Racial Injustice In Houston, Texas: The Mexican American Mobilization Against The Police Killing Of Joe Campos Torres

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RACIAL INJUSTICE IN HOUSTON, TEXAS: THE MEXICAN AMERICAN MOBILIZATION AGAINST THE POLICE KILLING OF JOE CAMPOS TORRES

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Doctoral Program in Borderlands History

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I dedicate this study to my family, both in Houston and El Paso. Most especially to my mother, Stella Gonzales, who fostered my love for reading, writing, and education. Also, to the life and memory of my brother Jose “Gordy” Martinez. We forever miss you.
RACIAL INJUSTICE IN HOUSTON, TEXAS: THE MEXICAN AMERICAN MOBILIZATION AGAINST THE POLICE KILLING OF JOE CAMPOS TORRES

by

MELANIE LORIE RODRIGUEZ, A.A., B.A., M.L.A.

DISSERTATION

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Introduction: Racial Injustice in Houston and the Mexican American Mobilization against Police Violence

Before pushing Joe Campos Torres into Houston’s Buffalo Bayou on the night of May 5, 1977, Houston Police officer Terry Denson yelled, “Let’s see if this wetback can swim!” Denson, along with five other white policemen (Louis Kinney, Glen Brinkmeyer, Joseph Janish, Stephen Orlando, and Carless Elliot) had arrested Torres after responding to a complaint of a drunken disturbance at Club 27 in East End, an ethnic community.¹ Torres, a twenty-three-year-old native of Houston, had been apprehended the previous December at this same night club for similar charges. During both incidents, the recently discharged ex-U.S. Army Ranger and Vietnam veteran invoked his advance skills in Taekwondo to threaten the officers arresting him.² On this night, the officers turned to “street justice” to “quiet” the foolhardy arrestee. The lawmen drove Torres to a secret location known as “the hole,” at 1200 Commerce Street, where all of them (except for Elliot) participated in beating the handcuffed man.³ His killing would spark a wave of protest that ensured that Houston’s long history of police brutality against ethnic Mexicans and other minorities (especially African Americans) would come to the forefront in Texas, if not the nation in general.

The Houston Police Department’s (HPD) use of “street justice”—that is an informal systemic method of racial oppression meant to control the minority communities in the aftermath of Jim Crow’s demise — against Joe Torres on the night of his death, and the judicial injustice that followed in the state and federal trials, provides a window into larger issues of race and racism that reinforced white dominance and shaped ethnic Mexicans’ experience in East Texas throughout the twentieth century. The HPD was a mechanisms of the city’s status quo that reinforced the racial dominance of white Houstonians. From 1940 to 1970, the HPD found it necessary to implement effective police models to control wayward minorities and uphold the racial structure of white

³ Bond, “City of Houston,” 31.
supremacy. By the 1950s and 1960s, policing helped racialized the ethnic-Mexican community as criminal and larger amounts of police oppression were permitted. Mexican-American activists increasingly found their voice excluded in the policing of their communities. In the late 1960s, following the passage of the Civil Rights Act, which emphasized due process, the HPD incorporated the practice of street justice as part of its subculture as a means to defy what it perceived were greater rights for criminals.

This heightened police aggression and lawlessness against the ethnic-Mexican community (as well as African Americans) ensured that citizens would live in fear of law-enforcement officers and that any opposition to their power would be silenced. The 1977 police murder of Joe Torres represented a culmination of police lawlessness that over three decades racialized the people, oppressed the community, and silenced activists’ voice from the affairs of discriminatory policing practices. It also was the moment when police violence, institutional racism, and the absence of justice galvanized ethnic Mexicans under an effective strategy to reform the police and pursue justice. Thus, this study seeks to understand the circumstances that allowed for Joe Torres’s killing and the reforms that followed his unjust death. It is fundamentally concerned with understanding how the Houston Police Department’s power grew, the corruption that followed in the guise of police brutality against ethnic Mexicans, and how community activists and city officials reined in that abuse and reformed the department in order to better serve the citizens of the Bayou City.

To better situate my study, it is necessary to provide a sense of the dynamics of Houston’s Mexican-American history. Houston historians, including Arnoldo De León and Thomas Krenick, have written general histories of the Bayou City that portray Mexican Americans as developing a vibrant bicultural society that accommodated the traits of Anglo-Houstonians and gained support of white associates to improve the conditions for Hispanics.4 More recently, historian Robert Treviño in The Church in the Barrio: Mexican American Ethno-Catholicism in Houston has moved away from the accommodation model to show that ethnic Mexicans in Houston utilized “ethno-

Catholicism” to sustain their sense of ethnic identity and find ways to cope with their marginality in the Catholic Church and American society. This transition in identity is the subject of historian Guadalupe San Miguel’s *Brown, Not White: School Integration and the Chicano Movement in Houston* which focuses on how ethnic Mexicans accepted a nonwhite racial status and forged a new politic of struggle based on mass mobilization and protest in the early 1970s. He argues that ethnic Mexicans and Chicanos rejected whiteness and in turn challenged Houston Independent School District officials who took a lukewarm approach to desegregating the city’s public schools.

More recently, historians have examined ethnic Mexicans’ experience as a racialized group living under the cultural constraints of Jim Crow society. Tyina Steptoe has argued that ethnic Mexicans in Houston represented a “history of mixing (metizaje) that challenged dominant notions of whiteness and racial purity.” She claims people of Mexican descent were legally white, but Anglos defined a language of difference by 1930 that set them apart culturally. In response, ethnic Mexican avoided repression of Jim Crow by making claims to whiteness. Similarly, Brian Behnken, in *Fighting Their Own Battles*, included Houston in a multiracial history on Texas that examined African American and Mexican Americans’ action to overcome the dual system of de jure and de facto Jim Crowism. He argues, “Jim Crow actually contributed to the emergence of two separate freedom movements…[because] Jim Crow not only separated blacks and Mexican Americans from whites, but also from each other.” Like Steptoe, he includes Houston Mexicans fight to be racially positioned as white, but argues it distant them from joining African-American activists during the Civil Rights Era. His discussion on police brutality in Houston focused on the suppression of Black Power activists and only mentioned the Torres incident in passing.

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7 Ibid., 201.
9 Ibid., 15.
Few historians have written an extensive critical examination of Mexican Houstonians’ experience with racism and law enforcement as it led up to Torres’s murder and its aftermath. In his survey history of Houston, Krenick acknowledges that police brutality and injustice were a constant feature of life for Mexicans in Houston since the 1920s. He briefly links the 1937 Houston police killing of Eplidio Cortez, which resulted in the acquittal of the two officers who caused his death, to the Joe Torres case.\footnote{Krenick, \textit{Del Pueblo}, 48.} He states that the police’s racist violence was ongoing and “anyone of color or within the white counterculture” could be susceptible to the HPD’s misconduct.\footnote{Ibid., 105.}

Historian and political scientist Dwight Watson in \textit{Race and the Houston Police Department, 1930-1990: A Change did Come} analyzes the role of police in the transformation of Jim Crow South, and he argues that police leadership tried to maintain racial subordination despite social change. He offers a critical examination of the intersection between the HPD’s practice of racism and brutality as it is linked to the agenda of activists during the Torres controversy. He positions the two-year-long Torres controversy as a watershed moment in Houston and Southern history that reformed the racist policies of the law-enforcement system.\footnote{Dwight Watson, \textit{Race and the Houston Police Department, 1930-1990: A Change did Come} (College Station: Texas A&M University Press, 2005), 128-129.} In an article, Brian Behnken expanded his examination of the Joe Torres incident, alongside the Dallas police killing of Santos Rodríguez, to argue that the Chicano movement and concepts of \textit{chicanismo} continued after 1972. He claimed the Torres incident was the most intense period of protest within the Houston Chicano movement.\footnote{Brian Behnken, “‘We Want Justice!’: Police Murder, Mexican American Community Response, and the Chicano Movement,” in \textit{The Hidden 1970s: Histories of Radicalism} edited by Dan Berger. (New Brunswick, N.J.: Rutgers University Press, 2010), 196, 201.}

The transformation of ethnic-Mexican history in Houston has increasingly displayed the constraints of race and racism in Jim Crow society. Previous studies agree that Torres’s death galvanized the ethnic community and created a more dynamic class of leaders among ethnic Mexicans. Much of the literature focuses more extensively on the tensions between police and the
ethnic-Mexican community relations from the 1960s onward. Building upon this historiography, my study positions Torres’s death and ethnic Mexicans’ place in the city against the backdrop of HPD’s protection of Jim Crow society and white supremacy since the 1930s. With this in mind, rather than concentrate on police-community relations since the 1960s, I consider the long-term relations between police and the ethnic community to locate the moments when policing Jim Crow racialized ethnic Mexicans, oppressed the community, and silenced activists’ voice from the affairs of discriminatory policing practices. By bringing together the history of the department and the community, this study seeks to illuminate how Mexican Houstonians living with violence, racism, and injustice used the tools of their oppressors to empower, resist, and protect themselves.

This study seeks to recover and analyze the processes of police oppression that criminalized and suppressed the ethnic-Mexican community in Houston. For the most part, Chicano/a historians have examined cities and regions with an ethnic Mexican presence linked to the Spanish colonial and Mexican eras, and thus have given little attention to examining “new” Chicano communities, like Houston’s, that took root in the twentieth century.\(^\text{15}\) The influx of Mexican immigrants there throughout the twentieth-century transformed racial identity in East Texas. To understand police-ethnic Mexican community relations in this city, it is first necessary to explain the local conditions from which it emerged. When Houston was founded in 1836, new white Texas settlers viewed themselves as a distinct Anglo-Saxon race involved in a racial conflict with Mexicans.\(^\text{16}\) After the Texas Revolution, in a symbolic act of degradation, Houston founders Augustus and John Allen placed Mexican prisoners of war, who were defeated and captured in the Battle of San Jacinto, alongside black slaves, to clear the bayou land that became the town.\(^\text{17}\)

Houston was built upon a slave economy that developed with the colonization of East Texas. The Bayou City is located in Harris County, and it is surrounded by neighboring counties


\(^{17}\) Steptoe, *Houston Bound*, 24.
that once held unfree African-American majorities of between 70 and 80 percent at the outbreak of the Civil War. The young town’s location made it the connective route between the Port of Galveston Island and the “Texas Sugar Bowl.” The countryside southwest of Houston produced not only the moneymaking sweetener, but also highly profitable cotton on plantations in Brazoria, Wharton and Fort Bend County.\(^{18}\) The city thrived on the productivity and economy of slave labor which also influenced the notions of race and power common to a society based on unfree labor. Anglo-Saxons’ power in Houston was granted in the racial binaries of white-and-black that were rooted to the traditions of the peculiar institution.

The notions of race and power that developed in East Texas slave societies were an outgrowth of the plantation ideology forged over two centuries in the Southeast United States and brought westward by slave-holders and bonds people during the Antebellum Era. The elite slaveholding class used its economic power in an agricultural, plantation-based society to impose values and recreate the white-over-black racial hierarchy of the plantation regime in East Texas.\(^{19}\) With the demise of this “ancien regime” after the Civil War, this tradition was threatened and white power was reasserted and defined through Jim Crow statutes that emerged in the late nineteenth- and early twentieth-century.\(^{20}\) The Democrat-ruled local government in Houston adopted measures to disfranchise blacks and relegate them to an inferior status in society.\(^{21}\) The law-enforcement system of Harris County and the prison in Fort Bend County became a nexus of power that entrapped African Americans for noncompliance to Jim Crow statutes. The black community remained in-check by the physical embodiment of white supremacy in the local law enforcement and the threat of force labor at the rural prisons.\(^{22}\)

Although ethnic Mexicans did not have a bigger presence in the city until the twentieth century, Anglo Houstonians would have been informed of the statewide treatment of ethnic

\(^{18}\) Ibid.
\(^{19}\) Ibid., 25-26.
\(^{20}\) Ibid., 30.
\(^{21}\) Watson, Race and the Houston Police, 29-30.
\(^{22}\) Steptoe, Houston Bound, 22.
Mexicans that questioned their whiteness. The United States’ war with Mexico reinforced among white Texans concepts of their racial supremacy despite the promise of citizenship rights and property protection entitled to ethnic Mexicans in the 1848 Treaty of Guadalupe Hidalgo. In south and central Texas, Anglos defined Mexicans as a conquered population, who were not entitled to the privileges of citizenship rights and property protection entailed in the treaty.\textsuperscript{23} Moreover, Texas Mexicans were unworthy of the privileges of whiteness, because of their history of racial hybridity and interracial contact between indigenous groups, Spanish colonizers, and Africans.\textsuperscript{24} The rise of the Anglo-dominate capitalist system in the late nineteenth-century depleted the landed wealth of Tejanos in areas like the Rio Grande Valley,\textsuperscript{25} and a system of Jim Crow was erected that spatially divided ethnic Mexican from whites and reinforced the racial hierarchy of white supremacy.\textsuperscript{26} Anglo Houstonians were informed of this history and used it to justify the de jure practice of Jim Crow toward ethnic Mexicans in the twentieth century.

This study of police-community relations locates the racial criminalization of ethnic Mexicans across four decades from 1930s to the 1970s. It focuses on the HPD’s reinforcement of white supremacy in Jim Crow society across four different models of policing among the Houston Police Department. The HPD implemented these different models to respond to societal concerns of juvenile delinquency and the unrest during the Civil Rights Era, but it taunted the ethnic community with over arrest, profiling, and abuse. “Racial Injustice in Houston, Texas: The Mexican American Mobilization against the Police Killing of Joe Campos Torres” brings to light how ethnic Mexicans found their voice excluded in the patrolling of their communities. With Jim Crow in place, ethnic Mexicans failed to have a viable voice to combat police discrimination and violence until the Civil Rights Act of 1964 and the Supreme Court ruling in \textit{Mapp v. Ohio} and \textit{Miranda v. Arizona}. The protection of citizens’ due process rights opened a judicial and legal

\textsuperscript{23} Heizer and Almquist, \textit{The Other Californians}, 142, 148; Escobar, \textit{Making of a Political Identity}, 18-19.
\textsuperscript{24} Escobar, \textit{Making of a Political Identity}, 18-19; Steptoe, \textit{Houston Bound}, 81-82.
\textsuperscript{25} Armando Alonzo, \textit{Tejano Legacy: Rancheros and Settlers in South Texas, 1734-1900} (Albuquerque: University of New Mexico Press, 1998), 6, 141-142.
\textsuperscript{26} Steptoe, \textit{Houston Bound}, 84-85.
 avenue to fight discriminatory police practices and misconduct; however, not before the HPD increased their aggression to control minorities and social activists through the informal practice of street justice. As such, it is possible to conceive that Houston, Texas had a longstanding history of police oppression against the ethnic-Mexican community. It is from this past of police violence that mobilized efforts for Torres matured into a successful movement that reformed the law-enforcement system in Texas.

Central to understanding police oppression of the ethnic-Mexican community is the system of Jim Crow. Houston as a Southern city emphasized a racial legacy of slavery, Reconstruction, and Jim Crow. Blacks and Mexican Americans faced a rigid system of de jure racial separation and de facto segregation within Houston society. Racism impeded police services to minorities for generations. This study borrows from Steptoe and Watson to position Jim Crow as the most powerful force that governed the HPD’s conduct, attitudes, and customs. Steptoe held that Jim Crow segregation influenced cultural norms at which Anglos used cultural differences to set ethnic Mexicans apart from them. She stated, “policing culture was a fundamental part of enforcing racial differences.” The police department had a pivotal role as the enforcer of white supremacy. According to Watson, the maintenance of Jim Crow was “deemed more important than the law.” This study considers how the cultural racism of Jim Crow perpetuated the first period of dispossession of ethnic Mexicans in the 1930s and the policing of the pachuco subculture in the 1940s. The HPD suppression of juvenile delinquency with the War on Crime in the 1950s indicated the entrapping of ethnic-Mexican youths within law enforcement’s nexus of power for noncompliance to Jim Crow’s normative. Responsible for “holding the color line,” the HPD acted as a barrier to change even after the demise of Jim Crow.

Another concept to understand the operation of police oppression is the influence of the HPD’s subculture upon Anglo officers. In the 1930s, Watson explained paternalism was the

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27 Behnken, Fighting Their Own Battle, 5.
28 Steptoe, Houston Bound, 6.
29 Ibid., 12.
30 Watson, Race and the Houston Police, 4.
prevailing attitude of the HPD. This attitude to set wayward citizens straight like a father also contributed to the desire for law and order that accepted violence to control crime. This dynamic aimed to invoke fear in citizens to ensure respect for the law, but it also opened a space for police to create a subculture that reinforced white supremacy and their authority to maintain it. During the 1950s, the HPD shifted to the crime-fighting orientation of the war-on-crime model which pitted police against criminals. Police developed a mode of thought that crime represented a disdain for white authority. This mentality placed police at odds with the “criminal element” that it must forcefully control and prevent. When Jim Crow was dismantled, protection of suspects and prisoners’ rights through due process only fostered a greater sense of the “police-against-the-world mind-set.” At this point, I treat the concept of the police subculture as a counter-hegemonic discourse to national policy that offered lawmen another space to erect the oppressive and informal model of street justice. This study demonstrates that the police subculture among Anglo officers prevented higher levels of professionalism within the force, which fostered the prevalence of white supremacy and discriminatory police practices.

This study’s interpretation of Houston’s racial superstructures and the development of ethnic Mexicans’ discourse of empowerment are influenced by the ideas of Marxist scholar Louis Althusser. In Lenin and Philosophy and other Essays, he offers insight into the mechanisms of state power that can be applied to understanding the ideologies and superstructures of a dominant race and the ensuing struggles related to oppression. According to Althusser, “state apparatuses” of state power consist of two bodies, institutions and ideology. Institutions, like the police, are “repressive” state apparatuses and function by violence, repressive state apparatuses (RSA) will be represented in this study as the mechanism of the Anglo status quo, such as the Houston City Council, law enforcement, and judicial courts. “Ideological state apparatuses” (ISA), on the other

31 Ibid., 19.
32 Escobar, Making of a Political Identity, 199.
33 Watson, Race and the Houston Police Department, 68.
hand, function “by ideology” and promote the “ruling class” of the state power.\textsuperscript{35} For the purposes of this study Houston’s cultural mechanism, like schools and newspapers, can be viewed as ISAs.

Throughout this study, state apparatuses function to protect “whiteness,” reinforce Jim Crow society, and define the “other.” This framework informs the way I examine the power and autonomy of the mechanism of the status quo, like the police who beat and killed Torres because of race, as well as explain how the cultural and repressive mechanism (the newspapers and court system) worked together to influence lenient punishments for the officers. Moreover, Althusser explains that exploited people are able to find means and occasions to express itself within the apparatuses of the state, “either by the utilization of their contradictions, or by conquering combat position in them in struggle.”\textsuperscript{36} Althusser’s ideas aid in situating the varying Mexican-American/Chicano dialogues of enfranchisement within the broader framework of the racial status quo, and shed greater light on the ways that activists used the tools of their oppressors to resist, embolden, and protect themselves against violence, racism, and injustice.

The four police models I survey seek to understand the links between the police, race, and social change. Chapter one examines how the enactment of the 1943 Juvenile Court Act helped Mexican-American police and activists forge better ties between their community and the police. Initially, ethnic Mexicans were located within an ethno-racial middle ground at which the lines of separation in Jim Crow were not so rigidly maintain as with African Americans.\textsuperscript{37} The Great Depression ushered in the anti-immigration movement, and Mexicans’ ethnicity became racialized as un-American, leading to their first dispossession with deportation and formalized tactics within the law-enforcement system. Juvenile delinquency among Mexican-American zoot-suiters and gangs in the 1940s enabled youth movements to define their American identity and gain a sense of autonomy to defend their neighborhoods against oppressive law-enforcement measures. This chapter shows that the implementation of the Juvenile Court Act of 1943 allowed a new bicultural

\textsuperscript{35} Ibid., 97-98.
\textsuperscript{36} Ibid., 99.
\textsuperscript{37} Neil Foley, \textit{The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture} (Berkeley: University of California Press, 1997), 41.
generation of activists and citizens to reverse negative criminal perceptions of their race and work directly with law enforcement to (re) claim their place within white society. The creation of the Latin-American division in 1942 allowed officers of Mexican-descent to patrol their communities, as well as encouraged police to serve youths in ethnic communities by working directly with civic betterment groups. Ethnic-Mexican activists in return were permitted to incorporate their notions of Americanism within the methods of the city’s law enforcement.

In chapter two, however, the increase of juvenile delinquency and gang activity among ethnic-Mexican youths during the 1950s led law enforcement officials to perpetuate racial perceptions of the group as a whole and implement a war-on-crime model of policing to make the law-enforcement system a preventive force in the maintenance of Jim Crow. Juvenile delinquency was a city-wide problem among all juveniles, including white youths, in post-World War II society. Houston’s status quo, however, redirected its attention to ethnic-Mexican delinquents, who were believed to defy the norms of society and disregarded the authority of law and order. The HPD officials responded by shifting their strategy from the social worker model of civil guardianship to the larger war-on-crime model. My examination of the Crime Prevention Division’s annual reports indicated that the over arrest rates of ethnic Mexicans supported the city-wide notion of a “Latin American Problem” and became a self-fulfilling prophecy. The HPD’s discriminatory tactics associated ethnic-Mexican youths with crime and in the process not only racialized them but the community as a whole. In addition, police-community relations declined as law enforcement challenged the validity of lawyer and LULAC member John J. Herrera from contesting the war on Latin-American delinquency. With public outcry suppressed, law enforcers defended “rough” procedures as a crucial tool to effectively combat delinquency.38

Chapter three examines law enforcement reforms during the Civil Rights Era and considers how lawmen manipulated the due process model to maintain its subordination over the ethnic-

Mexican community and forcibly control the pace of social and institutional change. The Civil Rights Era signaled the demise of Jim Crow and coercive police practices, and it guaranteed citizens’ rights to procedural due process. These civil reforms only agitated the HPD’s unwillingness to alter attitudes or traditional police practices. To reestablish itself as a “thin blue line” that maintained the racial order despite national reforms, police officers erected the informal patrol model of “street justice.”

I scrutinized the 1972 *Texas Law Enforcement Handbook* to demonstrate how lawmen abused the “color of law” to seemingly appear to comply with police procedure. The color of law, along with the code of silence, helped officers make an unlawful arrest, retroactively lawful. By the color of law, I mean the appearance of enforcing criminal statutes to commit an unlawful arrest, then falsifying or finding probable cause to make it retroactively lawful. The code of silence is a cultural norm among police that officers should neither report on nor incriminate fellow lawmen who engage in misconduct. Street justice reaffirmed the police’s power to control the ethnic-Mexican communities after Jim Crow. Moreover, the law-enforcement system’s double-standard assured police would not be held accountable for illegal actions.

Chapter four focuses on the resurgence of Mexican-American organizations’ quest for civil rights in the late 1970s. After police suppressed the Black Power and Chicano movements, Mexican-American activists erected a new ethnic political mobilization to reform law enforcement and challenge the whitewashing of justice. Mexican activists commandeered the language of due process and the Fourteenth Amendment of the Constitution to define a discourse of racial unity and civil rights empowerment. Thus, the movement that eventually organized for Torres displayed knowledge of this double-standard which allowed it to forge a more sophisticated and mature civil

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41 Flynn, ”Miranda,” 3-5.
rights struggle against police brutality. The death of Joe Torres at the hands of five HPD officers, opened a path for Mexican-American and Chicano activists to become a viable voice behind the movement for police reform in the latter 1970s. The Mexican-Americans mobilization for Torres commandeered tactics from the past decade to establish effective reforms in police procedures and secured federal intervention by the U.S. Department of Justice against four of the officers who murdered Torres.

Chapter five explores the moments of tensions between police-community relations and the court trials for Torres that contributed to the Moody Park Uprising in May 1978. Arnoldo De León once concluded that the Moody Park Uprising was a “spontaneous” event with no particular goal for the Mexican-American community’s civil rights.44 My examination of this disturbance shows that the event was a result of actions that occurred over time.

This study is an attempt to understand a sliver of Houston’s ethnic Mexican past via the window of police-community relations. In order to recover this history of police-community relations and Mexican American empowerment, I relied on a variety of sources. Much of the information regarding police procedures and models came from the state law enforcement handbooks, juvenile probation records of Harris County, state government news releases, local newspapers, and private collections that carried correspondences, newsletters, and annual reports from the Harris County Grand Jury. Sources on the early Mexican American and police relations were derived from private collections and the major daily newspaper, the Houston Chronicle. Sources that captured the Mexican-American mobilization against street justice came from the state and local LULAC collections, state representative’s private collection, local bilingual and Chicano newspapers, HPD police chief speeches and studies, and various other collections belonging to Mexican-American activists.

44 Arnoldo De León, Ethnicity in the Sunbelt: Mexican Americans in Houston, 2nd ed. (College Station: Texas A&M University Press, 2000), 213.
Chapter 1: “Gangdom Style”: How Pachuco Culture Opened Police-Community Relations in the 1940s

In 1943, the *Houston Chronicle* featured dramatic headlines aimed at getting its readers to take notice of what it deemed was a wave of juvenile delinquency among Mexican-American youths influenced by the zoot-suit phenomenon and the pachuco subculture. For example, one read “Junior Gang Activities in City Being Probed: New Upsurge of Crime Blamed on Groups Formed to Carry on Shakedown Rackets,” while another resounded the unlawfulness of youths declaring, “Two of Gang declared to be Juveniles: Pair Changed in Death of Joe Pacheco.” As youth crimes became more severe, so did the actions of law enforcement, city officials, and the white media, who developed a newfound gaze that fixated on Mexican-American youths. This view was part and parcel of the Jim Crow system’s opinion of minorities and ensured that ethnic-Mexican youths were looked upon as part of a nationwide race problem growing over the decade. However, by 1945 these headlines changed and reflected a positive view of Houston’s ethnic population. For instance the newspaper now proclaimed, “Gang Leader Pledges Aid in Building Sports” and “Baseball Replacing Knife for Latin-American Boys.” In order to understand this change, it is important to examine the events that took place in the city and how ethnic Mexicans reversed the negative repercussions of gang criminality.

This chapter considers how juvenile delinquency among Mexican-American zoot-suiters and gangs enabled youth movements to define their American identity and helped them gain autonomy that in turn was used to defend their neighborhoods against oppressive systemic racism perpetrated by law enforcement measures. For youths, *pachuquismo*—or gang activity—emerged as a counter-hegemonic discourse of contestation that encouraged them to stand against Jim Crow and the racial discrimination they witnessed as children or youths in the 1930s. The anti-

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2 “Two of Gang declared to be Juveniles: Pair Changed in Death of Joe Pacheco,” *Houston Chronicle*, April 9, 1943.
immigration movement served to racialize ethnic Mexicans as un-American and included formalized tactics within the law enforcement system to challenge the legality of their whiteness within Jim Crow Houston. The zoot-suit phenomenon threatened to isolate youths as criminals and un-American, and the city law enforcement looked toward Los Angeles to sensationalized the crime wave and bring heavy-handed tactics. The enactment of the 1943 Juvenile Court Act helped Mexican Americans to forge better ties between their community and the police.

This chapter argues that the implementation of the Juvenile Court Act allowed a new bicultural generation of activists to reverse negative criminal perceptions of their race and work directly with law enforcement to (re) claim their place within white society. The city and state’s fear of delinquency among white youths pushed this legislation; it sought to maintain Jim Crow’s racial integrity in a wartime society. In addition, it opened a moment of amicable police-community relations defined within the terms of Civil Guardianship. Under this policy, police were designated as social workers serving youth in ethnic communities and were encouraged to work with civic betterment groups. Activists in return were permitted to incorporate their notions of Americanism within the methods of the city’s law enforcement. This legislation empowered Mexican-American activists to control and mediate the patrolling of their community, which resulted in reversing the derogatory image of youths and decreased crime.

The 1930s and 1940s proved to be profound decades in establishing racial exclusion of ethnic Mexicans in Houston, because in the early twentieth century this same community experienced a degree of social inclusion that allowed their small presence to remain unmolested by a normative segregationist society. Unlike Tejanos in the Rio Grande Valley of South Texas who were socially and economically displaced by Anglo segregationist, the earliest colonias – or Mexican enclaves – in Houston were not subjected to the spatial divisions or the racial hierarchy of Jim Crow. In the Rio Grande Valley, capitalist growth and nation-building opened economic

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4 Before the 1880s, Texas Mexican and Anglos accommodations in social, economic, and political affairs allowed both groups to undergo a process of acculturation. Some Texas Mexicans adopted or negotiated Anglo customs, legal traditions, social institutions, and values within their Spanish and mejicano foundation. Likewise, some Anglo newcomers Hispanicized by absorbing Tejano social and cultural elements, such as the Spanish
and landed opportunities for Anglo Americans. The old order of surviving Hispanic ranching families of the Texas borderlands found their power stripped by Anglo segregationists and their political dominance reduced to rural enclaves.\(^5\) Anglos subjugated Tejanos within a system of racial segregation modeled after the Jim Crow practices of the South. In Houston, however, the Jim Crow statutes that emerged at the turn of the century reinforced the Anglo status quo and limited the social mobility of African Americans.\(^6\) The small ethnic colonia, that approximated roughly 2,000 persons before 1910, did not encourage a struggle for economic and political power between Anglos and ethnic Mexicans as it did in South Texas.\(^7\) Legal measures were adopted to disfranchise blacks and relegate them to an inferior status in society.\(^8\) Ethnic Mexicans among the first generation of immigrants into Houston were legally and socially considered white.

The black-white dichotomy that separated Anglos and African Americans in Houston society was not so rigidly maintained with ethnic Mexicans, which allowed them to locate themselves amidst an ethno-racial middle ground.\(^9\) According to historian Tyina Steptoe, “the few ethnic Mexicans living in Houston were… legally marked as white. Legally, then they had access to white space.”\(^10\) The ethnic-Mexican populace built their communities within or near Anglo neighborhoods between the 1910s and 1920s. Barrios formed near the working class district of Second Ward in inner downtown; this neighborhood later became known as Segundo Barrio.\(^11\) West of downtown, and adjacent to El Segundo Barrio, another Mexican enclave formed in the Sixth Ward. North of downtown in the First Ward, the Northside neighborhood formed. The largest

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7 Arnoldo De Leόn, *Ethnicity in the Sunbelt: Mexican Americans in Houston*, 2\(^{nd}\) ed. (College Station: Texas A&M University Press, 2001), 9, 7
10 Steptoe, *Houston Bound*, 84-86.
11 Ibid., 79; De Leόn, *Ethnicity in the Sunbelt*, 12.
Mexican settlement, Magnolia Park, grew some four miles from the city center, in the southeastern part of Houston, near the ship channel. Houston was comprised of six districts, and the ethnic enclaves had little direct contact with the African-American communities in the Third, Fourth, and Fifth Wards.

Moreover, Houston’s small ethnic-Mexican population did not experience the racial tensions that occurred toward thousands of immigrants who crossed over into Texas to flee Mexico’s revolution in 1910. According to historian Neil Foley, the mass exit of immigrants from that country due to its civil war created in the minds of many Anglo segregationists the fear of a “second color[ed] menace.” In Central Texas, the rise of immigrant workers in its cotton culture caused the displacement of poor white and black sharecroppers. White landowners’ increasingly employed Mexicans, because unlike white or black tenants, they did not demand concessions from employers like lower rent and less supervision. Although immigration into Houston occurred with the outbreak of the revolution, ethnic Mexicans comprised roughly five-percent of the city’s population of 78,800 in 1910 and 138,276 inhabitants ten years later. The African-American population still overwhelmed the ethnic-Mexican presence by five times in the 1920s (comprising 30 percent of the population). Ethnic Mexicans worked in unskilled and semi-skilled jobs, but the size of immigrant populace could not substantiate fears within Anglos of a “second color menace” that impacted other areas of Central Texans.

This small community of first-generation Mexican immigrants were able to develop a national consciousness of "lo Mexicano" within their barrio that maintained interest in the affairs of

12 Ibid., 8; De Leόn, Ethnicity in the Sunbelt, 14, 25
13 Steptoe, Houston Bound, 29, 85-86.
14 Foley, The White Scourge, 39.
15 Ibid., 11, 13.
17 De Leόn, Ethnicity in the Sunbelt, 98.
18 Ibid., 26; Foley, The White Scourge, 39.
their home country. This consciousness called for the accommodation of the socioeconomic and political structure of the American society while enforcing a dedication to the values of the old country. The immigrant generation also formulated ethnic organizations, businesses, cultural institutions, and newspapers to support and preserve their Mexicanness. With Jim Crow at bay, immigrants’ consciousness of *lo mexicano* helped them to establish their presence in Houston. By the outbreak of the Great Depression, their status as immigrants loyal to their mother country inadvertently functioned to restrict their power to engage in civil rights activities and made them susceptible to racism and discrimination.

The influx of ethnic-Mexicans migrants seeking economic and social improvement pushed them to the forefront of a nativists’ anti-immigration backlash. They were attracted to Houston because of its expanding oil-related industries, jobs available in railroad lines, and in the post-World War I era, Texas-Mexican migrants were also relocating to Houston for the petrochemical industries. The influx of ethnic Mexicans caused the population to more than double from 6,000 to 15,000 by 1930, which caused Anglos to look to national concerns of an immigration problem. Nativists’ animosity towards Mexicans used the same anti-immigrant discourses pitted against newcomers from Eastern and Southern Europe, which underlined foreigners’ inability to nationalize and whiten. Nativists, like Raymond Carroll, argued Mexicans were ideologically not Americans and intentionally isolated themselves in their communities to continue embracing the culture of their homeland: “Americanism [was] a mask put on for Election Day, job hunting, and relief getting.” For the status quo in Houston, the immigrant generation’s embrace of *lo Mexicano* served to isolate the barrios from the rest of Houston, which fed into the anti-

19 De León, *Ethnicity in the Sunbelt*, 6, 18.
20 Ibid., 36-39.
22 Ibid.; De León, *Ethnicity in the Sunbelt*, 7-9, 22-23
immigration sentiment.\textsuperscript{25} Nativists’ anti-immigration discourse informed Anglo Americans that Mexican newcomers did not qualify to be American citizens U.S. patriotism.

In Houston, like throughout the state, white Americans racialized ethnic Mexicans as the “other” by invoking nineteenth-century perceptions that underscored racial hybridity. Anglos called upon a longstanding state history that argued that Texas Mexicans were a conquered population not entitled to the citizens’ rights protected in whiteness, because Spanish colonizers consorted and took part in sexual intercourse with blacks and indigenous groups.\textsuperscript{26} With the outbreak of the Great Depression, eugenicists like Isaac Marcossen argued that Mexican immigrants were racial liabilities who threaten the integrity of the “human breeding stock of future Americans.”\textsuperscript{27} This perception could further be entertained, in part, because the people who migrated from Mexico typically acknowledged three racial groups that did not conform to the U.S.’s legally enforced black/white racial binary: \textit{raza blanca} (white race), \textit{raza indigena} (Indian race); and \textit{raza mezclada} (mixed race).\textsuperscript{28} The status quo examined ethnic Mexicans proximity to blackness to distance them from whiteness and justify the separation of the small ethnic community from larger society.\textsuperscript{29}

The Great Depression became the first experience of dispossession for ethnic Mexicans in Houston, because of their race many were denied American status and the protections that it ensured. Threatened with social and economic insecurities, Anglo Americans from all sectors of society carried out a series of discriminatory actions that aimed to strip Mexican Americans of their place in the economy. Before the depression, sixty-percent of Mexican Houstonians worked in “low blue collar” positions and were well represented in the service sectors. By the winter of 1930-1931, hundreds of ethnic Mexicans were unemployed, and city authorities refused to provide

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\textsuperscript{27} Isaac Marcosson, “The Alien in America,” \textit{Saturday Evening Post}, April 6, 1935..
\textsuperscript{28} Steptoe, \textit{Houston Bound}, 81-82; Escobar, \textit{Race, Police, and the Making of a Political Identity}, 18-19;
\textsuperscript{29} Steptoe, \textit{Houston Bound}, 94, 97.
\end{footnotesize}
work relief to those who could not prove their citizenship.³⁰ Many local businesses reduced their work force or limited their hiring of Mexicans to employ white workers. In addition, industry and organized labor took steps to guard blue collar occupations. They successfully persuaded the creation of ordinances in the City of Houston and within Harris County to adopt rules requiring all employees, laborers, and subcontractors to be residents of six-months standing to qualify for employment in public works.³¹ Oil refineries and shipyards maintained a policy of discrimination against minorities that limited ethnic Mexicans to low-paying manual labor, like ditch digging or as janitors.³² Pushed out, or limited within the economic sector, ethnic Mexicans also lost the legal security to remain in the city.

The fervor of the anti-immigration movement led to and caused the repatriation and deportation of thousands of Mexican Houstonians. Throughout the states bordering Mexico, Anglo Americans called for repatriation and deportation to solve the racial and economic problem caused by immigrants. The deportation of Mexicans would preserve the breeding stock of whiteness, alleviate relief funds for Americans, and create jobs for Anglo employees.³³ Historian Arnoldo De León estimated that at least 2,000, or approximately fifteen-percent, of the city’s ethnic-Mexican population of 15,000 were returned to Mexico in the 1930s.³⁴ This number was small when compared to sixty-percent of ethnic Mexicans reportedly deported from Austin, Texas, or the possible estimation of two million deported nationwide.³⁵ However, organizations formed in Houston to assist the Mexican Consul to relocate repatriates to Mexico, where they might find better living conditions. De León’s evidence implied that Houston immigration officials raided private companies suspected of employing Mexicans. In 1931 such raids netted 152 deportations in the city. The United States District Court records also indicate that from 1929-1933 a

³¹ Ibid., 46-47
³² Ibid., 91.
³⁴ De León, *Ethnicity in the Sunbelt*, 49.
considerable number of Mexicans faced arrest, imprisonment, and deportation for violation of the immigration acts.\textsuperscript{36}

Moreover, the racialization of ethnic Mexicans by Anglo Americans made their communities susceptible to the law enforcement system’s formalized tactics that deprived them of their civil rights. Throughout the southwestern states with ethnic-Mexican populations, authorities approved various acts that violated Mexicans’ human rights, such as mass deportation round-ups and “kangaroo courts” that ignored legal or basic procedural rights. Violence and “scare-head” tactics were used to encourage voluntary repatriation of unwanted masses of Mexicans.\textsuperscript{37} Historian Edward Escobar suggests the anti-immigration arguments also highlighted ethnic Mexicans’ criminal tendencies which justified placing them under the gaze of police control.

He argues that in Los Angeles the police department steadily increased the percentage of Mexicans arrested, particularly juveniles, in the 1930s. He suggests this corresponded to the large wave of Mexican immigrants, who entered the United States earlier in the century, coming to age and running afoul with the law. Furthermore, he implies that the Los Angeles Police Department (LAPD) arrested Mexicans for violations of sumptuary laws or other “victimless” crimes to lay the basis for subsequent law-enforcement claims that Mexican juveniles committed an extraordinarily high number of crimes. By the 1930s, police departments (like the LAPD) were starting to link race and crime to ethnic Mexicans,\textsuperscript{38} despite the fact that national studies determined ethnic Mexicans were no more criminally inclined than any other segment of the population.\textsuperscript{39}

The Wickersham Commission, a precursor to the President’s Crime Commission and headed by former attorney general George Wickersham, released in 1931 the \textit{Report on Lawlessness in Law Enforcement} that held an overview of Mexicans and criminality. The report argued that one factor that helped inflate the number of Mexican arrests were that racially

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\item[36] De León, \textit{Ethnicity in the Sunbelt}, 49.
\item[37] Balderrama and Rodríguez, \textit{Decade of Betrayal}, 216.
\item[38] Escobar, \textit{Making of a Political Identity}, 125, 127, 130.
\item[39] Ibid., 105.
\end{itemize}
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prejudiced law-enforcement officers tended to arrest Mexicans more often than they arrested whites. It all of this only fed into known eugenic beliefs among Anglo Americans that held ethnic Mexicans were a “mongrelized” race of mixed ancestry with brutal leanings like criminality. It also justified local law enforcement agencies severe and unequal treatment toward the ethnic community.

Because Anglos viewed Mexicans as nonwhites, the ethnic community in Houston also began to encounter hostility when dealing with police. The HPD turned to excessive force to control unlawful Mexicans as evident by the HPD’s killing of Elpidio Cortez in 1937, which the authorities excused. As a Mexican national, Cortez represented part of the larger immigration problem of the nation. With his arrest, he also became defined as a criminal, which only contributed to the belief that cities like Houston took in foreign citizens of ill repute. Although the Mexican government took an active interest in the trial that occurred in the summer of that same year, the officers were acquitted of murder with malice. The rise in police violence toward Mexicans throughout the 1930s signaled the status quo’s call upon the law-enforcement system to use the force of hand directed against African Americans toward the barrios.

Police excessive force toward civilians or prisoners undergirded the interactions between the HPD and the African-American communities. Since the 1910s, African Americans experienced the oppression of Jim Crow through daily encounters with one of its mechanism, the Houston Police. The police buttressed the white power structure and embodied the racist authority. Violence and harassment were commonly used to demand the black population’s submission.

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41 Marcosson, “The Alien in America,” Saturday Evening Post; Foley, The White Scourge, 5, 8, 52-56; Arnoldo De Leόn, They Called Them Greasers: Anglo Attitudes Toward Mexicans in Texas, 1821-1900 (Austin: University of Texas Press, 1983), 64
42 Escobar, Making of a Political Identity, 105, 118..
43 According to the police, Cortez, a Mexican national, was intoxicated and allegedly resisting arrested for domestic violence when officers struck him numerous times with a blackjack. Cortez reportedly jumped out of the police vehicle where he injured his head and later died from injuries on the police station floor. The Mexican government took an active interest in the trial and hired a special assistant prosecutor to represent the Mexican government. De Leόn, Ethnicity in the Sunbelt, 62.
44 Steptoe, Houston Bound, 31.
Americans, who failed to comply, would be entrapped in the nexus of power that flowed between law enforcement and the Fort Bend County prison system. The physical embodiment of white supremacy in the law-enforcement system kept the black community in-check.\footnote{Steptoe, \textit{Houston Bound}, 22.} Conflict was not absent in police-black community relations in Houston. As early as 1917, a race riot erupted between the HPD and black navy-men.\footnote{James Martin Sorelle,\textquoteleft\textquoteleft The Darker Side of Heaven\textquoteright\textquoteright: The Black Community in Houston, Texas, 1917-1945," (Ph.D dissertation, Kent State University, 1980), 72-75.} HPD’s patrol units were also believed to have been involved in the June 20, 1928 lynching of Robert Powell (who was held in protective custody and accused of shooting a police detective).\footnote{Watson, \textit{Race and the Houston Police}, 14.} The HPD’s killing of Elpidio Cortez in 1937 indicate that arbitrary law enforcement was used to oppress ethnic Mexicans along racialized lines and practices employed by lawmen upon African Americans.

While the Second World War eased the nation’s economic despair, Mexican Houstonians continued to suffer hardships and found themselves stripped of the American dream. By 1941 the Bayou City’s port was the third largest in the United States and received millions of dollars in federal funds to assist in building and maintaining the ship channel. Thus the city experienced an era of relative prosperity and uninterrupted growth in jobs, people, office building, and residential subdivisions. The oil, gas, and petrochemical industries created jobs and attracted migration into Houston.\footnote{Ibid., 27-28.} The Bayou City’s population grew from 292,000 people in 1930 to 384,514 in 1940 with the expansion of the ship channel and industries along with it.\footnote{De Leόn, \textit{Ethnicity in the Sunbelt}, 23, 51, 55.} Repatriation and deportation had a tremendously negative affect on the Houston ethnic-Mexican population, so much so that it increased by only 5,000 (to a total of 20,000) in 1940 from 15,000 persons in 1930. The 1930s was the lowest annual gain in the city’s Mexican-American history.\footnote{Ibid., 47-48, 55.}

For ethnic Mexicans, the American dream was far from reach especially for those who continued to live in economic squalor and experienced Jim Crow’s social denigration. The Great
Depression had worsened the ethnic-Mexican community’s degree of poverty, and by 1940, they made-up nearly eleven-percent of the city’s poor who were living in substandard housing.\textsuperscript{51} The conditions of the community were daily reminders of authorities’ lesser regard of Mexican neighborhoods. They remained in poverty-stricken slums and continued to work in low-paying occupations as operatives, industrial/railroad workers, and lesser types of semi-skilled or skilled workers. Poverty inevitably compelled youths to go to work mid-way through their adolescent years, which resulted in poor attendance records and high dropout rates. As of 1950, Mexican-Americans twenty-five years old and over completed only 5.2 years of schooling, compared with 11.4 for Anglos and 7.6 for blacks. Moreover, public schools reminded Mexican-American students of their inferiority and second-class status while Americanizing them.\textsuperscript{52}

Mexican-American youths who turned to the Pacheco culture for empowerment, grew up in a society that excluded them on racial grounds. Because ethnic Mexicans in Texas were white by law, legal scholar Arieala Gross argues that Anglos, “learned over the course of the mid-twentieth century to explain their exclusion of Mexican Americans on the basis of language and culture rather than race.”\textsuperscript{53} Spanish among ethnic Mexicans was a marker of cultural differences that Anglos used to stigmatize them as failing to become legitimate citizens. The culture of Jim Crow fostered a racial logic that promoted hierarchies and social divisions within the spaces of whiteness.\textsuperscript{54} City authorities isolated the barrios by manipulating real estate development to maintain Mexicans in their neighborhoods.\textsuperscript{55} The effects of the previous decade upon the ethnic Mexican community had successfully created an atmosphere in 1940s Houston that fostered the emergence of the pachuenco subculture among youths.

\textit{Pachuqismo} was a cultural phenomenon among youths in the 1940s that was most momentous in Los Angeles, California. Rapid migration of all races to the city stressed the

\textsuperscript{51} Ibid., 54.
\textsuperscript{52} Ibid., 99-102.
\textsuperscript{53} Quoted in Steptoe, \textit{Houston Bound}, 95.
\textsuperscript{54} Ibid., 95, 97.
infrastructure’s ability to serve the expanding population, Mexican barrios were most affected by the overcrowding. The rise of pachuco culture in Los Angeles was linked to extreme poverty, pervasive discrimination, and police abuse and brutality that resulted in a segment of juveniles and youths becoming alienated from, and rebelling against, American society. For many youths, this rebellion was a symbolic challenge to dominant Anglo society that generally excluded them and also against authority figures, like the police, who oppressed them. According to Escobar’s study of Los Angeles zoot-suiters, an underlining factor that influenced youth’s embracement of pachuqismo was the discontent that they had “grown up indoctrinated and believing in the American dream only to discover that, simply because they were Mexican, they could never fully partake in America's riches.” This was also true for many Houston pachucos, who learned to internalize the racial connotation of the word “Mexican” and grow resentful of its implications.

The upheavals of the Great Depression resounded within ethnic-Mexican youths to construct an American identity that protested the anti-immigration/ anti-Mexican sentiment of the prior decade. The counter identity of pachuquismo challenged the new ethnic consciousness of lo Americano that originated in the mid-1930s. Members of the rising Mexican-American generation engaged in political and social activism designed to redefine their racial and American identity. Ethnic-Mexican activists embraced a new sense of American nationalism, “lo Americano,” which invoked their white racial privileges and rights within the city and nation. These bicultural activists attempted to maintain their parents’ culture while staking claim to the racial hierarchy by assuming the cultural practices of the Anglo majority. Mexican-American juveniles distanced themselves from mainstream society and tried to define their own sense of social inclusion through delinquency and gang activity.

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57 Escobar, Making of a Political Identity, 156, 178-179.
58 Ibid., 184.
59 De León, Ethnicity in the Sunbelt, 107.
60 Ibid., 80; Steptoe, Houston Bound, 97; San Miguel, Brown, Not White, 40-41.
Pachucos displayed scorn for the white social order that was unlike the political negotiations and social accommodations that Mexican-American activists called for. This hostility to Americanism was expressed through delinquency and gang activity. In addition they adopted an attitude and lifestyle known as *la vida loca* (the crazy life).\(^{61}\) In Houston, this attitude was expressed via some Mexican-American youths engaging in “gangdom style,” which meant that they would roam the streets seeking “protection” money from people in their community.\(^{62}\) Members of these gangs wore their hair long, dressed in zoot suits, and were armed with either pistols or knives.\(^{63}\) The nationwide sentiment perceived juvenile delinquents and zoot-suiters as un-American.

The youth movement was deemed as challenging to American nationalism during a time of war; however, *pachuquismo* offered youths a counter response to the racist authority that oppressed their communities. For many white Americans the zoot-suit ensemble symbolized Mexican-Americans personal extravagance and the flaunting of their disposable incomes. In addition, the zoot suit displayed their assertive individualism that challenged the gender norms prized in the neat, trim look of the servicemen.\(^{64}\) These youths felt empowered by their numbers and justified their activities by claiming to protect their neighborhood. It is likely that youths thought they were guarding their community from other neighborhood gangs. But in wearing the zoot suit, youths made a public declaration against the status quo that demonstrated they understood the racial nature of their subordination.\(^{65}\) Their gang activities indicated that in greater numbers they could resist and be shielded from the white authorities who mistreated and targeted Mexicans throughout the 1930s.

Following a 1943 investigation, law-enforcement authorities and the grand jury in Harris County were convinced youth activities threaten society. According to their report, three gangs of

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\(^{62}\) “Junior Gang Activities,” *Houston Chronicle*.


boys were committing “shakedown rackets” that were responsible for the upsurge of crime within the Mexican-American community. Police Homicide Lieutenant A. C. Thornton told the *Houston Chronicle* that gangs warned people “that they would be beaten if they did not hand over a certain per cent [sic] of their weekly salary” for protection. Gangs reportedly “threaten more serious beatings if the victims go to [the] police.” Lieutenant George Bell, claimed these youths “practiced the life of hardened criminals.” Crime among youths became so rampant, that by 1945 the Harris County grand jury informed the public that “50 percent of their cases involved juveniles and most of these involved Latin-Americans. Juvenile delinquents were connected to two or three shootings every night in Houston, and in early January 1943 they were already connected to at least five killings. One crime that reverberated among the status quo was Joe Pacheco’s murder in March 13, 1943.

With the Pacheco case, the status quo connected Houston to the delinquency problem in California to look outward for resolutions to control the city’s problem. In this case, Pacheco confronted the “Long Hair” gang because they continuously harassed his seventeen-year-old son. After he threatened to expose the group to police, the “Long Hair” gang supposedly bludgeoned him to death and placed his body on the Southern Pacific railroad tracks to make it appear as an accidental death. Lt. Thornton, the homicide detective assigned to investigate the murder, most likely looked to the August 1942 killing of José Díaz in the Los Angeles Sleepy Lagoon incident to model his investigation into Pacheco’s death. In the Díaz case, twenty-two Mexican-American youths were successfully convicted for murder despite discrepancies in the proceedings and lack

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66 “Junior Gang Activities,” *Houston Chronicle.*
67 Ibid.
69 “Gang Leader Pledges,” *Houston Chronicle.*
71 “Junior Gang Activities,” *Houston Chronicle.*
72 “Two of Gang Declared to be Juveniles,” *Houston Chronicle.*
of evidence.\textsuperscript{73} Mexican-American zoot-suiters disregard for authority deemed them as undeserving of the rights and privileges of full citizenship or membership in a democracy.\textsuperscript{74}

Similar to the Sleepy Lagoon incident, the Pacheco case served as an opportunity for the city’s white power structure to leverage control over Mexican youths who challenged it. For Lt. Thornton, the arrest and indictment of the sextet for murder were necessary to “break the back” of the gang, while also asserting the authority of American culture, law, and authority over rogue youth gangs. Initially, Justice Ben Moorehead declared Pacheco’s death an accident; however, Thornton challenged that verdict and began an extensive investigation of his own into the “Long Hairs.” Convinced it was “Latin-American gangs” who killed Pacheco, he was relentless in his search to obtain statements from witnesses.\textsuperscript{75} The witness testimony gathered by Thornton claimed the gang carried-out the murder with an iron pipe before placing Pacheco on the tracks. The autopsy report seemingly supported the testimony that Pacheco died from a head injury.\textsuperscript{76} The entire group was indicted for murder. The minority communities were threatened with another phase of judicial discrimination within Jim Crow. Moreover, newspapers helped to consolidate the incrimination of the youths, which assured the city was aware of its Latin-American problem.

Newspapers incited the city’s anger toward the societal problem posed by Mexican Americans, thereby, helping law enforcement to sensationalize Pacheco’s murder and further isolate the youths from larger society. Juvenile delinquency, as represented in the news coverage of the Pacheco case, challenged ethnic Mexicans’ whiteness by popularizing the criminal nature of their youths. Two of the six members of the “Long Hair” gang were juveniles under the age of fifteen. The remaining gang members were male youths between the ages of nineteen and twenty-three years old, but one was a female follower. The leader of the gang was wheelchair bound, and his brother (one of the six) was a repeat offender who was already indicted for assault to murder.\textsuperscript{77}

\textsuperscript{73} Escobar, \textit{Making of a Political Identity}, 226-227.
\textsuperscript{74} Ramirez, \textit{The Woman in the Zoot Suit}, 63.
\textsuperscript{75} “Two of Gang Declared to be Juveniles,” \textit{Houston Chronicle}.
\textsuperscript{76} “Joe Pacheco’s Death Laid to Hemorrhage,” \textit{Houston Chronicle}, March 27, 1943.
\textsuperscript{77} “Two of Gang Declared to be Juveniles,” \textit{Houston Chronicle}. 

The reports on the culprits likely aimed to draw concern among the status quo that Mexican-American delinquents came from any age or sex. Physical health or prior offenses were not a deterrent in the life of crime.

In June 1943 during the trial of the “Long-Hair” members, Pacheco’s murder was further sensationalized by local newspaper the *Houston Chronicle* that carried reports of the Zoot-Suit Riots in Los Angeles alongside coverage of the trial.78 The Zoot-Suit Riots started when a group of servicemen on leave in Los Angeles attacked zoot suiters for the racist and anti-American sentiment their clothing invoked. For days, police watched approvingly as soldiers, sailors, and civilians attacked ethnic Mexicans and destroyed property.79 By juxtaposing the Pacheco case with the Zoot-suit Riots, the *Houston Chronicle* sensationalized official reports to highlight the alleged pachuco crime wave and provoke hysteria among the masses.80 Anglos’ antagonism toward zoot-suiters was apparent, when a small riot nearly broke-out in Galveston, Texas (some forty-mile south of Houston) against three zoot suiters held for vagrancy and believed to be connected to a stabbing and purse-snatching incident.81

While the zoot-suit backlash in California influenced Houston’s law enforcement and media to sensationalize ethnic Mexicans involved in delinquency, the LAPD employed very different methods of crime prevention in the 1940s that fractured police-community relations. During the war years, LAPD moved to forcefully control the juvenile “criminal element” of the ethnic-Mexican population of approximately 133,000 (8.06 percent of the total population).82 The department adopted a police-professionalism model in 1938 that moved it toward the crime-fighting-mentality and placed it at odds with large segments of the community.83 Mexican Americans in Los Angeles saw police misconduct on a daily basis such as, verbal abuse, sexual harassment, indiscriminate searches, unwarranted arrests, and excessive force. They came to fear

78 De Leόn, *Ethnicity in the Sunbelt*, 106.
83 Ibid., 199
and even hate LAPD officers in the 1940s. In Texas, the Juvenile Court Act of 1943 encouraged police to implement the Civil Guardianship model to peacefully work with the community; this opened a period of amicable police relations that averted over-policing and aggression.

The implementation of the 1943 Juvenile Court Act did not take effect to specifically address delinquency among ethnic-Mexican juvenile delinquents, but to tackle the issue and the possibility of misbehavior by Anglo youths. Delinquency among youths threatened the integrity of whiteness, and the state of Texas was underprepared to mediate the proper treatment that would deter and reform youthful misconduct. Texas public schools could not reinforce compulsory laws that mandated attendance. For one, the HPD in the early 1940s suffered from a shortage in manpower and from “antiquated police methods and inefficiency.” For a city with a population of 384,514, there were only 344 officers to patrol its parameters, a ratio of 1 officer to every 1,117 civilians. On a similar note, Houston school officials could not control its expanded juvenile population that corresponded with the expanding demographic of the city in the latter 1930s. The Harris County Grand Jury believed that parents were too busy working to supervise their children’s school attendance and that this neglect could lead to problems. All these factors allowed white youths to avoid school and peruse the streets seeking entertainment.

The state believed the law-enforcement system was dealing with semi-delinquent juveniles, whose illegal activities were not ‘bad enough’ acts to make the white youth a product of detention centers. These youths were too bad for school, but not bad enough for the prison system. The threat of possible indecency among white females must have become increasingly concrete when the grand jury released figures that over nine hundred young women (race not

84 Ibid., 166, 172, 177.
85 Report by Harris County Grand Jury, February 1944, Leopold Meyers Paper, HMRC, HPL, MSS 67, box 10 folder 146 (hereafter cited as Report by Harris County Grand Jury, HMRC)
86 “Latin-American Gangs,” Houston Chronicle; Manual of the Crime Prevention Division, HCA.
87 To the Harris County Grand Jury, March 29, 1944, Leopold Meyers Paper, Houston Metropolitan Research Center (HMRC), Houston Public Library (HPL), MSS 67, box 10 folder 146 (hereafter cited as To the Harris County Grand Jury, HMRC).
88 Report by Harris County Grand Jury, HMRC.
89 Ibid.
stated) were arrested for sexual delinquency from 1943 to 1944. In addition, drinking among minors had also increased. Harris County lacked a juvenile court, and the police department’s small jail facility was overcrowded and not large enough to segregate prisoners by crime or race. According to the Harris County Grand Jury, jail facilities were a “full generation behind in development of detention camps and homes where youths may be developed under scientific supervision rather than be put in jails and penitentiaries.”

Neither could the semi-delinquent be left in an environment that could foster truancy and crime.

Harris County authorities and the Houston Police Department found that civil guardianship within the 1943 Juvenile Court Act of Texas offered a solution to help the semi-delinquent outgrow “anti-social tendency” and involve the community in the process. This vital legislation changed the course of the city’s handling of delinquent children from a procedure that was criminal to one based on a “civil guardianship proceeding.” Civil guardianship was a “new legal philosophy” that mandated the courts, police, probation officers, welfare agencies, and the entire public to recognize and ascertain the societal factors that contributed to delinquency, thereby, determining and meeting the needs of the individual child.

The Houston Police Department designed the Crime Prevention Division (CPD) to implement the specialized services of the civil guardianship in their juvenile proceedings, which opened an avenue to include ethnic Mexicans in the patrol of their community. The Manual of the Crime Prevention Division (The Manual of the CPD) designated juvenile investigative details to be handled by officers of the same-race and/or same-ethnicity of the youth. According to The Manual of the CPD, “All colored cases are assigned to the colored officer...[and] Cases involving Latin-American children are assigned to the Latin-American officer...” The rationale for the

90 Ibid.
91 To the Harris County Grand Jury, HMRC.
92 Ibid.
94 Ibid.
95 Ibid.
CPD’s inclusion of this provision stemmed from its aim to operate “in such a manner that the boy or girl and their parents will be receptive to a rehabilitation program.” In a city influenced by racial division, permitting officers of the same race or ethnicity to handle minority juveniles allowed inequities to prevail, while assuring white juveniles would not be ridiculed or made to feel conspicuous by an officer of a subordinate race. Civil guardianship, thereby, maintained police principles to preserve the “integrity” of white supremacy and Jim Crow separation.96 The creation of the Latin-American division, or squad, in September of 1942, which was composed of three people with Spanish-surnames, demonstrated law enforcement’s willingness to include officers of Mexican descent in the patrolling of their communities.97 This group was designed to eliminate juvenile delinquency specifically in Mexican neighborhoods.

While the number of Mexican Americans on the Latin-American squad represented a large disparity to the ethnic community, one officer to 10,000 citizens, the power endowed on them was significant when compared to African-Americans’ history within the department. African Americans made up twenty-percent of the population, but they only totaled 7 of the 344 officers in the HPD (1 per every 17,000 black citizens). African Americans were denied training for traffic detail, forbidden from arresting white citizens, and given limited access to motorized patrol units.98 Although the Latin-American squad was controlled by Lieutenant George Bell, a white officer, the CPD allowed its ethnic officers to patrol streets, alleys, beer joints, midnight shows, skating rinks, and all places of public amusement and recreation in order to remove or control environmental hazards against minors.99 In its first six-months of operation (September 1943 to February 1944), the Latin-American division dealt with thirteen gang-related shootings. By 1945,

96 Ibid.
97 The three people with Spanish-surname in the Latin-American Division were Detective H. D. Lozano, William Garza, and Madeline Del Castillo as secretary. “Latin-American Gangs,” Houston Chronicle.
98 Since the late nineteenth, Houston was influenced by the societal norm that it was immoral and unconscionable to have blacks with a gun in a supervisory authority over whites. See Watson, Race and the Houston Police, 49, 55.
99 Lieutenant George Bell served as an army captain during WWI and worked for the police department for ten-years, he was selected because of his previous residence in Mexico for 20 years. “Latin-American Gangs,” Houston Chronicle; Manual of the Crime Prevention Division, HCA.
the division helped bring gun violence down to almost zero. The squad was also effective in solving cases and obtaining convictions. From 1944 to 1945, the Latin-American division cleared or gained convictions for ninety-percent of the 1,731 cases investigated.\textsuperscript{100} The \textit{Chronicle} published the Latin-American squad’s achievements in averting crimes derived from gang activity, and attributed it as one contributor of decreasing juvenile delinquency.\textsuperscript{101}

Outside of patrolling, Mexican-American activists also had an opportunity to work with the HPD to reform youths. In keeping with the Juvenile Court Act of 1943, the CPD had an objective in patrolling the community that included cooperation with “civic-betterment groups.” Maintaining this objective meant law enforcement was placed in closer proximity to Mexican-American activists.\textsuperscript{102} The Juvenile Probation Department and the CPD had agencies within the county that focused on recreation, via involvement in the Boy Scouts and the Girl Scouts, to curb delinquency among youths.\textsuperscript{103} Until the early 1940s, the Juvenile Department did not include trained workers in crime prevention, nor were blacks and ethnic-Mexicans employed who would be acquainted with, or knew how to cope with sectional area problems.\textsuperscript{104} With the HPD not properly manned to supervise recreational parks or other breeding grounds for juvenile delinquency,\textsuperscript{105} reaching out to Mexican-American civic groups became an effective means to gain the minority community’s help in curbing crime among youths.

Similar to patrolling, police inclusion of Mexican-American organizations was significant because it displayed a willingness to have the input of the ethnic communities in reducing delinquency and in the handling of their juveniles. According to the \textit{Chronicle}, Mexican-American organizations formed baseball, football and basketball teams to “divert the competitive energies of Latin-American youths” that got played-out in the “dark alleys.”\textsuperscript{106} The League of United Latin

\textsuperscript{100} Ibid.
\textsuperscript{101} “Latin-American Gangs,” \textit{Houston Chronicle}.
\textsuperscript{102} Ibid.
\textsuperscript{103} Report by Harris County Grand Jury, HMRC; DE PROFUNDIS, n.d., Leopold Meyers Paper, HMRC, HPL, MSS 67, box 10 folder 146 (hereafter cited as DE PROFUNDIS, HMRC).
\textsuperscript{104} DE PROFUNDIS, HMRC.
\textsuperscript{105} Report by Harris County Grand Jury, HMRC.
\textsuperscript{106} “Baseball Replace Knife,” \textit{Houston Chronicle}.
American Citizens (LULAC) was named as being behind the local movement for the betterment of juveniles,\textsuperscript{107} but other neighborhood groups formed to address their delinquency. The Good Citizen League worked with the city health department to show movies that would educate youths and purchased sports equipment for civic clubs.\textsuperscript{108} Similarly, the Federation of Mexican Latin-American Clubs of Houston formed four boy clubs in June 1945 that over a three-month period had memberships that exceeded 200 boys from 12 to 18 years old.\textsuperscript{109} Mexican-American groups wanted to motivate juveniles to redirect their energy and time away from unlawful behavior. By encouraging responsible activities among juveniles, activists and youths abided by the recreational and culture norms of Jim Crow Houston.

Moreover, community activists used the invitation by law enforcement to help curb juvenile delinquency as an opportunity to challenge the subculture of \textit{pachuquismo} and encourage the adoption of \textit{lo Americano}. The bicultural paradigm of nationality in \textit{“lo Americano”} continued to influence Mexican-Americans surge of Americanist sentiment during the United States’ involvement in the Second World War. Whereas \textit{pachuquismo} encouraged scorn against white society, Mexican-American activists’ sense of \textit{lo Americano} stressed an appreciation of American culture.\textsuperscript{110} Activists arose from a thriving middle-class of entrepreneurs and professional, who used their legal “white” status as a fundamental part of their politicking to avoid segregation. They realized anti-immigration rhetoric questioned their whiteness and thus racialized them all as “brown,” which could hurt Mexican Americans’ claim to whiteness and relegate them to the segregation practices of Jim Crow. These activists broke with being identified with Mexico and “Indianness” to exclaim a racial and national identity of white and American.\textsuperscript{111} Activists aimed to inspire youths to embrace \textit{“lo Americano”} as a means to eliminate prejudices and divert any new notions of criminality among ethnic Mexicans that could lead to further Anglo subordination.

\textsuperscript{107} “Latin-American Gang,” \textit{Houston Chronicle}.
\textsuperscript{108} “Gang Leader Pledges,” \textit{Houston Chronicle}.
\textsuperscript{109} “Baseball Replace Knife,” \textit{Houston Chronicle}.
\textsuperscript{110} San Miguel, \textit{Brown, Not White}, 40-41; De Leόn, \textit{Ethnicity in the Sunbelt}, 80.
\textsuperscript{111} De Leόn, \textit{Ethnicity in the Sunbelt}, 88; Steptoe, \textit{Houston Bound}, 129-130.
For activists, working to reduce delinquency displayed the community’s willingness to acculturate and be upstanding citizens. Ernest Villarreal, chair of the Federation of Mexican Latin-American Clubs, spoke with youths about their obligations as citizens. He explained that criminal activities posed a danger of creating “spiteful reputations” among the ethnic-Mexican population. He attacked the reputation being associated with zoot suiters, and stated that the federation wanted to change the “style” of clothing that was popular among youths. He also encouraged youths “to abandon their extra-long haircuts, so that in the future the term ‘longhair’ will have no place in Latin-American sections of Houston.”

The Federation’s efforts to create a new image for youths were evident by their use of donations to outfit boys with uniforms (as well as sporting equipment). Youths were even responsible for fifty-cent monthly dues to display a willingness to pay for things they wanted, rather than rob or steal them. After a decade of discrimination in the 1930s, Mexican-American activists like Villarreal used recreation to reverse any derogatory image gained by the pachuco subculture. It was a demonstration to mainstream Houston society that Mexican-American youths could become the next generation of upstanding citizens.

Furthermore, with the aid of local Mexican-American activists, the CPD and the Latin-American squad were able to achieve their objective to promote constructive channels and divert negative publicity from delinquency and gangs. According to The Manual of the Crime Prevention Division, part of protecting youths from lawbreaking would include opposing “publicity in all cases where juveniles are gaining attention through delinquent acts.” The department published its guidelines for cooperation with the Mexican-American community in the Houston Chronicle. It aimed to reverberate among all youths that another avenue for recreation existed that had the approval of the Houston white power structure. Lt. Bell of the Latin-American squad appeared to be enthusiastic that police-community relations aided youths and exclaimed in the Houston Chronicle that they were “swapping their pistols and knives for bats, gloves and the pigskins.”

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112 “Baseball Replace Knife,” Houston Chronicle.
113 Ibid.
114 Manual of the Crime Prevention Division, HCA.
In other words, sports teams were the proper “gangs” in Jim Crow Houston for they allowed city youths to play within the system not against it. This was definitely implied in one news report that documented the Good Citizen League as successfully negotiating with a gang leader to encourage his members to play sports instead of urging them to engage in criminal activity. Moreover, by publishing reports of amicable police-community relations, the HPD was able to challenge a decade long image that the police, as a mechanism of the power structure, was discriminatory toward its ethnic-Mexican communities.

Working with Mexican-American organizations helped the CPD meet the agenda of the Juvenile Court Act of 1943, and the success of interracial interactions in police-community relations were highlighted in news reports. In the *Houston Chronicle*, Lt. Bell recognized the community’s contribution in decreasing delinquency, and he stated: “that the elimination of these gangs cannot be solely credited to the police department, but to the combined efforts of police, juvenile authorities, district judges, prominent Latin-American citizens of Houston and various civic organizations.” These reports hint that the integrity of whiteness worked best when all components of the status quo effectively contributed to reforming the wayward aspects that challenged society, like delinquency. Mexican gangs were declared eliminated in Houston in 1945, and two years later the Latin-American division was dissolved.

The early 1940s represented a period when the Mexican-American generation, via political activism and delinquent youth movements, redefined its race and reclaimed power that had slowly diminished since the Great Depression. These actions combatted the tightening of Jim Crow cultural practices toward the ethnic Mexican population after the 1920s, because of concerns to protect the integrity of whiteness and American culture. Mexican immigrants and migrants gravitated toward Houston to live in a society where they would be protected and could thrive in communities bonded through the common identity of *lo Mexicano*. The 1930s, however, ushered

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116 “Gang Leader Pledges,” *Houston Chronicle*.
117 Ibid.
in a decade of anti-immigration and anti-Mexican movements exemplified by repatriation and deportation campaigns, as well as the increase of police hostility. Mexican Americans understood their ethnicity was being racialized as nonwhite across the nation—as evidence by the U.S. government’s establishment of the 1930 Mexican Census. In addition, they were aware that the status quo increasingly “Jim Crowed” them within culture and society.

Juvenile delinquency and gang activity among Mexican American zoot-suiters allowed grassroots and political notions of Americanism to be performed in the streets of the barrios and within one oppressive mechanism of the status quo, law enforcement. Initially, the zoot-suit backlash in California influenced Houston law enforcement system to oppress ethnic Mexicans involved in delinquency. The implementation of the Juvenile Court Act of 1943, created to protect white youths, enabled Mexican-American communities to peacefully work with police to successfully decrease delinquency and reform the image of youths to upstanding citizens. Unlike Los Angeles, where a history of over-policing and aggression toward Mexican-Americans caused citizens to fear, and even hate law enforcement,¹¹⁹ the HPD was an undermanned force and needed the ethnic-Mexican community’s aid to curb delinquency and restore racial order to society.

The police-community relations that resulted from the civil guardianship represented a moment when the oppressive Jim Crow system empowered Mexican Americans to aid their community. The following chapter will demonstrate that by the 1950s, the HPD’s new police-model (the war-on-crime) increased hostility toward larger segments of society.¹²⁰ Unlike the 1940s, the next era of delinquency would usher in the growth of police power and control that would not entertain the inclusion of Mexican-American activists.

¹²⁰ Watson, Race and the Houston Police, 16-17.
Chapter 2: Gangs and Juvenile Delinquency in the Criminalization of the Ethnic-Mexican Community

In the early 1950s, LULAC member and attorney John J. Herrera clashed with the Houston Police Department over its discriminatory patrolling of ethnic-Mexican youths for delinquency. Supposedly three dangerous gangs – Magnolia Park, Second Ward, and Capitol Avenue – roamed the streets of Houston carrying pistols, terrorizing the neighborhoods, burglarizing homes, and killing each other. Their misbehavior in Jim Crow Houston caused white society to fear delinquency. Bayou City law-enforcement officials responded by shifting their strategy from the social worker model of civil guardianship, which had defined patrolling methods in the 1940s, to a larger war-on-crime model. The war on ethnic-Mexican delinquency marked a new level of intolerant police methods – dragnets, special squads, profiling, and excessive force – that not only racially criminalized youths, but also made the community suspect of high crime. Herrera warned the police that their methods, which entailed launching a “crusade against” an “entire people” would only hurt their relations with the Mexican community.¹

In the eyes of Houston officials, the law-enforcement system needed to be a preventive force that would restore the order of white supremacy, and it worked with media to promote fear and criminalize youths. For instance, in March 1950, Houston Chronicle reporter Orie Collins published a string of articles regarding the outbreak of ethnic-Mexican juvenile gangs and hoodlum activity. He told of how ethnic-Mexican gang members threatened and intimidated witnesses in the courts.² Collins also wrote of telephone threats he received from the “Latin-American underworld” for his publication of the articles. He claimed a man with a Spanish accent told him, “If there’s another story in the paper tonight like that one you wrote yesterday, you won’t live to see the sun rise tomorrow.”³ Additionally, his reports suggested that Mexican-American delinquents were not American enough to embrace the benefits of citizenship. According to

Collins, these youths were “mostly second or third-generation United States citizens, who have failed to adopt our ways or even to learn our language.” He emphasized that in the entire city, “only this racial group engaged in organized hoodlumism [sic].”\(^4\) Collins article implied that ethnic-Mexican delinquents defied the norms of society, were vicious in nature, and held complete disregard for the authority of law and order.\(^5\)

Moreover, Houston’s status quo used media to disempower Herrera from contesting the war on ethnic-Mexican delinquency. Herrera voiced LULAC’s concerns that all the negative publicity and police tactics classified not only juvenile delinquents as criminals, but a great majority of honest, law-abiding citizens.\(^6\) The law enforcement system – police, the courts, and state legislation – justified its new model by arguing that these youths were incapable of being reformed by the ‘civic betterment groups’ that had in the past undergirded amicable police relations with the ethnic-Mexican community. Justice W. C. Ragan indicated that these youths needed heavier-handed discipline, to show them that “the law is bigger than these gangs.”\(^7\) The Chronicle once again defended law enforcement by discrediting the validity of the lawyer’s concern for his community. The newspaper printed LULACer Felix Tijerina’s criticism of the attorney, “as a self-styled representative of the Mexican people” who was “causing undue publicity to be focused on the city's Latin Americans.”\(^8\) With public outcry suppressed, law enforcers defended “rough” interrogation procedures as a crucial tool in the war-on-crime.\(^9\)

This chapter explores how the increase of juvenile delinquency and gang activity among ethnic-Mexican youths during the 1950s led law-enforcement officials to perpetuate racial perceptions of the group as a whole, which led to contentious relations with this community. Those actions represent a seminal moment in police-ethnic Mexican community relations. Delinquency

\(^4\) Collins, “Problem of Latin American Delinquency, Article 1,” \textit{Houston Chronicle}.


\(^6\) “Letters to the Chronicle,” \textit{Houston Chronicle}.

\(^7\) Collins, “Problem of Latin American Delinquency, Article 2,” \textit{Houston Chronicle}.

\(^8\) “Call Mass Meet on Delinquency,” \textit{Houston Chronicle}, March 11, 1953.

was a city-wide problem among all juveniles, including white youths. It stemmed from the Second World War’s disruption of family life and the premature adult subculture that grew in its aftermath.\textsuperscript{10} Despite the fact that many from different backgrounds engaged in such activity, Collins decided to shed a spotlight on ethnic Mexicans. For Collins, ethnic Mexicans represented a different criminal, who was both white and “colored,” and whom the status quo was failing to control. With white society living in fear of delinquency, the law-enforcement system embarked on a crusade against crime to redefine and increase its power, thereby restoring security and protection to the social order. Thus, as this chapter shows the HPD’s discriminatory tactics associated ethnic-Mexican youths with crime and in the process not only racialized them but the community as a whole. In effect, police-community relations declined as law enforcement challenged the validity of Mexican-American organizations to contest its practices.

Law enforcement played upon the fears of delinquency and the image of ethnic-Mexican criminality to gain a free hand in controlling the community entirely under its discretion. With the help of city officials and media, police gained approval for special units and dragnets to control youths. Their pursuits eventually evolved into profiling. The over arrest rates of ethnic Mexicans appeared to support the city-wide notion of a “Latin American Problem” and became a self-fulfilling prophecy. Moreover, the police war-on-crime model increased the use of excessive force to teach criminals a lesson and in the process gained respect for law and order. The 1950s was a period when the HPD expanded its power and discriminatory practices. It did so by silencing the protest from LULAC and receiving the support of supervisory agencies that overlooked racial profiling and misconduct. In addition, state legislation created the juvenile courts and expanded the power of the law enforcement system to control delinquency with probation programs and/or detention homes.

The expansion of the law enforcement system’s power stemmed from the statewide delinquency problem and law enforcement’s inability to curb its effect on the wider Anglo society.

\textsuperscript{10} Collins, “Problem of Latin American Delinquency, Article 1,” \textit{Houston Chronicle}.  

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Throughout the 1950s, Texas statistics indicated an adolescent crime wave that was surpassing the national average. In the mid-1950s, Texas police reportedly contacted 62,000 juveniles.\(^{11}\) While the national delinquency rate was 12 cases per every 1,000 persons, in Texas the rate was 15 for every 1,000 persons. State social workers also handled more cases over the national average, with 77 cases per each worker as opposed to the national average of 50.\(^{12}\) Newspapers declared delinquency a local problem in cities like Houston, Waco, Galveston, Austin, and Dallas in 1954.\(^ {13}\)

For the Bayou City, delinquency was an even greater problem because its law enforcement was not parallel to its demographic growth and subsequently crime increased. In the post-war era, Houston experienced a 64 percent rise in population, from 384,514 in 1940 to 596,163 in 1950. This increase resulted from the stable oil industry and expansion of business complexes and construction.\(^ {14}\) The city’s perimeters also jumped from 75 to 390 square miles by the 1960s. Adding to this “problem” was the police department’s small budget in the 1950s, which made it difficult to properly equip the undermanned force of 750. Consequently, the rise of juvenile delinquency – which also included white youths – was viewed as evidence of law enforcement’s inability to control crime and uphold the larger racial structure.\(^ {15}\)

To white society, the crime wave was an indication of the overall changing social dynamic of illegal activity among middle-class Anglo youths. The *Houston Chronicle*’s Bob Carpenter wanted to brand youth culture as lower class in origin, but “with middle-class families accounting for most youthful shoplifting violations it was hard to blame primary poor and working class

\(^{11}\) Reprints from Corpus Christi Caller, c. 1955, Harris County Juvenile Probation Department (HCJPD), Harris County Archives (HCA), Houston, Texas, CR43, box 533, folder 10 (hereafter cited as Reprints from Corpus Christi Caller, HCA).

\(^{12}\) Ibid.

\(^{13}\) “Juvenile Problem Soars In Texas,” *Houston Chronicle*, March 7, 1954.


\(^{15}\) The city needed to be manned by 1500 officers. To compensate for the shortage, the Sheriff's Department and police department operated under the antiquated practice of the “unitized system,” a single unit. Only seven patrol cars were available. Harris County Grand Jury Report, May 19, 1954. Leopold Meyers Paper, Houston Metropolitan Research Center (HMRC), Houston Public Library (HPL), MSS 67, box 10 folder 146 (hereafter cited as Grand Jury Report, May 19, 1954, HMRC); Dwight Watson, *Race and the Houston Police Department, 1930-1990: A Change Did Come* (College Station: Texas A&M University Press, 2005), 65.
people for juvenile delinquency.”¹⁶ Anglo youths’ main offenses included auto theft, burglary and petty thievery, as well as a large number of female sex offenders.¹⁷ White teens represented the primary delinquent for the city’s crime wave, as they comprised 60 percent or more of the total arrested offenders.¹⁸

White society feared juvenile delinquency, because it indicated a disruption of the family in Post-World War II society. According to historian James Gilbert, juvenile delinquency came to “symbolize a series of fears and expectations about the impact of war on children through rapid social disorientation and change,” particularly the “disputes over the family and its survival in a new cultural environment.” The war caused the breakdown of the family with excessive and early employment of children, geographic mobility, and higher wages suddenly available to the previous poor or economic marginal population.¹⁹ The revival of war production during the Korean conflict further disrupted the family as absent parents (especially mothers) pushed child raising aside to “double up” on working at the assembly lines.²⁰

The breakdown of the family also brought to the fore the issue of adult criminal behavior. Parents taught their children a life of crime. According to the Houston Chronicle, these parents were “breeders of a second generation of violence” that totaled 15,000 wayward youths.²¹ Irresponsible parents caused a 20 percent rise in dependency cases in Houston in 1951.²² The city

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¹⁹ Gilbert, A Cycle of Outrage, 33.

²⁰ Bob Carpenter, "Tragedies and Tears, Article 9: Juvenile Slayers May Point Gun into Your Unsuspecting Face," Houston Chronicle, June 30, 1951.

²¹ Bob Carpenter, "Tragedies and Tears, Article 8: Home was Nightmare but Miracle Happened," Houston Chronicle, June 23, 1951; Carpenter, “Tragedies & Tears, Article 1,” Houston Chronicle.

²² There were 1433 children under the 'dependent and neglected' classification. Carpenter, "Tragedies and Tears, Article 14,” Houston Chronicle.
had to investigate 857 families for child neglect and 1,500 children became wards of the county.\(^{23}\)

These youths bore the brunt of neglect, broken family life, and diminishing community services.\(^{24}\)

By the mid-1950s, delinquency was a bigger issue for police than syndicated crime which was nearly nonexistent in the city.\(^{25}\)

Moreover, society feared youths were participating in a premature adulthood that indulged in sex and the consumption of vice. The enormous growth of adolescent labor since the war attributed to the independence of young people attending high school.\(^{26}\)

Delinquent youths were believed to be more likely to “play with sin,” because they abused alcohol and “stimulate their jagged nerves with “goof balls” [barbiturates] or other erotic drugs.”\(^{27}\)

According to *Houston Chronicle* reporter Bob Carpenter, juvenile drug abuse destroyed “normal inhibitions and pave the way for degeneracy.” He also believed that female teens “dropped all standards of decency in orgies,” while male teens joined gangs in petty thievery, ran away from home to escape punishment, and became fugitives.\(^{28}\)

The Harris County Grand Jury labeled juvenile delinquents the “problem children” of the city.\(^{29}\)

To adults, the fashion, music, and customs that teenagers favored were erecting social barriers that seemed antagonistic to American culture.\(^{30}\)

In short, juvenile delinquency implied a social problem for whiteness and the Jim Crow order.

To mask the implications of white-teenage behavior, the status quo correlated juvenile delinquency rates to the growing ethnic Mexican demographic. This population had doubled from 20,000 to 40,000 from the 1940s to the 1950s. New immigration to the city was attributed to the

\(^{23}\) Carpenter, “Tragedies and Tears, Article 8,” *Houston, Chronicle*; Carpenter, “Tragedies & Tears, Article 1,” *Houston Chronicle*.


\(^{27}\) Carpenter, “Tragedies & Tears, Article 2,” *Houston Chronicle*.

\(^{28}\) Bob Carpenter, “Tragedies and Tears, Article 7: 5000 'Goof Ball' Addicts Fly Right into Lap of Trouble,” *Houston Chronicle*, June 22, 1951.


post-war era oil industry, but the ethnic populace also experienced natal growth. Consequently, youth crime coincided with the expansion. By 1950, the city experienced a 16 percent jump in juvenile cases from the previous year. Of those 1,295 youths apprehended, 93 percent of the violators were under fifteen-years of age. Although ethnic Mexicans only composed 6.7 percent of the city’s total population, Mexican-American juveniles unlawfully carrying weapons comprised nearly 30 percent of the 1,295 youths arrested. Gang killings among ethnic-Mexican delinquents were also slowly rising, with four reported in 1949 and two within the first three months of the following year. By 1951, authorities found it hard to blame African-American youths for the rise in crime because they only accounted for less than one-third of the juvenile cases. Newspaper reports emphasized the increase number of incidents among ethnic-Mexican youths in regards to school vandalism, cases of assault, murder, robbery, and drug possession. It was apparent that through their increasing criminal inclinations, this minority group was once again becoming the problem race for the status quo.

The status quo’s fight against adolescent law-breaking became fixated on the historically criminal behavior of ethnic-Mexican youths. Recalling the historicity of criminality among ethnic Mexicans was common in other cities exacerbated by the juvenile delinquency scare of the 1950s. Historian Edward Escobar explained that in Los Angeles the police department (LAPD) and press’s continued belief in the criminality of Mexican-American youths focused on the violent activities of ethnic-Mexican gangs and intensified the juvenile delinquency scare. Similarly in Houston, media set-out to highlight what it called “Latin-American delinquency” over all other

31 De Leόn, Ethnicity in the Sunbelt, 98, 110.
32 Carpenter, “Tragedies and Tears, Article 14,” Houston Chronicle.
33 De Leόn, Ethnicity in the Sunbelt, 98, 110.
35 Carpenter, “Tragedies & Tears, Article 2,” Houston Chronicle.
offenders by recalling the recurring problem ethnic-Mexican youths caused over the decade. For instance, the Houston Chronicle recalled the city’s view of Mexican-American zoot suiters in the early 1940s and in the following decade depicted ethnic-Mexican delinquents as carrying loaded pistols, razor-sharp knives, blackjacks and daggers. Media reports highlighted the commonality of ethnic-Mexican delinquent in both eras and encouraged society at large to consider this shared criminal behavior as inherent. It thereafter, focused its reporting on making Mexican-American “hoodlumism” an unwanted influence upon the racial status quo.

The media fed into the fear of “Latin-American delinquency” by erecting a new criminal identity for ethnic-Mexican youths that defined them as threats to society and American justice. These delinquents were presented as a different criminal than their 1940s counterparts, because they were “addicted to marijuana, which makes them vicious and gives them the urge to kill.”

“Vicious” became the new descriptor for the types of crimes Mexican-American youths participated in, which implied a greater level of disregard for society. The Houston Chronicle highlighted the notion that not only did “hoodlums” and “gangsters” terrorized the neighborhoods, they also used fear of retaliation to prevent victims from cooperating with the police. According to police inspector L. D. Morrison, the “Latin-American community’s fear of co-operating with the police in exposing lawbreakers was detrimental to spiritual and civic improvement.” In other words, “vicious delinquents” hindered justice, and in effect, demoralized the entire ethnic neighborhood through their coercion.

Telling of the newspaper’s accounts was the notion that Mexican-American delinquents were showing disregard for the law-enforcement system. One article reported an incident of a group of six knife-carrying-youths, between the ages of fifteen and twenty-one years, who twice

39 Collins, “Problem of Latin American Delinquency, Article 1, Houston Chronicle.  
ignored police orders to disband. According to another account by Justice Ragan, “hoodlums” used intimidation tactics to frighten witnesses of Mexican extraction from speaking the truth within the criminal courts. He claimed sometimes “the mobsters” leered at witnesses in the courtroom to frighten them. Supposedly Ragan witnessed a case where a woman filed charges of assault to murder against her perpetrators, and the defendant had four or five of his gang members enter the courtroom upon examination to intimidate her. Houston’s law-enforcement officials believed Mexican-American youths had a general lack of respect for law and order – and were ready to pursue a strategy of discipline that would restore the power of law.

Juvenile delinquency propelled the city’s law-enforcement system to pursue the war-on-crime model that called for police to pursue preventive methods to restore the racial structure and further Jim Crow the ethnic community. This action replicated the 1920s crusade against crime that emerged to combat activity stemming from the prohibition of alcohol in the era. According to historian Jeff Adler’s study on Louisiana in the late 1920s, this campaign emerged in response to middle-class city dwellers alarm at the overflow of violence into respectable neighborhoods, as well as the impotence of legal institutions to address or prevent crime. At this time, white Americans shifted their popular ideas about the role of government and expected legal institutions to preserve social order. As popular justice changed to the rule of law, law-enforcement institutions reestablished order with draconian laws, a declaration of a “war on bandits,” the adoption of aggressive tactics, and increased convictions of lawbreakers. In light of this, the Houston Police Department largely remained attach to traditional policing customs and overlooked institutional reforms that followed the early war-on-crime. By the 1950s, the HPD began to mimic cities with a sizable ethnic-Mexican population, like Los Angeles, where police metaphorically represented the “thin blue line” between “civilized” society and anarchy. This metaphor tapped into the white

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46 Watson, Race and the Houston Police Department, 16-17.
populations’ growing anxieties that delinquency caused society to be ripped apart.\textsuperscript{47} According to Escobar, white Angelinos, who linked notions of race and criminality, supported the LAPD to protect them from the growing brown and black populations.\textsuperscript{48} Police, as law enforcers, stood between these criminal groups and could restore order with increased power.

The crime-fighting orientation of the war-on-crime model pitted police against adolescent crime. Delinquency displayed a general disdain for white authority, and the police war-on-crime mentality placed it at odds with juvenile delinquents. Youths were now the “the criminal element” that law enforcement had to forcefully try to control.\textsuperscript{49} The HPD’s shift to the war-on-crime model was a departure from the civil guardianship practice that define policing in the 1940s, and with it, the logic to rehabilitate the semi-delinquent. Civil guardianship ushered in a period when police officers employed a social-worker model to reform juvenile delinquency; it maintained “kindness” toward the youth and consideration toward their social issues in order to cure delinquency. While civil guardianship still lingered in discussions on pre-delinquency work,\textsuperscript{50} the police department had to reinvent itself from the ineffective force it was into the protective aspect of the war-on-crime that could prevent delinquency while it was on the streets. With society seeking security and protection against criminal youth, police gained the autonomy needed to implement aggressive tactics to fight racial minorities who challenged law and order.\textsuperscript{51}

The HPD’s use of war-on-crime tactics against the ethnic-Mexican community included a new level of racist aggression that was first displayed in response to a string of violent acts

\textsuperscript{47} Lieutenant Leo Horton of the CPD likely brought back the material needed to understand the mentality and methods entailed behind the “thin blue line” when he attended the Delinquency Control Institute at the University of Southern California in the fall of 1953. Statistical Reports: Crime Prevention Division 1953, HCA; Edward Escobar, \textit{Race, Police, and the Making of a Political Identity} (Berkeley: University of California Press, 1999), 162, 187.

\textsuperscript{48} Escobar, “The Unintended Consequences of the Carceral State,” 181.

\textsuperscript{49} Escobar, \textit{Making of a Political Identity}, 199.

\textsuperscript{50} Civil guardianship was considered a preferable treatment over imprisonment which risked placing a wedge in the youth’s affection for his parent or develop contempt for the law. The CPD, as well as the Juvenile Delinquency and Crime Commission (formed in 1953), still encouraged cooperation between citizens and officials to promote education on juvenile delinquency and crime. See, Draft of the Report of the Juvenile Delinquency & Probation Committee 1954, HMRC; Statistical Reports: Crime Prevention Division 1953, HCA; Report of Juvenile Delinquency for 1954, HMRC.

\textsuperscript{51} Escobar, \textit{Making of a Political Identity}, 162, 187.
juveniles committed between February and March 1950. The police created a special unit to intensify its patrolling and interrogation of ethnic Mexicans after “gang wars” resulted in the murder of 22-year old Wiley Legget on February 24, 1950. According to the Houston Chronicle, only one day after the killing, Police Chief B. W. Payne formed a Latin-American squad patterned after the 1940s division which he believed would be “a weapon for coping” with ethnic-Mexican delinquency.52 The squad, however, was all white and charged with patrolling ethnic-Mexican neighborhoods which it viewed as possible areas of high-crime, seeking out the “small percentage” of criminals causing “considerable trouble.”53 To spread the small force’s power over gangs and delinquents, Payne essentially encouraged the use of “dragnets” to be conducted in all the Mexican American communities for any possible suspects.

Unlike the 1940s method of patrolling, the Latin-American squad and police used dragnets to target all ethnic-Mexican youths as possible criminals. The squad was authorized to enter the neighborhoods as a white “posse” and “to pay special attention to gatherings of Latin Americans on the street and to break up these gatherings and make arrest and file charges wherever this can be done.”54 These actions allowed anyone to be arrested on the street within the vicinity of a crime or anyone who resembled the suspect in a case.55 This was seen the first night the squad conducted an investigation into the Leggett murder; they were reported to have “rounded up 30 Latin-American youths for questions in the slaying.” Five of them were held for questioning by police, because they were performing the Leggett killing in the streets which made them suspects to the crime.56 Police officers demonstrated their crime-fighting resolve through these raids, which calmed white fears of social disorder among this racially subordinate population.57 Some of Payne’s officers embraced these actions as the “old-fashioned policing” needed to combat

52 “Youth Charged in Gang Slaying,” Houston Chronicle, February 26, 1950
53 “Herrera Hits Police Latin Squad Formation,” Houston Chronicle, February 27, 1950,
55 Escobar, Making of a Political Identity, 130.
56 “Youth Charged,” Houston Chronicle.
“hoodlums.” This act not only over arrested a segment of the population and ensnared many innocent people, it identified and racialized ethnic-Mexican youths as criminal.

As heinous crimes continued to make local news, government officials’ calls to end the city’s delinquent terror wave helped further encourage police to invoke discriminatory practices. On the night of March 5, 1950, one week after Legget’s murder, five ethnic-Mexican youths between the ages of sixteen and twenty years old took an eighteen-year old female youth from her fiancée at gunpoint and repeatedly sexually assaulted her. Newspapers highlighted the lack of Christian virtues in the assailants, as they not only defiled her betrothal, but also stole her gold cross and attacked her within a church yard. Two city councilmen criticized Payne for “his apparent inability or disinclination to handle the [delinquency] situation.” Another councilmen J.S. Griffith stated in the Houston Chronicle, that Payne needed to “[cope] with the situation in such a manner that depredations by Latin-Americans will cease, regardless of what methods he might have to adopt.” Mexican youths were seemingly out of control, and the gang wars and rape were viewed by the status quo as evidence that police needed to be more aggressive in confronting the criminal elements of society. Dragnets and special squads were believed to be appropriate methods, if they could end the devastations that Mexican Americans were causing white society and reassert safety.

While the war-on-crime supported the police’s harassment of juvenile delinquents, it also fostered excessive force upon youths as an informal preventive measure to reinforce Jim Crow. Since the 1930s, police brutality against minorities was a key practice of the nationwide war-on-crime. The 1931 Wickersham Commission’s Report on Lawlessness in Law Enforcement held policemen in many cities routinely tortured suspects to get confessions or admissions of guilt.

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60 “Payne Asks Aid with Hoodlum,” Houston Chronicle; “Victim Abducted at Gunpoint,” Houston Chronicle.
61 “Two Councilmen Doubt,” Houston Chronicle.
62 Ibid.
Excessive force within police practices also opened occasion for officers to murder noncompliant suspects. The Commission found that across the nation law-enforcement officials adopted coercive tactics against criminals, because they were confident that the public were less inclined to blame or punish the police for excessive force against such men than released them without penalty.\(^{63}\)

Signs that the HPD employed these tactics were apparent in July 1951, when two policemen were accused of beating four youths (two juveniles were under seventeen-years of age) after arresting them for vandalism. The officers claimed they decided to take the youths to the station for “acting a little smart.” The youths accused the officers of beating them during the drive to the station.\(^ {64}\) The informal practice of excessive force continued, and by March 1953 headlines indicated that police officers brutalized Mexican-American teenagers after arresting them for criminal assault of a 27-year-old woman.\(^ {65}\) Both accounts showed that police used excessive force to teach delinquents a lesson about law and order. Moreover, it implied that lawmen literally reinvented themselves as crime fighters using their force on the street (and the arrest) to the precinct house (and the interrogation session).\(^ {66}\)

Inadvertently, these discriminatory police practices also inflated arrest records, which appealed to and supported the likelihood of Mexican-American criminality. Profiling within dragnets and special squads resulted in the Crime Prevention Division over arresting ethnic-Mexican youths in relation to the rest of the community, according to the Statistical Reports of the Crime Prevention Division in 1953 and 1955. The report for July to December 1953 indicated that 3,431 youths were arrested and categorized as either first or repeat offenders.\(^ {67}\) Although people

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\(^{64}\) “Mothers Charge Cop Beat Sons,” Houston Chronicle, August 2, 1951.

\(^{65}\) “Call Mass Meet on Delinquency," Houston Chronicle.


\(^{67}\) The 1953 statistics do not breakdown the crime that youths were apprehended for. Moreover, approximate interpretation and calculation of the Statistical Reports for the Crime Prevention Division for 1953, 1955, and 1958 are difficult, because it is hard to the breakdown the juvenile population of each racial group against the overall city’s demographic. For example, running approximate statistics on 1953 will be inaccurate because of standard deviation of 12%. Moreover, looking at the statistics for all of 1953 is impossible because the information for January-June was not available as a racial breakdown. These arrest statistics are nevertheless important because
of Mexican descent did not account for a tenth of the population, juveniles from this group comprised 12 percent of the arrests. White and black first offenders, however, were jailed in rates proportionate to their demographic: whites comprised 66 percent/ blacks made-up 22 percent. White and black repeat offenders decreased to 61 percent and 17 percent respectively. On the other hand, ethnic Mexicans repeat offender rates nearly doubled to 22 percent. In other words, Mexican youth were arrested in rates larger than the rest of the population, and they were twice as likely to commit a second offense. With crime among Mexican youth going from bad to worse, police records indicated and supported the societal notion of a race problem.

A further comparison of the first and repeat offender 1953 statistics allows us to see the effects of the CPD profiling practices upon the over arrest of ethnic-Mexicans youths in comparison to Anglo and African-Americans. The overall arrest statistics reveal that white juveniles were targeted at a rate of 1 of every 2.5 persons. Black juveniles were targeted at a rate of 1 of every 2.3 person. On the other hand, ethnic Mexicans juveniles were targeted at a rate of 1 of every 1 person. This indicate that in a group of two ethnic-Mexican youths, both would be targeted for arrest. These figures imply that police targeted ethnic-Mexicans juveniles at more than twice the rate of black or white youths. Against the general population, these numbers suggest that 1 out of every 77 ethnic Mexican was targeted by police; while whites were arrested at 1 out of every 194 and lawmen apprehended 1 African American for every 178 persons. The CPD Statistical Reports for January to June 1955 once again told of disparities that existed between the rates of minority and white repeat offenders. Ethnic-Mexican repeat offenders increased by 1 percent to 23 percent (as well as African Americans), while Anglo Americans first offender arrests drastically decreased by 7 percent to 54 percent. These numbers suggest profiling was

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they laid the basis for subsequent law-enforcement claims that Mexican juveniles committed an extraordinarily high number of crime. Statistical Reports: Crime Prevention Division 1953, HCA

68 Ibid.

69 The overall total of arrest for first offenders showed little change in 1955, with the exception that African Americans arrests increased to twenty-two percent (2 percent) and Mexican Americans increased by one-percent (16 percent). Statistical Report: Crime Prevention Division of the Houston Police Department Jan-Jun 1955, Crime Prevention Division 1943-1958, HCJPD, HCA, Houston, Texas, CR43, box 533, folder 16 (hereafter cited as Statistical Reports: Crime Prevention Division Jan-Jun 1955, HCA)
concentrated in ethnic-Mexican communities over the other two racial groups. The 1955 statistics for the CPD further reveal the ambiguities within criminal offenses that allowed police to target and control the ethnic Mexican community.

The CPD Statistical Reports for January to June 1955 enables an interpretation of the effects of new criminal offenses upon ethnic youths and the targeting of the community for suspicious behaviors. In this report, ethnic Mexicans were largely arrested for offenses such as assault, burglary, theft, auto theft, disorderly conduct, drunkenness, and suspicion to commit a crime. More telling of the report, however, were the arrest rates of Mexican repeat offenders for noncriminal offense. A new category of noncriminal offense, “all other,” was added, which included being incorrigible, wandering the streets, and loitering. Because these were victimless offenses, the decision as to whether to arrest a youth lay solely with the police officer.  

A projection of “all-other” offenses upon the overall general population revealed that police profiling practices resulted in the arrest of Mexican Americans at the same percentage rate as the majority Anglo-American population. Although the total of white repeat offenders, 616, outnumbered their Mexican counterparts by more than double (258), both were arrested at the same percent for “all other” non-criminal offense. In retrospect, arrests for “all other” comprised a small percentage of the overall total of all repeat offenders: 7.7 percent of Anglo arrests, 3.2 percent for Mexican American, and 1.6 for African Americans. However, white and ethnic-Mexicans repeat offenders were arrested for “all-other” at the same rate of 14 percent, while blacks were arrested at 7 percent. Fourteen-percent of all Mexican-American repeat juvenile offenders could not walk the streets or congregate on a street corner without being threatened with arrest. These numbers also imply that the police intentionally arrested repeat offenders, who they probably recognized from their first offense in order to subject them to a search for contraband or hold them for suspicious behavior. Interestingly, the rate at which officers arrested African Americans

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70 Escobar, Making of a Political Identity, 128.
71 Ibid.
Americans for “all-other” offenses only comprised half of that of whites and ethnic-Mexicans. Lawmen were more interested in harassing the Mexican community to incriminate youths for suspicious and noncriminal behavior. Unfortunately, the discriminatory practice of profiling inflated arrest records of youths and supported the city-wide notion of a “Latin American Problem.”

With police practices seemingly supporting the city-wide notion of a race problem, the HPD implemented the Juvenile Field Interrogation Plan (FIP) as a formal practice of profiling. According to the CPD, the FIP was modeled after cities of the West Coast, who used it “to acquaint the juvenile section of law enforcement with the late-hour activity of teen-agers who may be found in circumstances not conducive to proper behavior.”73 The CPD’s Juvenile Division used the FIP as an information gathering procedure to aid in controlling areas of high crime and delinquency.74 The CPD employed it to chart areas where juveniles could be found at late hours, to grow an information bank on suspects, and reveal the method of gang operations. In practice, the plan acted as a positive deterrent to late-hour prowling and loitering. Ultimately, the HPD’s implementation of the FIP displayed the department’s belief in the effectiveness of preventing crime with the war-on-crime methods of increase surveillance, patrol, and stop-and-frisk activities in the ethnic or minority neighborhoods.75

Moreover, police officers had a series of new offenses to support the formalized methods of profiling entailed in the Field Interrogation Plan. Police officers could call upon a series of new victim and victimless crimes to arrest or investigate youths, including new categories for murder and neglect, aggravated assault, other assault (without a weapon), offenses against family and children, driving while intoxicated, other traffic violations, and miscellaneous offense. By 1958,

74 The CPD was comprised of fifty-employees, including: 33 white male policemen, 5 black policemen, and 1 colored policewoman. Statistical Reports: Juvenile Division Houston Police Department 1958, HCA.
75 Juvenile Field Interrogation Plan, HCA; Escobar, “The Unintended Consequences of the Carceral State,” 181.
the division’s overall investigations increased by 1,007 cases from the previous year; however, juvenile arrests decreased by 2.23 percent (107 juvenile arrests) from 1957 to 1958. The FIP, as the CPD said, effectively “led to [the] elimination or control of conditions in the community which [sic] were conducive to juvenile delinquency.” Furthermore, the police department could use that small margin of success to justify to the Anglo status quo that their crusade against crime had helped restore security and protection to society.

The war on crime calmed the larger white society’s fears; however, its inherent discriminatory practices incited contention between police and Mexican-American representative, John J. Herrera. An attorney and the district governor of LULAC, Herrera had a penchant for confronting police discrimination in exchange for more respect and protection. He had the outlook of other members of the Mexican-American generation of the 1940s and 1950s. After World War II, returning soldiers and veterans became more politically alert and used their service in the military to undergird their demands for greater social acceptance and equality within American society. Along similar lines, Herrera encouraged ethnic Mexicans to fight discrimination by seeking employment within the HPD, thereby enabling the hiring of bilingual officers who understood the problems and customs of Latin Americans. In doing this, he called upon his constituents to seek employment equality as a means to reduce contention between the police and the community. Activists also took the lead in fighting the disadvantaged status of ethnic Mexicans in low wages, menial jobs, substandard housing, and discrimination within the educational system and police practices.

In his *Houston Chronicle* opinion pieces, Herrera wrote of the collaboration between public officials, the police, and the newspapers to circulate the image of a juvenile outbreak among the ethnic-Mexican community. According to Herrera, there were “no organized gangs of Latin

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76 Statistical Reports: Juvenile Division Houston Police Department 1958, HCA.
77 De Leόn, *Ethnicity in the Sunbelt*, 139.
78 Ibid.
79 Escobar, "The Unintended Consequences of the Carceral State,” 177.
Americans in Houston,” but the newspapers played “up the gangsterism while a few police officers exaggerated it.” According to Herrera, the press sensationalized the “so-called Latin American problem” by publishing public officials’ provocative language and reporting on the severe law-enforcement measures taken against Mexican-American youths – all of which generated an irrational public fear that juveniles were engaged in a crime wave that threatened the entire city. To Herrera, the war-on-crime prosecuted the entire ethnic population of 40,000, as criminal, when in reality only a small number of youths were engaging in criminal activity and not following Jim Crow’s model of “good upright citizens.” He uncovered the police’s agenda to incite public hysteria to justify increasing their power, all the while racially criminalizing the entire ethnic-Mexican population. Moreover, Herrera was not blind to the fact that the ethnic-Mexican community was absent in the police’s fight against delinquency.

Herrera argued that the HPD’s war-on-crime methods criminalized Mexican-Americans youths and targeted the ethnic community as a whole. He challenged the practice of calling these youths “Latin Americans,” because in his mind it denied their Americanness, but also because “Latin” identity criminalized them and placed them outside the social order. According to Herrera the media and police department’s “inclusion of the words Latin American in any crime story cannot be interpreted except as calculated to appeal to the baser instincts of our citizenry, racial prejudice and discrimination.” The status quo’s denial of ethnic Mexicans’ American identity reinforced the police’s increase of discriminatory power to strip the community of protection. In addition, Herrera criticized Police Chief B. W. Payne’s decision to form an all-white Latin-American Police Squad to combat crime as “discrimination against a minority group.” He accused Civil Service Director Roy Floyd as refusing to hire Latin-American officers for the force.

82 Escobar, Making of a Political Identity, 122.
83 “Herrera Hits Police,” Houston Chronicle; De León, Ethnicity in the Sunbelt, 99.
84 “Letters to the Chronicle,” Houston Chronicle.
85 “Herrera Hits Police,” Houston Chronicle.
highlighting the lack of racial diversity on the HPD, Herrera supported his notion that the war-on-crime was a crusade against Mexicans.

To law enforcement, Herrera’s accusations indicated a general lack of respect for their efforts to restore order and protect society. The department’s war-on-crime represented its perceived responsibility to maintain the racial customs and attitudes of the status quo. For the HPD to conduct its war-on-crime unhindered by activists, police and city officials had to actively disapprove Herrera’s notion that the ethnic-Mexican community as a whole was being criminalized and excluded from the policing of juvenile delinquency. Police and city officials did this by maintaining the validity of white fear and mediating the appearance of fairness to counter claims of discrimination.

Police and city officials shaped their response to Herrera’s accusations as a challenge to the rhetoric of the new generation of Mexican-American activists. City officials employed media to display that police efforts were performed in fairness to decrease crime and protect the community. The media deflected Herrera’s accusations in papers by highlighting the reality of juvenile crime in the newspapers. Often besides Herrera’s comments, the Houston Chronicle listed the names of youth arrested for robbery, aggravated assault, and attempted rape. This practice illustrated how delinquency was seen as an important issue and the fear that it instilled in society. Floyd also responded by accusing Mexican Americans of refusing to become police officers. He claimed he tried to enroll three applicants of Mexican descent into the police training school, but they “backed down on their applications later without giving any reason.” The Latin-American squad, thereby, appeared discriminatory in practice, because according to him ethnic Mexicans failed to join the police force. Councilmen, Harry Holmes, also showed support for the special squad, he stated “the Latin-American people should indorse such a movement, because it is to their advantage that such hoodlums as took part in Sunday night’s crime [the rape of the female youth]

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86 Watson, Race and the Houston Police, 32-33.
87 “Herrera Hits Police,” Houston Chronicle.
be removed from the ranks of decent Latin-American citizenry.” In his view, law enforcement was not discriminating, but instead fighting to preserve good Latin-American citizens from the stigma that youth crimes brought upon the community.89

With the HPD portrayed as protecting the interest of ethnic-Mexican communities, city officials and lawmen argued that it was effective enough to control the very real issue of juvenile delinquency. Because of Herrera’s backlash, Police Chief Payne denied that he formed the Latin-American squad; however, he admitted to transferring two white detectives who spoke Spanish to the homicide squad to work on such cases. One officer transferred was Lt. George Bell, who worked in the 1942 Latin-American Division.90 These skilled officers claimed they could sufficiently handle the delinquency outbreak. According to Bell, “the situation [in 1950] is not as bad as it was during 1943 when a special squad was created to combat the lawless element” and daily shootings among Mexican-Americans youths.91 Moreover, Chief Payne argued that budgetary restraints made it difficult for law enforcement to diversify the squad by hiring Mexican detectives.92 In appearing to be sensitive to ethnic Mexicans, Payne’s transfers implied that culturally learned and experienced white officers were best trained to patrol the enclaves. Lastly, these officers only aimed to make a case against gang members like they would do against anyone else.93

To further invalidate Herrera’s challenge to the police department’s practices, the media and police officials attacked LULAC’s effectiveness in helping its constituency and effect change. Houston Chronicle reporter Orie Collins wrote that Houston’s Latin-American citizens earnestly favored the HPD’s actions to stamp out juvenile “gangsterism,” because LULAC was “more interested in picnics and dances than in helping clear up this problem.” In fact, Mexican businessmen Adolph López Jr. favored helping law agencies to end the outbreak of juvenile

89 “Two Councilmen Doubt,” Houston Chronicle.
90 Ibid.
92 Ibid.
93 “Herrera Hits Police,” Houston Chronicle.
delinquency. López stated that he was a “peaceful and law-abiding” citizen who did not think the police were discriminating against his people. To López, allowing police to stamp out “hoodlumism” would “erase the black mark scored against our people all over the nation” and restore their integrity. The media demonstrated through its juxtaposition of LULAC’s activities against preventive policing, that the ethnic-Mexican community was not as concerned with racism as it was with the protection of their neighborhood. Moreover, media continued its quest to highlight LULAC’s ineffectiveness in restoring safety to the community, by attacking the organization’s workability and solidarity.

Herrera called a mass meeting on March 16, 1950 to inform the public of LULAC’s efforts to empower the community to address the issues of delinquency, but state officials and news reporters in attendance denounced the organization and argued that it was not a valid vehicle for community agency or preventive help. Herrera’s objective for the meeting was to seek “measures to correct juvenile delinquency and hoodlumism,” by discussing factors that contributed to it, such as the lack of adequate recreational facilities, the newspapers treatment of “gangsterism,” and how the community could fight youth crime by collaborating with churches and youth programs. The meeting did attract constituents concerned with the media and the police’s slandering of the community; however, the gathering digressed from that concern. The Chronicle claimed delinquency “took second place in a session centered on criticism of newspapers…[and] restrictions that hamper employment of Latin-American policemen.” Although the HPD’s discriminatory hiring practices were a sensible concern that limited the community’s ability to combat delinquency, state officials like Thomas Sutherland, of the Good Neighbor Commission, criticized LULAC members and argued that they failed to address the problem of Latin-American delinquency. He claimed, they could not stop talking among themselves about discrimination and become “just Americans.”

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94 “Many Latin Americans Favor Fight,” Houston Chronicle.
95 “Latin Americans Get Bad Deal,” Houston Chronicle.
96 Ibid.
97 “Latin American Meet Hears Little,” Houston Chronicle.
criminalized and disempowered, officials of the status quo aimed to invalidate LULAC as a voice for ethnic Mexicans by denigrating the organization and accusing it of evading its responsibility to acclimate its constituency to the American way.

The media dealt Herrera another blow when the Houston Chronicle pitted him against fellow LULAC member Felix Tijerina. In March 1953, Herrera called a mass meeting to vocalize his concern that the crusade against Mexican-Americans delinquency fostered racial tensions within the police force and promoted the use of violence to control the community. This appeared true when he represented several teenagers who claimed police brutalized them after their arrest in the criminal assault of a 27-year-old woman. Similar to the 1950 conflict between Herrera and the police, the Chronicle printed Herrera’s identification of brutality, alongside the objection of Mexican-restaurant owner and LULACer, Felix Tijerina. The media used Tijerina’s words to silence Herrera’s effort to represent the community. Tijerina criticized Herrera “as a self-styled representative of the Mexican people,” exaggerating the discrimination of police against a “few misguided youth.” Herrera, not the police, caused “undue publicity to be focused on the city's Latin-Americans.” Inadvertently, the press also displayed LULACers’ internal tensions, which further weakened the image of solidarity in the organization and its ability to handle the issue of delinquency.

The media incorporated Tijerina in its reports in order to demonstrate that LULAC supported the police’s actions against delinquency and casted Herrera as not having the organization and the community’s best interest in mind. Tijerina had worked directly with the force in the 1940s to dismantle gangs and redirect youths to sports as part of the Good Citizen League. He also served as a member of the Harris County Grand Jury and claimed he knew firsthand the HPD’s fair treatment of suspects. In other words, Tijerina’s work with law enforcement demonstrated to readers that Herrera’s accusations of excessive force were unfounded. These

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98 “Call Mass Meet on Delinquency,” Houston Chronicle.
99 Ibid.
100 Call Mass Meet on Delinquency,” Houston Chronicle; “‘Gang’ Leader Pledges Aid in Building Sports,” Houston Chronicle, July 27, 1945;
stories served to portray Herrera as having had no knowledge of police preventive measures, but also lacking resolve for the delinquency issue. Unlike Herrera, Tijerina was allied with the police and the status quo. According to historian Arnoldo De León, Tijerina’s political activities leaned toward cultural accommodation. Since Tijerina had a primarily Anglo clientele, his support for the police was aimed at drumming up business. Silencing Herrera gave law enforcement the free hand needed to shape the debate regarding the nature of and the appropriate response to crime. The HPD could have continued the war-on-crime unhindered, because state and city law-enforcement were erecting a systematic approach to combat delinquency and restore social order.

Herrera unfortunately could not effect change and eradicate the HPD’s war-on-crime program, because the entire law-enforcement system wanted stricter punitive measures in policing and in the criminal courts to control delinquency. Law-enforcement officials, like the police department, moved away from the rehabilitative aspect of the civil guardianship practice, believing it no longer prevented or decreased crime among youths. One social worker questioned the policy and asked, “whether [or not] we are doing justice to the child by giving him so many chances.” He went on to say, “maybe he would be better off if we let him taste punishment from the very start.”

The criminal courts argued for stiffer penalties. In addition, the Harris County Grand Jury called for law enforcement agencies to take more action, even to the point of harassing “beer joints,” tourist courts, and drive-ins, known for felonious acts in order to remove “certain infectious and contaminated areas.” The Grand Jury praised the CPD for instituting an excellent plan for checking minors when seen in undesirable places, or on the streets. In short, Herrera would have failed to convince the status quo that police discriminated against the community, because the law-enforcement system came together on the issue of youth crime and the need for preventive

101 De León, Ethnicity in the Sunbelt, 139
102 Escobar, Making of a Political Identity, 224.
104 Carpenter, “Tragedies & Tears, Article 2,” Houston Chronicle.
policing. As a united front on crime, these agencies of the status quo casts their support for all of law enforcement’s effort.\textsuperscript{106}

The Grand Jury’s response to excessive force highlights how supervisory bodies reacted negatively to oppositions regarding policing. In its 1954 Final Report for the May term, the Harris County Grand Jury investigated the rampant misconduct of lawmen toward prisoners. The jurors stated that although “brutality charges in a number of instances, indicated some evidence of rough physical handling on the part of the officers involved. There was also…evidence of action on the part of the complainants which contributed to the so-called ‘acts of brutality.’” In addition, the Grand Jury used the complainant’s admittance to felonious acts at the time of their arrest to discredit their claim of mistreatment.\textsuperscript{107} The investigation essentially permitted the informal use of brutality, because the complainants (as criminals) did not have any civil rights that officers had to protect or respect. In the likely chance that a complainant could not be held responsible for the abuse, the jury exonerated the abusive officers by claiming they are unable “to prove anything sufficient to warrant charges being brought against the persons involved.”\textsuperscript{108} The Grand Jury’s justification to not indict officers for misconduct demonstrated how the supervisory bodies protected the HPD’s practices. Consequently, brutality became an informal crime fighting tool, acceptable to the racial status quo as a form of rough justice needed to discipline and educate criminals to Jim Crow.\textsuperscript{109}

More importantly, the law-enforcement system would have resisted the ethnic-Mexican community’s backlash, because it was influenced by statistical evidence that identified and supported the broader notion that the city had a “Latin-American Problem.” For instance, in March 1956 the police’s over arresting of ethnic-Mexican youth convinced the juvenile courts that there was a delinquency problem. Judge J.W. Mills called a meeting to address the problem with local

\textsuperscript{106} Escobar, \textit{Making of a Political Identity}, 162-163.
\textsuperscript{107} Misconduct allegations by prisoners including an officer beating a man after he was arrested for drunk driving; abusing a man after he admitted to committing a felonious act; then the mishandling of a man who resisted arrest for minor traffic violations. See Final Report of the Harris County Grand Jury, May 1954, HMRC
\textsuperscript{108} Ibid.
officials from the school district, and the juvenile and probation department. They discussed ideas for preventive measures in addressing the increase of Mexican-juvenile offenders: first and repeat offender rates rose to 13 percent and 24 percent, respectively they represented 17 percent of the overall arrest tallies.\textsuperscript{110} Those attending Judge Mills’s meeting, however, overlooked the fact that Anglo Americans made up 67 percent of the first offenders.\textsuperscript{111}

The juvenile courts, like the Grand Jury, ignored the police department’s discriminatory practices that skewed arrest statistics and perceived the youths to be the problem with crime. Left untouched was the possibility that police could have affected the number of repeat offenders by arresting the same youth over-and-over. Or even, that since 1955 inflation in delinquency statistics might have been affected by the shifting categories of traffic and non-criminal offenses that were considered criminal acts simply because of the age of the perpetrators.\textsuperscript{112} More importantly, the meeting failed to highlight that first-time offender numbers among Mexican juveniles had actually decreased by 30 percent between 1953 and 1955.\textsuperscript{113} The juvenile courts, like the grand jury, perceived a problem with the criminal not the HPD’s practices. Ultimately, the law-enforcement system supported the police’s war-on-crime over lawlessness and disorder.\textsuperscript{114}

Rather than question the illegality or abuse of police methods that made delinquency appear as a relevant issue, the statewide law-enforcement system moved to reform the criminal courts and create rehabilitation programs to restore the racial social order which had been disrupted by post-World War II delinquency. District judges and authorities supported new state legislation to punish parents for their children crimes.\textsuperscript{115} “Let's hitch the horse to the right cart,” Harris County Judge Campbell said. He continued, “If parents won't supervise their children, if they let them run wild

\textsuperscript{110} Latin American Study 1956, HCJPD, HCA, Houston, Texas, CR43, box 534, folder 13 (hereafter cited as Latin American Study 1956, HCA).
\textsuperscript{111} Ibid.
\textsuperscript{112} Gilbert, \textit{A Cycle of Outrage}, 69.
\textsuperscript{113} Latin American Study 1956, HCJPD, HCA, Houston, Texas, CR43, box 534, folder 13 (hereafter cited as Latin American Study 1956, HCA).
\textsuperscript{114} Escobar, \textit{Making of a Political Identity}, 162-163.
and neglect them, they should be punished along with their children.”  

In addition, youths could expect to face aggressive penalties aimed at teaching them that claiming ignorance would not excused their actions. This new attitude toward youth crime was evident in state legislature’s creation of the juvenile courts and the Youth Development Council (Y.D.C.) in 1949. Four years later Houston established its first such court and created the Juvenile Development Crime Prevention Program (a Juvenile Probation Program) to deal with minor offenses of juveniles.

With these new measures in place, the HPD’s Crime Prevention Division increasingly assigned most of its juvenile referrals to go directly into the Juvenile Development program. The new probation program focused on restoring the racial order by “rebuilding the parents.” Parents would have to participate in regular interviews and counselling to regain their children. The Juvenile Development area centers would then scientifically treat the youth for what it deemed to be behavioral psychoses of juvenile delinquency. At the center, “sympathetic” workers would address the “problems peculiar to the negro, and problems peculiar to the Spanish-American, and problems peculiar to what may be otherwise classified as “poor whites.” In other words, minority youths would learn adherence to their racial or socioeconomic place within the Jim Crow system. Juvenile probation, thereby, allowed law enforcement to discipline and rehabilitate the whole family. By the end of June 1953, 1,584 juveniles were placed on probation. Two years later, 731 of the 3,254 juveniles arrested between January and June were placed on probation.

Moreover, the Juvenile Courts could now sentence youths to a detention center if probation was too light of a punishment. The Y.D.C.’s creation of three state training schools in 1949 made

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116 Carpenter, “Tragedies and Tears, Article 8,” Houston, Chronicle.
117 Carpenter, “Tragedies & Tears, Article 2,” Houston Chronicle.
118 Reprints from Corpus Christi Caller, HCA
119 Assigning blame to parental or adult wrongdoing received wide publicity in 1945. After the war, law-enforcement officers and the public called for punishing the parent of delinquents, known as the parental school movement. The Juvenile Development program displayed this new fad in delinquency treatment. Gilbert, A Cycle of Outrage, 360; Carpenter, “Tragedies and Tears, Article 8,” Houston, Chronicle.
120 Classification of the Psychopathologies, HCJPD, HCA, Houston, Texas, CR43, box 533, folder 10 (hereafter cited as Classification of the Psychopathologies, HCA).
121 Draft of the Report of the Juvenile Delinquency & Probation Committee 1954, HMRC
122 Statistical Reports: Crime Prevention Division 1953, HCA.
123 Statistical Reports: Crime Prevention Division Jan-Jun 1955, HCA.
it possible for juvenile courts to sentence youths to Gainsville for girls, Gatesville for boys, and the Crockett School for Negro Girls.\textsuperscript{124} Since the creation of Houston’s Juvenile Court in 1952, 320 youths were sentenced to detention centers. The appearance of Judge J.W. Mills in 1953 increased the number of youths sentenced to detention by 60 percent (536 youths) from the previous year.\textsuperscript{125} Youngsters sentenced to detentions raised drastically by 1955. From January to June of 1955, 447 more were sentenced to the center.\textsuperscript{126} Of the 996 Mexican-American juveniles arrested from Jan 1955 to September 1956, 434 youths (43 percent) were placed in a detention home.\textsuperscript{127} Judge Mills demonstrated that the courts and police had similar obligations to control the rise of delinquency by using punitive measures to teach youths a lesson in respect for law and order.

By 1958, the Houston law-enforcement system’s war on Mexican-American delinquents indicated some success in curbing youth crime. According to the 1958 Statistical Reports of the HPD’s Juvenile Division, the overall rate of Mexican-American arrest decreased from 17 to 14 percent, while whites went down by 11 percent. Moreover, ethnic Mexicans only made up 11 percent of the six highest rated criminal offenses: burglary, theft, theft of vehicle, miscellaneous offense, noncriminal, and suspicion.\textsuperscript{128} These rates indicated the city’s law-enforcement system’s competence in restoring order. The preventive policing of the war-on-crime and the creation of Harris County’s Juvenile Courts, the Juvenile Development Program (probation), and juvenile homes (detention centers) functioned together to mediate the appropriate punishment and rehabilitation of families disrupted in post-World War II society.

The American family had changed since World War II, and juveniles’ thriving premature adult culture caused alarm for the propriety of whiteness. This chapter has shown that delinquency

\textsuperscript{124} Reprints from Corpus Christi Caller, HCA.
\textsuperscript{125} Statistical Reports: Crime Prevention Division 1953, HCA.
\textsuperscript{126} Statistical Reports: Crime Prevention Division Jan-Jun 1955, HCA.
\textsuperscript{127} Latin American Study, September 13, 1956, HCJPD, HCA, Houston, Texas, CR43, box 534, folder 13.
\textsuperscript{128} African and Anglo Americans made-up the highest number of arrests for those six offenses: blacks comprised 34 percent and whites 43 percent. Statistical Reports: Juvenile Division Houston Police Department 1958, Crime Prevention Division 1943-1958, HCJPD, HCA, Houston, Texas, CR43, box 533, folder 16.
placed fear within Anglo society in the 1950s, to distract attention of delinquency among white youths, Houston’s law enforcement focused on the danger of their Mexican-American counterpart. However, these youngsters were perceived to be a different sort of criminal, whose disregard for law and order provoked vicious acts that terrorized the city. Their actions had the potential to paralyze the status quo, and thus law and order had to be restored to pacify white fears. Consequently, the law-enforcement system moved away from the social worker aspect of Civil Guardianship of the 1940s to the war-on-crime to aggressively combat and prevent juvenile crime.

The crusade against delinquency marked a new level of discriminatory police methods that racially criminalized youths, but also made the ethnic-Mexican community as a whole suspect of high crime. The HPD used dragnets, special squads, profiling, and excessive force to fight ethnic-Mexican delinquents; however, it also created the illusion that the city had a “Latin-American problem.” Disparities in arrest records indicate ethnic-Mexican youths were over arrested in comparison to the white and black population which supported the city-wide notion of a delinquency problem. In addition, it helped the police justify their discriminatory methods and oppose any backlash from the ethnic community. With the press used to disempower LULACer John J. Herrera from contesting the war-on-crime, the HPD obtain a free hand to police the community at their discretion. Unfortunately, Herrera’s protest would not have effected change, because the entire law-enforcement system reformed its punitive measures to make criminals culpable for their crime.

The war-on-crime opened the path for Houston police officers to believe their authority was above law and order. The crusade on delinquency allowed cops to disregard the community’s complaints, which also encouraged some within the department to believe that they were not public servants. This was implied when delegates from the Mexican-American community of East End reached out to Chief L. D. Morrison for help creating a large-scale recreational program to curb juvenile vandalism in the neighborhood. The chief agreed to assign a Spanish-speaking patrol
officer to the area, but he was to be a police officer “to work with you not under you” like a social worker.\textsuperscript{129}

In the following chapter, we shall see that the HPD’s distance from the communities it served contributed to officers acting above the law and using illegal means to control minorities. Federal legislation protecting citizens’ due process rights, which were strengthened during the Civil Rights Movement of the 1950s, conflicted with lawmen’s principle of police autonomy and created a subculture that was unsympathetic and invulnerable to complaints.\textsuperscript{130} Police officers’ use of illegal methods to maintain the racial order despite national changes, instilled in them the necessity of the use of “street justice” in regards to the ethnic-Mexican community despite the shift to the due-process model of policing.

\textsuperscript{129} "East End Reveals Plan to Curb Crime," Houston Chronicle, December 15, 1953.
\textsuperscript{130} Escobar, \textit{Making of a Political Identity}, 162-163.
Chapter 3: “You Might be Trying to Get Your Rights, but not by Stepping on My Toes”: Police Street Justice and the Suppression of Civil Rights

In July 1959 the Civic Action Committee (CAC), a coalition formed by LULAC and the American G.I. Forum, and cofounded by attorney and political activist John J. Herrera, protested the racist practices of lawmen during routine traffic stops. The CAC publicly objected to the department’s standard practice of writing ‘M’ for ‘Mexican’ on traffic tickets. The CAC drew upon the whiteness strategy (a political discourse that invoked their legal “white” status to avoid segregation) in their letter of complaint to request what it perceived as a discriminatory practice to be stopped.¹ The CAC missive stated, “We are certainly not ashamed of our Mexican origin but when a designation (or symbol) of race is made we belong to the white race.”² Mayor Lewis Cutrer and the HPD’s response displayed city authorities’ segregationist platform and their unwillingness to change discriminatory police practices.³

City officials were indifferent to the CAC’s complaint; the mayor and assistant chief of police George Becker failed to understand how the practice was inherently racist.⁴ Mayor Cutrer responded to the CAC by writing, “We issue hundreds of thousands of tickets, and if every Latin American were designated as “W” our records would be definitely inaccurate.”⁵ Assistant Police Chief George Becker seemed confused that the CAC was offended by the designations, stating, “Nothing derogatory is intended…when they [Anglo Americans] speak of going out for Mexican [food]…yet that is technically inaccurate if you want to split hairs about it.”⁶ This attitude makes clear the fact that city officials believed that the practice of using an ‘M’ would differentiate a

² CAC Letter to Mayor Lewis Cutrer, July 17, 1959, Julian Samora Papers, Benson Latin American Collection (BLAC), University Libraries (UL), the University of Texas at Austin (UTA), box 238, folder 6 (Hereafter cited as CAC Letter to Mayor Lewis Cutrer, BLAC).
³ Lewis Cutrer served as mayor until 1963 and ran on a segregationist platform. Behnken, Fighting Their Own Battle, 75.
⁴ Behnken, Fighting Their Own Battle, 5-6.
⁵ Mayor and Police Response to CAC, Houston Press, July 17-20, 1959, Julian Samora Papers, BLAC, UL, UTA, box 238, folder 6 (Hereafter cited as Mayor and Police Response to CAC, BLAC).
⁶ Ibid.
person of Latin American origin from other European “Causasoid” groups. In light of this notion, Cutrer attempted to quell the CAC’s concerns by changing the policy and instead having “Latin American” (LA) not Mexican written on the ticket. Although the racially charged “M” for Mexican was no longer used, discriminatory practices continued.

These discriminatory practices would continue into the early 1960s. As the African-American Civil Rights movement challenged the collection of beliefs and practices that defined Jim Crow in Houston, one way that lawmen resisted these gains were by being more hostile during traffic stops. The department’s attempt to maintain the racial order was most apparent in a July 4, 1963 police brutality incident involving three African-American youths hitchhiking to nearby Galveston. Five officers detained the young men at gunpoint and beat them with clubs and blackjacks behind a store near the police station. In the midst of the attack one officer told the youths, “You might be trying to get your rights, but not by stepping on my toes.” Adding insult to injury, the three were then arrested for assaulting the policemen.

Once the National Association for the Advancement of Colored People (NAACP) became involved in representing the youths, Mayor Cutrer attempted to quell the incident by seeking to establish an interracial committee to investigate community complaints of police brutality. A similar committee established in 1961 proved ineffective to combat such practices, because civilians were discouraged by the mandatory submission of an affidavit. Minority citizens feared the extra-legal measures needed to submit their complaint, possibly because it would be evidence

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7 Their letter to Mayor Lewis Cutrer argued that designating one as ‘Mexican or Latin-American’ did not denote a classification or sub-classification within the three racial categories of Mongoloid, the Negroid, and the Causasoid. Mayor and Police Response to CAC, BLAC; CAC Letter to Mayor Lewis Cutrer, BLAC.
8 Mayor and Police Response to CAC, BLAC; Behnken, Fighting Their Own Battle, 75.
9 “5 Officers Suspended: Order Probe of Brutality Charges,” Houston Press, July 10, 1963, Judge W. Seals, Houston Metropolitan Research Center (HMRC), Houston Public Library (HPL), MSS 414, box 2, folder 43 (Hereafter cited as “5 Officers Suspended,” HMRC).
10 To cover their misconduct, the officers accused the youths of harassing one of the lawman’s pregnant wife (a white woman) and then they became hostile toward the officers who responded to the incident. Moreover, one of the officer, Paul Griffin, was suspended in September 1962 for three days after admitting to injuring a 16-year-old boy being held by police. Similar to the July 4th beating, he claimed the teen “doubled up his fist and took a swing at him.” See “Suspend 5 Policemen: Beating of 3 Teens is Claimed,” Houston Post, July 10, 1963, Judge W. Seals Papers, HMRC, HPL, MSS 414, box 2, folder 43.
to incriminate them in courts. In addition, the review board would be an internal investigation by the HPD skewed by police scrutiny. In effect, the community had limited avenues to address their complaints with the police department. These incidents involving the CAC and the NAACP make clear the fact that the mayor and police chief were unwilling to reform law enforcement’s discriminatory practices. Such resistance to institutional change foreshadowed the next decade of police-community relations.

The Civil Rights Era signaled the decline of the most obvious forms of racial discrimination of Jim Crow, but the HPD sought to reestablish itself as a “thin blue line” that maintained the racial order despite national reforms and ushered in a new era of law enforcement. Racial differences were part of Houston society, and the federal government’s protection of due process and civil rights dismantled the formal legal structure that sanctioned discriminatory police methods. These civil reforms only agitated the HPD’s unwillingness to alter attitudes or traditional police practices that formed during the Jim Crow Era. The need for crime fighting officers remained as juvenile delinquency rates among minorities in Texas peaked in 1962-1963. The law-enforcement system refused to negate its authority or reform its practices for suspects and prisoners’ rights in the wake of the civil rights reforms. Instead, police officers erected an informal patrol model of “street justice” that permitted unlawful acts of excessive force, harassment, and the killing of civilians and prisoners to reinforce the reputation that officers would deal directly with trouble. Police officers socially accepted street justice as a systemic method of racial oppression meant to control the minority communities in the aftermath of Jim Crow’s demise.

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This chapter examines law enforcement reforms during the Civil Rights Era and considers how lawmen manipulated the newest police model of due process to abuse ethnic Mexicans’ civil rights and forcibly control the pace of social and institutional change.\textsuperscript{14} The Supreme Court rulings in \textit{Mapp v. Ohio} and \textit{Miranda v. Arizona} ended coercive police practices and guaranteed procedural due process. Thereafter, the Texas Commission on Law Enforcement released the \textit{Texas Law Enforcement Handbook (The Handbook)} in 1968 to instruct all officers of the limits of their arresting power within the model of due process.\textsuperscript{15} An examination of the 1972 \textit{Texas Law Enforcement Handbook} demonstrates how lawmen resisted federal reforms in the early 1970s through the informal practice of street justice. Police officers manipulated due process through the disguise of the “color of law,” that is, the appearance of enforcing criminal statutes to commit an unlawful arrest and retroactively make it lawful.\textsuperscript{16}

Although police officers’ use of street justice represented the breakdown of law and order, lawmen seemingly appeared to comply with police procedure and respect due process. While the HPD definitely targeted civil rights activists with street justice, this chapter focuses on highlighting the reaffirmation of police power to control the ethnic-Mexican communities after the collapse of the old racial order of white supremacy with fear of violence, discrimination, and injustice. By examining the widespread practice of street justice in police subculture, this chapter shows how misconduct among law enforcement became the catalyst to the erosion of police-community relations in the late 1970s.

A nationwide series of judicial rulings, social practices, and federal legislation marked the dismantling of Jim Crow’s sanctions. Since the 1940s, African-American activists had launched a series of court battles that challenged the legal foundations of racial discrimination and segregation that marked the onset of the modern Civil Rights Movement. Among these were the Supreme

\begin{itemize}
\item \textsuperscript{14} Dwight Watson, \textit{Race and the Houston Police Department, 1930-1990: A Change Did Come} (College Station: Texas A&M University Press, 2005), 63.
\item \textsuperscript{16} Flynn, "Miranda,” 3-5.
\end{itemize}
Court rulings in Smith v. Allwright (1944) and Sweatt v. Painter (1950), which destroyed the white primary and outlawed segregation in postsecondary education facilities in Texas, respectively. This was followed by 1954 Brown v. Board of Education, which overturned the 1896 Plessy v. Ferguson decision that had served as the foundation for segregation in public education.\(^\text{17}\) Moreover, in the later 1950s the Texas Democratic Party regrouped toward a liberal shift\(^\text{18}\) that brought to the fore the question of “race” and encouraged action among dispossessed minorities for political and social equality.\(^\text{19}\) In Houston, black grassroots leaders employed nonviolent direct action demonstrations, such as sit-ins, marches, picketing, and boycotts to demand the state and city governments to segregation and racial discrimination within Jim Crow.\(^\text{20}\) These actions made it possible for marginalized groups to obtain a greater voice during what would emerge as the Second Reconstruction of the South, including Texas.

Within the federal government, liberal politicians waged a war against the racism that erupted against the Civil Rights movement, which furthered dismantled the de facto conditions of Jim Crow. Throughout the nation, conservative law enforcement agencies perceived civil rights advocates as unlawful and viewed their demands as an assault on the existing social order. Police resistance to black enfranchisement resulted in numerous incidents of civil disorder in the form of riots or rebellions in 1963 and later in the 1960s.\(^\text{21}\) The 1964 Civil Rights Act extended the protection of every citizen’s constitutional rights concerning public accommodations and employment despite race and color. Its passage also ensured that “law and order” became a central theme in politics and the federal reform of the law enforcement system.\(^\text{22}\) A year later the Voting Rights Act outlawed the poll tax and gave African Americans in the South the opportunity to

\(^\text{17}\) Behnken, Fighting Their Own Battle, 2.
\(^\text{18}\) Arnoldo De Leόn, Ethnicity in the Sunbelt: Mexican Americans in Houston, 2nd ed. (College Station: Texas A&M University Press, 2001), 166; Watson, Race and the Houston Police Department, 64.
\(^\text{19}\) De Leόn, Ethnicity in the Sunbelt, 64.
\(^\text{20}\) Watson, Race and the Houston Police Department, 74; Behnken, Fighting Their Own Battle, 2.
participate in the electoral process as first-class citizens. That same year, the U.S. Supreme Court invalidated legislative districting and the limiting provisions of the Texas Constitution.\textsuperscript{23}

In addition, two monumental U.S. Supreme Court rulings transformed traditional police practice that in effect had sustained Jim Crow. In 1961 \textit{Mapp v. Ohio} extended protection over citizens’ rights against overzealous police searches.\textsuperscript{24} This ruling declared that evidence obtained by police through illegal searches or interrogation must be excluded from federal and state courts. The ruling deemed that using unjustified force while making an arrest or treating a person’s home, body, and family violently, constituted a denial of the federal constitutional right to due process of law. Thus, both under federal criminal and civil statutes, police could be liable, fined, and/or imprisoned for depriving a citizen their rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. Five years later, \textit{Miranda v. Arizona}, guaranteed procedural due process. These rulings codified norms regarding individual rights into actual legal rights and dismantled some of the oppressive conditions of the law-enforcement system.\textsuperscript{25} It also erected the foundation for a new model of due process. The power of police to maintain the status quo through ignoring the rights of individual citizens was constitutionally illegal. Thereafter, the federal government launched its nationwide campaign to restructure law enforcement.

In the aftermath of Jim Crow’s demise, President Lyndon Johnson and his administration launched a war against crime and poverty that aimed to modernize the law enforcement system. Johnson’s “Great Society” legislation intended to change the factors that created social unrest in the nation and redirect police responsibility to the community and law and order. Johnson’s administration believed poverty was the root cause of crime and injustice in the entire law enforcement system. Congress supported the Law Enforcement Assistance Act (LEAA) of 1965 to implement federal influence over local police operations and modernized the entire criminal justice system.\textsuperscript{26} The LEAA established federal aid to local law enforcement at the state and local

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\textsuperscript{23} Hinton, “‘A War within Our Own Boundaries,’” 103; De Leόn, \textit{Ethnicity in the Sunbelt}, 166-167.
\textsuperscript{24} Flynn, "Miranda,” 102, 105-106.
\textsuperscript{25} Ibid., 103-106.
\textsuperscript{26} Hinton, “‘A War within Our Own Boundaries,’” 101, 103.
level to improve the quality of police and increase crime prevention and detection. In addition, both the National Crime Commission and the state attorney generals formed committees on law enforcement and criminal justice to consider the “social conditions which foster a sense of injustice or exploitation [that] also breed crime.”

The President's Commission on Law Enforcement formed the Police and Public Safety Task Force to improve relations between the police and the minority groups by “reduce[ing] incidents that can lead to riots, make the police responsive to the public and give the public the knowledge that the police will fairly enforce the law.” By maintaining law and order, the LEAA instilled an aspect of police responsibility to the community and the avoidance of injustice within the War on Crime.

Civil Rights legislation, landmark Supreme Court decisions, and Great Society policies ensured a higher level of judicial scrutiny and forced police departments to readjust their authority. Throughout the United States, law-enforcement agencies were customarily localized to allow for a closer relationship between interested communities. Consequently, traditional police forces were fragmented and power was widely dispersed resulting in extreme disparities of police competence, professionalism, integrity, and equity. Police practices had progressed little since the 1931 Wickersham Commission had issued the last presidential report on this issue. In 1967, the President’s Commission on Law Enforcement formed the Police and Public Safety Task Force and required police departments to increase the amount of basic training for officers to a minimum of 400 hours of classroom work over a period of four to six months. Officers would be train in the application of the criminal law and strict adherence to its rule. It criticized the police use of excessive force to extract confessions.

28 The President Commission on Law Enforcement and the Administration of Justice, March 9, 1966, AGAD, TSA, RG 302 Records of the Assistant for Information, AC Box 1991/113-6 Folder Law Enforcement (Hereafter cited as The President Commission on Law Enforcement, TSA).
29 Flynn, "Miranda,” 102, 105-106
30 Ibid.
Moreover, the Texas Commission on Law Enforcement in 1968 created the first *Law Enforcement Handbook (The Handbook)*\(^{31}\) to instruct officers of the new police model of due process and its restrictions on unlawful arrests and discriminatory practices that traditionally controlled minority communities in Jim Crow Texas. *The Handbook* was a pocket-sized manual for lawmen that set in “simple language what a policeman may and may not do in making an arrest.”\(^{32}\) It outlined as unlawful three popular arrest methods the HPD employed during its War on Crime in the 1950s that had inflated the number of ethnic-Mexican delinquents. During the previous decade, the police department reinvented itself into crime fighters to prevent delinquency. With society seeking security and protection against criminal youth, police during the War on Crime gained the autonomy needed to implement aggressive and discriminatory tactics to fight racial minorities who challenged law and order.\(^{33}\) Now, HPD officers could no longer conduct dragnets to apprehend large groups of minorities for investigations. Nor could officers arrest juveniles for suspension or noncriminal offenses, like wandering the streets. *The Handbook* noted that an officer making an arrest using his ‘sixth police sense’ or his hunch was unlawful.\(^{34}\)

Instead, *The Handbook* mandated that officers could only officiate an arrest with “probable cause.” According to the 1972 edition of *The Handbook*, probable cause should be “based upon what the arresting officer knows or has heard before or at the time of the arrest.” The discovery of evidence after the arrest would not make it retroactively a lawful arrest. Unlike in the past, an officer could not use an individual’s prior criminal record as personal knowledge or reliable information to constitute probable cause.\(^{35}\) Arrests now had to be made on reasonable grounds that the offense was committed and that the person being arrested perpetrated it; in this way, an officer

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\(^{31}\) This five-man commission included representatives from the Texas Barr Association, the Texas District and County Attorney Association, and the Texas Department of Public Safety. Garth Jones, "The Peace Officers Role," *Houston Chronicle*, December 8, 1968

\(^{32}\) “New Handbook Tells Officer His Duty,” *Houston Chronicle*.


\(^{34}\) Texas Law Enforcement Handbook, 1972 Revision, Texas Department of Public Safety (TDPS), Texas State Archives (TSA), Austin, Texas, An Inventory of DPS Training Academy Recruit Training Records, Box 2005/128-23 (Hereafter cited as Texas Law Enforcement Handbook, TSA), 15, 17-19.

\(^{35}\) Ibid. 15, 17-19.
could avoid engaging in unreasonable seizure, and arrest. Police had to be proactive in restoring law and order; their enforcement of the law had to protect a person’s constitutional right from unreasonable search, seizure, and arrest.

Probable cause within the due process model not only prohibited traditional discriminatory arrest practices, it also limited an officer’s power to preside over an arrest. *The Handbook* highly opposed police use of the color of law, that is, the appearance of law to commit an unlawful arrest and make it retroactively legal.\(^{36}\) Police had to convince a magistrate that probable cause existed in order to obtain an arrest warrant.\(^{37}\) In cases of a lawful arrest without a warrant, the officer still had to maintain probable cause before legally carrying out search and seizure.\(^{38}\) Police officers could only carry out an arrest for misdemeanor charges if the person apprehended incited violence or provoked others to break the peace.\(^{39}\) It was essential for police to honor the due process model when they exercised their power of arrest, because their failure to do so could convict an innocent man or worse, allow a guilty man to go free.\(^{40}\) Unlike the past arrest practices based on profiling minorities, an individual now had the “right to forcibly resist anyone trying to arrest him” unlawfully.\(^{41}\) In short, *The Handbook* centralized the due process model to protect an individual’s constitutional rights and liberty. Law enforcement officers who complied with *The Handbook* found their power to arrest any alleged suspect greatly circumscribed, especially undermining their previous disregard of the rights of ethnic and racial minorities.\(^{42}\)

Due process signaled an end to the war-on-crime model that define the discriminatory police practices of the 1950s, and it triggered within the police subculture the need for another racist model to reinforce law enforcement’s power to control the ethnic community. The protection of suspects’ rights through due process only fostered a greater sense of the “police-against-the-

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\(^{36}\) Ibid., 3-5.  
\(^{37}\) Ibid., 8.  
\(^{38}\) Ibid., 17.  
\(^{39}\) Ibid., 23.  
\(^{41}\) Beveridge, “New Handbook Tells Officer His Duty,” *Houston Chronicle*.  
\(^{42}\) Flynn, "Miranda,” 108.
Like other police departments throughout the nation, these new regulations angered the HPD because officers were now required to maintain a higher level of professionalism not practiced before, while criminals received undue rights.\textsuperscript{44}

Statewide, police departments increased their hostility toward minority groups. Law enforcement attitudes reflected nativists’ belief that Mexican nationals were to blame for the degradation of society. In Houston, the white state quo blamed Mexicans for the increase murder and robbery rate.\textsuperscript{45} By the recession of 1973-1974, nativists also blamed Mexican immigrants for the failure of the market economy and deemed them national outlaws.\textsuperscript{46} Simultaneously, law enforcement racial and social tension escalated against the rise of Black Power activists, who rallied the community around the central issues of poverty, crime, joblessness, housing, and education.\textsuperscript{47} When urban civil disorder once again escalated nationwide in Newark and Detroit during the summer of 1967, police viewed rioters as “law breakers”\textsuperscript{48} whose ideology lacked positive value or contribution to the communities.\textsuperscript{49} Anglo police officers continued to hold distorted perceptions of Mexicans-against-whites or blacks-against-whites. This subculture, moreover, targeted minority communities to control them and prevent crime through the informal practice of mediating judgement in acts of street-justice.\textsuperscript{50}

Law enforcement throughout Texas invoked the power of the state penal code to resist due process and reassert its autonomy to use excessive force as needed to impose law and order over minorities. Before 1857, Texas common law permitted an officer to kill a person who had committed a felony if “[all] other measures must have been exhausted or the circumstances must have been such that any other measures than killing the felon would not have been effective in

\textsuperscript{43} Watson, \textit{Race and the Houston Police Department}, 68.
\textsuperscript{44} Ibid., 87.
\textsuperscript{45} Ibid., 112, 114.
\textsuperscript{47} Watson, \textit{Race and the Houston Police Department}, 75, 87.
\textsuperscript{48} Ibid., 88.
\textsuperscript{49} Hinton, “‘A War Within Our Own Boundaries’” 109; Behnken, \textit{Fighting Their Own Battle}, 170.
Another statute of the Texas penal code, section 19.07 for criminally negligent homicide, would charge the officer with a Class A misdemeanor if an individual’s death occurred by criminal neglect. Under the new procedures of due process, killing was only justifiable if it was committed at the crime scene or while the person is fleeing the area during an act of arson, robbery (with the property in hand), or burglary.

In 1968 the Austin Police Department defended the legitimacy of the state penal code to deprive a man of his right to live. On March 23, several Austin policemen responded to a report of auto theft. Consequently, one mile from the crime scene they shot Oscar Balboa (age 16) to death and critically wounded Valentín Rodríguez (age 19). Three years later in 1971, two Austin police officers killed sixteen-year-old Joe Cedillo Jr. while he fled with stolen tires. In both cases the Travis County Grand Jury ruled that such excessive force was “justifiable homicide.” In regards to the Cedillo incident, the grand jury stated that the police could kill based upon the “remnants of frontier justice which still exist in the Texas penal code.” These actions demonstrated that law enforcement officials used the Lone Star state’s statutes rather than federal mandates when apprehending minorities and in so doing maintained their authority.

Moreover, invoking the Texas penal code’s notion of frontier justice warranted police officers’ use of street action and discriminatory practices. For example, the 1971 Tomás Rodríguez incident in Dallas demonstrated the growing practice of street justice among police. On February 15, police began a search for two Mexican-American men who had taken five deputies captive during a routine burglary investigation. Eventually three of the hostages were killed. Lawmen

51 The Austin Police, BLAC.
52 Summary of Civil Rights Investigations by the Texas Attorney General’s Office of Incidents Resulting in Death, Ruben Bonilla Collection, LULAC Presidential Papers Project, BLAC, UL, UTA, box 34 folder 9.
53 By 1972, the Texas Handbook for Law Enforcement revised exceptions of shooting an offender from the place of the offense, stating that “an officer to shoot in the general direction of a fleeing offender may be enough to justify a subsequent conviction of the officer for unlawful homicide if a death should occur as the result of the shooting.” See Texas Law Enforcement Handbook, TSA; Beveridge, “New Handbook Tells Officer His Duty,” Houston Chronicle.
54 The Austin Police, BLAC.
viewed this turn of events as a consequence of liberal reforms giving minorities more legal rights that could enabled an open season on police officers. Thereafter the barrio was flooded with officers making random arrests without probable cause and harassing the community while searching for the killers. Out-of-uniform police looking for the suspects broke into Rodríguez’s home without a search warrant, harassed his children, and shot his pregnant wife in the leg. Rodríguez grabbed a gun and held a standoff with the police. Rodríguez survived the incident, but thirty-eight bullet holes riddled his apartment. Ultimately, the Dallas Police Department (DPD) found no connection between him and the suspected murders; they covered their misconduct by falsifying drug charges against Rodríguez that connected him to the defendants in the slaying.

This incident highlighted police’s illegal use of the color of law to disguise unlawful arrest methods and rationalize oppressive tactics of street justice. The Dallas Police officers sought evidence and preemptively used harassment in an effort to make an unlawful arrest retroactively lawful. In the aftermath of the killing of the police officers, the DPD ignored procedures and did not seek a lawful warrant which would have needed a magistrate’s approval that probable cause existed and that the person accused might have committed a crime. In the absence of these circumstances, the police officers illegally broke-down Rodríguez’s door to carry out an illegal search and seizure for evidence that could retroactively justify their unlawful arrest. Since they failed to honor the due process model and consequently unjustly attacked an innocent man, police could argue that Rodríguez’s shooting at them (in an effort to protect himself) placed the lawmen’s lives in danger. Police use of deadly force as a “matter of self-defense” would be acceptable within The Handbook.

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57 Ibid.; “I only tried to protect my Family,” March 12, 1971, Papel Chicano, HMRC, HPL, RG D 43 (Hereafter cited as “I only tried to protect,” Papel Chicano, HMRC).


59 Ibid.

60 Texas Law Enforcement Handbook, TSA, 8, 17.


cover up police officers’ use of the color of law and assert the appearance that probable cause existed.

More importantly, the Rodríguez incident highlighted the police mind-set that identified ethnic Mexicans as criminals and placed a wedge within police-community relations. According to Papel Chicano, a Houston community newspaper, police misconduct sent a clear message that officers wanted to “shield the rest of Dallas from the Mexican American community.” Given this attitude, Papel Chicano suggested that ethnic Mexicans “stay in their homes after dark…[because] law officers had declared ‘open season’” on them.63 Police anti-Mexican attitude failed to distinguish the difference between immigrants and U.S. citizens.64 Similarly in Houston, the predominantly Anglo law-enforcement agencies sustained a sense of alienation and loathing against some segments of society that they perceived as failing to uphold the moral standards of the mainstream, resulting in a skewed interpretation of due process for legal infractions.65

The dismantling of Jim Crow occurred at a time when Houston’s mainstream society relied on the HPD to control the city’s diversifying demographic. In 1960, Houston stood as the fourth-largest city in the country, and it along with the metropolitan centers of San Antonio and the Dallas-Fort Worth area, housed half of the state’s peoples. Population growth and employment surged as the petrochemical industry continued to drive the growth sector for the entire Gulf Coast region and the ship channel became a nationwide premier port. Liberal annexation laws also increased the city's area to 390 square miles, from its former 75 square miles. Houston’s population had grown from 600,000 people in 1950 to approximately 938,000 in 1960; within a decade it would exceed one million. It became more ethnically diverse with African Americans constituting 22.9% of its population and ethnic Mexicans growing from 7% in 1960 to 12% of the population in 1970. The expansion of minority communities pushed white residents into the suburbs, where the majority race lived comfortability away from the visibility of these groups. White flight, however,

63 “Raza Rallies,” Papel Chicano, HMRC).
65 Ibid., 63, 65.
changed the demographic of the inner city as it housed two-thirds of ethnic Mexican and 80% of the African-American population.\textsuperscript{66}

With more than half of the Anglo population moved away from the central city,\textsuperscript{67} police patrols remained essential to control the concentration of ethnic communities and Houston’s delinquency rate. Houston, along with Dallas and San Antonio, held delinquency rates frequently 3-5 times higher among their Black and Spanish speaking minorities than those of Anglo-American children.\textsuperscript{68} Ethnic-Mexican communities – which continued to be concentrated in the inner-city barrios of Northside, the First and Sixth Ward areas, East End, and Denver Harbor – became known as “ghetto” areas of Houston. Juvenile offenses from these neighborhoods increased by 1000-1500 each year by 1970. Since the late 1950s, African-American youths in the Bayou City contributed to 33% of the overall total of juvenile arrests, whereas, they only comprised twenty-percent of arrests earlier in the decade.\textsuperscript{69} The study, \textit{Juvenile Delinquency in Texas: A Survey of the Problem}, argued that the background of these youths indicated signs “of low parental skilled [sic] and employment, inferior educational and cultural status...”\textsuperscript{70} In actuality, delinquency was a consequence of economic growth, population density and urban concentration brought on by metropolitanism.\textsuperscript{71}

Although police unchecked authority to patrol the communities came under threat with the due process model, a step toward hindering institutional changes was to reinforce the white racial composition of the force. HPD Police chiefs recruited white males with ingrained patriarchal attitudes who would favor the use of traditional police practices, attitudes, and customs.\textsuperscript{72} In 1963 the department had grown from 740 officers to nearly 1,216, and it remained predominately 97%.

\textsuperscript{66} Ibid., 64-65; De Leόn, \textit{Ethnicity in the Sunbelt}, 147-148.
\textsuperscript{67} De Leόn, \textit{Ethnicity in the Sunbelt}, 148-150.
\textsuperscript{68} Juvenile Delinquency in Texas, HCA.
\textsuperscript{69} Statistical Reports: Juvenile Division Houston Police Department 1958, Crime Prevention Division 1943-1958, HCJPD, HCA, Houston, Texas, CR43, box 533, folder 16.
\textsuperscript{70} Juvenile Delinquency in Texas, HCA.
\textsuperscript{71} Ibid.
\textsuperscript{72} Watson, \textit{Race and the Houston Police Department}, 63, 65.
Anglo American. Although the HPD grew throughout the 1960s, it maintained a shortage of lawmen that averaged 1.20 officers to every 1,000 citizens. This shortage defied the Federal Bureau of Investigation’s recommended standard of at least 2.5 police over 1,000 citizens. By 1970, Houston gained a national reputation for being one of the fastest growing metropolitan areas in the U.S. with the lowest number of policemen per its 500 square miles.

The department’s low recruitment of officers was directly linked to stipulations that prevented the employment of minority community members. Despite the demise of a segregationist society, the HPD implemented more rigid and demanding hiring standards in order to preserve the racial make-up of the force. For instance, the qualification of mandatory high school education or equivalent was aimed at disqualifying ethnic Mexicans, because in the 1960s Mexican-origin Houstonians twenty-five years and older were most likely to have completed only 7.4 years of school. Similarly, African-American applicants found themselves eliminated during the screening process because of failure to pass the written test, which often included culturally biased questions or expected proficiency in areas that were beyond the scope of their limited education. Another reason many were not hired were because they had relatives with criminal records. So rigid were the standards for recruitment that only twenty men qualified for admission to the police school in May 1966 despite there being funding for 70 cadets.

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73 Recruits were required to be 5-feet-8-inches, weight no less than 155 pounds. Stan Redding, “Only 1338 Men in Uniform: Police Force is Short of Recruits,” Houston Chronicle, May 1, 1966.
74 Watson, Race and the Houston Police Department, 67.
76 Recruits were required to be 5-feet-8-inches, weight no less than 155 pounds. Stan Redding, “Only 1338 Men in Uniform: Police Force is Short of Recruits,” Houston Chronicle, May 1, 1966.
77 De León, Ethnicity in the Sunbelt, 159.
79 Redding, "Only 1338 Men in Uniform," Houston Chronicle.
minorities remaining low on the force, the Houston Police Department and other law enforcement in Harris County maintained its white makeup.

Keeping policemen numbers low also allowed the HPD and the Harris County Sheriff’s Department to utilize smaller volunteer and professional auxiliaries from Anglo neighborhoods that helped solidify the appearance of “frontier law” on the perimeters of Houston. The city police and the Sheriff’s Department supplemented their numbers by relying upon ancillary forces comprised of reputable white citizens from Houston’s subdivisions of Jersey Village, Southside Place, South Houston, Bellaire, Piney Point, Hedwig, Hunter’s Creek and Bunker Hill. In 1969, one Houston Chronicle reporter interestingly compared these men’s protection of small “bedroom cities” to historical and fictional lawmen Wyatt Earp, Matt Dillon, and Bat Masterson. Their primary duty was crime prevention, and they did receive aid from the city police and the Harris County Sheriff’s Department. Law enforcement essentially mobilized the suburbs’ community watch to take law into their hands and restore order. The HPD recruitment and Harris County’s support of professional/volunteer auxiliaries signified an informal campaign to mobilize white men, invested in law and order, to commit themselves to protecting society after the demise of Jim Crow.

In their transition to street justice practices, Houston law enforcement invoked the once hardly used offense of marijuana possession to arrest minorities under the notion of probable cause. The Texas Uniform Narcotics Act of 1937 made cannabis possession a felony offense equal to heroin possession and far more serious than possession of “speed” or methamphetamine. Texas was also the only state where nearly every person convicted for even the most minor marijuana violation received a sentence of at least two years, with some even being sentenced to the full life imprisonment for first-offense possession of small amounts of the drug.

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80 Ibid.
82 Marijuana in Texas: A Report to the Senate Interim Drug Study Committee, March, 1972, Leonel Castillo Papers, HMRC, HPL, MSS 147, box 2, folder 20 (Hereafter cited as Marijuana in Texas, HMRC), 36.
After the Civil Rights Act and the Supreme Court rulings, Harris County arrests for possession of marijuana increased. In 1965, police arrested 54 people for the use of cannabis, while five years later that number had grown to 1094.\textsuperscript{83} Blacks and Mexican Americans made up sixty-four percent of Harris County’s drug-convicts, although they only comprised 37.9 percent of the total population.\textsuperscript{84} Inflating these higher rates of drug delinquency made it more likely that police would be assigned to slum areas in the anticipation of trouble.\textsuperscript{85} Drug control created a guise of probable cause that made profiling appear lawful. The fundamental severity of mandatory prison sentences helped to remove criminals from the streets. Moreover, drug control added to the increase probability that police would scrutinize the entire population for criminal activities. Houston heightened attitude towards drug offenders was part of a larger “War on Drugs” occurring nationwide, that we now know was part of President Richard Nixon’s strategy to jail African Americans and hippies, which his administration targeted as enemies.\textsuperscript{86}

The spike in drug offenses gave law enforcement a larger presence on school grounds, thereby, offering police a chance to maintain their authority over ethnic-Mexican youth. This new avenue of control stemmed from the Great Society’s War on Poverty and Crime, which encouraged the assignment of police patrols in public schools. The federal government encouraged law-enforcement officials to work with after-school programs to monitor young people whose delinquency could lead to social disorder. While Great Society programs were framed to display benevolent and equal opportunity initiatives, police used them as a means of maintaining a racial status quo in the aftermath of Jim Crow.\textsuperscript{87} The drug problem created the opportunity for the HPD to increase its presence on the campuses of Houston Independent School District in order to suffuse

\textsuperscript{83} Ibid.
\textsuperscript{85} Juvenile Delinquency in Texas, HCA.
\textsuperscript{87} Hinton, “‘A War within Our Own Boundaries,’” 112.
crime-control strategies through harassment. According to a 1970 student forum conducted by the Education and Prevention Task Force of Project D.A.R.E (Drug Abuse Reaches Everyone), Houston students complained that police placed too much emphasis on drug use in juveniles and that harassment of students caused “inconsistency of legislation [and] lack of respect for law.”

Their complaint resonated truth, as law enforcement was readjusting its policing methods to manipulate the rhetoric of due process and convey street justice.

Similar to other law-enforcement agencies in Texas, Houston police employed an ambiguous understanding of due process to pay lip service to federal police reform and maintain racial control with harassment and fear. Testimonies from Papel Chicano demonstrated that in the early 1970s law enforcement in Harris County bent the guidelines of the Texas Law Enforcement Handbook to cover the use of street justice while effectuating arrest over ethnic Mexicans.

For example, one testimony inferred that police abused the reasonable use of stop and frisk routines to justify harassing parties or clubs in the minority communities for drunken individuals likely to drive. This happened to a married couple (who Papel Chicano did not identify to protect their identity) while they left a Christmas party in 1970.

To stop the couple, the police officers likely invoked The Handbook’s stipulation to stop and investigate a person’s suspicious behavior and examine at close range if they are “dangerous to the officer or others.”

Although neither the man nor woman were driving, his intent to drive acted as probable cause that he could be dangerous to others. In addition, the lawman used the woman’s resistance to her husband’s unlawful arrest as motive to become violent toward the suspect. Abiding by The Handbook’s regulation that if violence erupted, the peace officer had

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89 Papel Chicano was a weekly newspaper that published for two years. It was outspoken in its anti-establishment stand and voiced aspiration of MAYO and Raza Unida Party. Contributors reflected the mood of the community regarding social matters and the emerging militant youth movement. See De León, Ethnicity in the Sunbelt, 153.
91 Texas Law Enforcement Handbook, TSA, 49.
92 “La Raza-Police Relations,” Papel Chicano, HMRC.
the power to take necessary measures to neutralize the threat of physical harm.\textsuperscript{93} By manipulating aspects of the due process model, HPD officers maintained their presence in the ethnic community and covered their use of excessive force.

Similar to the Dallas Police Department, the HPD employed the color of law in street justice to inform minority citizens that everyone was subject to police chastisement. In one such incident, a Houston police officer in 1971 beat a disabled man in his friend’s living room because he was perceived as “too dangerous” to be in the streets in his mental state.\textsuperscript{94} Again \textit{Papel Chicano} refused to identify the victim to protect his identity, but the account implied that the police instigated the incident by following the man after he left a local store and chasing him into his friend’s home where they beat him in front of his neighbors.\textsuperscript{95} According to \textit{The Handbook}, a peace officer could take a mentally ill person into custody, if the officer had reason to believe that the citizen “is likely to cause injury to himself or others if he is not immediately restrained.” If an officer believed the disabled person to be violent, he could act to protect the public and himself.\textsuperscript{96} The officer seemingly appeared to follow the protocol for arresting a disabled person by stating his belief that the man was too dangerous to be in public.

This act of street justice demonstrated police power, but more importantly, highlighted the weakness of the minority communities. In effectuating the arrest, the officer barged into the homeowner’s house, which violated due process guidelines to notify the person before entry.\textsuperscript{97} Then thirteen other officers were called to harass all the inhabitants within the dwelling. Police officers aimed to have minorities feel a sense of helplessness with the unlawful beating, entry into the property, and the calling of reinforcements to help invade it.\textsuperscript{98} These actions communicated to

\textsuperscript{93} Texas Law Enforcement Handbook, TSA, 49.
\textsuperscript{95} Ibid.
\textsuperscript{96} Texas Law Enforcement Handbook, TSA, 99.
\textsuperscript{98} “H.P.D. Attacks Handicapped,” \textit{Papel Chicano}, HMRC.
the community that the police were the embodiment of law and order, who can violate their rights even with due process in place

Most importantly, the HPD used street justice on the ethnic community to invoke intimidation and fear. This is evident through an incident that occurred the night of November 23, 1970, when two HPD officers attacked Richard Rincón from behind with blackjacks, while he was on the porch of his mother’s house. Papel Chicano reported that he was “beaten mercilessly” in front of his wife and sixty-eight-year-old mother Juanita Rincón. The police also abused the elder Mrs. Rincón when she tried to stop them from abusing her son. One officer drew his pistol on the entire family, which ceased all resistance and forced their compliance. No crime was apparent in this incident; it was merely a demonstration of street justice meant to intimidate. By pulling out a pistol during an unlawful incident of excessive force, the officer ignored The Handbook and demonstrated his unrestrained power to use his firearm to unduly endanger human life and/or shed blood. Without any crime or probable cause, the officer went against all the stipulations of due process to punish and vent his wrath upon civilian rights. Lawmen indicated they were not there to protect minority rights, but instead to have the community fear their enforcement of law and order.

The HPD practice of street justice gradually eroded its relations with the community, as citizens became polarized by the prevalence of police excessive force and the absence of any apparatus to control or monitor it. Since the early 1960s, citizens requested review boards to investigate allegations of police misconduct. The Crime Commission created several review boards to produce the appearance that the HPD wanted to address police abuse but overall failed to address the issue. For example, the interracial committee formed in 1961 reviewed several cases of alleged police brutality, but the requirement that complainants submit a mandatory affidavit discouraged civilians from seeking the committee’s aid. Within weeks of the group’s

100 Texas Law Enforcement Handbook, TSA, 27.
101 Jones, "The Peace Officers Role," Houston Chronicle.
102 Behnken, Fighting Their Own Battle, 76.
inception, only one complaint had any justification, and eventually the Crime Commission received no further complaints.  

The HPD challenged the legitimacy of review boards to conduct internal investigations of the department in order to police itself and protect officers violating due process. In 1965, the Crime Commission, under Chief Carl Shuptrine, created an “internal affair boards” of nine policemen, but it never met and was dissolved when he left office later that year.”

Incoming Chief of Police Herman Short joined a majority of U.S. police officials in abhorring civilian review boards. According to the *Houston Post*, Short was quoted as saying, “There is no great need for it.” Complaints had ceased for six-month, and if one emerged, Short claimed federal authorities or the grand jury would thoroughly investigate it. He stated, “If we're wrong, I’ll admit it. If we’re not, I'm not going to have my officers whipped over the head about it.”

With reviews boards gone, citizens had no other recourse but to submit their grievance to the police department for internal investigation. Consequently, the HPD maintain autonomy to police itself and protect officers violating due process or harassing the community.

To pacify complaints, the HPD invoked crime control to legitimize their patrol of the minority communities. HPD arrests made-up seventy-nine percent of Harris County’s entire criminal offenses for the year of 1968. The 1,583 officers of the department reported 132,708 criminal offenses. At this rate, Houston officers made an average of 83 arrests in comparison to other Harris County law-enforcement who averaged 45 arrests. In 1969 the HPD reported offenses increased to 144,906. Minority communities held the highest rates of arrest for crimes against person and property in 1969.

The Mexican-American communities of Northside and East End that were in police districts 8 and 11, respectively, were among the areas in which officers reported crimes disproportionate to the total population. The seeming crime wave’s appearance helped the

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105 Ibid.
106 According to the HAF: Factsheet, “In all of Harris County, the 2,285 sworn officers reported a total of 168,988 criminal offenses.” See HAF: Factsheet, HMRC and HAF: A Plan for Citizens, HMRC.
department validate the emergence of a race problem. The majority of outraged citizens demanded police protection over the rising crime rate.\textsuperscript{107}

As the HPD gained considerable publicity in the local news for its recalcitrant behavior (that continually went unpunished), its ties to community eroded because it failed to apprehend the real criminals and left the barrios to be victimized by wrongdoers.\textsuperscript{108} One newspaper suggested that ethnic enclaves were becoming cesspools of lawlessness, where people of color resolved their disputes with short-barreled .22 pistols. Murder among blacks and Mexican Americans was particularly receiving national attention because of its rising rates in 1970, with one murder being committed a day.\textsuperscript{109} Harris County also received fifty-percent of the Huntsville prison overall release population, whom moved to Houston for the excellent labor market. The large number of recidivists contributed to the crime problem in the communities.\textsuperscript{110} Police contributed to a “climate of violence” by not protecting the neighborhoods and fostering a frontier society that viewed human life cheaply. Critics of the HPD claimed police shrugged off these incidences as “ghetto crimes” and left the neighborhoods to be preyed upon by “gangs and thugs.”\textsuperscript{111} Law-abiding minority citizens felt deep frustration and agonizing fear with the lawless element in their area, and they were being “conditioned to an attitude that the majority white community is not concerned with crime in the minority area.”\textsuperscript{112} The police were supposed to be protectors of the law and model citizens, but the minority community instead saw them as provocateurs and enemies.

As more people accused the HPD of being unresponsive to the entire population, Police Chief Short attributed crime to the erosion of morality and took no decisive action to curb police violence. He employed the media to shift the responsibility for the rising crime rate onto the community which he “defined crime as the source of moral degeneracy.” Short accused parents of

\begin{footnotes}
\item[107] HAF: A Plan for Citizens, HMRC; Watson, \textit{Race and the Houston Police Department}, 64.
\item[108] “Letter to Leopold Meyer,” HMRC.
\item[109] “Mass Murder Crowns Houston,” HMRC.
\item[110] Harris County Grand Jury Association: Interview with Carol Vance, June 29, 1971, Leonel Castillo Papers, HMRC, HPL, MSS 147, box 3, folder 31.
\item[111] “Mass Murder Crowns Houston,” HMRC.
\item[112] HAF: A Plan for Citizens, HMRC.
\end{footnotes}
failing to control their children, which increased crime.  

Mayor Louie Welch defended the HPD, stating “disrespectful minorities” were seeking public notice. Neither Mayor elect Cutrer nor Welch understood how the community’s discontent toward police was linked to lawmen’s discriminatory and illegal practices of street justice that oppressed their social conditions. Moreover, the status quo had not correlated how police perception of minorities’ inherent criminality contributed to the over arrest of blacks and Mexican people. When the Houston Area Form questioned Police Chief Short on patrolling methods, he stated he did not want to change laws but to enforce them. He accused minorities of criticizing police for doing their job. Moreover, he challenged minorities to vent their anger at the true establishment and “lobby in the political arena for change.”

By the early 1970s, the police chief’s resistance to accommodate to social change contributed to the department’s internal erosion. According to historian Dwight Watson, Police Chief Short’s “stubbornness and racial biases had helped make the HPD a cauldron of racism” that was unruly to manage. The white backlash against expanded minority rights paired with street justice encouraged some police officers to project their racist sentiment outwardly at a wider sampling of citizens. After Chief Short resigned in 1974 following the election of liberal Mayor Fred Hofheinz, a vacuum of leadership was created (ensuring a virtual rotating door of police chiefs, with five serving in the post from 1974 to 1977) until B. G. “Pappy” Bond succeeded as the forty-sixth chief of police in 1976. According to the U.S. Commission on Civil Rights study, Police Practice in Houston Texas, Bond used “downward accountability” with his officers, which meant lower level lawmen were given increase discretion to have “maximum flexibility to deal

113 Watson, Race and the Houston Police Department, 72, 89.
115 Juvenile Delinquency in Texas, HCA; Watson, Race and the Houston Police Department, 69.
116 An Interim Report on Citizens Discussion, HMRC.
117 Watson, Race and the Houston Police Department, 97, 94.
118 Police Practice in Houston Texas, Sept 11-12, 1979, Robert C. Eckhardt Papers, 1931-1992, Dolph Briscoe Center for American History (BCAH), UTA, Box 95-147/35 Folder Police Department, Joe Campos Torres incident, police brutality, 1976-1979 (Hereafter cited as Police Practice in Houston, BCAH), 28.
with the unpredictable.” Because of downward accountability, he remained fair to officers involved in controversial incidents to “shield” his officers from both civil and criminal liability.\(^{119}\) In effect, HPD’s misconduct was not controlled or regulated, which allowed the police subculture to thrive and further erode the force’s relations with the ethnic community.

The failure to acquire a higher level of professionalism within the rank-and-file assured another level of internal erosion for the department in the early 1970s. For decades, the HPD failed to meet the FBI’s standard for police-to-citizen ratio.\(^{120}\) According to *Police Practice in Houston Texas*, the strength of the force was “slowly eroding” because it did not recruit enough police officers to match the increase in the city's population and size.\(^{121}\) The HPD only recruited an average of 50 officers a year. Low recruitment created another imbalance, the small turnout of rookies trained in due process policy. By 1977, the HPD had 2,800 officer at which 33.75% had served 10-20 years and 63% had less than 10 years. A bulk of the officers were not trained in the due process model.\(^{122}\) While rookies received 720 hours of basic training, which exceeded the minimum Texas State requirements of 240 hours by three times,\(^{123}\) the department failed to instruct seasoned officers of new changes regarding night firing policies. These imbalances in professionalism contributed to a mental fallout that weighed on local police forces over due process rights. According to Watson, this older generation by the 1970s moved from self-protection mode to overt criminality because they were “afraid of losing their lives, their jobs, and their freedom if they made mistakes on the job.”\(^{124}\) Peer pressure acted as another factor that made misconduct entailed in street justice acceptable and encouraged.\(^{125}\)

Lastly, the absence of accountability within the law enforcement system was the most significant factor that contributed to the erosion within the force and its relationship to the

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\(^{119}\) Ibid., 126-127.

\(^{120}\) In 1974, the force was composed of 2,146 police officers and 698 civilian employees. See Watson, *Race and the Houston Police Department*, 98.

\(^{121}\) Police Practice in Houston, BCAH, 40, 42.

\(^{122}\) Ibid., 27.

\(^{123}\) Ibid., 54.


\(^{125}\) Police Practice in Houston, BCAH, 60.
community. Law enforcement and the District Attorney for Harris County had an interdependent relationship, or “marriage,” that relied heavily on police testimony to process its caseload and obtain convictions. According to Police Practice in Houston Texas, this resulted “in a serious conflict of interest in obtaining prosecution of police in Harris County.” Moreover, the average Harris County grand juror – usually a professional white male with a college education – had a stronger likelihood to indict a person of color or ethnic minority suspected of a crime based on an officer’s loose evidence. Between 1966 and 1978, the grand jury refused to indict HPD officers in 155 deaths: 93 (60%) were black and 16 (10.3%) were Hispanic persons. According to Assistant District Attorney Erwine Ernst, most grand juries in Harris County were “nothing more than a rubber stamp 90 per cent of the time,” who were willing to indict on triple hearsay. The law enforcement system’s double-standard fostered a knowledge within police subculture that officers would be acquitted for killing people who had committed something as simple as a routine traffic violation, such as in the stomping death of Bobby Joe Conner by two HPD officers.

In considering all the factors of erosion, the law enforcement system operated together to refuse civilian and prisoner’s rights, which enabled the manipulation of due process and the prevalence of street justice in the 1970s. Although the federal government dismantled Jim Crow’s legal foundation, the conservative remnants of the HPD refused to negate police authority or reform their practices. The need for crime-fighting officers remained essential as arrest practices indicated an increase of juvenile delinquency and crime among minorities. This chapter examined how lawmen manipulated the police model of due process to abuse their authority and forcibly control the pace of social and institutional change.

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126 Ibid., 95.
128 Police Practice in Houston, BCAH, 95.
129 “Grand Jury: Part II,” Houston Post, HMRC.
130 Watson, Race and the Houston Police Department, 90; Behnken, Fighting Their Own Battle, 163.
131 Juvenile Delinquency in Texas, HCA.
132 Watson, Race and the Houston Police, 63.
to reinforce its rank-and-file with Anglos indoctrinated to the white racial values. Police throughout the state manipulated the due process model with the color of law. In the process, it also fostered the informal practice of street justice within police subculture. Without a mechanism to control police misconduct, street justice represented the breakdown of law and order throughout the law enforcement system. It also conveyed to minorities the power of police to ignore their rights without direct challenge.

By the mid-1970s, the prevalence of the police subculture among officers became the catalyst that eroded the department’s relationship to the ethnic-Mexican community. Abuse of the color of law, incessant harassment and the violence of street justice caused ethnic Mexicans to fear police and question their protection. Moreover, the law-enforcement system assured police would not be accountable. Leadership within the HPD encouraged the prevalence of racism and misconduct within the force by refusing to erect internal review boards and shielding officers from prosecution with downward accountability. Similarly, district attorneys and the Harris County Grand Jury refused to indict officers for excessive force or murder. All these factors created a police department without legal limitations or respect for individual rights.

Finally, in 1977, the killing of Vietnam Veteran Joe Campos Torres by five HPD officers exposed both the injustices of the city’s law enforcement and the statewide police abuse of ethnic Mexicans. The decade of police intimidation and unpenalized misconduct sent a surge of anger throughout the city. Houston Mayor Fred Hofheinz accused the police of “think[ing] that they are above the law.” He was shocked “that five policemen took part with little or no qualms” in Torres’s death. Although he had failed to act on past complaints, this demonstration of street justice indicated to him that police brutality was “the practice rather than the exception.”


past examples, hiding behind the color of law and self-defense could no longer protect the officers involved in the Torres incident; it was too obvious a case of senseless street justice. The following chapter further examines Torres’s death as a watershed moment that opened a path for Mexican American and Chicano activists to become a viable voice behind the movement for police accountability and reform.

\[135\] Ibid.
Chapter 4: Mobilizing for Joe Torres: The Mexican-American Fight for Justice against Police Brutality during the Long Civil Rights Movement

On May 5, 1977, six Houston patrolmen conspired to keep their murder of Joe Torres a secret. Adhering to a code of silence, Officers Louis Kinney, Glen Brinkmeyer, Joseph Janish, Stephen Orlando, Carless Elliot, and Terry Denson agreed to say that Torres was left at the hospital the night he drowned. Their conspiracy would cover the dreadful fact that five of the six officers present that night intentionally beat a defenseless man twice rather than give him aid at the hospital. Their cover-up would also hide their intention to murder the man, as all the participants knew Torres was highly intoxicated (he had a blood alcohol level of .255, three times above today’s standard limit) and badly injured from the two attacks.¹ Their abuse of Torres underlined their intent to violate police department procedure, the Texas Code of Criminal Procedure, and federal criminal and civil statutes that prohibit a person from depriving another person of his federal constitutional rights.² More importantly, the plot would cover-up their intention to lynch Torres to teach a Mexican a lesson of law and order. Why else did Officer Orlando call Denson to meet for a second time at “the Hole” to “throw someone in the bayou,” if not to dispose of the body?³

Officers Denson, Orlando and Kinney persistently urged Elliot to remain quiet after Torres was discovered on May 8th in the Buffalo Bayou where they had dumped his body three days earlier. Although Elliot witnessed the incident, but did not participate in the brutality, Denson warned him that he was “just as guilty” for pushing Torres into the water as the others.⁴ Elliot, a

¹ Autopsy Report: Case 77 – 2272, Harris County Medical Examiner’s Office, Harris County Archives, Houston, Texas, CR41; “Driving While Intoxicated (DWI),” Texas Department of Transportation, access March 27, 2017 http://www.txdot.gov/inside-txdot/division/traffic/safety/sober-safe/intoxication.html.
² These statutes include the federal criminal statute, Section 242, Title 18 of the United State Codes, and a federal civil statute, Section 1983, Title 42 of the United State Code. See The Austin Police: A Tragic Violation of Law and Recommendations, April 11, 1968, Martha Cotera Papers, Benson Latin American Collection (BLAC), University Libraries (UL), the University of Texas at Austin (UTA), box 12 folder Police Relations (Hereafter cited as The Austin Police, BLAC); Kenneth Bolton, “Historical Perspectives of Police Misconduct,” in Policing and Misconduct, ed. Kim Michelle Lersch (New Jersey: Prentice Hall, 2002), 47.
³ “The Hole” was a secluded parking lot located on 1200 Commerce Street, near the police station and Buffalo Bayou. B. G. Bond, “City of Houston Inter Officer Correspondence: Indefinite Suspension of Police Officer T.W. Denson, May 12, 1977,” in Juan Emilio Herrera, “Mexican-Americans in the Press: Coverage of the Torres Case in the Houston Chronicle and Post” (master’s thesis, University of Texas at Austin, 1980), 31.
⁴ “Moselle Boland, “Officer Says Torres was Taunted, Kicked, Beaten,” Houston Chronicle, October 16, 1977, vertical file, H-Police Misconduct-Jose Campos Torres-1977-1979, Houston Metropolitan Research Center
rookie who had been recently trained under new guidelines that stressed an arrestee’s right to due process, could not take part in the conspiracy. His training had reaffirmed that “the law was for everyone and that if it happened to me, I would want the truth to be known.” Considerate of Torres’s right to justice, Officer Elliot turned in a written statement to the police the day after the meeting at the “hole.” His report broke the code of silence and its effect to hinder a thorough police investigation.

By May 10th, Houstonians learned of the five HPD officers’ actions and drowning death of Joe Torres. Houston native and State Representative Ben Reyes, in a letter to Mayor Hofheinz that was released to the press, exclaimed his astonishment that the officers involved were not concerned that someone would disclose the crime to outside sources. Reyes observed that street justice was a “type of criminal camaraderie…that can kill innocent persons without any thought of the consequences.” Reyes observation was correct; street justice thrived among officers because remnants of “frontier justice” in the Texas Penal Code (which did not reflect recent federal civil rights legislation) made it difficult to prosecute officers for misconduct, murder, killing, or civil rights violations of prisoners. In Reyes’s estimation, the HPD was a threat to society. Harris County District Attorney Bert Graham, who would prosecute Stephen Orlando and Terry Denson for the higher offense of capital murder (under Section 19 of the Penal Code), implied hope in the Houston Chronicle that the nature of the crime would show a higher standard of culpable mental state. He stated “that even the normal establishment citizens who usually think the police can do no wrong realized they can.”

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6 Ben Reyes Press Release to Mayor of Houston, March 17, 1977, Ben Reyes Collection, HMRC, HPL, MSS 103, box 6 folder 10.

Torres’s lynching resounded throughout the state and shed light on the HPD’s history of street justice and the overall failure of the law-enforcement system to make officers accountable for using excessive force. The lynching of Torres was not an isolated incident. In the six-year period from 1972 to 1978, the Civil Rights Division of the U.S. Department of Justice investigated 384 civil rights complaints involving allegations of criminal misconduct by Houston police officers; of these, 21 involved the death of a person.\(^8\) The decades-long practice of oppressive and discriminatory law-enforcement methods eroded police-community relations. Officer R. B. Carbo claimed that since the Torres incident, “the department as a whole is having mud slung at it [by locals].” Another police officer witnessed ethnic Mexicans calling uniformed police officers names on the streets.\(^9\) Mamie García, president of LULAC District Eight Council in Houston, failed to accept the “wishy wash [sic] garbage” of “how sad the department is.”\(^10\)

The call for justice and police reform would be primarily spearheaded by LULAC. It would maneuver the diplomatic channels, structure, and legal counsel in an effort to encounter the twist and turns of the Torres case over the next two years.\(^11\) Although LULAC proclaimed itself as “the forerunner of rights of citizens of Mexican descent,”\(^12\) members also realized the magnitude of civil and police violations entailed in the Torres incident. García correctly explained the incident as “bigger than anything else and could be bigger than Raza Unida or maybe LULAC.”\(^13\) Mobilization in the Torres case would have to be a united front encompassing various civil, social, and political organizations in order to obtain justice for him. At Torres’s funeral mass at Our Lady

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\(^9\) Larry Trout, “‘Gag’ Motion Protested,” *Houston Post*, May 14, 1977, Vertical File, HMRC.


\(^12\) Letter from LULAC to Eckhart, March 25, 1977, Robert C. Eckhardt Papers, 1931-1992, BCAH, UL, UTA, Box 95-147/35 Folder Police Department, Joe Campos Torres incident, police brutality, 1976-1979 (Hereafter cited as Letter from LULAC to Eckhart, BCAH).

\(^13\) Letter to Bonilla from Garcia, May 25, 1977, BLAC.
of Guadalupe Church on May 11, 1977, the Reverend Jack McGinnis called for a united cause to obtain justice for the deceased. He told mourners to forgive the officers responsible for his death and to “struggle for justice” by changing the police system and attacking police misconduct.\textsuperscript{14}

Police violence and the denial of due process created an opportune atmosphere for Mexican-American activists to challenge excessive force and civil rights violations in the Torres case and others similar incidents. This chapter focuses on the resurgence of Mexican-American organizations’ quest for civil rights in the late 1970s. Racial injustice in the law-enforcement system made ethnic Mexicans aware of their legal repression; subsequently, it influenced a new ethnic political mobilization to reform law enforcement and challenge the whitewashing of justice.\textsuperscript{15} Mexican Americans commandeered tactics from the past decade of political mobilization and the repression of the Chicano movement era to establish effective measures designed to bring Torres’s murders to justice.

In this era, street justice and other forms of misconduct ensured that the HPD became a liability to city authorities and their supporters, which in turn attracted federal attention and eroded community trust. The HPD was forced to comply with citizens’ demands after Torres’s senseless lynching. Informed by the past and helped by police erosion, the mobilized efforts shed a national spotlight on the law enforcement system’s discriminatory practices, which in turn allowed activists to strategically coordinate their actions to reform the police. These activities resulted in the establishment of avenues to fight injustice in the aftermath of the state police trial. With the nation watching the police trials, the officers’ convictions for criminally negligent homicide (a Class A misdemeanor offense) and lenient sentence provided the response needed to secure intervention by the U.S. Department of Justice and obtain an indictment for federal civil rights violations.

The activists who organized for Torres learned from the police repression of the Black Power and Chicano movement of the late 1960s. According to historian Guadalupe San Miguel,


Houston’s Chicano insurgency was less radical and lacked the characteristic of militant “takeovers” of other South Texas cities. Bayou City Chicanos and grassroots organizations influenced educational reform the most. Their efforts convinced the courts and school system to recognize Mexican Americans as a distinct ethnic minority group to be included in the formulation and implementation of desegregation and school policies. Overall, Houston’s industrialization had erased the socio-economic discontent defined within labor struggles and radical reactions from grassroots movement. Suburbanization placed distance between the Houston’s Anglos and ethnic Mexicans.

The city had the hard racist image that served as a powerful stimulus to galvanized minority leaders against the social agitations of poverty and political alienation. Ethnic Mexicans were familiar with the pervasiveness of the long history of violent interactions with law enforcement. Police engaged in misconduct toward Mexican Americans that cut across age, class, and gender lines. The HPD’s racist attitude prevented officers from distinguishing Mexican immigrants from Mexican Americans. These tensions corresponded to the increase violence by police in order to repress the Chicano and Black Power movements.

Nationwide, law enforcement linked militant politics and racial taboos of the Black and Brown Power movement as challenges to the racial hierarchy and viewed them as ideological heresy. The militant ethos of Chicanismo called for ethnic integrity and self-determination of the barrio, as well as control of the people’s own destiny. Police violence confirmed Chicano intellectual underpinnings that viewed whites as enemies (“gringo”) and brown people needed to

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17 Ibid., xii.
18 Ibid., 149, 199-200.
“advocate armed self-defense against police brutality.”

Their call for ‘Chicano Power’ wanted recognition on terms defined by the community to overcome the pervasive racial discrimination by white society.

The Chicano movement marked a political shift to a younger generation of high school and college-age youths who called themselves Chicanos and discarded the model of gradual progress for direct action protest. Their agenda launched a contentious social movement that held currents against educational inequality, anti-war, anti-establishment, and anti-assimilation values and actions. Within the city or other parts of the state, class- and youth-inspired movements with grassroots foundation employed demonstrations, rallies, and school boycotts to express their resentment toward the status quo. According to critical legal scholar Ian Haney Lopez, “law enforcement equated hate toward whites with hate toward the police...and protest against racism indicated the subversive politics of communism.” Law enforcement officers were guardians of democracy.

In the latter 1960s, law enforcement reacted with aggression toward minority communities and neutralized the threats of the Chicano and Black Power movement. National police policy restored a degree of autonomy to police in the aftermath of the dismantling of Jim Crow System by funding riot-prevention to breakdown the social movements. For instance, police violence at the National Chicano Moratorium, held in Los Angeles on August 29, 1970, resulted in the Los

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27 Ibid., 174-175; San Miguel, *Brown, Not White*, 274.


29 Ibid., 147.

Angeles County Sherriff Department’s killing of journalist Ruben Salazar.\textsuperscript{31} The next year, the National Chicano Moratorium Committee dissolved due to incessant police harassment and brutality.\textsuperscript{32} Similarly, the Texas Rangers and FBI were employed to surveil the activities of Mexican American Youth Organization (MAYO) and La Raza Unida Party (RUP).\textsuperscript{33} In 1970 the U.S. Civil Rights Commission recognized and reported that widespread practice of police misconduct against Mexican-Americans throughout the Southwest. Police violence created a cycle of suspicion, resistance, and retaliation within community relations.\textsuperscript{34} Police repression made ethnic Mexicans feel alienated from and oppressed by the law, as well as distrustful, fearful, and hostile toward the institutions responsible for the administration of justice. The law-enforcement system were viewed as Anglo institutions that withheld fair treatment to Mexican Americans.\textsuperscript{35}

In Houston, the Black Power movement suffered this form of police repression. Black Power activists disillusioned with nonviolent demonstrations demanded the elimination of structural inequalities like poverty, crime, inadequate housing, and joblessness. Black Power activists were ready to arm themselves in self-defense against police brutality.\textsuperscript{36} In 1967, the HPD employed repressive tactics over a two-month period to stop the Student Nonviolent Coordinating Committee’s (SNCC) efforts against police violence. It resulted in a shootout between police and the activists at Texas Southern University (the city’s historically black university).\textsuperscript{37} After Black Power advocates formed the People Party II in 1970 to protect the community from police, law

\textsuperscript{31} Escobar, “The Dialectics of Repression,” 1483.
\textsuperscript{32} Behnken, “We Want Justice!,” 195.
\textsuperscript{33} Similarly, other sectors of Houston’s grassroots Chicano Movement were on the decline. The Chicano movement against the Houston Independent School District dissolved in 1972 after three-years of successful protest and boycotting against desegregation redistricting. See De Leόn, Ethnicity in the Sunbelt, 195; Behnken, “‘We Want Justice!,'” 195.
\textsuperscript{34} Behnken, Fighting Their Own Battle, 176.
\textsuperscript{35} Lopez, Racism on Trial, 146
\textsuperscript{36} Behnken, Fighting Their Own Battle, 155, 170.
\textsuperscript{37} Starting in March, the group held meetings against police brutality near the TSU campus. After the university dismissed a faculty member belonging to the SNCC and banned the group from the campus, the group’s actions became more aggressive with boycotts and demonstrations. After a demonstration on May 16, 1967, HPD officers barricaded the demonstrators within the dormitory and fired over five thousands rounds into the building. One officer was killed and another wounded in the gun battle. Watson, Race and the Houston Police, 80, 84.
enforcement officers used undercover operatives, illegal wiretaps, and informants to crush the
organization and kill its 21-year old leader, Carl Hampton.38

Police lawlessness and disorder thrived in the years before Torres’s death; surveillance,
illegal wiretapping, covert operations, and tactical-weapon strength were used to neutralize civil
rights activists.39 During 1966 and 1967, city officials had to take disciplinary actions against 110
white officers for mishandling black cases and uttering racial slurs and being offensive to
minorities.40 African-American activists felt the brunt of misconduct; from 1973 to 1977 the HPD
was involved in twenty-six fatal shootings of African Americans.41 Police Chief Herman Short
was also able to secure federal funding to appropriate helicopters, tactical weapons, and
moderately increase the number of police officers.42 The community-wide organization Houston
Area Forum (a nonprofit entity formed in 1968 to serve as a channel of communication between
organized groups, citizens, and local government) found in their study on the HPD that the
community “have come to consider the term ‘law and order’ another way of saying police
brutality’” and “legalized murder.”43 One Papel Chicano reporter explained that being a minority
in Houston was inhumane, because it included being “a product of oppression” and “a limited life
in a racist society” and then “death at the “hand[s] of the oppressor.”44 Police violence contributed
to the politicization of the larger Mexican-American population and launched another facet to the
Civil Rights Movement.45

38 Ibid., 90-91; Behnken, Fighting Their Own Battle, 162-163.
39 Watson, Race and the Houston Police, 68.
40 Ibid., 75, 87.
41 Ibid., 105; Behnken, Fighting Their Own Battle, 162.
42 Hinton, “‘A War Within Our Own Boundaries,’” 109.
43 Houston Area Forum Brochure, Leonel Castillo Papers, HMRC, HPL, MSS 147, box 4, folder 15;
Houston Area Forum: A Plan for Citizens Participation to Aid in Solving Community Problems, c. 1969, Leonel
Castillo Papers, HMRC, HPL, MSS 147, box 4, folder 15; “Mass Murder Crowns Houston grisly record,” c. 1970,
Unknown Newspaper, Leonel Castillo Papers, HMRC, HPL, MSS 147, box 15, folder 11 (Hereafter cited as “Mass
Murder Crowns Houston,” HMRC).
44 Watson, Race and the Houston Police, 71; “Daniel Moreno: Murdered,” November 9, 1971, Papel
Chicano, HMRC, HPL, RG D 43.
45 Escobar, "The Unintended Consequences of the Carceral State,” 184.
Those who eventually organized to bring justice for Torres learned from the suppression of the Chicano and Black Power movements and assembled new methods to fight police violence. According to historian Brian Behnken, actions by Texas Mexicans displayed the evolution of a more sophisticated and mature civil rights struggle against police brutality. The suppression of the Black Power and Chicano movement contributed to the politicization of the larger Mexican-American population and launched another facet to the Civil Rights Movement. Since the early 1960s, the Mexican-American generation generally opposed and detested black protest at both the state and national level. Differences between old-line activists and the new Chicano generation initially divided activists during the onset of street justice. Chicanos politicization was characterized by the social economic difference manifested in Chicano politics. Militant members viewed older middle-class spokespersons as “self-styled,” complacent, and opportunists who lacked the political machinery to demand the improvement of the masses. Sympathy and support for the Chicano movement contributed to the emergence of “ethnic political mobilization” among Mexican Americans. Ethnic identity became the primary value upon which Mexican Americans made their political choices and activities.

This new political consciousness led to a higher level of political involvement to better combat the ongoing practice of institutional racism that allowed racial injustice to thrive and police brutality to remain unchecked. For the most part, a majority of activists still displayed appreciation for the institutions of the United States and believed in achieving equality through mainstream approaches and the politics of accommodation. From 1966 to 1975, Houston Mexican-Americans increased their political representation by obtaining positions in State House Legislative Districts and within the office of county justice of the peace. In 1973, the new liberal

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46 Behnken, “We Want Justice!,” 195; De Leon, Ethnicity in the Sunbelt, 195.
48 Behnken, Fighting Their Own Battle, 95, 93.
49 De Leόn, Ethnicity in the Sunbelt, 190.
50 Ibid., 177.
52 Ibid.
53 De Leόn, Ethnicity in the Sunbelt, 166; San Miguel, Brown, Not White, 199.
majority in the Harris County Commissioners’ Court worked more closely with Mexican-American leaders to redraw the boundaries of the justice of the peace precincts and carved out Precinct 6 for the community. By 1975, twenty Mexican-Americans served as precinct judges.²⁴ Across East Texas, minority activists also developed tactics to fight the injustice of police within the courtroom.

Texas Mexican-Americans responded to police brutality by invoking the due process clause of the Fourteenth Amendment. The right to due process offered an avenue to legally challenge police misconduct. For instance, after Austin Police killed youths Oscar Balboa and wounded Valentin Rodríguez in 1968 after they stole a car, Mexican-American community leaders hired an attorney to represent the citizens. They argued that the police officers violated the due process clause of the Fourteenth Amendment by shooting the youths blocks away from the theft. Their violation fell within the federal criminal and civil statutes that prohibit any person, under the color of law, from depriving another person of their federal constitutional rights. Upholding due process sometimes required law enforcement to investigate police violence, and offered activists an opportunity to address demands for accountability. Community leaders in Austin, for example, demanded police be held accountable and reformed to be sensitive to the community by implementing an effective program of training for the APD in human relations.²⁵ With due process to undergird their fight, this offered the groundwork for police accountability and a standard for protecting citizens’ rights. The state Grand Jury of Travis County followed the Texas Penal Code over federal law and ‘no-billed’ the officers for civil rights violation.²⁶ Unfortunately, due process did not breakdown judicial double-standards that allowed white officers to kill or beat minorities.

Mexican-American community leaders against police excessive force shifted their outlook to a new racial discourse of equality that challenge institutional racism within the law enforcement

²⁴ De León, Ethnicity in the Sunbelt, 190, 195.
²⁵ See The Austin Police, BLAC.
Thereafter, the civic group wished it to be “understood that they are concerned with [police] procedures as citizens of Austin and not merely as Mexican-Americans.” Their discourse of empowerment enlisted equality and protection of all races – Mexican Americans, blacks, Anglo – against police misconduct. Activists’ discourse of equality was inclusive and invoked citizens’ civil rights to make police violence a legitimate issue to all citizens no matter their race.

Similarly, African Americans from Houston and surrounding areas became cognizant of the rights that due process ensured prisoners and employed them to charge police with civil rights violations. Le Roy Barlow of Town Bluff accused three highway patrolmen of beating him in January 1968. John Charles Blood of Houston complained to the FBI that Pasadena police beat him for nearly four hours while in custody in July 1968. He also filed a $1 million damage suit against the officers. Duane Culberth alleged he was beaten and choked in a jail in Humble, Texas. Upholding due process opened the possibility for an investigation into police violence, as well as demands for accountability. Culberth highlighted the once futile battle against police by stating, “The same thing that happened to me must happen to other people every day, but they don't say anything because they don't think they have a chance to get anything done.” Double-standards at play in the grand juries and courts led to the officers in these cases to be no-billed. Despite an apparent unequal justice system, minorities gained a sense of empowerment and direction to fight law enforcement injustices.

Mexican-American attorneys also learned to employ aspects of street justice to vindicate the victim of an unlawful arrest. This was seen in the 1971 police beating case of Richard Ramirez, a seventeen-year-old youth. Attorney and LULACer John J. Herrera called the secrecy of the code

57 Behnken, Fighting Their Own Battle, 2, 6-9.
58 The Austin Police, BLAC.
of silence to create a self-tight story whose validity could not be challenged within the court hearing. Herrera encouraged him to remain publicly silent during the court process to prevent publicity that would only further aid the Houston Police Department in “inventing” evidence. By protecting his client’s silence, Herrera got Ramirez’s loitering charge dismissed, which in turn vindicated disturbing the peace and failure to move violations.

Other attorneys learned to use officers’ violation of due process to vindicate victims of unlawful arrest. In November 1971, Aureliano Silva was on trial for the beating death of an Anglo woman June Grove Gleason, a crime he did not commit. Harris County Sheriff deputies orchestrated an appearance of a crime by planting evidence against him at the crime scene and using coercion to force Silva’s confession of the crime. Law enforcement and the prosecution, thereafter, ignored forensic evidence and shaky alibis that could have opened an investigation against Gleason’s white boyfriend or husband. The Casa de Amigos in Northside funded Silva’s legal expenses and obtained Richard Haynes, a noted criminal lawyer, and attorney Rosemary Sucillo to defend him. They worked on the case for two-years and successfully vindicated Silva by scrutinizing the prosecution’s evidence and obtaining viable religious testimony.

Five years before the Torres murder, brazen examples of street justice informed activists of other possible strategies to employ in their struggle to reform police misconduct. The July 1973 Dallas police killing of twelve-year-old Santos Rodriguez offered insight into the benefits of mass

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64 “Richard Ramirez Beaten By Police: Editor’s Note,” November 18, 1971, Papel Chicano, HMRC, HPL, RG D 43.

65 In mid-1971, Ramirez was beaten by HPD officers while exiting a Jethro Tull concert at a privately owned venue called the Coliseum. The officer blatantly called Ramirez a “son-of-a-bitch meskin” after he refused to move, then the youth was beaten by eight officers for requesting his badge number. He was abused again in jail when officers overheard him telling his mother of the incident. Ramirez was arraigned and charged with loitering, failure to move, using abusive language, and disturbing the peace. “Richard Ramirez Beaten By Police: Editor’s Note,” November 18, 1971, Papel Chicano, HMRC, HPL, RG D 43; “La Raza-Police Relations,” October 14, 1971, Papel Chicano, HMRC, HPL, RG D 43.

66 The sheriff officers’ incriminated Silva for the murder because he was a house-painter at the model home where Gleason’s dead body was found. The officers believed Silva was motivated to kill Gleason because she rejected his advances. The prosecution ignored forensic evidence and shaky alibis that could have opened an investigation against Gleason’s white boyfriend or husband. “Silva Getting Justice – CHALE!!!,” November 9,1971, Papel Chicano, HMRC, HPL, RG D 43; “Silva Declared Innocent! In spite of Gringo Justice,” December 20-January 5, 1973, Papel Chicano, HMRC, HPL, RG D 43; LULAC to American Association of Univ. Women, March 21, 1973, Ruben Bonilla Collection, LULAC Presidential Papers Project, BLAC, UL, UTA, box 7 folder 11 March 1978 Correspondence.
demonstration and the effectiveness of unity. Rodríguez was misidentified by police and arrested for a gas station robbery without a warrant. The officers forced him to play a game of Russian roulette in order to coerce a confession from him. Consequently, Rodríguez shot himself, which given the context was tantamount to an execution. The Chicano community in Dallas immediately responded to Rodríguez’s killing by calling for a local self-defense unit, demands for a law enforcement review board, and the organization of a march to decry police violence. Four days after the incident, the protest march commenced in downtown Dallas but it quickly degenerated into a riot. It gave the Chicano grassroots movement momentum to continue the fight for justice until 1975.  

Action for Santos Rodríguez’s was undergirded by Chicanismo’s ideology of “carnalismo,” which helped cement the movement for the next couple of years. Carnalismo was a rhetoric of brotherhood and unity that encouraged “power in togetherness.” It also signaled the interconnection of family, brotherhood, and members of la raza. The unity of the movement ensured the indictment of Officer Cain that resulted in a murder conviction and five-year jail sentence. These grassroots actions encouraged the DPD to hire more minorities and to formulate an internal affairs division. Eventually, the department hired its first minority deputy police chief. The Chicano mobilization for Santos Rodríguez in Dallas offered introspection into the ineffectiveness of mass demonstration, but it demonstrated the power of ethnic political mobilization to effect change within the police department.

Moreover, the killing of Ricardo Morales by the Sheriff of Castroville, Texas indicated that dual prosecution with federal intervention could challenge the whitewashing of justice. Morales was gunned down by Sheriff Frank Hays in the said town in 1975 after being arrested for outdated misdemeanor warrants. Sheriff Hays killed Morales in front of his deputy and obtained help from his wife, daughter, son-in-law, and sister-in-law to dispose of the body nearly 400 miles away.

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67 Behnken, “We Want Justice!,” 196-199.
68 Ibid., 198.
69 Lopez, Racism on Trial, 223.
70 Behnken, “We Want Justice!,” 198-200.
away. The state trial convicted Hays for killing Morales, but resulted in a light prison sentence of between 2 to 10 years, his wife being fined $49.50 for a misdemeanor charge of dumping and burying the dead body, and his son-in-law being granted immunity despite being an accomplice in the murder. Notwithstanding the whitewashing of justice, the Attorney General refused LULAC’s requests to seek federal intervention in the Morales case. The U.S. Department of Justice did not intervene because it only reviewed state court prosecutions of police abuse that resulted in acquittals, and usually by then the politics of the case had ceased.

By early 1977, incoming U.S. Attorney General Griffin Bell revised the procedure to become effective in responding to Texas citizens’ complaints against police brutality. New policy required every allegation of a civil rights violation to be evaluated on its own merits to determine whether federal prosecution was warranted. Subsequently, LULAC member and attorney Ruben Sandoval of San Antonio served as an attorney on the Morales civil rights case. Sheriff Hayes was convicted and sentenced to life imprisonment. Moreover, Texas became the second state to have a formal Civil Rights Division located in the Southern District. The police state trial for Torres occurred at an apt time, as the tactics used and refined by grassroots, political, and social organizations influenced mobilized efforts in 1977.

Mobilizing for Joe Torres demonstrated cohesion across several Mexican American and Chicano organizations to “struggle for justice” and reform the police. On May 14, LULAC District Eight invited a wide range of community organizations from the entire city to a press conference. Mamie García claimed it was attended by lawyers, professionals, different civic organizations, and people from all racial groups and ethnicities. Also in attendance were representatives from the

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71 From Ruben Sandoval and State Representative Ben Reyes to Bell on Dual Prosecution, Unknown Date, Ben Reyes Collection, HMRC, HPL, MSS 103, box 7, folder 24 (Hereafter cited as Reyes to Bell on Dual Prosecution, HMRC).
73 Police Practice in Houston, BCAH, 110, 108, 114.
74 Ibid.
75 “Frontier Justice,” Wall Street Journal, BCAH.
Chicano political party, Raza Unida. The participants resolved “to stand together and unite in our efforts to correct the cancer that has existed in our communities and allowed continued abuse to our citizen that we have witnessed too long.” While the discourse of unity was employed to unite a wide range of organizations, the formation of two distinct political coalitions with similar agendas but different goals for reforming the police emerged during this first several months of mobilized efforts.

Both mobilized political efforts for Torres had the common cause to reform oppressive and discriminatory practices in the police. The first consisted of LULAC, the Political Association of Spanish-Speaking Organizations (P.A.S.O.), and the Harris County Hispanic Caucus who had extensive networks and mainstream channels to protect the interests of the city’s barrios. LULAC state director Ruben Bonilla placed the organization at the forefront of the movement to be “recognized as the articulate voice of the Spanish-speaking citizens throughout the United States of America.” This coalition’s overall objectives were to abolish discriminatory policies in order to ethnically diversify the police force and make the department more culturally sensitive to ethnic Mexicans.

The Coalition for Responsible Law Enforcement (CRLE) was the second political efforts that formed with an aim to foresee the improvement of police procedures that effected all civilians, not just the ethnic community. This group was composed of Mexican American and black representatives. In contrast to the first coalition of organizations, the CRLE strove to improve police procedure that violate all civilian rights and be a vehicle “to provide input and participate

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76 Letter to Bonilla from García, May 25, 1977, BLAC.
78 De León, Ethnicity in the Sunbelt, 207.
80 Coalition for Responsible Law Enforcement, September 1977, Ben Reyes Collection, HMRC, HPL, MSS 103, box 6, folder 13 Documents on the Coalition for Responsible Law Enforcement (Hereafter cited as CRLE, September 1977, HMRC).
in a coordinated body in conjunction with police, elected officials, and government agencies.” It also worked with the Community Relations Service division (CRS) of the U.S. Department of Justice to set-up formal mediation between the HPD and the community spokesperson.

Mobilized Mexican Americans refused to conduct demonstration. The two political movements that mobilized for Torres distance themselves from militant grassroots organizations, like the newly formed People United to Fight Police Brutality and the Barrio Unidos. LULAC criticized them as “parades and fanfares” seeking public attention from Torres death. Since the early 1960s, the Mexican-American generation generally opposed and detested protest demonstrations at both the state and national level. Possibly the activists recalled the Dallas Police riot in the Santos Rodríguez’s murder which occurred because the small Mexican-origin population lacked the extensive history of Chicano civil rights activism. The movement for Torres was much more sophisticated with established organizations and leaders ready to strategize the political and legal channels to fight injustice.

Mobilization for Torres employed a discourse of equality to politicize Houston’s populace around the citywide issue of police violence and injustice. LULAC, with the support of Torres’s family, identified his lynching as an example of police brutality and publicized it as such in an effort to make it a relevant concern for the entire city. Torres’s parents stated that police misconduct “happens to blacks and poor whites and Mexican Americans in direct proportion to their percentage in the [Houston] population.” Their message invoked the recent HPD killing of two white youths that breached a response from the Anglo population. Between 1975 and 1977, the HPD angered Anglo citizens with the killings of Billy Joyvies and Randy Webster. By so

81 CRLE Organization, Unknown Date, Ben Reyes Collection, HMRC, HPL, MSS 103, box 6, folder 13 Documents on the Coalition for Responsible Law Enforcement.
82 Police Practice in Houston, BCAH, 118-119.
84 Behnken, Fighting Their Own Battle, 95, 93.
85 Behnken, “We Want Justice!,” 200.
86 Escobar, "The Unintended Consequences of the Carceral State,” 184.
87 Abram, “Parallels in Torres Killing,” Vertical File, HMRC.
doing, it demonstrated that the police brutalized all segments of society. These slayings by the HPD obscured the rules of racial etiquette and exceeded its primary mission of maintaining racial subordination in the city. Consequently, Torres’s parents touched on citizens’ tensions with police misconduct, competence, and accountability. Their message aimed to appeal to the large white majority and gain its support in the struggle for police reform and justice. The Torres family argued that “the law...makes no exception based on the particular occupation of the offender.” By turning Torres’s lynching into a “community affair,” political organizations identified the HPD as a citywide enemy in order to unite racially and ethnically diverse Houstonians behind a common cause.

To effectively mobilize the population for Torres, LULAC leaders confronted the mechanisms of the status quo that perpetuated the criminalized imagery of ethnic Mexicans. Media quickly operated to distort the public’s image of Torres. For instance, the Houston Chronicle focused on interviews that described Torres as a “bum and a drifter,” an alcoholic, and an unintelligent “streetwise” man. Officer Terry Denson, on the other hand, was portrayed as the ideal white American: “nice guy, hard-working, respectful, brotherly, athletic, level-headed,” recognized by citizens for his police work, and “brought up in a Christian home.” Denson’s college education became a signifier of his intelligence. Although both men were Vietnam veterans, Torres’s service was downplayed because he was discharged from the Army for alcoholism. This juxtaposition slandered Torres and associated him with the common perception that ethnic Mexicans had a criminal nature; in so doing it vindicated Police Officer Denson’s image and motives. Given this context, when the Houston Post displayed “a general insensitivity to the status

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88 On July 11, 1975, the HPD shot Joybies to death after a police chase. Although the shooting was originally ruled justifiable, questions lingered for two years as to whether the victim was actually armed and a deadly threat to police. The shooting death of eighteen-year-old Randy Webster by police on February 8, 1977 also brought an onslaught of criticism from white Houstonians after it was discovered police sought to cover up the murder with a throw-down gun. See Watson, Race and the Houston Police, 105-107

89 Abram, “Parallels in Torres Killing,” Vertical File HMRC.

of LULAC as a viable minority organization,” LULAC State Director Ruben Bonilla, retorted that the newspaper downplayed police brutality. He argued that it is “quite evident that the Mexican American is abused and mistreated and that his civil rights are prejudiced and ignored.” Rather than have their image and voice suppressed within the newspapers, LULAC argued for more public visibility to empower the city to fight for justice. Activists learned from the past that newspapers help shatter the solidarity of ethnic Mexican organizations to protest police misconduct, and he used it now as a vehicle of cohesion.

Mayor Fred Hofheinz and Police Chief B. G. “Pappy” Bond’s efforts to change the “climate” of accountability during the Torres controversy also offered activists an arena to challenge Houston’s status quo. These city leaders attempted to restore the HPD’s image as servants of the law. Bond filed murder charges against Denson on May 9 and fired the other four officers involved in the Torres beating. He and Mayor Hofheinz also proposed the creation of a special state investigating grand jury to probe police brutality in Houston. To sympathize with the public outcry, Bond implemented the formation of an internal affairs division to investigate citizen complaints against the police. To show consideration to national civil reforms, he executed new training programs for rookie officers and issued “Miranda” warning cards. The department’s history of misconduct, especially during the previous five years, failed to offer much hope that these reforms would be effective or even long lasting.

Up until the Torres incident the police department failed to be responsive to community concerns, despite grassroots leaders and activists pressing for inclusion in the HPD investigation and policy reform process. After the Joyvies incident, Police Chief Bond implemented a temporary Internal Affairs Division, but refused to meet with community leaders regarding race related

91 Bonilla to Houston Post, March 19, 1977, BLAC.
93 Police Practice in Houston, BCAH, 88-89.
misconduct. The Internal Affairs Division did not become a “full-time” part of the HPD until Chief Bond retired and Harry Caldwell became chief in June 1977. Locals could not trust the police-operated internal affairs division to conduct a non-bias investigation that would not be covered in secrecy. In addition, the mayor and city council showed no empathy for victims of violence and refused to appoint an independent fact-finding commission. At LULAC’s insistence, citizens organized a multi-racial committee called the Independent Barrio Commission to conduct their own investigation into Torres’s death. On May 18th it heard testimony from victims or witnesses of police brutality. It concluded that “it has been common practice for Houston police to brutalize and terrorize minority communities.” Furthermore, its investigation underscored locals’ fear of increase racial violence by the police with the new programs and divisions that would “beef up” the HPD after Torres’s murder.

LULAC also fought to remove Police Chief Bond from the public arena when he retired and considered running for mayor in the summer of 1977. After Mayor Hofheinz announced he would not seek reelection for a third term, Bond declared his intent to run in the November election. He stated, “My sole interest is making my hometown a better place to live.” LULAC State Director, Ruben Bonilla, quickly condemned ex-chief Bond’s entry into the mayoral race. To Bonilla, Bond was using the police department’s greatest tragedy as “cheap opportunism.” In addition, Bonilla argued that Bond had failed to clean-up the police department. Under his

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95 Watson, Race and the Houston Police Department, 104.
96 Ibid., 95; Police Practice in Houston, BCAH, 29.
98 Police Practice in Houston, BCAH, 91.
leadership, not only had police been involved in a number of controversial killings, but six former
Houston narcotics officers received federal convictions for civil-rights charges stemming from
wiretapping, theft and brutality.\textsuperscript{103} Federal authorities also enacted an Equal Employment
Opportunity Plan to “correct” the long-standing practice of minimizing the recruitment of
minorities.\textsuperscript{104}

Bonilla called upon the ethnic consciousness of the mobilized efforts and waged a
campaign to prevent Bond’s accession to mayor. He claimed LULAC would organize its people
to wage a “block-by-block, precinct-by-precinct campaign” to defeat Bond. LULAC understood
the swing vote invoked non-whiteness and the power of the multitudes to effect change. Although
Bond maintained he “did everything in the Torres case that a police chief could do,”\textsuperscript{105} he retracted
his mayoral candidacy indicating the threat of a Mexican-American voting block discouraged his
plan.

LULAC and the CRLE also took advantage of the incoming chief’s seeming openness to
institute policies within the HPD that would be more sensitive to minorities and citizen rights. To
LULAC, Chief Harry Caldwell had to “demonstrate some capacity for initiating programs that
would improve minority relations.”\textsuperscript{106} LULAC called for the creation of a bilingual staff to inform
Spanish-speaking applicants how they could qualify to be on the force and inform the Mexican-
American community of job openings. The chief needed to consider sensitivity training to improve
rookies’ relations with the minority community. LULAC hoped to prevent another Torres incident
by building better communication between police and the Spanish-speaking community.\textsuperscript{107}

\textsuperscript{103} “Frontier Justice,” \textit{Wall Street Journal}, BCAH.
\textsuperscript{104} Dorothy Edwards, a black patrolwoman, sued the HPD in 1973 for biased test methods. She claimed
whites had an unfair advantage over blacks in entrance and promotional exams. Edwards’s case would not be heard
in court for nearly a decade. It encouraged the HPD to promote J. C. Hartman and R. C. Humphrey to supervisory
\textsuperscript{105} “Group Vows Battle if Bond Seeks Post,” \textit{Houston Post}, June 12, 1977, Ruben Bonilla Collection,
LULAC Presidential Papers Project, BLAC, UL, UTA, box 17 folder 3.
\textsuperscript{106} Letter to Ben Reyes, June 21, 1977, BLAC.
\textsuperscript{107} To R. Bonilla from Mamie Garcia, August 7, 1977, Ruben Bonilla Collection, LULAC Presidential
Papers Project, BLAC, UL, UTA, box 10 folder 7 Texas District VIII (Hereafter cited as To Bonilla from Mamie
Garcia, August 7, 1977, BLAC); LULAC to American Association of University Women, March 21, 1978, R.
The public backlash to Torres’s death left little room for Police Chief Caldwell to be like previous men in his position. He proved willing to meet and integrate minority leaders in police reform. Prior to assuming the head post, Chief Caldwell had been assistant chief of the HPD for a decade and made attempts to professionalize the force with minority recruitment programs and community relations division.\textsuperscript{108} Caldwell also supervised the “Houston Modification” program in 1968 to encourage face-to-face sessions between members of the police force and black citizens. It was defunct by 1970.\textsuperscript{109} On August 20, 1977, Caldwell meet with LULAC leaders and assured them that “lots can be done in a short period of time, it can be done.”\textsuperscript{110} Consideration to sensitivity training was another of Caldwell’s concerns and thus he established a basic training program in the Spanish language for officers at Ripley Civic Center.\textsuperscript{111} He also implemented the Ripley House Project to station a police officer in minority communities full-time, thereby, encouraging recruitment and general community relations.\textsuperscript{112} Lastly, Caldwell agreed to work with a small advisory committee of LULAC’s choosing that would assist him in reaching the Mexican community. LULAC established a 5-7-member Advisory Committee made up of seven LULAC council presidents of Houston. Chief Caldwell proved to be “sensitive to the Mexican American in Houston,” convincing the organization to continue working with him.\textsuperscript{113}

Similarly, the Coalition for Responsible Law Enforcement (CRLE) negotiated with Chief Caldwell to implement reforms to police procedures, such as their use of deadly force and a standardize gun policy. The CRLE saw Caldwell’s ascension to chief as an opportunity to examine conflicting issues and to identify common interests and goals. It utilized "non-adversary"
proceeding to maximize citizens and police authorities’ communications to “educate” both parties to the needs, reactions and perspectives of the other. Chief Caldwell showed consideration to the CRLE suggestions. His most significant change to policy related to fleeing felons.

Police Chief Caldwell created a new policy that went beyond the CRLE original discussion to establish a minimum degree of police restraint. On September 19, 1977, the CRLE released a statement proclaiming that “under no circumstances…will deadly force now be permitted solely to protect property, even as a last resort, unless the enumerated life-threatening conditions are also present.” Caldwell also agreed to establish a new firearm policy to regulate and standardize arms. Before the Torres incident, weapon standardization and registration was a sensitive issue because the city did not supply officers with guns or ammunition. Not until 1979 did the HPD implement a firearms policy that accounted for the discharge of weapons, however. In addition to interjecting their agenda for police reform, mobilized efforts for Torres also strategized to enact a plan to counter the whitewashing of justice.

Because it was aware of the lack of justice in police brutality cases in the past, the movement for Torres focused on petitioning the U.S. Department of Justice to intervene and dually prosecute the police officers for civil rights violations. Days after Torres’s body was discovered, Municipal Court Judge Rosemary Sucillo helped the Torres family file its official complaint to the Justice Department and to Barbara Jordan, the U.S. Representative for Houston’s 18th Congressional district. Texas House member Ben Reyes gained permission from the Torres family to have Attorney Ruben Sandoval and the Civil Rights Litigation Center work on the case to obtain federal intervention. LULAC’s president and vice-president implored Congressman

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114 CRLE, September 1977, HMRC.
115 Notes on the Meeting for Task Force and Academy, August 20, 1977, Ruben Bonilla Collection, LULAC Presidential Papers Project, BLAC, UL, UTA, box 10 folder 7 Texas District VIII.
117 Police Practice in Houston, BCAH, 70.
118 To American Association of Univ. Women, BLAC.
Robert Eckhart to expedite a federal investigation, because it was “necessary to preserve constitutional rights that are being infringed upon under color of law.”

Political activists started the process to request federal intervention because it knew the state prosecution of the police would not result in justice. Reyes wrote to U.S. Attorney General Bell to inform him that without checks on police from within the law-enforcement system, citizens of the minority communities “are seriously questioning the quality of justice in our city” and losing faith in the law. Mexican-American leaders learned from the Morales case that federal prosecution was a viable option to challenge whitewashing of justice in the state courts. They successfully convinced the U.S Department of Justice to conduct a separate investigation from the city’s Internal Affairs Division. But, federal prosecutors decided to await the developments in the state court before seeking indictments against the officers for civil rights violations.

Obtaining a federal indictment required strategically pinpointing the discriminatory practices of the law enforcement system that whitewashed justice during the prosecution of ex-officers Terry Denson and Stephen Orlando. Moving the trial to Huntsville, located seventy miles North of Houston and home to the Texas Department of Criminal Justice as well as several prisons, was one action that helped build a case for federal intervention. A Harris County judge approved Terry Denson and Stephen Orlando’s defense request to relocate the trial to that city, because an impartial jury could not be selected in Houston with all the publicity and local anger surrounding the case. According to the Houston Post, the people of Huntsville believed justice was more likely with an all-white jury than an all-Mexican one, because the latter “would twist the facts. People up here don’t seem to be prejudiced.” In actuality, Huntsville was the best venue to try police for racist crimes because it was largely influenced by the “law enforcement mentality” connected

120 Letter from LULAC to Eckhart, BCAH.
121 To American Association of Univ. Women, BLAC.
122 Reyes to Bell, May 12, 1977, BCAH.
123 Police Practice in Houston, BCAH, 110, 108, 114.
125 Quested in “Torres Dead, Cops Free,” Para La Gente, 1 no. 5, Ruben Bonilla Collection, LULAC Presidential Papers Project, BLAC, UL, UTA, box 19 folder 14.
to the local prison system. The town was also persuaded by common sense notions of race that automatically labeled Mexican Americans as inferior to white Americans and generally characterized them as having criminal tendencies, prone to senseless violence, and succumbing to alcoholism. Given this context, the selected all-white jury was going to be biased and sympathize with the indicted officers. Moving the trial to Huntsville insured that racial portrayals would be represented in the court.

The defense further played into the whitewashing of justice when it portrayed Torres as a bad Mexican to invoke his “innate criminal nature.” When the trial began on September 13, 1977, the defense needed to build a case that proved the officers did not intentionally commit the higher offense of capital murder. Lawyers for the police did not maintain that they acted in self-defense, for it was too much of an obvious case of brutality. Rather, they invoked common sense racist perceptions of Mexican Americans to criminalize Torres’s character and present his “dangerous attitude.” His previous arrest record was submitted as evidence to his criminal nature and endangerment to law enforcement. In 1971, when he was of seventeen years old, police apprehended Torres for public intoxication and trespassing. According to arresting officer Troy Allen, Torres “resisted arrest by cursing and kicking him and another officer.” He was charged with assault. Two years later, he was stopped for a traffic violation and taken into custody for possession of marijuana. This time he verbally abused the officers then served 10 days in jail.

The defense also brought forward Torres’s most recent arrest records to highlight the extent of danger that he posed immediately before his death. Torres was arrested twice months before his death: December 1976 and March 1977. In the former detainment, he was held for disturbance at the same lounge (Club 27) as the night of his death. Houston patrolman J. L. Doss testified that

127 Lopez, Racism on Trial, 8.
129 “Frontier Justice,” Wall Street Journal, BCAH.
Torres “took off his shoes and kicked at them karate-style.” More importantly, he threatened to kill the officer, because he had “just gotten back from Vietnam and was a black belt who had killed men there.” In the latter incident, he was arrested for both public intoxication and possession of marijuana. D. H. Bingley, a narcotics detective, claimed he thought Torres was insane for threatening to use his hands as weapons, kicking an officer in the groin and face. The detective claimed Torres was so violent that it took four officers to subdue him.\(^\text{131}\) This imagery made Torres appear to be a repeated criminal becoming more dangerous. The defense’s depiction built up the likelihood that Torres would eventually kill an officer and possibly deserved his death.

In an effort at impartiality, District Judge James Warren refused to admit the testimony on Torres’s character as evidence; however, common sense notions of racism prevailed within the defense’s arguments. The \textit{Houston Post} claimed the defense was still “effective in convincing jurors the alleged victim [was] Campos-Torres and not Joe—an attempt to imply he’s not one of us, he’s an alien.”\(^\text{132}\) The defense’s refusal to call Torres by his first name acknowledged their attempt to depersonalize the victim and revoke his U.S. citizenship. Even without the testimony of Torres’s character, the defense was successful at provoking racial differences between the victim and the defendants that are often shared as accepted truths among other whites.\(^\text{133}\) This technique of drawing upon common sense racial notions added a degree of approval to the lynching of an unwanted Mexican. Torres was a criminal and not an American. The officers’ display of street justice was a lesson to educate him about law, not an intent to murder him, which helped absolved them of that charge.

The officers’ act of street justice failed to show intent to murder, which gave the jury an opportunity to convict the officers on a lesser charge. Although the prosecution attempted to convict the officers for the higher offense of capital murder, under Section 19 of the Penal Code, it would have required a higher standard of proof of premeditation and culpable mental state. In

\(^{131}\) Ibid.  
\(^{132}\) Quoted in Herrera, “Mexican-Americans in the Press,”36.  
\(^{133}\) Lopez, \textit{Racism on Trial}, 119, 129.
other words, the prosecution needed to prove the officers intended to kill Torres. Given the
supposed lack of intent to murder, the jury elected to convict the officers under section 19.07,
criminally negligent homicide, of the Texas Penal Code. This statute stated that if a person
committed the death of an individual by criminal neglect, the offense was a Class A
misdemeanor.\footnote{Summary of Civil Rights Investigations by the Texas Attorney General’s Office of Incidents Resulting in Death, Ruben Bonilla Collection, LULAC Presidential Papers Project, BLAC, UL, UTA, box 34 folder 9.} The all-white jury sentenced Torres’s murderers to one-year probation and a one-
dollar fine for negligent homicide.\footnote{Tom Moran and Janet Sanders, “The Thinking of the jurors,” \textit{Houston Chronicle}, October 8, 1977, Vertical File HMRC.}

The jury’s lenient sentence maintained the double-standard of justice that protected white
officers from the Texas prison system. According to Gary Taylor of \textit{the Houston Post}, the jury
attempted to pacify the nature of the crime by reducing to mere embellishment the testimonies of
other officers, who partook in beating Torres.\footnote{Gary Taylor, “No Evidence, juror claim,” \textit{Houston Post}, October 8, 1977, Vertical File HMRC.} Prosecutor Ted Poe suggested the “jurors might
be looking for any excuse to go easy on the former officers and renew their faith in the forces
which protect them.”\footnote{Ibid.} Moreover, the white jurors refused to be badgered by the prosecution to
give a harsher sentences. Jury foreman Mike Bruce stated that the jurors believed the officers
should have gotten a “couple of years in the pen,” but the prosecutors angered the jurors by
referring to them as “palefaces” in their closing arguments.\footnote{“Frontier Justice,” \textit{Wall Street Journal}, BCAH.} Police Chief Harry Caldwell was
cited as saying the jury allowed the laws for whites to prevail, because they refused to be
intimidated by the pressure of the Mexican-American community.\footnote{“Caldwell Blames ‘Rhetoric’ for Ex-Officers’ Sentence,” \textit{Houston Post}, October 8, 1977, Vertical File HMRC.} In other words, even if the
officers were unjustified in killing Torres, racial perceptions of his and all Mexican Americans’
worthlessness was not going to trump the presumptions of protecting white worth.\footnote{Lopez, \textit{Racism on Trial}, 121.}

The brazen display of injustice offered mobilized efforts for Torres the push needed to put
into place a campaign to secure a federal indictment on civil rights violations. In awaiting the
trial’s outcome, another coalition was formed to better activate all organizations to react to the aftermath of injustice. Civic and political Mexican-American organizations coordinated the El Concilio De La Raza on August 27, 1977. El Concilio included representatives from popular groups such as LULAC, the American G. I. Forum, the Political Association of Spanish-Speaking Organizations (PASO), and Image of Houston. As a united front, it was to be the “think-tank” that communicated and coordinated all the organization on common social issues and how to resolve them.141

When the state trial was closed, El Concilio de la Raza focused its complaint to the federal government on the premise that changing trial venues allowed for the whitewashing of justice. After the trial, El Concilio argued that federal intervention was needed to stop the “overt and blatant pattern of unequal justice” that changing venues manifested. It maintained that the state trial was “not justice being sought by the local government, but a way to reduce the punishment for the offenders and once more make the wanton killing of a Mexican American a simple matter [sic] of record.”142 Racial injustice defined the American judicial system for men like Torres. He “spent many days of his life in Vietnam defending those who killed him,” but his service was not worth more than protecting a white life before Texas law. The activists demanded federal intervention by the Department of Justice for Joe Torres.143

LULAC argued that intervention was necessary because citizens were living in fear of the unchecked power of the Texas law enforcement system. In a press release LULAC stated that the jury sentence demonstrated the erosion of Mexican-American civil and legal liberties.144 It went

141 Concilio De La Raza Minutes, August 27, 1977, Hector Garcia Paso Collection, HMRC, HPL, MSS 92, box 1 folder 13 (Hereafter cited as Concilio De La Raza Minutes, HMRC).
142 The El Concilio stated that their failure to be a united front since the discovery of Torres’s body made the case susceptible to further inequities, such as the changing of the venue to Huntsville, Texas. They claimed that had all the delegated of the organizations united before the Torres incident, their coalition could have had “an impact on such an extent that probably all the police officers involved in the killing would already have been punished.” Ibid.
144 Ruben Bonilla to The Caller Editor, September 26, 1977, Ruben Bonilla Collection, LULAC Presidential Papers Project, BLAC, UL, UTA, box 7 folder 5 September 1977 Correspondence (Hereafter cited as Bonilla to The Caller Editor, BLAC).
on to say that the trial was “a mockery” upon their rights and insult to the community. Its outcome proved police had the right “to kill and commit a murder and it puts a slap on a police officer’s hand.”

García, president of LULAC District Eight Council, argued to Attorney General Bell that this lack of justice had citizens living in fear of police impunity to kill Mexican Americans in Texas. Since May, she wrote, when Torres was discovered, ethnic Mexican men from the surrounding areas of Wharton, Richmond, and Galveston, Texas were found stabbed or hanged in their jail cell. All their deaths were ruled accidental. The jury’s sentence in the Torres case demonstrated the erosion of Mexican Americans’ civil and legal liberties, and the reaffirmation of the uncheck autonomy of the police.

Lastly, mobilized efforts for Torres martyred him to emphasize the state-wide practice of killing Mexicans within the law enforcement system. Organizations placed Torres alongside other victims of police violence that symbolized and politicized racial injustice shared across the state, such as: Santos Rodriguez, Ricardo Morales, and Juan Zuniga who was hung in the Sierra Blanca, Texas jail in 1973. LULAC stated, “The results of these cases have proven that the equal protection of the 14th amendment does not apply to minority races.” In addition, LULAC members wore a “dollar bill [to] symbolize the worth of the life of an American citizen under the Judicial System of Texas.” They resolved to wear it until the U.S. Department of Justice intervened on Torres’s behalf.

145 LULAC Press Release, October 9, 1977, Mamie García Collection, LULAC Records, BLAC, UL, UTA, box 1 folder 11 Joe Torres & Notes (Hereafter cited as LULAC Press Release, October 9, 1977 BLAC)
146 Mamie García to Honorable Griffin B. Bell, October 7, 1977, Mamie García Collection, LULAC Records, BLAC, UL, UTA, box 1 folder 2 Correspondence 1976-1978.
147 Bonilla to The Caller Editor, BLAC.
149 LULAC Press Release, October 9, 1977 BLAC.
This Mexican-American mobilization strategically orchestrated its efforts and gained the support of the federal government to continue its inquiry after the state trial. U.S. State Senator John Tower requested Attorney General Bell to prosecute the officer to the “limits of the law.”

On October 8, Mexican-American political leaders – Antonio Morales of the American GI Form and LULAC leaders Ruben Bonilla and Ruben Sandoval – met with the special assistant to Justice Department Attorney General Griffin Bell to discuss the Torres incident and other police brutality cases of Texas. Moreover, a press conference was held in Washington where LULAC spoke with Senator Bentsen and Senator Tower to pursue federal investigation on the Torres case. Even President Jimmy Carter met with 2,000 Mexican Americans to see what he could do about the situation. Denson, Orlando, Kinney, and Janish were convicted in a Houston U.S. District Court in March 1978 for violating Torres’s civil rights, which resulted in his death, and conspiring to cover the murder. Judge Ross Sterling’s lenient sentences, however, would inform the next struggle to obtain justice for Torres.

Mexican American organizations learned from the prior state and federal civil rights trials of the 1970s that law-enforcement would not be held accountable for misconduct, because the city or state government would not restrict it and the racism of all-white juries created barriers to prosecuting white officers. The movement that eventually organized for Torres displayed the evolution of a more sophisticated and mature civil rights struggle against police brutality. Before the Torres case, Mexican activists commandeered the language of due process and the Fourteenth Amendment of the Constitution to define a discourse of racial unity and civil rights empowerment. The suppression of the Black Power and Chicano movement contributed to the politicization of the larger Mexican American population and launched another facet to the struggle for civil rights in Texas, if not the nation. In hindsight the Chicano mobilization for Santos Rodríguez in Dallas

153 District 8 Emergency Meeting, October 10, 1977, BLAC.
pointed to the benefits of mass demonstrations to unite the minority community behind police reform. The killing of Ricardo Morales indicated the benefits of federal intervention to challenge the whitewashing of justice.

Moreover, this chapter argues that the mobilization for Torres was strategically coordinated to interject political and social activists into police reform and seek federal aid outside of the city and state governments. The momentum to reform the police and obtain dual prosecution of the officers represented a moment in Texas Mexican-American and Chicano history when police violence, institutional racism, and the absence of justice galvanized ethnic Mexicans under an effective strategy to reform police and seek justice. Two political movements emerged to abolish discriminatory policies, improve police procedures, diversify the force, and make the department more sensitive to the minorities they patrol. Obtaining a federal indictment required strategically pinpointing the discriminatory practices of the law enforcement system that whitewash justice during the prosecution of ex-officers Terry Denson and Stephen Orlando.

The mobilization efforts for Torres highlighted the discrimination of the Texas law-enforcement system before the nation and displayed tact and cohesion to successfully obtain the intervention of the federal government after the injustice of the state trial. The following chapter will examine the threats of violence that were building from within the community during the aftermath of the state trial. State Representative Ben Reyes warned that disrespect for law enforcement and dwindling faith in the administration of justice, both at the state and federal level, were creating an atmosphere of potential violence. If the U.S. District Courts could not provide relief, he stated “the alternatives left open are not in the best interest of anyone.”155 He assured disappointed Mexican Houstonians after the trial that “what little we...have gotten in Texas in the way of education and voting rights has come through the federal process.”156 Bigotry had long denied ethnic Mexicans justice, and it remained a valid concern among the local

155 Reyes to Bell on Dual Prosecution, HMRC.
grassroots movement, despite the promise to prosecute Torres’s murderers for civil rights violations within the U.S. District Court.
Chapter 5: “Justice for Torres”: The Moody Park Uprising and How it Triggered Lasting Change in the Law-Enforcement System

On May 7, 1978, only one year after Joe Torres’s death at the hands of five Houston police officers, a Cinco de Mayo celebration at Moody Park became a scene of an uprising. The disturbance was said to have started when HPD officers arrived at the park in response to a fight between two Mexican American men over a woman. The people then turned on the police. Some attributed the hostility to an increase of anti-police sentiment among the ethnic-Mexican community since the recent lenient sentencing rendered in the federal trial against four of the officers responsible for Torres’s death. According to witness J.J. Garcia of Tejas News, the park, which is located in the barrio of North Side, became a warzone with surges of combat and breaking moments of silence.\(^1\) The leftist newspaper, The Militant, described the neighborhood as under strong “armed occupation” from the police dressed in SWAT gear and carrying M-16 guns. The article claimed police intentions were to “stop further protest against killer cops and police brutality by terrorizing the community.”\(^2\) Fifteen-hundred rioters over turned cars, set businesses on fire, stabbed a news reporter, and hit one police officer with a car. In between the chaos the crowd chanted and spray painted on the walls “Justice for Torres.”\(^3\)

Mexican-American activists and city officials accused the grassroots group People United to Fight Police Brutality (PUFPB) as instigating the Moody Park Uprising, but its leader Travis Morales felt otherwise. The PUFPB formed after Torres’s body was discovered; throughout the year it held meetings and organized rallies and demonstration to unite all people to demand justice for Torres.\(^4\) Demonstrations by PUFPB were declared by LULAC to be “parades and fanfares.”\(^5\) Throughout the year, the group was isolated from the larger mobilized efforts carried out between

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\(^4\) Mayor’s Conference (includes partial interview with Travis Morales), May 8, 1978, Houston Metropolitan Research Center (HMRC), Houston Public Library (HPL), OH D 154 (hereafter cited as Mayor’s Conference, May 8, 1978, HMRC).
political, civil, and social Mexican-American organizations. LULAC and other organizations minimized the agitations building within the community, while it strategically planned for federal intervention. The Moody Park Uprising was an example of a community empowering itself in the aftermath of injustice. This chapter will explore the moments of tensions between police-community relations and the court trials for Torres that made the Moody Park Uprising possible.

Unlike past histories, this examination of the Moody Park Uprising shows that the event was a result of actions that occurred over time and resulted in Mexican American efforts to continue their struggle for police reform and civil rights. While Travis Morales failed to unite ethnic-Mexican Houstonians under the PUFPB, tensions within local and grassroots organizations had been building since the state trial. In addition, efforts by Mexican-American political, civil, and social organizations had been dissipating and their influence over police reform was waning. The weak verdict in the federal civil rights trial finally agitated all aspects of the mobilization. U.S. District Judge Ross Sterling’s sentence informed the state and local efforts that injustice prevailed at all levels of the law enforcement system. I argue that the grassroots’ discontent displayed at the Moody Park Uprising gave the Mexican American efforts for Torres renewed viability to continue their struggle and establish lasting changes within the HPD, local government, and the law enforcement in general.

Similar to historian Brian Behnken’s observation of the Uprising and the Chicano movement, this chapter demonstrates that the Mexican-American mobilization for Torres continued its struggle for rights and the reforms of the law-enforcement system. The Moody Park Uprising reminded activists, the nation, and the HPD that police-community relations were still

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6 Arnoldo De Leόn claimed the Moody Park Uprising was a spontaneous even, without any particular goals for Mexican American civil rights. It also failed to spread to other barrios and galvanize Mexican-American communities under Morales. Arnoldo De Leόn, Ethnicity in the Sunbelt: Mexican Americans in Houston, 2nd ed. (College Station: Texas A&M University Press, 2000), 213.

7 Brian Behnken argues the protest demonstrated the continuation of the ideology of Chicanismo and the Chicano struggle for rights. He considers how the national support for Morales and PUFPB after the Uprising resulted in the creation of the legal defense funds to release Travis Morales, Tom Hirschi and Mara Youngdahl. Throughout the country, the legal defense groups “Free the Moody Park 3” and the Committee to Defend the Houston Rebellion held rallies and protests. Brian Behnken, “We Want Justice!”: Police Murder, Mexican American Community Response, and the Chicano Movement,” in The Hidden 1970s: Histories of Radicalism, ed. by Dan Berger (New Brunswick, N.J.: Rutgers University Press, 2010), 205.
broken. Mexican-American leaders used the fuel of the uprising to renew their efforts with the law-enforcement system and bridge its community relations. After the uprising, the federal government reevaluated the statewide practice of police brutality and considered dual prosecution in cases involving killings. Desperate to restore faith in the police and the judicial system, the HPD and Mayor Jim McConn willingly pacified the community and its leaders with broader police transparency and reform. Community leaders and organizations were reintegrated as a voice of minorities within advisory councils and community-oriented policing. By the 1980s, the Houston Police Department was more diversified and cooperative to fit the communities it protected.

Since the state trial against Terry Denson and Stephen Orlando, Mexican-Americans leaders of the larger political efforts for Torres were aware that the threat of violence was growing within locals. Protest at the city level by PUFPB was attributed to subversive “outside” elements attempting to stir up emotions and violence in the aftermath of the Torres case. LULAC wanted to prevent “outsiders” from speaking for Houstonians and destroying their work. Shortly before the trial commenced, railroad tracks were vandalized in ethnic neighborhood of East End near Club 27, the night club where Torres was arrested before his murder. The name of Jose Campos-Torres was written on a nearby wall. Also, a bomb was reportedly set off at Buffalo Bayou near the site where Torres downed. Youths were supposedly responsible for the fire. LULAC council leaders disassociated the organization from the violence, and confirmed to Police Chief Caldwell that the movement was in no way “involved with the Communists or any wrong doing in our Mexican Communities.” State Representative Ben Reyes viewed these acts as warnings that lenient sentences for Denson and Orlando could provoke violence among Mexican-Americans.

8 Raul Reyes, “Group Denies It’s Advocating Violence,” Houston Chronicle, October 12, 1977, vertical file, HMRC.
9 State Annual Report for 1978, Mamie García Collection, LULAC Records, Benson Latin American Center (BLAC), University Library (UL), University of Texas at Austin (UTA), box 1 folder 5 Annual Reports, 1977-1978 (Hereafter cited as State Annual Report 1978, BLAC); Minutes of LULAC District 8 Emergency Meeting, August 23, 1977, Mamie García Collection, LULAC Records, BLAC, UL, UTA, box 1 folder 5 Annual Reports, 1977-1978 (Hereafter cited as District 8 Emergency Meeting, August 23, 1977, BLAC).
10 District 8 Emergency Meeting, August 23, 1977, BLAC.
11 State Annual Report 1978, BLAC.
Houstonians. He warned “people [in Houston] who are not violent people are saying it’s time we take the law into our own hands. People are talking about arming themselves [against the police].”

To prevent conflict between the police and the community, LULAC and its supporters campaigned for nonviolence and faith in the judicial process. LULAC separated itself from those promoting violence in order to prevent the police from questioning or insinuating that the organization was responsible for the acts. After the outcome of the state trial, when the atmosphere among concerned citizens was most volatile, LULAC maintained its nonviolent stance. It pleaded with city residents to temper their anger because “violence and lawlessness [did] not justify more violence and lawlessness.” The organization remained adamant in its refusal to participate in demonstrations to the point that LULAC District Eight refused motions for a march fearing that the peaceful march could be transformed into a radical riot. Local LULAC councils offered other avenues to empower the community. A moratorium service was held on Sunday, October 9th, at St. Joseph’s Church to inform the public of the organization and its efforts. A flier was released that reflected the discourse of unity and called for a unified front of the city’s brown, black, and whites behind the common cause of justice. Citizens were encouraged to believe in the judicial system by writing letters to the U.S. Department of Justice to proceed against the five accused police officers.

By dissociating the political efforts for Torres from militant demonstrations or violence, LULAC also distanced itself from the hostilities growing within the Torres family against the law enforcement system. Margaret Torres, the would-be martyr’s mother, was “disgusted” by the verdict and jury’s sentencing. She publically stated, “If we don’t get justice, we’ll just have to try

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13 State Annual Report 1978, BLAC; District 8 Emergency Meeting, August 23, 1977, BLAC.
15 District 8 Emergency Meeting, August 23, 1977, BLAC.
16 “Friends of Joe Campos Torres,” HMRC.
to defend ourselves.” Torres’s parents became the first violent protesters to take action against the police. Only three days after the October 9 verdict, the Torreses were apprehended for resisting arrest. As the couple was leaving a game room in Houston’s East End, they witnessed a policeman holding his gun to the head of an eighteen-year-old Mexican-American male. Mr. Torres reminded the officer of his son’s case to imply that his actions constituted misconduct. He told the officer that he had “no right to shoot a kid.” In addition, Mrs. Torres called for the youth’s safety, shouting, “You can’t kill him like you did my son.” In response, the officer use his flashlight to beat Mr. Torres and wounded his scalp, hairline, and face. The action of Torres’s parents demonstrated that the notoriety of their son’s case did not reform police misconduct. Police misconduct and abuse of the law was reinforced, if not emboldened, by the sentencing. After this incident, the PUPPB gained Margaret Torres’s support.

The grassroots organization offered the Torres family and locals a sounding board for their resentment against police and injustice after the state trial. The PUPPB gained popular support, because it recognized that Houstonians were “tired of unchecked police brutality and [felt] the Torres case should not be forgotten.” Margaret Torres found in the PUPPB an outlet to protest injustice. After the state trial, she participated with the group and two hundred demonstrators in a march upon Moody Park to condemn the lenient sentences and call for a federal investigation. One week later, they held a demonstration at Moody Park and rallied at City Hall. According to historian Brian Behnken, Margaret Torres and the PUPPB coordinated marches throughout late 1977 until the HPD formally began the operation of a new Internal Affairs Division (IAD), while the U.S. Department of Justice indicted the HPD officers involved in Torres’ death.

17 “Ex-Officers Convicted of Negligent Homicide,” *Houston Post*, October 7, 1977, vertical file, HMRC.
18 “Parents of Torres charged, beating by police alleged,” *Houston Post*, October 10, 1977, vertical file, HMRC.
21 Behnken, “We Want Justice!,” 203.
LULAC’s opposition to the PUFPB disconnected the larger mobilization for Torres from locals’ frustration with the law enforcement system and called for immediate action. Mobilized political efforts failed to understand that the demonstrators were Houstonians who were expressing the everyday concerns of the minorities within the ethnic communities. Despite their lack of political influence, local grassroots organizations held similar tactics and aims as Mexican-American organizations; the PUFBP organized “people of all races” under nonviolent demonstrations and demanded the federal government take immediate action. The main difference between the PUFBP and LULAC was that it wanted to “fight” to “win some Justice” and “not just talk or investigate.” To the PUFPB and its supporters, the judicial process could not be relied on because time was a factor that could dissipate the call for prosecution against killer police officers.²² The grassroots movement highlighted the mistrust that citizens held toward the law enforcement system, as well as revealed the larger mobilized efforts disconnection from its constituents.

In addition to losing some support to the PUFPB, the political mobilization for Torres reached its lowest point when the HPD refused to support it. Once the state trial released the officers on suspended sentences, Police Chief Caldwell expressed his willingness to move beyond the Torres incident to the Wall Street Journal. To him, the whole incident needed to be washed of all its political and racial rhetoric. As he told the newspaper, “all this case amounts to is five police officers who made a mistake and were called to account for it…but we had 2,803 officers who didn't. Even Jesus Christ had an 8% attrition rate with his disciples.”²³ Ironically, accusations of the HPD’s excessive force continued to climb. From July 1977 to June 1978, the Civil Rights


²³ The article reported that “In the first eight months of this year [1977], the department says, 42 officers were assaulted with firearms, 12 with knives and other sharp instruments, and 49 with other dangerous weapons. Two officers were killed in the line of duty...” “Frontier Justice?: Police Prisoner’s Death Brings Angry Reaction By Houston Minorities,” Wall Street Journal, Unknown Date, Robert C. Eckhardt Papers, 1931-1992, Dolph Briscoe Center for American History (BCAH), University Libraries (UL), The University of Texas at Austin (UTA), Box 95-147/35 Folder Police Department, Joe Campos Torres incident, police brutality, 1976-1979 (Hereafter cited as “Frontier Justice,” Wall Street Journal, BCAH).
Section of the FBI Southern Judicial District received the largest caseload of brutality complaints from its Houston Field Office than in any other field office in the country.\textsuperscript{24} Possibly to keep the forward looking momentum, Caldwell did not speak of the current breaches in police-community relations. Whether he informed readers to remember the dangers the department face from violent attacks by citizens. To him, citizens were equally as dangerous because they assaulted and threatened police officers in the line of duty.\textsuperscript{25}

By December 1977 the efforts of the two political coalition that mobilized for Torres dissipated and threaten to disband some organizations or make them ineffective. The Coalition for Responsible Law Enforcement (CRLE) went defunct from December 1977 to May of 1978. Since its inception, following the discovery of Torres’s body, the CRLE had failed to be recognized by the HPD as a representative of the community, which would have allowed its communications with the police department to be mediated by the Community Relations Service of the U.S. Department of Justice. With the state trial closed, Police Chief Caldwell broke off meetings with the CRLE owing to his opinion that the members were “getting into areas of police administration which they did not understand.” By doing so Chief Caldwell was able prevent any kind of oversight by federal authorities. The plan worked for the CRS stop trying to mediate communication between the HPD and the CRLE in March 1978. Thereafter, the CRLE, was essentially moribund.\textsuperscript{26}

With all the momentum for Torres dissipating, local LULAC efforts did not comprehend the impact the case had on the effectiveness of their efforts for Torres. Unlike the CRLE, LULAC did receive recognition by Caldwell to be the legitimate representative of the Mexican-American community. In December 1977, Mayor McConn discussed with LULAC the problems in the ethnic communities and agreed to establish a Mexican-American Advisory Council to meet with him monthly. This council was to be made-up of various political, social, and civic organizations from

\textsuperscript{24} Police Practice in Houston Texas, Sept 11-12, 1979, Robert C. Eckhardt Papers, 1931-1992, BCAH, UL, UTA, Box 95-147/35 Folder Police Department, Joe Campos Torres incident, police brutality, 1976-1979 (Hereafter cited as Police Practice in Houston, BCAH), 114-115.

\textsuperscript{25} “Frontier Justice,” \textit{Wall Street Journal}, BCAH.

\textsuperscript{26} Police Practice in Houston, BCAH, 119.
the minority communities. McConn kept his promise, and District Eight appointed Elis Barrera and Maria Canfield to the mayor’s council in early January 1978. However, owing to LULAC members fighting amongst each other, they were unable to decide who would comprise a committee of community organizations. Mamie García, president of LULAC District Eight Council, stated “up to this time the Community is broken.” Without any organizational structure, the Mexican-American Advisory Council was defunct by March 1978.

The low period for the political movement was marked by a decline in support from the media for federal intervention. After the state trial, newspapers throughout the state questioned the necessity and constitutionality behind the upcoming federal civil rights trials. According to LULAC’s president Ruben Bonilla, one Corpus Christi Caller reporter “flip-flopped” from their initial support for the federal intervention. This reporter indicated a growing sentiment among Houston citizens of the status quo that the upcoming federal civil rights trial was a constitutional violation of double jeopardy. To Bonilla, this rhetoric defended and protected the civil rights of five policemen who deprived Joe Torres of his right to life. He reminded The Caller that the State of Texas failed to establish civil rights law, thereby, according to Bonilla, there was not “a realistic state enforcement mechanism that will offer our citizens adequate remedies at law.” A stronger penal civil rights legislation was needed to protect minorities from police racism. Similar to the HPD, The Caller displayed complacency to the situation and believed that the ex-police officers’ state trial verdicts were sufficient penalty. Anglo Americans were ready to let the Torres case rest. This low period was defined by an overall wean in progress in police-community relations, then peaked by the disappointment of the civil rights trial in the U.S. District Courts.

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28 Letter by the Hispanic Caucus, February 16, 1979, Harris County Hispanic Caucus Collection, HMRC, HPL, RG E 025 (Hereafter cited as Letter by Caucus, February 16, 1979, HMRC).
29 Bonilla also contested the editor’s claim of double jeopardy on grounds that, “A person by the same act can violate the laws of the federal sovereign and the state sovereign and be subjected to prosecution by each sovereign.” Letter to Editor of the Caller, December 19, 1977, Ruben Bonilla Collection, LULAC Presidential Papers Project, BLAC, UL, UTA, box 19 folder 14.
Before the civil rights trials led to the eruption of the community’s violence, it actually revived activists’ expectations because it judicially addressed the racist intent of the officers who violated Torres’s rights. At the trial, the prosecution showed that the defendants Louis Kinney, Joseph Janish, Stephen Orlando, and Terry Denson violated Torres’s rights by beating him, resulting in his death. The prosecution also showed that the four ex-officers along with Glen Brinkmeyer conspired to violate Torres’s rights. Unlike the state trial, the federal civil rights case highlighted the severity of racism that motivated the officers’ misconduct and subhuman treatment of the victim. The character testimony admitted against Janish and Denson underlined their racist leanings. As officers of the law, they often used their power to harass Mexicans for enjoyment. Officer Elliot’s testimony of the verbal abuse and harassment Torres endured at the hands of Janish and Denson pointed to their bigoted attitudes and clearly demonstrated the violation of his civil rights. Elliot, moreover, testified that Denson, Orlando and Kinney conspired after Torres was discovered.

With racism on trial, the Torres family raised its hope for justice. Unlike the state trial, the civil rights tribunal did not admit negative presumptions of Torres’s Mexican identity to be juxtaposed against the outstanding white police officers who murdered him. Torres, the person, was the victim to five officers who overstepped the boundaries of the law to act upon their racism. The prosecution did gain a successful conviction of Denson, Orlando, Kinney, and Janish in all the indictments of civil rights violations. For a moment, the guilty conviction of Denson, Orlando, and Janish at the federal civil rights trial even returned hope of fair justice to Margret Torres. To her the federal trial was a real trial not influenced by racial boundaries, and she stated to her relief that “justice had come at last to the family.” The convicted faced a possible maximum sentence of

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life in prison for violating Torres’s rights that lead to his death and conspiracy.\textsuperscript{32} Justice seemed likely if activists considered the outcome of Sheriff Frank Hays of Castroville, who was given life imprisonment for the death of Ricardo Morales in 1977.

Federal District Judge Ross Sterling confirmed that injustice prevailed at all levels of the law enforcement system. Sterling only sentenced the convicted to one year imprisonment for the civil rights violation, and a suspended ten year imprisonment sentence for conspiracy to five-years probation. Sterling claimed his sentences were influenced by the fact that Torres’ murder was a situational offense the defendants would never encounter again. More importantly, he believed a long period of confinement for the officers would not deter the real problem, the faulty operation of the HPD.\textsuperscript{33} Sterling’s rational showed the prevalence of the “good cop” assumptions within the courts. The officers were upstanding Anglo Americans who made one mistake with Torres. Their actions outside of that incident showed general “good faith” making their one legal infraction almost justifiable before the courts.\textsuperscript{34} Sterling’s rational for the sentence, however, disregarded the ethnic diversity of Houston that fostered a very current history of police misconduct toward African Americans and Mexican Americans. In other words, Torres’s murder was not a one-time situation but a common occurrence.

In upholding the perception of the good-cop, he showed a resistance to accepting that Denson and the others were bad cops who intentionally violated Torres’ constitutional rights.\textsuperscript{35} His decision demonstrated the prevalence of common sense notions of race that gave white officers undue deference in their judgement over the victim’s civil rights. As a U.S. District Judge, Sterling should have been informed of the 1976 Supreme Court ruling in \textit{Washington v. Davis} that ruled

\textsuperscript{32} Wittenberg, “3 Former Officers Convicted of Violating Torres’s Rights,” \textit{Houston Post}, Date Unknown, vertical file, HMRC.

\textsuperscript{33} “Hispanics to Demand Bigger Federal Jobs Role,” \textit{Houston Chronicle}, March 29, 1978, vertical file, HMRC.


the constitution only prohibited racism that was intentional. In his lenient sentence, he overlooked this constitutional statute and allowed intentional racism to prevail in order to release the officers from accountability in Torres’s death. When LULAC heard of the insufficient sentence, Bonilla exclaimed “the court has set back the civil rights of Mexican-Americans by 10 years.” Judge Sterling’s sentence was a step backward from the progress LULAC had made in obtaining federal intervention. He informed mobilized efforts to the fact the higher levels of the judicial system continued to whitewash justice to protect the prevalence of racist sentiment and misconduct among law enforcement. Sterling’s sentence was the final act that revived efforts on behalf of justice for Torres and allowed it to continue their struggle against the law enforcement system.

Mexican Americans and Chicano organization demanded reform at the federal level by increasing ethnic Mexicans’ representation in federal positions and judgeships. Sterling’s sentence communicated to the larger mobilized efforts that the state and federal judicial system supported a broader national racial schema that disempowered Mexican Americans and whitewashed police brutality. LULAC, P.A.S.O., IMAGE, and the American G.I. Forum issued a joint statement calling on citizens to bring together the State, Congressional, Judicial, and Executive branches under a monolithic operation and to ensure a single interpretation of civil rights protection. The outcome of the federal civil rights trial encouraged all aspects of the mobilized efforts to hold demonstrations to convey their outrage with the injustice of the Torres incident.

Mamie Garcia organized the protest march and rally to unite the two political movements and the city’s ethnic enclaves. On April 2, 1978, IMAGE, LULAC, the American G.I. Forum, and P.A.S.O. coordinated two separate marches that commenced from Moody Park in Northside and

37 “Hispanics to Demand Bigger Federal Jobs Role,” vertical file, HMRC.
38 The proposals called for the creation of a national organization for responsible law enforcement; passage of civil rights legislation in the State of Texas; the creation of a Special Commission by the President to investigate the abuses of law enforcement; the creation of an ethnically balanced Special Commission to study improvements of police-community relations; and lastly, the reactivation of police and CRLE relation. See Press Statement, March 31, 1978, Mamie Garcia Collection, HMRC, HPL, MSS 294, box 1 folder 29.
the other from Magnolia Park in East End. Both marches joined in front of Houston’s City Hall where protesters rallied their grievances and objection to Judge Sterling’s sentence. Prominent political figures invited to the demonstration included the Attorney General John Hill, congressional candidate Mickey Leland, U.S. Senator Edward Kennedy, and Martin Luther King Junior’s widow, Coretta Scott King. The rally received endorsements from Houston native U.S. Representative Barbara Jordon and Mayor Jim McConn; even Police Chief Caldwell publically stated that the demonstration would not be censored and the traffic blocked for demonstrators.

At the rally the 1000 protesters were urged to continue working within the political system, and collectively go to voting polls to protest police racial violence and to seek new state civil rights law. Bonilla spoke of the power of numbers and how a united Mexican-American political front could “defeat any candidate in any Texas election.” In embracing the power of the vote, political organizations were trying to grasp any avenue to reassert power in Mexican Americans at some level of the government. The speeches, however, were mixed with both anger at the racism still prevalent in judicial injustice and Chicano leaders’ response toward the injustice of the law-enforcement system. LULAC member Ben Reyes, for instance, called Sterling a “racist redneck.” In their minds the outcome of the federal civil rights trial made clear that racism continued to pervade the apparatuses of the status quo and reinforce Mexican American subordination to protect whiteness. This reality was a deep-seeded resentment within the community that manifested in the anger that was the Moody Park Uprising.

After the collective of Mexican-American group made its statement about the march, disgruntle citizens also voiced their displeasure with the racial injustice that occurred at the Moody

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41 The rally was sponsored by LULAC, PASO, and the American GI Forum. See Judy Wiessler, “Police Plan Close Scrutiny of Those at Torres Rallies,” Houston Chronicle, March 31, 1978, vertical file, HMRC.
42 Image of Houston United, HMRC.
Park Uprising. PUFPB leader Travis Morales juxtaposed the uprising to the historicity of the Cinco de Mayo celebration. Normally an occasion that remembered Mexican peoples’ defeat of French oppressors, Morales stated it now represented a day “when thousands of people black, brown and white stood up to the police who invaded their communities in full riot gear.” After the uprising, State Representative Ben Reyes accused the group of being “white outside agitators.” Morales retorted that, “After years and years of oppression, bad living conditions, discrimination and police brutality…it doesn't take instigators for people to rise up against police invading their neighborhoods.” While the PUFPB did not represent the overall efforts for Torres, it spoke to the community sentiment that was tired of uncheck police abuse. The reverberations of the Uprising were heard throughout the nation, and with it, the mobilized efforts gained another opportunity to struggle for lasting change in the law-enforcement system.

The Moody Park Uprising gave Mexican-American leaders leverage to continue their campaign to receive government hearings into the state and city-wide practice of police misconduct against ethnic Mexicans. After the Moody Park Uprising, Houston’s IMAGE, LULAC, the American G.I. Forum, along with representatives from PADRES of Texas and the president of Chicano Human Service Workers, requested a hearing with Arthur S. Fleming, Chairman of the U.S. Commission on Civil Rights. Writing that body during the wake of the Moody Park Uprising on May 12, the organizations stated:

We feel that such hearings will pave the way to restore and ease the tension that exists in the Houston community and surrounding areas. It is our firm belief that the functions of the Commission in looking into the denial of equal protection of the law under the administration of justice will be beneficial in providing the solution and answers that linger in the minds of the Hispanic community and in the community in general. The movement called for a hearing because it needed the federal government to see the problem and help rebuild police-community relationships; otherwise, the administration of justice would continue to be unequal. To bring home the prevalence of the practice of misconduct statewide,

\[44\] Mayor’s Conference, May 8, 1978, HMRC.
\[45\] Image de Houston Newsletter No. 4, May 1978, LULAC Council #60 Papers, HMRC, HPL, RG E 21, box 37 folder 2.
Ruben Sandoval prepared a list of 15 incidents involving the killing of ethnic-Mexican men while in police custody across eleven Texas counties since November 1976. Included in the list was the facts that only three of the incident received state action and two received federal action.\[^{46}\]

The coalition’s request proved effective, and within the month, both federal and state agencies conducted hearings to improve police professional standards. The U.S. Commission on Civil Rights conducted public hearings in Houston from June 12-13, 1978.\[^{47}\] The federal agency based its decision to investigate Houston because of the number of publicized incidence of police misconduct and federal investigation, including the Torres, Joyvies, and Webster case. The community dissatisfaction displayed in the Moody Park Uprising made the Commission concerned to “the possibility that police-community relations could become a source of wider public violence in Houston” such as in the urban violence of the 1960s. Houston became part of a national study on police practices that examined the “context of institutional mechanism which encourage or discourage misconduct and complaint reconciliation.” In other words, the commission would determine how to modify the current law-enforcement system to minimize abuse and protect the right to due process.\[^{48}\]

In addition, the Texas legislature created the Texas Advisory Commission on Intergovernmental Relation to improve cooperation among all levels of government in addressing the state problem of police professionalism. This commission formed the Committee on Professional Standards for Local Law Enforcement Officers, which included Houston Mayor Jim McConn.\[^{49}\] Its primary charge was to consider possible actions by the state that could improve police professional standards and the protection of individual rights in interactions with police.

\[^{46}\] An extended list included 23 cases from counties in Texas, California, Colorado, and New Mexico. List of Mexican Americans killed By Law Enforcement, Ruben Bonilla Collection, LULAC Presidential Papers Project, BLAC, UL, UTA, box 34 folder 8.


\[^{48}\] Police Practice in Houston, BCAH, 3, 6, 8.

Hearings were conducted in Houston, Dallas and San Antonio in 1978. The committee’s hearing at the University of Houston Downtown Campus on June 16, 1978 covered topics regarding the feasibility of psychological testing, changes in civil service law, and modifications in state law with regard to professional police standards. Their discussions considered community leaders’ complaints that police needed to be scrutinized appropriately for its problem in professionalism to prevent law enforcement abuse and improve cooperation among all levels of government.

On June 23, 1978, President Jimmy Carter met with twenty-three Mexican-American leaders in Houston to reassure them that the federal government would investigate the national practice of police brutality toward ethnic Mexicans. Present at the meeting was Hector Garcia of Harris County’s P.A.S.O., Judge Felix Salazar, John Castillo, attorney John J. Herrera, State Representative Ben Reyes, and Dr. Hector Garcia, founder of American G.I. Forum. These prominent leaders addressed open cases that needed federal attention, such as the Santos Rodríguez incident from 1973. Carter informed those in attendance that, “the Department of Justice had opened for investigation 192 cases of police brutality of Mexican Americans, 50 of which were in Texas.” Carter holding the meeting in Houston demonstrates that the Moody Park Uprising reverberated to the top of the federal government. Possibly afraid the violence of Houston would carry across the state, Carter reassured the community that the federal government recognized the statewide practice of street justice upon ethnic Mexicans. He offered solace to pacify leaders and maintain the minority support for his administration.

The movements’ threat to mobilize the vote caused enough concern that the president had Deputy U.S. Attorney General Benjamin Civiletti visit Houston to commence talks to repair police-community relations. In November 1978, Civiletti visited Dallas and Houston because, as

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50 Police Practice in Houston, BCAH, 7-9.
52 Hector Garcia of PASO was an executive director of the Catholic Council on Community Relations for the Diocese of Galveston-Houston, and an officer of Harris County PASO. Image de Houston. Newsletter, June 1978, LULAC Council #60 Papers, HMRC, HPL, RG E 21, box 37 folder 2.
he told the *Austin American-Statesmen*, “feelings of hate, fear and frustration toward law enforcement officers have become a sore point for an administration anxious to blaze a trial for human rights at home as well as abroad.”\(^{53}\) In Houston, he spoke with law-enforcement officers about barriers that create tensions in community relations like language barriers, profiling, and deadly force.\(^{54}\) The U.S. Department of Justice established a community relations office in Houston to encourage cooperation between the community and local and state police.\(^{55}\) This federal agency began operation in January 1979 and specifically handled conflicts between minorities and law enforcement officials. The community relations office was an avenue to aid in rebuilding community trust and relations with the police force. It was made permanent despite Chief Caldwell’s opposition to it.\(^{56}\)

In addition, Civiletti suggested to community leaders to pull away from the federal intervention and exhaust local and state channels to solve their civil rights problems. According to Civiletti, it was not “sound or wise to exclusively focus on an outside force as the sole remedy.” He encouraged Mexican-American leaders to establish better communication with the Justice Department. Attorney Sandoval was most outspoken against seeking help from local and state law enforcement for justice. He stated, “I’m tired of state action that is not adequate action, I’m tired of local action that is inadequate.”\(^{57}\) For Sandoval, federal intervention became a forceful weapon that could check state and local prejudiced and malpractice.\(^{58}\) Some Mexican-American leaders were persuaded by Civiletti’s suggestion and refocused their efforts to utilize state and local

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\(^ {55}\) In addition, the new state law conferred the Texas Attorney General with the authority to investigate violations of the state, as well as the creation of a Civil Rights Division in the Harris County District Attorney’s office. Police Practice in Houston, BCAH, 105-106.


\(^ {57}\) “Civiletti Comes Away with Earful,” *Houston Post*, BLAC.

avenues to reform the Texas Penal Code, especially in the aftermath of the convicted officers’ appeals process.

The U.S. Circuit Court of Appeals’ ruling showed that the federal process remained equally ineffective and as whitewashed as the state courts. The legality of Judge Ross Sterling’s suspended sentences for conspiracy was brought before two separate appeal panels in 1979. According to U.S. Criminal Code, a prison term was required for a felony conviction carrying a life term. The Court of Appeals had to decide if Sterling’s sentence should be thrown out as illegal and if he should be forced to resentence the convicted officers.59 Both hearings highlighted the judicial system’s persistent conflicted stance when it came to mediating on police accountability and racist misconduct. The first appeal panel called in February 1979 overlooked the illegality of the sentence out of concern the resentencing would be too great a hardship on the defendants. The panel shed a positive image on the convicted officers, whom they held to be excellent candidates for probation because of their “impeccable” records.60 The second Court of Appeals panel of fifteen judges met in October 1979 and rejected the suspended sentences and called for Sterling to resentence the officers. Sterling complied by adding only a one-day prison sentence for the charge of conspiracy to the existing one-year prison sentence for civil rights violation.61

The Court of Appeals were the final legal recourse available to obtain justice for Torres, with this avenue failing to offer a punitive remedy, mobilized efforts gained affirmation to redirect their attention to reforming state law to ensure that it be more effective in the prosecution of police misconduct. Leaders organized to amend the Official Oppression Law in Section 39.02 of the Texas Penal Code to be more in line with the federal civil rights statute, section 242 of title 18. In February 1979, LULAC’s Ruben Bonilla joined with the Department of Justice and the law enforcement community to create the Steering Committee on Texas Law Enforcement and

60 Pete Wittenberg, “Torres Case Sentence Stand despite Illegality, Courts Says,” Houston Post, February 6, 1979, vertical file, HMRC.
61 “Ex-officers Get Year and Day in Re-Sentencing,” Houston Chronicle, October 30, 1979, vertical file HMRC.
Community Relations. It called for amending the state penal code, making it unnecessary for prosecutors to offer proof beyond a reasonable doubt that an officer intended to kill the victim. Proof that the victims’ civil rights were violated resulting in damage, injury or death would suffice. Similarly, Representative Ben Reyes and Craig Washington (a representative of the black constituency of South Houston) introduced the Reyes-Washington bill to upgrade the Official Oppression law from a misdemeanor to a felony offense.

Mexican-American activists learned from the legal barriers that prevented police accountability, and they acted upon Civelitti’s suggestion to exhaust local and state channels in solving their civil rights concerns. In order to use state channels, leaders realized that the language of the Texas Penal Code needed to be reform to make civil rights offenses punishable among peace officers. Not until later, did State Senator Jack Ogg of Houston get bill S.546 to pass the House of Representatives making it a criminal offense for peace officers, jailers, and prison guards to violate the civil rights of persons in custody. It also upgraded such offenses to a second-degree felony if serious bodily harm occurred, or a first-degree felony if the violation resulted in death.

In addition, Civelitti’s advice to Mexican-American leaders to establish better communication with the local police renewed activists’ efforts to repair relations with the HPD. Upon his visit, Civelitti observed the wedge in police-community relations and communications. He said, “Perhaps that [sic] needs more to be between the police and the community rather than between you and me...It looks simply like a matter of communication.” His observation pointed to the decline in relations between the police chief and Mexican-American leaders. For instance, Chief Caldwell had made a half-hearted effort after the uprising to reestablish relations with Chairman Hector García of CRLE to restructure the coalition under the Police Advisory Committee. The CRLE and the Houston Council on Human Relations joined efforts under an ad

63 Police Practice in Houston, BCAH, 104-105.
64 Ibid.
65 “Civiletti Comes Away with Earful,” Houston Post, BLAC.
66 Police Practice in Houston, BCAH, 120.
hoc Proposal Committee to develop an advisory panel to the mayor and police chief in regards to police-community relations; it would also be a sound board for the community attitudes and concerns. Although Mayor McConn and Police Chief Caldwell appeared enthusiastic about the request for a Police Advisory Committee, they failed to follow-up until one year later. Civelitti noticed in his visit that police-community relations had stalled since the Moody Park Uprising.

Following the failure of the appeals process, and the exhaustion of avenues for federal intervention, mobilized efforts for Torres worked to reestablish their communication with the HPD and act as the bridge in community relations. The Houston Chronicle reported that Ben Reyes believed the event marked, “the beginning of a new multifaceted leadership emerging with a lot of different people taking on a lot of the efforts.” What was apparent was that the two political mobilized efforts for Torres that once organized under El Concilio de la Raza continued to band together to reestablish ties to local police and government agencies. Through the period of the appeals process, these organizations once again formed a unified front and served on councils established by the police chief and the mayor. On May 10, 1979 the mayor and chief agreed to institute the “Police Advisory Committee for Continued Improvement.” This committee of fifteen Houston organizations included representatives from IMAGE, the Houston Council on Human Relations, and LULAC.

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67 The PAC was empowered to address immediate concerns with the use of excess force or prejudice, as well as long term concerns to expand the department to meet the needs of the growing city. It was designated to meet monthly with the Police Chief and annually with the mayor. It was apparent that after communications with the CRLE and the police chief dissolve in December 1977, the Ad hoc and negotiating committee sought to avoid this outcome by reorienting to concerns to only “such procedures of the Houston Police Department as appropriate to understand Police Department workings and relationships to the community.” Houston Council on Human Relations, May 9, 1978, Ben Reyes Collection, HMRC, HPL, MSS 103, box 6 folder 13 Docs on Houston Police Advisory Committee 1978; HPD Advisory Committee, April 18, 1978, Ben Reyes Collection, HMRC, HPL, MSS 103, box 6 folder 13 Docs on Houston Police Advisory Committee 1978.

68 Police Practice in Houston, BCAH, 120.


70 Police Practice in Houston, BCAH, 120.
Mayor Jim McConn also reactivated the Mexican-American Advisory Council that had been defunct since early 1978. Unlike its first incarnation, which failed because LULAC could not identify organizations that represented the community, the reactivated council had more structure that would enable it to carry out ambitious programs and work directly with the mayor. The new committee consisted of 12 representatives from Houston's Mexican American and Hispanic groups. It included the main organizations that comprised the Torres movement and El Concilio, as well as the Mexican American Bar Association, Hispanic Chamber of Commerce, Mexican Chamber of Commerce, Mexican American Precinct Judge, and the Houston Association of Mexican American Educators. The large coalition had the responsibility of advising Mayor McConn on issues of concern to the Mexican American and Hispanic communities and assist in determining remedies and solutions for the communities’ problems. They also gave advice on appointments for political position, boards, and commissions. The Mexican-American Advisory Council would share pertinent information resulting from meetings with Mayor McConn and communicate community concerns directly to members of City Council and other City officials. By May 1979, the Council was awaiting its second meeting with the Mayor.

Mexican-American mobilization also took on a more grassroots agenda, indicating a transition in their approach to be more responsive to communities’ concerns. According to the Houston Chronicle, LULAC District Eight President Mamie García moved the organization away from conservative paths to taking on more basic “problems like police brutality, drug abuse, and

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71 Mayor McConn meet with Mexican-American leaders in December 16, 1978 dinner to discuss concerns of the community. The attendees’ concern at the dinner included employment for minorities in City jobs, single-member districts, the appointment of minorities to judgeships, and library and multi-service centers in the ethnic enclaves. The Mayor acted upon their vocalization to reactive the Mexican American Advisory Council. Hispanic Caucus to Mayor Jim McConn, February 9, 1979, Harris County Hispanic Caucus Collection, HMRC, HPL, RG E 025; Mexican American and Hispanic Advisory Group to Mayor Jim McConn, February 22, 1979, Harris County Hispanic Caucus Collection, HMRC, HPL, RG E 025 (Hereafter cited as Advisory Group to Mayor Jim McConn, HMRC).

72 Letter by Caucus, February 16, 1979, HMRC.

73 It also included Hispanic elected and appointed officials from the Federation de Grupos Hispanos and the Association of Puerto Ricans in Houston. Advisory Group to Mayor Jim McConn, HMRC.

74 Ibid.
unemployment.” García was hired in 1978 as the first civilian liaison between the chief of police and the community. She was active in the minority communities throughout the Torres incident and police trials to make sure another such incident would not occur in Houston. She saw herself as a community servant, or representative, acting on their behalf. As she exclaimed to the public, “the police department in Houston is the first of the nation, to have civil Mexican American working with the Chief of Police. This is our position. This is the principle. We are making history.” García considered her role as a liaison difficult because the HPD was still stuck in its past mentality and disliked outsiders. She believed that the department would especially dislike her, because she was not scared of it. García, as a direct mediator between the HPD and the community, would be a tool to mend tensions and restore trust between the ethnic Mexican community and their city police.

García position, however, also pointed to the HPD’s new direction toward community-oriented policing. This method of policing grew from the neighborhood watch system of the 1960s, it promoted personal contact between police officers and individual citizens on the street. According to the post-Miranda scholar Police Chief Edward Flynn of Milwaukee, Wisconsin, police practices like random patrols seldom made people feel safe, foot patrols helped people feel safer regardless if it directly had an effect on crime. Community-oriented policing was undergirded by civic outreach and residents’ knowledge of any unchecked disorder to enable officers to respond to criminal activity more quickly. In order to fully implement such a model, the department needed to reestablish its relations to the community. As liaison, García aided Police Chief Caldwell in reestablishing communication with the neighborhood through the local bi-

75 “City’s Latins gain sense of unity, Houston Chronicle, HMRC.
76 Dr. Lee Brown, “Police Use of Deadly Force,” October 16, 1982, Dr. Lee P. Brown Papers, 1960-2004, Woodson Research Center (WRC), Fondren Library (FL), Rice University (RU), MS 509 box 31 folder 5 (Hereafter cited as Brown, “Police Use of Deadly Force,” WRC); Behnken, “‘We Want Justice!,’” 204.
77 “Del Escritorio of Mamie García,” El Mexica, February 1, 1979, El Mexico, HMRC, HPL, RG D 020.
78 Watson, Race and the Houston, 144.
80 Ibid., 12; Behnken, “‘We Want Justice!’” 207.
lingual paper, *El Mexica*. Starting in 1979, García published a weekly column, *Del Escritorio of Mamie García*, to make the HPD more transparent for the community.

She used her weekly column to help ease ethnic Mexicans’ anxieties that were brought on by the HPD’s increased presence in their midst. Community-oriented policing involved having lawmen interact with residents in their neighborhoods.\(^8\) Part of the problem with the old models of policing were the lack of regular contact with citizen that created estrangement between police and the communities they served. Since the community had been left out of the planning process in the past, minority citizens became wary of police invading their community.\(^2\) Citizens felt police neither knew nor cared about their issues with crime.\(^3\) The HPD forced more personal interaction with the community by delivering a service, not law enforcement, to forge a relationship.\(^4\)

García highlighted the various community service events police participated within the minority neighborhoods to smooth this transition. On one occasion, sergeants and the police chief held a celebration at a school that involved students and was well attended by the community.\(^5\) HPD officers also attended the LULAC National Convention, a familial event attended by the community and assisted by over 200 youths.\(^6\) Readers learned that the HPD celebrated Easter Sunday in 1979 at the Ripley House. The Ripley House was a larger project that Police Chief Caldwell implemented to encourage recruitment and general community relations in 1977. The Ripley Civic Center was located in the ethnic enclave of End East and offered officers basic training in the Spanish language,\(^7\) while a full-time police officer was stationed in the minority

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\(^1\) Behnken, “‘We Want Justice!,’” 207.
\(^4\) Watson, *Race and the Houston Police*, 144.
\(^7\) LULAC to American Association of University Women, March 21, 1978, Ruben Bonilla Collection, LULAC Presidential Papers Project, BLAC, UL, UTA, box 7 folder 11 March 1978 Correspondence.
community to increase recruitment and general community relations. Police Chief Caldwell indicated his continued support for this neighborhood initiative, which he made with LULAC, by holding the HPD’s Easter event at the Ripley House. It was a Charreada, a block party, opened to the public and where the HPD took horses for the children.

García helped Police Chief Caldwell develop an image as an advocate of the ethnic-Mexican people, who was ready to build relations and mend the past. On May 3, 1979, nearly one year after the Moody Park Uprising, she reported that Caldwell attended Cinco de Mayo festivities at the park. Rather than violence erupting, participants played baseball and Caldwell served as pitcher. Caldwell also worked to foster statewide connects with LULAC and attended a symposium organized by state director Ruben Bonilla. In attendance were over 300 chiefs of police from Texas and other localities. To close the gap between the chief and the community, García emphasized to her readers that they could write Caldwell to thank him for his work, or if they wanted to change in the community. Caldwell was even named an honorary member of the Mexican community.

García’s weekly column emphasized the changes within the department that made it more capable to meet the needs of the community; however, Houston Mexicans needed to be active in their own crime prevention. She informed the community that the HPD translated their crime prevention literature into Spanish, and they should read it to educate themselves on police misconduct. Seven bilingual officers also composed part of the dispatch division, their charges were to help with crime scenes or juvenile problems. She claimed the ethnic-Mexican officers on the force were highly trained to assist in community issues and empathize with it. In order for

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88 Police Practice in Houston, BCAH, 44.
89 “Del Escritorio of Mamie García,” El Mexica, April 12, 1979, El Mexica, HMRC, HPL, RG D 020.
91 “Del Escritorio of Mamie García,” El Mexica, March 29, 1979, El Mexica, HMRC, HPL, RG D 020
93 “Del Escritorio,” April 12, 1979, HMRC.
95 “Del Escritorio,” May 17, 1979, HMRC.
community-oriented policing to unfold, the former needed to respond to the sensitivity training and assist the latter in crime prevention. After a string of robberies and home invasions, García wrote, “I have observed during my time that I have worked with the Police Department, that it takes a lot to help the Hispanic community.”97 She challenged the community to stop asking “Why doesn’t the HPD hire Mexican Americans?” Rather, she believed that Houston Hispanics should encourage men and women of good morals and aptitude from the larger community to join the force.98 García’s proposition emphasized the assistance of the community, so it could not only stop being a victim to crime but also help the HPD prevent it by working together.99

Lastly, García encouraged citizens to understand the operations of the police, thereby, making the department more transparent and empowering her constituents to know their rights. She informed Mexican-American readers who were victims to assault, violence (rape), and homicide to call the police, make a report, and save their evidence.100 In addition, she outlined procedure that followed pressing charges for domestic violence,101 and she explained the dispatch division’s routine when sending a patrol car to a crime scene.102 To build community trust in police responsiveness, she assured readers that the police will actively address their report and all divisions would work together.103 More importantly, she let readers know what to expect when being arrested. In the series called the “Procedure of Arrest of the Houston Police Department,” García listed the reasons a person could be arrested and what offenses could result in either being held at the station or being jailed.104 Discussed also was the procedure of placing someone in jail once they have been convicted, the steps leading to incarceration, and the process of being

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98 “Graduating Class No. 85 had only 7 Hispanic graduates out of the 46 cadets.” “Del Escriptorí of Maimie García,” El Mexica, June 21, 1979, El Mexica, HMRC, HPL, RG D 020.
101 “Del Escriptorí,” March 29, 1979, HMRC.
102 “Del Escriptorí,” May 17, 1979, HMRC.
103 “Del Escriptorí,” March 22, 1979, HMRC.
104 “Del Escriptorí,” September 27, 1979, HMRC.
released. In a later article, García explained the arrest authority given by the state to the officer.  

By encouraging citizens to understand the operations of the police, García made the department’s limitations transparent and encouraged the community to know their rights.

As the liaison, García became an essential instrument for the HPD in the adoption of certain aspects of community-oriented policing. The department employed her to reach out to the public in order to gather their concerns. García in turn demonstrated the HPD’s willingness to be more helpful to the community in addressing their issues. Her updates were instrumental in helping the neighborhoods feel they could exert informal social control over disorder and redevelop trust in the local police.  

By 1982, when Police Chief Lee Brown was appointed, changes within the department and the various components of the public it served contributed to a positive, healthy, productive relationships with many representatives of the community, even where the Moody Park Uprising occurred.

The end of Caldwell and McConn’s leadership signaled a new phase marked by the department moving away from its past and creating a more responsive law-enforcement agency. By January 1980, Caldwell’s role as Police Chief had been tarnished by the public fallout regarding the killings of Joe Torres, Keith Joyvies, and Randall Webster, as well as other instances of police brutality and corruption allegations. In addition, Caldwell could not adequately address the issue of minority promotions. The HPD still did not reflect the demographics of the community it served. By 1981 the city’s African Americans accounted for 27 percent of the population, while Hispanics mushroomed to 17 percent of the total populace. The increased ethnic diversity caused major problems between the police and the citizenry. In February 1980, Caldwell tendered his resignation. Similarly, Mayor McConn was criticized by the City Council for not defending the Houston’s interest before the state legislature and viewed him as weak and lethargic.  

The next references:

107 Brown, “Police Use of Deadly Force,” WRC.
108 Watson, Race and Houston Police, 132, 135.
mayor selected the first African-American police chief. He built off of Mamie Garcia’s foundation of community-oriented policing enabling him to effect lasting change in the HPD during the 1980s.

The leadership of Mayor Kathy Whitmire in 1982 ushered in a shift from the traditional police system to a new era of leadership and policing under Police Chief Lee Brown. His appointment as chief defied the HPD systematic practice of nepotism. According to historian Dwight Watson, Mayor Whitmire’s decision to appoint the city’s first African American as chief illustrated the growing political clout of the two most conservative factions in Houston’s government: the police and the city council. Dr. Brown was from outside the department and not connected to the past. Mayor Whitmire believed that Dr. Brown would instill the department with leadership, direction, and focused management.  

Brown had been chief in Atlanta, Georgia where he implemented a program of community-oriented policing. He was also an educated man with a Ph.D. in criminology. His scholarship demonstrated an understanding that police culture must reflect what the department believes as an organization. He understood that the HPD’s subculture fostered a view of excessive force as an acceptable way of resolving conflict. His formalization of community-oriented policing implemented long-lasting change in the department and began a great transformation in the relationship between law enforcement and the city’s residents.

As Police Chief, Dr. Brown instilled a new police culture that was undergirded by the discourse of due process and democratic principles. The break-down of confidence in law enforcement displayed at the Moody Park Uprising signaled “the department's relationship with many of its citizens was damaged. The general safety of the community was suffering as a result.  

109 Ibid., 42, 142.
112 Watson, Race and Houston Police, 142.
113 Brown, “Police Use of Deadly Force,” WRC.
The new police culture fell in line with the ideology of community-oriented policing and public service. As servants to the public, officers would “preserve and advance the principles of democracy.” Brown held the police “must not only respect but also protect the rights guaranteed to each citizen by the Constitution.” Police would be “living expressions” of a democratic government, whom enter into a contractual arrangement with society that relied on the highest level of trust. Police authority would come directly from the consent of those being policed. If an officer failed to uphold the “highest standards of integrity” on the preservation of human life, the police department would be held accountable. No longer would practices of street justice, like the code of silence, be allowed to create divisions within police-community relations. Accountability meant responsiveness to the problems and needs of citizens.\textsuperscript{114}

The HPD was among one of the first large urban departments to implement community-oriented policing and shift from traditional practices that had fostered a reactive system that was incident driven and offered no informational support to the community or organizational planning.\textsuperscript{115} The officer’s role was as a “crime fighter” and “crime prevention specialist.”\textsuperscript{116} Traditional policing also required a strong supervisory role for management to maintain control.\textsuperscript{117} Between the years of 1983 - 1986, the HPD participated in a number of projects designed to close the gap between the tradition value system and the cultural value system required in community-oriented policing.\textsuperscript{118} The Proactive Planning Program introduced officers to crime analysis and proactive tactics that would be driven by event planning.\textsuperscript{119} In the Fear Reduction project, the HPD participated with Newark, New Jersey to implement a number of strategies to reduce the fear of crime. The program Directed Area Responsibility Team (DART) assigned officers to a particular

\textsuperscript{114} Brown, “Principle of Good Policing,” WRC, 2.


\textsuperscript{117} Oettmeier, “Neighborhood Oriented Policing,” WRC.


\textsuperscript{119} Flynn, “Miranda and the Evolution of Policing,” 112.
neighborhood to conduct profiling and learn as much as possible about his/her assigned beat.\textsuperscript{120} All these projects helped Police Chief Brown further the HPD’s development and allow it to offer service and delivery in a more personal manner.

These programs helped Police Chief Brown shift the HPD from focusing on arrest and disorderly behavior to the service-delivery area that made police responsible to learn the causes of instability in neighborhoods. The Proactive Planning program helped police quell disorder and stabilize neighborhoods to make them more resistant to serious crime.\textsuperscript{121} The Fear Reduction Program increase coordination and specialization of police,\textsuperscript{122} so they can have “total involvement…in improving the police relationship with the community.”\textsuperscript{123} Under this program, officers are first trained as community organizers and then placed into the community to determine residents’ issues and how the city government could offer resources to solve those concerns.\textsuperscript{124}

These programs encouraged pre-determination of the needs of a community to help implement tactics that could alleviate crime in the neighborhoods.\textsuperscript{125} The appearance of police-community storefronts helped “bring police services to each area based on its particular needs.” Eventually the department opened up 16 community storefronts strategically located in minority neighborhoods. DART transformed the role of the officer into “the old cop on the beat who knew the people in the area he patrolled and was an integral part of the community.” It was incrementally applied to all parts of the city by 1987.\textsuperscript{126} In effect, officers also “began to develop an appreciation for the citizens’ concerns as did the citizens become more knowledgeable of what the officers could and could not do.”\textsuperscript{127}

\textsuperscript{120} Fear-reduction strategies included the opening of police community storefronts, the creation of a Community Organizing Response Team, a Neighborhood Information Network, a Victim Recontact program, and Citizen Contact Patrols. The project worked from the theory that “if something is done to reduce the fear of crime, actual crime also will be reduced.” Dr. Lee Brown, “The Police and Policing in the City of Houston, Texas,” April 1987, Dr. Lee P. Brown Papers, 1960-2004, WRC, FL, RU, MS 509 box 30 folder 48.
\textsuperscript{121} Flynn, “Miranda and the Evolution of Policing,” 112.
\textsuperscript{122} Oettmeier, “Neighborhood Oriented Policing,” WRC.
\textsuperscript{123} Brown, “Building a Partnership,” WRC.
\textsuperscript{124} Brown, “Police Use of Deadly Force,” WRC.
\textsuperscript{125} Brown, “Building a Partnership,” WRC.
\textsuperscript{126} Brown, “Police Use of Deadly Force,” WRC; Behnken, “We Want Justice!,’’ 207.
\textsuperscript{127} Oettmeier, “Neighborhood Oriented Policing,” WRC.
Furthermore, community-oriented policing gave citizens a proactive role in police relations. Brown held that no longer would police “isolate themselves from the community and not allow citizens the opportunity to work with them.” Police and the community would share responsibility, thereby, sharing power. Brown put into place the Police and Citizen Contract Program (PACC). It developed “collective action that involves both the police and the citizenry” by underlining “specific agreements from parties to do certain things.” Brown understood that mobilized efforts for Torres, in seeking federal intervention, developed “an attitude where every decision about community well-bring is determined by the government.” The PACC was designed to help citizens move from making demands on the government in regards to police agencies and the totality of their welfare. The contract program would make citizens more directly involved and responsible in the alleviation of crime in their neighborhoods. Citizens’ knowledge would be the essential piece to helping the department solve crimes.\textsuperscript{128}

By the mid-1980s, Police Chief Brown’s new programs changed the face of the HPD and diversified its composition and practice to fit the communities it served. Chief Brown implemented a new management system that decentralized the police system among nine facilities, a central police facility, and eight store front police substations.\textsuperscript{129} Reorganizing the force required more units which expanded the number of supervisory positions. In 1974, under the Police Chief’s Bond, the HPD only had 4 sergeants or lieutenants, because the traditional model required management to have strong supervision and be control oriented. The force under Chief Brown created a management system with 53 sergeants, 8 lieutenants and 2 captains.\textsuperscript{130} Decentralizing operations made policing a “team effort.”\textsuperscript{131} The new substations bridged communication with the

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\item \textsuperscript{128} Brown, “Building a Partnership,” WRC.
\item \textsuperscript{129} Oetmeier, “Neighborhood Oriented Policing,” WRC.
\item \textsuperscript{130} Ibid.; Dr. Lee Brown, “Hispanics in the Houston Police Department Advancement and Progress,” October 22, 1988, Dr. Lee P. Brown Papers, 1960-2004, WRC, FL, RU, MS 509 box 34 folder 22 Hispanics in H-town (Hereafter cited as Brown, “Hispanics in the Houston Police Department,” WRC).
\item \textsuperscript{131} Brown, “Police Use of Deadly Force,” WRC.
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neighborhood by holding monthly meetings with the community and performing citizen outreach programs.\textsuperscript{132}

The hiring of more minority officers transformed the HPD’s traditional composition into one that better represented the communities they served. In 1974 Hispanic only comprised 5 percent of the total force, this new model ensured that by 1988 they made-up 11 percent of the HPD. Some of these officers formed the Chicano Squad to investigate rising homicide rates involving Hispanics. In 1987 it was acclaimed for its excellence and professionalism in helping the department have a high clearance rate in the number of cases they solve. Similarly, Brown formed the Cantina Squad in 1985 as a result of the high homicide rate involving undocumented aliens and alcohol-related violence in Hispanic taverns.\textsuperscript{133} So great were the HPD’s changes vis-à-vis the ethnic-Mexican community that according to the \textit{Houston Post}, Mayor Kathy Whitmire in 1987 was ready to “shed the frontier-justice image [the HPD] had acquired in the 1970s with the Torres case and other revelations of civil rights violation by Houston Police.” She and the City Council offered the Torres family two $75,000 payments, to his mother and grandmother, in lieu of the $2.7 million law suit Torres’s father made against the city in 1978.\textsuperscript{134} The settlement implied a closure to an era of police brutality, injustice, and racism that pervaded the law enforcement system in Houston.

This chapter examined the Moody Park Uprising as an event resulting from injustices that had occurred over time and once it occurred regenerated Mexican-American efforts to continue their struggle for police reform and civil rights.\textsuperscript{135} Tensions within local and grassroots organizations had been building since the state trial of the officers involved in the Torres case. To prevent conflict between the police and the community, LULAC and its supporters campaigned for nonviolence and faith in the judicial process. By separating the political efforts for Torres from

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\textsuperscript{132} Dr. Brown and Wycoff, “Policing Houston,” 77.
\textsuperscript{133} The squad cleared 73.5 percent of the 411 murder and nonmurder cases they worked on. Brown, “Hispanics in the Houston Police Department,” WRC.
\textsuperscript{134} Andrew Benson, “Council Approves Torres Settlement,” \textit{Houston Post}, April 22, 1987, vertical file, HMRC.
\textsuperscript{135} De León, \textit{Ethnicity in the Sunbelt}, 213.
\end{flushleft}
militant demonstrations, LULAC distanced itself from the hostilities growing within the community against the law enforcement system. Simultaneously, the dissipation of the Mexican-American political and social organizations’ strength weakened their influence upon police reform.

The weak verdict in the federal civil rights trial finally agitated all aspects of the mobilization and regenerated the Mexican-American political action for Torres. U.S. District Judge Ross Sterling’s sentence informed all those involved that injustice prevailed at all levels of the law enforcement system. The discontent among political efforts and grassroots groups led to demonstrations that expressed their anger with racial injustice. The display of grassroots discontent at the Moody Park Uprising gave Mexican-American efforts for Torres renewed viability to continue the struggle against the law-enforcement system. Desperate to restore faith in the police and the judicial system, federal, state, and local agencies were willing to investigate the concerns of mobilized efforts against the practice of police brutality toward Mexican Americans.

After the uprising, the federal government reevaluated the state-wide practice of excessive force and considered dual prosecution in cases involving killings. Leaders from Mexican-American organization used the fuel of the uprising to renew their efforts with the law enforcement system through the Police Advisory Council and the Mexican-American Council. Mamie García helped transition the community and police toward a model of community-oriented policing. As liaison, she helped Police Chief Caldwell institute police transparency in an effort to rebuild community relations. She set the foundation for Police Chief Brown to implement community-oriented policing. By the 1980s, efforts for Torres and reforms by Police Chief Brown changed the face of the Houston Police Department, diversifying it and helping it meet the needs of the communities it served.
Conclusion

On the night of August 28, 2015, a white forty-seven-year-old Harris County Sheriff’s Deputy Darren Goforth was fueling his patrol car in Cypress, an upper-middle class neighborhood in northwest Houston, when he was ambushed by gun fire. Shannon Miles, a thirty-year-old African American, shot the officer 15 times, ensuring his death. According to Harris County Sheriff Ron Hickman, the attack on Goforth was “clearly unprovoked.” He stated, “Our assumption is that he (Goforth) was a target because he wore a uniform.” Miles had a ten-year criminal record that included resisting arrest, disorderly conduct with a firearm, and evading detainment. At least one of those seizures were the result of violence toward the apprehending officers.\(^\text{136}\) This shooting occurred against the backdrop of the nationwide “Black Lives Matter” movement that formed after the police killing of a Black youth, Michael Brown, in Ferguson, Missouri, as well as the recent protest following Sandra Bland’s suspicious death, three days after her arrest for a traffic violation, in a county jail 50 miles northwest of Houston.

Sheriff Hickman believed that the heightened national tension over the treatment of blacks by police influenced Miles’s crime. Possibly fearful that the recent anti-police movement could perpetuate more violence, he exclaimed, “We’ve heard Black Lives Matter, All Lives Matter. Well, cops’ lives matter, too.”\(^\text{137}\) As the nation struggled against white police officers’ excessive force toward African Americans, Goforth’s death invoked a city legacy of police reform and community mobilization. Kathleen Goforth, the deceased deputy’s wife, told a local television station that her husband was “ethical; the right thing to do is what guided his internal compass.”\(^\text{138}\) In other words, he was an officer who respected the civil rights of the people he protected and complied with due process procedures. In fact, many citizens in Houston united in support of their local law enforcement agencies. Two weeks after the death of Deputy Goforth, Houstonians coordinated their first “Blue Lives Matter” march. Marchers wore blue shirts that read “Police


\(^\text{137}\) Ibid.

\(^\text{138}\) Ibid.
Lives Matter,” and their banner invoked a discourse of citywide unity that stated “Undivided we march.”

As this study has shown, the Bayou City’s citizens of various racial and ethnic groups have rarely united in support of their local law enforcement, thus this gathering was significant. Scholars of Houston’s history have demonstrated that the constraints of race and racism caused contentious police-community relations. Much of the literature portrays the role of the HPD in the Jim Crow Era as a mechanism of the status quo unyielding in its dedication to maintain racial subordination and separation despite social change, until the Joe Torres controversy reformed the racist policies of the law-enforcement system. Building upon this historiography, “Racial Injustice in Houston, Texas: The Mexican-American Mobilization against the Houston Police Killing of Joe Campos Torres,” has highlighted the long-term relations of the police and the community to locate the moment when policing Jim Crow racialized and oppressed ethnic Mexicans. As such, this study has examined Mexican-American efforts for Torres as influenced by the history of the HPD’s protection of white supremacy since the 1930s. With this in mind, rather than view the mobilization for Torres exclusively as an effort that grew out of the oppression of police violence of the 1960s, I hold that this movement illuminated a much older history of Mexican Houstonians living with police racism, discrimination, and injustice that finally transitioned their actions into a successful strategy for the reform of the HPD by the late 1970s.

My investigation of Houston’s police-community relations focused on the racial criminalization of ethnic Mexicans across four decades from the 1930s to the early 1970s. To shed light on how conflict in police-community relations unfolded over time, I analyzed four different models of policing among the Houston Police Department that reinforced white supremacy and repressed the ethnic-Mexican community. The HPD implemented these different models to respond to societal concerns of juvenile delinquency and civil unrest during the Civil Rights Era, but the practice of over arrest, profiling, and abuse criminalized the ethnic community. While the

ethnic-Mexican activists I studied found their voice excluded in the patrolling of their communities by the 1950s, my analysis revealed how the Civil Rights Act of 1964 and the Supreme Court ruling of *Mapp v. Ohio* and *Miranda v. Arizona* gave them the judicial and legal tools necessary to struggle against police discrimination and violence. Thus, I argued that the 1977 police murder of Joe Torres represented a culmination of police discrimination and lawlessness over three decades that had racialized people, oppressed the community, and blocked activists from investigating discriminatory police practices. My exploration demonstrated that the history of police-community relations informed mobilized efforts for Torres and allowed it to mature into a successful movement that played a vital part in the reformation of the Texas law-enforcement system.

Chapter one argued that the implementation of the 1943 Juvenile Court Act allowed a new bicultural generation of activists and citizens to reverse negative criminal perceptions of their race and work directly with law enforcement to (re)claim their place within white society. Until 1930, the whiteness of ethnic Mexicans was protected. The Great Depression, however, engendered an anti-immigrant movement that racialized them as un-American. Consequently for the first time Houston ethnic-Mexicans experienced dispossession as deportations and formalized tactics within the law-enforcement system contested their whiteness. Mexican Americans understood their ethnicity was being racialized as nonwhite and that the status quo increasingly “Jim Crowed” them within culture and society. Juvenile delinquency among Mexican-American zoot-suiters and gangs in the 1940s enabled youth movements to define their American identity and helped them gain autonomy, which in turn was used to defend their neighborhoods against cultural hegemony and oppressive systemic racism perpetrated by law enforcement measures. For youths, *pachuquismo* was a counter-hegemonic discourse of contestation that encouraged them to stand against the racist depictions of ethnic Mexicans and the discrimination they witnessed as children or youths in the 1930s. The zoot-suit phenomenon, however, threatened to isolate young people as criminals and un-American, and city law enforcement officials looked toward Los Angeles to sensationalize the crime wave and bring heavy handed tactics upon them.
The enactment of the 1943 Juvenile Court Act helped Houston police officers and activists to forge better ties between their community and law enforcement. The city and state’s fear of delinquency among white youths pushed this legislation. White juveniles were deemed “semi-delinquents,” who were not bad enough to be processed in the desegregated jail and prison system. Consequently, the practice of Civil Guardianship was initiated in the Juvenile Court Act and resulted in police officers being made into social workers and brought back the integrity of whiteness in a wartime society. In addition, the terms of Civil Guardianship began a period of amicable police-community relations, which led to the creation of the Latin-American division in 1942. This entity demonstrated law enforcement’s willingness to include at least a few officers of Mexican descent in the patrolling of their communities. In addition, police, as social workers, were encouraged to serve youth in ethnic communities by working directly with civic-betterment groups. Ethnic-Mexican community leaders in return were permitted to incorporate their notions of Americanism within the methods of the city’s law enforcement. This legislation empowered Mexican-American activists to control and mediate the patrolling of their community, which resulted in reversing the derogatory image of youths and decreased crime.

Juvenile delinquency and gang activity was yet again the topic of Chapter two, as the increase of it among ethnic-Mexican youths during the 1950s led law-enforcement officials to perpetuate racial perceptions of the group as a whole and led to contentious relations with this community. Delinquency was a city-wide problem among all juveniles, including white youths. It stemmed from the Second World War’s disruption of family life and the premature adult subculture that grew in its aftermath. Houston’s status quo redirected its attention to ethnic-Mexican delinquents, whom they believed defied society’s norms, were vicious in nature, and held complete disregard for the authority of law and order. Their misbehavior caused white society to fear delinquency and demand protection. Law-enforcement officials responded by shifting their strategy from the social worker model of Civil Guardianship to a larger war-on-crime model.

As this chapter showed, the HPD’s new discriminatory tactics associated ethnic-Mexican youths with crime and in the process not only racialized them, but the community as a whole. The
war on juvenile delinquency marked a new level of heavy-handed police methods, because the law-enforcement system was transformed into a preventive force that would restore order to the status quo. With the help of city officials and the media, police gained approval for special units and dragnets to control youths. Their pursuits eventually evolved into profiling and more excessive force. The over arrest rates of ethnic Mexicans appeared to support the city-wide notion of a “Latin-American Problem” and became a self-fulfilling prophecy. In effect, police-community relations declined as law enforcement challenged the validity of Mexican-American organizations to contest their methods. Police also used media to disempower attorney and LULAC member John J. Herrera from contesting the war on juvenile delinquency. With public outcry suppressed, law enforcers defended “rough” interrogation procedures as a crucial tool in the War on Crime. It also opened the path for Houston police officers to believe their authority was above the law.

The newest police model of due process was examined in chapter three to consider how lawmen manipulated it during the Second Reconstruction to deny ethnic Mexicans’ civil rights and forcibly control the pace of social and institutional change. The Civil Rights Era signaled the demise of overt racial discrimination and oppressive police practices, as federal legislation and Supreme Court rulings ended their coercive behavior and guaranteed procedural due process. Federal legislation also scrutinized law enforcement to change the atmosphere of civic disorder that erupted between civilians and the police. Racial segregation was part of Houston society, and the federal government’s protection of due process and civil rights dismantled the legal structure that sanctioned discriminatory law enforcement methods. These civil reforms only reinforced the HPD’s unwillingness to alter attitudes or traditional police practices. The need for crime fighting officers remained among law enforcement, and the department refused to redefine its authority or reform its practices for suspects’ rights.

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141 Dwight Watson, Race and the Houston Police Department, 1930-1990: A Change Did Come (College Station: Texas A&M University Press, 2005), 63.
To reestablish itself as a “thin blue line” that maintained the racial order despite national reforms, police officers erected an informal patrol model of “street justice” that permitted unlawful acts of excessive force, harassment, and even the killing of civilians and prisoners to reinforce the reputation that officers would deal directly with trouble.\[^{142}\] I scrutinized the 1972 *Texas Law Enforcement Handbook* to demonstrate how lawmen manipulated due process through the disguise of the “color of law.” Although police officers’ use of street justice represented the breakdown of law and order, lawmen seemingly appeared to comply with police procedure through the color of law which helped make an unlawful arrest, retroactively lawful.\[^{143}\] The practice and acceptance of street justice in the police subculture helped reaffirm police power to control the ethnic-Mexican communities with fear of violence, discrimination, and injustice. Moreover, the law-enforcement system assured police would not be accountable. All these factors created a police department without legal limitations or respect for individual rights. This misconduct among law enforcement became the catalyst in the erosion of police-community relations in the late 1970s.

The resurgence of Mexican-American organizations’ quest for civil rights in the late 1970s was the topic of Chapter four. The death of Joe Torres at the hands of five HPD officers opened a path for Mexican American and Chicano activists to become a viable voice in the movement for police accountability and reform. The eventual mobilization for justice for Torres displayed the evolution of a more sophisticated and mature civil rights struggle against police brutality. Ethnic-Mexican activists commandeered the language of due process and the Fourteenth Amendment of the Constitution to define a discourse of racial unity and civil rights empowerment. The suppression of the Black Power and Chicano movements contributed to the politicization of the larger Mexican-American population and launched another facet to the struggle for civil rights in Texas.\[^{144}\] A new ethnic political mobilization among Mexican Americans employed federal


reforms to challenge the whitewashing of justice and legal repression in the law-enforcement system.\textsuperscript{145} From these experiences, activists commandeered tactics from the past decade to establish effective measures designed to bring Torres’s murderers to justice. These activities successfully unified the mobilized front for justice for Torres to obtain reforms in police procedures and secure the U.S. Department of Justice to bring charges of federal civil rights violations against the officers who murdered Torres.

Tensions between the police and the community was the focus of Chapter five, which explored the causes of the Moody Park Uprising. Unlike past historians, my examination of this event shows that it resulted from actions that occurred over time. Initially LULAC isolated grassroots organizations, like the People United to Fight Police Brutality, from the larger mobilized efforts during the state police trial. In effect, LULAC and other organizations minimized the agitations building within the community, while it strategically planned for federal intervention. In addition, efforts by Mexican-American political, civil, and social organizations had been dissipating and their influence over police reform was waning. Although four of the officers were convicted for violating Torres’s civil rights, U.S. District Judge Ross Sterling’s lenient sentence informed the state and local officials that injustice prevailed at all levels of the law enforcement system. This outcome finally agitated all aspects of the mobilization and pushed activists to take action.

I showed that the grassroots’ discontent displayed at the Moody Park Uprising gave the Mexican-American efforts for Torres renewed vitality to continue their struggle and establish lasting changes within the HPD, local government, and the law enforcement in general. The Moody Park Uprising was an example of a community empowering itself in the aftermath of injustice; and it successfully gained national and state officials attention to the broken police-community relations in Houston. Mexican-American leaders used the fuel of the uprising to renew their efforts with the law-enforcement system and bridge its community relations. After the

uprising, the federal government reevaluated the statewide practice of police brutality and considered dual prosecution in cases involving killings. The HPD and Mayor Jim McConn willingly pacified the community and its leaders with broader police transparency and reform in an effort to restore faith in the law enforcement and judicial systems. Community leaders were reintegrated as a voice of minorities within advisory councils and community-oriented policing. By the 1980s, the Houston Police Department had its first African-American police chief, who formalized community-oriented policing and continued to diversify the force to fit the communities it protected.

The effectiveness of the HPD’s reform in police-community relations since the Torres incident can be seen in the present-day “Blue Lives Matter” movement. On July 8, 2016, yet another African-American man in Dallas, Texas gunned down five police officers. This time, however, the shooter was a heavily armed sniper (an army veteran), whom officials said “specifically set out to kill as many white officers as he could.” Similar to the Goforth killing, this violence occurred against the backdrop of fatal police shootings of black men in Minnesota and Louisiana, with demonstrations occurring in cities across the nation.146 Houstonians responded on July 30 with the Second Police Lives Matter Rally. In a display of comradery between the two cities, the host of the event, People Helping People Texas Foundation (PHPTF), planned to donate all its proceeds to the families of the five fallen Dallas Police officers recently killed by the sniper. The PHPTF anticipated that more than 18,000 people would attend what it deemed was a day of prayer, music, and speakers.147 At one time, Dallas and Houston had been torn apart by the police killings of Santos Rodríguez and Joe Torres, respectively, but now in both places a wide range of citizens supported their local law-enforcement agencies.

This recent turn in police-community relations ensures that this study emerges as a usable past that can provide valuable insight into these current conflicts. The history of Houston’s ethnic-Mexican population’s relationship with the city’s police department shows us that conflict between law enforcement and the community does not occur over a short time period, but instead is an outcome of police repression and injustice that were permitted to exist over generations, despite civil rights reforms. New legislation, civil reforms, or Supreme Court rulings designed to curb abuses are only as viable as local and state law enforcement systems and governments are willing to permit them to be. Without checks on police violence, or a mechanism to enforce accountability in misconduct cases, minority communities can and will be continually subjected to criminalization, police brutality and killings, over arrest, incarceration, and overall injustice. While I wrote this history to recapture the ethnic-Mexican experience with police racism in my home town, this study can inform Texas and Borderlands history, urban studies, African and Mexican American history, as well as contribute to the growing interest in the carceral state. The lives (and deaths) of such men as Joe Torres, Santos Rodriguez, Ricardo Morales and many others bear witness to the importance of police accountability, law enforcement diversification, and amicable police-community relations to effect lasting change.
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**Thesis and Dissertations**


Vita

Melanie Lorie Rodriguez earned her Associates of Art with High Honors from Houston Community College in 2005. Thereafter she transferred to the University of Saint Thomas in Houston and received a Bachelor of Arts summa cum laude in History in 2007. In 2009 she received her Master of Liberal Arts with a concentration in history from the same university. She joined the doctoral program in Borderlands History at The University of Texas at El Paso in the fall of 2009.

Melanie Rodriguez was a recipient of numerous awards from UTEP, including the Francis Harper Dissertation Research Award and the Dodson Fund. Her paper, titled “Dismantling the Utah Red-Light District: The Struggle for Space between Vice and Respectable Businesses, 1880s-1920s,” won the F. Bullitt Lowry Prize Paper Prize at the Southwest Historical Association Annual Conference in 2012. In 2013, she presented an earlier paper on the Joe Torres incident at the said conference. She has also presented research twice at UTEP’s Annual Doctoral Student Research Exposition, at the El Paso Archeology Museum in 2016, and participated in a round-table with Chicano scholar Mario Garcia.

While pursuing her degree, Melanie Rodriguez worked as an assistant instructor, research assistant, and lecturer for the History Department at UTEP. She also worked as a teaching assistant for the Art History Department.

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