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March 9, 2020

Brian Manley, Chief of Police
Austin Police Department
715 E. 8th Street
Austin, TX 78701

Dear Chief Manley:

As Director of the Office of Police Oversight, I am tasked with advising the City Manager on the effectiveness and appropriateness of the Austin Police Department's officer training. As part of this charge, I write to you today with my official recommendation that the APD Training Academy add a course to its program that covers the history of race and policing. To support this recommendation, I am pleased to provide you with the attached curriculum, *The History of Police and Race in America*.

This curriculum was developed as a collaborative effort between the OPO and the University of Texas School of Law to teach future and current APD officers about the interconnectedness of race relations and policing throughout the history of the United States, and throughout Austin's history specifically. Cadets who graduate from the Academy come from varied backgrounds and join a department of nearly 2000 sworn officers who are responsible for protecting and serving Austin's residents and visitors. It is crucial, particularly because of the varied backgrounds of both the officers and the community they serve, that the academy offer a course through which future and current officers can think critically about their jobs, the authority inherent to their positions, and the historical context at play during their interactions with the public.

Through recent resolutions, city officials have made clear their goals for the future of policing in Austin. It is incumbent, then, upon department leadership to take the necessary steps to achieve those goals. This curriculum will aid in that effort by helping officers to better understand and empathize with community views of policing. It is my recommendation that this curriculum be adopted in its totality by the Department, and that it be taught by civilians with teaching experience and training in history, diversity, equity, and inclusion.

Finally, I would like to extend my thanks to Assistant Chief Gay, who originally discussed with me the idea of developing this course to be taught at the academy. As a result of the partnership between the OPO and UT Law, we were able to bring Assistant Chief Gay's idea to fruition and create a substantive, impactful course that will aid in APD's goal that Austin be "safer together."

Sincerely,

Farah C. Muscadin
Director

cc: Spencer Cronk, City Manager
Rey Arellano, Assistant City Manager

The History of Police and Race in America

A CURRICULUM FOR THE APD TRAINING ACADEMY

BY DAVID GIANNAULA UNDER THE DIRECTION OF THE OFFICE OF POLICE OVERSIGHT AND
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Letter to the Instructor

The materials included within this curriculum are the product of many months of research, planning, and reflection about what to include and how to present the information contained within. Surely, you will not have the same amount of time to dedicate to a single course. For this reason, I wanted to begin this curriculum by laying out the thought process behind the broader structure of the course.

First, a word about the order of the activities. This course asks students to engage with topics that are both emotionally difficult and potentially traumatizing. Students will engage with the troubling history of the police and race for four hours. This has the potential for students to disengage from the material and miss out on important information. For this reason, the course is structured to mimic a roller coaster by first priming the students to receive the material, then giving them a burst of high-energy activity, next asking them to engage with difficult materials in a variety of ways before finally allowing them to sit and reflect on the material they just learned.

The first activity is meant to ground the students by demonstrating the way people form their opinions about police by having them reflect on how they formed their own perceptions of the police. Next, the students will play a game that is meant to be fun and to lighten the atmosphere before the heavy material that follows. The third part is a heavy lift and covers a mass span of history in order to provide background to the students. This section is meant to draw the line, quite explicitly, from slavery to mass incarceration and to demonstrate the police's historical role in this process. Then the students are asked to engage with, and present to each other, the Austin/Texas specific history of race and police. Finally, the students will have time to reflect on what they have learned together.

While some of the information included in this course may be covered in other parts of the training academy, presenting all of it together and in this sequence is meant to have a very specific impact. The students are meant to make the connection that the police have played a role in racial violence and subjugation throughout history, which has led to a mistrust of police in the communities they police. By demonstrating this to the students, the hope is that they will better empathize with community members and be better equipped to change the image of police moving forward.

There is certainly a lot of information to cover in this curriculum. There may be a temptation to cut certain parts. It is urged that this not be done, but if it is absolutely necessary, you as an instructor may consider cutting the first activity, and PowerPoint point slide covering the history of Austin and Texas police .

The History of Police and Race in America

Curriculum for the Austin Police Department Training Academy

Course Description:

This course seeks to provide historical context to interactions between future and current Austin Police Officers' and the communities they police. The course will trace policing in America back to its origins and demonstrate how police and race relations have been inextricably intertwined. Beginning with slave patrols in early Colonial America and moving through to recent history, the course will explain the ways police have been used to subjugate racial and ethnic minorities. The course will place an eye toward how this history informs the way modern communities of color view police today. Students will learn both about the police's historic role in this subjugation in America broadly, and Austin specifically. Students will be asked to call into question traditional notions of police as a force for good, so that they might better understand and empathize with the communities whom they are or will be policing.

Goals of the Course:

Realizing that the history of police and race in America is not a subject commonly studied, this course seeks to:

- Inform police officers about the historical role police played in slavery, reconstruction, segregation, the Jim Crow south, the civil rights movement, and in communities of color here in Austin.
- Provide police officers with historical knowledge of specific racial injustices carried out by police both nationally and locally.
- Foster empathy for community mistrust of police by contextualizing that mistrust.
- Demonstrate the way historical violence and injustice can be passed down and internalized in communities.
- Amplify the voices of victims of past police injustices, and let their voices be heard by the police officers soon to be entering their communities.

Structure of the Course:

This course will be a half-day course at the Austin Police Department Training Academy. Students will engage in self-reflection on their own views of policing. They will then engage with both primary and secondary sources outlining the history of police and race in an easily accessible manner. After learning about the broad history of police and race relations, students will read about specific flash points in police and race relations here in Austin and present what they learn to their peers. Finally, students will be asked to reflect on the ways that this history will play a role in their future interactions with community members.

Outline of the Course

Part I: Streams and Rivers Activity

Time: 15-20 minutes
Materials: Student Handout (pg. 6)

Part II: Resource Deprivation Game

Time: 30-35 minutes
Materials: Student instructions for each group (pgs. 9-11)
3 Scientific Calculators
2 Slide rules
1 jar filled with 10 dollars in quarters
1 jar filled with 10 dollars in nickels and dimes
1 jar filled with 10 dollars in pennies

Part III: Overview of the History of Race and Police

Time: 1 hour
Materials: PowerPoint Presentation

Part IV: Flash Point Activity

Time: 1.5 hours
Materials: Enough copies of each Flash Point Packet (pgs. 42-65)
Poster boards for each group
Markers and Pens

Part V: Final Reflection

Time: 30 minutes
Materials: Final Reflection Prompt for each student (pg. 79)

Total time: 3:45 – 4 hours

Part I: Reflection on students' views of police

Introduction:

This course will ask the students to critically think about the police and policing. The primary goal of the course is to have students better understand and empathize with community views of policing. In order to do this meaningfully it is important for the students to reflect on their own views about policing. By thinking about, and better understanding, the ways that their own experiences have shaped their views of policing, it is the hope that the students will be able to understand the way the events they will learn about in subsequent parts of the class may shape community views of police.

Essential question:

How do our lived experiences and interactions with police shape the way we view police?

Enduring Understanding:

An individual's view of the police will largely be shaped by their interactions with the police, and what they have been told about the police. Therefore, when a community member mistrusts the police it may have to do with their lived experiences with the police, or the stories they have been told about the police.

Procedure:

1. Explain to students that they will learn about the history of police and race both in the country, and here in Austin. Tell them that a major goal of engaging with this history is for them to understand the way this history may impact the way modern communities, specifically communities of color, view the police. In order to understand the way our lived experiences shape our views; the students will engage in an activity meant to encourage them to explore what has shaped their own views of police.
2. Distribute the handout entitled "Streams and Rivers: Influences of Your Views"¹. Explain to students that they are to fill in the smaller streams with major factors that have influenced their views on police. Explain to the students that they may draw more streams if necessary. Draw the students' attention to the fact that the factors should be specific enough that they will be individual to them. You can model one to two streams yourself on an overhead projector.

¹ This handout is borrowed from CHICAGO PUBLIC SCHOOLS CURRICULUM, REPARATIONS WON: A CASE STUDY IN POLICE TORTURE, RACISM, AND THE MOVEMENT FOR JUSTICE IN CHICAGO, 10 (2017).

3. Give the students 5-10 minutes to complete the activity silently and independently. Be sure to circle the classroom to help students if they are struggle with coming up with potential factors by prompting them with some examples like, “Did you know anyone that made you want to be a police officer?” or “What were you told about the police when you were young? How did that influence your decision to become a police officer?”
4. After it appears that most students have had the chance to fill out 3-4 factors on their handout, ask 3-4 students to share the factors that influenced their views of police.
5. Remind students that the large diversity in responses is a representation of how even in a room full of people who decided to become police officers there are a variety of factors that shaped their views on police. Also point out the way that specific instances in the students past played a role (if it seems that they did) in shaping their views on police. Push the students to consider how their views may have been different if they had not had those experiences, or if they had different, more negative, experiences.

Streams and Rivers: Influences on Your Views²

Just as a river is made up from many small streams joining together, our views are made up from many factors joining together to form an opinion about something. Some factors will have a greater impact than others, but all of our views come from these factors in one way or another.

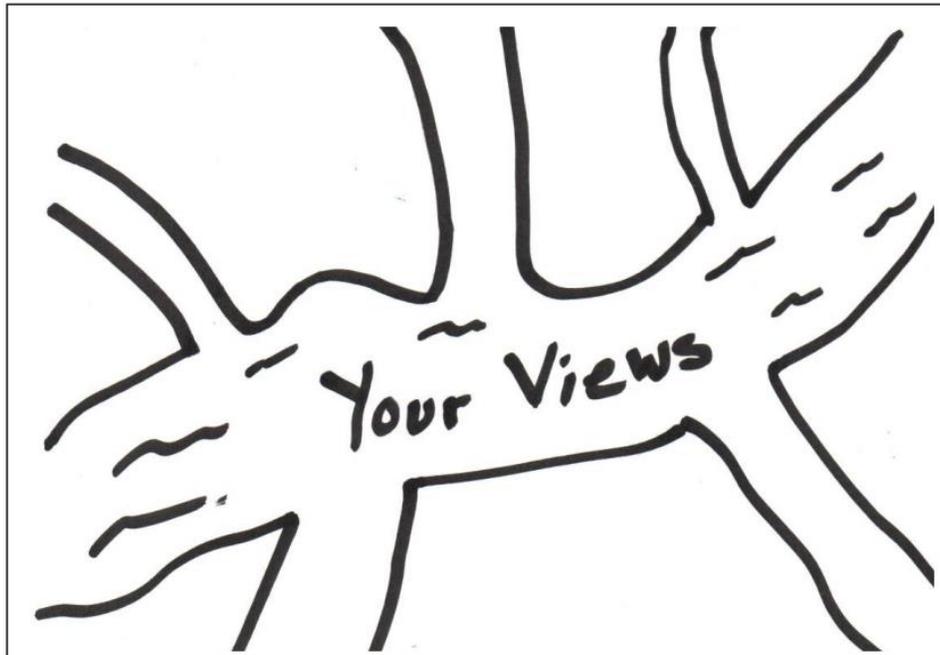
Some examples of factors that influence your views are:

- Your personal experiences
- Your personal values (think about what you think is right and wrong)
- Your self-interest (what is helpful or harmful to you)
- The experiences of your friends, family, or community
- The news and media

This list is not exhaustive, and you may think of other factors that shape your views.

For this activity you are asked to think about the factors that shape your views on police. Each of you, by virtue of being at this training, has chosen to be a police officer. This means at some point you must have reflected on your views of the police to make the decision to join their ranks. This activity asks you to *be specific* in thinking about what those views are, and what caused you to have those views.

On the drawing below, fill out each smaller stream (you can draw more streams if you'd like) with a factor that influenced your views of the police. Be sure to be specific. Don't just say "my personal experiences". Instead say something like, "I had a positive experience when a police officer helped me when I was 10 years old."



² This handout is borrowed from CHICAGO PUBLIC SCHOOLS CURRICULUM, REPARATIONS WON: A CASE STUDY IN POLICE TORTURE, RACISM, AND THE MOVEMENT FOR JUSTICE IN CHICAGO, 10 (2017).

Part II: Resource Deprivation Game

Introduction:

Now that the students are grounded in what the course will be about, you want to have them feel, in a visceral way, the anxiety that some community members feel when they are “over policed”. This activity deals with a serious topic but should take place in a fun environment. The activity is meant to both cause an “a’ha” moment in the participants, and to get the students moving around because it immediately precedes an hour-long history lecture on very serious topics.

Essential Question:

How does it feel to play a game when one group of individuals is given fewer resources than another while also being held to a higher standard for following the rules?

Enduring Understanding:

It can be incredibly frustrating and defeating to belong to a group of people who are given less resources and have the rules enforced against them more stringently than the group they are asked to compete against.

Procedure:

1. Students should be divided into three groups. One group will be in charge of handing out the materials and enforcing the rules of the game (the referees). The other two groups will compete against one another. One of these groups will be put at a serious advantage throughout the competition (group 2), and the other a serious disadvantage (group 3). It is important to make sure that each group receives the correct instructions for the game to have its desired effect.
2. Physically separate the three groups. Group 1 (the referees) should be at a table at the front of the room along with the materials necessary. Group 2 (the advantaged group) should be positioned a bit closer to the referees and the resources. Group 3 (the disadvantaged group) should be father away from the materials and separate from Group 2.
3. Let the students know that this is a competition between groups 2 & 3. The group that completes each activity fastest wins. Explain to the students that the game will work in the following way:
 - a. There will be two rounds. Each group will read the instructions given to them at the beginning of the round. (2 minutes).

- b. The students will then come to the table where group 1 is set up with the materials and request the materials they would like to complete the activity. (Only allow 2 minutes).
 - c. They will then try to complete the activity assigned to them as quickly as possible. (Max time should be 5 minutes).
 - d. The group that finishes first will receive a point.
4. After two rounds it should be apparent that Group 2 was given a serious advantage in the game. Provide time to facilitate a quick discussion about how Group 3 felt seeing Group 2 have distinct advantages, and to not have the same rules enforced against them. Try to guide the students to the realization that many groups in society feels this way on a daily basis. Due to their socio-economic circumstances it can often feel like the game is stacked against them. Furthermore, try to drive the conversation to a discussion about how rules aren't inherently fair just because they are rules. This should provide for some interesting conversation around the idea of laws not always being fair, or at the very least being designed to help certain people and not others.
 - a. Potential Guiding questions for the discussion:
 - i. "How does it feel to have different resources when playing the same game?"
 - ii. "Do you think the rules to the game were fair? Are the rules and laws of society always fair?"
 - iii. "Was it frustrating to be playing a game with unfair rules?"
 - iv. "How did it feel to not be given the resources you asked for?"
 - v. "Did the referees feel bad about the way the game was structured?"

Materials:

3 Scientific Calculators

2 Slide rules

1 jar filled with 10 dollars in quarters

1 jar filled with 10 dollars in nickels and dimes

1 jar filled with 10 dollars in pennies

Group 1 Instructions

Activity #1

You have been assigned to be a “referee” during this game. These means you are in charge of two things: giving the materials to the other groups and enforcing the rules against them.

For these activities the groups have different materials available to them and different rules that they must follow (*keep this a secret*).

In the first activity the groups will be working to solve mathematical problems. When the groups come up to select their materials to use to complete the activity you are to give the **calculators** to **group 2** only! Do not respond to **group 3’s** request to receive a calculator, and only offer them the **slide rules**. Do not engage with any complaints. Be firm in only giving them the slide rule. Remind the groups that they are only allowed to use the materials given to them.

Once the game has started, it is your job to patrol the room to look for people using anything they are not supposed to be using to complete the activity. You are to only patrol **group 3**, because they are the only ones who have any incentive to cheat (group 2 already has calculators).

Group 1 Instructions

Activity #2

Just as in Activity #1, you are to act as referees. This time the two groups will be competing to see which group can sort coins into 10 stacks worth one dollar each. When the groups come up to select their materials only give either the jar of quarters or jar of nickels and dimes to **group 2**. **Group 3** is only allowed to use the **jar of pennies**.

As with the first activity do not give into group 3’s protests of this being unfair. If you want to say anything at all, just tell them you are just following orders.

Once the activity begins, you will need to make sure that the students are actually making stacks of one dollar. Because it will be hard to tell with the pennies, you should focus almost all your attention on **group 3** and leave group 2 alone.

Group 2 Instructions

Activity #1

You have been assigned to compete in this game. These means you are trying to complete this activity as fast as possible using the materials that you get from group 1 at the front of the room.

For this activity you are asked to solve math problems. At the front of the room there are slide rules and calculators. You get to decide which you choose but be sure to hurry as there are only a limited number of calculators, and the calculators will give a serious advantage to whichever team gets them.

If everyone on your team isn't able to get a calculator, have no fear, you are free to use your cell phone's calculator.

Good luck! And happy calculating!

Group 2 Instructions

Activity #2

Just as in Activity #1, you are competing against the other group to see who can complete the activity the quickest. This time you will be competing to see which group can sort coins into stacks 10 stacks worth one dollar each.

At the front of the room, group 1 has jars with different coins in them. One jar has quarters, one jar has nickels and dimes, and the final jar has only pennies. You get to decide which jar you use, but hurry because there is only one jar of each type of coin!

Good luck! And happy sorting!

Group 3 Instructions

Activity #1

You have been assigned to compete in this game. These means you are trying to complete this activity as fast as possible using the materials that you can get from group 1 at the front of the room.

For this activity you are asked to solve math problems. At the front of the room there are slide rules and calculators. You get to decide which you choose but be sure to hurry as there are only a limited number of calculators, and the calculators will give a serious advantage to whichever team gets them.

The use of phones is *strictly prohibited*, and the referees will be roaming around the room to see if anyone is cheating!

Good luck! And happy calculating!

Group 3 Instructions

Activity #2

Just as in Activity #1, you are competing against the other group to see who can complete the activity the quickest. This time you will be competing to see which group can sort coins into stacks 10 stacks worth one dollar each.

At the front of the room, group 1 has jars with different coins in them. One jar has quarters, one jar has nickels and dimes, and the final jar has only pennies. You get to decide which jar you use, but hurry because there is only one jar of each type of coin!

Good luck! And happy sorting!

Activity 1: Math Competition

See who can solve all the problems the quickest! Raise your hands when you are finished.

$$1) \quad 14 \overline{) 364} \quad 2) \quad 21 \overline{) 357} \quad 3) \quad 33 \overline{) 627}$$

$$4) \quad 25 \overline{) 625} \quad 5) \quad 17 \overline{) 510} \quad 6) \quad 24 \overline{) 816}$$

$$7) \quad 42 \overline{) 588} \quad 8) \quad 34 \overline{) 170} \quad 9) \quad 18 \overline{) 324}$$

$$10) \quad 54 \overline{) 324} \quad 11) \quad 24 \overline{) 672} \quad 12) \quad 31 \overline{) 682}$$

Part III: Overview of the History of Police and Race

Introduction:

The instructor should read over the power point notes as they will provide most of the guidance for how to present the material to the students. This material covers a great deal of history. While the notes included with the PowerPoint do provide a lot of what the instructor will need to complete the activity, a “suggested reading” list is included at the end of these instructions. It would be greatly beneficial to the instructor to review this material. It is also important to understand that this PowerPoint is not meant to provide a comprehensive history of police and race in America, but instead focuses on broad strokes in order to paint the picture that a direct line can be drawn from slavery to mass incarceration. This is not to suggest that this is the only reading of history, but rather to point out that this is an important reading of history if the students are to understand the way some of the deep-seated beliefs about police in communities of color have come about.

Essential Question:

How does the historical role that police played in enforcing racial subjugation influence the way that modern communities of color view the police?

Enduring Understanding:

There is a direct link between historic racist policies and the police that were used to enforce them and modern mass incarceration. While the police was historically on the wrong side of this history, it now has the opportunity to change the narrative, and the first step in doing this is understanding its history.

Procedure:

1. Read the slide notes of the “The History of Police and Race” closely before class to be prepared when to give students warning about sensitive material
2. Go through the presentation slowly and meaningfully. Allow students to ask questions but remind students that this is meant to be a broad history and they will be given the opportunity to engage with specific instances in history more in depth in the next segment of the class.

Suggested Reading:

- The New Jim Crow by Michelle Alexander
- Slave Patrols: Law and Violence in Virginia and the Carolinas by Sally E. Hadden
- The Equal Justice Initiative Lynching Report



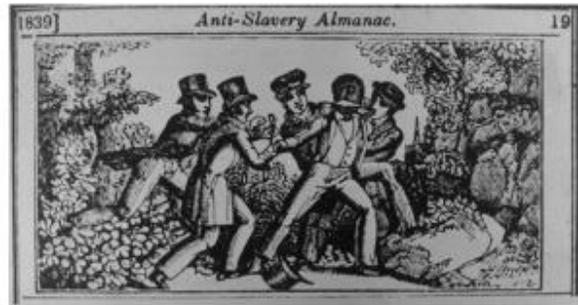
Talking Points:

- Start by acknowledging that while the class is going to focus on troubling history, the point of this class is not to make the cadets feel bad for wanting to become police officers, or to impugn their character in anyway. However, it is important to understand this troubling history in order to understand the present. The goal is to make sure the students are conscious of the history and how it may cause people to view them. With this information they may be able to think of ways that they can work to both counteract this historical narrative and empathize with the communities they will be policing.
- Emphasize that it is important to learn this history because whether or not it is new information to them, it will likely *not* be new information for the communities they are policing. Therefore, in order for them to come to community interactions at a more equal level they must learn this history.
- Be sure to make clear that just because the students will learn that the origins of policing were rooted in racial subjugation, that does not necessarily explain the failings and misunderstandings of our own times, and it is important to also engage with these failings in their own right. However, the history may provide some insight into the historical reasons for the pattern of racially targeted law enforcement that persists today.

Slave Patrols

The South's First "Police Force"

- ▶ Late 1700s- Mid 1800s (First Slave Patrol= Carolina Colony in 1704)
- ▶ More similar to police forces than the "watchmen" of the same time period
- ▶ Sworn officers endowed with State power to patrol a specific geographic area
- ▶ Main Functions:
 - ▶ Catch Runaway Slaves
 - ▶ Prevent Insurrections
 - ▶ Enforce the pass system¹



An 1839 woodcut depicts a slave patrol capturing a fugitive.
Source: Anti-Slavery Almanac/Public domain

¹ Slave Patrols pg. 110-118

Goals of the slide:

- Students should understand that while slave patrols were not official "police forces" they are often considered the precursor to policing in Southern America.
- Students should understand that the historical origins of police was as a force to police people of color who had no power or authority in society.

Talking Points:

- By the late 18th and early 19th century many towns used a "watchmen" system of policing. These watchmen would stay in one post and wait to be summoned. Slave patrols, which existed during the same time, actual would go out and patrol areas.¹ They would stop blacks they came across and demand to see a note from their owner explaining where they were going and why. If no note was presented, the slave patrollers had the authority to administer punishment, including whippings.² The nature of actively patrolling, and stopping persons more closely mimics modern policing than the "watchmen" which is why, in the south, slave patrols are thought of as the true precursor to modern police forces.³
- Slave patrols mirrored typical police officers by being sworn officers of the state who were endowed with state authority to uphold their duty.⁴
- The main functions of the slave patrols were (1) to catch runaway slaves, (2) prevent slave insurrections, and (3) to enforce the "pass system of travel".
- This third category merits some explaining. The pass system was a system put into place to exert absolute control over slave's movement. If a slave wanted to leave the plantation worked, he would have to carry a note from his overseer with him that gave him permission to be off the plantation. These notes would be checked by slave patrols if they ever encountered a black person walking around. This would typically bring in two problems. First, sometimes the slave patroller

wouldn't believe the note and would administer punishment (in most of the colonies/states this would include whipping). Second, there were many free blacks in the south. For obvious reasons, these individuals would not have notes from an overseer because they had no overseer. If a slave patrol stopped them and accused them of being a slave who was traveling without permission, they could be punished, and sometimes put back onto a plantation.

- As an additional note, slave patrollers were often in charge of typical "law enforcement" duties as well. This had to do with two facts. First, southern whites largely had the sentiment that blacks were only capable of crime, and so it was natural that the force that oversaw interactions with southern blacks would also be in charge of "law enforcement" duties more generally.⁵ Second, in certain cities, like Richmond, Virginia for example, the people actually preferred slave patrols over police.⁶

Slave Patrols to Formal Police Depts.

The Creation of Southern Police Forces

- ▶ As urban centers grow police forces are created¹
- ▶ Many times the slave patrols stayed in existence
- ▶ Slave patrols end with the end of the civil war
- ▶ Replaced with police departments
 - ▶ Former legal function → Police Department
 - ▶ Slave Patrol methods of intimidation → Vigilante Groups (KKK)
- ▶ Police forces still didn't view freed blacks fairly

1. Slave Patrols pg. 103

Goals of the Slide:

- Students should understand the transformation of slave patrols into formalized police forces and how the remnants of the slave patrol system influenced police forces.

Talking Points:

- The growth of urban centers in the south after the civil war is what led to the creation of formalized police forces. The slave patrols were not equipped to deal with the new increase in crime that came with urban density. Most of this density happened after the civil war with the increase in migration by newly freed blacks to urban centers.⁷ However, some urban crowding happened prior to end of the civil war, and likewise led to the creation of formal police departments.⁸ In these cases, the slave patrols often stayed in existence or even expanded.⁹
- With emancipation there was no longer any need for slave patrols. However, the mindset toward blacks in the country did not magically change overnight.¹⁰ The association between blacks and criminality was built up over many generations and was not something that would go away easily.¹¹ Therefore, the mentality that was inherent in the slave patrol system, namely the fear of black uprising and black criminality, led many southerners to continue controlling black lives as they always had.¹² In fact, the anxieties whites felt about wanting to exert control over blacks increased after the civil war.¹³
- This desire led to the implementation of the very same pass system that was used under slavery by the post-civil war police forces, and the movement of blacks was once again severely restricted.¹⁴
- These anxieties also led many southern whites want to continue using the same tactics they had under the slave patrol system. Namely roaming at night, and intimidating blacks.
- Southern whites had three typical ways of acting on these desires¹⁵:

1. Developing agricultural associations that would refuse to sell land to blacks, and would refuse to try to incentivize any sharecroppers from switching farms by offering better pay or working conditions.
 2. Establishing “Gun Clubs”. These gun clubs were essentially all white militias who practiced and trained with their guns publically in order to intimidate blacks.
 3. Forming “vigilante groups” such as the Ku Klux Klan. These groups were often made up of veteran confederate soldiers, and former slave patrols. They would rob and loot the homes of blacks, and sometimes the intimidation would go so far as lynching.¹⁶ In some places sheriff’s deputies and local officials were members of the Klan.¹⁷
- In sum the formal police departments largely replaced the law enforcement functions of the slave patrols, while the intimidation and exertion of control over black lives was picked up by vigilante groups such as the KKK.

Early Texas Police Departments

- ▶ 1823 - Texas Rangers formed
- ▶ 1840 - Austin's first City Marshal elected
- ▶ 1862 - Ordinance establishing Police Department and the position of chief of police
- ▶ 1871 - John Goodman and Charles Wilburn, the city's first two African American police officers put on the force
- ▶ 1875 - Cornelius Fahey becomes first police officer killed in the line of duty
- ▶ 1919- Mrs. F. Buchner becomes first woman on the force
- ▶ 1924 - Austin Police Department replaces the Town Marshal system

Goals of the slide:

- Provide a brief background of the history of the Texas Police and the Austin Police Department

Talking Points:

Texas Rangers¹⁸:

- The Texas Rangers were created in 1823. They were not officially recognized in legislation until 1874.
- They are largely thought of as the very first state police agency.
- Created when Stephen F. Austin sent a proclamation to Land Commissioner Baron de Bastrop and asked to employ 10 men to serve as rangers.
- The rangers were primarily concerned with battling the Comanche Indian, and protecting the land that the settlers had taken from the Comanche.

City Marshal¹⁹:

- In Austin's early history laws were enforced by a City Marshal and not a police department
- One such law that the city marshal enforced was the slave curfew
- This was an elected position as opposed to an appointed position
- Austin's first city marshal was elected in 1840, which was just after the city was officially founded (keep in mind this doesn't mean that slave patrols weren't active in Texas. They were.)

Ordinance Establishing the Police department²⁰:

- The original force only had 4 officers on it.

- The force was increased to 7 in 1871 (which was also when the first two African American officers joined the police).
- In 1919 the first woman joined the force.

Creation of the Austin Police Department:

- The department was created in 1924; this also changed the position of Chief of Police from an elected position to an appointed position.

Terror Lynchings

- ▶ Terror lynchings:
 - ▶ lynchings that resulted from a wildly distorted fear of interracial sex;
 - ▶ lynchings in response to casual social transgressions;
 - ▶ lynchings based on allegations of serious violent crime;
 - ▶ public spectacle lynchings;
 - ▶ lynchings that escalated into large-scale violence targeting the entire African American community; and
 - ▶ lynchings of sharecroppers, ministers, and community leaders who resisted mistreatment
- ▶ Terror lynchings used as a tool to enforce Jim Crow and white supremacy



Men and boys pose beneath the body of **Lige Daniels**, a black man, shortly after he was lynched on August 3, 1920, in **Center, Texas**.

James Allen, ed., et al., *Without Sanctuary: Lynching Photography in America* (Santa Fe, NM: Twin Palms Publishers, 2000), 117-118.

Goals of the Slide:

- Provide statistics for lynchings in the reconstruction period.
- Discuss the broader effects that lynching had on black communities.
- Describe the pivotal role that lynching played in establishing white supremacy in post-civil war America.

Talking points:

Framing the conversation:

- It is important to begin by letting students know that this slide and the next will contain information that can be incredibly hard to hear, and that it may cause different emotional responses in different students. It is understandable that some may be uncomfortable with what they hear. Part of the purpose of the slides is to put us in the uncomfortable position of confronting our country's violent history. It is important to understand this history because it still shapes race relations to this day.
- It is also important to emphasize that these two slides are not nearly enough time to give the subject of lynching in America the amount of attention it deserves. Encourage students to read the Equal Justice Initiative's report on lynching²¹ in order to have a more complete understanding of the devastating impact lynching had on America.

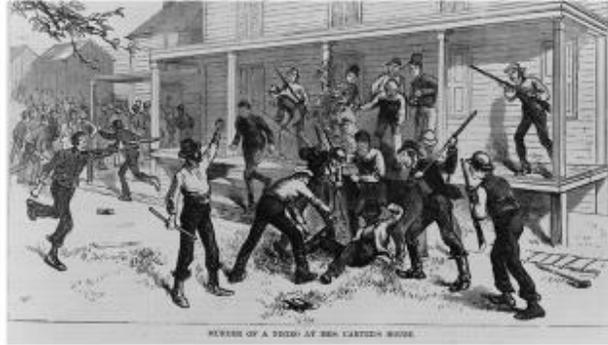
Slide Points:

- The lynchings this slide focuses on are what the Equal Justice Initiative refers to as "terror lynchings".

- Terror lynchings are separate and apart from mob violence resulting in hangings. They are characterized by not being aimed at punishing someone, but rather at instilling fear into the entire black community.
- These acts of terror were carried out with no punishment for the perpetrators, and in fact the lynchings were often attended by the entire white community, including police officers.
- Even where police officers were not specifically in attendance, they implicitly sanctioned these terror lynchings by not attempting to intervene, and not subsequently investigating or arresting the perpetrators.
- Lynchings were so effective at placing fear into black communities that they actually influenced the country's demographics by causing southern blacks to move north in order to escape the violence.
- It is important to note that this system of violence was indeed a *system* and not a series of one-off acts of violence. Understanding that the terror lynchings were a systematic method of exerting control over black populations allows us to better understand the structural racism that has continued forward into modern times. ²²

Lynching Statistics

- ▶ In 12 southern states there were **4084** terror lynchings between 1877 – 1950
- ▶ More than **300** terror lynchings in other states between 1877 – 1950 ¹
- ▶ **73 %** of lynchings in the post-Civil War period occurred in Southern States ²



Source: Library of Congress

1. Equal Justice Initiative Report on Lynchings
2. "Lynching, Whites and Negroes, 1882-1948". Tuskegee Institute

Goal of the slide:

- To demonstrate the large number of individuals who were impacted by terror lynchings
- To demonstrate that while lynchings happened all over the country they were more highly concentrated in the south.

Lynching Statistics for Texas

- ▶ **493** people were lynched in Texas b/w 1882-1962
- ▶ **71%** of people lynched were African American
- ▶ African Americans only made up **17%** of the state's population¹
- ▶ Three People were lynched in Travis County in 1894²

1 - Tuskegee Institute
2 - Equal Justice Initiative – Historical Marker Dedicated to Lynching Victims in Austin, Texas



Jesse Washington was burned before a crowd of thousands in **Waco, Texas**, in 1916.
(Library of Congress/Getty Images.)

Goals of the slide:

- Provide context for lynching in Texas by giving students some data of lynching in Texas.

The Role of Police in Lynchings in Texas

- ▶ Lynchings committed by police officers as result of accusations regarding white female relatives of law enforcement
- ▶ Lynching of Henry Smith in Paris, Texas attended by 15,000 people
- ▶ Lynching of the Arthur Brothers and the Raping of the Arthur Sisters in Paris, Texas
- ▶ Lynching of George Hughes in Sherman, Texas
- ▶ Roughly 50% of threatened lynchings prevented by intervention of police
- ▶ Law enforcement turn a blind eye or actively participate



Artist Isamu Noguchi's representation of the charred remains of George Hughes

Goals of the slide:

- Focus specifically on the ways that police were complicit in lynchings.
- Students should see how police complicity in lynchings was a direct result of broader sentiments of white southerners towards blacks during this period.
- This slide should disrupt the narrative that police are neutral actors in American society and demonstrate how during this time period the police were often agents of white supremacy.
- Students should also learn about some examples where police officers stood up and did the right thing to help prevent lynchings, and how these instances demonstrate the power they will have in their hands when they make choices going forward.

Talking Points:

- Law enforcement officers were not just impotent in their ability to stop these lynchings, rather in the 6 instances in Texas where an accusation was made regarding a white female relative of law enforcement, the law enforcement officers actively participated in and oversaw the lynchings. Several of these instances involved prolonged torture of the victims²³.
- These were not instances of “one bad cop”. In the case of the lynching of Henry Smith in 1893, who was accused of the rape and murder of the local sheriff's daughter, the sheriff himself ordered the lynching. Despite the town only having a population of 8,000 more than 15,000 people attended the spectacle lynching. This shows that there was general acceptance of the violence by both regular citizens and law enforcement agencies in the region.²⁴
- In 1920, less than 30 years after the lynching of Henry Smith, two brothers, Irving and Herman Arthur, worked on a white farm where they were abused regularly. When they tried to leave, the white farm owner shot at them. He later claimed that he was injured by the Arthur brothers. The

two men were arrested, jailed, and had their lynching posted about in the town. They were tortured and burned to death as a mob of 3,000 people watched. Afterwards, they had their bodies driven through the black community for hours. The police actively facilitated this lynching, despite later finding that the two men were guilty of no crime. What is more, is while the two brothers were brutally killed, their sisters were detained in the jail. While there, they were beaten, and gang raped by 20 white men.²⁵ It is hard to believe that none of the men who attacked the sisters were city or jail officials.

- The lynching of George Hughes in the 1930s demonstrated that the police had the power to stop lynchings when they wanted to. George Hughes was a sharecropper who was owed \$6 by Drew Farlow. Farlow's wife was the niece of a powerful law enforcement officer. Hughes went to Farlow's house to collect the \$6 but found only Farlow's wife, who turned him away. Later Farlow's wife alleged that Hughes returned an hour later to rape her, though the black community of Sherman was convinced that this was a story made up by her husband to get out of paying Hughes his \$6.²⁶ Hughes was never put on trial, instead a mob attempted to lynch him. The first time this happened the police successfully kept the mob at bay by firing shots into the air.²⁷ However, two days later the police did no such thing when another mob showed up, burned Hughes to death, dragged his charred remains through the community and then displayed his remains in front of a Black church.²⁸
- When police did intervene, they intervened with great success. Nearly 50% of threatened lynchings were prevented by police intervention.²⁹ This demonstrates that police officers do indeed wield a great amount of power in society, and that when they choose to wield that power in the morally correct way, they can be a force for good. Unfortunately, too often during this time period the police did not choose to intervene in order to prevent lynchings, but rather turned a blind eye, or worse, actively participated in the lynchings.³⁰
- The fact that historically police often chose the wrong course by participating in terrorizing southern blacks means that police to this day must live and deal with this legacy. This fear and mistrust are not something that go away easily. As police officers, it is important to understand this fear and mistrust because in some ways it still informs police and community relations to this day.

Black Codes and Post-Reconstruction

- ▶ Laws designed specifically to place blacks into a controllable status forever¹
- ▶ Laws pertaining to trivial behavior, aimed solely at blacks
- ▶ Led to disproportionate arrests and convictions of blacks
- ▶ Convict Leasing.²
- ▶ "a generation of black prisoners would suffer and die under conditions far worse than anything they had ever experienced as slaves"³



State Archives of Florida, Florida Memory

1 Slave Patrols pg. 193

2 Id.

3 Equal Justice Initiative Lynching Report pg. 34

Goals of the Slide:

- Students will understand how a system of laws aimed at placing free blacks back onto the very plantations from which they were just freed was put in place after reconstruction ended.
- Students will understand how the black codes were the first step in using the criminal justice system to economically and politically dominate African Americans.

Talking Points:

- After the northern military forces left the south, in a time period known as “post-reconstruction,” southern whites used this opportunity to reinstate their white supremacy and subjugation of the newly freed blacks.³¹
- The goal of the southern whites was three-fold: the political domination of blacks, the economic domination of blacks, and the social domination of blacks.³²
- These three goals were largely attained via the enacting of “black codes”. Black codes were laws enacted by southern governments that were aimed at controlling every aspect of black peoples’ lives.
- Examples:
 - **Vagrancy laws.** Laws that required all blacks to be working. Because most of the employers who were available to blacks in the south were white plantation owners these laws required the freed slaves to return back to plantations. Vagrancy laws meant blacks always had to be employed, or else they faced being arrested and leased out to work on plantations. This gave the white plantation owners incredible bargaining power and meant that they could force blacks to work in deplorable conditions with no real option of finding different employment.

- **Poll taxes.** Laws that required blacks to pay a substantial amount of money to vote. These laws were often coupled with the purging of blacks from voter rolls, like Mississippi did in 1890.³³ The passing of such laws disenfranchised black voters and put a major economic barrier on their ability to re-register to vote. These laws were passed in response to the large number of blacks who were elected to office after the passing of the 15th Amendment, which gave black men the right to vote.
- **Anti-miscegenation laws.** Laws that barred the marriage of whites and blacks. These laws were clearly meant to control the social lives of blacks. They were rooted in the fear that many white southerners had about interracial sex. These same fears also led to many lynchings where a black man expressed any indication of wanting contact with a white woman.³⁴
- Convict Leasing:
 - Convict leasing was the practice of selling prisoner labor to private interests. Many times, these private interests were the same plantations that the freedman worked on as slaves. This process was even more grim because now the men were not only put to work without any wages, but also the state was profiting of their labor by charging private interests to use the convicts.³⁵
 - Convict leasing relied on the clause of the 13th Amendment which abolished slavery and indentured slavery “*except as punishment for crime*”.
 - A disproportionate number of black convicts were leased out under this system as compared to white convicts.³⁶
 - Of the leased convicts who died while working, almost all of them were black.³⁷
 - This system incentivized, for obvious reasons, police to arrest blacks. This incentive led to a higher percentage of blacks being arrested, and in some instances a higher number of blacks being arrested despite black not representing a majority of the population.³⁸
 - The black workers faced conditions that were often far worse than what they had ever faced under slavery.³⁹
 - In many ways this system “legitimized excessive punishment and abuse of African Americans.”⁴⁰

Specific Black Codes of Austin, Texas

- ▶ Juneteenth and General order No. 3
- ▶ June 27, 1865 City Council Meeting
- ▶ Anti-Miscegenation Law in place until Supreme Court ruled such laws illegal
- ▶ The construction of the Texas State Capitol



Goals of the Slide

- To draw attention to some of the ways the information from the previous slide manifested itself in Texas.

Talking Points:

- Juneteenth is the name given to June 19, 1865, which officially marked the end of slavery in Texas. Texas was the last state in the United States to have legalized slavery. This was done by the reading of General Order No. 3 by a Union Major General. This order freed the 250,000 slaves that were living in Texas. However, General Order No. 3 also limited the newly freed slaves' movement and freedom of assembly.⁴¹
- General Order No. 3 required that all black people be employed, and that they should either be at work or at home. This meant that the newly freed blacks were not allowed to assemble. The Order also gave the provost marshals (early law enforcement) the order of using "every means in their power" to enforce these provisions, demonstrating that the police were to play the role of enforcing this racial subjugation.⁴²
- Austin was quick to follow the General Order and passed its own ordinances that resembled the instructions for controlling blacks described in General Order No. 3.⁴³
- Less than 10 days after emancipation reached Texas, the Austin City Council met to discuss expanding their police force.⁴⁴ This demonstrates, rather explicitly, the fact that the police were originally expanded and strengthened in order to be a force to control black populations.
- Vagrancy laws:

- The city of Austin passed its own vagrancy laws, and when these laws were violated imposed heavy fines. If these fines could not be paid then the “offender” could be leased out to the lowest bidder.⁴⁵
- The State relied on this labor in its construction projects, including the construction of the State Capitol.⁴⁶
- Anti-Miscegenation Laws
 - Travis County also enacted an anti-miscegenation law, which was in effect until the Supreme Court struck similar laws in other states down.
 - The first marriage certificate for an interracial couple wasn’t issued in Travis County until 1967.

Jim Crow Era

- ▶ *Plessy v. Ferguson* – “separate but equal”
- ▶ African American's report having “morbid fear of policemen”¹
- ▶ The terror of lynchings carried forward and caused many African Americans to fear all white people²



¹ Black and Blue pg. 743
² id.

Goals of the Slide:

- Provide a quick overview of the Jim Crow south and the lasting impressions that this era left on people of color with respect to police

Talking Points:

- Know that this slide is not meant to be an exhaustive history of the Jim Crow era. An entire unit could be dedicated to such a time period. Instead this slide is concerned specifically with giving a brief overview of what is meant by “Jim Crow” and to specifically talk about the sentiments that communities of color felt toward police during this time period.
- The Jim Crow era in the south is typically thought of as the era in American history where legal segregation (*de jure* segregation) took its grip on the country. Many of these segregation laws were passed immediately after the end of Slavery, but really came into effect in the 1890s.
- In 1896 the Supreme Court decided the case *Plessy v. Ferguson* which created the “separate but equal” doctrine that legalized segregation throughout the country. This doctrine stayed in effect until the Supreme Court overruled it in *Brown v. Board of Education* by holding that separate could never truly be equal.
- The segregation of blacks and whites had an impact on every aspect of people’s lives. They were not able to travel in the same sections of buses, eat in the same restaurants, frequent the same pools, stay in the same hotels, or drink from the same water fountains. Because this segregation was enforced using laws, the police played a major role in enforcing the segregation.
- Blacks and whites were arrested for doing things as trivial as talking to each other while walking down the street.⁴⁷

- The police played such a role in enforcing this segregation that some blacks reported having a “morbid fear of policemen”.⁴⁸
- Often lynching was used to enforce segregation, and this lynching caused many blacks to fear *all* whites.⁴⁹

Civil Rights Movement

- ▶ Grassroots movement led by communities of color
- ▶ Pushed back against Jim Crow laws by organizing protests throughout the south and the north
- ▶ Police and African Americans relationship was "abrasive"
- ▶ Riot in almost every major city in America b/w 1964 and 1968



A 17-year-old civil rights demonstrator is attacked by a police dog on May 3, 1963, Birmingham, Alabama
AP PHOTO/BILL HUDSON

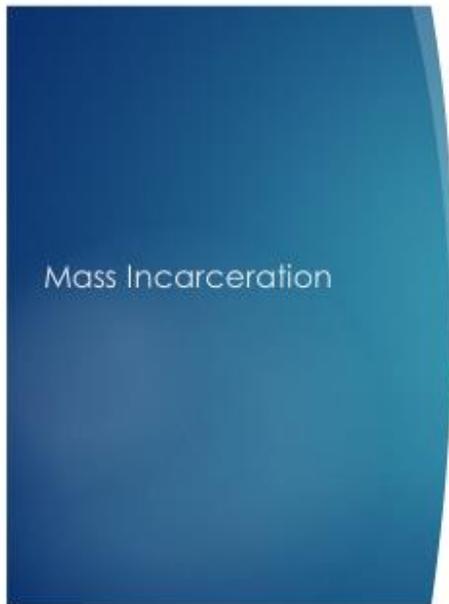
Goals of the Slide:

- Provide a brief overview of the civil rights movement with a specific focus on the role the police played during this time period and the views that many communities of color had toward the police.
- Students should understand that while not all cops were actively racist or in agreeance with the segregationist policies during this time, the role they played by and large was enforcing these laws that were rooted in a system of racism.

Talking points:

- As with the previous slide, it is important to emphasize that one slide is not nearly enough time to discuss the civil rights movements. Entire courses have been developed around this time period. While this topic deserves its own space, it is important to emphasize that the purpose of this discussion is to draw a line forward from the past in order to better understand modern police-community relations. The civil rights era is an important point on this line because it represents how the post-reconstruction reaction to freed blacks, and the onset of the Jim Crow era was actively resisted by communities of color, even as the states, often through the use of the police, clung desperately to the system.
- This time period is defined by the protest movement that came out of it. These protests revolved around resisting the segregationist policies and laws of the country. Often the protests would erupt into violence and riots. Between 1964 and 1968 almost every major city in America had a riot.⁵⁰
- These protestors were often met with violence by both white citizens and police officers. As depicted on the slide, police would often use dogs and fire hoses in order to subdue the protestors.

- These interactions caused many to describe the relationship between police and African Americans of the time as “abrasive”.⁵¹
- While this time period certainly deserves a more in depth conversation, reassure students that they will have time to engage with some of the more important moments of the civil rights movement for the city of Austin in the next activity.



Goals of the Slide (applies to the next three slides as well):

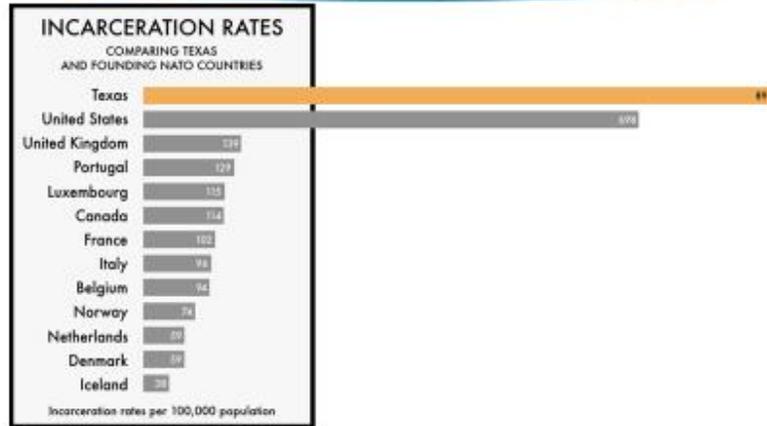
- Students should understand the disparities in incarceration between whites and people of color, paying specific attention to the extreme disparity between blacks and all other racial and ethnic groups.
- Students should understand that the United States has 25% of the worlds prisoners despite making up only 5% of the global population.
- Students should understand that some scholars consider the mass incarceration of black people the “new Jim Crow” because it functions to separate black individuals, specifically black males, from the rest of society and to disenfranchise them

Talking Points:

- To begin this set of slides, the instructor should lay out what “mass incarceration” is by introducing the students to the statistics contained in the first infographic. This infographic demonstrates how the United States stands out by incarcerating more people per capita than any other country in the world.
- The instructor should draw attention to the fact that 1 in 13 African Americans is unable to vote due to their status as a felon. The connection should be made for the students, if they do not make it themselves, to the way poll taxes in the post-reconstruction similarly served as a way of disenfranchising blacks. This is one reason why some scholars refer to mass incarceration as the “new Jim Crow.”⁵²
- The second graph demonstrates that Texas out paces even the United States with its incarceration rates. This is particularly significant given the extremely large population of Texas (~28 million). If Texas were to implement major reforms that reduced its incarceration rates it could help to skew the nations statistics greatly.

- The third graph is rather self-explanatory, but the instructor should ask the students about what connection they can make to the arrest and conviction rates of the post-reconstruction era that were discussed earlier in the presentation. The instructor should try to guide the students to the realization that throughout the history they have learned so far, the unfounded stereotype of blacks has been that they are only capable of crime. **Ask the students how they think that mentality that was explicitly articulated in the country's early history may be impacting incarceration rates today.**
- The final chart should be shown to demonstrate how Texas generally conforms to the rest of the country by incarcerating more blacks, but students should be asked to share why they think the rates do not mirror the rest of the country for Latinos.

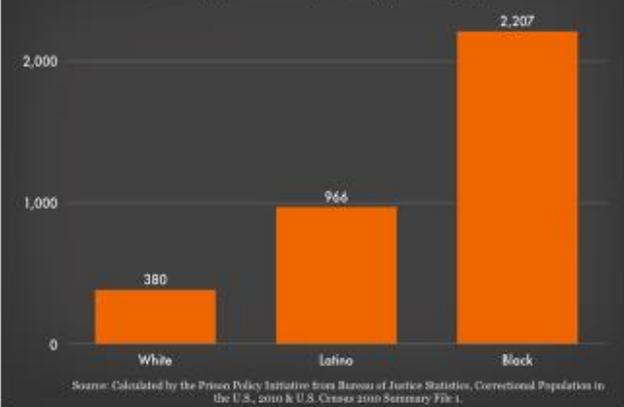
Mass Incarceration

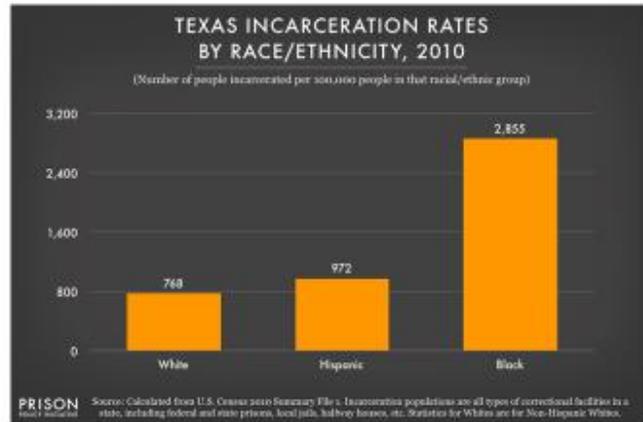
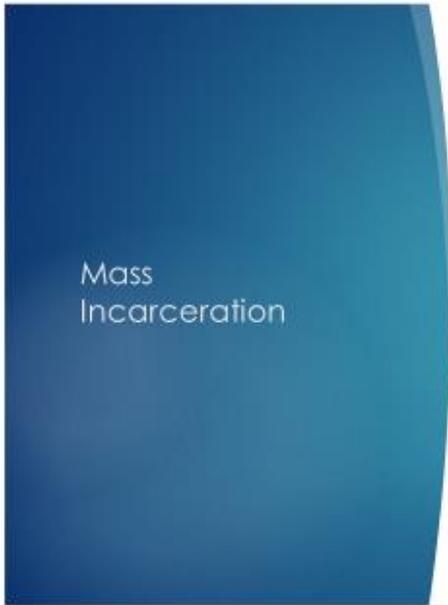


Source: <https://www.prisinpolicy.org/global2018.html>

Mass Incarceration

United States incarceration rates by race and ethnicity, 2010
(number of people incarcerated per 100,000 people in that group)





¹ Stephen L. Carter, Opinion, *Policing and Oppression Have a Long History*, BLOOMBERG OPINION, Oct. 29, 2015, <https://www.bloomberg.com/opinion/articles/2015-10-29/policing-and-oppression-have-a-long-history#footnote-1446147495376>. (hereinafter *Policing and Oppression*)

² SALLY E. HADDEN, *SLAVE PATROLS LAW AND VIOLENCE IN VIRGINIA AND THE COLONIES*, 20 (2001) (hereinafter *Slave Patrols*).

³ *Policing and Oppression*, *supra* note 1.

⁴ *Slave Patrols*, *supra* note 2, at 77.

⁵ HOWARD RABINOWITZ, *RACE RELATIONS IN THE URBAN SOUTH: 1865-1890*, 42 (1978) (hereinafter *Race Relations*).

⁶ *Policing and Oppression*, *supra* note 1.

⁷ *Race Relations*, *supra* note 5, at 3

⁸ *Slave Patrols*, *supra* note 2.

⁹ *Id.*

¹⁰ *Id.* at 168.

¹¹ *Race Relations*, *supra* note 5, at 42

¹² *Slave Patrols* at 192

¹³ *Id.* at 168

¹⁴ *Id.* at 192

¹⁵ *Id.* at 205

¹⁶ *Id.* at 206

¹⁷ *Id.* at 210.

¹⁸ LARRY K. GAINES & VICTOR E. KAPPELER, *POLICING IN AMERICA*, 72 (7th ed. 2011). (hereinafter *Policing in America*).

¹⁹ BOB RESCOLA ET AL., AUSTIN HISTORY CENTER, *AUSTIN POLICE DEPARTMENT GUIDE*, 3 (2018).

²⁰ *Id.*

²¹ EQUAL JUSTICE INITIATIVE, *LYNCHING IN AMERICA: CONFRONTING THE LEGACY OF RACIAL TERROR* (3d ed., 2017). <https://lynchinginamerica.eji.org/report/> (hereinafter *Lynching in America*).

²² Hollie A. Teague, *Black and Blue in North Texas: The Long Neglected History of Anti-Black Police Violence in North Texas, 1880-1930*, 49(8) J. OF BLACK STUD. 756, 758 (2018). (hereinafter *Black and Blue*).

²³ *Id.* at 764

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- ²⁴ *Id.* at 765
- ²⁵ Lynching in America, *supra* note 20, at 36-37.
- ²⁶ Black and Blue, *supra* note 21, at 766
- ²⁷ *Id.*
- ²⁸ *Id.* at 767
- ²⁹ *Id.* at 768
- ³⁰ *Id.* at 773
- ³¹ Lynching in America, *supra* note 20, at 22
- ³² *Id.*
- ³³ *Id.*
- ³⁴ *Id.* at 30
- ³⁵ Race Relations, *supra* note 5, at 139
- ³⁶ *Id.* at 150 (217/222 convicts hired out were black in 1879 Virginia; 1,526 leased convicts were black compared to 140 white in 1890 Georgia).
- ³⁷ *Id.*
- ³⁸ *Id.* at 43
- ³⁹ Lynching in America, *supra* note 20, at 24.
- ⁴⁰ *Id.*
- ⁴¹ KEVIN MICHAEL FOSTER, INSTITUTE FOR URBAN POLICY RESEARCH & ANALYSIS, DESTRUCTION OF BLACK COMMUNITIES IN THE NAME OF PROGRESS, THE CASE OF AUSTIN, 1865-1928, 3 (2019). (hereinafter Destruction of Black Communities).
- ⁴² *Id.*
- ⁴³ *Id.*
- ⁴⁴ *Id.*
- ⁴⁵ *Id.*
- ⁴⁶ *Id.*
- ⁴⁷ Lynching in America, *supra* note 20, at 25.
- ⁴⁸ Black and Blue, *supra* note 21, at 763
- ⁴⁹ *Id.*
- ⁵⁰ Policing in America, *supra* note 17, at 81.
- ⁵¹ *Id.* at 82
- ⁵² MICHELLE ALEXANDER, THE NEW JIM CROW (2010).

Part IV: Flash Point Activity

Introduction:

This activity will ask students to engage with specific flash points between the police and communities of Austin from post-reconstruction up through recent history. Some of the stories involve tragedy, and almost all place the police in the role of the agitator. These stories may be hard for the students to deal with. This activity will ask the students to call into question their traditional notions of police as a force for good. While this may be hard for them to do, it is exactly the point of the activity. However, it is important for the instructor to understand that the students will have a diverse background, and the stories will impact the students in different ways. Some of the students may even have personal experience with the stories covered. The challenge will be for the instructor to encourage the students to engage fully with the material while also supporting them emotionally.

Essential Question:

What role did the police play in each of these “flash points,” and how would that role be a factor in a hypothetical community member’s views on police?

Enduring Understanding:

In Austin, the police and the community have had a long and trying history. There is a mistrust of the police, and that mistrust largely comes from the historical moments where certain groups of residents have not felt like the police have adequately represented their interests.

Procedure:

1. Divide the class into 3 groups (ideally with 10 or less students).
2. Assign each group a time period (Re-entrenchment, Reconstruction/Jim Crow, or the 1970s).
3. Instruct students to read the packets silently and independently. Be sure to tell the students that they are not expected to read the newspaper articles in full, but that they are included only to demonstrate the way the events were perceived by the city.
4. Explain to the students that after reading the packets and discussing the “questions to consider” they are to make a poster and prepare a presentation explaining the materials they read about.
5. Be sure to circulate throughout the room to answer any questions that they students may have as they complete their posters.

6. While the students are presenting be sure to strictly limit each groups presentation time so that there is enough time for other students to ask questions, and for every group to present.

Materials:

- Enough copies of each Flash Point Packet for each student
- 2 poster boards for each group
- Markers and Pens

The History of Race and Police: Post-Reconstruction/Jim Crow Era

1865- 1930

Immediately after the civil war, former slaves made a great deal of progress in the United States. With the northern army still occupying southern states, in an era known as “Reconstruction,” the southern states were forced to accept the fact that their former slaves were now free. This time period saw the passing of the 13th, 14th, and 15th amendments to the constitution. These amendments abolished slavery, guaranteed citizenship to anyone born on American soil, and secured the right to vote to all men.¹ This time period also saw many former slaves be elected to Congress and local office.² Notably for the APD, the first two African American police officers were hired during this time period.³

This time of progress was not welcomed by southern whites. Many southern whites had grown accustomed to profiting off of free labor, and had largely internalized their beliefs about white superiority, in part at least, to justify the subjugation of an entire race of people.⁴ The words of the 13th amendment foreshadowed the eventual push back to this progress. The 13th amendment says, in its relevant portion, “[n]either slavery nor involuntary servitude, *except as a punishment for crime* [. . .], shall exist within the United States.”⁵ Whether intentional or not, the southern states saw the clause “except as a punishment for crime” as a loop hole they were more than willing to exploit.⁶

After the northern forces left the south, there was a large scale introduction of what are now known as “black codes.”⁷ Black codes were laws that were passed and enforced with the specific intention of imprisoning former slaves and then putting them back to work on the very plantations they worked as slaves, only this time they were unpaid prisoners instead of unpaid slaves.⁸ One example of such “black codes” was vagrancy laws. These laws required that all blacks have employment as a sharecropper, or otherwise, typically for a white landowner. If they didn’t have employment, they could be arrested for vagrancy, put into prison, and then leased out to farms as free labor.⁹ Another example of such laws were “poll taxes.”¹⁰ These were charges that southern blacks would have to pay in order to vote. The cost of these poll taxes made voting cost prohibitive and thus disenfranchised many blacks. The police played a pivotal role in this new form of putting free blacks back into forced labor by enforcing these black codes, and arresting free blacks.

This time period also marked the rise of lynchings as way to intimidate free blacks into accepting their inferior place in society, and to not exercising their freedoms.¹¹ Police played a role in this as well by not attempting to prevent the lynchings, and by not arresting the murders. Sometimes the police even actively participated in the lynchings.¹² From 1882-1962, 493 people were lynched in Texas, with 71% of them being African Americans despite only making up 17% of the population.¹³

This era is also marked by the advent of segregation, and the Jim Crow laws that were accepted as constitutional when the *Plessy v. Ferguson* case ruled that “separate but equal” treatment was constitutional under the 14th amendment’s equal protection clause.¹⁴

During this time period in Austin there were many flash points, and there were many freed blacks who were killed. For this activity we will focus on two major “flash points” in Austin’s history.

Flash points to be covered:

- The 1906 Street Car Boycott
- The 1928 City Plan which laid out the way that Austin could effectively segregate the city by moving minorities into the eastern half of the city

Instructions:

1. Read the following summaries of events and the corresponding news articles silently and independently
2. Answer and discuss the “Questions to Consider” as a group
3. Use the poster board and markers to make a poster to present to the rest of the class what you have learned
4. Decide who will present what points, but be sure to not leave out any of the “Flash Points”

FLASH POINT #1

Questions to Consider:

1. What did you think about the discussion of introducing a law to in order to prosecute individuals who were trying to recruit others to the streetcar boycott? Do you think if such a law were passed, the officers who were asked to enforce it would view their position in the system as just "doing their job"? If yes, should they have viewed it differently?
2. What was your reaction to the fact that the boycott stopped once the order went into place? Why do you think this happened?

The 1906 Streetcar Boycott

In early 1906, Austin joined many other southern cities by passing an ordinance segregating its electric street cars.¹⁵ The electric street cars were the main form of transportation here in Austin in the late 19th and early 20th centuries. Many people used them to get to and from work. The ordinance ordered that there would be separate cars for black and white riders.¹⁶ It also gave the conductors police powers to enforce the ordinance. Any violation would result in a misdemeanor charge and a fine from anywhere between \$10-100.¹⁷ This translates to roughly \$250-2,500 in modern times.¹⁸

As a response to the ordinance, black community leaders organized a near complete boycott of the streetcars in the months leading up to its implementation.¹⁹ Reporting from the time shows that the boycott was joined with near ubiquity.²⁰ One report showed that almost no African American passengers were riding the cars. Interestingly, in the same article the reporter discussed that police would be investigating African Americans who they deemed to be “intimidating” other African Americans into joining the boycott.²¹ Additionally, it was proposed that the city pass a separate ordinance making it illegal to for African Americans to prevent other African Americans from riding the street cars.²² It can be seen how easily such a law could be abused and used to arrest protestors. This demonstrates the police’s rather explicit role in maintaining the order proposed by the city officials.

The protestors went so far as to try to establish their own alternative means of public transportation.²³ Protest leaders used a network of carriages and wagons driven by African Americans for a reduced fare to provide transportation to protestors who didn’t want to, or could not walk.²⁴ Interestingly, the boycott stopped when the ordinance took place.²⁵ This is likely due not to an acceptance of the ordinance, but rather a realization that with their limited power in society the protest was not going to cause a change.

The fact that the African Americans of Austin never accepted the ordinance as fair or just is exemplified by the countless subversions of the law throughout the early 20th century.²⁶ One of the bigger instances of this subversion happened in 1925 when a local black woman, Willie Mae Cavaniss, was charged and fined for deliberately sitting too far forward in the street car. Additionally, in 1929 two black men were brought before a court and were found to have willfully and intentionally violated the streetcar ordinance.²⁷

News Coverage:

BOYCOTT ORDINANCE MAY BE INTRODUCED: NEGROES.

BOYCOTT ORDINANCE MAY BE INTRODUCED

NEGROES OPPOSED TO JIM CROW
LAW INTIMIDATE OTHERS OF
THEIR RACE WHO DESIRE TO
PATRONIZE CARS.

The boycott of the colored race against the street cars of the Austin Electric Railway company still remains effective and no negroes at all are patronizing the cars, with the exception of a few of the old time darkies. Practically no negroes were hauled yesterday and the hack lines for the colored did a land office business. They had almost more than they could do.

In a number of instances it has been reported to the officers by the few darkies who are not opposed to the "Jim Crow" or separate compartment ordinance that other negroes have tried to intimidate and compel them to discontinue riding on the street cars. In several cases certain negroes have been known to approach others of their race

who were on the cars and tell them that they would be blacklisted by the negroes of Austin if they did not join in the boycott. The officers are investigating the matter and it is likely that some of the agitators who indulge in such conduct will be arrested and arraigned on charges of disturbing the peace, if their actions can not be covered by a graver charge.

It has been suggested that the city council pass an ordinance at the next regular meeting making it a misdemeanor offense for negroes to intimidate others of their race to prevent their patronizing the cars, and make the fine for same as heavy as possible. If such an ordinance is passed it will put a stop to the agitation of the boycott and every negro who desires to ride on the cars will not be interfered with by those who are opposed to the separate compartment ordinance. However, nothing definite along these lines has yet been decided upon.

The Austin Statesman (1902-1915); Apr 9, 1906;
ProQuest Historical Newspapers: The Austin American Statesman pg. 8. Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

BOYCOTT BY NEGRO RACE

—•—
VERY FEW COLORED PEOPLE ARE
NOW PATRONIZING ANY OF THE
STREET CAR LINES OF THIS
CITY.

HACK LINE BUSINESS

—•—
Agitators Opposing Jim Crow Law
Have Almost Succeeded in Making
Boycott Complete and Hacks
Are in Clover.

—•—
The boycott of the cars of the Austin Electric Railway company by the colored race of this city, which has been gradually growing ever since the city council passed the separate compartment ordinance for the white and colored race in street cars, is now almost as thorough as the agitators of it could desire. Very few negroes are patronizing the street cars on any of the lines and the number is growing less every day. Foreman George Milton of the Austin Electric Railway company stated yesterday that in the past few days the negro traffic had almost entirely become a thing of the past. "Some of the conductors report hauling

a negro every once in awhile," said Foreman Milton, "but there are very few who now patronize the cars, especially in the last two or three days."

Several of the negroes have started hack lines from different points in the city and are hauling most of the negroes who do not walk. The hack line is doing good business, and it has been reliably reported that the parties back of the hack line business were the principal agitators of the boycott. It is money in their pockets and, as a prominent citizen stated yesterday, just as long as they can make many of the negroes believe that he is bettering himself by paying 10 cents to ride in a hack instead of giving the street car company 5 cents, they will continue to do a flourishing business. The main hack lines are from Robinson Hill to Congress avenue and Sixth street, though it is stated that efficient lines will be extended to other portions of the city.

The separate compartment ordinance which was passed about thirty days ago, is not effective for ninety days from the date of passage. There are yet no separate compartments and will not be for about sixty days. When the ordinance becomes effective the compartments will be provided as the ordinance requires. How long the present boycott will last is not known, but it is safe to say it will result as all similar boycotts have in other Texas cities. None of them lasted over a few months. The discontinuance of the colored patronage has not materially affected the revenue of the street car company.

FLASH POINT #2

Questions to Consider:

1. Why do you think city officials decided to build Highway I-35 where they did in the 1960s?
2. How do you think residents who have lived in East Austin since the 1960s feel about the construction of new, high-cost, luxury apartments on the East side?

The 1928 City Plan

Many people who arrive in Austin in modern times see the city divided by highway I-35 and understand that East Austin is where most minorities live, while the hills of West Austin are where most of the cities white residents live. Most also understand that East Austin is typically thought of as the poorer community of Austin. What most people do not understand is that this division wasn't just an accident. In fact, it was the exact opposite. In 1928, the City Planning Commission released a document called *A City Plan for Austin, Texas*.²⁸ This document was put together by the consulting firm Koch & Fowler Consulting Engineers and was meant to formally segregate the city.²⁹

The plan functioned in two ways. First, the city was to take away land from blacks in West Austin in order to replace their housing with “more desirable” housing.³⁰ Second, the city would build facilities in East Austin in order to incentivize the cities black and Latino populations into “self-segregating.”³¹ The plan called for the creation of a park for black and ethnic minority residents. This park is now Rosewood park. It additionally called for the building of a school for black and ethnic minority residents. While the language of the plan made it seem as if the city had the genuine interest of providing services to the black and Latino populations of Austin, in reality these services were far inferior to the services that white communities were to be provided under the plan.³² The investment in East Austin never came close to the levels of investment in the West Side of the city, that is until Whites began to move into the East Side.³³

In some ways it is a misnomer to call the 1928 City Plan a “flash point.” The damage that was done by it wasn't felt immediately. The real damage happened in the decades that followed. After the city successfully moved large groups of communities of color to East Austin, they proceeded to provide them with smaller parks, swimming pools with fewer hours, and unpaved roads.³⁴ The real reason this is considered a “flash point” is because it delineates the time when Austin officials formally and systematically segregated the city, and the lines that were drawn can still be seen to this day. It is important to remember that when one enters East Austin, the lower property values, and higher rates of poverty are not accidents, but rather were intentional results of the 1928 City Plan.

News Coverage:

CITY PLAN OUTLINED
The Austin Statesman (1921-1973); Jan 4, 1928;

CITY PLAN OUTLINED

Following are the chief features of the city plan report:

1. Location of municipal airport south of Colorado river.
2. Separation of auditorium and library.
3. Extension of state building area to 15th street.
4. Creation of future civic center between Colorado river and Third street.
5. Removal of railroad tracks from third street.
6. Construction of union passenger terminal at Fifth and East Avenue.
7. Designation of Seventh street and Congress avenue as Austin's business center.
8. Establishment of boulevards along Shoal Creek, Waller Creek and Riverside Drive. (Colorado River bank.)
9. Establishment of boulevards on Nueces and San Antonio streets.
10. Paving of Nueces, San Antonio, 11th, Red River, East Avenue, Duval and other streets.
11. Opening of Travis Heights as a new boulevard and erection of a bridge across Colorado river connecting it with East Avenue.
12. Development of Pease Park as a neighborhood park.
13. Converting tracts surrounding Elisabet Ney studio and French embassy into beautiful parks.
14. Abandonment of Central Fire station on Eighth street and erecting three new downtown fire stations.

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- ¹ U.S. Const. amend. XIII, XIV, XV.
- ² U.S. House of Representatives, Office of the Historian, *Black Americans in Congress: An Introduction*, BLACK AMERICANS IN CONGRESS, 1870–2007 (2008) <https://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Essays/Introduction/Introduction/>. (hereinafter Black Americans in Congress).
- ³ BOB RESCOLA ET AL., AUSTIN HISTORY CENTER, AUSTIN POLICE DEPARTMENT GUIDE, 3 (2018).
- ⁴ EQUAL JUSTICE INITIATIVE, LYNCHING IN AMERICA: CONFRONTING THE LEGACY OF RACIAL TERROR, 22 (3d ed., 2017). <https://lynchinginamerica.eji.org/report/> (hereinafter Lynching in America).
- ⁵ U.S. Const. amend XIII.
- ⁶ Lynching in American, *supra* note 4, at 23.
- ⁷ *Id.*
- ⁸ SALLY E. HADDEN, SLAVE PATROLS LAW AND VIOLENCE IN VIRGINIA AND THE COLONIES, 193 (2001). (hereinafter Slave Patrols)
- ⁹ Lynching in American, *supra* note 4, at 22.
- ¹⁰ HOWARD RABINOWITZ, RACE RELATIONS IN THE URBAN SOUTH: 1865-1890, 324 (1978) (hereinafter Race Relations).
- ¹¹ *See generally* Lynching in American, *supra* note 4.
- ¹² Hollie A. Teague, *Black and Blue in North Texas: The Long Neglected History of Anti-Black Police Violence in North Texas, 1880-1930*, 49(8) J. OF BLACK STUD. 756, 765 (2018). (hereinafter Black and Blue).
- ¹³ *Id.* at 761.
- ¹⁴ *See Plessy v. Ferguson*, 163 U.S. 537 (1896).
- ¹⁵ Katie Humphrey, *1906 boycott of streetcars gave Austin’s blacks a voice*, AUS. AM. STATESMAN. Jan. 21, 2008, at A1.
- ¹⁶ *Id.*
- ¹⁷ *Id.*
- ¹⁸ US INFLATION CALCULATOR, COINNEWS MEDIA GROUP LLC. <https://www.usinflationcalculator.com/>.
- ¹⁹ *Boycott Ordinance may be introduced*, AUS. AM. STATESMAN, Apr. 9, 1906, at 8.
- ²⁰ *Id.*; *Boycott by negro race*, AUS. AM. STATESMAN, Apr. 8, 1906, at 5.
- ²¹ *Boycott Ordinance*, *supra* note 19.
- ²² *Id.*
- ²³ W.D. Shelley, *Jim Crow Law Soon*, AUS. AM. STATESMAN, May 27, 1906, at 9.
- ²⁴ Katie Humphrey. *1906 boycott of streetcars gave Austin’s blacks a voice*. AUS. AM. STATESMAN. Jan. 21, 2008. Pg. A1.
- ²⁵ *Id.*
- ²⁶ Jason J. McDonald, *Confronting Jim Crow in the “Lone Star” capital: the contrasting strategies of African-American and ethnic-Mexican political leaders in Austin, Texas, 1910-1930*, 22(1) Continuity and Change 143, 153 (2007).
- ²⁷ *Id.* at 154.
- ²⁸ KOCH & FOWLER CONSULTING ENGINEERS, A CITY PLAN FOR AUSTIN, TEXAS (1928).
- ²⁹ KEVIN MICHAEL FOSTER, INSTITUTE FOR URBAN POLICY RESEARCH & ANALYSIS, DESTRUCTION OF BLACK COMMUNITIES IN THE NAME OF PROGRESS, THE CASE OF AUSTIN, 1865-1928 (2019).
- ³⁰ *Id.*
- ³¹ *Id.*
- ³² *Id.*
- ³³ *Id.*
- ³⁴ *Id.*

The History of Police and Race: Civil Rights

The 1970s

The 1970s were a time of radical change not only for Austin, but the entire United States. Civil Rights were no longer at the center of many people's minds.¹ The oil crisis and inflation made the job market incredibly competitive.² Additionally, the end of Lyndon B. Johnson's "Great Society," which brought the country the Civil Rights Act of 1964 and the Voting Rights Act of 1965, brought in an era that was far more hostile to civil rights.³ There were no longer as many major civil rights groups or Black Power organizations, and both Malcolm X and Martin Luther King Jr. had been assassinated.⁴ However, this did not mean that the protest movement and activism ceased to exist. Around the country, and specifically in the south, grassroots organizing by communities of color continued to flourish.⁵

Austin was no exception to this broader movement. The 1970s, like the decades before it, brought on several flash points between communities of color and the Austin Police Department. Importantly, this decade saw the rise of two major community groups that most people in the community today are still aware of: **The Brown Berets**, and **The Black Citizen's Task Force**. The Brown Berets were an important civil rights group for the Latino community, and the Black Citizen's Task Force was an important civil rights group for the black community. Both groups were very active in protesting the police during this time period.

This decade was a very trying time for communities here in Austin. Many racial and ethnic minority groups felt they were being harassed instead of protected by the police. Additionally, many community groups became more organized in their resistance to what they felt was systemic opposition to their progress in the city.

What follows is a brief overview of some of the flash points between the police and communities of color during this period time in Austin's history.

Setting the Scene:

Police Chief(s): R.A. Miles, Frank Dyson⁶

Diversity of the Force: By 1970 APD had 324 total officers, with 14 of Hispanic Origin, 11 African Americans, and 1 Native American.⁷

Flash Points to be covered:

- Police-Community Relations Task Force Report
- The Murder of Jose Campos Torres by Houston Police Officers
- The Death of Gril Couch at the hands of Austin Police Officers

Instructions:

1. Read the following summaries of events and the corresponding news articles silently and independently
2. Answer and discuss the "Questions to Consider" as a group

3. Use the poster board and markers to make a poster to present to the rest of the class what you have learned
4. Decide who will present what points, but be sure to not leave out any of the “Flash Points”

FLASH POINT #1:

Questions to Consider:

1. What were the key demands of the Police-Community Relations Task force report? Which demands stick out in particular, and why?
2. How did you feel about some of the community members statements during the testimony given at the 2nd community meeting for the Police-Community Relations?

Police Task Force Report

In November 1974, the city of Austin created a Police-Community Relations Task Force after immense pressure from community leaders following the killing of Tiburcio Soto in East Austin by an APD officer.⁸ The Task Force was made up of 17 people: nine members of the pre-existing Human Relations Commission, and eight persons named by individual city council members.⁹ Father Fred Bomar, Forrest McPhaul, Dr. John Warfield, Lt. Ernie Hinkle, H.C. Carter, Art Navarro, and notably Larry Jackson, a black activist, and Paul Hernandez, a member of the Brown Berets.¹⁰

The commission was created after the shooting of Tiburcio Soto on October 6, 1974. Tiburcio Soto was a Mexican-American who lived in East Austin.¹¹ His death resulted after police were called to his house in response to reports of a fight.¹² While the details of the interaction are likely lost to history, and who truly was at fault may never be known, all that the community needed to know in that moment was that he was killed by a police officer. Following the shooting, neighbors gathered, and tensions rose to the point of bottles and rocks being thrown at the police.¹³

The aftermath of the shooting left the city reeling. The Brown Berets and the Black Citizens Task Force hosted protests with more than 150 community members in attendance. Calls for a civilian oversight board were heard throughout the community.¹⁴ It is important to note that the Tiburcio Soto shooting wasn't an isolated incident, but was rather the third police shooting of a Latino since 1968.¹⁵ It was the straw that broke the proverbial camel's back.

Eventually, tensions rose so high that the city decided on establishing the Police-Community Relations Task Force.¹⁶ While there was initial excitement, the Task Force ended with the two major community activists, Larry Jackson and Paul Hernandez, leaving because they felt they weren't actually given the power to make meaningful reform.¹⁷ The city purposefully undermined the Task Force requests on several occasions.

Ways the City Undermined the Task Force:

- Task Force wasn't actually allowed to handle citizen complaints brought before it.¹⁸
- Chief Miles never provided the full cooperation needed for the Task Force to do a thorough review of the state of police-community relations.¹⁹
- When the Task Force asked for an extension to keep investigating the City Manager fired the four investigators that had been hired to assist the Task Force.²⁰

- After the first community meeting, which was held in Rosewood Community Center and did not require sign-ins, had testimony from 9 community members, the City moved the hearing to downtown and required sign-ins, which resulted in nobody actually testifying to the Task Force.²¹

Notable Requests from the final task force report:

- Establishment of civilian review board.²²
- The removal of Police Chief Bob Miles.²³
- The use of voice-actuated tape recorders by police officers.²⁴
- The use of citations rather than arrests in more misdemeanor cases.²⁵

News Coverage:

Task Force Blasted As Activist Resigns*The Austin American Statesman (1973-1987); Jan 21, 1975; ProQuest Historical Newspapers: The Austin American Statesman pg. 11*
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Task Force Blasted As Activist Resigns

An East Austin activist who took the lead in protesting alleged police brutality months ago Monday resigned his position on a task force on police-community relations which was organized as a result of the protests.

Paul Hernandez, a member of the East Austin Committee for Justice, called the city's Special Community Relations Task Force "inadequate and ineffective."

Hernandez maintained that, instead of creating a task force with the power and ability to improve police-community relations, "The city council set it up as a patsy for the people in East Austin."

The task force is not representative of the East Austin community because 10 of the 17 members are "upper middle class" and lack first-hand understanding and knowledge of police behavior in East Austin, he claimed.

Hernandez also cited the task force's lack of power as a contributing factor in his resignation.

"It has no other power than to present recommendations to the city council . . . and no recommendations have been made in two months," he explained.

Hernandez said he presented to the task force a list of Committee for Justice recommendations.

"They were never acted on, never accepted or rejected," he said. "The other task force members have to assure themselves there actually is a problem first."

A Jan. 13 community meeting, designed to explore

police-community relations, and hear citizens' charges of brutality, selective enforcement and harassment, was "a farce and a disgrace," Hernandez claimed.

Hernandez said he plans to work with the Committee for Justice on setting up its own task force which will try to implement the recommendations on which the present task force has not yet acted. They include:

— Establishment of a civilian review board to review the actions of the police department and to investigate complaints;

— Removal of Police Chief Bob Miles and conversion of his office to an elective one;

— Promotion of police sensitivity and awareness through foot patrols of East Austin and through special community training;

— Prohibition of abusive language arrests and misdemeanor arrests in a large group; and,

— Substitution of bean bag or stunning bullets for live ammunition.

"I'm tired of talk," Hernandez explained. "I know the problem. I want to see a real solution."

Task force 'firings' blasted

The Austin American Statesman (1973-1987); May 15, 1975; ProQuest Historical Newspapers: The Austin American Statesman pg. 1

Task force 'firings' blasted

A member of the Police-Community Relations Task Force took City Mgr. Dan Davidson to task Thursday for Davidson's announced intent to terminate the task force staff as of Friday.

Subcommittee chairman Larry Jackson said he is "extremely distressed" at Davidson's announcement that the four staff workers will be cut off Friday when a previously-granted 30-day extension expires.

In a letter to Mayor-elect Jeff Friedman and members of the council, Jackson wrote,

"It seems extremely odd that the city manager would make this decision when the task force had formally requested an extension with the stated intention of completion of the final report to the city council within a stated 60-day period."

Jackson referred to a letter from the task force last week to the council setting a 60-day time limit on itself, and asking that the staff be continued until work was finished.

Revealing his intent to cut off the staff, Davidson said he had not seen that letter and, until Wednesday night, had not even heard of it.

The staff workers — three investigators and a secretary — were assigned to the task force early this year. One month ago, Davidson said, force vice-chairman Dr. John Warfield wrote the city manager asking a 30-day extension of the staff. That period expires Friday.

Davidson said he has had no request from Warfield or any other task force member for further staff continuation. "They have nothing to do," he said. "I cannot justify continuing them."

Friedman has said he believes the new council will

respond favorably to the force's request for staff extension. The earliest the council could act, though, would be next week — after the current extension expires.

Davidson said Thursday he was trying to contact Warfield, now the acting head of the group since former chairman Joe Lung resigned two weeks ago. He will ask Warfield what staff is required to complete the group's work, Davidson said, and what exactly the staff is doing.

Asked if he would likely extend the tenure of the staff

past Friday, Davidson said he didn't know and wanted to talk to Warfield before making any further judgment. "As of now," he said, "nothing's changed."

The Police-Community Relations Task Force was established last fall and charged with developing ideas on how to salve mistrust and misunderstanding between police and a large segment of the community — primarily East Austin. Since it was organized seven months ago, the group has presented no recommendations to the city council.

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Task force report

Despite internal squabbling and allegations of non-cooperation from the city administration and police, the Police-Community Relations Task Force has delivered a majority report.

There were some questions about whether the "majority" report was a minority report because more members signed one minority report than voted for the ultimate majority report.

But all that is persiflage. The majority report apparently represents the feelings of the majority of the task force. The inch-thick document deserves close reading and a dispassionate analysis by the city administration and the city council.

The report itself is largely dispassionate, which is a surprise, considering the temperamental nature of some task force members. It addresses itself to basic and specific areas of police-community relations and attempts to make recommendations to ameliorate or remove the sources of problems.

A number of recommendations have been made. Some we agree with, some we disagree with. A few leave us on the fence or nonplussed. But all deserve a more than cursory glance by the powers that be.

A few task force recommendations we feel deserve comment:

—Promotion in the police department should stress ability above seniority. Yes, indeed. Agreed. But one must remember state law, affirmative action, the federal government, Civil Service and a few other roadblocks to such a goal.

—Remove Police Chief Bob Miles and find a replacement. We have to agree. Chief Miles is getting on in years, his health is not the sturdiest and, truth to tell, he has not been innovative. A lot of changes in the department in recent years have been made on the initiative of the city administration or city council, not the initiative of the chief. In recognition of his many years of exemplary

service, the chief ought to be promoted to a post such as commissioner of public safety until his retirement.

—Establishment of a civilian review board. No good. How many ways can you say it won't work and can't work? The Civil Service law makes a civilian review board unnecessary and illegal, as has been pointed out numerous times.

—Enlarge the Civil Service Commission to seven members and make some of them women and blacks and Chicanos. We agree. It is not possible to expand the three-person commission without changing state law, but something needs to be done. The present commission consists of three conservative, middle-aged white males. It's time for a change here.

—A registered nurse should be staffed permanently at the city jail to check prisoners who may need to see a doctor or be sent to the hospital. Agreed. The cost would be justified if only one prisoner's life is saved by the presence of a trained medical person.

—Police should use citations rather than arrests in more misdemeanor non-traffic cases. Yes. Saves time, money and jail space. The violator can sign a notice to appear, just like in a traffic case.

—Establishment of a detoxification center in East Austin. Amen. But not just in one area. Put it at the police station if necessary because of costs, or put up several around town if economically feasible. The idea is to sober up drunks and keep them off the streets and out of cars. You don't need a jail to accomplish that.

—Use of voice-actuated tape recorders by officers in certain districts. Why not? But why just in certain areas? It is not only in East Austin that disputes arise over what took place during an arrest or disturbance. It might be considered discrimination to have the tapes only in one or two areas of the city. The cost factor ought to be weighed against the benefits or disadvantages of the system.

Task force report

The Austin American Statesman (1973-1987); Aug 20, 1975; ProQuest Historical Newspapers: The Austin American Statesman pg. 4 Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

FLASH POINT #2

Questions to Consider

1. How would you feel if Jose Campos Torres was your family member? What do you think you would tell your children about the police if your brother was treated the way Jose Campos Torres was?
2. Do you think the people who heard about this instance might be hesitant to call the police in the future? Why or why not?

The Murder of Jose Campos Torres by Houston Police Officers

Jose Campos Torres was a 23-year-old Vietnam Veteran who was murdered by Houston Police Officers in 1977.²⁶ His body was found on the shores of the Buffalo Bayou.²⁷ On May 5, 1977, he was arrested at a bar in the heart of the Latino neighborhood of Houston.²⁸ Instead of being taken to the station, the police officers took him to “The Hole,” which was an isolated location behind a warehouse.²⁹ He was beaten so badly that when the officers eventually tried to book him at the city jail, officials refused and insisted that he be taken to the hospital.³⁰



Campos Torres was never taken to the hospital. Instead he was taken back to “The Hole,” beaten again, and pushed from a 20 foot platform into the Bayou where he drowned to death.³¹ While six officers were involved with the beating only two were charged with the homicide.³² An all-white jury found the two officers guilty of negligent homicide, a misdemeanor, and sentenced them to a year probation and a \$1 fine.³³ While federal officials eventually found three additional officers guilty of violating Campos Torres’ civil rights, even 40 years later Campos Torres’ sister does not feel like justice was served.³⁴

The Latino community of Texas also did not feel that justice was served. On the one-year anniversary of the Campos Torres murder, a major riot broke out in Moody Park, now known as the Moody Park Riot. During the riot, more than 40 people were arrested, and several police officers were hospitalized.³⁵ The incident led to the creation of the Houston Police Department’s internal affairs department.³⁶ It also led to a group of Latino attorneys from Texas seeking funds to set up a clearinghouse for complaints and allegations of police brutality in Texas.³⁷

The effects of the murder were not just felt in Houston. In Austin, the Brown Berets, led largely by Paul Hernandez, staged a massive, 500 person rally at the state capitol.³⁸ During this rally many speakers, including Hernandez, spoke of their mistrust of the police.³⁹ In the months and years following the murder, community members would draw parallels between instances of police misconduct and the Campos Torres incident.⁴⁰

While this event may seem to be old history at this point. It is still fresh on the minds of many community members, as is demonstrated from the fact that more than 40 years later the Campos Torres’ still holds “solidarity walks” on the anniversary of his killing.⁴¹

News Coverage:

Police brutality charges draw 500 to Capitol rally

LINDA KERR American-Statesman Staff
The Austin American Statesman (1973-1987); Nov 13, 1977; ProQuest Historical Newspapers: The Austin American Statesman pg. B11



Barrientos, upper left, and Brown Beret members raise their fists to the crowd

Staff Photo by Kit Brooking

Police brutality charges draw 500 to Capitol rally

By LINDA KERR
American-Statesman Staff

"What do we want? Justice."
"When do we want it? Now."

Chanting that and other slogans in English and Spanish, about 500 people marched through East Austin and up Congress Avenue Saturday afternoon to protest what they called "killer cops." The demonstration, which culminated with rally on the Capitol steps, was organized by the Brown Berets, a Chicano activist group.

Although police were stationed at various points along the route to stop traffic for the marchers, they were otherwise not in evidence and there were no incidents.

Most of the marchers were young Chicanos and many carried signs referring to the recent killing of Jose Campos Torres by Houston police officers (two policemen have been convicted of lesser charges in the killing).

Shouting to bystanders to join them and showing clenched fists, the marchers wound their way from Sanchez school through a predominantly Mexican-American neighbor-

hood, then up Congress to the Capitol.

There the group was addressed by State Rep. Gonzalo Barrientos and numerous Brown Berets from across the state. Barrientos was introduced as the only Chicano legislator who would support the march.

Speaking in Spanish, Barrientos chided those whose success, he said, had made them content to "sit home and drink a cocktail and buy a new car every year."

In English he added, "For those of my fellow Texans who say, 'What are those crazy Mexicans up to now?'"

I say to all of them — even though some of them may be bigots — we do this out of love."

Most of the Brown Berets speeches were given in Spanish and stressed a willingness to take up arms if necessary to defend their community against police brutality.

Local Brown Beret Paul Hernandez attacked the Austin Police Department, saying that when Chicanos have a complaint about a disturbance, they think twice about calling the police, wondering, "Are we going to be disturbed more by the police?"

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No jail, fine given ex-officers

Briscoe to ask for federal probe, Page B1

HUNTSVILLE (AP) — A state court jury that convicted two former Houston police officers of a misdemeanor in the slaying of a prisoner in their custody assessed probated one-year sentences to the ex-officers Friday.

Terry Denson, 27, and Stephen Orlando, 21, originally were indicted for murder in the drowning death of a Mexican-American laborer, Jose Campos Torres. They could have received up to one year in prison and a \$2,000 fine after being convicted Thursday of criminally negligent homicide.

Both men refused comment on advice of their attorneys.

The jury, which included no Mexican-Americans, deliberated 11 hours before returning the probated sentences.

A member of the jury, Thelma Smith, 49, a prison guard, said, "It was a fair verdict. We were split over the question of granting probation. That's what took so long on the punishment discussion."

Mike Ramsey, attorney for Orlando, said the jury split 9-3 for probation and reached a unanimous decision after the lengthy deliberations. Ramsey said that six of the 12 jury members voted initially to acquit the officers.

"When a human life is taken, probation is not an appropriate verdict," said prosecutor Ted Poe of Harris County. "That is a very cheap price to pay for taking a human life."

The prosecution argued that Denson and Orlando, along with three other officers, kicked and beat Campos Torres, who had been arrested for being drunk, before Denson pushed him into the Buffalo Bayou. Most of the testimony came from the other officers, now suspended, who testified in exchange for immunity.

FLASH POINT #3

Questions to Consider:

1. Do you think residents still trust the city to represent their desires after its repeated denials of their calls for a civilian review board?
2. What do you think the witnesses of the Gril Couch incident told their friends and families about the incident?
3. How do you think members of the community who know of the Gril Couch death reacted when they saw the footage of Eric Gardner's killing in New York City?

The Death of Gril Couch at the Hands of Austin Police Officers

Gril Couch was a 41-year-old African American man who was died at the hands of two out-of-uniform police officers while dining in East Austin.⁴² Couch suffocated to death when his larynx collapsed after being placed in a chokehold by the two officers.⁴³ The death was sent to a grand jury, which failed to indict either of the officers and ruled the death an accident.⁴⁴ However, for many East Austin residents this was a miscarriage of justice, and brought on six weeks of protests against police brutality and calls for a citizen review board by the Brown Berets, and the Black Citizens Task Force.⁴⁵

The incident took place on August 1, 1979 at a BBQ restaurant in East Austin.⁴⁶ Couch was drunk and the two officers were on their lunch break.⁴⁷ There was no indication that the men were police officers, and they never announced themselves to be officers throughout the entire exchange. Couch apparently lunged at one of the men. Afterwards, the police officer called to see if uniform police officers would come to arrest Couch.⁴⁸ Before the uniform officers could arrive, Couch lunged at them again. It was then that the two officers, without announcing themselves as officers, began to wrestle Couch out of the establishment and onto the ground. During the altercation they put Couch in a chokehold.⁴⁹

There were 18 witnesses to the incident. When interviewed, many of the witnesses said they watched the officers hold Gril in the choke hold for several minutes.⁵⁰ When the uniform officer arrived, witnesses claimed they watched the officer place handcuffs on what they perceived as an already dead Couch. Couch was pronounced dead at the scene.

The grand jury ruled it an accident, while the city coroner refused to say one way or another whether the death was a homicide or an accident.⁵¹ This did not satisfy community members because of the secrecy involved in the grand jury process, and their general mistrust of the police.⁵² The death of Couch further solidified the mistrust of the police. This is demonstrated by the fact that less than two weeks after the death, when another East Austin resident struggled with police, witnesses gathered not to assist the police officer with the arrest, but instead to ensure that the man wasn't put into a choke hold. Some local residents even said, "People are suspicious of cops since the Couch incident."⁵³

News Coverage:

Residents exert pressure: East Austinites demand review board in Couch death

TERRY BOX American-Statesman Staff *The Austin American Statesman* (1973-1987); Aug 24, 1979; ProQuest Historical Newspapers: The Austin American Statesman pg. B1 Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Residents exert pressure

East Austinites demand review board in Couch death

By TERRY BOX
American-Statesman Staff

Dozens of East Austin residents went before the City Council on Thursday night to demand again that a citizens review board be appointed to investigate incidents of police brutality.

Several residents also insisted that Police Chief Frank Dyson and City Manager Dan Davidson be fired.

Those same demands have been made during daily demonstrations since Gril Couch, 41, a black, died Aug. 1 while struggling with two white Austin policemen.

But they took on a threatening edge

Thursday in a chaotic two-hour session in which council members heard from more than 15 people.

"We are not asking for justice," said East Austin activist Paul Hernandez, "we're telling you we're going to take it — one way or the other. I've got films of L.A. and Detroit, and that's very indicative of what can happen in Austin."

Dorothy Turner, chairwoman of the Black Citizens Task Force, warned the council that blacks and browns in East Austin "will not continue to stand by and wonder who the next victim will be."

Although East Austin residents have brought their complaints about alleged

police brutality to the council before, the meeting Thursday was unusually tense.

At one point, Hernandez snapped: "Turn that damn thing off," when the council's timer went off, signaling that his allotted time had been used.

At another point, so many people were shouting at the council that their demands were incomprehensible.

The council took no action other than to listen to the complaints.

"I call on you to work with me," Councilman Jimmy Snell told the group. "I live in the same area as you. I want this solved also."

Civilian board needed to review police conduct

By HENRY NOBLES

The Central Texas Chapter of the American Civil Liberties deplores the death of Mr. Gril Couch and the manner in which it is being investigated.

Mr. Couch's death marks the third major incident in recent months which raises serious questions concerning the way Austin police treat black citizens. Last March, the Austin police staged a sweeping, shotgun-coerced and warrantless search of the homes of two black families in East Austin. Then, a few months ago, several innocent black youths were arrested and detained at gunpoint following a bank robbery.

Investigation of these two incidents was handled by the Austin Police Department's Internal Affairs Division. In both cases, the police officers involved were returned to duty. Because Gril Couch died literally at the hands of the police department, his case has been handed over to the Travis County Grand Jury. The ACLU considers this procedure to be as unacceptable as internal police investigations because of the secrecy of the grand jury proceedings and the nature of the relationship between the district attorney's office and the police department.

The ACLU has long supported a civilian review board to consider matters of police misconduct. In a republic such as ours, police should always be viewed both as the citizens' greatest friend and worst potential enemy. The police's power to enforce our laws can easily be transformed into an instrument with which to abuse our laws. When a complaint is filed against a police officer, public confidence demands an investigation which not only is full and fair, but which gives the appearance of being full and fair. The grand jury cannot fulfill this role.

The district attorney's office presents the evidence to the grand jury. Normally, however, the DA's office works with the police, not

against them. It cannot win convictions without the aid of the police. Many will suspect, therefore, that in the secrecy of the grand jury room, the DA's office will be less than vigorous in its attempt to procure indictments against the officers involved.

Even if the DA's office does work to present a full and fair case before the grand jury, should no indictments be returned, large segments of the Austin community will feel that a whitewash has occurred. Even in the event of a true bill (indictment), the grand jury is not the appropriate forum to investigate police misconduct. Given the secrecy of grand jury proceedings, no one will ever know. And public confidence in our institutions of government will fall even lower.

In contrast to the secrecy and potential bias of grand jury proceedings, or internal investigations, stands the concept of a civilian review board. A review board would hear complaints, conduct investigations and make recommendations concerning alleged police misconduct. In addition to providing a forum for aggrieved citizens, a review board could be used to defend police officers against unfounded and unproved citizen complaints. Such a board would be fair. Just as importantly, it would be perceived as being fair.

The ACLU feels, therefore, that the presence of such a board is essential in striving to achieve a proper balance between the need for order and stability in our society and the need for individual liberties required by the Constitution of the United States.

Nobles is president of the board of directors of the Central Texas Chapter of the American Civil Liberties Union, 600 W. 7th St.

Reactions varied to cop's altercation: Some scared, some won't talk, some didn't want to get involve

LYNDA RICHARDSON American-Statesman Staff

The Austin American Statesman (1973-1987); Aug 16, 1979; ProQuest Historical Newspapers: The Austin American Statesman pg. B1

Reactions varied to cop's altercation

Some scared, some won't talk, some didn't want to get involved

By LYNDA RICHARDSON
American-Statesman Staff

Some said they were scared, some didn't want to get involved and others just couldn't see themselves helping a police officer arrest a man. Still others disagreed with the police account of a scuffle Tuesday in the 1900 block of Rosewood Avenue.

And a lot of people didn't want to talk about it at all.

Patrolman James Andrist reported that a crowd of about 20 people watched and refused to assist him as he grappled with a forgery suspect who was trying to wrest away his gun. The suspect, William Weldon Booker, 20, was charged with felony escape from custody after the scuffle.

Those who said they saw the incident and were willing to talk about it told a different story Wednesday.

"The guy (the suspect) didn't even try to take his gun. He could have gotten it easily, but he just wanted to get away," said Louis Pendleton, 1505 E. Seventh St., who said he was among several witnesses. Others agreed with Pendleton's assessment.

Pendleton said people watched rather than helped Andrist, because they were mostly there to make sure that the officer didn't put the man in a chokehold, alluding to an incident two weeks ago in which a man died in struggle with two plainclothes police officers.

Louis Pendleton says suspect could have grabbed policeman's gun, if he'd wanted to.



"We don't want to see anybody die, because we're tired of seeing black people die," he said.

Velma Roberts, a member of the Black Citizens Task Force that protested Gril Couch's death two weeks ago, said she also was in the crowd Tuesday. Roberts said no police brutality was involved in the incident.

"But feelings about cops around here are not good here," she said. "People aren't going to help cops; they've never done anything to help us."

"Cops act like they're crazy around here. They

don't really know how to deal with black people," Roberts said.

Grocery employee Glenda Garner saw the incident developing and did cooperate by calling the police to the parking lot in front of the store, where the struggle took place.

"I was mostly stunned and afraid for what might happen," she said, explaining why she didn't get involved any further.

"People are suspicious of cops since the Couch incident," she said. "A lot of people look at it as a racial issue, some are afraid and some just don't give a damn. All that was going through my mind was whether the policeman was going to kill him or what."

Although Garner believes officers in the community tend to abuse their authority, she added, "You've got some good ones and you've got some bad ones, just like everywhere else."

Another employee, Robert Favors, said he believes the suspect should not have run away. "If he hadn't done anything wrong, he should have stuck around and cleared his gripe," he said. "Now he's in more trouble than he was at first. I don't knock the law, that's their job. Pretty soon bank robbers are going to be right."

One man, who wouldn't give his name, explained his inaction this way: "I'm not going to help a cop trying to arrest a black man. I have to live with my race."

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² DAVID HOROWITZ, JIMMY CARTER AND THE ENERGY CRISIS OF THE 1970S: THE "CRISIS OF CONFIDENCE" SPEECH OF JULY 15, 1979: A BRIEF HISTORY WITH DOCUMENTS (2005).

³ Tuck, *supra* note 1, at 640

⁴ *Id.* at 639

⁵ *Id.* at 640

⁶ BOB RESCOLA ET AL., AUSTIN HISTORY CENTER, AUSTIN POLICE DEPARTMENT GUIDE (2018).

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- ⁵⁰ *Id.*
- ⁵¹ John C. Henry, *Snell criticizes coroner*, AUS. AM. STATESMAN, Sep. 10, 1979, at B3.
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The History of Race and Police: Re-entrenchment

1980-2000

This era in history represents the attempted reversal of many of the progress made during the civil rights movement. Often attributed to Richard Nixon's presidency¹, for purposes of this course we will consider the true era of "re-entrenchment" to align with the Regan, Bush and Clinton presidencies.²

The era is most notably associated with the war on drugs, and the increase in "tough on crime" politicians that emerged on both sides of the political spectrum.³ It is also associated with the rise of mass incarceration. The prison population quadrupled from the 1970s to the 1990s, and doubled again between 1992 and 2000.⁴ A disproportionate amount of those incarcerated were minorities, specifically African Americans.⁵ By the 1990s, 1 in 3 black males would be incarcerated in their lifetime despite committing crimes at a similar rate to their white counterparts.⁶ This disproportionate incarceration also led to the removal of the right to vote for 7.44% of African Americans.⁷ As discussed in the presentation about the general history of the police and race, this era is often referred to the era of mass incarceration. The policies that came out in this era, and the incarceration associated with them is sometimes referred to as the "new Jim Crow."⁸ Needless to say, this was a trying time for the relationship between police officers and communities of color.

Austin was no exception. This time period in Austin brought on several flash points between communities of color and the Austin Police Department. It is important to understand the frustration, and mistrust that has been born out of these interactions.

Setting the Scene:

Police Chief(s): Frank Dyson, Jim Everett, Elizabeth Watson (APD's first female Chief), and Stan Knee

Diversity of the Force:

- By 1990 APD had 1,082 police officers. 11.3% were women, 9.8% were Black or African American, and 14.7% were Hispanic or Latino
- By 2000 APD had 1,656 police officers. 11.8% were women, 10.8% were Black or African American, and 16.6% were Hispanic or Latino. ⁹

Flash Points to be Covered:

- Anti-KKK Protesters beaten by police officers
- "The Valentine's Day Party Incident"
- Evans Ekiye suffocated by police officers while in handcuffs

Instructions:

1. Read the following summaries of events and the corresponding news articles silently and independently
2. Answer and discuss the “Questions to Consider” as a group
3. Use the poster board and markers to make a poster to present to the rest of the class what you have learned
4. Decide who will present what points, but be sure to not leave out any of the “Flash Points”

FLASH POINT #1

Questions to Consider:

1. How do you think a person of color would view the fact that a person of color was beaten on the day of the Ku Klux Klan's parade, while nothing happened to the Klan?
2. Whether or not Hernandez actually assaulted the police officer, how do you think the simple fact that he was beaten on camera during a Klan march affected community relations with the Chicano community?

Anti- KKK Protesters Beaten by Police

In January of 1983, the KKK planned a march on the Capitol here in Austin. There were roughly 70 Klan members in attendance.¹⁰ In response to the march, 2000 community members came out to protest the presence of the Klan.¹¹ Notably among those was Brown Beret (an important civil rights group for the Latino community of East Austin) Paul Hernandez.¹² There were around 400 police on the scene, and they were largely there to make sure that none of the Klan members were attacked, as they were greatly outnumbered by the counter-protesters.¹³

As the tensions rose, Paul Hernandez was surrounded by 10 police officers and beaten with their clubs.¹⁴ This was caught on footage and an investigation into whether any rights were violated followed.¹⁵ The officers' accounts of the incident was that Hernandez assaulted one of them just prior to them reacting by striking him with their night sticks. Hernandez maintained that he acted no differently than the other white protesters who were not given any trouble by the police that day. He was eventually charged with assault.¹⁶ One Klan member was arrested that day for illegally carrying a firearm, but besides him no Klan's members were assaulted.¹⁷

Community members were upset and thought that the beating of Hernandez was a miscarriage of justice. They also felt that the Klan was treated better than they were, and that overall it was the city's fault for mismanaging the parade.

Notably, the following year the Klan and counter-protestors returned.¹⁸ However, due to better planning and scheduling of the timing between the Klan and the counter-protestors there was no clash between the police and the Klan or the counter-protestors.¹⁹

Around the Nation

2 Suspects Denied Bail In Seattle Killings

SEATTLE, Feb. 21 (AP) — Two men arrested in the killings of 13 people in a gambling club in Seattle's Chinatown were ordered held without bail today because the police were still seeking a third suspect.

Benjamin K. Ng, 20 years old, and Kwan (Willie) Mak, 22, appeared at a pre-arraignment hearing in Seattle District Court.

The suspects in custody were arrested hours after the police, early Saturday, talked with the sole survivor of the slayings, Wai Y. Chin, 61.

He was listed today in serious condition at Harborview Medical Center.

Storm Closes Highways In Texas Panhandle

By The Associated Press

A storm that left more than a foot of snow in eastern New Mexico and Colorado closed highways in the Texas Panhandle yesterday while heavy rains caused flooding in eastern Texas.

Street flooding was reported before dawn in the northeastern Texas city of Greenville, where 15 people were evacuated from their homes by boat.

A snowstorm struck the Panhandle community of White Deer, Tex., Sunday with 14 inches of snow and winds of 20 to 30 miles per hour, a sheriff's dispatcher said.

Sunday in northeastern New Mexico and southeastern Colorado, a blizzard whipped snow into 13-foot drifts, stranding travelers.

Inquiry Set in Violence Over Texas Klan Rally

AUSTIN, Tex., Feb. 21 (AP) — Mayor Carole McClellan has ordered an investigation into whether the police used excessive force Saturday in subduing protesters at a Ku Klux Klan march on the state Capitol. Police Chief Frank Dyson said he would not comment until he had reviewed a videotape.

The tape, taken by the Houston television station KPRC, shows 10 officers with clubs surrounding the Mexican-American activist Paul Hernandez and other protesters. It also shows several officers striking him and the others.

Officers said that seconds before Mr. Hernandez was struck, he seized a club

National news appears on
pages A12-A17 and B5.

from Officer Kevin Behr, hit him with it and kicked him in the side.

Mr. Hernandez was charged with assaulting a police officer and failure to obey a lawful order. Twelve people were injured and nine arrested.

One Klansman was taken into custody for carrying a weapon. Fifty Klansmen marched to the Capitol and 1,500 hecklers lined the route.

James Roosevelt Starts Social Security Lobby

WASHINGTON, Feb. 21 (UPI) — James Roosevelt, Franklin D. Roosevelt's oldest son, announced today that he was forming a "people's lobby" to fight for the Social Security program his father began.

Mr. Roosevelt, 75 years old, a former California Congressman, said the committee would name a panel in two weeks to review the report of the National Commission on Social Security Reform. He called the report by the commission, a Presidential panel, "unacceptable" because it offers "temporary, patchwork solutions."

Meanwhile William Wewer, the director of Mr. Roosevelt's National Committee to Preserve Social Security, said postal officials had agreed not to pursue mail fraud charges against the group because it was correcting a fundraising letter that had offered dues-paying members a statement of the earnings in their Social Security account, a service the Government provides without charge.

FLASH POINT #2

Questions to consider:

1. How do you think a person who knew the circumstances around Evans Ekiye's death felt when they heard about Eric Gardner's death in New York City in 2014?
2. Leaving aside whether the officer's use of force was reasonable or not, how do you think the community members who originally called in the domestic disturbance may react in the future when deciding whether to call the police?

Evans Ekiye death while in police custody

On December 5, 1984, 28 year old Evans Ekiye, a student from Nigeria, suffocated to death after four Austin Police Officers held him down while he was still in handcuffs.²⁰ The police officers were responding to a domestic disturbance at the Ekiye's residence. The officers initially grabbed Ekiye to determine if he was carrying a weapon.²¹ They then placed him in handcuffs and held him down on his mattress.²² At some point the officers decided to call the EMS because they recognized that Ekiye's condition had become critical.²³ However, all of them failed to administer CPR, even though two of them were trained in the life-saving practice.²⁴ In fact, there was evidence that when the EMS arrived on the scene the officers were still holding Ekiye face down on the mattress.²⁵

The attorney general conducted a special investigation and found that the police officers had acted negligently, but that they had not acted with the intent to kill the young man.²⁶ The medical examiner ruled the killing an accident, and the grand jury failed to indict, though it is important to note that the details of the investigation are still not know due to the secretive nature of grand juries.²⁷ All four police officers were reinstated to the force.²⁸



The Black Citizens Task Force responded to the death with sustained protests for 18 months.²⁹ The main requests they asked for were the immediate firing of the police chief, and the implementation of a citizen review board.³⁰ This event had serious repercussions on police-community relations in the months following it. Many citizens drew parallels between the Ekiye death and future interactions between the police and community members.³¹

Blacks reavow battle against 'police brutality'

By Cheryl Coggins Frink
American-Statesman Staff

Members of the Black Citizens Task Force said Saturday they will continue their "struggle against police brutality" although they are ending a daily picket line protesting police actions in the December 1984 death of a Nigerian student.

The task force organized a picket line in front of the Austin Police Department building 18 months ago after 28-year-old Evans Ekiye suffocated in a struggle with four police officers. The officers had been sent to Ekiye's apartment after receiving a report that Ekiye was beating his wife.

The Texas attorney general's office found that the officers were negligent and that police training in such matters was deficient. However, two Travis County grand juries declined to indict the police officers involved in the incident.

"By staging this picket line for the last 18 months, we have educated and raised the consciousness of the many people that have driven by this corner from 12 noon to 1 p.m. every day," said Dorothy Turner, president of the Black Citizens Task Force.

Turner said the task force will continue to oppose what it considers police brutality "on a higher level."

"We still call for the firing of police Chief Jim Everett, whose support of brutality among Austin police officers fans the flames of racist police attacks," Turner said.

Turner was joined by other members of the task force in front of the Police Department at 715 E. Eighth St. Saturday to announce the end of the picket line. Included in the group was task force member Paul Randall, who said he has picketed the police actions every day since the protest was organized in late 1984.

Randall said the protest generated interest in the police brutality issue. "One of the ways you can measure consciousness-raising is by the amount of horn blowing, and it has increased tremendously," Randall said.

The task force plans to collect brutality complaints in writing and present those complaints to the City Council on a regular basis, Randall said. The group also plans educational forums to address the issue of police brutality.



Black Citizens Task Force President Dorothy Turner on 18-month daily picket: 'That is a victory for all justice-loving people.'

Turner said. "We will conduct teach-ins. We feel a lot of people need to be aware of what to look for when they are stopped by a police officer. A lot of officers refuse to even give their names, and people are intimidated and afraid of being harassed," Turner said.

Turner said her group has determined that police brutality is a problem throughout the city. She said she receives two or three calls a month from people who say they were mistreated by police officers. The callers have said they were hit and shoved around by police officers, task force members said.

The task force also plans to continue its efforts to create a civilian review board. "The police cannot police themselves," Turner said.

ner said. "Only an impartial and independent civilian review board can ease the police brutality so many blacks and other Austinites face. No board established and led by police department officials can even begin to address this issue," she said.

The task force members said the last 18 months of protest have been successful because many more people are aware of the police brutality issue.

"That is a victory for all justice-loving people," Turner said.

She stressed that the group's actions are not aimed at all police officers. "We're not anti-police. We're anti-police brutality," Turner said.

Everett could not be reached for comment.

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Aug. 6, 1984

Police brutality charge needs serious attention

The report, backed by eye-witnesses, that an Austin police officer beat a handcuffed suspect with a nightstick on a busy South Austin street Friday evening raises anew questions about the state of police-community relations under Police Chief Jim Everett. There should be a full understanding conveyed from the city manager that police brutality will not be tolerated here, period.

Late last year, a Nigerian student, Evans Ekiye, was suffocated by police officers who went to his North Austin apartment after a neighbor reported hearing Ekiye beating his wife. A fight ensued and after Ekiye was handcuffed, his face was pressed against the mattress of a water bed until he suffocated. The death was ruled an accident by the medical examiner and a grand jury later declined to indict the four officers involved. But Attorney General Jim Mattox has mounted a probe of his own into the affair. The incident was mishandled from the outset, when Chief Everett not only immediately leaped to the defense of the officers, but also quickly returned them to full duty. Police later said they have changed their training program.

But on Friday evening, police internal affairs investigators were called out after several citizens reported they saw patrol officer David Mayfield beat a handcuffed suspect with a nightstick. About 10 witnesses at the scene told police the attack appeared unprovoked.

Mayfield was placed on restricted duty while the incident is investigated. That, considering the nature of the reported incident, is appropriate.

Kent Alan Wofford was driving a motorcycle with Juan Enrique Pena, a fellow worker, as passenger. Pena said he had accepted an offer of a ride home from Wofford. As they headed toward his home, Pena said, Wofford made an illegal turn, in front of Mayfield, who pursued the motorcycle. Pena said Wofford stopped, and that he wanted to jump off the motorcycle, but Mayfield was "coming right at us" in his patrol car. Wofford sped away, with Pena still aboard. The high-speed chase ended when three police vehicles stopped the motorcycle at West Gate and William Cannon boulevards.

Pena and Wofford were reportedly handcuffed and lying on the ground when Mayfield arrived. Witnesses told

police that the suspects had not resisted.

Witness Andrew Otto said: "Mayfield jumped out of his car with his stick and started beating this kid. He hit him on the head and the back. The kid was yelling, and there was nothing he could do. It was brutal. Then they let him lay there for a long time. They didn't get any medical attention for him. And he was bleeding. I don't know how many times he hit him. It was a bunch. It was just totally uncalled for."

Pena, who was not charged with anything, was treated at Brackenridge Hospital for bruises and a cut on the head that required at least six stitches.

Officer Mayfield, in his preliminary report, said he struck Pena because he thought he was trying to flee. But how could a prone, handcuffed, 120-pound man flee from at least four police officers? Particularly if, as Pena states, at the time another police officer had his knees on Pena's shoulder?

If the facts are as Pena and the civilian witnesses relate them, this should be treated as a most serious breach, not only of proper police procedure, but also of the trust given to the police by the community. Austin police had developed a pretty good rapport with the community under Police Chief Frank Dyson, following long years of poor relations under his predecessor. The Ekiye and Mayfield incidents, plus others, less well-documented but still of concern, make it appear that police-community relations are deteriorating.

That, as the city's top officials should make crystal clear, is not acceptable.

FLASH POINT #3

Questions to Consider:

1. How do you think the teenagers who filed the lawsuit and their families talk about police in the years following this incident?
2. What reaction do you have to the community member who said that he wasn't at all surprised that the jury sided with the police? What does this person's reaction tell you about community members' faith in the criminal justice system?

“The Valentine’s Day Party” Incident

On February 11, 1995, Ira Bedford threw a Valentine’s Day party for his teen-age children in East Austin. There were roughly 60 children in attendance at the party, but Mr. Bedford was not the only adult there; the party was attended by several parent chaperones.³² As the party progressed Mr. Bedford had some unwelcome guests. Namely a gang member carrying a gun. Mr. Bedford called the police to come remove the gang member.³³ It is at this point in the story where things become unclear. Community members say one thing and the police officers say another.

According to many community members, the gang member was actually removed from the party prior to the police officers arriving on the scene. The police officers claimed that it was they who removed the party goer.³⁴ Whether or not the gang member was removed by police seems to be irrelevant, but what comes next is relevant. The police officers stayed at the party after the gang member was removed. The police officers said it was to break up a fight between two adults, but many party goers insisted there was no fight.³⁵ In the following moments a police officer was struck in the head with a blunt object. At this moment an “officer down” call went out over the radio and around 60 police officers ended up on the scene.³⁶

Party goers were pepper sprayed, and had guns drawn on them by the police officers. While the officers deny it, 15 of the teenagers were willing to testify in federal court that at least some of them had guns placed to their head, and that the officers used racial epithets while yelling at them.³⁷

A group of teenagers filed excessive force complaints and sued the Austin Police Department in federal court. The jury never reached the question of whether excessive force was used because the case was decided on procedural technicalities. The teenagers did not win their lawsuit, and ended up taking nothing, which only functioned to further sour relations between the police department and the community.³⁸

While the facts are certainly disputed, and perhaps are lost to history forever, the sentiments that the community members felt in the aftermath of the incident leave no room for question about how they felt. There was a deep mistrust of police that was planted despite the police departments attempts to mend the relationship.³⁹ Community members wrote editorials to the newspapers, and some even went so far as to take out mock ads in *The Daily Texan* urging people to not call the police. Even in hearing the final result of the federal trial, which was given

by a jury with no black members, many community members reacted by saying they expected they wouldn't receive the justice they felt they deserved because, "[they] knew [the jury] were going to go with the police side, they've been doing this for years."⁴⁰

News Coverage:

Mock Ad taken out in "The Daily Texan"

BEWARE

Armed bands are roaming the highways and marching through your neighborhood. They may even try to enter your home! Watch for these gang identifiers:

Vehicles: Sport cars, four-door sedans, and vans, often painted black and white, with sirens and flashing red and blue lights.

Clothing: Well kept dress uniforms, usually blue or black (gang colors), and adorned with patches and badges. Head-wear varies. Other accessories include gun belts, handcuffs, hand-held radios, and large flashlights.

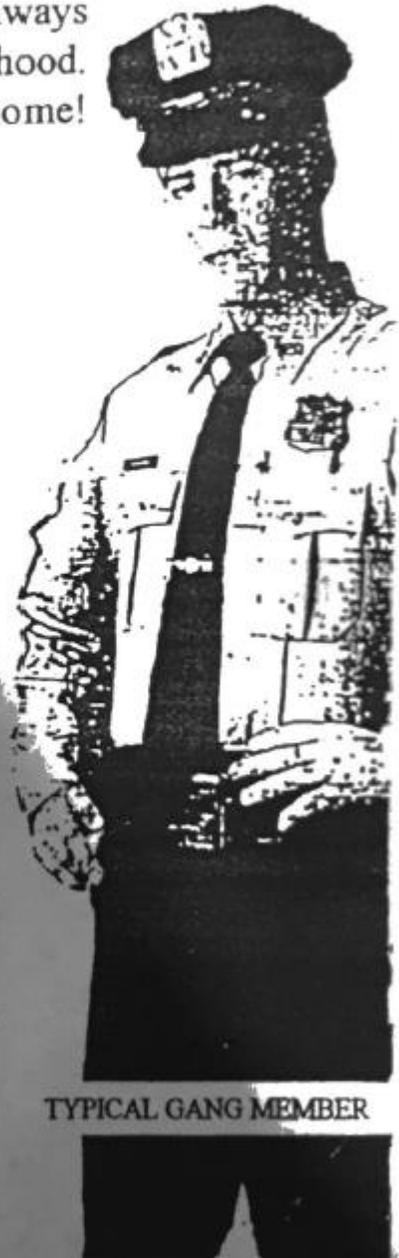
Armaments: Handguns, shotguns, assault rifles, tear-gas rifles, billy clubs, shields, bullet-proof armor, helmets, and face-shields.

Demeanor: Surly and hostile or aggressively friendly.

These gangs are highly organized, well armed, and potentially violent. Warn your friends and neighbors.

**Do Not Provoke Them!
Do Not Let Them Corner You!**

**Protect
Yourself**



TYPICAL GANG MEMBER

Residents react with ambivalence

By NICHOLE MONROE
American-Statesman Staff

James Hardeman said he wasn't surprised at a jury's decision Monday in the Cedar Avenue civil rights trial. As he sees it, minorities rarely stand a chance when it's their word in court against the word of police officers.

"I knew they were going to lose," Hardeman, 32, said of the 15 plaintiffs who sued the Austin Police Department, alleging that their rights were violated when police descended on a 1996 party in East Austin.

"I knew they were going to go with the police side," Hardeman said. "They've been doing this for years."

Although the jury concluded that the Police Department does not have a policy that encourages excessive force against African Americans, broader questions remain. Do Austin police treat African Americans the same way they treat white people? Would police officers have responded the same way in a white neighborhood?

In the court of public sentiment, where perception is almost as important as reality, the opinions Monday transcended racial lines. In interviews with nearly two-dozen Austin residents, many minorities echoed Hardeman's beliefs, while other African Americans said the teen-age partygoers might have deserved the treatment they received from police that night.

Florence Barrs, 66, said she thinks police reacted appropriately when they responded to a disturbance call at the party on Cedar Avenue. One officer was struck in the head answering the call, prompting more than 80 other officers to flock to the scene.

"Teen-agers are bad. They don't want to be blamed for what they did," Barrs said. "I have a feeling that they did provoke the police."

Veronda Stewart, whose cousin was at the Valentine's party in February 1996, said she was surprised at Monday's verdict.

"They did do them wrong," Stewart said. "Police can be so rude. You try to talk to them, and they don't listen. They just threw my cousin down."

Bo Martinez, 28, sympathized somewhat with the police.

"You never know what really happened that night, and they might have gone too far," Martinez said. "But if there were a



Ralph Barrera/AA-S

James Hardeman says the Cedar Avenue verdict didn't surprise him — juries tend to go against African Americans, he says.

bunch of people around when (the police) got there, I'm sure the police were scared, too."

Opinions among non-African American residents were equally ambivalent.

"They get to carry nightsticks and guns, and they sometimes have an ego," Liam Douglass, 41, said of police. "They have a propensity to be violent because of the nature of the job. Sometimes they think they will be the judge and the jury."

Pat Felter, 46, also said police reacted the way they would to any crowd, regardless of its racial makeup. "When a policeman is injured, all bets are off," Felter said. "Any time you have a crowd of any type of people, the police anxiety is higher."

Some veteran officers said they do not believe the department habitually discriminates against minority citizens.

"As far as the Cedar Street case, I wasn't there and didn't hear all the facts, so I can only go by what the jury decided," said senior police Officer Joe Munoz, president of Amigos en Azul, a group that represents Hispanic officers within the Police Department. "But from what I have observed, I don't think there is a pattern of discrimination."

Sgt. Carl Pardinek of the department's auto-theft unit agreed. "In my 18 years with the police force, I have never come across a bigoted officer," he said. "I've never seen officers treat someone poorly because they were of a particular type or color. I'm very glad about the jury's verdict."

Staff writer Bob Barrs contributed to this article.

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- ¹ See MICHELLE ALEXANDER, *THE NEW JIM CROW* (2010).
- ² Greg Kirkorian, *Federal and State Prison Populations Soared Under Clinton, Report Finds*, LA TIMES, Feb. 19, 2001. latimes.com/archives/la-xpm-2001-feb-19-mn-27373-story.html.
- ³ See Alexander, *supra* note 1.
- ⁴ THE SENTENCING PROJECT, *TRENDS IN U.S. CORRECTIONS*, 1(2019).
- ⁵ *Id.* at 5.
- ⁶ *Id.*
- ⁷ *Id.* at 7.
- ⁸ See Alexander, *supra* note 1.
- ⁹ BUREAU OF JUSTICE STATISTICS SPECIAL REPORT, *POLICE DEPARTMENTS IN LARGE CITIES, 1990-2000*, 11 (2002). <https://www.bjs.gov/content/pub/pdf/pdlc00.pdf>.
- ¹⁰ *Police brutality charges leveled after Klan rally*, UNITED PRESS INT'L, Feb. 20, 1983. <https://www.upi.com/Archives/1983/02/20/Police-brutality-charges-leveled-after-Klan-rally/4181414565200/>
- ¹¹ *Id.*
- ¹² *Id.*
- ¹³ *Id.*
- ¹⁴ *Id.*
- ¹⁵ *Id.*
- ¹⁶ *Around the Nation; Inquiry Set in Violence Over Texas Klan Rally*, NY TIMES, Feb. 22, 1983, at 12.
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- ¹⁸ Tim Sheehy, *Klan parade goes peacefully this year*, UNITED PRESS INT'L, Apr. 14, 1984.
- ¹⁹ *Id.*
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- ²¹ *Id.*
- ²² *Id.*
- ²³ *Id.*
- ²⁴ *Id.*
- ²⁵ *Id.*
- ²⁶ *Id.*
- ²⁷ Cheryl Coggins Frink, *Picket Ends*, AUS. AM. STATESMAN, Jun. 8, 1986.
- ²⁸ Ken Herman. *Police 'Negligent' In Nigerian's Death*. Associated Press. Sep. 13, 1985. <https://apnews.com/8aefe976baf73aa8927db6983944ddab>
- ²⁹ Frink, *supra* note 27.
- ³⁰ *Id.*
- ³¹ *Police brutality charge needs serious attention* (Editorial), AUS. AM. STATESMAN, Aug. 6, 1984, at A6.
- ³² Claire Osborn & Mike Todd, *Residents say police abusive at party; Report of officer down sparks convergence on East Austin gathering*, AUS. AM. STATESMAN, Feb. 13, 1995, at B1.
- ³³ *Id.*
- ³⁴ Jim Phillips, *Chief gives police account of East Austin confrontation*, AUS. AM. STATESMAN, Feb. 14, 1995.
- ³⁵ *Id.*
- ³⁶ Bob Banta, *Police work to heal wounds left by Cedar Avenue incident*, AUS. AM. STATESMAN, Feb. 19, 1996, at A1.
- ³⁷ Carol Wright. *East Side Injustice* (opinion). THE DAILY TEXAN. Apr. 7, 1995.
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- ³⁹ Bob Banta. *A year after incident, Cedar Ave. residents still wary of police*. AUS. AM. STATESMAN. Feb. 11, 1996. Pg. B1.
- ⁴⁰ Nicole Monroe, *Residents React with Ambivalence*, AUS. AM. STATESMAN, Mar. 31, 1998, at A9.

Part V: Final Reflection

Introduction:

The hope is that by this point in the class the students will have thoroughly made the connection that while their own views of police, which were shaped by factors from their own lives, caused them to want to join the police force, many community members do not have such a positive view of police, and that is because of the factors in their own lives. Students should understand both the broad history, and the specific instances of Austin's history that contributes to these views. Some students may feel disheartened at this moment. Others may feel attacked. It is important as an instructor to ground the students before going into this final reflection that the purpose of presenting the previous information was not to make the students feel guilty. It was not to accuse the students of being bad people for wanting to be police officers. Rather, it was meant to make them even more effective police officers. If they are able to understand this country's and this city's history of police and race relations, then they will be able to approach community members with more empathy. Their ability to do this will hopefully begin the process of mending the relationship that has been strained by so many years of police officers not taking the time to do just this.

Essential Question:

How will the lived experiences and the history of the communities you are policing interaction's with the police shape the way you approach future interactions?

Enduring Understanding:

A police officer who is informed on the historic relationship between the police and communities of color will bring more empathy to their future interactions with community members. They will better understand where the community's mistrust comes from, which is the first step on repairing the mistrust and moving forward.

Procedure:

1. The instructor should take what is written in the introduction to this section seriously, and actually verbally explain to students that s/he understands that some of them may be feeling either guilty or attacked. Let the students know that this is not the purpose of the information, but rather that the information was meant to foster empathy for community members, which will in turn make them more effective police officers. The instructor should say that the hope of the course is that the students will bring this information forward with them into their careers, which is why they are about to be asked to reflect on the ways they will do this.

2. The instructor should distribute the handout labeled “Final Reflection”. The students should be given 5 to 10 minutes to silently write a response to the prompt. This writing exercise should be low stakes, and serve as a time for the students to honestly reflect on what they learned and how it will be useful for them moving forward.

3. Provide at least three students the opportunity to share out. If you notice that students still feel dejected or attacked by the material that has been covered try again to guide them back to the major message of the course: this information is meant to make them even more effective officers by allowing them to empathize with community member’s mistrust so that they may work to rebuild that trust.

4. Finish by facilitating a conversation about how the officers can use this information moving forward to foster better relationships with community members.
 - a. Potential Questions:
 - i. How can we show community members that we understand that there has been a long history of distrust between the community and the police, but that we want to work together to mend that relationship?
 - ii. What can we do to make community members trust us more moving forward?
 - iii. How can we use our power as police officers to make community members feel safe when we are around instead of fearful?

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