Theodore Roosevelt’s reform: Change of Police Authority in New York City in the late 19th century

Yu Leung Yan

*Hong Kong Baptist University*
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Police Service in America evolved out of the older system of the night watch. The duty of watch was taken by the regular citizen at the beginning. ¹ Since 1820s, police departments emerged in the northeastern urban centers and New York City adopted elements from London police service and founded Municipal Police in 1845. In 1857, Republican reformers in the state capital, Albany created a new Metropolitan Police force and abolished the Municipal police. Throughout the latter part of 19th century, NYPD had been notorious for serious corruption and was investigated by the Lexow Committee in 1894. In 1895, Theodore Roosevelt became the President of the NYPD Police Commission and adopted a series of reforms against corruption. The new commissioner fostered police professionalization in New York that shaped the perception of the modern police image and system.

As Wilbur Miller points out, Police are product of distinct historical circumstances and the problems of American police in the late 19th century was originated from its institutional structures and social context. ² Early NYPD reflected the general style of local government shared its style of participation and decentralization. ³ With its real power residing at the neighborhood, the authority decentralized police department was mostly granted by the community instead of the institutions and law. This “democratic features” of the NYPD, as a

result, gave a greater amount of discretionary authority to the policemen. The general public were more tolerant of the police misconduct as the police were regarded by as the people as well. During the second half of the 19th century, due to the growing number of the immigrants and the ineffectiveness of the city government, Boss machine also took advantage of the decentralized nature of police department to capitalize on ethic politics, in communities to control law enforcement. Under the boss system, NYPD collected bribes from saloons, brothels, and gambling houses in return for the salutary neglect of local police and protection from prosecution.

In 1895, the Republican appointed commissioner Theodore Roosevelt came to office, adopted a series of reforms in the police department. The new commissioner was deeply concerned about the corruption of the police. He strictly enforced the Sunday-closing law in order to demonstrate the honesty of the NYPD. Berman interprets TR’s reform from the administrative perspective. He highlights TR’s institution of the civil service system replacing political appointment and centralization to the NYPD, thereby decreasing precinct power. He called the reform “a legalistic style of law enforcement” which means TR set out to enforce the laws in a city where selective non-enforcement was a source of graft. Berman downplays the effectiveness of the moralistic reform. Instead he sees the reform as a progress in the administration that stamped out the breeding ground of corruption within the system.

Different than the administrative perspective above, I would like to look at TR’s reform in Wilbur Miller’s framework of police authority to explain of its effect on corruption of NYPD. In this paper, I will argue that TR’s reform was an intensive shifting process of New York Police authority from personal to impersonal. The reform made NYPD become an agent of the legal system, instead of from the local community’s informal expectations or the directives of the dominant political party and thereby reduced the influence of corruption. The paper is consisted of two parts. In the first part I will explain the relation between police authority and police corruption in New York. In the second part, I will analyze how did TR’s reforms change the traditional police authority in New York.

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4 Miller, “Police Authority,” 86.
5 Wadman and Allison, To Protect and Serve, 64-65.
7 Berman, Police, 147.
Democracy and Police Corruption

New York Police, established in 1845, was modeled after the London Metropolitan Police, however it embodied a distinct image which reflected “conscious efforts” and “circumstantial results”. The public police system appeared to be a contradiction to the democratic values which sought to limit the already expansive powers of federal and state government and promote the rights of individual. Even with the disorders and riots in 30s, the traditional fear of a strong, centralized government delayed the pass of the police legislation 16 years after the London Police established. The newly formed New York police remained a local force, whereas the its London colleagues were a national police. Traditionally, members of the night watch had been elected and service was considered one of the duties of citizenship. With these traditions, the new police remained in the control of the popularly-elected local officials and policemen were recruited from the population of the district they patrolled until 1857 when the state government took over the force. The legitimacy of the new police depended originally on its ability to incorporate values of the democracy in which authority was not only expected to serve the people but also be the people. Miller calls this kind of authority Personal, he explains, “…Authority was personal, resting on closeness to the citizens and their informal expectations of his power instead of formal bureaucratic or legal standards.”

The London police was an elitist and highly centralized agency, essentially an extension of the national government. The people of London had little effective means of influencing police practices. Its authority, granted by the institutions, was impersonal. An New York Patrolman, when using its power on the street, depended more on his personal strength than on the broader institutional authority as American democracy suspected formal institutional power and professional public officials. Paradoxically, lack of institutional power also meant lack of institutional restraints, and the personal New York policeman often ended up with more power than the impersonal London policeman.

Tocqueville argued that in democratic society, the public officials are given more power as they are elected by the citizen who can vote them out if public officials stepped over the

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8 Miller, “Police Authority,” 84-85.
9 Walker, Critical History, 6-7.
10 Wadman and Allison, To Protect and Serve, 22-23.
11 Miller, “Police Authority,” 85.
12 Ibid, 84.
13 Ibid, 85.
“Every policeman has to exercise personal discretion in his duties, decisions about when and how to act, whom to suspect and whom to arrest.” The commanders of the force and the judiciary set the boundaries to discretion and various public relations to the police often determine the degree of discretion people think policemen should exercise. Not as closely bound by the legal system, New York City Police worked in the context of officials and public toleration of unchecked discretionary. As a result, New York patrolman using their force brutally became a common phenomenon in the latter half of 19th century. New York Times in 1867 described that the patrolman as “an absolute monarch, within his beat, with complete power of life a death over all within his range… without the forms of trial or legal inquiry of any kind.” London Daily Mail in 1896 made comparison between the police force in two cites and describe the New York Police “Autocrats of the Street” because of its infamous brutality.

Not only brutality, less restraint means less supervision over the police corruption. In 1850s selling police appointments had become a common practice in the city. New York Times reported in the 1854 that Thomas J. Barr, a member of the Common Council at the time received money for police appointments. One the reason the State legislature formed the metropolitan police to replace the municipal police in 1857 was the concern for the massive police corruption in New York City. The situation did not improve after the new police came to the city. Boss machine together with neighborhood business managed to manipulate city governance for their own political and financial gain. Police appointments became one of the plums of boss patronage as well as a sure means to economic security for the individual policeman. An appointment to the New York Police Department required the blessing the of the local Tammany Hall block boss plus a $300 Bribe. In return, the patrolman become a “political operative”, and was used to help the machine to secure their votes during the elections. The collusion also included the saloonkeepers and madams of illicit house who pay the local bosses to get “permits” from the precinct captains to run the businesses.

Captain Alexander “Clubber” Williams commanded a precinct in New York’s red-light

15 Miller, “Police Authority,” 85.
16 Ibid.86.
19 Times, October 20, 1854.
20 Wadman and Allison, To Protect and Serve, 65.
21 Walker, Critical History, 24-25.
district in the 1880s, where he quickly amassed a fortune by receiving bribes from brothels and gambling houses. 22 William accumulated over 350 formal complaints against him for everything from brutality to neglect of duty. 23 Despite the fact that he had been investigated and fined for times, he managed to be promoted from captain to inspector.

In the 1890s, a strong movement against the vice and bribe led by The Reverend Charles Packhurst began a crude to clean out the NYPD by attacking Tammany Hall corruption. Responding to the Packhurst’s movement, the Republican state legislature created Lexow committee to investigate NYPD. 24 The Lexow committee’s finding were damning: election fraud, payoffs by local business and other evidence of the corruptive influence of the boss machine. One of the most significant result the of the Lexow investigation was the proposal of Police department reorganization and the appointment of the new police commissioner Theodore Roosevelt.

**Theodore Roosevelt’ reform and Police Authority Change**

Theodore Roosevelt was appointed the Police Commissioner from 1895 to 1897. Although TR was not obsessed with the problem of vice as was the Reverend Parkhurst and other moral reformers, he was deeply concerned about the corruption of the department. The first significant action taken was to drive Police Superintendent Thomas Byrnes out of the power.

Born in Ireland on June 15, 1842, Thomas Byrnes had emigrated to America as a child, received little formal education and had ran with a gang of street brawlers attached to Hose Company No.21 of the city volunteer fire department. 25 Since appointed a Patrolman in 1863, he had proved his mettle as a thief taker and peacekeeper. He became widely known in the 1880s when he solved the robbery of $ 300 million form Manhattan Bank. He advanced to the rank of chief inspector in 1888 and became superintendent of the force in 1892. 26 His exceptional detective skills helping him rise to power was not all because of his intelligent

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22 Report and proceedings of the Senate committee appointed to investigate the police department of the city of New York (Albany: State Printer. 1895), vol2, 1594-1621 , vol3, 2651-2661. It is also generally referred as “Report of Lexow Committee”.

23 Wadman and Allison, To Protect and Serve, 66.

24 Times, February 3, 1894.


mind. Byrnes frequently restored to intimidation and physical abuse of suspects and invented “third degree”.27 In his word, “I believe in any method of proving crime against a criminal”.28 Aside from being brutal, came under suspicion of entering corrupt relationship with professional thieves to cement an equally corrupt relationship with the financial elites to help him solve the crime.29 He was a well-respected policeman even when he was forced out of the department, the coverage of New York Times demonstrated sympathy of him by asking “who is competent to succeed?” and reporting wide range of praises for Byrnes from different people. 30

Parkhurst once criticized what Byrnes was doing was “personification of of the Police Department” and pointed out “personifying the police had come to mean embodying a discredited and despised organization.” 31 Byrnes’s success demonstrates what suggests about the tradition of American Police “…Authority was personal, resting on closeness to the citizens and their informal expectations of his power… New York is violent city… Violence and distrust of the courts placed a premium on physical force and personal authority” on NYPD.32 Byrnes’s ways to solve crimes for city had earned him respect from the community, especially the financial elites, at the mean time, the privilege to abuse some of laws. And with such privilege, corruptions would also come along. With pressures from the police board and TR, an important symbol of the police discretionary power resigned and marked a change of police authority of NYPD.

The other significant measure of TR’s reform was the enforcement of Excise Law. Excise Law (or Blue law, Sunday closing law) was designed to restrict or ban some Sunday activities for religious reasons. The law had not been consistently enforced due to the bitter resentment by immigrants in New York and became the “convenient” tool for Machine Bosses and sources of pay-offs for all levels of the police force. According to the TR’s second annual report of NYPD, “its partial and corrupt enforcement afforded an appallingly

27 Ibid.
28 Jeffers, Commissioner Roosevelt, 9.
29 Ibid, 11. It was never proven that Byrnes had been corrupt. Before the Lecow committee, he admitted his personal fortune was about $250000 to 300000, including real estate and stocks, and had a close relationship with some of the powerful brokers in Wall street, such as Jay Gould. See Report and proceedings, 5709-5720. The annual salary for superintendent was $6000 in 1895. See Annual report of the Police Department of the City of New York, For The Year December 31, 1894 (New York : Martin B. Brown, printer and stationer,1895), 81.
30 Times, December 31, 1895.
31 Jeffers, Commissioner Roosevelt, 82.
32 Miller, “Police Authority,” 85-86.
efficient method of corrupting the department”. NYPD under TR began strictly enforcing the law and believed it secured the honesty of the department. Police started to arrest “everybody, without regard to their wealth or political backing, and allowed no arrests to be made for purpose of blackmail or political intimidation.” In 1893, the year before TR assumes command, there were 483 arrests for keeping gambling houses, while in 1895 under TR such arrests rose to 1059. TR believed that strict enforcement of the law means the breaking down the political influence on police force and would prevent the blackmailing and corruptions. Police under the new approach were not less likely to selectively enforce the law. The law would be enforced disregarding the public opinions.

The new policy faced huge public sentiment. A demonstration against the law, joined by 30000 people, organized by the United Societies for Liberal Sunday Laws, was held in September, 1895. Parader was raising the banner of 4Rs: Roosevelt, Razzle-Dazzle, Reform, Racket. Occasionally, “tyranny”, “Send to the Police to Czar to Russia” and “Tain’t Sunday” were toted by men. Responding to the parade, TR told his colleagues, “A hundred parades can’t swerve us from doing our duty.” Not just the public, strong opposition within GOP also created problems for TR. Thomas Platt and reform mayor William L. Strong were interested in reaching an accommodation with liquor interests, since the German American was usual supporters to the New York Republican and the Election was held two months after the parade. Despite the huge pressures on him, TR and the Board remained steadfast in their belief that laws, whatever they were should be enforced.

The full enforcement of the Sunday law made the NYPD’s action became more independent from the public expectations. The force demonstrated its role as an “agent of the legal system”. Its authority became more “impersonal”, basing on the legal powers and restraints instead of the local community’s informal expectations or the directives of the dominant political party. The legal powers embodied the strength of “national sovereignty” and

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34 Ibid.
37 Times, September 26, 1895.
38 Jeffers, Commissioner Roosevelt, 146.
39 Walker, Critical History, 45. New York state election was held on November 5, 1895. Some Republican afraid that strong enforcement of Sunday Law would make them lost votes from public especially the German immigrants. See also Jeffers, Commissioner Roosevelt, 146. See also Times, September 20, 1895.
“procedural regularity” and, more importantly, in TR’s beliefs, the notion of democracy. TR argued that law that made by the consensus of people protected themselves and democracy. Loyal to the popular government and the law is “the first duty of the true democrat”.

The notion of efficiency was extended to many aspects of his reform. TR devoted a great deal of effort to raise the quality of the patrolmen by introducing recruitment examinations and formal training school Pistol Practice. The meritocratic standards of patrolmen inevitably discriminated against the lower class and helped break the power of the blue-collar-dominated political machine. In addition, the political appointment was replaced by civil service system. As a result, poor skilled immigrants, workers, people had good relationship with the machine (Young Byrnes as an example), had less influence over the police force. Roosevelt also brought centralized control to the NYPD, especially through Central Detective Bureau, thereby decreasing precinct power. In accompany with Jacob Riis and sometimes by himself, Roosevelt had visited the streets to check the actual discipline of force and caught a patrolman napping once. The personal visits had a little actual outcome of the discipline improvement. Rather, it was symbol that the central authority would extended to the precinct level. Power centralization brought the legalistic style to the policemen working at street levels. When they were forced to become a part of the bureaucratic system through centralized control, their authority would be derived from the commission board which ‘s authority from the City Government, and ultimately the legal system instead of the local community. As a result, the authority of patrolmen was shifting from “personal” to “impersonal”.

The New York City Police was established with the public mixed fear of disorder and a return of authoritarians. The early vision for the force is to make it not only serve for the people but also be the people. Thomas Byrnes and numerous of the early policemen rose from the lower levels of the community with the support from the “people”. Police with such “democratic features” tended to possess great power as they seem to be the representation of

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40 Miller, “Police Authority,” 84.
41 Roosevelt, An Autobiography, 201.
42 Annual report of the Police Department of the City of New York, 14-15.
43 Ibid, 11-12.
44 Ibid, 17. All precinct detectives were placed under the jurisdiction of the Central Detective Bureau, thus the Central agency will have the control over the local enforcement.
45 Jeffers, Commissioner Roosevelt, 106-118.
community but also less restraints from higher hierarchy. The police acting within the the informal expectation was more important than within the legal system. With collusion with the machine, the “powerful” department was engaged in a wide-range of corruption that Theodore Roosevelt had to deal with. Being the office for years, TR sought to driving party politics and corruption out of the force and raising the quality of the policemen. The Police had undergone a professionalization with improvement of different areas. Meanwhile, although it might not have been what the reformers sought, the Police authority were shifting tremendously under TR’s administration: Removal of the symbol of “personal authority”, Thomas Byrnes; strict enforcement of Sunday-closing law disregarding public sentiment; Centralized control over precinct levels to extend the “impersonal” authority. Police had been more isolated from the public expectation and political influence and respected more to the laws. The New York policeman represented the public good as defined by the governing elites’ concern to maintain an equal social order with a minimum of violence and oppression. When examining the achievements of TR as the Police commissioner, the shift of police authority would be one of the legacies that shaped the development of police professionalization in the following century.
Bibliography

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