

BROWN BODIES AND POLICE KILLINGS: THE CASE OF JOSÉ CAMPOS TORRES, JR.  
AND ANTI-MEXICAN VIOLENCE IN TEXAS IN THE 1970s

A Thesis

by

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This thesis meets the standards for scope and quality of  
Texas A&M University-Corpus Christi and is hereby approved.

Sandrine Sanos, PhD  
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May 2020

## ABSTRACT

This thesis addresses the often-silenced history of violence perpetrated against Latinos for decades. This is not only about physical violence, but about the historical violence done to these victims. What does this mean? The history of these acts has been wiped from the historical record so as not to disrupt the larger story of Mexican Americans successfully integrating/assimilating into U.S. society. The goal for this study is to engage in an in-depth interrogation of the varied sources regarding the death of José Campos Torres in May, 1977 in Houston, Texas, the outcome of the state and federal trials that followed, and the Moody Park riot that erupted one year later in 1978. The José Campos Torres case is emblematic of how these victims disappear from historical memory and the official historical record of our nation and how they become members of the “forgotten dead.”

## DEDICATION

Dedicated in loving memory to my sister, Yvette Monica Guzmán. She left us too soon.

## ACKNOWLEDGEMENTS

I would like to thank my committee chair, Dr. Sandrine Sanos and committee member Dr. Claudia Rueda for their guidance and support throughout the course of this research. I would also like to thank Dr. Laura Muñoz who was initially a member of my committee, however she had to step down when she left TAMUCC to take a position at the University of Nebraska-Lincoln. Nevertheless, she generously continued in an advisory role as I continued my work on this project. My studies with these three remarkable women deeply influenced the direction of this study.

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## INTRODUCTION: Brown Bodies and Police Killings

From 2014 to 2016, the nation's attention focused upon the police killing of black men. Thirty-seven year old Alton Sterling of Baton Rouge, Louisiana and thirty-two year old Philando Castile of St. Paul, Minnesota, were gunned down by police officers within days of each other in July of 2016.<sup>1</sup> In a matter of hours videos of both shootings—showing white police officers killing unarmed black men— were broadcast across television and social media platforms here in the United States and abroad. Yet, unlike the protests that followed the deaths of Michael Brown in Ferguson, Missouri and Freddie Gray in Baltimore, Maryland, the protests that took place after the Sterling and Castile killings were, for the most part, peaceful. In stark contrast, Michael Brown's death sparked clashes between residents and a heavily armed and militarized Ferguson police force. These scenes played out for weeks on live television and social media across the United States and the world.

Yet, there is more to this story—for at the same time that police were killing young black men, the police also killed a number of Latinas/os. In the same period as the Sterling and Castile murders, police killed five Latina/os: Fermin Vincent Valenzuela, Vinson Ramos, Melissa Ventura, Anthony Nunez, Pedro Villanueva and Raul Saavedra-Vargas. Yet, none of these deaths were covered by the national media.<sup>2</sup> There were no protests, nor marches; no wall-to-wall news coverage; no presidential angst emanating from the White House. Who speaks for

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<sup>1</sup> Matt Fuber and Richard Perez-Pena, "President Calls Police Shootings 'American Issue,'" *New York Times*, July 8, 2016, National edition; Richard Fausset, "Alton Sterling Shooting in Baton Rouge Prompts Justice Dept. Investigation," *New York Times*, July 6, 2016, New York edition.

<sup>2</sup> "6 Latinos Killed by US Cops This Week-and Media Ignored it," July 9, 2016, <http://www.telesurtv.net/english/news/6-Latinos-Killed-by-US-Cops-This-Week-Media-Ignored-It-20160708-0024.html>.

these brown men and women? Why does the national conversation on police violence not include their deaths? Where is their “Ferguson moment”?

The lack of media attention to deaths of young Latinos is at the center of a July 2015 *New York Times* article in which the authors describe the death of forty-one year old Gilbert Flores of San Antonio, to illustrate how little attention is paid to the police involved killings of Latinos.<sup>3</sup> Mr. Flores was shot and killed after an encounter with two San Antonio police officers. The shooting, captured on video by a bystander, shows a shirtless Flores emerging from a house holding a knife. The video was shot from a considerable distance but still the viewer can see Flores raising his arms while the police simultaneously fire their weapons, killing him.<sup>4</sup> This video is equally as incendiary as the videos of the Sterling and Castile shootings, and yet the Flores case disappeared from the national discourse.

Within the Latina/o community, stories like Flores abound in the private memories of everyday residents who remember across the generations similar shootings such as the 1977 police murder of José “Joe” Campos Torres, Jr. in Houston, Texas. Torres was arrested around midnight May 5, 1977 on a drunk and disorderly charge at a bar located in Houston’s northeast side. Between the time he was arrested and then taken to jail, Torres suffered a beating so severe at the hands of six Houston Police officers (Terry Denson, Stephen Orlando, Lewis Kinney, Glenn Brinkmeyer, Carless Elliott, and Joseph James Janish) that the jail intake sergeant refused

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<sup>3</sup> Rick Rojas and Samantha Schmidt, “Latinos Seek More Public Scrutiny of Their Encounters with the Police,” *New York Times*, July 15, 2015, A12.

<sup>4</sup> Ibid.

to sign in Torres.<sup>5</sup> The arresting officers (Orlando and Elliot) were directed to take Torres for medical treatment; that was the last time he was seen alive. Three days later, May 8, 1977, José Campos Torres's body was found floating in the muddy waters of Buffalo Bayou. The trial that followed ended with the officers receiving what amounted to a slap on the wrist—a minimal fine and probation for the officers involved. The state trial was followed by a federal trial in which the officers were charged with civil rights violations. All were found guilty of a misdemeanor count and sentenced to one year in prison and five years probation. For Houston's Mexican American community, the appalling sentences left them angry and frustrated at the lack of accountability for the officers.

The death of José Campos Torres and all others that have taken place in the forty years since have barely registered on a national level despite the brutal nature of these crimes and this has been frustrating for the Latino community. I argue that the José Campos Torres case is emblematic of how these stories disappear from historical memory and the official historical record of our nation. Instead, what we have is a deafening silence. To understand the silence around these present-day incidents, it is necessary to explore how this violence began, how it became normalized, and how these victims became members of “the forgotten dead.”<sup>6</sup>

This thesis will address this disappearance by reconsidering the history of José Campos Torres's death and using his experience, alongside others, as lenses to explore the generational politics of Texas Mexicans who attempted to confront police brutality in the mid-twentieth

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<sup>5</sup>Mitchell P. Roth and Tom Kennedy, *Houston Blue: The Story of the Houston Police Department* (Denton: University of North Texas Press, 2012), 276-277.

<sup>6</sup>William Carrigan and Clive Webb. *Forgotten Dead: Mob Violence against Mexicans in the United States, 1848-1928* (Oxford: Oxford University Press, 2013) xiv. Carrigan and Webb examine mob violence against Mexicans in the United States arguing that historians have neglected this particular area of history.

century. In chapter one, this study begins by presenting a history of violent encounters between Mexican Americans and Anglos dating back to the time of the Texas Republic. It is an attempt to build a history of policing and police killing from the Texas Rangers in the nineteenth century to modern-day, urban police departments. Chapter two begins with a micro-history of the José Campos Torres case that examines the circumstances surrounding his death and placing it within the context of similar police related murders in Texas during this period. In addition to the Torres murder there was the murder in 1973 of twelve-year old Santos Rodriguez who was shot while handcuffed in the back seat of a Dallas patrol unit.<sup>7</sup> And, in September 1975 twenty-seven year old Ricardo Morales was shot-gunned to death by Castroville City Marshal Frank Hayes who arrested Morales on suspicion of theft.<sup>8</sup> In each case, the victim was in police custody when murdered and the trials for each defendant ended with punishment that can only be described as insufficient in relation to the crime. This chapter will also provide an analysis of the role played by coalition politics in bringing the Torres case to a speedy trial on both the state and federal level. This coalition included mainstream groups League of United Latin American Citizens (LULAC) and American G.I. Forum (AGIF) working alongside grass roots groups such as Barrios Unidos and People United to Fight Police Brutality (PUFPB).<sup>9</sup> The latter was organized and initiated by the Revolutionary Communist Party and for this group what took place at

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<sup>7</sup> Brian D. Behnken, *Fighting Their Own Battles: Mexican Americans, African Americans, and The Struggle for Civil Rights in Texas* (Chapel Hill: The University of North Carolina Press, 2011),174.

<sup>8</sup>“Marshal held in murder,” *The Victoria Advocate*, September 17, 1975, <https://newspapers.com/image/437048476>. After the state trial Hayes was charged with violating Morales’s civil rights where he was found guilty and sentenced to life in prison.

<sup>9</sup> Arnolde De León, *Ethnicity in the Sunbelt: Mexican Americans in Houston* (College Station: Texas A&M University Press, 2001), 210.

Moody Park after the failed state trial was not a riot, but a rebellion.<sup>10</sup> This brings in the third element, explored in this chapter, and that is the underlying factors that contributed to the Moody Park incident, the actors involved, and the federal trial that followed as well as its outcome.

### **Building a Historiographical Framework for Torres**

The Torres murder occurred at a time when American society was attempting to shake off the after-effects of a long period of political and social strife. The 1960s and early 1970s were the years of the civil rights movement and the deepening involvement of American forces in Vietnam. The late 1960s were rocked by anti-war demonstrations, riots in the black ghettos (1967), and the assassination of Dr. Martin Luther King, Jr. (1968). His death was followed later that year by that of Senator Robert F. Kennedy.<sup>11</sup> It was also a period that saw the emergence of the Black Panther Party as well as the rise of the Chicano Movement that took a more militant stance towards addressing issues such as police abuse and educational inequality among other issues. The political and social upheavals roiling the country were reflected in public opinion polls conducted in 1972 by the Survey Research Center at the University of Michigan that revealed “widespread, basic discontent and political alienation.”<sup>12</sup> The end of the Vietnam War in 1975 seemed to signal an end to the on-going political strife. However, the Torres murder at the hands of police was a reminder that the struggle for civil rights, specifically, the struggle against police brutality was not over.

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<sup>10</sup> “Echoes of the Moody Park Rebellion,” speech given by Travis Morales, June 7, 1998, Moody Park Riot Papers MSS.0103, Mexican American Collection, Houston Metropolitan Research Center, Houston Public Library.

<sup>11</sup> Howard Zinn, *A People’s History of the United States* (Harper Perennial Modern Classics, 2005), 460-462.

<sup>12</sup> Zinn, *A People’s History*, 542.

The narrative surrounding police brutality has largely focused on African American victims and is deeply rooted in this country's original sin of enslavement of and racism against African Americans. The structure that shapes this narrative is known as the Black-White binary. This paradigm considers black-white relations as central to any racial analysis wherein "race" is defined as "African American" and all other nonblack groups can only be considered as minority so long as their experience correlates to that of African Americans.<sup>13</sup> The power of this paradigm in scholarly research has produced an unintended consequence: a world view that ignores the stories of other non-white groups, particularly Latinos/as, from the discourse about police violence.

Juan F. Perea, a law professor and one of the leading Latino scholars in Critical Race Theory, has written about the black/white paradigm and its centrality in any discussion of race. He argues that the paradigm though "widely held is rarely recognized for what it is and what it does."<sup>14</sup> Perea's analysis of the legal literature of Civil Rights history reveals the extent to which the Black/White binary paradigm has shaped and influenced racial discourse. In his essay, "The Black/White Binary Paradigm of Race: The "Normal Science" of American Racial Thought," he explores the impact of this paradigm and how it has shaped our understanding of race and racism, as well as how it has excluded other non-white groups, especially Latinos. The effect, Perea explains, is that "race scholarship both inside and outside of law is dominated by a binary

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<sup>13</sup> Richard Delgado and Jean Stefancic. *Critical Race Theory: An Introduction*. 2<sup>nd</sup> ed. Forward by Angela Harris (New York: New York University Press, 2012), 75, 157.

<sup>14</sup> Juan F. Perea, "The Black/White Binary Paradigm of Race: The "Normal Science" of American Racial Thought," *California Law Review* 85, no. 5, LatCrit: Latinas/os and the Law: A Joint Symposium by "California Law Review" and "La Raza Law Journal," (Oct., 1997): 1213-1258, <http://www.jstor.org/stable/3481059>.

paradigm of race” leading to a distortion not only in legal texts, but also in history and social science texts as well.<sup>15</sup>

The specific historical distortion that Perea exposes pertains to Mexican American legal history and how the black/white paradigm has marginalized its importance within the larger civil rights story. Perea explains that the legal struggles of the Civil Rights Movements have been presented as a linear story centered on the experiences of African Americans, and omitting the stories of other non-white Americans, specifically Mexican Americans. His analysis of three key anti-segregation cases, *Lopez v. Seccombe* (1944), *Mendez v. Westminster* (1947), and *Hernandez v. Texas* (1954) reveals the important role that these cases played in weakening the “separate but equal principle” set down in *Plessy v. Ferguson* (1896). In each case, plaintiffs argued that segregation of schools, public facilities or the systematic exclusion of Mexican Americans from serving on juries (the argument in *Hernandez*) breached the integrity of the Equal Protection Clause under the Fourteenth Amendment.<sup>16</sup>

The *Mendez* case in particular established the predicate for the decision reached in *Brown*. The presiding judge in this case, District Judge Paul McCormick, concluded that California’s segregation of Mexican American children violated the Equal Protection Clause.<sup>17</sup> Judge McCormick went even further in his decision in explaining that the equal protection clause did not only apply to facilities, but also to social equality to which end he observed that “a

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<sup>15</sup> Perea, “The Black//White Binary Paradigm of Race,” 1218-1219, 1240.

<sup>16</sup> Juan F. Perea, “The Black/White Binary Paradigm of Race,” 1244; Richard Delgado, Juan F. Perea and Jean Stefancic, *Latinos and the Law: Cases and Materials*, American Case Book Series (St. Paul Minn: Thomson/West, 2008), 45.

<sup>17</sup> Perea, “The Black/White Binary Paradigm,” 1244.

paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association regardless of lineage.”<sup>18</sup>

The case of *Hernandez v. Texas*, which preceded the *Brown v. Board of Education* decision by a few weeks, tackled the equal protection question in a manner that illustrates how entrenched the black/white binary was within the U.S. legal system. As Latino Critical Race (LatCrit) theorist Ian Haney Lopez argues, *Hernandez* presented a paradox: the case arose from patterns of discrimination easily recognized “as manifestations of racial animosity” against a group not thought of as a racial minority.<sup>19</sup> The court did not decide the case on the grounds of racial discrimination because it did not (nor had it done so in previous cases) recognize Mexican Americans as a distinct racial class. Instead, the court relied on “other differences” from community standard.<sup>20</sup> In other words, were the practices and beliefs in a particular community so egregious as to be recognized as racial discrimination? Thus, the Supreme Court ruling expanded the equal protection clause without expanding existing beliefs regarding race.

These cases, viewed alongside African American cases, add to and complete the narrative of the Civil Rights movement. They highlight the importance of the Mexican American struggle in this process and are direct evidence for why they should be included in the larger Civil Rights narrative. This conclusion is further bolstered through Perea’s analysis of Stone, Seidman, Sunstein & Tushnet’s text, *Constitutional Law*. Again, Perea’s evaluation of this text underscores

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<sup>18</sup> Perea, “The Black/White Binary Paradigm,” 1244.

<sup>19</sup> Ian F. Haney López, “Race, Ethnicity, Erasure: The Saliency of Race to LatCrit Theory,” *California Law Review* 85, no. 5, LatCrit: Latinas/os and the Law: A Joint Symposium by “California Law Review” and “La Raza Law Journal” (Oct., 1997): 1158, <http://www.jstor.org>.

<sup>20</sup> López, “Race, Ethnicity, Erasure,” 1159-1160.

the need to discard the Black/White binary paradigm in the discussion of Civil Rights case law, specifically as it relates to the school desegregation struggle. The narrative presented in Stone et al regarding the *Brown* decision presents it as a culmination of years of court battles focused on the black struggle. Perea's review exposes what he describes as a "numbing truncation of history"<sup>21</sup> that not only ignores, but also erases the long history of Mexican American Civil Rights struggles throughout the Southwest.

The history of violence provides another area ripe for discussion into the persistence of the Black/White binary. Violence is a core characteristic in U.S. race relations, but it has centered exclusively upon two racial groups: Whites and Blacks. Here again the power and endurance of the binary is evident in that, until recently, all studies on violence have either barely mentioned or entirely omitted other non-white groups thus diminishing "their history and struggle for equality."<sup>22</sup> However, recent scholarship has emerged that directly addresses violence against Mexicans, Mexican Americans and other non-black groups, beginning to undo this absence.

Professor of Law Richard Delgado who, like Perea, is a leading critical race theorist, speaks to this omission in his 2009 article, "The Law of the Noose: A History of Latino Lynching." While Delgado recognizes the historical connection of the noose with African Americans, he also asks "to whom else would a noose carry the same meaning? For better or

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<sup>21</sup> Perea, "The Black/White Binary Paradigm," 1242.

<sup>22</sup> Camilo M. Ortiz, "Latinos Nowhere in Sight: Erased by Racism, Nativism, the Black-White Binary, and Authoritarianism," *Rutgers Race and the Law Review* 13, no. 2 (2012): 33, ProQuest Central.

worse, blacks own the symbol and its malevolent history.”<sup>23</sup> The noose thus participates in the solidification of the Black/White binary and its influence over narratives of violence. Yet, Latinos were also lynched and in larger numbers than is currently understood. Citing the emerging research on lynching, Delgado points to the large number of Mexican Americans who were lynched in the Southwest. Given this evidence, he asks “Why do so few know about the lynching of Latinos?”<sup>24</sup> For him, one reason for the fact that “Latino lynchings are a relatively unknown chapter in United States history,” can be found in “a worldwide pattern of shaping discourse so as to avoid embarrassment of the dominant group.”<sup>25</sup> Complicating this issue further is the fact that few U.S. historians have dealt with this topic with many ascribing anti-Latino/a violence to “simple racial prejudice, protection of turf, and Yankee nationalism left over from the Mexican War.”<sup>26</sup>

Historians William D. Carrigan and Clive Webb address violence against Latinos in their book *Forgotten Dead: Mob Violence against Mexicans in the United States, 1848-1928*. Here the authors explain that current research about lynching has (and is) focused on African American victims, which has resulted in the erasing of Mexican Americans victims (and other non-white victims) of mob violence who were killed in roughly the same numbers as African Americans.<sup>27</sup>

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<sup>23</sup> Richard Delgado, “The Law of the Noose: A History of Latino Lynching,” *Harvard Civil Rights-Civil Liberties Law Review* 44 (2009): 298, U. of Alabama Legal Studies Research Paper No. 243352, <http://ssrn.com/abstract=2533521>.

<sup>24</sup> Ibid.

<sup>25</sup> Delgado, 303

<sup>26</sup> Ibid.

<sup>27</sup> William D. Carrigan and Clive Webb. *Forgotten Dead: Mob Violence against Mexicans in the United States, 1848-1928* (Oxford: Oxford University Press, 2013).

Their study is the culmination of fifteen years of research that relied on a wide range of sources from newspaper accounts, governmental records, county records, diplomatic sources and oral testimony. Unlike other lynching studies, the authors argue that traditional sources, notably the records of the NAACP and the clipping files at the Tuskegee Institute, were problematic because of their narrowness. While the authors do not explicitly remark on the Black/White binary as a factor for this, their reasoning reflects how ingrained the binary is with respect to this topic. In their analysis of archival sources, Carrigan and Webb found that these organizations categorized victims into two racial categories – black and white.<sup>28</sup> This effectively lumped not only Mexicans but also Native Americans, and Chinese Americans in the category “white” regardless of the fact that these groups were not seen as “white” by Anglos. The authors cite a report from the Tuskegee Institute on the lynching of thirty-six people by Anglo mobs between 1882 and 1968. The report identifies thirty-three of the victims as “white” with the remaining three listed as “black.” However, in their analysis of the report, the authors discovered that nine of the victims were, in fact, Mexican and one was Native American. This pattern of “ethnic misidentification is prevalent throughout the data on the western states,” leading Carrigan and Webb to conduct a more direct investigation of archival sources where they focus on surnames in order to identify “potential” Mexican victims.<sup>29</sup> They then track the victims through newspaper accounts and other sources such as photographic images and oral histories. Using this methodology, the authors uncover 547 ethnic Mexican victims of mob violence. They concede that there are

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<sup>28</sup> Carrigan and Webb, *Forgotten Dead*, 12-13.

<sup>29</sup> Carrigan and Webb, *Forgotten Dead*, 13.

possibly thousands more victims unaccounted for though, at this stage; they say these numbers are based on anecdotal evidence.<sup>30</sup>

Ethnic misidentification was not the only factor in the absence of Mexicans from studies of lynching. Chronology was a secondary factor. The authors point to the fact that nearly all studies of African American lynching are set within the same time frame – the end of Reconstruction to the Second World War.<sup>31</sup> They explain that this periodization is problematic for any analysis of the lynching of Mexicans because evidence reveals that mob violence against Mexicans began as early as the 1850s, shortly after the signing of the Treaty of Guadalupe Hidalgo that ended the war between Mexico and the United States. Carrigan and Webb point to three distinct lynching periods; the 1850s, 1870s, and 1910s. This chronology does not align well with that of African American lynching in the Jim Crow era. Furthermore, given that the bulk of the studies are focused on African Americans and located primarily in the southern states, it is no surprise that Mexican victims have traditionally been overlooked.

The lack of research into mob violence and the lynching of Mexicans partially explains the absence of these victims and their stories from the broader discourse in Mexican American studies. It is only within the last five years that Chicano/Tejano historians have begun to publish and disseminate these histories such as Monica Muñoz Martinez’s prize-winning book, *The Injustice Never Leaves You* and the collaborative public history project, “Refusing to Forget,” led

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<sup>30</sup>Carrigan and Webb, *Forgotten Dead*, 5.

<sup>31</sup>Carrigan and Webb, *Forgotten Dead*, 20.

by Martinez and four other Southwestern historians.<sup>32</sup> A secondary factor at play is the fact that Mexican American historiography has focused on the civil rights movement work of groups such as LULAC, AGIF, and the Mexican American Youth Organization (MAYO).<sup>33</sup> And yet tensions between police and Mexican American communities has a long history in the United States.

The literature on anti-Mexican violence has come primarily from the social sciences. Current studies focus more on data collection, the impact of racial profiling, or police professionalism. They do not address the historical basis for these tensions. Historian Edward J. Escobar addresses the general lack of historical research into relations between police and minority communities, explaining that the existing scholarship first emerged during the 1960s a time marked by violent confrontations between communities of color and police.<sup>34</sup> What did emerge in the aftermath of these conflicts were a series of governmental reports and studies regarding the relationship between police departments and communities of color. One such report submitted by the National Advisory Committee on Civil Disorders laid the blame for the tensions between police and minority communities on “abrasive police practices.”<sup>35</sup> Escobar points out that these reports and studies lacked any significant historical analysis, yet nonetheless became the “standard and accepted interpretation of police-minority community relations

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<sup>32</sup> Monica Muñoz Martinez, *The Injustice Never Leaves You: Anti-Mexican Violence in Texas* (Cambridge: Harvard University Press, 2018); “Refusing to Forget Project,” <https://refusingtoforget.org/>.

<sup>33</sup> MAYO eventually disbanded in Texas and reformed as the Chicano political party La Raza Unida.

<sup>34</sup> 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). 4.

<sup>35</sup> Escobar, *Race, Police, and The Making of a Political Identity*, 6.

throughout the rest of the century.”<sup>36</sup> However, he argues that these studies failed to address the nature and cause for the antagonism between police and these communities.<sup>37</sup> Escobar’s own examination of police/minority relations in Los Angeles during the years 1900-1945 lays out the historical framework for how relations between the two groups became adversarial. His is the first attempt at filling in this blank space in the scholarship.

Eduardo Obregón Pagán’s study, *Murder at the Sleepy Lagoon*, engages in the type of historical analysis that Escobar argues is necessary for understanding the basis for the adversarial relationship between communities of color and the police.<sup>38</sup> Here, Pagán explores the circumstances surrounding the murder of a young Mexican American youth, José Diaz, in 1942 and the Zoot Suit Riots in Los Angeles, California that took place the following year. Pagán offers a comprehensive analysis that refutes the prevailing belief that the convictions and ensuing riots were merely the result of anti-Mexican sentiment. Instead, he shifts the origins of the trial and riot away from a monocausal explanation (anti-Mexican sentiment) “to a multivalent theory that looks at competing social tensions.”<sup>39</sup> In other words, the riots were not simply due to racial animus on the part of the police but, rather a confluence of multiple issues that include “demographic pressures, city planning, racism, segregation, and incipient, street-level insurgency against [...] ‘the master narrative of white supremacy.’”<sup>40</sup> Pagán’s study moves the story of

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<sup>36</sup> Escobar, *Race, Police, and The Making of a Political Identity*, 4.

<sup>37</sup> *Ibid.*

<sup>38</sup> Eduardo Obregón Pagán. *Murder at the Sleep Lagoon: Zoot Suits, Race & Riot in Wartime L.A.* (Chapel Hill: University of North Carolina Press, 2003).

<sup>39</sup> Pagán, *Murder at the Sleepy Lagoon*, 10.

<sup>40</sup> *Ibid.*

Sleepy Lagoon beyond tensions between Mexican American youth and police to a broader discussion that looks at tensions between Mexican and Anglo communities and amongst themselves.

While Escobar and Pagán center their studies in Los Angeles during the first half of the twentieth century, little historical scholarship has been devoted to the long history of adversarial relations between police and minority communities in Texas. Given the corruption and abuse of power by the Houston Police Department (HPD), it is surprising that there has been so very little written. The first mention of the Torres case occurs in 2001 by historian Arnoldo De León. His study of Houston's Mexican American community, entitled *Ethnicity in the Sunbelt: Mexican Americans in Houston*, provides a brief discussion of the Torres case and places the case within a broader discussion about a period of "moderation and inclusion" that began in 1975.<sup>41</sup> De León argues that, by the mid-1970s, Houston's Mexican American community had tired of the controversies regarding the desegregation of schools and the workplace. Consensus politics was viewed as the best route for creating change for Houston's Mexican Americans. The Torres murder in 1977 reignited long held resentments by the Mexican American community regarding police abuse of power that threatened to stall the progress many community leaders believed had been made. The Torres case also exposed the rift between Houston's middle class Mexican Americans and "la gente pobre" (the poor and working class).<sup>42</sup> Ultimately, De León views the resolution of the Torres case and the trial of those involved in the riot as a triumph for the

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<sup>41</sup> Arnoldo De León, *Ethnicity in the Sunbelt: Mexican Americans in Houston* (College Station: Texas A&M University Press, 2001), Chapter XI.

<sup>42</sup> De León, *Ethnicity in the Sunbelt*, 209-211.

middle class organizations and their traditional ways.<sup>43</sup> Thomas H. Kreneck's study of Houston's Hispanic community also addresses the Torres case and the Moody Park riot, but only briefly.<sup>44</sup> While he touches on the brutality of the HPD and the socio-economic issues that plagued the Northside community, he does not offer any analysis into how these factors played into these event. The Torres case remains an anecdote in the narrative.

Two works written within the last ten years examine the Houston Police department, but these are institutional histories of race relations. Only historian Dwight Watson's *Race and the Houston Police Department, 1930-1990: A Change Did Come*, discusses the Torres case at length.<sup>45</sup> Watson, a former probation officer and now historian, explores the racial tensions between Houston's communities of color and the Police Department. His discussion of the Torres case demonstrates that it provided the impetus for instituting structural change on the department: the first of these was the creation of an Internal Affairs Division to investigate charges of police abuse.<sup>46</sup> Watson also attributes the culmination of a breakdown in "the good old boys' network, pressure from hostile state officials, angry minority constituents, and the nervous ruling elite," as additional contributing factors.<sup>47</sup> His analysis does not address the social tensions at play during the time of the Torres case nor how these tensions affected the trial, its outcome, and the riot that took place the following year in 1978. The origins for these tensions

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<sup>43</sup> De León, *Ethnicity in the Sunbelt*, 213.

<sup>44</sup> Thomas H. Kreneck, *Del Pueblo: A History of Houston's Hispanic Community* (College Station: Texas A&M University Press, 2012), 104-107.

<sup>45</sup> Dwight Watson, *Race and the Houston Police Department, 1930-1990: A Change Did Come* (College Station: Texas A&M University Press, 2005).

<sup>46</sup> Watson, *Race and the Houston Police*, 114.

<sup>47</sup> Watson, *Race and the Houston Police*, 128.

can be found in the long history of underfunding and understaffing of Houston's police department and chronic and persistent poverty, unemployment and low school graduation rates that persisted among a large portion of the Mexican American community.<sup>48</sup> The Torres case also is briefly mentioned in two lines of Brian D. Behnken's study *Fighting Their Own Battles: Mexican Americans, African Americans and the Struggle for Civil Rights in Texas*. It takes place within the broader discussion of the murder in 1970 of twenty-one year old Carl Hampton, a leader of Houston's Black Panther Party.<sup>49</sup> Hampton was shot by plain-clothes, off-duty police officers after a ten-day siege. His death briefly brought together African-Americans and Mexican Americans in their calls for reform of Houston's Police department. The Torres case, which took place in 1977, serves as an anecdote to the bigger story of structural change and reform within department.<sup>50</sup>

### **Theoretical Framework**

One underlying theme of this thesis is to examine generational and organizational rifts in Houston's Mexican American community in order to explore the historical silence around the Torres murder. To excavate how this process of marginalization and silencing occurred the research for this study turns to Critical Race Theory (CRT), specifically, "interest convergence", which is one of the analytical tenets of CRT. "Interest convergence" was a framework advanced

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<sup>48</sup> David G. McComb, *Houston: The Bayou City* (Austin: The University of Texas Press, 1969), 214-217; Guadalupe San Miguel, Jr., *Brown, Not White: School Integration and the Chicano Movement in Houston* (College Station: Texas A&M University Press, 2001), 13-17.

<sup>49</sup> Brian D. Behnken, *Fighting Their Own Battles: Mexican Americans, African Americans, and the Struggle for Civil Rights in Texas* (Chapel Hill: The University of North Carolina Press, 2011), 163-165.

<sup>50</sup> Ibid.

by legal scholar Derrick Bell and holds that concerns bigger than moral considerations drive political and judicial decisions.<sup>51</sup> “Interest convergence” provides one avenue of analysis that explains how coalitions formed in the aftermath of Torres’s death and how/why they ruptured after the Moody Park riot. A preliminary reading of secondary sources that focus on Houston (and these are few) illustrates how the city’s Mexican American community leaders often times aligned their efforts with those of the dominant Anglo leadership as a way to move their own agenda forward.

Histories of Houston’s Mexican American community are generally focused on the role played by LULAC leaders in integrating the community within Houston’s social fabric, especially its business sphere. The Mexican American middle-class was not especially interested in working for racial equality. This is in line with the position taken by the national leaders of LULAC who believed that civil rights issues were “black issues” and “LULAC leaders continued to insist that Mexican Americans were not a racial minority.”<sup>52</sup> This was the position taken by LULAC in an article published in 1932 where the author asserted that “Mexican Americans were ‘not only part and parcel but as well the sum and substance of the white race.’”<sup>53</sup> Thus, many within this group believed obstacles to equal opportunity such as discrimination and segregation, were based on the idea “that some unfortunate mistake had been

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<sup>51</sup> Richard Delgado and Jean Stefancic, *Critical Race Theory: An Introduction*, 2<sup>nd</sup> ed. (New York: New York University Press, 2012), 22-23.

<sup>52</sup> Craig A. Kaplowitz, *LULAC, Mexican Americans, and National Policy* (College Station: Texas A&M University Press, 2005), 8.

<sup>53</sup> Neil Foley, “Becoming Hispanic: Mexican Americans and the Faustian Pact with Whiteness,” in *Reflexiones: New Directions in Mexican American Studies*, Neil Foley, ed. (Austin: CMAS Books, 1997), 54.

made in regarding persons of Mexican descent as non-white.”<sup>54</sup> Neil Foley addresses this issue in his essay “Becoming Hispanic: Mexican Americans and the Faustian Pact with Whiteness” where he points to the long history of Mexican Americans turning their backs on opportunities to work with African Americans and their struggle for civil rights.<sup>55</sup> This is important to note because during the Torres case, it was left wing groups such as MAYO who argued that Torres’s death was due to the actions of racist cops.

The Mexican American community in Houston was experiencing change at the same rapid pace as the city itself. At the time of Torres’s murder, Houston’s Mexican American community was in the midst of an ideological transformation. The 1950s were a time when Mexican Americans strong identification with Mexico was waning and by the 1960s this connection was completely swept away as evidenced by the English (or Anglicized) first names given to their children. Club names were given their English equivalent and English was becoming the dominant language.<sup>56</sup> Mexican Americans were also becoming increasingly active in local and state politics. In San Antonio Henry B. González was elected to the City Council in 1953 and in 1961 was elected to the U.S. Congress. Edward Roybal of Los Angeles was elected to the city council in 1949 and to the U.S. Congress in 1962.<sup>57</sup> The 1960 presidential election also saw the mobilization of Mexican Americans as part of the Viva Kennedy campaign with

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<sup>54</sup> Foley, “Becoming Hispanic,” 54.

<sup>55</sup> Ibid.

<sup>56</sup> De León, *Ethnicity in the Sunbelt*, 163.

<sup>57</sup> Foley, *Mexicans in the Making of America*, 160.

Viva Kennedy clubs emerging nationwide.<sup>58</sup> Participation in the political process was how Mexican Americans integrated/assimilated into American society.

In keeping with this process of Americanization, many Mexican Americans also held onto their beliefs regarding racial segregation. Historian Lilia Fernández discusses these beliefs in her study of minority communities in post-war Chicago. She explains that Mexican Americans took on, as part of the process of Americanization, anti-black racism as a way to improve their social standing among whites.<sup>59</sup> Felix Tijerina, a successful entrepreneur and president of Houston's LULAC Council #60, is an example of this persistent belief and practice. Tijerina's thinking was emblematic of many Mexican Americans; they saw no connection between the civil rights battles of Mexican Americans and African Americans.<sup>60</sup> In the 1960's when African American civil rights groups pushed for boycotts of White-owned businesses, Tijerina counseled against such action arguing that it was counterproductive. Tijerina's own restaurant's refused service to blacks, though he changed that policy after the passage of the Civil Rights Act in 1965.<sup>61</sup> Tijerina's thinking reflected changes that were taking place in Texas. In Houston, Mexican Americans were beginning to make inroads in business and their continued work toward better schools for their children was getting results, but there was a downside to this

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<sup>58</sup> Ignacio M. García, *Viva Kennedy: Mexican Americans in Search of Camelot* (College Station: Texas A&M University Press, 2000), 5.

<sup>59</sup> Lilia Fernández, *Brown in the Windy City: Mexicans and Puerto Ricans in Postwar Chicago* (Chicago: The University of Chicago Press, 2012), 221.

<sup>60</sup> De León, *Ethnicity in the Sunbelt*, 64.

<sup>61</sup> De León, *Ethnicity in the Sunbelt*, 164-165; Thomas H. Kreneck, *Mexican American Odyssey: Felix Tijerina, Entrepreneur and Civic Leader, 1905-1965* (College Station: Texas A&M University Press, 2001), 310.

success. With greater economic success, class divisions became more prominent within the community with downward pressure impacting the working poor within this group.

By the late 1960s and early 1970s, young activists frustrated with the moderate, accommodationist approach of their elders began agitating for more direct action to force change.<sup>62</sup> In 1968 MAYO and Raza Unida Party (RUP) emerged as part of the broader Chicano movement that was making waves during this time.<sup>63</sup> They took aim at Houston's middle class Mexican Americans accusing them of ignoring the problems of the disadvantaged in their community. This was most noticeable during the school integration battles that took place in Houston in the early 1970s.<sup>64</sup>

Another concern of these groups was the impact of the Vietnam War on Mexican American youth and their solidarity with other groups, such as the Black Panthers, in protesting the war. The effects of the Vietnam War on Mexican Americans differed from those of the Second World War generation as is revealed in historian Lorena Oropeza's *¡Raza Si! Guerra No!: Chicano Protest and Patriotism during the Viet Nam War Era*. Oropeza shows that Chicano protests against the war were a rejection of a "venerable Mexican American civil rights tradition that had emphasized ethnic-group patriotism, especially as manifested through military service, in the hopes of obtaining first-class citizenship."<sup>65</sup> Furthermore, Chicano anti-war activists were often-times aligned with black power activists. In conservative Houston, this alliance would

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<sup>62</sup> Lorena Oropeza, *¡Raza Si! Guerra No!: Chicano Protest and Patriotism during the Viet Nam War Era* (Berkeley: University of California Press, 2005). 57-58.

<sup>63</sup> Foley, *Mexicans in the Making of America*, 171.

<sup>64</sup> San Miguel Jr. *Brown, not White*, 56-65.

<sup>65</sup> Oropeza, *Raza Si! Guerra No!*, 5-7.

have caused significant problems for LULAC and AGIF members, many of who were military veterans. De León's study of Houston's Mexican American community discusses the military service and patriotism of those whom served during World War II, but there is virtually no mention of those who served during Vietnam. One explanation for this omission is that Vietnam was a political and military failure for the United States and by extension for those who served.

Torres's story, for example, is further complicated by his military service during the Vietnam era and the unfortunate nature of his discharge for alcohol related issues, muddies any portrayal of him as a "heroic" figure.<sup>66</sup> Thus, his death also could be viewed as just another casualty of that war. Torres's "general discharge" status, along with the stories of his drinking problem and general aimlessness, does not fit the post- Second World War narrative that was essential to the Mexican American assimilation and may explain, to some degree, why the voices of his immediate family are missing from the larger arc of this history.<sup>67</sup> His story was filtered through the lens of successful Mexican Americans leaders thereby preserving the narrative of successful integration into American society.

The 1970s were marked by periods of digression and convergence between mainstream Mexican American organizations (LULAC, AGIF) and left-wing, militant groups like MAYO and RUP. Unlike South Texas where radical Chicano movement groups took over, Houston's Mexican American community moved towards the middle class and consensus. MAYO and RUP's influence was primarily with the working classes who also tended to have less political influence. Another factor mitigating the influence of militant Chicano groups was the fact that

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<sup>66</sup> *Del Rio News Herald*, "Jury Can't Be Told Torres' Violent Past," October 2, 1977, <https://www.newspapers.com/image/13765488>.

<sup>67</sup> Joe Nolan and Raul Reyes, "Torres: Friends say he had his dreams—his drawbacks," *Houston Chronicle*, May 15, 1977, , <https://houstonchronicle.com/local/torres>.

overall, Houston's Mexican American community had grown tired of the endless protests and demonstrations, such as the huelga protests that took place in the early 1970s.<sup>68</sup> Furthermore, any gains made in school desegregation or employment practices had been won through the courts not in the streets. This climate of political moderation was challenged by the circumstances surrounding the death of José Campos Torres and the subsequent trials and unfavorable verdicts.

The Torres murder brought to light long-standing resentments within the community regarding HPD tactics. His death became a rallying point for the diverse factions within the community with LULAC and American GI Forum pursuing the mainstream route of working for change within the police department as well as working through the legal system. However, this strategy did not sit well with the younger members and so they took to the streets to protest and demand change. MAYO, RUP and the newly formed Barrios Unidos marched on behalf of “la gente pobre,” in protesting HPD tactics.<sup>69</sup> The Torres case had the potential to derail and delegitimize completely the politics of moderation/accommodation that had prevailed to this point. What is important to note about Torres's death and the riot that took place a year later is that it was the establishment groups, LULAC and AGIF that prevailed and they succeeded in marginalizing the more militant groups. They did so by straddling a fine line between laying blame for Torres's death and the riot on the part of the police, while also blaming radical elements within militant groups for “inciting the kids and the boozed-up folks at the park.”<sup>70</sup> From the perspective of Houston's conservative Mexican American leaders, this type of

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<sup>68</sup> Guadalupe San Miguel, Jr., *Brown, Not White: School Integration and the Chicano Movement in Houston*, (College Station: Texas A&M University Press, 2001), Chapter 6.

<sup>69</sup> Kreneck, *Del Pueblo*, 104-105.

<sup>70</sup> De León, *Ethnicity in the Sunbelt*, 212-213,

positioning was in their best interests both politically and economically because it would help advance their overall agenda.

The silencing of individuals or groups from history is not uncommon. This has certainly been the case with the histories of colonized peoples and women/women of color. Historian Maylei Blackwell addresses this issue in *Chicana Power! Contested Histories of Feminism in the Chicano Movement*.<sup>71</sup> Her study of Chicana feminists in the 1970s recovers their history and integrates it alongside that of Chicano and feminist historiography. Blackwell employs the Foucauldian concept of genealogy as a way to excavate and understand how Chicana feminism was omitted from Chicano and women's movement history.<sup>72</sup> Foucault's concept of genealogy focuses on discontinuities (intervals or gaps) in elements and events that are "without history" and that do not follow a linear development.<sup>73</sup> For Blackwell this means searching outside the traditional archive of Chicano movement history and its dominant narrative to explore the ways Chicana feminists engaged in "knowing and telling."<sup>74</sup> To this end, Blackwell turns to oral histories and Chicana print culture to create an alternative archive of knowledge, one that Blackwell uses to develop a counter-narrative and history or what she calls a "retrofitted

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<sup>71</sup> Maylei Blackwell. *Chicana Power: Contested Histories of Feminism in the Chicano Movement*. (Austin: University of Texas Press, 2011).

<sup>72</sup> Blackwell, *Chicana Power*, 11.

<sup>73</sup> Michel Foucault, "Nietzsche, Genealogy, History," in *Language, Counter-Memory, Practice*, ed., trans. by Donald F. Bouchard (Ithaca, New York: Cornell University Press, 1977), 139-140.

<sup>74</sup> Blackwell, *Chicana Power*, 9-11.

memory.”<sup>75</sup> This process gives her the space to demonstrate that Chicana feminists were active agents in the movement and not just extensions of their male counterparts.

Blackwell’s use of genealogy follows in the path of Emma Pérez. For Pérez, genealogy is important for unearthing alternate modes of knowledge production. She argues that “for historians, revitalizing Foucault’s idea of archaeology, the precursor to his genealogical method, can help us examine where in discourse the gaps, the interstitial moments of history, reappear to be seen or heard as that third space.”<sup>76</sup> In other words, archaeology asks that historians explore outside the borders of the dominant narrative of an archive and look for discourses that have been neglected or ignored. Foucault’s concept of archaeology is centered on the idea that the archive is more than just a collection of documents, texts, and ephemera. It is a function of how it is organized, who controls access to it, and the kinds of discourse that dictate its narrative.<sup>77</sup> With this understanding the historian’s task then is to interrogate the known archive in order to unearth the excluded discourse and reintroduce it into the historical record.

Blackwell and Perez’s works offer a model for how Foucault’s concepts of genealogy and archeology can be utilized as an additional method of analysis for this study. These concepts helped make sense of the archive and collection of sources related to the Torres case. The majority of these sources are located at the Houston Metropolitan Research Center in Houston, Texas. Of specific interest is to isolate and explore how certain individuals emerged as spokespersons for the Torres family. What becomes glaringly obvious throughout the news

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<sup>75</sup> Blackwell, *Chicana Power*, 2-4.

<sup>76</sup> Emma Perez, *The Decolonial Imaginary: Writing Chicanas into History* (Bloomington: Indiana University Press, 1999), xvi.

<sup>77</sup> Michel Foucault, *The Archeology of Knowledge and The Discourse on Language*, trans. by A.M. Sheridan (New York: Vintage Books, 2010), 126-131.

accounts of this case is the absence of the Torres family. Their voice is not heard other than a very brief statement from his mother after the first trial in 1977. As to the Moody Park riot and subsequent trial which took place in the spring of 1979, the dominant narrative surrounding the reasons for the riot and the characterization of those involved comes primarily from state representative Ben T. Reyes.<sup>78</sup> Initially, Reyes characterized the riot as the direct result of the failure of the justice system in its treatment of the Torres case. However, he quickly shifts his narrative to an attack upon the riot leaders he characterizes as nothing more than young troublemakers. Also of importance regarding the Moody Park riot is how the narrative of the Torres case drifted away from his death to a narrative directed upon the damage to city property. This was the beginning of the process of marginalization and silencing of the Torres case and Torres's personal history.

For longtime Mexican American residents of Houston, Texas the drama that unfolded in Baltimore, Ferguson, Baton Rouge, and St. Paul in the 2010s has unearthed bitter and painful memories of a particular moment in the city's history.<sup>79</sup> José Campos Torres's death, though decades past, and the lack of accountability for his death has left a gaping unhealed wound for this community. It has been said that history is a reflection of our past, but does it reflect all the past, or are there images at the edge we do not see?<sup>80</sup> The fact that the Torres case holds so little

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<sup>78</sup> Bruce Cory, "2 Who Incited '78 Houston Riot Fined, Put on 5-Year Probation," *Washington Post*, May 15, 1979, <https://www.washingtonpost.com>.

<sup>79</sup> John Boyd, "Riots in Baltimore, Ferguson recall Houston's Moody Park riot," *Chron.com*, April 28, 2015, <http://www.chron.com/houston/article/Riots-in-Baltimore-Ferguson-recall-Houston-s-6228684.php>.

<sup>80</sup> Bonnie G. Smith, *The Gender of History: Men, Women, and Historical Practice* (Cambridge, Mass.: Harvard University Press, 1998), 2.

relevance outside the Northside community in Houston illustrates this assertion. An article in the *Houston Chronicle* published May, 2014, described the efforts of José Campos Torres's family towards seeking a historic marker to commemorate his death noting that "There has never been anything to mark (Torre's death) in a positive way."<sup>81</sup> To date there has been no further discussion (at least publicly) on the progress of this effort. The goal for this study is to engage in an in-depth interrogation of the varied sources, in order to build an alternative archive of knowledge that will in turn, integrate the Torres story into the narrative of Houston's Mexican American history. Mr. Torres's story deserves to be acknowledged with more than a metal plaque.

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<sup>81</sup> St. John Barsed-Smith, "Family, friends seek marker for veteran killed by officers in '77," *Houston Chronicle*, May 7, 2014, <http://www.houstonchronicle.com/news/houston-texas/houston/article/Family-friends-see-marker-for-veteran-killed-by-5460459.php>.

## Chapter 1: El Lado Oscuro: The Dark Side of Mexican Encounters with Anglo Police Violence

“My friend, Eladio Cruz was giving some friends of his, a ride in the back of his camion. But because they are one side of this invisible line, and not the other...they have to ride in the back *como criminales*, and because over there he’s just another Mex Bracero...any man with a badge is his *jefe*.”

-- John Sayles, 1994.

The above excerpt is from the 1996 movie “Lone Star” written and directed by John Sayles. In this scene the character Chuco (El Rey de Llanes) tells Sheriff Sam Deeds how his friend Eladio Cruz met his end on a desolate bridge on the wrong side of the border. In this case, the wrong side was the Texas side. Eladio Cruz crosses that border regularly bringing friends across, but doing so without giving a “cut to that big gringo Sheriff.” The sheriff referred to is a brute of man called Charlie Wade who tells Eladio that “this road’s got a bad reputation” and that “there’s many an unfortunate soul been ambushed out on this stretch.” Sheriff Wade asks Eladio if he’s brought protection. Eladio replies that he has “un escopeto – a shotgun.” Wade asks him to bring it out and while Eladio’s back is turned Wade fires off three shots killing him instantly. There are no witnesses to the killing of Eladio Cruz other than Wade’s deputy, Hollis Pogue, who is so shocked by what has happened and so afraid of Wade that he never reveals the truth of Cruz’s death until decades later. Wade justifies the murder of Cruz with his usual “resisting arrest” explanation.<sup>1</sup> While *Lone Star* is a work of fiction set in the fictional Texas border town of Frontera, the film contains elements of historical truth, especially in its brutish depiction of Sheriff Wade. The Wade character embodies the hostility that colored so many of the confrontations that took place between local law enforcement and Mexicans, both citizens and nationals. The interaction between Cruz and Wade portrayed in the film is representative of

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<sup>1</sup> Sayles, John, *Lone Star*, (1996), written and directed by John Sayles.

these types of encounters. We see the apprehension and distrust on Cruz's face while Wade's face and voice reveal contempt.

The Southwest has a long history of violent confrontations between law enforcement and Latinos, and yet, until recently, little has been written on this subject. At the crux of these encounters were complicated notions of citizenship and crude stereotypes that depicted Texas Mexicans as “bloodythirsty savages and greasers” and as a threat to traditional American values.<sup>2</sup> Add to this the rejection by many Anglos of the “white status” of Texas Mexicans which had been conferred to them through the Treaty of Guadalupe Hidalgo. Whiteness as a prerequisite for citizenship in the United States was codified by the U.S. Congress in 1790 and with that, all the rights and considerations embedded in such status; this status was then conferred to Mexicans living in Texas in the 1848 Treaty of Guadalupe Hidalgo.<sup>3</sup> These were just some of the factors upon which Anglo racism and prejudice were built on and they would influence relations between the two groups.

In Texas, deadly encounters between Mexicans and the Texas Rangers on both sides of the border can be traced back to the early days of the Republic when they continually harassed non-Texans.<sup>4</sup> Carey McWilliams wrote of these encounters describing the Texas Rangers as participants “in lawless executions, and that they considered themselves as the authority to

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<sup>2</sup> Robert J. Durán, “Policing the Barrios: Exposing the Shadows to the Brightness of a New Day,” in *Hispanics in the U.S. Criminal Justice System: The New American Demography*, ed. Martin Guevara Urbina, PhD. (Springfield: Charles C. Thomas Publisher, 2012), 44-45.; See Arnoldo De León. *They Called Them Greasers: Anglo Attitudes toward Mexicans in Texas, 1821-1900 (published date)*, ix-xii, 1-7.

<sup>3</sup> Robert A. Calvert, Arnoldo De León, and Gregg Cantrell, *The History of Texas*, 3<sup>rd</sup> ed., (Wheeling, Illinois: Harlan Davidson, 2002), 112.

<sup>4</sup> Durán, “Policing the Barrios,” 44.

declare an open-season against Mexicans.”<sup>5</sup> Rodolfo Acuña speaks to the atrocities committed by the Rangers in his ground-breaking work, *Occupied America*. Throughout the text, Acuña exposes the deadly encounters that took place between the Rangers (more commonly known as “los rinches”) and Mexicans.

The roots of the Ranger organization reach back to the 1820s when Anglo settlers in the Mexican territory formed volunteer companies to aid in the defense of their communities. These groups were authorized by the Mexican government as it did not have the resources to provide for the protection of the settlers.<sup>6</sup> These forces were later formally designated as a “law enforcement corps” with the official name of Texas Rangers during the period of the Texas Republic (1836-1845).<sup>7</sup>

It was during the 1848 Mexican-American War that the Rangers acquired an unsavory reputation for brutality against Mexicans on both sides of the border. A young recruit by the name of Samuel E. Chamberlain wrote of an incident he witnessed that took place on the Camargo road near Agua Fria, Mexico. It was here that a patrol of Rangers “forced...all males capable of bearing arms...tied to a post and shot!”<sup>8</sup> Chamberlain continues his account by describing how the survivors (women and children) were given half an hour to collect their belongings; the Rangers then set fire to the homes and fled to “to fresh scenes of blood.”<sup>9</sup>

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<sup>5</sup> Duran, “Policing the Barrios,” 45.

<sup>6</sup> Calvert, De León, and Cantrell, *The History of Texas*, 71.

<sup>7</sup> Calvert, De León, and Cantrell, *The History of Texas*, 91.

<sup>8</sup> Acuña, *Occupied America*, 18.

<sup>9</sup> Acuña, *Occupied America*, 27.

The Rangers are considered the state's first police force though this is inaccurate. What they were, according to historian T.R. Fehrenbach, was "one of the most colorful, efficient, and deadly band of irregular partisans on this side of law and order the world has ever seen."<sup>10</sup> Sociologist Robert J. Duran has described the Texas Rangers as "the most powerful and abusive agents in early law enforcement" and has explained how, from their formation in 1823, they continually violated the civil rights of "non-Texans."<sup>11</sup> The folklore of the Texas Rangers has meant that they have been and continue to be the main focus of works related to law enforcement in Texas. The Rangers were the precursor for Texas law enforcement: they were a larger-than-life group that influenced how Texas law enforcement developed. The Texas constitution of 1836 codified guidelines for law enforcement in the state through specific provisions outlined in Article 4, Section 12:

There shall be appointed for each county, a convenient number of Justices of the Peace, one sheriff, one Coroner, and a sufficient number of Constables, who shall hold their offices for two years, to be elected by the qualified voters of the district attorney or county, as Congress may direct. Justice of the Peace and Sheriffs shall be commissioned by the President {of the Republic}.<sup>12</sup>

The Texas Constitution of 1876 subsequently provided a Bill of Rights. In this iteration, Article 1, Section 19 sets out that: "No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of

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<sup>10</sup> T.R. Fehrenbach. *Lone Star: A History of Texas and Texans*. (New York: American Legacy Press, 1983), 473.

<sup>11</sup> Durán, "Policing the Barrios," 45.

<sup>12</sup> Mitchel P. Roth and Tom Kennedy, *Houston Blue: The Story of the Houston Police Department*, (Denton: University of North Texas Press, 2012), 2.

the law the land.”<sup>13</sup> According to this statement, no citizen of the State of Texas would be deprived of their basic rights as enumerated above. Aside from the above provisions as to how law enforcement was to be structured there were no guidelines for how it was to behave or what laws they were to enforce. This was especially true of the 1876 constitution as it reflected Texan sentiment about government in a post-reconstruction era. It guaranteed a weak governor along with an onerous process for any changes, thus directly affecting the Governor’s ability to enact or enforce control over local officials.<sup>14</sup>

The literature on law enforcement in Texas is therefore largely centered upon works about the Texas Rangers. As a result, the organization has become fetishized in and outside the state. Many American citizens have learned about them from the 1950s movies with John Wayne portraying a larger-than-life Ranger. In the 1990s, actor Chuck Norris, brought the Rangers back to prominence with his contemporary take on the group’s law and order ethos. The show, *Walker, Texas Ranger*, was at the top of the ratings for most of its run. Yet, for people of color in Texas, the Rangers and law enforcement in general have also had a “lado oscuro” – its dark side. Until the recent introduction of smartphones and the ability to upload photos and video to the web, that side has largely remained in the shadows. This has been especially true in Texas, but there were a few cases that, because of the particularly brutal nature of the deaths, did shine a light on the deadly encounters that were part of policing in Texas. This dark past firmly roots the Torres case in a long line of anti-Mexican police killings.

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<sup>13</sup> *Constitution of the State of Texas, Adopted by the Constitutional Convention, Begun and Held at the City of Austin, on the Sixth Day of September, 1875. Official.* Galveston: Printed at the “News” Steam Book and Job Establishment, [1875], <http://tarlton.law.ustexas.edu/constitutions>.

<sup>14</sup> Fehrenbach, *Lone Star*, 437.

## Documenting Violence Against Mexican Americans

Information and evidence regarding anti-Mexican violence can be gleaned from works on different topics. Labor and agricultural economist, Paul Schuster Taylor, wrote a four-volume study on the impact of Mexican immigration and labor on the U.S. agricultural economy. One volume was based in South Texas and is one of the first that documents the lives of Mexican labor in the region. This volume entitled, *An American-Mexican Frontier Nueces County, Texas* was published in 1934. Taylor's aim was to provide a detailed analysis of the role of migrant Mexican labor in Texas' Nueces County's agricultural sector. In addition to the region's history, he also documented social relations between Mexicans and Whites.<sup>15</sup> He believed that providing this context was important because he "thought the connection between the past and the present was rather obvious."<sup>16</sup> In one revealing chapter, entitled "Law Observance and Enforcement," Taylor lifts the veil on Anglo perceptions of Mexican migrants. In a series of quotes included in his narrative, it becomes clear that South Texas Anglos were not particularly concerned when it came to accusations of unequal treatment on the part of law enforcement against Mexicans. Indeed, one such South Texan remarked that, "in the country [outside of Corpus Christi] a Mexican hasn't a chance in court. The white man has the law. If a Mexican and an American

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<sup>15</sup> Paul Schuster Taylor, *An American-Mexican Frontier Nueces County, Texas* (Chapel Hill: The University of North Carolina Press, 1934). See explanatory note page xi regarding appropriate terms in use in Nueces County.

<sup>16</sup> Paul Schuster Taylor interview transcript, p. 109, Paul Schuster Taylor, Oral Interview, UC Berkeley Oral History Center, University of California, Berkeley, Bancroft Library, permalink: <https://calisphere.org/item/ark:/13030/ft5q2nb29x/>. Taylor also explains that, while the committee members were not against publication, he was criticized for including his interviews of Mexican laborers. As one remarked, "You know, he (referring to Taylor) goes out and he talks with Mexican laborers, and he puts down what they say, and then he wants to print it! Why would anybody want to print what a Mexican laborer said...?"

fight they put the Mexican in jail and let the American go.”<sup>17</sup> On the other hand, Mexicans seemed resigned to the point of acceptance that unequal treatment would be their lot in life. An interviewee remarks: ““An American killed a Mexican for not getting out of the way. It was no use trying to fight the case. He was in jail only one night...He was an American and rich, and [the victim’s wife] couldn’t fight the case. She couldn’t win, her being poor and a Mexican.””<sup>18</sup>

These statements speak to the tensions that existed between both groups, though they were hardly new. Taylor points out that unequal treatment by the law was part of the history of the region and quotes from 1878 testimony provided by the American consul at Matamoros who spoke to this inequality. In his response to a question about treatment by civil authorities towards Mexicans, the consul replied:

I can only answer by saying that when an aggression is made upon a Mexican it is not much minded. For instance, when it is known that a Mexican has been hung or killed in the neighborhood of Brownsville, or along the frontier, there is seldom any fuss made about it; while on the contrary, if a white man happens to be despoiled in any way, there is generally a great fuss made about it by those not of Mexican origin.<sup>19</sup>

Taylor’s study of Nueces County covered a short window from August to September of 1929, with a return visit in 1933. Notwithstanding this short interval of study, his oral interviews with residents of the area provide a snapshot into what life was like for Mexicans and Mexican Americans in South Texas.

In 1948 noted author and activist Carey McWilliams published a well-received study of the “Spanish-speaking peoples” in 1948. Entitled *North From Mexico: The Spanish-Speaking*

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<sup>17</sup> Taylor, *An American-Mexican Frontier*, 172.

<sup>18</sup> Taylor, *An American-Mexican Frontier*, 171.

<sup>19</sup> Ibid.

*People of the United States*, this study traces the history of “Americans from Mexico” in the Southwest United States. McWilliams was not a historian by training and had received a training in law before being employed in California state government working on farm labor issues. His professional experiences during this period provided the impetus for *North From Mexico*. A 1970 review of McWilliams book described it as “the most insightful and comprehensive” historical survey of Mexican Americans to be published at that time.<sup>20</sup> McWilliams’ purpose was to introduce the heritage of the Mexican-American people to a wider audience: as he explains in his introduction, “historically, the Spanish-speaking people have often complained that little is known about them (which is true) and that their problems have received little attention by the larger American public (which is also true).”<sup>21</sup>

*North From Mexico* is stunning in its description of the Mexican culture in the Southwest and California. The study makes use of monographs and studies about Mexican labor published by Taylor. It also made use of an unpublished 1930 master’s thesis written by Jovita González entitled, “Social Life in Cameron, Starr, and Zapata Counties,” (University of Texas). The González and Taylor material provided the main sources for McWilliams’ chapter on Texas (Chapter VI).<sup>22</sup> Entitled “Not Counting Mexicans,” the purpose of this chapter was to reveal the

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<sup>20</sup> José Pedro Navarro, review of *North From Mexico: The Spanish-Speaking People of the United States* by Carey McWilliams, *California Historical Quarterly*, Vol 49, No.1 (March 1970), 58-60, <http://jstor.org/sstable/25154421>.

<sup>21</sup> Carey McWilliams, *North From Mexico: The Spanish-Speaking People of the United States*, (New York: Greenwood Press Publishers, 1968) n.p. Introduction. First published in 1948, the 1968 edition acknowledges the “new burst of interest in Mexican-Americans.”

<sup>22</sup> McWilliams, *North From Mexico*, 308.

historic roots that underpinned the conflict between “Anglo-Hispano” cultures..”<sup>23</sup> Over the course of sixteen pages, McWilliams presents a detailed historical case to explain why relations between Anglos and Mexicans in Texas were so fraught. He sums up the feelings between the two groups with the following:

To the early American settlers, the Mexicans were lazy, shiftless, jealous, cowardly, bigoted, superstitious, backward, and immoral. To the Mexicans on the other hand, the Texans were “los diablos Tejanos:” arrogant, overbearing, aggressive, conniving, rude, unreliable, and dishonest.<sup>24</sup>

These feelings worsened after the Anglo-American defeat at the Battle of the Alamo and the Mexican defeat at the Battle of San Jacinto, both in 1836. Add to these sentiments the cultural differences of language, religion, and political structures and practice and you have a simmering cauldron of resentments that eventually boil over with deadly consequences for both sides.

Memories of the Battle of the Alamo poisoned relations between Anglos and Mexicans during the period of the Texas Republic (1836-1845) and resulted in murderous raids which took place all along the Nueces strip in South Texas. McWilliams makes one noteworthy point when he argues that not all Mexicans were united in their hostility towards Texans. Many Mexicans—a group he refers to as “*Texanized-Mexicans*” or “good Mexicans”—identified with white Texans. They came from the upper classes of Texas Mexicans, known as “ricos.”<sup>25</sup> This description comes at the end of a short section on the Alamo and its connection to class will have important consequences on the future of the Mexican-American Civil Rights Movement and an equally important impact on

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<sup>23</sup> McWilliams, *North From Mexico*, 98.

<sup>24</sup> McWilliams, *North From Mexico*, 99.

<sup>25</sup> McWilliams, *North From Mexico*, 102.

how Mexican-Americans viewed themselves within Texas society and broader American society.

McWilliams continues his documentation of the escalating tensions between the two groups through the Mexican-American War adding that the legacy of the war “added greatly to the heritage of hatred.”<sup>26</sup> Noting that a large number of the U.S. Army was made up of volunteers, McWilliams provides the following comment from General Winfield Scott regarding atrocities: “they (the volunteers) committed atrocities to make Heaven weep and every American of Christian morals blush for his country. Murder, robbery and rape of mothers and daughters in the presence of tied-up males of the families have been common all along the Rio Grande.”<sup>27</sup> And citing from Lieutenant George C. Meade’s account: “volunteers were driving husbands out of the houses and raping their wives [...] They will fight as gallantly as any men, but they are a set of Goths and Vandals without discipline, making us a terror to innocent people.”<sup>28</sup>

McWilliams touches on significant points in Texas history to illustrate the long history of violence between both sides. This violence did not end with the signing of the 1848 Treaty of Guadalupe Hidalgo. While the treaty ended hostilities between the two nations, it failed to end the violence between Anglos and Mexicans. By the 1900s, violence along the border region had reached stunning levels, fueled by fears that the Mexican Revolution (1910-1920) would spill over the border into the state. Here, McWilliams uses first-hand accounts of this period to paint a vivid picture of events

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<sup>26</sup> McWilliams, *North From Mexico*, 102.

<sup>27</sup> *Ibid.*

<sup>28</sup> McWilliams, *North From Mexico*, 103.

during this time. The early years of the twentieth century were a period of disruption along the border. This period of relations between the United States and Mexico was also strained by international events (the First World War) and internal pressures (the implementation of Prohibition in the United States and the revolution in Mexico). The consequences were deadly for both sides: “Americans were killed by vengeful Villistas for no reason other than that they were ‘gringos’” and “Mexicans were killed in Texas chiefly because they were ‘greasers’.”<sup>29</sup> On the American side, it was Texas Rangers who were principally responsible for the violence against Mexicans and their behavior was described in contemporary accounts as “having degenerated into common man-killers” and “that there is no penalty for killing, no jury along the border would ever convict a white man for shooting a Mexican.” This was the outcome in the case of Florencio García, a Mexican national who died while in the custody of three Texas Rangers in 1918. Despite overwhelming evidence implicating the Rangers in García’s death, the grand jury declined to indict them.<sup>30</sup>

### **A Twentieth-Century Legacy of Violence**

Confrontations between law enforcement and Latinos go back decades. Some of these cases were documented by Dr. Hector P. García, founder and President of the AGIF. He believed that Mexican Americans suffered heavily from police brutality, and it was one of many issues

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<sup>29</sup> McWilliams, *North From Mexico*, 112; see also Walter Prescott Webb, *The Texas Rangers: A Century of Frontier Defense*, 2<sup>nd</sup> edition. (Austin: University of Texas Press, 2008).

<sup>30</sup> Monica Muñoz Martinez, *The Injustice Never Leaves You: Anti-Mexican Violence in Texas*. (Cambridge: Harvard University Press, 2018), 1-4.

that Dr. García spoke to when addressing veterans at recruitment meetings,”<sup>31</sup>but it was also an issue that Dr. García would follow for many years. In fact, in a statement to the Democratic Party (during the 1960 presidential election) he called for party support of a law requiring law enforcement officers to swear that they were not prejudiced against Mexican Americans; nothing came of that request.<sup>32</sup>

One of the first incidents of police brutality tracked by Dr. García took place in 1949. Ninfo Aguilar, a married 22-year old, World War II veteran from Robstown, was confronted by Robstown constables who, without a warrant, arrested him and then proceeded to transport him to the City Hall in Kingsville, Texas. It was during the ride to Kingsville that he was informed that he was the primary suspect in the shooting of a young boy in the neighboring town of Bishop.<sup>33</sup> In Kingsville, Aguilar was handed over to Bishop police constable D.D. Condrón and while handcuffed in the back of the constable’s car the following exchange, as described by Aguilar, took place: “We proceed along to Bishop, Texas and before arriving in Bishop he (Condrón) insisted that I was lying about the matter (the shooting), and because I would not say that I was responsible he slapped me in the face one time.”<sup>34</sup>

Eventually, Aguilar was cleared in the shooting, but only after a harrowing few hours, that involved possible witness intimidation (of the victim no less) by officer Condrón and a

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<sup>31</sup> Ignacio M. García, *Hector P. García: In Relentless Pursuit of Justice*, forward by Henry A.J. Ramos (Houston: Arte Público Press, 2002,), 97-98, 259.

<sup>32</sup> García, *Hector P. Garcia*, 219-221.

<sup>33</sup> Sworn affidavit of Ninfo Aguilar, April 28, 1949, box 211, folder 6 - Local Cases, 1948-1950, Dr. Hector P. García Papers Coll. 5, Special Collections and Archives, Mary and Jeff Bell Library, Texas A&M University-Corpus Christi. (hereinafter cited as Garcia Papers Coll. 5)

<sup>34</sup> *Ibid.*

second Bishop constable. Upon his release, Aguilar was given fifty cents to make his way back to Robstown. At no time did the arresting officers offer or allow Aguilar to contact his relatives or seek legal representation. Aguilar had served fourteen months overseas in the Pacific Theatre and received an honorable discharge at the end of his service. He had survived his war experiences but that did not prepare him for what he later endured in his hometown of Robstown, five years later.<sup>35</sup> Like far too many Mexicans in South Texas, Aguilar was harassed by local constables and accused of a crime he did not commit.

A year later, twenty-six years old Clarence Yanez, who was married with four children and, like Aguilar, a World War II veteran wrote to Dr. García seeking his help with an incident involving the Deputy Sheriff of Big Springs. In a letter dated April 1, 1950, Mr. Yanez describes a horrific incident between himself and Deputy Sheriff W.O. Finley, whom he had never met before. The incident took place while Yanez was in town on business for his local Boys Scout Troop #7: he was the troops' Scoutmaster and was in town to invite Howard County Sheriff R.L. Wolff to give a talk to his troop "concerning Citizenship."<sup>36</sup> While looking for Sheriff Wolff, Yanez encountered Finley. The following is Yanez's description of the encounter: Finley, carrying a three-foot long whip, asked Yanez "What are you Mexicans doing around here? He hit me with the whip, across the head and shoulders two times before I could get away."<sup>37</sup> Yanez fled from Finley and hid in the Scout executive's office for a while before heading over to what

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<sup>35</sup> Sworn affidavit of Ninfo Aguilar, April 28, 1949, box 211, folder 6 - Local Cases, 1948-1950, García Papers Coll. 5.

<sup>36</sup> Statement of Clarence Yanez (copy), dated April 6, 1950, box 211, folder 6 – Local Cases, 1948-50. García Papers Coll. 5.

<sup>37</sup> Ibid.

he thought was Sheriff Wolff's office. He was, however, mistaken. Instead, Yanez had walked into what was now the office of Howard County Attorney A. Mack Rogers and seated at a desk in this office was Deputy Sheriff Finley. Finley immediately jumped up asking Yanez, "Who are you looking for?" and "Aren't you one of those Mexicans I whipped a while ago?"<sup>38</sup>

According to Yanez's account of the incident, Finley grabbed him by the collar and proceeded to beat him about the face while dragging him from the room. At no time during this encounter did County Attorney Rogers intervene to stop the beating. Finley continued his beating of Yanez all the while shouting insults upon him and at one point telling him: "you Mexicans have no business in this country."<sup>39</sup> Yanez eventually found himself in the county jail for approximately two to three hours before being released by another deputy identified as Mr. Kiser. No charges were ever filed against Yanez and he was never taken before any judge.<sup>40</sup> Dr. García forwarded a copy of Yanez's letter to the office of Texas Governor Allen Shivers as well to the Department of Justice in Washington, D.C. Governor Shivers' reply to Dr. García is brief simply stating that "if I develop something of interest, I shall communicate with you again," and that "it goes without saying that I (Governor Shivers) deplore any such action taken as described by you."<sup>41</sup> The reply from the Department of Justice, in what can be described as a pro forma response, states that "appropriate consideration is being given to this matter to determine if a

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<sup>38</sup> Statement of Clarence Yanez (copy), dated April 6, 1950, box 211, folder 6 – Local Cases, 1948-50. García Papers Coll. 5.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Governor Allan Shivers to Dr. Hector P. Garcia, April 24, 1950, box 211, folder 6 – Local Cases 1948-1950, Garcia Papers, Coll. 5.

violation of the civil rights law...is indicated.”<sup>42</sup> There were no additional documents indicating what if any action was taken regarding Mr. Yanez’s complaint. In much the same way that County Attorney Rogers stood by as Yanez was beaten, the responses by Governor Shiver’s and the Department of Justice do little to dispel the sense that they, too, stood by and did nothing about the assault to Mr. Yanez.

Also included in Dr. Garcia’s files are clippings regarding the 1960 shooting of Vicente A. Trevino. Trevino was a thirty-year old veteran of the Korean War who worked as a maintenance operator for Heldenfels Brothers Contractors in Corpus Christi. The *Corpus Christi Caller-Times* carried two short pieces on the shooting explaining that Trevino was shot after an altercation between himself and Highway Patrolman Glen Krueger. The shooting was subsequently ruled self-defense.<sup>43</sup> But, in an article published in *La Verdad*, a bilingual weekly published by Corpus Christi resident Santos de la Paz, a far different version of events leading up to Trevino’s shooting reveals more than a simple case of self-defense. As reported by *La Verdad’s* correspondent Alex Hernandez, Trevino’s wife and mother witnessed what transpired: their version is far different than what was reported in the *Caller Times*. Tellingly, Hernandez notes that, “The stories you read are ALWAYS the ‘other side’...the aggressor’s viewpoint, the victim usually dead, naturally has no ‘voice’.”<sup>44</sup> His objective was to present events as they were

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<sup>42</sup> James M. McInerney, Assistant Attorney General, United States Department of Justice, to Dr. Hector P. García, April 27, 1950 (copy), box 211, folder 6 – Local Cases 1948-1950, García Papers Coll. 5.

<sup>43</sup> “Inquiry Slated into Shooting By Patrolman,” *Corpus Christi Caller-Times* (29 June, 1960), 14.

<sup>44</sup> “Slaying of Vicente Trevino, in Riviera, By Patrolman Cataloged as Most Beastly,” *La Verdad*, July 8, 1960, (copy), box 211, folder 9 – Local Cases 1960-1975, García Papers Coll. 5.

witnessed by Trevino's wife and mother, or what is described in CRT as the counternarrative. According to the women, Trevino and Krueger were in the midst of a heated discussion when Krueger began hitting Trevino on the head with his flashlight knocking him down. Trevino's wife who was watching the altercation from a window in their home began screaming for help which brought Trevino's mother (who lived next door) running to her son's assistance. According to her, the officer explained his actions were due to Trevino's refusal to sign the paper—a reference to the alleged speeding citation Krueger claimed he was trying issue to Trevino.<sup>45</sup> A second struggle ensued, this time involving Trevino's mother. It was during this second struggle that Krueger and Trevino fell and “a second later the shot was fired to end a young life.”<sup>46</sup> Trevino left behind his pregnant wife and five young children.

The finding of self-defense in this case was put forward by Kingsville Assistant District Attorney Nelson Sharpe. According to his findings, Trevino was the aggressor in this incident and, thus, his death at the hands of patrolman Krueger was justified. Unidentified witnesses in statements taken by Sharpe stated that Trevino had attacked Krueger.<sup>47</sup> They further asserted that “Krueger was knocked down and Trevino jumped on top of him and began beating him (Krueger).” This is when Krueger pulled his gun and shot Trevino in the head killing him instantly. These witness statements directly contradict those of Trevino's mother and wife but, in South Texas, this was not unusual. *La Verdad's* Hernandez puts it bluntly: “When has the

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<sup>45</sup> “Slaying of Vicente Trevino in Riviera,” García Papers Coll. 5.

<sup>46</sup> Ibid.

<sup>47</sup> “Grand Jury to Eye Death,” *Corpus Christi Caller-Times*, Corpus Christi, Texas (June 19, 1960), 15. <https://www.newspapers.com/clip/22078525>.

testimony of a person of Mexican extraction been taken and given its proper value?”<sup>48</sup> As for ADA Sharpe’s conclusion in the case? Hernandez describes it this way: “‘justifiable homicide’...when the victim is of Mexican origin...and the ‘killer’ is an Anglo.”<sup>49</sup> That was always the forgone conclusion on the part of an Anglo Grand jury.

Dr. García not only tracked police abuse cases in Texas, he also took note of cases around the country. The South Chicago Chapter of AGIF copied Dr. García along with Chicago Mayor Richard J. Daley, on a January 8, 1970 letter the chapter submitted to the United States Commission on Civil Rights. The letter details an incident that took place on December 27, 1969 involving a Chicago police officer, two adults, and a minor. In this instance, a Chicago Police officer, allegedly off-duty and working part-time as a security guard at a local department store, assaulted without provocation Mr. Juan Montelongo, his thirteen-year old son Alfred, and a companion, Mr. Pablo Lopez. Both Lopez and Montelongo’s injuries were so severe as to require medical attention. Thirteen year-old Alfred Montelongo was struck by the officer while trying to intervene on his father’s behalf.

According to the victims’ statements at no time did the officer identify himself as “an employee of the store or that he was a Police officer,” nor was he ever found at fault.<sup>50</sup> As was typical for many of these cases, both Montelongo and Lopez were taken into custody and charged with assault and resisting arrest. To add further distress to the victims, Mrs. Montelongo

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<sup>48</sup> “Slaying of Vicente Trevino in Riviera,” *La Verdad*, July 8, 1960, Garcia Papers Coll. 5.

<sup>49</sup> *Ibid.*

<sup>50</sup> American GI Forum of the U.S., South Chicago Chapter, January 8, 1970 to The Commission on Civil Rights, Washing D.C., (copy), box 212, folder 3– National Cases, 1955-1975, García Papers Coll. 5.

found herself confronted by the very officer involved in the incident when she went to the police station to file a complaint against him for assaulting her son. No complaint was filed. The Chapter felt compelled to submit their complaints to the Commission on Civil Rights because of what seemed to them “to be a conspiracy on the part of the Police Department and the Illinois State Attorney’s Officer to deny these citizens the right to seek justice in a court of law.”<sup>51</sup>

Another incident described in a letter from the Otero County Self-Help Program of Alamogordo, New Mexico, describes the killing of a young Mexican American at the hands of the police. This case bears some eerie similarities to the José Campos Torres case in that both victims were Vietnam veterans, both had been drinking heavily at the time of their deaths, and both were killed by police. In this case, the young man killed was Gary Aubel (no age given). Where they differ is that, in the Aubel case, his mother called police to inform them that he had been drinking and was on his way to “visit his girlfriend and beat her up.”<sup>52</sup> However, as his mother, Lucy Borunda, states, Aubel never made it to his girlfriend’s house. Instead he walked to the nearby grocery store and then returned home where the police were waiting for him. Borunda asked police to leave as they were no longer needed; however, for reasons that are not clear in the affidavit, police remained at the scene with additional police units arriving at the house. The police deployed spotlights on the house and according to Borunda this caused her son to panic

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<sup>51</sup> American GI Forum of the U.S., South Chicago Chapter, January 8, 1970 to The Commission on Civil Rights, Washing D.C., (copy), box 212, folder 3– National Cases, 1955-1975, García Papers Coll. 5.

<sup>52</sup> Ernesto R. Hill, Director, Otero County Self-Help Program to Dr. García, dated 27 June, 1972, Alamogordo, New Mexico, box 212, folder 3 – National Cases 1955-1978, García Papers Coll. 5.

and become angry. He rushed into the house returning with a rifle that, according to Burunda, was empty and inoperative.<sup>53</sup> The excerpt below describes what happened next:

I started to walk towards the police cars telling them to withdraw because we did not need them anymore. Gary kept asking me what do they want mother – hollering at me to return to the house. Eventually he ran after me and the lights continued to shine on his face. He was about 75-100 feet from our house when one of the policemen asked him to lay down the weapon and he would lay down his. Both Gary and the policeman, Jones, laid down their weapons and the officer approached Gary to within 6-12 feet. He wanted to pacify Gary and talk things over with him. At this time the other patrolmen started the flanking movement. Gary panicked again pointed the rifle at one patrolman and then moved it at the other and, at this moment, Driskill fired and hit him in the stomach. Gary died on the operating table about two hours later.<sup>54</sup>

Without any other additional information to further explain the situation as it transpired, it would appear that Aibel's death might have been avoided if not for the actions of Officer Driskill and the second officer involved in the flanking movement. This is an important point because, in his letter to Dr. García, Director Hill, specifically notes that his agency along with the local National Association of for the Advancement of Colored People (NAACP) chapter had confronted city leaders about “problems with police procedures” and the need to improve police training in order to avoid these types of situations. Hill also notes that the Director of Public Safety, Mr. Jessup, had been working with the police department on appropriate training and had suspended two

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<sup>53</sup> Testimony of Lucy Borunda attached to from Ernesto R. Hill, Director, Otero County Self-Help Program to Dr. García, dated 27 June, 1972, Alamogordo, New Mexico, box 212, folder 3 – National Cases 1955-1978, García Papers Coll. 5.

<sup>54</sup> Ibid.

officers for charges of police brutality.<sup>55</sup> According to Hill, Mr. Jessup was fired for “attempting to make an effective police force.”<sup>56</sup>

These are just some of the cases that Dr. García tracked and there were others throughout Texas and the Southwest. Two cases that are of particular significance in Texas were the killing of twelve-year old Santos Rodriguez in Dallas and twenty-six year old Ricardo Morales of Castroville, primarily due to the level of brutality that surrounded their deaths.

“Tell the truth hombre” were the last words heard by Santos Rodriguez be. His death, at the hands of a Dallas police officer, was described by historian Brian Behnken as “one of the most repugnant examples of white racism in the state’s history.”<sup>57</sup> Twelve-year old Santos Rodriguez and his thirteen-year old brother David were arrested at their home on suspicion of burglary by Dallas Police officers Darrel L. Cain and Roy R. Arnold in the early morning hours of July 24, 1973. The officers drove the boys to a vacant lot behind a gas station where they proceeded to interrogate the boys. At some point during the interrogation Officer Cain decided to employ a more drastic method of questioning in order to compel a confession from the boys – a game of Russian roulette.<sup>58</sup> The game ended horrifically with Santos lying dead in the front seat of the patrol car having shot himself in the head with Officer Cain’s .357 caliber handgun.

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<sup>55</sup> Ernesto R. Hill, Director, Otero County Self-Help Program to Dr. García, dated June 27, 1972, Alamogordo, New Mexico, box 212, folder 3 – National Cases 1955-1978, García Papers Coll. 5.

<sup>56</sup> Ibid.

<sup>57</sup> Behnken, *Fighting Their Own Battles*, 174.

<sup>58</sup> Osmin Rodrigo Hernandez, “*Justicia* for Santos!: Mexican American Civil Rights and The Santos Rodriguez Affair in Dallas, Texas, 1969-1978,” Master’s Thesis, May 2016 (Texas Christian University), 78-79.

Photos of the scene are devastating: the black and white images capture the young boy's body slumped over in the front seat of the patrol car with blood streaming from the wound.<sup>59</sup> It is impossible to comprehend how an adult – and a police officer no less – could have contemplated engaging in such a reckless action with a child. But, maybe it is not so difficult given how the child was addressed by Officer Cain. Referring to him in Spanish as “hombre” is our first clue. The term itself refers to a man not a child.

In Castroville, Air Force veteran Frank Hayes became the Marshal in the early 1970s and it soon became apparent that he had a definite problem with the town's Mexican American residents. Marshal Hayes is unnervingly reminiscent of Director John Sayle's sadistic character Marshal Charlie Wade from his movie *Lonestar* and Ricardo Morales' murder to that of the murder of the character Eladio Cruz. On the night of September 10, 1975, twenty-six year old Morales was picked up on an outstanding warrant by deputies Donald McCall and James Worthy. The two deputies were then ordered by Hayes to take Morales to an “isolated spot on a country road” where they would meet up. At the designated location, McCall and Worthy delivered Morales to Hayes who is then reported to have said to Morales that he was “a thieving bastard, and I'm gonna kill your ass” and that he (Hayes) had “killed...one Mexican, and I'm fixin' to kill me another.”<sup>60</sup> Hayes followed through with that threat as shortly after meeting deputies McCall and Worthy Ricardo Morales was dead from a shotgun blast to the chest.

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<sup>59</sup> Copies of Santos Rodriguez photos located in Ben T. Reyes collection, Houston Metropolitan Research Center, Houston Public Library.

<sup>60</sup> “The death of a Mexican-American at the hands of a Texas marshall in 1975 triggered civil rights action by Justice Department”, <http://www.nydailynews.com/crime/slay-hands-texas-triggered-federal-involvement-article-1.2296575>; “Town Marshal at Castroville Charged in Shotgun Slaying,” *The Amarillo Globe-Times* (Amarillo, Texas), September 18, 1975, <http://www.newspapers.com/image/3020277>.

Deputies McCall and Worthy did not witness the shooting as they had driven away after delivering Morales to Marshal Hayes, but they returned to the location upon hearing a loud blast. Hayes explained to the deputies that the shooting was an accident and he then attempted to enlist their help with disposing of the body. Meanwhile, in order to cover up the murder, Hayes enlisted the help of his mother, daughter, and sister-in-law. Morales' body was placed in the trunk of Hayes's vehicle and then driven 400 miles near the Texas-Louisiana border. His body was buried in a shallow grave on land owned by Hayes' wife's brother. No motive was ever discovered for Morales's murder though it was well known in Castroville that Frank Hayes was not fond of the city's Mexican American citizens.<sup>61</sup>

The deaths of Santos Rodriguez and Ricardo Morales are two examples of the types of deadly encounters that occurred between Latinos and law enforcement in Texas. In the period between 1973 to 1978, eighteen Mexican American males died while in police custody. During that same period, two died in California, two in Colorado, and two in New Mexico. Of the eighteen cases in Texas, only two ended in convictions with sentences ranging from probation to ten years in the Texas Department of Corrections. The remaining cases – sixteen – resulted in no action taken against the officers involved.<sup>62</sup> That so many young Mexican American men died at the hands of law enforcement is significant, but even more significant is the silence that surrounds their deaths. These deaths in Texas and elsewhere throughout the twentieth century

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<sup>61</sup>“The death of a Mexican-American at the hands of a Texas marshal in 1975 triggered civil rights action by Justice Department”, <http://www.nydailynews.com/crime/slay-hands-texas-triggered-federal-involvement-article-1.2296575>; “Town Marshal at Castroville Charged in Shotgun Slaying,” *The Amarillo Globe-Times* (Amarillo, Texas), September 18, 1975, <http://www.newspapers.com/image/3020277>.

<sup>62</sup> Document – List of Deaths in Texas, box 34, folder 8, LULAC Archives, Part 1: LULAC Presidential Papers Project, Ruben Bonilla Collection, Benson Latin American Collection, The University of Texas at Austin.

are examples of the types of abusive and deadly encounters that took place between Mexican Americans and law enforcement in Texas and the Southwest. And, they lay the predicate for the death of José Campos Torres who was just one in a long line of victims to have suffered abuse or death at the hands of law enforcement.

## Chapter 2

### José Campos Torres, Jr.: Houston's "Ferguson" Moment

What are the three times that a Mexican sees a priest?  
When he's baptized, when he's married, and at his execution.<sup>1</sup>

Forty years ago, twenty-three year old Mexican American army veteran, José "Joe" Campos Torres, Jr., died while in the custody of six Houston Police officers. But unlike present day incidents there was no video to document what happened to Torres and the result has been a one-way narrative regarding the circumstances of his death that has been shaped, in large part, by those responsible for his death. Torres' murder and the upheaval that engulfed the city for nearly two years should have been a pivotal moment for the city and to some degree it was as it did lead to changes in HPD practices. However, the brutal circumstances surrounding Torres's death and the disgraceful verdict that followed left his family and community angry and embittered, their grief crushed by the weight of injustice. African American poet/activist Gil Scott-Heron gave voice to that injustice in his spoken word poem entitled, "José Campos Torres:"

I had said I wasn't going to write no more poems like this  
I had confessed to myself all along, tracer of life, poetry trends  
That awareness, consciousness, poems that screamed of pain and the origins of pain and  
death had blanketed my tablets  
And therefore, my friends, brothers, sisters, in-laws, outlaws, and besides – they already  
knew  
But brother Torres, common ancient bloodline brother Torres is dead.  
I had said I wasn't gonna write no more poems like this  
I had said I wasn't gonna write no more words down about people kicking us when we're  
down  
About racist dogs that attack us and drive us down, drag us down and beat us down.<sup>2</sup>

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<sup>1</sup> Steven W. Bender, *Gringos and Greasers: Latinos, Law, and the American Imagination*, (New York: New York University Press, 2003), 30.

<sup>2</sup> Gil Scott-Heron, "José Campos Torres," from *The Mind of Gil Scott-Heron*, spoken word recording, produced by Gil Scott-Heron, Arista ASIN: B000TAUPSS LP, originally released 1978.

The above excerpt, from a longer piece entitled “José Campos Torres,” was written by Scott-Heron within weeks of the Torres murder and it was included in his 1978 spoken word album, *The Mind of Gil Scott-Heron*. This album focused on political and social issues and his purpose for this piece was to lay bare the “continuing mistreatment of members of the minority communities.”<sup>3</sup> This excerpt also illustrates how the Torres incident, while virtually erased from the historical record, survives in the poetry of a 1970s era black poet-activist. It also survives through his sister, Janie Torres, who in 2016 began what has now become an annual event, to invite members of the community to participate in a solidarity walk that takes participants along the path that ended with her brother’s murder.<sup>4</sup> History may have buried the Torres affair, but for those living in Torres’s Northside Houston community the memory of his death continues to resonate with them. José Campos Torres’s traumatic death lives on as an emblem of the city’s anti-brown/anti-black heritage and of a past marred by similar Ferguson moments.

## **Background**

At the time of Torres’s murder in 1977, Houston was fast becoming an economic powerhouse not just in the state, but in the nation. But it’s path to becoming the “Golden buckle of the Sunbelt”<sup>5</sup> was not without problems. Conservative policies/politics are primary

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<sup>3</sup> Marcus Baram, *Gil Scott-Heron: Pieces of a Man*, (New York: St Martin’s Press, 2014), 171.

<sup>4</sup> Joe Campos Torres Solidarity Walk Houston, <https://www.facebook.com/solidaritywalkhouston> The first solidarity took place on May 7, 2016. Torres’s sister Janie leads a march that begins at the location where the incident began, the 4800 block of Canal Street and ending at the McKee bridge where his body was recovered.

<sup>5</sup> Barry J. Kaplan, “Houston: The Golden Buckle of the Sunbelt,” in *Sunbelt Cities: Politics and Growth since World War II*, ed. Richard M. Bernard and Bradley R. Rice, (Austin: University of Texas Press, 1983), 196.

characteristics of a sunbelt city and Houston possessed this in abundance. The city's particular brand of conservatism has been described as very much like that of a nineteenth-century robber baron in its exploitation of labor along with its laissez-faire attitude towards government regulation of any kind.<sup>6</sup> This "robber baron" environment fueled the city's economic growth especially during the post-World War II era and into the 1970s. Along with the economic boom came a population expansion that would place increasing pressure upon the city's infrastructure and, most importantly, its police force that was effectively hamstrung due to continual underfunding and inadequate staffing levels. Further complicating these issues was the city's sheer size. During the post-World War II period the city leaders embarked upon two dozen annexations that pushed its size from seventy-nine square miles in 1949 to 501.55 square miles by the mid-1960s.<sup>7</sup> This expansion not only added more square miles it also added to its growing population and taxed the ability of HPD personnel to adequately service the city. Along with these infrastructure issues there was also the problem of racism, overt as well as institutional, within the department's rank and file that was not directly addressed until well into the mid-twentieth century and only after the national spotlight was brought to bear on the department and on the city itself, something business and political leaders had always worked to avoid. The Torres incident, thus, was not the first instance of police brutality against an ethnic Mexican, but it was the first to break open across state and national headlines.

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<sup>6</sup> David G. McComb, *Houston: The Bayou City*, (Austin: University of Austin Press, 1969), 206.

<sup>7</sup> Mike Morris, "Aggressive annexation generates growing pains," *HoustonChronicle.com*, July 5, 2016, <https://www.chron.com/local/history/major-stories-events/article/Aggressive-annexation-generates-growing-pains-8338701.php> ; Mitchel P. Roth and Tom Kennedy, *Houston Blue: The Story of the Houston Police Department*, (Denton: University of North Texas Press, 2012), 194.

The ethnic Mexican population in Houston had been on the rise since the early part of the twentieth century. Accounting for around one percent of the city's total in the early 1910s their numbers would grow as they sought work with the railroad yards and construction projects that lined the ship channel.<sup>8</sup> *El Segundo Barrio*, also known as the Second Ward, was located near downtown and became the primary Mexican neighborhood. Immigrants who arrived in Houston in the early years of the twentieth century were mostly poor and with little education if they had any at all. This changed during the period of the Mexican Revolution (1910-1920) when immigrants who arrived in Houston also included refugees from Mexico's middle class. Geographically, these immigrants found (unlike what immigrants who resided in the South Texas border region were accustomed to) an environment devoid of any signs of a Spanish or Mexican past. English was the primary language in a society and culture deeply rooted in its southern heritage.<sup>9</sup> Living conditions in the Second Ward were inadequate to begin with, but they worsened after World War I when returning Anglo veterans took up their former jobs pushing out the Mexican labor that had replaced them during the war years. Many were forced to take jobs that paid little more than twenty-five cents an hour.<sup>10</sup>

The worsening living conditions coincided with increasing violence in the barrio. According to historian F. Arturo Rosales "accidents and violence in Houston during the early

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<sup>8</sup> F. Arturo Rosales, "Mexicans in Houston: The Struggle to Survive, 1908-1975," *The Houston Review*, 3, no. 2 (1981), 226, <https://houstonhistorymagazine.org/2014/02/hpl-houston-review-journal/>

<sup>9</sup> De León, *Ethnicity in the Sunbelt*, 8.

<sup>10</sup> Rosales, "Mexicans in Houston", 228.

part of the century, appeared to affect Mexicans out of proportion to their numbers in the city.”<sup>11</sup> And of growing concern to community leaders was police brutality against Mexicans in the barrio. In their view, policing in their community was arbitrary with many residents having witnessed friends and family members “beaten, shot, and killed by reserve officers, railroad guards, and nightwatchmen,” without an obvious motive while the police did little to stop the violence or initiate investigations.<sup>12</sup> In response to this violence, *La Asamblea Mexicana*, an organization formed by local businessman Fernando Salas in 1924, began working towards increasing communication between police and the *colonia*. By 1928 the group was beginning to see their efforts pay off when it was able to secure the release of a number of Mexicans held in city jails in violation of their rights. *La Asamblea* was also successful in convincing the department to hire Mexican officers to patrol the barrios.<sup>13</sup>

One example of police violence took place in 1937. In June of that year Elpidio Cortez, a Mexican national, was arrested for beating his wife. In details that are eerily similar to the later Campos case, Cortez was said to have attacked the arresting officers while they attempted to subdue him with one of the officers hitting Cortez with a blackjack, a short flexible club usually weighted that was used as a weapon. Cortez was then placed in the back of a patrol car and taken to lockup where upon arrival, officers claimed that “Cortez tried to jump out, fell out of the car

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<sup>11</sup> Rosales, “Mexicans in Houston”, 229.

<sup>12</sup> Rosales, “Mexicans in Houston”, 230.

<sup>13</sup> Rosales, “Mexicans in Houston”, 230. *La Asamblea* also worked with the Consulado de Mexico located in Houston, to ensure that rights of Mexicans were protected. See Arnoldo De León, *Ethnicity in the Sunbelt*, 36-37.

and struck his head on the pavement.”<sup>14</sup> The officers hauled an unconscious Cortez into jail and left him there. The officers claimed that the fall from the patrol car was the source of his fatal injury. Cortez was eventually taken by ambulance to the hospital only to be pronounced dead and despite eyewitness testimony regarding the use of the blackjack, the two arresting officers were found not guilty of murder.<sup>15</sup> The Cortez incident was also notable due to the involvement of the Mexican government. Because Cortez was a Mexican national, his wife requested the assistance of the Mexican consul in bringing the officers involved to justice. Historian Arnoldo De León recounts how the Mexican government followed the progress of the case and ensured that its interests were represented throughout the trial noting that they acquired the services of a Mexican American attorney from San Antonio.<sup>16</sup>

At the time of the Cortez incident Houston’s ethnic Mexican population had increased significantly, but still accounted for a small percentage of the city’s entire population. The 1940 census figures reveal that ethnic Mexicans numbered approximately 15,000 or roughly five percent of the city’s total. They still accounted for a smaller percentage of Houston’s population compared to African Americans with a population of 64,000 or 21.7% out of a total population of 292,352.<sup>17</sup> While the city’s population grew, its police department was hard pressed to keep

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<sup>14</sup> De León, *Ethnicity in the Sunbelt*, 62.

<sup>15</sup> De León, *Ethnicity in the Sunbelt*, 62-63; Rosales, “Mexicans in Houston”, 241-242.

<sup>16</sup> De León, *Ethnicity in the Sunbelt*, 62-63.

<sup>17</sup> Dwight Watson, *Race and the Houston Police Department, 1930-1990: A Change Did Come*, (College Station: Texas A&M University, 2005), 14; Campbell Gibson and Kay Jung, “Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for Large Cities and other Urban Places in the United States,” Population Division Working Paper No. 76, (Washington D.C.: U.S. Census Bureau, 2005), Table 44, <https://www.census.gov/population/www/documentation/twps0076/twps0076.html>

up. In 1935 the department had a total of 207 officers on active duty. There were also six black police officers who served on the force, but they were bound by rules governing their behavior and that reflected the city's Jim Crow sensibilities. Houston was one of the few southern cities to have black officers with the first ones hired in the 1870s. Rules governing their conduct barred them from wearing police uniforms, prevented them from moving up the police hierarchy and prohibited them from arresting whites.<sup>18</sup> Black officers were barely tolerated by their white colleagues, but it was felt that by having them on the force it would help the department's overall relationship with black Houstonians.<sup>19</sup> What was important to maintaining a black presence on the HPD was the pressure applied by the local chapter of the NAACP and Houston's influential black newspapers.<sup>20</sup> The *Houston Informer* kept up a drumbeat of reporting on harassment and incidents of brutality endured by black Houstonians at the hands of white HPD officers. Historian Mitchel P. Roth and journalist Tom Kennedy wrote that it was articles written in the *Houston Informer* describing the white officers as "ex-convicts, discarded police officers from other towns, roughnecks, and a few earnest men, green and untrained," that led to what they describe as an "uneasy truce" between HPD and black Houstonians.<sup>21</sup>

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<sup>18</sup> Roth and Kennedy, *Houston Blue*, 101.

<sup>19</sup> Roth and Kennedy, *Houston Blue*, 103. In 1923 Chief Tom Goodson decreed that police brutality against any race would not be tolerated. He also appointed nine black officers two of whom were uniformed.

<sup>20</sup> Tyina L. Steptoe, *Houston Bound: Culture and Color in a Jim Crow City*, (Oakland: University of California Press, 2016), 38-40. The NAACP embarked on a strategy of taking legal action against the department for incidents of police brutality.

<sup>21</sup> Roth and Kennedy, *Houston Blue*, 104.

Mexican Americans also served as officers with HPD. However, when they began serving is not clear, but De León writes that in 1908 a “special officer” was assigned to the Mexican population. What is not clear is whether this person was Mexican American or Anglo.<sup>22</sup> By the 1920s HPD under pressure from *La Asemblea* did add Mexican officers to patrol the barrio and by the 1930s these officers were known as the “Latin Squad” and their numbers in the force would increase (though at a snails pace) through 1970.<sup>23</sup> In the 1940s Manuel Crespo, an immigrant from Orense, Spain and a prominent member of the *colonia* (who along with prominent businessman Felix Tijerina founded Houston’s LULAC Council #60), became the first Hispanic hired to work with Spanish-speaking Anglo officers as part of HPD’s effort to deal with rising juvenile delinquency within Mexican American neighborhoods. He was given the rank of detective (bypassing the usual route and with no training) which caused resentment among the officers who worked under him, but he left after six years (having discovered his desk broken into and files stolen) and returned to his original occupation as a mortician.<sup>24</sup>

By the 1950’s HPD leadership, under pressure from LULAC, began actively recruiting Mexican Americans to apply to the academy. The basic requirements prospective cadets needed to meet included a minimum height of 5-feet-10 ½ inches tall, a high school diploma, and no criminal record. However, intentional or not, these requirements had the effect of keeping initial

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<sup>22</sup> De León, *Ethnicity in the Sunbelt*, 10.

<sup>23</sup> Rosales, “Mexicans in Houston,” 230; Watson, *Race and the Houston Police Department*, 111.

<sup>24</sup> Roth and Kennedy, *Houston Blue*, 108-109; *Handbook of Texas Online*, María-Cristina García, “CRESPO, MANUEL,” <http://www.tshaonline.org/handbook/online/articles/fcr83>.

enrollment numbers low, except for Raul Martinez who did meet these requirements.<sup>25</sup> Martinez, the son of sharecroppers, was the one of the first Mexican American to apply (with the encouragement of Felix Tijerina) and graduate from the Houston police academy. He was HPD's first uniformed Mexican American officer and he served in that capacity for twenty-three years and during that time he also earned his degree from the University of Houston. Martinez was later appointed as constable of Precinct 6 where he served five terms. Wilfred Navarro had been a clerk with the department (having been given the job because he could type) and was to have attended Cadet Class no. 4 with Martinez, but because of internal issues regarding his work as a clerk, was delayed to Cadet Class no. 5. Other Mexican Americans who were part of Cadet Class no. 5 were Jesse Ontiveros, Roy Beltran, and Pete Fuentes. These men were well aware that Anglo officers would resent their presence because of their race, but they also believed that because a number of high-ranking officers actively discouraged discrimination it was felt that they would eventually be accepted as equals.<sup>26</sup> HPD's history of hiring minorities into their ranks was due largely to pressure from members of these communities. Yet by the 1960s the department still only had about 100 black officers and even fewer Mexican American officers in a department that by 1969 numbered 1,578.<sup>27</sup> These numbers would begin to increase during the 1970s with a surge in the hiring of minority officers taking place in the 1980s.

While HPD's hiring practices were slowly showing signs of change, what remained the same was its continual underfunding. This underfunding had a direct impact on the department's

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<sup>25</sup> Roth and Kennedy, *Houston Blue*, 299.

<sup>26</sup> Roth and Kennedy, *Houston Blue*, 304.

<sup>27</sup> Roth and Kennedy, *Houston Blue*, 194; Watson, *Race and the Houston Police Department*, 68.

ability to deal with crime. From the 1940s through the 1960s, Houston was at the top of the list in its murder rate and for its low number of officers. While this was concerning for city leaders it was in line with the laissez-faire belief regarding business and the funding of government services. The continual understaffing of the department contributed to some degree to the incidents of police brutality that HPD leadership had always dealt with internally. One avenue of relief that the department could have made use of were funds made available through Title VI of the 1964 Civil Rights Act. Through Title VI police departments could apply to the federal government for funding to assist with training of their officers as well as with upgrading department equipment. However, use of these funds meant that any department or entity that applied would be subject to federal oversight.<sup>28</sup> This was one area where HPD's Police Chief Herman Short (1964-1973) and Houston Mayor Louis Welch were in complete agreement; they would "avoid acceptance of any federal funds, which would result in federal controls."<sup>29</sup> What Welch and Short failed to recognize in this decision was that had they applied for these funds controls (in the form of training and hiring practices) could have gone a long way toward avoiding or mitigating some of the more controversial events that culminated with a Civil Rights Commission review of the department in the 1970s.

### **Death in the Bayou**

The statement, "Let's see if the wetback can swim," is how many Northside residents remember the Torres affair. Officer Terry Denson owns this infamous phrase; he was one of four

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<sup>28</sup> U.S. Commission on Civil Rights, "Civil Rights under Federal Programs: An Analysis of Title VI of the Civil Rights Act of 1965, Clearinghouse Publication, No.1, (U.S. Civil Rights Commission: Washington, D.C., 1968), <https://books.google.com/books?id=caoGAAAAMAAJ&authuser=0&pg=PP1#v=onepage&q&f=false>

<sup>29</sup> Roth and Kennedy, *Houston Blue*, 193.

Houston police officers indicted for Torres's death. Denson uttered the phrase when he allegedly pushed Torres off a 20-ft dock into Buffalo Bayou. As the details of the case emerged the neighborhood's residents rose up in anger at the killing of another minority at the hands of the police.

José Campos Torres's life ended sometime after midnight on May 6, 1977. He spent the day of May 5 drinking at Club 21, a neighborhood bar located on Canal Street in Houston's Mexican American east side. According to witness accounts Torres was heavily intoxicated when he began shouting insults and threatening patrons and the manager who managed to restrain him.<sup>30</sup> The first officer to respond was M. G. Oropeza; Officers Stephen Orlando and rookie officer Carless E. Elliott arrived shortly after. At some point during this encounter Torres began fighting with the officers and after putting up what was described by officers as "strenuous resistance," was eventually handcuffed and placed in Orlando and Elliot's patrol unit.<sup>31</sup> A third HPD unit with officers L.G. Kinney and G.L. Brinkmeyer, arrived on the scene and shortly after, a fourth unit arrived with officers Joséph J. Janish and T. W. Denson. A total of seven officers were at the scene of Torres's arrest, even though he was described as a small but wiry young man.

The following account, which has become the standard narrative of the case, was pieced together from news accounts and other published sources. As to the veracity of the account there are no other witness statements to contradict any of the events reported by the officers involved.

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<sup>30</sup> Watson, *Race and the Houston Police*, 112.

<sup>31</sup> "Summary of Civil Rights Investigations by the Texas Attorney General's Office of Incidents Resulting in Death." John L. Hill, Attorney General of Texas, no date, box 34-folder 9, page 39 of report, LULAC Archives, Part 1: Presidential Papers Project, Ruben Bonilla Collection, Benson Latin American Collection, The University of Texas at Austin. (hereinafter cited as LULAC Ruben Bonilla Coll.)

According to the police officers, Torres was combative and verbally abusive. Orlando commented to Officer Janish who arrived after the scuffle with Torres, that the prisoner had given them trouble. Janish commented that they should teach him (Torres) a lesson. At this point Officer Oropeza left to return to his patrol duties and Orlando along with the other officers drove off with Torres to a deserted area in the warehouse district along the 1200 block of Commerce. This location was below street level and not visible from the street.<sup>32</sup> It was here that Torres was taken by the officers, pulled from the patrol car and beaten while still handcuffed. Officer Elliot did not participate in the beating.

From here Torres was taken to the city jail by Orlando and Elliot. Upon arrival at the city jail, the booking sergeant, Officer P. W. Berman, refused to accept Torres due to his injuries. Orlando and Elliot were instructed to take Torres to Ben Taub Hospital where he could be examined by doctors. At this point, Orlando makes the fateful decision to forgo taking Torres to the hospital. Instead, he contacts Officers Janish and Denson and asks them to meet him and Elliot back at the 1200 Commerce location.<sup>33</sup> They would be joined by Officers Lewis Kinney and Glen Brinkmeyer who had participated in the earlier beating.

It was now after midnight on May 6 and Torres had been in the custody of HPD officers for just over an hour. At the designated location, Orlando and Elliott retrieved Torres from the car with Elliott removing his handcuffs. “Orlando told Denson that they needed to scare Torres

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<sup>32</sup> “Summary of Civil Rights Investigations,” 39; Tom Curtis, “Support Your Local Police (or else),” *Texas Monthly*, September 1977, <https://www.texasmonthly.com/articles/support-your-local-police/>

<sup>33</sup> *Ibid.*

before they let him go.”<sup>34</sup> Whereupon Officer Denson uttered the fateful line: “let’s see if the wetback can swim.”<sup>35</sup> According to internal reports Denson asked Torres if he could swim, and according to the officer Torres replied that he could. The only witnesses as to what took place next were Officers Orlando, Denson, Janish, Kinney, and Brinkmeyer. Rookie police officer Carless Elliott had walked away towards his patrol unit.

There is some ambiguity as to how Torres entered the water; was he pushed or did he jump in voluntarily? The State Attorney General, in its summary report of the Torres affair bluntly states that “Denson...pushed Torres over the edge of the wharf”<sup>36</sup> (a twenty foot high vertical concrete wall). Historian Dwight Watson characterized what happened in his book about the Houston Police Department that “Denson, in a flash of rage...either pushed or forced Torres to jump into the bayou.”<sup>37</sup> Journalist Tom Curtis, in his article “Support your Local Police” phrased it as “Denson shoved him (Torres) over the edge...”<sup>38</sup> Whether Torres was pushed, shoved, or voluntarily jumped into the water is important as it would factor into the outcome of the trial of the officers involved. Regardless, Torres, who was dressed in army fatigue pants and combat boots, intoxicated and badly beaten twice over by the officers, was last seen swimming on his back in the dark waters of Buffalo Bayou. That was the last time Torres was seen alive.

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<sup>34</sup> “Summary of Civil Rights Investigations by the Texas Attorney General’s Office of Incidents Resulting in Death.” John L. Hill, Attorney General of Texas, no date. Ruben Bonilla Collection, box 34-folder 9, p. 40, LULAC Ruben Bonilla Coll.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Watson, *Race and the Houston Police Department*, 114.

<sup>38</sup> Tom Curtis, “Support your local police,” under “Two Months After”.

The cover-up of the incident took place in the intervening period after Torres's body was discovered, but before Elliot confided the details to his father. The three principal officers involved--Denson, Orlando, and Elliot--agreed "that should anyone ask Torres had been taken to St. Joséph's Hospital and released there."<sup>39</sup> But Denson and Orlando did not count on rookie-officer Elliot's troubled conscience working against them.

The events as reported in the pages of the city's two newspapers, *The Houston Chronicle* and *The Houston Post* present a picture of officers out of control. Historian Dwight Watson also presents the events as such. However, he characterizes the actions of patrolman Orlando as "impulsive."<sup>40</sup> Watson also describes the thinking of the officers involved; he writes that they saw Torres "as an unruly Mexican who needed to be taught respect."<sup>41</sup> But do these statements fully explain why the officers reacted and responded to Torres in the manner that they did?

On Mother's Day, May 8, 1977, the body of José Campos Torres, Jr. was discovered floating in the murky waters of Buffalo Bayou. His body was not positively identified for another week and then only after his aunt and uncle had made repeated calls to the HPD trying to locate him. Shortly after the body was discovered, Carless Eugene Elliott, the youngest officer involved with Torres's death, confided in his father, himself a long-serving member of HPD, as to what he had seen. The senior Elliot alarmed by what his son related, reported the incident to Assistant Chief B. K. Johnson who then relayed it to Police Chief B. G. "Pappy" Bond.<sup>42</sup>

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<sup>39</sup> Tom Curtis, "Support your local police," under "Two Months After". Curtis notes that Officer Oropeza took part in this discussion, however he was not charged in the case.

<sup>40</sup> Watson, *Race and the Houston Police Department*, 112.

<sup>41</sup> Watson, *Race and the Houston Police Department*, 113.

<sup>42</sup> Rothman and Kennedy, *Houston Blue*, 276.

Chief Bond acted swiftly to contain the fallout from Torres's death. The coroner's report released the day after Torres's body was discovered revealed that not only was he badly beaten, he was highly intoxicated as well. According to Harris County Medical Examiner Dr. Joséph Jachimczyk, Torres's injuries included "a cut on his leg, bruised hands and wrists, a bruised temple, and a bruised stomach."<sup>43</sup> These injuries along with Torres's intoxicated state made it unlikely that he would have been able to swim across the bayou. The Torres case put the city on edge, so Bond made the decision to address this latest incident through a press conference where he announced Torres's death and the creation of a permanent Internal Affairs Division to investigate such incidents. The five officers—Denson, Orlando, Brinkmeyer, Kinney, and Janish—were placed on indefinite suspension beginning May 12, 1977. Shortly after Chief Bond tendered his resignation and was replaced by Assistant Chief Harry Caldwell. Caldwell later fired the five officers on the same day that the Harris County grand jury indicted them.<sup>44</sup>

The Torres murder capped a string of police killings by a department that many believed was out of control. Mayor Roy Hoeffinz described the department, as having a "sickness," and in an article about Houston's "Killer Cops" published in *Rolling Stone*, writer Donald R. Katz quotes State Representative Ron Waters: "you grow up in this town thinking that the police have a James Bond license to kill. You learn very young that they are the power."<sup>45</sup> Torres's death

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<sup>43</sup> "Official says Torres had little chance," *Houston Post*, September 23, 1977, Vertical Files-H-Police-Misconduct-Torres, José Campos (1977-1978). Vertical Files, Houston Metropolitan Research Center, Houston Public Library. (hereinafter cited as VF-Misconduct-Torres).

<sup>44</sup> Watson, *Race and the Houston Police Department*, 117-118.

<sup>45</sup> Donald R. Katz, "Houston's Killer Cops," *Rolling Stone*, December 29, 1977, copy, Moody Park Riots Papers, MSS 1466, box 1, Houston Metropolitan Research Center, Houston Public Library. (hereinafter cited as Moody Park MSS1466).

came upon the heels of the killing of eighteen-year old Randy Webster. Webster, a white teenager from a middle-class family in Louisiana was shot to death by HPD officers after a miles-long chase through the city. HPD officers at the scene claimed that Webster pointed a gun at them and that they shot him in self-defense. Webster's father, John Webster, refused to accept the version of events presented to him by department detectives and by the District Attorney. The senior Webster hounded HPD personnel until the truth emerged; that his son was the victim of a cover-up by HPD. Officers involved in the incident shot Webster and then used a "throw down" weapon to justify their actions.<sup>46</sup> The department was just emerging from the Webster scandal when the Torres murder threw the department into turmoil yet again bringing renewed attention upon HPD and their policing tactics.

The Webster and Torres murders were two examples of an entrenched culture of abuse of power and brutality within the HPD that stretched back decades. This brutality had a long history within the department dating back to the city's founding in the mid-nineteenth century. From its early days in 1838 the fledgling force was responsible for maintaining the city's social/cultural status quo-ensuring that southern customs and traditions were upheld including enforcement of Jim Crow laws that emerged in the late nineteenth century.<sup>47</sup> These beliefs were the DNA of the force and years of city officials giving a wink and nod to this issue created the circumstances that allowed the Torres death to occur.

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<sup>46</sup> For a complete discussion on the use of "throwdown" weapons and the Webster case see Tom Curtis, "The Throwdown," *Texas Monthly* (Aug. 1979):1-57, <http://www.texasmonthly.com/articles/the-throwdown/> .

<sup>47</sup> Watson, *Race and The Houston Police Department*, 4; McComb, *Houston, the Bayou City*, 68.

The Torres and Webster cases took place during a time of intensified scrutiny of department practices, not only in Houston, but in Dallas, Castroville, and Corpus Christi. Each of these cities had dealt with civil rights fallout from police related murders of young men of color. In Houston, the Torres case was the final straw in a series of incidents that in the end, would become the impetus for an overhaul of departmental practices. The department's revamp is documented in historian Dwight Watson's study of the Houston Police Department. He cites the Torres case as the final straw in a series of events that ultimately led to the creation of an Internal Affairs Division within the department.<sup>48</sup> The Torres case has been discussed anecdotally by some Chicano/Mexican American scholars, and while Watson devoted an entire chapter to the Torres case, this was within the broader context of the case forcing much needed internal restructuring of the department. A fuller discussion of this case and its place in a long history of anti-Mexican killings is profoundly needed.<sup>49</sup>

### **Justice not served and the Moody Park Riot**

The trial of the officers was marked by controversy before it began. One of the most incendiary moments came about when the attorneys for the two ex-officers, Denson and Orlando filed for a change of venue. Instead of being tried in Harris County, the trial was moved to Huntsville, headquarters for the Texas Department of Corrections and Sam Houston State University. The latter was well known for its criminal justice program and where many HPD

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<sup>48</sup> Watson, *Race and the Houston Police Department*, 116.

<sup>49</sup> Rodriguez, Melanie Lorie. "Racial Injustice in Houston, Texas: The Mexican American Mobilization Against the Police Killing of Joe Campos Torres." Order No. 10282127, The University of Texas at El Paso, 2017.  
<https://manowar.tamucc.edu/login?url=https://search.proquest.com/docview/1924706431?accountid=7084>.

officers obtained their degrees.<sup>50</sup> The jury selected for the federal trial was not only all white, but it also reflected the law and order background of the people who lived and worked in Huntsville. One juror worked as a prison guard, another was a former prison guard whose father was a Department of Public Safety officer, still another was a Sam Houston State campus police officer, and one was a civilian member of the Huntsville Police Department. The change of venue to this conservative city and the jury make-up did nothing but sow doubt within the Mexican American community as to whether or not justice would be served in this case. Those doubts came to fruition when the jury verdict was announced. After fifteen hours of deliberations the jury found Denson and Orlando guilty of the lesser charge of criminally negligent homicide. And after an additional eleven hours of deliberations the jury recommend that Denson and Orlando be placed on probation. They were also fined \$2,000 each, which was also probated.<sup>51</sup>

The Mexican American community's reaction to the verdict was one of widespread disbelief and anger. Torres's mother, Margaret Campos Torres, reading from a typed statement expressed her deep disappointment and disgust with the verdict: "I heard all they can get is one year in jail...and I am disgusted. Killing my son like that, beating him like he was an animal and then throwing him in the bayou." Antonio Bela was the bar manager at Club 21 the night Torres was arrested and when told of the verdict exclaimed, "It's not a felony to kill?" Other east end residents interviewed expressed deep disappointment at the outcome. Grocery store worker Richard L. Botello responded that he "didn't like it (the verdict) one damn bit," adding that "a lot

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<sup>50</sup> "How Torres trial moved to Huntsville," *Houston Chronicle*, October 9, 1977, copy, VF-Misconduct-Torres.

<sup>51</sup> "No evidence, juror's claim," VF-Misconduct-Torres; "Summary of Civil Rights Investigations," p. 41, box 34-folder 9, LULAC Ruben Bonilla Coll.

of those others (referring to police officers) will think they can get away with it now.” Another resident stated: “Justice wasn’t done. The people out here feel terrible. They are going to react.”<sup>52</sup>

The state trial left Houston’s Mexican American community and the Torres family holding out hope that they would see justice at the federal level. Not long after the end of the state case a federal grand jury handed down indictments against four of the officers involved. Denson, Orlando, Janish, and Kinney were accused of violating José Campos Torres’s civil rights and if convicted they could receive life sentences.<sup>53</sup> Three of the former officers, Denson, Orlando, and Janish went to trial in federal court in January 23, 1978 and on February 8, 1978 they were convicted of violating Torres’s civil rights. Travis Morales, head of People United to Fight Police Brutality, expressed his unhappiness with the verdict. “They didn’t convict them of the murder of Joe Torres, just that they denied him his rights. All we get is talk and the people who killed Joe Torres are still on the street.”<sup>54</sup> The conviction on conspiracy to violate the civil rights of Joe Campos Torres carried a maximum sentence of life in prison, but here again Torres’s family and the community would be profoundly disappointed when U.S. District Judge Ross N. Sterling sentenced the trio to one year in prison and five years probation. Judge Sterling explained his reasoning for the sentence by noting that the federal panel had come to the same conclusion as the state trial; the officers had not intended to kill Torres. He also stated that “they

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<sup>52</sup> “Bitterness greets verdict,” *The Houston Post*, October 7, 1977; “2 ex-officers convicted of misdemeanor,” *The Houston Post*, October 7, 1977, VF-Misconduct-Torres.

<sup>53</sup> “Federal jury indicts 4 former officers,” *The Houston Post*, October 21, 1977, VF-Misconduct-Torres.

<sup>54</sup> “Reaction to verdict varies,” *The Houston Post*, February 2, 1978, VF-Misconduct-Torres

would never be police officers again and a long period of confinement would have little impact on the operation of the Houston Police Department.”<sup>55</sup> Margaret Torres described herself as “disgusted” with the punishment assessed by Sterling. A photo of the three men in the back of a vehicle leaving the courthouse with smiles on their faces was surely like salt rubbed into a wound.<sup>56</sup> How could Margaret Torres not be disgusted?

Tensions within the Mexican American community festered for weeks after the end of the federal trial. The sentencing outcome rankled many in the city and also at the highest levels in the state. Governor Dolph Briscoe remarked that “all Texans regret the tragedy of the Torres case...” adding that he was surprised at the leniency of the penalty imposed on the three men. The AGIF issued its harsh assessment of the verdict stating that it “did nothing to assure the Mexican-American community justice in Texas is color-blind.”<sup>57</sup> Rallies sponsored by LULAC and PASSO were planned and endorsed by Mayor Jim McConn and U.S. Representative Barbara Jordan (though neither appeared), with a second rally scheduled for April. Chief Harry Caldwell added fuel to the escalating tensions by announcing that the department was going to look into the motivations of those “who want to go into the streets” to protest the sentences.<sup>58</sup> Caldwell qualified his statement by saying that while he supported the right to demonstrate, he believed that Houstonians had a right to know who was behind the protests and that the department had a

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<sup>55</sup> “3 ex-officers given one-year terms,” *The Houston Post*, March 29, 1978, VF-Misconduct-Torres.

<sup>56</sup> *Ibid.*

<sup>57</sup> “Ex-officers’ sentence surprises governor,” *Houston Chronicle*, March 30, 1978, VF-Misconduct-Torres.

<sup>58</sup> “Police plan close scrutiny of those at Torres rallies,” *Houston Chronicle*, March 31, 1978, VF-Misconduct-Torres.

legitimate interest in looking into the groups attending the rallies. LULAC spokesman Arnold Arevalo responded to Caldwell saying that his group wanted to bring attention to their proposal requesting that more Mexican Americans be appointed to the federal judiciary. On the surface, Arevalo's response seems reasonable, but it clashes with the stated purpose of the rally to protest the lenient sentences handed down to the persons responsible for José Campos Torres's death.

Meanwhile, outrage was building against Judge Sterling's handling of the sentencing. The U.S. Attorney's office filed a motion in federal court stating that the sentence handed down to the ex-officers was illegal under federal law. It declared the following:

The United States has grave concern that the imposition of probation in this case will cause citizens of all races to believe that the sentence was a result of the continuing inequality of treatment accorded to minorities. This public perception of inequality and the belief that the life of a Mexican-American citizen has little value, can only do damage to the respect for the laws and the belief in justice which must be the mortar which binds our nation together.<sup>59</sup>

AGIF founder Dr. Hector P. García who by this time had also served as a member of the U.S. Commission on Civil Rights, had been monitoring events from his office in Corpus Christi, and dispatched letters in protest of Judge Sterling's decision to Judge Reynaldo Garza of the U.S. Southern District in Brownsville, and Judge John Singleton of the U.S. Southern District in Houston. In his mailgrams to both Judge Garza and Judge Singleton, Dr. García made it clear that,

We Mexican Americans have lost our trust and faith in the Federal Judiciary. We lost our faith in the state courts long ago. Today we cannot trust our courts to render justice then what is left for us in our 'democracy'?<sup>60</sup>

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<sup>59</sup> "Torres case sentence illegal, U.S. claims; correction asked," *The Houston Post*, April 6, 1978, VF-Misconduct-Torres.

<sup>60</sup> Mailgrams to Honorable Judge Reynaldo Garza and Honorable Judge John Singleton, dated 3/30/78, 5.211.3, José C. Torres, García Papers Coll. 5.

The controversy over Judge Sterling's decision continued throughout the month of April, 1978. While the back and forth continued between the various groups claiming to represent the interests of the Mexican American Community, the Torres family, the U.S. Attorney, and Judge Sterling over his decision, Mexican Americans fumed at the seeming lack of response to what they believed was the denial of justice for the Torres family. This tension came to a boil on the night of May 7, 1978.

### **The Moody Park Riot**

Cinco de Mayo is a national holiday in Mexico, but it is also a commemoration of Mexican culture and tradition in Texas. For Houston's Mexican American community, it is a time for celebrations and gatherings in their neighborhood parks. On May 7, 1978 Moody Park was filled with Northside neighborhood families celebrating Cinco de Mayo, but there was an undercurrent of anger running through the crowd of approximately 1,500 people that was exacerbated by the very visible HPD presence surrounding the park. Around seven o'clock in the evening a fight broke out between two young Mexican American men. Witnesses stated that others joined in the brawl and that within minutes a number of police cars arrived on the scene. According to Park Sergeant M. S. Garrett, the first to arrive on the scene, "the crowd just went crazy and started throwing things at us." Garrett also stated that officers had been told to stay away from the part due to anti-police demonstrations that had taken place earlier.<sup>61</sup> Regardless, police attempted to bring the situation under control, but quickly lost as the crowd turned on the police. One officer was struck by a car breaking his leg and two members of local television

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<sup>61</sup> "Fete at Moody Park erupts into riot," *Houston Chronicle*, May 8, 1978, vertical file-Riots-Moody Park (1978). Houston Metropolitan Research Center, Houston Public Library.

station KPRC were stabbed and beaten as they tried to film the mayhem taking place. After several hours the police withdrew and formed a perimeter around the park in order to contain the situation. Witnesses claimed that the crowd was whipped up again by someone shouting “justice, justice” over a bullhorn. At this point the crowd went from confronting the police to vandalizing neighborhood stores. At the end of the night the damage to the park and surrounding buildings was extensive and estimated at approximately \$500,000. A second night of rioting place on May 8 that resulted in additional arrests and injury to another police officer.<sup>62</sup>

Blame for the riot was laid at the feet of “outside agitators.” The activist group, People United to Fight Police Brutality (PUFPB) and its leader, Travis Morales, were the primary suspects for the riots. Morales, twenty-five years old and a Rice University graduate, was described by news reports as having an “air of self-imposed mystery.”<sup>63</sup> But what he also had was a knack for creating a good headline, in this case, by stating that his political outlook was communist. In an article published in the *Chronicle*, Morales claimed that his political background was irrelevant to the cause he was fighting for-justice for Joe Torres. He went on to say that “the police got a little bit of justice they deserve. The people will never forgive and never forget what happened to Joe Torres. I don’t think this will be the last time.” Regardless, Morales and two others were indicted for inciting the riot in Moody Park. Historian Arnaldo De León writes that there several explanations for what took place at Moody Park. The accepted police version is that the riot was a spontaneous outgrowth of a fight that started between two

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<sup>62</sup> Francisco T. Fernandez, “The Moody Park Riots and The Reason They Occurred,” *Touchstone*, vol. XXI, (2003) 38-44, copy, Mood Park MSS1466.

<sup>63</sup> Gordon Hunter, “Anti-police protester says his outlook is communist,” *Houston Chronicle*, May 10, 1978, Moody Park Articles, box 5-folder 29, Ben T. Reyes, Jr. Papers MSS.013, Mexican American Collections, Houston Metropolitan Resource Center, Houston Public Library.

individuals. Another lays the blame squarely at the feet of Travis Morales and his group PUFPB. According to this version and one supported by Mexican American middle class organization, Morales and his group deliberately “incited the kids and boozed up folks in the park,” but their biggest sin was that Morales and company claimed affiliation with the Communist party.<sup>64</sup> This was slap in the face to these groups many of whose members were veterans of the United States military. Any support that Morales might have had was lost in one stroke. Justice for Torres was their shared goal, but not at the expense of their belief in the American system. Morales’s ideology was anathema to this conservative community and no matter his stated intent, the community would never forgive his association with a despised un-American ideology.

The Moody Park Riot became a pivotal moment in Houston’s history. Whether it was consequence of a fight that got out of hand, or because idealistic (or opportunistic) individuals lit the fuse as a means of exacting revenge for José Campos Torres, the end result is that, for a brief moment, a spotlight was brought to bear upon the brutal tactics of the HPD. What is also important to note about this incident is that nowhere in the accounts about the riot, whether in news articles or in works written about this period, do we hear how the Torres family felt about what happened. It is an odd sort of dissonance that the riot is attributed to anger over injustice over Torres’s death and yet, there are no comments or statements by the family?

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<sup>64</sup> De León, *Ethnicity in the Sunbelt*, 212.

## Conclusion

In testimony presented to the Bexar County grand jury in the 2017 police killing of Gilbert Flores, it was revealed that he was under tremendous emotional and financial strain and that before the shooting he had discussed “ending this.”<sup>1</sup> The attorney representing his family pointed to the video of the shooting that shows Flores was at least twenty-nine feet away from the officers and that he was not advancing towards them. Flores’s statement and his distance from the officers clearly demonstrated that he was not an imminent threat to them. Despite the video evidence and statements as to Flores’s state of mind, the Bexar County grand jury declined to indict the two officers involved in his death.<sup>2</sup> Flores’s death under questionable circumstances has been reduced to a footnote. His story like that of José Campos Torres and other Latino victims of police violence deserve more than to be anecdotes in the larger discussion of state sanctioned violence. Latino victims of police violence must be recovered and inscribed into the historical record of the Latino experience in the United States.

While conducting research for this project it became clear that there were other factors that contributed to the silencing of these histories. De León’s discussion of the Torres affair and the Moody Park Riot points to the tensions between conservative and radical groups within the Mexican American community. Initially a coalition formed between these groups with the goal of bringing the Torres case to a speedy trial on both the state and federal level. This coalition

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<sup>1</sup> Guillermo Contreras, “Flores shooting filing: After 12 minutes deputies to ‘end this’,” San Antonio-Express News, July 20, 2017, accessed March 26, 2020, <https://mysanantonio.com/news/local/article/New-details-emerge-in-death-of-suspect-killed-by-11302566.php>.

<sup>2</sup> Ibid.

included mainstream groups such as LULAC and the AGIF working alongside grassroots groups such as Barrios Unidos and PUFPB.<sup>3</sup> There are plentiful archival sources available that provide insight into the motivations of LULAC and the AGIF, but sources for Barrios Unidos and PUFPB are not as readily available. Time constraints and the reticence of community members to speak on the record about Torres's death prevented me from pursuing that line of research as fully as I would have wanted. Another intriguing element to this story was the efforts made by former Houston city councilman and Texas State Representative Ben T. Reyes to present a case for a human rights violation on behalf of Mexican American victims to The International League for Human Rights. Reyes submitted case histories for José Campos Torres, Santos Rodriguez, and Ricardo Morales as examples of the continual abuse of human rights perpetrated upon Mexican Americans by state police forces. The Commission declined to accept the cases stating that "they only step in when there has been a failure of the legal system to act, not when the legal system has merely assessed a lenient sentence or fine."<sup>4</sup> Framing these cases as human rights abuses deserves to be explored in light of the continued police abuses taking place in the United States and across Latin America. This contemporary angle is akin to the international interaction families often sought from Mexican consuls across Texas and the United States in the early twentieth century.

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<sup>3</sup> Arnoldo De León, *Ethnicity in the Sunbelt*, 210.

<sup>4</sup> International League for Human Rights to Ben T. Reyes, dated August 2, 1978, copy, Box 4-Folder 21, Ben T. Reyes Collection MSS0103, Houston Metropolitan Research Center, Houston Public Library.

Torres was not the only brown victim of police violence during this period—there were other Latinos whose deaths occurred while in custody in Texas and across the U.S. Southwest.<sup>5</sup> Between 1973 to 1978, twenty-three young Latinos died as a result of police abuse and of that number, only three saw federal action taken. Their stories need to be recovered and placed within the larger story of state-sanctioned violence and in doing so, researchers must be mindful of the “silences, erasures, euphemisms” that color official records.<sup>6</sup> It is also important to engage with victims and their families to ensure that these abuses become part of the official record through the archival collection of interviews and evidence that support their perspectives, so that we can shift the historiography, particularly within Tejano and Chicana history.

Ten years after José Campos Torres’s death, the city of Houston and his family reached a financial settlement. The lawyer representing his mother Margaret Campos Torres and his grandmother Dolores Medina described the \$75,000 settlement as “excellent.” By contrast, however, the settlement agreed to by the white, Louisiana family of the teenaged Randy Webster was \$428,000.<sup>7</sup> The explanation given for the wide disparity in the payments was the different circumstances surrounding the deaths of Campos and Webster. It was proved that Webster died after being shot by a police officer, while the jury at the Torres trial ruled that there was no evidence to prove that the officer’s involved in Torres’s death intended his death to occur. It is difficult to ignore the role of race and class in the outcomes of these settlements. In her response

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<sup>5</sup> See Appendix.

<sup>6</sup> Monica Muñoz Martinez, *The Injustice Never Leaves You: Anti-Mexican Violence in Texas*, (Cambridge: Harvard University Press, 2018), 276.

<sup>7</sup> “Torres lawyer says settlement by city ‘excellent,” *The Houston Post*, April 21, 1987, VF-Misconduct-Torres.

to questions about the settlement, Torres's grandmother said that "according to the law of this earth, a life isn't worth very much." She left it in God's hands.<sup>8</sup>

In 2017 Janie Torres, younger sister of José Campos Torres, led a solidarity walk to commemorate the fortieth anniversary of her brother's death. In an interview that she gave to Green Watch TV (which aired on Houston's public access channel), Janie was asked what her goal was for the march: "I don't want my brother to be forgotten, he shouldn't be forgotten—it's part of history."<sup>9</sup> Janie Torres was ten years old at the time of her brother's death in 1977 and the pain of his loss is etched on her face. In the interview she comes across as a woman who is somewhat uncomfortable in that setting and as a spokesperson; yet, she was determined to ensure that her brother's violent passing is not forgotten. Her hope for the walk is to bring justice to victims of police violence— "I may not see it in my lifetime, but I'm hoping to get that for the next generation to come. That's what I'm hoping."<sup>10</sup> As I watched the interview and listened to Janie speak, I realized that her brother needed no memorial plaque to commemorate his passing. His sister Janie is the embodiment of his memorial. His memory and his story continue in her voice and in her unceasing efforts to bring justice to all victims of violence. A plaque is a metal object that most people will walk past without ever giving it notice, but Janie is the living archive

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<sup>8</sup> "Torres lawyer says settlement by city 'excellent,'" *The Houston Post*, April 21, 1987, VF-Misconduct-Torres.

<sup>9</sup> Bruce Harrison interview of Janie Torres, April 26, 2017, Green Watch TV, aired on Houston Public Access TV via Houston Media Source (hmstv.org), accessed September 20, 2017, <https://vimeo.com/215862395>.

<sup>10</sup> Ibid.

of his story. Our work as scholars is to ensure that her memory of his death is preserved and inscribed in the historical narrative.

## **Coda**

### Letter to Society

You tell me that I am a criminal. You say that I am no good. That I should be like you so that I may be a good citizen.

I have been told these things all my life. My teacher doesn't want me to speak Spanish because it is no good. I should not be a Catholic because it is no good. I should not have brown skin because it is no good. I should not be so loyal to my friends because it is not good. I should not be so clannish because it is not the American way.

I now speak only English I am no longer Catholic. I have quit being loyal to my friends, and I am no longer clannish. I have changed everything but the color of my skin. And what have I become; a brown man, who has become a traitor to his friends and an outcast to his people.

I have tried to be like you and now you tell me that I am a criminal. Isn't that what you wanted, or is it because I couldn't change the color of my skin that I am still no good?

“Chato” Estrado

La Palabra – McNeil Island Federal Penitentiary<sup>11</sup>

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<sup>11</sup> Chato Estrado, “Letter to Society,” *Regeneración*, 1, no. 2 (1970): 12. Microfilm, box 6, folder 49, Luis Cano Papers MSS.0284, Houston Metropolitan Resource Center, Houston Public Library.

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LIST OF APPENDICES

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Appendix 1. List of Mexican American Men Killed by Police .....	90

List of Mexican American Men Killed by Police, 1973-1978\*

NAME/AGE	DATE OF DEATH	CITY/COUNTY	STATE ACTION TAKEN	FEDERAL ACTION TAKEN
Ricardo Morales, 26	September 14, 1975	Castroville/Medina	Found guilty of aggravated murder; 10yrs, TDC**	Life Sentence
José Campos Torres, 23	May 5, 1977	Houston/Harris	Misdemeanor conviction; probation	Civil Rights Felony conviction/probation Misdemeanor conviction-1yr jail term
José Barlow Benavides, 26	June 11, 1976	Oakland, California	NONE	NONE
Santos Rodriguez, 12	July 24, 1973	Dallas/Dallas County	Found guilty of murder w/malice, 5yrs-TDC**	NONE
Andres Ramirez, 23	November 10, 1977	Albuquerque, New Mexico	Not Guilty on lesser charge of Manslaughter	NONE
Frank Garcia, 17	February 13, 1978	Las Vegas, Nevada	NONE	NONE
Larry Ortega Lozano, 27	January 10, 1978	Odessa/Ector	Jury Inquest – no indictments	Fed. Investigation Underway
Tim Rosales, 25	June 25, 1978	Plainview/Hale	NONE	NONE
Juan Zepeda, 32	February 20, 1977	Bexar County	NONE	NONE
Juan Benito Martinez, 32	July 1, 1978	Laredo/Webb	Charged w/murder in State Court same day as killing	NONE
Gregorio Espino	March 2, 1978	Kingsville/Kleberg	NONE	NONE
Juan Veloz Zuniga, 33	May 18, 1977	Sierra Blanca/Hudspeth	No Indictments	NONE
Danny Vasquez, 17	January 23, 1978	El Paso/Moon County	No Indictments	NONE
Tiburcio Santome, 32	November 6, 1977	Garden City/Glasscock		NONE
Juan Galviz, 19	December 8, 1977	Big Springs/Howard	State Grand Jury – No Indictments	NONE
Edward Ramirez	April 16, 1977	Los Angeles, California	NONE	NONE
Robert Fernandez	August 26, 1977	Pueblo, Colorado	NONE	NONE
Arthur Espinosa, James Espinosa	July 30, 1977	Denver, Colorado	NONE	NONE
Daniel Pina	August 11, 1977	Galveston/Galveston County	No Indictments	NONE
Albino Betancur	August, 1977	Wharton/Wharton County	No Indictments	NONE
Neto Planta	No date given	Richmond/Fort Bend	No Indictments	NONE
Pedro Guerrero	September 1, 1977	Wharton/Wharton County	No Indictments	NONE
Paul Martinez, 25	August 1, 1978	Peryton/Ochiltree	No Indictments	NONE

\*The list found in Ruben Bonilla files is titled “List of Deaths in Texas.” I have changed the name to account for the non-Texas victims.

\*\*TDC = Texas Department of Corrections

Source: LULAC Archives, Part 1: LULAC Presidential Papers Project, Ruben Bonilla Collection, Box 34, Folder-8, Benson Latin American Collection, The University of Texas at Austin.