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INSTITUTIONAL AND LEGAL ASPECTS OF THE GROWTH OF PROFESSIONAL URBAN POLICE SERVICE:
THE HOUSTON EXPERIENCE
1878-1948

by

Louis J. Marchiafava

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

Thesis Director's signature:

Harold M. Hoffman

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Louis J. Marchiafava
INTRODUCTION

The civil disturbances in American cities during the 1960's and the subsequent reports by the Uniform Crime Reports Section of the Federal Bureau of Investigation generated and reflected a keen interest in the policing in the nation's cities. "Law and order" became a political slogan which captured the interest and concern of millions of Americans. Task force reports authorized by President Lyndon B. Johnson under the direction of the Commission on Law Enforcement and Administration of Justice investigated many aspects of criminal justice and crime.¹ These studies along with others published by various Commissions surveyed the effectiveness and ability of the police to deal with the conditions of social change in urban society.

The task force reports and findings of the investigating commissions further stimulated the interest in professional police service which had existed during the years immediately preceding and following the Second World War. An outpouring of material, largely by scholars of the developing academic police science programs in West Coast universities debated the potential for professionalism
in police service.

The work produced thus far has been primarily theoretical in nature, intending to suggest methods of professional development rather than to analyze the historical conditions influencing the development of professional police service in the United States. These studies are essential for the researcher in providing insights into the motivations and goals of men aspiring to achieve professional status. The authors, many of whom are either practitioners of police work or were previously associated with law enforcement agencies before becoming academics, constitute an intellectual vanguard which is establishing the direction and ideals for the growth of professionalism in police service. These spokesmen are especially important because their writings provide insights into the nature of professional qualities in police work, if indeed, professionalism in police work is accepted as a possibility.

Until the recent upsurge of interest in urban history, police history in the United States received only a minimum of attention from historians. Numerous popular histories, or in some cases recollections by former police officials, were written during the nineteenth century, but in most cases these studies offered little in the way of understanding the development of law enforcement in the United States.
Raymond B. Fosdick and Bruce Smith provide general surveys of the American police establishment, with the emphasis focusing on the administrative problems of policing.\(^4\) The recent books by Roger Lane and James F. Richardson outline in detail the transformation in function and administrative organization of the Boston and New York police departments during the course of urbanization. Both studies conclude at the close of the nineteenth century and neither approach the subject of police service as a developing profession.\(^5\) A recent collection of essays by Richardson surveys briefly several issues of urban law enforcement, including civil service, police administration, bureaucratization and professionalization. The essays, based primarily on secondary sources and recent government reports, trace some of the developments which have occurred in urban policing and offer some possibilities for the future.\(^6\)

None of the studies place the development of the professional ideal in police service in its historical perspective. To understand this important movement in a vital area of community service, the process must be analyzed in a historic context by examining those factors which encouraged - or retarded - its growth. Police officers more than any other aspiring professionals have been affected by conditions and circumstances over which they have had a minimum of control. Operating within a
political and legal framework, the direction of the institutional growth of municipal police service was dictated by local political events and changes in the legal status of police officers. The changing role of the police in urban society, the relationship between the police and city politics, and efforts at police reform serve as the means of tracing the growth of responsible law enforcement. These factors have had an incalculable impact on police behavior and development and are reflected in the changing attitudes of police officers toward their status in the community which has occurred since the end of the Second World War.

To evaluate the role which these influences have had on police professionalization, it is necessary to trace the relationship between the police and the community, particularly in the matter of how law enforcement relates to the needs of the community and how those needs have shifted with time. Moreover, it is necessary to examine the police self-image as an indicator of the growth of professionalism in police service. Self-image is at the core of the professional ideal, for it is self-image which gives the impetus for action within the limited sphere in which the police can determine their development. Self-image provides the motivation for the forming of professional associations and the collective action
required to achieve whatever goals are deemed necessary for upgrading the occupation.

* * * * * *

The movement toward professional police service in the United States is a development of the twentieth century. Like a number of other occupations aspiring to attain professional recognition, policing as an occupation had its origin in the emergence of urban industrialized society and a new pattern of life. Occupational specialization, fostered by the complexities of urban society, provided the impetus for professionalization. The impact of industrialization, technology, and urbanization on the development of new professions, as distinguished from the older established callings of law, medicine, and the ministry, is reflected in the nature of the occupations. The transformation of society required specialized services and quickened the process of professionalization to a degree which had previously been unknown. Medicine, for example, became a full-time occupation by approximately 1700, but did not devise a code of ethics national in scope in the United States until 1912 when the American Medical Association sought to bring the codes of the various state associations into conformity with a general statement of ethical standards. In contrast, certified public accountants filled the immediate need for specialists
to deal with the complexities of taxation laws and corporate business auditing. Certified public accountants achieved full-time occupational status in the nineteenth century, established their first training school in 1881, and founded a national professional association in 1887, followed in 1917 by the formulation of a code of ethics.8 Certified public accounting is illustrative of the rapid development of new professions. Social work, considered by some writers as a marginal profession, was a product of the social dislocations created by an urban environment.9 City management and city planning are two occupations presently in the process of professionalization, owing to their existence to the problems of urban society. Likewise, police service is one of the most recent occupations to seek professional recognition.

As with social work, city planning, city managing and other aspiring professional occupations, the nineteenth century was the formative period in the development of modern police work. Policing of the country's fledgling towns and cities during the colonial period began as a part-time volunteer assignment imposed upon the private citizens of communities. The inconvenience imposed on the citizenry resulted in the hiring of night watchmen to patrol the streets. In some areas, particularly in the South, militia units supplemented the use of night
watchmen. Until the 1840's the method of policing even the large cities was based on a patchwork of offices consisting of night watchmen, day constables, city marshals and sheriffs, who were frequently paid by means of rewards and fees. Salaried police departments organized under one authority were nonexistent. Changes in the traditional mode of policing did not occur until mid-nineteenth century when the turmoil of the urban centers necessitated a more efficient means of police organization.

The antecedent of the reorganization of the American police service originated with the establishment in 1829 of the Metropolitan Police Force of London. With the creation of the Metropolitan Police Force, London had provided for the first time with a full time police force centralized under one authority and compensated with a salary instead of rewards. More important than the organizational innovation was the conceptualization of police work as a specialized service to the community.

Patrick Colquhoun, the nineteenth-century Scottish economist and reformer, recognized as early as 1806 that policing, both in terms of its role in the judicial process and as a service, was a new science. But it was only with the establishment of Sir Robert Peel's Metropolitan Police in 1829 that the essential principles of police professionalism were advanced. Peel's police
reforms consisted of more than a structural reorganization of the police; the most significant change was the innovation in the concept of police work. Indeed, the present service ideal, an intrinsic attribute of police professionalism, was rooted in the standards and official conduct set by Peel for the Metropolitan Police. Peel stressed the preventive role of the police rather than the punitive aspects, in which the police served more as agents for the executioner than as protectors of the community. In a modern police science manner, he emphasized the importance of establishing good community relations to earn the respect and cooperation of the citizens. Moreover, he stressed that as servants of the public police officers were bound to honor and protect the rights of all persons. In his instructions to the commissioners of his new police force, Peel cautioned that a constable

... must be civil and obliging to all people of every rank and class. He [the constable] must be particularly cautious not to interfere idly or unnecessarily in order to make a display of his authority; ... He must remember that there is no qualification so indispensable to a police officer as a perfect command of temper, never suffering himself to be moved in the slightest degree by any language or threats that may be used; if he do his duty in a quiet and determined manner, such conduct will probably excite the well-disposed of the bystanders to assist him, if he requires them. ... Particular care is to be taken that the constables of the police do not form false notions of their duties and powers.
To achieve these ambitious goals Peel established the strict personnel qualifications which are still demanded today for responsible police service. In a radical change from precedent, Peel recommended that the "previous character . . ." of all candidates be investigated "to secure as efficient persons as possible . . ." and only "men of respectability . . ." who could be depended upon to use discretion in their contact with the public. Political patronage was viewed as the "chief danger . . . of the new system . . ." and every precaution was taken to avoid such manipulation. Promotion depended upon "good conduct."^{13}

Between 1844 and 1860 cities in the United States attempted to imitate the organization of the London system by integrating night watchmen and day policemen under one authority. By the beginning of the Civil War consolidation of day constables and night watchmen into one policing unit was accomplished in the major cities. New York City was the first to reorganize its police in 1844, with Chicago following in 1851, Cincinnati and New Orleans in 1852, Boston in 1854 and Baltimore in 1857.^{14}

The consolidation of the police failed to achieve the occupational stability and prestige which accompanied the creation of the London Metropolitan Police. Unlike the Metropolitan Police Force which was centralized under the authority of the Home Secretary, and free of local political manipulation, their American counterparts remained decentralized under the authority of individual municipalities.

Under the federal system of government, policing in
the United States fell under federal, state, county and municipal control and in many instances became subject to local political patronage. As political hirelings, police officers served at the discretion of city bosses or as long as the city administration which appointed them remained in office. The political spoils system, which permeated the offices of nearly all urban municipalities, was the most detrimental influence on the growth of responsible law enforcement in the United States. As overseers of the law, police departments were particularly vulnerable to political interference. Control of police departments was a valuable prerequisite for city administrations because of the ready rewards provided by police appointments and promotions. Moreover, discriminatory enforcement of laws, particularly those on gambling and vice, furnished even greater opportunities to repay debts for election contributions. The partisan nature of police service in American cities prevented the police from achieving the occupational respectability attained by the police in Britain during the late nineteenth and early twentieth centuries. Inadequately paid, untrained and distrusted by the citizens they were hired to serve, the police in the United States began their history under adverse conditions.
NOTES


Some examples of these works are Augustine E. Costello's Our Police Protectors, History of the New York Police from the Earliest Period until the Present Time (New York, 1885), G. M. Roe, Our Police, A History of the Cincinnati Police, from the Earliest Period until the Present Day (Cincinnati, 1890), and Edward H. Hartwell's Police Records and Recollections; or Boston by Daylight for Two Hundred and Forty Years (Boston, 1873).


The proliferation of occupations aspiring to achieve professional status has led one writer to question whether the present trend will result in the professionalization of everyone. Harold L. Wilensky, "The Professionalization of Everyone?" *American Journal of Sociology,* LXX (September, 1964), 137-58.


A general survey of the early development of the American police system is found in chapter 2 of Raymond B. Fosdick's classic study, American Police Systems (1920; reprint ed., Montclair, 1969). The Patterson Smith Reprint Series in Criminology, Law Enforcement, and Social Problems has reprinted one hundred titles of studies written in the nineteenth and early twentieth centuries in response to the increasing academic interest in police work and its related fields.


England and the United States with emphasis on the twentieth century. A general survey of the major European police departments during the nineteenth and early twentieth centuries is found in Raymond B. Fosdick's *European Police System* (New York, 1915).


12 Although institution of the new police system was primarily Peel's achievement, he owed much to earlier advocates of police reform such as Patrick Colquhoun and Jeremy Bentham, particularly in the area of preventive police work and in the ideal of service to the community. See Patrick Colquhoun, *A Treatise on the Police of the Metropolis* . . . (1806; reprint, ed. Montclair, 1969) and Jeremy Bentham, *Works of Jeremy Bentham* . . . (Edinburgh, 1838), I, Part II.


CHAPTER I
THE LEGACY

The earliest law enforcement agents established in the Republic of Texas by the Provisional Government were constables who were to be appointed by "the alcaldes and commissarios of each and every municipality in Texas. . . ." Under the Republic, constables and county sheriffs remained the chief law enforcement officers, although local communities employed watchmen when necessary.¹ Policing in Houston is first mentioned in the Houston Telegraph and Texas Register which reported in December, 1838 the resignation of a city constable and the appointment of two others by the city council.² Law enforcement as a municipal responsibility, however, began with the city charter of 1839 which charged the city to provide its own policing agency. In January of the following year the city council, acting under its charter authority, created the office of city marshal which provided the basis for a police force. With the exception of the Civil War years when the regular police was supplemented by a night patrol composed of citizens from each of the city's four wards,³ police development
in Houston, as in other towns of similar size, evolved around the city marshal. Together with a deputy and several watchmen, the city marshal remained the mainstay of law enforcement until the 1870's.4

Houston did not share the traditional pattern of development observed in larger cities such as New York, Boston and New Orleans. Houston, with a post-war population of 6,000-10,000 persons required only a modest police establishment consisting of only eleven men in 1868 and of twenty-four in 1895.5 Consequently, policing in Houston did not share the organizational innovations which characterized metropolitan police departments during the mid-nineteenth century.

It was not until 1873 that an ordinance was enacted which defined for the first time the duties of police officers and provided formal regulations to govern the conduct of policemen. While the city marshal remained the chief law enforcement officer in the city, he now became head of a police "department." This shift in emphasis was recognized in 1878 when the City Directory discontinued listing the city marshal to describe the city's law enforcement agency and substituted the term police department.6 Although policing was lifted to a status commensurate with the community's expanding importance, several important issues required resolution before the city marshal's office became a
bureaucratized department. These issues involved the supremacy of the public police over the private police, clarification of control over the operation of the department, regularized salaries, and operational procedures.

The ambivalent attitude of municipal authorities concerning their responsibility to organize, finance and maintain a permanent police force was crucial. The use of special officers to supplement the activities of the regular police reflected the reluctance of municipal authorities to assume the responsibility for providing adequate policing in the city. The use of special police officers, frequently hired for short term service or as circumstances demanded, was an expedient solution to the problem of an inadequate police force. Even before organized patrolling the town was established, the mayor commissioned special policemen to observe and report criminal activities to the city marshal or constables. The first evidence of special policemen appeared in April, 1846 when, because of the danger posed by "persons of low type character . . . ," the mayor and city council authorized a committee to form a "secret police . . . to be at all times prepared to assist the officers of the city in quelling riots and disturbances [and] maintaining the peace [and] quiet of the same." In practice, the secret police functioned as a corps of
informers whose purpose was to remain alert to strangers and to be aware of the activities of the city's slave population. Secret policemen were not unique to antebellum Houston but existed as part of the police establishment wherever slavery existed and it was deemed necessary to oversee slave life to prevent uprisings.

The secret policeman of the antebellum period was the forerunner of the plainclothes detective of the 1880's. In 1873 the title secret policeman was changed to "Special Agent" or "detective." But unlike plainclothes officers who served under the authority of the City Marshal, the special agent was responsible only to the mayor and police committee. Two years later a resolution was approved, granting the mayor exclusive authority over the position with financing provided from the city's "Secret Service fund." No precise responsibilities were officially described for the position. Presumably the duties involved gathering of intelligence concerning criminal activities in the city as well as possible illegal activities of members of the regular police.

The duties of special policemen varied, ranging from undercover work for the mayor to any assignment ordinarily expected of regular police officers. During strikes they were often pressed into service to reinforce the regular force as occurred in 1898, 1904 and as
recently as 1944. In 1900, because of the layoffs of several of the regular police officers necessitated by the lack of city funds, Mayor John D. Woolford appointed four special policemen to fill the temporary vacancies.9 The most dramatic use of special officers occurred during the first decades of the twentieth century when such officers were sometimes employed because of their dexterity with fire arms. In 1912, for example, Mayor Baldwin Rice commissioned Jules J. Baker, a former Texas Ranger and investigator for the Cattlemen's Association, J. L. "Rattlesnake Pete" Anders and Henry Ransom as special police officers to maintain order in the city.10 Mayor Oscar F. Holcombe similarly employed special officers when he imported several West Texas lawmen to provide protection for individuals threatened by the Ku Klux Klan when the latter gained control of the police department in 1921-1922.11 This violent aspect of the work of special officers was minimal, however, and should not obscure their important relationship to the institutional development of the regular police.

The use of special police in the conventional mode of law enforcement was first advocated in 1866 when Houston businessmen, dissatisfied with the protection afforded by the city marshal, petitioned the city council for permission to create a "Merchants police force for
the more efficient protection of personal property [and] for the preservation of good order..." The city council, establishing a precedent for the private use of special police granted the petition with the stipulation that any special police assigned to duty would be paid by the citizens and not from the city treasury. Control of the police was placed under the direction of the city marshal, thereby making them responsible to the municipality while the latter evaded the financial burden of their maintenance.\textsuperscript{12} Creation of the special police initially met with opposition from those councilmen who argued that a merchant police force would be an admission of the inability of the regular police to maintain order.\textsuperscript{13} Expediency, though, proved stronger than any obligation by the city council to maintain an adequate regular police force, and the use of special policemen, either commissioned for municipal duty or for private assignment, became an important part of law enforcement in Houston.

In the 1880's private detective agencies for the first time applied to the city for police commissions for their agents employed as guards by local businesses. The private police differed from the city's special police in that the former, commissioned by the city with police powers to serve within specified geographic locations, received no city funds; the latter, also
commissioned by the city but empowered to serve without geographic restrictions, received municipal funds. Special officers Jules J. Baker and Henry Ransom, for instance, were employed to perform whatever duties were assigned to them by the mayor and therefore received their salaries from the city. Private businesses employing special policemen reimbursed the city for their services and the city assumed responsibility for the salaries.

In 1883 the first privately owned commercial police agencies began operation in Houston when agents of the Hennessy and Farrell detective agencies were granted police commissions by the city. Before police commissions could be granted, the police committee first reviewed the agencies' references.¹⁴ The reviews, as with applications for regular police commissions, were cursory at best and offered little assurance that the recipients of the commissions were reliable.¹⁵

Although special officers were commissioned to perform only specific assignments, in practice they shared all the legal powers of arrest and detention enjoyed by regular police officers. The ambiguity of the legal distinctions between regular and special police officers was traceable to the uncertain status of police service in the community during the nineteenth century. Policemen, whether regular officers - employed
full time - or special officers - employed part-time - were not viewed much differently. Thus, no mention is made of special police officers in any of the police ordinances enacted prior to 1897. The city drew its authority for appointing special officers from the city charter which empowered the municipality to regulate its own policing agency. In the revised city ordinances of 1897, special police for the first time were recognized as being distinct from the regular police, but no mention was made of specific requirements for such positions or of their legal relationship to the city's regular police force. The ordinance provided only that the mayor was authorized to appoint as many special policemen as required whenever such officers were deemed necessary. Either the city or the party requesting their services paid the salaries. Except for the method of their selection and the source of their salaries, the special police officer was indistinguishable from the regular officer.16

As policing gained institutional form a trend developed to distinguish between the powers of the regular and special police.17 In 1913 the city specified that the legitimate jurisdiction of special officers be restricted to the geographic locations assigned them.18 While the restriction limited the area of police authority, the mayor retained the formidable power to
commission special officers under state statute. The mayor was empowered to issue as many commissions as necessary "in order to enforce the laws of the city, or to avert danger, or to protect life or property, in case of riot or any outbreak or calamity or public disturbance or when he has reason to fear any serious violation of law or order, or any outbreak or any other danger to . . . ." the city. Moreover, the holders of police commissions enjoyed preferential treatment because of their connection with the city administration. The indiscriminate use of special police evidenced the ill-defined status of Houston's regular police service. Such broad authority was laden with potential for abuse. Mayors found that appointing special officers brought political advantages since such officers, armed with police badges and commissions, could exert influence in the city's wards by virtue of their police authority.

The indefinite boundaries separating the legal functions of regular and special policemen had the unexpected effect of mitigating racial barriers within the police department. Because of the blurring of the legal distinction between regular and special police officers, blacks who served in the latter capacity received, like their white colleagues, the legal prerogatives of regular officers.

Few blacks served as regular police officers, but several served as special officers, and therefore benefited
by the indistinct lines of authority. Because blacks were assigned to patrol black areas of the city, and in most instances were the only law enforcement officers there, they were in effect discharging the legal functions of regular policemen. While black officers were deployed only in black sections of the city, with arrests restricted to black suspects, they nevertheless performed that duty within a prescribed geographic area with the same authority enjoyed by white police officers. In a police committee report of July 2, 1883, evaluating the performance of black special officers, it was found that they had been furnished badges by the city marshal and allowed to carry out "any duty coming under the head of police officers . . ." -- meaning that they functioned as regular police officers. The report continued that the committee's investigation revealed "nothing sufficiently derogatory to these men. . . ." The committee reported that the city marshal found that "they make good policemen and that he [was] able to utilize them with good results, particularly . . . at the different gatherings of the colored people within city limits." Perhaps the "good results" noted in the report were due in part to the strict discipline imposed on black special officers for infractions of rules which were frequently ignored when committed by white officers.

Complaints by either black or white citizens could
result in the immediate dismissal of black officers, for city officials were constantly concerned that belligerent or overly aggressive black officers might be considered a potential threat to the white community and reflect on the good judgment of the city council in its choice of police officers. In July and August 1883 the police committee received petitions from white and black citizens complaining that special officer Lewis Williams was unfit to serve because of a past criminal charge involving a murder for which he had received a pardon by the governor. Following a brief discussion the police committee recommended the immediate discharge of all black special officers and ordered that in the future such officers should be commissioned only after they had been properly referred by the mayor or city marshal to the city council for consideration. 25

Although the number of blacks in the police department were few -- reaching a peak of three special officers out of a force of twenty-two men in 1892 -- their participation in the policing of the city was a significant change from precedent, in that blacks were for the first time allowed to exercise police authority. While their participation was token at best, at least this slim presence continued uninterrupted in the subsequent decades, with their number fluctuating from one in 1907 to seven regular officers in 1930. Of the
seven, four served as detectives and three as uniformed officers. As a means of introducing blacks to the police service, the use of special black officers took on an added significance in the institutional growth of policing in Houston.

The inferior relationship of black officers to their white colleagues begun in the nineteenth century was formalized in the early twentieth century as was their relationship with the white community at large by the increasingly rigid racial distinctions reflected in the enactment of segregation laws. The practice of restricting black officers to patrol in predominantly black areas, begun in the 1870's, remained established policy through the late 1950's. Moreover, black regular officers, while authorized under state statute as certified peace officers to effect any lawful arrest regardless of the offender's race, were required by department policy to arrest white offenders only with the assistance of a white officer. If the participation of a white officer in such a circumstance was impossible, the arresting officer was required to request the assistance of a white policeman in transporting the offender to jail. These inequalities and others -- lack of promotional opportunities beyond that of detective and exclusion from motorized patrols -- reflected the unequal status of black officers as a nineteenth century legacy.

* * * * * *
The confusion surrounding the power of appointment and removal of police officers was characteristic of the nineteenth-century police establishment. Much of the difficulty was a result of the inconsistency found in the provisions of the city charters and ordinances dealing with appointments and removals. According to the charter of 1871 policemen were to be nominated by a police board and confirmed by a majority of the aldermen. This procedure applied only to the police department, since the mayor, with the approval of a majority of aldermen, filled all appointed positions in the other city departments. The city marshal initiated all suspensions and dismissals, but dismissals, if contested, required a two-thirds vote of the council.\(^{29}\)

From 1871 to 1897 control over the police shifted repeatedly, so that it was difficult at times to determine precisely how the authority was divided. At one point the mayor was given complete control over the police, including the power of appointment, while a few months later the city council was empowered to vote on all nominations advanced by the mayor. By 1897 the city marshal (or police chief, as the police executive was now sometimes known) presented the mayor with a list of names of suitable persons to serve as policemen. The mayor then made the nominations to the city council,
which had the power to confirm the appointments as well as to make whatever rules and regulations were necessary for the functioning of the department. This practice conflicted with the requirements of civil service legislation enacted in 1897 and later and provided a serious obstacle to reform. 30

As with the regular police, the mode of selecting and financing special police officers fluctuated until the early twentieth century. Members were sometimes chosen from a list of candidates submitted for approval to the aldermen by the mayor or city marshal. In other instances, the mayor made the appointments, as in February, 1876 when the city council authorized him to select a special officer to serve as license inspector. 31 In the following year a resolution was offered to allow the city marshal to choose two men from each ward of the city to act as special police officers. 32 Later in 1881, the mayor and city marshal made the selections. 33 Salaries were set by the aldermen at a rate no higher than that of the regular police and quite frequently at a lower rate. In some instances the only pay was whatever could be collected through arrest fees, an arrangement designed to relieve the municipality of the expense of providing salaries. 34 The substitution of fees for salaries proved as unsatisfactory for financing special policemen as for regular officers.
Police salaries during the post-Civil War years averaged $60 a month for patrolmen, which compared favorably with the wages of Houston laborers, if not skilled mechanics. Upon closer examination, however, the comparison was not favorable, for police salaries were frequently paid irregularly or in script which was discounted at the policemen's expense. Such discounting was particularly prevalent immediately following the Civil War when the city's financial resources, already depleted by indebtedness, were hard pressed to finance civil improvements and public services. So desperate became the need for money to pay police salaries in October, 1866 that the city council requested local merchants to advance funds on the city's bonds.

The economic depression of the '70's worsened the situation. To conserve funds, the city council, acting on the recommendation of the finance committee, decreased the strength of the police department and reduced the salaries of the remaining men. In December, 1872 the authorized strength of the police force was twenty-four regular officers, but by May, 1877 the department was reduced to ten, prompting the police committee to complain that the police force had virtually ceased to exist. As the fiscal crisis worsened the salaries of police officers were reduced from $65 to $60 a month. At the height of the crisis the police force received no pay
for four months. The situation became so critical that one alderman proposed, without success, that the mayor and aldermen donate their salaries to pay the delinquent salaries of the police and street workers.\textsuperscript{40} In April, 1877 police officers protested in a petition to city council that they had not received their salaries since January and appealed for immediate relief. The city council voted to use whatever unappropriated funds remained in the city treasury to pay the men. Two years later these circumstances were repeated.\textsuperscript{41}

The ability of the city to finance the police department improved slowly during the subsequent three decades. Salaries in 1900 remained at $60 a month for patrolmen, although some graduation in the salary scale occurred as other positions in the department were created in the '80's and '90's.\textsuperscript{42} Mounted police officers and sergeants received slightly higher wages than the patrolmen. Notwithstanding these exceptions, and those of the city marshal and deputy marshal, the salary of policemen in 1900 had not increased in nearly four decades.

A system of fees compensated police officers, in part, for the loss of salaries suffered during the years of financial instability. Fee collecting in connection with performing official duties at first applied only to the city marshal, who was authorized as early as 1843
to receive $0.50 for each affidavit filed in justice of the peace courts. An ordinance enacted in January 1861 expanded the prerogative of the marshal to collect fees.\textsuperscript{43} The ordinance authorized the city marshal "to . . . receive the same fees for executing any process from the Recorder's Court, as . . . allowed to Sheriffs by law."\textsuperscript{44} The system was lucrative and a source of scandal before the amount of the fees was regulated by an ordinance. In July, 1879 a special committee found that the city marshal and recorder were "reaping a golden harvest . . . " from the cases brought to the recorder's court. Fees on $1 fines, for example, ranged from $10 to $20. Within a six-month period the investigators disclosed the marshal had processed at least 700 cases for which he collected fees totaling about $3,500.\textsuperscript{45}

These disclosures and others resulted in the passage of an ordinance which regulated the amount of fees permitted the city marshal and recorder for the various transactions of the recorder's court as well as the procedures to follow in documenting the fees collected. According to the new schedule, the fees ranged from $1 for an arrest to $0.50 for summoning a witness.\textsuperscript{46} Unlike the city marshal, policemen received their fees from cases processed in the justice of the peace courts. The difference was significant, for cases filed in the justice of peace courts, while providing
a fee to the officer serving the process papers or warrant, produced no revenue for the city. All fines reverted to the state.

In 1899, the city attempted to correct the situation and increase its revenue by creating a corporation court to handle all misdemeanor cases formerly processed by the recorder's court. In addition, the amended charter forbade all salaried city employees from receiving "any fees, rewards or prerequisites accruing from any service performed in any manner whatsoever, whether authorized by the general laws of the State or otherwise." Because of the personal financial advantages, police officers continued to bring cases to the justice of the peace courts despite the charter restrictions and the admonishment of city officials. Vagrancy cases were particularly profitable as a police committee report in January, 1901 revealed. The cases, tried before justice of the peace courts, reflected a significant loss of income for the city, since each plea of guilty carried with it a minimum fee of $8.45.

The violations decreased gradually, under pressure from the city, but not without resistance. In June, 1904, for instance, Judge J. B. Marmion of the Corporation Court accused several officers of continuing to violate the law and sought to have them officially reprimanded for their actions. One of the officers, infuriated by
Marmion's action, attacked and threatened the judge with a drawn revolver.\textsuperscript{52} Despite the resistance of police officers, stricter restrictions were sought, and in May, 1906 an ordinance was enacted which halted the violations by requiring every officer to turn over all fees collected from the justice of the peace courts to the clerk of the corporation court. Each transaction was recorded and verified by monthly audits. Police officers were financially responsible for any discrepancies and could be dismissed from the department for repeated violations.\textsuperscript{53}

Although salaries did not improve, a charter change in 1899 did much to regularize salaries and provide assurance that the payroll would at least be paid on schedule.\textsuperscript{54} The charter amendment, which was part of a municipal budgetary reform program designed to bring efficiency to municipal finances, formalized salaries in ordinances and eliminated the haphazard method of providing funds for the police as had been the custom in the past. The regularization of salaries allowed for the projection of the department's fiscal requirements on an annual basis and allowed for the efficient budgeting of funds for the police department. Moreover, salaries established by ordinance could only be modified by a repealing ordinance, a process which lessened the likelihood of monthly fluctuations. Economic dislocations
continued to create hardship, but the impact for police officers was less severe. During a financial crisis in 1901, for instance, no dismissals were ordered or salaries withheld as had occurred in the '70's. Instead, the working hours of all officers were reduced proportionally until a savings of $700 a month in the department's expenditures was achieved. Full salaries were restored within a month. The increased demand for police service made the drastic action of earlier years impossible. The introduction of regularized payrolls was evidence of the importance which policing had taken on as the twentieth century brought a new era of accelerated urbanization to Houston.

While policing in Houston moved toward institutional recognition, the police department assumed increasing areas of responsibility as the dimensions of police service expanded steadily with the increased tempo of urbanization. By 1920 Houston emerged as a rapidly expanding business and industrial center, its growth accelerated by the developing oil industry and sustained by manufacturing and building activities. Houston's population also rapidly increased during this period of economic expansion. Between 1900 and 1920 the city's population increased from 44,633 to 138,276, the latter figure representing a percentage gain of 75.2 per cent over the 1910 population of 78,800.
The demands placed on the police department reflected the new twentieth century urbanization. While the role of "preserving the peace" necessarily involved the police in sporadic confrontations with violators, the daily routine of police officers consisted of a wide range of duties unrelated to crime detection. Some duties were mundane, assigned to the police because the department served as a convenient and relatively inexpensive agency to fulfill a number of municipal responsibilities for which no other city agency existed. Municipal officials had no clear notion of what constituted police work. Police officers were expected to perform whatever services the municipal authorities deemed necessary.

No responsibility bestowed upon the police department attracted the attention of municipal authorities more than the department's revenue-raising function. Throughout the antebellum and post-Civil War years the collection of taxes, fees, and fines remained vital functions of the city marshal as well as sources of scandal for several marshals.\(^{57}\) Fines on gambling establishments and bordellos served more as a form of licensing than as a punitive action to halt their activities. Likewise, arrests for vagrancy were regarded as a potential source of revenue.\(^{58}\) The financial reports of the city marshals and municipal courts were carefully monitored for discrepancies. Loss of revenue brought remonstrances
from the city council as occurred after 1899 when reports indicated that fees earned by police officers reduced the amount of city income. In January, 1901 the city council issued statements critical of the department's revenue-producing efforts. Following these criticisms, the revenue-producing role of the police department was given emphasis over the law-enforcement aspects. The city viewed the collection of fees and fines as a means of lessening the responsibility of the municipal authorities to finance the police department. Statistics given in the annual reports sought to demonstrate the ability of the department to keep the operating expenses of the department at a minimum through the diligent collection of revenue. In 1902, for instance, the operating expenses of the department were $57,000, but because of the revenue collected by the department (excluding taxes collected) the actual cost to the city was $44,397. The esteem in which an administration held the police department was frequently determined by the department's ability to assist in its own support. During the next two decades the amount of revenue raised became insignificant in comparison with the department's operating expenses.

Other duties accepted as customary - but not consistently performed - were removing sidewalk obstructions and street nuisances, regulating the operation of the market place, overseeing the removal of illegally
constructed fences, and impounding stray cattle found within the city limits. During epidemics, a problem primarily confined to the nineteenth century, the police were pressed into service to enforce quarantine regulations. In 1874, during an epidemic of smallpox, policemen were assigned the responsibility of determining which dwellings were contaminated and of establishing a quarantine of the premises with the power to arrest all unauthorized persons found entering or leaving.62

The greatest expansion of the department's responsibility as the twentieth century dawned was in the area of social service. Being in daily contact with the indigent elements of Houston's population and with the increasing number of transients in the city, the police were frequently called upon to render services outside the scope of law enforcement. The financial strain imposed on the department in providing community services led Chief of Police E. C. Noble to plead in his annual report of February, 1913 for "at least $150,000 . . . for the maintenance and caring for the work of the Police Department. . . ." In his compassionate message Noble appealed

there are many items of expense that come up that mean so much to the city, much to the community and much to the welfare of the people that can not be done if there are not such provisions for this work. There are many destitute and hungry people that the Department is
forced to handle at a time they can not be placed anywhere they can be properly taken care of, and unless the city can feel sufficiently the needs and demands of humanity, it is likely that things will come up that will cause criticism and comment of the Department and the administration that should not be, and I would urge and request that this matter in the budget should be thoughtfully and carefully looked into by the Mayor and Board of Commissioners, and I shall be pleased, if it becomes necessary, to go before the Mayor and Council and discuss these needs personally. I feel, though, that this will be unnecessary, as in a great and growing city of this kind there can be no doubt but what the human side will present itself to the Mayor and Council and adequate means provided for the caring for and maintenance for not only this department, but for the needs that come upon it. 63

The plight in which Noble found the department resulted from the lack of community institutions to deal with the city's indigent and those persons unable to care for themselves. Such individuals generally found that the police officer was their only contact with the city's establishment. Local reform groups such as the Young Men's Christian Association, the Women's Christian Temperance Union and the Humane Society, also recognized the unique position of the department and attempted to utilize the police to serve a humanitarian purpose in addition to its law-enforcement function.

The impact of local reform groups on the police department was felt in 1900 when the Temperance Union with the support of local women's organizations succeeded
in having a police matron appointed to the police department. Prior to 1900 females detained in the city jail, while segregated from male prisoners, were supervised entirely by male police personnel. The practice was common in most cities until the 1880's, when the Temperance Union and local philanthropic groups petitioned for the employment of police matrons to care for female prisoners. Following the example of Temperance Union chapters in other cities, the Houston chapter with the support of several local women's organizations, successfully petitioned the city council in March, 1900 to appoint a police matron. Except for supervising female prisoners, the precise duties of the police matron were undefined. Crisis situations, however, expanded her duties to include rendering emergency medical treatment to sick men and women brought off the streets by patrolmen, seeking lodgings for homeless children, assisting to secure employment for destitute women, seeking funds for stranded travelers and accompanying representatives of charitable organizations to investigate the living conditions of destitute families. With the introduction of a police matron the police department became an active social service resource, rendering services outside the area of law enforcement.

The most significant expansion of police duties in the social service area occurred in 1912 with the
establishment of a humane department as part of the police department. Agitation for the creation of such a department began in 1898 when Bruce Wood, Secretary of the Houston Humane Society advocated that a policeman be assigned as a humane officer to investigate cases of cruelty to animals and children. An agreement was made with the city marshal to assign such an officer, but the arrangement was abandoned within a year following a change in the city administration. Wood's hope was finally realized in 1912 when a humane department was established under the authority of the police department to investigate cases of cruelty to animals. Once the humane department commenced operations officers quickly found themselves catering to the needs of people. Of 1,010 cases handled by the humane department during its first year of operation only 185 were related to cruelty to animals. The remainder involved problems which included locating lost relatives, referring elderly persons and children to the city's United Charities and investigating the hiring of underage girls in bordellos. In 1913 the burden of handling juvenile cases was shifted from the Humane Department to two newly appointed juvenile officers.

While the responsibilities and expectations of the police increased, the quality of policing reflected a combination of twentieth century innovation and nineteenth
century legacy. Regularized salaries and operational procedures gave form and increased stability to the formerly haphazard organization of the police force. These changes coincided with the department's participation in professional organizations catering to the interests of law enforcement officials. Although the State Association of Texas Sheriffs had existed since 1878, city marshals and police chiefs had no similar organization in Texas until the founding of the City Marshals and Chiefs of Police Union of Texas in 1894. The establishment of the Union gave Houston police chiefs the opportunity to exchange views with police officials from other cities. Participation in the Union was followed in 1900 by Chief Blackburn's membership in the National Bureau of Identification. National affiliation was achieved in 1900 when Blackburn became a delegate to the annual convention of the National Association of Chiefs of Police of the United States. The contact with other departments allowed for an exchange of information on subjects dealing with all aspects of urban police work to the need for judicial reform. Moreover, the meetings served to foster a common bond among urban police agencies and thereby to lift their conception of policing beyond the localism of their own communities.

By 1912 the Houston Police Department was similar to most urban police departments as it adapted to the
technological advances of the period. The department began to adjust itself to the automotive revolution by introducing a motorcycle squad in 1909 and two pursuit cars in 1912. To alleviate the growing traffic problems and provide a basis for more effective police regulation, the city council inaugurated Houston's first traffic ordinance in 1910. Houston was among the first cities (in 1910) to have in operation the Gamewell signaling system which made possible direct communication between patrolmen on the beat and police headquarters. The creation in 1909 of an Identification Bureau, based on the Bertillon and fingerprint systems, marked a major advance for the department in modern law enforcement techniques. By September, 1915 the department's files contained 4,939 Bertillon cards and 1,625 fingerprints which increased to more than 8,000 in December, 1916, making the Houston Identification Bureau the most advanced in Texas. Instructions for instituting the system in other departments were given to police personnel in San Antonio and Fort Worth. Regional cooperation was achieved in 1916 when the Houston Identification Bureau established a mutual system of exchange with the United States Justice Department Bureau at Leavenworth, Kansas and the Bureau of the Berkeley, California Police Department.
The technological innovations and developing bureaucratic structure were, however, only the superficial attributes of a progressive police department. None of the substantive qualities of responsible law enforcement -- freedom from political interference, the promotion of a career consciousness and a strict governing apparatus for the administration of the department -- were attained. In terms of personnel and training, the transition from the nineteenth to the twentieth century was hardly perceptible.

Securing competent and dependable personnel became one of the most serious problems of police administration. While the problem increased proportionally with the move toward responsible police service, it was most serious during the formative years of the department's development. The problem was first dealt with in the police organization ordinance of 1874 which sought to stipulate certain qualifications for the selection of policemen. The ordinance, similar to those of other cities, provided basic guidelines for the employment of police officers such as citizenship, residency, bond requirements and good character references. In addition, the ordinance attempted to govern the conduct of police officers toward the public. In making arrests, for example, police officers were forbidden to use more force than necessary and they were expected
to maintain their decorum with the public even under adverse circumstances. These rudimentary regulations were followed in 1915 by a departmental pamphlet outlining the rules governing the conduct of officers. All facets of a police officer's duties and responsibilities were discussed, including arrest procedures, the taking of evidence and the circumstances when the use of firearms was permissible.

Efforts to regulate the qualifications and conduct of police officers during the formative period of the department's development were not successful. Few official police department records exist for 1866-1920, but other sources, such as newspapers and city council minutes, indicate that serious disciplinary problems existed. Among the most serious offenses were those involving physical abuse. In July, 1876, for example, officer John Falvel was suspended for the unjustified shooting of a drayman. A sensational incident occurred in November, 1888 when officer McKeever Perkins, angered over his suspension because of dereliction of duty, attempted to murder Chief of Police John White. Another officer, while intoxicated, threatened Mayor A. L. Jackson and Chief of Police George Ellis. Such offenses were not restricted to patrolmen. In October, 1894, City Marshal James H. Pruett was suspended for assaulting Alderman Louis Sonnen, chairman of the Police Committee, when he
accused the marshal of performing special services for a county candidate for public office.\textsuperscript{75}

Disciplinary action for less serious offenses also occurred, as in November, 1902 when two officers were dismissed for taking bribes.\textsuperscript{76} As a grand jury investigation revealed, however, disciplinary action for minor offenses was seldom taken. According to the report, police officers publicly drank while on duty without fear of punishment. Other reports charged the police with "unfitness and inefficiency . . ." for their failure to enforce the city's laws.\textsuperscript{77} Dissatisfaction with the performance of the police department peaked in October 1901 when plans were discussed by some of Houston's leading business and professional men to organize a vigilante group "to strike at the pistol 'toter,' the murderer, the highwayman and the burglar, and enforce the prosecution of the guilty . . . in conjunction with the public prosecuting attorneys if possible, against them if necessary." Known as the "Society for the Prevention of High Crime," the proposed organization was similar to other vigilante groups formed in the cities of the East and North at the time.\textsuperscript{78}

The discrepancy between the rules and regulations and the reality of police conduct was a consequence of the low status assigned police service in the community both in terms of prestige and material advantages. Being
equated with unskilled labor, police service lacked the dignity of an established occupation. Police officers were generally appointed because of political patronage or because of their physical prowess. As a local newspaper columnist expressed the popular view of police work, "neither the police nor fire departments in their very nature offer opportunity for careers. Their requirements are largely courage and agility. All men may have courage, but only young men may retain agility." The low status of policing as expressed in the preceding statement was underscored by inadequate salaries, an eighty-four-hour work week and the lack of job security or other benefits. There were no pensions, and no compensation existed for men injured or killed in the performance of their duties, except at the discretion of the City Council. In one instance a request by an officer for payment of three work days lost because of a job-connected illness was rejected as was a petition submitted by an officer for reimbursement for work time lost because of injuries received during a street car strike. The City Council acted more leniently in cases involving the families of slain officers. In April, 1891 the Police Committee granted a month's salary and funeral expenses to the widow of a slain officer. Another widow was granted two months' salary, while in December, 1901, the widows of two slain officers
received the total of three months' salary because of the destitute condition of the families. The practice of appealing hardship cases to the city and relying on its benevolence for relief was an old one, characteristic of the pre-Civil War period.

As a result of such conditions, policing became an occupational monopoly of the unskilled and uneducated. Since the likelihood of improvement was remote, police officers found no encouragement to remain with the department if a more lucrative job could be found. The department, already undermanned, was continually confronted with maintaining its current numbers. Because of these circumstances enforcing stringent rules and regulations became impractical. Entrance standards were likewise compromised.

The lack of instruction in police procedure and methods further complicated the disciplinary problem. As was the custom throughout the nineteenth and early twentieth centuries, no formal training was included in the recruit's orientation. An attempt by a discipline-minded inspector in 1917 to instill a military bearing and conduct among patrolmen met with derision from both the officers and the public. Training was by experience. The recruit learned his duties and police procedure while on patrol, accompanied usually by an experienced officer who supervised his performance for
a brief period. All learning was communicated by means of trial and error, for police manuals were not available. The legalistic aspects of policing, such as making an arrest, distinguishing between a felony and a misdemeanor were acquired, if at all, through practice. Formal instruction was in fact resisted, for fear that policies would become inflexible and hamper the activities of the department. Only by performing on patrol was it felt that a patrolman could realistically learn his duties.

Progressive minded police chiefs made sporadic efforts to institute in-service training programs. Chief of Police E. C. Noble organized the first series of training lectures in 1913 by inviting private citizens knowledgeable in the law to discuss the responsibilities of police officers and their obligation to respect the rights of citizens. The program was discontinued when Noble resigned several months later. Another unsuccessful attempt was made in 1921 when the municipal Civil Service Commission directed Chief of Police Gordon Murphy to establish a thirty-day training course within one year. The course, as envisioned by the Commission, would have consisted of lectures and individual study, focusing attention on departmental rules and regulations, community relations, police duties and pertinent city ordinances. A third effort was made two years later with plans to
begin a series of "Efficiency Meetings," consisting of a program of seminars and lectures, based in part on the text used by the New York Police Department Training School. Periodic sessions were held for a brief time but were soon discontinued. A similar training experiment was conducted in 1930 but was discontinued like its predecessors.

The lack of training placed a premium on experienced patrolmen. Since knowledge of police work was gained only through practice, the process of learning became an expensive experience both for the department and the public. The need to retain experienced men on the force was an important factor in hindering rigid discipline, for men were not as likely to be dismissed for infractions of police regulations. Dismissals occurred more frequently as a result of political patronage than as a result of disciplinary action.

The failure to institute a training program reflected the belief that policing was a function requiring only brawn and a minimum of intelligence. Such a belief conformed to the image of the police officer as solely a crime fighter frequently engaged in deadly encounters with criminals. Much of the legacy arose from an exaggeration of the lawlessness of post-Civil War cities. Available postwar crime statistics for Houston tend to substantiate the findings of Robert Dykstra.
and Frank Richard Prassel that the number of homicides traditionally associated with law enforcement in the towns and cities of the West during that period has been exaggerated by popular literature.\textsuperscript{89}

As a nineteenth century legacy, however, the image of the crime fighter has been responsible for misconceptions concerning urban police service and has diminished its multi-faceted dimensions.\textsuperscript{90} The effect of the legacy retarded the growth of responsible law enforcement by ignoring the relationship of the police to the total community and by ignoring the occupational expertise such a relationship required. Although police officials tended to succumb to their own image, a few recognized the professional potential of policing. One such officer, addressing the annual convention of the City Marshals and Chiefs of Police Union of Texas at Houston in June 1900, exhorted his colleagues to recognize the potential professionalism of urban police work and to set out to bring about the reforms necessary to attain professional status.\textsuperscript{91} Nearly half a century passed before the plea was heeded.
NOTES

1 Ordinances and Decrees of the Consultation Provisional Government of Texas and the Convention which Assembled at Washington, March 1, 1836 (Houston, 1838), 139; Laws of the Republic of Texas in Two Vols. (Houston, 1838), I, 179-83, 185-6.

Following statehood, the provisions creating constables and county sheriffs were revised. See Laws of the Republic of Texas, 1822-1897 (Austin, 1898), 261-9.

No official police reports exist for the nineteenth century. The only annual reports of the police department available are found in the municipal yearbooks beginning in 1902. Information on the nineteenth century police department must be gleaned from a number of sources consisting of city ordinances, city council minutes, city directories and newspapers. The city directories, by giving the numerical composition of the police force and its organizational structure, are particularly useful for tracing the growth of the post-Civil War police department.

2 Charter of the City of Houston as Contained in the Several Acts of the Republic and State of Texas (Houston, 1855), 4; Houston Telegraph and Texas Register, December 1, 1838.

3 The Charter and Revised Code of Ordinances of the City of Houston (Houston, 1861), 62.


5 Houston City Council Minutes, Bk. B (December 13, 1872), 450; Morrison and Fourny's General Directory of the City of Houston, 1894-1895 (Houston, 1895), 49.
The Charter and Revised Code of Ordinances of the City of Houston Embracing all Ordinances in Force Down to August 31, 1874 (Houston, 1874), 83-7; Murray's City Directory for 1866-1878 (Houston, 1878), 36; City Council Minutes, Bk. C (February 27, 1875), 544.

Minutes, Bk. A (April 20, 1846), 322.

Ibid., Bk. B (February 27, 1868), 361; Ibid., Bk. C (September 27, 1873), 216; Bk. C (February 6, 1875), 526.

Minutes, Bk. C (December 6, 1873), 237; Ibid., Bk. C (April 25, 1874), 328; Ibid., Bk. C (May 16, 1874), 341; Ibid., Bk. F (December 17, 1883), 195; Ibid., Bk. F (August 9, 1884), 281; Ibid., Bk. K (July 5, 1900), 267; Ibid. (July 9, 1900), 270.

Houston Biography: Men; v., 176, p. 12, Houston Public Library, Texas Room, Houston, Texas (hereafter cited as TRHPL).

Houston Chronicle, March 25, 1925; Houston Press, March 25, 1925; Houston Post-Dispatch, March 26, 1925.

Minutes, Bk. B (February 14, 1866), 116; Bk. D (February 25, 1876), 184-5.

Ibid., Bk. B (May 17, 1866), 132.

Minutes, Bk. F (June 18, 1883), 144; Ibid. (July 9, 1883), 158.

The regulations governing private police agencies remained inadequate until an ordinance was approved in 1969 which strictly regulated the appointment of such officers. The ordinance curtailed the mayor's power by making the Chief of Police responsible for certifying that the applicant fulfilled all the requirements set forth in the law before the mayor grants a commission. Moreover, the special officer's public powers extend only to a specific geographic location. See Code of Ordinances, City of Houston (Tallahassee, 1968), Vol. II, 1052-61. See also Texas Jurisprudence, 2nd ed. (Rochester and San Francisco, 1963), Vol. 46, 256.

Charter (and Revised Code of Ordinances) of the City of Houston (Houston, 1897), 64; The Revised Code of Ordinances of the City of Houston of 1914 (Houston, 1914), 267-8.
According to current law, private policemen, unless deputized, cannot claim any powers greater than those enjoyed by private citizens such as the rights to make arrests, to self-defense, to defend other persons, to carry firearms and to investigate. Private policemen are generally under more stringent regulation than private citizens, but restrictions vary according to state regulatory laws. The marked difference is between non-deputized private policemen and public or regular police officers, for the latter, functioning under state laws, are allowed greater arrest and police powers than the former. Moreover, public police officers receive greater cooperation and acceptance both from citizens and officials, which reduces the effectiveness of legal restraints, thereby magnifying their powers.

Deputization generally implies that private citizens are granted the full powers of the public police officers within a certain geographic jurisdiction and for a specific time period. The geographic jurisdiction may be a business establishment or some designated facility. Time may be limited to the period the officer remains within that geographic location.

For a thorough study of the legal status of public and private police, see the five-part series published under the auspices of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration of the United States Department of Justice, entitled Private Police in the United States: Findings and Recommendations (Santa Monica, 1971); The Private Police Industry: Its Nature and Extent (Santa Monica, 1971); Current Regulations of Private Police: Regulatory Agency Experience and Views (Santa Monica, 1971), and especially The Law and Private Police (Santa Monica, 1971) and Special-Purpose Public Police (Santa Monica, 1971).

Charter of the City of Houston, 1914 (Houston, 1914), 267-8.

Revised Civil Statutes of Texas, 1925, Annotated (Austin, 1925), I, 359.

The mayor's authority to appoint special officers sometimes was so abusive that it warranted court action. In San Antonio Mayor J. R. Lambert was accused of creating an "armed guard" to serve at public expense during the tenure of his office. The courts forbade the practice, but less blatant infractions of the right continued. Uhr v. Lambert, et al (Tex. Civ. App., 1916), 188 S. W. 946-7.
21. Minutes, Bk. C (March 6, 1875), 555; ibid., Bk. F (July 2, 1883), 153.

22. Ibid., Bk. F (July 2, 1883), 153.

23. Ibid.

24. Ibid., Bk. E (December 19, 1881), 559.

25. Ibid., Bk. F (August 6, 1883), 116; Miscellaneous Correspondence, 1900-1902 and Miscellaneous Papers, undated, Packet dated 1883, Petition dated July 14, 1883, HCAC; Minutes, Bk. F (August 6, 1883), 166; Houston Post, August 7, 1883.

The number of black officers during the postwar years is uncertain.

26. Murray's City Directory (Houston, 1878), 36; C. D. Morrison and Company's General Directory of the City of Houston, 1879-80 (Houston, 1880), 22.

The exact number of black special or regular police officers on the force during the nineteenth century is unknown since the City Minutes, while mentioning black officers, do not always indicate their number on the force at any given time. The city directories provide some answers. In 1877 the directories began the practice of listing the names of all police officers on the force and indicating their race. In 1877-78 the Directory revealed, for example, that the department consisted of a city marshal, a deputy marshal and twelve patrolmen, one of whom was black. In 1879-80 nine patrolmen were listed, two of whom were black. Later Directories also indicate that at least one black officer was a regular policeman. Special black officers serving for brief terms are not listed, so that the total number of blacks in service fluctuated throughout the year, and the directories do not necessarily reflect the total number of blacks actually in service for any twelve-month period. Information on the number of blacks on the police force between 1930 and the post-World War II years is scant. The practice of listing the names and race of all police officers in the city directories was discontinued as the size of the force increased. Official police records in the form of annual reports are incomplete between 1930 and the 1960's. A study conducted in 1962 listed 24 black uniformed officers and one detective on the police force in 1961. In 1969 the number increased to 53 out of a total force of 1,532 men. See Elliott M. Rudwick, The Unequal Badge: Negro Policemen in the South (Atlanta, 1962), 7, and Donald A. Cole, "The Negro Police Officer of Texas," (Unpublished M. A. thesis, Sam Houston State College, 1969), 25.


29 Charter and Revised Code of Ordinances of the City of Houston (Houston, 1871), 6. The Police Board or Committee was composed of several aldermen and was similar to the later Police, Fire, and Health Board which was created under the civil service provisions of the 1897 charter. The duties of the two boards were similar except that the Police Committee concerned itself solely with the police department as did the Fire Committee with matters dealing with the fire department. Under the charter of 1897 the three committees were united under one board. See Charter [and Revised Code of Ordinances] of the City of Houston (Houston, 1897), 20.

30 The implications of the conflict are discussed in detail in Chapter IV.

31 Minutes, Bk. C (May 16, 1874), 341; ibid., Bk. C (March 6, 1875), 555; ibid., Bk. D (February 4, 1876), 176; ibid., Bk. D (February 25, 1876), 185-6; ibid., Bk. E (December 19, 1881), 559.

32 Ibid., Bk. D (February 2, 1877), 414.

33 Ibid., Bk. E (December 19, 1881), 559.

34 Ibid., Bk. C (February 7, 1874), 279.

35 On a twelve-month basis at $60 a month the annual income of a patrolman was $720. The average yearly earnings of a Harris County laborer in 1870 was $292, which increased to $377 in 1880 and to $462 in 1890. Skilled mechanics on the other hand averaged from $729 to $1,296. Robert E. Zeigler, "The Houston Worker: 1865-1890," East Texas Historical Journal X (Spring, 1972), 42-3.

36 Minutes, Bk. B (October 4, 1866), 174.

38 Minutes, Bk. C (December 7, 1872), 89; ibid. January 27, 1873), 112; ibid. (February 24, 1873), 121; ibid. (January 23, 1875), 514; ibid., Bk. D (May 30, 1878), 615.

39 Ibid., Bk. C (March 6, 1875), 551.

40 Ibid. (January 23, 1875), 515; ibid. (January 30, 1875), 519.

41 Ibid., Bk. D (April 6, 1877), 434, 436; ibid., Bk. E (July 8, 1879), 256.


A detective or plainclothesman was introduced into the department in 1873 but the position was abolished in 1875. Mounted police were first mentioned in 1889. The detective position was reinstated in 1894 and the positions of turnkey, day and night sergeants, and patrol drivers were created. Warrant officers were introduced in 1899 and a police matron in 1900; Minutes, Bk. C (April 5, 1873), 134, 216, 526; ibid., Bk. D (July 30, 1875), 4, 43; ibid., Bk. G (July 8, 1889), 246; City Directory, 1889-90, p. 42; City Directory, 33; City Directory, 1899, 394; City Directory, 1900-1901, 394.

42 Minutes, Bk. A (July 3, 1843), 228; Charter and Revised Code of Ordinances of the City of Houston (Houston, 1871), 29.

44 Ibid.

45 Minutes, Bk. E (July 5, 1879), 250.

46 Ibid. (July 18, 1879), 266.

47 No records exist as to the amount of the fees collected by police officers in justice of the peace courts. If the fee schedule of the justice of the peace court was similar to the recorder's court, police officers received $2 on each plea of guilty.
Revised Code of Ordinances of the City of Houston of 1914, 16-17.

Revised Code of Ordinances of the City of Houston of 1914, (Houston, 1914), 38; Minutes, Bk. K (January 14, 1901), 466.

Miscellaneous Papers, 1902-1903, Packet dated November 24, 1902, Report of the Police Committee to the mayor and board of aldermen, no date, HCAC; Houston Chronicle, June 29, 1904.

Miscellaneous Papers, 1902-1903, Packet dated November 24, 1902, Report of the Police Committee to the mayor and board of aldermen, no date, HCAC; Houston Daily Post, January 8, 1901.

Houston Chronicle and Herald, June 27, 1904; Houston Chronicle, June 28, 1904.

Charter of the City of Houston and General Ordinances . . . From the 31st Day of October, 1904, to and including October 31st, 1910 (Houston, 1910), 22-6.

Miscellaneous Papers, 1902-1903, Packet dated November 24, 1902, Report of the City Attorney, Joe M. Sam, dated January 7, 1901, HCAC.

Ibid., Bk. L (March 11, 1901), 38; Ibid. (April 8, 1901), 72; Houston Daily Post, April 16, May 14, 1901; Miscellaneous Papers, 1900-1913, Packet dated May 13, 1901, Motion dated May 13, 1901, HCAC.


Minutes, Bk. A (February 13, 1841), 74, 75, 204, 209; Ibid. (February 22, 1841), 78; Ibid. (June 12, 1843), 234, 235, 236; Ibid. (May 29, 1843), 222; Ibid., Bk. E (July 19, 1879), 270-2, 272-7, 279-81; Ibid. (July 22, 1879), 281; Ibid. (June 19, 1880), 421; Ibid., Bk. L (April 8, 1902), 534; Ibid., Bk. M (May 19, 1902), 3.

Ibid., Bk. K (December 24, 1900), 456; Miscellaneous Papers, 1902-1903, Packet dated November 24, 1902, Report of the Police Committee, January 7, 1901, HCAC.
Houston Daily Post, January 8, 1901.

The first available annual report of the police department is for the year ending December 31, 1902. All the early reports are included in the city yearbooks. Prior to 1902 individual financial reports are found in the Minutes, while crime statistics are occasionally found in the newspapers.

Annual Message of O. T. Holt Mayor of . . .
Houston and Annual Reports of the City Officers for the Year Ending December 31, 1902 (Houston, 1903), 4, 8.

Minutes, Bk. C (January 26, 1874), 267-8.

Annual Message of H. B. Rice, Mayor . . . of Houston and Annual Reports of City Officials for the Year Ending February 28, 1913 (Houston, 1913), 202.


Houston City Minutes, Book K, March 5, 1900, p. 176; ibid. (March 12, 1900), 84; ibid. (May 7, 1900), 232; ibid. (May 14, 1900), 229; Houston Daily Post, May 8, 1900.

Annual Message of O. T. Holt, Mayor of Houston and Annual Reports of City Officers for the Year Ending December 31, 1903 (Houston, 1903), 91; Houston Daily Post, February 14, 1905.

Houston Post, March 23, 1898, October 14, 1901.
Annual Message of H. B. Rice, Mayor of the City of Houston and Annual Reports of City Officials for the Year Ending February 28, 1913 (Houston, 1913), 212.

In 1928 the Humane Department became a sub-department of the Health Department, but the investigating powers remained with the police until 1939 when the Humane Department became an independent city office. City of Houston: 1939-1940, Griffenhagen Survey, Report No. 10, February 13, 1940, I, 1.

Houston Daily Post, June 15, 1900; ibid., July 10, 1901; Minutes Bk. K (June 25, 1900, 261; ibid., Bk. L (February 24, 1902), 487; ibid. (May 6, 1901), 95.

Annual Message of H. B. Rice . . . and Annual Reports of City Officials for the Year Ending February 28, 1911 (Houston, 1911), 167; Annual Message of H. B. Rice . . . and Annual Reports of City Officials for the Year Ending February 28, 1913 (Houston, 1913), 199.

Annual Message of H. B. Rice, 1911, 167, 168; Illustrated City Book of Houston Containing Annual Message of Ben Campbell, 1910, 362; Illustrated City Book of Houston Containing Annual Message of Ben Campbell Mayor of the City of Houston with Reports of all Departments of the City . . . (Houston, 1915), 334; Illustrated City Book of Houston Containing Annual Message of Ben Campbell . . . with Reports of All Departments of the City and an Analysis of the City by the Chamber of Commerce (Houston, 1917), 348.

The Charter and Revised Code of Ordinances of the City of Houston, Embracing all Ordinances in Force Down to August 31, 1874 (Houston, 1874), 83-6; A second major reorganization ordinance was enacted in 1897 which provided for similar regulations. See The Charter [and Revised Code of Ordinances] of the City of Houston (Houston, 1897), 64-7.

Rules and Regulations: Police Department, City of Houston (Houston, 1915), passim.

No reliable estimate of the department's disciplinary problem is possible before the existence of personnel records in 1920. Since that time the records reveal that a consistent effort to improve discipline and efficiency in the department began in earnest, with an increase of the number of supervisory personnel and the department's increased awareness of its public image. The change was fostered in part by frequent contact with all classes of people because of the enforcement of
traffic regulations. Prior to the automobile, contacts with the public were generally restricted to the indigent and transient elements of the population.

Twenty-two reels of the department's inactive personnel records were reviewed. Each reel contains approximately 100 individual files for the years 1920-1948. Some files antedate 1920 but most begin with the 1920's. A perusal of the records indicate nearly three hundred instances of disciplinary action having been taken, ranging from letters of reprimand to dismissals from the department.

75 City Council Minutes, Bk. D (July 28, 1876), 286; Houston Daily Post, November 18, 1888; City Council Minutes, Bk. H (October 8, 1894), 346; ibid., Bk. O (August 22, 1904), 50.

76 Petition to Mayor and Board of Aldermen, dated September 6, 1902, Miscellaneous Papers, 1902-1903, Envelope dated September 8, 1902, HCAC.

77 Houston Daily Post, December 25, 1881; December 21, 1881; October 29, 1899.


79 Houston Chronicle, January 24, 1920.

80 Miscellaneous Papers, 1900-1902, Envelope dated April 22, 1902, Petition dated February 24, 1902 to City Council from M. F. Cahill, HCAC; Miscellaneous Papers, 1905-1907, Envelope dated June 5, 1905, Petition dated June 5, 1905, ibid.

81 City Council Minutes, Bk. G (April 13, 1891), 521; ibid., Bk. L (August 5, 1901), 210; Miscellaneous Papers, 1900-1903, Envelope dated December 23, 1901, Resolution dated December 23, 1901, HCAC; City Council Minutes, Bk. L (December 23, 1901), 420-1.
A comparison with cities of comparable size to Houston indicates that prior to 1914 Houston generally lagged behind in the size of its police force. Chief of Police George Ellis complained in his annual report of 1908 that nearly all municipalities the size of Houston had at least forty percent more policemen. At the end of 1903, for example, Houston’s population was approximately 70,000 with a department of 55 men. In comparison Troy, New York, with a population of 75,000, had a department of 124 men, while Atlanta, Georgia, with 94,000 inhabitants, had a police force numbering 200 men. Annual Message of O. T. Holt, Mayor of the City of Houston and Annual Reports of City Officers for the Year Ending December 31, 1903 (Houston, 1903), 88; Annual Message of H. B. Rice . . . and Annual Reports of City Officials for the Year Ending February 29, 1908 (Houston, 1908), 9.

The first formal training school was begun in 1907 by August Vollmer, city marshal of the city of Berkeley, California Police Department. The New York City Police Department which began a "School of Pistol Practice" in 1895, established by 1930 the most sophisticated police training program among the larger departments. Other cities which pioneered training schools were Chicago, Cincinnati, Cleveland, Detroit, Philadelphia, Louisville and St. Louis. The quality of training varied sharply, ranging from periodic sessions to a three-year academic curriculum. Allen Z. Gamage, Police Training in the United States (Springfield, 1963), 5-10; see also Fosdick, American Police Systems, 198-306, and Elmer D. Graper, American Police Administration: A Handbook on Police Organization in American Cities (1920; Reprint ed., Montclair, 1969), 108-22.

Houston Daily Post, August 4, 1917.

Annual Message of H. B. Rice, 1913, 1.

Correspondence from the Civil Service Commission to Chief of Police Gordon Murphy, December 8, 1921, Reel 1, PPHPD.

Correspondence from the Civil Service Commission to the Superintendent of Police, January 4, 1923, ibid.

Houston was not alone among Texas cities in this tardiness in creating a police training school. Dallas did not establish a school until 1938, and the San Antonio academy was opened in 1939. The earliest preservice training was organized in 1930 by the Texas


90 Recent studies indicate that nearly half of a patrolman's time is devoted to non-criminal contacts involving interpersonal or personal problem solving in which arrests are neither requested nor applicable. Frequently the police department is the only agency (as Chief of Police E. C. Noble noted in 1913) available to lend assistance because of its accessibility and daily contact with members of the lower economic and social strata of society, who are not always welcomed by the community's traditional social service agencies. Twentieth century urbanization has increasingly expanded the role of the police beyond the sphere of crime detection and into the areas of complex social problems such as minority relations, civil disorders and drug abuse. One survey has revealed that, by far, most of a patrolman's time is devoted to general service activities.


91 Houston Daily Post, June 14, 1900.
CHAPTER II
"A PUBLIC SERVANT, NOT A PRIVATE EMPLOYEE"

Inadequate salaries and poor working conditions and a working class background frequently fostered a sense of identity between policemen and laborers. This comradeship, promoted by common dissatisfaction, was occasionally demonstrated by the sympathy shown to striking laborers either by tacit approval or by the active support of police officers during the years of labor unrest from the 1870's to 1920's. To be sure, affection for laborers was not universal among police officers, but it was observed often enough to cast doubt on their reliability during strikes, particularly when strike breakers were used by companies. As Herbert G. Gutman has noted in the clash between striking miners and Illinois coal companies during the 1870's, "Local judges and police officials enforced the law more rigorously against them [the mine companies] and their men than against the resident miners." Rejecting demands by the mine operators to have Pinkerton agents appointed as "special deputies," the mayor and sheriff instead deputized the strikers.¹ Similar incidents of collaboration
between the police and strikers were repeated elsewhere. During the Chicago streetcar strike of 1885 a contemporary noted that the police "could not but sympathize with the strike, like everyone else, and this made them too lenient with the sympathizers." In June, 1900 St. Louis police officers in sympathy with the city's streetcar strikers refused to make arrests. They were joined by seven deputy sheriffs who were arrested for refusing to protect the Transit Company's property. A *posse comitatus* was organized and special policemen used to restore and maintain order. At Cripple Creek, Colorado, in 1904, mining company sympathizers and townspeople threatened to lynch union miners and peace officers including a justice of the peace. In October 1911 New Orleans policemen sharing the animosity of strikers against imported strike breakers, hired by the Southern Pacific Railroad, allowed strikers to beat the unwelcomed visitors as they were entering the company's yards and arrested those who were armed. Sympathy for the strikers was voiced by both the mayor and governor who denounced the presence of the outsiders. During the Galveston longshoremen's strike of 1920, Governor W. P. Hobby instituted martial law and dismissed the entire police department when the municipal police force failed to disperse the strikers or afford adequate protection to the strike breakers who were being imported in large
numbers by the companies. Policing duties were assigned to the militia until the strike was settled. 3

The Electric Street Railway strikes of 1898 and 1904 best exemplified the affinity between police officers and union strikers in Houston. The strike began on March 20, 1898. It involved demands by motermen and conductors for higher salaries. Strikers halted all streetcar service in Houston and the suburbs. Although strikers and their sympathizers made no effort to interfere with police escorted drays delivering supplies to the non-striking workers living on company property, cars were prevented from leaving the yards. One car, with the company's secretary, Harry Chase, on board was attacked and Chase clubbed. The police made no effort to disperse the crowd of nearly 3,000, with the explanation by Chief of Police Charles Heim that the demonstrators were orderly. A personal request by general manager H. F. MacGregor for police assistance resulted in a brief conference with Heim in the company yard. MacGregor requested that ten officers be placed on two cars but the chief, expressing the mood of his men, replied that such protection had not been shown to be necessary and in any case he would not take such an action unless ordered to do so by the mayor. Leaving the conference, Heim shouted to the delight of the strikers waiting outside, "Well, Boys, they won't be running today." Reflecting
the feeling of the police in general, a patrolman told the crowd that "they could have his badge before he'd ride one of the cars." ⁴

A similar reluctance to interfere with the strikers was exhibited by the Sheriff's Department, which was sharply criticized by MacGregor for the department's failure to provide protection for the operation of the streetcars to Houston Heights. Sheriff Albert Erickson defended his lack of cooperation by pointing out that although nonstrikers had been physically threatened, no actual violence had occurred, and he could find no reason to provide the company with protective services. Erickson concluded that he had "no right even if [he] were inclined, to furnish ... deputy sheriffs ..." for the protection of the company's property and advised MacGregor that protection would be provided only when it learned when and where trouble was expected on the track. ⁵

In an effort to evade a confrontation with the strikers, a number of officers failed to report for work as the second week of the strike began, provoking Heim to warn that any officer who missed roll call would be dismissed from the force. ⁶ Striking police officers found encouragement from the dispute which arose among the aldermen over the course of action required by the city council in dealing with the strikers. Alderman G. C. Street,
supporting the requests for police protection by MacGregor, demanded that if necessary the whole police force should be placed at the disposal of the Electric Company. Mayor H. B. Rice contended that Heim had offered all the police protection MacGregor required, while alderman T. W. Archer accused the company of "grinding down the working man," pointing out that $1.25 a day was not a living wage. 7

In a conference with Heim at police headquarters Rice concluded that the police department could not be relied upon to maintain order in a potentially explosive situation as tension in the city mounted. Following the meeting with Heim, Rice issued a call for fifty of Houston's responsible citizens to form a posse comitatus. Only eighteen of the selected citizens responded to the call, however, and the responsibility of maintaining order fell to the Houston Light Guard, a militia which patrolled the streets and prevented clashes between company personnel and the strikers. 8 On March 31st the strike was settled with a compromise, favoring the Electric Company, which allowed the company to retain forty-eight of the non-union employees and provided that the striking workers would be rehired, with those with the longest term of service hired first and the remaining men placed on a waiting list. The pay ranged from thirteen to seventeen cents per hour. 9
The settlement served only as a truce, but the 1898 strike had been a valuable lesson for the Houston company, for the confrontation clearly revealed the unreliability of police protection as well as the reluctance of the city council to take a firm position against the strikers. A future strike would require the company to rely on its own resources by importing professional strikebreakers and private guards, a tactic which had been employed elsewhere and had generally been accompanied by violence as occurred in the St. Louis streetcar strike of 1900.

The second strike against the Houston Electric Railway Company began on June 1, 1904 over a dispute regarding alleged violations of a union contract settled the previous year. Unlike the 1898 strike, the situation in 1904 involved a more serious confrontation, with both participants refusing to compromise their positions. Violence erupted on June 2 as striking workers and their supporters converged on the streetcar yards. A car was sent out by the company to test the temper of the crowd and the extent of police protection. The car was greeted by a barrage of stones from the waiting crowd which struck several non-striking men riding in the car. Police efforts to disperse the crowd were ineffectual. Chief of Police George Ellis demonstrated a reluctance to investigate the disturbance, appearing on the scene only
after receiving several telephone calls from company manager H. K. Payne for additional police protection. After surveying the situation Ellis concluded that he could find no one seriously injured nor any need for further action by the police department. Shortly after his departure, fights ensued, which resulted in the arrest of several non-strikers.¹⁰

The situation became increasingly volatile with coercive efforts by the company to break the strike. "Professional" strikebreakers, many described as "typical Bowery toughs," who had been assembled in Austin, San Antonio, and St. Louis by the company in expectation of a strike, were rushed into Houston where they were housed in company sheds. Armed with clubs, the men guarded the cars, which antagonized the strikers. Strikebreakers and strikers clashed as the latter attempted to prevent the movement of streetcars. Strikers received no interference from either the municipal police or from the sheriff's department, which was responsible for protecting those outlying areas of the city where the company operated commuter service. The only response of the police was to arrest strikebreakers: whose presence proved obnoxious to the crowds.¹¹

Fearing that continued violence would have an adverse effect on the cause of organized labor, the Houston Labor Council approved a resolution calling upon
Mayor Andrew L. Jackson to appoint special police officers to ride in the streetcars. Mayor Jackson quickly responded and appointed a number of special officers in addition to calling out the Houston Light Guard to patrol the city streets. Special policemen, chosen from among local citizens, eliminated the use of company guards as strikebreakers, an action which had served to antagonize the strikers. Unlike regular police officers who confined their arrests to disorderly strikebreakers, the special police pursued a neutral course, arresting anyone interfering with the operation of the cars. The use of special policemen averted further clashes between non-strikers and strikers, but as the strike entered the second month several dynamite attacks were made on the cars as they operated on their regular routes. Although the city and company offered rewards for the dynamiters, no arrests were made, and the attacks ceased only with the settlement of the strike in August, 1904.\textsuperscript{12}

The reluctance of the police and sheriff's departments to maintain order or to interfere with the strikers aroused sharp criticism from the press and the Houston Electric Railway Company. An editorial in the \textit{Chronicle and Herald} warned that if "the constabulary force of the city and county do not stop it [the violence] the people will find officers who will do it."

Following the dynamiting of three cars on July 5, the
paper concluded that "Some members of [the] force [are] evidently lacking in moral courage . . . or are at heart anarchistic sympathizers. Unless they show more energy their badges will doubtless be removed." Similar charges were directed against the Sheriff's Department. Company manager Payne charged in statements published in the press that Chief Ellis ignored his requests for protection and that the company was left to the mercy of the strikers. In response to Payne's remarks, Ellis replied "that . . . Payne . . . had an exaggerated idea of conditions, that the police force had given all protection needed, and that there had been no interference with streetcar employees worth mentioning . . ." and added "that it was not his business to anticipate trouble but to quell a disturbance when it took place." In closing he suggested that Payne request Sheriff Archie Anderson's assistance if he thought additional protection was necessary. Since the sheriff had left the city to attend a barbecue in a neighboring town, Ellis' suggestion merely exacerbated the situation.13

A grand jury investigation into the conduct of the local law enforcement agencies substantiated the accusation made by Payne. At the request of Judge J. K. P. Gillespie, the jury was instructed to return indictments against any peace officer who had proven derelict in performing his duties. Although no individual indictments
were returned, the grand jury issued a seething denunciation of the police department. "There has been an utter indifference shown on the part of the regular police officers . . ." the jury charged. "The sheriff and deputies, constables, and regular officers of the police department, as far as known to the grand jury, did not make a single arrest of those engaged in rioting, rocking cars, or obstructing tracks by their own initiative. . . ." Only the militia and the special police officers appointed by the mayor received praise. The action of the Houston Labor Council in supporting the appointment of special officers was rewarded when the jury commended the council for its support of law and order. 14

The strikes of 1898 and 1904 demonstrated the sympathy of the police for the action taken by working men. It was an understanding based on the common experience of harsh working conditions and inadequate salaries shared by laborers and city employees. Only a year before the 1904 strike, Houston policemen had petitioned an unreceptive city council for higher salaries. 15 Conditions did not improve for Houston policemen during the fifteen years following the strike of 1904. In 1917 the salary range for patrolmen remained at $65.00 to $80.00 per month, only $5.00 more a month than the $75.00 paid in 1903. 16
Working conditions continued harsh with no job security or benefits to compensate for the inadequate salaries. These conditions were accepted without complaint until 1920. By 1920, however, the years of dissatisfaction, fostered in part by labor unrest elsewhere, erupted into the first serious confrontation between police officers and the administration of A. E. Amerman. Following the Boston police strike of 1919, the general strike in Seattle during the previous year and the widespread labor unrest throughout the nation, the Houston confrontation took on ominous implications which were not justified by the realities of the local situation. A strike by the police department was not contemplated or even suggested. Police officers, together with dissident firemen, did no more than appeal to the public for support in a quest for higher salaries.

The first indication of a confrontation occurred in 1917. Petitions signed by hundreds of citizens and sponsored by three attorneys representing the police officers were filed with the city council. The petitions requested that police salaries be increased "to such an amount that they can support and maintain their families and educate their children." No action was taken by the administration until November, 1919 when a special tax was approved by the voters. Approval of the tax, ostensibly "to provide a proper support for themselves and families . . ." led instead to the confrontation.17 At the core of the
issue was the mayor's use of the $475,000 collected through the new tax. Although the stated purpose of the funds was to increase salaries, $215,000 was diverted for the city's "increased maintenance" and "capital outlay" expenditures. According to police and fire department spokesmen the administration had reneged on the agreement it had made with the men prior to the election that personnel in both departments would receive a fifty percent increase in their salaries. Amerman denied that the agreement was ever made. It was never intended that the whole $475,000 should be distributed among police and firemen, he insisted. Whatever transpired at the meeting between the mayor and salary committee representing the police is uncertain. Public wording of the proposition, however, stated only that their income would be increased to such an extent as the "revenue will permit. . . . ."

Included among those city personnel scheduled for raises were school teachers, street and bridge workmen, all of whom suffered from even lower salaries than the police.\footnote{18}

According to Amerman, policemen received a twenty-one to twenty-six percent increase, depending on the years of service, and this was more than other city employees had received. The salary for a uniformed officer under the revised scale ranged from $97.50 per month to $112.50. Detectives were an exception and received only a sixteen percent increase.\footnote{19}
Disappointed and frustrated by the administration's position, police and firemen met in a mass meeting on January 15 and unanimously adopted a resolution, prepared by the group's attorney John H. Crooker, calling for the enactment of an ordinance to provide a minimum living wage of $125 a month for all police and fire personnel. The proposed ordinance set no maximum limit on the pay scale and provided that the increase should be financed by the city's general funds. Other city employes were not mentioned in the petition, and an earlier petition sponsored by Houston's high school teachers was withdrawn. If the city commissioners refused to approve such an ordinance, the men declared themselves in favor of presenting the ordinance to the voters in the form of a referendum. 20

The demand was rejected by the administration, and an effort was begun by police and firemen to collect the 1600 signatures required for a referendum. A bitter feud ensued between the two departments and the city. Amerman, with the support of the Houston Chronicle and Houston Press, charged that the confrontation was inspired by Crooker, who hoped to advance his own political ambitions by discrediting the administration and creating dissent while "the whole world is sitting on a volcano." Scare tactics, engendered by the hysterical fear of Bolshevism then sweeping the nation, attempted to associate
the police and firemen with leftist radicals. In a headline article, the Chronicle proclaimed, "Danger," "Houston is threatened!" "Under the guise of initiative and referendum," the article continued, "IWWism has been started. The overthrow of orderly government is put under the plea of 'more pay' for two classes of city employes. . . . If we are to have a Soviet government, why not do it right?" the article asked. 21

Direct pressure was also applied on police and firemen. Police officers complained to newspaper reporters that Chief of Police Searcy Baker warned members of the department that their jobs were being jeopardized by their participation in the referendum movement and that civil service rules could be used to dismiss them for any infraction of the regulations. Police officers were accused of being Bolsheviks, while firemen, because of their union affiliations, were considered IWW followers. Rumors were begun by the administration that even if the voters approved the ordinance, the city council, rather than increase salaries, might decide to reduce the police force by nearly one-third. Firemen on the other hand were threatened with dismissal if they either discussed the referendum or signed one of the circulating petitions. Fire Department Lieutenant R. A. Rose, one of the ordinance's most vocal supporters, resigned his position and actively worked for the referendum, rather
than submit to the threats.22

Fear of dismissal forced some officers and firemen to disavow any dissatisfaction with their salaries and any support of the referendum, but a sufficient number of supporters in both departments maintained the momentum of the protest.23 By January 25 the referendum movement appeared to have gained enough public support to have caused concern in the administration that the necessary number of signatures would be secured. Responding to the apparent popular support given the movement, Commissioner Matthew Drennan spoke out for the ordinance. On February 7 success seemed assured when petitions with more than 2,000 signatures were filed in the Office of the City Clerk for verification in time for the March 4 election. To the disappointment of supporters of the ordinance, however, checkers in the City Clerk's office disqualified 898 of the names for reasons ranging from duplicate signatures to failure to pay the poll tax. On February 12, the city council officially rejected the petition for lack of the required number of certified signatures.24

The disqualification was a bitter experience. Accusations were made by supporters of the ordinance that officials in the City Clerk's office had been overly zealous in invalidating the signatures, but no effort was made to contest the results or revive the referendum
movement. Despite the failure of the police to achieve their objective, the referendum controversy marked the first attempt by police and firemen in Houston to cooperate in a common effort to improve conditions in their respective departments. A similar effort of cooperation between the two departments was not repeated until 1946, when police and firemen returned to the city council with demands for increased salaries.

Prior to 1920 indications were that labor affiliation or an aggressive policy of petitioning and referendum might be the means of improving the occupational status of police service. However, continued police activism after 1920 was determined by external forces as well as the department's immaturity. Coinciding with the referendum contest, a series of court decisions clarified the role of the police and their relationship with the community, the municipal authorities and organized labor. The concept of police work as it was forged by the courts had nationwide implications for the direction the growth of police professionalism would take.

Sympathy toward strikers by police officers and demonstrations of dissatisfaction with the status of their occupation was not peculiar to Houston police officers. The issues of inadequate salaries, job insecurity, salary loss through cutback or injury and a seventy-two-hour
work week were the constant grievances of police officers in most municipal departments. Boston patrolmen, for example, worked from seventy-three to ninety-eight hours a week and received during the first year of service $21.09 a week which increased to $30.68 a week after six years.

The common bond between laborer and police officer was indicated nationally by the efforts of policemen from 1897 to 1920 to obtain union affiliation. Police unionization, however, was not at first welcomed by organized labor. In 1897 the American Federation of Labor discouraged the formation of police unions by rejecting the petition for membership by a group of Cleveland police officers because police departments, like state militia, were considered outside the province of trade unions. Like the militia, the police were viewed as defenders of management and as hostile to the workingman. At the Convention of 1919 the Federation reversed its official position, however, after labor officials recognized the widespread dissatisfaction among policemen and their potential value to labor's cause if organized. Within a short time police unions in thirty-seven cities claimed affiliation with the Federation despite the vigorous opposition of the affected municipalities. 25 In June, 1919 the issue of police unionization gained historic prominence when the Federation granted a petition from the Boston Police Department to
organize a union. This action, in violation of Police Commissioner Edwin U. Curtis' prohibition against the formation of a police union, precipitated the Boston Police strike of August, 1919. The strike, which necessitated the use of the militia to maintain order, was broken by filling the 1,500 positions vacated by the strikers with nearly 1,000 World War veterans. 26

The Boston police strike had important ramifications for the professional development of police service in Houston and throughout the country. Coinciding with the rising fear of Bolshevism and radicalism, the strike engendered in the public a fear that unionization of the police would pose a danger to internal stability. Pronouncements by public officials supporting such a view intensified the anxiety and served to discredit proponents of police unions. The referendum campaign by Houston policemen and the accompanying scare tactics used by local officials exemplified the negative reaction to police demands for improved salaries and working conditions. More significantly, events in Boston set a precedent for viewing police service as unique and outside the area of unionization and collective bargaining enjoyed by other public employees and workers in private industry. 27 By preventing police officers from organizing to promote their own welfare, their only effective means to redress grievances was eliminated,
thereby relinquishing to the municipalities complete control over the direction of police work and the status of its practitioners.

The uniqueness attributed to police service as an occupation and its subsequent exclusion from organized labor was given judicial sanction as early as 1903 in the Raycroft v. Harrison decision of the Appellate Court of Illinois. The case involved the question of validity of an order issued by the Superintendent of the Chicago Police Department that no police officer could claim membership in any group except the Policemen's Benevolent Association. Although the court declined to pass judgment upon the question, it did note the distinctive character of policemen, declaring that "The police force . . . is a quasi-military organization. No one is compelled to belong to it, but whosoever voluntarily engages in such service necessarily limits the right of action which, as a mere private citizen, and in no sense a public official, he would have."\textsuperscript{28}

The most frequently quoted description of the status of police officers as distinctly unique from that of other public employees was detailed by Judge Murray F. Tuley of the Circuit Court of Cook County in 1904 in the O'Regan v. City of Chicago decision:
A police force is peculiar, *sui generis* . . . in its relation to the city government. It is practically an organized force resembling in many respects a military force, organized under the laws of the United States and equally as important as to the functions it is required to perform.

It is not an ordinary branch of the executive government like the mayor's office, even, your water department, the comptroller's department, the health department even; but, as I say it is peculiar to itself, and to look at it in the same light that other branches of the executive department are regarded would be a mistake in a judicial decision. It is a department which requires that the members of it shall surrender their individual opinion and power to act, and submit to that of the controlling head just as much as the common soldier must surrender his own opinion and power of action to that of his commanding officer. . . . Such discipline must be enforced. . . .29

The unique status of police service as defined in the *Harrison* and *O'Regan* decisions was later applied to cases involving police affiliations with unions or any organization deemed potentially threatening to municipal authorities. In one landmark case, the Lansing Michigan City Police and Fire Commission sought to control the membership of the department's chapter of the Fraternal Order of Policemen by using the threat of dismissal. Members of the Order appealed to the courts. The Michigan Supreme Court, quoting from a 1935 Virginia decision, involving the right of firemen to become charter members of the International Association of
Firefighters, reaffirmed the earlier cases by deciding that

... Police and fire departments are in a class apart. Both are at times charged with the preservation of public order, and for manifold reasons they owe to the public their undivided allegiance. The power in the city of complete control is imperatively necessary if discipline is to be maintained.\(^\text{30}\)

Differentiation between the police service and other public employees with regard to the right to organize, attained its legal conclusion in the McLeod case.\(^\text{31}\) The case arose from the action taken in June, 1944 by Jackson, Mississippi city officials against members of the police department. When notified by the Chief of Police that members of the police department had decided to organize into a union affiliated with the American Federation of Labor, Mayor Walter A. Scott, supported by the city commission, issued an order that all the involved police officers should abandon their plans within forty-eight hours or face dismissal. Thirty-four of the men refused to obey the order and were immediately dismissed and other men hired to fill their vacancies. The dismissals were sanctioned by the municipal Civil Service Commission on the grounds that the officers were insubordinate and engaging in activities tending to jeopardize the public service. An appeal by the police officers was then made to the Circuit Court, which upheld the action of the Civil Service Commission.
In January, 1946 the case reached the Mississippi State Supreme Court. The Court drew a sharp distinction between labor unions in private employment and those in city service, noting that the point in question was whether the Civil Service Commission acted "in good faith and for cause" rather than assessing the merit or demerit of labor unions. Finding no fault that the Commission had indeed acted in good faith, the Court ruled that the divided loyalty of the police force fostered by union affiliation was cause enough to warrant the dismissals,

It will thus be seen that police officers whose duty to the public requires them to keep the peace, acting always in so doing in the interest of the public, who are members of the labor union owe an allegiance thereto which requires them at all times to support and promote the union's objectives and the labor movement in general. . . . The public interest requires the undivided loyalty of police officers to the public service and we were told long ago by One whose judgment was infallible that 'no man can serve two masters. . . .'\(^\text{32}\)

The McLeod decision established in legal terms the concept expressed by President Woodrow Wilson in 1919 that the policeman has "the obligation of a soldier. He is a public servant, not a private employee, and the whole honor of the community is in his hands. He has no right to prefer any private advantage to the public safety."\(^\text{33}\)
In Texas firemen rather than policemen first aroused the ire of municipal authorities. More than thirty nationwide lockouts, mass resignations and strikes during 1918 and 1919 by chapters of the International Association of Fire Fighters demonstrated to Texas officials the dangers inherent in the organization of public service employees. Municipal officials were quick to act against the unionization efforts of firemen. Although a right-to-organize statute had existed in Texas since 1899, the law was circumvented by the courts. Texas jurists found that the law prohibited legislation which made union membership illegal but did not regulate the attitude of the employer toward the unionization of his employees. A fine distinction was made between a law prohibiting labor unions and the demand by an employer that his employees not belong to a labor organization if the former so desired. Consequently, in January, 1918, the mayor and city commissioners of Dallas dismissed a number of firemen for insubordination when they refused to terminate their association with a local union affiliated with the American Federation of Labor.

In June, 1920, the Court of Civil Appeals in *McNatt v. Lawther* supported the dismissals on the grounds that Dallas authorities had not violated the 1899 statute since no ordinance had been enacted forbidding the creation of a union, but rather had only required that city employees
not become members. The court held such requirements to be within the prerogative of the city.35 A similar decision was delivered in a case involving San Antonio firefighters. The effect of the Dallas and San Antonio decisions rendered the right-to-organize statute ineffectual and stifled the growth of public employee unions wherever municipal authorities deemed the unionization of city employees to be undesirable. Dallas and San Antonio firemen, for example, were forbidden to organize until 1956 when the 1920 decision was finally overturned. The McNatt decision was not challenged before 1957 despite the passage in 1947 of a legislative act safeguarding the right of public employers to belong to labor organizations, if not the right to bargain collectively.36

While Houston firemen formed a union in 1902 and organized a local chapter of the International Association of Fire Fighters in August, 1919, the city's police failed to organize despite their unsatisfactory situation.37 Two major causes were responsible for the lack of union organization among policemen. One was directly related to their acceptance of the unique nature of police service as expounded in the decisions of the courts and the compatibility of those interpretations of police work with the conservative philosophy characteristic of police officers. Although sympathy for the worker and at times collaboration with strikers occurred, the taint of radicalism
associated with unions and strikes contradicted the function of the police as conservators of stability. As viewed by police officers law enforcement was indeed a unique calling demanding loyalty and faithfulness to duty. The role of policemen was a self-sacrificing one in which they were "compelled by the nature of their duties to forego certain personal privileges enjoyed by workers in private industry. One of these is union membership." At times the sensitivity of police officers to charges of police unionism has been used to their disadvantage. During 1945 and 1946 opponents of the Houston Police Officers Association, in an effort to deter officers from joining the Association, accused members of the fledgling group of attempting to unionize the department. Membership in the Association was equated with radicalism, even though the use of strikes had never been advocated as a means of exerting ideological pressure.

Firemen, because of the different nature of their service, are not similarly restricted by role self-conceptions in their ambition to unionize. The service they perform is a tangible one -- to save lives and property -- and involves an inanimate enemy. Police officers, however, perceive themselves as providing intangible as well as tangible service, in that the law enforcement officer views himself as the last line of defense against those
elements of society which threaten the institutions and life of the community. Burdened by a self-imposed sense of mission and obligated by community expectation, policemen have been reluctant to align themselves with labor organizations or to support labor legislation which would in their view compromise their image.

These differences in the conceptualization of roles have at times hindered the cooperative efforts of police and firemen over methods of advancing their interests. As a recent example, Houston police officers differed from the State Association of Fire Fighters and opposed the passage of the "Fire and Police Employee Relations Act" in the 63rd Legislature. The act which provided for the right of collective bargaining for police and firemen, once approved in a local option election, was opposed by police lobbyists on the basis that it would hinder rather than assist them in dealing with municipal authorities. Collective bargaining, it was feared, would entangle the police department in labor disputes and thereby alienate those officials who have in the past supported police pay raises and other legislation beneficial to the department. Because of the conservative philosophy of police officers they have been placed in a tenuous position by having to maintain a delicate balance between conservative and liberal legislators. On one hand, police lobbyists, like the
labor-oriented fire fighters, have courted the support of liberals for legislation providing for job benefits and reform.\textsuperscript{42}

In 1947, for example, the police courted the liberals for support of a state civil service bill which provided the keystone of police reform. Likewise police lobbyists have sought the support of liberal legislators for laws establishing survivors insurance for law enforcement officers killed in the line of duty, educational fee exemptions for children of disabled policemen and firemen, the Law Enforcement Officer Standards and Education Commission and similar legislation.\textsuperscript{43} On the other hand, the police have sought the support of conservatives for the enactment of stringent law enforcement legislation providing for the death penalty, the admission in court of oral confessions, and stronger conspiracy laws.\textsuperscript{44} The desire to secure occupational advancement while remaining faithful to their conservative instincts has created a dilemma for the police. In seeking the former they have turned away from those legislators with whom they have shared a common philosophical bond and elicited the aid of lawmakers who have often opposed legislation considered by police officers to be necessary for effective law enforcement.

The bond between police officer and laborer, weakened by a conservative view of society, was finally broken by the movement toward professionalism. The
gradual transition in the status of municipal police officers from that of an unskilled laborer in the early twentieth century to that of a quasi-professional in the post-World War II period vested them with a newly discovered elitism. Police literature in the late 1940's began to emphasize professional growth, thereby reflecting shift in status. Concomitant with the thrust toward professionalism was the upward trend in salaries, which placed the police service in competition with private industry, and the enactment of effective civil service laws, which provided job security and stability. More careful screening of applicants, a demanding training program and an increased emphasis on education have served to sever the link between the police and organized labor.\textsuperscript{45}

Eschewing labor unions, the police turned to alternative public employee associations to represent their interests. The form of the organizations and the dates of their formation depended upon local conditions. In New York City the Patrolmen's Benevolent Association was organized in 1894 to meet the need for a burial insurance survivors fund. The Association, however, once organized became a political pressure group campaigning for increased salaries and improved working conditions. Similarly, Los Angeles police officers organized a Police Relief Association in 1919 in response
to an immediate need for financial assistance. In 1923, the Los Angeles Fire and Protective League was initially formed to establish a combined pension system for both departments but became a pressure group seeking salary increases, and security from political patronage. 46 Police organizations in most departments arose in response to specific needs, generally economic in nature, and then directed their attention to other job-related issues. Although unable to participate in direct employee-management negotiations, the organizations through their appeals to the public and informal lobbying activities, assumed a quasi-labor union status.

In Houston, police organization arose from political considerations and not economic needs, although salaries were inadequate. With the exception of the Policemen's Burial Fund Association founded in 1921 no endowment association or benevolent association existed. Political patronage, accompanying low police morale, and low occupational status were the major reasons for the creation of the Houston Police Officers' Association. Until the enactment in 1947 of a state civil service law, an accomplishment of the Houston Police Officers Association and the Texas State Association of Fire Fighters, police service was dominated by politics, making employment in the department dependent upon
affiliation with the political faction in office. Police officers were at the mercy of political bosses in much the same way that laborers were vulnerable to the manipulation of management. The similarity between political bosses and company management was inescapable to patrolmen, whose own vulnerability was evident with each change in the city administration. Strikebreakers were analogous to the political favorite who was rewarded with the position of an officer who had failed to support the winning mayoral candidate. Sympathy for the striker, as exhibited during the streetcar strikes of 1898, 1904 and later, in a more subdued manner, during the longshoremen strike of 1935, was an outgrowth of mutual insecurity and dissatisfaction.

The Association, by partially fulfilling the role of a labor union, gave the police an alternative to affiliation with organized labor. Enactment of a state civil service law in 1947 provided a shield between the police and city management, which municipal civil service had failed to do. With police officers protected from the capricious actions of city officials and the Association providing the means of expression and the possibility of professional status, the sense of common experience once shared by public servant and private employee was eliminated.
Formation of a police association in Houston occurred more than two decades after the referendum controversy of 1920. The confrontation had been premature. Self-confidence, the development of a professionally oriented mentality toward police work and, more importantly, the leadership required for organization were all lacking. Moreover, unlike the city's fire fighters, who through their numerous years of experience with labor organizations, were able to rally support for their cause, the police could expect no support except for the sympathy of the public. The latter factor was generally negated by ineffective and frequently irresponsible police behavior, which was encouraged by a municipal civil service system rendered useless by irresponsible city management.
NOTES


2Houston Post, May 30, June 9, August 25, 1900; John Flinn and John E. Wilkie, History of the Chicago Police. From the Settlement of the Community to the Present Time (Chicago, 1887; Reprint edition, New York, 1971), 241; Houston Post, June 8, 1904; Houston Post, October 6, 9, 1911; New Orleans Daily Picayune, October 6, 7, 8, 9, 1911.

3Houston Press, July 16, 17, 21, 23, 1920.

Further local research is required to ascertain how active and widespread police support for striking laborers was during the period 1870-1920. The evidence, although inconclusive, indicates that such support was indeed common. The image of policemen as staunch supporters of "capital" has been too readily accepted as a universal truth. An examination of labor strife during these years generally reveals that private guards, Pinkerton and other detective agents, merchant policemen or militiamen usually provided the means of coercion used against strikers rather than regular police officers.

4Houston Post, March 20, 22, 1898.

5Ibid., March 30, 31, 1898.

6Ibid., March 28, 1898.

7Ibid., March 23, 1898.

8Ibid., March 28, 29, 1898.

9Ibid., March 31, 1898.
10. Houston Chronicle and Herald, June 1, 3, 1904.

11. Ibid., June 1, 2, 3, 4, 8, 1904.

12. Ibid., June 6, 8, 9, 1904; Houston Daily Post, June 7, 8, 1904.

13. Houston Chronicle and Herald, June 3, 4, 5, 6, July 7, 1904.


15. Miscellaneous Papers II, Box 1903-1904, Packet, October 12, 1903, "Report of Finance Committee, September 25, 1903," attached to Petition from Houston Police Officers to the Mayor and City Council, August 31, 1903, HCAC.


Laborers in the bridge, street and water departments received only a 25 cents a day raise, the lowest increase of all city employees. Street laborers earned $3.75 per day; Houston Press, January 20, 22, 1920.

Likewise the salary of school teachers suffered in comparison with police officers. The wage range for primary teachers began at $45.00 and increased to a maximum of $70.00 per month. High school teachers received a minimum of $80.00 and a maximum of $111.00 per month. The maximum range for female teachers was $11.00 a month less; Houston Chronicle and Herald, June 13, 1904.


24 Houston Post, January 24, 25, 1920; Houston Chronicle, February 7, 12, 1920; Houston Post, February 13, 1920; City Council Minutes, Vol. T, February 12, 1920, 271, HCAC.


Failure to unionize the Boston police did not deter efforts by police departments in other municipalities to secure union charters, but unlike the municipal firefighters, their successes were negligible. In June, 1944 the International Association of Chiefs of Police reported that only forty-five departments in cities with populations of more than 10,000 claimed union affiliation, and these dwindled to only eleven by 1957.

In contrast to the lack of success among the police was the rapid unionization of firefighters. The International Association of Fire Fighters reported in the Municipal Yearbook, 1944 that 435 fire departments out of 599 reporting cities with populations of over 10,000 claimed union affiliation. In Houston firemen were organized into a union as early as 1902 and received the support of the Houston Labor Council and its affiliated members. International Association of Chiefs of Police, Police Unions and Other Police Organizations, IV (September, 1944), (Arno Reprint Editions: New York, 1971), 3; Miscellaneous Papers, 1900-1902, Envelope, December 15, 1902, Petition from Houston Labor Council to Houston City Council, December 15, 1902, HCAC; Miscellaneous Papers, 1902-1903, Envelope, January 5, 1903, Petition from Houston Firemen's Union No. 9629 to Houston City Council, December 1, 1902, HCAC.
The repercussions of the Baltimore police strike of July, 1974 have yet to be evaluated but it will likely rekindle fears of police unions as the Boston strike did earlier. For details of the Baltimore strike, see the New York Times, July 10, 12, 13, 15, 1974.


City of Jackson v. McLeod, 24 So. 2 d 319-29 (1946); see also "Police Restricted as to Union Membership," National Municipal Review XXXV (May, 1964), 250-1.

Ibid., 324.

Quoted from a speech by Wilson on September 11, 1919 in Helena, Montana in "When the Police Strike," Literary Digest, XLII (September 20, 1919), 3.

The International Association of Fire Fighters was originally formed in the 1880's as a benefit and fraternal organization in response to the reluctance of insurance companies to extend coverage to firemen who were considered poor insurance risks. Only 82 local chapters existed in 1919 but membership steadily grew in the following years. In 1970 the Association claimed 1,550 local unions, representing approximately 90 percent of the firemen in the nation. A no-strike clause was included in the Association's constitution in 1930, but the clause was rescinded in 1968 as the organization returned to its earlier policy of militancy. Sterling D. Spero and John M. Capozzola, The Urban Community and Its Unionized Bureaucracies: Pressure Politics in Local Government Labor Relations (New York, 1973), 27-8.

San Antonio Fire Fighters' Local Union No. 84 v. Bell et al, 223 S. W. 506-10 (1920); Beverly et al v. City of Dallas, 292 S. W. 2d 172 (1956); Vernon's Civil Statutes of the State of Texas, Annotated (St. Paul, 1971), XV, Art. 5154c, 503-4; General and Special Laws of the State of Texas . . . (Austin, 1948), 231-2.

In May, 1973, the Legislature approved a bill providing "that firefighters and policemen, like employees in the private sector, should have the right to organize for purposes of collective bargaining, for collective bargaining is deemed to be a fair and practical method for determining wages and conditions of employment." A local option provision was attached. See Vernon's Session Law Service: Laws 1973, 63rd Legislature . . . (St. Paul, 1973), H. B. No. 185, 151-60; Dallas Morning News, February 6, 7, 1957, August 4, 1957.

The issues of unionization and collective bargaining by public employees are thoroughly discussed in Morton Robert Godine, The Labor Problem in the Public Service: A Study in Political Pluralism (Cambridge, 1951), and Harry H. Wellington and Ralph K. Winter, Jr., The Unions and the Cities (Washington, D.C., 1971).

Prior to 1919 Houston firemen were represented through firemen local No. 9629. According to the records of the International Association of Fire Fighters, twenty-four Houston firemen filed an application for membership to the IAF on August 7, 1919. On August 11, 1919 their application was approved. Local No. 213 functioned until April, 1931 when for unknown reasons it disbanded. On November 30, 1932 the IAF issued a new charter to Local No. 341 which is still active today. Letter from Frank A. Palumbo, Secretary-Treasurer of the International Association of Fire Fighters, Washington, D.C. to author, dated April 3, 1975. Information given in the letter is based on the files available in the central office of the IAF.


Raymond Goodnight, Lieutenant, Houston Police Department and one of first members of Houston Police Officers Association, personal interview with author on December 7, 1972 at Houston Police Department Headquarters; Earl Maughner, Captain, Houston Police Department, taped interview on October 4, 1974 at Houston Police Department Headquarters, Houston Metropolitan Archives and Research Center Collection.

Opposition continued at the local level when police officers refused to support efforts by Houston firemen to win approval for collective bargaining in a local option election.

Julius A. Knigge, Sergeant, Houston Police Department and Secretary for Houston Police Officers Association, personal interview with author on March 4, 1973 at Houston Police Department Headquarters.


As an example of the organized effort by police officers to promote more stringent criminal laws, see the pamphlet sponsored by the Texas Law Enforcement Legislative Council, "Legislation . . . a Deterrent to Crime," (N. P., 1973).

The desire of the police to preserve their own identity, distinct from that of the mass of wage earners, is not unique to the police service but is common among occupations striving for professional status because of specialization or recognized expertise in performing specific functions. Social work, nursing and funeral directing are some of the occupations exhibiting these traits.


George Seber, Former Assistant Chief of Police, Houston Police Department, taped interview at Liverpool, Texas on September 24, 1974, Houston Metropolitan Archives and Research Center Collection; Earl Maughmer, interview with author at Houston Police Department Headquarters on August 12, 1973.
The prolonged longshoremen's strike of 1935, while not exhibiting the emotional intensity of earlier strikes, did reveal a similar animosity between strikers and special police officers. When the strike became imminent, Mayor Oscar Holcombe commissioned fifty special policemen for strike duty. These officers were supplemented by the Port Commission's hastily formed security force headed by former Texas Ranger Frank Hamer. Establishment of the security force brought immediate protests from the Houston Labor and Trade Council which opposed the use of Texas Rangers and highway patrolmen. In a protest note to Governor James V. Allred, the Council asserted that "Local authorities have the situation well in hand..." and did not require the services of state officers. Hamer, the Council charged, was in control of a "large body of gunmen for the purpose of intimidating the members of the International Longshoremen's Association." The call for the use of municipal police officers was repeated when wives of striking longshoremen, contemplating a protest march to the waterfront, demanded "regular city police..." for protection rather than the special officers whom the women labeled as "scab herders." Houston Post, October 6, 11, 12, 17, 19, 1935; Houston Press, October 11, 24, 1935.

There is an expanding interest in the role of unionism and its influence on the direction of police professionalism. The most recent study to deal specifically with this issue is Gene E. Carte and Elaine H. Carte, Police Reform in the United States: The Era of August Vollmer, 1905-1932 (Berkeley, 1975). Since the Carte book appeared after the completion of my own study, I was unable to evaluate the implications of their findings on my own research.
CHAPTER III
"THE SYSTEM IS A FARCE"

Efforts to improve the occupational status of the police department coincided with the drive toward civil service reform as civil service advocates sought to make the operation of the police and other municipal departments an orderly and efficient process.¹ To eliminate the instability endemic in police departments operating under the spoils system, reformers sought to substitute a rational procedure for making appointments and rating the performance of police officers. They first met with success in New York City in 1884 when the police department was placed under civil service regulations. Chicago followed New York's example in 1885.² By the second decade of the twentieth century, civil service regulations were active in police departments in a majority of the nation's largest cities with populations of 100,000 or more.³

Reform, which began in Houston in 1889 with improvements in the city's financial management, was expanded in 1897 to include administrative as well as fiscal improvements and culminated in 1905 with a new
city charter providing for a commission form of government.⁴ The reform movement combined a concern for the moral rejuvenation of the community with the need to adopt a systematic means of dealing with the increasingly bureaucratic structure of the city's departments. Mayoral campaigns of the period indicate the moral issue involved in the reform effort. Incensed by administrative incompetency and charges of corruption, voters turned to candidates promising efficient and honest government as in 1902 when Oran T. Holt's reform ticket handily defeated the incumbents with the promise to return responsible government to Houston.⁵

The initial step toward municipal civil service reform in Houston occurred with the revised city charter of 1897. Only the police, fire and health departments were included in the 1897 charter provision because of their vital concern to the public welfare of their city and their vulnerability to political manipulation. Authority to regulate the department was vested in a Police, Fire and Health Board (or civil service board as it was frequently termed), composed of the mayor, ex-officio, and four aldermen. Although the board was empowered to enact whatever rules and regulations it deemed necessary for the three departments, none were suggested for consideration during the board's six-year existence. In 1903 a revised charter amendment empowered the city
council to create a civil service commission to enforce any rules and regulations enacted by the council. No changes were brought about, however. The most important duty assigned the board was that of a review agency to which employees from the police, fire and health departments could appeal suspensions or dismissals. 6

As an appeal agency, both the board and commission failed. The nineteenth century precedent of direct interference in the operation of the police department by the mayor and council, and the wide latitude allowed the chief of police in his own actions, created a hostile environment for the functioning of the civil service board. Moreover, the board, composed entirely of elected officials, became an arena for conflicting interests, with members dividing their loyalty between their responsibilities as aldermen and their duties as board members. Rather than removing politics from the police department, the police became the focal point of factional feuds.

In 1901 and 1902 a conflict arose over the prerogative of the chief of police to discipline members of the department. Supported by the mayor, the chief resisted the efforts of the civil service board to make him subordinate to the board's authority. Although few cases were actually appealed to the board, the legal right to do so provided police officers with a means to
present their grievances, the ramifications of which will be examined later.

So serious was the dispute in 1901 and 1902 that the normal business of the council could not be carried out. Mayor Woolford with two members of the board, refused to attend the proceedings, which involved an investigation of several policemen accused of misconduct. With the mayor and chief of police ignoring or reversing the directives of the city council, hope of conciliation seemed remote. The impasse led the chairman of the civil service board to offer a resolution proposing that the mayor, aldermen, and heads of all departments – especially the police department – resign and a general election be held to elect new members who would be able to cooperate in governing the city. The resolution was rejected, and the issue was resolved in the courts in favor of the civil service board.7

During the reform administration of Mayor Ben Campbell, an effort was made to correct the shortcomings of the 1897 and 1903 civil service amendment. A revised charter amendment, authorizing the creation of a new civil service commission, was approved by the voters in October, 1913.8 An ordinance enacted in April, 1914, provided for the operational structure of the commission.9 The newly created commission, consisting of three members and a secretary or chief examiner, was empowered to examine and classify all positions included under civil
service, to set requirements for applicants, to eliminate partisan politics in the operation of the municipal government, and last, to serve as an appeal agency.\textsuperscript{10}

To perform its duties the commission required an authority independent of the mayor and city council. Instead the commission became subservient to both the branches of the city government. Unlike several other cities where the terms of the commissioners overlapped, the Houston plan allowed the mayor to appoint all three commissioners for the duration of his own two-year term.\textsuperscript{11} Moreover, the charter allowed the mayor to remove holdover commissioners at his discretion, so that the commission suffered from the same lack of stability and experience, which it was expected to eliminate in the police department. The mayor in effect controlled the commission through the power of appointment. The mayor's power to manipulate the commissioners at times became a potent political weapon as in 1933 when newly elected Mayor Holcombe used his authority to dismiss two commissioners from the previous administration in order to deprive a discharged police officer of his right to a civil service commission hearing.\textsuperscript{12}

The integrity of the commission was further compromised by the right of the city council to veto or amend the rules and regulations proposed by the commission.\textsuperscript{13} In addition, the city council, through its
authority to enact ordinances, could make whatever changes in the civil structure it desired or which political expediency demanded. Consequently, civil service over the years became less a coherent system than an accumulation of ordinances and resolutions enacted more for political reasons than for administrative efficiency. Operating under such unstable conditions, the police department fell prey to municipal political intrigue.

Rules and regulations governing the operation of the department were enacted soon after the creation of the commission. Standards for selecting police officers conformed to those already in use in other cities. In addition to the existing requirements outlined in the general ordinance creating a police department, the commission established specific qualifications involving physical and mental standards. Under the 1914 regulations the criteria for selection consisted of general knowledge, educational background, physical fitness and experience. In 1920 a revised examination acknowledged the inadequate educational level of most applicants. The examination was on an elementary school level and emphasized areas of general knowledge with a few questions dealing with hypothetical police situations. No minimum education level was set.

The introduction of civil service regulations prompted the commission to report in its Year Book for
1922 that the police department was entering a new era characterized by efficiency and dedication. "The rough-neck, old time pistol 'toter' of a decade ago," the statement continued, "is being supplanted now by the lithe young fellow who considers the public first. . . ." Such optimism was not borne out by the realities of the operation of the department.

As administered, civil service became a facade, shielding political machinations behind the respectability of the law. Applicants, for instance, were selected without regard to the minimal requirements of civil service regulations. Instructions were usually relayed to the chief of police that a man was either being employed on the personal recommendation of the civil service examiner or mayor. Two applicants sent to Chief of Police Searcy Baker in April, 1920 had not passed the examination, but the commissioner asserted that they could "qualify on this later." With regard to one of the applicants, the commissioner assured Baker that the secretary had "coached him along the duties of a police officer." In another case Chief of Police Tom C. Goodson received notification from the mayor's office that Holcombe had assigned an applicant to the position of special detective. At other times executive orders were issued, authorizing the assignment of a particular person to the force. In January, 1929, Chief Goodson was
notified that "[U]pon an executive order from Mayor Holcombe we are forwarding to you . . . [a] placement as mounted police. . . . This applicant has this day been sworn in by Mayor Holcombe as a regular police officer and is now ready to report for duty." 18 Political favoritism continued beyond the initial selection of police officers.

Promotions were likewise decided on a partisan basis rather than according to ability, seniority or examinations. Most promotions above the rank of sergeant occurred with a change in the city administration and usually followed oral interviews administered by the commission. 19 In principle, the oral interview, as a supplement to written examination, was a useful approach to selecting qualified candidates for promotions. As implemented, however, the oral interview became a convenient means of manipulating the promotional process. The degree of difficulty of the questions depended not on any requirements for the position sought but rather on how favorably disposed the administration felt toward a candidate. If the candidate was not favored for the promotion, questions were asked which were usually impossible for him to answer at his level of experience. The scores of the oral interviews were adjusted either to the advantage or disadvantage of the applicant, depending on his political qualifications. Under such conditions
it was not unusual for a patrolman who ranked twelfth among the eligible to receive a promotion to sergeant over the others. Acting Director of Civil Service Knox Dale Womack, in a public disclosure at the time of his resignation in December, 1947, charged that "[t]he verbal examinations were a cover-up to allow the city administration to hire supporters of the administration."

The mayor's executive assistant, Sam Johnso-, Womack asserted, screened and authorized the hiring of all city employees even before examinations were given. Womack labeled the city's civil service system a "farce."20

The failure of civil service was most conspicuous during election campaigns. Although the earliest civil service regulations attempted to mitigate the effects of politics on the operation of the department, active participation by police officers in elections was not uncommon. Police officers were frequently found campaigning at the voting polls and on occasion, as in 1901, were accused of intimidating voters while acting under the cloak of their office. These conditions brought a denunciation from the Police, Fire, and Health Board, but the situation persisted21 and worsened as the department became an increasingly important source of patronage.

Political campaigning by police officers, specifically prohibited by the civil service regulations enacted in
1914, was overlooked if the effort was made in behalf of the administration in office. Campaigning was not only permitted but actively encouraged by mayors, with pressure exerted on the patrolmen through the chief of police. Political pressure tended to reduce police chiefs to campaign managers during crucial mayoral elections. During the 1924 mayoral campaign, for example, Holcombe noted in a letter to Chief of Police Thomas C. Goodson, that the police department had "certainly done some excellent work [securing pledge cards] \(^{22}\) with the hotels and numerous other people" but, the mayor continued, "I am particularly anxious to get in as many pledge cards as I can between now and the 15th of the month. Do all that you can and get as many of your men to work as possible. I know that we have a number of our friends who should be doing some work along this line but, up to now, I cannot see any results of their work. Cant [sic] you straighten them out?" \(^{23}\)

Apparently Goodson, having been appointed only the previous year, had not shown the proper eagerness in campaigning for the mayor, but it was a deficiency he soon rectified. During the 1926 contest, Goodson notified the President of the Houston Community Chest that he was forced to submit his resignation as a member of its Board since the organization's annual Drive coincided with Holcombe's campaign. Goodson explained that he was
"wholeheartedly interested in the re-election of . . .
Holcombe . . . and honor bound to devote . . . [his]
undivided efforts towards that accomplishment." 24

Instilling political loyalty within the department was as
important a duty of the police chief as campaigning
outside the department.

In all mayoral campaigns the loyalty of the department
to the administration was tested by the opposition.
During the 1928 campaign, Judge Walter E. Monteith's
supporters were particularly active in seeking the
support of the department, which led Goodson to warn his
ranking officers that he would not allow Holcombe's
opponents on the force to divide the department or disrupt
its operation. "I am not going to hold it against any
man for voting against Mayor Holcombe and I am not going
to fire him for it. Personally, I am supporting him,
first, last and all. I am interested from a business
stand point and that I want to be Chief of Police of
this City . . . We owe it to the public as a whole
to keep this organization together, and I want your men
to bear in mind that I do not want you to allow anything
[disruptive] to happen in the department. . . ." 25

At other times pressure was exerted directly from the mayor.
In January, 1931 Mayor Monteith in an open letter to
the police department admonished its members for
reportedly supporting his opponent. He felt "that it . . .
[was] not too much to expect employees of the city to be loyal to the administration. . . ." 26

Punitive measures were usually swift for police officers who supported the opposition or were loyal to the losing administration. Ranking officers were demoted or asked to resign, while uncertainty was the fate for patrolmen. Following Monteith's victory in 1928, more than twenty detectives were reduced in rank, while patrolmen were asked to resign or "demoted 'to the sticks.'" 27 As many as twenty-five patrolmen were dismissed regardless of their service records. 28 At such times nearly all efforts at law enforcement ceased. The difficulty of maintaining discipline during election upheavals was noted by Chief of Police Lawrence C. Brown, who complained to newly elected Mayor C. A. Pickett that his announcement of a reorganization in the department created insecurity among the men. As a consequence, Brown asserted, the department had become disorganized and undisciplined. 29

As a consequence of these conditions, municipal politics became more important than professional ability, for it was only through correct political alignment that an officer could expect advancement or even retain his job. Mobility in the department was determined by an officer's political astuteness -- or lack of it. Under such conditions men were encouraged to play politics as
a means - and frequently the only means - to secure a promotion.

The case of Roy Edward Floyd, the director of Houston's Civil Service Commission in 1947, exemplifies the relationship between political fortune and occupational advancement. Floyd began his career in 1935 as a chauffeur for Holcombe during the latter's second term as mayor. In 1936 Floyd was assigned as a detective on the police force while continuing to serve as the mayor's chauffeur. With the election of R. H. Fonville in 1937 Floyd was demoted to patrolman. An abrupt change of fortune occurred with the election of Holcombe in 1939, at which time Floyd was promoted to inspector of police, followed in 1940 by a promotion to assistant chief of police. In 1942, one month after the election of Neal Pickett, Floyd was demoted to a patrolman. With Holcombe's return to the mayor's office in 1947 Floyd was appointed director of civil service, replacing acting director Womack, who had clashed with the administration over the operation of the civil service system.  

In another case an officer was promoted and demoted ten times during an eleven-year period. One officer who joined the department in 1919 as a patrolman, served at every level of command during the next eighteen years -- including acting chief of police -- but found himself demoted to a patrolman in 1937 following a change in the city administration. Police personnel records are
replete with similar examples of political favoritism.

Political patronage also had a detrimental effect on discipline within the department. To foster discipline in the department, the commission, in March, 1920, adopted a merit system similar to the one used by the New York Police Department. Under this system a specified number of demerits were given for infractions of department regulations ranging from excessive conversation while on patrol to drunkenness. To receive 70 demerits in a one-month period required an appearance before the civil service commission. A repetition of the same rating meant a suspension or dismissal. Merits were awarded for outstanding service, and it was envisioned that they would serve as the basis for promotion.

The introduction of the merit system as part of civil service was viewed as a rational means to instill discipline within the department in the hope that this would enhance the image of the police. Improved discipline became critical in an increasingly sophisticated urban environment in which police officers were in daily contact with all elements of the population. In actual practice, however, the merit system, as was true of other components of municipal civil service, fell victim to political patronage.

Efforts to instill discipline accelerated following the implementation of civil service and particularly the merit system. In the period 1923-1929,
for example, several hundred disciplinary actions were taken. The offenses ranged from such minor infractions of the rules as smoking on duty to such serious actions as beating prisoners. In February, 1923, for instance, a police officer was suspended and reduced from corporal to patrolman for striking a black suspect; in August, 1924, two patrolmen were dismissed for beating a suspect; in March, 1925, an officer was suspended for abusing a prisoner; in July, 1925, an officer was indefinitely suspended three days for "slouchiness and inattention to duty." A study conducted in 1939-1940 revealed 233 active members of the department had records of nearly 500 violations and of disciplinary action having been taken.  

Such disciplinary action was common, and on paper the degree of discipline was impressive. In reality, though, separations from the department were not necessarily permanent. One officer suspended five days in March, 1926 for threatening a person had previously been discharged for drunkenness but was rehired because of the intercession of Mayor Holcombe. His subsequent career was erratic. Following his suspension, he was promoted to sergeant, was again suspended, and then demoted for intoxication. But by 1940 he was promoted to lieutenant only to be indefinitely suspended in 1942. His
attempt to rejoin the department in 1947 was rejected.\footnote{36}

Over a nine-year period another officer was disciplined eight times for neglect of duty and intoxication. Although one offense resulted in a permanent suspension, the officer was back on duty within a brief time. Another officer with an eight-year record with the department was charged with eleven offenses, one of which resulted in his dismissal. As in other cases, however, he was reinstated with the department through political influence.\footnote{37} In addition to the inconvenience and potential threat to the public by unruly officers, ineffectual discipline also created morale problems within the department. While civil service and the merit system encouraged ranking officers to instill discipline, their efforts were minimized by the successful appeals of errant officers to influential politicians and by the preoccupation of ranking officers with preserving their own positions within the unstable departmental administration.

Civil service failed as a means of fostering responsible law enforcement in Houston. Indeed, civil service became itself a victim of political patronage. From its inception in 1897 through its subsequent modifications, municipal civil service was dominated and controlled by the mayor and city council. In order to execute its rules impartially, civil service required a
relative degree of autonomy for independent decision making. Neither the Police, Fire, and Health Board established in 1897 nor the Civil Service Commission created in 1914 enjoyed such autonomy. Conscientious enforcement of civil service rules depended on the good faith of city officials. The temptation to secure political advantage, however, frequently proved stronger than the desire for an administratively effective and responsible police force.
1. The nature of the reform movement is the subject of studies by Samuel Hays and Robert H. Wiebe. According to Hays in his article, "The Politics of Reform in Municipal Government in the Progressive Era," *Pacific Northwest Quarterly* LV (October, 1964), 157-69, the reformers, all members of the professional and business classes, sought to apply the same techniques used in business to municipal government. An expansion of Hays' study is found in Wiebe's *The Search for Order*, 1877-1920 (New York, 1967), in which a general interpretation of the whole reform movement is presented. Wiebe emphasizes the role of a new middle class, confident and anxious to bring order into a chaotic urban society through the application of systematization and rationalization acquired in the business and professional world.


To gain an insight into the civil service reform movement, one must refer to the primary literature of the National Civil Service Reform League. A series of addresses of the League were published during the period 1883-1892: "Address to the Reverend Clergy of all Denominations in the United States," (New York, 1883); "An Act to Regulate and Improve Civil Service of the United States," (Washington, D.C., 1883); George William Curtis, "The Reason and the Result of Civil Service Reform," (New York, 1888); George William Curtis, "Party and Patronage," (New York, 1892).

While numerous books and monographs have been written on the subject of urban reform and the national
civil service, secondary literature dealing with municipal or state civil service is sparse. One of the most useful studies of the civil service reform movement is Ari A. Hoogenboom's *Outlawing the Spoils: A History of the Civil Service Reform Movement, 1865-1883* (Urbana, 1961). For a study of the interaction between state and city in formulating civil service programs, see George Charles Sumner Benson, *The Administration of the Civil Service in Massachusetts with Special Reference to State Control of City Civil Service* (Cambridge, 1935). Lawrence V. Howard's *Civil Service Development in Louisiana* (New Orleans, 1958) provides an excellent study of the conflict between politics and civil service reform. With the exception of a University of Texas Bulletin by Benjamin Fletcher Wright, Jr., *The Merit System in American States with Special Reference to Texas* (Austin, 1923), no local studies of civil service reform in Texas exist. Although outdated, Fosdick's discussion of civil service reform and the police in *American Police Systems* is useful for the first two decades of the twentieth century. A brief but inadequate discussion of civil service reform and its direct relation to the police is found in James F. Richardson, *The New York Police: Colonial Times to 1901* (New York, 1970). The most thorough general survey of municipal civil service reform is found in Frank Mann Steward's *A Half-Century of Municipal Reform: The History of the National Municipal League* (Berkeley, 1950).


4 See Revised Code of Ordinances of the City of Houston of 1914, 7-76.


6 Charter (and Revised Code of Ordinances) of the City of Houston (Houston, 1897), 19, 20. Charter of the City of Houston, Harris County, Texas, as Passed by the Twenty-Eighth Legislature (Houston, 1903), 22.

7 Miscellaneous Correspondence, Packet dated November 11, 1901, Report of the police committee, November 11, 1901, HCAC; ibid., Packet dated December 3, 1901, Letter from Board Chairman to the Mayor and City Council, November 6, 1901, HCAC; Houston Daily Post, November 1, 6, 7, 1901.
Adoption of the amendment distinguished Houston as the first city in Texas to establish a civil service commission. El Paso was the second city to do so when its voters adopted a similar amendment in 1917. The Houston civil service law included all city employees while the El Paso commission concerned itself only with police and firemen. Wright, *The Merit System in American States*, 92.

A civil service ordinance was first approved in June, 1913 but was repealed in February, 1914 and replaced by the April ordinance. The organization created by the June, 1913 ordinance was similar to the system established by the Charter of 1897 in that the agency of authority was a board of fire and police commissioners, which if retained, would have again extended civil service to only two or three select job positions. Such a narrow conception of civil service violated the provisions of the new charter amendment which created a Civil Service Commission to "provide for the classification of all employees eligible to civil service, except day laborers, and of all officers and opportunities, including peace officers and firemen, except the heads of departments. . . ." Ordinance Book 3 (June 2, 1913), 368-9; *The Revised Code of Ordinances of the City of Houston of 1914*.

Ordinance Book, Vol. 4 (January 10, 1914-June 3, 1914), 362-4; HCAC.

Other ordinances, subsequently enacted, further detailed or clarified the workings of the commission. An ordinance, for example, approved in May, 1914 established the "Civil Service Rules." See *Civil Service Commission Rules* (Houston, 1914), *passim*.


Brief for Appellant in the Court of Civil Appeals for the First Supreme Judicial District of Texas at Galveston, No. 10104, W. R. (Bobby) Ellis v. Oscar F. Holcombe et al, HCCR.

Revised Code of Ordinance of the City of Houston of 1914, 53.
By 1905 most major cities had instituted some form of competitive examination for police officers. Most examinations consisted of two parts, one devoted to physical fitness and the second to determine the mental capabilities of the applicant. Examinations varied significantly in the degree of sophistication from one city to another because of the uneven development of the merit system. Serious defects existed in many of the examinations but in a few instances the system worked surprisingly well, considering that competitive examinations were still in the process of experimentation. In New York City and Oakland, California, for example, formulation of the examination was based on as much collaborating information as possible. Examiners drew on the experience of officers both in the department and outside to determine what precise qualities would be useful. An exchange of information with other departments was arranged, and in New York City a special Municipal Reference Library was established to assist the examiners. Varying degrees of emphasis were attached to the different categories. The more advanced commissions as in Boston rated the previous experience of the applicant as well as his performance on the examination. Other commissions supplemented the written examinations with oral interviews. F. W. Coker, "Progress in Municipal Civil Service: A Review of Reports of Recent Reports," National Municipal Review, V (October, 1916), 575-7; Coker, "Progress in Municipal Civil Service: A Review of Reports of the Past Year," ibid., VI (November, 1917), 694-6; Arch Mandel, "Getting and Keeping Good Policemen," ibid., XII (June, 1923), 299-301; H. W. March, "Civil Service and the Police," ibid., X (May, 1921), 286-91; "Notes," The Annals of the American Academy of Political and Social Science, XXIV (July, 1904-December, 1904), 151-62.

Civil Service Commission (Rules and Regulations) (Houston, 1914), 35; see also ibid. (Houston, 1929), passim; Civil Service Rules for the City of Houston (Houston, 1944), passim.

Houston Police Department, "Civil Service Examinations," 1920, Reel 1, PFHPD; see also Memo from the Civil Service Examiner to Chief of Police Gordon Murphy, February 16, 1920, D-20, Reel 1, PFHPD.

"Short History of the Police Department Prepared for the Civil Service Year Book," January 17, 1922, Reel 1, PFHPD.
Letters from Civil Service Commissioner to Chief of Police, Searcy Baker, April 14, 30, 1920, Reel 1, PFHPD; Memo from Mayor's Office to Chief of Police Tom C. Goodson (month not given) 21, 1926, D-163, Reel 1, ibid.; Letter from Civil Service Commissioner to Chief of Police Tom C. Goodson, January 8, 1929, D-1284, Reel 19, ibid.

The interview with former Assistant Chief of Police George Seber on December 13, 1973 was particularly useful for providing information regarding the operation of the department under civil service regulations during the late 1920's and early 1930's. Mr. Seber served with the Houston Police Department from 1927-1969. Valuable information concerning the operation of the department under civil service was also obtained on the August 9, 1972 interview with former Chief Carl L. Shuptrine who served with the department from 1930-1963.

See Civil Service Commission (Rules and Regulations), (Houston, 1913), 65; Civil Service Commission of the City of Houston (Houston, 1929), 75; Civil Service Rules for City of Houston (Houston, 1944), 18.

Houston Chronicle, December 4, 1947; Houston Post, December 4, June 17, 1947; Interview with Knox Dale Womack on August 21, 1974.

Miscellaneous Papers 1900-1903, Packet for February 4, 1901, Motion to Chairman of the Police, Fire, and Health Board, February 4, 1901, HCAC.

Pledge cards indicated that the person whose name appeared on the card intended to vote for the candidate distributing the cards. It was hoped that having voters sign pledge cards would obligate them to vote for a particular candidate. By counting the pledge cards a candidate could better determine his areas of strength and weakness prior to an election. Police officers were burdened with dispensing pledge cards because of their familiarity with local neighborhoods. All department heads were expected to collect cards. The number of pledge cards collected did not always give a true indication of how persons actually intended to vote as occurred in the mayoral election of 1928 when Holcombe lost to Judge Walter E. Monteith despite favorable projections based on the pledge cards. As a consequence, the collection of pledge cards was discontinued.

Letter from Mayor Oscar F. Holcombe to Chief of Police Thomas C. Goodson, October 8, 1924, Reel 2, D-163, PFHPD.
24 Letter from Chief of Police Thomas C. Goodson to the President, Board of Directors, Houston Community Chest, October 8, 1926, Reel 2, 0-163, PFHPD.

25 Memo of Message Delivered by Chief of Police Thomas C. Goodson to his ranking officers, September 27, 1928, Reel 2, 0-163, PFHPD.

26 Letter from Mayor Walter E. Monteith to Members of the Houston Police Department, January 20, 1931, Reel 3, PFHPD.

27 Houston Chronicle, April 11, 1929.


29 Letter from Chief of Police Lawrence C. Brown to Mayor C. A. Pickett, February 8, 1941, Reel 9, D692, PFHPD. The plight of ranking officers is candidly expressed in a letter from Chief of Police Lawrence C. Brown to J. Edgar Hoover, Director, Federal Bureau of Investigation, November 9, 1940, Reel 11, D-758, ibid. See also Letter from Chief of Police Ray Ashworth to William A. Bernrieder, Director of Civil Service, February 12, 1941, Reel 11, D-758, ibid.


30 Houston Post, December 4, 5, 1947; Inactive Police Personnel Files, Reel 11, D758, PFHPD.


32 The New York system, devised through the cooperative efforts of the Municipal Civil Service Commission and the Bureau of Municipal Research, relied on efficiency records. The records were maintained on each officer who was evaluated in several areas -- service performance, conduct, work management and personality. Each category was divided into sub-units to allow as precise a grading as possible. The method of grading each category was based on points or merits. Demerits were given for sub-standard performance or as a penalty for infractions of the rules. A minimum amount of points was required at the end of each month for a satisfactory rating. The

33 Regulations of Civil Service, System of Merit and Demerit, March 24, 1920, Reel 1, PFHPD. See also Correspondence Files, 1920, Police Department Folder, Police Department General Order No. 95, December 29, 1921, HCAC.

The merit system was altered slightly on December 29, 1921, by substituting points for demerits. Basically the general structure of the system remained unchanged. Letter from Chief of Police to Department Captains, General Order No. 95, December 29, 1921, Correspondence Files, 1920, Police Department Folder, HCAC.

34 The extent of discipline during the period 1923-1929 was gleaned from a review of the 700 personnel records composing Reels 1-7 of the inactive files of the Houston Police Department.


36 Personnel record, Reel 11, D-776, PFHPD.

37 Griffenhagen survey, 57-8.

Maintaining discipline was complicated by the reluctance of officers to report the illegal activities of their colleagues. The concern that violations of police regulations were not properly reported and investigated was expressed in a memo from Chief of Police Percy Heard to Inspector C. L. Shuptrine concerning an incident involving an officer's abusive behavior against a prisoner. "The reports and confessions in the . . . case reveal a statement . . . that . . . [the officer] repeatedly slapped a prisoner. I was wondering whether or not this incident was reported to you. I am not interested from the point of view of disciplining . . . [him], because he has been discharged, but I want all such incidents reported and thoroughly investigated."

Memo from Chief of Police Percy Heard to Inspector C. L. Shuptrine, dated June 22, 1943, Reel 13, D-879, PFHPD.

The problem was succinctly stated in a memo by
Shuptrine regarding his futile attempt to investigate a complaint of the mistreatment of a prisoner. The inspector noted that "In most of these cases, it is difficult to get other officers to make a statement to the detriment of an officer or to get a citizen who is a witness to make an open statement whereby you can take positive action against officers for their conduct, which perhaps accounts for an officer being with the Department as long as he [the accused officer] has." Memo from Inspector of Police Carl L. Shuptrine to Chief of Police Percy Heard, dated September 11, 1944, Reel 19, D-1264, PPHPD.

CHAPTER IV

"DURING EFFICIENT SERVICE AND GOOD BEHAVIOR"

Municipal civil service failed to accomplish its main objectives, but it did provide police officers with a legal basis upon which to initiate suits. Occupational stability, denied police officers by municipal authorities, was sought by individual officers in the courts. By the terms of the civil service provision in the City Charter of 1897 tenure of office for "all employes in the fire, police and health departments except department heads . . . depended upon efficient service and good behavior. . . ." Dismissals were forbidden unless "an offense of sufficient gravity . . ." could be proven.¹ The gravity of the offense was decided at first by the Police Board and after 1914 by the Civil Service Commission. Violations of this rule provided police officers with the opportunity to seek redress in the courts.

The first case to reach the courts occurred in 1901 with the firing of police officer J. D. Proctor by Chief of Police John J. Blackburn.² Proctor's dismissal, which would not have evoked comment prior to the inclusion
of the civil service provision in the charter of 1897
now provoked a crisis which had far-reaching consequences
for civil service in Houston and the institutional
development of the police department.

Claiming that he was summarily removed in violation of
civil service rules, Proctor appealed Blackburn's action
to the Police, Fire and Health Board. The Board tried
his case, found him not guilty of misconduct, and ordered
his reinstatement. Blackburn, with support from Mayor
John D. Woolford, who viewed the Board's decision as a
threat to his control of the police department, encouraged
the police chief to refuse Proctor's reinstatement.
Woolford contended that the Board's decision conflicted
with the powers granted the mayor by the city charter.
He argued that since "the term of office of members of
the Police force is not fixed by the Charter or Ordinances,
police officers . . . are subject to removal at the
pleasure of the appointing power which . . . is the
mayor."³ By upholding the discretionary power of dismissal
the mayor placed himself in conflict with the underlying
civil service principle that policemen were to serve
during "efficient service and good behavior. . . ."

At this point Proctor presented the question to the
courts for settlement. Litigation was initiated by
Proctor with an appeal to the district court for a writ
of mandamus. The Court upheld the mayor position and refused to grant the writ.\(^4\) An appeal was then taken to the Court of Civil Appeals, where a judgment was declared in favor of Proctor's reinstatement. Ostensibly, the decision was a victory for civil service. The right of the Police, Fire and Health Board to "make all necessary rules and regulations for the . . . police department . . ." was supported.\(^5\) Chief of Police Blackburn's discharge of Proctor was declared to be illegal and in violation of the civil service procedures stipulated in the city charter. The Court thereby confirmed that Proctor was indeed protected by civil service rules and by doing so established, in principle, the Board as the appropriate administrative agency to regulate the operation of the police department.

With the same stroke of the pen, however, the court undermined civil service as a practical instrument of reform and established itself as the bulwark of municipal supremacy. Noting that Proctor had been appointed on October 19, 1900 and dismissed September 24, 1901, the Court reminded Woolford and Blackburn that policemen defined in the strictest terms were state officers\(^6\) and as such were authorized by the Texas State Constitution to serve a two-year term of office during "efficient service and good behavior." Proctor was therefore entitled to hold his position and receive his salary for
two years unless evidence was presented to the Police Board of a violation of "sufficient gravity" to warrant dismissal.\footnote{Proctor v. Houston Police Department, 74 S.W.2d 318 (Tex. Civ. App. 1934).} The upshot of the decision was that at the completion of his two-year term, Proctor's continuance in office would depend on his reappointment.

The Proctor case was important because it marked the first instance in which a Houston police officer contested his dismissal from the force and was upheld in court on the basis of a civil service provision. One advantage was gained by policemen as a result of the Proctor case. The city could be held liable for ousting police officers in violation of civil service regulations; although such liability was applicable only for a two-year term, the ruling nevertheless was a definite departure from past experience. Prior to the Proctor decision, police officers were unwilling to bring suit against the city, but following the Proctor ruling, court dockets became crowded with police cases. Officers, encouraged by Proctor's success, risked the expense of initiating litigation to regain back salaries.

The liability of Houston in such cases was conceded by the city attorney. As he pointed out in a memo of April 22, 1902, the principle that the salary attached to a public office was a legal reward for fulfilling the duties of that office was established. A person legally holding the position was therefore entitled to
full compensation for the remainder of his two-year term when illegally prevented from performing his duties by a superior officer as had been the case with Proctor. In such instances the attorney advised full reimbursement. 8

The case is most significant for what it failed to accomplish. Arbitrary dismissals of police officers were not halted. Nor did the decision strengthen the position of the Police, Fire and Health Board as the legal agency for deciding the appeals of suspended or dismissed policemen, firemen and health officers. Mayor Woolford and his successors refused to relinquish their control of police appointments and dismissals. Although according to the 1897 charter and subsequent charters the mayor was only allowed to remove department heads, the restraint was merely nominal. Instead of the mayor's directly removing the rank and file as had been done in the past, it was now usually accomplished through department heads.

One year after the Proctor decision the civil service law was again tested when a series of suits were filed in court by fifteen former police officers who sought recovery of salaries lost as a result of their dismissals from the force. 9 In the rulings in these cases the courts attempted to define the limitations of civil service applicability. The judges sought to reconcile the contradiction of the civil service provision of tenure during "efficient service and good behavior" and the two
years of service limitations in the Texas State Constitution. Judgments totalling $19,683.00 were awarded twelve of the officers by the Sixty-First District Court for the period which had elapsed from the date of their dismissals to the termination of their two-year terms.\textsuperscript{10} All the decisions were taken to the Appeals Court on writs of error by either the city or by officers dissatisfied with the amount of settlement.\textsuperscript{11}

The cases were divided into categories. One group based the claim for recovery on the Proctor decision, and a second group, represented by Gus Albers and J. A. Estes, sought to expand the protection of civil service beyond that established in the Proctor case.\textsuperscript{12} The decisions in these two cases were of particular importance because of the implications they raised. The suits involved the right to recover salary beyond the original two-year periods of service. In the Proctor case, recovery concerned only service performed within the two-year period. In effect, the cases pressed the issue of what constituted a police officer's tenure of office under the civil service clause of "efficient service and good behavior." The first of the cases, that of Albers, involved a police officer who had allegedly been wrongfully dismissed by order of the mayor. Upon reviewing the case the city council recommended that Albers be reappointed but Chief of Police Blackburn
refused to reinstate him. Albers, who was first appointed in 1898 and dismissed in 1902, sought recovery for that portion of his salary lost during the period of his dismissal which involved his service beyond the expiration date of his original appointment. The district court awarded Albers $663.00 but the city appealed and the decision was reversed.\textsuperscript{13}

According to the Texas Court of Civil Appeals, Albers, though dismissed illegally, was not entitled to recovery because no proof existed that he was ever reappointed to office. "It follows," the Court continued, "that an appointment upon the police force of the city only gives the appointee a right to the office for a term of two years, and when that term expires, unless he is reappointed, he ceases to be de jure officer, and the liability of the city for his salary as such officer ceases." His service on the police force and the acceptance of his service by the city made him a de facto officer entitled to compensation. Since Albers had not been reappointed, however, the court ruled that when the city terminated his services it incurred no liability for the salary he would have earned even though the dismissal violated the procedures set forth in the civil service provision.\textsuperscript{14}

Unlike Albers, Estes had been illegally ousted within the two-year period of his service. The district
court awarded him his salary for that portion of the two-year term during which he had been dismissed but at the same time refused to support Estes' claim for compensation for the period from the date of his ouster to the date of his trial. 15

The case was appealed by the city and cross-assignments presented by Estes. Estes maintained that he was entitled to recovery beyond the two-year term because, under the existing civil service regulations, his tenure was commensurate with good behavior and efficient service and he could not be removed from office except with the approval of the Police, Fire, and Health Board. His dismissal, Estes asserted, was in violation of these rules. The appellate court affirmed the lower court's judgment for Estes, but rejected his claim of extended protection under civil service. In its decision the court held that the civil service rules were only applicable for the two-year term set by the state constitution. The liability of the city was confined to that specific period. The court contended that the effect of the provisions cited by Estes if accepted would "constitute an office for life, if good behavior and efficient service were commensurate.... It has been settled that, since the Constitution limits the terms of all officers not otherwise fixed to two years, this provision will be construed to fix tenure at the constitutional term, subject to the provision of
removal for cause during that time. . . . The unconsti-
tutional provision may be discarded without nullifying
the entire law. . . ."¹⁶

Civil service laws could not circumvent the state
constitution by allowing continuance in office to be
assumed at the end of each two-year term because of
satisfactory performance. Tenure "during good behavior"
was only valid if applied within the two-year term. If
the letter of the law was to be adhered to, the service
of police officers was to terminate at the expiration
of the two-year term with reappointment following the
completion of a qualifying examination. In practice
those policemen who were favored by the administration
were allowed to continue without formal appointment. In
later years, all pretense of making official appointments
was abandoned, and appointees served as de facto police
officers. Matters were simplified since neither entrance
nor qualifying examinations existed. Police service
became at best a temporary occupation.

As political patronage became an increasingly im-
portant aspect of police service after 1920 and civil
service became increasingly subservient to the patronage
system, appeals to the commission became a rarity and
recovery of salaries unknown. Most officers realized
the futility of exercising the right of appeal and
accepted political firings stoically. Tenacious police
officers who pursued a hearing found that their dismissal was upheld by the commission. Encouraged by the ruling in the Estes case and the generally unsympathetic stance of district court judges toward the civil service laws, the city council and mayor were inclined to risk lawsuits and continued to refuse compensation.

Compensation to policemen because of illness or injury was not affected by these decisions. Relief was granted at the discretion of the city council. Such petitions were usually given more consideration than petitions for loss of salaries, but no set rule existed to insure a consistent policy. No cases of this type were ever tested in the courts, even those which involved job-connected injury or illness.

During the interval between the Estes decision in 1904 and 1933 no effort was made by police officers to challenge the patronage system in the courts. The modest gains made by individual police officers in the Proctor and other cases were erased by the adverse effects of the decisions on the development of responsible law enforcement in Houston. Although the rulings established the right of police personnel to contest illegal firings, much of the significance of this achievement was lost, for the Estes decision, supported by subsequent rulings, mortally wounded civil service as an instrument of police reform. The two-year tenure of office as strictly
interpreted by the courts placed service in the police department at the pleasure of each new administration. Moreover, the right to challenge illegal dismissals was undermined by the enactment of a civil service rule in 1914 which stipulated that appeals to the district court from decisions of the Commission could only be made on the grounds that the Commission had acted with gross negligence or with prejudice. Since such charges were generally impossible to prove, appeals were seldom attempted. The expense of attorney fees and the narrow legal interpretation given civil service laws by the courts, deterred all but the most determined men.

No cases involving violations of the civil service laws reached the court between 1905 and 1933. The re-election of Mayor Holcombe in 1933, however, heralded a series of suits filed by police officers during the next two years. Holcombe, in his effort to re-establish his political influence in the police and other departments of the city, committed numerous violations of the civil service rules with over a hundred city employees dismissed or demoted during the first weeks of his administration. Thirty of the employees filed suit for reinstatement.\textsuperscript{18} The undisguised political motivation of the mayor's actions encouraged appeals to the courts. At one point, the mayor boldly declared during an interview with a newspaper reporter that he intended to oust a police
captain for political reasons. Shortly thereafter the mayor acted upon his intentions and dismissed the man. In another instance Holcombe notified an officer in writing that he had personally ordered his dismissal from the department, thus breaking with the tradition of firing through the department head as had become the practice following the Proctor decision. Since the Holcombe dismissals ignored even the minimal authority of civil service as set forth in the Proctor, Albers, and Estes decisions, hope lingered that the new administration would be held accountable for at least the two-year tenure guaranteed police officers "during good behavior and efficient service." Moreover, the civil service structure established by the ordinance of 1914 had not yet been tested in the courts. The amendment to the city charter of 1913, unlike the civil service charter amendment of 1897, was followed by the enactment of an ordinance outlining a civil service program in detail. The ousters by Holcombe provided the opportunity to evaluate the applicability of the ordinance.

Three cases determined the outcome of the court test. In two of the cases the courts dealt with the issues of dismissal procedures and appointment requirements under civil service. The third case involved both issues, but reached the court as a consequence of the efforts of two officers to expose the department's involvement in
the city's gambling operations. Together the decisions in these cases determined the legal status of the police department under municipal civil service and the extent of the powers of the mayor over the administration of the department.

The first case arose in 1933 with the dismissal of W. R. "Bobby" Ellis from the police department. Litigation in the case lasted two years and was carried from the district court to the state supreme court. Ellis was appointed during the Monteith administration as superintendent of identification in the police department, a position which he held from 1929 until his dismissal in 1933. At that time, Holcombe took office following a hard-fought election and proceeded to reorganize the police department by appointing his campaign manager George E. Woods to the position of Director of the Department of Public Safety. Shortly after Woods assumed office, Holcombe instructed him to oust Ellis as superintendent, who then filed for a hearing with the civil service commission. In the meantime Holcombe appointed Henry E. Keller, a relative of his wife, to Ellis's position and notified the latter that he had been removed by his personal instructions. 22

Holcombe contended that several sections of the city charter of 1905 empowered him to remove at his discretion any city employee or officer with the exception of an
elected official. According to Holcombe's argument the civil service amendment of 1913 did not supersede or curtail the prerogatives of the mayor as set forth in the charter. Although the civil service amendment stated that city employees could only be dismissed by the heads of departments, Holcombe's view was that the mayor or city council could directly order removals without granting a civil service commission hearing. Appeals to the commission were applicable only to employees dismissed by department heads, as would be the case in the discharge of police officers by the chief of police. Employees classified as appointed officers or officers whose positions were created by ordinance or charter served only at the discretion of the mayor. This latter allegation was directed specifically at Ellis, who, the mayor asserted, was a city officer and not a state officer subject to the two-year tenure provision of the constitution. Holcombe's argument, if accepted, would have eliminated even the principle of civil service and would in fact have legalized the practices of political patronage which had dominated the operation of the police department since its earliest days.

The issues were presented to District Judge Roy F. Campbell in June, 1933, when Ellis filed for a writ of mandamus after he failed to receive a hearing before the
civil service commission. Campbell sustained the city's general demurrer, ruling that the mayor's unlimited power to dismiss any city employee except an elected official remained valid under the provisions of the 1905 city charter. The right of a city employee to appeal to the commission was applicable only when a dismissal was ordered by a department head. Moreover, Campbell denied that a mandamus could be issued against the city council, mayor or civil service director. Campbell's ruling justified Holcombe's boast that once he removed a civil service employee, that employee "stay[ed] fixed . . . ." and was not entitled to appeal his case to the commission.

The decision was appealed to the Court of Civil Appeals, however, with Ben Campbell, the former mayor, under whose administration the civil service amendment of 1913 was enacted, acting as a special counsel for Ellis. In its opinion of February, 1934, the Court of Civil Appeals reversed the district court's decision. Chief Justice R. A. Pleasants, in a lengthy decision, examined those sections of the civil service amendment pertinent to removal procedures and each section of the city charter upon which the administration asserted its removal power. Pleasants found that the provisions of the civil service ordinance could only be construed as repealing the original charter articles relating to
the removal powers of the mayor and city council. "It seems clear to us," he declared, "that these provisions of the amendment [establishing the procedures for removing city employees] comprehend the entire subject of removing city employees classified under the civil service amendment, and create an independent and exclusive method for the removal of such employees."\textsuperscript{28}

Particular attention was devoted to political patronage. While the court conceded that "It was human for the mayor to prefer his political friend for any position of employment by the city at his disposal," Holcombe was reminded that such reasoning was "certainly no cause for removal of a faithful efficient public employee protected by the civil service amendment. . . . The justice and wisdom of . . . civil service legislation is apparent. . . ." The court affirmed Ellis in his right to a writ of mandamus.\textsuperscript{29}

The city appealed to the State Supreme Court which sustained the opinion of the Court of Appeals and returned the case to the district where hearings were begun on points of law and fact. Ellis amended his original petition to seek compensation for his lost salary in addition to reinstatement. Ellis won the points of law and later during the hearings on the points of fact he had the satisfaction of hearing Judge Allen Hannay threatening to jail and "fine to the limit . . ." the
city attorney, Mayor Holcombe's lawyer and the Director of Civil Service for disregarding a court subpoena for civil service records. Judge Hannay's stern warning was the only real satisfaction the advocates of an effective civil service received from the tedious years of litigation, for during the second hearing on points of fact Ellis suddenly collapsed and died of a heart attack. The untimely death of Ellis brought litigation to an inconclusive end. Ellis's wife resumed proceedings and filed suit for compensation for her husband's lost salary and was granted more than $4,000 by the city council, which was anxious to terminate further litigation.

The opinion in the Ellis case reaffirmed the Proctor decision that police officers were entitled to a two-year tenure with dismissals subject to the procedures prescribed in the civil service regulations. Ellis's lawsuit was concerned with the right of a civil service employee to receive a hearing before the civil service commission and not with the merit of the dismissal. The court nevertheless addressed itself to the legality of civil service and the responsibility of the mayor and city council to adhere to its regulations. Holcombe's extravagant claims of his removal power over police officers were cited by the court and rejected, but it noted that final disposition of the question would have to be settled strictly on the
merits of Ellis's removal. 32 Ellis's death terminated further litigation, and the question of the merit of the ouster was not ruled upon by the courts. While litigation in the Ellis case was in progress, however, the issue of the mayor's power to dismiss a civil service employee was moving toward a resolution in the E. F. Grota case.

In 1933 Grota, a warrant officer, responsible for assisting the clerk of the Corporation Court in the preparation and issuance of writs and summonses, received notification of his discharge from the Police Department soon after Holcombe was elected mayor. Grota charged that his ouster was motivated by his vote against Holcombe and not, as claimed by Holcombe, because of the need to reduce the city's expenditures. The mayor, Grota asserted, was attempting to destroy civil service in order to organize a political machine. Even if economic conditions had been responsible for his dismissal, Grota pointed out that the action was still illegal, for according to civil service regulations only those persons placed last on the list of classified civil service employees could be removed, and Grota's service with the city had been longer than many of the mayor's recent appointees. In his petition, Grota sought a writ of mandamus to compel the civil service commission to grant him a hearing. He also requested an injunction to halt the mayor interference in the operation of the civil service commission. 33 Grota's assertion that he was a classified civil service employee compelled the
court to examine the merits of the removal.

City attorney R. R. Lewis did not dispute Grota's charge of political patronage in the general demurrer filed for the city. Lewis advanced the argument that even if Grota's assertions were true, his removal was nevertheless within the mayor's prerogative since Grota, like all other police department personnel, was not a classified civil service employee. Lewis contended that the civil service charter amendment approved by the voters in 1913 had abolished the city's police department as it had existed prior to approval of the amendment. Re-creation of the department to conform to the civil service amendment depended on the enactment of ordinances by the city council. Since such action had not been taken by the council, the argument continued, police officers were not officers *de jure* and were subject to dismissal at the mayor's discretion. Specifically, it claimed the ordinance creating the position of warrant officer was imprecise in that it failed to state the exact number of such officers and the mode of appointment. Furthermore, Grota did not obtain his position through a competitive examination as prescribed in the civil service amendment, which stated that classified civil service employees first had to perform satisfactorily in an "open, competitive and free examination. . . ."

The amendment assigned the civil service commission
the responsibility of devising and administering the examinations. Since the civil service commission had failed to fulfill its responsibility, however, appointments to the police force and other city departments were usually made by the mayor or department heads. Consequently, police officers were not classified civil service employees and could be removed at the mayor's discretion.

The case was argued in district court in October, 1935. Judge Ewing Boyd in a decision issued in November sustained the city's general demurrer and found that Grota's dismissal had not violated civil services regulations. Concurring with the city attorney, Boyd held that the civil service commission had failed to carry out the provisions of the charter amendment, and the city council had not enforced compliance with those ordinances which it had already enacted. Houston's civil service was a framework, Boyd asserted, without the substantive detail to make it a functioning system. A complete reorganization of civil service by the city council was required. Boyd charged that the section in the city charter pertaining to the creation of the corporation court and its officers (among them being warrant officers) failed to specify the duties of the officers or the number of positions for that classification which was therefore incompatible with civil
service regulations. Grota could only claim the status of an officer *de jure* under civil service protection if the duties of his position were defined by ordinance. An officer, he asserted, could not claim the benefits of the law when the law was not complied with. Boyd recognized that stability was required in the police department, but he did not believe it could be obtained through the existing civil service program as he indicated in his closing remarks:

The thing that would have rendered it [civil service] stable was to remove the indefiniteness that theretofore existed in reference to the number of persons that should constitute the roll of policemen; that should constitute the number of warrant officers. The people were, and are, entitled to know how many persons were going to be on their payroll, and up to this time no ordinance declares how many policemen, how many warrant officers have been created. No ordinance informs us whether it consists of a large number of officers and one policeman or of the commanding officer and a thousand privates. The indefiniteness still exists and the Civil Service program has failed because of the failure of the City Council to do that thing which the ordinance, and every intentment, implication and suggestion of the ordinance called on them to do. 37

Although the decision was appealed, the ruling had an immediate impact on the police department as well as on the other city departments which were under civil service classification. In effect, even the appearance of civil service regulations was removed from the administration of the department since application of
the decision extended to all members of the police force who had not been officially reappointed to their positions according to the tenure term of office and the requirements of civil service. The indefiniteness which the court noted in the creation of the position of warrant officer also applied to all positions within the department with the exception of chief of police. As a result of the decision, Holcombe became in fact "the boss of the police department by self-decree. . ." as his control over the department was later described.\textsuperscript{38}

In effect, the ruling set back the occupational status of Houston police officers to the nineteenth century.

The Grota decision, while upholding the dismissal, was a two-edged sword, for the Holcombe administration was now burdened with the task of correcting the defects in the civil service program, at least to the point of satisfying the court. A major defect cited by Judge Boyd was the civil service commission's failure to conduct competitive examinations. Plans were made for instituting examinations for all municipal employees, but opposition to the plan by the city employees postponed their implementation.\textsuperscript{39} The second defect, which was the basis for Boyd's decision, was the indefiniteness of the ordinance creating positions in the police department. To remedy the imprecision of the
ordinance, the city's legal department prepared an amendment to the city charter stipulating that no appointment to a position could be made unless the position had been created by ordinance. If the position required more than one officer, the ordinance would also have to state the maximum number of officers affixed to the position.40

The proposed changes became part of twenty-six amendments offered to the voters in October 1938 as a plan for improving the quality of city government. All twenty-six amendments were rejected, and the civil service program continued without major alterations until 1948.41 The Grota decision did not improve the quality of civil service protection for police officers. Instead the opposite was true, for by invalidating the existing program—though it was inadequate—police officers now found themselves without the basis for legal recourse against the most irresponsible actions of the mayor or chief of police.

Their vulnerability was clearly demonstrated by the circumstances surrounding the suspension of officers S. T. Roe and W. L. McGrew in October, 1935. The suspensions occurred following charges by Roe and McGrew that the gambling laws were not being enforced by the police department and that information obtained from a local gambler indicated that Chief of Police B. W. Payne
was involved in the city's slot machine operations. In an affidavit to the city council the officers petitioned for an investigation into the department and its possible involvement in the city's gambling operations. Payne, denying the charges, cited the recent demotion of both men from the rank of detective to patrolman as the reason for the charges and ordered Roe and McGrew suspended. Other officers who had assisted in preparing the affidavit were also scheduled for suspension or demotion on charges of cursing, using abusive language, inefficiency and insubordination. Shortly after their suspension both men were taken from their houses under the escort of police detectives to the mayor's office, where they were placed under guard until questioned about the charges. Following their session in the mayor's office, the men sought to file charges against Payne in Justice of the Peace courts. Charges were rejected however by Judges Tom Moes and J. M. Roy pending possible inquiry by the grand jury. 42

A series of confusing events followed. Investigations were immediately launched by the grand jury, civil service commission and city council, with the latter suspending Payne until the conclusions of the inquiries. The suspension was effected over the veto of Holcombe, who insisted that Payne remained the lawful chief of police.
The mayor instructed Payne to deny the council's action. Holcombe then called a halt to the council's investigation, declaring that there was no evidence to support the charges against Payne. The council again voted to suspend Payne as it was to do twice more within the next three weeks. In an effort to exert pressure on Holcombe, the council refused to approve the November payroll voucher for the Police Department so long as Payne's name remained on the list of active officers. Holcombe warned that he would not sign the voucher if Payne's name was not included on the payroll. At this point, the solidarity of the council broke when councilmen F. L. Holton and S. A. Starkey met with Holcombe in a clandestine session held after the usual business hours and reappointed and confirmed Payne as chief of police. In the meantime, the grand jury, which had summoned several city officials — including Holcombe — to appear as witnesses, concluded its inquiry with hardly a mention of the subject which had been the subject of investigation for two weeks. The crisis which had wracked the city government and police department for over a month was resolved. For Roe and McGrew, however, it continued.

In the midst of the chaotic confrontation between Holcombe and the city council, Roe and McGrew appealed to the civil service commission for a hearing. The com-
missioners called a series of preliminary meetings to
decide the merit of granting the officers a hearing.
Sharp exchanges broke out between James E. Kilday,
attorney for the officers, and Richard R. Lewis, city
attorney, who accused his adversary of using the inquiry
as a forum to advance his political aspirations.

Roe and McGrew reiterated their charges against
Payne, citing his reputed connections with local
gambling interests and asserting their right to a formal
hearing. Lewis argued the same objections to granting
a hearing that he had presented at the Grota trial.
According to Lewis, Roe and McGrew were not civil service
employees because they had neither competed in a
competitive examination nor received reappointment after
completing two years of service with the police department.

Special attorney Elbert Robert was employed by the
legal department to evaluate the merits of the case. His
task was eased by the Grota decision, which was rendered
while the commission was still deciding the fate of Roe
and McGrew. On the basis of the Grota decision, Roberts
recommended that their requests be denied because of a
lack of jurisdiction. The commission accepted the
recommendation. Despite the Grota ruling, the two former
officers considered an appeal to the district court.44

The appeals were postponed, however, pending the
outcome of Grotta's decision to continue litigation. In December, 1935 Judge Boyd refused to accept Grotta's amended petition, referring to it as a legal "monstrosity" concocted by Kilday.\textsuperscript{45} On August 1, 1936, the Court of Civil Appeals, in a decision delivered by Chief Justice R. A. Pleasants, reversed the district court and granted Grotta his request for mandamus. If such a hearing substantiated Grotta's claim that he had been illegally removed, as Pleasants indicated it would, the city must, he continued, reimburse Grotta for the sum lost during the period of his removal. The chief justice also restated the position of the court in the earlier police cases that the two-year tenure of the state constitution was not in conflict with civil service regulations.\textsuperscript{46} Pleasants based the court's decision largely upon the ruling in the Ellis case, finding in both instances that the issue was the integrity of the civil service law as it applied to police officers.

As in the Ellis case the success was short-lived. The city appealed to the Texas Supreme Court where the decision was reversed.\textsuperscript{47} The court disagreed with Pleasants' contention that the issue in the Ellis case was the same as that in the Grotta appeal. In the Ellis case, the court noted, the rights of a city employee were involved, not that of an officer as Grotta claimed
to be. The Ellis ruling could not therefore serve as an authority for the judge's opinion in the later case. In reversing the decision, the court cited as its authority a Civil Appeals ruling in 1914 which concerned the removal of a San Antonio police officer. In that decision, as in the Grota case, the issue was whether a position in the police department had been legally created by the city when the precise number of positions was not stipulated. The court's reply in the San Antonio case was that the position was not legally constituted. Similarly, the court held that because of imprecision in the language of the ordinance, the position Grota held was not legally created and therefore he could not claim civil service status.

The defeat was complete. No ordinances to correct the defects in the civil service program were approved, and the courts placed the police department outside the jurisdiction of the existing system. The inherent weaknesses in the civil service structure, the two-year tenure provision of the state constitution and the rules of practice and procedure governing civil suits (notably the general demurrer used by the city) all worked against establishment of a stable police department. As the arbiters of anachronistic laws, the courts became the unwitting ally of the municipal spoils system. After the Grota decision there were no cases of police
officers initiating litigation against the city because of political removals until 1948. The Roe-McGrew controversy was not repeated until a fair hearing, supported by adequate legal recourse, was guaranteed. Until that time infractions of the law, discriminatory law enforcement, and political manipulation were borne in silence as a condition of employment.

One obstacle to later reform was removed in 1940, when a state constitutional amendment excluding classified civil service positions from the two-year limitation clause was approved. Supported by reform-minded state legislators and approved overwhelmingly by the voters, the amendment lessened the inconsistency which had hampered the effective administration of civil service from its inception in Houston and throughout Texas. Passage of the amendment did not insure civil service reform or put an end to the political abuses which had plagued the operation of the department. Political patronage continued. The structural weaknesses of municipal civil service remained, and access to the courts was as difficult as before. These persisting conditions, combined with the failure of individual police officers to effect change through the courts, provided the incentive for a collective effort.
NOTES

1 Charter and Revised Code of Ordinances of the City of Houston (Houston, 1897), 19.

2 Proctor v. Blackburn et al (Tex. Civ. App. 1902) 67 S. W. 548-50; Petition for salary to Police Committee, Mayor and City Attorney, Miscellaneous Papers, Box: 1900-1902, Packet: April 22, 1902, Houston City Hall Archival Collection (hereafter cited as HCAC); Houston Post, October 1, 1901.

3 Letter from Mayor John D. Woolford to City Council, October 7, 1901, Miscellaneous Papers, Box: 1900-1902, Packet: November 11, 1901, HCAC.

4 Houston Post, November 19, 1901.

5 Charter and Revised Code of Ordinances of the City of Houston (Houston, 1897), 20; Proctor v. Blackburn, 67 S. W. 548-50.

6 The doctrine that policemen are agents of the state and not the municipality was established in New York in 1859 in the decision of People v. Draper, 15 NY332, affg. 25 Barb 344 in which the state's creation of a metropolitan police department was upheld. Creation of the metropolitan police force by the state was a sharp break from the former policy established in the home rule provision of the state constitution, that policing was a concern of local authorities. In subsequent years the New York decision was affirmed in the courts of twenty states. In Texas the issue was settled in Rusher v. Dallas, 83 Texas 151, 18 S. W. 333. See also Eugene McQuillan, The Law of Municipal Corporations (3d ed.; Chicago, 1972), XVI, 561-2.


The court's decision was based on Art. 16, Sec. 30 of the Texas State Constitution of 1876 which stipulated
that "The duration of all offices not fixed by this Constitution shall never exceed two years . . ."
Precedent was established in Tex. 1895, City of San Antonio v. Micklejohn, 89 Tex. 79, error refused, in which the court ruled that "The term of office not having been fixed in the ordinance which created it, it was not controlled by that provision of the constitution which limits the terms of all offices not therein specified to the period of two years." See also John F. Dillon, Commentaries on the Law of Municipal Corporations, 5th ed. (Boston, 1911), Vol. I, 174-5, 675-6.

8 Memo from City Attorney T. H. Stone to the Mayor and City Council, April 22, 1902, Miscellaneous Papers, Box: 1900-1902, Packet: November 11, 1901, HCAC.

9 The implications of the suits were immediately recognized by city attorney T. H. Stone who encouraged the city to seek a decision by the courts. See Letter from T. H. Stone to the Mayor and City Council dated April 27, 1903, Miscellaneous Papers, Box 1902-1903, HCAC.

The policy of reimbursement was reaffirmed in 1919 in the case of D. E. Drennan. In response to Drennan's application for reimbursement after winning reinstatement following a successful appeal to the Civil Service Commission, City Solicitor W. J. Howard advised the City Council to accede to the officer's request. Inter-office memo from City Solicitor W. J. Howard to the Mayor and City Council dated July 5, 1919, Miscellaneous Papers, Box: May 13, 1918-July 29, 1919, Packet: June 2, 1919-July 29, 1919, HCAC.

10 Houston Post, September 11, 1903.

11 Ibid.


13 City of Houston v. Albers, 1084-6; City Council Minutes, Book L, February 24, 1902, 487-8, Book M, May 26, 1902, 9; June 30, 1902, 63, HCAC.

14 City of Houston v. Albers, 1086.

15 City of Houston v. J. A. Estes, 848-51.

16 Ibid., 850.

The position of the court regarding the status of civil service was summarized in City of Houston v. Mahoney
(Tex. Civ. App. 1904), 80 S. W. 1144:

It is settled that, in so far as the Legislature undertook to make the term of a policeman commensurate with good behavior, the charter is unconstitutional, but that it will be given effect to the extent of a two-year term, and that its provision forbidding a discharge during the term, except upon trial for cause, is also valid.

The court severely restricted the applicability of civil service regulations but it refused to invalidate the rules in toto. In several cases in which municipal authorities challenged the constitutionality of civil service, the court held that civil service rules requiring employees to hold office during "good behavior" did not conflict with the two-year limitation clause of the constitution if the office was not held beyond that period. See Callaghan v. McGown (Tex. Civ. App. 1905), 90 S. W. 319, error refused; Callaghan v. Tobin (Tex. Civ. App. 1905), 90 S. W. 328, 40 Tex. Civ. App. 441, error refused; Callaghan v. Irvin (Tex. Civ. App. 1905), 90 S. W. 335, 40 Tex. Civ. App. 453, error refused.

17 A survey of the inactive personnel files of the Houston Police Department for the period 1920-49 revealed that most officers who were victims of political patronage ignored the right of appeal. One problem in surveying the files was to determine which officers were dismissed or suspended for political reasons or for legitimate disciplinary reasons. The clue to the distinction was the phrase frequently observed in the files, "dismissed for the good of the service." This phrase listed in the civil service manual as a justifiable cause for dismissal fulfilled the need for a non-specific excuse to use when no legitimate infractions of the rules existed. (See municipal booklet, Civil Service Commission of the City of Houston (Houston, 1929), 58). By contrast, files reporting dismissals, suspensions, and demotions as a result of disciplinary action contain specific details of the offenses. Frequently, such files contain the findings of police investigators, statements by the officers involved as well as those of the complainants in addition to the recommendations by the ranking office. See also Houston Post, February 25, 1934.

Petition for Mandamus and Injunction filed in the Court of Civil Appeals for the 127th Judicial District of Texas on March 25, 1935, 12, Roy Young v. Oscar F. Holcombe, et al, HCCR.

Brief for Appellant, No. 10104, in the Court of Civil Appeals for the 1st Supreme Judicial District of Texas at Galveston, W. R. (Bobby) Ellis v. Oscar F. Holcombe, et al, TRHPL.

The two-year term of office as applied to civil service was reaffirmed in 1934 in McDonald et al. v. City of Dallas et al (Tex. Civ. App. 1934), 69 S. W. (2d) 175-80. The decision in this case closely followed that of the Proctor case. Compensation was granted six Dallas policemen for the period of their two-year tenure during which they were suspended from performing their duties.


The pertinent charter provisions are:

Article 5, Section 2: The Mayor shall have power . . . to appoint and remove all officers or employees in the service of the city for cause, whenever in his judgment the public interests demand or will be better subserved thereby; and no officer whose office is created by ordinance shall hold the same for any fixed term, but shall always be subject to removal by the Mayor or may be removed by the City Council.

Article 7, Section 8: The City Council shall . . . have power to establish any office that may . . . be necessary or expedient for the conduct of the city's business . . . provided, however, that all officers established by the Council shall
be subject to discontinuance or be abolished by the council at any time and any incumbent of any office . . . may be removed at any time by the Mayor, with or without the concurrence of the Council; and in no case shall any officer or employee of the city be entitled to receive any compensation or emolument of any office, which may be abolished or from which he may be; "moved, except for services rendered to the case when the office was abolished or the incumbent removed . . . ."
Revised Code of 1914, 49, 59.

24 Ellis v. Holcombe, 69 S. W. (2d) 452-3; Houston Post, February 9, 1934.

25 The use of the general demurrer was an important rule of civil procedure which proved an effective means of defense by the city in the suits filed by police officers prior to 1940. A general demurrer allowed a party responding to the pleading of a complainant to set forth general objections without having to dispute the specific facts or charges presented in the suit. This was done either by denying the facts or by conceding them but rejecting the contention that they qualified the pleader for remedy from the court. General demurrers were frequently accompanied by special exceptions which allowed the defendant to raise objections to "defects in form" in the plaintiff's charges. Special exceptions, which rarely had any relevance to the merits of the dispute, served merely to impede litigation. In the E. F. Grota case, the city presented seventy-six such exceptions. The general demurrer and special exception were effectively used by the city in all the police cases under review here. In none of the cases did the city respond to the specific allegations of the plaintiffs. The Texas Supreme Court in 1939 revised the Rules of Civil Procedures and prohibited the use of general demurrers. See Texas Jurisprudence, 2nd edition (San Francisco and Rochester, 1963), v. 45, 362-3, 564, 567, 568-71, 581-4.

26 Brief for Appellant, No. 10104, in the Court of Civil Appeals for the 1st Supreme Judicial District of Texas at Galveston, 4-5, TRHPL; Houston Post, June 11, 1933.

27 Houston Post, June 11, 1933, February 9, 1934.
29 Ibid., 453.
30 Houston Post, February 27, 1935; Houston Chronicle, February 27, 1935.
35 Article V, Section 2 of the Civil Service Amendment in the City Charter of 1913 provided that

The Civil Service Commission . . . shall provide for the classification of all employees eligible to civil service, except day laborers, and of all officers and appointees, including peace officers and firemen, except the heads of departments. . . . The Civil Service Commission shall also make provision for open competitive and free examination. . . .

The Revised Code of Ordinances of the City of Houston of 1914, 53.
Also see Civil Service Commission of the City of Houston, 1929 (Houston, 1929) which details the civil service regulations in effect at the time of the Grotta litigation.
38 Houston Press, October 2, 1940.

39 The effect of the ruling aroused grave concern among city employees, particularly among those who had the longest service with the city. Nearly eighty percent of the 1800 city employees were affected by Boyd's decision. The older employees, who in many instances lacked the formal education necessary to complete successfully in competitive examinations with younger and better educated applicants, felt that enforcement of the examination requirement would jeopardize their jobs. Interest in unionization was stimulated, and on November 29, 1935, a hundred city employees met to discuss the possibility of organizing a unit of the A. F. L. An alternative solution was found, however, with the submittal of an amendment to the city charter which exempted all city employees with at least one year of service in a classified civil service position from having to take competitive examinations. Houston Post, November 28, 1935; Houston Press, November 27, 30, 1935; Houston Chronicle, November 30, 1935, December 3, 1936.

40 Houston Press, November 27, 29, 1935.

41 Charter Amendments, 1937: A Petition Presented to the Members of the City Council by Qualified Voters to be Submitted to the Voters of Houston, dated August 14, 1937, TRHPL; Houston Post, August 12, October 4, 1938. For a valuable source of information regarding the campaign for changes in the charter, see Houston (Tex.), Charter Commission (1938) (Scrapbook of Newspaper Clippings on the City Charter Amendments, March to October, 1938), TRHPL.

42 Houston Press, October 14, 16, 1935; Houston Post, October 15, 18, 1935; Houston Chronicle, October 14, 15, 18, 1935.

43 Houston Post, October 17, 18, 22, 24, 25, 31, 1935; Houston Chronicle, October 15, 16, 17, 1935; Houston Press, October 30, November 2, 4, 13, 14, 15, 16, 1935; Correspondence Files, 1935, Police Folder No. 46 Motion (no number given), October 15, 1935, Motion No. 2518, October 16, 1935, Motion 2519, October 16, 1935, Motion 2621 (2512), October 20, 1935, Motion 2567, October 23, 1935, Motion 2566, October 23, 1935, Motion 2741, November 15, 1935, Motion 2744, November 16, 1935, HCAC.
44 Houston Chronicle, October 18, November 14, 29, 1935; Houston Post, October 30, November 6, 30, 1935; Houston Press, October 29, November 4, 5, 1935.

45 Houston Press, December 6, 14, 1935.


48 The court found that the position of superintendent of identification was not provided in the ordinance establishing the police department as was the position of warrant officer. Holcombe v. Grotal (Tex. Sup. 1937), 1041-2.


51 See fn. 25.

CHAPTER V

"NOW WE CAN GO FORWARD"

The status of the Houston Police Department resulting from its decades-long involvements in partisan politics was summed up by Mayor Holcombe in a message to the city council in January 1947: "The police department is woefully inefficient. It is honeycombed with feuds and factionalism. It is without discipline and it is badly undermanned. . . . The police department is worse than a South American Army. . . ."¹ Holcombe's harsh indictment, while politically motivated for the purpose of discrediting the previous administration for its operation of the police force, was an accurate description of the conditions which led to the police reform movement.

The problem confronting the police of Houston was not unique. Professional growth suffered wherever police administration fell under political control. The plight of the police was as much a consequence of Mayor Holcombe's three previous terms in office as of any other factor. At the heart of the problem was Houston's spoils system, which through the decades had dominated the
operation of the police force and become virtually an institutionalized feature of municipal government. Operating in such an unstable environment, the ineffectiveness and low morale of the police department became increasingly evident as additional demands were made on police services during the post-World War II years. Social dislocations and the accompanying rise in crime clearly revealed the inadequacies of the city's police service.

The major differentiating characteristic of the Houston experience was that when reform occurred it came from within the police department, among career officers, especially the rank and file members. Reform was neither imposed from an external source nor from the higher echelon of the police department. No commissioner of extraordinary dynamism was appointed, as in the classic instance of Theodore Roosevelt's reform-minded police administration in New York City or in the more recent case of O. W. Wilson's appointment as Superintendent of the Chicago Police Department. No Houston citizens' police committee organized to recommend a reform program. Rather, police reform in Houston became a reality in spite of the efforts by the city administration to discourage it. The struggle was bitter. Reform minded police officers attempted to remove political influence from the operation of the department against the vigorous opposition of
city officials.

No single individual dominated the police reform movement in Houston. Leadership of the reform movement expressed itself through the offices of the Houston Police Officers Association.²

State chartered in 1945, the Association became the spearhead of the reform movement and a model for similar associations by other police departments in Texas. What began in Houston as a local effort, comprising less than two hundred police officers, became by 1947 a statewide campaign involving seven municipal police departments. In addition to cooperating with their colleagues in other cities, the Houston Association initiated an alliance with the Texas State Association of Fire Fighters. The alliance was vitally important when measured by immediate reform goals, and it established a precedent for cooperation between police and firemen which persists today. Their combined efforts were rewarded in 1947 with the passage by the Texas Legislature of a state civil service law which became the keystone for police reform and for the growth of a professional urban police service.

The first collective effort at reform was made in 1945 with the formation of the HPOA. The Association was initially organized as an effort to combat the low morale among police officers and to counteract the unfavorable public image of the department. Accusations
of police brutality did much to discredit the department. The lack of training, the practice of employing political hirelings and the promoting of unqualified men to ranking positions did much to undermine department discipline. In the black community relations with the police, which had always been strained, deteriorated further during the war years. Alleged acts of brutality by police officers were a common cause of complaint by blacks. Altercations between police officers and blacks became more frequent as enforcement of the Jim Crow laws on city buses heightened tensions. Because of the war emergency buses were overcrowded and adherence to the segregation laws became more difficult, with disputes between bus drivers and black passengers occurring regularly.\(^3\)

Charges of police brutality had a similar effect on the white community. A rash of incidents in late 1945 were particularly detrimental to police public relations. In September, for example, an incident involving the arrest of a woman did much to focus unfavorable publicity on the department. The woman, a mother of two children, charged that she was physically abused and that the arresting officer forced her to leave her children at her home unattended. Charges of aggravated assault were filed against the officer, who was then suspended from the force, and an indictment was returned by the grand jury. At the trial, the jury returned a not guilty verdict.
But the stigma of the incident remained.\(^4\)

An even more damaging incident occurred in November, 1945, when a newspaper reporter from the \textit{Post} charged that he was beaten and choked by four officers in the city jail after being arrested for a traffic violation. An investigation was launched by Chief of Police Percy Heard, while a grand jury looked into the charges against the four men. Both the police and the grand jury investigations, however, found no wrongdoing by the officers.\(^5\) The effect of these and other widely reported incidents was to alienate the department from the public. Officers complained that their families were suffering ostracism from their neighbors as a result of the incidents.\(^6\) Morale within the department ebbed.

Despairing of assistance from the municipal authorities in improving conditions, a group of officers, headed by Lieutenants Fred Cochran, George Seber, Sergeant Curtis Aaron and ten others, decided to form an organization to represent the needs and views of officers wishing to improve the department.\(^7\) The organizers received no encouragement from Chief of Police Heard, who, though sympathetic, thought anyone connected with the project risked dismissal by the administration. As a precaution, the proposal was presented to City Manager J. M. Nagle, who found the project offered no threat to the administration.\(^8\) The objectives of the Association
as outlined by its organizers were indeed modest. No one, even those who sponsored the Association, could foresee the course the new organization would take within the next two years.

The stated objective of the HPOA, as detailed in a circular distributed to all members of the department, was to present "a united front in combatting unfair actions against the individuals or the department as a whole . . ." and to present "to the public . . . the true actions, aims and purposes of the Houston Police Department." An initiation fee of $4.00 and annual dues of $4.00 were set to defray the expense of social activities, advertisements and attorney fees when required. Following the initial planning, and the assurance by over two hundred of the department's rank and file members that they would join the Association, a charter committee was organized to secure a state charter. The request for a charter was approved in December 1945, and shortly afterward detective Frank L. Murray was elected first president of the HPOA. According to the charter of the Association, the purpose of the organization was to advance "any benevolent, charitable, educational or missionary undertaking, more particularly to promote and develop a friendly and fraternal spirit among all the employees of the police department. And to advance their mutual interest and to expand both moral and
material aid to its members; to encourage athletics and social activities, and to generally increase the efficiency of individual members of the department as public servants. The language of the charter gave no indication of the reform program which the HPOA would eventually follow or of the political means which would be used to achieve its objectives.

Several factors determined the direction of the HPOA's thrust. Ironically, the seeds of reform were first planted in 1939 by Mayor Holcombe's action in consenting to establishment of a police academy, which he favored primarily as a means of gaining favorable publicity for his administration. Interest in an academy had been stirred in 1937 when newly elected Mayor R. H. Fonville invited the New York Police Commissioner to recommend changes to improve the efficiency of the Houston police department. An upshot of the New Yorker's survey was the appointment of Detective L. D. Morrison to study at the New York City Police Academy. In 1939 Morrison, then a captain, presented a plan to establish a similar training school in Houston. The idea was accepted by Holcombe, who, during the interval, had been elected to his third term as mayor. Morrison was appointed training director. Accompanied by much publicity, sixty recruits were selected from among several hundred applicants through the first series of competitive examinations
administered in the department.\textsuperscript{11} The initial reaction of the public was favorable, but the outbreak of the Second World War overshadowed local concerns. After graduating its first class, the academy was abolished and was not reinstated until 1948. Moreover, the political environment was not conducive to the establishment of a permanent academy, for patronage in the department and the uncertainty of tenure made impractical the time and expenditures required for continuation of the six-week training course.

Although the academy was short-lived, the training did impart to the graduates an aura of expertise which served to distinguish them from the other members of the department. Since the only training ordinarily consisted of street experience, the graduates, despite the brevity of their formal training, were distinguishable from their colleagues. Once on the force, however, the novice soon found that the idealism of professional police service as expounded in the classroom did not conform to the realities of the service. For some men the discrepancy between idealism and reality provided the initiative to encourage change. It is significant that the first vice-president of the HPOA, who acted as its legislative agent and later led the HPOA campaign in the state legislature for police reform, was a graduate of the academy.
Another factor was the impact of the Second World War veterans on the department. By 1945 an increasing number of recruits were military veterans, who looked upon police service as a career rather than as a temporary occupation. Generally better educated than the average police recruit of earlier years and imbued with a determination to improve their situation, they sought more job security and status than their predecessors. Veterans, for example, formed the majority of police officers who in September, 1945, enrolled in the newly established police science course at the University of Houston.\textsuperscript{12} With police service increasingly gaining career respectability in urban areas throughout the United States, the desire to achieve professional status took on an urgency which had not previously existed. Not all members of the HPOA, however, shared the common interest in professional recognition. Some members were concerned only with increased salaries, retirement benefits and improved publicity and had no thought of institutional change.\textsuperscript{13} Even those men who were interested in achieving meaningful reform had no specific program to propose until 1946. Then, by accident, the reform goal was defined. In that year leadership in the HPOA fell to officers whose ambitions extended beyond monetary rewards and focused on freeing the department from the
corrupting and demoralizing effects of the spoils system.

To what extent the movement for change was influenced by similar activity in police departments elsewhere in the nation is uncertain. No consensus on this matter exists among Houston police officers involved in organizing the HPOA. Publications such as the American City, the Municipal Review, the Journal of Criminal Law, Criminology and Police Science, the International Association of Chiefs of Police Bulletin, and local literature in other cities, particularly in California, existed thirty years ago. Information describing the developing professionalization of law enforcement agencies in other areas of the country was widely disseminated and could have influenced developments in Houston. Moreover, there was a long history of police associations in the United States. The earliest, the New York City Patrolmen's Benevolent Association, had been founded in 1892. In subsequent years, similar associations were founded in Buffalo, Milwaukee, Pittsburgh, and other eastern cities, primarily to create greater fraternalism among police officers and provide death benefits, health insurance, and similar aids. In 1923, the Los Angeles Fire and Police Protective League was founded, and it placed the Los Angeles Police Department in the vanguard of progressive police development. The League made slow
but steady progress in achieving job tenure during the 1930's, and beginning in the early 1940's initiated a campaign to educate the public and legislators to the need for well-qualified and well-paid personnel.14

Yet, according to one leader in the Houston reform movement, organizers of the HPOA were unaware of the activities in other departments. According to this view the Association was formed as a response to specific problems confronting police administration in Houston.15 Another member of the Association believed that military service during the war had brought men with law enforcement backgrounds together and had allowed for an exchange of ideas.16 Although the source for the idea of the HPOA remains uncertain, several factors surrounding its organization are apparent. The founding of the HPOA occurred at a time when other urban police departments were attempting to gain improved status or working conditions either through union affiliation or professional organizations. It seems unlikely that members of the Houston department could have remained oblivious to these events, especially unionization, even if personal communication with other departments was not routine. The immediate inspiration for forming the HPOA, however, was likely received from the Houston Fire Department, which boasted a chapter of the Texas State Association of Fire Fighters and had, in cooperation with chapters
throughout Texas, engaged in a struggle to improve the status of firemen. In 1936 the TSAFF scored a major success, when the legislature enacted the first state retirement system for municipal firemen. This success marked the TASFF as a significant pressure group, demonstrated the potential of collective action to reform-minded police officers, and provided the impetus if not the precise model for police organization.

The opportunity for cooperation between Houston police officers and firemen occurred in June, 1946. At that time the HPOA joined with the Houston chapter of the TASFF to wring a municipal pay raise from the city council. The campaign began in April, when attorneys Arthur Mandel and Edwin De Coux, representing the associated firemen and policemen, petitioned the city council for a salary increase of $40 a month per employee. The proposed increase, which would have pushed the salaries of rank and file members of both departments from $180 to $220 a month, was rejected by the city council. A counterproposal for a $10 a month boost was offered by City Manager Nagle, but it was in turn rejected by police and firemen. A repetition of the 1920 referendum controversy occurred when firemen spearheaded an effort to call a special election to decide the matter. Unlike
the earlier attempt the necessary signatures were obtained. Encouraged by the action of police and firemen, members of the City-County Employees Union joined in the demand for a $40 a month increase for all 3600 city employees.\textsuperscript{17} As a consequence, the ballot consisted of three separate propositions to include policemen, firemen and all other city employees. Despite threats by the city administration of lay offs and a curtailment in public services, voters approved the three propositions in the June 22 special election by a seven-to-one margin. A proviso in the referendum also assured police and firemen that their salaries could not be reduced without prior approval of the voters.\textsuperscript{18}

The success of the 1946 campaign gave valuable experience to the leadership of the HPOA and enticed new members into its ranks. More significant than the winning of a salary increase was its impact on the future direction of the HPOA's program. Firemen had much in common with the police, since the former were equally vulnerable to political favoritism and suffered from the same lack of professional recognition. Concluding that the only means of securing job security and professional growth was by placing themselves under a state civil service law, the TSAFF had since 1940 pressed for such a law in the state
By 1945 firemen in twenty-nine states had achieved state civil service protection, but the law met with strong opposition in the Texas Legislature, which on three occasions rejected bills sponsored by the TASFF.

A fourth bill was in preparation for introduction in the Legislature when the HPOA decided to adopt state civil service as the main objective of its reform program. Officials in the TSAFF recognized that an alliance with the HPOA would gain added support among conservative legislators. As a consequence, firemen attending the 1946 annual convention of the TSAFF voted to add the word "Policeman" to the proposed state civil service law. At the 1947 Convention President George Tipton of the TSAFF welcomed representatives from the HPOA as "brothers" in a common cause and noted the cooperation received from the HPOA.

You know it has been a great pleasure to work with the Houston Police Department. It has been a great inspiration to . . . firemen. We recognize that we are all brothers in the same cause and that we are dependent upon each other. I invited quite a few police departments to send representatives over here to meet with us this time. I would like to get to know them better. Mr. Christian of the Houston Police Department and two other brothers there, I met on numerous occasions. They were present at most of our meetings that we had in Austin concerning our Legislative problems. We recognize the fact that there isn't anything we do as a body here that doesn't affect the[m]. . . .
By leading the way, we encouraged the police to get . . . up; and we will assist you. I know the policemen and firemen are here ready to look after your interest, like they are with us.23

The resulting partnership became a viable and lasting alliance, with representatives from the two organizations meeting prior to each legislative session to coordinate their efforts in deciding procedures and contacting key legislators.24 The additional pressure placed on wavering legislators by police lobbyists together with the experience and organization of Texas firemen proved a formidable coalition.

Once the objective of the police reform movement became known, the HPOA found itself in direct conflict with city authorities. Since the founding of the HPOA an important change had occurred in Houston municipal government. The former council-manager form of city government established in 1942 was replaced in July, 1947 by a strong mayor-council form of government.25 Holcombe was elected to serve his fourth term as mayor. He assumed office determined to realize the political potential afforded by the strong mayor government. The enactment of a state civil service law for police and firemen seemed to threaten the municipal and political control of both departments. Consequently, the administration vigorously opposed passage of the law.

The administration did not officially admonish
members of the HPOA, and since the HPOA was a state-chartered corporation, Holcombe could not force it to disband. Instead, he exerted indirect pressure through the civil service commission and the police department hierarchy. The Commission, for example, upheld unjustified disciplinary actions against the advocates of reform, which, in some cases, meant the denial of promotions or, less serious, the transfer of veteran officers to inconvenient patrol locations. In addition, the department was careful not to employ any applicant who appeared disposed to join the movement. Publicity protected the leadership from the threat of dismissal, however.²⁶

Since most ranking officers owed their positions to political appointments they found the continuation of the status quo to their advantage and refrained from actively participating in the reform movement. Those ranking officers who opposed the HPOA resorted to various techniques to hinder its activities. One tactic was the circulation of rumors that officers belonging to HPOA would be dismissed. Another approach was to label as radicals members who intended to force concessions from the city through strikes. Some critics of the reform movement were sincere in their fear of radicalism, but as later developments revealed, their fears were generally concerned with the possibility of losing political patronage. Another device was to hinder members from
attending the association meetings reassigning work schedules. To counteract these tactics HPOA meetings were held at two different times to accommodate men on the different shifts. Some meetings involving policy decisions were held clandestinely in order to keep the plans of the HPOA secret. Another device to avoid possible retaliation was for officers who paid their dues to request that their names not be placed on the membership list. These attempts to discourage membership failed, and within a year a majority of the department's rank and file as well as a few ranking officers claimed membership in the organization.

The success of the HPOA in organizing support was not limited to the Houston department. Proselytizing efforts by the HPOA in other areas of the state met with varying degrees of success. As news of the reform movement became known, interest was aroused among other police departments. They requested that representatives from the HPOA be sent out to explain its program and objectives. In other instances the HPOA took the initiative and sent out speakers to convert the departments in neighboring towns. The first additional cities to form associations were Abilene, Austin, Fort Worth, San Antonio, Sweetwater, and Waco.
Not all cities welcomed the formation of associations in their police departments or the enactment of a state-controlled civil service. Officials in some towns looked upon representatives of the HPOA as dangerous radicals and trouble makers, and their appearance in towns sometimes provoked hostile receptions. In Midland, Texas, for example, the police chief threatened to "turn the dogs loose" on the visiting HPOA representatives if they did not leave town at once. A milder response occurred in Dallas, where the chief of police simply ordered the doors of the police building locked when he learned that Dallas policemen planned to use the assembly room to meet with representatives from the HPOA.30

The proselytizing efforts of the HPOA also brought the fledgling organization into conflict with the Texas Police Association, which, prior to the formation of the HPOA, was the only agency representing the interests of police service in Texas. Membership in the Texas Police Association was open to all police officers, but the expense involved in financing and travelling to meetings generally excluded the rank and file members from active participation.31 As a result, leadership fell to police chiefs, who were appointed by city officials and reflected the interests of the municipalities. The
split with the HPOA occurred when the TPA officials avoided a scheduled meeting in Dallas with Houston officers to discuss the proposed civil service legislation. In protest, Houston rank and file members returned their TPA membership cards. This mass resignation prepared the way for the formation of a statewide organization in 1950 to represent the interests of the rank and file. 32

The break with the TPA marked the entry of the HPOA into an arrangement of new alliances. Once the HPOA joined the TSAFF in the campaign for state civil service, police reformers found allies among such liberal, reform-minded state legislators as Representatives Carleton Moore of Houston, Obie Jones of Austin, J. B. Salles of Crockett and Senator Kayle Viek of Waco, the Senate sponsor of the bill. The TSAFF prepared the ground work for the alliance through years of cultivating political support for their legislative programs and establishing rapport with legislators. TSAFF lobbyists were aided by their state and national union affiliations and could depend on organized political pressure to assist them. 33 It was this support which the police reformers gained when they became allied with the TSAFF in the campaign for a state civil service law; it was this support they depended upon in the years after 1947 to promote the professional status of police service through improved career benefits and state standards for
law enforcement officers. Police reformers found that in these areas their hope for success resided with the reform-minded legislators. In matters of strict law enforcement legislation, however, they sought the support of conservatives. The struggle for the passage of the state civil service law, heated and at times emotional, clearly placed the police at odds with those political interests with which they traditionally shared sympathies.

The legislative debates centered on the issues of unionization, home rule, and political patronage. Apprehension among legislators that state civil service would allow unionization of police and firemen and the right to strike proved the most serious obstacle for the proponents of the bill to overcome. Throughout 1946 and 1947 fear of radicalism, generally considered synonymous with labor unions, occupied much of the time of the legislature. A series of national and local strikes and labor problems intensified these fears. In February, 1946, these fears seemed realized, when Houston city officials were confronted with the demand of 2600 employees for a twenty-five percent salary increase. The city's rejection of the demand precipitated a strike by 650 city workers, who found support from 20,000 members of the AFL construction craftsmen, 5000 of whom turned out for a march on City Hall. Only after joining with police and firemen in the initiative referendum of June did
city officials accede to the call for higher salaries.  A similar situation existed in Dallas, where CIO representatives and the city administration clashed over the issues of inadequate salaries and the latter's ordinance against a city employees' union. Simultaneously, the CIO launched a campaign to organize the entire state. The legislature in response to the increasing aggressiveness of labor organizations and municipal employees enacted eight restrictive labor bills in 1947 during the Fiftieth Legislative session.

The concern over unionization and strikes by public employees extended to the debate over the state civil service bill. Opponents of the bill accused its supporters of encouraging unionization of city employees and, as evidence, pointed to a section in the act which allowed firemen and policemen to become members of any organization not prohibited by the United States Constitution. An amendment striking out the offensive section was offered by Representative J. K. Aynesworth of Waco and won approval in the House committee. As an added precaution an amendment was introduced by Representative Marshall Bell of San Antonio, which prohibited municipal officials from bargaining collectively with firemen and policemen. The amendment also forbade governmental officers to recognize public employee labor unions and provided that striking employees be denied all civil
service benefits. Following a sharp debate in the House, the amendment was approved by the narrowest margins, 9 to 8.\textsuperscript{38} Shortly after its acceptance, however, the Bell amendment was superseded by a law enacted in April by the Legislature, which restricted public employees from collective bargaining or striking.\textsuperscript{39} Unlike the amendment, the state law applied to all public employees and not merely to police and firemen. Neither the amendment nor the act was considered an obstacle to police reform, since police officers had consistently rejected strikes and membership in labor organizations. The amendment was directed primarily against the firemen because of their traditional ties with labor organizations.

The clash of interests became most volatile during the public hearings of the Senate and House committees in February, 1947 over the question of home rule and political patronage, with Houston spokesmen, both for and against the bill, dominating the debates. Houston councilman James S. Griffith was selected as chairman of the forces opposing the bill. Opposition to the bill was voiced by a Houston delegation headed by city attorney George D. Neal, assistant city attorney George Eddy and councilmen Tom Needham and James S. Bailey. Representative Carleton Moore of Houston, sponsor of the bill in the House and a consistent supporter of the interests of police and firemen, was the leading spokesman for the
T. C. Christian, a director in the HPOA, represented the organization's 420 members at the hearings.

The argument advanced by the municipalities was that state civil service would infringe on the home rule amendment of the State Constitution by depriving municipal officials of control over local affairs. City attorney Neal, after studying the implications of a state civil service, concluded that the city council and mayor would "lose all control of the . . . police department . . ." and recommended a concerted effort by the city to defeat the measure. Shortly after Neal's recommendation a city council resolution was passed, charging that the law would, if enacted, "deprive the city of Houston of local self-government and the right of self-determination as to purely local affairs and [was] a further attempt by the State Legislature to concentrate in the State government powers pertaining to local matters which, under our democratic form of government, inherently belong to local governing bodies." Eddy added that Houston already had a satisfactory civil service system and did not require state legislation. Supporters of the bill were charged with "wanting not job security, but job perpetuation without responsibility."

This view was shared by the League of Texas Municipalities, which also viewed the law as a dangerous
centralization of power in the hands of Austin legislators. Spokesmen for the League also feared that cities would be burdened with expensive pension systems, minimum salary scales and other benefits for police and firemen. A similar concern for the loss of home rule was expressed by Houston's leading newspapers. The Chronicle discerned, for example, a similarity between the encroachment by the Federal government in state affairs and the infringement of local home rule by the state.\textsuperscript{43} Witnesses for the bill from Houston and other municipalities hammered at the abuses which existed under municipal civil service and cited examples of political favoritism to substantiate their claim that political spoilsmanship was at stake and not home rule.\textsuperscript{44} At one point in the debates Moore exhibited a detailed list of names and service records of Houston police officers who had been demoted following the mayoral election of 1946. In three outstanding cases, Moore pointed out that two inspectors of police had been demoted to lieutenant and a third to an office clerk. Moore then charged that the only opponents of state civil service were "those sucking the teat of the public treasury." So emotional was the issue that Moore alleged that he was physically threatened by a Houston city official who became enraged over Moore's support of the bill.\textsuperscript{45}

The verbal exchanges during the committee hearings
provided an exciting spectacle for the visitors' gallery, but it was the parliamentary maneuvering behind the scenes which decided the fate of the bill. Passage of the bill remained uncertain despite the cooperative efforts of police and fire association lobbyists. Numerous amendments were added in the House and Senate, and several sections of the original bill were deleted as legislators struggled to produce a compromise law which would, to some extent, satisfy the demands of both sides. The most controversial amendment was the local option proviso, which attempted to appease city officials who claimed the law would jeopardize home rule. The local option requirement made referendum elections mandatory in all the municipalities affected by the law ninety days after its enactment. By this means voters were given the choice of either rejecting or approving the law. Under pressure from municipal authorities, a section was also added that the law, after being in effect for at least five years, could be repealed in a special referendum if the voters decided to reject the measure. Although Moore and his supporters managed to persuade House Committee members to reverse themselves on the local option section, the Senate Committee, by a narrow margin, retained it in their version of the bill and it was accepted rather than risk rejection of the whole bill. 46
The local option requirement provided the city administration with a last opportunity to prevent enactment of the law. The administration made no public effort to defeat the law. However, it exerted pressure on individuals in the community who owed favors to the administration to persuade others to oppose the measure. Police and firemen countered this maneuver by appealing directly to the public, explaining the need for a state civil service system and reminding voters of the effect of political patronage on both departments. In a referendum election held on January 31, 1948, the voters approved the law by nearly a 6,000-vote margin. The civil service provisions of the city charter pertaining to policemen and firemen were repealed, and state civil service regulations became effective.

The law provided the police with two main objectives of the police reform movement -- freedom from the demoralizing effects of political patronage and guaranteed access to the courts. Under the new law police officers dissatisfied with decisions of the Civil Service Commission were assured the right to have appeals tried de novo in the District Court. The previous condition that the only grounds for appeal were gross negligence and prejudice on the part of the Commission was eliminated. Under the de novo proviso police officers were guaranteed trials in which all the details of their cases would be reviewed.
by the court. In addition, District Court judges could no longer delay appeals as they had done in the past. Cases involving appeals from police officers were ordered to be advanced on the docket of the District Court, taking preference over other cases.\textsuperscript{49}

All police officers were included under the law, except the chief of police, who remained an appointee of the mayor. Any officer, certified as a bona fide law enforcement officer with at least five years experience was eligible for appointment as chief. Although not included under the state civil service law, the police chief when dismissed could not be reduced below the rank held prior to his appointment as chief.\textsuperscript{50} Later amendments to the law extended to the chief of police the same right of appeal to the civil service commission enjoyed by other officers in the department.\textsuperscript{51}

In contrast to weak and contradictory city civil service system, the state law provided stability. Civil service regulations could no longer be altered by approving an ordinance or resolution. Changes under the state system could be made only by an act of the legislature which would affect all police departments under state civil service. The widespread applicability of the law made unlikely the passage of laws reflecting solely local interests. Local political control of the department through manipulating the civil service rules
was eliminated even though the members of the civil service commission continued to be appointed by the mayor as they had been under municipal civil service. All commissioners were required to meet the qualifications outlined in the state law, which provided that the terms of commissioners be staggered or rotated to eliminate the past practice of having the terms of the commissioners coincide with that of the mayor. 52

Under the state civil service law the commissioners administered both the state civil service law and the municipal civil service rules and regulations pertaining to the police department. Procedures for filling positions, assigning promotions, making suspensions and dismissals were all regulated by state law. Regulations governing the daily operation of the department, such as setting salaries and work shifts, remained in the hands of the city. Finally, active political participation, except for voting, was strictly prohibited, as was the solicitation of funds or services from police officers by political candidates.

With the passage of the state civil service law, the legal status of police officers was at last brought into conformity with the principles of effective civil service. In effect, the law assured policemen, as Carlton Moore pointed out in support of the bill, "that whenever they [public officials] want to demote . . . or
discharge . . . they have . . . to put it in writing over their signature and prove it." 54

Passage of the bill, however, did not result in the immediate transformation of the police department. Numerous political appointees remained in the classifications they held before the law became effective, since the provisions of the state law were not retroactive. The new regulations on promotions and demotions became effective only after the act was signed. 55 It was apparent to the Holcombe administration that it was advantageous to make as many classification changes as feasible before the law became effective. Holcombe sought to retain as much influence on the police force as possible by making transfers, creating new positions, and promoting favorites to desirable positions prior to the establishment of the new system. The promotions were made with the utmost secrecy until the moment the changes were publicized. A conference between Chief Payne and Mayor Holcombe agreed upon the promotions, and they submitted the names to Controller Roy Oakes, who certified the availability of funds to cover the increased salaries. The list of names was then submitted to the acting civil service director, Knox D. Womack, who informed members of the commission of the promotions. The action was conducted so secretly that by oversight an announcement of the promotions was not included on the commission's
agenda for release to the newspapers at the meeting later that day. 56

The municipal civil service rules required the commission to announce publicly the names of those persons who had passed the oral examination and had received promotions. Noting the oversight following the close of the meeting, information was given to the newspapers that the page of the agenda listing the promotions had been missing at the meeting but that copies were now available at the civil service commission office. 57 Once state civil service became effective, the men promoted were secure in their positions unless suspended or discharged in accordance with the new regulations. This negative aspect of the state civil service system was recognized by advocates of the law and accepted as a temporary drawback. Eventually, such men, as they retired from the force, would be replaced by officers promoted through the process of competitive examinations. Reformers believed the department would acquire the trappings of a professional department within approximately twenty years.

The civil service system required time to function in the manner its sponsors intended. Clarification of certain provisions of the law was required before its
full implications could be determined. The precise limits of the right to "trial de novo" in district court, for example, was not immediately apparent. A series of test cases initiated by policemen, firemen and municipalities marked the two decades following enactment of the law. Through litigation the substantive and procedural questions of the right of appeal were answered. In 1953 the civil appeals court ruled in the Simpson case that "trial de novo" was a trial to decide whether a ruling of the commission was free from illegalities and "reasonably supported by substantial evidence." The scope of the court's review was limited strictly to questions of law, while the only question applicable to the trial court was whether the civil service commission's "decision was reasonably supported by substantial evidence." The latter decision was important in preventing the courts from assuming the function of the commission by insisting that all evidence had to be presented by the appellant at the hearing rather than be withheld and submitted to the court on appeal. 58

In the Kavanagh case, which involved the demotion of a police detective, the court gave a definitive interpretation to the term "trial de novo." The court declared the meaning of the term to be that the appellant was "entitled to introduce evidence so that the court can
determine on a basis of the whole record, as made in the trial court, whether there was in existence at the time of the order of the Commission, evidence of a substantial nature reasonably supporting the order, and the court may not substitute its findings for those of the Commission if there is such evidence."\textsuperscript{59} Other decisions dealt with admissible evidence and questions of jurisdiction.\textsuperscript{60} Together the decisions offered proof to skeptical officers that the law was indeed a viable instrument.

Although in 1948 the precise dimensions of the law were yet to be measured, the right of appeal to district court did guarantee officers immediate relief from arbitrary dismissal or demotion. A severe test of the protection offered by the law occurred in 1950-51 when a gambling scandal engulfed the police department. The scandal was an outgrowth of the long-standing practice of discriminatory enforcement of the gambling laws. As with the other negative aspects of police service in Houston, the department's involvement in the city's gambling operation was accepted by most officers as a condition of employment. Resentment was keen among some members of the department who viewed such conduct as demeaning, but the long-standing distrust created by years of factionalism in the department discouraged overt opposition. As one officer later testified "at that time [1949] I didn't know who to trust and who not to
trust. The town was wide open, and I figured there was bound to be a pay off." Those who attempted to expose the department's lax policy toward the enforcement of gambling laws risked reprisals such as those experienced by Roe and McGrew in 1935. Political patronage and a manipulated civil service system assured that critics within the department could be summarily dealt with. Events in 1950-51 provided a test whether the enactment of state civil service had altered the situation.

The gambling issue gained notoriety in August, 1950 when the owner of a local tavern charged that she made payments to members of the police department to keep her business open after legal hours. A grand jury began a month long inquiry into irregularities in the police department and eventually extended its inquiry to the mayor's office. As a consequence of the investigation, Night Chief M. N. Simpson and a subordinate officer were dismissed by Chief of Police B. W. Payne who in turn was forced to resign under pressure. More important, the investigation provided an opportunity for dissidents within the department to vent their frustration. Open rebellion erupted when several officers conducted independent raids against businesses displaying punchboards and other gambling paraphernalia. The revolt intensified when officers stepped forward to testify about police irregularities before the grand jury and later at the
civil service commission hearing inquiries into the
dismissal of the night chief for his alleged involvement
in the irregularities. The fate of these defiant officers
constituted a test of the effectiveness of the state
civil service law.

The unofficial raids were begun by patrolmen Walter
Rankin and Aaron Curtis in company with a Press
photographer. The two policemen initiated gambling
arrests and gathered evidence. Although the arrests were
not officially sanctioned, William P. Haley, the inspector
of the uniform division, provided encouragement and
support for the raids despite criticism from Payne that
the raids were in violation of the department rule that
only members of the gambling squad were allowed to make
gambling arrests. Whenever uniformed or other officers
observed gambling activities - which were prevalent
throughout the city - they were required to report their
findings to the head of the gambling squad. In response
to the criticism, Haley defiantly replied that he was
"tired of being criticized by the public for not enforcing
all the laws . . . [N]ow that all of my uniform officers
know that I expect them to enforce the law where and
whenever they find it being violated. I expect them to
do so. . . . If I get a report of a flagrant violation,
I don't see why I should turn it over to anyone. In
fact I'm not going to."
The appointment of L. D. Morrison as chief of police in October, 1950, following Payne's resignation, brought an end to the new policy. A series of raids were conducted against known gambling establishments as the department and Holcombe administration reacted to the pressure generated by the grand jury's investigation and its interest in the possible connection between gambling interests and the administration. During the investigations the administration made no effort to have any of the dissident officers demoted or dismissed as had occurred in the past. Several officers complained, however, that they had received threats and suspected that their homes were kept under surveillance by unknown parties. 66

The final chapter in the scandal began in December, when Night Chief Simpson, acquitted of bribery charges in district court, filed for reinstatement with the civil service commission. The resulting commission hearing drew an increased number of officers willing to testify about the city's gambling operations in spite of embarrassment to the administration and ranking officers. Those testifying found assurance in that no reprisals had been taken against officers participating in the grand jury inquiry. Encouragement was also received when the HPOA recommended that Chief Morrison oppose Simpson's reinstatement. 67 On December 21, the commission, by unanimous vote, upheld the dismissal. The decision was
viewed by officers as a victory for law enforcement reform in Houston. As Chief of Police Morrison commented following the decision, "It's a real victory for the do-right policemen. It was a fair trial. Officers have demonstrated they are fed up with any system or individual who tends to tie their hands in carrying out their sworn duty." Looking to the future, Haley added that "I'm happy for the men and our department. Now we can go forward."68

The significance of the episode lies not in the exposé of the department's role in the gambling operations but rather in the successful functioning of the state civil service law. No police officers who had given information about department irregularities or who had testified against ranking officers were demoted or dismissed. Moreover, those officers accused of wrongdoing received open civil service commission hearings. The commission demonstrated its independent decision-making capacity by affirming the dismissal of an administration protege.69 Fifteen years earlier similar action taken by officers Roe and McGrew resulted in their dismissal from the force and demotions for others less conspicuously involved. Conditions had now reversed themselves.

The episode established the credibility of state civil service. Its effective operation guaranteed officers
a means to present evidence before an impartial investigatory agency. Such a guarantee, reinforced by the right of appeal to the district court, acted as a potent deterrent to political machinations and pressures. Dismissals and demotions as a means of enforcing political discipline had become relics of the past. The continued effectiveness of the law during periods of local political discord, which in former years would have engulfed the department and its members, testified as to its durability. As a recent state study on methods to encourage professional law enforcement noted, the state civil service law provided the nucleus for professional police service in Texas. Indeed, the study recommended statutory refinements to expand the scope of the law as the means to "encourage the true professionalization of police service."  

Enactment of the state civil service law was only the first success of the reform movement toward fulfilling the ideal of professional police service, but it was a crucial first step. With tenure of office and appointments regulated by state law, police officers were able to look upon police service as a permanent career rather than as a temporary occupation. The transition from occupation to career was an essential prerequisite for professional development. Shifting their attention from the immediate concern of holding a job, police officers
were now able to work toward improving their professional status without fear of censure or retaliation from city officials.

In 1950 the various municipal police associations under the leadership of the HPOA were brought together into a state-chartered organization under the title of the Texas Municipal Police Association. With the formation of TMPA a means was provided for common action at the state level. Police lobbyists from Houston and elsewhere, acting under the auspice of the new statewide Association, sponsored and supported legislation to improve the welfare of police officers and the quality of police service. The organization scored a major victory in 1951 when police legislative agents, working in cooperation with reform-minded state legislators, guided through the legislature laws banning slot machines, policy games and punch-cards. These laws, by effectively undercutting the influence of racketeers in financing political campaigns, eliminated the chief corrupting influence on the police and contributed significantly to the advancement of responsible law enforcement.

Since 1947 numerous bills have been enacted dealing with pensions, working hours and most recently in 1965, a bill creating the Law Enforcement Officers Standard and Education Commission. The law established for the first time a nine-member board to set professional
standards for municipal police departments in Texas. Two of the Commission's most important duties were to set certification standards for law enforcement officers and recommend a program for the upgrading of the police service with the ultimate goal of requiring baccalaureate degrees in either the behavioral sciences or the law for all certified peace officers in Texas. The existence of the Commission was an acknowledgment of the need to regulate the standards for peace officers and to standardize the level of competency needed to create a body of professional peace officers. While still a fledgling organization its potential use as a professional licensing and regulatory agency is a real possibility.

The development of the professional ideal had its roots in the transformation which the complexities of urbanized society brought to policing. Policing was transformed from a merely coercive process grounded in the legacy of the nineteenth century to one based on the community service depicted so elegantly by Chief of Police E. C. Noble in his annual message to the city council in 1913. As a convenient and visible representative of the establishment, the police department inherited a myriad of tasks unassociated with the enforcement of criminal laws and demanding occupational and managerial expertise. As the legal status of policing became clarified and its vital function in the community was
recognized, the police saw in their calling a uniqueness or self-awareness distinct from that of other occupations. With the formation of an organization to advance the interests of responsible police service and the outlawing of political patronage, policing gained career respectability.

A professional ideal or consciousness does not insure its achievement. The state civil service law provided the stability needed for professional development, while the HPOA andTMPA provided the means of expression. But the direction of that expression can only be dictated by individual police officers determined to fulfill the ideals of professional police service in the daily performance of their duties. Ultimately, the degree to which police officers are able to perform their duties without regard to racial, political or social considerations is the yardstick by which the attainment of professionalism in police service will be measured.
NOTES

1 Houston City Council Minutes, Vol. RR, January 1, 1947-October 21, 1947, p. 3, City Archival Collection, Houston City Hall.

2 The Houston Police Officers Association will hereafter be cited as HPOA.

3 Houston Informer, September 13, October 4, 1941, June 27, 1942, October 21, 1942; Letter from Reverend A. A. Lucus, et al of the Houston Branch of the National Association for the Advancement of Colored People to Mayor Otis Massey, dated December 12, 1944, Correspondence Files 1943-1944, Police Folder No. 46, 1943-1944, HCAC, Houston City Hall.

4 Houston Post, September 29, 1945, October 12, 1945.

5 Houston Post, November 26, 29, 30, December 1, 1945; Houston Press, November 30, 1945.


7 Other members who composed the charter committee of the proposed organization were C. E. Buckner, Frank L. Murray, L. E. De Weese, C. E. Easly, and T. C. Christian, G. C. Davis, C. V. Kern, J. M. Le Vrier, Charles Woodman; Houston Post, December 5, 1945; Houston Press, November 29, 30, 1945.


9 Houston Press, November 29, 30, December 4, 1945; Houston Post, December 5, 1945.

Houston Post, June 4, 1939; Houston Chronicle, June 5, 1939; Earl Maughmer, Captain, Houston Police Department, personal interview with author at Houston Police Department Headquarters on January 25, 1974.

Houston Post, September 23, 1945.

George Seber, interview with author on December 13, 1973; Earl Maughmer, interview with author on January 25, 1974 at Houston Police Department Headquarters.

Through the League's efforts, a revamping of the city's municipal civil service system followed as an improved program of career benefits encouraged the growth of professional standards. Constitution and By-Laws: Los Angeles Fire and Police Protective League (N. P., 1968), 1-3.

For the early organization and activities of the New York Patrolmen's Benevolent Association, see Emma Schwepp, The Firemen's and Patrolmen's Unions in the City of New York (New York, 1948).

Earl Maughmer, interview on October 14, 1974, at Houston Police Department Headquarters, Houston Metropolitan Archives and Research Center Collection (hereafter cited as HMARC).

George Seber, interview on September 24, 1974 at Liverpool, Texas, HMARC; Julius Knigge, Sergeant, Houston Police Department, Secretary of the Houston Police Officers Association and Texas Law Enforcement Legislative Council, personal interview with author at Houston Police Department Headquarters, March 4, 1973.

Placing three separate propositions on the ballot was a shrewd tactic used by firemen to minimize the possibility of a negative voter response. With three individual requests for salary increases, voters were allowed the option of rejecting one without rejecting all. The city had advocated that if police and firemen were to receive a raise then all city employees should be included. By advocating such a policy the administration hoped that the required annual expenditure of over $1,000,000 would encourage voters to reject all pay increases. The introduction of three separate categories was a means to prevent such an eventuality.

State civil service was not a novelty. The first state civil service law was enacted in New York in 1883. In 1884 Massachusetts followed New York's example and became the only other state to adopt such legislation until 1905, when Wisconsin and Illinois enacted similar laws. Other states over the next three decades enacted their own state laws. A bill to create a state merit system in Texas was first introduced in the Legislature in 1911 but failed to reach the House floor for a vote. Subsequent bills met the same fate. It was not until the 1930's that state civil service was accepted. Wright, The Merit System in American States with Special Reference to Texas, 33-5, 98-9.


Jack Bostick, Captain, Fort Worth Fire Department, Secretary-Treasurer of the TSAFF and Vice President of the Eleventh District of International Fire Fighters, personal interviews with author in Fort Worth on October 1, 1973 and March 29, 1975.


Ibid., 18; Thomas Pickney, District Fire Chief in Austin Fire Department and former legislative agent for the TSAFF, interview with author in Austin on October 6, 1973; Bostick, personal interview with author on October 1, 1973.

Institute of Public Affairs, Forms of City Government, 6th edition (Austin, 1963), passim.

Womack, personal interview with the author on August 21, 1974, HMARC.


Goodnight, personal interview with author on December 7, 1972.
Gerald Byrd, Chief of Police, Sweetwater, Texas, personal interview with author at Sweetwater Police Department on April 17, 1974; Maughmer, personal interviews with author on November 20, 1972, November 7, 1973, and October 4, 1974, HMARC.

Maughmer, interviews on November 20, 1972, and October 4, 1974, HMARC.

Hereinafter the Texas Police Association will be cited as TPA.

Maughmer, interview on January 25, 1974 with author at Houston Police Department Headquarters; Julius Knigge on March 4, 1973, personal interview with author at Houston Police Department Headquarters.


Julius A. Knigge, Sergeant, Houston Police Department, Secretary of the Houston Police Officers Association and Texas Law Enforcement Legislative Council, personal interview with author at Houston Police Department Headquarters, March 4, 1973.

Houston Post, December 9, 1945; January 18, February 20, 22, 25, 26, 27, April 12, June 26, 1946; City Council Minutes, Vol. PP, February 16, 1945-March 20, 1946, 446-61.

Houston Press, April 1, 1946.

Ibid., May 29, 30, 31, 1947; see General and Special Laws of the State of Texas, Passed by the Regular Session of the Fiftieth Legislature . . . (Austin, 1947), 107-8, 228-9, 231-2, 779-81.

General and Special Laws of the State of Texas, Passed by the Regular Session of the Fiftieth Legislature... HB #105, 231-2. The passage of the state statute eliminated the need for inclusion of the whole Bell amendment in the state civil service law. Only the no strike clause was retained as is found in Section 6 of the law. See Journal of the Senate of the State of Texas - Regular Session of the Fiftieth Legislature... (Austin, 1947), Section 27, 1042.

Moore performed a crucial service as a legislative advisor to the TSAFF and HPOA, offering advice on lobbying tactics and suggestions on provisions of the bill. It was Moore's suggestion that the bill be "stripped down" to those essential provisions necessary to eliminate political patronage. Later, the bill could be expanded. Previous attempts had failed partly because the TSAFF refused to compromise any provisions of the bill. Earlier, State Representative Jap Lucas offered similar advice after the legislature rejected a state civil service bill in the 1945 session. Bostick, interviews on October 1, 1973 and March 29, 1975. See also "Stenographic Report of Seventh Annual Convention of the Texas State Association of Fire Fighters" at Waco, September 10-11, 1945," 60, 62, 68; and "Proceedings of the Ninth Annual Convention of the Texas State Association of Fire Fighters" at Amarillo, Texas, June 8-9, 1947.


44 Acting Civil Service Director Womack made several appearances in Austin in support of the bill. Because of the position of the administration against the bill, he did not appear as a public witness but spoke privately with legislators in behalf of the proposed law. Womack, interview on October 21, 1974, HMARC; Letter from W. O. Rothwell (International Association of Fire Fighters, Local No. 341), and Earl Maughmer (Houston Police Officers Association) to K. D. Womack, dated February 11, 1948; copy of the original letter is in the author's possession.


46 Bostick, personal interview with author in Fort Worth on October 1, 1973; Maughmer, personal interview with author on January 25, 1974; [Proceedings] Ninth Annual Convention, Texas State Association of Fire Fighters, Amarillo, Texas, June 8–9, 1947, 12.

47 Knox Dale Womack, taped interview on October 21, 1974, HMARC.

48 Maughmer, personal interview with author on January 25, 1974; Raymond Goodnight, personal interview with author at Houston Police Department Headquarters, December 7, 1972; City Council Minutes, Vol. SS, October 22, 1947 – September 7, 1948, Motion 3075, February 4, 1948, 156; Houston Post, February 1, 1948. For the updated statutes dealing with the state civil service law as it affects police officers, see Texas Jurisprudence, Second Edition (Rochester, 1966), V 46, 243–56.

49 Journal of the Senate of the State of Texas of the Regular Session of the Fiftieth Legislature of the State of Texas Begun and Held at the City of Austin, January 14, 1947 (Austin, 1947), 1039, 1040.


51 See amended acts of the General and Special Laws of the State of Texas, Passed by the Regular Session of the Fifty-First Legislature (Austin, 1949), 1115; General and Special Laws of the State of Texas, Passed by the Regular Session of the Fifty-Fourth Legislature (Austin, 1955), 706–10; General and Special Laws of the
State of Texas, Passed by the Regular Session of the Fifty-Fifth Legislature (Austin, 1957), 1171-6; General and Special Laws of the State of Texas, Passed by the Fifty-Eighth Legislature (Austin, 1963), 150.

52 General and Special Laws of the State of Texas, Passed by the Regular Session of the Fiftieth Legislature (Austin, 1947), 551-2.

53 Ibid., 1037-41.

54 "[Proceedings]" Ninth Annual Convention, Texas State Convention, Texas State Association of Fire Fighters, Amarillo, Texas, June 8-9, 1947, 12.

55 General and Special Laws of the State of Texas, Passed by the Regular Session of the Fiftieth Legislature (Austin, 1947), 558.

56 Interview with Knox Dale Womack on August 21, 1974, HMARC; Houston Post, October 2, 1947.

57 Ibid.


61 Houston Press, December 21, 1951.

62 See Ch. IV, 161-2.

63 Houston Post, August 11, 17, 26, 1950; Houston Chronicle, August 22, 1950; Houston Press, December 20, 21, 22, 1951. (The Press clipping dated August 22, 1950 is in the possession of Constable Walter Rankin. The story was featured in an early afternoon edition and is not found in the microfilm collection of the Houston Public Library which holds only the later editions. Several
other references to the early edition will be made and hereafter will be distinguished by the addition of either E. E. for Early Edition or L. E. for Later Edition to the citation).

64 According to reporter Jack Donahue of the Press, the "nerve center" for the city's lucrative policy games operated openly only six blocks from police department headquarters. The payoffs for police protection reputedly were as high as $132,000 a year. Houston Press, September 1, 1950. Original undercover photographs taken by Press photographers of the policy games operations are in the possession of Constable Walter Rankin.

The rule that only members of the gambling squad could make raids was commonly acknowledged by other officers as a means for controlling which locations would be allowed to operate. Walter Rankin, taped interview on September 4, 1974 at Harris County Criminal Court Building, Houston, Texas, HMARC.

65 Houston Press, August 23, 24, 1950 (EE); Houston Chronicle, August 24, 1950.

66 Houston Post, August 18, 1950; interview with Walter Rankin on September 4, 1974, HMARC.

67 Houston Press, December 21, 22, 1951 (EE).

68 Ibid., December 20, 21, 22, 1951 (LE); Houston Post, December 21, 22, 23, 1951; Houston Chronicle, December 21, 22, 23, 1951.

69 Simpson appealed to district court, but the court upheld the commission's decision. See Simpson v. City of Houston (Civ. App. 1953), 260 S. W. 2d 94.

70 Criminal Justice Plan for Texas, 1972 (Austin, 1972), Part II-3.

71 Letter and outline of proposed constitution of TPHA from Willis and McEntire, Attorneys for the Texas State Police Officers Association to Earl Maughmer, HPOA, dated May 20, 1950 (copy is in possession of author).

72 General and Special Laws of the State of Texas, Passed by the Regular Session of the Fifty-Second Legislature (Austin, 1951), 299-301, 781-3; Texas Municipalities XXXVIII (June, 1951), 170-1 (July, 1951), 199.
General and Special Laws of the State of Texas, Passed by the Regular Session of the Fifty-Ninth Legislature (Austin, 1965), 1158-60.

In 1971 the commission estimated that nearly 14,500 Texas officers had fulfilled the 140 hours of minimum required training set by the Commission. Criminal Justice Plan for Texas, Part II-1.
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<th>Abbreviation</th>
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<td>1.</td>
<td>HCAC</td>
<td>Houston City Archive Collection</td>
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<td>2.</td>
<td>HCCR</td>
<td>Harris County Court Records</td>
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<td>3.</td>
<td>HMARC</td>
<td>Houston Metropolitan Archives and Research Center</td>
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<td>4.</td>
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<td>9.</td>
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COMMENTS ON METHOD

This study has substantially utilized and depended upon oral history techniques to supplement written records. Oral history proved an indispensable research tool in dealing with particular areas of the study, since in numerous instances the written evidence was either insufficient or non-existent. One such area involved the formation of the Houston Police Officers Association and the campaign of its members to obtain the passage of a state civil service bill in 1947. The minutes of the organization's first meetings were lost, and except for brief newspaper articles describing the chartering of the Association, information regarding the motives of its founders, its methods of organization and its lobbying campaign was unavailable. Nevertheless, the existing evidence indicated that the creation of the Association and its support of the state civil service law brought about profound changes in the quality of municipal law enforcement and in the occupational status of Houston police officers.

Access to Houston Police Department records was granted following an interview with Deputy Chief Harry Caldwell and a subsequent security clearance. This
access placed me in a favorable position to establish 
rappor with members of the Department who had been 
imvolved in relevant events. In the course of 
my research, the quest for the traditional modes of 
documentation became inseparably linked with the oral 
sources, for one frequently led me back to the other. 
Suggestions or information secured from interviews often 
directed me to the records, where unanswered questions 
turned me again to the oral sources. Thus, the search 
for written records expanded into the field of oral 
history, and both became integral and essential parts of 
the study. One technique of investigation served to 
supplement and enrich the other.

Oral history is an invaluable research tool for the 
historian, but care must be taken in its use. As with 
traditional research, the historian must exercise sound 
judgment in evaluating the value and reliability of the 
sources. However, there are problems peculiar to oral 
history techniques. Written sources provide information 
which is readily accessible for review by the researcher, 
but information from oral sources is obtainable only 
through the searching inquiry of the interviewer. The 
degree of success achieved by the interviewer depends 
upon extensive preparation and adherence to procedural 
standards for conducting interviews. For this reason 
the interviewer must assume the burden of responsibility
for the quality of the oral evidence he compiles.

Every oral history inquiry seeks to answer one or more valid historical questions. But the answer can be obtained only when the interviewer is able to ask meaningful questions, and this can be done only by becoming thoroughly familiar with the written sources. The more specific the questions, the more precise will be responses if the interviewee is a useful source. The oral investigator must make a careful examination of the written records before he can ascertain the value of the information to be obtained from the interview. An unprepared interviewer will not be able to maintain a thematic approach to the inquiry and direct his questions toward a specific problem area. A non-thematic interview tends to degenerate into an aimless and formless discourse in which the interviewer loses control of the investigation.

To avoid these pitfalls, I examined thoroughly the official police records and the pertinent material of the Houston city archival collection before initiating contacts for interviews. I defined specific problem areas and made inquiry as to the individuals most qualified to provide the needed information. In dealing with the creation of the Houston Police Officers Association, I interviewed only those men who had participated actively in the formation of the Association and who had firsthand knowledge of its organization and policies. To avoid
"hearsay" testimony no present official of the Association was interviewed unless he had directly participated in its original chartering. Likewise, in seeking information concerning the operation of the municipal civil service system, interviews were sought only with those individuals who had actually served in the police department during that period.

In order to insure the integrity of the oral evidence I followed a systematic method of procedure in conducting all the interviews. The interviews began with questions of a general nature. They were designed to determine the extent of the interviewee's knowledge of the problem area and to test the precision of the responses. In some cases one interview proved sufficient, either because the particular topic was narrow enough to be covered in one session or because the information possessed by the interviewee did not justify a second session. Subsequent sessions were conducted if the responses of the interviewee indicated an extensive knowledge of the area. For example, in my first meeting with Captain Earl Maughmer, which lasted over two hours and dealt with only one part of the subject, his responses were so detailed that it immediately became apparent that additional interviews would be required. Following each interview, I assessed the responses by checking previous interviews for discrepancies. I also made a survey of the available
written sources to document as much of the information received in the interview as possible. Once the information was evaluated, a follow-up interview was secured and new questions raised. It took a series of four interviews with Captain Maughmer, each lasting two hours, before I felt confident that I had obtained all pertinent information.

I had to exercise care in formulating the questions so as to avoid leading the interviewee to give desired answers, a real danger for all oral history investigators. Only neutral questions were asked, so that the interviewee's reply would be his own and not one suggested by me. To demonstrate the difference between the two types of questions, I offer the following example pertaining to the possible influence of state civil service on the growth of professional law enforcement in Houston. Leading question: "Isn't it true then that state civil service provided the basis for police professionalism?" Neutral question: "What was the long-range impact of state civil service on the police department?"

It was also necessary to evaluate the nature of the responses. I paid particular attention to the precision of the replies as indicated by the recall of names, dates and the logical sequence of the events. The information from the interview was then compared with whatever written sources were available or with information gained
from other interviewees. It was essential to distinguish between replies reflecting knowledge acquired through personal contact and that gained from a secondary source. The latter was considered "hearsay" and disregarded as quotable evidence. Questions involving important issues were rephrased and asked again during a follow-up session so as to note any discrepancies in the replies. Where an inconsistence was found, it was necessary to ascertain whether it was the result of the interviewee's mis-understanding the question or of the unreliability of his recall. Similarly, it was essential to be alert for prejudicial answers regarding persons or issues. Other sources were sought for corroboration whenever bias was suspected because of the personal or controversial nature of the issues. Information on critical points was verified either through documentation when possible or through interviews with neutral parties.

In determining whether the Houston Police Department was indeed the leading exponent of the formation of other chapters of Municipal Police Officers Associations and that it played a leading role as a staunch supporter of the state civil service bill for firemen and policemen, I conducted interviews with two members of the Texas State Firefighters Association: Captain Jack Bostick of the Fort Worth Fire Department and District Chief Thomas Pickney of the Austin Fire Department. Both
played prominent roles as lobbyists for the Firefighters Association. Both had worked closely with police lobbyists and were knowledgeable concerning the dedication and contribution of their police allies. I asked questions of all the interviewees without indicating the replies I had obtained from my prior contacts. This procedure made it possible to evaluate the reliability of the information gained from earlier interviews.

Written records were also used. Documentary evidence obtained from Captain Bostick further substantiated the close cooperation of Houston police officers in the campaign for reform and the role of the Houston Police Officers Association.

Interviews frequently provided leads to written sources. Captain Maughmer, for example, referred me to legislative documents as well as personal correspondence which otherwise would have been unavailable for the study. The interviews were also essential for securing the names of persons who might either supply supplementary information or provide written records, as was the case with the former acting Director of Civil Service, Knox Dale Womack.

One final remark is necessary concerning the use of oral history as a tool for the researcher. It is often criticized on the ground that an interviewee reflects hindsight rather than a realistic construction of events
as they actually occurred. Such criticism is offset by the "cross examination" potential of the oral interview, an impossible technique for the researcher examining the written record. During an oral investigation the interviewer can, when a question arises or a point remains unclear, press the interviewee to elaborate or explain discrepancies between his statements and other available evidence. The response of the interviewee to the apparent conflict of information will indicate the reliability and the usefulness of the interviewee as a research source. Evidence gained through oral history is also only supplementary to the written records, and it can thereby be evaluated for hindsight distortion so that the evidence is placed in its proper perspective.

A concluding statement is required on the method used for preserving the interviews. All the information obtained during the initial interviews from 1972-1973 was recorded on handwritten notes. However, since the founding of the Houston Metropolitan Archives and Research Center in February, 1974, and my subsequent appointment as Oral History Coordinator, four key officials have been reinterviewed on tape, and the interviews have been made a part of the Center's oral history collection on urban law enforcement. Although much additional information was included in the taped sessions, most of the areas I dealt with in the original interviews were
surveyed again because of their relevance to a number of other facets of municipal politics and government. A comparison of my notes with the taped interviews revealed no discrepancy in the original information cited in this study. Since the beginning of the Center's oral history project, interviews have been conducted with several other officials who were directly involved in events described in this study. Their reminiscences, which are preserved on tape and available to researchers, substantiate the findings of my initial research and are appropriately cited.
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