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¡Ya Basta!: Confronting Police Brutality

Richard Mora†

The following is a fictional narrative in the tradition of Derrick Bell’s *Faces at the Bottom of the Well* and Richard Delgado’s *The Rodrigo Chronicles*. As such, social criticisms are made throughout the narrative and various legal issues are raised for the readers to consider.

I

It is late Saturday afternoon.¹ The sun has begun its descent. Yet, it is still hot. A summer breeze makes the heat bearable in the barrio.

The sound of a siren can be heard down the street. A muffled voice commands a gold Coup de Ville to pull over. The driver signals, slowly eases the car to the side of the road, and turns off the ignition. The police cruiser on its tail moves within a few meters of the Cadillac and stops. The officers open their doors and step out, guns drawn and pointed at two heads through the back window.

The officer that was behind the wheel continues to bark commands over the speaker: “Driver, hands on the dashboard! Passenger, hands up, high. Higher! Passenger, hands out the window. Now, with your left hand reach down and open the door. Step out of the vehicle slowly with your hands up.” Both the driver and the passenger comply.

The passenger stands on the sidewalk, arms shooting straight up. The officer on the passenger’s side aims her semi-automatic weapon at some invisible point on the young man’s back, somewhere between his shoulder blades.

† Richard Mora is a graduate student in the Sociology and Social Policy Ph.D program at Harvard University. For their helpful suggestions, I thank Salomon Zavala and Ann Arnett Ferguson. I am indebted to Sumaiya Olatunde, without whose painstaking editing and constant encouragement this article would not have manifested. I am grateful to William Julius Wilson for understanding and supporting my need to write. Finally, I wish to express my tremendous gratitude to my family and friends, all of whom have nurtured my dreams.

¹ The title of the piece, “¡Ya Basta!,” is also the name of the site providing reliable information about the Ejército Zapatista de Liberación Nacional (EZLN), at http://www.ezln.org. (last visited Nov. 24, 2003).
The female officer addresses the passenger, saying, "Walk backwards toward the sound of my voice. Keep moving. Slowly. Slowly. Stop." The passenger halts short of the cruiser. The young officer approaches him cautiously. She holsters her gun, grabs the young man by his wrists, and moves him over a few steps onto the sidewalk. She instructs the young man to drop to his knees and cross his legs, then, to interlace his fingers and place his palms on the back of his head. He complies.

The routine resumes. The voice from the squad car guides the driver toward the female officer. "Driver reach out with your left hand and open the door. Step out with your hands up. Slowly." The driver steps out and moves carefully until he is ordered to stop.

Residents and passers-by either stop to watch, or simply eye the happenings and go about their lives. An adult at a child's birthday party turns his camcorder away from the laughing children, and toward the police officers and the two young men. The street, which does not get much vehicle traffic, seems unusually quiet, as both young men kneel on the sidewalk before a white stucco house.

The ranking officer searches the interior of the car, thumping on the panels and pressing down on the leather seats. Meanwhile, his partner meticulously pats down the two young men, one at a time, feeling her way down their sides, up their arms, around their waists, and down their spine—head to ass. Only for this brief moment are they allowed to stand. Nothing. They’re clean.

The Sergeant ends his search of the car. Having found no contraband, he walks up to the driver and stands over him. The female officer hands him the young man’s wallet and a piece of paper with fresh creases.

"Who’s the owner of this vehicle?"
"My uncle."
"What’s his name?"
"Tommy.. .Tomás Castillo."
"Does he know you took it?"
"Yes."

The officer holds out the piece of paper and says, "This is a permit. Do you know that you can’t drive unless an adult is in the car?"
"Yes."
"Where are you from?"
"From right here... I live down the street."
"No. Who do you run with?"
"I’m not in a gang, Sir."
"Right," the officer says dismissively. "Do you have any tattoos?"

The boy glances into the face of the officer standing over him, eyeing him intently. "Yeah."
"It’s ‘Yes, Sir,’” the officer corrects him.
"Yes, Sir."
"Where?"

"Right here," the boy answers, and indicates by looking up toward his interlaced fingers, which are resting near the crown of his head.

The police officer directs his gaze at the young man’s head and sees a brown middle finger raised above the rest. The officer clinches his teeth, his brow
pinching at the bridge of his nose as his eyes narrow. In a swift motion, he reaches down with his right hand, cups the young man’s fingers, and applies significant pressure.

“Ahhhhhh!” The young man yells out in pain and tries to jerk his hands free from the vice grip. Off balance, he begins to teeter forward, and is met by the police officer’s left boot. The officer finally lets go of the young man, who then crumbles to the ground. The young man twitches on the ground, pressing his hands on the mouth of his stomach, where he was kicked. Tears swell up in his eyes and saliva drips down his chin, as he gasps for air.

The female officer, who is standing above the other young man, quickly looks back and forth between her partner and the few onlookers. She does not see the man with the camcorder.

The male officer bends down and screams, “You think that you’re a bad ass, huh, José? You cholo piece of shit! Lie on your stomach! Now! Hands out!” The officer removes his metallic baton and sharply pokes the young man’s ribs, neck, and right ear. The young man continues to cough and moan as he flails his hands in an attempt to ward off the blows. “Hands out! On your stomach!”

From a house a few doors down, two young men come running out carrying semi-automatic weapons down by their sides. They stop when they are a few feet away from the scene. The shorter of the two gun-wielding teenagers stops, points his weapon at the female officer, and yells out, “Freeze! Don’t move! Don’t move!” The female officer, who had her back turned, looks over her shoulder, sees the barrel of a gun pointed at her head, and stiffens.

Almost simultaneously, the other gunman points his weapon at the male officer and yells out, “Citizen’s arrest! This is a citizen’s arrest! Hands up!” The male officer pauses for a second, and then drops his baton and puts his hands up. The second gunman shouts to the two young men on the ground, “Joey! Rafa! It’s Marcos. Stay down,” never taking his eyes off the officer he is covering.

Several people hurriedly head into their homes. The children at the birthday party are rounded up and taken inside. The man with the camcorder moves behind a parked vehicle and continues taping.

Marcos calls out to the other gunman, “Rubén, bring her over here. C’mon. Let’s go!” Rubén tells the female officer to walk toward Marcos and her partner. She does, her hands interlaced and on her head. Rubén stays a few feet behind her, pointing his weapon at her back. When he tells her to stop, Rubén quickly reaches toward the officer’s waist with his left hand and removes her radio.

Marcos orders the two officers onto their knees, and then onto their stomachs with their hands behind their heads. The officers do as they are told. Marcos removes the male officer’s radio. Rubén hands his gun to Marcos, who then positions himself in front of both officers, pointing one gun at each of them.

Some residents begin to come outside again, while others watch the scene from their peeled back curtains.

Rubén tells the officers, “Don’t move.” He, then, removes their handcuffs from their holsters. Carefully, he handcuffs each of them. Neither officer resists. Rubén removes their mace and weapons, as well as the female officer’s baton. As Rubén does this, the male officer says, “Drop the guns and go. This is serious. What you are doing is very serious.” Marcos crouches, looks at the officer and tells him, “You have the right to remain silent.”
Marcos orders the officers to stand up. They do so with Rubén's assistance. Marcos opens the back door of the squad car and tells the officers to get in.

The male officer stands still. He looks over at his partner. She motions toward the car and he scoots into the back seat. His partner follows. Once they are inside, Marcos looks down at the card in his left hand and reads the officers their Miranda rights. When he is done he asks them if they understand. Neither officer says a word or gestures in any way. Marcos closes the door.

Quickly, Rubén walks over to Joey and Rafa. "Rafa, you alright? The ambulance is gonna come soon, okay?" Rafa coughs and nods, clutching his abdomen. "And, so will the cops so you gotta strip down to your boxers and keep your hands out where they can see them—both of you. I'll help you, Rafa."

While Rafa and Joey roll onto their stomachs, sprawling out their bare arms and legs, Marcos opens the trunk of the squad car. He and Rubén place the mace, metal batons, and the officers' weapons in the trunk. Then, they quickly remove the bullet in the chamber of each of their guns and the three bullets in each clip. They put the clips back in and toss their guns into the trunk.

Rubén says to Marcos, "Okay. Let's call 9-1-1." Both pull out cell phones and dial. When they get the operator on the other end, each of the boys explains in his own manner that there is an officer who needs medical attention. Then, they hang up.

Marcos looks around and says loudly to all with whom he has made eye contact, "Ya no tarda en llegar la policía. Por favor metanse a sus casas. No queremos que corran peligro."

"Claro que sí. I'll take care of it, m'ijo. Que Dios los bendiga," the old woman replies. Marcos grins, thanks her, and hands her the keys to the squad car.

Rubén walks over to the man with the camcorder and asks, "¿Me podría dar el video?" The man nods his reply. He then shuts off the camcorder, removes the video, and hands it to the young man. "Gracias," Rubén says.

Rubén and Marcos take off running down the street in the direction of the neighborhood park.

II

Thump. Thump. Thump. A young woman peers through the peephole of her apartment door. Recognizing the three young men outside her door, she opens it. "Where's your camcorder?" A longhaired man asks as he comes in.

"Hi to you, too. In the bedroom," the woman replies with a slight grin.

"Okay. Thanks...Hi," the man blurts out as he quickly heads in the direction of the bedroom.

"Ramiro, weren't you going to that meeting up in the Bay Area?"

"Not anymore," Ramiro answers as he disappears into the bedroom.

"Hi Veronica," Marcos and Rubén say simultaneously as they walk in

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2. "The police should be arriving any minute. Please go inside your homes. We don't want you to risk any danger."

3. "Of course I will...God bless you."

4. "Can you hand me the video?"
behind Ramiro.

"Hey, how are you? I haven’t seen you two since your graduation. What have you been up to?"

Marcos takes a seat on the small brown couch. Nervously tapping both his fists on his chin, Marcos says, "We arrested some cops today." Marcos looks up momentarily at Rubén, who is standing next to the couch, the realization of what they have done sinking in once more.

"What do you mean you ‘arrested some cops?’" Veronica asks incredulously.

Marcos replies, "Back in the neighborhood... Two cops pulled over Rafa. You know, Rafael, Tommy’s nephew. He was driving and his friend, Joey, was ridin’ with ‘im. Then, one of the cops started beating down on Rafa. So, uh, Rubén and I went into Rubén’s house, got our guns, and stopped him—stopped the cop."

"Was my brother involved in this?" Veronica inquires.

Rubén states, "No, just us. We ran into him after we took off."

Veronica, who had been standing, crouches down in shock. Still in disbelief, she utters the first thing that comes to her mind: "Were the guns loaded?"

"It’s the LAPD. What do you think?" Marcos replies. Veronica nods slightly, certain that the guns were loaded.

Rubén reaches into his pocket, pulls out four bullets, holds them out toward Veronica, and says, "But they’re not gonna find bullets in our guns. We palmed ‘em."

Ramiro walks back into the room carrying a small camcorder and a couple of cables, and begins hooking them up to the television. "We got it on video," Rubén states.

Ramiro forwards the video past smiling adults and cheering children scrambling for the spoils of a broken piñata. When the video shows the police cruiser, Ramiro hits play and all four of them watch in silence.

Rubén and Marcos marvel at how much slower everything seems on the video, except for the officer’s blows. They all cringe as the camera zooms in on the officer beating Rafa. When Marcos sees himself enter the scene, he is surprised by the stoic look on his face. As soon as the video ends, Ramiro heads back into the bedroom, saying, "I gotta make a few phone calls."

Veronica blurts out to Marcos and Rubén, "You read them their rights!" Shaking her head in disbelief, Veronica continues, "Where did you get that card from, anyway?"

Rubén replies, "I found it a couple of weeks ago at a shooting range, and kept it in my room. When all of this was going down outside... that’s what gave us the idea to make a citizen’s arrest."

Marcos adds, "I read about cases that were thrown out ‘cause the defendants weren’t read their rights when they were arrested. So, we decided to read ‘em their rights from the card so they wouldn’t get off on some technicality."

5. A private person may arrest another person: "(1) For a public offense committed or attempted in his presence; (2) When the person arrested has committed a felony, although not in his presence; (3) When a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it." CAL. PENAL CODE § 837 (Deering 2003).

6. See Katherine Gaidos, Appellate Court Tosses Man’s Murder Verdict: Police Should Have
"What do you mean 'Get off'? You... You interfered with the cops doing their duty," Veronica challenges.

"No we didn’t! You don’t get it," Rubén replies.

Marcos agrees, "She doesn’t get it."

Veronica regains her composure, takes a deep breath, and says, "Okay. You’re talking about technicalities. Well, then, explain how it’s legal to arrest a cop? Break it down to me like I’m a five year old."

Rubén anxiously says, "Look. The cop hit Rafa with his nightstick. That was excessive force, you know, unjustified force. Rafa had been patted down and had his hands on his head. He wasn’t a threat to anyone."

Marcos adds, "When the cop used excessive force he crossed the line and became a criminal. As far as we’re concerned, he committed a crime and so he forfeited any powers he had as a cop. And..."

Interrupting Marcos, Veronica counters, "Rafa flipped him off!"

In Rafa’s defense, Rubén states, "That’s where his tattoo is—on his middle finger."

Veronica gives Rubén a look and says, "C’mon. He was flipping off the cop."

Marcos interjects, "We don’t know if he was or wasn’t. But, even if Rafa meant to flip ‘im off, it’s still police brutality. And, when the cop called Rafa names and continued hitting ‘im, he violated Rafa’s civil rights. Remember the Rodney King case?"

Veronica nods her head slightly and says, "This is different, though. Okay, yes, the cop did hit Rafa repeatedly. But, how did he violate his civil rights? When? How?"

Marcos replies, "He called him ‘José’ and ‘cholo’. You saw the video. He said something like, ‘You think you’re a bad ass, José? You cholo piece of shit.’ The cop knew Rafa’s name wasn’t José and that he wasn’t a cholo. Then, he kept hitting him."

Not completely convinced, Veronica says, "That’s a stretch. It’s not like he called ‘im a ‘wetback.’ Like I said, assault, yeah. But, civil rights...?"

Rubén jumps in, "It’s right there on the video! I mean, it could probably even be treated as a hate crime."


7. It is very difficult to prosecute police officers accused of police brutality. See generally David Dante Troutt, Screws, Koon, and Routine Aberrations: The Use of Fictional Narratives in Federal Police Brutality Prosecutions, 74 N.Y.U. L. REV. 18 (1999), (arguing that mainstream narratives about encounters that result in police violence contrast sharply with, as well as undermine, the narratives put forth by the victims and their lawyers, which accounts for much of the difficulty in prosecuting such cases).

8. ‘Cholo’ is Mexican slang for gang member. According to James Diego Vigil, ‘cholo’ was a class label in Spanish California. Mestizos and Indian migrants who were “transient, unskilled laborers” were referred to as “cholos (half-breeds; Indians in transition from one culture to another and somewhat marginal to both).” See JAMES DIEGO VIGIL, FROM INDIANS TO CHICANOS: THE DYNAMICS OF MEXICAN-AMERICAN CULTURE 133 (Waveland Press, 2nd ed. 1998). LAPD officers have been known to use epithets, such as ‘cholo,’ in their radio communications with one another. See Report of the Independent Commission on the Los Angeles Police Department (1991), 71-73.
“How’s that? The cop looks like he’s Latino,” Veronica counters.

Rubén throws his hands in the air, leans back into the sofa, and says, “C’mon. That doesn’t matter. You’re telling me you never met Chicanos who hate Chicanos, or Blacks who hate Blacks? Or, Whites who hate Whites?”

Veronica turns to her brother who is walking back into the living room. “Doesn’t the cop that hit Rafa look Latino?” she asks.

Ramiro looks at her and replies, “Yeah.”

Visibly annoyed, Rubén continues, “Listen! What matters is that Rafa was assaulted for being Chicano. If the cop had only made reference to Rafa’s nationality that would’ve been one thing, but first he made reference to his nationality, and then he assaulted him. That can be classified as a hate crime.”

Veronica asks curiously, “How do you know?”

Rubén explains, “When I was in high school I was a member of the Gay-Straight Alliance. We talked a lot about the difference between ‘hate incidents’ and ‘hate crimes.’ We also worked on an awareness campaign. I learned that a hate incident is, for example, calling someone a name, an epithet—fag, wetback, nigger, whore, et cetera. That’s not a crime. Saying such things is a right protected by the First Amendment.”

Veronica asks, “But, since police officers are civil servants they can’t use that language on the job, right?”

Rubén replies, “Probably not, but that’s not what makes it a hate crime. When a criminal act—like assault with a deadly weapon—is carried out against someone based on the person’s ‘protected class’ it may qualify as a hate crime in California.”

Intrigued by what she has been hearing, Veronica asks, “What’s a ‘protected class’?”

Rubén responds, “It just refers to categories that people are in, like gender, nationality, ethnicity, race, disability, or sexual orientation. So, all people are from protected classes, since everyone has a gender, a nationality, a sexual orientation, and so on.”

Veronica says, “I have another question. If the cop had only hit Rafa ‘cause he flipped ‘im off, would that be considered a hate crime?”

Ramiro and Marcos look over at Rubén and await his response. “See, the way I look at it, all the blows were criminal. But, the blows that came when the cop called Rafa names, or after that point, can be seen as part of a hate crime.”

Marcos asks rhetorically, “As citizens we can arrest someone who is committing a criminal act, so why should it matter if the criminal is wearing a

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11. See supra note 9.

12. See id.
Ramiro looks over at Rubén and asks, “What about the other cop? Why’d you arrest her?”

Veronica interjects sarcastically, “She was an accessory ‘cause she was ‘aiding and abetting.’ Right?”

“Exactly. She could’ve tried to stop her partner. As an officer she has a responsibility to stop crimes, but she didn’t do anything when her partner was hitting Rafa. So, we had to step in. And, there’s no way we could have intervened without her trying to stop us ‘cause it was clear she had her partner’s back, even after he went too far,” Rubén tells Veronica and Ramiro.

Veronica says, “It was all being videotaped. Maybe you should’ve left it at that.”

“We didn’t know it was being taped,” Marcos replies.

Rubén adds, “What it comes down to is that we didn’t know how far the cops were going to go. All we knew was we had to do something. We had to.”

Ramiro says to Rubén and Marcos, “I wanted to ask you two, when you guys were arresting the cops, why didn’t you get their guns first?”

Marcos clarifies, “We didn’t want to get too close to them while they still had their hands free. We figured it would just be safer for everyone.”

Veronica glances at Rubén and Marcos. Then, she states, “Understand me. I’m not saying what those cops did was okay, but this whole thing can go really bad for both of you. Cops are, like, symbols of order in society. This is the kind of rhetoric they use to describe themselves, saying they are ‘the thin blue line’ that stands between order and chaos. That’s why when something happens to cops people freak out. What you two did could just end up getting a lot of folks in big trouble.”

Visibly frustrated and perhaps still nervous, Rubén responds, “You think we wanted to do this? Man, we don’t want to die...to have every cop headhunting for us. We didn’t even know where we were going when we ran into Ramiro. We didn’t have this all planned out...Besides, it’s all in how you look at it. One person’s symbol of order is another person’s symbol of subjugation. We’re not against cops, but they need to be held accountable for what they do, especially when they cross the line.”

Ramiro nods. “I used to like cops when I was a kid,” he says. “I used to run up to cop cars all the time and ask for Dodgers cards. I had a huge stack of ‘em. Then, when I was thirteen, I stopped asking for cards after some cops stopped me, placed me up against a wall, like they were taking my mug shot, and took my picture with a Polaroid camera. They still do that to youngsters who haven’t done anything—treat them like they’re future criminals. After that, I started getting

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13. In the face of injustice, many individuals feel compelled to act. See generally Derrick Bell, Ethical Ambition: Living a Life of Meaning and Worth 71 (Bloomsbury ed., Holtzbrinck Publishers 2002) (stating that the prerequisite to challenging authority “is the burning sense that a wrong must be addressed and an abiding faith that while it may involve risk, things will work out in the long run”).


15. The practice of photographing minors in order to include them into a gang database is carried out by numerous police agencies. See Press Release, American Civil Liberties Union of Northern California, ACLU of Northern CA Challenges Mass Round-Up of High School Students for ‘Gang
stopped all the time because they got me down in their database as gang affiliated.¹⁶ Whenever I’m pulled over I get all kinds of questions about what neighborhood I’m from, who I roll with, and what I’m up to.”

Veronica nods and states, “They started labeling us long before the Sleepy Lagoon trials and the so-called Zoot Suit Riots, when the LAPD labeled Mexican teenagers social deviants and gang members.¹⁷ And now, we got Chief Bratton running around the city calling gang members ‘urban terrorists.’”¹⁸

Ramiro adds, “I’m sure it plays out well in middle-class White America, and among the officers. It gets people’s attention—from the media to politicians in D.C.”

Veronica continues, “Young people in the barrios and ‘hoods are not respected as part of the community, and they’re portrayed as ‘the violent other.’ Can you imagine how different things would be if, rather than using demeaning sound bites, politicians and law enforcement officials thought of gang members as residents of the city, members of a community, and someone’s children—worthy of being treated with respect and dignity, worthy of being helped and not alienated and demonized?”¹⁹

After a few seconds of silence Marcos offers the following, “I remember reading...I think it was the Romans who used to say, ‘What society does to children, children will do to society.’ I think about that a lot. It makes me wonder about the future. It makes me nervous.”²⁰

Everyone is silent again.

Rubén clears his throat and says, “You know what’s a trip? Cops, and politicians love to make generalizations about youngsters growing up in barrios and

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¹⁶ In their databases, law enforcement officials include individuals they deem to be “gang affiliated,” or a “gang associate,” categories that do not exist within the gangs themselves. For a brief overview of the database system currently being utilized by the Los Angeles Police Department, see Gang Member List Now Clouded by Rampart, at http://www.lapdonline.org/press_releases/editorials/2000/ed000019.htm (last visited Nov. 24, 2003).


¹⁹ In March of 2000, California voters approved Proposition 21: The Gang Violence and Juvenile Crime Prevention Initiative. Under this law, prosecutors have more discretionary power when it comes to trying juveniles as adults. Thus, like other “tough on crime” legislation across the nation, Proposition 21 focuses on punishing juvenile offenders rather than on rehabilitating them. See generally Jennifer Taylor, California’s Proposition 21: A Case of Juvenile Injustice, S. CAL. L. REV. (2002).

²⁰ The United States and Somalia are the only countries that have not ratified the UN Convention on the Rights of the Child. It is imperative that all nations not only ratify this historic document, but also that nations work in earnest to implement the guidelines. As Marta Tienda and William Julius Wilson correctly state, “although the UN Convention on the Rights of the Child has clearly delineated the guidelines for ensuring that all youth reach their maximum potential, without the political commitment of strong leaders to broker on behalf of youth, nations will continue to compromise their economic potential by underinvesting in their most precious resource—young people.” See Marta Tienda & William Julius Wilson, “Prospect and Retrospect: Options for Healthy Youth Development in Changing Urban Worlds,” YOUTH IN CITIES: A CROSS-NATIONAL PERSPECTIVE 269, 277 (Marta Tienda et al. eds., Cambridge University Press 2003).
‘hoods. But, when we say, based on our experience interacting with them, that cops sometimes do little besides brutalize the residents in our communities, what do they say?”

Veronica smiles and responds, “They say: ‘You shouldn’t make such sweeping judgments. You shouldn’t judge the entire police force—or the sheriff’s deputies—based on a few bad apples.’”

Rubén says excitedly, “That’s right! I’m tired of having to deal with the few bad apples. It’s like this old Black man said at a town hall meeting on the Southside, ‘If you keep getting a few bad apples again and again, it’s time to look at the barrel.”

Veronica agrees, “Yup. The institutional culture has got to change...”

The phone rings. As he gets up and heads into the bedroom to take the phone call, Ramiro says, “Cops are still running around with that Gates’s CRASH mentality.”

In the living room, the conversation continues. Marcos asks Veronica, “Gates?”

Veronica responds, “Daryl Gates. He was the chief of the LAPD during the 1992 riots, insurrection, uprising, or whatever you want to call it. He’s not what you’d call a humanitarian. Once, he was speaking before some Congressional committee and he suggested that drug users should be shot. Another time, he said that if the federal government could not successfully use sanctions to stop the flow of cocaine from Latin American countries that perhaps the U.S. government should consider ‘a friendly invasion’ of those countries. Then, there was the time when he basically said a victim of police brutality was lucky that he only got his nose broken. He cost the LAPD and the city over $10 million, which is how much they had to pay out to victims of police misconduct just between 1984 and 1988.”

Marcos asks, “When Gates was in charge, didn’t the LAPD spy on a lot of organizations and people, including the mayor?”

Veronica replies, directing her comments to both Marcos and Rubén, “Yeah, that’s right. I had forgotten about that...You two are probably too young to remember what it was like in the ‘hoods when Gates was Chief. Just to give you an idea, Gates set up ‘Operation Hammer’ to crack down on gangs. And, during that

21. The Los Angeles Sheriff’s Department, like the Los Angeles Police Department, has a history of brutality, especially against Chicanos. See RODOLFO F. ACUÑA, ANYTHING BUT MEXICAN: CHICANOS IN CONTEMPORARY LOS ANGELES 262-70 (Verso 1996).


23. For a brief overview of Daryl Gates’s career, see supra note 19.


27. See supra note 25.

28. See id.
operation, thousands of Blacks and Latinos were harassed and rounded up. It was a bad time for a lot of us.”

Ramiro, overhearing the conversation from the bedroom, yells out to the others, “Remember, there was that time when a bunch of cops raided a duplex apartment building.” Veronica nods.

Ramiro continues, as he walks back into the living room, “They tore the place up with sledgehammers. They claimed that it was a drug bust based on a good tip. The cops found some drugs, but the amount was minimal. They tore up these poor folks’ apartments so bad they had to end up getting assistance from the Red Cross. And, then, to add insult to injury, on their way out, the cops spray painted ‘LAPD RULES’ on one of the walls.”

Rubén asks Ramiro, “Is that what you were talking about when you said ‘Gates’s CRASH mentality’?”

Ramiro nods and adds, “Gates started CRASH to collect information on gangs and gang members, and to go after them. These cops had a real reputation for knocking heads. They were real cowboys, just like Gates. When Gates left the LAPD, his chain of command pretty much stayed intact, so I’m not surprised we ended up having the Rampart scandal. Now, the CRASH units are gone. They were disbanded because of the Rampart incidents. But, the LAPD cops weren’t the only ones. During the ‘80s and the early ‘90s, the Sheriff’s Department also had their share of ‘rotten apples.’ I still remember that a federal judge called a group of deputies ‘a neo-Nazi White-supremacist gang.’ That was a trip.”

Marcos looks at Veronica, and then at Ramiro for a moment. Then, he asks, “How do you two know all this?”

Veronica grins and replies, “Well, we’re old enough to remember a lot of it, and, well, we do read, you know.”

Everyone laughs. The phone rings again. Ramiro quickly heads back into the bedroom.

“I have a question,” Veronica says, and then asks the two young men, “Why did you call 9-1-1?”

Rubén replies, “Cause Rafa needed medical attention. So, we said that a cop went down and...”

“I bet you the ambulances got there quick,” Marcos points out. “Quicker than they usually do.”

Veronica says, “Because of that, you’ll probably be charged with making a false report.”

Rubén replies, “Yeah, we know. All we wanted was for that cop to stop beating on Rafa and to get him to a hospital. We didn’t want anyone to get hurt. That’s why we told people to go into their houses. And, that’s why we told Rafa and Joey to stay on the ground after they stripped down.”

Marcos adds, “Yup. And that’s why we left Doña Petra in charge of looking after the cops. She’s lived in the neighborhood a long time and has clout.

29. See id.
30. See id.
31. See supra note 22.
32. See id.
People respect her, and if she tells people to back off, they will. She's got moral authority in the neighborhood—something the cops could use."

"That’s true," Veronica says. "Most cops only have what that sociologist, Max Weber, called ‘legal authority,’ or basically, the right to issue commands because a set of laws gives them that right." If police officers working in the barrios and 'hoods stayed in the communities, even after being promoted, and got to know the residents, perhaps in time they could garner that type of moral authority and the respect that comes with it."

Elaborating on why Doña Petra was asked to get involved, Rubén states, "Since we arrested ‘em, technically they were in our custody. We were supposed to turn ‘em over to the police. But, we weren’t going to stick around or drive the cruiser down to the station. So . . ."

Veronica chimes in, "So, you ‘deputized’ Doña Petra?"

Everyone laughs. Marcos says smiling, "Yeah, sort of." He pauses, the smile fading, and then adds, "I hope she’s okay."

Ramiro comes back into the room and says to Rubén and Marcos, "They got a news chopper flying over your neighborhood." He grabs the television remote, turns it on, and changes it to a local channel.

On the television screen is an aerial shot of the neighborhood. Then, the camera zooms in on the area around the police cruiser, which is roped off by yellow police tape. Nearly a dozen police vehicles are haphazardly parked on the street, some with their lights still flashing. Neighborhood residents can be seen congregating on both sides of the street.

The voice coming from the T.V. says, "The details are vague at the moment. What we do know is that two police officers pulled over a vehicle they believed to be stolen. We have unconfirmed reports that while the officers were questioning the two passengers, two Hispanic males in their late teens or early twenties, possibly gang members, confronted the police officers brandishing semi-automatic weapons. Luckily, both police officers were not harmed. The two suspects fled on foot. Again, these are unconfirmed reports. That’s the latest. Back to you, John."

Veronica sighs loudly as she walks over to the television and turns it off. "When they say ‘unconfirmed reports,’ you know what they mean, right?" Veronica states with an annoyed expression on her face. "They mean ‘We have no proof, but if it turns out to be true, you heard it here first.’ And now, people are going to think that you two are armed and dangerous gang members. Now, they’re going to call you ‘urban terrorists.’ You know, besides bringing heat to the neighborhood, you two—with what you did—might’ve given ‘em something to point to and say, ‘See. We told you so. They’re urban terrorists.’ The LAPD will no doubt try to spin it that way."

Then, looking over at Ramiro, Veronica states, "We need to call in a few

35. See Boyle, supra note 16.
36. An example of this occurred following the Oklahoma City bombing, whereby many early media reports presumed that Arab terrorists were responsible. See Jeff Cohen, Rule of Law vs. Rule of War: Are Media Missing the Lesson of Oklahoma City?, Fairness & Accuracy in Reporting, at http://www.fair.org/articles/wtc-okcity.html (last visited Nov. 24, 2003).
favors.” Ramiro nods and walks into the bedroom to make some more phone calls.

Veronica walks over to the dining room table. She picks up a pen and a small notepad, and then directs her comments to Rubén and Marcos. “What matters now is that you’re not depicted as crazy, violent thugs. We need to do some PR work. We need to create a narrative to counter whatever negative things the LAPD says about you, especially on T.V., because once people have their opinions made, it’s going to be a lot harder to change them. Plus, not everyone is going to agree with what you two did, even if they get the story straight. A lot of it is going to be based on their own experiences with cops.” Veronica clears her throat and continues, “Remember the O.J. Simpson trial, how his lawyers floated the idea that the cops might have planted evidence, including the glove? Remember how a lot of people were basically split along racial lines on whether or not they believed this could happen? There were a lot of Black people—and Latinos, for that matter—who suspected that this might have been what happened because of the strained relationship with the police in these communities.”

Marcos adds, “Yeah, and there were some White people saying things like, ‘Blacks are crazy. There they go again with their conspiracy theories.’ I remember.”

Veronica nods and continues, “What did the Rampart scandal show us? That the idea that cops might plant evidence is not ‘nuts.’ Some cops do plant evidence. And, people that have exposure to cops and what they’re capable of doing when they power trip, these are the folks who believe these sorts of things can happen. This is why a lot of people in the ‘hoods didn’t rule out the possibility of police misconduct in the Simpson case, while a lot of White people in the suburbs found the possibility ridiculous.”

Rubén thinks out loud, “So, are you saying that some people are gonna be with us ‘cause they’re gonna see why we did what we did, and other people who’ve never experienced what we go through with cops in our communities aren’t going to understand, and may not even believe that what happened to Rafa and Joey was wrong?”

“Basically,” Veronica says. “So, we have to present your side and quick. In order to do that, I gotta ask you two some questions. First, where did you get the guns?”

Rubén answers, “We bought ‘em a while back, brand new at a shop. They’re not hot. They’re legal. We have permits.”

Veronica breathes a sigh of relief as she says, “Good. Okay. Now, Marcos, if you were hanging out at Rubén’s house, why did you have your gun with you?”

Marcos replies, “We had just gotten back from a shooting range in downtown. When we got to Rubén’s house, I took it in with me, even though it was in its locked box.”

“How often do you go?” Veronica inquires.

Marcos responds, “We go once or twice a week. We’ve been going for a few months now.”

Veronica asks, “Either one of you have a record?” Rubén and Marcos shake their heads.

Veronica nods, jots the information down and says, “You’re both enrolled for the fall, right?”

Rubén says, “Yeah. Marcos is going to Pomona College. I’m going to Stanford.” Then he adds, “Do you think we’ll still get to go?”
Veronica says, “In all honesty, I don’t know. . . But, don’t worry about that right now, okay? Um, what about Rafa and Joey? Do they have records?”

Marcos shakes his head and responds, “Nah, Rafa and Joey are clean. I mean, the craziest thing Rafa ever did was get his initials tattooed on his finger,” Marcos states. “His mom and dad, and Tommy, chewed him out big time over it. And, his mom still isn’t really talking to him because of it.”

Ramiro comes out of the room and announces, “I’m headed to a friend’s house. He’s going to copy the video and air it all—uncut—on his public access T.V. show. That’s if your lawyers are cool with that. . . and with the press release.”

Marcos and Rubén look at each other confused, and say simultaneously, “What lawyers?”

“We know some activist lawyers. I called them up, and they have agreed to take your case,” Ramiro explains as he smiles at his sister.

Marcos asks, “Activist lawyers, you mean like the Brown Buffalo?”

Ramiro grins, looks over at Veronica, and says to her jokingly, “See, they also read.” Then, he directs his gaze and words towards Marcos and Rubén, “Zeta is in a class of his own—half man, half myth. The ones we’ve got for you two are also intense, though not quite the way he was. And, they’re both damn good. They’ve gotten Veronica and me out of trouble whenever we’ve been arrested at political protests and demonstrations. If you’re willing to have them, they’ll defend both of you for free and help arrange your surrender.”

Rubén and Marcos exclaim, “Surrender!”

Ramiro says, “At some point, it may be necessary for both of you to surrender. That way you two won’t get killed on the street by some cop. Plus, if the cops aren’t out there looking for you, it helps keep the focus on what those two cops did to Rafa rather than what you two did as a result, and the manhunt that is taking place.”

Veronica adds, “Yeah, this whole thing is going to be sensationalized. It’s going to be a battle of narratives. Radio and television hosts, especially the conservative ones, are going to be calling for your heads. They’re going to be saying, ‘We can’t have people running around trying to arrest cops,’ and it will most likely be said without addressing the underlying issues. . . I’m not sure if what you did was the wisest move, but what’s done is done, and I understand your need to act. I respect you for confronting an injustice. I want you to know that.” Marcos and Rubén nod in appreciation.

Ramiro states, “A friend of ours in New Mexico will work on having an official website setup to rally support for you two. We could post the latest happenings on it and have the entire video footage available for downloading.”

Rubén asks Ramiro, “Why don’t you just send copies to the news stations?”

Ramiro replies, “Like I said, it’s all up to you and the lawyers. But, I wouldn’t send a copy to the media ‘cause some of the stations will edit it and only show what you two did, framing your actions negatively with their commentary.

37. Oscar “Zeta” Acosta, also known as the Brown Buffalo, was a writer and activist lawyer involved in numerous high profile cases during the Chicano Movement of the late ’60s and early ’70s. He disappeared in 1974, while in Mexico. To learn more about Acosta, see OSCAR ZETA ACOSTA, THE AUTOBIOGRAPHY OF A BROWN BUFFALO (Vintage Books, 1989) and OSCAR ZETA ACOSTA, REVOLT OF THE COCKROACH PEOPLE (Vintage Books, 1989).
Like Fox News. ‘We Report, You Decide’? Their slogan should be, ‘We Distort, You Recite.’” Everyone laughs.

Veronica asks, “Can we get a copyright for the video?”

Ramiro states, “I don’t know. It’s evidence, right? Let’s let the lawyers handle all that.” Ramiro walks to the door. “I’ll be back real soon. In the meantime, you should eat something,” he says as he reaches for the knob. “Remember, don’t turn on your cell phones. I already got word to your moms, so they know you’re alright.” Rubén and Marcos thank Ramiro.

Then, Marcos asks Ramiro, “Did the lawyers mention anything about our chances of getting off by claiming a citizen’s arrest?”

Ramiro replies, “Nah, they didn’t. Who knows what angle they’ll take for your defense. I’m sure that there are different arguments that could be made given the circumstances. But, I have no idea which one they’ll take. We’ll find out soon enough, though. I’ll be back in about forty-five minutes.”

As Ramiro walks out of the apartment, Veronica gets up to lock the door.