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THE POLICE REFORM MOVEMENT IN HOUSTON, 1945-1948

by Louis J Marchiafava

"The police department is woefully inefficient. It is honey combed with feuds and factionalism. It is without discipline and it is badly undermanned. . . . The police department is worse than a South American Army. . . ." The words were spoken by newly elected Mayor Oscar F. Holcombe in January, 1947 to describe the unprofessional status of the Houston Police Department. Holcombe's harsh indictment, while politically motivated for the purpose of discrediting the previous administration for its operation of the police force was, in fact, an accurate description of the conditions which led to the police reform movement.

The plight of the police, however, was as much a consequence of Mayor Holcombe's three previous terms in office as that of any other past mayor or administration. At the heart of the problem was Houston's spoils system which through the decades had dominated the operation of the police force and had become virtually an institutionalized feature of municipal government. Control of the police department was a valuable asset to an administration because of the ready rewards provided by police appointments and promotions. Discriminatory enforcement of laws, especially gambling laws, furnished even greater opportunities to repay political debts. Despite the existence of a civil service system, political patronage and abuses in the operation of the department flourished unhindered.

Municipal civil service in Houston, from its inception in 1897 to the comprehensive system created during the subsequent decades, failed to prevent political control of the police department because the system itself became a victim of political patronage. In order to execute its rules impartially, civil service required a relative degree of autonomy for independent decision making. Neither the Police, Fire, and Health Board established in 1897 nor the Civil Service Commission created in 1914 to administer the system enjoyed such prerogatives. The Police Board which was empowered to regulate the operation of the police department as well as function as a review board consisted of the mayor and three aldermen.² Composed entirely of elected officials, the Board became an arena for conflicting interests, with members having to divide their loyalty between their responsibilities as aldermen and their duties as Board members. Conscientious enforcement of civil service rules depended on the good faith of the city officials. The temptation to secure political advantage, however, frequently proved stronger than the desire for administrative reform or an effective police force. Rather than removing politics from the police department, the police became the focal point of factional feuds. In one instance, the dismissal of a policeman created such dissension among the mayor, aldermen, and members of the Board that municipal government virtually ceased to function.³

The civil service amendment of 1914 resolved the conflicting areas of authority which had plagued the Police Board by granting the mayor the dominant role in the civil service system. His power was rooted in his control of the Civil Service Commission, which consisted of three members and a director, all of whom were selected by the mayor to serve two year terms.⁴ The authority of the mayor to appoint commissioners for the duration of his own tenure of office had obvious political implications since their appointments coincided with municipal elections. Even without the two year term the city charter allowed the mayor to remove hold-over commissioners at his discretion, so that the Commission suffered from the same lack of stability and experience which it was expected to

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eliminate in the police department. The mayor's power to manipulate the Commissioners at times became a potent political weapon. In 1933, for example, Mayor Holcombe used his authority to dismiss two commissioners from the previous administration in order to deprive a discharged police officer of his right to a Civil Service Commission hearing.⁵

The integrity of the Commission was also weakened by the power of the city council to veto civil service rules and regulations proposed by the Commissioners.⁶ Through its authority to enact ordinances the city council could change civil service rules and regulations to meet whatever political expediency might demand. Civil service over the years became less a coherent system than an accumulation of ordinances and resolutions enacted for political rather than administrative reasons.

Civil service was further undermined by the courts. Between 1902 and 1904 in a series of cases initiated by illegally dismissed police officers, the Texas Court of Civil Appeals ruled that policemen were state officers and as such were accorded only a two year term under the civil service regulation that police officers were to hold their positions during "efficient service and good behavior." The court specifically declared that the section of the civil service amendment which made the term of office commensurate with "good behavior" was unconstitutional. Civil service laws could not, the court ruled, circumvent the state constitution by allowing continuance in office to be automatic at the end of each two year term because of satisfactory performance.⁷ Tenure "during good behavior" was only valid if applied within the two year term. If the letter of the law was to be followed, police officers were to be dismissed at the end of each two year appointment and then rehired after successfully completing a qualifying examination. In practice, reappointments were made at the discretion of each administration. Matters were simplified since neither entrance nor qualifying examinations existed. Police service became at best a temporary occupation.

Even the right to challenge illegal dismissals was undermined by the civil service rule that decisions of the Commission were final and that appeals to the district court could only be made on the grounds that the Commission had acted with gross negligence or with prejudice.⁸ Since such charges were generally impossible to prove, appeals were seldom attempted. The expense of attorney fees and the narrow legal interpretation given civil service laws by the courts, deterred all but the most determined men. Most policemen accepted the political risks as an occupational hazard. As the arbiter of anachronistic laws which were incompatible with the principles of effective civil service, the courts became the unwitting ally of the municipal spoils system.

Operating under such unstable conditions, the police department fell prey to municipal political intrigue. Although criticism of the police for its ineffectiveness and unprofessionalism by citizens and officials periodically erupted, no effort was made to effect a thorough reform of police administration. Criticism of the department generally preceded and followed mayoral elections and signified that a "shake-up" in personnel was forthcoming. Such an upheaval was announced as a departmental reorganization. The problem confronting the police of Houston was not unique. Police professionalism suffered wherever police administration fell under political control.

The significance of the Houston experience was that when reform did occur it was internal in nature, deriving its impetus from within the department among police officers, especially among the rank and file members. Reform was not imposed from an external source nor from the higher echelon of the police department. No commissioner was appointed as in the classic tradition of Theodore Roosevelt's appointment as a reform minded police commissioner in New York City or more recently as in the case of O. W. Wilson's appointment as Police Superintendent of the Chicago Police Department. Nor was a citizens police committee organized to recommend a reform program. Rather, police reform became a reality in spite of the efforts by the municipality to discourage it. The

struggle was bitter with police officers attempting to remove political influence from the operation of the department against the vigorous opposition of city officials.

No one dominated the police reform movement in Houston. Leadership of the reform movement expressed itself in the offices of the Houston Police Officers Association. Chartered in 1945, the Association became the spearhead of the reform movement and a model for the forming of similar associations by other police departments in Texas. What began in Houston as a local effort, comprising less than two hundred police officers, became by 1947 a statewide campaign involving seven municipal police departments. In addition to the cooperation of their colleagues in other cities, the Houston Association initiated an alliance with the Texas State Association of Fire Fighters. The alliance was of vital importance for the results of the immediate reform goals and established a precedent for cooperation between police and firemen which persists today. Their combined efforts were rewarded in 1947 with the passage in the State Legislature of a state civil service law which became the keystone of police reform and the foundation for the growth of a professional urban police service.

That reform should have originated within the police department is not surprising when one considers the job insecurity created by the uncertainty of political fortune and favoritism. Political campaigning by police personnel, while prohibited by civil service, was ignored if the effort was made in behalf of the administration in office. Campaigning was not only permitted but encouraged. Political pressure at times reduced police chiefs to campaign managers during crucial mayoral elections. In 1924, for example, incumbent Mayor Holcombe brought pressure to bear on Chief of Police Thomas C. Goodson to encourage his officers to secure greater numbers of pledge cards from the businessmen in their patrol areas.⁹

Every mayoral election held for police officers the potential of a revolution. A change in the city's administration meant drastic changes in personnel with transfers, demotions, promotions and dismissals dispensed according to political allegiance. Civil Service and regulations were ignored. At such times nearly all attempts at law enforcement ceased as confusion and uncertainty swept the department.¹⁰ In February, 1941, Chief of Police Lawrence C. Brown complained to newly elected Mayor C. A. Pickett that his announcement of a reorganization in the department resulted in a general feeling of insecurity with officers fearing demotion and other men hopeful of promotions. As a consequence, Brown asserted, the department had become disorganized and undisciplined.¹¹ The civil service phrase, "dismissed for the good of the service" became the familiar epitaph for those officers fired for political reasons. At other times no reasons were given. One such incident occurred in 1933 with the dismissal of W. R. "Bobby" Ellis, the police department's Superintendent of Identification, who was fired by the personal order of Holcombe in order to fill the position with a relative of the mayor's wife.¹² Civil service, rather than eliminating these practices, served to legitimize the spoils system by imparting an air of respectability to political manipulation of the department. As aptly described in 1947 by the resigning Acting Director of Civil Service, K. O. Womack,—the system was a "farce."¹³

Municipal politics became more important than professional ability for it was only through correct political alignment that an officer could expect advancement or even retain his job. Mobility in the department was determined by an officer's political astuteness—or lack of it. Under such conditions men were encouraged to play politics as a means—and frequently the only means—to secure a promotion. The case of Roy Edward Floyd, the director of Houston's Civil Service Commission in 1947, exemplifies the relationship between political fortune and occupational advancement. Floyd began his career in 1935 as a chauffeur for Holcombe during the latter's second term as mayor. In 1936 Floyd was assigned as a detective on the police force while continuing to serve as the

mayor's chauffeur. With the election of R. H. Fonville in 1937 Floyd was demoted to patrolman. An abrupt change of fortune occurred with the election of Holcombe in 1939 at which time he was promoted to inspector of police, followed in 1940 by a promotion to assistant chief of police. In 1941, one month after the election of Neal Pickett, Floyd was demoted to a patrolman. With Holcombe's return to the mayor's office in 1947 Floyd was appointed director of civil service.¹⁴ In another case an officer was promoted and demoted ten times during an eleven year period.¹⁵ Police personnel records are replete with similar examples of political favoritism.

The first collective effort at reform was not made until 1945 with the formation of the Houston Police Officers Association. The Association was initially organized as an effort to combat the low morale among police officers and to counteract the unfavorable public image of the department. Despairing of assistance or reform from the municipal authorities, the Association became a means of self-improvement by presenting "a united front in combating unfair actions against police and attempt [ing] to provide the public with the true actions and aims of the department."¹⁶ Several factors undermined the continued acceptance of the unprofessional status of the police department. Ironically, the seeds of revolt were first planted by Mayor Holcombe's own action when he consented to the establishment of a police academy in 1939. Accompanied by much publicity, sixty recruits were selected through the first competitive examination ever administered in the department.¹⁷ The academy, created primarily as a public relations effort, was abolished after graduating its first class and was not reinstated until 1948. The training did impart to the graduates, however, an aura of professionalism, which served to distinguish them from the other members of the department. Once on the force the novice soon found that the idealism of professional police service as expounded in the classroom did not conform to the realities of political favoritism, discriminatory law enforcement, and public distrust. It is significant that the legislative agent of the Association who for fifteen years led the organizations campaign in the state legislature for police reform, was a graduate of the academy.

Another factor was that by 1945 an increasing number of police recruits were veterans, who looked upon police service as a career rather than as a temporary occupation. Veterans formed the majority of police officers who enrolled in September, 1945 in the newly offered police science courses at the University of Houston.¹⁸ Such men, seeking a respectable status in the community, were less willing to sacrifice their goals for the sake of political patronage than their colleagues in previous decades. With police service increasingly gaining career respectability in urban areas throughout the United States, the desire to achieve professional status took on an urgency which had previously not existed.

Not all members of the Association shared the common interest of professional recognition. Some members were concerned only with increased salaries, retirement benefits, and improved publicity with no thought of instituting police reform. Even those men who were interested in achieving meaningful reform had no specific program to propose until 1946 when quite by accident the goal for reform was defined.¹⁹ It was then that leadership in the Association fell to those officers whose ambitions extended beyond monetary rewards and focused instead on freeing the department from the corrupting and demoralizing effects of the spoils system.

The Association's efforts to improve conditions in the department became a reform movement in June, 1946 when the precise program was outlined for breaking the bonds of political control. At that time the Association joined in common cause with the Houston unit of the Texas State Association of Fire Fighters²⁰ to wring a municipal pay raise from the city council. The success of the effort encouraged the continued cooperation of the two departments and indicated for the police that the direction of their reform movement

should be toward enacting a state civil service law. Firemen had much in common with the police since the former was also vulnerable to political favoritism and suffered from the same lack of professional recognition. Concluding that the only means of securing job security and professional growth was by placing themselves under state civil service law, the TSAFF had, since 1940, pressed the State Legislature for such a law. By 1945 firemen in twenty-nine states had secured state civil service protection,²¹ but in Texas the law met with strong opposition in the Legislature which on three occasions had rejected bills sponsored by the TSAFF.

A fourth bill was in preparation for introduction when the Police Association decided to adopt state civil service as the main objective of its reform program. Officials in the TSAFF recognized the added support which an alliance with the Houston Police Officers Association would gain among conservative legislators. As a consequence, firemen attending the 1946 annual convention of the TSAFF voted to add the word "Policeman" to the proposed state civil service law.²² At the 1947 Convention President George Tipton of the TSAFF welcomed representatives from the Houston Police Officers Association as "brothers" in a common cause and expressed the hope that other police departments would join the movement.²³ The resulting partnership became a viable alliance with representatives from the two organizations meeting prior to each Legislative session to coordinate their efforts in deciding procedures and contacting key legislators.²⁴ The additional pressure placed on wavering legislators by police lobbyists together with the experience and organization of Texas firemen assured the passage of the bill in the 1947 session of the Legislature.

Once the objective of the police reform movement became known, the Association found itself in direct conflict with city authorities. The administration did not officially admonish members of the Association and since the Association was a state chartered corporation the chance of obtaining its disbandment was remote. Instead, indirect pressure was exerted through the police department hierarchy. Since most ranking officers owed their positions to political appointments they found the continuation of the *status quo* to their advantage and refrained from actively participating in the movement. Those ranking officers who opposed the Association resorted to various techniques to hinder its activities. Rumors that officers belonging to the Association would be dismissed was one of several methods used to dissuade officers from continuing their membership in the organization. Another approach was to label the members as radicals who intended to extort concessions from the city by disrupting police service through strikes. Some critics of the reform movement were sincere in their fear of radicalism but, as later developments revealed, their fears were generally rooted more in the possibility of losing political patronage. Other efforts were made to disrupt the organization by hindering members from attending the meetings by reassigning work schedules. To counteract these tactics Association meetings were held at two different times to accommodate men on the various shifts. Some meetings, involving policy decisions, were held clandestinely so as to keep the plans of the Association secret. Another method to avoid possible retaliation was for officers to pay their dues but request that their names not be placed on the membership list.²⁵ Attempts to discourage membership were a failure and within a year a majority of the department's rank and file as well as a few ranking officers claimed membership in the organization.

Proselytizing efforts by the Association to stimulate support for the state civil service bill met with varying degrees of success. As news of the reform movement became known, interest among other police departments was aroused. Requests were made for representatives from the Houston Association to be sent out to explain its program and objectives. In other instances the Association took the initiative and sent out speakers to

convert the departments in neighboring towns. Among the first cities where associations were formed were Abilene, Austin, Fort Worth, San Antonio, Sweetwater, and Waco.

Not all cities welcomed the possibility of having Associations formed in their own police departments or of the possible enactment of a state controlled civil service. Officials in some towns looked upon representatives of the Houston Association as dangerous radicals and trouble makers and their appearance in towns sometimes provoked hostile receptions. In Midland, Texas, for example, the police chief threatened "to turn the dogs loose" on the unwelcomed visitors if they did not leave town at once. A milder response occurred in Dallas where the chief of police simply ordered the doors of the police building locked when he learned that Dallas policemen planned to use the assembly room to meet with representatives from the Houston Association.²⁶

Opposition to the proposed law was most strenuously voiced by Houston officials who found support from their colleagues in Dallas and Fort Worth. The argument advanced by the municipalities was that state civil service would infringe on the home rule amendment of the State Constitution by depriving municipal officials of control over local affairs. Houston city attorney George Neal, after studying the implication of a state civil service, concluded that the city council and mayor would "lose all control of the . . . police department . . ." and recommended a concerted effort by the city to defeat the measure. Shortly after Neal's recommendation a city council resolution was passed, charging that the law would, if enacted, "deprive the city of Houston of local self-government and the right of self-determination as to purely local affairs and is a further attempt by the State Legislature to concentrate in the State government powers pertaining to local matters which, under our democratic form of government, inherently belong to local governing bodies."²⁷ This view was shared by the League of Texas Municipalities, which also viewed the law as a dangerous centralization of power in the hands of Austin legislators. Spokesmen for the League also feared that cities would be burdened with expensive pension systems, minimum salary scales and other benefits for police and firemen. A similar concern for the loss of home rule was expressed by Houston's leading newspapers. The *Chronicle* discerned, for example, a similarity between the encroachment by the Federal government in state affairs and the infringement of local home rule by the state.²⁸

The charge by city officials that local self-government was at stake was not taken seriously by those knowledgeable about the administration of the police department under municipal civil service. As if to contradict their own argument, the city council voted unanimously to reject a compromise ordinance offered by Clyde Fitzgerald, the council's one dissenting member. The provisions of the proposed ordinance provided severe penalties for any violation of civil service regulations and gave police officers the right to have appeals tried *de novo* in the District Court.²⁹ Although the ordinance would not have eliminated the arbitrary control exercised by the city council over the enactment of civil service regulations, it did offer one definite advantage. Police officers would have secured the right to appeal their cases to the district court which had previously been obstructed by the civil service rule that appeals could only be initiated after providing evidence that the Commission had acted with gross negligence. Mayor Holcombe vigorously opposed the ordinance, asserting that guaranteed access to the courts would allow the district court to dictate to the city whom it could employ or dismiss.³⁰ Veto of the ordinance by the mayor and city council gave credence to the assertion by the proponents of state civil service that the issue at stake was political rule, not home rule. The charade maintained by the administration throughout the campaign against state civil service was clearly demonstrated in October, 1947, when the mayor, following passage of the law in the Legislature in June, acted to "pack" the police department with his supporters before the new law could be implemented. Proceeding with secrecy and haste the Civil Service

Commission, acting on cue from the administration, authorized the promotions of seventeen police officers approved by Holcombe and Chief of Police B. W. Payne.³¹

Passage of the state civil service bill in the Legislature followed a series of sharp debates between Police and Fire Association lobbyists, their liberal legislative allies and representatives of the municipalities, supported by conservative legislative members. The alliance of the police and liberals in the reform movement severed the customary ties between the former and the conservative rural legislators and marked a sharp departure in police policy. Traditionally, the police depended upon conservatives to support strict law enforcement, but now it was the resistance of conservative legislators who endangered the objectives of the police reform program. Resistance to state civil service disrupted the relationship. Although in subsequent years the police and conservative members of the Legislature re-established their traditional ties, police lobbyists could never resume the role of the ever faithful suitor which the police had once played. In seeking legislation to promote the professional status of police service or improve the career benefits of police officers, police lobbyists found that in these vital areas their hopes for success resided with the liberal, reform minded legislators.³² The struggle for the passage of civil service law, heated and at times emotional, clearly placed the police at odds with those political interests which they had traditionally courted but which they now found united with the municipalities in attacking legislation crucial to the development of a professional police service.

The clash of interests became most volatile during the public hearings of the Senate and House committees in February, 1947 with Houston spokesmen, both for and against the bill, dominating the debates. Houston councilman James S. Griffith was selected as chairman of the forces opposing the bill. Opposition to the bill was voiced by a Houston delegation headed by city attorney George D. Neal, assistant city attorney George Eddy and councilmen Tom Needham and James S. Bailey. Representative Carleton Moore of Houston, sponsor of the bill in the House and a consistent supporter of the interests of policemen and firemen, was the leading spokesman for the bill. T. C. Christian, a director in the Houston Police Officers Association, represented the organization's 420 members at the hearings.³³

The debates centered on the two issues of home rule and political patronage. City attorney Neal reiterated the charge contained in the city council resolution of February 18 that the bill was an effort to undermine the authority of municipal officials over local matters. Eddy claimed that Houston already had a satisfactorily operating civil service system and did not require state legislation. Supporters of the bill were charged with "wanting not job security, but job perpetuation without responsibility." Witnesses for the bill from Houston and other municipalities hammered at the abuses which existed under municipal civil service and cited examples of political favoritism to substantiate their claim that political spoilsmanship was at stake and not home rule. At one point in the debates Moore exhibited a detailed list of names and service records of Houston police officers who had been demoted following the mayoral election of 1946. In three outstanding cases, Moore pointed out that two inspectors of police had been demoted to lieutenants and a third to an office clerk. Moore then charged that the only opponents of state civil service were "those sucking the teat of the public treasury." So emotional became the issue that Moore alleged that he was threatened by a Houston city official.³⁴

The verbal exchanges during the committee hearings provided a public forum for the issues involved, but it was the parliamentary maneuvering behind the scenes which decided the fate of the bill. Passage of the bill remained uncertain despite the cooperative efforts of police and fire association lobbyists. Numerous amendments were added in the House and Senate and several sections of the original bill were deleted as legislators struggled to produce a compromise law which would, to some extent, satisfy the demands

of both sides. The most controversial amendment was the local option proviso which attempted to appease city officials who claimed the law would jeopardize home rule. The local option requirement made local referendum elections mandatory in all the municipalities affected by the law ninety days after its enactment. By this means voters were given the option of either rejecting or approving the law. Under pressure from municipal authorities, a section was also added that the law, after being in effect for at least five years, could be repealed in a special referendum if the voters decided to reject the measure. Moore and his supporters managed to persuade House Committee members to reverse themselves on the local option section, but the Senate Committee by a narrow margin retained it in their version of the bill and it was accepted rather than risk rejection of the whole bill.³⁵ The local option requirement did not hinder its enactment in Houston. Following a local campaign by police officers to explain to the public the advantage of the bill, the voters approved the measure by a 6,000 vote margin in a referendum held on January 31, 1948. The civil service provisions of the city charter pertaining to policemen and firemen were repealed and state civil service regulations became effective.³⁶

The law provided the police with two main objectives of the police reform movement—freedom from the demoralizing effects of political patronage and guaranteed access to the courts. Under the new law, police officers who were dissatisfied with decisions of the Civil Service Commission were assured the right to have appeals tried *de novo* in the District Court. The prior condition that the only grounds for appeal were the gross negligence and prejudice of the Commission was eliminated. Under the *de novo* proviso police officers were guaranteed trials in which all the details of their cases would be reviewed by the court. In addition, District Court judges could no longer delay appeals as they had done in the past. Cases involving appeals from police officers were ordered to be advanced on the court docket of the District Court, taking preference over all other cases.³⁷ With the passage of the state civil service law, the legal status of police officers was at last brought into conformity with the principles of effective civil service, thereby laying the foundation for responsible law enforcement.

Unlike the instability characteristic of the city civil service system, the state law provided stability. Civil service regulations could no longer be altered by the simple method of approving an ordinance or resolution. Changes under state control were possible only by an act of the legislature which would effect all police departments under the state law and would require their approval. Local political control of the department by manipulating the civil service rules was therefore impossible. Procedures for filling positions, assigning promotions, making suspensions or dismissals were all regulated under state law. Active political participation, except for voting, was strictly prohibited. Strikes were also forbidden.³⁸ Regulations governing the daily operation of the police department, such as setting salaries, work shifts, and job classifications remained in the hands of the city.

Enactment of the state civil service law was only the first success of the reform movement but it was a crucial first step. Under the new law the police were freed from the bondage of political control. With tenure of office and appointments regulated by a merit system and protected by state law, police officers were able to look upon police service as a permanent career rather than as a temporary occupation. The transition from occupation to career was an essential prerequisite for professional development. Shifting their attention from the immediate concern of holding a job, policemen were now able to work toward improving their professional status without fear of censure or retaliation from city officials. With the formation of police associations in other municipalities a means was provided for common action at the state level.

In 1950 the various associations were brought together into a state chartered organization under the title of the Texas Municipal Police Association. Police lobbyists

from Houston, acting under the auspice of the new statewide Association, were able to sponsor and support legislation to improve the welfare of police officers and the quality of police service. A major victory by the organization was scored in 1951 when police lobbyists working in cooperation with reform minded state legislators were able to guide through the legislature laws banning slot machines, policy games and punchcards. These laws, by effectively undercutting the influence of racketeers in financing political campaigns, eliminated the chief corrupting influence on the police, and contributed significantly to the advancement of responsible law enforcement.

Since 1947 a host of bills have been enacted dealing with pensions, working hours and most recently in 1965, a bill creating the Law Enforcement Officers Standard and Education Commission. The law established for the first time an office to set professional standards for municipal police departments in Texas. Creation of the Commission did more than mark the continuing process of professionalization in police service. The Commission commemorated the achievement of the police reformers who twenty years before had rebelled against the degrading conditions imposed on the police department by the spoils system. It is to their credit as aspiring professionals that police reform was an inwardly motivated movement directed and organized by those charged with providing the public with efficient and responsible law enforcement.

NOTES

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¹Houston City Council Minutes, Vol. RR. January 1, 1947—October 21, 1947, 3, Houston City Archives, Houston, Texas.

²*Charter and Revised Code of Ordinances of the City of Houston* (Houston, 1897), 20; *The Revised Code of Ordinances of the City of Houston of 1914* (Houston, 1914), 53.

³*Houston Daily Post*, September 28, November 1, 6, 7, 1901; Resolution of November 6, 1901, Miscellaneous Correspondence, 1900-1902, Packet, November 11, 1901, Houston City Archives; Report of the Police Committee, November 11, 1901, Houston City Archives; Letter from Board Chairman to the Mayor and City Council, November 6, 1901, Packet, December 3, 1901, Houston City Archives.

⁴Revised Code of Ordinances of the City of Houston of 1914, 53.

⁵Brief for Appellant in the Court of Civil Appeals for the First Supreme Judicial District of Texas at Galveston, No. 10104, W. R. (Bobby Ellis v. Oscar F. Holcombe, Et Al, Harris County Court Records, Houston, Texas.

⁶Revised Code of Ordinances of the City of Houston of 1914, 53.

⁷Civ. App. 1902. Proctor v. Blackburn et al, 67 S. W. 548; Civ. App. 1904. City of Houston v. Mahoney, 80 S. W. 1142; Civ. App. 1904. City of Houston v. Estes, 79 S. W. 848; Civ. App. 1904. City of Houston v. Clark, 80 S. W. 1198; Civ. App. 1904. City of Houston v. Fraser, 80 S. W. 1198; Civ. App. 1904. City of Houston v. Smith, 80 S. W. 1144.

The decisions of the court in these police cases were based on Art. 16, Sec. 30 of the Texas State Constitution of 1876 which stipulated that "The duration of all offices not fixed by this Constitution shall never exceed two years. . . ." Precedent was established in Tex. 1895, City of San Antonio v. Micklejohn, 89 Tex. 79, error refused, in which the court ruled that "The term of office not having been fixed in the ordinance which created it, it was not controlled by that provision of the constitution which limits the terms of all offices not therein prescribed to the period of two years." See also John F. Dillion, *Commentaries on the Law of Municipal Corporations*, 5th ed. (Boston, 1911), Vol. 1, 174-75, 675-75.

The legal status of police officers in Texas with regard to civil service remained unchanged until 1940 when a constitutional amendment to the Texas Constitution was approved, excluding classified civil service positions from the two year limitation clause. (See Art. 16, Sec. 30-a of the Texas State Constitution). Texas municipal police officers continue to be considered as state offices.

⁸*Civil Service Rules for the City of Houston* (Houston, 1944), *Houston Post*, February 3, 1948.

⁹Letter from Mayor Oscar F. Holcombe to Chief of Police Thomas C. Goodson, October 8, 1924, Reel 2, D-163, Personnel Files, Houston Police Department, Houston, Texas (hereinafter cited as PFHPD).

¹⁰Houston *Chronicle*, April 11, 1929; Houston *Post*, January 9, 1947; Letter from Chief of Police L. C. Brown to J. Edgar Hoover, November 9, 1940, Reel 11, D-758, PFHPD; Carl L. Shuptrine, former Chief of Police, Houston Police Department, personal interview with author at Port of Houston Security Office on August 9, 1972.

¹¹Letter from Chief of Police L.C. Brown to Mayor C.A. Pickett, February 8, 1941, Reel 9, D-692, PFHPD.

¹²Brief for Appellant in the Court of Civil Appeals for the First Supreme Judicial District of Texas at Galveston, No. 10104, W. R. (Bobby) Ellis v. Oscar F. Holcombe, Et Al, Harris County Court Records, Houston, Texas.

¹³Houston *Post*, December 4, 1947; Houston *Chronicle*, December 4, 1947.

¹⁴Houston *Post*, December 4, 1947; Personnel File, Reel 11, D-758, PFHPD.

¹⁵City of Houston, 1939-1940, *Griffenhagen Survey*, Griffenhagen and Associates, Houston, Report No. 3, Vol. 1, 58.

¹⁶Houston *Press*, November 29, 30, 1945, December 4, 1945; Houston *Post*, December 5, 1945.

¹⁷Houston *Post*, June 4, 1939; Houston *Chronicle*, June 5, 1939; Earl Maughmer, Captain, Houston Police Department, and former legislative agent and president for the Houston Police Officers Association, personal interview at Houston Police Department Headquarters with author on November 7, 1973; for a detailed account of the training program see Vernon L. Engberg, "Municipal Police Training in Texas" (unpublished M. A. thesis, University of Texas, 1952), 126-28.

¹⁸Houston *Post*, September 23, 1945.

¹⁹George Seber, former assistant Chief of Police, Houston Police Department, personal interview with author at Liverpool, Texas on December 13, 1973; Earl Maughmer, personal interview with author at Houston Police Department Headquarters on January 25, 1974.

²⁰Hereinafter the Texas State Association of Fire Fighters will be cited as TSAFF.

²¹"Stenographic Report of Seventh Annual Convention of the Texas State Association of Fire Fighters at Waco", September 10-11, 1945, 1-2.

²²"Proceedings of the Eighth Annual Convention of Texas State Association of Fire-Fighters," Waco, Texas, June 9-10, 1964, 102.

²³"Proceedings of the Ninth Annual Convention of the Texas State Association of Fire Fighters, Amarillo, Texas," June 8-9, 1947, 18.

²⁴"Proceedings, TSAFF", 18. Thomas Pinckney, District Fire Chief in Austin Fire Department and former legislative agent for the TSAFF, personal interview with author in Austin on October 6, 1973; Jack Bostick, Captain, Fort Worth Fire Department and Secretary-Treasurer of the TSAFF and Vice President of the Eleventh District of International Firefighters, personal interview with author in Fort Worth on October 1, 1973.

²⁵Raymond Goodnight, Lieutenant, Houston Police Department, Houston, Texas, personal interview with the author at Houston Police Department Headquarters, December 7, 1972; Earl Maughmer, personal interview with the author at Houston Police Department Headquarters, November 20, 1972, August 12, 1973, November 7, 1973.

²⁶Earl Maughmer, personal interview with the author at Houston Police Department Headquarters, November 20, 1972.

The Dallas Police Department did not form their own Police Association until January, 1959, when the Dallas Police Officers Association was granted its state charter—*Southwestern Law* (February, 1959), 19.

Representatives of the TSAFF experienced similar harassment, including threats of arrest, in their efforts to seek support from firemen in other towns. Jack Bostick, personal interview with author in Fort Worth on October 1, 1973.

²⁷City Council Minutes, Vol. RR, January 1, 1947-October 21, 1947, February 3, 1947, 48, Houston City Archives; Memo, Mayor's Office, February 3, 1947; Resolution submitted February 18, 1947 by Mayor Oscar F. Holcombe, Mayor Office, Correspondence Files for 1947, Civil Service Folder #17, 1947, Houston City Archives, Houston, Texas; *Houston Press*, October 2, 1947.

²⁸“Legislative Threat Faces Home Rule,” *Texas Municipalities*, XXXIV (October, 1947), 230; “Individual Liberty and Home Rule,” *Texas Municipalities*, XXXV (June, 1948), 120; Dawson Duncan, “Threat Seen to Cities’ Home Rule,” in *Texas Municipalities*, XXXIV (March, 1947), 44-46. *Houston Post*, January 29, 1948; Editorial from the *Houston Chronicle* quoted in *Texas Municipalities*, XXXIV (February, 1947), 27-28.

²⁹Motion No. 2796, December 17, 1947, submitted by Councilman Clyde J. Fitzgerald, Correspondence Files for 1947, Civil Service Folder #17, 1947, Houston City Archives, Houston, Texas; *Houston Post*, December 18, 1947.

³⁰*Houston Post*, December 18, 1947.

³¹*Houston Post*, October 2, 1947; *Houston Chronicle*, September 30, 1947; Raymond Goodnight, personal interview with author at Houston Police Department Headquarters on December 7, 1972.

³²Julius A. Knigge, Sergeant, Houston Police Department, Secretary of the Houston Police Officers Association and Texas Law Enforcement Legislative Council, personal interview with author at Houston Police Department Headquarters, March 4, 1973.

An example of police cooperation with conservative legislators was provided by the recent efforts of the Texas Law Enforcement Legislative Council to have the death penalty reinstated in Texas.

³³Memo from Mayor's Office, February 12, 1947. Correspondence Files for 1947, Civil Service Folder #17, 1947, Houston City Archives, Houston, Texas; *Houston Post*, February 4, 1947, *Houston Chronicle*, February 20, 1947.

³⁴*Houston Chronicle*, February 20, 1947; *Houston Post*, February 20, 1947; *Houston Press*, February 20, 1947.

³⁵*Houston Post*, February 26, 27, 1947, June 3, 1947; *Houston Chronicle*, February 27, 1947; *Houston Press*, February 27, 1947; *Journal of the Senate of the Regular Session of the Fiftieth Legislature of the State of Texas Begun and Held at the City of Austin, January 14, 1947* (Austin, 1947), 1042.

³⁶City Council Minutes, Vol. SS, October 22, 1947-September 7, 1948, Motion 3075, February 4, 1948, 156; Raymond Goodnight, personal interview with author at Houston Police Department Headquarters, December 7, 1972; *Houston Post*, February 1, 1948.

³⁷*Journal of the Senate of the State of Texas of the Regular Session of the Fiftieth Legislature of the State of Texas Begun and Held at the City of Austin, January 14, 1947* (Austing, 1947), 1040.

³⁸*Journal of the Senate . . . of the Fiftieth Legislature*, 1037-1041.

