Overt Racism Pretty Much Eradicated, Decades Old Resentments Still Simmer

by Carlos Gieseken
Photography by Barton Wilder Custom Images
Riverview Street in central East Austin has houses of varying levels of upkeep. Heading east from Chalmers Avenue, single-story homes line either side, some with boarded windows while others are well maintained and painted colors that are bright in the Central Texas sun.

Some are dilapidated with overgrown yards that have long since claimed the chain-link fences that define them. Other lawns look carefully cared for, despite being yellow and brown from a dry summer.

But sooner or later on that drive down Riverview Street, just six blocks south of Cesar Chavez and only a stone’s throw from Edward Rendon Sr. Park at Festival Beach, you’ll see buildings that strike fear and inspire resentment in many who have long called East Austin home.

The condominiums stand out like architectural monoliths. Some are three stories, others just two, but all bear the crisp, clean lines of new construction and a modern design that’s radically different from surrounding homes.

There was a time not long ago when rooftop terraces and frosted glass would have been unimaginable on Riverview Street.

“There’s always one street where everyone in the barrio knows that’s where the real poor people live,” said Susana Almanza, describing the street’s history. She is cofounder and codirector of People Organized in Defense of Earth and her Re¬

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na tensions involving police

Just say these names: Kevin Brown, Sophia King, Jesse Lee Owens and Daniel Rocha, and see what reaction you get. Each of them were killed by Austin Police officers in the month of June: King in 2002, Owens in 2003, Rocha in 2005, and Brown in 2007. Each death has served as a lightning rod within the Hispanic and African American communities.

“We just haven’t had a real good record with the police department because they shoot first and ask questions later,” said former school board member and former state legislator Wilhelmina Delco, the first African American elected to public office in Travis County. “And our communities are kind of targeted. This is where all the thrust is to look for drugs, to look for prostitution, to look for petty thievery.”

The scarcity of grand jury indict¬

ments against the officers involved in shooting incidents is an ongo¬

ing source of anger in the communi¬

ty, said T.L. Wyatt, publisher of The Villager, a newspaper based in East Austin that serves the African American community.

“In the last fifteen years, two offi¬

cers have been indicted by a grand jury,” he said. “You shoot an unarmed citizen in the back, I think that’s an indictable offense.”

In June 2007, Kevin Brown, an African American man, was shot in the back by Sergeant Michael Olsen, a twelve-year veteran of the Austin Police Department. Olsen eventually lost his job but was never indicted.

The first police monitor took office in 2002, after city negotiations with the police union netted police what has become the highest pay in the state, in exchange for increased oversight. The police monitor’s mission is to promote mutual respect between police officers and the public.

The police monitor’s office ac¬

cepts complaints from citizens, par¬

ticipates in the investigation of these complaints, attends witness inter¬

views, makes recommendations to the chief of police, and notifies complain¬

ants of the outcome in writing.

“Prior to the creation of that of¬

cice, it was just the community against the police department,” Wyatt said. “The police monitor becomes an advocate for the community. If I’ve got a complaint to file, rather than go into the police station—which most people wouldn’t do—you go to the police monitor’s office.” The office is located in northeast Austin, far removed from police headquarters and city hall, both downtown.

“You don’t have the discomfort of filing a complaint with police about police,” said Police Moni¬

tor Cliff Brown, an African American who took office in January 2007 after working as a prosecutor and defense attorney in New York City and Travis County.

His office receives an average of six hundred complaints per year, ranging from rudeness to excessive use of force.

Some argue that the police moni¬

tor’s office does not have enough power, since it is ultimately up to the chief of police to act on the recommenda¬

tions made by the office.

“In my mind we have moved for¬

ward in gaining respect and trust and creating an opportunity for people to vet their issues,” said Austin City Council Member Mike Marti¬

nez. “But what they see in the end is a process that they believe doesn’t have enough teeth.”

The lack of teeth Martinez refers to is the fact that the police monitor does not have disciplinary or subpoe¬

na power. And while the police mon¬

itor may recommend an independent investigation, only the police chief or city manager may authorize it.

“I think the current police moni¬

tor is doing a functional job,” Martinez said. “I would suspect he is also frus¬

trated. He would like to do more. But the contract (between the city and the police union) prohibits that.”

A new city contract with the police union is currently being negotiated.

Delco expressed frustration at the police monitor system.

“They have no punitive power or subpoena power,” she said. “So if they say something, but don’t have the power, what difference does it make?”

Brown acknowledges the con¬

straints put on him, but feels the work his office does has had an impact on tensions between police and the minority community. “Frankly, before it was a very secretive and closed process and I think that breeds distrust in the community,” Brown said. “We have what we have and I think we do a good job working under the confines under which we exist. I’m just pleased that we have some type of mechanism that is the eyes and ears of the community.”

Former Austin Mayor Roy Butler was the first chairman of the seven-member Citizens Review Panel. The panel reviews the investigation
of complaints and by majority vote makes recommendations to the chief of police. The recommendations may include further investigation by the APD if warranted, APD policies warrant review and/or change, or an independent investigation is warranted. The panel also may make a written nonbinding recommendation on discipline.

Any citizen may apply through the city clerk for a position on the panel. Applications are forwarded to the city manager, who makes the final decision on appointments (unlike most other city boards and commissions, whose members are appointed by the City Council). Members serve two-year terms.

“It’s mainly just a place to air your differences and get a pretty good hearing. They cannot discipline a policeman in any way,” Butler said. “The police union is pretty strong.”

Butler serves on the board of the Greater Austin Crime Commission and also chairs the city’s Police Training Committee. He described the racial sensitivity training Austin police undergo while at the academy. “We give them double doses of training in racial profiling, excessive force, demeanor,” he said, adding that how an officer behaves in an incident could escalate a situation. “An officer can pull somebody over and it would be a problem. Another officer will pull that same person over and it will be no problem.”

Butler said he doesn’t believe the shooting incidents over the last few years would have turned out any differently had they involved whites instead of minorities.

“I’m not sure we’ve ever had a serious incident where the person didn’t resist arrest,” he said.

He gave the example of Sophia King, a woman with mental problems. She was shot and killed by APD Officer John Coffey in June 2002 while allegedly using a butcher knife to attack the manager of the public housing where she lived.

“I think if the lady were white or Asian, I don’t think it would have made any difference at all,” Butler said, noting that the officer was cleared of wrongdoing through investigations conducted by APD Internal Affairs, the Citizens Review Panel, the police chief, a grand jury and the FBI.

He said that given the number of officers, mistakes are inevitable.

“The young officers really come on to the force without any previous attitudes that some of the older guys had. I think every year it gets better. Not perfect yet, because we are dealing with human beings,” Butler said. “Out of fifteen hundred officers, with somebody on duty twenty-four hours a day, someone is going to use bad judgment—I don’t care how you train them or how fine they are or how good they are.”

Each incident, big or small, fosters more resentment in the community, however.

“How do you tell some teenager that what happened was right?” said Delco, referring to the Kevin Brown incident in June 2007. “That becomes fodder for opposition and prejudice on their part. They don’t see anything good about what the police are doing.”

Echoing the opinion of others, however, Delco commends Art Acevedo’s efforts to make changes in the police department since he became its first Hispanic chief of police last year.

“I know that he gets a lot of internal criticism because the police have run their own shop for years,” she said. “I am so impressed with him because we have had police chiefs that for one reason or another, they go a little bit along the way but then they retreat. He’s jutted his chin out and kept going.”

But concern over the treatment of minorities throughout the criminal justice system persists. Delco said, citing as an example the difference in punishment doled out to those prosecuted for powder cocaine versus crack cocaine.

“If it’s straight-line cocaine, which is what a lot of white kids use, the penalty is negligible,” she said. “If it’s crack cocaine, which is what the minority kids use, it’s an immediate prison sentence.”

Sentencing rules are established by the U.S. Sentencing Commission, which establishes policies and practices for the federal courts. The commission has repeatedly recommended revising those rules regarding cocaine, but Congress has been reluctant to ease the guidelines. They are often referred to as the “hundred to one” rule. Five grams of crack, for example, brings the same prison term as five hundred grams of powder cocaine.

In December 2007, the U.S. Supreme Court ruled seven to two in Kimbrough v. United States that judges may impose shorter prison terms for crack cocaine than the federal guidelines stipulate.

Minority communities divided

While issues with law enforcement is something both African Americans and Hispanics unite around, cooperation between the two groups has not always existed.

The undocumented Hispanic immigrant labor force is a current dividing issue. The reality, however, is the city’s dependence on these workers, said Council Member Martinez.

“There are so many folks who want us to deal with immigration,” he said, emphasizing the huge un-
Austin African American Quality of Life Initiative—An ongoing process to address the quality of life of African Americans in Austin, including arts and culture, business, employment, education, police and safety, health and neighborhood sustainability. For more information call 3-1-1 or visit www.ci.austin.tx.us/aql.

Austin Asian American Chamber of Commerce—The chamber promotes and assists Asian American businesses and provides a bridge between them and the larger Austin community. It offices in North Austin at 10901 N. Lamar Blvd. For more information call 512-407-8240 or visit www.asianamericancc.org.

Austin Asian American Cultural Center—The center hosts classes, child development programs, speakers, after school programs and cultural activities to expose people of various backgrounds to the Asian American experience. It offices in northwest Austin at 11713 Jollyville Road. For more information call 512-336-5069 or visit www.asianamericacc.com.

Austin City Council—The elected mayor and six council members set policy for the city government. The council offices downtown at 301 W. Second St. For more information call 3-1-1 or visit www.ci.austin.tx.us/council. You can e-mail all council members with one message by using the form at www.ci.austin.tx.us/council/groupemail.htm.

Austin History Center—A division of the Austin Public Library, the center provides information about the history, current events and activities of Austin and Travis County. It is located downtown at 810 Guadalupe St. For more information call 512-974-7480 or visit www.ci.austin.tx.us/library/ahc.

Center for Asian American Studies—This interdisciplinary academic program at the University of Texas at Austin offers classes in many fields, including Asian studies, psychology, English, government, Middle Eastern studies and others. It offices on the campus at 210 W. Twenty-Fourth St. For more information call 512-232-6427 or visit www.utexas.edu/cola/centers/aaas.

Office of the Police Monitor—This office accepts complaints from the public against the Austin Police Department, oversees investigation of those complaints, and makes policy recommendations to the chief of police. Its office is located in northeast Austin at 1520 Rutherford Lane, Building 1, Suite 2.200-A. For more information call 512-974-9090 or visit www.ci.austin.tx.us/oppm.

PODER—The goal of the nonprofit People Organized in Defense of Earth and her Resources is to increase participation of communities of color in corporate and government decision-making. A focus is placed on the impact of toxic pollution and economic development in East Austin neighborhoods. PODER offices in East Austin at 2604 E. Cesar Chavez St. For more information call 512-472-9921 or visit www.poder-texas.org.

SAHELI—This nonprofit organization provides assistance to Asian families dealing with domestic violence and abuse. For more information call 512-703-8745 or visit www.saheli-austin.org.

The Villager—This free community service weekly newspaper emphasizes African American life in Austin. It offices in East Austin at 1223-A Rosewood Ave. For more information call 512-476-0082 or visit www.austinvillager.com.

—Carlos Gieseken

versity of Texas and the colleges here. Austin is always seen as a very liberal city, but in essence it is one of the most racist cities around.”

She cites the city’s official 1928 comprehensive plan, which zoned the land east of East Avenue, now I-35, for minorities and industry.

She and others like her have fought to reduce the environmental effects that industry has had on the area.

In 1993, the Tank Farm located at Springdale Road and Airport Boulevard, a fifty-two-acre fuel storage facility owned by six major oil companies, was closed in the wake of public outcries over pollution.

In 2006, PODER and others succeeded in having Roy Guerrero Colorado River Park removed from consideration as a site for a new water treatment plant to replace the Green Water Treatment Plant, which is on downtown land slated for redevelopment.

In the intervening years, an outdoor recycling facility near the Tank Farm site and parking for the city trash-truck fleet were also banished from East Austin through community efforts. In addition, much of the industrial zoning that impinged on residential areas has been rolled back.

A more recent victory was achieved in the closure of Holly Power Plant on September 30, 2007. Its noise levels, elevated electromagnetic fields, nitrogen oxide emissions, and history of fires prompted PODER to conduct health surveys and file a Title VI Civil Rights Complaint.

“We’ve been burdened for decades and now we’re not going to be able to enjoy the beauty and silence that came from removing a lot of these unwanted, unhealthy facilities,” Almanza said. “We finally clean up our community and all we get is gentrified. They bring in their new developments as if we didn’t exist.”

As Holly Power Plant was closing, she said, developers came in to purchase the prime land on Riverview Street, which is only a block from the hike and bike trail on Lady Bird Lake.

Now PODER has set its sights on the relocation of Pure Castings Company, a manufacturing plant that has been located at 2110 East Fourth Street since 1968. According to a Texas Commission on Environmental Quality report, requested by Paige Deshong, who lives near the facility, dust emitted by the plant contains carbon, aluminum, sodium, magnesium, chlorine, iron and silicone.

Health effects from these chemicals, according to the U.S. Agency for Toxic Substances and Disease Registry, can include cancer, nose bleeds and respiratory problems.

The Town Lake drag boat racing that began in 1964 as part of the Austin Aqua Festival were ended by the late seventies, in large part due to the protests led by residents like Paul Hernandez, a member of the Brown Berets.

“The result has been a beautiful lake that is not disturbed any more by people racing and by crowds of thousands of people trampling a place,” Hernandez said. “No more fuel spills, no more erosion of the banks by the waves of speed boats. No more intrusion of large crowds.”

The Brown Berets were no Cub Scout Troop, however.

“We would confront the city council, the politicians, administra-
tors, the private-sector bankers. Any- one that was creating some kind of hurt in the community," he said. "When we saw a cop hassling some- one, we would confront the cop."

The confrontations with crowds at- tending the drag boat races would some- times turn violent, Hernandez said. "We knew that there were conse- quences to pay and we were willing to pay them," he said. "Several of us got beaten up and went to jail."

He has several forceful, and con- troversial, responses to the issue of gentrification.

"You can disrupt meetings. You can refuse to pay taxes," he said. "You can create ordinances (through a provision in the City Charter for initiatives). People can make new- comers feel unwanted, feel uncom- fortable."

Controversy over at-large council elections

The method by which the city’s residents choose their representatives in Austin government is a recurring issue. The current system allows for a seven-member City Council that in- cludes the mayor. All members are elected at-large. Another measure for approval of election by geographic districts, each with a single member, may return to the ballot sooner or later—despite having been rejected by Austin voters six times. A recent push to change the City Charter for this purpose fell by the wayside because insufficient time had elapsed since voters approved a charter amend- ment. Once amended, a full two years must elapse before the charter can be changed again.

Passionate perspectives can be found on either side of the issue. "I believe that some form of geo- graphic representation would improve the dialogue and improve the repre- sentative body that we should be," said Council Member Martinez, who was the foremost proponent of the re- cently postponed initiative.

A district system might lead to less expensive campaigns and a larger can- didate pool to choose from, he said. "Right now, you either have to be independently wealthy or you have to loan yourself a ton of money to be even considered for council," he said. Martinez said he carries a debt of twenty-two thousand dollars from his election in May 2006.

The nature of the campaign would change from mass-marketing to a grass-roots approach within a single district. Some council seats might con- tinue to be elected at-large, however, an option that has been considered.

"It’s just too difficult to be all over this city during a campaign," he said.

Council Member Sheryl Cole, also elected in May 2006, does not advocate changing the method for electing council members.

"I believe in a united Austin, not a divided Austin," she said. "It’s a good thing when the city is united and has to come together to reach a common goal or purpose."

A big reason why many Afri- can Americans are against the single member district system is that large numbers of African Americans have moved out of East Austin and are dis- persed all around the city. In addition, the African American population of the city has shrunk as a percentage of the total population, as African Ameri- cans moved to outlying suburbs. The fear is no one district would have the population to guarantee election of an African American. In addition, the most recent proposal to create districts would have increased the total num- ber of council members, which would have further reduced the influence of the African American council member.

"We (African Americans) no lon- ger live in a particular segment of town," Cole said. "So most of the proposed maps would dilute African American voting strength."

Wyatt hopes the next time the is- sue of how council members are elect- ed appears on a ballot, the proposition includes more detailed information about how districts would be created. "You can say, yes, I want single- member districts, but you look up and your district is something you don’t even recognize," he said.

There also exists a supposed "gentleman’s agreement" that implies that the white majority has reserved one seat on the City Council for an African American and one seat for a Hispanic—no more, no less.

"I think Austin is a very pros- perous city that values diversity," Coun- cil Member Cole said. "The term ‘gentleman’s agreement’ is very pa- tronizing and derogatory. The fact that we are able to elect an Afri- can American and a Hispanic with- out (court-ordered districting) is com- mendable for our community."

Martinez isn’t so sure that’s the case, and believes the low turnout of registered voters plays into the ar-

Asian American perspectives

Asian Americans in Austin face some of the same issues that other minorities do. Employment, afford- able housing, discrimination and ste- reotyping are just a few.

But many in the community that now numbers more than fifty thou- sand—six-point-eight percent of Aus- tin’s population, according to the Austin Asian American Chamber of Commerce—feel as if they are simply not seen.

"One issue facing this commu- nity is the lack of historical documen- tation about their life in Austin," said Esther Chung, Asian American neighbor- hood liaison with the Austin History Center. "Asians have been in Austin for over a hundred years but so little is known or preserved about this wonderful community."

Chung said Asians born and raised in Texas—which has the third-highest population of Asians in the country, according to the Center for Asian American Studies at the Uni-

versity of Texas at Austin—are often still seen as foreigners.

Generally speaking, many live in North Austin because of the nearby high-tech companies and engineering firms. The owners of the stores and shops that cater to this community also live up north. The Asian commu- nity is both culturally and socioeco- nomically diverse, representing dozens of cultures and ranging from the poor to the well-to-do.

"I think the biggest challenge for Asians is people think that all Asians are alike," said Amy Wong Mok, who ran for City Council in 1999 and is now chief executive officer of Aus- tin’s Asian American Cultural Cen- ter. The center serves some five thou-sand to six thousand individuals ev- ery year. "Sometimes we do look alike, but we are lumped together and called Asian, when in fact we may not have anything in common, like culture, religion or language."

The largest Asian groups in Aus- tin are Indians, Chinese, Vietnamese and Korean. The population of Asian Americans in Austin increased by one hundred thirty-nine percent be- tween 1990 and 2000, according to the Austin Asian American Chamber of Commerce.

About seventy-two hundred, or fifteen percent, of the nearly forty- eight thousand students enrolled at the University of Texas at Austin in the spring of 2008 were Asian.

One challenge is meeting the needs of such a large Asian popula- tion that speaks several different for- eign languages.

"There are not a lot of existing re- sources out there than can provide linguistically appropriate services for cli- ents," said Linda Phan, executive di- rector of SAHELI, an Austin nonprofit that provides assistance to Asian fam- ilies dealing with domestic violence and abuse. "I think there’s a lack of awareness within the community itself that there are resources for them."

The Asian American Cultural Center is often used as a translation service by non-Asian businesses and organizations seeking to be able to communicate with their Asian clients and customers.

"Sometimes a psychiatrist has a problem with an Asian patient who they want to refer to a counselor," Wong Mok said. "We feel very good about being able to help."

Stereotypes can lead not only to a skewed view of the community, but
How much racism persists?

Austin has a reputation as a progressive oasis in the middle of the Lone Star State, but how should its race relations be characterized?

“Austin’s a booming city and people want to move here,” Council Member Martinez said. “It’s a young town and an educated town but we struggle with race issues, like any metropolitan city.”

The city has history to contend with, since its 1928 Comprehensive Plan was racism expressed as policy.

“The racism is not nearly as blatant as in other cities, but it does exist,” he said. “Even within our own race, we struggle with issues like that. You have fifth- and sixth-generation Tejanos who struggle with immigrants taking over the Latino identity.”

Emma Long, now in her nineties, became the first woman elected to the City Council and is credited with working for equal rights.

She was one of three council members to lose their seats in the 1969 elections because of their support the previous year of the Fair Housing Ordinance.

“The general public didn’t want blacks living near them,” she said. “That was the thinking of the regular run of the mill people.”

Housing integration didn’t really start until IBM began negotiations to move to Austin in the mid-nineteen-sixties, said Wyatt, publisher of The Villager.

“IBM went to the City Council when they were negotiating,” he said. “They said they would not come to Austin if their employees were restricted to living around their plant in northwest Austin.”

He credits IBM and UT as the two major integrating forces in the city.

Delco said she feels the racism can be a matter of omission rather than outright exclusion.

“They’re more subtle here,” she said. “It’s not like when they had the black only and white only signs, but it’s still there in subtle ways.”

She noted the lack of numbers of African Americans in policymaking decisions, or “positions to keep everybody alert.”

Sometimes it’s the Catholic Diocese omitting her East Austin church, Holy Cross Catholic, founded in 1936, from newsletters. Sometimes it’s a perceived lack of involvement by UT in the local community.

As a former chair and current member of the Board of Trustees of Huston-Tillotson University, she sees the disparity when that school and its students are not involved when prominent leaders visit UT, for example.

“I do think that the big effort to consciously notice and consciously make a commitment simply is not there,” she said. “It’s not about deliberately setting out to leave us out of things, but of omission. You just don’t think about it.”

She believes that because African Americans have dispersed away from East Austin to other parts of the city, they need to re-create the sense of community where neighborhoods were made up of the “preacher, the teacher and the janitor” living side-by-side, and their children.

“We used to call it ‘in loco parentis.’ If your mother isn’t able to come to the program, then the lady next door came. Every child had somebody in that audience there just for them.”

“We need to regain that sense of all of us in this together,” Delco said.

Carlos Gieseken transplanted himself to Austin last October, after three decades of fighting the bitter cold of New York, Massachusetts and Wisconsin. You may e-mail Carlos at cgieseken@goodlifemag.com.