



THE HISTORY OF THE CIVIL RIGHTS MOVEMENT IN FORT COLLINS, COLORADO

Criminal Injustice in Fort Collins (1863–1974)



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Cover: Dorothea Lange, photographer. San Francisco, Calif. Apr. 1942. "Wives and children of two men being held as dangerous enemy aliens. They will be evacuated with other persons of Japanese ancestry and will spend the duration of the war in War Relocation Authority centers." Title transcribed from item. No. A-567. Photographer and date from similar negative (A566) in the National Archives. Photograph from U.S. War Relocation Authority. Farm Security Administration and Office of War Information Collection (Library of Congress)

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STATEMENT OF CONTEXT

This document is part of the *Fort Collins Civil Rights Movement Historic Context Study*. Based on the National Park Service (NPS) thematic framework *Civil Rights in America: A Framework for Identifying Significant Sites* and associated theme studies, this historic context narrative focuses on the experiences and activism of seven marginalized groups: women, Indigenous peoples, African Americans, Hispanic people, Asian Americans/Pacific Islanders, LGBTQIA+ people, and religious minorities. It covers the period from 1873, when the City of Fort Collins was incorporated, through 1974, when members of the Mexican American community protested the arrest of three young people.

Unlike other major themes in the civil rights movement, this area has not yet been explored individually in an NPS theme study, although NPS published *Confinement and Ethnicity: An Overview of World War II Japanese American Relocation Sites* (1999), which touches on one of the topics related to criminal injustice. A brief review of local and state historic context studies on African American history and civil rights appear to be primarily focused on criminal injustice in terms of violence against African Americans.

Citizen violence against non-White/Anglo people included physical violence, harassment, arson, vandalism, and threatening behavior. Other institutional types of criminal injustice examined in this document include underpolicing (the lack of law enforcement in non-White/Anglo communities, failing to pursue justice, and failing to protect non-White/Anglo people while in custody) as well as overpolicing (harassment, police brutality, false arrest, and discriminatory sentencing).

More recently, criminal injustice has come to include the racial/ethnic disparity in disciplinary proceedings in schools and the criminalization of minor infractions of school rules, although no records of the criminalization of students were discovered during this project. Community members recalled that they experienced racism during high school in Fort Collins but did not report anything that rose to the level of criminal injustice. Others may have more information to share.

Following a summary of legislative and judicial activity, this document examines civil rights activism related to this topic in Fort Collins, and finally identifies associated property types and significant sites associated with criminal injustice within the city limits of Fort Collins as they exist in 2023.

Note: The non-White/Anglo population in Fort Collins was relatively small during the period of time covered in this historic context. Additional research and contributions by community members are requested to supplement the information gathered to date from archives and community stories.

INTRODUCTION

Violence against non-White/Anglo people and LGBTQ+ people was and is common in the American West. These violent acts are a form of performative White supremacy/nationalism intended to demonstrate the dominance of White people over everyone else. All types of physical assault, the use of deadly force, bombings, arson, rape, and harassment were and are inflicted by White people, especially White men. Because White supremacy extends into law enforcement, the judicial system, and governments, that type of criminal behavior frequently has gone unpunished.

Lynchings — public killings of individuals without due process — are most often associated with African Americans in the South but were also prevalent in the West and inflicted on non-White/Anglo people of many races. In 1922 alone, at least 22 people were lynched in Colorado.¹ Lynchings often involved an accusation of wrongdoing against a person of color, perhaps followed by that person's arrest; if they were jailed, law enforcement officers frequently failed to protect the accused person from a mob of vigilantes who would storm the jail, remove the accused person, and then kill that person and display the body in public. Lynchings also occurred in situations where law enforcement was not involved. While lynching is often associated with hanging someone to death, the murderers often hung the dead bodies of their victims, regardless of how they were killed, as a demonstration of their ability to operate outside the law. Lynchings combined overpolicing, underpolicing, and citizen violence.

Some of that violence was organized by groups such as the Ku Klux Klan (KKK), a domestic terrorist organization whose members espouse White supremacy/nationalism. The KKK was most active across the United States in the 1920s, with its presence particularly strong in Colorado; Clarence J. Morley, a Klan member, was elected governor of Colorado along with a slew of other Klan-supported candidates in the winter of 1925.² The group presented itself as a Christian organization and was hostile toward Catholic and Jewish people, as well as non-White/Anglo people. The KKK was known for burning crosses, sometimes on the lawns of people's homes, as a means of harassment. They committed many kinds of violence against persons and property, as well as other types of criminal behavior, often while wearing White robes and hoods to disguise their identities. Examples of citizen violence against property can include slashed tires, bricks thrown through windows, arson, and similar criminal acts.

Overpolicing and underpolicing can also be more nuanced than the obvious examples provided by the United States' history of lynchings. Overpolicing can include security guards or other retail personnel who treat customers of color as if they are likely to commit a crime, such as by following them around the store and watching them shop; police officers who follow people of color for no clear reason may rise to the level of harassment. Underpolicing can include failing to follow up on reports of criminal activity or threatening behavior or otherwise creating an environment where a demographic community does not believe that they will receive police protection.

In the United States, criminal violence targeting minority communities continues to the present day, as do overpolicing, underpolicing, and the criminalization of student behavior. Several advocates for civil rights in Fort Collins have reported receiving death threats due to their work in the recent past.



Figure 1. Anti-Chinese riots, Denver, Colorado, October 31, 1880 (History Colorado Online Collection, 89.451.1767)

CRIMINAL INJUSTICE IN FORT COLLINS

This project uncovered very little information about criminal injustice during the century covered by this report. While plenty of evidence is available about generally racist behavior in Fort Collins, only a few examples rise to the definition of criminal injustice presented above.

CITIZEN VIOLENCE

Anti-Asian sentiments were rampant around the end of the nineteenth century. In 1882, the *Coloradoan* discussed the Chinese Exclusion Act then being considered (and later passed) by the U.S. Congress. The Act banned new Chinese laborers from entering the U.S. for 10 years, limited immigration from China by non-laborers, and created new requirements for Chinese people already in the U.S. A Fort Collins newspaper at the time referred to the Chinese as “heathens” (a term often used to describe people who do not adhere to one of the primary Abrahamic religions) and claimed that “No one would object to the Chinaman who would cast aside his idols, become a naturalized American, buy a hoe and be like one of us ... but he won’t do it.”³ The refusal of Chinese immigrants to give up their religious beliefs and traditional cultural customs continued to be lamented in Fort Collins newspapers for several decades.⁴ Such ongoing repetition of these attitudes likely led to citizen violence against Chinese people in Fort Collins. For example, in 1901, a 3:30 a.m. fire destroyed the laundry owned by Wang Sing (possibly a misspelling of Hong Sing), a Chinese resident of Fort Collins, on Linden Street. The fire was believed to be caused by an incendiary device, meaning that it was a deliberate act of arson. The brick building was saved by the fire department, but the business was a total loss.⁵ However, Hong Sing was able to rebuild and continued operating a laundry at that location until 1920.⁶

Japanese people faced similar attitudes as their numbers in Colorado and Fort Collins increased in the early 1900s. Apparently, Japanese people were considered by some White/Anglo residents to be less objectionable than Chinese people, but the hard work, thrift, and entrepreneurial ambitions of many Japanese immigrants were both lauded and described as a cause for concern, as it meant that they were “in competition with the White man.”⁷ The Ku Klux Klan in Colorado became particularly focused on Japanese people during that organization’s heyday in the 1920s. Colorado governor Clarence Morley signed several anti-Japanese laws during his single two-year term (1925–1927).

The KKK established a chapter in Fort Collins by 1922. They marched in a Klan-themed CSU carnival parade in 1922 and held an outdoor rally and cross-burning in Fort Collins on April 9, 1924, at the City Park.⁸ The KKK held public events at the Empress Theatre (163 N. College Avenue, extant but modified) in 1924 and, for several years, held twice-monthly meetings at Colonial Hall (113 Remington Street, demolished). Although it appears that no instances of violence in Fort Collins have been attributed to that group, their presence in Fort Collins created the potential for violence that likely had a similar effect on non-White/Anglo people, as well as Catholic and Jewish people, in the city.

Another Christian paramilitary organization, the Sky Pilots of America, was headquartered at 1802 LaPorte in Fort Collins from 1956–1959; the organization’s founder, Elmer Sachs, lived at 406 S. Grant Avenue.⁹

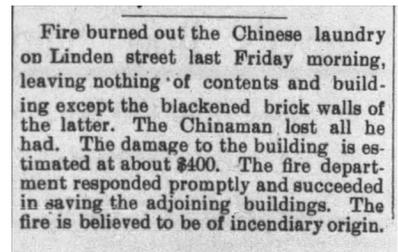


Figure 2. Article, *Larimer County Independent*, October 10, 1901.

Several stakeholders reported having to step off the sidewalk or, if they refused, being pushed off sidewalks and into the street by White/Anglo citizens in Fort Collins.

Stakeholders reported that organizing members of the LGBTQIA+ community experienced many types of harassment, including feeling pressured to move to a new address after public postings of their home addresses and ensuing death threats, as a result of their activism and visibility.

OVERPOLICING

Overpolicing can include false arrests, typically when law enforcement officers blame people of color for crimes by default. For example, a September 16, 1903, newspaper article describes police officers investigating the shooting of a White man in the “Negro” quarters just west of the new sugar factory. A Black man employed by the sugar factory was falsely arrested and then released.¹⁰

In a more recent example, several stakeholders were CSU staff or students in the late 1960s and early 1970s. During a protest prior to a CSU-Brigham Young University basketball game at the Moby Gymnasium, police that had assembled outside entered the gym to “clear the floor.” Chaos and panic ensued after something -- either a Molotov cocktail or a cherry bomb — was thrown onto the floor in front of the police. (Stakeholders recalled the item differently.) People in the arena identified a White man as having thrown the item, but a Black man was accused and arrested for the crime. The event was described as “the Moby Riot.”

Police harassment is another form of overpolicing. In 1970, a march was held to protest Fort Collins police sergeant Terry Rains, accused of harassing the Mexican American community. Organizations including CSU, the University of Colorado, the League of United Latin American Citizens (LULAC), Mexican American Progressive Action, and United Mexican American Students were involved in the march. News reports stated that 150 people attended an organizational meeting the night before the march and 300 people were expected to participate. The march started at the former Presbyterian Church on Grant Avenue, then known as LULAC Hall, and progressed to City Hall where a complaint was lodged with City Council. LULAC spokesperson Ernest Andrade stated that protesters would remain at the police station in a peaceful manner until Rains was suspended.¹¹

In April 1974, about 30 protesters, mostly young Mexican Americans, picketed City Hall over abuses of juvenile legal rights by Fort Collins police officer James Miller. The protest resulted from the arrest of three juveniles, including two of Mexican descent, for possession of narcotics, after police seized about an ounce of marijuana and a small pipe. Following their arrest, the young people were released to their parents. The hour-long demonstration took place in front of the municipal building. Chicano leader James “Chico” Martinez “claimed that the official channels for complaints are too slow and not “responsive.””¹²

Interviewees also reported being followed by police as students when driving to rehearsals and performances, and cars being pulled over simply because they contained Latino teenagers.

Overpolicing can be performed by other people in positions of authority, not just police officers. For example, stakeholders have reported being harassed while shopping: being followed by store personnel or having their receipts checked at the store exit while White/Anglo customers were permitted to leave without being similarly detained.

UNDERPOLICING

Underpolicing enables citizens to conduct and get away with criminal activity, usually in marginalized neighborhoods, due to a lack of police presence or indifference by law enforcement. The gay and lesbian community in Fort Collins did not publicize the locations of their meetings or social events, a practice which indicates their inability to rely on police protection from harassment and violence. Anecdotal evidence about the protection provided by a single police officer, Jim Kelly, implies that his behavior was the exception rather than the norm.

For example, in 1911, it was reported that some young White boys had been harassing a Black woman, Josie Hicks, and that she had chased them with an unloaded shotgun. The Weekly Courier reported the incident humorously, stating that the boys let a dog loose on Mrs. Hicks in her garden, and the dog chased her onto her porch. The sheriff was called to deal with Mrs. Hicks, described at the time as “crazy” and “excited,” needing to be calmed down by her husband. While Mrs. Hicks stated that the boys had been “tormenting her continually,” it did not detail any action the sheriff took, nor did it indicate that the boys’ actions were taken seriously.¹³

ASSOCIATED PROPERTY TYPES

“Associated property type” is a technical term used by NPS to describe historic resources that are related to the theme, geographic location, and time period for a particular theme study or historic context. This historic context identifies resources that could be nominated to the NRHP at the state or local level. Please refer to *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation* for more information.

Property types identified in the theme study include those that:

- Interpret the potential for citizen violence associated with White supremacist/nationalist organizations.
- Illustrate specific events associated with the overpolicing or underpolicing of marginalized communities.
- Interpret the activism of citizens protesting criminal injustice.

PROPERTY TYPE: THEATER

The Empress Theater (in the Briggs Building, 163 N. College, now the Comedy Fort) is the only building still extant where several meetings of the Ku Klux Klan, featuring speakers from that organization, were held in the early 1920s.¹⁴ Were a building such as this one to be nominated to the NRHP, its connection to the KKK should not be celebrated but should not be ignored.

PROPERTY TYPE: MARCH ROUTE

The route of the 1970 march to protest the overpolicing/harassing behavior of Sgt. Terry Rains is likely not eligible for the National Register of Historic Places, because it does not meet the definition of a historic resource. However, the route could be interpreted locally.

PROPERTY TYPE: CITY HALL

Fort Collins City Hall (1957, 300 LaPorte Avenue) was the location of protests (in the case of this historic context), as well as local governmental actions that likely affected whether citizens of color could go about their daily lives without fear of harassment or violence. However, a City Hall building is significant for many other reasons and would not be nominated to the NRHP specifically for its association with civil rights protests. That would be part of a larger story.

SITES TO BE PRIORITIZED FOR SURVEY

All historic resources identified during this project have been compiled in a single inventory spreadsheet, whether extant or not. The following historic properties have been confirmed to be extant and potentially significant at the local level under Criterion A.

951 W. Plum Street – Moby Gymnasium (secondary theme : Public Education)



The City has already undertaken a survey for the Empress Theater and the 1957 City Hall/Police Department building.

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