

“Don’t Choke ‘Em, Smoke ‘Em”: Lloyd “Tony” Stevenson and the Long Reach of  
History in “Post-Racial” Portland

by  
Elise Ewens

A THESIS

submitted to

Oregon State University

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degree of

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Presented May 18, 2017  
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## AN ABSTRACT OF THE THESIS OF

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Despite Portland’s progressive reputation, the response of city officials, police officers, and the community as a whole to the killing of the black man, Lloyd Stevenson, in 1985 at the hands of Portland police, demonstrates that the long racially discriminatory history of Oregon shaped public policy and popular thought about race and crime. Besides its foundation in a state set aside to be a “white haven”, Portland also followed national trends that supported racial discrimination; such as, the long history of criminalization of African Americans, housing inequality, and increased policing of minority neighborhoods. The Stevenson case offers insight into the complicated intersection between Portland’s liberal ideals and its statewide anti-black entrenchment, especially regarding its police force and African American community relations. The non-response, excluding legal culpability concerns, of city and police officials indicate a lack of racial justice in an era when racial inequality was supposedly a problem of the past.

Key Words: African American, police, Portland, discrimination, brutality

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I understand that my project will become part of the permanent collection of Oregon State University, Honors College. My signature below authorizes release of my project to any reader upon request.

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Elise Ewens, Author

## **“Don’t Choke ‘Em, Smoke ‘Em”: Lloyd “Tony” Stevenson and the Long Reach of History in “Post-Racial” Portland**

Elise Ewens

On April 20, 1985 a Portland police officer killed Lloyd Stevenson, an honorably discharged U.S. Marine, security guard at a local Fred Meyer’s, and father of five. According to the official police report, officers arrived at a 7-Eleven store on N.E. Wiedler St. in Northeast Portland at 11:30 P.M. after receiving a call that a shoplifter was causing a disturbance. Two officers, Tom Mitchell and Bert Combs, arrived first on the scene followed by officers, Gary Barbour and Bruce Pantley, who reported seeing two groups gathered in front of the store: two store clerks holding the alleged shoplifter and a separate group of three men including Stevenson. Witness reports claim Stevenson and the two men were arguing and when Stevenson reacted angrily the police “just jumped on him - he didn’t have a chance.”<sup>1</sup> One witness testified that he tried to tell the police they were going after the wrong guy, but they didn’t pay attention.<sup>2</sup> The police report iterates that Stevenson hit Pantley and that Officers Pantley, Barbour, and Mitchell then struggled to bring Stevenson to the ground.<sup>3</sup> Barbour jumped on Stevenson’s back and applied a sleeper hold for approximately 15 seconds. Once Stevenson lost consciousness, an officer handcuffed him; when Barbour checked for a pulse, he found that Stevenson was having difficulty breathing and was not regaining consciousness. The officers reportedly called an ambulance and administered resuscitation, but Stevenson died at the Holiday Hospital

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<sup>1</sup> Ken Hamburg and Michael Rollins, “Witnesses tell their versions of fatal events,” *Oregonian*, May 10, 1985, C2.

<sup>2</sup> Hamburg and Rollins, “Witnesses tell their versions of fatal events,” C2.

<sup>3</sup> Sergeant Jay Decker, “Police give official version of events,” *Oregonian*, April 23, 1985, B1.

at 12:15 A.M.<sup>4</sup>

This kind of narrative is entirely unsurprising in today's age of increased attention to the murder of African Americans by police. Historians' growing attention to the long, persistent history of police violence in communities of color, as well as the emergence of mass incarceration in the 1980's, make this story tragically ordinary. At the same time, Portland's reputation as a progressive bastion in the midst of the mainstream American political narrative of colorblindness in the 1980's makes this case useful for historical analysis. The narrative of colorblindness that began to gain substantial cultural and political traction in the 1980's ignored the decades of structural racial inequality built into federal and state legislation, housing discrimination, increased policing of African Americans, and the effect of these principles upon public thought. With the emergence of the New Right in the 1970's, ideals of "free market individualism made the rhetoric of color blindness central to the 'war of ideas'" that pervasively entrenched itself in public policy for years to come.<sup>5</sup> Racism took on a new language in the post-civil rights era with the synonymous use of "underclass" when referencing the black, urban, undeserving poor.<sup>6</sup>

Despite Portland's progressive reputation, the response of city officials, police officers, and the community as a whole to the killing of Lloyd Stevenson demonstrate that the long racially discriminatory history of Oregon shaped public policy and popular thought about race and crime. Even as Portland officials investigated the fine details of

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<sup>4</sup> Michael Rollins, "Police Well Trained in 'sleeper' Chief Says," *Oregonian*, April 23, 1985, B1.

<sup>5</sup> Jacquelyn Dowd Hall, "The Long Civil Rights Movement and the Political Uses of the Past," *Journal of American History* 91, No. 4 (March 2005), 6.

<sup>6</sup> Michael Katz, *The "Underclass" Debate: Views from History* (Princeton: Princeton University Press, 1993), 10-11.



Stevenson's death, they largely ignored the broader context in which the incident occurred. A thorough look at the history of Portland and this case shows that Portland followed national patterns of racial inequality: a long history of criminalization of African Americans, housing inequality, and increased policing of minority neighborhoods. The criminalization of African Americans can be traced back to the post-civil war South drawing on popular thought of the inherently criminal nature of slaves. This criminalization was then renewed during the Northern migration to city centers by skewed carceral data and baseless biological conclusions about African Americans. Spatial inequality was elaborated through racially discriminatory housing policies and the formation of the white suburbs in the post WWII era, in which public policy fostered divestment of capital, jobs, and tax dollars from urban areas, leaving a crumbling inner city landscape populated largely by low-income people of color. This case also shows that Portland officials took few steps to evaluate the discriminatory climate of the city in the wake of Stevenson's death, even though Portland police had a questionable history with African Americans.

The Stevenson case offers a unique insight into the city's racial history. Portland was labeled the whitest city in the U.S. by *The Atlantic* in 2016.<sup>7</sup> With recent shootings of African American men nationally, the continuity of occurrences similar to the Stevenson case is of particular concern. Cases mirroring this event, roughly thirty years later, show the lack of effective policies put in place to prevent this epidemic. The continuity of an almost all white population in Portland is also a concern as in 1962 the Portland African

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<sup>7</sup> Alana Semuels, "The Racist History of Portland, the Whitest City in America," *Atlantic*, July 22, 2016.

American population was 3.5%, compared to 6.3% today.<sup>8</sup> According to Organizing Director of the Urban League of Portland, Zev Nicholson, “Portland’s tactic when it comes to race up until now, has been to ignore it.”<sup>9</sup> This unwillingness of Portlanders to address issues of race is detrimental to continued growth of varied ethnic populations in the area and to the well-being of its non-white residents.

The roots of racial exclusion in Oregon, beginning with exclusionary statutes extending to intensified residential segregation, disinvestment, and increased policing in minority communities, frame the response of public officials and the general public in the wake of Stevenson’s death. The platform of the Stevenson case allowed for the racial ideologies of Portlanders to become pronounced as evidence of the long standing effect of its racialized history. The non-response, excluding legal culpability concerns, of city and police officials indicates a lack of racial justice in an era when racial inequality was supposedly a problem of the past.

### **History and Methods of Racial Exclusion**

Although historically known as a liberal city, Portland’s history of statewide racialized policies established a deeply rooted system of exclusion and brutality. As Oregon’s most populous city, Portland has been the pillar of the Oregon Democratic Party and the national hallmark of Oregon liberalism for decades. Despite its current political policies and thought, Oregon came into statehood harboring multiple racist exclusions.<sup>10</sup> The “lash law” passed by Oregonian legislature in 1844 required a black

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<sup>8</sup> “Reasons for Albina Project,” *Oregon Journal*, February 23, 1962; Semuels, “The Racist History of Portland, the Whitest City in America.”

<sup>9</sup> Semuels, “The Racist History of Portland, the Whitest City in America.”

<sup>10</sup> Walidah Imarisha, “Why Aren’t There More Black People in Oregon: A Hidden History,” *Youtube*, May 6, 2014, <https://www.youtube.com/watch?v=DWC-8hvP7aY>

resident to be whipped every 6 months and extended to severe taxes and restrictions in occupational opportunities for Asians as well.<sup>11</sup> Following the repeal of this law 15 years later, Oregon legislature prohibited any sort of legal acknowledgement of black people residing within the state, making their presence in Oregon essentially a criminal act.<sup>12</sup> Based on these foundations, historians have argued convincingly that state officials consciously and purposefully set Oregon apart to be a white homeland.<sup>13</sup>

Oregon's identity as a "free state" reflected profound antipathy toward slavery as an institution that debased white labor. Policies enacted in the Western territories of the U.S. in favor of free white labor markets strongly linked the ideas of anti-slavery and racism. In 1850, the Oregon Donation Land Act provision of up to 640 acres per man was used to incentivize colonization in the Western territories.<sup>14</sup> These land grants were only available to white men; U.S. Senator Lyman Trumbull stated "We wish to settle the Territories with free white men."<sup>15</sup> The free labor movement, which was popular in the territorial west, maintained that slavery inhibited the economic market for the white laborer, which was the main motivator behind Oregon's anti-slavery laws.<sup>16</sup> The desire to maintain a homogenous race in the West was so strong that "at the root of all colonization plans... was the assumption that the United States was, or should be, a nation of white men."<sup>17</sup>

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<sup>11</sup> "Oregon Racial Laws and Events, 1844-1959," *Oregon Department of Education*, <http://www.ode.state.or.us/opportunities/grants/saelp/orraciallaws.pdf>

<sup>12</sup> Imarisha, "Why Aren't There More Black People in Oregon."

<sup>13</sup> Imarisha, "Why Aren't There More Black People in Oregon."

<sup>14</sup> Stacey L. Smith, "Oregon's Civil War: The Troubled Legacy of Emancipation in the Pacific Northwest," *Oregon Historical Quarterly* 115, No. 2 (Summer 2014), 167.

<sup>15</sup> Eric Foner, *Free Soil, Free Labor, Free Men* (Oxford University Press, 1995), 283.

<sup>16</sup> Foner, *Free Soil, Free Labor, Free Men*, 283.

<sup>17</sup> Foner, *Free Soil, Free Labor, Free Men*, 285.

While prohibiting slavery and joining the Union forces in the Civil War, Oregon still harbored widespread white supremacist attitudes. The traditional narrative of the Civil War consists of a racial and economic dichotomy between pro-slavery Southerners and anti-slavery Northerners, relegating the Pacific Northwest to a seemingly neutral or irrelevant role in the war.<sup>18</sup> While Oregon was not very involved in the war, its “free state” status did not make it racially neutral in any way. Oregon was the only state to be admitted into the Union with a racial exclusion clause in its constitution.<sup>19</sup> Following the downfall of the Confederacy, many Oregonians resisted federal Reconstruction laws.<sup>20</sup> Oregon legislators also issued a vehement rejection of the 15<sup>th</sup> amendment giving blacks the right to vote just six months after it had taken federal affect across the nation. The legislators “dubbed it an illegal, unconstitutional act of Congress that violated states’ rights to determine voter qualifications.”<sup>21</sup> This is an example of Oregonians’ fierce determination to maintain white political power and demonstrates that even during periods when national trends favored an expansion of black rights, Oregon voters often resisted implementing such statues. By the 1920s, despite its tiny African American population, Oregon had “the highest per capita Klan membership in the country” and had several members in positions of political leadership.<sup>22</sup> Oregon Governor Walter Pierce, elected in 1922, was a card carrying member of the Ku Klux Klan and was endorsed by the Klan in his campaign.<sup>23</sup> Although less blatant, governmental disregard for racial justice extended even up until 2000 when Oregonians finally voted to remove all racially

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<sup>18</sup> Smith, “Oregon’s Civil War,” 154.

<sup>19</sup> Imarisha, “Why Aren’t There More Black People in Oregon.”

<sup>20</sup> Smith, “Oregon’s Civil War,” 170.

<sup>21</sup> Smith, “Oregon’s Civil War,” 171.

<sup>22</sup> Imarisha, “Why Aren’t There More Black People in Oregon.”

<sup>23</sup> Imarisha, “Why Aren’t There More Black People in Oregon.”

discriminatory language from their constitution, which until that date still contained the clause: “No free Negro, or mulatto, not residing in this state at the time of the adoption of this constitution, shall come, reside, or be within this State, or hold any real estate.”<sup>24</sup>

Despite Oregon’s exclusion clause, Portland elites responded to potential and actual black migration with policies and practices that institutionalized residential segregation. Housing exclusions in Portland, and in many cities nationwide, restricted black residents to certain areas by leasing and housing contracts and clauses. In 1919, the Portland Realty board passed a housing restriction stating that it was “unethical for an agent to sell property to either Negro or Chinese people in a White neighborhood.”<sup>25</sup> Even before federal policies promoted mass white suburbanization and metropolitan segregation in the post-World War II decades, Portland followed national trends in which government policies fueled dramatically unequal access to housing. Nationwide, African Americans were either restricted to purchasing or renting dilapidated homes due to restrictive covenants, which legally restricted the sale, rental, and use of property to white residents and tenants, and by the common practice of biased home loan distribution. Restrictive covenants were used frequently throughout the nation from 1910 until 1948 when the Supreme Court “declared them unenforceable.”<sup>26</sup> Redlining, a practice used by mortgage lenders and required by Federal Housing Administration (FHA) mortgage insurance programs that enabled mass homeownership mid-decade, declined loans to

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<sup>24</sup> “Looking Back in Order to Move Forward-Timeline of Oregon and U.S. Racial, Immigration and Education History,” *City of Portland Oregon*, Revised May 16, 2010, <https://www.portlandoregon.gov/bps/article/412697>.

<sup>25</sup> Karen J. Gibson, “Bleeding Albina: A History of Community Disinvestment, 1940-2000,” *Transforming Anthropology* 15, No. 1 (2007), 3-25.

<sup>26</sup> Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Harvard University Press, 1998), 44.

residents living in areas considered a financial risk, essentially low income or black neighborhoods, reinforcing the building of the city ghetto and the expansion of the white, middle-class suburbia. FHA housing loans were salient to expanding home ownership, but only for select citizens as FHA policies institutionalized racial discrimination in the housing sector. By approving federal loans for areas on the outskirts of cities that were only open to white buyers and declining those in the urban center, these policies removed the middle class from the city center to the periphery.<sup>27</sup> This dual housing market enabled practices like blockbusting, in which real estate agents preyed upon white homeowners' fears of a black invasion. In this scheme, a realtor would purchase a few homes in a less desirable, white, urban neighborhood and sell to select black families (or would perhaps even merely start a rumor that a black family was moving in). Seeing black families move in next door, white neighbors would sell their properties to the realtor for below market value. The realtor would then sell the aging home to eager black buyers, whose purchasing options were severely limited and who had to rely on "contract deeds" and other exploitative unconventional lending practices. Realtors would thereby turn a sizable profit from changing an entire street block from white to black ownership.<sup>28</sup> Historians such as Thomas Sugrue, Robert Self, and Kevin Kruse have detailed the process of urban disinvestment through movements of mass white suburbanization and white conservatism.<sup>29</sup> This urban disinvestment could be seen years later in the crumbling

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<sup>27</sup> "Historical Shift from Explicit to Implicit Policies Affecting Housing Segregation in Eastern Massachusetts", *The Fair Housing Center of Greater Boston*, <http://www.bostonfairhousing.org/timeline/1934-1968-FHA-Redlining.html>

<sup>28</sup> Massey and Denton, *American Apartheid*, 45.

<sup>29</sup> Kevin Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton: Princeton University Press, 2013), 236; Robert O. Self, *American Babylon: Race and the Struggle for Postwar Oakland* (Princeton: Princeton University Press, 2003); Thomas J. Sugrue, *Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996).

building and housing structures perpetuated by absentee landlords, in the city school systems that received significantly less funding than their counterparts in the suburbs, and in the targeting of African American urban homeowners for predatory loans in the twenty-first century.<sup>30</sup>

These dynamics played out in Portland after World War II. Increased labor needs during the war caused a significant migration to Portland that resulted in an effort to contain the increasing African American population within the city. Many Black migrants settled in the Albina area due to its proximity to the Union Station Railroad; the railroads were the top employer of African Americans in 1941.<sup>31</sup> In response to the influx of black laborers to fill jobs in Kaiser shipyards and other defense plants, the city of Portland built a temporary housing project along the lowlands of the Columbia River; the population of this area, called Vanport, at roughly 15% African American housed “three times as many (African Americans) as had lived in all of Portland two years before.”<sup>32</sup> Once the war was over, Portland, and Oregon in the larger context, was not ready for the continued growth of African Americans in the area. Portland Mayor Earl Riley stated “the city can absorb only a minimum of Negroes without upsetting its regular life” echoing popular white sentiment in the region.<sup>33</sup> The projected expansion of black settlement in Portland was subdued when the city of Vanport was destroyed by a flood in 1948. This devastation left thousands homeless in a time when Portland employers, landlords, realtors, and lenders

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<sup>30</sup> Thomas J. Sugrue, *Sweet land of liberty: The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2008), 258.

<sup>31</sup> Carol Kennedy, “Eliot-The Making of a Neighborhood,” *Eliot Neighborhood*, April 1998, <https://eliotneighborhood.org/2007/04/16/eliot-the-making-of-a-neighborhood/>.

<sup>32</sup> Michael N. McGregor, “The Vanport Flood,” *The Oregon History Project*, 2003, <https://oregonhistoryproject.org/articles/essays/the-vanport-flood/#.WRdjrOvyvIU>.

<sup>33</sup> “Local Color,” *Oregon Public Broadcasting*, May 1, 1999, <http://watch.opb.org/video/1593884540/>.

offered few employment and housing options for African Americans.<sup>34</sup>

A host of private practices and public policies thus concentrated a substantial portion of the city's African Americans in the Albina area of northeast Portland. Because of the large black population present in the Albina area and housing restrictions in other areas of the city, the Albina area became the city's postwar black neighborhood.

According to a Portland City Club progress report of African Americans in Portland published in 1957, "Until 1952, the doctrine that Negroes depress property values was the official position of the Portland Realty Board."<sup>35</sup> According to a survey in 1961 by the Oregon Advisory Committee to the U.S. Commission on Civil Rights, blacks looking to rent homes in predominantly white areas were told there was no vacancy as lessors believed that "their tenants generally would oppose mixed company."<sup>36</sup> The article also noted that 4,400 of the 5,000 homes in the Albina area were built prior to World War I, and with little to no home construction efforts the Portland City Club termed Albina "literally a Negro ghetto."<sup>37</sup>

In the late 1960's and early 1970's city planners targeted the Albina area for "slum clearance" and "urban renewal," following a national trend of demolishing struggling black neighborhoods for redevelopment.<sup>38</sup> Urban development projects such as the construction of the Memorial Coliseum, the placement of Interstate 5 and Highway 99, and the expansion of Legacy Emanuel Hospital gutted the heart of the Albina

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<sup>34</sup> Michael N. McGregor, "The Vanport Flood," *The Oregon History Project*, 2003, <https://oregonhistoryproject.org/articles/essays/the-vanport-flood/#.WRdjrOvyvIU>.

<sup>35</sup> "Report on The Negro in Portland: A Progress Report 1945-57," *Portland City Club Bulletin*, 1957, 359.

<sup>36</sup> "State Civil Rights Committee Report Negro Progress in '61," *Astoria Evening Budget*, September 13, 1961.

<sup>37</sup> "State Civil Rights Committee Report Negro Progress in '61."

<sup>38</sup> John F. McDonald, *Urban America: Growth, Crisis, and Rebirth*, (Armonk, M.E. Sharpe, Inc. 2007), 172.



community. The construction of the Memorial Coliseum destroyed 476 homes in the Eliot neighborhood of Albina; similarly the Legacy Emanuel expansion displaced numerous businesses and homeowners inflicting a devastating blow to the heart of the Albina community.<sup>39</sup> Funded by the Federal Aid Highway Act of 1956, the Highway 99 and Interstate 5 projects destroyed hundreds of housing units in the Eliot neighborhood.<sup>40</sup> Portland's Community Renewal Program defined the Albina area near Emmanuel hospital as "Portland's urban blight" and sought clearance methods to rid the cityscape of the area that contained "the highest concentration of low-income families and the highest rate of crime in the city."<sup>41</sup> Albina residents' response to this problem of declining housing was to try to rehabilitate the area, not just clearing it as city planners proposed and executed on most blighted areas.<sup>42</sup>

Throughout the 1950's and 1960's Portland's African American community continued to grow despite fewer employment opportunities. This increase can be seen in the enrollment of public school students in the Albina district: "in 1945... 38 percent of the students at Eliot Elementary were African American, but by 1957, they comprised 80 percent of the student body. This is especially striking since African Americans only made up 2 percent of Portland's total population."<sup>43</sup> Schools were effectively segregated because of the Portland School Board's neighborhood schooling policy. The increase of the black population to one area, due to redlining and housing contracts, resulted in school systems comprised predominantly of African American students who struggled to

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<sup>39</sup> Gibson, "Bleeding Albina," 11.

<sup>40</sup> Gibson, "Bleeding Albina," 9.

<sup>41</sup> Gibson, "Bleeding Albina," 11.

<sup>42</sup> Gibson, "Bleeding Albina," 11.

<sup>43</sup> Ethan Johnson and Felicia Williams, "Desegregation and Multiculturalism in the Portland Schools," *Oregon Historical Quarterly* 111, No. 1 (Spring 2010), 6-37.

thrive under limited funds. In 1969, the school district began busing black children from their neighborhood high school and middle schools to meet minority quotas at the schools in the Portland area. Despite the promised benefits of desegregation, local minority education advocates, such as Ron Herndon, criticized the process for weakening black students' sense of community. When the Community Coalition of Integration, a Portland based citizen advocacy group, suggested busing both white and black students in the late 1970's (two-way busing), the school board initially dismissed the idea.<sup>44</sup> Rejection of the coalition's reasonable suggestion by the Portland School Board showed a lack of concern for the well-being of black students and an obvious preference for the education of white students and deferral to white parents' wishes.

Although historically known as a progressive city, Portlander's hesitance to discuss topics of racial equality creates a disconnect between Portland's liberal approach and its treatment of minorities. Portland's racial history, which largely parallels the racial history of most major American cities, demonstrates that implementation of civil right legislature was largely due to federal intervention. Dubbed "the worst city in race relations north of the Mason Dixon Line" and "a Northern city with a Southern exposure" in 1947, Portland's issue of systemic racial discrimination has been cited as the city's "blind spot in its progressivism."<sup>45</sup> Even some Portlanders recognize that Portland's popular form of liberalism is "not really about social issues. It's upper-middle-class progressivism, really."<sup>46</sup> Portland's form of liberal ideology has tended to emphasize environmental activism and countercultural ideals, while largely excluding frank

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<sup>44</sup> Patricia J. Rumer, "Citizen advocacy groups, an intervention strategy: a case study of the Community Coalition for School Integration in Portland, Oregon," *Dissertations and Theses-Portland State University* (January, 1981), 475.

<sup>45</sup> "Third Annual Report-1947," Urban League of Portland.

<sup>46</sup> William Yardley, "Racial Shift in a Progressive City Spurs Talks," *New York Times*, May 29, 2008.

discussions of race and racial discrimination.<sup>47</sup>

## Literature Review

Historically, African Americans have been subject to assumptions of criminality based on their race. Historians have traced this phenomenon to the emancipation era, where it began to pervasively shape criminal justice policies. Several historians have demonstrated that the criminal justice system was a tool used by southern whites during the Reconstruction period (1866- 1877) to redefine crime in order to reimpose the racial hierarchy established during the time of slavery.<sup>48</sup> Southern elites used convict leasing, increased punishment for minor crimes, and vagrancy laws to redefine crime as an inherently black act. High rates of black incarceration in the South, largely due to harsh state statutes against petty crimes, enriched private employers and provided crucial public sector labor; they also provided statistical evidence for racialized criminality. The historian Khalil Gibran Muhammad writes that “in a rapidly industrializing, urbanizing, and demographically shifting America, blackness was refashioned through crime statistics.”<sup>49</sup> In conjunction with the manufactured rise of black criminality was a decrease in the criminal stigma of certain European immigrants like Italians, Poles, and the Irish. This led to a decreased fear of “white crime” and a heightened belief in black criminality and inferiority.<sup>50</sup>

Authors of the postbellum period, firm in their belief of white supremacy,

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<sup>47</sup> Yardley, “Racial Shift in a Progressive City Spurs Talks.”

<sup>48</sup> Heather Ann Thompson, “Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History,” *Journal of American History* 97, No.3 (December 2010), 704.

<sup>49</sup> Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge: Harvard University Press, 2010), 5.

<sup>50</sup> Muhammad, *Condemnation of Blackness*, 5.

published works correlating genetic variations to tendencies of black criminality.

Nathaniel Shaler, a race scientist in the late 19<sup>th</sup> century, wrote that, “black brains stopped developing sooner, leaving the negroes with an animal nature”<sup>51</sup> while Frederick Hoffman cited higher rates of mortality of black convicts compared to whites and attributed these discrepancies to African Americans “consumption and venereal diseases” based on their “inferior constitution” and “gross immorality.”<sup>52</sup> This belief in black inferiority worked to justify black abuse, incarceration, and discrimination. African Americans found themselves “abused, clubbed and imprisoned, and even convicted of crime on false testimony by police and their accomplices.”<sup>53</sup> This ideology, while a product of the South, became widespread, reinforced by carceral statistics that extended into the late twentieth century. Muhammad summarized the problem as, “In a moment when most white Americans believed in the declining significance of racism, statistical evidence of excessive rates of black arrests and the overrepresentation of black prisoners in the urban North was seen by many whites as indisputable proof of black inferiority.”<sup>54</sup>

More recently, other historians have researched the rise in mass incarceration in the United States and its unsettling carceral statistics and disproportionate impact on minorities. Similar to the narrative of black criminalization in the late nineteenth century, this phenomenon can be traced back to the implementation of state and federal policies. Elizabeth Hinton, in her book *From the War on Poverty to the War on Crime*, argues that national and urban policies in the late 1960s, implemented under the guise of eliminating crime, directly targeted poor urban blacks and launched the surge in African American

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<sup>51</sup> Muhammad, *Condemnation of Blackness*, 17.

<sup>52</sup> Muhammad, *Condemnation of Blackness*, 38.

<sup>53</sup> Muhammad, *Condemnation of Blackness*, 49.

<sup>54</sup> Muhammad, *Condemnation of Blackness*, 8.

incarceration rates over the past fifty years. The historian Heather Ann Thompson has also argued that the government “disproportionately targeted cities in its new war on drugs” and “particularly policed the communities of color within them,” leading to increased black incarceration rates and further encouraging the decline of inner cities.<sup>55</sup>

In 1961, President John F. Kennedy embarked on a “total attack on delinquency” rooted in establishing social welfare programs in some of America’s neediest cities.<sup>56</sup> In the following years, President Johnson expanded this program while also implementing aggressive surveillance of “suspect groups” and executing penal reforms to suppress criminal activity. The Johnson administration included these policies in its broader “War on Poverty,” a set of policies focusing on increased social well-being and eradication of crime among low-income, urban dwellers. In 1969, under President Nixon’s administration, these anti-poverty reforms were mutated into anti-crime initiatives, harnessing the federal intervention gained from War on Poverty campaigns to enforce severe sentencing reforms and invest in expanding the federal prison system. The subsequent “War on Drugs,” beginning with state-level sentencing reforms in New York in 1973 and becoming official federal policy in the early 1980’s, ended many of the social welfare programs that had been run concurrently with increased police presence. The Reagan administration failed to “address unemployment, failing school systems, and blighted housing conditions,” instead pressing Congress for drastic cuts in federal funding for urban aid, social services, and income support programs.<sup>57</sup> The War on Drugs further increased police aggression, fueled dramatic growth in incarceration rates of black

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<sup>55</sup> Thompson, “Why Mass Incarceration Matters,” 7.

<sup>56</sup> Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016), 3.

<sup>57</sup> Hinton, *From the War on Poverty to the War on Crime*, 307.

Americans, and focused disproportionately on crack cocaine (as opposed to much lower policing and penalties for powder cocaine). In other words, historians have detailed the process by which federal anti-poverty interventions in largely poor, inner city, black neighborhoods ultimately introduced increased policing and greater incarceration rates with the evolution of War on Poverty policies into the War on Drugs campaign. Ironically, the primary “candidates” for urban reinvestment policies became the most targeted demographic for harsh drug crime punishments and held the highest incarceration rate of any ethnic group.<sup>58</sup>

In “Why Mass Incarceration Matters,” Heather Ann Thompson argues that policing and mass incarceration are crucial causes of urban distress in the late twentieth century. The popular narrative of the increased incarceration holds that “the rising crime rates in the 1960’s and 1970’s demanded that the federal government intervene” in local law enforcement efforts.<sup>59</sup> In the early stages of the War on Crime, federal funding incentives for increased drug arrests and federally supplied military equipment formed a militant police force targeted at those living in poor, urban centers. These kinds of federally incentivized sentencing reforms caused skyrocketing incarceration rates, especially in those areas that had experienced increased police presence and welfare services due to War on Poverty initiatives. The media’s reporting of these unprecedented numbers of arrests and incarcerations led to the rise of reported black incarceration and criminal activity. Elizabeth Hinton concludes that “Even if their legislative language never evoked race explicitly, policymakers interpreted black urban poverty as

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<sup>58</sup> Hinton, *From the War on Poverty to the War on Crime*, 5.

<sup>59</sup> Hinton, *From the War on Poverty to the War on Crime*, 3.

pathological- as the product of individual and cultural ‘deficiencies.’”<sup>60</sup> The effects of these policies assuming black criminality were observed nationwide and locally through increased arrest rates of African Americans and other minorities and increased police presence in these communities.

### **The Lloyd Stevenson Case and Late 20<sup>th</sup> Century Portland Policing of Minorities**

The history of Portland police interactions with minority groups, conflicting stories of Stevenson’s death, and the city’s disengagement from conversations of social justice show the inability of Portland officials to acknowledge and work to resolve these deeply rooted issues of racial inequality. Following the initial police report detailing the events surrounding Stevenson’s death, which offered only a very basic summary, the *Oregonian* published an in depth look at what had occurred at the 7-Eleven store that night, focusing on eye witness accounts that contradicted the official police statement in a few key areas, most notably when the sleeper hold was applied and when resuscitation was given. The detailed report published by *The Oregonian* laid out a specific timeline of events. According to the report, Stevenson entered the store just after the store employees had caught and detained the alleged shoplifter. The store clerks continued to let customers enter the store while the police were on their way, and Portland residents Vicki Tyler and Devin Bass entered and began yelling at employees and goading the shoplifter to run. The shoplifter ran out the door and Robert Wells, the clerk, fought to detain him. Stevenson, who had entered the store a few minutes after employees detained the shoplifter, followed the action outside and began dissuading people in the parking lot from joining the fight. Two gas station attendants from the Shell station across the street

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<sup>60</sup> Hinton, *From the War on Poverty to the War on Crime*, 3.

came over to see what was happening outside the store. One of the gas station attendants reportedly wanted to help the clerk who was bleeding, but Stevenson pushed him back, telling him to return to the service station.<sup>61</sup>

Officer Barbour's official testimony contradicted other officer reports and eyewitness accounts, leading members of the black public to distrust of the official police report. According to Officer Barbour's testimony, he and Pantley initially headed towards Stevenson and the two gas station attendants, but witnesses yelled at them saying "No, you got the wrong guy."<sup>62</sup> The officers then saw the two 7-Eleven clerks with the shoplifter, so they turned and arrested the shoplifter and walked him back to the police car when they saw Stevenson push the gas station attendant.<sup>63</sup> Upon securing the shoplifter in the police car, Officer Barbour reported that as he and Pantley approached Stevenson in the midst of arguing with the two gas station attendants, Stevenson hit Pantley, inducing Barbour to use the choke hold to subdue Stevenson.<sup>64</sup> Stevenson initially resisted arrest, then repeatedly attempted to show the officer his I.D. while the carotid artery hold was being applied.<sup>65</sup> Barbour, who applied the sleeper hold, attested that a third officer who was at the scene assisted in bringing Stevenson to the ground before applying the hold.<sup>66</sup> In his testimony, Barbour specifically stated that he "had not attempted the sleeper hold while Stevenson was standing because it would have been

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<sup>61</sup> Hamburg and Rollins, "Witnesses tell their versions of fatal events," C2.

<sup>62</sup> "Two key witnesses testify," *Oregonian*, May 11, 1985, C2.

<sup>63</sup> "Two key witnesses testify," C2.

<sup>64</sup> Ken Hamburg and Michael Rollins, "Policeman said he had 'no choice' but to use hold," *Oregonian*, May 11, 1985, C3.

<sup>65</sup> Hamburg and Rollins. "Witnesses tell their versions of fatal events," C2.

<sup>66</sup> Hamburg and Rollins, "Policeman said he had 'no choice' but to use hold," C3.



contrary to training.”<sup>67</sup>

Accounts from another officer and EMT’s on the scene raised doubts about Barbour’s description of the incident. According Officer Bert Combs, who arrived on the scene about a minute after Barbour and Pantley, “Barbour ‘definitely’ applied the sleeper hold to Stevenson while he was still standing.”<sup>68</sup> Another eye witness, Roger Crawford, also said that the policeman “jumped on Stevenson’s back and began to apply the ‘sleeper’ hold.”<sup>69</sup> Barbour also testified that when Stevenson did not regain consciousness he checked his breathing, which was labored, and uncuffed him. The EMT’s who arrived on the scene reported seeing Stevenson still lying on his side with his hand cuffed behind his back and found no sign that he was breathing or had a pulse.<sup>70</sup> Another witness claimed that after Stevenson was brought to the ground his pulse was not checked and he was left unattended for 4-6 minutes.<sup>71</sup> Ida Hubbard, a witness at the scene, said “the man (Stevenson) was not touched after he went to the ground; there was no lifesaving techniques properly administered at the scene.”<sup>72</sup> The emergency room doctor at Holladay Park Hospital stated that Stevenson was “essentially dead on arrival.”<sup>73</sup> The Police Chief Penny Harrington put into place an immediate ban on the sleeper hold following the death of Stevenson.<sup>74</sup>

The testimony of 7-Eleven employees quoted in the *Oregonian* stating that Stevenson had “saved their lives” that night during the shoplifting incident paints a vastly

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<sup>67</sup> Hamburg and Rollins, “Policeman said he had ‘no choice’ but to use hold,” C3.

<sup>68</sup> Hamburg and Rollins, “Policeman said he had ‘no choice’ but to use hold,” C3.

<sup>69</sup> Hamburg and Rollins. “Witnesses tell their versions of fatal events,” pg. C2.

<sup>70</sup> Hamburg and Rollins, “Policeman said he had ‘no choice’ but to use hold,” C3.

<sup>71</sup> Hamburg and Rollins. “Witnesses tell their versions of fatal events,” pg. C2.

<sup>72</sup> “Jurors: Delay in medical attention crucial,” *Oregonian*, May 12, 1985, C2.

<sup>73</sup> Hamburg and Rollins, “Policeman said he had ‘no choice’ but to use hold,” C3.

<sup>74</sup> John Painter Jr, “Police sale of T-shirts termed ‘serious,’” *Oregonian*, Aug 29, 1985, E1.

different scenario of both the events and Stevenson's character than that offered in police accounts.<sup>75</sup> Other witnesses to the event argued that Stevenson was trying to keep the Shell gas station attendants from further complicating the situation and appeared to be "antagonized" by the two according to one eye witness.<sup>76</sup> Another witness testified that "Stevenson did not strike Pantley and that he did not resist arrest."<sup>77</sup> Other testimony from medical examiners and medical professionals attested that the sleeper hold had been applied too long. This, in conjunction with delayed resuscitation efforts, ultimately caused the death of Tony Stevenson.<sup>78</sup>

An inquest jury, after a detailed investigation, found Barbour's account to be unconvincing. Because of the controversies surrounding the cause of Stevenson's death, an inquest trial was requested by the Mayor Bud Clark.<sup>79</sup> The six jurors were selected to determine the cause of death. After an exhaustive investigation, five out of six jurors concluded that Stevenson's death was criminally negligent homicide. This inquest ruling, however, did not hold any legal weight, but served as an initial hearing trying to piece together the occurrences and resolve discrepancies. The jurors listened to conflicting witness reports on Stevenson's actions preceding his attack by Portland police officers and controversies between the officers and medical examiner in determining proper timing in the application of the choker hold and resuscitation. During the hearing, Dr. Richard Banner, the cardiologist who assisted Portland police in making sleeper hold training tapes, stated that he "doubted the control hold was applied too long on Lloyd D.

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<sup>75</sup> Ken Hamburg, "Lloyd Stevenson buried with military honors," *Oregonian*, April 27, 1985, A1.

<sup>76</sup> Hamburg and Rollins, "Witnesses tell their versions of fatal events," pg. C2.

<sup>77</sup> Ken Hamburg, "Accounts of 'sleeper hold' death vary; public awaits inquest," *Oregonian*, May 8, 1985, B2.

<sup>78</sup> Michael Rollins, "Seattle study puts sleeper hold on par with police force use of firearms," *Oregonian*, May 8, 1985, B2.

<sup>79</sup> Wallace Turner, "Blacks Protest Choke-Hold Death in Oregon," *New York Times*, May 5, 1985.

‘Tony’ Stevenson” which contradicted the medical examiner’s prior report. Dr. Larry Lewman, the Multnomah county medical examiner, testified that the hold might have been applied too long. While Dr. Banner doubted the hold was applied for too long he agreed that Stevenson probably died from a “basic lack of blood flow and oxygen to the brain...induced at least from the carotid hold” and added that “Stevenson’s death was compounded by the fact that cardiopulmonary resuscitation was begun too late to save him.”<sup>80</sup> Dr. Banner expounded on his postulations for the reason resuscitation was withheld, explaining that “it is harder to notice that blacks are not breathing because one of the signs of asphyxiation is a ‘dusky gray-bluish color’, not pink as in a white person.”

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The inquest jury’s hearings raised further questions about the events on the night Stevenson was killed, with particular attention to the application of the choke hold and the police response or nonresponse to Stevenson’s distress. Dr. G. Allen Holloway, of the University of Washington Center for Bioengineering, and Dr. Donald Reay, chief medical examiner of Kind County, conducted a study on the effects of the sleeper hold in 1982 following two other deaths caused by the sleeper hold. They tested the hold on a group of men and found that two of the men’s blood flow to their brain effectively stopped after experiencing just 3.2 and 4.2 seconds of the hold respectively.<sup>82</sup> For the whole test group the average time it took to stop blood flow to the brain was 6 seconds, while the holds lasted anywhere from 6.4 to 9.6 seconds.<sup>83</sup> Officer Barbour estimated his hold to be 15 seconds long and the “cause of death, as reported on Stevenson’s death

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<sup>80</sup> Ken Hamburg, “Hold not applied too long, cardiologist testifies,” *Oregonian*, May 12, 1985, C2.

<sup>81</sup> Hamburg, “Hold not applied too long, cardiologist testifies,” C2.

<sup>82</sup> Rollins, “Seattle study puts sleeper hold on par with police force use of firearms,” B2.

<sup>83</sup> Rollins, “Seattle study puts sleeper hold on par with police force use of firearms,” B2.

certificate, was due to ‘neck compression-carotid-artery hold- with cardiorespiratory arrest.’”<sup>84</sup>

As the inquest jury decision held no legal weight, the following grand jury hearing would determine whether Barbour would be indicted for killing Stevenson. A week after the inquest jury found Stevenson’s death to be a criminally negligent homicide the grand jury decided not to issue indictments to the officers on Wednesday May 22, 1985.<sup>85</sup> Months later, Portland officials recommended a settlement of more than \$625,000 be given to the Stevenson family.<sup>86</sup> The city of Portland gave its largest liability settlement in history, \$625,287, to Stevenson’s family.<sup>87</sup> The officers responsible were not indicted and, after a short suspension, were reassigned to desk jobs.<sup>88</sup>

Conflicting descriptions of Stevenson himself -- both his behavior that evening and his character more generally -- illuminate sharp contest over the supposed legitimacy of his death. Stevenson’s friends and acquaintances challenged the police officers’ characterization of Stevenson as a disruptive and violent man. Those who knew him described him as a quiet and hardworking man who valued his family and enjoyed his volunteer work teaching kids karate. One of his students said, “He always related values and moral standards to karate. He wanted us to be good in a whole bunch of things, not just self-defense.”<sup>89</sup> Stevenson’s boss, the vice-president of Fred Meyer, described Stevenson as “a professional, conscientious, courteous man who always strove for

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<sup>84</sup> Rollins, “Seattle study puts sleeper hold on par with police force use of firearms,” B2.

<sup>85</sup> Ken Hamburg, “Jurors vote not to indict in Stevenson death,” *Oregonian*, May 23, 1985, A1.

<sup>86</sup> Richard Read, “Stevenson settlement proposed,” *Oregonian*, November 8, 1985, A1.

<sup>87</sup> Richard Read, “City Oks payment in death,” *Oregonian*, November 14, 1985, C1.

<sup>88</sup> Lanita Duke, “Stevenson death: 600 demand justice,” May 1, 1985

<sup>89</sup> Herb Cawthorne, “Many View T-shirts as Flags of Insensitivity,” *Oregonian* May 1, 1985.

excellence.”<sup>90</sup> Glen Barnes, one of Stevenson’s co-workers, commented on his wisdom and love for Christ, his church, and his home.<sup>91</sup> Stevenson was also “noted for his courage, expertise, and dependability as a member of the U.S. Marine Corps.”<sup>92</sup>

Reactions to the Stevenson case reflected and intensified tensions between Portland Police and the city’s African American community, particularly in the Albina district. Portland police have been acquitted in almost every case involving police brutality claims against African Americans, which compounded by the incongruity of black incarceration rates calls for legal examination. In the 1960’s “forty-five percent of all Portland arrestees were black, yet blacks made up less than five percent of the city’s population.”<sup>93</sup> A few years later, in 1969, 14 black men brought a lawsuit against the Portland police claiming police abuse. While this case was dismissed, it propelled federal Judge Robert Belloni to implement a consent decree in 1971 that required the police department to implement certain measures to prevent police abuse, such as, refraining from “ ‘insulting, degrading, or ethnically derogatory terms’, stop (the) use of leaded gloves and batons, abide by rules of legal search, and wear external identification.”<sup>94</sup> That these terms had to be federally ordered indicates that Portland’s police policies were not in line with its other social, liberal ideologies. In the following years, the police bureau’s community relations program, which strove “to promote understanding between the black community and the Police Bureau,” led to some good will among African American

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<sup>90</sup> Ken Hamburg, “Lloyd Stevenson buried with military honors,” *Oregonian*, April 27, 1985, A1.

<sup>91</sup> Hamburg, “Lloyd Stevenson buried with military honors,” A1.

<sup>92</sup> Cawthorne, “Many View T-shirts as Flags of Insensitivity.”

<sup>93</sup> Leanne C. Serbulo and Karen J. Gibson, “Black and Blue: Police-Community Relations in Portland’s Albina district, 1964-1985,” *Oregon Historical Quarterly* 114, No.1 (January 2013), 11.

<sup>94</sup> “Black United Front details legal battle against alleged police brutality,” *Oregonian*, November 9, 1979, B14.

community members towards the police.<sup>95</sup> However, this gain in mutual understanding between the two parties was essentially destroyed by the death of four men killed by police between October 1974 and March 1975, resulting in an FBI investigation.<sup>96</sup> Officials conducting the investigation concluded that there was not enough evidence to present a case before a grand jury. The tensions caused by this string of deaths culminated in the Black United Front, an advocacy group for African American rights, and City Commissioner Charles Jordan conducting separate investigations into Portland police ethics in 1979. The Black United Front issued a statement claiming that, “58 percent of the persons shot and killed by Portland police since 1970 have been black.”<sup>97</sup> In response to allegations of police abuse against minorities, Charles Jordan, the first elected African American City Commissioner, said, “There is real tension in the black community...My gut reaction is that the citizens can’t always be wrong although we don’t have any evidence that we could bring before a police disciplinary board.”<sup>98</sup> Although neither group was able to produce enough evidence to prove a problematic history between police and African Americans, Portland city funds certainly supported the claim of a brutal police force. In 1985, a report from the Urban League of Portland found that “Since 1976, Portland has paid \$204,272 in suits and settlements resulting from the unwarranted use of police force.”<sup>99</sup>

Cases involving severe discriminatory brutality by police were happening nationwide in the years leading up to the Stevenson case. In Miami in 1979, a dozen

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<sup>95</sup> Robert Olmos, “Feelings still sensitive between black, police,” *Oregonian*, December 16, 1976, Forum.

<sup>96</sup> Olmos, “Feelings still sensitive between black, police,” Forum.

<sup>97</sup> Alan K. Ota, “Black Front to look into police brutality charges,” *Oregonian*, November 8, 1979, C8.

<sup>98</sup> “Jordan to probe police abuse,” *Oregonian*, October 23, 1979, B1.

<sup>99</sup> Herb L. Cawthorne, Ron Herndon, and Reverend John Garlington, “Correspondence to Mayor J.E. Bud Clark,” Urban League of Portland 1985 Meeting Minutes, August 5, 1985, 145.

Miami police officers beat Arthur McDuffie to death just six years prior to Lloyd Stevenson's death. McDuffie ran a red light on his motorcycle in an effort to evade the police, since he was driving without a license. When he pulled over to the side of the road to surrender he was surrounded and beaten by Miami police officers; the officers initially claimed his death was due to a motorcycle accident. Later, witness reports unraveled their horrendous cover up.<sup>100</sup> The publicity of these stories and the ubiquitous acquittal of the police officers involved, nationally and locally, presented a clear foundation for African American community distrust of police officers.

The black community responded indignantly to Lloyd Stevenson's death, which they consistently framed in the context of broader problems of racial inequality in the city and the nation. Four days after the incident, as they awaited the results of the inquest jury, several hundred Portland residents marched in protest around the Justice Center ending in a rally at the steps of City Hall.<sup>101</sup> One demonstrator, Bishop A. A. Wells, spoke about Stevenson's death: "He (Stevenson) simply had a neck. And we had to rally against the sleeper and strangling hold on our schools, jobs, living facilities, transportation and pocketbooks. Now, we're rallying against the sleeper and strangling hold on our throats, just like they put it on Tony's throat. Every one of us has a throat."<sup>102</sup> This response connected death by police to the broader systems of racial inequality and oppression in Portland. Because of the harrowing result of the sleeper hold on Stevenson, African Americans responded to the grave danger they faced from a discriminatory police force.

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<sup>100</sup> David Smiley, "McDuffie Riots: Revisiting, Retelling Story — 35 Years Later," *Miami Herald*, May 16, 2015.

<http://www.miamiherald.com/news/local/community/miami-dade/article21178995.html>

<sup>101</sup> Ken Hamburg, "Accounts of 'sleeper hold' death vary; public awaits inquest," *Oregonian*, May 8, 1985.

<sup>102</sup> Duke, Lanita. "Stevenson death: 600 demand justice." Oregon Historical Society Archives, May 1, 1985.

This public outcry was compounded by Stevenson's reputation as an exemplary man and the continuity of yet another police brutality case in Portland.

Portland officials recognized this response was based on prior cases and trends in Portland police interactions with the black community, yet they failed to address this problematic history. While reluctant to implement change, city officials privately acknowledged this issue as demonstrated by a private correspondence from an advisor to the current city commissioner, Mike Lindberg: "We're asking a community (black) to trust a police department and criminal justice system that is number two in the nation in the per capita rate of incarceration of black men."<sup>103</sup>

In September, 1985, the Black United Front proposed to honor the memory of Stevenson by lobbying the city to rename Irving Park after him: Lloyd Stevenson Park. City officials initially avoided answering definitively to the petition, stating that the procedure for name changes was new and further work would have to be done before considering the proposal. The response of Portland residents to the rumored change to the park's name revealed conflicting Portland community feelings about the Stevenson's death. Among the seven letters to Commissioner Lindberg found in the Portland City Archives regarding the changing of Irving Park to Lloyd Stevenson Park, all were opposed. The residents comments ranged from "Circumstances leading up to the death of Tony Stevenson are regrettable- it was an accident of poor judgement- there is no need to memorialize the incident. Accidents in many forms happen frequently" to derogatory

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<sup>103</sup>"Memorandum to Portland City Commissioner Mike Lindberg," April 23, 1985, Lloyd "Tony" Stevenson death case, A2000-001, City of Portland Archives, Portland, OR.



insults labeling Stevenson a “miserable thug” and a “criminal.”<sup>104</sup>

Attempts at renaming the park and the actions of two Portland police officers on the day of Stevenson’s funeral surprisingly elicited a greater public and government response than the death of Stevenson. On the day of Stevenson’s funeral, six days after his death, Officers Richard Montee and Paul Wickersham sold t-shirts emblazoned with the words, “Don’t Choke ‘Em, Smoke ‘Em” and the image of a smoking gun.<sup>105</sup> This response to the immediate ban of the sleeper hold after the death of Lloyd Stevenson was interpreted in different ways by the arbitrator of the case, the Portland Police Association, editors of *The Oregonian*, and city officials. Chief of police Penny Harrington fired the officers who made the shirts, but they immediately appealed the decision citing protections in the police union contract with the city of Portland. Harrington reinstated both officers after a six month suspension due to the arbitrator Paul Hanlon’s decision that the intent was benign and therefore did not deserve incurred punishment beyond the suspension. Stan Peters, president of the Portland Police Association, stated that the firing of policemen, Montee and Wickersham, regarding the sale of the “Don’t Choke ‘Em, Smoke ‘Em” t-shirts was “inappropriate” and insisted that the t-shirt slogan was not racist.<sup>106</sup>

*Oregonian* journalists openly advocated for the officers to be fired and opposed their eventual reinstatement. An editorial issued on May 1, 1985 stated that the shirts were “‘boldly advocating the reckless use of deadly force’ and a ‘willful threat of

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<sup>104</sup> “Letter to City Commissioner Mike Lindberg,” September 12, 1986, Proposed Park name changes, A2000-001, City of Portland Archives, Portland, OR; Peggy Clarke, “Letter to City Commissioner Mike Lindberg,” September 11, 1986, Proposed Park name changes, A2000-001, Portland City Archives, Portland, OR.

<sup>105</sup> John Painter Jr, “Police sale of T-shirts termed ‘serious,’” *Oregonian*, Aug 29, 1985.

<sup>106</sup> Ken Hamburg and Richard Read, “Peters says 2 policemen did no wrong,” *Oregonian*, May 15, 1985.

vigilante action.”<sup>107</sup> They also wrote, “We believe that their judgment was so bad, given their training, experience and responsibilities, that their intent does not reduce their responsibility for what was overwhelmingly regarded as appallingly threatening behavior.”<sup>108</sup> The shirts issued a threat of increased violence in the absence of the sleeper hold. In the closing brief produced by the City of Portland, city officials denounced the selling of the t-shirts saying “Montee and Wickersham were disciplined because they sold T-shirts which advocated killing members of the public the(y) are sworn to serve.”<sup>109</sup> According to the arbitrator, Paul Hanlon, the *Oregonian* practiced sloppy journalism and introduced bias towards the firing of the officers to the public and city officials. The Portland Police Association publication “The Rap Sheet” also commented on their perceived interference by the *Oregonian* saying that “The anti-Portland Police OREGONIAN newspaper led the charge by claiming it (selling of the t-shirts) was a racial incident.”<sup>110</sup>

The extent and virulence of public debate over the t-shirt incident contrasts oddly with the relatively brief and subdued official and public response to Stevenson’s death itself. The dramatic coverage of the t-shirt incident occurred because the t-shirt was a more palpable way of demonstrating bias and brutality towards African Americans by the Portland police. Charge of excessive force, as mentioned previously, had been an issue for Portland police in the past, which may have been why city officials commented more liberally on this issue compared to the actual death of Stevenson. Having concrete

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<sup>107</sup> “T-shirt incident arbitrator spells out reasons for overruling mayor, chief.” *Oregonian*, October 24, 1985.

<sup>108</sup> “Reinstating policemen” *Oregonian*, October 25, 1985.

<sup>109</sup> “T-shirt incident arbitrator spells out reasons for overruling mayor, chief,” *Oregonian*, October 24, 1985.

<sup>110</sup> Jeff Barker, “Editorial: Case for arbitration,” *Rap Sheet*, December 1985 Vol 16:12.

evidence of a racially charged slogan, even if the officers claimed they had a different intent, would hold the city and police department more legally responsible for not intervening than a contentious incident full of testimonial discrepancies.

The long history of police violence, concurrent with mass incarceration and widespread insistence of a “post-racial” city, demonstrate the conflicting ideas of racial justice in Portland with the anti-black entrenched landscape of the city. The events of police actions and violence in the Portland area elicited public, police, and black activist responses that exposed the broader attitudes towards police and African American interactions. Because of Stevenson’s upstanding character and multiple eye witness accounts claiming his innocence, Stevenson’s death brought increased publicity to a problem city officials were unwilling to publicly recognize and work to change. The Lloyd Stevenson case offers a unique perspective into Portland police and African American community interactions, and demonstrates that Portland liberal perspectives did not extend to police actions.

The reemergence of debates surrounding police violence and targeting of African Americans by police, nationally and in Portland, in response to increased mass incarceration of minorities, has been a topic of great interest recently due to numerous cases reminiscent of the Lloyd Stevenson case. Cases resulting in the death of black men and women at the hands of police highlight the discriminatory violence practiced by several police nationwide and the deeper problem of racialized criminality assumptions. These cases provided impetus for the emergence of the Black Lives Matter Movement. Nationally, the Black Lives Matter movement has addressed issues of mass incarceration of blacks compared with their population size and unfair policing practices with emphasis

on the violence inflicted on minority populations. The similarities between the Stevenson case and current cases like the death of Eric Garner, both of whom were choked to death without indictment to the offending officer, offer compelling evidence of the long continuity of police violence and that this issue is far from over.<sup>111</sup>

Portland's current track record of black deaths by police officers has not waned since the Stevenson case, but has actually gained attention due to their controversial tactics with the mentally ill and the increased arrest and death rate of African Americans.<sup>112</sup> Several cases in Portland have ignited strong community responses, like the formation of the Don't Shoot PDX Movement. The 2004 shooting of the unarmed 28-year-old, James Jahar Perez, who was pulled over for not using his turn signal, following the shooting of 21-year-old Kendra James just 10 months prior, shows some of the motivation behind the Don't Shoot PDX movement. The emergence of these groups and the increased attention to these cases demonstrate the struggle for fair policing practices of African Americans is far from over, especially in areas, like Portland, where historic roots of black criminalization, segregation, urban disinvestment, and police brutality entrench the city.

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<sup>111</sup> Al Baker, J. David Goodman, and Benjamin Mueller, "Beyond the Chokehold: The Path to Eric Garner's," *New York Times*, June 13, 2015.

<sup>112</sup> Maxine Bernstein, "Man Killed by Police Unarmed," *Oregonian*, March 30, 2004.

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