

“THOSE WHO WOULD CONTROL IT TO THEIR OWN ENDS”:
POLICE-COMMUNITY RELATIONS
IN SAN JOSÉ, CALIFORNIA 1960-1970

By

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ABSTRACT

During the 1960s, communities of color challenged the free exercise of police discretion and demanded transparency and accountability. Their actions become cornerstones of citizen complaints against the police. In reaction, rank-and-file police officers began to advocate a platform that allowed them to act as their own interest group to counter what they viewed as attacks on their autonomy. In San José, California, rank-and-file officers formed the San José Peace Officers Association to act as their vehicle in local politics. This thesis explores the relationship between police and community in San José, paying particular attention to the role of the organizational culture cultivated in the pages the association's weekly bulletin and its impact on efforts to improve police-community relations between 1960 and 1970. The polemical framework constructed by association leadership ultimately prevented the improvement of police-community relations, galvanized community commitment to the struggle for justice, politicized police conduct in the city of San José, and laid the foundation for an urban social conflict that has spanned decades.

Table of Contents

ABSTRACT	iii
LIST OF ABBREVIATIONS	v
INTRODUCTION	1
CHAPTER I : PUBLIC SAFETY AND POLICE PROFESSIONALISM, 1945-1960.....	26
CHAPTER II: REVIEW BOARDS AND RANK-AND-FILE POWER, 1963-1966	62
CHAPTER III: MOVEMENTS AND REACTIONARIES, 1967-1970	102
CONCLUSION	133
BIBLIOGRAPHY	151

LIST OF ABBREVIATIONS

CORE - Congress on Racial Equality

CSO - Community Service Organization

EOC - Economic Opportunity Commission

La Confederación - La Confederación de la Raza Unida

LEAA - Law Enforcement Assistance Administration

NAACP - National Association for the Advancement of Colored People

PAB - Police Advisory Board

PAC - Police Advisory Council

SJHRC - San José Human Relations Commission

SJPD - San José Police Department

SJPOA - San José Peace Officers Association

SJS - San José State

INTRODUCTION

In the decades following the Second World War, San José's rapid transformation from a quiet agricultural city to a sprawling urban center animated a multitude of social changes in the city's urban fabric. As municipal politicians pushed for rapid growth and annexation of the surrounding area, the city's police department worked to adapt to the increasing demands of growth. Amid the cultural unrest of the 1960s, ethnic Mexicans, the city's largest community of color, along with a smaller African-American community and a coalition of white liberals, organized to counter longstanding racial violence and discrimination. Frustrated by dismissals of their complaints and the whitewashing of discriminatory practices, community organizations sought to end police harassment and brutality toward people of color in Santa Clara County. A public debate unfolded among members of the black and ethnic Mexican communities, city administrators and elected officials, and law enforcement around the role and conduct of police. In response, community organizations, politicians, and police administrators devoted unprecedented energy to improving police-community relations. But as public demand for improved police-community relations intensified, the San José Peace Officers Association (SJPOA), a rank-and-file advocacy organization of municipal police officers, resisted. Association leadership came to see community demands for accountability and transparency as an attempt by those outside the law enforcement profession to take control of police matters and undo decades of gains in police professionalism won through reform. Drawing on Cold War polemics, including correlating calls for reform with communism, anarchism, and radical militancy, the SJPOA cultivated an

organizational culture that pitted police officers against the community, political leaders, and even police administrators.

Located fifty miles south of San Francisco at the southernmost tip of the San Francisco Bay in the Santa Clara Valley, San José was long known for its endless orchards and canneries. In the years following World War II, the Valley of the Heart's Delight, as it had been called colloquially since the end of the nineteenth century, came under the control of a closely-knit network of city administrators and businessmen enamored with the financial gains promised by uncontrolled growth. The city began to expand its borders through an aggressive annexation program that sought to make county land available for industry and developers, morphing the picturesque valley into a sprawling suburban mass. As affluence proliferated in middle-class white neighborhoods, public services failed to keep pace in the city's poorer neighborhoods where ethnic Mexican and African American communities resided.

Under the leadership of Chief Ray Blackmore, a powerful figure in city politics and avid booster, the San José Police Department had operated with little oversight since the late 1940s. During the 1950s, the department enjoyed its reputation as a highly-professional force, though political scientist Kenneth Betsalel has argued that practical conduct of the department remained "small-town" in nature until the 1960s. The historical record indicates that few outwardly challenged the professional conduct of the SJPD before the mid-1960s. When citizens did criticize police conduct, criminal justice

administrators worked with municipal and state officials to prove such claims false or to legitimize the discretion exercised by the police officer in question.¹

The challenges to police legitimacy that took place nationally during the 1950s and 1960s presented what historian Christopher Agee has identified as the “most significant [...] crisis of legitimacy” that law enforcement faced during the twentieth-century. He ascribes to police two central functions that remained unchanged until mid-century. First, police provided support to the local political machines that ran city governments. Second, the police tempered “social hierarchies through their regulation of space.”

Agee has also identified three political movements that, together, challenged these functions and initiated a reconfiguration of policing. First, in many large cities, “business-driven, pro-growth coalitions” attempted to uproot political machines by exposing police corruption, centralizing police power, and reforming the role and functions of police. In San José, pro-growth coalition overturned a tepid political machine with little fuss in 1944. This new group of administrators appointed their own police chief, who remained critical to the coalition through the end of their tenure at city hall in the mid-to-late 1960s. The city’s growth after World War II, combined with the department’s adherence to the principals of professionalism espoused by Berkeley’s August Vollmer since the 1930s, allowed the department to hire new officers and deploy

¹ Kenneth Betsalel, “San José: Crime and the Politics of Growth,” in *Crime in City Politics*, ed. Anne Heinz et al. (New York: Longman, 1983), 245-251; Philip J. Trounstein and Terry Christensen, *Movers and Shakers: The Study of Community Power*, (New York: St. Martin’s Press, 1982), 7-15; Clyde Arbuckle, *Clyde Arbuckle’s History of San José* (San José: Memorabilia of San José Publishing, 1986), 323; According to Betsalel, the *San José Mercury News* calculated that by 1971, Blackmore had played a major role in raising approximately “\$236.5 million for city development projects”, see Betsalel, *Crime in City Politics*, 249.

them in a centralized power structure with little of the fanfare experienced in larger cities where machines maintained a tighter grip on power. In other words, the rapid expulsion of politicians (and police administrators) tied to the machine allowed San José's pro-growth coalition to avoid a long and drawn-out struggle to centralize police power and redefine the role and allegiance of its police force. The SJPD's reputation attracted young, relatively educated officers steeped in the professional mold that had little to no attachment to earlier networks of patronage. The second movement emerged as part of the civil rights struggle that began in the mid-1950s and targeted discriminatory policing and excessive uses of force, focusing public attention on the personal discretion exercised by police officers in the line of duty. Finally, white liberals who poured into "redeveloping cities" offered support to the calls by the pro-growth coalitions for professionalization, as well as to the criticisms generated by civil rights. Only after the 1965 Watts Riots in Los Angeles stoked public fears around potential disorder did San Joséans initiate a sustained campaign that challenged discriminatory policing.²

While some rank-and-file police officers embedded in longstanding networks of graft adopted unfavorable views of reform through professionalization, others saw potential to improve pay and working condition. Writing in 1977, Robert Fogelson noted that scholars knew little about these rank-and-file advocates of reform except that they were more likely to work in cities where progressivism dominated municipal history and more likely to have been raised in the middle-class. The latter also suggests that they

² Community organizations had adopted defensive positions toward discriminatory policing in San José by the 1950s; Christopher Lowen Agee, "Crisis and Redemption: The History of American Police Reform Since World War II," *Journal of Urban History*, Online First, 2017, 2-3.

would have been more likely to have entered the force with some education or a college degree than their working-class peers. In San José, where at least two years of college were required to join the department, some officers came to understand the links between efficiency, professionalism, and the value of high-quality service to the public.

Leveraging their professional reputation and efficiency, they established the SJPOA to advance demands for improved working conditions for the rank-and-file.³

Through the pages of the organization's bulletin *The Vanguard*, leadership and editorial teams offered a lens through which the association's membership could learn about and internalize the latest developments local and national developments in law enforcement. Officer Mark Sturdivant, who served as the association's president in 1963 and 1964, established a working relationship with Chief of Police Ray Blackmore that solidified the voice of an organized rank-and-file as part of the local political debate around policing. In 1963, a young African American officer named Lee Brown began publishing material in the bulletin that deepened association membership's understanding of the relationship between police officers and the public they served. Association membership elected Brown as president in 1965. During his term, he shaped an organizational culture that emphasized a holistic relationship between police and community.

Federal concern around police-community relations emerged during the early to mid-1960s against the backdrop of the Civil Rights Movement. President Lyndon Johnson established the Commission on Law Enforcement and Administration of Justice

³ Robert M. Fogelson, *Big-City Police* (Cambridge, Mass: Harvard University Press, 1977), 164-165.

(CLEAOJ) in 1965 to re-examine the criminal justice system in response to skepticism about its inherent fairness, a spike in complaints about police conduct, and rising crime. In the aftermath of the Watts Riots, Brown accompanied Chief Blackmore into a sustained dialogue with representatives of San José's ethnic Mexican and African American communities to improve their relationship with the police in order to prevent outbreaks of violence. In dialogue, Brown offered a practical version of his holistic police-community relations philosophy. Yet when community leaders demanded mechanisms that would enable civilian oversight of police conduct, Brown refused to support any attempt to undermine the rank-and-file's professional authority. While the community was unsuccessful in establishing a police review board, the sustained dialogue helped to establish a police-community relations (PCR) unit within the SJPD. Headed by Brown, the unit would work directly with the communities that held the most fraught relationships with the police.⁴

By the end of the decade, the rank-and-file had maneuvered themselves into a position that pitted demands of the community in direct opposition to their own. Assigned full-time to the PCR unit, Brown saw his influence over the SJPOA fade quickly. His term as association president ended in 1966. After his departure, his writing no longer appeared in *The Vanguard*. After a relatively calm year in 1967, a new team of leaders came into power at the beginning of 1968 that rapidly reshaped the association's positions as reactionary, right-leaning polemics.

⁴ Timothy Roufa, "Facts from President Johnson's Commission on Law Enforcement," *The Balance*, October 11, 2016, accessed December 10, 2017, <https://www.thebalance.com/1965-presidents-commission-law-enforcement-974564>.

This new association leadership soon came into conflict with a generation of young ethnic Mexican community members that channeled a lifetime of internalized anger stemming from racial discrimination experienced in their daily lives into a budding social mobilization that spread across the Southwest to become the Chicano Movement. The energy of the movement and the renewed activism of San José's community organizations again breathed life into the fight against discriminative policing. But by the end of the 1960s, a highly-organized rank-and-file with political clout stood equally ready to defend police autonomy. In his study of the impact of violent police repression on the Chicano Movement in Los Angeles, Historian Edward Escobar has identified the effect of this blow-by-blow, adversarial relationship as the "dialectics of repression." By 1970, a foundation for such a relationship had been laid in San José.⁵

Historicizing the Badge: Toward a Historiography of Twentieth-Century Policing

Over the past decade, an explosion of work around the history of policing has occurred in the field of American history. While historians have pinned policing as an essential component of urban history since the 1960s, historical examinations of the police have been traditionally left to the fields of sociology and criminology. However, a number of recent works have contributed to a growing historiography of American policing building on foundational works from earlier decades. Much of this work focuses on the second half of the twentieth century, though some key works extend across centuries. The scarcity of policing histories, combined with the regional variations

⁵ David G. Gutierrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley and Los Angeles: University of California Press, 1995), 183; Escobar, Edward J. "The Dialectics of Repression: The Los Angeles Police Department and the Chicano Movement, 1968-1971." *The Journal of American History* 79, no. 4 (1993): 1483-514.

produced by the decentralized American policing system, makes evaluating the historiography of this field difficult. The works examined here share not only an overlapping temporal scope, but also an urban focus. Historians have produced very few examinations of modern rural or county-level policing.⁶

Two monographs published in 1977 laid the foundation for the rise of policing histories in the United States. Historian Robert M. Fogelson's *Big-City Police* offers a sweeping, top-down examination of the historical development of urban policing in the United States through a lens of reform. Fogelson's study spans from the release of the

⁶ For more on the history of American policing, see Christopher Lowen Agee, *The Streets of San Francisco: Policing and the Creation of a Cosmopolitan Liberal Politics, 1950-1972* (Chicago: The University of Chicago Press, 2016); Dwight Watson, *Race and the Houston Police Department, 1930-1990: A Change Did Come* (College Station: Texas A & M University, 2006); Leonard Nathaniel Moore, *Black Rage in New Orleans: Police Brutality and African American Activism from World War II to Hurricane Katrina* (Baton Rouge: Louisiana State University Press, 2015); Max Felker-Kantor, "The Coalition against Police Abuse: CAPA's Resistance Struggle in 1970s Los Angeles," *Journal of Civil and Human Rights* 2, no. 1 (2016): 52-88; Stuart Schrader, "More Than Cosmetic Changes: The Challenges of Experiments with Police Demilitarization in the 1960s and 1970s" *Journal of Urban History*, Online First, 2017; Kelly Lytle Hernandez, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965* (Chapel Hill: The University of North Carolina Press, 2017); Timothy J. Lombardo, *Blue-Collar Conservatism: Frank Rizzo's Philadelphia and Populist Politics*, (Philadelphia: University of Pennsylvania Press, 2018); Simon Balto, "'Occupied Territory': Police Repression and Black Resistance in Postwar Milwaukee," *Journal of African American History* 98:2 (Spring 2013): 229-252; Marvin Dulaney, *Black Police in America*, (Bloomington: Indiana University Press, 1997); Edward J. Escobar, *Race, Police, and the Making of a Political Identity: Mexican Americans and the Los Angeles Police Department, 1900-1945* (Berkeley: University of California Press, 1999); Willard M. Oliver, *August Vollmer: The Father of American Policing* (Durham: Carolina Academic Press, 2017); Gail Williams O'Brien, *The Color of the Law Race, Violence, and Justice in the Post-World War II South* (Chapel Hill: University of North Carolina Press, 1999); Nathan Douthit, "August Vollmer: Berkeley's First Chief of Police and the Emergence of Police Professionalism," *California Historical Quarterly* 54 (Spring 1975): 101-124; Eric H. Monkkonen, *Police in Urban America, 1860-1920* (Cambridge: Cambridge University Press, 1981); James F. Richardson, *Urban Police in the United States* (Port Washington NY. [etc.]: Kennikat Press, 1974); Samuel Walker, *A Critical History of Police Reform: The Emergence of Professionalism* (Lexington, MA: D.C. Heath and Company, 1977); Samuel Walker, "Broken Windows and Fractured History: The Use and Misuse of History in Recent Police Patrol Analysis," *Justice Quarterly* 1 (March 1984); Samuel Walker, *Taming the System: The Control of Discretion in Criminal Justice, 1950-1990* (New York: Oxford University Press, 1993); Fogelson, *Big-City Police*.

Lexow Report in the 1890s, the findings of which set into motion the first wave of police reforms, to the hardening of divisions between the police and the communities they served in the late 1960s and early 1970s. The growing tensions between police and communities of color in the late 1960s actually inspired the Urban Institute to fund the research that ultimately led to the monograph's creation.⁷ Fogelson argues that many of the problems around policing that arose during the 1960s were the direct result of earlier reforms. He views the first wave of urban police reform as part of the broader campaigns of the Progressive Era to moralize urban institutions and society. Early reformers opposed the decentralized and local nature of police power, denounced officer leniency toward racial and ethnic minorities (connections stemming from the lower- and working-class background of most police officers), and believe that the police were responsible for too broad a scope of duties. Progressive reformers sought to impose a military-style structure that allowed for tighter central control and to eliminate numerous police duties in favor of a narrow focus on crime. Fogelson argues that the failure of these reformers to permanently effect change were rooted in an excessively idealistic approach to reform that intended to alter the moral of the under classes, who ultimately rejected them.⁸

While Fogelson's arguments and periodization are still generally accepted by historians, his broad national approach fails to address the specifics of local departments and municipal contexts. His work offers a plethora of evidence from various departments in big cities across the nation, but offers sweeping themes and commonalities instead of historical specifics. The lack of departmental documents in Fogelson's source base is

⁷ Fogelson, *Big-City Police*, vii-viii.

⁸ Fogelson, *Big-City Police*, 67-92.

glaring. His critical perspective relies heavily on the findings of investigative reports and a multitude of professional literature amassed of scholars and professionals writing in sociology, criminology, and police science. Newspaper articles and secondary historical literature help contextualize the evolution of policing, but the lack of institutional documents prevents the study from providing bottom-up perspective. Publications by the International Association of Chiefs of Police, both in the form of monthly publications and panel summaries from the organization's yearly conventions, provide the voices, intentions, and visions of police administrators. Police departments carry a reputation for secrecy and an aversion to critical examination, which seems the most likely explanations for the lack of departmental sources in this work. In other words, the author presents the concerns discussed by administrators at professional conferences and problems spotlighted in investigative reports. These surface the institutional shortcomings, but the human interactions that shaped each department's history remain submerged. Despite the essential role that *Big-City Police* plays in the canon of police history, it should be understood that what emerges from the sources consulted is actually a history of police reform, not a history of the police themselves.

Published in the same year, criminal justice historian Samuel Walker's *A Critical History of Police Reform* offers an examination that overlaps with that of Fogelson in temporal scope and focus, as well as an acknowledgment in its title of what the study provides. While both books analyze the decades between 1890 and 1930, Walker's focus includes the four decades from 1850 to 1890, whereas Fogelson's work extends into the 1970s. Like Fogelson, Walker relies on the secondary literature of both history and sociology in addition to the primary literature of professional policing and high-level

reports produced by departments, commissions, and politicians. Despite the similarities between the two, Walker's work provides a further level of depth by incorporating smaller cities, which offer evidence that supports a broader application of the monograph's conclusions about national trends as opposed to Fogelson's strict adherence to the departments of only large cities.

Where Fogelson argues for a monolithic wave of reform between 1890 and 1930, Walker subtly asserts that two conflicting threads of reform emerged and conflicted. One sought managerial changes and a narrowed scope of police duties that emphasized a fight against crime, while another sought to augment social services provided by law enforcement agencies. Ultimately, he argues, the clash between the two approaches prevented the police professionalization movement from reaching a higher potential by placing emphasis on managerial reconfigurations that increased alienation among the rank-and-file officers. Walker's work offers an epilogue that traces the developments of policing through the 1960s, noting the specifics he considers most symbolic of change, for example the establishment of police unions in the 1950s and 1960s.⁹

Municipal Histories: Testing Broader Theories Locally

Since the late 1990s, scholars have undertaken studies that have shifted the focus from the national to the local while underscoring the junctures and disjunctures that exist between them. New understandings of how policing has shaped modern urban America have emerged from the examination of municipal police in the post-war era. One commonality that connects the urban experience of communities of color across the

⁹ Samuel Walker, *A Critical History of Police Reform: The Emergence of Professionalism* (Lexington, MA: D.C. Heath and Company, 1977), ix-xv.

country has been their brutalization at the hands of aggressive police officers. Similarly, resistance movements that emerged to fight police brutality played an important role in expanding the definition of citizenship and the transformation of city politics. An important characteristic that has emerged in these recent works is the sensitivity with which the authors handle their sources. The lack of departmental sources, as discussed in the context of earlier works in this essay, often yields work that is important to the history of the police, but cannot be declared a history of policing. The three monographs examined in this section offer excellent examples of how an author's source base determines the subtleties of what the history actually offers.

While earlier scholars have examined historical moments when the police “served as the protective arm of the economic and political interests of the capital system,” Christopher Lowen Agee's *The Streets of San Francisco: Policing and the Creation of a Cosmopolitan Liberal Politics, 1950-1972* offers a broad examination of the day-to-day choices of the rank-and-file and how they impacted the development of city politics.¹⁰ Agee's work is part of a recent trend in which historians of the modern state have shifted focus to examinations from below. These histories have revealed that “low-level government functionaries” exercised discretion “based on their own values and workplace considerations.”¹¹ In other words, police officers did not act as simple automatons carrying out the will of the state or influence groups that impacted the shape of legislation. Agee argues that the shape of police conduct in San Francisco was rooted

¹⁰ Christopher Lowen Agee, *The Streets of San Francisco: Policing and the Creation of a Cosmopolitan Liberal Politics, 1950-1972*, (Chicago: The University of Chicago Press, 2016), 10.

¹¹ Agee, *Streets of San Francisco*, 10-11.

as much in the intent of the rank-and-file to perform the will of the state as from an officer's proprietary morality, desire to gain the trust of communities, and interest in performing law enforcement duties in the most efficient and professional manner. Agee's work relies heavily on newspapers and other periodicals to shape the local history of San Francisco. Oral history interviews conducted with retired police officers allow him to assess the abstract nature of discretion. Agee's inclusion of oral histories offers a window into the human side of policing and reveals the creativity historians must embrace to work on the history of policing when sources are lacking.¹²

Agee's examination centers the role that police discretion played in the development of a cosmopolitan liberal politics. In the late 1950s, minority groups who had traditionally lacked power pushed for a paradigm shift in city politics by engaging in public debates about discriminatory policing. By directing criticism toward police administration, white liberals were able to participate in civic debate without crossing sexual, cultural, or racial boundaries. Journalists and representatives of the marginalized together suggested that urban environments could become both entertaining and safe by supporting their calls for reform within law enforcement agencies. Young white liberals offered their support, using objections to discriminatory police discretion as a pretext to pursue a "harm-principal approach" toward "crime and pluralism."¹³ They argued that the state should only police what harmed the public physically or materially and suggested that discriminatory policing itself reduced the ability of law enforcement to fight crime.

¹² Agee, *Streets of San Francisco*, 11.

¹³ Agee, *Streets of San Francisco*, 14.

Further, these liberals suggested that discretionary policing of norms created an environment that was both dull and dangerous.¹⁴

From these debates, new understandings of citizenship emerged. Purveyors of the public good who stood against violence “could make rights-based claims on the state” even if their perspectives bucked social norms.¹⁵ Yet, this liberal perspective did not extend civic rights equally, as the contribution of different groups to urban growth was considered variable. In the pivotal year of 1968, cosmopolitan and traditional liberals bargained with the inter-departmental politics of the San Francisco Police Department in an attempt to “serve their conception of the citizenry’s pluralist and shared interests.”¹⁶ The result was a new relationship between liberal politics and the police department that laid to rest facets of policing lingering from earlier eras.

Dwight Watson shifts the focus to Texas in *Race and the Houston Police Department, 1930-1990: A Change Did Come*. He examines the relationship between urban institutional change and race. He argues broadly that race has been a major factor in the formation of police conduct. Through a case study of the city of Houston, he explores the dialectic between social change in the twentieth century South and the police. He argues that the relationship between the Houston Police Department, changing demographics, and city politics became increasingly fraught because of deeply ingrained racial attitudes among police. The city’s growth during the twentieth century created immense demand for the amplification of public services, but a mixture of “fiscal

¹⁴ Agee, *Streets of San Francisco*, 13-14.

¹⁵ Agee, *Streets of San Francisco*, 14.

¹⁶ Agee, *Streets of San Francisco*, 14.

conservatism” and an entrenched commitment to white supremacy upheld by a “Bourbon political culture” slowed the city’s response.¹⁷ Historically, the city’s police held the role of “enforcers” for earlier white supremacist government. As social changes widened definitions of citizenship in Houston, police “anointed themselves purveyors of justice [and] guardians of [a] moral order” tied to the city’s past.¹⁸

Watson’s primary source base stands out among the other works examined in this essay for its inclusion of departmental and institutional documents. First, he consults the historical records of the Houston Police Department directly, which allow him to explore the institutional contours of the department internally instead of looking inward from the outside through newspaper articles. Second, his simultaneous use of Houston city documents allows him to explore police controversy from another institutional perspective. He consults the papers of various Civil Rights organizations and activists for a third perspective. Finally, his use of court records provides an inside look at the legal mechanisms that drive police reform. Watson’s work offers evidence that actual archival documents pertaining to departments do exist.

Watson’s work employs a fairly monolithic conceptualization of police who derive their power through the “authority to use lethal force to maintain status quo.”¹⁹ The politics of white supremacy remained an artifact in the conduct of the Houston Police Department as the social fabric of the region shifted in the decades following the second World War. Beginning in the 1930s, Houston’s demographic composition and the

¹⁷ Dwight Watson, *Race and the Houston Police Department, 1930-1990: A Change Did Come* (College Station, Texas: Texas A & M University, 2006), 4.

¹⁸ Watson, *Race*, 4.

¹⁹ Watson, *Race*, 3.

political attitudes of its citizens began to shift. Business and civic interests began to push back against “race-based” policies because of their negative effects on commerce and Houston’s urban reputation. When African-Americans elevated demands for “legal, political, and economic change” in the 1940s, white Houstonians tied to older cultural traditions reacted defensively. They deployed police as instruments of “political repression” and “intimidation” that led to intermittent violent clashes in which officers unleashed “extreme force” against black citizens. Tensions continued to rise through 1950s as African American protest became more organized. The predominately white Houston police found themselves “on a collision course” with communities of color. During the 1960s, tensions came to a head as demands for equity in policing took on new urgency in the context of civil rights. The decade saw numerous physical confrontations in Houston, some of which led to controlled integration of certain businesses. Watson argues that the Houston police doubled-down on enforcement of “racial subordination” rather than adapt to progressive change.²⁰ By the 1970s, the Houston police openly defied the wishes of the city council, remaining staunchly anchored in racialized positions as city politics began to serve a wider demographic. Police killings of people of color dotted the decade, leading not only to reform induced by federal authorities, but local embarrassment for police administrators. By the early 1980s, police reforms had “fundamentally altered politics in the city” through the creation of nine “district-specific city council seats” that augmented the power of communities of color in local politics.²¹

²⁰ Watson, *Race*, 5.

²¹ Watson, *Race*, 5-6.

In *Black Rage in New Orleans: Police Brutality and African American Activism from World War II to Hurricane Katrina* Leonard Nathaniel Moore argues that police brutality led directly to the rise of African-American activism in the Big Easy during the post-war era. More specifically, he shows that grassroots activism filled a vacuum left by the refusal of middle-class civil rights organizations to engage the “anti-brutality struggle.”²² These activists eschewed the taboos of protest established by earlier civil rights organizations, allowing for more direct and aggressive responses. Moore suggests that because police brutalized lower- and working-class African Americans most frequently, the black middle-class remained oblivious to the cause and leaders in the fight emerged from those classes subject to police harassment. Through the campaigns, these activists “made the connection between fair police protection and democracy.”²³

A comparison between the work of Moore and Watson offer an excellent example of the differences in the histories of municipal policing. Both authors reveal the rise of resistance movements with the emergence of Black Power, but beyond the early 1980s, they share little in common. Moore examines the success of civil rights organizations to integrate the New Orleans Police Department, as well as the failure of these black officers to end to police brutality against African Americans. As civil rights gave way to Black Power, African-Americans began to take part in organized protest against police brutality. Instances of brutality and killings, committed by both white and black officers, and a legacy of corruption defined the history of the New Orleans Police Department well

²² Leonard Nathaniel Moore, *Black Rage in New Orleans: Police Brutality and African American Activism from World War II to Hurricane Katrina* (Baton Rouge: Louisiana State University Press, 2015), 3.

²³ Moore, *Black Rage*, 7.

into the early 2000s. Watson has shown that major reforms did take place in Houston in the early 1980s, a markedly hopeful moment in the city's history. Why New Orleans policing problems remain while Houston found some relief offers fodder for future study.

While the police occupy a central role in his work, Moore does not consider the book to be a history of policing. Instead, he pins the monograph as an examination of African American resistance to police violence and sexual assault in New Orleans. This limitation in scope is likely rooted in the problematic nature of policing sources.

According to Moore, the New Orleans Police, their internal affairs department, civilian review organizations, and the city itself have together “resisted providing the public with pertinent data on police brutality, and have only released the statistics when threatened with legal action or when the data presents the department in a favorable light.”²⁴ Further, neither the city nor organizations produced annual reports with data about “complaints, trends, sustained rates for each type of complaint, disciplinary actions stemming from these complaints, civil lawsuit payouts, and results of internal investigations.”²⁵ Like Agee, Moore's sources dictated the shape of a study in which policing is a critical component. Neither, however, offer pure histories of police.

Max Felker-Kantor's work on the history of policing in Los Angeles offers a new paradigm that relies on the documents of legal-based organizations fighting against police abuse. It shares in common with Moore a focus on the intersection between police and protest. In his article *The Coalition against Police Abuse: CAPA's Resistance Struggle in 1970s Los Angeles*, Felker-Kantor argues that the LAPD's “use of force” against “social

²⁴ Moore, *Black Rage*, 7.

²⁵ Moore, *Black Rage*, 7.

movements” created a “foundation “for a new phase in the struggle against police violence.” He reveals that CAPA’s efforts remained strong, but that the targeting of “minor changes at the margins of the criminal justice system” prevented larger changes from being instituted. Additionally, demands for police reform were “routed into established processes and institutions,” which served to “narrow” the more radical ideals the organization had been founded on. The archival documents provided by CAPA offer a community-level perspective of policing that is also deeply engaged with the legal system. Felker-Kantor clearly views his work as a history of protest without any pretense of being a history of policing, but its contribution to the field is strong regardless.²⁶

Stuart Schrader’s *More Than Cosmetic Changes: The Challenges of Experiments with Police Demilitarization in the 1960s and 1970s* contributes to the history of police reform established in the work of Fogelson and Walker by offering a localized study that bucks the broader national trends. In Menlo Park, California, chief of police Victor Cizanckas led efforts to reform his department that shifted away from the trends of militarization occurring within policing across the country beginning in the late 1960s. The article traces the way in which Cizanckas used “emerging networks of law-enforcement professionalization to disseminate his ideas,” as well as the shape of non-standard reform methods. Like works previous discussed, Schrader’s article complicates the broad national trends mapped in earlier works. His paradigm breaks free of starchier generalizations of the poles of police and community. Ultimately, he concedes that

²⁶ Max Felker-Kantor, "The Coalition against Police Abuse: CAPA's Resistance Struggle in 1970s Los Angeles." *Journal of Civil and Human Rights* 2, no. 1 (2016): 52-53.

creative reform could not beat the ingrained racism or right-wing anger that prevented progressive changes in American policing.²⁷

San José: Growth, Policing, Civil Rights, and Blue Power

Like a number of the works discussed in the previous section, this thesis presents a case study. Focusing on San José, California in the postwar twentieth century offers a lens through which to examine the historical role of policing in a city undergoing massive growth. San José's population swelled from just under 100,000 in 1950 to nearly 450,000 in 1970.²⁸ A sweeping political victory in 1944 uprooted ambulance dispatcher Charles Bigley's political machine and planted the seeds of a pro-growth coalition that held the reins of municipal power until the late 1960s. Boss Bigley leveraged networks of patronage, support of the lower classes maintained through charity and promises of employment, and control over municipal institutions, including the police department, from the late 1920s until the machine's defeat. The "Progress Committee," as the new wave of leaders who overturned the Bigley machine called themselves, saw in the Valley's endless agricultural geography great potential for highly profitable development of a suburban city. This new growth model required a paradigm shift in city politics in order to build the infrastructure and provide city services that would facilitate capital investment.

A dependable police department would be a necessity in the booming San José the committee envisioned. They quickly appointed Chief Bill Brown to replace Bigley's

²⁷ Stuart Schrader, "More Than Cosmetic Changes: The Challenges of Experiments with Police Demilitarization in the 1960s and 1970s" *Journal of Urban History* (2017), 1.

²⁸ By 2010, the city was home to just under 1,000,000, see "City of San José –earliest to 1960 census data," Bay Area Census, January 23, 2019. <http://www.bayareacensus.ca.gov/cities/SanJose50.htm>.

former man, Chief Black. Severe illness forced Brown to retire in 1947, and he was replaced by Raymond Blackmore, who would become a critical personality within the pro-growth administration and remain so until his retirement in 1971. Under Blackmore, the San José Police Department (SJPD) held a reputation as one of the most professionalized departments in the nation during the 1950s and 1960s.²⁹

Members of the rank-and-file and police administrators alike came to view accusations of racism and police brutality as part of a wider campaign by “militants” to control the department through the mechanism of police community review boards. Between 1963 and 1971, the SJPOA constructed its ideology in the pages of its weekly bulletin, *The Vanguard*, as civil unrest reached a fever pitch both locally and nationally. As association leadership and *The Vanguard* editorial team narrated and assessed developments in policing at the city, state, and national levels, the SJPOA developed a hard-lined worldview and support for non-compromising tactics, which combined to hamper efforts to improve police-community relations.

This thesis examines the construction of the SJPOA’s organizational culture and its impact on the city politics and local civil rights activism from the association’s formation in 1962 through the retirement of Chief Blackmore in 1971. This work is the first to employ an in-depth, historical examination of the internal documents of a police advocacy organization. The voices that emerge from *The Vanguard* challenge monolithic conceptualizations of policing as a purely institutional form of power. These sources

²⁹ Philip J. Tronstine and Terry Christensen, *Movers and Shakers: The Study of Community Power* (New York: St. Martin’s Press, 1982), 85-86; Kenneth Betsalel, “San José: Crime and the Politics of Growth,” in *Crime in City Politics*. ed. Anne Heinz et al. (New York: Longman, 1983), 241; “Mary E. Bigley Dies; Political Figure’s Widow,” *San José Mercury News*, January 13, 1977.

reveal a discursive construction of the relationship between the rank-and-file and the world they police. The history that surfaces suggests that policing is a human project constructed as much through the transmission and development of knowledge as through the systematic use of force. In addition, this thesis relies on the coverage of the local press and the documents of local community organizations and city council.³⁰

This thesis is organized into three chapters. Chapter One examines the shifts in demographics and capital in broader post-war America, as well as the specific shape of these processes in San José. It also examines the role of the relationship between the SJPD and the public it served during the 1950s and charts the formation of the San José Peace Officers Association in the early 1960s. Chapter Two traces the development of the SJPOA's conceptualization of the role of policing by officer Lee Brown during his tenure as association president from 1963 to 1966. In addition, the role of Chief Blackmore and the rank-and-file in public discussions around discriminatory policing and discretion that emerged in the aftermath of the Watts Riots in 1965 is examined in this chapter. Chapter Three explores the increasingly powerful SJPOA's rightward turn toward hardline

³⁰ This analysis owes much to Michel Foucault's conceptualization of the link between truth and power. He argues that "each society has its régime of truth, its 'general polities' of truth: that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true." In this analysis of policing and organizational culture, these processes play out both in urban spaces and in the text of rank-and-file discourse. As officers shaped their understanding of the relationship between police and community, they established proprietary truths that clashed with those of the community. Foucault argues that power cannot be wielded, only exercised within unequal "relationships of force." The historical narrative presented here offers numerous examples of Foucault's model. See Michel Foucault, 'Truth and Power' In *Power/knowledge: Selected Interviews & Other Writings* by Michel Foucault, 1972-1977, ed. C. Gordon (Brighton: Harvester, 109-133); Michel Foucault, *The History of Sexuality. Volume 1* (Camberwell: Penguin, 2008): 96-102.

positions and adversarial relations with San José's ethnic Mexican and African American communities. The conclusion explores the impact that the relationship between the police and community in San José during the 1960s had on the search for a new police chief in 1971.

This analysis is informed by two complimentary definitions of organizational culture. Moorhead and Griffin's conception provides a scaffolding for understanding its internal role. They view organizational culture as "a set of shared values, often taken for granted, that help people in an organization understand which actions are considered acceptable and which are considered unacceptable. Often, these values are communicated through stories and other symbolic means." For E.H. Schein, organizational culture is "a pattern of basic assumptions that a given group has invented, discovered, or developed in learning to cope with its problems of external adaptation and internal integration." Schein emphasizes the dynamic nature of organizational culture, underscoring the fluid relationship between outside influence and internal development. In other words, an organization's shared values are in a constant state of evolution in response to external events. By examining change over time in the perspectives of SJPOA leadership reacting to challenges to police conduct, this article illuminates shifts in the union's organizational culture that shaped "the process of reality construction" among those reliant on the organizations shared values.³¹

³¹ Moorehead and Griffin's text serves primarily as a textbook used in schools of management, but their seminal analysis of how people behave in organizational settings carries implications beyond business; G. Moorehead & R.W. Griffin, *Organizational Behavior: Managing People and Organizations*, 5th ed. (Boston: Houghton Mifflin, 1998), 513-514; E.H. Schein, *Organizational Culture and Leadership: A Dynamic View* (San Francisco: Jossey-Bass, 1985), 14; Gareth Morgan, *Images of Organization* (New York: Sage, 1986), 128. This understanding of organizational culture in the context of police unions is indebted to the work of George Kelling

While scholars have devoted articles and monographs to exploring police and racial minorities in big cities including Los Angeles, Detroit, Oakland, Selma, and New York City, and considered the racial impacts and motivations and policing more generally in American history, very little has been written about the development of police-community relations in Santa Clara County, despite ongoing controversies around police conduct.³² The lack of sources specific to the internal workings of community and law enforcement in the region have likely been a factor. As I searched for records, the San José Police Department informed me that they only retain records for five to seven years. Further, scholarly analysis on the internal culture of police departments and unions in the field of Criminal Justice has been heavy on operational theory, and with little historical scholarship on regional histories of police-community relations. This thesis' analysis of police and community sources and patterns of discourse contributes to several greater historiographies. In the context of the history of American policing, my exploration of rank-and-file power in the context of the tumultuous 1960s broadens our

and Robert Kliesemet. For more information, see George Kelling and Robert B. Kliesmet, "Police Unions and Police Culture" in *Police Violence* ed. William A. Geller and Hans Toch (New Haven: Yale University Press, 1996). A breakdown of membership in the SJPOA was not among the documents reviewed for this article. However, numbers cited in *Vanguard* in one form or another between 1967 and 1976 have allowed me to compare total membership to the official summary of police personnel presented in the *San José Police Department Annual Report 1977*. In 1967, for example, there were 256 members of the SJPOA and 420 accounted for in police personnel (61%). In 1969, the SJPOA cited "375 ballots mailed" during a poll (185 ballots were returned, which suggests that hegemonic buy-in is more complicated than paying dues, but this is a topic for another paper) while 584 personnel members were accounted for in the same year, according to a 1977 report (64%).

³² One of several high-profile killings included the killing of an unarmed Vietnamese women in 2005. See Ulysses Torassa, "SAN JOSÉ / \$1.8 million settlement in killing by police officer / 4-foot-9-inch troubled mother fatally shot in kitchen while holding a vegetable peeler," SF Gate, December 1, 2005, accessed December 9, 2017, <http://www.sfgate.com/bayarea/article/SAN-JOSE-1-8-million-settlement-in-killing-by-2558796.php>. Need to cite the literature you mention in this sentence in this footnote.

understanding of the cultural mechanisms that helped shape the outlook of the rank-and-file in the waves, and wake, of civil rights activism. Exploring the modes of resistance employed by San José's ethnic community organizations to counter discriminatory policing increases our understanding of the regional shape of civil rights, in particular the contribution of Chicana activism inherited from a tradition of community action and galvanized by the mobilization of youth activism during the Chicana Movement in Santa Clara County. This excavation of San José's dusty past helps us to better understand the role that the urban and suburban settings of one of California's largest cities played in the rise of the New Right. Finally, it is an effort to better understand the historical forces that have shaped the struggle for justice in the United States.³³

³³ For more on the history of Mexican-Americans & Chicanas in California, see David G. Gutiérrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: Univ. of Calif. Press, 2007); Rodolfo Acuña, *Occupied America: A History of Chicanos* (Boston: Pearson, 2015); Albert Camarillo, *Chicanos in California: A History of Mexican Americans in California* (Sparks: Materials For Today's Learning, 1990); David R. Diaz, *Barrio Urbanism: Chicanos, Planning, and American Cities* (New York: Routledge, 2005); Zaragosa Vargas, *Crucible of Struggle A History of Mexican Americans from Colonial Times to the Present Era* (New York: Oxford University Press, 2017); Ramón A. Gutiérrez and Patricia Zavella, *Mexicans in California: Transformations and Challenges* (Urbana: University of Illinois Press, 2009); Carlos Muñoz, *Youth, Identity, Power: The Chicano Movement* (London: Verso, 2007); Jimmy Patiño, *Raza Sí, Migra No: Chicano Movement Struggles for Immigrant Rights in San Diego* (Chapel Hill: University of North Carolina Press, 2017).

CHAPTER I: PUBLIC SAFETY AND POLICE PROFESSIONALISM, 1945-1960

When the smoke of war cleared in the fall of 1945, the United States stood as the only unruined financial conduit in the West. Business elites and their political alliances recognized that the conditions of the moment offered the perfect opportunity to forge the new American empire they had imagined at the end of the 1930s. By 1946, communism and the Soviet Union paradoxically emerged as the ideological catalyst required to drive this global project, when a Cold War to prove capitalist superiority over communism and prevent it from spreading across the globe gripped the United States and its allies. As military spending ramped-up, newly elected pro-growth municipal governments scrambled to route defense investment into their respective regions.

During World War II, the San Francisco Bay Area's booming defense industry brought an influx of hundreds of thousands of Americans looking for work. Labor shortages led to an expansion of the industrial and agricultural work force as white men and women took positions with better pay and benefits. Mexican Americans, Mexican nationals, African Americans, and poor whites filled these positions as they became available. When the war ended, intraregional migration cemented these demographic changes as people sought their next opportunity. African Americans arrived in Santa Clara County when they left the North and East Bay after most of the emergency shipyards opened during the conflict were dissolved. San José's ethnic Mexican

community, now larger than before the war, had been drawn from their neighborhoods on the city's periphery into the circuits of labor and capital at the city's core.¹

Though San José's demographics shifted, the city's leadership and police department remained primarily white. It would be a mistake to assume that the white leadership was unified or monolithic, though. Ambulance dispatcher Charles Bigley's political machine had run the city since the 1920s, but a new pro-growth coalition had uprooted Bigley's hold on power in a sweeping election in 1944. These men shared a vision of a Santa Clara Valley transformed from a sleepy agricultural center into an industrial paradise inundated with investment. Suburban housing tracts would surround industry as far as the eye could see, providing developers nearly endless streams of revenue as they built a new American metropolis to attract youthful young professionals of the growing American middle-class. In the early months of their political reign, this new political clique replaced San José's chief of police with an administrator that supported their vision. With buy-in from the city's top policeman, the coalition would be able to guarantee public safety and police protection as a critical component in the American Dream that the Valley could offer its newcomers.²

¹ According to historian Marilynn Johnson, more than 40,000 African Americans migrated to the Bay Area between 1940 and 1944. Many of whom found work in the shipyards, see Marilynn S. Johnson, "War as Watershed: The East Bay and World War II," *Pacific Historical Review* 63, no. 3 (1994): 315-31; Ruffin, Herbert G., *Uninvited Neighbors: African Americans in Silicon Valley 1769-1990* (Norman: University of Oklahoma Press, 2014), 123-125; Stephen Pitti, *The Devil in Silicon Valley: Northern California, Race, and Mexican Americans* (Princeton: Princeton University Press, 2003), 120-127; Carl Abbott, *The Metropolitan Frontier: Cities in the Modern American West* (Tucson: University of Arizona Press, 1993), 16-20.

² Philip J. Trounstine and Terry Christensen, *Movers and Shakers: The Study of Community Power* (New York: St. Martin's Press, 1982), 85-87; Kenneth Betsalel, "San José: Crime and the Politics of Growth," in *Crime in City Politics*, ed. Anne Heinz et al (New York: Longman, 1983), 241-245.

For many Americans of color, the state never delivered the high-promises of post-war abundance and prosperity in the same capacity that it did for white Americans. Architects of Cold War ideology leveraged the West's supposed moral superiority over the Soviet Union as evidence that capitalism triumph over communism, but as sociologist Charles Lemert suggests, "it was simply too much to consider that social evil was deeply structured into the American way of life."³ Communities of color saw the imperfections and false promises that the postwar, but many citizens retained a strong belief that the country's democratic institutions could be leveraged and reformed to address social inequalities led to non-violent action.

By the mid-1950s, social movements had emerged that sought to right these wrongs. In 1955, African Americans faced historically rooted inequalities and began the struggle for civil rights in the Deep South. Mexican Americans, some doubling down on their American identity amid the high-patriotism of the 1950s, became increasingly active in local politics as they too pursued the supposed guarantees that American citizenship offered. Mounting a challenge to discriminatory policing emerged as a central tenet in the campaigns of both groups. Demonstrators in the South faced vicious violence enacted by police acting as the physical enforcers of white supremacist state government. In the western states, African Americans and ethnic Mexicans had lived for generations with police harassment and began to call it out. They demanded that departments hire more officers of color, which they believed would create more balanced policing. While protests of discriminatory policing laid the foundation for more aggressive campaigns

³ Charles C. Lemert, *Social Theory: The Multicultural and Classic Readings* (Boulder: Westview, 2010), 279.

that would emerge in the 1960s, they remained firmly grounded in the belief that the institution could be reformed. By this logic, they believed that if Americans of color were made a part of the force, policing institutions could serve all Americans. That some administrators dismissed accusations of brutality as the activity of radical infiltrators foreshadowed what would come.⁴

Many rank-and-file officers came to understand their role in American society through this Cold War lens. As police became professionalized in California, administrators and criminologists emphasized that in a world where threats lurked in the shadows, cooperation between police officers and the publics they served was more critical than ever before. Yet as officers began to see themselves as critical actors maintaining order and stability in Cold War America, they saw their wages stagnating. Leaders among the rank-and-file began to see the value that efficient, professional policing offered the public. In San José, city administrators and the local press praised the predominately white police officers for their professional efficiency and conduct. Some members of the rank-and-file saw the opportunity to put their reputation to use, founding the San José Peace Officers Association (SJPOA) as a vehicle to achieve better wages and working conditions. As an advocacy group, the SJPOA would increase the labor power and amplify the voices of the rank-and-file as an interest group in local politics.⁵

Postwar Demographic Shifts in Santa Clara County

⁴ Samuel Walker, *Popular Justice: A History of American Criminal Justice* (New York: Oxford University Press, 1998), 170-174; James T. Patterson, *Grand Expectations: The United States, 1945-1974* (New York & Oxford: Oxford University Press, 1996), 375-406.

⁵ Fogelson, *Big-City Police*, 187.

The transformation of industry in the Santa Clara Valley induced dramatic demographic shifts as the mobilization for WWII began in late 1941. As historian Glenna Matthews has shown, a rise in employment opportunities created fierce competition for workers between the burgeoning defense industry and the region's traditional fruit processing industry. Specifically, new opportunities in the defense industry for women and "ethnic" whites that offered technical training, higher wages, and eventually union membership, created vacancies in the food processing and farm labor positions they had traditionally held. Both local Mexican Americans and newcomers to California seeking work took on these dangerous, low-wage jobs whites had left behind. In 1942, California's growers began to contract Mexican nationals to resolve labor shortages in the fields through an agreement established between the Mexican and U.S. governments. The agreement allowed the entry of temporary workers from Mexico into the United States with certain guarantees around wages and working conditions. In 1943, an estimated 1,850 *braceros* labored in Santa Clara County at "harvest peak" and an area representative of the program estimated 3,000 would arrive in 1944. Despite the promises of the contract, *braceros* often faced a harsh reality far from the idyllic guarantees written into the plan. San José's *barrios* swelled as ethnic Mexicans arrived in search of opportunity. Mexican Americans from Texas and Southern California settled alongside of *braceros* who had decided to remain in the US and continue their lives in Santa Clara County.⁶

⁶ Matthews, *Silicon Valley*, 84-88; *braceros*, derived from the Spanish word *brazos* (arms), roughly translates as "field hands"; "3000 Mexicans Will Work Here Next Year," *San José Mercury*, December 21, 1943.

Opportunities of the wartime economy also enticed many African Americans to migrate to the Bay Area. While African Americans had lived in Santa Clara County in small numbers since the 18th century, it was not until the dissolution of wartime industry in the shipyards of Richmond and the North Bay that the population saw a significant increase. Santa Clara County's black population remained relatively small compared to other major counties in the state, but by 1950 it had more than doubled. Historian Herbert Ruffin suggests that African Americans relocated to Santa Clara County seeking "family, familiarity, and social justice." That they cultivated these principles in a "social geography" where ethnic Mexican and Japanese American communities had traditionally outnumbered them established racial relations with contours distinctly different than those of the American North or South.⁷

Until 1937, ethnic Mexicans, African Americans, and Japanese Americans were bound to live in specific areas of Santa Clara County by racially restrictive housing covenants. According to Ruffin, these covenants prevented communities of color from purchasing homes in the southern and western regions of the county. The practice of redlining became the primary tool for racial isolation in the postwar era. A central tenet of the Federal Housing Authority's mortgage program, families of color and lower socioeconomic status were denied mortgages for homes in many newly developed suburban areas. They were often restricted to mixed-use neighborhoods near a city's downtown core. According to Ruffin, redlining resulted in the African American

⁷ Ruffin, *Uninvited Neighbors*, 74-77. Conclusions about black population in California counties derives from a chart in Ruffin's book that includes the following counties: Alameda, Los Angeles, Orange, Sacramento, San Diego, San Francisco, San Diego, and Santa Clara County. Orange is the only county with a smaller black population in 1950 than Santa Clara County.

communities living in north and east San José, Japanese Americans north of downtown until their internment during the war, and ethnic Mexicans in the east.⁸

Discrimination in housing, policing, schooling, and the workforce compelled the city's communities of color to look inward for social support. Historian Steve Pitti has argued that despite the county's ethnic Mexican population being one of the largest in California, local politicians paid little mind to San José's ethnic Mexican population. The same appears to be true for other communities of color before civil rights and the community, youth, and nationalist movements of the sixties and seventies. For ethnic Mexicans, discrimination during the depression demanded internal support systems be established within the community. For example, being a non-citizen disqualified one from receiving federal support. These mutual aid societies, based on a principle of mutual support intended to help not only oneself but one's neighbors through hard times, served as a foundation for community identity and the foundation upon which future community organizing would build. During the 1950s, the Community Service Organization (CSO) emerged as the most influential community body for ethnic Mexican statewide.⁹

For African Americans, "established community institutions" served as the central points of community and organizing in the struggle against inequality that many blacks seeking a better life found when they arrived in the South Bay after the war. Community members established the Santa Clara County chapter of the National Association for the Advancement of Colored People (NAACP) in 1942. During the 1950s, racially liberal

⁸ Ruffin, *Uninvited Neighbors*, 76-78.

⁹ Pitti, *The Devil*, 105-109,

unions such as the United Auto Workers provided further means of organizing and establishing community anchors as well.¹⁰

Despite divisions of community, neighborhood, employment, and culture, organized challenges to discriminatory policing in San José saw the city's ethnic Mexican and black populations coalesce around a common cause. Because the majority of national civil rights efforts were anchored in a literal dichotomy of black and white, the struggle for justice for African Americans emerged as the movement's global symbol. But in California, historian Mark Brilliant argues, the civil rights movement was actually composed of multiple movements anchored in the needs and experiences of each group. The coalition of black and brown San Joséans that united to fight discriminatory policing necessitates further investigation. Missing entirely from the record is the experience of Japanese Americans and policing in the postwar era.¹¹

The SJPD and the Public in the Postwar Period

As San José's demographics changed, so too did the city's leadership structure and police force. The pro-growth coalition's plan to turn the Valley into a destination for industry required that the police department come under their control and that all former allegiances to the machine disappear. This same scenario faced city administrators across the country. In the case of San José, the reformer's achieved their objective with relative ease compared to other municipalities.¹²

¹⁰ Ruffin, *Uninvited Neighbors*, 86-87.

¹¹ Mark Brilliant, *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California 1941-1978* (New York: Oxford University Press, 2010).

¹² See Fogelson, *Big-City Police*, 167-193;

Even before the 1944 pro-growth coalition's rapid ascendancy to city hall, members of the city council had attempted to uproot the Bigley machine's Chief of Police J.N. Black. In front of hundreds gathered in the council chambers in 1938, Councilman Clark Bradley presented a report that detailed the corruption of both the chief and City Manager Clarence Goodwin. He accused them of acting on behalf of the Bigley machine. The council voted down Bradley's motion in 1938 and again in 1940. In 1941, Bradley and his allies in the council made a third attempt to oust Black, this time around a plan to promote a young sergeant named Ray Blackmore to a newly established detective division. After the United States declared war on Japan in 1941, the city prohibited promotions until after the conflict.¹³

After its election, the pro-growth coalition reinstated promotional processes in 1944. The coalition quickly appointed William Brown as chief, uprooting the corrupt Black and breaking the link between the police administration and the city's networks of vice and graft. Brown recognized immediately that the SJPD did not "have the respect of the citizenry due to in part the political scandals and allegations of corruption." He argued that the public needed "to know more about the police department, its functions and methods of operations" in order to sow closer cooperation between the two. In other words, Brown sought to further professionalize the force in order to build a department that the public could trust.¹⁴

¹³ "Black Thanks 5 Councilmen For Support," *San José Mercury*, July 27, 1938, File "Black, Chief J.N.," San José Mercury News Clippings Collection, History San José; "Black Defends Police Record Before Council," *San José Mercury*, July 13, 1940, File "Black, Chief J.N.," San José Mercury News Clippings Collection.

¹⁴ "Brown is Appointed Police Head," *San José Mercury*, May 24, 1944, File "Brown, William C.," San José Mercury News Clippings Collection.

Brown put into motion processes typical of national police reform efforts that sought to free departments from the grasp of their respective political machines. He physically separated the department's divisions, which doubtless made administrative oversight of specific units easier. He hired civilian employees to work as identification clerks so that sworn officers could shift focus toward crime. Brown had entrance to the police facility remodeled so that a citizen filing a complaint no longer had to pass through prisoner staging area. He also introduced the department's first training programs, oversaw the creation of the SJPD's first police manual, and introduced a high school diploma as a requirement for entry to the department.

Brown's tenure as chief ended just three years after his appointment when he was diagnosed with a debilitating heart condition. In 1947, city administrators appointed Chief of Detectives Raymond Blackmore as Chief of Police, solidifying a partnership between the police department and the pro-growth political alliance that ran city hall. A native San Joséan, Blackmore has dropped out of high school and hired on with local food processing giant Food Machinery Corporation to support his mother, a widow, before he became a police officer. When he joined the force in 1920, the Bigley machine controlled the city and the department.

Blackmore initiated further changes in the department. Building on Brown's efforts to improve the police relationship with the public, he assigned desk sergeants to handle complaints on a twenty-four hours basis. Three-way radios replaced two-way radios. This new technology allowed car-to-car communication, which increased response times and enabled tighter administrative oversight of officers on patrol. Blackmore connected the SJPD to a state police network with the installation of a

teletype system. To increase oversight even further, he established daily paperwork that tracked the activity of an officer during a shift. He also added additional training programs and events.¹⁵

San José's crime rate remained low in relation to other cities across the United States during the 1940s and 1950s. The department's largest concerns appear to have been juvenile crime, traffic control, and crimes that affected merchants. Juvenile crime became associated with gang activity starting in the late 1940s. While an increase in juvenile crime was significant enough to increase the size of the juvenile department, the increase from three to five officers suggests that these crimes were not rampant. Blackmore identified social causes to explain the rise in juvenile crime, including neglect during by parents during World War II, dense living conditions, and having separated parents. He introduced recreation and in-school programs that had some of the same qualities that later police-community relations would have during the 1960s. That Blackmore blamed non-traditional family structures reflected a wider moral quality of policing in the postwar era. Scholars have shown that police "regulated behavior to comport their own sense of racial, sexual, ethnic, and class order."¹⁶ An excellent example of morals-based policing conducted under Blackmore is embodied in the creation of a specialized unit in 1957. When rumors that "organized crime" was growing in Santa Clara County, this specialized unit partnered with the Alcohol Beverage Control department to investigate. The partnership produced a heightened number of prostitution

¹⁵ Bryan Shiba, George Chesko, Don Neuner, Dave Wysuph, Phil Rogers, "Development of the San José Police Department 1940-1960," Martin Luther King Library, San José, Calif.,

¹⁶ Christopher Lowen Agee, "Crisis and Redemption: The History of American Police Reform Since World War II," *Journal of Urban History* 2017, 2.

arrests, the confiscation of pinball machines, and the destruction of a “homosexual ring operating in St. James Park” among others. Ultimately, the department informed the public that organized crime had virtually no presence in San José and that “the arrests were made solely on the individuals own activities.”¹⁷ The SJPD gained a regional reputation as a leader in the prevention of the “spread of shoplifting.”¹⁸ In reality, Blackmore’s campaign to prevent hot hands from dealing blows to local business relied less on the ability of the department than on the public’s cooperation. Local employees received training in identifying shoplifters and making citizen’s arrests from the department.¹⁹

As part of the reform effort, many police chiefs sought to consolidate administrative power over their departments in order to prevent external meddling by administrators outside of the department. Fogelson has argued that these administrators believed only police officials could effectively implement and administer policing as a service. They insisted that city administrators should not meddle in operational policies and implementation. In San José, Blackmore shared this ideology, but the record indicates that such tensions did not exist as they did in other cities. In fact, Blackmore’s siloed power was built into the relationship he developed with administrators in city hall. For example, City Manager A.P. Hamann and Blackmore established the police budget

¹⁷ Bryan Shiba, George Chesko, Don Neuner, Dave Wysuph, Phil Rogers, “*Development*,” N.P.

¹⁸ “Shoplifting Technique,” *California Police and Peace Officers Journal*, December 1953, 7.

¹⁹ “Chief Brown Retiring; Urges Blackmore As His Successor,” February 18, 1947, File “Brown, Wm C,” San José Mercury News Clippings, History San José; Bryan Shiba, George Chesko, Don Neuner, Dave Wysuph, Phil Rogers, *Development of the San José Police Department 1940-1960*, California Room, N.P.; Giannini, Michael Migh, Carol Kolchalka, Tom Weinert, Connie Newman, *The Decade of Progress: Historical Development of the San José Police Department 1940-1960*, California Room, N.P.; San José (Calif.) and Turner Publishing Co., *San José Police, 1849-2003: A History of Excellence* (Paducah: Turner Publishing Co, 2003.), N.P.

outside of the halls of power during the forties and fifties. When they had come to an agreement, the dollar amount was simply presented to the council without debate. These predetermined budgets were virtually guaranteed a stamp of approval. When the city budget required additional funds, city hall expected Blackmore to adapt.²⁰

Blackmore's close relationship with the boosters in city hall allowed the assurance of public safety as a conduit for "family living" and "business efficiency" to become a critical part of the package that San José offered a postwar middle-class. In promotional literature, boosters forged direct links between citizenship, democracy, municipal politics, and city services (policing included). A pamphlet issued to residents of the newly annexed South Willow Glen No. 5 neighborhood during the mayoral term of Fred Watson (1948-1950) entitled "Life in San José" offers a good example. Mocked-up to imitate *Life* magazine, the pamphlet's cover featured a friendly SJPD sergeant saluting the city's newest residents. "Your citizenship entitles you to many services," Mayor Watson assured new arrivals before reminding them that there was also an "obligation to help make democracy work in San José." To start, he pressed the reader to make suggestions that would improve municipal services. Following a brief explanation of the city's managerial government system, the pamphlet offered an overview of the "police protection" available to former Willow Glenites as recently annexed citizens of San José. "Regular police patrol service has already been extended to your district," the boosters assured. "In case of emergency," it informed the reader, "call COLUMBIA 8700 and ask for the complaint desk." Beyond crime prevention and suppression, boosters suggested

²⁰ "FBI National Academy Graduates 84 Peace Officers," *Police and Peace Officers' Journal*, April 1947, 5; Fogelson, *Big-City Police*, 144-145; Betsalel, *Crime in City Politics*, 251-252.

that police also provided moral protection of the family and advice about behavioral issues parents might face in individual children. “Juvenile officers will work to protect youth from undesirable influences and activities. Parents may also consult them on individual problems,” the pamphlet promised.²¹

Boosters used logistical limitations of city police departments to encourage connections between the departments and the publics they served. Since Cold War ideology demanded that all Americans be ready to do their part in the event that a physical act of war turned the Cold War hot, it seemed natural to combine the philosophy of business efficiency wielded by many pro-growth politicians with volunteer public service. As part of this broader campaign of Cold War civil defense, many cities on the West Coast encouraged citizens to act as volunteer police officers to support the department. In the early 1950s, many California cities found their police departments too understaffed to meet the increasing demands of growth. In San José, a group of businessmen demanded that City Manager A.P. Hamann take action to counter a rumored uptick in crime. When they discovered that the budget could not spare funds to hire more officers, Hamann and Blackmore issued an open call for volunteers to serve as unpaid auxiliary officers that would augment the rank-and-file of the SJPD. Blackmore coordinated an abridged training program that included instruction by active policemen and criminology faculty from the San José State Police School. In just three months, many trainees donated four to ten hours per week to uniformed policing of the city streets. By 1953, San José had 175 trained auxiliary policemen and a waiting list of

²¹ San José City Council, “Life in San José,” N.D., Clippings File “San José Police Dept. 1940s-1950s,” California Room.

would-be officers to quickly fill vacancies. Auxiliary police departments reinforced a supposed symbiotic relationship between the public and the police that the ideological environment of the Cold War deemed essential to maintain proper order in the West.²²

While the auxiliary police functioned primarily as support for law enforcement, the opportunity also offered a chance to improve the relationship between police departments and the citizenry. By exposing citizens to the new professional police being shaped by reformers, politicians and police administrators hoped to improve public attitudes shaped by pre-war encounters with corrupt policing associated with the political machine. An article in *Kiwanis Magazine* about California boasted that "up and down the West Coast where citizen-police organizations flourish[ed], the people [were] gaining a new respect for the man behind the badge." For civic boosters, the arrangement was an easy sell. Using volunteer citizen-officers resulted in "better police protection at lower cost than ever before" with the added perk that citizens were "having fun" while doing it.²³

The target citizen for the auxiliary program certainly did not reflect the "cross-section of the community" that the *Kiwanis* article suggested they represented. In San José, the occupations of the city's active auxiliary officers strongly suggested volunteers tended to come from the middle or upper-middle class and held positions that placed

²² In Berkeley, "erudite" Chief John Holstrom instituted a similar recall of a former wartime auxiliary program. Holstrom, who doubled as a professor at the University of California, instituted a far more rigorous training regimen that required "183 hours of classroom study, spread out over 15 months, plus 90 hours of field work in patrol cars with regular policemen." While Berkeley required auxiliary officers to pair with professional officers, Blackmore allowed his volunteers to work independently without additional oversight; Karl Detzer, "California's Civilian Cops," *Reader's Digest Magazine*, July 1954, 87-90.

²³ Karl Detzer, "California's Civilian Police," 90.

them in close proximity to labor, political, legal, ecclesiastic, or professional power. The article cited a force composed of “leading merchants and successful industrialists, a lawyer, a dentist, a building contractor, two ministers, several dozen carpenters, plumbers and electricians, a teacher and the city register of elections.” The racial composition of San José’s force is undocumented, but it can be assumed to be majority white, if not completely, due to the fact that the article singled out a single “Chinese born in American [who] has done invaluable work with Oriental residents.” The gender of the auxiliary officer was assumed to be male. In describing the personal qualifications, the article suggests that “a man must have an excellent reputation for sobriety, honesty and intelligence.”²⁴ However, an article in *Police and Peace Officers Journal* published in 1953 highlights officer Janet Hickey in a section on the auxiliary force. The first female graduate of the San José State Police Science program, the magazine’s shoddy editing makes it unclear whether or not Hickey served on the auxiliary force. Either way, a woman on the auxiliary force in the 1950s would have been uncommon.²⁵

Though some women had been hired on as police officers by a few departments across the country in the decades before the war, the number grew in the years after World War II. A lack of data makes determining the historical demographics of the SJPD challenging. The SJPD’s self-produced institutional history suggests that apart from

²⁴ Karl Detzer, “California’s Civilian Police,” 89.

²⁵ The Images of America publication about the SJPD features a photo of Hickey working in the records division in a dress and heels. The author’s note that she was the last sworn officer to hold the official designation of “policewoman,” confirming that she was a career officer for the department; “Civic Unity in San José,” *Police and Peace Officers’ Journal*, April 1953, 9; John Carr Jr. and Jarrod J. Nunes, *The San José Police Department* (Charleston: Arcadia Publishing, 2014), 87.

“police matrons” who worked in the jails during the nineteenth century and stenographers in the first half of the twentieth, the SJPD remained a virtually all-male institution. The department hired its first “feminine police officer” in 1945, though her duties remain elusive. As Blackmore sought to streamline police duties and promote a focus on crime, the department hired women to take over parking meter duties from their male counterparts. In its official history, the department acknowledged that San José arrived at the milestone of a dual-gender force slightly behind other departments. The department hired Janet Hickey, mentioned previously, in 1950 as an identification officer. That she entered the position with a bachelor’s degree in Police Science suggests that despite being more educated than the majority of her male counterparts, she was hired on in a position not yet categorized as a sworn police officer by the Civil Service Commission. Stella Sullivan’s experience presents a similar story of inequality. Hired in 1952 to the Juvenile Division, she took the test to become a sergeant after the Police Commission noted that the duties performed by juvenile officers equated to that of a sergeant. Sullivan passed, but was not requalified as a sworn police officer.²⁶

As San Joséans of color began to press the department for better representation on the force, the SJPD began to hire officers of color in the 1950s. Herbert Ruffin has shown that the African American community demanded the department hire African American officers as early as 1950. In 1951, Francis Tanner became the city’s first black police officer. The tall, authoritative San Joséan first arrived in the South Bay in 1946 while in the army and stayed after falling in love with a local woman. Tanner recalled that the

²⁶ *San José Police, 1849-2003: A History of Excellence* (Paducah: Turner Publishing Co, 2003.), 28-29.

African American community doubted him when he applied to a newspaper advertisement seeking police recruits, some convinced he would meet rejection and others who believed he would only be assigned a patrol in Chinatown, away from the white majority. Neither theory came true. Photographic evidence suggests that Tanner worked in the downtown core. He recalled experiences with prejudice while working as a police officer, but placed his professional duties before his racial identity. “The City hired me to represent the community, Blacks, Whites, Mexicans, whether they liked me or not, I was working for them,” he recalled.²⁷ Ethnic Mexicans also hired on with the force during the 1950s. Ike Hernandez and his brother joined the force in the late 1950s. Like Francis Tanner, Hernandez later recalled employing a calculated professionalism in the face of discrimination, both outside of the police department and within it.²⁸

Rank-and-File Police in the Postwar Era: Declining Job Satisfaction and Police Unionism

While Fogelson and Walker have offered broad portraits of the rank-and-file experience at mid-century, case studies have only recently begun to excavate specifics in a handful of the thousands of police departments across the country. These monographs have almost entirely focused on departments with historically large populations near or over the threshold of 500,000 by 1950. This section provides an overview of the general state of rank-and-file policing between 1945 and 1960, followed by an examination of the

²⁷ Garden City Women's Club, *History of Black Americans in Santa Clara Valley*, (Sunnyvale: Lockheed Missiles & Space Co, 1978) 163.

²⁸ Garden City Women's Club, *History of Black Americans in Santa Clara Valley*, 161-163; *San José Police, 1849-2003: A History of Excellence* (Paducah: Turner Publishing Co, 2003.), 132; Ruffin, *Uninvited Neighbors*, 221; Betty Barnacle, “Racism didn’t derail deputy chief from the fast track,” *San José Mercury News*, November 7, 1983, File “Hernandez”, San José Mercury News Clippings Collection.

beginning of rank-and-file advocacy in San José. San José's officers embodied elements of national trends, but a closer look suggests that the rank-and-file of cities in the throes of postwar growth deserve closer examination.

For the first half of the twentieth century, decent wages easily enhanced by graft, better-than-average job security, and retirement pensions made policing a promising career for uneducated and untrained working-class men. According to Fogelson, political machines and police organizations provided mechanisms that the rank-and-file could leverage to obtain transfers, pay raises, or protection from departmental superiors. When these mechanisms failed, they could turn to labor unions as a "last resort."²⁹

After World War II, rank-and-file officers experienced a decline in working conditions. Police salaries lagged behind an increasing cost of living and rising wages in other industries. Increasing regulations and decaying police infrastructure contributed to a growing cognitive dissonance among the rank-and-file as they weighed the material conditions of daily life against the promises of professionalism preached by administrators. Attempts to unionize police had ended bitterly in the 1920s, but there were few reasons for officers to revisit the potential of organized labor until the postwar era, when the decline of urban political machines eliminated direct access to politicians and their favors. Officers sometimes turned to local police organizations and associations to help achieve these goals, but the near financial destitution of these groups, unfavorable

²⁹ Fogelson, *Big-City Police*, 197-198.

pressure from established labor organizations, and a general political impotency among police rendered their efforts mostly ineffectual.³⁰

However, not all attempts to organize police labor at mid-century failed. Organizers established organizations affiliated with the American Federation of Labor in Denver, Hartford, and Flint by 1941. More than ten additional affiliates had been established in other states by the end of the 1940s, but the majority of police departments remained unorganized until the 1960s. However, a general sense of decline in the benefits of a career in police work among the rank and file, coupled with frustration over the lack of mechanisms to enact change in working conditions, stoked rank-and-file inclinations toward organized labor in the postwar era.³¹ Many police careers before the war had been full of aggressive confrontations with strikers. As this older generation retired, a younger one who had lived through the retrenchment of organized labor in the years immediately following the war became the majority among the ranks.³²

Chartering the Association: Birth of the San José Peace Officers Association

While policing in postwar San José offered seemingly better conditions than many of the big city police departments in the United States, officers nonetheless found themselves facing stagnant wages and a thinning roster. Concerned members of San José's rank-and-file established the San José Peace Officers Association (SJPOA) in early 1962 to "advance the Professional, Educational, Economic, and Social welfare...for

³⁰ The most famous failed attempt to organize police took place in 1919 in the city of Boston, see John H. Burpo, *The Police Labor Movement: Problems and Perspectives* (Springfield: Thomas, 1971), 4; Fogelson, *Big-City Police*, 198.

³¹ William J. Bopp, *The Police Rebellion: A Quest for Blue Power* (Springfield, IL: Thomas, 1971), 6, 198-200.

³² Fogelson, *Big-City Police*, 202.

the mutual benefit of all Peace Officers of the San José Police Department.”³³ Gains for the individual officer, association founders believed, depended on the further “professionalization of police work.”³⁴ This became the association’s overarching objective. For association members, professional police work had as much to do with rank-and-file conduct on duty as it did with an increased public respect toward police work.³⁵ A deeper examination of the SJPOA’s conception of professionalism is presented later in this chapter.

The association pursued objectives within a framework that reflected American democratic institutions. Members elected leadership annually in association-wide elections. The president assigned members to specialized committees that pursued the organization’s objectives and actioned initiatives.³⁶ Monthly meetings took place in the chambers of the city council, where committees and leaders presented progress reports to the general membership. Monthly dues financed the association’s expenses, which came to include a legal fund available to support members when they needed it. The association retained as legal counsel local attorney and head of the Santa Clara County Bar Association Russell Roessler, who had attended the San José State Police School with some association members.³⁷

³³ *The Vanguard*, Vol. 3, Bulletin 2, January 15, 1964; *The Vanguard*, Vol. 2, Bulletin 29, November 20, 1964; Bestalel, *Crime in City Politics*, 275n1.

³⁴ *The Vanguard*, Vol. 2, Bulletin 29, November 20, 1964.

³⁵ For the SJPOA, public respect almost always equated to the increasing value of policing for the public.

³⁶ Leadership positions included president, vice president, treasurer, correspondence secretary, recording secretary, and a sergeant at arms.

³⁷ *The Vanguard*, Vol. 1, Bulletin 32, January 24, 1964; *Police Bulletin*, Vol. 1, Bulletin 5, April 17, 1963; *Police Bulletin*, Vol. 1, Bulletin 1, 1963.

As a central channel of communication, the SJPOA began publishing the internal bulletin *The Vanguard* in spring of 1963.³⁸ The bulletin provided members with insight into the latest problems facing the rank-and-file and provided a vehicle through which members could discuss potential solutions. An editorial team encouraged members to submit content for print. Submission guidelines were broad. Content could pertain directly to the association's objectives, but writing about the general experience and profession of law enforcement were equally encouraged. Editors used the bulletin to keep readers abreast of both regional and national developments in law enforcement, to highlight examples of good policing by specific officers of the SJPD, and offer both practical and theoretical advice to help officers in the line of duty. The bulletin remained the association's central forum throughout the 1960s, and as such, provided the intellectual space where an organizational culture was constructed.

The rudimentary organizational culture of the SJPOA in its first two years focused heavily on the labor issues the association had been founded to address. Leadership believed that higher wages, improved benefits, better working conditions, and higher retention rates could be achieved through further professionalization and campaigns to educate the public about the needs of the police. They blamed negotiations conducted "in haste" and "often [with] contempt" by San José Police Union Local 170 for sour relations with the city.³⁹ Association leadership believed they could improve the relationship by

³⁸ The bulletin's original title was simply "Police Bulletin," but it was given the name *The Vanguard* within months of its initial publication. The bulletin will be referred to as *The Vanguard* from here on.

³⁹ *Police Bulletin*, Vol. 1, Bulletin 1, 1963; Officers established Local 170 in the mold of a traditional labor union in 1954. The SJPOA was not an official negotiator until it obtained bargaining rights in the early 1970s.

“substantiating facts in an intelligent approach, having due respect for the administration, but at the same time displaying a calm firmness.”⁴⁰ While association leadership worked within the halls of power to facilitate more efficient discussions around labor matters, they suggested that individual officers had to “work toward more than just monetary gains” by “supporting the image that is being created through public information projects” in order to generate public support for the police.⁴¹ “Once the public is behind us,” the association’s first president Mark Sturdivant assured members, “we will receive a just remuneration for our services.”⁴²

Research presented by the editorial team in *The Vanguard* proved that the association’s qualms about pay were not unfounded. A regional comparison between police departments indicates that the San José Police Department lagged behind departments of other cities in and around the Bay Area in both pay and benefits. In Sunnyvale, a suburb northwest of San José, police not only received better compensation despite a higher crime rate, but also had the opportunity to work as firemen for overtime pay. Higher wages, paid vacation, and pensions made the Oakland Police Department a more appealing opportunity for potential recruits. According to the statistics provided by city governments, the operational cost of the SJPD ranked the lowest of ten major cities in California. For example, in San Francisco, Oakland, Stockton, and Richmond, the cost per year that a citizen paid for policing was more than double San José’s cost of \$9.04.⁴³

⁴⁰ *Police Bulletin*, Vol. 1, Bulletin 2, 1963.

⁴¹ *Police Bulletin*, Vol. 1, Bulletin 1, 1963

⁴² *Police Bulletin*, Vol. 1, Bulletin 1, 1963

⁴³ *Police Bulletin*, Vol. 1, Bulletin 1, 1963; *Police Bulletin*, Vol. 1, Bulletin 4, April 10, 1963.

The association believed that they had a bulletproof platform upon which to pursue their labor goals. Members of the SJPOA generally understood the SJPD to be an exceptionally efficient and professional force that offered taxpayers the most bang for their buck. Association leadership attributed the city's decreasing crime rate, concurrent to the national rate, to the "professional quality" of police personnel.⁴⁴ Further, the department had achieved this result with the fewest number of officers per population among big cities in the Bay Area and Central Valley. Officers interpreted the implied discrepancy in value when salaries were compared to achievements as the result of poor labor negotiations and the public not understanding the value of efficient policing. "We can continue to operate efficiently with a personnel rate of 1.1 per 1,000 population if we can recruit and keep qualified men," President Sturdivant argued, if the department's pay scale were "placed at a level where it [competed] with higher salaried departments and state and federal law enforcement agencies."⁴⁵ Lowering the department's standards would have made recruiting easier, but also required hiring more personnel at a "greater expense to the tax payer," both in tax dollars and quality of policing.⁴⁶ Editors of *The Vanguard* noted the departure of officers from the force and reminded members that higher wages would yield stronger retention and that the SJPD could not "afford to train officers only to have them depart for other agencies."⁴⁷

⁴⁴ *Police Bulletin*, Vol. 1, Bulletin 5, April 17, 1963; In 1963, San José operated at 1.1 officers per 1000 population at the lowest rate, while San Francisco operated at 2.6 per 1000 at the highest. Oakland, Richmond, Stockton, Sacramento, and Berkeley operated at higher rates than San José.

⁴⁵ *Police Bulletin*, Vol. 1, Bulletin 5, April 17, 1963.

⁴⁶ *Police Bulletin*, Vol. 1, Bulletin 5, April 17, 1963.

⁴⁷ *The Vanguard*, Vol. 1, Bulletin 25, September 4, 1963.

By the end of its first year, the SJPOA had gained a foothold in local negotiations and established an effective framework for exploring and advancing the interests of its membership. Talks between association president Mark Sturdivant and the president of Local 170 Jim Guido improved relations between the organizations and resulted in tighter coordination.⁴⁸ When internal negotiations between the rank-and-file and police administrators took place, Chief Blackmore met with representatives of both the SJPOA and Local 170, despite the former having no official claim to bargaining rights. For the rank-and-file, simply having a voice in policing matters represented a milestone. Debate around changes to an internal examination illustrates how this coordination worked. When Blackmore intended to petition the Civil Service Commission to dissolve the pass-or-fail mechanism and replace it with a tiered grading system, Sturdivant and Guido collected and presented Blackmore with suggestions from their respective memberships. Association membership became more invested in their own internal initiatives when it became clear they had Blackmore's ear. Leadership established internal committees assigned to specific topics. Nearly half of the association's members belonged to a committee, which Sturdivant believed represented "the collective thoughts of the majority of the members."⁴⁹

While the record suggests that men made up the majority of the SJPOA's membership, the organization supported labor causes of women represented by Local 170. The gender-coded language editors employed when discussing these causes of

⁴⁸ *Police Bulletin*, Vol. 1, Bulletin 2, 1963.

⁴⁹ *Police Bulletin*, Vol. 1, Bulletin 4, April 10, 1963; *The Vanguard*, Vol. 1, Bulletin 24, August 28, 1963; *The Vanguard*, Vol. 1, Bulletin 26, September 12, 1963; *The Vanguard*, Vol. 1, Bulletin 28, September 26, 1963; *Police Bulletin*, Vol. 1, Bulletin 8, May 8, 1963.

female department employees reveals a gendered division of labor and a paternal outlook. In May of 1963, Sturdivant informed membership that the “uniformed girls in Records Division” had been excluded from an increase in pay because the city categorized their positions as part of the “clerk-typist” category and not the “police” category. Sturdivant believed that these “uniformed” women performed crucial police functions that went beyond record-keeping. These extra-categorical duties, he argued, offered evidence that confirmed they were indeed police officers and should be recategorized by the Civil Service Commission.⁵⁰ According to his account of a meeting with the Civil Service Commission, “many individual officers” spoke in support of the women as integral police personnel. This anecdote suggests some of the rank-and-file may have possessed more progressive views on gender issues in the workplace than the police administration or the Civil Service Commission.⁵¹

The Police Advisory Committee Shifts: Public Relations to Community Relations

As early as the 1930s, some police administrators concluded that the public’s low opinion of police officers resulted from poor public relations of the department. These administrators believed that the departments had not done enough to promote the gains that had been through reforms. They believed that this problem could be solved by increasing efforts in public relations to construct a new image of the police. By the 1950s, public relations rhetoric employed by departments in California began to shift toward a language of community. While the mission remained one that sought to establish an

⁵⁰ The women provided assistance to male police officers in gendered functions that included the arrest, detention, and search of female subjects. Additionally, courts often called on these women as experts in fingerprinting.

⁵¹ *The Vanguard*, Vol. 1, Bulletin 7, May 1, 1963.

improved public image of the police, administrators began to seek community perspectives to assure they addressed the issues critical to the public. In reality, the bridge between police and communities often offered only perspectives of middle- and upper-middle class professionals.⁵²

Early in his tenure as chief, Blackmore established a Police Advisory Committee (PAC, later called the Police Advisory Board) to incorporate the concerns of the public. Blackmore believed he could improve the public's relationship to the police by working directly with the committee. The board had a similar composition to the auxiliary police in that it was composed of middle and upper-middle class white professionals. Males dominated the committee, though female members were included as representatives of organizations such as the Parent-Teacher Association. Limited by the composition of its membership, the committee's advice provided Blackmore only middle and upper-middle class perspectives on matters of policing. This did little good for the lower classes who tended to have the most contentious relationships with the police. In other words, if Blackmore depended on the committee to help him understand how the public perceived his officers, he would likely have received glowing reviews. The efficacy of the PAC remained unquestioned until the mid-1960s.⁵³

The PAC's role in improving the relationship between police and the public reflected depended heavily on establishing moral norms that the police could work toward. For example, the committee elected as its "primary objective" aiding "the control

⁵² Fogelson, *Big-City Police*, 147-148.

⁵³ "Chief Blackmore Has a Citizen Advisory Committee," *California Police and Peace Officers Journal*, December 1951, 8; San José Police Department, *Annual Report 1953*, 1; San José Police Department, *Annual Report 1956*, 2.

of conditions that are deemed detrimental to the normal way of living and to aid in the suppression of criminal activities, corruption, and vice conditions.” Blackmore believed that if he could convince the public that the police played a critical role in maintaining these moral norms, public opinion would have to change. In other words, the police needed to demonstrate that with the public’s assistance, police professionals would be able to more successfully fight crime and serve the community. In 1962, the appointment of Ben Avrech as chairman of the committee brought the rumblings of a paradigm shift for the committee’s function. As owner of the Eastside Mayfair Department Store, Avrech emphasized the importance of interracial relations, suggesting the department establish annual seminars that would focus on police-community relations. Further, he warned of the dangers of a “double standard” applied by police to “persons of the minority groups” foreshadowing the root cause of tensions that would come to a head in the middle years of the sixties.⁵⁴

San José’s growth had decimated many of the dusty roads and open spaces of the Valley of the Heart’s Delight that had acted as buffers between racial communities in the past. As developer’s churned-out neighborhoods along an expanding grid of suburban sprawl, human relations became an inevitable part of daily policing for officers assigned to police communities of color. Avrech’s suggestion seemed sensible to Blackmore. He saw in it a chance to make the department a “pioneer in the West” by incorporating human relations into the police training regimen. While Avrech pushed the department

⁵⁴ “Set Up Human Relations Class For Police, Says Blackmore,” *San José Mercury News*, March 23, 1962; Bill Walker, “Civic Unity In San José,” *Police and Peace Officers’ Journal*, April 1953, 9.

toward the inclusion of the concerns of communities of color, Blackmore did not understand how narrow the committee's perspective actually was.

A History of Antagonism: African Americans, Latinos, and the Police

The relationship between police and African Americans in the United States is rooted in a history of antagonism. Before the Civil War, patrollers, a precursor to modern police patrols, maintained the institution of slavery by tracking down and returning fugitive slaves to their masters. After Reconstruction, emancipated African Americans faced extrajudicial violence enacted by lynch mobs and other terrorists hellbent on policing black bodies to maintain white supremacy. The rise of modern police forces coincided with the decline of lynching, but it should be noted that police were often complicit in some part of lynching whether it entailed turning over a captive to the mob or holding the rope. Race riots exploded in cities across the country beginning in the late 19th century and occurring sporadically throughout the twentieth. Police often did nothing to stop white citizens from attacking African Americans, sometimes joining in on the violence. As urban police departments became integral components of American cities in the early 20th century, African Americans encountered police officers quick to brutalize them over almost any infraction. Though police repression was widespread when the Civil Rights Movement emerged in the mid-1950s, the movement's leadership of middle-class African Americans foregrounded desegregation as the primary goal. Historian Herbert Ruffin has shown that African American efforts to fight discriminatory policing in the San José emerged in the 1950s.⁵⁵

⁵⁵ Robin D.G. Kelley, "Slangin' Rocks...Palestinian Style," in *Police Brutality* edited by Jill Nelson (New York: Norton, 2001), 21-39; Ruffin, *Uninvited Neighbors*, 221.

Ethnic Mexicans have known the antagonism of Anglo-Americans since the signing of the Treaty of Guadalupe Hidalgo at the end of the Mexican-American War in 1848. Police harassment has shaped the ethnic Mexican experience throughout the Southwest. Historian Edward Escobar has shown that “chronic conflict” between Mexican Americans and the Los Angeles Police Department that culminated during World War II galvanized a Mexican American political identity. As the city with the largest population of ethnic Mexicans in the country, the political developments that took place in Los Angeles doubtless influenced the ethnic Mexican community in other parts of the state. In San José, sporadic episodes of resistance to police violence also occurred, but the community did not adopt a wider stance against the police department until the 1960s. During the Depression, the local chapter of the United Cannery, Agricultural, Packinghouse, and Allied Workers of America discussed the issues of brutality and harassment endured by ethnic Mexicans at the hands of police. In one of the earliest examples of resistance to police discrimination in the area, members of the union confronted the city manager over the excessive force police officers employed against brown bodies. During the Second World War, anti-Mexican violence spread from Los Angeles northward to the Bay Area during the Zoot Suit Riots. After a series of brawls exploded into widespread racial violence, Anglo-American sailors cruised the streets of Los Angeles hunting young ethnic Mexicans dressed in the flamboyant fashion known as zoot suits. Sensational media coverage embedded ideas about Mexican criminality deeper in the psyches of the white public and police alike. In San José, police blamed ethnic Mexican youth and they became targets of police officers on the beat. Episodic clashes between police officers and ethnic Mexicans dotted the war years. When the U.S.

government dialed back its need for labor in the immediate aftermath of the war, local police in San José rounded-up dozens of ethnic Mexicans using amorphous vagrancy laws—a tactic of policing widely employed in the United States at mid-century. Among those caught in the round-ups were braceros had laid down roots and become integrated into the Eastside Mexican community. Police roundups often uprooted these men from the community that had chosen as their home for repatriation back to Mexico. Local organizer Joseph Alvarado protested such disruptions of the community by the police to the city council. The city council received letters of protest criticizing police action against ethnic Mexican agricultural workers. One letter assured the municipal politicians that “three men were beaten up in those rat cells by those gestapo cops.” The author offered a pessimistic doubt that the letter would make a difference, as they believed that law enforcement would always “stick together.”⁵⁶ During the 1950s, the Community Service Organization (CSO) worked to protect ethnic Mexican youth from police harassment and demanded accountability when an officer employed excessive force. Antagonism abounded.⁵⁷

“Why risk the shot?”: Contours of Early Resistance to Discriminatory Policing in San José

At 2:10 AM on August 9, 1960, nineteen-year old Frank Alvarez bid his fiancée goodnight and began his walk home along the darkened streets just south of downtown

⁵⁶ “Protest Made On Roundups By S.J. Police,” N.D., File “Mexicans,” San José Mercury News Clippings Collection.

⁵⁷ Ruffin, *Uninvited Neighbors*, 221; Edward Escobar, *Race, Police, and The Making Of A Political Identity: Mexican Americans and the Los Angeles Police Department 1900-1945* (Berkeley and Los Angeles: University of California Press, 1999), 1-17; Pitti, *The Devil*, 118, 124-126; Matt S. Meier and Feliciano Ribera, *Mexican Americans, American Mexicans* (New York: Hill and Wang, 1993), 164-165.

San José. The two had passed the evening with friends and the warm glow of good company remained with Frank when he bid his love goodnight. Perhaps the evening offered the young man from a broken home a sense of stability, a glimpse of a future built around the scaffolding of a supportive social circle and a budding family. The son of agricultural workers who migrated from Arizona to California, Frank Alvarez spent much of his childhood ferried around by the state from juvenile camps to homes and back again. Faced with perpetual shifts in the settings and people that surrounded him, adjustment proved difficult for the young Mexican American and opportunities for schooling and education limited. Alvarez became acquainted with the criminal justice system early in his life. At ten years old, the law confronted him for the first time over toys he had taken “to play with.”⁵⁸ His last interaction with the law would be strikingly similar to his first.

Officer B.J. Collins of the San José Police Department (SJPD) knew Alvarez by name. As he cruised along Almaden Avenue in his patrol car, the police officer recognized the young man who he had confronted over an alleged connection to a burglary in the preceding months. Collins stopped and frisked him. Alvarez carried no weapon. Collins turned the young man around and set to handcuffing him, but Alvarez did not intend to become a captive of the state again. He slipped free and sprinted into the night. Collins drew his revolver and fired a warning shot, but Frank Alvarez showed no sign of slowing. Collins took aim again. When he fired, Frank Alvarez fell to the asphalt.

⁵⁸ Edward O. Reyes & Wester Sweet, “Letter from San José Community Service Organization to Mayor of San José, The Members of The City Council, Chief of Police of San José, California,” San José City Council Minutes, August 1960, Topic 1054.

His body was still as he bled out. At 2:20 AM, Frank Alvarez died on a street not far from his home.⁵⁹

Frank's father Victor wanted answers about the death of his son. He had few options for recourse, so he sought the help of the San José chapter of the CSO. Founded in East Los Angeles in the late 1940s, the CSO was the most active Mexican American organization in the fight against racial discrimination. The organization focused its efforts on raising Mexican American political consciousness and increasing the community's direct participation in American democracy. Pitti suggests that the CSO's turn away from "the importance of ethnic Mexican ties to other locales" and its emphasis on the alliance between Mexican Americans and Mexican nationals in local issues mark a critical turning point in the genealogy of Latinx civil rights in the United States. By the 1950s, fighting police harassment had become a core facet of the Mexican American political identity. In Santa Clara County, the CSO sought to protect Mexican American youth from increasing harassment by the police. According to Pitti, thirty percent of Santa Clara County's Juvenile Probation cases involved ethnic Mexicans in 1957, despite the group representing less than fifteen percent of the population. Somewhere in these statistics, a tally stood-in for Victor Alvarez's son Frank.⁶⁰

As the CSO sought to understand the events that surrounded the death of Frank Alvarez more clearly, they made no accusations of foul play and openly rejected questions of civil litigation. In coordination with the regional CSO counsel in Oakland,

⁵⁹ Edward O. Reyes & Wester Sweet, *Letter*, August 1960.

⁶⁰ Pitti, *The Devil in Silicon Valley*, 149, 165; Pitti argues that the CSO offers a historical link between earlier mutual-aid societies heavily reliant on connections to other locales, and the locally-focused Chicanx movement that developed in the 1960s.

the San José chapter mailed a letter to the San José City Council and Chief of Police Blackmore to request a formal hearing where representatives of the community and labor organizations could comment publicly. In fact, the letter's implied purpose was to inform the city that without a transparent investigation conducted at the request of the community, the death of Frank Alvarez would reinforce the belief among ethnic Mexican youth that they did not have access to the security of the state that their American citizenship guaranteed. "The rumors in the 'barrio' are ugly, bad rumors, that can become inflamed by the re-occurrence of such an incident as this. It cannot re-occur," CSO representatives warned city hall.⁶¹

In the aftermath of Frank Alvarez's death, the CSO asked four questions about the nature of policing that would remain critical to the conversation around police brutality into the twenty-first century. The first two concerned the procedural conduct that governed use of force in the line of duty. While the CSO's counsel offered the questions as structural inquiries, their subtext indirectly confronted the discretion employed by individual officers: "What efforts are to be used by the Police, in making an arrest before force is used? What standard is used for drawing and firing a lethal weapon with the intent to warn, and then with the intent to cripple or kill?"⁶²

This line of questioning revealed both a desire to understand the mechanisms that regulated the power of individual officers, as well as the belief that the structural power of police departments could indeed regulate the individual officer. Discretion, or the

⁶¹ Reyes & Sweet, "Letter from San José Community Service Organization to Mayor of San José, The Members of The City Council, Chief of Police of San José, California."

⁶² Reyes & Sweet, Letter to City Council, N.P.

decisions made by individual police officer in the line of duty, only emerged as a concept in policing in the mid-1950s. As historian Christopher Agee has shown, a crisis ensued for municipal power when criminologists and other researchers began to argue that “much of police policy was made on the beat.” In San Francisco, managerial growth advocates “justified” officer discretion by suggesting that it served the “citizenry’s shared color-blind, traditional family values.” In the letter’s third and fourth inquiries, Sweet and Reyes challenged the relationship between citizenship and security built into the claims of color-blind politics. “Does the training program emphasize the human relationship and understanding, or does it tend to maximize the power wielding authority? Does the training of Police Officers in San José include the respect and protection of the civil rights of the individual citizen, regardless of race, creed or history?”⁶³

Blackmore and the SJPD met the CSO’s challenge to police discretion with institutional force intended to delegitimize it, exercising not only local municipal power, but also the authority of the state of California. When the City Council added the CSO’s request for investigation to the weekly docket of matters for discussion, Blackmore intervened on behalf of the police and twice requested the discussion be delayed until he could attend. The day after the first request for delay, Chief of Detectives Barton Collins and Santa Clara County District Attorney Louis Bergna travelled to meet with State Attorney General Stanley Mosk in Sacramento at his request. Mosk had received a copy of the CSO’s letter, revealing the organization’s intention to make the Alvarez investigation a state issue if municipal politics failed to address the request. Mosk

⁶³ Quotations from Agee, *The Streets of San Francisco*, 40.

vindicated the SJPD's internal investigation, agreeing that no further inquiry would occur unless new evidence came to light. Ultimately, the City Council rejected the CSO's request with assertions that separate investigations by the coroner, the police department, the district attorney, and the state district attorney had all reached the same conclusion: the officer had been justified in killing Alvarez. Blackmore suggested that Alvarez's race had no place in the discussion because "there [was] no race prejudice" in the city of San José. Blackmore's appeal to a colorblind administration of justice would remain an idea central to the public image he cultivated around police-community relations into the late 1960s.⁶⁴

The campaign that followed the death of Frank Alvarez suggests that the community mechanisms to fight discriminatory policing in San José had taken shape by 1960. Embedded in the inquiries of the CSO were principles that would undergird later efforts to challenge police discretion in San José. By the mid-1960s, similar campaigns established on similar principles would exist in cities across the United States.⁶⁵

⁶⁴ "Probe of Police Slaying?" *San José Mercury News*, September 6, 1960, File "Com. Service," San José Mercury News Clippings Collection; "Mosk Keep," *San José Mercury News*, September 8, 1960, File "Com. Service," San José Mercury News Clippings Collection; "No Further [...] Suspect's," *San José Mercury News*, September 20, 1960, File "Com. Service," San José Mercury News Clippings Collection.

⁶⁵ "City of San José—earliest to 1960 census data," Bay Area Census, January 23, 2019; In 1950, the census listed "White Persons of Spanish Surname" as 11.4% of the city's population, while in 1970 it listed "Persons of Spanish Origin or Descent" as 15.1%; For more about the historical evolution of the racial categorization of ethnic Mexicans in the United States census, see Brian Gratton and Emily Klancher Merchant, "La Raza: Mexicans in the United States Census," *Journal of Policy History* 28, no. 4, 537-567.

CHAPTER II: REVIEW BOARDS AND RANK-AND-FILE POWER, 1963-1966

Though the public viewed police reform favorably in its initial stages, many began to question some of the results of reform by the 1960s. The elevated autonomy that city police departments obtained became a great concern as civil rights organizers sought to end discriminatory policing. Some police reformers themselves shared this concern. Fogelson has shown that police reform, “had not only separated policing from politics, which was admirable, but also removed it from popular control, which was deplorable.”¹ In other words, as policing developed into a profession that produced, managed, and evaluated the body of professional knowledge that defined it, external mechanisms of accountability that existed in previous eras disappeared. Police now had only to answer to the corporative bodies of their profession. Their elevated autonomy was at the heart of debates that raged around police discretion in the middle years of the 1960s. In San José, these debates became a proving ground for the SJPOA’s growing power as an interest group. By emphasizing a symbiotic dependency between police and community in their organizational conception of policing, the association cultivated a perspective that created space for a real improvement of police-community relations. Maintaining this position, however, made their professional autonomy vulnerable. When given the choice to compromise in order to ensure a healthy relationship with the community, the rank-and-file placed a higher value on their professional autonomy than the well-being of the community. The deepening distrust that resulted proved the association’s theory that both

¹ Robert M. Fogelson, *Big-City Police* (Cambridge, Mass: Harvard University Press, 1977), 283.

community and police depended on the health of one another to maintain a balanced society. However, it also proved that rank-and-file power had political clout in local issues, laying the foundation for a further deterioration of police-community relation in San José.

Between 1965 and 1967, African American and ethnic Mexican communities sought greater autonomy over their neighborhoods and how they were policed. They demanded increased access to resources and city services, as well as an elevated role in municipal politics. As communities of color across the state pursued the promises of citizenship promoted by the postwar liberal state, an ideological challenger applied counterpressure. White suburbanites animated by the rhetoric of Barry Goldwater's 1964 presidential campaign began to coalesce beneath a banner of reactionary conservatism. They rallied behind calls for "law-and-order" that framed criticism of discriminatory policing as the tactics of criminals and communists to undermine the ability of police to enforce the law and keep cities safe.²

When a confrontation between African Americans and police erupted into five days of rioting that left thirty-four dead in the Watts neighborhood of Los Angeles, the hostile relationships between police and communities of color became national concerns throughout urban America. San José was no exception.³ Chief Blackmore entered into dialogue with civil rights leaders and community representatives to look for solutions that would prevent episodes similar to what had happened in Watts from occurring in Santa

² Lisa McGirr, *Suburban Warriors: the Origins of the New American Right* (Princeton, N.J.: Princeton University Press), 188-189, 204-205.

³ Janet L Abu-Lughod, *Race, Space, and Riots in Chicago, New York, and Los Angeles* (Oxford: Oxford University Press, 2007), 14; Samuel Walker, *Popular Justice: A History of American Criminal Justice* (New York: Oxford University Press, 1998), 196.

Clara County. The city's communities of color used the opportunity to negotiate for greater control over the policing of their neighborhoods. As had happened earlier in other cities such as Philadelphia and New York City, they demanded the creation of a police review board (PRB) to serve as a mechanism through which officers who brutalized citizens could be held accountable. The board would investigate accusations of police abuse independently from the police department to ensure claims were not whitewashed or ignored. These demands challenged Blackmore's static belief that San José did not share the racial troubles of other American cities. It also challenged the reputation of the SJPD as one of the most professional departments in the state of California. As Blackmore negotiated with the communities, the increasingly powerful SJPOA pressured him to reject and community demands that challenged the dominance of the rank-and-file over their professional domain.

While race played a critical role in the national challenge to police discretion, the establishment of an identity anchored in professionalism allowed rank-and-file advocates at the SJPOA to build a supposedly internal color-blind coalition. By emphasizing a nexus of professional knowledge, fiscal efficiency, and a symbiotic relationship between police and community as the basis of professional policing, the association cultivated an organizational culture that appeared to embrace the color-blind tenets of American liberalism while supporting adversarial positions counter to civil rights initiatives around policing. In other words, the rank-and-file were willing to engage community concerns as long as those concerns did not challenge an officer's discretion or their autonomous control of the institutional mechanisms of their profession.

Though the SJPOA's membership was predominately white, officers of color assumed active roles in the advancement of collective rank-and-file interests. Few officers influenced the SJPOA's organizational culture during the mid-sixties than Lee Brown, an African American who elected president of the association in both 1965 and 1966. In the pages of *The Vanguard*, Brown underscored the holistic relationship between police and the communities they served. When the strained relationship between communities of color and the police came into focus, Brown participated in the dialogue between community representatives and the police department as the voice of the rank-and-file. In this role, Brown embodied the association's elevation of professionalism over race.

At the core of the discussions between police and community were the mechanisms available to citizens for filing complaints against the police. Blackmore initially ceded some control of the complaint process to a community committee, but reversed this decision and openly rejected demands for a police review board under pressure from the rank-and-file. His reversal intensified community distrust in the department, though Blackmore ultimately agreed to establish a sub-committee that would investigate citizen complaints as part of the longstanding Police Advisory Board (PAB). In the summer of 1966, Lee Brown published an in-depth history and criticism of police review boards that cemented the rank-and-file's opposition to community oversight. Brown's staunch opposition to the review board laid the foundation atop which future leaders of the SJPOA would construct a far more adversarial organizational culture.

After a near riot in one of the city's predominately African American neighborhoods in August of 1966, Chief Blackmore established the city's first Police-

Community Relations (PCR) unit and appointed Lee Brown to lead it. A recognition of Brown's exceptional ability to work with the community, his assignment to the unit marked the end of his time as an active member of the SJPOA. A grant awarded by the Law Enforcement Assistance Administration (LEAA) pushed Brown even further from the practical operations of both the SJPD and the SJPOA. After a technicality prevented him from running for San José City Council, he left the state of California and took an academic role teaching police science in Portland, Oregon.

In the wake of Brown's departure, rising crime, manpower shortages, the emergence of radical movements, and increased demands for law-and-order politics shifted attention away from the development of police-community relations in San José. In the final years of the 1960s, a new wave of predominately white leadership heavily influenced by the rise of law-and-order politics took up the reins of the SJPOA.

Lee Brown and the Increasing Power of San José's Rank-and-File

By 1965, the San José Peace Officers Association had established itself as a legitimate representative of local rank-and-file interests. In January of that year, the association's outgoing president, Mark Sturdivant, beamed as he reflected on the "progressive stride" of the association's first two years. Membership had more than doubled. Sturdivant, a white officer, interpreted a warm response from SJPD administrators as evidence that the association had become "a definite part of the growth and effective progression" of the department.⁴ He reported excellent relationships between the association and San José's Civil Service Commission, Personnel

⁴ *The Vanguard*, Vol. III, Bulletin 7, February 26, 1965.

Department, and City Council. While the association did not participate directly in city politics, Chief of Police Ray Blackmore created informal space in decision-making processes to accommodate rank-and-file input.⁵ Sturdivant's leadership and ability to effectively represent the rank-and-file had been integral, but he credited the "favorable climate" to the work of the association's member-controlled committees. In other words, the collective efforts of rank-and-file advocates appeared to be paying off. Further, the association's attorney had proven that his legal counsel, funded by membership dues, could successfully make gains for individual officers in court. In December of 1964, he represented white officer Doug Wright in a civil suit against a woman who had stabbed him during an arrest. The case set a precedent in Santa Clara County when the court ordered that damages be paid to Wright. Rank-and-file power in San José appeared promising.⁶

The centrality of professionalism in the association's organizational culture cultivated a seemingly color-blind operating environment within the SJPOA.⁷ Professional conduct carried more weight than an officer's race or creed, which provided officers of color equal opportunity to shape the association's goals and outlook. Issues of the SJPOA newsletter featured African American, Mexican American, and white officers alike in the examples of good policing selected and published in a section of the bulletin

⁵ Association leadership collected votes on a given issue from membership and presented the results to Chief Blackmore, who then articulated an official position.

⁶ *The Vanguard*, Vol. III, Bulletin 1, January 8, 1965.

⁷ Promotions of officers of color to higher-rank within the San José Police Department itself suggests that color-blind professionalism had taken hold within the institution as well. For examples, see *The Vanguard*, Vol. I, Bulletin 25, September 4, 1963; *The Vanguard*, Vol. II, Bulletin 22, October 2, 1964.

entitled “On the Crime Scene.”⁸ These highlights featured episodes that showcased choices made in the line-of-duty, observations or interrogations that led to the discovery of probable cause and arrests, methodical investigation, production of complete and detailed paperwork, and procedural teamwork.⁹ Officers of color assumed active roles on committees, the editing team, and leadership positions.¹⁰ Ike Hernandez, who along with his brother Zeke joined the department as the city’s first ethnic Mexican officers in the mid-fifties, played a key role in the publication of *The Vanguard* from its inception in 1963. Officer Don Trujillo served on the editorial staff for several years before becoming the editor proper in 1965, and subsequently, Vice President in 1966. Officer Dan Campos acted as chairman of the Publicity Committee.¹¹

In December of 1964, five months after President Johnson signed the Civil Rights Act into law, membership elected African American officer Lee Brown as the association’s second president. Born in rural Oklahoma, Brown grew-up in Fresno, California, where his parents labored on grape farms. He earned a bachelor’s degree in criminology at Fresno State before joining the SJPD as a patrolman in 1960. Brown began contributing material to *The Vanguard* in 1963. He was elected as an SJPOA Sergeant-at-Arms in 1963 and recording secretary in 1964. He remained one of the

⁸ *The Vanguard*, Vol. I., Bulletin 33, February 28, 1964.

⁹ Examples can be found in *The Vanguard*, Vol. III, Bulletin 7, February 26, 1965; *The Vanguard*, Vol. I, Bulletin 13, June 12, 1963; *The Vanguard*, Vol. I, Bulletin 40, April 24, 1964; *The Vanguard*, Vol. II, Bulletin 18, September 4, 1964.

¹⁰ “On The Crime Scene” featured numerous examples of good policing by multiracial teams of police officers. Vol. I, Bulletin 33, February 28, 1964.

¹¹ *Police Bulletin*, Vol. I, Bulletin 2, 1963; *The Vanguard*, Vol. I, Bulletin 32, January 24, 1964; *The Vanguard*, Vol. I, Bulletin 32, January 24, 1964; *The Vanguard*, Vol. I, Bulletin 35, March 20, 1964; *The Vanguard*, Vol. III, Bulletin 5, February 8, 1965; *The Vanguard*, Vol. IV, Bulletin 8, February 28, 1966.

SJPOA's most prolific contributors of original articles through the end of his presidency in 1967. Association membership held Brown in high respect. Of the one hundred and twenty votes cast in the association's 1965 election, he received an overwhelming majority of ninety-eight.¹²

Brown's writing not only defined the contours of professional policing and the role of the police in local and national contexts, but also connected these ideas to the goals of the association.¹³ He conceptualized the police department as an institution "composed of individuals [that] work with people rather than inanimate objects."¹⁴ Through the lens of functional-structural theory, Brown argued that the police were a vital component in the nexus of community, as interactions between any two components, which included "family, religion, education, economy, politics, [and] police," affected the whole.¹⁵ To convey this idea to readers of *The Vanguard*, Brown employed an analogy of the body, underscoring that the failure of one organ would result in a failure of the whole. Within the nexus of community, he explained, the police were "synonymous with the heart." Efficiency, he argued, could only be achieved by

¹² Ibid.; *The Vanguard*, no volume, no bulletin number, 1964; Associated Press, "Former police chief eyes new job," *The Victoria Advocate*, June 10, 1997; Lee P. Brown, "Dynamic Police-Community Relations At Work," *The Police Chief*, April 1968, 44; Neither association records nor public reports issued by the police department present the racial demographics of San José's police officers.

¹³ As he worked toward a master's degree in Sociology at San José State, his contributions to *The Vanguard* became increasingly influenced by his studies. Brown finished the degree in early 1964.

¹⁴ *The Vanguard*, Vol. I, Bulletin 33, February 28, 1964.

¹⁵ *The Vanguard*, No Volume, No Bulletin, (fall) 1964.

“employing educated and trained personnel to ensure that this vital community institution functions adequately.”¹⁶

Brown understood the social changes underway during the 1960s not as aberrations of an order that should be conserved and defended, but as organic human developments that police officers needed to understand in order to police efficiently. He recognized that the experiential knowledge that officers gained in the line of duty could not account for the abstract social processes that animated rejection of the status quo. “We can no longer rely merely on experience,” Brown wrote in one of his early presidential messages, “it is imperative that law enforcement obtain an understanding of the society and the interactions of the people within the society.” Without it, officers would find it “difficult [...] to comprehend and resolve the social strife when it appear[ed].”¹⁷ An early example appeared in a column Brown penned in the summer of 1964. “Now, more than ever before, the police are being called upon to handle situations which are exceedingly stressful,” he wrote. While policing public demonstrations that emerged during the classical period of the Civil Rights movement, Brown suggested that officers found themselves “in the middle of two opposing moral viewpoints.” That police had been “capable of remaining completely objective” (with the exception of departments in Mississippi and Alabama) served as a symbol of what he interpreted as the increasing professionalism of law enforcement.¹⁸

¹⁶ *The Vanguard*, Vol. I, Bulletin 2, May 15, 1964; *The Vanguard*, No Volume, No Bulletin, (fall) 1964.

¹⁷ *The Vanguard*, Vol. III, Bulletin 5, February 8, 1965.

¹⁸ Education also had its downfalls, including officers leaving the force to pursue other opportunities that education made available. In the same issue that Brown offered these insights about the benefits of education for police, he noted a young officer taking a leave of absence to

Equally important to efficient policing was an officer's understanding of how individuals affected the quality of service that the department collectively provided. The "quality of service rendered to the community," Brown argued, depended heavily on the "values and attitudes of [...] individual policemen."¹⁹ High morale, which depended on "desirable working conditions, administrative backing, community backing, adequate pay, etc.," molded the values of a police officer. In turn, values defined attitudes and attitudes defined "the manner in which the officer performs his duty."²⁰

Lee Brown's writing helped to pioneer perspectives that took hold among many African American police officers across the country in the late 1960s and 1970s. These officers who, by the late-sixties, belonged to what historian W. Marvin Dulaney calls the "third-wave of reform," shared Brown's views on the community-centric role of policing.²¹ Policing during the civil rights struggles of the 1950s and early 1960s and through the tumultuous mid-to-late sixties, many of these officers experienced being "caught in the middle" as police responsibilities for riot control required them to restrain or arrest African Americans "demonstrating for rights that would benefit the officers themselves."²² When demonstrations turned violent, these officers were often forced to

finish his bachelor's at San José State. He noted that the young man had a pending scholarship to Stanford's law school; *The Vanguard*, Vol. II, Bulletin 5, June 5, 1964.

¹⁹ Brown provided readers with classical functional sociological definitions of values as "that which meaning for a member of a group" and attitudes as "that which determines activity"; *The Vanguard*, Vol. II, Bulletin 5, June 5, 1964.

²⁰ *The Vanguard*, No Volume, No Date, (fall) 1963.

²¹ W. Marvin Dulaney, *Black Police in America* (Bloomington and Indianapolis: Indiana University Press, 1996), 78-80; the "third-wave" refers to the many issues of race left unaddressed by "second-wave" police reformers. While Dulaney defines the period in the specific context of African American history, the emergence of separate organizations for Latino officers, such as the National Latino Peace Officers Association in California in 1972, suggest a broader, multi-ethnic race consciousness in policing.

²² Dulaney, *Black Police*, 72.

choose between protecting fellow police from African Americans or African Americans from police. By the late 1960s, officers of this third-wave began to establish police organizations that offered alternatives to the entrenched racist and reactionary views expressed by longstanding groups such as the Police Benevolent Association in New York and the San Francisco Police Officer's Association.²³

“You Don’t Even Know How To Twist”: A Safety Valve For Revolt

For American liberalism, 1965 promised the world. In Washington, President Johnson leveraged a Democratic majority in both the House and Senate to pass a flurry of bills that cemented rights-consciousness in American political discourse for the remainder of the twentieth-century. However, in California, a state that historian Mark Brilliant has called the nation's “civil rights frontier,” the achievements of the state's multiethnic civil rights movements had come under attack.²⁴ Since 1959, California's state legislature had passed three bills widely hailed as major victories for civil rights. But by 1964, a campaign headed by a Southern California-based real estate professional association was underway to promote Proposition 14, which intended to repeal the Fair Housing Act. Before the mechanisms of President Johnson's Great Society could build a

²³ Dulaney, *Black Police*, 73-77; When the Patrolmen's Benevolent Association of New York City ran an advertising campaign against the establishment of a civil review board that suggested the police would lose the ability to stop an invasion of ethnic minorities, the African American police organization The Guardians took a public stance that supported the board. In San Francisco, officers formed the Officers for Justice Peace Officer's Association as an alternative to the San Francisco Police Officers Association when the latter refused to address issues raised by blacks on the force.

²⁴ Mark Brilliant, *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform* (New York: Oxford University Press, 2010), 5.

strong foundation in the state, a movement was underway that sought to undermine the very principles it espoused.²⁵

After the explosive Watts riots in Los Angeles, national concerns about the potential for urban violence in the United States took center stage in public discourse. In San José, Chief of Police Ray Blackmore began to search for preventative mechanisms that would ease intensifying public fears about the city's potential for urban violence. For the first time, citizens of San José began to discuss the relationship between the SJPD and the city's communities of color in sustained conversation. Members of the community underscored the lack of trustworthy channels of redress available to the citizenry to report discriminatory policing and brutality. For the police department, it surfaced a division between the rank-and-file and police administrators that, for the first time publicly, put on display the growing power of the rank-and-file as a special interest group in San José.

“Could local law enforcement agencies quell a Watts-type insurrection if it happened here?” Santa Clara County's largest paper *The Mercury News* asked while smoke still rose from the charred remains of buildings torched in south Los Angeles. Chief Blackmore and Santa Clara County Undersheriff Charles Preslsnik responded with unified assurance. While law enforcement could not negate the possibility that a riot would occur, both police and deputies received riot training to meet the requirements of an era in which “anything was possible.” Blackmore reinforced color-blind qualities that he had projected on to his city for nearly two decades, assuring the public that San José

²⁵ Brilliant, *The Color of America*, 5, 161-162; James T. Patterson, *Grand Expectations: The United States, 1945-1974* (New York & Oxford: Oxford University Press, 1996), 562-592; Maurice Isserman and Michael Kazin, *America Divided: The Civil War of the 1960s* (New York & Oxford: Oxford University Press, 2012), 97-119; Samuel Walker, *Popular Justice: A History of American Criminal Justice* (New York: Oxford Press, 1998), 196.

“had never had any racial problem[s]” and that no regions or neighborhoods in its boundaries were home to animosity that could create such a conflict. Preparations undertaken by Santa Clara County law enforcement agencies suggested that Blackmore may not have been as sure as he projected when it came to the city’s social volatility. A “mutual aid” agreement between the police and sheriff’s department had been established to ensure that a force large enough to handle a disorder of the scale of Watts could be easily aggregated. Multi-lateral partnerships also existed between the SJPD and smaller cities in the county for similar purposes.²⁶

Watts revealed a lack of understanding around racial tensions nationally and locally. With City Manager Dutch Hamann’s approval, Blackmore dispatched three policemen of high rank to Los Angeles to “study the situation and return with recommendations.” In the aftermath of Watts, Blackmore internalized what he saw as mistakes made by the LAPD. He noted that in the event of a riot or other public disorder, the SJPD would rely on its Canine Corps to “control unruly mobs,” a tactic that Los Angeles had not deployed in Watts. As a reassurance to the public, he also revealed the existence of surveillance programs that targeted “persons who make threatening statements” and “potential troublemakers” in San José. Blackmore’s public acknowledgement of intelligence collection by the SJPD foreshadowed the coming of a new age that would unravel many of the myths of racial liberalism that he himself projected. He motioned toward these principals, however, noting a close relationship between the department and the local branch of the Congress on Racial Equality (CORE).

²⁶ All quotations from: “Valley Can Handle ‘Watts-Type’ Riots,” *San José Mercury News*, August 17, 1965.

Blackmore assured the public that the department would seek human solutions before instituting more drastic measures.

Blackmore held a meeting with leaders of more than a dozen civil rights organizations and city councilmembers. The local press suggested that the meeting's central concern lay in safeguarding the city from a theoretical potential for violence. But community representatives sought practical solutions that required safeguarding members of the community from the police. They argued that a solution required not only a dependable complaint process, but also community involvement in the process of receiving and handling complaints. Further, these solutions depended on the police department's commitment to greater transparency around the department's efforts to control officer discretion through disciplinary accountability.²⁷

While Blackmore agreed that improvements to the complaint process should be made, he made it clear that the SJPD opposed civilian involvement. As a preventative mechanism, he offered his Police Advisory Board (PAB), an evolved form of the Citizens Advisory Committee established in 1951, as a "safety valve for revolt" that would receive "complaints of police brutality and illegal arrest." "To the knowledge of supervisory officers," the chief noted, the department was "free of brutality." To both rank-and-file administrators, civilian involvement in the discipline process clearly undermined the department's highly-professional reputation. While Blackmore made it clear that "nobody [would] cram a review board down [his] throat," he acknowledged the gravity of the criticism lobbed at the police by the city's communities of color. "There are people who

²⁷ "Valley Can Handle 'Watts-Type' Riots," *San José Mercury News*, August 17, 1965.

really believe there is one law for whites and another for colored persons,” he asserted. “We have to erase this feeling.”

Blackmore’s offer provided a first step toward practical solutions, but community representatives understood that without representation on the PAB, whose composition continued to reflect the same narrow perspectives of certain middle and upper-middle class individuals that it had for more than a decade, there would be no improvement. African American lawyer Wester Sweet underscored the necessity of black representation, reminding Blackmore that community members “knew what people [would] riot and what places they [would] burn first.” Blackmore knew nothing of the African American community, Sweet argued. He “[didn’t] even know how to Twist.”²⁸

SJPOA President Lee Brown attended the discussions as the voice of the rank-and-file. He made clear that the officers of the SJPD strongly opposed a “special police review board,” and insisted that he had “never seen or heard of a valid case of police brutality in 5 ½ years on the force.”²⁹ The police, he told them, were not “the ones who establish[ed] the ghettos and who discriminated against them” in housing. Brown informed association membership that he had made clear to the community that the rank-and-file would fight any attempt to institute a review board. He described the dialogue between police and community as “fruitful and a positive step in the right direction toward resolving some of the grievances maintained by the minority groups.” He emphasized the importance of providing “avenues of communication” for filing

²⁸ All quotations from: Dick Flood, “Any Beefs? Police Bd. In Safety Valve Role,” *San José Mercury News*. August 25, 1965, N.P.

²⁹ Flood, “Any Beefs?” N.P.

complaints against the police, “be they real or fancied.”³⁰ To prevent an “explosive situation” like the one that had ignited Watts, Brown argued, required it.

“Machinery To Insure Full Investigation of Any Citizen Complaint”

In the weeks that followed the initial meetings, Blackmore and community organizers set into motion efforts to improve relationship that San José’s communities of color had with the police department. Blackmore understood the genuine value of these efforts. He admitted that a “weakness of law enforcement officers [was] that a great number [...] [discounted] the value of social work.” He also acknowledged that his position as chief prevented him from being able to provide a genuine assurance to “a lot of people between the ages of 18 and 25” that the police would give them “their fair shake.”³¹ He ordered the Police Advisory Board to establish a sub-committee to investigate strategies that could further improve the relationship between police and communities of color.³² The board appointed two middle-class community members of color, a Mexican American chiropractor and an African American physician, and six white citizens to the committee.³³

³⁰ *The Vanguard*, Vol. 3, Bulletin n/a, N.D., 1963.

³¹ “New City Unit’s Task: Police, Minority Peace,” *San José Mercury News*, September 1, 1965.

³² The alliance of organizations established by the committee would remained active in social justice initiatives into the 1970s They included CORE, NAACP, Community Service Organization, Student Nonviolent Coordinating Committee, Council for Civic Unity, Catholic Interracial Council, Jewish Community Council, Mexican American Political Association, [and the Santa Clara County] Council of Churches,” see Rev. Dr. G. Arthur Casaday, *Heritage and Hope: A Brief History of Santa Clara County Council of Churches 1942 to 1976*, Box 23, “History 1942-1976” File, Council of Churches of Santa Clara County Records, History San José Research Library..”

³³ The committee members included a housewife, a liquor distributor, a public relations professional, a land appraiser, and two representatives of labor; first quote from Dick Flood, “Any Beefs? Police Bd. In Safety Valve Role,” *San José Mercury News*. August 25, 1965.

Despite Blackmore's belief that law enforcement could play an active role in improving the social ills of San José's communities of color, the committee was fatally flawed from the outset. Class differences between its appointed representatives of color and the portion of the community they intended to address were quite apparent. "It might even be well for some of our members to infiltrate these groups and find out what's on their minds," suggested African American physician and former president of the San José NAACP Leo English.³⁴ Further, cynical paternalism shaped the outlook of two of the six white committee members who revealed themselves when they warned of the dangers of "appeasement" and "coddling." San José City Administrators did not share Blackmore's social goals. Instead, they remained closer to the position of the rank-and-file. "We will always enforce the law," City Manager Dutch Hamann commented, but it would "be much easier [to] have the understanding and cooperation of some of these groups."³⁵

Civil rights organizations were far from unified in their positions. Andrew Montgomery, president of the Santa Clara County branch of CORE, suggested that the community feared that implementation of the advisory board without community inclusion would "be just another slick way of preserving the status quo." Leftist organizer Fred Hirsch, representing the Student Nonviolent Coordinating Committee (SNCC), suggested that reconfiguration of the advisory board held the potential to "secure peace and harmony in the community and allow minority and low income people to respect [police] without malice." Al Piñon, president of the CSO, defended the police, asserting

³⁴ This was not the first time English had revealed his disconnection with civil rights initiatives. Ruffin has shown that English publicly distanced the San José NAACP in 1960 from local boycotts of Woolworth's and Kress department stores in Santa Clara County; see Ruffin, *Uninvited Neighbors*, 143.

³⁵ Flood, "Any Beefs?" N.P.

that the Valley had not had a “complaint of police brutality that held water in a long, long time.” Speaking for the rank-and-file, police officer Alvin Murphy offered a contrarian position, asking who he should “complain to when Negroes refuse[d] to obey the law?”³⁶

San José’s strained police-community relations were part of a national pattern, but Chief Blackmore believed the city’s “principal police problems” to be unique.³⁷ His view of his hometown remained idealistic as the talks between police and community pressed on, suggesting that the lack of “demonstrations, picketing, civil disobedience and rioting” that had exploded in other cities reflected San José’s integrity.³⁸ When pressed about the root causes of the community frustration, Blackmore blamed the city’s growth for creating skyrocketing demand for police services, as well as Supreme Court decisions he believed created unnecessary work for policemen.³⁹ By increasing requirements around admissible evidence, the chief argued that criminals remained free longer, which led to increased crime. But the department did not suffer from problems with recruitment, he asserted. San José State, Foothill College, and San José City College provided the opportunity to hire new recruits. Attractive benefits and competitive salaries also drew recruits from other departments and schools outside of the Santa Clara Valley.

“Police Brutality and Brutality of the Police”: A Review Board By Any Other Name

As pressure mounted from the rank-and-file to resist the establishment of a review board, Chief Blackmore employed an important rhetorical distinction between a review

³⁶ All quotations from Flood, “Any Beefs?” N.P.

³⁷ Doug Wills, “S.J. Chief Speaks Out,” *San José Mercury News*, September 5, 1965, Microfiche Topic “S.J. Police,” California Room.

³⁸ Wills, “S.J. Chief,” N.P.

³⁹ Specifically *Escobedo v. Illinois*, 378 U.S. 478, which guaranteed the right to an attorney after arrest.

board and an advisory board. An advisory board lacked “an order-giving body or a policy-making group that might compromise police effectiveness,” he explained.⁴⁰ The advisory board served primarily to establish and maintain “a line of communication between the police department and all segments of the community.” Unlike a review board, he implied, an advisory board did not attempt to exert control over the professional domain of the police. Of review boards, Blackmore declared that there was “no place in any city” for one.” Further, he praised the existing complaint process, suggesting that citizens unhappy with the police department’s investigation could pursue further redress through the City Council, the office of the district attorney, and the Santa Clara County Grand Jury. “The citizens are the victims,” the chief asserted, when police review boards “materially weaken the effectiveness of a police department.”⁴¹ For community members aware of the CSO’s initiatives after the death of Frank Alvarez, Blackmore’s suggestion would have sounded like official niceties.

In early 1966, the rank-and-file exercised their increasing collective power to insert themselves into the solutions Blackmore would present to the community. While he had spent much of his career in nearly total dominance over issues and decisions regarding policing in San José, the debate around citizen complaints revealed that police power in the city no longer rested in the hands of a single decision maker. Blackmore would have to negotiate not only with public interest groups, but also with the increasingly influential one that had taken shape within the police department. For this reason, Blackmore consulted members of the rank-and-file before releasing his police-

⁴⁰ Wills, “S.J. Chief,” N.P.

⁴¹ Quotations from Wills, “S.J. Chief,” N.P.

community relations plan to the public. Accompanied by the Chief of the Uniformed Division and the Assistant Chief, he met with representatives from the Police Union Local 170 and the SJPOA to ensure that the complaint process to be proposed community had rank-and-file approval. The discussion ensured that the rank-and-file had the right to participate in any investigation into citizen complaints at “all stages and have a voice in whether or not the person is guilty and give a recommendation in the punishment to be levied.” Representatives of both organizations were also welcome to “attend the meeting of the Police Advisory Group if and when a controversy arises over an alleged complaint.” The rank-and-file had successfully protected their professional dominance and undermined the critical objectives of the community.⁴²

Days before Blackmore was to introduce his police-community relations plan to the community representatives, he addressed the SJPOA in the pages of *The Vanguard*. An emphasis on themes commonly espoused in the bulletin suggests that Blackmore likely worked with Lee Brown to anchor his address in the ideas that the organization cultivated. Blackmore acknowledged the “sensitive position” that “the move toward civil rights, Viet Nam demonstrations, and court decisions” had forced law enforcement professionals into across the country. He argued that these difficulties made it imperative for individual officers “to improve the communication between law enforcement and the citizen.” “Harassment and brutality,” he acknowledged, had become “a mode of contention through the nation” that prevented such an improvement. He also implied that a proper solution required improving the complaint process. But he assured association

⁴² Quotations from *The Vanguard*, Volume IV, Bulletin 8, February 28, 1966.

membership that “police officers would not be required to appear before any committee.” He also assured them that the “committee would not in any way become a Police Review Board and would have the sole responsibility of making certain that complaints against police officers would be fully investigated and reported by the Chief of Police.” In other words, Blackmore offered himself as a shield from the direct criticism of the citizenry. Finally, he promised that he would be present at any discussions of complaints along with “news media representatives.” The same issue of *The Vanguard* ended with an excerpt from *Law and Order* magazine that provided a sketch of the New York Supreme Court’s decision against a Police Review Board. “In a small way,” the excerpt assured, “we are back on the road to ‘rule by law, not by men.’” The record does not indicate that any members asked whether or not law depended on the values and attitudes of individuals.⁴³

Blackmore also used the proposal to set new ground rules for protest in an attempt to reduce the burden on the rank-and-file. “Civil rights demonstrators should contact the office of the chief,” he suggested, “to make known their intent to demonstrate and discuss the time and the place so that the demonstration can be orderly.” The plan embraced peaceful demonstrations as “a normal part of our democratic system” and assured that demonstrators would be protected “from violence by onlookers” as long as their conduct was proper and legal.

Blackmore moved forward with his plan. In early March, the Police Advisory Board’s subcommittee on police-community relations established a “seven-member San

⁴³ *The Vanguard*, Volume IV, Bulletin 8, February 28, 1966.

José citizens committee” charged with the reviewing “any charges of police brutality.”⁴⁴ On the sub-committee were representatives of CORE, the city’s Human Relations Commission, the Conference of Jews and Christians, and the Japanese, Mexican, and Filipino communities. While the committee operated independently, it would review complaints and advise the board. As Blackmore had promised, officers accused of brutality had no obligation to appear in front of the board.⁴⁵

Confident in their growing power, the rank-and-file redoubled their criticism and tested the limits of their influence. In less than a month after the plan’s rollout, members of the SJPOA decided that even the sub-committee’s limited powers were too intrusive. They petitioned Blackmore to withdraw his request for the sub-committee’s creation “in the interest of police morale.”⁴⁶ Leaders of Police Union Local 170 initially supported a “trial run” evaluation of the sub-committee, but the SJPOA issued an outright rejection. Blackmore attended the association’s monthly meeting where members confessed that they worried the sub-committee would transform into a full-fledged review board. Editor of *The Vanguard* Doug Wright insisted that the officers “welcomed investigation, because they [had] nothing to hide,” but they opposed investigations conducted by parties outside of the law enforcement profession.⁴⁷ The rank-and-file echoed Blackmore’s earlier advice when they encouraged citizens dissatisfied with how the department handled their complaints to use the “adequate channels” available to seek redress,

⁴⁴ “S.J. Police Brutality Unit Shapes; Five Appointed,” *San José Mercury News*, March 3, 1966, Microfiche Topic “Blackmore, Ray,” California Room.

⁴⁵ *The Vanguard*, Volume IV, Bulletin 8, February 28, 1966.

⁴⁶ “Blackmore Now Opposes Police Brutality Unit,” *San José Mercury News*, March 18, 1966, Microfiche Topic “Blackmore, Ray,” California Room.

⁴⁷ John Spalding, *Chief*, *San José Mercury News*, March 18, 1966, Microfiche Topic “Blackmore, Ray,” California Room.

including the F.B.I and district attorney, among other state and federal institutions. “The investigative work belongs to the people trained in this type of thing,” Wright insisted.⁴⁸

Blackmore publicly reversed his position. At the next meeting with community representatives, thick smoke hung in the air of the conference room as concerned attendees puffed nervously on cigarettes. Dressed in a suit with his silver-streaked hair combed straight back, the chief read carefully from a written statement:

We have the utmost respect and confidence in the police advisory board as it has functioned in the past. We have no objection to the inclusion of grassroots members on the board. However, we do object to any committee being established for reviewing complaints against police officers.⁴⁹

Blackmore distanced himself from the holistic partnership he had promoted between police and community. Committee members lacked “the qualifications to judge actions of police officers,” he argued. He explained that he had made the decision to reverse his position only after realizing he was “selling [his] officers out.” The Police Advisory Board, Blackmore announced, would improve relations not through community-inclusive processes facilitated by a sub-committee, but by ensuring that the community was “thinking the same way as the police department.” Any leaders who were “sincere about improving relations” between police and community would agree, he asserted.⁵⁰

Blackmore himself would serve as the sole investigator of brutality complaints, eight additional members would expand ethnic representation on the board, and a sub-

⁴⁸ Spalding, *Chief*, N.P.

⁴⁹ It is unclear if the statement came directly from the rank-and-file or if it was intended to represent the broader police department; KNTV News, “Broadcast March 22, 1966,” Archive.org video, 1966, https://archive.org/details/casjhsj_000121/casjhsj_000121_r2_access.HD.mov.

⁵⁰ First three quotations from “Police board asked for area in San José,” *Palo Alto Peninsula Times-Tribune*, March 23, 1966, File “Police, 1960s,” Clippings Collection, California Room.

committee would be tasked with implementation of “an improved community relations program with the police department.”⁵¹

Community leaders supported the new plan with a dose of defeated skepticism. Blackmore’s reversal left a “bitter taste in the community’s mouth,” one representative noted. Without a channel for redress, anxieties among community leaders intensified as the threat of violence loomed closer.⁵² Representatives of the African American neighborhood Little Egypt appealed to county supervisors with the hope of establishing a county-level police advisory board that might offer the voice that the police had denied in San José. County supervisors declined the request. As evidence that review boards were an insufficient solution, supervisors noted that protests of the sheriff’s office in the predominantly African American city of East Palo Alto continued even after a review board had been established.⁵³

Community representatives walked out of the next meeting to protest what they believed was a betrayal by the police. Organizations from both the African American and ethnic Mexican communities agreed that they could not depend on a “grand jury or D.A.” to introduce accountability for discriminatory policing, but they did not agree on solutions. Representatives of both the East Valley Opportunity Council and the local chapter of the Community Service Organization declared open support for “a police review board with full power to investigate any complaint.” National CSO President and San José activist Al Piñon suggested the creation of an independent, interracial review

⁵¹ “New Setup For Police Complaints,” *San José Mercury News*, March 23, 1966, File “Police, 1960s,” Clippings Collection, California Room.

⁵² KNTV News, “Broadcast March 22, 1966,” Archive.org video.

⁵³ No Author, “Police board,” N.P.

board that would avoid local power and instead work directly with the state attorney general when substantial cases of police brutality surfaced.⁵⁴

With police and civil rights leaders at a stalemate, the Police Advisory Board assumed the role of decisionmaker. A majority voted to adopt Blackmore's revised plan, but the procedure revealed a split within their ranks as. Three of four members added to the board during the police-community relations negotiations rejected the plan or abstained from voting. Reverend Kenneth Bell of the Santa Clara County Council of Churches argued that community anger was justified because they had "accepted a compromise and then had it taken away."⁵⁵ Mary Ann Stone of the National Conference of Christians and Jews argued that the adoption of Blackmore's plan pressured communities of color to comply with the wishes of the department or risk being seen as "the rabble rousers."⁵⁶

The rank-and-file interpreted the rejection of the review board as a resounding victory. Not only had they been able to pressure the chief to revoke his initial plan, but they had established a space in the complaint process that actually allowed them to influence accusations against their own. The final plan routed complaints to a "department board, composed of representatives of the Police Union, the non-union Peace Officers Association, the inspector of operations, and the chief." Only the chief would question officers directly, though members of the sub-committee had the right to

⁵⁴ John Spalding, "Police [...]," April 14, 1966, *San José Mercury*, Microfiche Topic "S.J. Police," California Room.

⁵⁵ "PAB O," *San José Mercury*, May 11, 1966, 58, Microfiche Topic "S.J. Police," California Room.

⁵⁶ All quotations from No Author, "PAB O," 58.

ask him questions. The rank-and-file could sleep easy knowing they would wake with their professional autonomy intact.⁵⁷

Public Support For the Rank-And-File Cause

Support for the rank-and-file cause began to emerge beyond the scope of the police-community relations debate. Civil rights activism in San José during the mid-1960s provoked an increasingly vocal response from conservative whites that emerged as part of what historian Lisa McGirr has identified as the “conservative matrix evolving in the Sunbelt and the West.”⁵⁸ Energized by the 1964 presidential campaign of Barry Goldwater, the movement had emerged in Southern California’s Orange County, where it blossomed unencumbered by “counterbalancing forces” such as “liberal Jewish democrats, organized workers, and vocal minorities.”⁵⁹ While Santa Clara County’s demographics did not provide a similarly unfettered environment for this new conservatism, its increasingly sprawled suburban development deepened economic segregation similar to development of suburbs in Southern California.

Right-wing, grassroots supporters of law-and-order began to announce their support for police officers in the political debates of Santa Clara County. A local member of the LIONS wrote to Blackmore to emphasize the department’s “efficiency” and conduct “as gentlemen,” reinforcing the negative effects that a review board would have on the department’s morale if officers felt that they were “at the mercy of any agitator

⁵⁷ All quotations from No Author, “PAB O,” 58.

⁵⁸ Lisa McGirr, *Suburban Warriors: the Origins of the New American Right* (Princeton, N.J.: Princeton University Press), 4.

⁵⁹ McGirr, *Suburban Warriors*, 13.

who starts screaming “police brutality.”⁶⁰ A representative of the Valley Committee to Support Local Police and the San José Committee for Confidence in Law Enforcement submitted criticisms of the Human Relations Commission on behalf of allied conservative organizations.⁶¹ He suggested that the council pass a resolution to publicly “commend the San José Police Department for its excellent record of public service and oppose all forms of harassment” against them. Further, he drafted a proposed city ordinance that ordered the council to “refuse or deny the expenditure of public funds which would cast reflections on the fine character of local law enforcement officers or encroach on fields already covered by qualified established agencies.”⁶² An additional memo delivered to the council connected the local groups to a larger, Southern California-based organization that operated under the moniker Support Your Local Police (SYLP). A John Birch Society campaign, SYLP made broad accusations that linked review boards to the subversive campaigns of “probable communist agitators” that sought to discredit “individual policemen” and discourage them from performing “their duty properly.” Further, they warned that support for the police would soon become even more critical as rising crime rates and “communist-inspired” riots became commonplace. “The unvarnished truth,” the organization suggested, could only be obtained directly from police officers themselves. Despite the varnish of reactionary politics that coated this

⁶⁰ C.O. McGowan, “Letter from C.O. McGowan to Chief Blackmore,” San José City Council Minutes, April 1966, Topic 6593.

⁶¹ Organizations included the Santa Clara County Young Republicans, Campbell Young Republicans, the San José Young Americans Foundation, and numerous individuals that included architects and doctors, as well as State Senator and former mayor of San José Clark Bradley.

⁶² “Council Declines Action On Police Board,” *San José Mercury*, May 11, 1966; Charles Ripley, “City ordinance from Charles Ripley to the San José City Council,” San José City Council Minutes, May 9 1966, Topic 1229; the letter writer also accused the HRC of intending to produce a derogatory film about the SJPD.

propaganda, the message echoed what the rank-and-file considered to be critical truths about the changes in American society.⁶³

The SJPOA began to actively court this emerging right-wing support. Lee Brown spoke to Young Republican organizations of San José's neighboring cities of Santa Clara and Campbell on the theme of SYLP. While it is doubtful that he understood the linkage between SYLP and the John Birch Society, allying with these groups would have curried little favor for the police with communities of color. While homeowner, taxpayer, and realtor associations were just emerging as voices in San José's politics in the mid-1960s, the John Birch Society was already at war with communities of color over federal War on Poverty funds by the end of 1965. In the working-class Gardner District, Birchers had stacked a community election for a district representative to control incoming federal funds. Despite not being residents of the neighborhood, they outnumbered locals and voted-in Raymond Gurries, a section leader of the John Birch Society. Reports of San José's brightest young black police officer courting these groups would not have boosted community confidence in the police.⁶⁴

Embracing parts of the Bircher's Cold War rhetoric, however, strengthened Brown's appeal as a police scholar. While the review board debate raged, Lee Brown combined his experience as a participant with his scholarly gifts. In the July-August 1966 issue of *Police* magazine, Brown published an article entitled "Police Review Boards: An

⁶³ W. Spencer Marquis, "Letter From W. Spencer Marquis to City Clerk Greiner," San José City Council Minutes, May 1966, Topic 1229. The project remains a part of the latest incarnation of the John Birch Society. See <https://www.jbs.org/action-projects/support-your-local-police>;

⁶⁴ "Sgt. Lee Brown Speaks Tuesday," *San José Mercury*, August 1, 1966; "GOP To Hear Police Officer," Dick Flood, "Bircher's Election Stirs EOC Hassle," *San José News*, December 12, 1965.

Historical and Critical Analysis.” He connected the rank-and-file belief that police review boards lacked fundamental legitimacy to an ideological history that suggested that challenges to police, specifically as charges of brutality and harassment, were rooted in the malicious efforts of communists. “Such boards have the authority to set up their own rules governing their operational procedure,” he argued, “in this respect, the general rules of evidence exercised in the legitimate courts need not be followed.” Brown argued that the most detrimental effect of review boards was “the demoralization of the police by exposing them to pressures over and beyond the proper ones available through departmental regulations, the law, and the court.”⁶⁵ Brown offered a sketch of review board advocates that forged historical connections between the ideas conceptual origins and the left-wing. The American Civil Liberties Union, whose funding could be traced to supposed communists, and the Communist Party, who Brown argued were clearly “waging an all-out war to discredit the police,” stood on one side of the contemporary push for review boards. On the other side, he placed civil rights organizations, who were “very sincere in their claim that there [was] unequal administration of justice and that the police [were] guilty of brutality against the Negro.” Police did “not have any quarrels with the various civil rights groups,” he suggested. These civil rights groups saw “the police as representing the authority of the white power structure,” he wrote, and explained that because “they did not feel a part of the community,” they interpreted the actions of the police as discriminatory. However, he noted that law enforcement did “take

⁶⁵ Lee Brown, “Police Review Boards: An Historical and Critical Analysis,” *Police* July-August 1966, 19

issue with their shotgun charges of police brutality.” And, of course, with the communists.⁶⁶

Brown did not dispute the existence of police brutality, but he argued that “a distinction should be made between police brutality and brutality of the police.” Police brutality, which encompassed both physical violence and discriminatory policing, served as a symbol of the enforcement of a discriminatory white power structure when used by communities of color in their criticisms of the police. Brutality of the police, however, eliminated a monolithic conception of department-wide violence and pinned episodes of brutality on individual officers. Officers guilty of brutality deserved punishment, he assured his readers, but accusers must remember that “policemen are also entitled to protection under the law.”⁶⁷

Brown also provided a framework for rejecting review boards. At the framework’s core, he positioned the same nexus of morale, values, and attitudes that he had offered to the SJPOA in *The Vanguard*. He suggested that the decline in morale that accompanied the establishment of a review board caused a rise in crime as police efficiency declined. Brown believed that a decline in police morale would inevitably drive capable officers to other careers as they sought to “engage in less sensitive work.” He pointed his readers toward the case of Philadelphia for proof. The first city to instantiate a review board, interviews revealed law enforcement officers had become unwilling to make arrests in communities of color because of potential repercussions. Such thinking would lead officers away from the view that law enforcement was a

⁶⁶ Brown, “Police Review Boards,” 25-27.

⁶⁷ Brown, “Police Review Boards,” 25-27.

“career profession.” Instead, they would only see it as an “unstable occupation.” Finally, Brown argued that review boards would take the “control of the police department out of the hands of the police chief and other elected city officials” and place it “into the hands of an outside agency which knows nothing about running a police department.” He left his readers with a question: “If an officer is deprived of his fundamental rights, how can we expect him to respect the system of criminal justice which he is hired to enforce?”⁶⁸

“Blights—But No Ghettos”: Little Egypt on the Brink

On August 18, 1966, a “phalanx” of around one-hundred and fifty police, sheriff’s deputies, and highway patrol officers marched through the streets of the predominantly African American Little Egypt neighborhood on San José’s Eastside. Hours earlier, a routine traffic stop of a young African American man by white police officers escalated into a confrontation.⁶⁹ According to officer accounts, the driver, Charles Smith, became enraged after they would not let him leave the scene to relieve himself. When Officer Harrison physically detained him, the man attacked him. Officer Phil Norton, who had arrived on the scene after to answer Harrison’s call for support, knocked Smith unconscious with a blow from his nightstick. As a growing crowd began to close-in, Norton pulled his sidearm and ordered the crowd back to the sidewalk. “No one seemed intimidated,” he later recalled. “I guess they knew I wouldn’t shoot.”⁷⁰ As Norton stood with revolver out, unseen hands hurtled a “large chunk of concrete,” striking him in the

⁶⁸ Brown, “Police Review Boards,” 27-28.

⁶⁹ The Watts Riots began with a similar routine traffic stop.

⁷⁰ Bill Romano and Jim Larimore, “Officer Felled By Rock,” *San José Mercury*, August 19, 1966, File “Norton, Phil,” San José Mercury News Clippings Collection.

head.⁷¹ The officers dispersed the crowd without further incidents. Norton was hospitalized for a concussion.⁷²

Two hours later, department phones began to ring. Callers lodged nearly a dozen reports of rioting in the area where the officers made the arrest. When a patrol car rolled along William Street to investigate, the officers found nothing, but reported that “it [looked] as if they [were] trying to set us up, or something.”⁷³ Later in the evening, a caller reported rocks and bottles flying at the intersection of William and Lynette. Officers arrived to find a burning pick-up truck camper in the middle of the intersection, but again the streets were empty. Rumors that “outside agitators” from East Palo Alto and Menlo Park were headed to San José reached Chief Blackmore, who had left a booster dinner with city politicians to try and prevent an escalation of violence. The chief ordered the inter-departmental force to deploy as a “preventative measure” and to back-up twenty-one white-helmeted SJPd riot officers already deployed to the area. The white-helmets marched through the neighborhood armed with shotguns, announcing through a bullhorn “that an unlawful assembly had been declared and that anyone found loitering outside would be arrested.”⁷⁴ As the squad moved through the neighborhood, residents remained indoors with the blinds of their “duplexes and triplexes” tightly drawn. Apart from “an occasional rock” thrown in the direction of the bullhorn from the darkness beyond the streetlamps, officers encountered no further confrontations.⁷⁵

⁷¹ Norton belonged to the SJPOA and would become active in both its leadership and editorial team of *The Vanguard* in the years that followed.

⁷² Romano and Larimore, “Officer Felled,” N.P.

⁷³ Romano and Larimore, “Officer Felled,” N.P.

⁷⁴ Romano and Larimore, “Officer Felled,” N.P.; UPI, “San José Police Halt Rock Riot,” *The Californian*, August 19, 1966, 1.

⁷⁵ UPI, “San José Police,” 1.

Community representatives came to Blackmore's aid and helped broker peace in the neighborhood. Despite the bitter taste the chief's reversal had left with them, attorney Wester Sweet and Andrew Montgomery of CORE leveraged their connections to reach those the chief could not. The episode brought the city to the brink, but Blackmore remained staunch in his conviction that racial problems did not exist in San José. More than one-hundred officers had been deployed not to police neighborhood residents, the chief assured the public, but to ensure that "ample force" was available if "outside elements" tried to "provoke a riot."⁷⁶ Two days earlier, Blackmore had assured the local Kiwanis Club that San José had no ghettos, only "a few blighted areas."⁷⁷

"A Real City Review Board": The Community Galvanized

Grassroots efforts to organize the community against police violence intensified in the aftermath of the Little Egypt episode. The day after, residents of the Eastside and their liberal allies confronted Chief Blackmore in a meeting at the Soul Shack coffee shop on San Antonio Street. While the meeting served primarily to allow "people from the grass-roots" to converse directly with the chief, veteran activists including CORE's Andrew Montgomery and left-wing renaissance man Fred Hirsch used the occasion to coordinate the next phase of the campaign. At the behest of Hirsch, ally Fay Morton stood on a table and collected "names and addresses of all neighborhood residents present in order to form a committee." Blackmore applauded the effort until Morton revealed that the committee intended to pursue a "real city review board" as its primary objective.

⁷⁶ Ibid; *The Mercury*, San José's largest newspaper, provided damage control for the city's reputation by correcting national reports that the situation had developed into a "full scale riot." See "Eastside is Quiet, Chief at Meeting," *San José Mercury*, August 20, 1966.

⁷⁷ "Blights—But No Ghettos," *San José Mercury*, August 16, 1966.

Residents hurled complaints about police brutality and the lack of community representation on the PAB at the chief. Mexican American activist Sophie Mendoza revealed that residents had witnessed Officer Phil Norton, one of the two officers at the center of the arrest that sparked the near-riot, brutalizing a fourteen-year-old just days before.⁷⁸ Blackmore claimed he was unaware of the incident. Hirsch informed him that it had been documented with the Juvenile Department.⁷⁹

The meeting revealed a growing rift between the grassroots activism led by the community and efforts at reform led by middle-class civil rights organizations. African American activist Robert Kelley criticized the tendency of “the white power structure” to call for meetings with representatives of CORE and the NAACP when conflicts with communities of color arose. “They don’t represent or have any relationship to this community and shouldn’t be involved,” Kelley argued. Shouts from some in attendance revealed that Kelley’s perspective universal support. Most residents seemed more concerned with the actions of individual officers than with the broader injustices induced by the white power structure. If Norton remained on the force after Smith’s trial one resident threatened Blackmore, “then come around and ask about a riot.”⁸⁰

“The Myth of Police Brutality”: Birth of A Police-Community Relations Unit

⁷⁸ Sophie Mendoza would become a central figure in organizing the Chicana community in the coming decades; see Stephen J. Pitti, *The Devil in Silicon Valley: Northern California, Race, and Mexican Americans* (Princeton: Princeton University Press, 2003), 172-173

⁷⁹ “Confrontation: Police Chief and Eastside Minorities,” *The San José Mayfair*, August 24, 1966, 1, Clippings Envelope “S.J. Police 1960s,” California Room. Also in attendance was Charles Smith, the young African American who had been arrested by Norton. Smith, who wore a bandage around his head, had been released from jail under pressure from Chief Blackmore.

⁸⁰ “Confrontation,” *The San José Mayfair*, 1.

Grassroots activism had spooked Blackmore during the meeting at the Soul Shack. The near-riot, and the police presence that followed it, galvanized the commitment of a multiracial alliance in pursuit of a police review board. A new committee established by CORE, the Committee on Police Practices (COPP), had taken the initiative to distribute flyers that included a data card to be completed and returned in order to file complaints. “Are all police brutal?” the flyer asked, “of course not! But some are... TOO MANY.” A call to action printed directly above the clippable complaint card read: “No one wants to pick on the police—but we don’t want to get picked on either. Let’s find out who is getting hurt and what kind of hurt he is getting. Then let’s get together and figure out what we can do about it – all of us at once. No man can do it alone.” The committee promised to keep the names of complainants “strictly secret.”⁸¹ Blackmore forwarded a copy of the flyer to the San José City Council along with recommendations, perhaps hoping to invoke the political power he had enjoyed in the previous decades as part of the Dutch Hamann’s pro-growth alliance.

Blackmore asserted that this “myth of police brutality” was the root cause of the growing disconnect between the SJPD and communities of color. The police and politicians, he urged, needed to do “everything possible to remove” it. “To my knowledge,” he told the council, “every report [of police brutality and harassment] has been fully investigated and not torn up and thrown in the wastebasket as has been alleged.” He argued that because a small fraction of the population were responsible for the campaign to confront police brutality, and that because policing could not solve the

⁸¹ Chief Raymond Blackmore, “Letter From Raymond Blackmore to the San José City Council,” San José City Council Minutes, August 1966, Topic 1945;

socioeconomic problems, further exploitation of police department resources was out of the question. Politically, the city could “improve the street lighting,” Blackmore suggested, underscoring criticism Eastside residents had lobbed at city hall for decades over a lack of basic services. For the first time in his long tenure as chief, he accepted that he was powerless when it came to improving the relationship between police and community and addressing the socioeconomic inequalities that existed in the city’s poorest neighborhoods.⁸²

Blackmore turned to the playbook of police professionalism for a solution and established the department’s first Police-Community Relations (PCR) unit. Based upon a model conceived of and promoted by criminologists at the University of California at Berkeley in the early 1960s, PCR was purported to represent next paradigm shift in police professionalism. The model’s basic premise suggested that training officers to communicate with communities of color would help these residents learn to respect law enforcement as a central institution of a color-blind, democratic society. A PCR unit was just one of several objectives written into a larger proposal. Other initiatives included a campaign to hire more ethnic Mexican and African American officers, the introduction of human relations concepts into the SJPD’s training curriculum, and the construction of a youth community center in East San José. The initiatives would focus on the Eastside neighborhoods of Little Egypt and Sal Si Puedes with an intent to expand to others in

⁸² “Help Erase Myth Police Chief Asks,” *San José Mercury*, August 30, 1966, 23Z; Pitti, *The Devil*, 151.

time. Blackmore appointed officer Lee Brown to work with the former and Dan Campos with the latter.⁸³

After Blackmore established the plan, Brown and Campos took over the initiatives. With assistance from the Youth Protection Unit, they conducted a study to pinpoint the weaknesses in the relationship between police and the communities as neighborhood residents understood them. From interviews conducted with over seventy residents, city and county officials, and community organizers emerged a portrait of deep distrust. “Harassment and prejudice” of some police that residents had been subjected to or witnessed fueled community skepticism of law enforcement.⁸⁴ Images and stories of rioting in the media, accusations of police brutality, and “the national trend of disrespect for law and order” compounded these attitudes, Brown and Campos concluded. They also noted that the distrust extended beyond the police department to other municipal and county institutions. Years of being subjected to studies that produced few results left many in the area wondering when long-promised city services would finally arrive.⁸⁵

Conclusion

The effects of two decades of sprawling development began to manifest in San José, exacerbating concerns about social deterioration. By the mid-1960s, the city’s

⁸³ “Help Erase,” *San José Mercury*, 23Z; John Spalding, “‘Little Egypt’ Program Offered One Need: To Calm Distrust,” *San José Mercury*, September 22, 1966, Microfiche Topic “S.J. Police,” California Room; Christopher Lowen Agee, *The Streets of San Francisco: Policing and the Creation of a Cosmopolitan Liberal Politics, 1950-1972* (Chicago: University of Chicago Press, 2014), 196-197. Agee has shown that the scholars who produced the PCR model believed that it had the potential to correct “supposed cultural deficiencies” of newly arrived black migrants in the Bay Area who needed to be taught “essential human values” to become integrated with the postwar metropolis.

⁸⁴ Spalding, “‘Little Egypt’,” N.P.

⁸⁵ Spalding, “‘Little Egypt’,” N.P.

downtown had lost a large share of commercial activity to “suburban shopping centers” nursed by the “vigorous annexation and pro-growth policies” of the 1950s.⁸⁶ An increase in arrests for drunkenness and vagrancy in the downtown area and an increasing crime rate projected a sense of social decay for the first time in the once boundlessly hopeful postwar city.⁸⁷ Some San Joséans wrote to the City Council to vent frustrations around a perceived rise in crime and decrease in police service.⁸⁸ Additionally, some citizens perceived an increase in politically-motivated police action that included raids and surveillance of left-wing events. For example, civil rights attorney John Thorne wrote to the City Council decrying police photographers at a rally against United States involvement in the Vietnam War. Chief Blackmore denied that the photos were to be used to identify “persons that were responsible for civil disobedience.” Instead, he insisted they were intended for use by the SJPD “Riot Control Unit.”⁸⁹

For the police, the decline highlighted their necessity more than ever. Chief Blackmore used the opportunity to emphasize the positions of the department that had

⁸⁶ Trounstine Christensen, *Movers and Shakers*, 97-99.

⁸⁷ “Two Arrested As Police Thwart Potential Riot,” *San José Mercury*, May 2, 1966; “Downtown Arrests Show Rise,” *San José News*, July 19, 1968; “Downtown Unit Eyed By Police,” *San José News*, July 25, 1966.

⁸⁸ Francis L. Greiner, “Letter From Francis L. Greiner to Robert Kjaerbye,” *San José City Council Minutes*, August 1966, Topic 1229; A.P. Hamann, “Letter from A.P. Hamann to J.R. Blackmore,” *San José City Council Minutes*, July 1966, Topic 1229.

⁸⁹ John Thorne, “Letter from John Thorne: Police Department Picture-Taking At San José State College Vietnam Rally,” *San José City Council Minutes*, May 1966, Topic 1229; “Nab Two At Booze Shindig,” *San José Mercury*, June 27, 1966; Alister McAlister, “Letter from Alister McAlister to San José City Council,” *San José City Council Minutes*, July 1966, Topic 1229. The president of the Santa Clara Valley Council for Civic Unity wrote to the City Council about an episode in 1966 in which plainclothes police officers infiltrated an anti-nuclear fundraising event for the San José Peace Center at the home of a San José State professor of psychology. The officers informed an agent of the Alcoholic Beverage Control that drinks were being sold on a donation-basis. The raid resulted in the arrest of increasingly prominent left-wing activist Fred Hirsch and an additional associate.

emerged during the review board debate. He assured the public that his department would have no problem handling any threats that lay beyond the horizon, but the cost of good policing would rise because of restraints imposed on the police. “We can do the job,” he asserted, “but it will take longer, cost you as citizens and taxpayers more money. More people will be killed, more injured, and these decisions will have a very serious impact on the economy.”⁹⁰

San José’s Police-Community Relations program earned a reputation among other police departments as a successful example of the model applied. In an article featured in the April 1968 issue of *Police Chief* magazine entitled “Dynamic Police-Community Relations At Work,” Sergeant Lee Brown offered the publication’s global readership a deep dive into the unit’s development. With his community-centered philosophy refined and woven throughout the piece, Brown stressed in his conclusion that the past paradigm of simply helping the community to understand the importance of the police no longer sufficed. He warned:

The police can no longer afford to react to the aftermath of social problems, we must take the initiative in seeking solutions to these problems. This is the function of police-community relations, and until this is accomplished, we are not performing to our fullest capacity as a service organization.⁹¹

Yet the social and cultural shifts underway across the country in 1968 were evident in the pages. As Brown described the SJPD’s historical efforts to reach youth through partnerships with the Boy Scouts of America on one side of the page, a half-page

⁹⁰ Frank Freeman, “Public Safety Cost Grows In Wake of Court Decision,” *San José Mercury*, Aug 16, 1966.

⁹¹ Lee Brown, “Dynamic Police-Community Relations At Work,” *The Police Chief*, April 1968, 50.

advertisement for Defensor Riot Control Equipment on the other featured the latest “Riot-Disaster Helmet” and “Police Combat Vest” in use by “law enforcement departments throughout the U.S. and foreign countries.” The ad offered simple advice to readers: “every police officer needs this protection.”⁹²

⁹² Brown, “Dynamic,” 47.

CHAPTER III: MOVEMENTS AND REACTIONARIES, 1967-1970

This chapter examines the emergence of a reactionary organizational culture within the SJPOA between 1967, when national interest brought police conduct into the public spotlight, and 1970, when the aftermath of a local clash between the ethnic Mexican community and law enforcement escalated the struggle for justice. With Chief Blackmore's Police-Community Relations unit active in the community, public worries about the relationship between police and communities of color in San José subsided temporarily. When Lee Brown's term as SJPOA president ended in December of 1966, so too did his direct influence over the association. His writings no longer appeared in the pages of *The Vanguard* and the new association leadership elected in 1967 offered less insight into the local developments of law enforcement. Instead, they curated content that continued wider criticisms of perceived restraints on police officers induced by court decisions and offered general insights about the identity of police officers pulled from national newspapers, magazines, and other publications. For much of 1967, local news in the bulletin pertained to the internal changes that would affect the rank-and-file officers in matters such as benefits, changes to entry standards, and promotional procedures. A clash between police and protestors at San José State College in November of 1967 served as a reminder to the rank-and-file of the bitter position that police found themselves in.

In January of 1968, the SJPOA elected new leaders and editors that would shift the association's perspectives drastically. The election of Hal Ratliff as president and Phil Norton, who had been at the center of the 1966 near-riot in Little Egypt, as editor ushered in a new era of rank-and-file militancy in San José. When a new generation of primarily

Chicanx activists reengaged the fight to instantiate a police review board using the funds of the federal Model Cities program, SJPOA leaders assumed a more aggressive position in municipal politics. Drawing on Cold War polemics, including associating calls for reform with communism, anarchism, and radical militancy, the SJPOA cultivated an organizational culture that pitted police officers against the community, political leaders, and even police administrators.

Union leadership directed association energy toward linking accusations of racism and police brutality to a wider campaign by militants to control the department. They painted any and all community organizing as militant activity, eroding many of the gains in police-community relations achieved in the preceding years. Between 1967 and 1971, the SJPOA constructed its ideology in the pages of its weekly bulletin, *Vanguard*, as civil unrest reached a fever pitch both locally and nationally. As union leadership and the editorial team of *The Vanguard* narrated and assessed developments in policing at the city, state, and national levels, the SJPOA developed a hardline worldview and cultivated a commitment to uncompromising tactics.

The SJPOA Reacts to Rising National Tension

In 1967, two events set the tone of police-community relations on the national stage. The first was the publication of a report by President Lyndon B. Johnson's Commission on Law Enforcement and Administration of Justice in February, and the second, the establishment of the Commission on Civil Disorders (CCD) in the summer of 1967 to investigate growing racial tension that the outbreak of riots across the country made fully evident to the national public. It is likely that association membership first reviewed the findings of the CLEAOJ report in March and April issues of *Vanguard*,

where it was published serially, in 1967.¹ The report offered a number of suggestions to improve policing in communities of color, including the establishment of “community relations machinery,” hiring of “minority group officers” and promises to “deploy and promote them fairly,” and the establishment of a distinction between three officer archetypes including “community service officer, police officer, and police agent.”² The recommendations reflected many of the initiatives Chief Blackmore had put forth in 1966.

In San José, Chief Blackmore worked to maintain the department’s high reputation in the face of increasing social tension. In his introduction to the department’s 1966 annual report, he offered an idealized vision of the events of the past year. “This report emphasizes the relationship between the Police Department and the citizens of San José who maintain the department to serve and protect them,” he began. No longer able to cling to his belief that San José was exempt from the racial tensions that wracked the rest of the country, Blackmore noted that his city had “experienced some of the unrest that is general throughout the nation as the result of the current drive by minorities to gain their full human rights.” That the city had avoided a riot seemed to Blackmore “a tribute to the restraint and good judgement of the overwhelming majority of the members of all groups within their community,” he asserted for the councilmembers to whom the report was addressed.³

¹ Several of the commission’s suggestions would become counterpoints to the SJPOA’s platform in the years that followed, including an emphasis on ability over seniority and a focus on hiring university-learned officers.

² *Vanguard*, Vol. V, Bulletin 16, April 21, 1967, 2.

³ San José Police Department, Annual Report 1966, California Room, 1.

While Blackmore's word alone was enough to ease the minds of the council, convincing the public required the assistance of the press. With the help of the editors at *The Mercury*, the chief performed a balancing act when it came to reporting on local police matters. One article would highlight the changing role of police officers, stressing the social anchor that PCR programs emphasized. Another would underscore the efficiency and value provided by the department, highlighting the fact that the SJPD held notoriety as the city department with the lowest ratio of police to population in the state of California.⁴ This approach seemed unsure of where public opinion was headed, so news catered to both supporters of Great Society liberalism and the new tide of conservatism. For example, one article promoted the department's progressivism, noting that "San José leads the way in professional trends." Another highlighted the financial gains an efficient police department offered to taxpayers, suggesting that it was "not the number; it's how good they are."⁵

Police-community initiatives continued to grow during 1967. With the assistance of the PCR unit, other neighborhoods established grassroots organizations to facilitate the improvement of their relationship to the police. In the impoverished Gardner district southwest of downtown, officers Lee Brown and Dan Campos helped residents establish the Gardner Neighborhood Center Police Community Council. The organization would act as "a vital medium for public education and problem solving by interpreting to the

⁴ The SJPOA had pressed this statistic as a central fact of its professionalism since 1963; the department also reached "full strength" in early 1967, which they credited to statewide recruiting campaigns carried out by a trio of officers touring college campuses in both northern and southern California; see John Spaulding, "Recruiting Pays Off—Police Fully Manned," *San José Mercury*, February 22, 1967, Microfiche Topic "Blackmore, Ray," California Room.

⁵ "San José Leads Way In Professional Trends," *San José Mercury*, February 12, 1967; "'It's Not the Number; It's How Good They Are,'" *San José Mercury*, February 11, 1967.

community police policy and techniques.” Additionally, Blackmore served as the chairman of a fundraiser that sought capital to fund the construction of a youth center on the Eastside.⁶

As crime rates in the mid-to-late 1960s climbed in “every Western industrialized nation,” Chief Blackmore began to frame the department’s PCR efforts within a “crime war.” After attending a national law enforcement “conference on crime,” the chief returned to San José convinced that the city “must beef up its war on crime.” According to the SJPD’s statistics, crime in San José had risen along with the statewide crime rate. However, the city’s crime rate remained below the state average, while its crime clearance outperformed the state average in seven major types of crime.⁷ Blackmore proposed that a new unit be established to “reduce the incidence of crime in the community by focusing attention on pre-crime conditions, rather than post-crime activities.” Other police initiatives embraced the police-community framework too. For example, Blackmore announced his intent to establish representatives in the narcotics unit who would work with public schools to address a rise in drug use, specifically LSD.⁸

“The Future or Fate of the Neighborhood”: Confronting the Socioeconomic Issues of the Eastside

⁶ “Gardner Residents Form Police Relations Board,” *San José Mercury*, February 24, 1967; “Mayfair Center Plans Ready for Neighborhood OK,” *San José Mercury*, April 21, 1967, 53.

⁷ These crimes included homicide, robbery, aggravated assault, burglary, grand theft, auto theft, and forcible rape.

⁸ Quotations from “Blackmore Blueprints Crime War,” *San José Mercury*, April 4, 1967, Microfiche Topic “Blackmore, Ray,” California Room; San José Police Department, Annual Report 1966, 22, California Room; John Spaulding, “‘Crime-Stopper’ Bureau Proposed,” *San José Mercury*, March 1, 1967, Microfiche Topic “Blackmore, Ray,” California Room.

“No other area in Santa Clara County has received such intensive and loving attention from politicians and planners,” the *San José Mercury* boasted of the efforts to “stem the drift toward deterioration and ghettoization” encapsulated in a report issued by the city of San José in January of 1967. With the threat of a riot in Eastside neighborhoods assumed to have been subdued by Chief Blackmore’s ten-point police-community relations plan, politicians and developers turned their focus toward preventing further physical deterioration of the area. A six-month study undertaken by the council produced a policy guide that sought to create a “desirable residential area similar to typical residential areas.” As the central principle, the guide outlined zoning ordinances that would prevent overly dense development and encourage a “compatible mix” of residents, though no practical solutions for the latter were offered or explained.⁹

For Eastside residents, improvement of city services would have been far more effective than using preventative zoning ordinances to slow socioeconomic problems. A survey conducted by high school seniors at the area’s Overfelt High School revealed that the Eastside’s lack of public transportation reduced job opportunities and travel. For residents who owned automobiles, the shoddy condition of the roads east of downtown induced the additional financial burden of auto repair. One resident wrote to the local newspaper to criticize and accuse “city fathers” of regional favoritism. If the politicians in city hall were really the “friends of the Eastside,” he argued, they would “get down to brass tacks and do some work where it’s needed.” If he hit another pothole, he warned,

⁹ Dick Flood, “Mayfair Resident’s Aid May Avert Area Crisis,” *San José Mercury*, January 23, 1967, 4.

his “dentures [would] pop out.”¹⁰

The lack of practical solutions to emerge from federal War on Poverty programs in San José brought criticism of the liberal approach to solving socioeconomic issues from both sides of the political spectrum. On the left, some residents began to consider alternatives. When national organizer Saul Alinsky spoke at San José City College, he encouraged this criticism, telling the crowd that the War on Poverty was “practically as dead as the civil rights movement.” On the right, two county supervisors began to openly suggest eliminating the War on Poverty programs all together, calling President Johnson’s idealistic push a “complete failure.” Tensions between the ideological poles continued to rise.¹¹

“If You Will Police Yourself”: The Dow Chemical Protest

On November 21, 1967, protestors confronted roughly fifty police officers armed with clubs and tear gas just outside of San José State College (SJS). As tensions rose, SJS Vice President William Dusel placed himself between the police and demonstrators in an attempt to prevent further escalation. Nearly 4,000 students had gathered earlier that day around a core of two-hundred and fifty members of Students for a Democratic Society (SDS) to protest the presence of Dow Chemical Company recruiters as part of the growing anti-war movement that sought an end to the Vietnam War.¹² With the police in formation at his back, Dusel addressed the crowd through a bullhorn. “There is no need

¹⁰ “Survey shows lack of bus service keeps Eastsiders from getting jobs,” *San José SUN*, March 22, 1967, 1; “Sick and tired of Eastside streets,” *East San José Sun*, March 29, 1967, 6;

¹¹ “Drop EOC Support, Supervisor Says,” *San José Mercury*, January 24, 1967, 15; “Organization A Must For Poor, Minorities,” *San José Mercury*, April 10, 1967, 19;

¹² Dow Chemical produced the Agent Orange compound used by the U.S. in Vietnam, see Cedric Dawkins, “Dow Chemical and Agent Orange in Vietnam,” *The CASE Journal* 4, 2008, 153-165.

for police on this campus if you will police yourselves,” he offered before asking the demonstrators to disperse.¹³ Without waiting for the crowd’s reaction, the police pushed passed a shocked Dusel and entered the crowd with clubs swinging. Protestors matched the blows with the handles of their pickets. The police made their way inside of the administration building, where Dean of Students Stanley Benz shouted for dispersal from a window on the second floor. The crowd answered him with rocks and chants. Moments later, tear gas canisters and smoke bombs flew into the crowd from the building’s entrance. Panic engulfed the crowd and demonstrators fled in all directions as the police wedge reemerged.

Chief Blackmore arrived on the scene to address demonstrators as they reconvened. He admitted that he had approved the use of tear gas after hearing reports of broken windows. “There was no violence until you got here,” someone in the crowd shouted back at him. As he negotiated dispersal, officers began making arrests. By the time that officers from the Sheriff’s Department and the Highway Patrol arrived to help with the final sweeps, twelve demonstrators had been arrested, including civil rights attorney John Thorne. For the first time, it would be impossible for Blackmore to claim that San José remained free of the strife that gripped the nation.¹⁴

The clash between protestors and police ignited debate over policing public disorders both inside and outside of the department. At SJS, administrators and students initiated a dialogue between protestors, administrators, professors, and Dow

¹³ Marc Nurre, “Police Use Gas, Clubs on Crowd,” *Spartan Daily*, November 21, 1967, 1;

¹⁴ Nurre, “Police Use Gas,” 1; Cathie Calvert, “Picketing Continues, Police Stand Guard,” *Standard Register Leader*, November 21, 1967, 1, Clippings Envelope “S.J. State-Student Unrest 1966,” California Room.

representatives. SDS organizers attempted a referendum to condemn Dow's production of napalm. Representatives of Dow staunchly rejected their grievances. As the debate raged, ninety officers of the SJPD and the Highway Patrol waited five blocks from the campus in case the discussions escalated.

In the discourse of the SJPOA, new leadership attempted to remain neutral, printing instead the editorial transcript of a local news broadcast that condemned the protest as an act against what would become known nationally as the "moral majority." "I feel the editorial expressed the feelings of all member of the Police Department and the vast majority of people concerned or aware of the demonstrations," wrote the association's 1967 president Dalton Rolen. The broadcast condemned the demonstration as "deplorable and completely unacceptable," arguing that American "soldiers are entitled to the use of whatever American industry can produce when our men fight for their lives."¹⁵

Vanguard to the Right

As tensions throughout the country and the world-at-large began to boil in 1968, association leadership started to deliver hardline perspectives in *The Vanguard* that greatly contrasted what the bulletin had offered its membership a year earlier.¹⁶ For example, an editorial written in early 1967 embraced some of the criticism that the police had recently received, concluding that "it is the responsible and capable officer that

¹⁵ Cathie Calvert, "Picketing Continues, Police Stand Guard," *Standard Register Leader*, November 21, 1967, 1, Clippings Envelope "S.J. State-Student Unrest 1966," California Room; *The Vanguard*, Vol. V, Bulletin 48, December 8, 1967.

¹⁶ These issues include discussion of the costs of police hardware, income tax deductions, a reduction in the physical standards required to become a police officer, and the already-attained professionalization of police with suggestions for continued improvement, and an excerpt from *Dragnet* about being a cop, among other things. See *Vanguard* Vol. V, Bulletin 6–Bulletin 12.

becomes familiar with the total of his society. Society owes no less than to become familiar with the members of its many police agencies.”¹⁷ In July, the SJPOA addressed the outbreak of riots that inspired the creation of the CCD that summer: “the sickness is spreading and it is reaching epidemic proportions...the lack of personal ethics and integrity are, I believe, at the root of much of society’s ills...the police officer must be ethical and have integrity, for these qualities are the natural enemies of anarchy. The officer must have these qualities even when others lack them: that is part of our job.”¹⁸ Anecdotal reflections about the honesty, integrity, and self-sacrifice of being a policeman peppered the pages of the bulletin. These values provided the moral anchors upon which a far more polemical perspective would emerge. In an issue from September, an editor wrote that “it is law enforcement that must exercise rational self-examination, intelligent foresight and persistent[sic] adherence to its ethical code. If we do not do these things, we aid the cause of those that expound[sic] civilian police review boards.”¹⁹

The ideas espoused in *The Vanguard* swung to the right almost immediately in 1968. This ideological shift can be traced almost solely to the pen of Phil Norton, the officer who had been injured while making the arrest that led to the near-riot in Little Egypt in 1966. In the first bulletin issue in 1968, Norton articulated the foundation for a reactionary organizational culture he continued to build in the years to come. The editorial was a state-of-the-union, a frustrated reaction to growing tension between the

¹⁷ *Vanguard*, Vol. V, Bulletin 3, January 20, 1967, 1.

¹⁸ *Vanguard*, Vol. V, Bulletin 30, July 28, 1967, 1.

¹⁹ *Vanguard*, Vol. V, Bulletin 34, September 1, 1967, 1.

police and the community, as well as a plea to his peers to take a stand rather than remain neutral:

This past year, 1967, we in law enforcement have continued to bear the brunt of unsettled social conditions in our community as have our fellow officers throughout the country[...] What of 1968? Can we expect more of the same type of community unrest? I think we can. I think that law enforcement will continue to be confronted with the end result of insoluble social problems, namely violence.[...] We in law enforcement have been placed in an intolerable double bind because citizens have said nothing. They haven't told us what kind of community they want and because of their passivity, they have allowed persons with loud voices to make their decisions for them.²⁰

Norton's accusation of passivity ignored the contours of police-community relations that the events of the mid-sixties produced. Even if the discussions of 1965 and 1966 had been all but forgotten in the mind of the public, new community organizations that rejected the Great Society approach to social justice in favor a more localized grass roots one had continued the push for a review board through 1967 and into 1968. However, for an officer following the review board saga through *The Vanguard*, such an inconsistency would have likely been irrelevant. The looming threats of the Cold War--not just of a review board--began to outweigh rational discussion. From an advice column that provided the basics of writing a will ("in our field of endeavor, the unexpected is always just around the corner") to the rising threat of a communist takeover in America ("the Black Power movement is "tailormade" for the communist party"), the association became increasingly apt at stoking fear.²¹

²⁰ *Vanguard*, Vol. VI, Bulletin 1, January 6, 1968, 1.

²¹ Quotes from *Vanguard*, Vol. VI, Bulletin 3, January 20, 1968, 1; *Untitled Report*, La Confederación de La Raza Unida Collection, C/O Doreen Garcia, 26.

In February of 1968, union leadership mapped local anxieties on to national politics. A year after its creation, the president's Commission on Civil Disorders issued its findings in a report, known colloquially as the "Kerner Report" after the commission chair, Otto Kerner Jr. In its eleventh chapter, "Police and the Community" the report claimed that the "abrasive relationship between the police and the minority communities" had been "a major--and explosive—source of grievance, tension, and disorder. The report placed the blame on "the total society" and that "police administrators, with the guidance of public officials, and the support of the entire community" must work "to improve law enforcement."²² Norton reacted with frustration toward the position in which law enforcement found itself, as the visible expression of state power:

We're tired of always taking the blame for a sick society, tired of being pelted with rocks, tired of being subject to obscenities, sick of brutality charges that very rarely are true, sick of taking it for the whole apathetic community, but we're taking it again to some degree.²³

SJPD Captain Howard Donald further stoked the flames in a guest editorial printed below Norton's article. "Law enforcement officers may hold the key to the survival of our democracy," he argued. "If we don't, our society will collapse and the "Law of the Jungle" will prevail."²⁴ Donald's commentary illustrated the paradigm clearly: society or savagery. While the Kerner Report's constructive criticism intended to improve police-community relations, it had the opposite effect in San José, where it bolstered the SJPOA's resolve to resist.

²² United States. Kerner Commission, Report of the National Advisory Commission on Civil Disorders (Washington: U.S. Government Printing Office, 1968), 14-15.

²³ *Vanguard*, Vol. VI, Bulletin 10, March 8, 1968; Gil Bailey, "Patrol Man Norton – Man on the Spot," *San José Mercury*, File "Norton, Phil," San José Mercury News Clippings, History San José.

²⁴ *Vanguard*, Vol. VI, Bulletin 10, March 8, 1968,

National tension around police conduct continued to seep into local affairs. In March of 1968, the SJPOA published an account of a city council meeting centered around accusations of verbal abuse and prejudice by reserve officers toward African-American students at Overfelt High School. Norton dubbed the meeting “an exercise in absurdity,” citing a lack of “tangible fact indicating “Police Brutality,” “Verbal Brutality,” [...] or “Psychological Brutality,” the latter term having been introduced that night by a community activist. Norton lobbed accusations, noting that “the facts did indicate that someone was terribly interested in having the council act as a hearing board,” and that more clearly the “San José City Council has been duped into its role as a Police Review Board.” In a polite threat, Norton, on behalf of “the majority of the members of the San José Peace Officers Association,” asserted that despite having “no desire to be continually at odds with the city council,” San José’s police officers would “not tolerate a Police Review Board even if that board is the San José City Council.” Norton believed that the community had gone to the city council before exhausting the official channels for complaint, a grievance that was tone deaf to the ongoing problem at the center of the community’s struggle.²⁵

Later that month, the association opined that the lack of evidence to support accusations of police brutality in the case that had prompted the failed 1966 attempt to invoke a review board meant one thing: “that police brutality is in fact a myth in San José.” As an alternative and concession, the SJPOA offered its support for the creation of an Internal Affairs Unit that would handle complaints. “Every person who makes a

²⁵ *Vanguard*, Vol. VI, Bulletin 11, March 15, 1968, 1.

complaint [...] is entitled to a fair hearing of the complaint, an investigation, and notification of its subsequent disposition,” union leadership declared.²⁶ The following month, the city council voted to make the Internal Affairs Unit a reality. The SJPOA praised the council for the decision, but the victory came at a price. Complaints would be received by the City Manager and passed on to Internal Affairs for investigation, injecting an element of external oversight into the process.²⁷ The SJPOA’s relief from the momentary defeat of the review board likely overshadowed the imperfection of this new policy, but the celebration was to be short-lived.

National developments quickly eclipsed the SJPOA’s minor victory in creating the Internal Affairs Unit. Reverend Martin Luther King’s assassination the following week struck *Vanguard* editor Phil Norton as “more of a tragedy to the American Policeman than to any other segment of our society.” King, he posited, “was the voice of reason in a sea of insanity. He advocated non-violence while those around him clamored for revolution” and offered policemen “a ray of hope for racial peace.” What worried Norton most was the question of “who will fill his place?” “Purveyors of hate and violence,” he speculated, seemed poised to assume the role, much to the “detriment of all Americans, particularly the Policeman.” The transcript of San José radio station KLOK’s show *Your Police Department* printed beneath Norton’s article displayed far less humanity. “Will insurrection sweep the streets of America?” the show’s host asked.

²⁶ *Vanguard*, Vol. VI, Bulletin 12, March 29, 1968, 1-2.

²⁷ *Vanguard*, Vol. VI, Bulletin 13, April 5, 1968, 1.; In a council-manager form of city government, the public elects councilmembers to serve on a city council. Councilmembers appoint a city manager to act as a chief executive over the city government. For more on city managers, see: Richard J. Stillman, *The Rise of the City Manager: A Public Professional in Local Government* (Albuquerque: University of New Mexico Press, 1978).

Exploring the threat of communism, he deferred to “expert” Richard B. Sanger’s conclusion:

that perhaps some of our authorities are losing the courage to stick their necks out. This is in the classic pattern, a sign of social disintegration. The enforcement of discipline by the government requires responsibility—willingness to take the rap. You see the law-enforcers paralyzed through fear of being associated with “police brutality.” What we are witnessing in some parts of the United States is the Effectiveness of image-breaking, of character assassination by the radical left. If policeman won’t act, if judges won’t meet their responsibilities, if politicians are not willing to enact the required laws, you end-up with an abdication of the will to govern—and that is one of the most serious aspects of this entire matter.²⁸

In contrast to Norton’s praise for King, the KLOK host offered no condolences. Instead, he pointed to “Bolshevik techniques” borrowed by activists intended to make “the police look like blood thirsty louts.” He encapsulated “non-violent” in quotation marks when discussing King’s methods and pointed to his collaboration with figures he associated with militant violence, including Student Non-Violent Coordinating Committee activists Stokely Carmichael and H. Rap Brown.²⁹

A Spectre is Haunting Santa Clara County: Reifying the Civilian Police Review Board

Public confidence in the Internal Affairs Unit eroded quickly. Three months after its creation, the San José Human Relations Commission (SJHRC) submitted a proposal

²⁸ *Vanguard*, Vol. VI, Bulletin 14, April 12, 1968, 1-2. The quotes around “expert” appear in *Vanguard*. Richard Sanger served as a Foreign Service officer in the Middle East. See Richard Pearson, “Richard H. Sanger, 74, Diplomat, Authority on Middle East, Author,” *The Washington Post*, March 30, 1979, accessed April 05, 2018, <https://www.washingtonpost.com/archive/local/1979/03/30/richard-h-sanger-74-diplomat-authority-on-middle-east-author/2f7344ed-c1ee-47ef-bf77-b266cb80f8ea>.

²⁹ If Norton’s sympathetic reflection and KLOK’s polemic were intended to complement each other, one must necessarily question the instrumental editorial choices in this bulletin. Norton’s reflection comes first in four paragraphs, followed by the KLOK transcript, which is twice as long. The document ends with an apolitical poem about the difficulties of police life. I will not speculate about intentions, but one must wonder what a reader would take away from this bulletin’s seemingly contrasting positions.

for a “four man Police Review Board” during a joint meeting with the city council that addressed the findings presented in the Kerner Report. “People don’t have confidence in the procedure of the Police investigating themselves,” a commissioner noted. The SJHRC suggested instead the creation of a review board that would operate under their supervision, eliminating the police element by employing a complaint channel that would involve only the SJHRC and the city manager. In response, SJPOA president Hal Ratliff referenced an article written by San José’s first Community Relations Officer in the May-June 1968 issue of *Police Magazine*. It suggested that there was “a great difference in between determining if a citizen was deprived of his rights by a government agency and second guessing a Police Officer.” SJHRC chairman Van Phillips condemned the SJPOA’s position for “holding back a lot of progress,” noting that “many minority residents” did not “trust police officers” and did not believe that they were “getting a “fair shake” from the Internal Affairs Unit.” Ratliff reminded readers that the SJPOA had stood against the prospect of a review board every time it had been suggested. He noted that the chairman had suggested “many” residents were displeased with the Internal Affairs Unit and wondered “who the many are?” He cited the lack of complaints to the police-community relations unit while interacting with the community as evidence that “the “many” mentioned” by the chairman consisted “of himself and some of his fellow Commissioners.”³⁰ While the commission and law enforcement representatives debated the matter, anxiety built-up within the communities themselves.

³⁰ *Vanguard*, Vol. VI, Bulletin 27, August 5, 1968, 1-2.

As divisions deepened between the SJPOA and the city, tensions over police misconduct came to a head at the end of the summer of 1968. On a hot August afternoon, a group of demonstrators pushed into City Hall to protest what they deemed the “Nigger Hunting” policy of the San José Police Department. Their unrest stemmed from an incident in which police kicked in the door of a couple’s home, handcuffed them, and choked the wife before arresting her. The crowd demanded that the officers involved be fired and that the chief of police resign. In the days following the protest, Santa Clarans Against Racism, a local grassroots organization, demanded a Grand Jury investigation. The SJPOA mocked the outcry as another predictable effort to undermine the credibility of the police by way of review board:

If past history is any indicator, and it is, the next step by the groups protesting against the “racist police” will be a neighborhood meeting. At that meeting, persons will appear with lurid tales of “Police Brutality” and “Racism.” Hand in hand with these meetings, handbills will be passed out in eastside neighborhoods, setting forth the sins of the Police and demanding action...Now! At the same time, the newspaper articles will appear in several area weeklies, glorifying the leadership of the protestors and presenting personal interviews with the victims of “Police Brutality” and “Racism.” After the build up, the predictable pattern is to call for a Police Review Board to control the Police.

“What does it mean?” the editor asked readers. “Is the San José Police Department a racist and brutal organization? Decidedly not.” For the SJPOA, the fact that “City Coffers” had not been depleted indicated that no valid claims of brutality existed, since victims would already have pursued lawsuits for personal gain. Instead, they suggested that the community wanted “to control the Police Department, and in so doing, control

which laws shall and shall not be enforced, which demonstrations shall be allowed, and which shall not, and which policies shall exist and which shall not.”³¹

In the fall of 1968, *Vanguard* began to frame the debate in the terms of a constitutional crisis. In October, the editors accused the HRC of undertaking “the monumental task of a Constitutional revision for the United States.” The commission intended to disrupt a system of constitutional checks and balances, they argued, by taking on the role of both an executive and judicial “super-body.”³² The evidence suggests that *Vanguard* editors missed the irony. As the city council’s vote to adopt or reject the review board approached, guest writer B. John Howard framed it polemically: a vote for the review board would affirm Marx in that democracy was but a precursor to socialism, while a rejection would affirm James Madison’s charge that the Republic must “guard one part of the society against the injustice of the other part.”³³ In November, a 7-0 vote by the city council to reject the police review board starkly contrasted the increasingly paranoid perspective of union leadership. In their minds, the city council had dealt a blow to the creeping communist threat. As an alternative, the council agreed to adopt a rigorous training program and regular psychological evaluation of officers. Democracy had triumphed this time, but SJPOA leadership knew that winning a battle was not the same as winning a war.³⁴

With the review board off the table, the debate over police-community relations took a backseat to standard union labor concerns. After a year of tension, the series of

³¹ *Vanguard*, Vol. VI, Bulletin 30, September 2, 1968, 1-2.

³² *Vanguard*, Vol. VI, Bulletin 35, October 14, 1968, 1.

³³ *Vanguard*, Vol. VI, Bulletin 37, October 21, 1968, 1.

³⁴ *Vanguard*, Vol. VI, Bulletin 40, November 25, 1968, 1.

victories brought relief to the SJPOA's writing staff. A day before New Years Eve, the SJPOA reached a deal with the city to raise the administrative and supervisory salaries as part of a campaign to introduce a career progression model. Additionally, the SJPOA announced intent to apply for majority representative status under an employee relations bill passed in California earlier in the year.³⁵ In mid-January, Phil Norton handed-off editorial duties to incomer Ken Hawkes. In a set of shared editorials, the men took the opportunity to reinforce the strength of the SJPOA's positions. "Our men are impatient for progress as young educated men should be," Norton wrote. "Men who are on the move forward create controversy. Old long held ideas are held up to scrutiny and re-evaluated. The good is retained, the not so good rejected [...] We will cooperate with anyone who can help us do so. We will criti[c]ize those who oppose our forward movement. We will, in short, continue to create controversy." Hawkes reminded readers that "it takes a network of opinion" to make *Vanguard* effective, as he considered it "not a heavy sword of personal opinion or vendetta, to raise arbitrarily," but "a finely edged tool of professionalism."³⁶

Rising Crime, Rising Community

The city council's rejection of the review board intensified the determination of community activists. On January 13, 1969, four activists representing the Chicano organizations Brown Berets and New Breed entered city hall to announce that the "community had decided to stop vocalizing and start acting." *Vanguard* denounced these "incompetent individuals" for threatening a "city council already disposed toward, and

³⁵ *Vanguard*, Vol. VI, Bulletin 43, January 9, 1969, 1.

³⁶ *Vanguard*, Vol. VI, Bulletin 51, January 16, 1969, 1.

sensitive to their problems,” and that they were hurting the “honest citizens of the Mexican-American community.” Of the lessons learned in 1968, they reminded readers “that violence only begets violence, destruction produces retaliation and most parties involved are the losers. The only ones to gain are the anarchists and paid agitators.”³⁷ The following week, Phil Norton returned to familiar rhetoric as the SJPD waited to see what form community action would take. He warned not to count on the policeman “being the fall guy for the Community” and that “the silent majority” was tired of “pointless protest.”³⁸ Accusations emerged at the end of January. United People Arriba! (UPA) published an account of an eastside birthday party broken-up by the police.³⁹ According to the published account, thirty to forty policemen waited outside a chaperoned party as two officers pushed their way in and told partygoers to vacate. Chaos broke loose as they dispersed. UPA reported that a fourteen-year-old boy had been beaten unconscious with a flashlight, a fifteen-year-old boy had received a concussion after being hit with a club, and a seven-year-old had been clubbed as her brother was choked and “beat across the shins” while an officer screamed “shut your goddam[sic] mouth, Mexican!”⁴⁰ The incident resulted in a renewed push for a review board. The UPA article quoted an eastside youth and a Korean War Veteran both of whom suggested that the community

³⁷ *Vanguard*, Vol. VI, Bulletin 52, January 23, 1969, 1.

³⁸ *Vanguard*, Vol. VI, Bulletin 53, January 30, 1969, 1.

³⁹ The “Eastside” is the colloquial terminology for the neighborhoods located east of Monterrey Highway. A number of eastside neighborhoods, for example Sal Si Puedes and Mayfair, have had a predominately ethnic Mexican demographic for much of the twentieth-century. Surrounding eastside neighborhoods became more ethnically Mexican as sprawl and population increase changed neighborhood dynamics in the second half of the century, merging neighborhoods that had been traditionally isolated ethnic enclaves such as the Portuguese district of Alum Rock located east of Downtown.

⁴⁰ *United People Arriba! News*, February 7, 1969.

would be willing to act if the city did not instate the review board. The accusations stirred confusion and frustration in the writers of *Vanguard*: “How does one go about intelligently discussing a problem with people who seriously believe we go around beating seven-year-old girls? [...] Here we go again, the same battle is looming near in the future. What are we to do this time? [...] How many times must we defend our profession against those who would control it to their own end?”

The SJPOA returned to polemics. Editor Ken Hawkes wondered why the record of a member of the public deserved to remain private while the past accusations against an officer accused of brutality were brought into the public spotlight. Some of the supporters of the review board lacked the ability to vote due to lack of citizenship or felony convictions, he noted, which to Hawkes meant that they had “nothing to loose[sic].” The “lost and the useless” had carried the “flag of anarchy” through history. “American Democracy can go the way of the Roman Empire,” he warned. “Read the definition of “Anarchy.” Now, look around you.” Hawke’s bleak perspective sat well in the moment. Rising crime had come to dominate the national narrative and the SJPOA pointed to a discussion over whether to deploy the military to defend “American citizens in their own neighborhoods and business districts.”⁴¹

As 1969 progressed, tensions continued to rise as the community acted. In March, Mayor Ron James agreed to “the presence of a full time 'grass roots' community member” in a proposed police substation in the historically Mexican and Puerto Rican neighborhood of Mayfair, one of the poorest neighborhoods in the city and an epicenter

⁴¹ *Vanguard*, Vol. VII, Bulletin 3, February 28, 1969, 1.

of conflict between police and community. In addition, the mayor earmarked federal funds to plan and instantiate a neighborhood-specific police review. Association president Hal Ratliff asked in an editorial if the city council was willing to “go on record” in support of the mayor’s “concessions.” He asserted that “council and community alike” would use every “human and financial” resource available to fight against the review board.⁴²

While the SJPOA’s monolithic resistance to police oversight continued, a different vision of the police-community relationship appeared in *Vanguard*. Responding to anger regarding felons and immigrants criticizing the police printed in an earlier bulletin, community relations officer Fred Whitley offered a strikingly different perspective in a letter of rebuttal. Whitley framed his argument within the same constitutionally democratic framework employed by SJPOA leadership. He reminded readers that “criticism is guaranteed,” even to immigrants and criminals “under the Constitution of the United States of America.” Feelings of “hopelessness, insecurity, and frustration” in communities of color were the products of the same “outside controlling forces” that were responsible for the pitiful situation that the officers on the street found themselves in. Whitley complimented the Mayfair Action Council for its rejection of the citywide police review board in favor of the regional substation. Under the Model Cities Program, a federal program which funded the Mayfair organizations as part of President Lyndon Johnson’s Great Society, Whitley suggested residents would finally find “a voice in the planning and governing” and regain “some potentials of self-control.” As part of

⁴² *Vanguard*, Vol. VII, Bulletin 4, March 7, 1969, 1.

the push for professionalization, he suggested the SJPD meet with the council and “LISTEN[sic] to their problems and desires.” Only after listening with the desire to understand would the police be able to fully explain the problems they faced to the council, he suggested. “The lack of understanding perpetuated by non-communicating and sometimes a fear of communicating” presented the greatest obstacles to improving police-community relations, he insisted.⁴³

Despite Officer Whitley’s call for empathy, physical clashes between the SJPD and community activists quickly overshadowed the debate. In May of 1969, a coalition of Chicana activists orchestrated a protest of San José’s Fiesta de Las Rosas parade. A tradition since 1929, the 1969 celebration of San José’s “Spanish” heritage was scheduled for a week of festivities to honor the bicentennial anniversary of the city’s founding in 1769. Community activists condemned it for its glorification of conquistadores and pejorative depiction of ethnic Mexicans as one-dimensional stereotypes. According to scholar Nannette Regua, community activists viewed the celebration as the embodiment of the city’s “disregard for Mexican History” and created a coalition of diverse, interethnic organizations to participate in a boycott of the celebration.⁴⁴ As protestors arrived in downtown San José to picket the festivities, they found a well-armored force of riot police prepared for confrontation. When violence broke out, police began targeting Chicana activists, quickly intensifying the situation as the festivities on the street disintegrated into chaotic violence. Police swinging clubs and fists tangled with a

⁴³ *Vanguard*, Vol. VII, Bulletin 4, March 14, 1969, 1.

⁴⁴ For a complete list of organizations and thorough account of the logistics of the boycott, as well as the physical clashes, see Nanette Regua, “WOMEN IN THE CHICANO MOVEMENT: Grassroots Activism in San José.” *Chicana/Latina Studies* 12, no. 1 (2012): 114-52.

growing crowd as “some Mexican-American men jumped into the fray as would-be protectors of women and children.” When the clash was over, 23 had been arrested and dozens more injured.

The clash stands out as a galvanizing moment in the history of community activism in San José. In the immediate aftermath, community organizers founded La Confederación de La Raza Unida, an umbrella organization that would oversee more than sixty organizations. The intensity of the Fiesta de Las Rosas clash, along with a countercultural event at San José State that went awry the following month, appeared prophetic to the leadership of the SJPOA.⁴⁵ Phil Norton believed that society was near its boiling point, just as he had warned in the pages of *Vanguard*. As he sat in front of his typewriter at SJPOA headquarters, he confessed that he had but one question on his mind: what would a “society without law” become? In an exceptional moment of retreat, he turned to the “citizens of San José” and the “City Councilmen” for answers.⁴⁶

“Very Truly Yours:” Federal Funds Review Board

The community answered Norton with action. In September of 1969, *Vanguard* published a letter from the Law and Police Committee, an organization chartered under

⁴⁵ Regua, “Women in the Chicano Movement,” 132-133; Brad Kava, “PARADE ROUTES - 25 YEARS AFTER THE FIESTA DE LAS ROSAS, - PARTICIPANTS REMEMBER THE CHAOS AND THE CONTROVERSY -- AND THE DIFFERENT DIRECTIONS THEIR LIVES TOOK,” *San José Mercury News*, May 31, 1994; The following month, students at San José State organized a “be-in” in which SJPOA editor Phil Norton’s fears appeared to come to fruition, as “the jungle code took over” after officers found themselves highly outnumbered by Hell’s Angels and other bikers, who “beat, stabbed, [and] intimidated without fear of reprisal.” For Norton, it was evident that society had reached a boiling point, just as he had warned in the pages of *Vanguard*. San José State organizers likely modelled their “human be-in” after the larger San Francisco “be-in” that had taken place in 1967. See Cohen, Allen. “About the Human Be-In.” Allen Cohen. Accessed February 27, 2018. <http://s91990482.onlinehome.us/allencohen/be-in.html>.

⁴⁶ *Vanguard*, Vol. VII, Bulletin 14, June 2, 1969, 1.

President Johnson's Model Cities Program, that revealed an intensification of community efforts to reign in police misconduct through official channels:

The Law and Police Committee of MODEL CITIES has as its first priority the establishment of a civilian review board with disciplinary powers. In considering ways and means of dealing with this priority, we find it most important to make ourselves aware of all factors concerning police-community relations. We often hear the complaint of police brutality and related malpractice but it is not usually fully documented. If you or your organization has knowledge or information that relate to these matters, we would be most happy to learn the details from you, so that we might take appropriate action toward fulfilling the priority to which we are assigned.

The end of the letter read: "very truly yours, Fred Hirsch." A union organizer and community activist, Hirsch had been a force in labor actions and a thorn in the side of municipal politics for most of the 1960s.⁴⁷ The professional joviality of his letter to the SJPOA was doubtless intended to be taken with a grain of salt. The message's subtext would have likely been invisible to federal overseers, but Hirsch's playful intimidation would have been clear as glass to whomever read the association's mail. The SJPOA reacted in an editorial entitled "Hirsch Is Alive – And Living in San José-----or 'Here We Go Again Department'" [sic]. Beneath a reprint of the letter's contents, *Vanguard* staff trashed the committee for being militants hellbent on rendering the force "ineffectual," redrawing divisions:

This is only one of a number of programs underway designed to create a puppet Police Department useful only to serve the designs of the militant community.

⁴⁷ Hirsch was co-chairman of the Santa Clara Valley Friends of the Student Non-Violent Coordinating Committee (SNCC). In 1964, he was jailed in Mississippi for allegedly disturbing the peace while participating in a mock election intended to curb fears of registration and voting. In 1967, he was beaten by a mob of strikebreakers in Delano County while serving subpoenas for the United Farmworkers Organizing Committee. Hirsch had served as a proxy for Cesar Chavez, the leader of the grape strike in Delano County, who witnessed the attack through binoculars as he monitored the interaction from afar; Charles Johnson, "Taking Car to Mississippi? It Can Be Kind of Risky?" *San José Mercury News*, Date Unknown; "Delano Tiff Hospitalizes Fred Hirsch," *San José Mercury News*, February 05, 1968; Editor, "Hirsch is Alive – And Living in San José-----or 'Here We Go Again' Department," *Vanguard*, September 15, 1969.

Once again the time has come to gird our coins for combat with those who would impose a Civilian Review Board on San José's Policemen. Back your Association --- If you are one of those not a member of the Association, join. Don't just enjoy the benefits, Don't[sic] let the rest of the men fight this thing for your peace of mind. The opposition is organized, financed, and dedicated to rendering us ineffectual. Staunch organization on our side will have to counteract the federal money on theirs.

Two months later in December of 1969, *Vanguard* noted that the Equal Employment Opportunity Commission (EEOC), a mandate of the Civil Rights Acts of 1964 intended to fight discrimination, had granted United People Arriba \$30,000 to fund a location-oriented review board to “watchdog San José police in low-income areas of the city.”⁴⁸ A staff writer for *Vanguard* reworked the SJPOA's stance against a review board through a fiscal lens. “With the holiday season at hand and the obvious needs of some of our citizens for a little help, it seems strange that the E.O.C. would spend the tax payer's money on such a project,” he wrote. “Your police are here to Serve and Protect,” the article concluded, “not to waste tax dollars.”⁴⁹ Placing the union's campaign for higher wages into the paradigm of police vs. community, the SJPOA again reified the stakes, asserting that community organizers intended to not only dismantle constitutional democracy, but to empty the policeman's pocketbook in the process.⁵⁰

⁴⁸ The EOC provided the Chicano community with funds that fueled efforts to provide services that included youth activities and education, healthcare, childcare, addiction treatment, and job training. Historian Stephen Pitti notes that “these marked major efforts to undo the historical patterns of inequality that shaped the Valley for generations.”; for further information, see Stephen J. Pitti, *The Devil in Silicon Valley: Northern California, Race, and Mexican Americans* (Princeton: Princeton University Press, 2003), 187-191.

⁴⁹ The bulletin ends with a holiday wish: “May the Spirit of Christmas lighten your heart and brighten the year ahead!”

⁵⁰ *Vanguard*, Vol. VII, Bulletin 16, September 15, 1969, 1.; Doug Wright, “”Watchdog” Police Activity,” *Vanguard*, December 12, 1969.

Community organizations took the lead when federal foot-dragging slowed Model Cities and Equal Opportunity Commission (EOC) programs. Emboldened by federal support and the notable gains of the Chicano Movement, the organizations increasingly engaged discrimination through official channels. In February of 1970, Jack Ybarra, president of La Confederación, penned a letter citing clear examples of discrimination and challenges that the ethnic Mexican community faced in a letter to California Attorney General Thomas Lynch. Ybarra's letter detailed the failures of law enforcement and judicial officials, including the district attorney and a prominent judge, to deliver justice. Among the grievances, he noted that no disciplinary actions had been taken against Santa Clara County Judge Gerald Chargin for suggesting that a Mexican-American teenager kill himself rather than depend on the state to care for him. Further, he cited the lack of response from the district attorney to a request for an investigation into the death of young Manuel Villa at the hands of SJPD officers, as well as an episode in which a public-school teacher physically attacked a Mexican American student. Ybarra underscored community anxieties with an appeal to greater justice for all, pointing out members of the city council and board of supervisors who had received campaign donations from a known mafioso. The letter reflected not only increased efforts in the struggle for justice, but a heightened concern for the holistic well-being of the city of San José, the County of Santa Clara, and concerned communities across the country. Ybarra chose to copy a number of organizations on the letter, including Southwest Council of La Raza, West Coast Coalition of Priests and Sisters, Japanese-American Citizens League,

U.S. Commission on Civil Rights, and California Rural Legal Assistance. These choices demonstrated the growing alliances that La Confederación had begun to cultivate.⁵¹

In 1970, an increasing number of editorials appeared in *Vanguard* to promote alternative positions to the SJPOA leadership's defensive outlook, but the mainline conservatism that had dominated the bulletin remained at the union's core. A two-part series in April of 1970 explored the intricacies of Internal Affairs. As Officer Whitley's earlier article had done, the editorial acknowledged that "you must not only satisfy your fellow officer and the department but the public you are serving as well. The public in this case is both the victim and the suspect." Its authors pointed to the duality of "distrust" that existed on both the side of the police and the community. For the first time, the words of *Vanguard* suggested that it might be beneficial to examine the officer in question in the context of a complaint. Below the article, another editorial exuded similar sentiment: "It is a police officer's duty to enforce the laws equally to all people. Let us not judge or treat others by standards that we cannot live up to ourselves, whether on or off duty."⁵² In May, writer Howard Donald, who had previously doled out a lengthy list of polemics, wrote a long feature that embraced the "possible benefits" of "improved community-police relations." Donald's list of benefits, which included "public support" of benefits, "recognition as a profession," a decrease in crime, and more.⁵³ Despite the promise of these novel perspectives, *Vanguard* continued to espouse polemics. Editor Richard B. Cadenasso returned to the thin-line between order and apocalypse in an article

⁵¹ Pitti, *The Devil in Silicon Valley*, 190; Jack Ybarra to Attorney General Thomas Lynch, February 4, 1970, *La Confederación de la Raza Unida* Collection, In Care of Doreen Garcia; Pitti, *The Devil in Silicon Valley*, 174.

⁵² *Vanguard*, Vol. VIII, Bulletin 16, April 24, 1970, 2.

⁵³ *Vanguard*, Vol. VIII, Bulletin 11, May 29, 1970, 1.

entitled “The Sword and the State.” “Whether or not some people like it,” he wrote, the police were “in the business of maintaining order and well-being within society.” In Rousseauian fashion, he argued that order was essential to “the survival of society.” Yet he ended the article closer to the ideas of Machiavelli, reminding readers that “all who would threaten” the order must understand that the “sword” of the police was “sharp and long.”⁵⁴

Conclusion

On August 6, 1970, Officer Richard Huerta stood on a dark street next to the driver’s side door of a sedan that he had just pulled over near downtown San José. The officer scribbled information into the fields of a citation, unaware of a figure approaching in the shadows. Without warning, a man’s arm shoved a revolver through an open window on the sedan’s passenger side and fired all six cartridges loaded inside. Four bullets entered Officer Huerta’s body, killing him. Police took the suspect into custody just two hours later and found an empty .38 revolver in his waistband. Huerta’s killer, twenty-year-old Emile Thompson, was a student at San José State majoring in criminology. His brother was an active police officer in Oakland and his father, president of the black business and professional association Men of Tomorrow in Oakland, had retired after a long career on the same force.⁵⁵

⁵⁴ *Vanguard*, Vol. VIII, Bulletin 10, May 8, 1970, 1.

⁵⁵ George Draper, “Suspect Is Captured in San José,” *San Francisco Chronicle*, File “Huerta, Richard,” San José Mercury News Clippings, History San José.

For the rank-and-file of the SJPOA, Huerta's murder vindicated the gravity they had assigned to the work of their association. A memorial in *The Vanguard* captures the meaning of the moment precisely:

On August 6, 1970 we lost a brother officer, Richard Huerta, by a stroke of violence that is often admired by splinter factions within our society. This enemy of mankind, with warped values and dedication, has gone unchecked and free due to the principles of our country, principles that Richard Huerta believe in so strongly that by oath he literally dedicated and eventually sacrificed his greatest possession, his life.

A target for alienations, obscenities and by wearing a police uniform and carrying a badge the police officer, a silent minority is in the middle, between a silent majority and a loud minority. The police officer in many instances does not come out of his position unscathed. But an act, such as which took our brother Richard Huerta from us, also reinforces the belief that what we are doing is right. Why must we suffer a loss like this to remind us?⁵⁶

Yet Huerta's death revealed that the organizations that the SJPOA viewed as their adversaries also valued Huerta's life. Two days after Huerta was killed, members of La Confederación de la Raza Unida voted to pass a declaration to the city council that suggested renaming the future Police Athletic League building from the Ray Blackmore Youth Center to the Richard Huerta Youth Center "in memory of the Mexican-American police officer who died in the line of duty." The relationship between the police and the community "would be best improved by naming the Center after a man whos[sic] origins and circumstances were similar to [the] young people" that would use the Eastside facility, members suggested.⁵⁷

⁵⁶ *The Vanguard*, Vol. VIII, No. 17, August 14, 1970.

⁵⁷ Confederación de la Raza Unida, "Letter from La Confederación de la Raza Unida to Mayor of San José, The Members of The City Council, California," San José City Council Minutes, August 8, 1970, Topic 1239.

In the final months of 1970, local and national tensions coalesced in San José, again overshadowing efforts to find a solution to community unrest. More than 500 police and sheriff's officers clashed with a mob when it lurched toward President Richard Nixon's motorcade as it passed through downtown. *Vanguard* published an editorial that suggested that the police "worry too much about what the revolutionaries will think when we use force and loose[sic] sight of the fact that the majority of tax-paying citizens support us 100% against any mob."⁵⁸ A United Press International article noted a slightly different composition of the angry crowd, citing not only "young radicals," but additional swaths of "white collar engineers thrown out of work by cutbacks in government spending." Nixon simply called it "an unruly mob that represented the worst of America."⁵⁹ The divisions of American society reflected the local conflicts underway in San José.

Between 1967 and 1970, the worldview espoused by the San José Peace Officers Association prevented outside oversight of the San José Police Department, while intensifying the convictions of community organizations in their fight for justice. Week after week, *The Vanguard* writers hammered away at their typewriters, determined to reify an organizational culture that placed the interests of the city's communities of color in direct conflict with the interests of the San José Police Department and the individual police officer. As the community amplified demands to control police discretion and establish police accountability for misconduct, the SJPOA exercised its increasing power to maintain rank-and-file autonomy.

⁵⁸ *Vanguard*, Vol. VIII, Bulletin 23, November 27, 1970, 1.

⁵⁹ UPI, "'Wave of Hatred' said melee cause," *The Argus*, October 31, 1970, 2

CONCLUSION

“It’s Your City...Your Safety”: The Search for a New Chief

At the 77th Annual Conference of the International Association of Chiefs of Police held in Atlantic City, New Jersey in October of 1970, San José city administrators circulated a booklet among delegates that announced a national search for “the best police administrator available” to become the city's next chief of police. Chief Raymond Blackmore, serving his twenty-fourth year as chief and forty-second on the force, would face mandatory retirement when he turned sixty-five in 1971.¹ Interested applicants were encouraged to track down Blackmore, who would be wandering the conference floor for its duration, for further information. The authors boasted of the department’s professional orientation. They promised interested applicants a highly professionalized force, underscoring the department’s emphasis on both academic education and police training. They also promised “salaries and fringe benefits [that were] among the best in the nation.” Only “successful and sound” police professionals that held “the rank of Captain or above in a city, county or state police agency” needed apply.² City employees would screen incoming applications and the most qualified would be passed on to the City Manager. Candidates who made it passed a “qualified Oral Appraisal Board” would then be subjected to final medical and background checks before City Manager Thomas Fletcher issued a final decision. Further complicating the question of the SJPD’s leadership, Assistant Chief of Police George Cannell announced his intent to retire even

¹ Thomas Fletcher to Mark E . Keane, October 15, 1970, Box 3, “Chief of Police recruitment (1970-1971)” File, Donald S. Macrae Papers, History San José Research Library; Flyer- “Chief of Police (U) – San José, California,” Donald S. Macrae Papers,.

² Thomas Fletcher to Mark E . Keane.

before Blackmore. The departure of the department's two highest police administrators offered the new breed of politicians that occupied San José's City Hall an unprecedented opportunity to affect change in the city's increasingly troubled police department.³

Debate around Blackmore's replacement centered on the question of whether to hire from within the department or from without. Seven of eleven SJPD officers eligible to apply submitted applications. Of the seven, Chief of Detectives Barton Collins and Chief of Prevention and Control Ross Donald had the widest public support, though from different factions for different reasons. A longtime veteran of the force, Collins had been in the running for Chief in 1947, but City Manager Orville Campbell ultimately appointed Blackmore to the position. In his assessment of crime as a concept in San José politics, Betsalel notes a career-spanning rivalry between Collins and Blackmore. Blackmore did not graduate from high school and entered the police department as a patrolman in the employ of Charles Bigley's political machine, whereas Collins graduated from San José State with a reputation as a star football player. Betsalel describes it as a clash of personality and argues that the tension embodied the "small-town qualities" of the department. But the rivalry had more to do with personal philosophy than personality. Blackmore's close relationship with the boosters that ran city hall between 1944 and 1969 placed him in the inner-circle of pro-growth politics at a time when growth seemed endless. He remained very conscious of public relations and press coverage throughout his career, actively pursued dialogue with the communities his department served when it suited his interests and maintained an eternal optimism about

³ Article, "'Let Mgr. Pick Chief,' [ca. 1971], Box 3, Chief of Police recruitment (1970-1971) File, Donald S. Macrae Papers.

his native city of San José. When problems arose, Blackmore preferred dialogue. Collins, on the other hand, embodied a more hard-lined philosophy. His vision of criminal justice fit cleanly into what criminologist Herbert Packer defined as the “Crime Control model,” which called for “a freer exercise of discretion in order to enhance the ability of criminal justice officials to apprehend, convict, and punish wrongdoers.” Collins’ conservative perspective seems to have remained intact throughout his career. For example, he supported harsher discipline in prison, voiced criticism of Supreme Court decisions that he believed favored criminals over law enforcement, and encouraged women to dress modestly to avoid stimulating tendencies in potential sexual perverts.⁴

Collins's application prompted expressions of support from some in the city. Members of the public wrote letters to both Mayor Ron James and City Councilmember Virginia Shaffer endorsing the promotion Collins. Among the letter writers were prominent figures in Santa Clara County criminal justice, including Municipal Court Judge Donald R. Chapman Three City Councilmembers—Goglio, Shaffer, and Colla—publicly supported Collins, though deference to the City Manager to make the final decision was always appended to their statements on the matter.⁵

⁴ “Chief Brown Retiring, Urges Blackmore As Successor,” February 18, 1947, San José Mercury Clippings Collection, History San José Research Library; Wes Peyton, “California Attack By,” *San José Mercury*, Jun 4, 1953, File “Collins, Barton L.,” Microfiche Clippings Collection, California Room, San José Public Library; Betsalel, *Crime In City Politics*, 241-245; Samuel Walker, *Taming the System: The Control of Discretion in Criminal Justice* (New York: Oxford University Press, 1993), 5; Packer’s theory originally published in Herbert L. Packer, *The Limits of the Criminal Sanction*, (Stanford, Calif: Stanford University Press, 1968); “Collins: Evidence Rules Aid Crooks,” *San José Mercury*, November 11, 1959, 42; Mary Phillips, “Chief of Detectives Calls For Discretion in Dress,” *San José Mercury*, June 10, 1963, File “Collins, Barton L.,” Microfiche Clippings Collection, California Room, San José Public Library;

⁵ Marcie Rasmussen, “Mrs. Shaffer Collects Letters Backing Collins for Chief,” *San José Mercury*, January 29, 1971, File “Collins, Barton L.,” Microfiche Clippings Collection, California Room, San José Public Library; “Goglio Prefers Collins For S.J. Police Chief,” *San José*

Collins' also found support in real-estate developers who were flexing political muscle and likely more interested in a safety earned through hard-handed law-and-order in the new, middle-class residential tracts and shopping centers than in improving the policing problems of the lower-classes. In February of 1971, the Civic Improvement Council, a citizens committee established by San Francisco State professor, real estate developer, and civic booster Vincent J. Schaze to urge hiring a new chief from the SJP, placed a large ad in the *San José News* that appealed to the city's middle-class nuclear families. "Mr. and Mrs. San José..." the advertisement began, "Our Next Police Chief: San Joséan or Outsider?" Praise-laced prose suggested that "citizens of San José [were] to be applauded for seeing to it that our Police Department, some 600 men strong, [was] clearly one of the nation's finest." Apart from strategic rhetoric and certain symbols of the postwar "breadwinner" family, the advertisement did not immediately make clear who its target audience might have been until a rhetorical question offered in the third paragraph. "Just ask yourself," it ventured, "when has there ever been so much as a whisper of anything irregular concerning our police force? A pretty unusual record when you stop to think about." For middle-class San Joséans living in any of the recently developed housing tracts to the south or west of downtown, this proposition might have made a point as clear as day. To ethnic Mexican or African Americans living on the Eastside, it might have sounded like a sector of the public endorsing violent and/or discriminatory policing that community organizers had poured so much of their energy into fighting. This phenomenon was not unique to San José. Historian Chris Agee has

Mercury, February 10, 1971, File "Collins, Barton L.," Microfiche Clippings Collection, California Room, San José Public Library;

argued that “the highly localized nature of policing ensured that city residents were often unaware of what day-to-day policing looked like outside their own district.”⁶

The advertisement also revealed a coalescence of developer interests with those of the rank-and-file. “We’re convinced Law Enforcement is the single most important service a city provides its citizens,” the ad explained. “Further, we citizens can’t risk top leadership to an unknown outsider, who knows neither San José nor those officers whose duty it is to carry out vital police work.” The morale of the department depended on it, the ad urged, claiming ninety-five percent of department and reserves favored elevating a new chief from within. After all, six-hundred policemen receiving the highest police salaries in the country theoretically translated to six-hundred breadwinners with potential interests in investing-in or upgrading the family home.⁷

Second in the running for chief with less fanfare from politicians and boosters, was the SJPD’s Chief of Prevention and Control Ross Donald. Donald’s reputation hinged not on law-and-order policing but rather on a respect for communities of color and their liberal allies. He had been one of five SJPD officers that took part in a two-day police-community relations seminar held in San José in the summer of 1969. He also

⁶ Civic Improvement Council, “Our Next Police Chief: San Joséan or Outsider?,” advertisement in *San José News*, February 9, 1971, Box 3, “Chief of Police recruitment (1970-1971)” File, Donald S. Macrae Papers; Obituary of Vincent J. Schaze, *San Mercury News*, April 18, 2007; “Shopping Center Planned,” *San José Mercury*, September 22, 1966, File “Schaze, Vincent J,” San José Mercury Clippings Collection, History San José Research Library; “Group Urging Be Select F,” *San José Mercury*, February 7, 1966, File “Schaze, Vincent,” San José Mercury Clippings Collection, History San José Research Library; Christopher Agee, “Crisis and Redemption: The History of American Police Reform Since World War II,” *Journal of Urban History* 2017, 009614421770546, 2.

⁷ Civic Improvement Council, “Our Next Police Chief: San Joséan or Outsider?,” advertisement in *San José News*, February 9, 1971, Box 3, “Chief of Police recruitment (1970-1971)” File, Donald S. Macrae Papers;

appears to have known personally some of the Eastside residents active in the effort to improve police-community relations. An honorary dinner was held on the Eastside at least once to promote Donald as the most competent candidate for the role.⁸

Defining the ideal chief for the SJPD was not only a prerogative of city politicians and police professionals, but also for communities of color and their liberal allies. By late 1970, police-community relations had become one of the central areas of concern for the Social Education and Action Department of the Santa Clara County Council of Churches (SCCCC). From its genesis, the SCCCC had viewed itself as a “harbinger of hope in a world desperately in need of a power to overcome divisiveness, suspicion and fear, and create community, fellowship, brotherliness, and peace.” While the divisiveness that the council sought to combat initially referred to inter-denominational suspicions “more devastating than theoretical atheism,” the organization’s mission translated quickly into a broader secular political paradigm after its founding in 1942. Work in race relations, migrant rights, farmworker labor campaigns, and other initiatives in the area naturally delivered the council into the dialogue around the relationship between law enforcement and the public. A partnership with the Santa Clara County Sheriff’s Department preceded the rise of concern around police-community relations in San José, but the public dialogue that emerged in 1965 had naturally drawn them in.⁹

⁸ The dinner was organized by Dorothy Dowlen, active in the Filipino community, and attended by Sue Hughes, who served on the Human Relations Commission; “Citizen’s group campaigns for Donald for chief job,” East San José Sun, December 30, 1970, Box 3, “Chief of Police recruitment (1970-1971)” File, Donald S. Macrae Papers,;

⁹ Rev. Dr. G. Arthur Casaday, *Heritage and Hope: A Brief History of Santa Clara County Council of Churches 1942 to 1976*, Box 23, “History 1942-1976” File, Council of Churches of Santa Clara County Records, History San José Research Library.

During the last few days of 1970, the SCCCC adopted a formal list of six qualities that councilmembers believed were critical for whoever took over the role of chief. The council sent copies of the guidelines to Mayor Ron James, City Manager Thomas Fletcher, and the City Council, and made them available to any interested members of the public. The council stressed the San José line in terms of professionalism, underscoring the value of a bachelor's degree ("not necessarily in police administration"), experience in police command, an "understanding and responsiveness to the problems of the community as well as the problems of police," and that the candidate had clearly "demonstrated mature judgement in handling matters of crisis" and a "capability in successfully promoting better police training, improved performance standards, and equal opportunity within the police department." These recommendations remained clearly within the paradigm of professional policing that had been widely employed in discussions around law enforcement in San José since the early-sixties. While these qualifications were anchored in the "due process" model of criminal justice (as opposed to the "crime control" model), the council clearly believed that improved policing could be administered into reality via liberal mechanisms of the policing bureaucracy. Further, the sole use of "he" in describing the ideal chief revealed the limits of ecclesiastical liberalism when defining the contours of idyllic equality.¹⁰

But an additional caveat differentiated the council's vision of a police chief from the rest of the qualifications presented, which were fundamentally bound to the ideals of

¹⁰ R. Kenneth Bell to Mayor Ron James, January 2, 1971, Box 3, "Chief of Police recruitment (1970-1971)" File, Donald S. Macrae Papers; Santa Clara County Council of Churches, "Resolution On San José Police Chief," December 29, 1970, Box 3, "Chief of Police recruitment (1970-1971)" File, Donald S. Macrae Papers;

police professionalism. Members of the SCCCC's Social Education and Action Department believed the next chief required an understanding that "the community [was] the ultimate source of moral authority for the police, and shall be willing to help promote machinery for assisting the community in defining the appropriate level of law enforcement it [sought]." Though indirectly articulated, the SCCCC urged the City Manager to value control over the individual discretion of police officers. This assertion undermined the autonomy that the rank-and-file of the SJPOA had constructed their professional identity around. In San José's next chief, the council hoped the community would finally have an administrator they could depend on to vanquish in the coming decade the "discriminatory mix of underpolicing and overpolicing" that marginalized communities across the country had lived with through the previous two decades.¹¹

"Tough But Fair": "Mr. Clean" Comes to the Valley

On February 4, 1971, the Oral Appraisal Board tasked with interrogating the remaining twenty candidates still in the running to be San José's next chief of police took a break "after two full days of exhaustive oral interviews." Seven of the final twenty were candidates from within the SJPD. Of the four men who made-up the board, only Robert Skibinski, vice president and general manager of colossal telecommunications company Pacific Telephone and Telegraph, was, in great San José booster fashion, local to San José. Two East Bay officials, Chief of Police Charles Gain of Oakland and City Manager Lesley McClure of San Leandro represented the broader Bay Area, while William Frank

¹¹ Santa Clara County Council of Churches, "Resolution On San José Police Chief," December 29, 1970, Box 3, "Chief of Police recruitment (1970-1971)" File, Donald S. Macrae Papers; Christopher Agee, "Crisis and Redemption: The History of American Police Reform Since World War II," *Journal of Urban History* 2017, 009614421770546, 2

Danielson, personnel director for Sacramento, the state capital, connected to the process to a California beyond the Bay.¹²

By May, City Manager Thomas Fletcher appeared to have his man: Chief Robert Murphy of Richmond, California. Before the city could make Murphy a formal offer, Fletcher required an extensive background check to be conducted. He assigned the task to ex-Berkeley Chief of Police John Holstrom, who had played a major role as a consultant in the search to that point. Holstrom pursued interviews with eight of thirty-three character references Murphy had provided.

Tracing Holstrom's circuit of interviews, the contours of a regional network both social and professional, formal and informal, made-up of law enforcement, state, and municipal administrators begins to emerge. San José's city administrators left the selection of which references to interview to Holstrom's discretion. As he conducted the interviews, a portrait of an honest, sometimes timid police administrator who had crossed symbolically important milestones in police-community relations emerged. A phone interview with Richmond City Manager Ken Smith, who had requested that Holstrom assume a role on the oral interview board that had originally elected Murphy as chief in Richmond in 1968, suggested that Murphy did not fear dismissing an officer guilty of "grossly improper" conduct, quickly setting a promising tone for the type of chief San José needed. A native of Arkansas, Robert Murphy hired on with the Richmond Police Department (RPD) as a patrolman following his discharge from the Marine Corps in 1948. After nearly a decade on the force without a promotion, Murphy started to become

¹² "Hunt For Chief Will Continue," *San José News*, February 4, 1971, Box 3, "Chief of Police recruitment (1970-1971)" File, Donald S. Macrae Papers.

disillusioned with the promises of the meritocracy and considered leaving law enforcement to go into business in the South. Richmond Chief Charles E. Brown convinced him to stay by promising that opportunities for promotion were not far off. Murphy became one of Brown's most trusted officers. The chief assigned "hot projects" to Murphy with "absolute confidence" in his ability to handle "any tense situation." When Holstrom phoned Brown while working through Murphy's references, the chief assured him that Murphy had the "guts" and "absolute integrity" to always deliver "the truth."¹³

According to the police professionals and city administrators that Holstrom interviewed, Murphy had been given the impossible task of improving the relationship between Richmond's African Americans and the police and had performed commendably. Home to the Kaiser Shipyards and more than fifty other industries during World War II, Richmond's wartime boom attracted tens of thousands of newcomers, many of them African American, seeking work in the thriving bayside economy. Even before war's end, the city was rife with tension between prewar residents and newcomers, as well as racial conflict between black, white, and brown residents. Richmond's native white population despised all newcomers, characterizing white Oakies and Arkies as moral degenerates, but directing their most venomous inclinations toward African Americans. Police crackdowns during the war laid the foundation for distrust and a

¹³ "Richmond Chief to San José," *San Francisco Examiner*, March 1, 1971, 12;

legacy of harassment that would follow African Americans in Richmond through the twentieth century.¹⁴

When Richmond's economy ground to a near-halt as wartime industry demobilized beginning in late 1944, the city's African Americans bore a disproportionate brunt of the effects. Black unemployment in 1949 reached four times the rate of unemployment experienced in the entire city and became even worse as years passed. City planners and developers targeted African American neighborhoods under the guise of redevelopment and renewal, delivering the city to a segregated geography in which most African American residents lived in decaying housing in North Richmond. Decades of black frustrations rooted in discrimination in employment, schools, housing, policing, and official administration exploded into the streets of Richmond in 1966. What began as interracial high school brawls escalated into two weeks of a city "wracked by violence and racial tension as escalating rumors of black retaliation, inflammatory articles in the local press, and a massive show of force by the police exacerbated an outbreak of looting, rock throwing, and arson in the downtown area."¹⁵

Amid the chaos in Richmond's streets in 1966, Robert Murphy, by then wearing the double bars of a police captain, experienced the first of three "civil disturbances" he faced in his career with the department, Brown recalled for Holstrom. The second and largest took place in June of 1968, just one month after the city council appointed Murphy as chief. Like so many other episodes of frustrated racial expression during the

¹⁴ Shirley Ann Wilson Moore, *To Place Our Deeds: The African American Community in Richmond, California, 1910-1963* (Berkeley: University of California Press, 2000), 71-77.

¹⁵ Quotation excerpted from Wilson Moore, *To Place Our Deeds*, 149; Herbert G. Ruffin, *Uninvited Neighbors: African Americans in Silicon Valley 1769-1990* (Norman: University of Oklahoma Press, 2014), 124.

mid-to-late sixties, the 1968 violence began when a bullet fired by a Richmond Police entered the neck of fifteen-year-old Charles Mims in front of a home on 4th street. When a man drawn from his home by the gunfire asked police why they had shot the teenager, an officer told him that they had caught Mims stealing a car. A crowd, painted by the *San Francisco Examiner* as “mutinous teenagers,” grew around the scene almost immediately. Many who gathered had watched a car fly-by, followed by a patrol car with sirens blaring. They had watched as the car came squealing to a halt and four young, black men darted out in separate directions. And they had watched as the officer fired his revolver and Mims dropped to the ground unmoving. The incident echoed the shotgunning of Denzil Dowell that had taken place there just a year earlier in 1967, likely Murphy’s second encounter with public rage.¹⁶

Brown’s praise for Murphy revealed the cynical and racist nature of police-community relations in Richmond, particularly when it came to African Americans. “No capable police chief would win a popularity contest in Richmond, which some blacks think belongs to them,” he told Holstrom. According to Brown, Richmond required a chief who allowed the African American community a measured amount of public expression before pulling back and declaring “that’s it.” During the violence in 1968, Murphy agreed to allow members of the community to calm frustrated black youth instead of deploying another wave of police officers to enforce the curfew that had been enacted to curb further property damage. While the media covered Murphy’s dialogue with community representatives in some depth, it is unclear how responsible these efforts

¹⁶ “Race Violence Avoided ‘By Miracle’,” *San Francisco Examiner*, June 28, 1968, 20; “Curfew Cools Richmond,” *San Francisco Examiner*, June 28, 1968, 1.

were in calming the streets. That same night, leader of the Black Panthers Bobby Seale gave a press conference from the Panthers headquarters in Oakland and urged that all “black brother in Richmond stay off the streets.” He also demanded that the officer who had fired the bullet that felled Mims be charged with attempted murder, that black communities be police by black police departments, and that white police withdraw from the streets and disarm. Brown credited Murphy with preventing a planned revolt by black officers, though Richmond City Manager Ken Smith noted that maintaining good relationships with “Spanish-Americans might be easier than with the black community.”

17

From the perspective of Richmond’s city administrators and politicians, Chief Murphy possessed the proper courage when it came to “gutty issues” like firing officers guilty of misconduct. On the surface, this quality boded well for a future chief of San José. However, further investigation into one incident reveals Murphy’s heroism as little more than a lucky moment. In August of 1970, four plainclothes RPD officers, one a homicide investigator and the other three members of the vice squad, left a party to procure more liquor. On the way out, a former Hell’s Angel from Concord crossed their path. They began to harass the biker, who reacted and quickly found himself being held down on the pavement while the four pummeled him. “They were the aggressors and they admit it,” Murphy told the press about the incident. While the press reported in a headline that Murphy had actively “fired” one of the four, the body of the article revealed that the officer, twice charged with misconduct in just three years on the force, had

¹⁷ “Curfew Cools Richmond,” *San Francisco Examiner*, June 28, 1968,

resigned.¹⁸ Further, the officers had admitted their guilt. As Holstrom spoke with Ken Smith, his praise for Murphy's ability to discipline officers who warranted it would likely have sounded promising for a city like San José that many people of color argued had a problem with excessive force and discriminatory policing. However, admissions of guilt among officers accused of these practices were virtually non-existent in Santa Clara County.

Of the eight references Holstrom contacted, only Richmond Vice Mayor Nathaniel Bates was African American, though as an Alameda County Probation Officer and politician, it's likely that the primary thing he shared in common with the young black men angry in the streets was skin color. Bates agreed with Charles Brown that "Richmond is not easy to police." Bates agreed that Murphy was a man of integrity who was "responsive to minority communities" and did not hesitate to discipline officers who had broken the rules. Further, he affirmed that Murphy was respected by the African American community and never pushed back against city officials. In fewer words, Murphy followed the rules.

Some interviewees worried about Murphy's tendency to be overly defensive and his ability to remain strong under pressure. Nathaniel Bates noted that Murphy had reversed his position on a policy that sought to limit the use of firearms by RPD officers after coming under pressure early in his tenure as chief. In the aftermath of the shooting of Charles Mims and the riots that followed, two hundred African American residents confronted the Richmond City Council to demand greater control over officer discretion

¹⁸ "1 Cop Fired, 3 Suspended In Beating of Motorcyclist," *Oakland Tribune*, August 26, 1970, 17.

in the context of the use of force. In turn, the council ruled “that a policeman could fire a gun only to protect himself or another citizen.” Before the ruling, the officers had been bound only by California state law, which stipulated that “an officer may use his weapon to apprehend a person he has good reason to believe has committed a felony.” Public reaction began immediately. Within a week, the city council had altered the ruling to “allow a policeman to [...] shoot at a known felon if the officer [had] reason to believe the suspect [was] armed.” The following week, at a city council meeting relocated to the Civic Auditorium to make room for a mostly white crowd of 1500, four hours of hot debate convinced four city councilmembers and Chief Murphy to reverse their positions. With administrative restraints on officer discretion removed, Murphy and City Manager Ken Smith assured the public that RPD officers would act with “moderation and restraint.”¹⁹ Holstrom remarked in his interview notes that he was familiar with the issues facing the police in San José, but it is unclear if he understood the increasing power of the rank-and-file in city politics. If he had been familiar with the SJPOA, the episode might have given him pause.

Three of the police administrators that Holstrom spoke to worried about Murphy’s ability to work with Chief of Detectives Barton Collins. If San José hired Murphy, Collins would find himself snubbed in his second attempt to become chief by an outsider with substantially less clout in Bay Area law enforcement. Bruce Baker, Berkeley’s active Chief of Police at the time, warned Holstrom that Murphy was “sometimes resentful of internal opposition.” Fremont’s Chief John Fabbri, too, questioned Murphy’s

¹⁹ United Press International, “Richmond Rescinds Gun Rule,” *The Californian*, July 9, 1968, 1.

ability to handle Collins. Chief Charles Gain of Oakland, who had served on the oral board that initially interviewed Murphy, worried about his ability to “project his personality and his command presence.” Holstrom simply recommended that City Manager Thomas Fletcher reassess these concerns in his in-person interview with Murphy.

Throughout the search for the next chief of police, it was clear that the city’s expectations of policing had changed. No longer would city hall simply appoint a man who would carry-on the status quo. During the 1960s, communities of color and their liberal allies across the country sought to redefine the boundaries of citizenship by challenging the discretion exercised by police officers. No longer would an officer’s personal morality and conception of norms drive discriminatory policing unchallenged by those targeted despite having the same guarantees under the law. Many white liberals, too, offered their support for this position, arguing that the police were bound by the moral authority of the community, not the other way around. But police officers fought the efforts to reduce their personal authority.

In San José, rank-and-file officers interpreted these challenges to police discretion as attacks on their professional authority. Police advocates actively internalized developments in policing and shifts in the relationship between police and public to give meaning to policing that not only reinforced law enforcement as a career, but as political and professional identity. Thus, the rank-and-file were widely drawn into an ideological alliance with conservative supporters who demanded a return to law-and-order policing that would counter the push to expand the boundaries of citizenship. For Americans that pledged allegiance to some form of this worldview, the only moral authority that could

shape policing was that of the officer who wore the badge. Entering the 1970s, two competing visions dominated the conversation around the role and authority of the police in urban society. For the first time in the city's history, San José would have to take both into account when selecting the department's next chief.

In 2003, the San José Police Department published an institutional history that offered retrospective insight into the department's past. The following passage from a section memorializing slain officer Richard Huerta offers a precise example:

Richard Huerta was given the traditional police funeral. There was, however, no fund started to aid his widow and children. The citizens of San José were no more, no less generous than their predecessors were back in 1933 when John Buck died. But other things had changed with time. Huerta's death and its aftermath were representative of the shift, after World War II, from community effort to interest group action, and the police were an interest group; they look after their own. At the same time, other interest groups were hard at work attacking the image of the police. The collective effect was to dampen the impact that Huerta's death had on the community. Nevertheless, two memorials were dedicated to Richard's memory. In one instance, a city park was named after him, an act that reflected the public's concern. But the most significant memorial is the relatively simple plaque that marks Richard's favorite seat in the Briefing Room. It is reserved for him today just as it was when he was there 13 years ago.²⁰

The cultural milestones that emerged during the debates around policing in the sixties remain embedded as artifacts at the core of rank-and-file understanding of policing in San José today. As the literature on the history of policing and the rise of the carceral state grows, historians must further excavate these shifts in rank-and-file culture and identity. The ideological turn that took place among rank-and-file officers established an outlook that no longer sought to tie police and community together as parts of the same holistic

²⁰ This passage was likely borrowed from a 1983 commemorative publication; San José (Calif.) and Turner Publishing Co., *San José Police, 1849-2003: A History of Excellence* (Paducah: Turner Publishing Co, 2003.), 26.

system. Instead, officers came to believe that the world around them was saturated with threats from aggressors hellbent on destroying the American way of life. Such ideological buy-in made the first function of a carceral state, physical apprehension, conducive to the self-established metrics of professional policing. As arrests and convictions began to rise in the seventies, the rank-and-file would likely have interpreted such increased activity in the criminal justice system as evidence of efficient, professional policing. It is critical that scholars connect historical developments in the organizational culture of the rank-and-file to the feedback loops that help give rise to the carceral state. In other words, the physical apprehension of human beings to be processed by the criminal justice system was not only a systematic, institutional application of power, but a human one as well.²¹

²¹ Jonathan Simon, "Rise of the Carceral State" *Social Research* 74, no. 2 (2007): 471-508.

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