Justice for SALCIDO.

By Guy Endore
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Foreword

A serial has been running, in the Los Angeles press for many years. The plot is one of great antiquity, dating back to the founding of our fair city, the Queen of the Angels, in 1781. At fairly regular intervals, new installments are written; but, although the characters change, the plot is always the same. Simple in outline, complex in detail, the plot might best be described as "The Vicious Circle or The Social Suppression of the Mexican Minority."

The process by which a minority, any minority, is suppressed is always the same however much the details may vary from situation to situation. The group that does the suppressing starts with an advantage: a virtual monopoly of social, economic, and political power. It is this monopolization of power which enables the dominant group to discriminate, which invests it with the power to exclude. Discrimination cuts the minority off from meaningful social and economic opportunities. Long-continued suppression of a minority gives to the dominant group a new consciousness of its superiority and sets the vicious circle in motion. For this sense of superiority feeds upon and is constantly reinforced by the factual, the "objective" evidences of subordinate status which are the inevitable by-products of discrimination. The social energy which motivates this process is to be found in the gain, profit, and advantage which accrues to the dominant group. Always unwilling to acknowledge this ugly, underlying motivation, the dominant group invariably develops a set of rationalizations, or social myths, by which it justifies to itself and to the world the suppression which it practises.

However great the disparity in social power, it is not an easy task to maintain the suppression of a sizable minority population, in this case a minority of some 355,000 people. The taboos lose their mystic power; the sanctions begin to wear out; and it then becomes necessary to use force. From time to time the minority must be "given a lesson," made to understand its role in the larger scheme of things. This is a necessity of the plot, a point on which the whole structure of the plot, in fact, comes to hinge.

In other social climates, these periodic applications of force take the form of pogroms or, in the Deep South, of lynchings. Lynchings are, as Oliver Cox has pointed out, "exemplary and symbolic" acts. A lynching is aimed at all Negroes in a community rather than against some individual Negro. Where the tension between the dominant and the subordinate group indicates that a lynching is in order, the lynching of any Negro will ordinarily serve the purpose as well as that of some particular Negro.

Formerly the social suppression of the Mexican people was maintained in this state by periodic lynchings: the first person lynched in California was a Mexican and the last lynching of a Mexican in Southern California occurred in Santa Ana, in 1890, when one Francisco Torres
was lynched from a telegraph pole. In this case, however, the application of force through lynchings was abandoned years ago as being too crude and, also, too dangerous a device. The new method substituted for lynchings involves what is known as "police brutality," killings, beatings, and other acts of violence protected from community censor and condemnation by the dogma that police officers can do no wrong and that the "arm of the law" must be upheld at any cost. The Sleepy Lagoon case, the Zoot-Suit Riots, the Montenegro case, and, now, the Salcido case, have all been "exemplary and symbolic acts." One such case or "episode" follows another like the installments in an endlessly protracted serial. A certain rhythm is to be noted in the occurrence of these "installments"; it even becomes possible to sense that another installment is about due.

No one understands this shameful plot any better than Guy Endore. He knows how the stage is set; how the cast is recruited; how careful lighting effects are used to create an atmosphere of crime and squalor. He understands the politics of prejudice; sees through the old, familiar rationalizations; and properly ridicules the dull cliches which have been repeated with each new installment. His pamphlet on the Sleepy Lagoon Case, his sharp analysis of the Montenegro case, and this current dissection of the Salcido case, have effectively focused attention on the painful realities, the sordid social data, involved in the continued suppression of the Mexican minority. An unqualified victory was won in the Sleepy Lagoon case; a stalemate or draw was finally achieved in the Montenegro case; what will the verdict be in the Salcido case? It is important to emphasize that Augustín Salcido and Police Officer William J. Keyes are merely symbolic figures in this latest installment of the plot; and that "police brutality" simply masks the real issue which has always been the suppression of a minority, its exclusion from a full, fair, and free participation, at every level, in every aspect, of the life of this community. The jury that will really decide this issue will not be the jury that tries Officer Keyes: the jury will be the community itself. The case has been submitted to the people, now, for many, many years and a verdict is long overdue. One of the documents that the people of Los Angeles should study when they finally decide to return a verdict will be this pamphlet. If it is read with the care it deserves, I have no doubt what the verdict will be.

Carey McWilliams.

Los Angeles, California, July 2nd, 1948.

Justice for Salcido

By GUY ENDORE

When, at about 1 a.m. of Wednesday, March 10, 1948, a 17 year old Mexican boy by the name of Augustín Salcido, was shot and killed by Police Officer William J. Keyes, on Temple St. between Grand and Bunker Hill, it didn't seem much of an event. Just one of those things. Happens constantly in our fair city.

Officer Keyes had put bullets into Mexicans quite a few times before. And never any fuss made about it. One boy shot by him thought he would be paralyzed for life, but has since made a fair recovery. Another has a bullet in his head that no surgeon will ever be able to remove. As a result this boy has splitting headaches and a tendency to limp.

Last year Keyes and his partner each accounted for a Mexican boy. One of the boys got a bullet clean through his abdomen. The other boy has a bullet still lodged in his body. Neither boy was convicted, necessity for gunplay thus remains highly doubtful.

In private Keyes has boasted of having 12 notches on his gun. True or false? Just try and dig up the record of a policeman in this town. That's top secret. A private detective, who was asked to investigate, said: "What? And ruin my career?"

HUSH-HUSH

Operation Hush-Hush can be usually depended on to take care of our police sadists with a minimum of inconvenience to them. The newspapers don't play up the stories of their misdeeds. In case of injury or murder, all city departments cooperate to do nothing until the poor bereaved relatives, upset, bewildered, don't know where else to turn. And so by and by the matter is forgotten.

And some fascistic psychopath cuts himself another notch, and goes on with his job. Take Deputy Sheriff H. H. Hodges who shot 13 year old Eugene Montenegro to death two years ago. Hodges is still on the force. Eugene was an honor student in school, a boy against whom there was not the slightest charge of delinquency.

The main part of Operation Hush-Hush is expertly performed by our dear old Coroner Ben Brown. Seeing him at work reminds one of those men at the bull fights who scurry out into the arena between engagements and hurriedly rake sand over any bloody spots.

Seven or eight sleepy old men constitute the coroner's jury. These ancients can always be relied upon to return a verdict of "justifiable homicide." One of them, a juror on the Salcido case, confessed, or boasted, that he had served continuously for four years. His sand-taking ability must be quite exceptional.

Nevertheless the coroner's inquest does go into the case, however delicately. For a boy's body was found in the gutter. his head was riddled with bullet holes. And so some sort of official explanation has to be made.
Keyes' record in other cases does not reveal him as too scrupulous about the truth. Why then should he tell the coroner a story of a murder so coldblooded as to chill one's spine? Was it out of contempt for justice that failed again and again to hold him for his misdeeds, or was it because he relied boldly on the coroner to clear him as part of the Operation Hush-Hush? Whatever the cause, it's there in black on white. We have his sworn testimony. It's in the record. He convicts himself.

Only the coroner's jury remained unaffected by the story. As they left they grinned toward Keyes and toward the other policemen who obligingly packed the room, and they soon returned with their customary verdict of "justifiable homicide committed while deceased was resisting arrest and attempting to escape and while said W. J. Keyes was in the performance of his duties as a police officer of the City of Los Angeles."

Note that this lickspitfire jury went even further than required. It took it upon itself to speak of "resisting arrest," when Keyes had never so much as mentioned arrest! That's how far this subservient jury will go. It's a wonder they didn't force the car to its logical end and hand Keyes a bouquet of flowers and a curtsy along with their verdict.

On the other hand we must not let the jury shoulder the whole blame. A jury is supposed to be instructed. Nowhere does this coroner inform the jury as to the rights of a police officer to make an arrest, or as to the rights of a citizen to resist unlawful behavior on the part of an officer.

It is interesting to note that the photostatic transcript shows that originally there had been the phrase: "... while said W. J. Keyes was in the regular performance of his duties as a police officer ...." The word "regular" was then crossed out with a line of x's. By whose order I don't know. Keyes himself hadn't gone so far as to claim that, and had freely admitted that he was outside his usual territory.

Let us study carefully police officer Keyes' sworn testimony at the hearing. According to his story, shortly after midnight, Wednesday, March 10, two plainclothes men, Keyes and his partner Sanchez, entered El Coconito cafe at Temple and Grand. This is in the Bunker Hill section of Los Angeles, an elevated area that looms over the Hall of Records and the Hall of Justice, a rundown, overcrowded, poverty-stricken district largely inhabited by Mexican-Americans whose health statistics are understandably the worst in the city.

STOLEN JEWELRY

El Coconito cafe is a Mexican dive. That is to say, it is exactly like the finest night club in town: dark and noisy. Instead of a band it has a juke box. Instead of being frequented by the rich it is frequented by the poor.

Since Keyes and his partner were properly assigned to the Hollenbeck Division across the bridge on the other side of the city, the question of his presence in the Bunker Hill area came up.

CORONER: Were you detailed to go there from the department?
KEYES: Yes, we were. We received information that stolen jewelry was being peddled in that area and we went to this cafe and talked to a certain individual.

Keyes is exaggerating when he says he and his partner were "detailed." At most it can be said that they had asked for permission to follow through on a tip regarding fifty stolen watches and had received from their lieutenant an "all right." Even this can be disputed and they may have been outside their district entirely on their own. However, this is a minor point and would not be worth bearing down on at all were it not for subsequent events which certainly did not uncover any fifty stolen watches.

According to Keyes the two plainclothesmen, on entering the El Coconito cafe, separated. Keyes, by prearrangement, retired into a booth near the front, while his partner, police officer E. R. Sanchez, went toward the bar. Keyes, watching from his booth, could see what was happening.

KEYES: Officer Sanchez, who speaks Spanish fluently, got acquainted with Salcido. They played the skeeball machine and talked for a while and after a while Salcido reached in his pocket and took out a watch and handed it to Officer Sanchez.
CORONER: Were you both in plain clothes?
KEYES: Yes. He was attempting to sell the watch to officer Sanchez.

Now it is a fact that Sanchez had lived for a year or more on Olive St. in the house opposite the Salcidos, so that it seems doubtful that there was any business of getting acquainted. These two already knew each other. At any rate it is difficult to understand how Keyes interpreted all this from his booth, just looking on.

How, for example, did he know that the watch Salcido pulled out of his pocket was stolen?

How did he know that Salcido was offering it for sale?

And if Salcido knew Sanchez, and knew he was an officer, as some witnesses have asserted, is it credible that the young boy would offer him a stolen watch for sale?

FIFTY WATCHES

Let's pursue for a moment the question of the watch. Remember that the hunt was for fifty stolen watches. At a later point in his testimony, police officer Keyes was asked:
CORONER: Or did you find any other watches on him other than the one?
KEYES: No, not at that time, sir.

Police officer R. E. Varela, attached to the homicide division, was assigned to investigate the Salcido case in behalf of the police department, no doubt being especially fitted for that task because he, too, has shot and killed an "escaping" boy. Officer Varela appeared at the inquest, and was asked:
CORONER: Were there any watches found on the deceased?
VARELA: Yes.

Perhaps Varela did not hear the question clearly, for he answered differently a few moments later when he was questioned by attorney Seymour Mandel, representing the Salcido family:
MANDEL: Can you tell me how many watches were found on the victim?
Varela: One.
Some time later two slips of paper were produced and accepted as genuine, showing that Augustin Salcido had only that very day, Tuesday, March 9th, purchased this watch from an agent of Silton’s Jewelers. He had paid three dollars down for the watch and committed himself to pay four dollars every two weeks toward the payment of a total of some seventy dollars.

Augustin had therefore not stolen this watch. So much is clear.

Nevertheless, it would seem that the watch had been obtained by the use of a certain amount of fraud, but of course at that time neither Keyes nor Sanchez could know of that. For the fraud was not discovered until later, when Silton’s, checking on the purchase blank filled out by Augustin, found that Augustin apparently had not only given himself a fictitious name, but also a false address. In addition, he seems to have dreamed up three non-existent references.

MEXICANS ARE EASIER

Silton’s has meanwhile discontinued its sale of watches through roving agents. Until recently the firm had as many as 70 salesmen in the field, but the number of phoney sales was so great that the line was not paying.

At Silton’s I questioned young Salcido’s ability to invent such false names and references. The job looked too slick, “Perhaps the agent helped him,” I was told. And that was another reason for discontinuing the outside salesmen. These agents worked on commissions paid in full when the sale was made and thus were tempted to encourage sales that might not be bona fide. This may or may not have been the case with Salcido’s purchase.

My informant at Silton’s said: “Some of our agents seemed able to sell only to Mexicans.”

“Why?” I asked.

“I guess because a Mexican is easier to convince. A white, well, he’s too smart.” Which left it to be inferred that the line of watches was not the best bargain in the world, and that Mexicans were easier game for glib salesmanship.

A MOCKERY

These details are not put forth in order to excuse the 17 year old boy who craved the gaudy-looking watch, perhaps to wear, perhaps to sell, and did not propose to pay the instalments. My purpose in bringing out these facts is to show that at the time Sanchez approached him in El Coconito cafe, he could not possibly have known that Salcido had obtained the watch he had on his person otherwise than legally.

Thus the very foundation for police interference with Salcido is faulty. What a mockery then to describe its bloody outcome as “justifiable homicide” as the Coroner’s trained jury did!

Not that Salcido was a “good” lad. He had once done 90 days on a narcotics charge. And just before his death he may have been intending to defraud Silton’s of a watch. But that’s how police brutality works. Its victims are chosen among those whom some people look down upon.

Two thousand years ago someone said: “He that is without sin among you, let him first cast a stone . . .” And just the other day Professor Alfred Kinsey showed us all up when it comes to sex. And still we persist in thinking of ourselves as too good to associate with certain other people. And the sadists of the police department take advantage of our false pride.

THE ‘ARREST’

We’ll come back to this question of how “good” a lad Salcido was. Because it’s very important that we get straight on this business of “crime.” Meanwhile let’s continue with Keyes’ story:

KEYES: They (that is, Salcido and Sanchez) walked out of the cafe and as they walked out Officer Sanchez gave me a nod to follow them and I followed them out to the street and they started west on Temple from Grand and in a distance of about 70 feet west they turned into a doorway. I walked up to where the doorway was and that is where I first saw Officer Sanchez and Salcido.

Obviously, since the two officers had come to the conclusion that the watch was stolen, their next move was to make an arrest. This doorway they took him to must therefore be the entrance to a police station.

But it isn’t. It is the entrance to the Federation of Jewish Welfare Organizations, and at this hour of the night the building is locked and there is not a soul in the place.

What the duce can our hearties of the police force be up to? Have they lost their way? Or their minds? What gives? Perhaps they are going to wait in this doorway for the arrival of a police car.

No, they have a car with them. Attorney Seymour Mandel asked Keyes about his car.

MANDEL: Where was your car parked?
KEYES: My car was parked about 35 feet west of Olive St.
MANDEL: On Temple?
KEYES: Yes, west of Grand St.

Here there seems to be an unintentional error. No doubt the transcript should read EAST OF GRAND. Clearly Keyes’ car could not be parked at one and the same time 35 feet west of Olive and also west of Grand. But whether the car was west of Grand, or west of Olive, makes no difference as far as our point is concerned. Our point is that if the car was 35 feet west of Olive, then the two officers took the boy in the direction AWAY from their car, and if the car was 35 feet west of Grand, then the officers took the boy PAST their car.

In short, these officers did not take the boy to a police station. They did not take the boy to their car. They took him to an empty, locked building. Can it really be maintained that these two men in plain clothes were at this moment acting as members of the police department and in behalf of your safety and mine?

Under what rules and regulations, I ask. If they had truly found a boy with a stolen watch they had a right to make an arrest. But nowhere in Keyes’ testimony is there even a mention of the word “arrest.” And even if the word occurred it would be incompatible in the face of such behavior.
Personally I can find no other word to describe what took place here except this: KIDNAPPING. I say that AT 1 A.M. OF MARCH 10, 1948, 17 YEAR OLD AUGUSTIN SALCIDO WAS KIDNAPED BY OFFICER SANCHEZ, AIDED AND ABETTED BY OFFICER KEYES!

And now this doorway to which police officer Sanchez took the boy and where he was joined by Keyes. Since the transcript does not give you any idea of what the place looks like, let me try to convey an impression to you.

During the daytime what you see is a small rectangle cut into the facade of the building and giving access from the street level directly to a short flight of about ten steps. At the top of the steps is the real entrance; a narrow landing blocked by a door of heavy wood and plate glass. Visualize a tunnel enclosing a flight of stairs, and leading to a door at the top rear, and you have a fair conception.

At night, with the building empty, all lights extinguished, and the door at the top locked, this entrance is nothing but a cave. A narrow, blind, upsloping dead-end cave. Almost completely hidden from the street. And very dark.

VARELA: Was it dark there or was it lighted? Could you see clearly?
KEYES: It was dark, sir.

And the coroner repeated the question.

CORONER: Was there any light in this doorway?
KEYES: No.

NO WEAPON

Both Varela and the coroner, be it noted, did not ask these question in order to find out why Sanchez took the boy to this dark spot. Varela seems to be wanting to convey the possibility that Salcido may have drawn a weapon that would be invisible in the darkness but that would justify Keyes’ subsequent gunplay, and the coroner chimes in. Actually Salcido was unarmed. This was admitted by the police.

To return to Keyes’ story:

KEYES: As I got there, why, officer Sanchez called to me and Salcido started breaking away toward the edge of the door and officer Sanchez grabbed hold of him and they started struggling. At that time I drew my gun and told Salcido to stand by.

What is the picture now? Two burly men, one with his gun drawn, have cornered the lad in the dark cave. No exit to the rear, and the front blocked by two men, one with a naked .38 police Colt Comando.

Let’s not speak of it as a cave any longer. What we have now is a prison cell. And this action, following the kidnapping, is nothing more nor less than false imprisonment.

ON MARCH 10TH, 1948, OFFICERS SANCHEZ AND KEYES, IN DISREGARD OF THE RULES OF THEIR OWN DEPARTMENT AND OF THE LAWS OF THE LAND, HELD AUGUSTIN SALCIDO IN FALSE IMPRISONMENT.

Why had this pair of bravos brought this boy to this isolated spot? And for what were they restraining him there? Were they going to give him a lecture on good citizenship? Or fingerprint him? Or were they going to book him? Or explain to him that crime doesn’t pay?

Surely these men had something in mind, for Sanchez was so determined that the boy must stay in this alcove where he grabbed hold of him, and Keyes was even more determined, for he drew his gun.

SELF INFLICTED?

I would say that they were going to beat him up. But I know I’m wrong about that. That’s inconceivable. Haven’t we been assured over and over again by officials of every important office in this region that there is no such thing as police brutality? Of course Negroes, Mexicans, and many “Anglos,” too, have been complaining for years, have been showing their injuries and their bruises, their broken bones and their scars . . . but these were no doubt self-inflicted. What else could they be but self-inflicted since councilmen and commissioners assure us there is no police brutality?

Oh, yes, they admit a certain amount of strong-arm stuff, but then you try your hand at some of those toughs and winos, and see how far you get, unless you show a bit of muscle now and then. Those are what we have been complaining about, though. We have been talking about systematic beatings by sadistic and trigger-happy cops.

Very well, then, there’s no police brutality. And that being so, what we have here is an assault with a deadly weapon. ON MARCH 10, 1948, AUGUSTIN SALCIDO WAS ASSAULTED BY TWO MANIACS POSING AS OFFICERS OF THE POLICE DEPARTMENT, ONE MAN HAD A POLICE APPROVED REVOLVER WITH WHICH HE THREATENED THE BOY. Since then these two men have not only been on duty in the ranks as police officers but the whole department has stood back of them.

Let’s go back to Keyes:

KEYES. At that time I drew my gun and told Salcido to stand by. He stood back for a moment and then started for the doorway in a moment, and I pointed my gun at him and he thought better of it and he turned around and I told him to go up the stairway and he and officer Sanchez started walking up the stairway with Sanchez in the lead.

Well, Los Angeles, read that and weep! Is this, or isn’t this kidnapping and false imprisonment? At the point of a gun officer Keyes tells the boy to go up the stairway. What is there up that stairway at one o’clock in the morning except deeper darkness and a locked door?

How would you feel if a police officer aided by his partner and confronting you with a loaded revolver backed you into a dead-end? Late at night and never a word of arrest, just ordering you into a lonely hole at the point of a gun?

DIDN’T RUN

You’d get panicky. wouldn’t you? I’m sure I would. Yes, Salcido got panicky and he forgot what all the Mexican boys keep telling each other: Never give the cop a chance to say you were trying to escape. That’s fatal. Stick close to him. Stick close and let him slap you, punch you, kick you, but don’t ever get away from him.
Salcido forgot. Perhaps because he wasn't feeling too good. He had just spent two weeks in the General Hospital, and had only come out the day before. Or maybe he didn't forget. After all, powder burns were found on Salcido's face and a standard textbook on criminal investigation says that powder tattooing never occurs if the bullet has to travel more than sixteen inches.

One foot, four inches. That's not much of an escape, one foot and four inches. is it? Why, that isn't arm's length. Certainly not one of Keyes' arms. Keyes is a lanky man. And if you take into consideration that the powder burns were on the side of the head so that the boy's body was really some four or more inches closer to his assailant, then you get a distance of less than a foot!

Here's how Police Officer Keyes describes the panic of the little Mexican boy Augustin Salcido, trapped by two policemen in a dark doorway in the Bunker Hill area:

KEYES: When they (that is Officer Sanchez and Salcido) got up to the top of the stairway they both turned around simultaneously; however, the deceased lunged at me and knocked my gun to one side and the gun discharged and the discharged bullet struck Officer Sanchez and Officer Sanchez fell down.
CORONER: Were you at that time on the stairway?
KEYES: Yes.
CORONER: Are those steps leading up to a church or something of that nature?
KEYES: I think it is some sort of a Jewish hall.
CORONER: Are the steps outside or within a little door?
KEYES: Within a little door . . .

(Actually, as we have seen, the stairs are not within a little door. There is no door at the street level. What Keyes meant to say, no doubt, was that the stairs are recessed within the building.)

KEYES: . . . within a little door and after he had struck the gun he lunged at me, he pushed me to one side and started down the stair and I turned around to him and called to him to stop and he did not stop at that point and I fired five shots.
CORONER: Was he still within the building or within the door?
KEYES: No, sir, he was on the street.
CORONER: At the time all the shots were fired was he out on the street?
KEYES: Yes, Sir.
CORONER: That would be on Temple Street?
KEYES: Yes, sir. I then ran over and looked at him and I stood for a few moments and Officer Sanchez called me. He was lying back up on the landing and I went up to where Officer Sanchez was and lifted up his waist and saw that he had a bullet wound in the abdomen so I immediately ran to the police car and called for an ambulance and for assistance.
CORONER: Did you go out again then and look at the victim?
KEYES: Yes, I did. I looked at him for a moment, but I went up and stood by Officer Sanchez. He was bleeding at the stomach.
CORONER: Where is Officer Sanchez at the present time?
KEYES: In the Georgia Street Receiving Hospital.
CORONER: When you went out to look at the victim was he alive or dead at that time?

KEYES: I did not know, sir.
CORONER: Was he conscious?
KEYES: I don't recall, sir. I was primarily interested at that time in Officer Sanchez' aid.
CORONER: Did the victim at any time display any weapon or gun?
KEYES: No, he didn't, sir.
CORONER: Or did you find any other weapons on him other than the one?
KEYES: No, not at that time, sir.

". . . and I fired five shots," Keyes says. Fired five shots at an unarmed boy. Three bullets went clean through the boy's head. Of these three, two plowed squarely through brain structure in such a way that they must have been almost immediately fatal. The third of the three bullets that tore holes through the boy's head was fired at such close range that it left powder marks. That one made a dangerous wound, but not an immediately fatal one.

One bullet that smashed the boy's forearm was in itself enough to stop an escaping lad within a short distance. He couldn't have gone far with that wound alone.

Keyes speaks of firing five shots. One bullet therefore went wild. Wild is a laugh. That bullet was the only tame one of the whole load. All the others found their way into flesh and blood and bone. Some wild shooting went on that night of March 10, 1948. And I mean wild.

There is, of course, no way of knowing what bullet was fired first. But there is this: one bullet crashed through the head approximately from ear to ear. Two drilled almost parallel holes through the back of the boy's head, starting at the base of the brain and coming out of forehead and temple. Both these bullets caused deadly wounds. A fourth shattered one of the bones of the forearm.

POWDER FLECKS

It was the bullet that ripped through from ear to ear that shows powder marks. This is the one that was fired with the muzzle of the gun held not more than a foot from the boy. Escape is, of course, a relative term. Some people escaped, for example, from Hitler, by going hundreds or even thousands of miles. Some officers of the law might judge a man was escaping when he had gone 10 or 20 feet beyond arm's reach.

But Keyes is stricter. For him 12 inches is already an escape. Twelve inches or less. Could Keyes really have had time to call upon the boy to stop before he fired, as he claims?

Attorney Seymour Mandel, appearing in behalf of the Salcido family, called several witnesses. One, Ella Moody, a waitress of the neighborhood, heard the shots and came up to the scene. She was too late to see any shooting. But she did testify to having seen a taxicab parked at the curb not far from where the boy was found lying in the gutter.

Mr. Mandel wanted to know why the police had not subpoenaed the taxicab driver. Officer Varea, the police investigator, declared that they had been in touch with William Arnold, the driver, but that he too had come on the scene after the shooting and had nothing of value to add.

Mr. Mandel then introduced Guillermo Gallegos, a friend of Sal-
cido’s, who had actually seen the last shot fired. Gallegos too had noticed the taxicab. And this would substantiate Miss Moody’s claim that the cab was already on the scene.

CORONER: What do you know about the shooting?

GALLEGOS: I was waiting for some tacs (in El Coconito cafe) and when I came out I saw Salcido falling and I saw the officer shooting at him, Officer Keyes shooting at him. He was falling from the curb.

CORONER: You saw him falling from the curb?

GALLEGOS: I saw the last shot.

CORONER: When he fired the last shot was he on the curb?

GALLEGOS: He was near the doorway of the Jewish Temple on the sidewalk.

CORONER: Where was the boy at that time?

GALLEGOS: The boy was trying to cross the street, I guess, because he felt right off the curb.

CORONER: Was he right near the edge of the curb at that time?

GALLEGOS: He was.

CORONER: How far away from the officer would you say he was when the last shot was fired?

GALLEGOS: About six feet, I guess.

CORONER: Did you hear either one say anything?

GALLEGOS: No, I didn’t.

Mandel too questioned Gallegos.

MANDEL: You say you saw the last shot fired by Officer Keyes?

GALLEGOS: I did.

MANDEL: Was Salcido falling at the time that shot was fired?

GALLEGOS: He was falling down—well, I can explain it real well.

MANDEL: Explain it to the jury.

GALLEGOS: Something like when a person gets drunk and starts falling on his face.

What young Salcido was drunk from is clear. He had had one too many. One bullet too many, that is. He already had six holes to let blood out of his body, his skull had been punctured in four places if not already in six, and that is apt to make a person lurch and reel a bit as if drunk. It’s a wonder Officer Keyes didn’t arrest the boy then and there on suspicion of drunkenness. But then he had his gun out already and still another bullet in his weapon, so he let the kid have it.

After some little further testimony the Coroner was ready to wash up the Salcido case. There remained only the autopsy report concerning the four bullets that had been shot into the lad, three of them going right through him, another, after smashing one of the bones of his forearm, remaining stuck just under the skin of the hand at the base of the thumb.

Now the jury was excused and had no difficulty in reaching a verdict in a matter of minutes. Obviously it could not have considered the testimony at all, for it wasn’t gone much more than five minutes. "Justifiable homicide," was the jury’s decision.

Thus on March 10, 1948, Augustin Salcido was murdered and on March 15 in the Los Angeles County Coroner’s office his poor body was foully defaced by a jury that had never read Genesis 4, where it says: "The voice of thy brother’s blood crieth unto me from the ground."

Operation Hush-Hush had been carried out successfully. The affair was considered closed. Keyes returned to his duty. He had Los Angeles’ official permission to go back to his sadism and his gunplay. It was psychopathology triumphant!

But this decision did not sit easily with residents of Bunker Hill. It did not sit easily with the People’s Daily World, the only paper to give the case full coverage from the beginning. It did not sit easily with such people as Ralph Curan of the Belvedere chapter of the American Veterans’ Committee, with Frank Pestana of the Community Services Organization, with Reverent Hugh Weston, with Oscar Castro of the CIO, with Jack Berman of PCA, and others, all of whom kept calling upon William Bidner and Ann Shore of the local Civil Rights Congress to push for a re-opening of the case in the interests of justice.

LONG STRUGGLE

As formerly justice had been opposed by Operation Hush-Hush, now justice was opposed by Operation Run-Around. It would be useless and boring to recount all the many moves that the Civil Rights Congress made in order to secure an open investigation of the Salcido case. It seemed that the city’s resources for justice had already been exhausted. There was nothing that could be done.

Twice Assistant District Attorney Simpson refused to meet with a delegation that waited upon him. Letters to various officials went unanswered. Assistant Chief of Police Reed was equally uncooperative. Letters to the city council were politely "referred to the proper committee," and the proper committees seemed to be in no hurry to do anything.

But the CRC (Civil Rights Congress) doesn’t quit easily. It began to mobilize public opinion with meetings and leaflets. And with that the police also opened their new campaign: Operation Strong-Arm. Soon the whole district was aware that the police were being heavy-handed. And residents understood this to mean: keep your nose clean, brother, if you know what’s good for you.

In order to reach a wider public the CRC had rented Moose Hall at 300 South Olive for the staging of an open people’s trial of Officer Keyes. The hall had been paid for, circulars had been printed and distributed. Suddenly, at half past 4 of the day for the scheduled meeting, the Moose office called to say the hall was unavailable.

THE EXPLANATION

It took fast stepping on the part of CRS to procure another hall quickly, and to post people at Moose Hall to direct the audience to the new address. Seeing these guides before the hall, one of the members of the Moose organization asked a CRS representative what was going on. When he had been informed he observed: "So that’s why they threatened us with the revocation of our liquor license if we didn’t cancel tonight’s meeting."

Now, you see how Operation Strong-Arm works. Pretty fancy, eh? But not fancy enough to stop the mock trial where a people’s jury after having all the evidence brought to their attention, found Keyes guilty of murder in the first degree.

But Operation Strong-Arm had only started. The father of one of
the jurors at the mock trial was beaten up severely by two policemen who claimed (what else?) that the man was "resisting." Three possible witnesses against Keyes were picked up at various times and it was made clear to them that they would be doing themselves a favor by leaving town.

Miss Moody, who had testified against Keyes at the inquest, was not forgotten. Police Officers Molina and Medina, known throughout Bunker Hill area for their brutality, arrested her in a cafe, and charged her with being drunk. Two weeks later they added a new charge: "disturbing the peace." In court later they testified that she had insulted them and called them names.

Municipal Judge Joseph Call could not see any justification for arrest at all. "Case dismissed," he said briefly.

Friends rushed to congratulate Miss Moody and felt that they had won a victory. But the police only smiled. For they knew that the victory was still theirs. Yes, they would have liked to secure a conviction, but win or lose they were already ahead.

Hadn't Strong-Arm proved that it can arrest you when it pleases? Hadn't it proved that on the slightest provocation it can haul you off to jail, book you, force you to scurry for bail, cause you to suffer the worry, the fear, the inconvenience that goes with the necessity of standing trial?

No wonder many an innocent Mexican lad prefers to plead guilty and get out of it quick. Even though it means a sentence and a record.

Yes, and for years afterward, perhaps for life, a bruised soul, a sense of injury, a feeling that the world is against one, the whole twisted psychological makeup that so often leads to delinquency and crime.

Who says the police only prevent crime?

It was especially on Guillermo Gallegos, key witness, that the police bore down most heavily. He was picked up first for suspicion of robbery. He was detained, questioned (no, not about the robbery, but about the Keyes case), threatened, warned and then released. Without trial.

‘ON SUSPICION’

Shortly after that he was picked up on suspicion of being drunk.

Same business. Detained, threatened, warned, released. No trial.

Several times he was stopped on the street by a pair of police officers given what is known as the shakedown. The shakedown consists of threats, rough handling and a brief ‘frisking’ to ascertain whether the semi-arrested person has anything illegal on his person. That the shakedown itself is illegal is conveniently forgotten by the police.

Gallegos has been beaten up and bloody by many a sadistic cop. He is scared of them. Yes, he is. But he's no coward. On April 3 he proved his courage by going out to Huntington Park to the court of Justice of the Peace Stanley W. Moffatt. Operation Run-Around was suddenly outflanked. What neither coroner's inquest, police chiefs, district attorneys, city council, grand jury, or anybody else would do, was done by Judge Moffatt.

When Guillermo Gallegos, as witness to the Salcido shooting, swore out his complaint, Judge Stanley Moffatt at once issued a warrant for the arrest of Police Officer Keyes on the charge of manslaughter. And he transmitted to the sheriff of the county the order to bring in Keyes for a preliminary hearing.

Thus the machinery of justice was finally primed into action. The People had spoken and the district attorney's office had to step forward to represent the People in its complaint against Keyes.

But tit for tat. Police Officers Medina and Molina swung down on Gallegos. They met up with him on Temple St. about midnight.

The two police officers gave as their reason for stopping him that he was walking fast with his head bent down and away from them. Small wonder that he was doing so! According to Gallegos, Molina and Medina backed him into an entrance and one of the cops took out his night stick while the other frisked him. The first search yielded nothing, but suddenly Medina, standing behind Gallegos reached up under his shirt and came out with a matchbox.

THE ‘EVIDENCE’

Even before opening it Medina said to Molina: "How is it that you missed this?" And naturally when the box was opened it contained live marihuana cigarettes.

So while Keyes, accompanied by a number of friendly police officers was going to Judge Moffatt's court to put up the $2000 bail kindly provided for him by the Los Angeles Fire and Police Protective Assn., Gallegos was being put through the wringer by various unfriendly officers at the Central Jail.

"So you're the so-and-so who filed the complaint against Keyes," was the way Gallegos was greeted by one officer after another as he was booked, questioned, and undressed. He was showered and given a prison suit to wear for the night.

The following morning he was given back his clothes and turned over to Marvin Jacobsen of the narcotics squad. According to Gallegos, Jacobsen quizzed him for hours, largely about the Keyes case. He wanted to know: "Who's behind all this?" He wanted to know: "Who's paying you?" And: "Who's in this with you?" And he warned him that: "I'm taking your case, so you better tell me what the score is."

At one time, Gallegos relates, as they were going through the passage in the basement of the Hall of Justice where the trucks unload, Jacobsen said: "Run. Here's your chance." Gallegos, frightened, said: "For Christ's sake, don't shoot me through the back."

Debris was taken from Gallegos' pockets. It was examined by police chemists at the police lab. And what do you suppose was found? Why, microscopic fragments of marihuana, that's what. Whether it was there at the time of the arrest, who can say? Certainly there must be enough confiscated marihuana around the police department to salt the debris collected from every pocket in the city of Los Angeles.

PUT-UP JOB

Arrested before Judge Guerin, Gallegos was held for trial in the superior court, May 20th. The plan obviously was to make it so that if in spite of all efforts Keyes was nevertheless brought to court, counsel for his defense would be able to put the sole witness on the stand and say to him:
"Were you ever convicted of a felony?"

And Gallegos would then be forced to answer: "Yes, I was."

"And was that felony on which you were convicted the unlawful possession of marihuana?"

And Gallegos would again be forced to answer: "Yes. It was."

What a stroke of luck for Keyes that would be if it could be shown that Gallegos was a felon, in short a person whose word couldn't be taken seriously. And better still if the charge was narcotics, in short an unreliable witness whose observations were clouded by the fumes and poison of dope.

But the blackshirts of the police department and their friends and aides were not taking any chances. Miss Moody had gotten off. Gallegos might also go free. Since Keyes had been cornered in spite of Operation Strong-Arm, and since in spite of Operation Frame-Up, Keyes was out on bail and due to appear in Judge Moffatt's court for a preliminary hearing, it was time to unlimber the really heavy guns in the defense.

The final big strategy of the police fascists is Operation Moscow.

Operation Moscow is extremely simple. So simple that a child could run it. Most children are, however, too well brought up for such nastiness. When I went to school and studied rules of logic and argument we had a different name for Operation Moscow. We called it argumentum ad hominem, which means that instead of disproving your opponent's case, instead of meeting his arguments, you attack your opponent directly as a man who doesn't shave, or who quarrels with his wife, or likes limburger cheese. All of which may be true but has nothing to do with the case.

JUST YELL 'RED'

It happens that today there is no viler mud you can fling at your opponent that he is a "red," that he owes allegiance to Moscow, that he wants to overthrow the government of the United States. Yes, just cry "red" long enough and people may forget the powder flakes on Salcido's face and set Keyes free on the grounds that the people who want justice for Salcido are a pack of Russian spies out to steal the secret of our atomic bomb.

Thus Operation Moscow seeks to put the Salcido case on a par with Greece, Italy, Czechoslovakia. It is part of the great cold war. And the public, or at least the jury, is to be made to believe that if Keyes is found guilty and is forced to go to jail for his crime, then Moscow will have won a victory in the cold war. Naturally no "real American" wants Stalin to win. So...the murderer of Salcido must go free! And be entitled to murder again.

To sell this same theory, that back of police officer Keyes stands the armed might of the whole Western World with its democracy and its atomic bomb, while back of his victim, Salcido, stands Stalin waving an iron curtain, to sell this fantastic notion to the sane and normal run-of-the-mill folk of Los Angeles, demands of course the services of an expert in the art of dark and specious reasoning. Such a man is Joseph Scott, well-known attorney in Los Angeles, passionate admirer of Franco, prominent in the most hide-bound reactionary circles of the Republican party, and what's more, an orator, who despite his years, needs no loud-speaker and could easily teach tricks to some of our country's most notorious rabble-rousers.

This was the man whom the Los Angeles Fire and Police Protective League provided as counsel for Keyes. The same man who several years ago refused to take the case of a grief-stricken mother whose thirteen year old boy had been shot through the heart by a police officer. She came to him as one Catholic to a fellow Catholic. But he turned her down curtly.

On Tuesday, April 12, 1948, the little courthouse of San Antonio Township in Huntington Park was packed. Hundreds of would-be spectators, unable to gain admittance, milled around outside or clung like swarming bees to the doorways, hoping to catch some words or some glimpse of the action going on inside.

FIRST TRIAL

Mr. Scott began the hearing by presenting to the court a seven-page affidavit on the basis of which Judge Stanley Moffatt was asked to disqualify himself because of his "radical leanings" and his repeated critical utterances on the conduct of the Los Angeles police.

JUDGE: I say if any of the evidence produced here at this time is insufficient to hold a man in the estimation of the Superior Court, you can dispose of this matter on motion in the Superior Court.

SCOTT: Yes, but you don't seem to understand my motion. This man is innocent, an innocent man as he sits here.

JUDGE: All I am going to do is hear the evidence the District Attorney produces in this case, and if that is not sufficient to hold the man, and I hold him, the Superior Court will overrule me in five minutes.

SCOTT: After that affidavit? I never heard of such a thing in my life, of any judge wanting to sit on a case of that kind. I should think he would be glad to disqualify himself.

JUDGE: I don't know why it is that the Los Angeles authorities can't take these matters —

SCOTT: Why was it brought down here? Why was it brought down here? To make you a sucker and fall guy for those people.

JUDGE: They are no making me a sucker. I am trying to bring about justice in this county. This court is open to all who want to file a complaint.

SCOTT: In that affidavit it states that back of this whole movement is a Communist program that is behind this thing.

JUDGE: You don't have to do any red baiting out here.

SCOTT: It is not red baiting. I don't like that kind of language used, even if you are the chief justice. I would resent it. I am no red-baiter, don't tell me that.

JUDGE: There is no law in California against a man being a Communist, so don't try to make out —

SCOTT: You don't tell me you are a Communist, do you?

JUDGE: I will put you in jail for contempt if you call me a Communist.

SCOTT: Now you are talking — you see, now —

JUDGE: You have no right to call me names. . . . Proceed with the trial, Mr. District Attorney.
If it isn’t clear to the reader yet that Scott doesn’t want the case tried on its merits, tried on evidence, on fact and logic, on truth and proof, then listen to his examination of Gallegos:

SCOTT: Are you sure you didn’t have any marihuana on you that night?

And later he asks:

SCOTT: You have been convicted of being drunk?

Even Mr. Kemp, the deputy entrusted with a task that the District Attorney’s office originally didn’t want done, has to object to such tactics.

KEMP: That is not one for impeachment.

JUDGE: That is not one of the rules of impeachment. You have to have a felony. A lot of people get drunk, you know.

SCOTT: That’s all.

Not one question about what happened that night when Salcido was shot. Just name calling. You’re a red! You’re a dope fiend! You’re a convict!

JUDGE: Counsel (meaning Mr. Scott) is putting everybody on trial except the defendant.

KEMP: Scott hasn’t indicated whether he will call any defense.

SCOTT: I am not going to call any. In this court, at this time? I should say not.

Nevertheless the court continued to try to get Mr. Scott to say something in defense of his client and finally Scott read the description of the final struggle of the boy and the two policemen as Keyes himself described it at the coroner’s hearing.

SCOTT: Is that resisting an officer or not?

JUDGE: In other words, your proposition of law is that if there is any resistance to arrest that the officer is entitled and permitted to kill a man, is that right?

SCOTT: That isn’t the point at all, as to killing a person.

JUDGE: What is your point? I don’t understand you.

SCOTT: Doesn’t the record speak for itself?

JUDGE: It doesn’t. I don’t see any justification for shooting a seventeen year old boy down in—

SCOTT: It doesn’t make any difference if he is seventeen or seventy-seven. What has that got to do with it? A seventeen year old boy would be much more of an antagonist than a man of my age. I will say that frankly.

JUDGE: Can you give me a reasonable excuse for the officer shooting him?

SCOTT: Sanchez is in the hospital because of the other case where this man Salcido grappled with Keyes. How is a man going to protect himself against that kind of person?

JUDGE: There is nothing to show that the man was doing anything illegal, so far as I can find out. It isn’t permissible to take a citizen in a dark corner and begin pushing him around.

SCOTT: That isn’t in the record. Why should I talk any more?

JUDGE: I think that is sufficient.

Mr. Leo Gallagher, appearing as amicus curiae, that is, as a friend of the court, interested in securing justice for Salcido, asked permission to bring in certain witnesses. Scott, attacking Gallagher vehemently as a radical, objected, but was overruled by the court. It was the fiery exchange of words between the two grey-haired attorneys that did more than anything else to put the hearing over as a piece of news. It made the front pages all over town. With pictures.

But for the future of the case the most important thing is that Scott himself introduced and put into the record the testimony of Keyes at the coroner’s inquest, testimony that rightly interpreted, as it has been interpreted here, reveals Keyes and Sanchez as kidnappers, guilty of false imprisonment, of assault with a deadly weapon, and of murder!

At the close of the preliminary hearing in Huntington Park, after finding that there was sufficient cause to believe Police Officer Keyes guilty of manslaughter in the Salcido case and ordering him held on $2000 bail for arraignment in the Superior Court, Judge Stanley Moffatt added:

I might say this, in addition to what I have said before, I would like to have a Grand Jury investigation of the circumstances pertaining to the failure to issue any kind of complaint against this defendant by the Los Angeles authorities. It seems to me a very outrageous killing without any justification whatever, and I hope the authorities in Los Angeles will do something about this so that the matter will not occur again. I don’t like the spirit of Fascism that is sweeping America. It seems to me that the war hysteria has got everybody sort of crazy in this country, and the first thing they think about is to pull a gun and shoot somebody.

The very next day the Hollywood Citizen-News carried a long editorial attacking Judge Moffatt. Did this paper have new evidence to present? Did it even review the old evidence? Nothing of the sort. It discussed the subject of Communism, and it concluded that in the matter of Judge Moffatt’s announcement of his candidacy for Congress on the Wallace ticket, “his connection with the Keyes trial warrants the attention it is receiving.”

The Hollywood Citizen-News is obviously acting out its part of Operation Moscow.

The Los Angeles Times also was exercised. The following day it raised a cry for revision of the law that permits any magistrate in the county to issue a warrant in the case of a major crime. The editorial really boiled over when it called the little suburban community of Huntington Park an “alien district”, and whipped itself to a white lather when it urged the use of vigilantes against Judge Moffatt.

The Times said:

“Maybe this sort of thing has happened before in California, but not often. There was a parallel case in the turbulent days of Tombstone, Ariz., when a cowboy justice far outside that settlement issued a murder warrant for Wyatt Earp. Earp and his friends appeared in court fully armed and told the justice he had no jurisdiction. He hurried to agree with them. This should not be necessary here. But some forceful method should be found to remind Justice Moffatt that his bailiwick is Huntington Park and that the rest of the country should not be annoyed by him.”

MORE SLANDER

Of course The Times said that it took “no stand on the question of
Officer Keyes’ guilt or innocence”, and that is quite in order, but why did it avoid all discussion of the case? The answer is: in order to claim that Los Angeles itself, with its municipal courts, its district attorney, its grand jury and so forth, has all that is needed to take care of criminal charges originating within the city. But why not one of these forces would take any action in the Keyes case, that The Times does not say. Naturally. For this too was part of Operation Moscow.

A few days later The Times allotted nearly a quarter of its editorial page to letters criticizing its stand. Frank I. Hogan of Huntington Park, pointed out that Judge Moffatt had the law clearly on his side and full jurisdiction in the matter.

James D. Oakes, of San Diego, describing himself as a Taft man, called Scott's behavior contemptible and Judge Moffatt's and Leo Gallagher's admirable. He recalled to The Times the case of Beebe who was kicked to death in a police station in Los Angeles and his murderer never made to pay for his crime. "No Los Angeles policeman is ever held accountable for his acts. No matter how, when or why he kills or assaults, he is, in practice, outside of the law."

Gwynne Mountain McCord called The Times editorial “prejudiced, unfair and un-American.” W. P. M. said: “You say your paper takes no stand on the question of Officer Keyes’ guilt or innocence. It seems to me that question is more important than any other... You seem to forget that a murderer should be brought to justice, and that bringing him to justice is the first duty of our justices. Their own political persuasion or that of their associates seems to me to be beside the point.”

FACTS UNIMPORTANT

But notwithstanding such well-expressed sentiments from so representative a cross-section of Southern California, Operation Moscow continued on its way to make every supporter of Salcido appear to be a traitor to our form of government. The News, organ of the Police and Firemen’s Protective League, the association that had already stepped into the Keyes case to provide him with bail and counsel, now stepped forward to give him ideological support, too.

The Protective League News devoted an entire issue to the Keyes case. To review the evidence? To study the facts? To analyze the inquest? Of course not! Who is interested in such humdrum matters as evidence? Joseph Scott, the police, editors of newspapers, officials of the city, all are interested in only one thing, Communism. Not justice. No, they are interested in Wallace and the Third Party. In stopping them, of course.

The issue of the Protective League News opens with the following statement:

“Longtime readers of the News will be surprised at the apparent political tone of this special issue, which is devoted to the agitation over the Keyes-Salcido case.

This publication and the organization for which it is a spokesman studiously have avoided partisan politics of any kind. The organization and the publication have been exclusively devoted to the welfare and interests of the police and fire department employees.

This seeming radical departure from established policy by the News is provoked by the Communist Party, which, in the opinion of many qualified experts, is not entitled to be recognized as a bona fide American political party, but instead should be classed openly for what it is—the agent of a foreign power, treacherously engaged in undermining any and all American institutions.

“Hence this special report on the Communist activities and sympathies of organizations and individuals who joined in the Communist directed smear campaign against law enforcement in the Keyes-Salcido case, actually is not a basic departure from the fundamental policies and principles of the News.”

The whole issue is devoted to an alphabetical listing of many of the people and organizations that have come out for justice in the Keyes-Salcido case. Each person, each organization, gets a short comment that exposes "red" leanings. That goes for the National Lawyers Guild, Los Angeles CIO Council, the Progressive Citizens of America, and many others. And is goes for Leo Gallagher, Judge Moffatt, Philip Connelly, etc.

And it concludes with the following words: "... which, with support of the Henry Wallace Third Party movement, is the backbone of present Communist party line program."

In other words what the Los Angeles Protective League News is saying amounts to this: forget all about young Augustine Salcido being pushed into a dark stairwell and being gunned to death by a fascist-minded cop; remember only that Henry Wallace is following the Communist line. The Protective League News hasn’t so much as a word for what the Salcido case is all about. No reader of The Protective League News can have even the faintest conception of the events, but he does get a dozen or more illustrations of various Communist pamphlets.

Can obfuscation, can gopherdust, can sheer nonsense go any further? But no denying it’s clever. Diabolically clever. Every policeman, and every fireman, in these days of loyalty checks, is being told in no uncertain manner that unless he stands back of the psychos he may be swept off the force, he may lose his pension, he may find himself and his family penniless. Yes, every policeman and every fireman has now been told that he is committed to support Keyes, not on the basis that Keyes is innocent, but on the basis that if he doesn’t he may find himself regarded as un-American.

It is if the water conduits of this town were suddenly to reverse their flow of liquids, as if the sewage instead of being carried away, were to sweep back into your homes, so that when you opened the faucets there would spurt out disease and sin and corruption. That is what can happen when under the false cry of patriotism murder is permitted, condoned, even acclaimed!

One can be thankful that there are men who see through this chicanery. For a half hour, in the courtroom of Superior Judge Thomas L. Ambrose, Mr. Scott argued a motion for dismissal of the charges against Keyes. Bogota in South America happened then to be in the news, and so the riots in Bogota seemed to be the main issue as presented by Scott. Anything anywhere in the whole world is good for discussion according to the psychos, just so long as it will direct people’s eyes away from Keyes and Temple Street one dark night in March, 1948.

Judge Ambrose listened quietly to Scott’s lengthy ranting, and then
he spoke quietly for a few minutes, concluding briefly that he had read
the autopsy report and learnt of the three shots through the head and
the one through the arm. This he found “a little difficult to reconcile
with the idea that the police were merely seeking to prevent Salcido’s
escape.”

SANITY RETURNS

“The motion will be denied,” he ended in a mild voice.

And with that mild voice sanity returned to the courtroom. Keyes
stood up and pleaded “not guilty,” and Judge Ambrose set trial for June
16th, subsequently postponed to July 8th, so that Mr. Scott could attend
the Republican Convention.

And a few days later sanity gained the upper hand again when
Guillermo Gallegos came to trial. Before a jury quickly chosen from
the panel, four policemen told how they had found marijuana cigarettes
and marijuana debris on the defendant. Against them there was only the
word of Gallegos, his word alone, unsubstantiated. It seemed impossible
that Gallegos should be believed against four police officers.

But on the witness stand, sharply questioned by Leo Gallagher, the
arresting officers had to maintain that they did not know who Gallegos
was, had to insist that they did not know he had any connection with
the forthcoming trial of their fellow officer, Keyes. If they had not main-
tained that, they would have opened themselves up wide to the claim of
the defense that they had deliberately framed Gallegos. But if the officers
didn’t know Gallegos why had they stopped him on the street and
searched him? What had aroused their suspicions? What had led them
to imagine that he had marijuana hidden on his person? Surely they don’t
stop and search everyone they meet.

This the officers couldn’t explain. They were trapped in their own
story.

LAW VIOLATED

Gallagher read to the jury the law that requires an officer to have
a warrant in order to stop and search a man who is not committing any
misdemeanor. He pointed out that this law stems from a provision in
the Constitution of the United States.

District Attorney Powers replied by saying that while this rule is
generally obeyed, there are certain areas where the crime rate is such
that the police are forced to take more vigorous measures.

Catching up the district attorney on this, Gallagher asked the jury
if they approved that there should be certain areas in the United States
where the Constitution was abrogated. Just because poor people are
crowded into these areas and are in no position to make their protests
felt, is it right and proper that they should be subjected to additional
abuse? Would the police dare contravene the Constitution in Beverly
Hills or in Westwood?

The irregularity of police behavior was even more forcefully im-
pressed on the jury when Leo Gallagher subpoenaed the police documents
on Gallegos. These were brought to court by an officer who refused to
let Galagher examine them. Galagher appealed to Judge Clement D. Dye
for a ruling Judge Nye said: “I have no jurisdiction over the confidential
files of the police.”

To the jury Gallagher addressed this problem: if the police had
really not been molesting Gallegos since the Keyes affair, as they,
claimed then why should they refuse to show their files? What were
they concealing?

The jury was out nearly 21 hours and finally gave up. They were
deadlocked at 7 for acquittal to 5 for conviction.

Gallegos will be retried July 2nd. But the plan to pin a felony on
him before he testifies in the Keyes trial has received a setback. The
common, ordinary, decent folk of Los Angeles are still able to see through
police connivance even when four of them swear on their oath against
one poor Mexican boy.

A great calumny has been leveled against the American people by
those who have charged that the average level of intelligence of the
ordinary man is that of a 12 year old. The people of this country are
not so easily fooled as some would like. They may indeed be incapable
of expressing themselves for they do not own the papers or the radio,
and their simple trust in their fellow human beings is such that in election
after election they are willing to believe campaign promises that are
broken time and time again.

But nevertheless, the average American is not so stupid that he
cannot see the game that is being played. And it’s a big game, indeed.
It starts from the bullet-riddled body of poor Salcido to the whole
bullet-riddled globe on which we live.

The other day District Attorney Edmund G. Brown of San Fran-
cisco said: “As a first step in wiping out crime, America must thoroughly
and completely destroy all slum areas from which come vice, crime,
disease and poverty.”

Oh, I’m all for wiping out slums. But not because they breed crime,
which they certainly do not. That’s adding insult to injury. Isn’t it bad
enough that some of us have to live in slums without being accused of
criminal tendencies, too? Slums should be wiped out because they are
an eyesore to those of us who are so fortunate as not to live in them,
and worse than an eyesore, a health-sore, to the unfortunate who are
compelled by high rents or racial discrimination to exist there.

If District Attorney Brown really believes that slums breed crime,
then he must ask himself this question: what breeds slums? Whence
comes the crime that causes slums? For slums are certainly a crime. They
are a crime against the poor.

District Attorney Brown in his same speech declared that the loot
of 385,000 burglaries this past year was over $18 million.

By a curious chance Drew Pearson’s column of that same day,
carried the story of the two Carter brothers, both admirals, who have
been in and out of the Navy and the Arabian-American Oil combine.
These two men who do not come from slums, and several other execut-
tives and high-ranking officers, engineered the deal by which the United
States overpaid $38 million for Arabian oil during the recent war.

QUITE DIFFERENT

That’s not robbery. That’s just overcharging. Nobody arrested.
Nobody stopped on the street and given a shakedown.
Yes, Salcido may have procured a watch by fraud, and Gallegos may have a record for various misdemeanors, and they are both products of the slums of El Paso. But compare their picayune record with that of the following gentleman as shown in an Associated Press dispatch dated Washington Oct. 13, 1935.

"A Dillon, Read & Co., member told Senate investigators today how he paid no income tax in 1929 on a stock profit of $864,000 by means of setting up a personal company in Canada.

"James V. Forrestal, the banker, testified between puffs on a pipe that the tax would have been far in excess of $95,000 if he had made the sales direct.

"Questioned closely by Ferdinand Pecora, committee counsel, Forrestal said that he had made an income tax return on the Canadian company this year after disclosures before the inquiry committee in the investigation of other bankers.

"The witness testified at length about various transactions with the Canadian company, including an $800,000 loan, and then Senator Couzens (R-Mich.) said:

"In effect all these transactions were doing business with yourself, weren't they?"

"'Certainly, for myself,' said the witness.

"'Just shifting money from one pocket to another,' Couzens added.

"'I hadn't thought of it as such,' the witness replied."

Obviously Mr. Forrestal is not to be compared with Augustin Salcido. The one was killed after defrauding a jewelry company of a $70 watch. The other is now head of the United States Department of Defense, after successfully defrauding the government of $95,000 in income taxes.

ADULT DELINQUENCY

Nor is this all that can be charged against this man. For it was he, who before he took public office, organized and financed the American-Arabian oil companies mentioned above. It is no doubt through him that these companies also learned the trick of operating subsidiaries in Canada so as to escape paying income taxes in the United States. Talk about delinquency, talk about juvenile mischief! Brother, it's a laugh. Adult delinquency, there's a subject for you. And these are the same people who are now playing ducks and drakes with the Palestinian situation, ducks and drakes with the lives of Arabs and Jews.

No, the American people are not so stupid that they do not see that there are two kinds of crime. They see it well, indeed. And they know that the crimes the poor commit, namely petty theft, drunkenness, gambling, prostitution and the like, these are crimes for which the rich are never hounded.

They know that for the crimes of the poor there is a whole state apparatus of police officers, prosecutors, judges, records, fingerprinting, arrests, handcuffs, jails.

While for the crimes of the rich there are only civil suits in civil courts, police officers who are not permitted to make arrests but only to issue cease and desist orders or subpoenas. And there are no records that ever label these people as felons, and only rarely are there jail sentences. Usually only fines can be imposed. And how easily such fines are chased from lower courts to higher courts and back again!

The crimes of the rich aren't even counted. Not officially. No wonder the slums make such a bad showing in crime statistics.

Compare the treatment accorded to a man who steals an automobile with the treatment accorded those dealers who run their car around the block so that it does not have to be sold at the list price but can be boosted up hundreds of dollars. The open and above-board thief is handcuffed, thrown in the tank, sent up for a long term. The other . . . ?

On July 3, 1946, almost every newspaper in the United States carried the following advertisement:

The Future With Confidence

"The members of the National Association of Manufacturers have no intention of rocking the inflation boat now or at any other time.

"If OPA is permanently discontinued, the production of goods will mount rapidly, through free competition, prices will quickly adjust themselves at levels that consumers are willing to pay.

"The great majority of American manufacturers are determined to produce as much as they can, as fast as they can, to sell at the lowest possible prices.

"The American manufacturers are determined that such price increases as may be necessary will be only justified by increases in wage and other production costs.

"And as production gets rolling again, supply will catch up with demand . . . prices will be fair and reasonable . . . , and quality will be improved . . . , black markets will disappear . . . , and America will enter the period of prosperity everyone has been hoping for.

"National Association of Manufacturers.

—For a better tomorrow for everybody."

NOT AN ARREST

No, there were to be no price increases except for wage and other production costs. They said so, did they not, in these advertisements that went through the mails. No price increases merely for profit. And production was to get rolling again. How is it then that a year later, by July, 1947, just one year after the American people had been bamboozled into letting OPA be killed, production was down 20 percent from the wartime peak of 1943? And prices were up 37 percent. And profits were up 50 percent!

For this fraud that has already taken $30 billion out of the wages and savings of the American people, an average of $662 a year from every family, for this pick-pocketing there has not been a single arrest, nobody has been pushed into dark corners. No action whatsoever, despite the fact that this fraud went through the mails, and the law is clear about sending fraudulent advertising through the mails.

But for allegedly trying to sell a stolen watch, Salcido is killed. And those who protest are labeled as traitors to our government.
Is this sly attempt of the police sadists to whitewash their brutality going to succeed with the American people? Will the little psychopaths in the police departments be able to link up with the big psychopaths so as to make the world safe for brutality?

The big psychos, they have their compulsive sadism, too. They are about to do to the world what was done to Salcido, push it into a dark corner and atom bomb it to death.

Did not Attorney General Tom Clark, just the other day, declare that the Civil Rights Congress (that asks only for the application of the Bill of Rights), did not Tom Clark declare that the Civil Rights Congress, the organization that is fighting so hard for justice for Augustin Salcido, is subversive?

SEARCH FOR TRUTH

Has then the link between the psychos already been cemented, from the man with the rubber truncheon down on the street, up to the man with the law books high in the seat of government?

All that CRC asked for was an open hearing and a frank investigation of the Salcido case. All that Henry Wallace asked for recently was a frank discussion between the United States and Russia to settle their differences.

I ask you to note what the New York Journal of Commerce said the other day about the refusal of our government to sit down to a conference with the Russians. The Journal said:

"The net practical effect of the rejection of the Russian suggestion (for a meeting) is that military and related spending will be sustained at the present very high level. For were a conference with the Russians to be held, there would be the possibility that it would lead to sufficient agreement to open the way for some reduction in these expenditures. This would have deflationary implications."

That's fancy language for saying that there was a fear that the conference might lead to a certain degree of understanding. And understanding in turn would lead to less expenditure for military purposes. And that in turn would mean lower prices.

In other words it might lead to your pocket not being picked to the tune of $662 a year as it is being picked at the present time.

Now you see why the big guns of Operation Moscow were wheeled into the Salcido case. Now you understand why the organ of the Police Protective League brought in the name of Henry Wallace. The little Fascists are seeking the protection of the big ones. And the big ones are about to ask the co-operation of the little ones. The noose is being drawn from above and below. And it is your neck that is in the noose.

Oh, America, the hour is advancing. If you cannot get rid of your psychopaths and your reactionaries and find justice for all, including Salcido, what hope is there for this nation? What hope is there for the world?

POSTSCRIPT

JULY 14, 1948

INJUSTICE FOR SALCIDO

"The defendant will be found not guilty."

How could these words be pronounced in the Keyes case in a court where each and every day the session was opened with the phrase "liberty and justice for all?"

But it was done. In Judge C. C. McDonald's court too, the court of a man who is known around the Hall of Justice as a "convictor". A man who hands out severe sentences. I myself heard him in case after case give the limit allowed under the law. And in one such case where counsel made a truly touching plea for his client, the judge brushed aside the idea of weak-kneed mercy with the comment: "Life must be made safe for the people in the community."

This time, however, the "convictor" failed to convict. This time he failed to be concerned about the safety of the community. This time, of course, the community happened to be largely a Mexican one. And this time the offender wasn't just any old body. This time the offender was a police officer. And justice, peeping through her blindfold, threw a couple of phoney weights into her rusty scales.

It's up to the reader's imagination to devise what Judge McDonald would have decided had the case been reversed, and a Mexican boy had pumped bullet after bullet through the head of a police officer. I have my opinion.

Until the judge handed down his amazing verdict most of us who were watching the trial had the impression that Deputy District Attorney Broker was putting up a good fight for the conviction of Keyes. His most important witness had been Russell Camp of the Police Scientific Investigation Bureau. Camp surprised everyone by showing that not only had Keyes fired five shots, but Sanchez too had fired some shots, and that at least the bullet found in Salcido's hand came from Sanchez' gun.

Camp described blotting paper tests with both guns to determine the spread of powder flecks from each weapon, and declared that the tests showed that the wound on Salcido's face below the ear had come from a weapon not over thirty inches away at the time of discharge.

Yes, it seemed Broker was in there fighting a good fight. But Joseph Scott, counsel for Keyes, never worried. And Keyes sat there and seemed as calm as you please. As the evidence against him mounted, he showed no discomfiture and didn't object that his counsel was putting up no fight at all for him. From the very start Keyes had seemed confident of the outcome. He made no objection when his counsel casually waived a jury trial. Yet to outsiders a hung jury seemed his only possible hope to escape the law.
And even when the People rested Joseph Scott still did not put on any defense. He rose to ask for a dismissal of the case. The judge countered that he didn’t like to decide cases on technicalities and would prefer to hand down a verdict.

Scott said: “The defense rests,” and thus surrendered the matter cheerfully to the mercies of the “convictor”.

In a voice of annoyance that at times rose to exasperation Judge McDonald turned upon District Attorney Broker and demanded to know how he, the judge, was expected to convict a man for the crime of manslaughter when there was no evidence in the record to show that the gun tested by Russel Camp of the Police Scientific Investigation Bureau was really Keyes’ gun. Furthermore how could he convict a man when the only witness to the affair had seen nothing but the last shot. With the defendant presumed to be innocent, according to law, the presumption would be that the last shot was not the fatal one.

Broker sat there as if slugged. His face turned a deeper purple than usual as if he had been lashed with a horsewhip. Why on that basis if two men each stab a man so that he dies neither can be charged with murder since no one can say exactly who delivered the fatal stab. Broker interposed an objection but the judge brushed it aside.

Around the courtroom a flabbergasted audience was asking itself now why Broker had failed to introduce the murder weapon into the case. They were wondering why the district attorney had failed to connect the murder weapon with Keyes. They were amazed to realize that the People had not put on record the transcript of the coroner’s inquest where Keyes had admitted firing five shots at Salcido.

There was a smell of treason and conspiracy in that courtroom and the audience has not yet stopped wondering whether Broker was merely negligent in preparing his case, or was he a stumblebum of a lawyer who wasn’t equal to such a job? Or perhaps he was in on the scheme from the start, and somehow induced to take a dive so as to get Keyes off the hook? Was the whole trial just a judicial show, put on to deceive the thousands who have followed the case with interest and concern?

And the judge? The audience is still wondering whence came his irritation. Was he annoyed at being forced into a spot where a strictly “judicial” attitude compelled him to find Keyes “not guilty”? Was he the innocent victim of a conspiracy hatched in the district attorney’s office?

On the other hand after having hit upon the loophole of the gun possibly not belonging to Keyes, and the last shot perhaps not being the fatal one, why did the judge go on to add a further reason for his verdict, a reason that utterly distorted the testimony of Gallegos, presenting him as saying that Keyes had been in front of Gallegos when firing the last shot at Salcido? Gallegos had never said anything of the sort. Not even remotely.

Broker stood up as if in a nightmare. Such an outrageous distortion of the replies of his main witness seemingly left him at a loss for words. He objected in halting language. And the judge, by this time approaching a state of rage, overwhelmed him with a torrent of words.

For the “convictor” no witness brought forward by the prosecution was satisfactory. Officer Camp, “queered himself right from the start,” the judge declared. As for Gallegos he was “suspicious.” And this “impartial” justice referred to him constantly as the “marihuana witness.”

Actually Gallegos was still on trial, for the second time, and this time the number of cops who testified against him was nine instead of four. And did the jury convict him? No. It preferred the word of one Mexican-American to nine Los Angeles Police Officers. These twelve American citizens brought in a verdict of NOT GUILTY for the man whom a judge on the bench referred to contemptuously as the “marihuana witness.” This “convictor” who was so determined to grant a cop the presumption of innocence had no such sensitive scruples when it came to Gallego. But the jury didn’t think him suspicious. And they didn’t believe he had marihuana on him.

I tried to have a word with Judge McDonald but he turned aside all questions with the remark: “It’s in the record.”

I tried also to get Broker to say something about the strange fiasco. But like those gangsters in the movies who remain true to their code and who die refusing to squeal, Broker wouldn’t talk. With four inches of blade still sticking in his ribs he was not going to betray judicial conspiracy. “I gave the case all I had,” he said, “It’s over now. Finished.” Obviously his all wasn’t much. The cheapest pulp mystery story writer would not have failed to introduce the murder weapon and link it to the murderer.

Finished. Yes, Keyes walked out, free, and more than ever entitled to believe that the season on Mexicans is never closed.

Yes. Finished.

Or perhaps only begun. For this is still the United States. Here the Constitution still gives us the right of assembly, the right of free press, the right of free speech. Here the people rule and they can yet make what they please out of the Keyes case.

There can still be justice for Salcido.

All it takes is us—

THE PEOPLE
Join Support

THE CIVIL RIGHTS CONGRESS

The Civil Rights Congress has, as one of its major objectives in the fight for civil liberties, the protection of the rights of minorities.

It has been the efforts not only of this organization and its members however, that brought to the forefront the facts in the Salcido case. It was the actions of an aroused and indignant community; the valiant efforts of hundreds of people and organizations joining in delegations, in the collection of signatures to petitions, in the sending of protests, that has successfully turned the spotlight on those responsible for the increased police brutality against minority groups.

While the defense of civil rights today is many-sided, the minority groups, such as the Mexican-Americans and Negroes are bearing more than their share of violations of their civil liberties, and thus are among the first to need the continued support and assistance of a defense organization such as the Civil Rights Congress.

It is urgent that all people who are anxious to put an end to police brutality—who want to HELP KEEP AMERICA FREE, act now!

To successfully bring the issues before the community and to provide adequate defense, money for bail, for competent legal assistance, for the printing and distribution of factual material, the holding of public meetings and much more is urgently needed.

JOIN THE CIVIL RIGHTS CONGRESS OF LOS ANGELES.
CONTRIBUTE—HELP DEFRAY THE EXPENSES OF THE SALCIDO CASE AND OTHERS.

CIVIL RIGHTS CONGRESS OF LOS ANGELES
307 South Hill Street, Los Angeles 13, Calif.

Please send me details of CRC membership and how I can become active in my community.

I am enclosing $................ as a contribution to the work of the Civil Rights Congress.

NAME

ADDRESS

CITY ............... ZONE ............... STATE