
Confronting Police Aggression: The NAACP's Legal Advocacy Work during the Great Migration

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This article examines the case of James Samuel to illuminate Black reformers' multi-dimensional efforts to shield Black Americans from the worst excesses of a racially biased criminal justice system. In 1939, when Samuel alleged that he had been assaulted by three New York City police officers, the NAACP took up his cause. This article thereby highlights the Association's investigations of unwarranted police aggression in northern cities during the Great Migration, and in the process, it contributes to a growing body of scholarship examining social justice struggles at the intersections of race, policing, and incarceration.

In many instances, northern Blacks like James Samuel usually could not expect vindication from the criminal justice system. Aside from overworked public defenders, their best hope for redress came from local NAACP staffers who might take up their case. If the NAACP's goals and tactics were far less revolutionary and forceful than those of Black separatists and communists, its victories on the criminal justice front nevertheless materially affected the experiences of ordinary African Americans.

KEYWORDS: Black reformers; NAACP; police brutality; Thurgood Marshall; New York City; Great Migration

JAMES SAMUEL GREW UP IN NEW YORK CITY in the 1920s and 1930s. He had a Black father from the Caribbean and a white mother from England, and he was the oldest of seven children. As Samuel changed over the years, so, too, did the Black community around him. In what became known as the Great Migration, from 1910 to 1940 over 1.5 million African

Americans moved from rural spaces in the South to the cities of the Northeast and Midwest. New York City alone saw its Black community increase from about 140,000 to over 600,000 over those thirty years. Samuel's parents, who lived in England before moving to New York City in 1920, took part in this mass relocation of people.¹

During the Great Migration, policing and carceral practices evolved as well. Where decades earlier ethnic whites, especially Italians, were disproportionately represented in northern penitentiaries, in the interwar years northern Blacks increasingly faced life behind bars.² Complaints of unwarranted police aggression increased too. In time, Samuel would lodge such a complaint. In June 1939, during a dispute over a traffic accident, he alleged that three white police officers attacked him. The officers, for their part, charged the nineteen-year-old with third-degree assault, claiming he punched one of them in the arm.³

James Samuel had few options for legal recourse, but he wanted to have his voice heard and to see justice done. On his behalf, his father reached out to the NAACP for assistance. The Association by that time had emerged as a crucial outlet for legal and civil rights advocacy, but this advocacy was never a one-sided affair. It entailed the formation of dynamic relationships between NAACP staffers and the working-class African Americans they assisted. This was certainly true in Samuel's situation. In the process of pursuing the two-pronged goal of exonerating him and punishing the cops who allegedly assaulted him, William Pickens Jr. and Thurgood Marshall of the NAACP regularly communicated with Samuel and his parents and tailored their strategies accordingly.

¹ For Joseph Samuel, see the 1930 and 1940 US Federal Census records; the England and Wales Registration Marriage Index; the New York Arriving Passenger and Crew Lists; and the US State and Federal Naturalization records. Information on Jane Jennie Thomas (James Samuel's mother) can be found in the 1930 and 1940 US Federal Census records; the Liverpool, England, Church of England Baptism Records; the 1921 England Census; and the US State and Federal Naturalization records. These records, for both Joseph and Jane, were accessed through [Ancestry.com](https://www.ancestry.com).

² Jeffrey S. Adler, "Less Crime, More Punishment: Violence, Race, and Criminal Justice in Early Twentieth-Century America," *Journal of American History* 102, no.1 (2015): 34-46.

³ The NAACP's records on the James Samuel case can be found in folder 7, box L39, part 2, NAACP Collection, Library of Congress, Washington DC.

Through an examination of the NAACP's files on James Samuel, this article illuminates Black reformers' multi-dimensional efforts to shield ordinary Black Americans from the worst excesses of a racially biased criminal justice system. In so doing, it contributes to a growing body of scholarship examining social justice struggles at the intersections of race, policing, and incarceration. Scholars have illuminated how crime discourses, police tactics, and carceral practices evolved over the early twentieth century and increasingly affected northern Black communities during the Great Migration.⁴ Samuel could attest to this. Northern Jim Crow was in some ways more insidious, complex, and harder to eradicate than its southern counterpart.⁵

NAACP staff dealt with this complexity as they pursued justice for African Americans like Samuel, who faced systemic discrimination that at times was cloaked by ostensibly race-neutral policies. With assistance from members of the Black working class, NAACP staff exposed and challenged the hidden inner workings of northern racism. These spaces of inter-class cooperation and shared struggle have sometimes eluded scholars' gaze, in part because the cultural prejudices of NAACP staffers seem to stand out so prominently.⁶

⁴ Khalil Gibran Muhammad, *The Condemnation of Blackness*; Emily Brooks, *Gotham's War within a War: Policing and the Birth of Law-and-Order Liberalism in World War II-Era New York City* (UNC Press, 2023); Matthew Guariglia, *Police and the Empire City: Race and the Origins of Modern Policing in New York* (Duke University Press, 2023).

⁵ Brian Purnell, *The Strange Careers of the Jim Crow North: Segregation and Struggle outside of the South* (NYU Press, 2019); Jeanne Theoharis, *King of the North: Martin Luther King Jr.'s Life of Struggle Outside the South* (The New Press, 2025); Thomas Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (Random House, Inc., 2008).

⁶ While carceral scholars have offered noteworthy insights about criminal justice disparities, they have generally fallen short of fully realizing the ideological complexity of Black reformers. Extant studies have tended either to marginalize them or dismiss them as bourgeois accommodationists who failed to meaningfully challenge structural inequality. See Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, MA, 2010); Cheryl D. Hicks, *Talk with You Like a Woman: African American Women, Justice, and Reform in New York, 1890-1935* (Chapel Hill, NC, 2010); and Simon Balto, *Occupied Territory: Policing Black Chicago from Red Summer to Black Power* (Chapel Hill, 2019). For examples of comparable assessments outside carceral studies, see Kevin Gaines, *Uplifting the Race: Black Leadership, Politics, and Culture in the Twentieth Century* (Chapel Hill, 1996); Touré Reed, *Not Alms But Opportunity: The Urban League and the Politics of Racial Uplift, 1910-1950* (Chapel Hill, 2008). Even so, several noteworthy studies provide nuanced assessments of the NAACP. See Christopher Robert Reed, *The Chicago NAACP and the Rise of Black Professional Leadership, 1910-1966* (Indiana University Press, 1997), esp. vii-viii; Charles Pete T. Banner Hailey, *To Do Good and To Do Well: Middle-Class Blacks and the Depression, Philadelphia, 1929-1941* (Garland Publishing, 1993). Manfred Berg, "Black Civil Rights and Liberal Anticommunism: The NAACP in the Early Cold War," *Journal of American History* 94, no.1 (June 2007): 75-96.

Yet while Black reformers had class biases that informed their relationships with working-class African Americans, the two groups collaborated more often than current scholarship suggests.⁷

For their part, Pickens Jr. and Marshall built their legal case for Samuel around their correspondences and meetings with the young man and his parents. Neither lawyer was a novice by this point. Pickens had dealt with several cases of police assault and had taken part in police disciplinary hearings.⁸ Marshall likewise had considerable experience confronting discriminatory criminal justice practitioners. Along with assault cases, he investigated allegations of racial discrimination at penitentiaries and juvenile detention centers in New York.⁹

NAACP staffers outside New York likewise confronted discriminatory policing. In 1939, members of the Detroit branch successfully prosecuted police officers who assaulted a man named Frank Roberson.¹⁰ A few years earlier, lawyers from the Pittsburgh affiliate investigated the case of William Alexander, who lost control of his vehicle and had the misfortune of colliding with a police car. Alexander immediately tried to explain himself to the vehicle occupant, Officer Edward Sweeny, who barely listened before knocking him to the ground and placing him under arrest. The Pittsburgh NAACP ultimately prosecuted Sweeny for aggravated assault and battery, and the evidence it presented convinced a jury of his guilt. The court suspended

⁷ In Pittsburgh, for example, staff in the local branches of the NAACP and Urban League regularly communicated with and advocated for Black migrants who had been incarcerated in nearby Western State Penitentiary. See correspondence between Urban League of Pittsburgh head John T. Clark and the following individuals: Lucy Iams (listed as Mrs. Franklin Iams), April 1, 1924; Warden John M. Egan, March 7, 1924; Charles Blue, October 24 and 25, 1924; E. G. Harris, April 6, 1924; and Joseph McGill, April 13 and 25, 1924. These letters can be found in folder 45, box 2, *Urban League of Pittsburgh Records*, Archives & Special Collections, University of Pittsburgh.

⁸ William Pickens Jr. to Thurgood Marshall, November 13, 1939, folder 7, box L39, part 2, *NAACP Collection*, Library of Congress, Washington, DC. See also Pickens's reference to his previous experiences attending police disciplinary hearings.

⁹ See Thurgood Marshall, "Report of Investigation of Alleged Segregation and Discrimination in the New York City Reformatory," 28 October 1936, folder 11, box C279, part 1, *NAACP Collection*.

¹⁰ Frank Roberson to Charles Hamilton Houston, September 22, 1939, and Thurgood Marshall to Frank Roberson, September 27, 1939, folder 2, box C279, part 1, *NAACP Collection*, Library of Congress, Washington, DC.

him from duty for six months and forced him to pay for both the court costs and the repairs to Alexander's car.¹¹

In many instances, northern Blacks like Frank Roberson, William Alexander, and James Samuel usually could not expect vindication from the criminal justice system. Aside from overworked public defenders, their best hope for redress came from local NAACP staffers who might take up their case. If the NAACP's goals and tactics were far less revolutionary and forceful than those of Black separatists and communists, its victories on the criminal justice front nevertheless materially affected the experiences of ordinary African Americans.

THE CASE OF JAMES SAMUEL

Jack Pierce was driving in East New York on June 15, 1939, when his car collided with another automobile. His friend, nineteen-year-old James Samuel, was with him in the car when it happened. No one got hurt, but the minor accident left both parties feeling aggrieved. Pierce and Samuel got in an argument with the other driver, and as they attempted to disentangle the cars three white police officers arrived. Led by Officer William Hufnagle, the patrolmen heard each side's account of the accident. The discussion does not appear to have been orderly. Hufnagle would later recall that "everyone was pretty excited."¹²

In this heated context, Samuel interjected his friend Jack's behalf to share his perspective on what happened. Hufnagle felt that Samuel had no right to speak on this matter since neither vehicle was his. "I told him to move away, and he refused to move away," Hufnagle later claimed. Rather than move away, Samuel allegedly struck Hufnagle in the arm—an action that led to Samuel's arrest on charges of third-degree assault.¹³

¹¹ Pittsburgh NAACP File, "Police Assault," May 29, 1933, NAACP Branch Records, box G191, part 1; "Pittsburgh Cop Held for Cruel Attack," *Philadelphia Tribune*, June 15, 1933.

¹² *Transcript of Hearing, City Magistrates' Court of the City of New York, Tenth District—Borough of Brooklyn, The People of the State of New York on the Complaint of William Hufnagle vs. James Samuel*, June 21–22, 1939, folder 7, box L39, part 2, NAACP Collection, Library of Congress, Washington, DC (hereafter cited as "Transcript of Hearing"). For additional information on the accident, see "Refuses to Apologize to Cop, Is Freed," *New York Amsterdam News*, November 25, 1939.

¹³ *Transcript of Hearing*, June 21–22, 1939.

A week later, James Samuel was in court for his preliminary hearing. Standing by his side were his nervous parents, Joseph and Jane. Joseph was born on the island of St. Kitts in the Caribbean and lived there until his mid-twenties, when he moved to England. He met Jane there, and in 1919 they were married. Their first son, James, was born a year later. James had no memory of living in England because he was only one year old when his parents decided to move to New York City. There, they lived among thousands of African Americans who had taken part in the Great Migration. As the surrounding Black community grew, so did the Samuel family. Joseph and Jane had six more children after James, and the nine of them lived together in a rented house in the Kings district of New York City.¹⁴

At the magistrate court on Wednesday, June 21, 1939, Joseph and Jane encountered a powerful and confusing legal system, and they were worried about what would happen to their son. James Samuel felt wronged and mischaracterized. He insisted that he did not strike Hufnagle. Indeed, he said that he “was beaten up...mercilessly” by Hufnagle and the other two officers after they detained him.¹⁵ But it was his word against Hufnagle’s, and the charge of third-degree assault was serious. For criminal cases, the preliminary hearing functioned only to determine whether the defendant had probable cause for committing the alleged crime. If the magistrate ruled in the affirmative, Samuel would later face a trial in the Court of Special Sessions.

These stakes were probably on James’s mind as he sat with his parents outside the magistrate’s courtroom waiting for his turn. It was around then that the assistant district attorney approached them; he had a plea deal to offer. Samuel’s charge would be reduced to disorderly conduct if he pleaded guilty. Disorderly conduct was classified as a violation, not a crime, and thus the magistrate at the preliminary hearing would have the authority to make a final ruling. At worst, Samuel would be given a small fine or community

¹⁴ For Joseph Samuel, see the 1930 and 1940 US Federal Census records; the England and Wales Registration Marriage Index; the New York Arriving Passenger and Crew Lists; and the US State and Federal Naturalization records. Information on Jane Jennie Thomas (James Samuel’s mother) can be found in the 1930 and 1940 US Federal Census records; the Liverpool, England, Church of England Baptism Records; the 1921 England Census; and the US State and Federal Naturalization records. These records, for both Joseph and Jane, were accessed through [Ancestry.com](https://www.ancestry.com).

¹⁵ James Samuel to Henry Baur, December 6, 1939, folder 7, box L39, part 2, NAACP Collection.

service. There would be no trial. The matter could be over that day. Wanting to move on with his life, Samuel agreed with the caveat that his plea include his written account of the event, which contradicted Hufnagle's.¹⁶

With a deal in place, all parties entered the court room of Magistrate Jacob Eilperin.¹⁷ The proceedings went smoothly at first. Eilperin announced the agreement to reduce the charge to disorderly conduct, asked on record if Officer Hufnagle, Samuel, and his parents agreed to it, and provided instructions on how to process the charge reduction with the clerk. All parties affirmed, and Samuel plead guilty.¹⁸

Now that the charge had formally been reduced to disorderly conduct, Eilperin proceeded with the hearing by asking Hufnagle to share his account of the circumstances leading to Samuel's arrest. At the part of Hufnagle's testimony where Samuel allegedly struck him in the arm, Eilperin interjected: "That is unthinkable for a boy to attempt to fight it out with a policeman in uniform... Do you think we should send him to jail?" Hufnagle said no and that a reduced sentence would be sufficient. Stepping outside the bounds of the plea deal, Magistrate Eilperin then told Samuel to apologize to Hufnagle.¹⁹

At this point in the proceedings, something remarkable happened. Young Samuel had the eyes of a magistrate and police officer on him, and the power of the criminal justice system looming over him, when he passionately said, "No...I won't apologize." Eilperin was stunned and irritated. "Here," he said, "do you think it was a nice thing, and decent, and American-like, to raise your fist in the direction of a police officer; in violently taking him by the

¹⁶ Transcript of Hearing, June 21-22, 1939.

¹⁷ Eilperin served as a magistrate from 1918, when he was appointed by the Democratic mayor, John Hylan, until his retirement in 1942. Though his initial and subsequent re-appointments came from Democrats, Eilperin himself was a lifelong Republican. See "Eilperin Quits Bench," *New York Times*, January 1, 1942.

¹⁸ Transcript of Hearing, June 21-22, 1939.

¹⁹ In the hearing transcript, Officer Hufnagle almost seems to downplay the severity of Samuel's actions. When Eilperin asked him where Samuel struck him, Hufnagle replied "On the arm. There was nothing to it." Moments later, in response to Eilperin's remark that it was unthinkable for Samuel to strike a police officer, Hufnagle added, almost in defense of Samuel, that "There was a little excitement there. Everybody was excited." Why did Hufnagle downplay and contextualize Samuel's actions that way? Did he regret his earlier decision to file assault charges against him? Was that earlier decision based in anger and motivated by a desire to put Samuel in his place for speaking out? We can only speculate. See Transcript of Hearing, June 21-22, 1939.

left arm and making use of your fist? Do you not think that an apology is in order?" When Samuel still refused to apologize, Eilperin convicted him of disorderly conduct and fined him \$10.²⁰

Samuel's father, Joseph, began to cry. He begged the judge to give him a moment to speak with his son. Eilperin agreed and said that he would drop the fine if Samuel apologized. Try as he might, though, Joseph could not persuade James to budge from his position. The young man had initially been willing to plead guilty just to get this matter behind him, but the magistrate's insistence on an apology was too much to endure. Putting himself back in the crosshairs of the legal system, James decided to withdraw his guilty plea, to reject the plea deal, and to have the original charges against him restored. He would have his day in court.²¹

"This boy is absolutely bad," Eilperin later declared.²² He granted James's request to withdraw his guilty plea but insisted on a new preliminary hearing be held since the original charges were restored and the disorderly-conduct conviction was vacated. This effectively made the original hearing null and void. Moreover, Eilperin said that a new magistrate would have to be assigned to this case because he now felt so biased against James that he could not rule impartially. The date for the second preliminary hearing was set for July 27.²³

CLEARING HIS NAME

James's decision to defend his reputation and face the legal system took great courage and conviction, but the stakes were now raised, and he would need help to beat the charges against him. His parents contacted the NAACP

²⁰ \$10 in 1939 had approximately the same purchasing power as \$233 in 2026. Transcript of Hearing, June 21-22, 1939.

²¹ Transcript of Hearing, June 21-22, 1939.

²² At the close of the hearing on June 21, Eilperin fined the defendant (Samuel) ten dollars, closed the proceedings, and dismissed the Samuels. Officer Hufnagle left as well. The matter was ostensibly closed. Over the next hour, outside the courtroom, James told his parents that the apology issue set him against the idea of pleading guilty. He wanted to have his day in court, after all. Joseph and Jane begged him to reconsider, but their exhortations fell upon deaf ears. Reluctantly, Joseph returned to the courtroom and, on behalf of James, explained to Eilperin that his son wanted to withdraw his guilty plea. The magistrate was stunned and exasperated. The hearing would have to be completed the next day since officer Hufnagle had left, he said. Consequently, the hearing concluded on June 22. See Transcript of Hearing, June 21-22, 1939.

²³ Transcript of Hearing, June 21-22, 1939.

for assistance shortly after the hearing.²⁴ They caught the Association at a fortuitous time. A few years earlier, Thurgood Marshall had become the head of its legal arm, and under his capable leadership, the NAACP pursued a considerable number of cases. As part of the Association's long-term strategy for fighting segregation in the South, its lawyers filed suits against southern states, universities, and school districts for violating the stipulation in the 1896 *Plessy v. Ferguson* decision that separate education facilities for African Americans be equal in every respect to their white counterparts. Simultaneously, NAACP lawyers litigated cases of discrimination and police brutality in northern cities.²⁵

Extant records indicate that Thurgood Marshall received a letter from Joseph Samuel sometime in late June or early July, shortly after James's emotionally charged hearing before Magistrate Eilperin.²⁶ The case had two separate components that needed to be dealt with either singly or together. First, James faced the charge of third-degree assault of a police officer. Second, he said that three officers physically assaulted him, and he wanted them held accountable for their actions.

Marshall reached out to a trusted and capable lawyer who was closely affiliated with the NAACP: William Pickens Jr. Pickens's father, William Pickens Sr., was a prominent figure in the NAACP who had served as its director of branches for many years. Pickens Jr. had a private law practice in New York City but also regularly worked cases at the behest of the NAACP.

²⁴ William Pickens Jr. to Thurgood Marshall, November 13, 1939, folder 7, box L39, part 2, NAACP Collection.

²⁵ For more on the NAACP's equalization strategy, see Patricia Sullivan, *Lift Every Voice: The NAACP and the Making of the Civil Rights Movement* (The New Press, 2009). For examples of the NAACP's cases against racial discrimination in the North during the Great Migration, see NAACP Press Release, ca. December 9, 1920, in folder 6, box C264, part 1, NAACP Collection. Also see "Round-Up Order Stirs Up Negroes," *New York Times*, December 8, 1920; "Protest Over Negro Curfew," *New York Globe*, December 8, 1920; "Johnstown's Mayor's Deportation Order Defeated," *Crisis*, November 1923. For examples of the NAACP's effort to combat police brutality in New York City, see the case files for Claude Robinson (1928) and Wartha Covington (1939), in folder 3, box C279, part 1, NAACP Collection. For an example from Pittsburgh, see "Police Assault," May 29, 1933, box G191, part 1, NAACP Branch Records; "Pittsburgh Cop Held for Cruel Attack," *Philadelphia Tribune*, June 15, 1933.

²⁶ See Thurgood Marshall to William Pickens Jr., July 13, 1939, and William Pickens Jr. to Thurgood Marshall, November 13, 1939, in folder 7, box L39, part 2, NAACP Collection.

Prior to the July 27 hearing, he met with the Samuels to gather the facts surrounding the case.²⁷

The hearing proceeded as expected. Since the original charge of simple assault (a misdemeanor) had been restored, the presiding magistrate had authority only to decide whether Samuel had probable cause. Ultimately, he determined that the prosecution evidence seemed credible enough to elevate the case to a higher court, and this meant that Samuel would stand trial in the Court of Special Sessions. The date was set for November 9. Samuel was paroled until then and would continue to live with his parents.²⁸

We cannot say for certain how Joseph and Jane felt in the weeks leading up to their son's trial. Joseph had clearly been worried about what could happen to James, his firstborn son. He had cried during James's first hearing back in June, and shortly afterward he took it upon himself to reach out to the NAACP. William Pickens was a capable lawyer, to be sure, but there was no way to gauge how the court would rule. If Magistrate Eilperin's low opinion of James was any guide, the day would not go well.

The waiting and anticipation ended on the afternoon of Thursday, November 9. Dressed in their finest clothes, James and his parents arrived at the Court of Special Sessions in King's County, New York. Pickens met them there and led them to the courtroom. Samuel would face a bench trial, rather than trial by jury.²⁹ Three judges would hear testimony from both sides, weigh evidence, and determine guilt or innocence.

Along with Samuel, his parents, and Pickens were also the three officers who had been present at the accident. William Hufnagle and his colleagues, William Arnato and William Buse, in turn shared their account of the accident and testified against Samuel. Pickens listened carefully, noting incongruities to exploit. During his cross-examination, he adroitly revealed discrepancies in the officers' testimony, accounts that conflicted with each other in key respects. The prosecution case crumbled in a matter of minutes. By the afternoon's end, the judges had heard enough. They voted unanimously

²⁷ This meeting took place on Saturday, July 15 in Pickens's office. See Thurgood Marshall to William Pickens Jr., July 13, 1939, folder 7, box L39, part 2, NAACP Collection.

²⁸ William Pickens Jr. to Thurgood Marshall, July 27, 1939, folder 7, box L39, part 2, NAACP Collection.

²⁹ This was a common practice for lower-level misdemeanors like simple assault.

to acquit Samuel of the charges against him. James left the courthouse that day a free man.³⁰

The elation of victory, and the feeling of relief, still lingered with Joseph for days after. Writing to NAACP's head, Walter White, on November 13, he praised the Association for its timely assistance to his son: "Mr. Marshall's able choice in my son's counsel and lawyer, Mr. William Pickens, is to be recognized [for his] sincerity, indulgence and incomparable ability were, I'm sure the absolute agents surrounding the court's decision, acquittal." Samuel closed his letter by informing White that he was "proud to know that there is [as] active...an association as the N.A.A.C.P. to champion the cause of an oppressed minority group."³¹

Word of James Samuel's courtroom victory gradually reached the Black press. On Saturday, November 25, the *New York Amsterdam News* ran a story headlined "Refuses to Apologize to Cop, Is Freed." The *Amsterdam News*, like other Black weeklies, served as a center of news on Black life, helped to expose discrimination and abusive policing, and celebrated civil rights victories such as Samuel's acquittal. The November 25 story recounted the automobile accident and discussed the allegations against Samuel, along with the circumstances of his first court hearing with Magistrate Eilperin. It also praised William Pickens for drawing conflicting testimony from the officers.³²

SEEKING JUSTICE

The next task proved even harder. It was one thing to get Samuel acquitted—it was quite another to hold Hufnagle and the other officers accountable for their actions. There were two paths to pursue on this front: one legal, the other departmental. Pickens could file a cross-complaint in court at the July 27 preliminary hearing; if the magistrate determined that sufficient evidence had been presented, the cross-complaint would be considered alongside the

³⁰ See "Refuses to Apologize to Cop, Is Freed," *New York Amsterdam News*, November 25, 1939; William Pickens Jr. to Thurgood Marshall, November 13, 1939, folder 7, box L39, part 2, NAACP Collection.

³¹ Joseph Samuel to Walter White, November 13, 1939, folder 7, box L39, part 2, NAACP Collection, Library of Congress, Washington, DC. In the same folder, see also Walter White's reply to Joseph Samuel, dated November 16, 1939.

³² "Refuses to Apologize to Cop, Is Freed," *New York Amsterdam News*, November 25, 1939.

original charges against Samuel. Pickens could also pursue justice through the New York City Police Department's internal disciplinary protocols.

From the outset, the chief problem facing James was that he could not produce a witness other than himself. It was on these grounds that the magistrate rejected Pickens's application for a cross-complaint at the July 27 hearing. Following the hearing, Pickens assured Thurgood Marshall that he planned to find a witness.³³ The most obvious (and possibly only) option was James's friend, Jack Pierce, whose car was involved in the accident in June. But for unclear reasons Pierce evidently refused to testify. Did he and James have a falling out sometime after the accident? Was Pierce concerned that testifying against police would prompt a retaliation against him? The record leaves us to speculate.

Without a witness, the path for justice through the court system closed, and there was only a slim probability of success at a police disciplinary hearing. Even if they *had* solid evidence, Pickens doubted whether the police department would hold its officers accountable for their actions. "[F]rom bitter experience in the past, I have come to have very little faith in the sincerity or effectiveness of the so-called Departmental Hearings," he wrote Marshall in November.³⁴

Marshall by this time had entered the fray. He met with James and Joseph in his office on November 20 to get affidavits from them for use at the departmental hearing.³⁵ James had been actively involved in this case as well. Aside from meetings with Pickens and Marshall, he had been in regular communication with officials at the 75th Precinct Police Department, where Hufnagle worked. Back in July, he went there to meet with the captain and identify the officers who assaulted him. His initial complaint "did not specify names," James later explained, "because at that early date so soon after the assault, their names were not even known by myself."³⁶ In later correspondences with Henry Baur, who oversaw police disciplinary hearings,

³³ William Pickens Jr. to Thurgood Marshall, July 27, 1939, folder 7, box L39, part 2, NAACP Collection.

³⁴ William Pickens Jr. to Thurgood Marshall, November 13, 1939, folder 7, box L39, part 2, NAACP Collection.

³⁵ Thurgood Marshall to Joseph Samuel, November 18, 1939, and James Samuel to Thurgood Marshall, November 21, 1939, folder 7, box L39, part 2, NAACP Collection.

³⁶ James Samuel to Henry Baur, December 6, 1939, folder 7, box L39, part 2, NAACP Collection.

James supplied these names and arranged the date for the disciplinary hearing.³⁷

At 11:00 a.m. on Friday, December 15, the Samuels, William Pickens, and Thurgood Marshall met at the Twelfth Division New York City Police Department on 521 Empire Boulevard for the disciplinary hearing. In Marshall's briefcase were the sworn affidavits of James and Joseph. The officers in question—Hufnagle, Buse, and Arnato—were there as well. Henry Baur presided over the hearing. After listening to both sides, he would soon render a decision.³⁸

The story ends there. No records survive to tell us how the hearing ended or what came of it. The NAACP's file for this case stops at the point when a date for the hearing had been set. The *New York Amsterdam News*, which had so eagerly celebrated Samuel's acquittal the previous month, reported nothing about the hearing. Archival records for the New York City Police Department do not include internal disciplinary proceedings.³⁹ These, presumably, were destroyed long ago.

In all likelihood, the December 15 hearing ended how Pickens predicted it would. Especially without any witnesses, it was James's word against the testimony of three New York City police officers. Baur probably sided with his colleagues. Had it been otherwise, both the NAACP and the Black press would have publicized the victory—and left a trail for us to follow.

It was likely a bitter pill for Samuel to swallow. He had shown great courage in standing up to Magistrate Eilperin in June, and over the ensuing months he never wavered in his commitment to achieve justice. He sat through two

³⁷ James Samuel to Henry Buar, December 6, 1939, folder 7, box L39, part 2, NAACP Collection. See C.E.M. to Thurgood Marshall, December 6–December 8 1939, folder 7, box L39, part 2, NAACP Collection. The latter letter from C.E.M. indicates the date of the hearing.

³⁸ Earlier correspondences strongly suggest that Marshall joined the Samuels at the hearing. Pickens was invited to attend as well, and he earlier indicated his willingness to attend. However, extant records do not say for certain who actually attended. A definitive date for the hearing had been agreed upon. The December 8 letter from C.E.M. to Thurgood Marshall indicates this much. But the hearing had already been postponed a few times by that point. The above account of the hearing therefore depends in part on inferences I drew from the source material. See the files in folder 7, box L39, part 2, NAACP Collection.

³⁹ The Municipal Archives in New York City hold the records of the New York City Police Department. These records span from the 1880s to the 1980s and include Bertillon cards, police census records, and photographs, among other files.

hearings and a trial, wrote multiple letters, visited a police precinct (where he spoke with a police captain and pointed out his assailants), and arranged the date for a police disciplinary hearing.

He also met with key allies in the NAACP, such as Thurgood Marshall. Long before he became a justice in the US Supreme Court, Marshall was on the front lines of the Association's fight against racially biased policing in America. During the Great Migration, NAACP staff exposed discriminatory practices at penitentiaries and juvenile justice centers, checked racial abuses by city mayors across the North, and provided legal support for African Americans caught up in the criminal justice system. Association staffers may not have been able to bring Officer Hufnagle and his colleagues to justice, but they were able to clear James Samuel's name. The young man had been vindicated on that score. Ultimately, that Samuel could not get his friend to testify on his behalf may be indicative of the kind of fear the criminal justice system inspired. That fear made the battle for equal justice all the more difficult—and necessary.

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