

San Jose Community Newspaper

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255 East Williams Street, San Jose, Ca. 95126 Phone 998-9542



March set for Feb. 17

COMMUNITY DEMANDS ACTION

IN Trevino killing

1/2 ¢ Transit Tax on March 2 Ballot

Senior Citizens Speak Out...

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The meeting came in the wake of a two week effort to get the San Jose City Council to take action against the police violence which resulted in the fatal shooting of Danny Trevino, an unarmed Chicano man, on January 22. The City Council's failure to respond to community demands is just another in a series of acts which have left 5 Third World people killed by San Jose police in about as many years.

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On Tuesday night January 27, over 600 people from the Raza community packed the chambers of the San Jose City Council to demand justice and to protest the killing. A speaker representing the United Auto Workers told how he had been stopped by San Jose Police in front of his own home while getting into his own car and was treated like a criminal. "How can I make you (the Council) understand the fear that this killing has created among all Black and Chicano people," he said, "the fear that if you make any kind of unusual movement when you are stopped by the police you may be shot?"

A Black speaker recalled the John Henry Smith killing of a couple years ago, talked about the routine hassling of Third World people by the police, always justified afterwards because the police were only responding to "suspicious people" in a "suspicious car." While he was well dressed and soft spoken, his voice bore the weight of a lifetime of large and small tragedies, tragedies of being a Black person in this society.

Racism may be an ideology but more than anything it is actions, the stopping of cars driven by Black and Chicano people, the beating of Third World suspects by arresting officers, and, just often enough to keep us from forgetting what kind of a society we live in, a killing, the death of a Manuel Villa, a John Henry Smith, a Ralph Terry or a Danny Trevino.

The events which led up to the Trevino killing began around 1:30 a.m. on January 22, when Danny, who had been drunk for several hours, went to visit his girlfriend, Maria "Tiny" Duarte. Danny and Tiny had known each other for several years, but lately they had

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Trevino Killing (Cont.)

been having problems with their relationship. Danny and Tiny talked and argued for over an hour. Around 2:30 the argument became violent and Danny began hitting both Tiny and Tiny's aunt, Maria Galan, who had just returned to the home she and Tiny shared. The fight continued, and Tiny asked her friend, Helene Ochoa, who was also present, to call the police.

Helene Ochoa called the police, who were told that there was a fight in progress. In the meantime, Danny had stopped hitting Tiny, and the two had gone to Danny's car. They had started to drive away, but Danny was too drunk to drive, and the car had stopped at the corner, about 50 feet from Tiny and Maria's house. Danny and Tiny sat in the car for about twenty minutes, sometimes talking things out, sometimes just sitting, as Danny would lapse in and out of consciousness and mumble incoherently.

A little before 3:00, a single police car arrived at the residence of "Tiny" Duarte and Maria Galan. Maria pointed out Danny's car at the corner, and indicated that the fight was over and that Tiny and Danny were working things out. The officer said he wanted to see for himself, and he drove up to the corner to see. As he walked toward the car, he unstrapped the holster of his gun. He stood in the street near Danny's window and told Danny to get out of the car, but Danny was slumped unconscious against the steering wheel and did not move. Shortly, two more squad cars arrived.

What happened next will no doubt be the subject of newspaper reports, public hearings and official investigations for many months to come. The police claim that as Tiny started to get out of the car, Danny reached under the seat of the car as if for a gun, and then raised his arm as if to shoot at one of the officers. According to Tiny, however, Danny's right hand, which had been in his lap, slid off his lap and onto, not under the seat. Whatever did happen, two officers opened fire, and a second or two later Danny Trevino had been fatally wounded.

No one really knows just when Danny died. Witnesses saw him moving with his eyes open a few minutes after the shooting, but when the ambulance arrived, it took away the witnesses, not Danny. Danny's body was not removed until 4:30 a.m., almost an hour and a half after the shooting. After being given prescriptions for sedatives at Valley Medical Center, the witnesses were taken to the police station and put in separate rooms. Danny's family was not notified of his death until 10:00 a.m., seven hours after the incident.

Danny's father and two of his brothers are police officers in San Bernadino. The father, when he could talk, said that he was even angrier about the way the police had treated Danny after he ~~was shot~~ *was shot than about the fact that Danny had been shot in the first place.* "They left him there like a dog for a hour and a half." he said, "and they didn't even have the decency to call his wife until seven hours later. How can people do that, how can they do that?"

The Third World community of San Jose has responded to the death of Danny Trevino with tremendous intensity. Meetings have been held which have involved virtually every major Black and Chicano organization in the area. A press conference was called on January 23 to publicize the account of the killing given by the eyewitnesses (as opposed to the widely-reported police account) and to put forth a number of demands formulated by the community groups.

These demands were presented to the San Jose City Council on January 27 as hundreds of community people looked on. Three years ago, after the killing of John Henry Smith, similar demands had been presented to several of the same Council members, and nothing had been done. On January 27, although it was able, for the time being at least, to avoid action on the issues of jailing and prosecuting the two officers and of creating the citizen review board, the council finally responded to the pressure which a united community can bring to bear. It voted unanimously to urge an open





Community presents demands at Jan. 27 City Council meeting

photo: D. Landes

Community Demands

1. Jail the cops that killed Trevino and set bail at \$100,000 for each.
2. Have the District Attorney prosecute them for MURDER!
3. We want an independent investigation and access to evidence.
4. Payment of damages to Trevino's widow and children.
5. Independent autopsy and blood analysis.
6. Complete review of Police Training procedures.
7. We want an OPEN GRAND JURY HEARING.
8. S.J. City Council should seek removal of biased grand jury members who are former police officers!
9. We want establishment of a Citizens Police Review Board.

grand jury investigation and an independent investigation and autopsy, and it set up a committee composed of Council members and community representatives to continue to look into the Trevino-killing.

The committee created by the Council met almost every day and returned to the full Council on February 3 to report on their progress and to demand further action, including funding for the committee's continued operation. The council refused to act on any of the committee's requests. City officials have held back information on the killing and done their best to co-opt the committee and neutralize its impact. Finally, on Friday, February 6, the community representatives left this special committee when it became clear the city wouldn't come up with \$17,500 needed for an independent investigation of the killing. "We're leaving to intensify our work. Our energies will be devoted to working in the community," said Jose Villa, member of the committee.

Community groups remain united and are going ahead with plans to press for implementation of the demands not met by the City Council. At the mass meeting on Friday, February 6, people strongly approved plans for a massive march on City Hall on the 17th and weekly demonstrations at City Council meetings.

There are many problems ahead in the Trevino case. One of the biggest problems is that the District Attorney's office, which would normally handle the prosecution of the officers, probably has no intention of bringing the officers to justice. Chief Assistant D.A. William Hoffman, who has been a personal friend of Lt. Edwards for over twenty years, appears to have already concluded that the officers are not guilty of murder, and apart from Hoffman's personal bias, the need for the District Attorney's office to maintain a cooperative ongoing relationship with the San Jose Police Department makes it quite doubtful that anything will be done which might seriously antagonize the Department or its members.

Another potential problem concerns the proposed open grand jury hearings. While such hearings are authorized by Section 939.1

Continued on p 10

IF YOU GET STOPPED IN YOUR CAR BY THE COPS

1. Get your drivers license and your car registration ready, and get out of the car ready to hand the cop both items. The cop can legally require you to identify yourself and prove that the car is not stolen.
2. The cops will expect you to account for your presence. Get your story ready, even before you've stopped.
3. The cops are legally allowed to pat you down for weapons, even if you are not under arrest. This means only the outside of your clothing. Unless they feel an object which may be a weapon, they cannot look into your pockets, etc.
4. If the cops keep asking you questions or start harrassing you, ask them, "Am I under arrest?" If they say no, but continue to ask questions, say "I have nothing to say until I talk to my lawyer."
5. If they start to search you, say "I do not consent to a search." And get witnesses who hear you say that.
6. Don't cooperate by opening the car trunk. The cops are only supposed to search the car after they have said you are under arrest. But if they see dope or a weapon in the car, this gives them legal cause to investigate.
7. If they say you are under arrest; ask them, "What are the charges?" Remember whatever they say.
8. If you are under arrest the cops are allowed to search you, your car, your baggage, etc. They should inform you of your right to remain silent.
9. Never sign any thing. Don't confess to anything. Don't talk. Say simply, "I have nothing to say until I talk to my lawyer." Even if you don't have a lawyer you are entitled to a free public defender.
10. Remember everything that happens. Get the cop's badge number.
11. Act cool and don't wiseass. The cops will react according to your attitude and the color of your skin as well as what you did.

CITY OF SAN JOSE -- MEMORANDUM

to Honorable Mayor and City Council

FROM Harold S. Rosen
Deputy City Manager

SUBJECT Reports on Trevino Incident

DATE April 5, 1976

APPROVED

DATE

FIFTH REPORT ON TREVINO INCIDENT

(Covering Week of March 29 - April 2, 1976)

I N D E X

1. Chronology of events following the death of Danny Trevino
2. Fact Sheet
3. Responses to Questions raised from Committee on Public Safety with Administration on February 26, 1976
4. Affirmative Action Status Report
5. Summary of Affirmative Action Plan and training programs (Police Department)
6. Analysis of San Jose Police Department Ride-Along Program

Trevino Slaying Protest

Crowd Marches On S.J. City Hall

By **BOB WEAVER**
Staff Writer

San Jose City Council members Tuesday night raised the possibility of a federal investigation into the killing of an unarmed man by police officers.

The council agreed to have city officials meet with representatives of the U.S. Civil Rights Commis-

(Photos on Page 25)

sion on Friday to discuss the death of Danny Trevino, 26, a part-time bartender.

But the announcement did little to satisfy the 550 persons who jammed in the City Council chambers to protest Trevino's death.

The protest—the fourth at a council meeting in as many weeks—started about 7:30 p.m. when demonstrators marched into City Hall chanting, "We want justice now."

They stamped their feet and hammered their fists against the walls and chairs in time with the chants.

More than 1,000 persons protesting the shooting had marched on City Hall from St. James Park where Tom Hayden, Democratic candidate for the U.S. Senate, voiced his support and called for an end to "grand juries that turn into rubber stamps for police action."

Community monitors, equipped with walkie talkies, guided the mixed crowd of Chicanos and Anglos along two lanes of N. First Street and blocked traffic at intersections.

Police, keeping a low profile, provided two motorcycle units

Marchers Protest S.J. Slaying

(Continued from Page 1)

that stayed well ahead of the group. Squad cars patrolled neighboring streets, but there were no incidents along the nearly mile long march route.

Crowd estimates of Tuesday's demonstration varied. Newsmen figured about 1,000 to 1,500 participants, and march organizers counted as many as 3,000.

Five council members listened to the protest.

Mayor Janet Gray Hayes and Councilman Lawrence Pegram were absent from the session. Mrs. Hayes is touring Taiwan, and Pegram was suffering from the flu with a 102-degree fever.

Another 200 protesters gathered around loudspeakers in the City Hall cafeteria to listen to the meeting. Outside another 150 milled around City Hall grounds.

The demonstrators carried posters and waved Mexican flags and United Farm Workers Union and United Auto Workers banners.

"We're asking you to lift the veil of secrecy and let the facts come out," said Dr. Ernesto Galarza, a retired professor and pioneer in the education of migrant workers.

Dr. Galarza, the lead-off speaker in a program coordinated by the Committee on Public Safety (COPS), said he had been a resident of the area for 27 years. "When I came here it was called the valley of the heart's delight," he said.

"Now it's the valley of sudden fright. . . We're witnessing the slow death of a city. It's strangling itself with growth and noncompassion," he said.

In addition to disclosing the plans to meet with federal officials Friday, the council ordered staff members to study the possibility of giving the city ombudsman's office more authority.

The council also:

•Ordered the city manager to work with the police and community relations departments to make them more responsive to the public.

•Called on the city manager to investigate the city's fair hiring program and if necessary to call for a review by the Equal Employment Opportunities Commission.

•Reaffirmed an earlier call for an open grand jury hearing into the Trevino shooting and called for a report on a district attorney's investigation of the matter.

•Disclosed the city plans to change its method of notifying families of persons killed in accidents. The city will notify the families instead of relying on the county coroner.

Joaquin Brito of San Jose, state highway commissioner, said an earlier killing by police had resulted in a study by a citizen's group that called for a change in police policy on weapons.

He said the group had recommended policemen draw their weapons only in self defense or to protect the life of another.

"If you had followed that recommendation, Danny Trevino would be alive today," Henry Gage, an official of the NAACP, said.

Henry Howell, an official of the American Indian Movement, said the Indians were standing united with the "our Chicano brothers."

"Chief Joseph wanted peace. Crazy Horse wanted peace and Geronimo wanted peace. Martin Luther King wanted peace and Danny Trevino wanted peace. . . we're not asking for peace. We're asking for justice," Howell said.

Jose Villa, co-chairman of COPS, said it is time for justice.

CONFEDERACION DE LA RAZA UNIDA
Committee on Public Safety (COPS)
1171 "C" McKee Road
San Jose, California 95110

Reporte #5

Report #5

SOBRE EL ASESINATO POR LA POLICIA
DE DANNY TREVINO

POR: José Villa
Co-Presidente

Daniel Trevino mientras desarmado, fue asesinado por dos policias de San José el día 22 de Enero, 1976.

ABOUT THE POLICE KILLING OF
DANNY TREVINO

By: José Villa
Co-Chairperson

Daniel Trevino while unarmed, was killed by two San José City policemen on January 22, 1976.

Los jueces no parecen conocer que justicia debe ser para todos. Digo que es su justicia porque ellos controlan la corte superior y la corte municipal.

The judges don't seem to recognize that justice is for all. The injustices that are taking place happen because they control the Superior and Municipal Courts.

Hay jueces en la corte superior y en la corte municipal, no tenemos ni un solo representante Mejicano en cualquier de las cortes.

We don't have one Chicano judge in either court.

¿Como es posible que sean justos?

How is it possible then to have justice

¿Como es posible que ellos comprendan como somos, como hablamos, pensamos, como vivemos, como deseamos ser parte de una sociedad sana.

How is it possible for them to understand who we are, how we speak, how we think, and how we want to be a part of a sane society?

Nos tratan pior que sus perros. Guando yo estube en el gran jurado, me acusaron que era un hombre peligroso. Yo padre de ocho hijos. Yo, con ningun cargo criminal. Yo, por ser trabajador por la justicia social me senalaron como un hombre de delito.

They treat us worse than dogs. When I was serving on the Grand Jury, the presiding Judges John McInerny and Bruce Allen accused me of being a dangerous man. I, a father of eight children, me with no criminal record whatsoever. I, a worker for social justice was singled out as guilty man.

El juez presidente John McInerny y Bruce Allen quisieron callarme y aplastarme. Les gane con el apoyo de otros miembros del gran jurado.

The presiding Judge McInerny and Bruce Allen attempted to keep me quiet and in my place. With the help of other members of the Grand Jury, I was able to win.

La salvacion nuestra queda en el apoyo de otros miembros de la comunidad que conocen que nosotros las minorias no tenemos derechos pro-

Our salvation is in the support of the members of the boarder community that recognize that we as minorities have no protective rights, as long as these

NOTICIERO

CONFEDERACION DE LA RAZA UNIDA

SAN JOSE, CALIFORNIA

DANIEL TREVIÑO, MIENTRAS DESARMADO, FUE ASESINADO POR DOS POLICÍAS DE LA CIUDAD DE SAN JOSE, JUEVES, VEINTIDÓS DE ENERO, 1976, APROXIMAMENTE A LAS TRES DE LA MAÑANA. ESTE ASESINATO FUE OTRO EN UNA SERIE DE HOMICIDIOS DE CHICANOS Y NEGROS POR LA POLICÍA. OCHO CHICANOS Y TRES NEGROS HAN MUERTE A MANO DE LA POLICÍA LOS ÚLTIMOS CINCO AÑOS PASADOS.

EN UNA JUNTA LLAMADA POR LA CONFEDERACIÓN DE LA RAZA UNIDA EN LA IGLESIA DE NUESTRA SEÑORA DE GUADALUPE EN SAN JOSE, MAS QUE CUATROCIENTAS PERSONAS EXPRESARON UNA PREOCUPACIÓN GRAVE SOBRE LA RECIÉN TRAGEDIA. MIEMBROS DE TODA LA COMUNIDAD, INCLUYENDO MAYORES Y FAMILIARES, SE PRESENTARON EN LA JUNTA PARA EXPRESARSE. EL COMITÉ DE SEGURIDAD PÚBLICA SE FORMÓ A RESULTA DE ESTA JUNTA. UN GRUPO DE CATORCE REPRESENTANTES DEL COMITÉ FUERON DESIGNADOS PARA HABLAR CON EL CONCILIO DE LA CIUDAD DE SAN JOSÉ. ESTE COMITÉ ESTÁ BAJO DE LA DIRECCIÓN DEL SEÑOR ÁNGEL RÍOS, PRESIDENTE DE LA CONFEDERACIÓN, INCLUYENDO AL SEÑOR JOSÉ VILLA, DIRECTOR EJECUTIVO DE MACSA, ENRIQUE DOMÍNGUEZ DE LOS MONITORS, RAY GONZALES DEL COMITÉ DE ASUNTOS LATINOS AMERICANOS, MARIANNA RODRÍGUEZ DE LA ALIANZA DE MUJERES (WOMA), EL PADRE MCENTEE DE LA COALICIÓN

CONFEDERACION DE LA RAZA UNIDA
Committee on Public Safety (COPS)
1711 "C" McKee Road
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REPORTE #1

REPORT #1

SOBRE EL ASESINATO POR LA POLICIA
DE DANNY TREVINO

por: José Villa
Presidente

Daniel Trevino mientras desarmado,
fue asesinado por dos policias de
San José el dia 22 de enero, 1976.

El Comité de Seguridad Publica ha tenido
una multitud de juntas para investigar y
planear como se puede seguir el esfuerzo
de la comunidad para resolver el problema
con los policias de San José.

La marcha y junta con presentaciones
al concilio de San Jose el día 17 de
febrero comprendió mas de 2,000 personas.
Tambien incluyó el apoyo y participación
de muchos grupos y organizaciones del
pueblo entero. Se demostró que el
problema de asesinatos y opresión por la
policia no solo es un problema del pueblo
mejicano, sino de la comunidad total de
San José.

El resultado de nuestros esfuerzos hasta
la fecha es: (1) El concilio de San José
se ha movido en hacer investigaciones
por parte del Departamento de Justicia de
los Estados Unidos sobre el asesinato de
Danny Trevino; (2) El concilio tambien
se emprestará a una investigación por parte
de La Comisión de Derechos Civiles sobre
el conducto de la policia contra al pueblo;
(3) Establicimiento de una "agencia" de
la comunidad para vigilar y evaluar acti-
vidades y servicios por el departamento
de la policia; (4) Evaluación y posible-
mente elamejoramiento de los servicios
para la comunidad por parte de la oficina
de Ombudsman; (5) Dirigieron al abogado

ABOUT THE POLICE KILLING OF
DANNY TREVINO

by: José Villa
Co-Chairperson

Danny Trevino, while unarmed,
was killed by two San Jose
City policemen on January 22, 1976.

The Committee on Public Safety (C.O.P.S.)
has had a number of meetings to investigate
and plan how we can continue to resolve
the problems with police in San José.

The march and the meeting with the City
Council of San José on February 17, 1976
involved some 2,000 people. This march
also gained the backing and participation
of many groups and organizations from
throughout the county. This demonstration
brought to light the fact that oppression
by the police affects not only the Chicano,
but the total community.

To date our efforts have resulted in:
(1) The City Council has invited the
Department of Justice to investigate the
Trevino killing; (2) The City Council
has asked the U.S. Civil Rights Commission
for a complete and thorough investigation
of the police department; (3) Establishment
of an "agency" so that the community
can watch and evaluate activities and
services of the police department; (4) eval-
uation and possible improvement of com-
munity services by the Ombudsman; (5)
The City Attorney was directed to speed
up resolution by the court of the P.O.A.
fight regarding gun controls; (6) Support
for an open Grand Jury hearing.

The C.O.P.S. has taken action to mobilize

FACT SHEET

INVESTIGATION BY THE UNITED STATES COMMISSION ON CIVIL RIGHTS

Action Taken

1. March 1, 1976, letter to Philip Montez, United States Commission on Civil Rights from Mayor Hayes requesting an investigation.
2. March 11, 1976 telephone call from Robert Perez to Philip Montez who stated that the Mayor's letter would be presented to the State Advisory Committee in the week of March 15th. His staff will present the letter and inform the Advisory Committee on the situation in San Jose. There will be no recommendation at this time to conduct an investigation. Mr. Montez indicated that he had not received any request from the community in particular, the Chicano community, to conduct an investigation.
3. March 11, 1976 Robert Perez advised Jose Villa of this matter. Mr. Villa was encouraged to have the C.O.P.S. respond to Montez's request.

INVESTIGATION BY THE CIVIL RIGHTS DIVISION, UNITED STATES DEPARTMENT OF JUSTICE

Action Taken

1. March 1, 1976 letter to Stanely Pottinger, Assistant Attorney General, from Mayor Hayes requesting a formal investigation into the Danny Trevino homicide.
2. No response at this date.

REVEREND CARL HUDSON MATTER

Action Taken

1. February 17, 1976 complaint filed with Internal Investigations.
2. February 17, 1976 presentation by Reverend Hudson to the City Council.
3. February 18, 1976 — Reverend Roundtree contacted the Ombudsman Office about the Reverend Hudson matter. Reverend Roundtree was informed that a direct statement from Reverend Hudson was necessary but that the Office would be glad to meet with the Reverend at his convenience. Reverend Roundtree inquired about a written statement sent through the mail. The Office assured him that it would be sufficient if it included an address or phone number where Reverend Hudson could be reached. No statement was received or submitted by the Reverend. Since IID was conducting an investigation, the Office of the Ombudsman awaited response.
4. February 27, 1976, Friday, 4:00 p.m. the Office of the Ombudsman received memorandum from the City Manager requesting a follow-up on the Hudson case.
5. March 1, 1976, Monday — Ombudsman requested copy of the Hudson report.