took my classes, and then he worked as a research [08:00:00] project, as a research assistant, I should say, on a number of projects that I was involved in and on the experiments in Madison in dealing with drunk driving and sexual assault, and he was very helpful to me as a research assistant in developing my 1990 book, [08:00:30] on Problem-Oriented Policing.

Mike, after he worked with me, after he graduated from the University of Wisconsin and worked with me as a research assistant, became a Madison police officer in order to get the experience of working on the street, and he subsequently went to law school at Harvard and then went on [08:01:00] to a number of very important jobs, getting a wide range of experience in administration, in providing legal counsel and, most importantly, in promoting a problem-oriented policing in the department in which he worked. Perhaps reaching a peak when he became chief of police of a police agency in Florida, [08:01:30] and tried to set out to operate that police department as a problem-oriented policing department in its purest sense, and succeeded to a great degree.

Mike created, subsequently, the Center for Problem-Oriented Policing, and that center [08:02:00] had a whole range of functions, but I would just highlight three of them here.

We emphasize the importance of developing a body of knowledge. Mike set out from the outset to produce guides, of which we have a hundred, each one of which focused on a specific behavioral problem and brought together, [08:02:30] sort of as a state of the art, what we knew at that time, and what it taught us about what local police departments could do to improve their response to a specific problem. And the topics are such things as disorder and budget motels, cruising, street racing, underage [08:03:00] drinking, prescription fraud, and identity theft, robbery of taxi drivers, illicit sexual activity in public places, school vandalism, to just give you an idea of the kinds of things that he was capable of addressing, each one having been put together by somebody who [08:03:30] had an interest in the area and was familiar with the literature and was best equipped to do that.

All that material was ultimately presented on the website that Mike created. So we have the beginnings of accumulation in encyclopedic form of [08:04:00] relevant material to advancing problem-oriented policing. Updates of the kind that I cited, which made use of all available literature, but in addition, which cataloged all the rapidly emerging literature on problem-oriented policing, and [08:04:30] ultimately some of those guides have been translated into other languages so that they are readily available through the website. The website, by the way, being www.popcenter.org.

The relevance of this was not only that everything was available in one place, but for dissemination, one could not ask for a better vehicle. [08:05:00] And I can't tell you, but Mike could, the thousands of hits that he gets in the use of that website. And the specific relevance of that is that the police field is very diverse, and as I said earlier, you might have a police agency where the chief is saying, "We don't have the time to do that stuff." But individual officers can, in the privacy of their home, [08:05:30] if they are so motivated and curious about why is it that I'm going back to the same thing over and over again, and there's got to be a better way of dealing with this, can in the privacy of their home go to their computers and get these ideas for what they can do.

And we have had police officers that have vigorously pursued new approaches to their work against great odds [08:06:00] in the sense of the lack of incentives from within their police agencies for doing that. That then sort of brings me to the other point, and that is that Mike had, in his role, primary [08:06:23] responsibility for putting on the POP conferences, which he took over after several years in [08:06:30] which they were sponsored by the Police Executive Research Forum, which is the organization I've referred to in previous interviews, and which in its initial years was operated by Gary Hayes, who is also a Wisconsin graduate.

[08:07:00] At these problem-oriented policing conferences, a central role was to bring together officers. It's one of the few meetings of police operatives in this country and from abroad, and the conference was ultimately renamed the International Problem-Oriented Policing Conference, because it drew quite a number of people [08:07:30] from outside the U.S. But the conference was unique in that all other meetings relating to police are chiefs of police. But if you went to this conference, you would find that the vast majority of the people who were attending were individual police officers with a sprinkling of chiefs. And they were mixed with the [08:08:00] gradually increasing number of analysts that we brought into the field, who worked with police, the number of which are steadily increasing. Academics who were working on different forms of problems of behavior that they were addressing and were working with the police, in conjunction with the police and responding to those, [08:08:30] and members of the community. Members of the press.

And so we had a very extremely interesting mixture of people who would come together, and I would always take enormous satisfaction in seeing these individuals gathered around tables from different cities and countries, talking about how they were responding to [08:09:00] pedestrian accidents, or protests, or any number of things, which reflected the range of things police were dealing with in addition to hard crime.

The average attendance on those conferences was roughly 400, and one of the things that simulated them was that there was this element of competition, [08:09:30] in that some of them would bring to the conference, through the nominating process, the best of their efforts, and it was always a show and tell of sorts, and there were selections made at the conference, and awards made for best presentations.

So Mike was essential to all of this, carried on all of this, has run the POP conference through all these years, [08:10:00] and ultimately he accepted an appointment to the faculty here at Wisconsin and served on the clinical staff. That was his preference because he wanted to have the maximum amount of his time to devote to the development of his concept, and not be totally committed to teaching in the criminal [08:10:30] law area. But he did teach courses in policing in the law school, carrying on the tradition and the focus that I established when I first taught.

He was here for ten years, and sadly ... I should have mentioned this earlier. Much of his effort in the establishment of the POP conference was made possible by a grant [08:11:00] from what is called the community or COPS office; the community oriented policing office in the Department of Justice. And sadly that grant was terminated for reasons that neither of us fully understood. With the absence of funding, which paid for a chunk of his salary, the decision was made by the law school [08:11:30] that they could not afford his salary, this is my understanding, if all of it were to come out of law school funds. And as a result, he parted way with the Wisconsin law school, but in a year or so was hired by Arizona State University. He is [08:12:00] at Arizona State now. He brought the POP center there, and the POP website, and is seeking sufficient funds to continue it with the same strength that it had when the full federal grants were available. But the site is still very alive and there, [08:12:30] and available for use.

I think I've said about as much as I could say in the time we have available. [08:12:44] Some of the highlights, in that period of time just before and after my retirement, since the ... Sam Walker documented this effort, and I would like to move [08:13:00] on rapidly to just a brief sort of assessment of current status.

The concept has spread and been absorbed in the field in various forms. I've learned through this effort that advancing a concept of this magnitude in nature is not a neat process. It [08:13:30] thrives, it disappears, the effort gets dissipated, then it moves on. It has strength in some cities, and then there's a change of administration and the emphasis on it is less, and then suddenly it booms in some other place where they have discovered it and carry it forward. [08:14:00] So it's absorbed and internalized, and spread with varying degrees.

San Diego, for example, was at one point a great strength. We all had our conferences there at the very beginning, but with the change in administration the emphasis upon it became less. And while I think the seeds of problem-oriented policing are present and thriving in San Diego, it's not as prominent [08:14:30] as it once was. I think the bottom line that I take comfort in is that the phrase "problem-oriented policing" and the word "problem" is now part of the vocabulary of policing, although there are times when I am not sure the people using it have any concept of the holistic concept that I outline [08:15:00] at the beginning of my report to you.

And I have to acknowledge that sometimes the results have been very disappointing—that we've heard an announcement that an agency has implemented the concept only to, on inquiry, find the results very disappointing in that they did not have more than a very [08:15:30] slim understanding of what the concept was all about. In contrast, I think it has taken hold internationally, and in some places with much greater depth and stronger roots. As I mentioned earlier, in England.

One of the [08:16:00] problems has been that in the pressure to try and reform policing there's been a lot of competition for different ideas, different

strategies—an enormous amount of competition for the limited financial support that's been available from the federal government. And so various types of reforms have been advanced with a variety [08:16:30] of different names. One time Mike and I made an inventory of these, and I think there are as many names—trust based policing, predictive policing; each one emphasizing a specific new injection of thought as to how policing can be changed. But I seriously challenged whether any [08:17:00] of them are as robust, as fully developed as is the problem-oriented policing concept.

There has been a serious challenge to problem-oriented policing by those who have advanced evidence based policing. I respect these individuals who argue that changes [08:17:30] should be carefully measured according to the most rigorous of social science techniques and methodology. That's very important. On the other hand, I think one of the rich aspects of problem-oriented policing is that it is less rigid, and encourages creative thought without holding [08:18:00] police to those sort of scientific standards.

A lot of the federal funding was pulled away toward support of evidence based policing, which is focused primarily on the reduction of crime and the measurement of the results of that. The [08:18:30] loss of federal funds that sustained the center and Mike's work was disappointing, and a setback. But, I take comfort in the fact that there is out there, I think, a feeling that problem-oriented policing has made a significant advance and it is, unlike a lot of these [08:19:00] other efforts that have been launched, still very much alive.

We were comforted in that the National Academy ... The National Research Council of the National Academies did a study back in [08:19:30] 19 ... Well I don't have the date immediately available to me. But they did a study in which they came up with very positive findings for the contribution that problem-oriented policing was making towards both the reduction in crime, and to the [08:20:00] improvement of policing as an institution. And I took that as a very strong affirmation of the overall contribution that POP was making to the field.

I think the bottom line is that [08:20:30] the advancement of problem-oriented policing is dependent on the larger atmosphere, and the supportive involvement in the community. Currently in the year 2017, it's very, very, very difficult to engage people in moving in this direction because with the current crisis relating to [08:21:00] policing, the concern about shootings by police officers, there's a demand for immediate action. And when you have a period of ... When you have pressures of that nature, there's a push for the traditional response that some feel is [08:21:30] more effective, but in reality those responses are often ineffective and short lasting, and they preempt the deeper changes that are required in something like problem-oriented policing. I personally remain very optimistic, and have renewed convictions [08:22:00] about the value of problem-oriented policing as a concept for reform of policing. And I would like to illustrate that by just making a few comments with regard to the current situation.

That, currently we're in the peak of concern about policing, and I said currently in the year 2016, as a result of the shootings, [08:22:30] shootings of unarmed people, and the tensions in minorities communities; it's one of the most acute crises. It is the most acute crisis that I feel police have experienced in my lifetime. The common responses are to focus on the investigation of the wrongdoing, the prosecuting of the officers, the establishing of accountability, equipping police [08:23:00] with cameras, increasing diversity of police personnel, increasing training especially with regard to racial bias and tactics, adopting de-escalation techniques ... All of those are very, very, very important. But I'm convinced that the need is for something of greater depth, and that is a responsiveness [08:23:30] to the dysfunctional nature of policing in the United States.

The answer, it seems to me, is in radical change in the orientation culture of the institution of policing. That is in some of the things I cited earlier: in facing the reality of the function of police, the multidimensional nature of policing, the need for additional responses, et cetera. [08:24:00] Unchanged, policing in its current state, with its overdependence on the use and abuse of the criminal justice system to get the job done, just leads to the use of the authority of the police, arrest, adversary relationships, escalation, and possible need for the use of force. It's a sequence that you [08:24:30] can't easily stop.

With problem-oriented policing, the emphasis on prevention and appropriate alternative responses that don't depend so heavily on the criminal justice system and law enforcement as the primary means for getting the job done have the potential for greatly reducing the need for the use of force. [08:25:00] But that's but one of the potential benefits. It also has the potential for greater effectiveness in all aspects of policing. It has the potential for less tension in the community, if these matters can be resolved and prevented through other means. And it has the potential for increasing the satisfaction and [08:25:30] professionalization of the police, because they would then have the means, and the resources, and the support of the community in getting the job done.

Too often today they are overwhelmed. They are overwhelmed because they have this incredible range of tasks, enormous complex tasks, that others have [08:26:00] dropped; they've not pursued because they haven't had the resources to deal with it. But they're not given the support and the methods necessary with which to get the job done.

So, in summary, reorientation inherent in problem-oriented policing, it seems to me, will make [08:26:30] it more likely that we can create a form of policing that more effectively meets the complex needs of a democratic society.

REEVES:

Herman, thank you so much. This concludes our oral history, and it looks like right on time because the phone is ringing. Thank you Herman.

