

The Case of Cheryl D. James

*Institutionalized Racism and Police Violence
Against Black Women in Portland, Oregon
(1968–1974)*

JANE CIGARRAN

“When you are used to adversity, you can live in peace no matter what happens.”— Mrs. Mary Lee James

“MAMA, THEY AREN’T LISTENING TO YOU!” These were the words sixteen-year-old Rachel James cried out as three FBI agents attacked her younger sister, Martha (age fifteen), throwing her to the ground and violently arresting both Martha and her older sister Cheryl (age seventeen). Approximately a dozen agents had just forcibly entered the James family home, located at 415 N. Jarrett Street in Portland, Oregon, on January 4, 1971, with guns drawn and knowing the house was full of children, the youngest being nine months old. They were there to arrest Cheryl Dawn James for allegedly assaulting an FBI agent earlier that evening, when agents had entered the home to arrest the oldest sibling, Charles James, Jr., for having gone AWOL from the U.S. Navy. Mary Lee James, the children’s mother, was the only adult in the home at the time of Cheryl’s arrest. The young family and neighbors looked on in disbelief as the girls were handcuffed and taken to jail. The James family was about to be enmeshed in a public, legal drama of violence and incarceration that wreaked havoc on Cheryl and her tightknit, religious family.²

Mary James told local journalist Stephen G. Gilbert, not long after the January 1971 incident, that the entire family had felt targeted by the Portland Police Department (PPD) well before FBI agents entered the James’s home to arrest Charles.³ Cheryl and her younger sister Rachel were harshly detained for jaywalking in 1968, and Lydia James, who was only seven at the time of the FBI incident, recalls being locked in a Northeast Portland neighborhood



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CHERYL D. JAMES, pictured here in her 1970 high school portrait, was arrested on January 4, 1971, for allegedly assaulting an FBI agent who entered her home. James was not allowed a jury trial and was sentenced to eighteen months in jail, a harsh treatment that was not uncommon for young Black women in Portland during that time.

grocery store for over two hours after someone was accused of shoplifting, while police interrogated her and other children. She remembers being shoved and harassed by officers and being reprimanded by her parents when

she arrived home late after the frightening incident.⁴ Black girls and young women were often the subjects of police suspicion and violence in Portland. Nationally, well-known activists such as Assata Shakur and Angela Davis were facing racially biased trials and incarceration during this time, but the majority of these stories of mistreatment never received public attention. Current studies show that Black women are twice as likely to be imprisoned in the United States than White women, and that young Black women between the ages of eighteen and nineteen are four times more likely to be incarcerated than White women in that age group.⁵ By examining archival personal correspondence, city and federal court documents, media coverage, personal accounts from those directly involved, and scholarly explorations of racial unrest and police brutality in Portland during the 1960s and 1970s, this article outlines how Cheryl James's experience provides a significant, distinct, and local example of the well-documented national history of Black women's mistreatment by the justice system.

Without being allowed a jury trial, seventeen-year-old James was sentenced to eighteen months in an adult federal prison. While incarcerated and working in the prison commissary, she was attacked, raped, and impregnated by an unknown assailant. She gave birth to a son while still fighting for her freedom. A locally organized Cheryl James Defense Committee, led by concerned citizens in Portland, both Black and White, brought public attention to the case. The committee was also integral in raising the funds to obtain bail and to secure competent legal representation for James. Scholars Ethan Johnson and Felicia Williams note that "Oregon was established in the late nineteenth century as the most formidable and dangerous place outside the South for an African-American person to call home."⁶ James's story highlights how these racial politics and engrained White supremacy created a so-called justice system, both in Portland and nationally, that failed people of color. As local journalist Oz Hopkins noted, "because blacks are a small minority here, they feel overlooked, underestimated and abused by the white majority."⁷

As historian Khalil Gibran Muhammed argues, after the Civil War, "African American criminality became one of the most widely accepted bases for justifying prejudicial thinking, discriminatory treatment, and/or acceptance of racial violence as an instrument of public safety."⁸ By the early 1970s, the condition of life for most Black people living in the United States remained precarious, despite congressional passage of major civil rights legislation. Law enforcement's targeting of Black Americans was pronounced across the country, including in Portland, Oregon — a state notoriously founded in Black exclusion. During the early 1980s, as noted by scholars Leanne C. Serbulo and Karen J. Gibson, "Blacks comprised just 4 percent of Multnomah

County's population but made up 22 percent of those arrested."⁹ Police violence against the small Black community had become so prevalent that, by September 1969, a group of over a dozen men and women filed a class-action lawsuit on behalf of the Black community in the U.S. District Court. The suit named Mayor Terry Schrunk, City Commissioner Francis Ivancie, Chief of Police Donald McNamara, city commissioners, the Deputy Chief of Police, and various members of the Police Bureau of the City of Portland.¹⁰ It alleged a variety of civil rights violations by the city and was settled in 1971 by a consent decree. The city admitted "no wrongdoing" but agreed to begin requiring a search warrant before entering a home. What became known as the "Probasco Decree," as described by Gibson and Serbulo, highlighted that to be a Black person living in Portland meant to be treated separately and unequal to the White majority.

James family members experienced this inequality acutely, and their story is not an unusual one for Black families who settled in the Portland area after World War II. Charles T. James, Sr., originally from the small, east Texas town of Linden, moved to Vanport during the war and found work in the shipyards. While living there, he met his wife, Mary Lee Johnson, who was originally from Dallas, Texas. Mary Lee was working as a secretary at the time and spoke Spanish fluently. One of their eldest children, Joyce, recalled that many in her family thought Mary Lee would leave Portland and work abroad, perhaps using her sharp intellect and language skills as an interpreter, but this never came to pass. On May 30, 1948, Vanport, which housed the majority of Portland's small Black community, was destroyed after a dike on the Columbia River broke, creating a devastating flood that killed fifteen people and displaced thousands of families. The newly married Jameses relocated in 1949 to Southeast Portland, where their first daughter, Phyllis, was born, followed by Joyce. After returning to Linden briefly, they decided to settle in Portland and raise their rapidly growing family. They moved to various houses in the Buckman and Eliot neighborhoods, eventually finding residence in a large, three-story house on N. Jarrett Street in the Humboldt neighborhood of Portland's Albina District in 1963.¹¹ By that time, Albina had become the largest Black community in Portland, home to many who fled the devastation of Vanport. Gibson echoes Johnson's and Williams's assertion, arguing that after the war, "Portland's [Black] population dropped by more than half by 1950," indicating the city's reputation as a place as hostile as any in the South.¹² Many of those who stayed, including members of the James family, experienced harassment and arrest by the PPD.

The instances of Black youth being detained by the PPD for violations such as jaywalking, then subsequently being violently arrested, were common. During the aforementioned 1969 case brought against the city,

plaintiff Linda Myrick described a case of police violence that mirrors Cheryl and Rachel's 1968 jaywalking detention.¹³ After her sister was arrested and jailed, Rachel James filed a complaint with the city in 1974, writing a powerful letter to Mayor Neil Goldschmidt that highlighted continued police harassment in the Black community.¹⁴ Historian Danielle L. McGuire has written about the historical, unspoken pledge by Black women to refuse to stay silent in the face of sexual violence, instead deploying "their voices as weapons in the wars against white supremacy." Cheryl James was an active, if somewhat reluctant, participant in this "tradition of testimony."¹⁵ The attention and activism of White community members aided in raising broader awareness about Cheryl's case. In addition to highlighting the abuse faced by Black women within these systems of power, this article demonstrates how a bi-racial coalition of citizens fought back. People from different races and classes in Portland society were motivated to help based on a clear example of injustice unfolding within their community. During a time of great social unrest nationally, a group of individuals came together locally, forming the efficacious Cheryl James Defense Committee, determined to free Cheryl.

"THINGS HAPPEN TO US THAT YOU WOULDN'T EVEN KNOW ABOUT"¹⁶

On the evening of July 17, 1968, fifteen-year-old Cheryl James and her fourteen-year-old sister Rachel returned to the neighborhood after visiting a cousin and stepped off a bus at the corner of N.E. Alberta and Union (now Martin Luther King Jr. Blvd). Rachel spotted police officers monitoring the girls from across the street. They had been selling candy that day, something Martha remembers their mother encouraging the children to do as a way to help support the family.¹⁷ Cheryl was counting her money as two PPD officers approached and began to interrogate the girls. The police refused to let them leave the scene, calling a "paddy wagon" to take the girls to the local jail. The *Oregonian* and the *Oregon Journal*, Portland's mainstream newspapers, failed to report on the incident, but the *Oregon Advance Times*, a local paper serving the Albina Black community, offered a detailed account of the girls' experience that night, written by Joyce James.¹⁸ The article garnered a response from Mayor Terry Schunk, denying any police abuses. He referred those concerned with the girls' treatment to the Model Cities Information Center, a federal aid program with the goal of inner-city improvement.¹⁹

In custody, the juveniles were handcuffed so tightly that the cuffs began cutting into their wrists. Having observed that a White girl in the cell was not handcuffed, Cheryl told the officer their actions were not necessary. She



CHERYL JAMES and her family moved to the in the Humboldt neighborhood in Portland, Oregon, in 1963. North Going Street and Williams Avenue in the neighborhood are pictured here in 1974, around the time Cheryl's sister, Rachel James, filed a complaint with the city about continued police harassment in the Black community.

said that if they kept their hands off of her and Rachel they would comply. According to Cheryl, one of the officers replied, "Well, if you're going to act like a 'bitch', then we're going to treat you like one."²⁰ Strikingly similar incidents were described by other Black women at this time in Portland. Linda Myrick noted in her joint lawsuit against city officials in 1969 that, after being detained, she was sprayed with mace and called names such as "n****r" and "Black b***h," and then was "repeatedly clubbed . . . upon and about the head and shoulders with a nightstick" by police.²¹ Margaret Branch's complaint against PPD during the same time period noted that police "forcibly broke down the door to [her] home, called her daughters 'black b***hes', illegally searched and ransacked her home and repeatedly assaulted and battered her minor children with fists and clubs."²² Reviewing Metropolitan Human Relations Committee (MHRC) records from this time period, it becomes evident that what happened to Cheryl and Rachel on that evening in 1968 had happened to other young Black women before, and would happen again. Complaints from the community to city officials continued to be ignored.

One of the early priorities of the MHRC when it was initially formed in 1949 by Mayor Dorothy McCullough Lee was to advocate against discrimination in public housing. By the late 1960s, the committee expanded its charge to improve race relations across Portland. Historian Leanne Serbulo notes that “MHRC kept one foot firmly within the community and another in the halls of power, but it was a delicate balance.”²³ Despite the arguable effectiveness of the MHRC, the archival files contain detailed complaints of racism by minorities in Portland from this time. Filings by women, including Patricia Yvonne Fields in April 1969, Naoma Maxie in January 1968, and Gail Branch in May 1967, all tell similar tales of abusive treatment by the PPD. These are a sample of the few instances that were formally reported.²⁴

Mary Lee and Charles James, Sr., retrieved the girls at the Juvenile Detention Hall several hours after their arrest. They found them still handcuffed and in tears after a night of abuse and terror. Mary Lee also broke down in tears after being told by staff at the detention center that the girls had no reason to be picked up by officers and had merely been charged with walking against a red light. This event reverberated, casting a shadow of criminality over two young Black women who had done nothing unlawful. A smart and serious girl, Cheryl was an honor roll student at Jefferson High School. Her younger sister Lydia remembers that “everyone looked up to her” and that she had high standards that the other children tried to emulate. Family members recall that Cheryl never had a boyfriend as a teenager, rarely dated, and found her joy within the home, her family, and her religion.²⁵ Some of the James children would jokingly call her “Sir,” a nod to her commanding, authoritative presence in the household.²⁶ The girls were never charged with any criminal offense.²⁷ In 1966, a local attorney gave a statement to the Portland Community Relations Committee, noting that the PPD had a practice of “making arrests on minor charges in order to take the arrestees into custody for the purposes of investigation.” The attorney noted jaywalking as being one of the most common of these minor charges.²⁸

Historian Thomas Sugrue notes that, during this time period, “Perhaps the biggest problem facing northern police departments . . . was the paucity of black police officers.”²⁹ Rev. Gordon Dickey, Vice-President of the Albina Ministerial Alliance (AMA), explained the challenges caused by a lack of Black law-enforcement officials in a November 8, 1971, letter to the *Oregonian* editor about the James case.

An important question is whether any of the FBI agents were Black. This makes a difference in awareness and sensitivity to the community and to reactions of indigent persons who have little but the sanctuary of their own family and home. The resistance and assault to the FBI agents, the suffering and sentences by

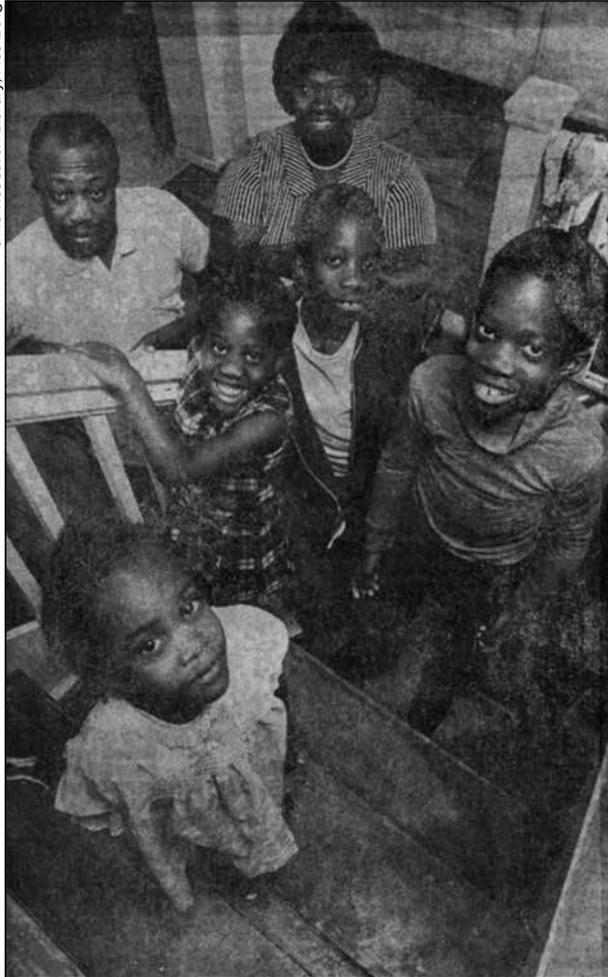
*the offenders, the confusion and bitterness in the community might have been avoided by greater awareness, training and sensitivity to law and order situations in the black community.*³⁰

Dickey’s words provide valuable context for what unfolded at the James’s house during the afternoon of January 4, 1971.

Without a warrant, two plain clothed, White FBI agents arrived at the doorstep of the James family home on Jarrett Street. Another two stood guard in the backyard. They were there to arrest Charles, who had applied for leave from the Navy after active duty in Vietnam. For reasons that are not clear, his request was not fully processed when he departed his Naval base in California for Portland.³¹ By defecting from his post, Charles, knew he was putting himself and his family at serious risk. Martha James recalls that Mary Lee pleaded with him not to visit the house, but he did not take her concerns seriously.³²

Mary Lee was napping when ten-year-old Timothy opened the door to agents Keith G. Galitz and Richard L. Bittner. Agents William A. Scobie and Frank L. Phelps, Jr., went to the back of the house, in case Charles, tried to leave in that direction.³³ Timothy recalled that Bittner asked him if any adults were home, and he left the front door open while he went to get his mother.³⁴ Cheryl had been in the kitchen preparing to make biscuits with butter and plum jam when she heard a commotion in the front room. Initially, she assumed it was members of the Bible class her mother taught most evenings. By this time, Phelps and Scobie had also entered the home. She looked out of the kitchen to see her fourteen-year-old brother David in a chokehold and unable to breathe at the hands of an unknown White man (whom she later learned was Phelps).³⁵ Bittner admitted his anonymity to the family under oath, stating “No, sir” when asked if he identified himself or his purpose to any adult in the James home.³⁶ Cheryl rushed to save her younger brother, noting that he was turning purple and his eyes were bulging out.³⁷ Acting out of instinct, she used the rolling pin to hit the agent on the head, causing him to release her brother.

The agents claimed that, while they were trying to peaceably take Charles, into custody, David had ordered the family dog, a German shepherd named “King,” to attack.³⁸ In her account of the incident, Mary Lee stated that David was trying to calm the dog down, as it had sensed the agents’ aggression and was trying to protect the family. According to Mary Lee, “If they had just let me talk to Charles myself he would have gone with them without any fuss.”³⁹ Instead, Phelps put Charles on the defensive with his order “Come on, Boy . . . we are taking you in.” Police commonly referred to Black men with the emasculating term “boy,” a slang dating to slavery.⁴⁰ Former Portland Black Panther Party (BPP) member Percy Hampton recalled a similar incident



THIS JAMES FAMILY PHOTOGRAPH, published in the *Oregonian* on October 31, 1971, includes Cheryl's parents, Charles James, Sr., and Mary Lee James, in the background and four of their children from left to right are: Melinda, Mary Ann, and twins Stacey and Tracey.

in 1968, when a PPD officer said to him "Boy where you going?" to which he replied, "Officer, first of all, I'm not a boy, I'm a young adult." This resulted in Hampton being violently arrested.⁴¹ Charles had a similar reaction to Hampton on hearing the demeaning term, stating "I told you not to call me 'boy,'" and the interaction became heated as Charles grabbed for a lamp. Mary Lee and one of her daughters took the lamp from Charles and tried to calm him down, but a scuffle between the agents and Charles ensued, ending with Charles being thrown to the floor, handcuffed, and arrested.⁴²

According to Mary Lee, approximately twenty minutes after Charles's arrest, a dozen agents returned to arrest Cheryl for assault. Fifteen-year-old Martha, who was a sophomore attending Adams High School and had not been home during the first incident, had returned home to see her house in disarray

and her family in distress as her mother led the children in prayer. At this time, multiple cars pulled up and agents approached the house with guns drawn, knowing that the house was occupied primarily by young children. Martha recalls that before she had an opportunity to ask what had happened, agents entered the home and violently threw her against the wall. They forced her to the ground, where three agents sat on top of her. Martha screamed for help

as the agents pulled her hair and bent her fingers back. Her mother frantically implored them, "Do you have to do that? You're hurting her. Do you have to do all that?" The officers possibly mistook Martha for Cheryl, whom they evidently had planned to arrest for assaulting an agent during the earlier incident. They claimed Martha had tried to attack them, apprehended both girls, and took them to Rocky Butte, an adult jail. Mary Lee had yelled to the officers "they are juveniles!"⁴³ As Martha later recalled, "They grabbed me and hurt me real bad . . . they handcuffed me, dragged me out of the house, and took me somewhere . . . where they charged me with resisting arrest." She spent several days there before being released. Cheryl stayed at Rocky Butte Jail overnight before being taken to Clackamas County Women's Jail, where she was held for three weeks before being released on bail awaiting trial.⁴⁴

Press accounts initially portrayed the James children as having attacked the federal agents while they lawfully carried out their duties. Articles focused on the facts that agents were the only ones who sustained injuries and that they had not drawn their weapons. Media coverage contrasted the agents' restraint with the James family's aggression and inaccurately reported that none of the James family members had been injured. An *Oregonian* headline on January 6, 1971, for example, declared "3 FBI Agents Mauled While Arresting Suspect." Coverage in the *Oregonian* stated that the James family members threw "rolling pins, bottles, and other objects" at the agents, a charge all James family witnesses vehemently denied.⁴⁵ Mary Lee and Cheryl recalled that the only glass that was broken was a pop bottle, which had been knocked over by agents. Some of the shards from this glass cut Bittner, but the wounds were accidental.⁴⁶

Mary Lee recounted telling an agent during Cheryl and Martha's arrest, "You are white people and you have the power so you can come into our home and do anything you like." When the agent chastised her for saying such a thing in front of her children, she retorted, "my children are standing here looking at what you are doing in our home." Mary Lee stated that she felt, in the eyes of the agents, "I was just nobody."⁴⁷ Charles, Cheryl, and Martha were all now facing serious federal charges, and the James family had reason to doubt they would be treated fairly by the judicial system. In 1971, only 57 the of 8,400 FBI agents in the United States were Black.⁴⁸ As Civil rights activist Fannie Lou Hamer said, "Black people know what white people mean when they say "law and order."⁴⁹

THE CHERYL JAMES DEFENSE COMMITTEE

U.S. District Court Judge Gus J. Solomon, a Harry Truman appointee, oversaw Cheryl's trial in Portland federal court during the spring of 1971. Garr King was Cheryl's first court-appointed attorney and represented her in the

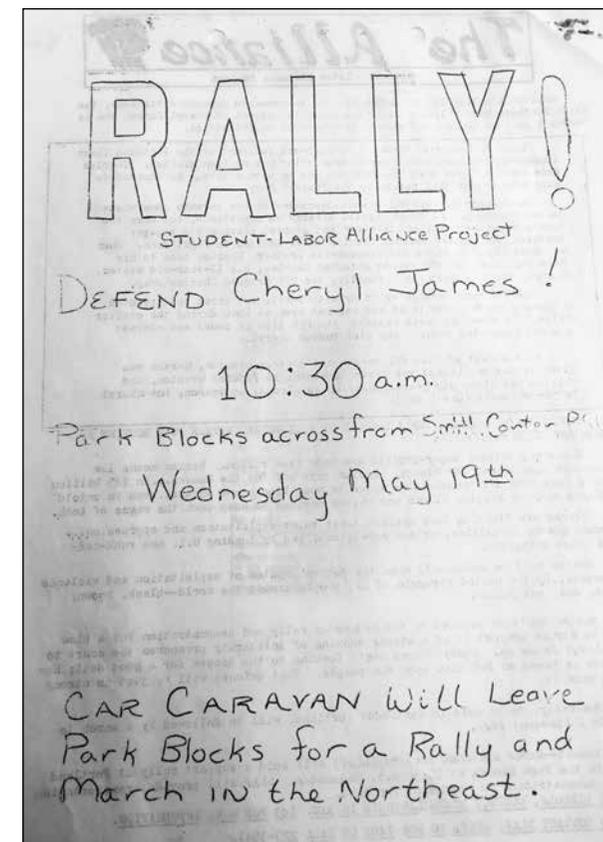


ALFRED T. GOODWIN, seated, is pictured here after being sworn in as a U.S. District Court judge on December 23, 1969. Gus J. Solomon (left) and Robert Belloni are pictured standing behind him. Goodwin convicted Cheryl James on assault charges, and Solomon sentenced James to eighteen months in prison.

initial trial. King advised Cheryl to waive a preliminary hearing and jury trial, a critical misstep that could have been avoided by researching the *Nieves v. United States* decision of March 1968.⁵⁰ The Supreme Court ruled that “to the extent it deems consent to FJDA [Federal Juvenile Delinquency Act] proceedings a waiver of jury trial and requires that these proceedings be held without jury, [the FJDA] impairs a juvenile’s free exercise of his Sixth Amendment right and is therefore invalid.”⁵¹ King determined that Cheryl was not allowed a jury trial after consulting with the prosecutors, U.S. State Attorney Sidney Lezak and his Deputy U.S. Attorney, Tommy Hawk.⁵² Hawk had great influence over the outcome of Cheryl’s case, charging her with felony assault and erroneously informing her lawyer that she was not entitled to a trial by jury. As Portland trial lawyer Nick Chaivoe stated in a December 1971 Appellant’s Brief, “it would not have required any great deal of diligence to have read that case [*Nieves vs. United States*] and filed the appropriate proceedings in the trial Court in order to attempt to obtain for Defendant a right of trial by jury.”⁵³ As Michelle Alexander highlights in *The New Jim Crow*: “It is the prosecutor, far more than any other criminal justice official, who holds the keys to the jail-house door.” It was and continues to be a common practice for prosecuting attorneys to “overcharge” those on trial with far more serious charges than they were originally arrested for, as long as probable cause exists. This practice helps to ensure jail time for those otherwise unlikely to receive it.⁵⁴

In April 1971, U. S. District Judge Alfred T. Goodwin, a Richard Nixon appointee, convicted Cheryl on charges of assault, resisting arrest, and opposing the FBI agents “with a dangerous weapon,” the rolling

pin.⁵⁵ Solomon sentenced James to eighteen months at Terminal Island in San Pedro, California, on April 14, 1971. During the sentencing, Solomon stated that James had “told deliberate lies in her testimony,” although he did not provide any examples. Kent Ford, co-founder of the Portland chapter of the BPP, and an early advocate for James, recalls that at the sentencing Judge Solomon stated: “You hit a Federal Bureau of Investigation Agent on the Head! 18 Months!”⁵⁶ King had led the James family to believe that she would not receive prison time because she was a juvenile, and they were taken by surprise when the harsh sentence was handed down. King filed a petition for bail on appeal.⁵⁷ Mary Lee recounted to Gilbert that it was the agents who lied when they claimed Charles had hit them with a lamp and a bottle and that Martha had attacked them. “I sat and heard them and it made me sick when I first heard it. I didn’t know that they would do that under oath; tell things they knew was absolutely false. They’re good liars.”⁵⁸ Novelist and social critic James Baldwin eloquently summarized Mary Lee’s frustration, as felt by many Black Americans, when he wrote, “I have been carried into precinct basements often enough. And I have seen and heard and endured the secrets of desperate white men and women which they knew were safe with me because even if I should speak, no one would believe me. And they would not believe me precisely because they would know what I said was true.”⁵⁹



THIS HANDMADE POSTER was used by supporters from the Student-Labor Alliance Project to help garner support for Cheryl James. The rally in the downtown Portland Park Blocks culminated with a second gathering at Unthank Park in Northeast Portland. Many students from Jefferson High School attended, showing solidarity with their fellow student.

As news spread about the violent arrest and harsh sentence, community members began to rally in support of James. The AMA and BPP raised awareness about James's case by handing out flyers and organizing rallies at and around Jefferson High School, the Portland State University (PSU) campus, and at other community forums. On Wednesday, May 19, 1971, the Student-Labor Alliance Project (SLAP) organized a rally, beginning at the Portland State University (PSU) Park Blocks and caravanning to a second march and rally in Northeast Portland. Police records show that 200 students from Jefferson High School participated in the rally at Unthank Park.⁶⁰ *The Jeffersonian*, Jefferson High School's newspaper, had published an article that Monday listing the known facts of the James case and ending simply with "Figure it out."⁶¹

On the morning of May 14, 1971, BPP members, including Ford and Fern Parker, had attended a speech at PSU by Solomon entitled "The Lawyer as a Social Engineer." Ford recalls that Gary Waller, a PSU sociology student and community activist, had informed the BPP about the lecture.⁶² In Solomon's biography, author Harry H. Stein draws on Solomon's recollections to describe Ford, Cheryl James, and others approaching the lectern and standing silently in protest as others shouted questions at the judge about his treatment of James's case. Stein goes on to quote the *Portland Vanguard*, stating that James followed the judge to the elevator, yelling at him "in the high-pitched verbal exchange" to which Solomon reportedly responded, "Do you want to go to jail, now?"⁶³ Ford, however, recalled that the woman documented in the Solomon biography was Parker. Officer reports from the event confirm Ford's recollection.⁶⁴ Evidently, Solomon could not recognize the face or demeanor of the seventeen-year-old girl he was sentencing to federal prison. Ford also claims he never approached the lectern and that there was no disruption of Solomon's event. The questioning came after the event was over. Stein's account of the May 14 incident goes on to state that, after this public display of protest, Solomon "reviewed her files and denied all further defense motions."⁶⁵ On June 11, 1971, Solomon stated, "any appeal would not be taken in good faith, and the appeal would not present substantial questions, and it would be frivolous and would be taken solely for the purpose of delay."⁶⁶

Soon after James's verdict was handed down, Ford urged the James family to join a meeting with supporters of James's cause from across the community. Charles, Sr., hesitantly agreed to go. The James family was not eager to engage with some of the more anti-establishment groups such as the BPP, but some were likely encouraged by the presence of Fathers Dickey and Bert Griffin of St. Andrew's Catholic Church, leaders from the AMA, and others from the church community. Joyce recalled that although her father was a religious man, "Daddy would get with you" if there was a cause worth

supporting.⁶⁷ Ford recalls that the meeting that night was not agreeable to Charles, Sr. "The purpose of the meeting was to marshal support for James but it wasn't very productive at all. Too many egos in the room. . . . What was productive, however, was a meeting with Ann Chess Campbell of the Women's International League for Peace and Freedom [WILPF]."⁶⁸

Campbell was a graduate of Smith College, a social worker, and an activist for various causes surrounding social justice and antiwar efforts in Portland. She was quoted widely in the local press about James's treatment, saying: "This just wouldn't have happened to a white, middle-class girl in a white, middle-class neighborhood."⁶⁹ As the *Oregon Journal* reported in August 1971, the main focus of the WILPF investigation was the "unduly severe sentence" and "the manner in which agents entered" the James home.⁷⁰ At WILPF brainstorming sessions prior to the April 1971 sentencing, attended by some BPP members and community activists, it was determined that a press campaign and bail fund were needed so that James could finish high school. The group also distributed leaflets throughout the community and organized fundraisers to drum up local awareness. The most critical need James faced was obtaining a competent lawyer to defend her, something she did not have in her first trial.⁷¹

In early July 1971, the James family relieved King of his duties as James's attorney and appointed Tyler Marshall as her counsel. Marshall disclosed to the James family soon after that he was close friends with Phelps, the two having attended school together from grades six through twelve and noting his relationship was one of "deep affection and friendship." On hearing of this conflict of interest, the James family relieved Marshall of his duties as well, and James found herself once again without adequate legal representation to appeal her conviction.⁷²

On July 6, 1971, the *Oregonian* noted that the Portland Chapter of WILPF was investigating James's case.⁷³ Arthur C. Spencer, a concerned citizen as well as a talented writer, had not previously been involved in social justice causes but was drawn to the case with Campbell's encouragement. Spencer acted as secretary of the defense committee and spearheaded a highly effective letter writing campaign that targeted national press and politicians. These actions were critical in raising awareness beyond Portland's Black community. Another key figure in the defense committee was Julia Ruuttila, a local activist, journalist, and community organizer who played an important role in determining how to effectively advocate for James's release. After James was released on bond, the court allowed her to return to Jefferson High to finish her senior year. At her graduation ceremony on June 2, 1971, as Martha recently emotionally recalled, James walked across the stage to receive her diploma while police waited in the

to an 18-month term to begin after her high school graduation. (Her brother, the decorated war veteran, received a sentence of up to six years.) Seventeen days after her 18th birthday, Cheryl was imprisoned.



THE JAMES FAMILY. The father, Charles T. James Sr. is a former maritime and postal worker, now disabled. The mother, Mary Lee James, is a Bible lesson teacher in the Albina area.

AS EXPRESSED BY A FELLOW STUDENT: "It's a cold shot when a young black woman strives for 13 years to get a diploma, to uplift herself as a human being, to become a productive and worthwhile asset to her people. Yeah, it's cold when a young woman climbs a glass mountain only to find a cage at the top...."

WHY ARE WE TRYING TO HELP CHERYL? We are convinced the entire proceeding regarding Cheryl was unjust. Cheryl now has an attorney, and we are trying to aid in every possible way her appeal, her return to freedom, and to help her in overcoming what has happened to her.

THE CHERYL JAMES COMMITTEE is a group of concerned citizens (teachers, ministers, civil rights and labor people, social workers, parents, homemakers and others.)

We urge your support of the CHERYL JAMES FUND.

THE CHERYL JAMES DEFENSE COMMITTEE dispersed this flyer about Cheryl's imprisonment. In the image, Cheryl's high school photograph sits on top of the bookshelf behind many members of the James family.

wings of the auditorium. They handcuffed her in view of her classmates, adding humiliation to an already traumatic situation.⁷⁴ James was promptly taken to Terminal Island Women's Prison in San Pedro, California, to serve her eighteen-month sentence.⁷⁵

The bi-racial Cheryl James Defense Committee comprised concerned citizens and organizations from diverse parts of spatially segregated Portland. In addition to the AMA and WILPF, supporters included The Methodist Federation for Social Action, the Social Concerns Commission of the Greater Portland Council of Churches, the Oregon Fellowship of Reconciliation, and the Federated Auxiliaries of the International Longshoremen's and Warehouseman's Union, where Ruuttila had been an active member.⁷⁶ Spencer composed and sent letters to various media outlets, politicians, and human rights organizations, articulating the urgency and importance of the James case.⁷⁷ Ruuttila wrote, "Squad cars prowl Albina. The police stance toward blacks stems from the era when the late Mayor Riley reportedly told a class of rookie cops the proper way to treat a n****r was to shoot first and ask questions afterward."⁷⁸ Other groups that voiced support for the committee through letters to the press and financial contributions included the Portland Federation of Teachers and the Multnomah County Democratic Convention, which "unanimously adopted a resolution of commendation and support."⁷⁹ Ford noted, "Thank God there were some sympathetic ears in the White community."⁸⁰ The activism that formed around James's case was diverse and passionate.

In September 1971, the Cheryl James Defense Committee succeeded in getting venerable Portland trial lawyer Nick Chaivoe to represent James in her appeal trial. Chaivoe, a White man born in New York City, "rode the rails to California as a youth and moved to Portland in 1935."⁸¹ He pursued an acting career, participating in the Portland Federal Theatre Project (FTP), which existed only from 1935 to 1939. The federal government dismantled the FTP after an investigation by the House Committee on Un-American Activities. There were federal charges of communist infiltration within the FTP as well as claims of censorship by those involved in the theatre.⁸² Because of these alleged ties to the Communist Party, Chaivoe was blacklisted from practicing law for ten years and sustained his family as a law clerk and investigator for Portland attorney Nels Peterson. When finally allowed to practice law, he became an invaluable defense attorney for under-represented citizens in Portland, particularly within the Black community. He never spoke openly again about his time as an actor, or his experience with the FTP, possibly out of concern for further retribution.⁸³ He worked as a defense attorney in Portland from 1962 to 1997.⁸⁴ Chaivoe had successfully defended Ford and

others against racially targeted arrests by the PPD and was known as a legal legend in Albina.⁸⁵ But he was unable to keep James from a harrowing eight months of imprisonment.

Articles appearing in the *Willamette Bridge* in April and the *Oregon Times* in May questioned the FBI's actions.⁸⁶ Quoting Mary Lee's statements to Gilbert, these articles shed new light on the FBI violence. After a letter from Spencer appeared in the national, left-leaning magazine *The Nation* on September 20, 1971, press interest in the case increased, culminating with in-depth pieces in both the *Sunday Oregonian* and the *Los Angeles Times* on October 31, 1971.⁸⁷ Ruuttila quoted a Jefferson High School student in an article for the national, progressive, Socialist publication *People's World*: "It's a cold shot when a young black woman strives for 13 years to get a diploma . . . to become a productive and worthwhile asset to her people. Yeah, it's cold when a young woman climbs a glass mountain only to find a cage at the top."⁸⁸

Incarcerated at Terminal Island, James was isolated and depressed. She wrote letters to her family as well as to supporters such as Ford, Campbell, Ruuttila, and Spencer, sharing her pain and frustration: "I'm not a criminal. I'm being punished for nothing, and it's doing me no good. The longer I'm here the more I hate."⁸⁹ Her letters were thoughtful and courteous, always apologizing for her handwriting, which was a neat, formal cursive. Later, in a September 1972 interview, James revealed to journalist Oz Hopkins that she had been raped by a customer at the prison commissary where she worked during her incarceration. Inmates at Terminal Island were expected to do regular work as part of their sentence unless prevented by medical reasons. According to James's account at that time, while working as a waitress in the commissary, which was located across the street from the prison, a man dressed in a Coast Guard uniform followed her down a dark hallway. He grabbed her and hit her on the head, knocking her out. "I blacked out and when I came to my uniform was unzipped and I knew I had been raped." James did not tell anyone about the rape while in prison, because "I had no friends to tell and I wouldn't tell the officials anything because they are against blacks and Chicanos and only helped the white girls."⁹⁰

In February 1972, while her case was pending appeal, James was temporarily released from prison on \$5,000 bond raised by the defense committee. Members of the defense committee including Ford and members of the AMA, gathered to welcome James home at an event at the Stella Maris House. Spencer recalled that she had an expression of absolute despair on her face at the party. This was before she had shared the news of her rape, and she may have only recently realized she was pregnant.⁹¹ Once she did

share the news, she noted she would need to "get it all together" before speaking out publicly.⁹² Chaivoe noted in a transcribed phone conversation with colleagues that the only restrictions placed on her bail were that it was cautioned that she must not leave Portland and must not break any law. Chaivoe warned she would have to be careful: "She will have to watch it — there may be provocations."⁹³

Chaivoe filed a brief with the Ninth Circuit Court of Appeals, challenging the competency of James's first attorney and asserting that her right to a trial by jury under the Sixth Amendment had been violated.⁹⁴ He went on to state that "the court erred in disregarding the entriely [sic] uncontradicted testimony" from James that she did not know that the man she defended her younger brother from was an FBI agent, and that the agents had illegally entered the James home. Additionally, Chaivoe stated that the court erred in not considering James's actions as "reasonable defense of another who was not being arrested (David), and who appeared to be in danger of being grievously harmed."⁹⁵

On March 16, 1972, a panel of three judges of the Ninth Circuit Court of Appeals heard James's case and affirmed her conviction. In federal appellate court procedures, a written appeal is presented first to a panel of three judges filing briefs with the court stating their opinions on whether a case should be reversed or affirmed, and then, oral arguments are heard by the panel.⁹⁶ James now faced the reality of returning to Terminal Island. Chaivoe filed a motion for her to remain on bail while he filed a notice of appeal with the U.S. Supreme Court.⁹⁷ Two weeks later, the opinion of the Ninth Circuit Court was withdrawn based on a mechanical issue relating to the opinion's being filed early, leaving James's appeal undecided, and even more complicated.⁹⁸ This delay allowed Chaivoe the time he needed to elevate the matter to the Supreme Court, while James, now six months pregnant, remained out of prison on bail. On July 27, 1972, the Ninth Circuit Court of Appeals again affirmed her conviction with a two-to-one decision. Justice Shirley Hufstедler, the highest ranking woman jurist in the country at the time, filed the dissenting opinion, noting that James's constitutional rights to a jury trial had been denied. "There is not here . . . any counter-vailing legitimate interests of the state which justify chilling the juvenile's right to a jury trial. The jury waiver provisions of the FJDA are [therefore] unconstitutional."⁹⁹

Now nineteen years old, James decided to keep her child. Adoption or abortion were not options for her. After much reflection, however, she was ready to speak her truth to power. "I want people to know what is happening to girls in a place where they are supposed to be getting rehabilitated," she told Hopkins on September 1, 1972.¹⁰⁰ Much like Ida B. Wells, Fannie

Cheryl James
San Pedro Calif.
February 15, 1971

Dear Mr. Spencer

I hope this letter finds you and every one in good health. Our darling fine at the moment. Thank you for remembering all of the holiday's. This is a very long letter, but then there's really nothing to talk about here. In a sense its like being ~~in~~ suspended animation, but still able to move around actively. Well I guess I'll close now.

your sincerely
Cheryl

CHERYL WROTE TO HER FAMILY as well as members of her Defense Committee while imprisoned at Terminal Island in San Pedro, California. In this February 15, 1971, letter to Arthur Spencer, she describes her incarceration as feeling like “suspended animation.”

Lou Hamer, and Recy Taylor before her, James believed that Black women knew that to tell the truth about the violence imposed on them could personally do more harm than good. Yet this “tradition of testimony” continued with James.¹⁰¹ As historian Danielle L. McGuire states, “By speaking out, whether it was in the church, the courtroom, or a congressional hearing,

Black women used their own public voices to reject the stereotypes used by white supremacists to justify economic and sexual exploitation, and they reaffirmed their own humanity.”¹⁰² When James wrote to Spencer from her prison cell of feeling like she was in “suspended animation,” she illustrated how her humanity and identity were being fundamentally tested by her incarceration.¹⁰³ James’s rape has never been formally investigated. She gave birth to her son, Morrice, on October 15, 1972.

In February 1973, Hawk announced James’s conviction had been upheld by the U.S. Court of Appeals and she would be ordered back to Terminal Island to finish her sentence. This decision would leave her new baby motherless for ten months. U.S. District Court Judge Robert C. Belloni granted James a brief extension until March 19, 1973, before ordering her return to Terminal Island. Belloni was appointed to the federal court by President Lyndon B. Johnson in 1967 and proved unsympathetic to community pleas to commute James’s sentence. This extension, however, allowed her be with her infant as well as to finish her term at Portland Community College, where she had enrolled in a pre-law program. James remained pragmatic and composed about her perilous situation, telling the *Oregon Journal*, “I can’t afford to sit around and worry about it. . . . I am going to go to school and take care of my baby.”¹⁰⁴

Chaivoe continued on his mission to get James’s sentence commuted to time served, telling the *Oregon Journal* “that he is ‘working on’ measures to forestall her return to custody but declined to specify the nature of what he had in mind.”¹⁰⁵ According to Ford, Chaivoe had suggested that, if necessary, he would petition highly regarded Supreme Court Justice William O. Douglas directly.¹⁰⁶ Either through these powerful back channels or other means, Chaivoe was successful. Several days later, Belloni issued James’s release, citing the “best interests of Miss James and society.” At the same time, Belloni dismissed any larger political implications of the case, claiming that her actions against the FBI agents had been twisted into something entirely different from her original intent by “a lot of do-gooders” who were “interested in social changes.” Belloni implied that James’s supporters and the defense committee had used her case as a platform for their ideals and did not care about or understand her interests. This is an assertion that research into the facts of the case repudiate. It sounds almost identical, however, to a statement made by Lezak who, at the time of James’s initial sentencing in 1971, stated that those assisting in her defense were not actually interested justice but rather were “attempting to increase racial tension by creating a *cause celebre* to further their own nefarious purposes.”¹⁰⁷ Baldwin again poetically summarized the implications of such statements: “What I find appalling — and really dangerous — is the

American assumption that the Negro is so contented with his lot here that only the cynical agents of a foreign power can rouse him to protest. It is a notion which contains a gratuitous insult, implying, as it does, the Negroes can make no move unless they are manipulated.”¹⁰⁸

Freed from prison, James also seemed to have dismissed the larger questions her case raised, preferring to move on rather than to pursue seeking justice for her rape or for the mishandling of her initial trial. She appeared stoic and strong-willed in public and with friends and family, but the personal toll of her struggle was difficult to put into quantifiable terms. Additionally, Martha, Timothy, and on some level every child present in the house during the violent arrests faced emotional trauma. Martha recalled that she never received an apology, or even an explanation for why she was attacked and arrested in her own home as a young girl. This lack of resolution caused her immense pain and emotional repercussions well in to adulthood.¹⁰⁹ Timothy expressed similar feelings of anger and guilt that, as a ten-year-old boy, he should have done something to prevent Bittner from entering the home.¹¹⁰ James rarely discussed what happened to her during the arrest, the trial, or at Terminal Island. Political activist and writer Assata Skakur stated “Only the strong go crazy. The weak just go along.”¹¹¹ Everyone who knew James respected and admired her strength, but the trauma of the attack on her family, ensuing trial, prison assault, and continuing legal drama were leaving indelible scars that would emotionally affect her for the rest of her life. Stalwart and strong, James gathered up her mental strength. She was not going to be defeated, telling the *Sunday Oregonian*, “I don’t have time for grudges. They did what they had to do; now I’ll do what I have to. I just want to get it all behind me. . . . Judge Solomon just didn’t look at what we were saying — he heard only the FBI’s side.”¹¹²

In their study of media coverage of the Portland BPP, Jules Boykoff and Martha Gies argue that “media accounts prime the public to think in certain ways, implicitly encouraging us to accept some ideas, opinions, and individuals as legitimate and to reject others as illegitimate.”¹¹³ It took an exhaustive campaign by the Cheryl James Defense Committee to send the message that this was not sensationalism, but a matter of injustice and White supremacy within the local and federal government that needed to be addressed. Angela Davis famously stated, “Black women have had to develop a larger vision of our society than perhaps any other group. They have had to understand White men, White women, and Black men. And they have had to understand themselves. When Black women win victories, it is a boost for virtually every segment of society.”¹¹⁴ These victories are hard fought and clearly not always entirely won, as James’s case illuminates.

By speaking out, however, she and her supporters took a brave stand against racism within the PPD and the federal justice system.

James’s case reflects the racial politics of Portland and the nation during the late 1960s and early 1970s, but it has powerful contemporary resonance as well. The stories of women such as Chikesia Clemons, Dajerria Becton, Sandra Bland, Kendra James, and most recently Atatiana Jefferson, to name only a few, highlight the continuing issue of violent arrests, unreasonable sentences and, in many cases, deaths of Black women at the hands of police in recent years. The Kendra James killing (no known relation to Cheryl) by PPD on May 5, 2003, is a modern case study in police violence against young Black women in Portland. According to community watchdog group Portland Copwatch, Kendra was the “sixth person of color shot at out of the last 17 police shootings (35% in a city with a 23% ‘non-white’ population), and only the third woman shot by police in the last 10 years (out of 54 incidents). Incidentally, all three women were killed.”¹¹⁵

Activist groups such as Black Lives Matter and the #sayhername movement advocate for a world where Black women and girls are not victimized by society and the justice system. Yet, it seems a new viral video of violence against a woman of color emerges regularly.¹¹⁶ James’s protracted



CHERYL JAMES AND HER SON MORRICE are pictured here in an image published in the *Oregon Journal* on February 28, 1973.

OHS Research Library, Miss 2015

CHERYL D. JAMES

A TIMELINE OF HER LIFE, 1971–1973

April 1971: Cheryl is sentenced to eighteen months in federal prison by U.S. District Court Judge Gus J. Solomon

June 1971: Cheryl graduates from Jefferson High School and is arrested and incarcerated at Terminal Island prison in Los Angeles, California

September 1971: Portland attorney Nick Chaivoe is hired to represent Cheryl in her appeal trial

In about January 1972 : Cheryl is raped while working in the Terminal Island prison commissary

February 1972: Cheryl is released on bond while awaiting an appeal with the Ninth Circuit Court

March 16, 1972: Cheryl's conviction is affirmed, and a notice of appeal is filed by Nick Chaivoe with the U.S. Supreme Court

July 27, 1972: Cheryl's conviction is affirmed by the U.S. Supreme Court

October 15, 1972: Cheryl's son, Morrice James, is born, and she is granted a brief extension of bail by judge

February 1972: Cheryl is ordered back to prison

March 1973: Cheryl is released on time served by U.S. District Court Judge Robert C. Belloni

struggle offers a glimpse into how a system of “law and order” that is supposed to protect and serve proved fundamentally set up to fail Black women in Portland. Using her case as a microcosm of what was happening across the country at the time, one can observe political scientist Naomi Murakawa’s point that “the United States did not face a crime problem that was racialized; it faced a race problem that was criminalized.”¹¹⁷ It took the tireless work of many courageous people, most notably the Cheryl James Defense Committee and attorney Nick Chaivoe, to illuminate the reality of this issue in Portland. Renowned author Toni Morrison famously stated that “the function of freedom is to free somebody else.”¹¹⁸ While the violence, pain, and injustice inflicted on James and her family cannot be undone, the community awareness that was raised, the tireless effort to bring this injustice to light, as well as the success of this collective effort comprise perhaps the most valuable lesson learned from her story.

NOTES

The author would like to thank Arthur Spencer and Kent Ford for sharing their experiences and knowledge and for being tireless advocates for social justice in Oregon, professors Marisa Chappell and Christopher McKnight Nichols for their guidance and encouragement throughout the writing and research process, and a very special thanks to the James family, whose support was tremendous and critical to the telling of this story. Tragically, Cheryl James passed away in the fall of 2019 after a prolonged illness, but her spirit and strength will live on through her family, including sons Morrice, Daniel, Kalam, and Felton, Jr.

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demnation of Blackness: Race, Crime, and the Making of Modern Urban America (Cambridge: Harvard University Press, 2010) 4.

9. Leanne C. Serbulo and Karen J. Gibson, "Black and Blue: Police-Community Relations in Portland's Albina District, 1964–1985," *Oregon Historical Quarterly* 114:1 (Spring 2013): 21.

10. Summons #9638, September 17, 1969, A2001-022, 5800-01, 15/04, Police Complaints and Reports Involving African American Citizens, City of Portland Archives, Portland, Oregon [hereafter City of Portland Archives].

11. Joyce Swarn, interview by Jane Cigarran, August 2018 and November 2019, Portland, Oregon.

12. Karen J. Gibson, "Bleeding Albina: A History of Community Disinvestment, 1940–2000," *Transforming Anthropology* 15:1 (2007): 9.

13. Summons #9638, September 17, 1969, A2001-022, 5800-01, 15/04, City of Portland Archives.

14. James wrote: "For years, black people in the Albina area have been bullied and victimized by our so-called lawmen....It seems as if any time a police gets the urge to punch something, the snatched the first available black many they see, and use him to satisfy their savage egos." Rachel James to Mayor Neil Goldschmidt, August 23, 1974, Constituent Complaints — Police Excessive Force and Racial Discrimination, A2000-017, City of Portland Archives. Although an official channel for complaints such as Rachel James's existed, it did not stop harassment and excessive force against Albina residents. Serbulo and Gibson, "Black and Blue," 18. "Rachel James, an Albina resident, wrote Mayor Neil Goldschmidt in 1974 about incidents of police brutality she had witnessed in the community: "For years, black people in the Albina area have been bullied and victimized by our so-called lawmen....It seems as if any time a police gets the urge to punch something, they snatched the first availability black man they see, and use him to satisfy their savage egos."

15. Danielle L. McGuire, "It Was Like All Of Us Had Been Raped": Sexual Violence, Community Mobilization, and the African American Freedom Struggle," *The Journal of American*

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16. Mary Lee James, interview by Stephen Gilbert, James Defense Committee work, OHS Research Library.

17. Martha James, conversation with Jane Cigarran conversation August 3, 2019.

18. Joyce James, "The People Speak: Harrowing Experiences Related By Teen-agers," *Oregon Advance Times*, July 25, 1968, p. 2, University of Oregon Archives.

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21. Summons #9638, September 17, 1969, A2001-022, 5800-01, 15/04, City of Portland Archives.

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24. Complaint Statement by Patricia Yvonne Fields, April 30, 1969; Police Complaint, Naoma Maxie, January 12, 1968; Gail Branch, May 14, 1967, MHRC Files, City of Portland Archives.

25. Lydia James and Timothy James, conversation with Jane Cigarran, September 15, 2018.

26. Joyce Swarn, phone conversation with Jane Cigarran, August 2018.

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28. "Community Relations, Portland Police Bureau," p. 3, A2001-022, 5800-01, 15/04, City of Portland Archives.

29. Serbulo and Gibson, "Black and Blue," 10.

30. Rev. Gordon Dickey, "Letter to the Editor: Objective report," *Oregonian*, November 8, 1971, p. 18.

31. Letter from Lt. Alexander H. Williams, III, U.S. Naval Reserve, March 22, 1971, James Defense Committee work, folder 2, OHS

Research Library. Williams III, an attorney and member of the Virginia State Bar, noted that, after weeks of attempting to go through proper channels to obtain leave were unsuccessful, he left, with "everyone knowing where [he] had gone and why. He was not, in any legal sense, a 'deserter'."

32. Martha James, conversation with Jane Cigarran, August 3, 2019.

33. U.S. Court of Appeals for the Ninth Circuit, Appeals Case Files, 1891–1986. *U.S. v. Cheryl Dawn James*, Case: 71-1919 (Identifier: 296989, "Brief of the Plaintiff — Appellee," p. 4), National Archives and Records Administration, Kansas City, Missouri [hereafter NARA Kansas City].

34. Timothy James, conversation with Jane Cigarran, September 9, 2018, Portland, Oregon.

35. Cheryl James, conversation with Jane Cigarran, September 3, 2018, Vancouver, Washington.

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41. Anna Griffin, "This Revolutionary Will Not Be Gentrified," *Sunday Oregonian*, February 20, 2011.

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