# Brown Lives Matter: Race and Justice in Los Angeles, 1946

*Donald Newton*

Shortly after midnight on July 20, 1946, the East Los Angeles Sheriff Substation received a call from Donald F. Kennedy regarding a suspected prowler at the residence of Hugh T. McPherson on Ferguson Drive. A car was dispatched to investigate and two deputies arrived at the scene.[1] The *Los Angeles Times* reported that Deputy Kelly accompanied Mr. Kennedy to the rear of the property and Deputy H.H. Hodges remained by an open window on the side of the house adjacent to a vacant lot. Hodges saw someone appear feet first coming out of the window. Once he made his way out, the deputy ordered him to halt but he turned his back and began to run. The deputy opened fire, killing him with a single shot through the heart.[2] After the coroner's inquest, the *Los Angeles Times* reported that Eugene Montenegro was a thirteen-year-old boy from the neighborhood, "who went down yelling: 'Don't shoot.'"[3] The coroner's jury ruled that Deputy Hodges' actions constituted justifiable homicide.[4]

This article describes how minority populations in Los Angeles fought for civil rights and equal representation eight years before the civil rights era began with the historic ruling of *Brown v. Board of Education*. Without the newly established Civil Rights Congress (CRC) in 1946, this case would have disappeared after the conclusion of the coroner's inquest. The CRC represented

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[1] Report on the Montenegro Shooting Submitted to its Members and Fellow Organizations by the Civil Rights Congress, August 23,1946, Box 3, Folder 11, Civil Rights Congress Collection, Southern California Library for Social Studies and Research, Los Angeles, CA. (hereafter the CRC papers); see also: Inquest Clears Officer as Boy's Mother Rages," *Los Angeles Times* (Los Angeles, CA), July 24, 1946.

[2] "Report on the Montenegro Shooting Submitted," the CRC papers.

[3] "Inquest Set Today on Boy Slaying," *Los Angeles Times,* July 23, 1946.

[4] Ian Haney-López, *Racism on Trial: The Chicano Fight for Justice* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2003), 94. Haney-López indicates that the coroner's jury were selected as the Grand jury that "routinely nominated their friends and neighbors."

underprivileged minorities with legal counsel and was actively engaged in disputes over police violence. My legal-historical approach examines the Los Angeles County Deputy Coroner's practice of protecting the County Sheriff's deputies by suppressing witness testimony. The Montenegro case demonstrates how law enforcement was able to continue illegal activities unchecked because of collusion between the coroner and the Sheriff's Department.

My research was inspired by a historian's brief mention of the Montenegro killing as one example of law enforcement's attitude about taking the lives of Mexican Americans. Others have established that racial profiling was involved in local policing and that "most policemen were white and came from working-class backgrounds that had fostered the belief of racial supremacy."[5] The Montenegro case demonstrates that the deputy, the Office of the County Sheriff, and the Coroner's Office ignored the law in police shootings because of their racial bias privileging white officers.

**Los Angeles Race Relations**

The legacy of racial conflict in a segregated Los Angeles dates back to 1848, between the arriving Anglo-Americans from the east and established Mexican American communities. From this ominous start, the city has experienced a long history of race conflicts such as the Chinese massacre of 1871, the mass deportations of Mexicans in 1929, and the Japanese internment in 1942. By World War II, Los Angeles became the leading city on the west coast for military production. This created a large demand for labor, resulting in competition between whites, African Americans, and Mexican Americans for these well-paying jobs. These conditions raised tensions over "housing shortages, crime, and the overall social disorder generated by the expansion of Southern California war production."[6] Race relations between the

[5] Martin J. Schiesl and Mark M. Dodge, *City of Promise: Race & Historical Change in Los Angeles* (Claremont, CA: Regina Books, 2006), 138.
[6] Zaragosa Vargas, *Labor Rights Are Civil Rights: Mexican American Workers in Twentieth-century America. Politics and Society in Twentieth-century America* (Princeton, NJ: Princeton University Press, 2005), 224.

white police force and the Mexican American community became increasingly strained.

On the night of August 2, 1942, José Díaz was found dead and the police arrested twenty-two members of the 38th street gang on charges of murder.[7] During the trial, Police Captain Ed Duran Ayres said Mexican Americans were a violent danger to the community and stated the suspects "were descended from the Aztecs, who sacrificed 30,000 victims a day."[8] The judge allowed this discriminatory racial tone to continue throughout the proceedings. Three of the defendants were found guilty of first-degree murder and nine were convicted of second-degree murder. Within months of their convictions, the "Sleepy Lagoon" defense committee was organized by activists to represent the defendants. The Court of Appeals found the trial judge biased and unfair, ruling that he admitted prejudicial evidence against the defendants and overturned the convictions.[9] The defendants were released two years later for a crime they did not commit.

When white sailors made accusations of being attacked by *Pachucos* (young Mexican Americans) on the night of June 3, 1943, they formed a mob to seek revenge on Zoot Suiters.[10] During the attack, the mob began to target all Mexican and Mexican Americans, making race the main factor for the attacks. The city police witnessed the racial violence by the sailors



Fig. 1. A scene from the Zoot Suit Riots in Los Angeles, June 1943. (Library of Congress).

[7] Ricardo Romo, *East Los Angeles: History of a Barrio* (Austin, TX: University of Texas Press, 1983), 166.
[8] Rodolfo Acuña, *Occupied America: A History of Chicanos* (New York, NY: Harper & Row, 1988), 248.
[9] Acuña, *Occupied America,* 250.
[10] Lewis H. Carlson, and George A. Colburn, *In Their Place: White America Defines Her Minorities, 1850-1950* (New York: Wiley, 1972), 144. Carlson identifies the members of the Mexican American sub-culture as Pachucos.

but did not intervene.[11] The victims were beaten, and their clothes were removed in clear view of the public. In days, the violence spread to the eastern sections of the city as an "all-out assault on Mexican American youths sanctioned by the Los Angeles Police Department (LAPD)."[12] City officials did not call on law enforcement to take action against the disturbances until the Mexican government put pressure on the State Department in Washington.[13]

On June 10, 1943, in a telephone conversation, Los Angeles Mayor Fletcher Bowron defended the LAPD's actions arguing that Mexican Americans "all look alike to us, regardless of their color and length of their coats."[14] This tells us rioters and police officers acted jointly and, more importantly, that the police sanctioned these racialized assaults. By July 1944, Chairman B.O. Miller stated his intentions were "to seek out the causes of racial tensions and to eliminate those causes. To devise all possible means for the prevention of racial conflict."[15] Although Miller's statement and efforts were warranted, they were ineffective. An oral interview indicated that "police harassment of the community continued throughout the war years."[16]

In less than two years after Miller's statement, African American Oliver Gilmore was shot to death by LAPD Officer O.H. Tucker while attempting to flee a suspected crime. Tucker's actions were deemed a justifiable homicide by the coroner's jury on

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[11] Carlson, *In Their Place,* 144. Carlson identifies the members of the Mexican American sub-culture as Pachucos.

[12] Mauricio Mazón, *The Zoot-suit Riots: The Psychology of Symbolic Annihilation* (Austin, TX: University of Texas Press, 1984), 21.

[13] Romo, *East Los Angeles*, 167.

[14] "Issue not Race Discrimination, Mayor Declares," *Los Angeles Times*, June 10, 1943.

[15] Chairman B.O. Miller, Executive Secretary Gleason, in the Roster of Members, Committee for Interracial Progress, Los Angeles County, July 15, 1944, Box 252, Folder 2, John Randolph Hayes Papers, Special Collections, University of California Los Angeles.

[16] Norma A. Alvarado, A Mexican American was Elected to the Los Angeles City Council, Dec. 1978, Box 40, Folder 4-5, David L. Clark Los Angeles oral histories collection 1974-1982. Special Collections, University of California Los Angeles.

December 11, 1945.[17] Tucker then spotted two alleged purse snatchers in an alley on February 26, 1946. He identified himself, there was a confrontation that resulted in the death of eighteen-year-old Gilbert C. Reyes and twenty-year-old Pascual Barrios. Tucker had now killed seven people in his twelve years of service on the force.[18] For the trigger-happy officer, the coroner's inquest was held by an eight-men, all-white jury that "declared that there was no evidence of criminal blame against the officers."[19] On March 6, Officer O.H. Tucker "received a bravery commendation from the coroner's jury which termed his actions 'justifiable homicide.'"[20] The coroner's jury also declared justifiable homicide in the killing of Antonio Villa Lozano, an alleged bandit by Policeman P.E. McNab just two weeks before the Gilmore death.[21] As for the victims with no representation, these cases were uncontested and forgotten.

Eugene Montenegro was an active member of the community, involved in sports, and an honor student at the local Catholic school. During his final summer, he was employed part-time at his father's company.[22] A deputy sheriff at the scene of the events told a neighbor who was inquiring about what happened, "Nothing- we shot a Mexican."[23] The normal harassment and violence that law enforcement inflicted on the Mexican American community now extended to include murder.

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[17] "Jury Justifies Killing Suspect," *Los Angeles Times*, Dec. 12, 1945.
[18] "Officer Who Killed Two Wins Jury Praise," *Los Angeles Times*, Mar. 6. 1946.
[19] Josh Sides, "'You Understand My Condition,' The Civil Rights Congress in the Los Angeles African-American Community, 1946-1952," *Pacific Historical Review* 67, no. 2 (1998): 247. See also the Los Angeles Sentinel, Sept. 16, 1948.
[20] "Officer Who Killed Two Wins Jury Praise," *Los Angeles Times*, Mar. 6, 1945.
[21] "Policeman's Shot Held Justifiable," *Los Angeles Times*, Dec. 28, 1945.
[22] "Officer Who Killed Two Wins Jury Praise," *Los Angeles Times*.
[23] "Policeman's Shot Held Justifiable," *Los Angeles Times* (Los Angeles, CA), Dec. 28, 1945.

**The Coroner's Inquest**

On July 23, the Los Angeles County Coroner's Register entered Eugene C. Montenegro's cause of death as a "hemorrhage due to a gunshot wound of the chest, which was found to have been inflicted by a .38 caliber revolver in the hands of Deputy Sheriff H.H. Hodges at 6037 Ferguson Drive."[24] Mr. and Mrs. Montenegro were informed the inquest would not be scheduled until mid-week and that arrangements had been made for an attorney to be present on their behalf. Then they received a subpoena late Monday night to appear the next morning, leaving no time to meet with the lawyer.[25]

The jury convened with Deputy Coroner Frank R. Montford presiding with a short list of witnesses. The courtroom's packed audience consisted of family members, neighbors, and the press. The deputy called Mrs. Montenegro to the stand. After being sworn in, she confirmed the identity of her son's body in the adjoining room. She was able to control her emotions and answer a question about the pullover sweater Eugene was wearing on the night of the murder. She then began to weep, looked around the room and in a violent outburst shouted, "I would like to know who the dirty yellow coward was that shot my boy?"[26] The courtroom attendants promptly seized her and escorted her out of the room instead of allowing Mrs. Montenegro time to regain her composure and warn her about her conduct. The coroner did not ask the jury if they had any further questions for the mother and offered no objection to her being excluded from the proceedings.



Fig. 2. Grieving Mother Lashes at Deputies, *Los Angeles Times*, 24 July 1946.

[24] Los Angeles County Coroner's Register, July 23, 1946, Los Angeles County Medical Examiner-Coroners Achieve. Los Angeles California.
[25] Guy Endore, The Montenegro Case, A Study of the Coroner's Inquest, 1946, Box 1, Folder 2, Guy Endore Papers 1925-1970, Special Collections, University of California Los Angeles, 5, (hereafter the Endore papers).
[26] Endore, The Montenegro Case, Endore papers, 4.

The next witness, Mr. Kennedy, testified that he knew the McPherson's were out of town when he noticed the lights turning on and off in the house. He talked with his wife and told her he was going to investigate. He then testified that he peeked through the southwest window and saw a young rangy-built man with a dark complexion in the northeast bedroom. Kennedy could not determine the color of the jacket he was wearing and said that the individual was about seventeen or eighteen-years-old and appeared to be five-feet-eleven.[27] Mrs. Montenegro would have testified to the height of her son, but since she was no longer present in the courtroom, the jury was left to believe that the dead boy fit the physical description. Additionally, the deputy coroner or any one of the jurors could have asked for clarification of the boy's height, size, and age since this was vital information, but chose not to do so. If these specifics had been addressed, the evidence about the boy's actual height would have likely dismissed the claims against Eugene.

Another problem with Kennedy's testimony pertains to the clothes the alleged suspect was wearing. Kennedy testified that the person he saw was wearing a jacket when "Mrs. Montenegro had testified that Eugene was wearing a pullover sweater."[28] The coroner did not question this discrepancy or ask Kennedy if he was able to see diagonally into the house from the southwest to the northeast bedroom without a problem. Instead, the coroner then asked if the lights were on in the front of the house, to which he answered: "no, they were not."[29] The coroner was misleading the jury by avoiding the physical description of the suspect and instead asking whether any lights were on in front of the house. If someone was thinking about the pullover sweater when hearing about the jacket they would now be focused on the exterior lights on the house. Kennedy had previously said only one light was on inside the house, which had caught his attention to go over there in the first place.

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[27] Endore criticizes the jury since the jurors did not open their "mouths during the entire proceedings, they all agreed like so many sheep." See Endore. The Montenegro Case, Endore papers.
[28] Endore, The Montenegro Case, Endore papers draft, 8.
[29] Endore, The Montenegro Case, Endore papers draft, 8.

After this, Mr. Kennedy testified that the radio car arrived in front of his house and conversed with the deputies before going to the McPherson house. This was unusual as typically when a call is received about a prowler, it is the officer's duty to proceed immediately to the location and apprehend the criminal.[30] Kennedy reported he accompanied the two deputies armed with revolvers, as they surrounded the house and yelled, "Okay, it's all up," and "Come out." The coroner asked about the location of Hodges when Kennedy escorted Deputy Kelly to the rear of the house,

> A: On the east side of the house.
> Q: What did you observe immediately after that?
> A: Well, it was just a few minutes when I heard this crash and I heard Officer Hodges holler "Halt or I'll shoot."

Next, he added that he heard a shot and then the boy yelled 'Don't shoot, don't shoot,' quite a few times. Kennedy testified that he had seen the five-feet-eleven rangy-built man through the window and heard the boy's voice but did not witness the shooting. When he arrived at the scene, he witnessed the boy on the floor. Kennedy testified that he saw the boy dying. This is a major discrepancy because "the man in the house is not necessarily the boy dying on the ground outside unless there is evidence to prove it."[31]

Without questioning the witness about hearing a boy's voice rather than a man's voice, the coroner then asked Kennedy about witnessing anything in the boy's possession. Kennedy responded "I never looked at his hands at all. The first thing I saw was where he was hit, and he was dying then." Recalling the event had distressed the witness and after a few questions about any possible possessions from the house, the coroner returned to a potential weapon in the boy's hands since he was determined to clear the deputy sheriff for a wrongful death. Next, he was asked if he saw anything in the hands of the deceased. Finally, Kennedy understood the hint and answered "that's right, all I seen was the knife laying

[30] Endore, The Montenegro Case, Endore papers, 25.
[31] Endore, The Montenegro Case, Endore papers, 14-15.

underneath his hand, I noticed that."[32] Even though the witness had just testified that he had never looked at his hands at all.

At this point, it is crucial to remember that the Montenegros were deceived by the coroner's office about advancing the inquest date. If they had known when these proceedings were scheduled to take place, they could have had an attorney present who would have questioned the witness about his previous testimony. Instead, the coroner continued unchallenged with his line of questions when he asked about the kind of knife Kennedy saw. Kennedy responded, that it looked like a pocket knife. Then the coroner asked, whether it was near the right or left hand? The witness responded, "near his left hand as I recall."[33] With the mother excluded as a witness and the coroner not calling the father to replace her, it was never entered into the record that Eugene was right-handed. This one-sided and clearly problematic testimony was a method to suppress evidence.[34] These efforts continued when Kennedy's wife was called to the witness stand.

After confirming her husband's testimony of the events leading to when the deputies arrived, Virginia Lee Kennedy stated that she saw a person jumping out of the window. She added that she heard 'don't shoot, don't shoot' and referred to the boy as a kid since she heard his voice. She then reversed her testimony and revealed that the shot came first and then the hollering. Next, the coroner asked if she could see the victim running after he presumably left the window. She answers, "yes, I'm sure." Then the coroner asked if she could tell whether the officer was running or standing still. Mrs. Kennedy indicates that "no, he was in the shadow of the house and I couldn't see that."[35] Mrs. Kennedy stated she could see the victim

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[32] Endore had witnessed at the inquest that the visitors were agreeing with one another and described the jurors "as eight decrepit and disinterested old men apparently specially selected for the case." See Endore, The Montenegro Case, Endore papers, 4, 15-16.

[33] Endore, The Montenegro Case, Endore papers, 16.

[34] Melanie D. Wilson. "ANTI-JUSTICE." *Tennessee Law Review* 81, Summer (2014), 730.

[35] Endore consulting with a heart specialist who reviewed the autopsy assured him that "ninty-nine out of a hundred that death came so quickly to this boy that he was incapable of so much as an outcry or 'holler' much less any coherent speech." See Endore, The Montenegro Case, Endore papers, 18, 33.

running and not the deputy, even though they were both on the east side and both were in the shadow of the house. The coroner continued with a series of meaningless questions, then suddenly he asked,

> Q: Do you recall having given Mrs. McPherson some children's underclothing some time ago?
> A: Yes, I did.
> Q: How long ago?
> A: A couple of years ago.
> Q: What was the underclothing?
> A: Well, I have given them most everything, underwear, shorts, and slips.[36]

How did the coroner know that Mrs. Kennedy had given Mrs. McPherson the underclothing? The coroner's inquest is held to uncover the facts, but here the questioning and the testimony had been prepared and rehearsed to benefit Hodges defense.

Next, Deputy Hodges was sworn in, and he confirmed the events leading up to the point when he separated from Deputy Kelly and Mr. Kennedy and was alone on the southeast corner of the house facing north. Hodges testified that he observed the window opening and the screen being lifted from the inside of the house. He claimed he focused his flashlight on the left hand of the man coming out of the window and saw a knife in his hand. The coroner then asked, "what was the position of the victim at that time?" Hodges answered "the victim had both feet out of the window and he was holding the screen with his right hand." If this statement was accurate, this was a boy of thirteen, holding the screen open and about four feet from the ground outside, putting the boy in an extremely vulnerable position to be apprehended by the deputy. The next question continued about the suspect facing the outside or inside of the house. The deputy answered he was "facing the outside." If the boy was facing the outside, how could the beam of the light hit the left hand, since a body would have been between the light and the boy's left hand. The right hand

[36] Endore, The Montenegro Case, Endore papers, 18.

would have been the visible hand since the deputy was at the southeast corner looking north. What is most glaringly obvious is that the boy's feet were hanging over the window ledge while his hands were occupied. Hodges claimed he was unable to apprehend the suspect, that he was six feet away and unable to strike the suspect's hand with his flashlight to knock the knife loose. What is most significant about this testimony is that the coroner did not ask any questions about the deputy's inability to apprehend the suspect.[37]

Hodges continued his story, that he told the suspect to "drop that knife and stay where you are, or I'll shoot, and the victim didn't heed the warning and dropped to the ground. As he hit the dirt, he seemed to pivot toward me and swung the knife toward me and I said, 'Halt or I'll shoot.'" If this was true and the suspect had swung the knife toward him, this would have been a life-threatening moment, and the officer would have been in the position to shoot. The coroner did not even broach this subject. The deputy continued and said the suspect "then started to run in a northeasterly direction and I hollered, 'Halt or I'll shoot,' I had my gun in my right hand at all times from the time I started running toward the window." Then Hodges testified that "he did not halt at my last command and I just held the gun in his general direction and pulled the trigger." In comparison, Mrs. Kennedy testified that she could not see Deputy Hodges since he was in the shadow of the house. Hodges stated that he shot in the general direction of the suspect. While this might be true, no matter what, the deputy discharged his weapon in the dark, without any clear sight of his target. It is most likely that Eugene was in the backyard, witnessing the events when the actual suspect ran past him when the boy received the fatal shot. After a few questions about what direction and speed the boy was running, the coroner asked if he could tell about how tall the suspect was. Hodges responded, "my impression was he was about 5'10", a big man, and I seemed to get the impression he was nineteen or twenty years old. There was something remained in my mind of [him] having whiskers or needing a shave." In contrast, Eugene was a thirteen-year-old boy

[37] Endore, The Montenegro Case, Endore papers, 29-30.

that was five-feet-three. Continuing with his statement, Hodges stated he approached the suspect and witnessed him on the ground, face down with his arms outstretched. Hodges further continued that, "right after I got there Deputy Kelly came up and the victim rolled over then and said, 'Don't shoot me.' Deputy Kelly said to him, was there anybody else in there? And he made no response to that and I said to Kelly, this man is badly hit you better call an ambulance." Hodges stepped down from the witness stand and Mr. Sanchez was sworn in.[38]

Sanchez testified that he had left the knife at the Montenegro house during the Fourth of July celebration. He stated that he knew the Montenegros for twenty years and Eugene since he was born. The coroner asked if he knew anything about the circumstances of the shooting and Sanchez stated no, then the witness stepped down.[39] While Sanchez was on the witness stand, the coroner had the opportunity to clarify Eugene's height and whether or not the boy had facial hair. This coroner had breached his legal and ethical obligations by not asking the questions that would have established key facts of the case.[40] Instead, they focused on the knife as a deadly weapon to justify the shooting. The inquest came to a close by reading the autopsy report. Eugene was not 5'11'' and also did not represent a deadly threat since he was running away. In other words, this shooting should have never occurred. Normally this case would have ended here since the civil rights organizations in Los Angeles made excuses to not represent Mexican Americans when it involved law enforcement prior to 1946.

[38] Endore, The Montenegro Case, Endore papers, 30-32.
[39] Endore, The Montenegro Case, Endore papers, 36.
[40] Melanie D. Wilson, "ANTI-JUSTICE," 732.

**Civil Rights Congress Fights for Equality**

Local newspaper coverage of the case publicized the story, and the newly established Los Angeles chapter of the CRC decided to start an investigation.[41] The Civil Rights Congress has been virtually ignored by today's historians of the civil rights era. This organization led the fight against police violence by providing legal resources to augment the American Civil Liberty Union (ACLU) which was the leading civil rights legal advocacy organization at the time. The National Association for the Advancement of Colored People (NAACP) was overwhelmed with the surge of racial conflicts that arose with the wartime migration of southern blacks into Los Angeles and other urban centers.[42] The CRC was not like the ACLU, which took legal action, and the NAACP, which relied on press coverage. Instead, the CRC was made up of activists who were uncompromising and "outspoken, aggressive, and critical of any signs of what they perceived to be an accommodation to repressive American institutions."[43] Their method was to bring public attention to the case in order to publicly expose the coroner's attempt to whitewash the case. Arriving in the victim's neighborhood, a former CRC activist recalled that they would "set up a committee around his community, preferably around his house, with his family involved."[44] This committee would accompany organization members to all public meetings and court dates to demonstrate they had the support of the neighborhood. They gathered at rallies, passed out flyers, and developed strategies to put public pressure on the Sheriff and District Attorney (DA) in matters they tried to keep silent.

The CRC sent letters to fellow organizations to attend a meeting at the sheriff's office on July 29. They expressed sympathy towards Eugene's parents, emphasizing the importance of clearing the boy's name, and sought to prevent similar tragedies from

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[41] Anne Shore, Executive Director, a letter to Foreman of Los Angeles County Grand Jury, 1946, Box 252, Folder 2, John Randolph Hayes Papers 1890-1937, Special Collections University of California Los Angeles.
[42] Sides, "You Understand My Condition," 239.
[43] Sides, "You Understand My Condition," 251.
[44] Sides, "You Understand My Condition," 245. The author's interview with Emil Freed in 1982.

reoccurring.[45] A CRC statement demanded that the sheriff make a prompt investigation into the shooting and release the report to the public. They also demanded that Hodge's record be made public and to suspend him of his duties. The *LA Times* reported the day after the meeting that Sheriff Eugene Biscailuz told the delegation that he had already asked the DA to start an investigation.[46] The combined pressure of so many civil rights organizations had forced the Sheriff to reconsider and comply in front of the committee and newspaper reporters.

Soon the sheriff's office and the DA began receiving letters from organizations such as the San Fernando Valley Council on Race Relations demanding the immediate dismissal of Hodges from the department. The council told the DA that "whitewashing these crimes was no longer tolerable."[47] At this time, the departments involved had established a reputation for suppressing illegal conduct. Reaching out for support from its members, the CRC stated the death should arouse the citizens of Los Angeles to demand the Mayor's office, the City Council, and the Sheriff's Office to take immediate action. The "shoot-first-and-investigate-after" type of law enforcement had become a major concern to the citizens of Los Angeles.[48]

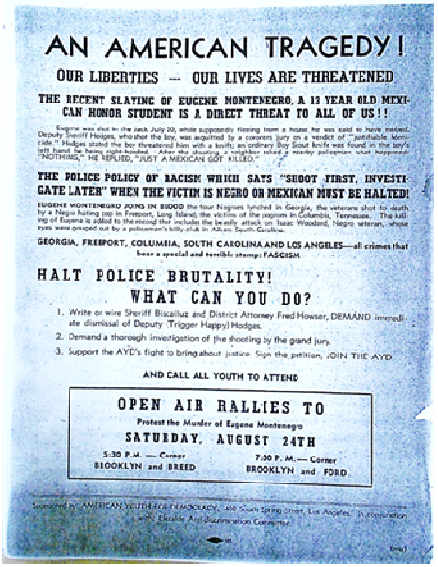
Two weeks after the inquest, the CRC released their analysis of the proceedings and were critical of the testimonies. Two witnesses saw a burglar. One witness identified the suspect to be seventeen or eighteen years old and about five-feet-ten or eleven in height. The second witness said the suspect was a big man, about twenty years old who needed a shave. Eugene Montenegro was five-feet-three, thirteen-years-old and never shaved in his life.[49] The CRC activist

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[45] Ruth M. Slade, Executive Secretary, a letter from the Civil Rights Congress to its members, July 25, 1946, Box 3, Folder 12, the CRC papers.
[46] "Inquiry Asked in Boy Slaying," *Los Angeles Times*, July 30, 1946.
[47] Walter A. McCleneghan of the San Fernando Valley Council on Race Relations, letter to the Sheriff's office and District Attorney August 9, 1946, Box 3, Folder 11, the CRC papers.
[48] Letter from the CRC to its Members and Fellow Organizations, 1946, Box 3, Folder 12, the CRC papers.
[49] The CRC activist asked questions to the public while handing out the flyers: was Eugene Montenegro, the honor student or the burglar? See Ruth M. Slade, Executive Secretary of the CRC, letter of the coroner's Inquest of Montenegro.

asked other questions: "is it possible for a Deputy Sheriff of Los Angeles County to shoot an innocent bystander and get away with it? Is the answer: yes, the victim must be of Mexican origin."[50] The deputy had been exonerated while the grief-stricken family of Eugene Montenegro bore the stigma of having their only son shot during a burglary.[51] Focusing on the witness's description of being taller, older, and needing a shave, they suggested there must have been another person present at the time of the shooting. Further, the idea that an honor student was maintaining a dual identity as a burglar was hard to believe. The organization had made Eugene Montenegro a household name and mobilized the community and now shifted to direct action with the Sheriff.

In a second meeting with Sheriff Biscailuz, the representatives of the delegation included the Montenegro family. The sheriff agreed to disclose the results of the investigation on August 9 and that proper actions would be taken against the deputy if warranted by conclusions of the report. Sheriff Biscailuz was pressured to conduct a prompt and impartial investigation into the case. The Sheriff agreed to the demands and expressed his personal regret for the tragedy.[52] The CRC responded, "we will not cease our activities until we have the assurance


AN AMERICAN TRAGEDY!

OUR LIBERTIES — OUR LIVES ARE THREATENED

THE RECENT SLAYING OF EUGENE MONTENEGRO, A 13 YEAR OLD MEXICAN HONOR STUDENT IS A DIRECT THREAT TO ALL OF US!!

Eugene was shot on the night July 20, while supposedly fleeing from a house he was said to have entered. Deputy Sheriff Hodges, who shot the boy, was acquitted by a coroners jury on a verdict of "justifiable homicide." Hodges stated the boy threatened him with a knife; an ordinary Boy Scout knife was found in the boy's left hand; he being right-handed. After the shooting a neighbor asked a nearby policeman what happened. "NOTHING," HE REPLIED, "JUST A MEXICAN GOT KILLED."

THE POLICE POLICY OF RACISM WHICH SAYS "SHOOT FIRST, INVESTIGATE LATER" WHEN THE VICTIM IS NEGRO OR MEXICAN MUST BE HALTED!

EUGENE MONTENEGRO JOINS IN BLOOD the four Negroes lynched in Georgia, the veterans shot for death by a Negro hating cop in Freeport, Long Island, the victims of the pogroms in Columbia, Tennessee. The killing of Eugene is added to the growing list which includes the brutal attack on Isaac Woodard, Negro veteran, whose eyes were gouged out by a policeman's billy club in Aiken, South Carolina.

GEORGIA, FREEPORT, COLUMBIA, SOUTH CAROLINA AND LOS ANGELES—all crimes that bear a special and terrible stamp: FASCISM.

HALT POLICE BRUTALITY!

WHAT CAN YOU DO?

1. Write or wire Sheriff Biscailuz and District Attorney Fred Howser, DEMAND immediate dismissal of Deputy (Trigger Happy) Hodges.
2. Demand a thorough investigation of the shooting by the grand jury.
3. Support the AYD's fight to bring about justice. Sign the petition, JOIN THE AYD.

AND CALL ALL YOUTH TO ATTEND

OPEN AIR RALLIES TO

Protest the Murder of Eugene Montenegro

SATURDAY, AUGUST 24TH

5:30 P.M. — Corner BROOKLYN and BREED

7:00 P.M.— Corner BROOKLYN and FORD

Sponsored by AMERICAN YOUTH FOR DEMOCRACY, 466 South Spring Street, Los Angeles, In cooperation with Eastside Anti-Discrimination Committee

Fig. 3. The American Youth for Democracy, August 1, 1946. Special Collections, University of California Los Angeles.

from staff, staff included the flyer with instructions, 1946, Box 3, Folder 12, the CRC papers.

[50] Slade, letter of Coroner's Inquest and flyer.

[51] Slade, letter of Coroner's Inquest and flyer.

[52] Letter from the Civil Rights Congress to its members, 1946, Box 3, Folder 12, the CRC papers.

that other mothers will not go through what Mrs. Montenegro is now going through."[53] On August 14, the Sheriff's office announced the report would be made public in five days at the Hall of Justice. The CRC urged all the civil rights organizations to attend the release on that day to seek justice for the Montenegro family.[54]

In a surprising reversal, Biscailuz announced the report would *not* be released to the public and he would not take action against Hodges. To add insult to injury, the sheriff "assured the delegation that [this type of case] only happens about once every ten years."[55] The DA assigned the case to investigator Harry Dean. He suggested to the Montenegro family that they did not know their own son and it was possible that he had hidden characteristics unknown to the family. When the CRC protested his approach, Dean called Mrs. Montenegro and told her it would be wise to refrain from releasing information about the case to anyone. When interviewing a neighbor Dean advised, "it would be better for the family if they dropped the case as quickly as possible."[56] This was either an indirect threat or warning of retaliation by the sheriffs. Dean mentioned to another neighbor that the boy probably had unlawful tendencies. Dean pre-judged Eugene due to his race and labeled him a criminal to protect the deputy in the investigation. During a fourth interview, Dean assured the neighbor that their conversation was off the record and "the family involved was Mexican, and the neighbor wasn't."[57] It was clear the DA was not conducting an impartial investigation as the Sheriff had pledged. The CRC responded by collecting signatures supporting petitions to Sheriff Biscailuz and DA Fred Howser,insisting on the immediate removal of Hodges from the department and to move the investigation to the

[53] Letter from the Civil Rights Congress to its members, the CRC papers.
[54] Ruth M. Slade, "Urgent, Urgent, Urgent" Letter from the to its Members and Fellow Organizations, August 14, 1946, Box 3, Folder 12, the CRC papers.
[55] Report on the Montenegro Shooting Submitted by the Civil Rights, Guy Endore Papers, 3.
[56] Report on the Montenegro Shooting Submitted by the Civil Rights Congress, 1946, Box 1, Folder 2, Guy Endore Papers 1925-1970, Special Collections, University of California Los Angeles.
[57] Report on the Montenegro Shooting, 3.

Grand Jury.[58] There was solidarity in the CRC coalition. At another organization's open-air rally, they protested "the police policy of racism which says, 'shoot first, investigate later' when the victim is Negro or Mexican must be halted!" and referred to the deputy sheriff as "Trigger Happy Hodges."[59]

A letter to the Grand Jury from the Montenegro family reminded them that the jurors had the power to overrule the verdict of the coroner's jury, who was white-washing the crime and labeling their son a criminal. They appealed to the court, stating there was more to the case than the unwarranted accusation of the coroner. By falsely accusing Eugene of being the burglar at the crime scene, they justified the deputy's shooting. They reminded the Grand Jury that they maintained the right to conduct a public hearing to investigate any matter that jeopardizes the general welfare of the public.[60] They hoped that the Grand Jury would expose the coroner's inquest as unjust and prove that the coroner was covering for Hodges.[61]

The Grand Jury reconvened after its summer recess on September 5 and reviewed the complaints from the DA's office, the CRC report, and the petitions. On October 1, 1946, the Grand Jury exonerated Deputy Sheriff H.H. Hodges for the fatal shooting of Eugene C. Montenegro. The foreman Charles A. Gault said that after consideration of all the evidence, the jury's decision was that the deputy actions were 'justifiable homicide.'[62] The youth was shot in the back after he fled from a home that he had ransacked and failed to comply with Hodges' command to halt. The deputy sheriff said that the boy jumped out of a window of the house with

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[58] Petition and Flyer. 1946, Box 3, Folder 11, the CRC papers, the organization scheduled a meeting at Casa Del Mexicano on Brooklyn Avenue which is known as Cesar Chavez today on August 29 to discuss their method of organization about the Grand Jury.

[59] An American Tragedy, flyer and meeting announcement, prepared by staff, The American Youth for Democracy, August 1946, Box 40, Folder 5, American Civil Liberties Union of Southern California records, ca. 1935-, Special Collections, University of California Los Angeles.

[60] Mr. and Mrs. E.C. Montenegro letter to the Grand Jury of Los Angeles, September 3, 1946, Box 3, Folder 12, the CRC papers.

[61] Mr. and Mrs. E.C. Montenegro letter to the Grand Jury, the CRC papers.

[62] "Deputy Clear in Boy's Death," *Los Angeles Times*, Oct 2, 1946.

a knife in his hand.[63] Continuing to seek justice, the Montenegro's filed a $100,000 civil suit for the wrongful death of their son against the County of Los Angeles.[64] There is no available evidence on what became of this civil case. In a letter to the CRC, Mrs. Montenegro thanked them and the community for all the support they had provided. The mother said Eugene's "case remains one of those unpunished miscarriages of justice, which dot the history of Los Angeles."[65]

**Conclusion**

The appeal in the Sleepy Lagoon case in 1944 provided evidence of racial corruption in the Los Angeles judicial system. Before the Eugene Montenegro case, others had fallen victim to the coroner covering up police officer's unjust actions including Oliver Gilmore, Antonio Villa Lozano, Gilbert C. Reyes, and Pascual Barrios. At the Montenegro inquest, the only two witnesses that described the suspect said that the man was five-feet-ten and needed a shave. Mr. Sanchez knew the Montenegro boy all his life and yet Deputy Coroner Montford did not ask him about the boy's height, age, or facial hair. The coroner did not ask the questions necessary to establish the facts of the case because his purpose was to exonerate Hodges. It is clear there was collusion between the coroner and sheriff. Under the pressure created by the CRC, Sheriff Biscailuz promised to disclose the results of the investigation, but then postponed the report and finally decided not to release the report at all. These actions of this elected official were incriminating. It is difficult to look beyond the fact that the DA Howser, investigator Dean, Sheriff Biscailuz, Deputy Coroner Montford, the coroner's jury, the witnesses at the crime scene and the deputies were all white. Everyone except the dead thirteen-year-old boy. In the Montenegro case, the coroner, DA and Grand Jury cleared the deputy from criminal prosecution. The CRC efforts to challenge the decision of the coroner's inquest was successful.

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[63] "Shooting by Officer Declared Justifiable," *Daily Sun* (San Bernardino, CA), Oct. 2, 1946.
[64] "Parents of Slain Boy Sue County," *Los Angeles Times*, Nov 12, 1946.
[65] Mrs. Anthonett Montenegro, Executive Secretary Ruth Marrow Slade letter to its Members, January 31, 1947, Box 3, Folder 11, the CRC papers.

Ultimately though, the DA's investigation was not released to the public and the Grand Jury exonerated Deputy Hodges. However, the CRC had established itself a threat to the continued collusion and corruption of the courts and the coroner with the police in Los Angeles. This mutual cooperation between two agencies plagued Los Angeles well into the twentieth century. Tensions between law enforcement and minorities still exist as unjustified police shootings continue to occur with frightening regularly, which has resulted in organized resistance such as the Black Lives Matter movement. We must hope that public awareness and activism will result in positive change for a future where thirteen-year-old minority children will be equally protected under the law.