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Report on the SCLC's Hearings on Police Brutality

EDITOR'S NOTE: On Sunday, June 6, 1999, Union Baptist Church was host to *Enough Is Enough!*, the latest in a series of hearings held by the SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE (SCLC) and local concerned politicians and activists. In this issue, the first of many to deal with community-police concerns, we present Part One of our report on these important hearings and on steps being taken to deal with the spreading epidemic of police brutality in the major cities of the United States.

“There’s an awful lot of brutality going on in our community that *doesn’t* involve the police. Brutality of young men against other young men ... domestic violence. ... So we have to focus on the question of violence and brutality generally and focus in particular on this question of those who are given responsibility for carrying out the law, making sure that they do not abuse the law.” These were the words of outgoing *Baltimore Mayor Kurt L. Schmoke* as he stated his hopes for the hearings being convened this day. And while everyone in the audience



no doubt realized that *most* police officers do *not* shoot, maim and terrorize innocent citizens, much of the confidence inspired by his cautionary comments in support of his police force would be shaken, to some degree, by the testimony that followed.

“We are here,” said the *Rev. Dr. Martin Luther King III*, President of the SCLC and son of one of the greatest icons of the Civil Rights Movement, “to compile information on police brutality and misconduct, and since Congress funds most police departments, certainly most urban departments, then Congress could in fact enact standards of conduct for police officers. ... We went, after we left Atlanta, to New York City, and were joined by members of *Amadou Diallo’s* family, where 41 times an innocent man was shot [at] for no reason at all. ... From there, we went to Prince Georges County, where dogs are being used to tear the flesh of human beings. The same kind of dogs that were used in Birmingham in 1963. The same kind of dogs that were used in South Afrika during the apartheid regime. Not dogs to restrain, but dogs to bite human beings. We left

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Political Prisoner Update

Marshall “Eddie” Conway: MHC Shutdown Continues; Mumia Abu-Jamal: Philip Bloch’s Confession Story Disputed

JESSUP, MARYLAND- The *Writers Club*, a well-attended and effective means by which writers and journalists reached out to and corresponded with prisoners at the *Maryland House of Correction (MHC)*, remains suspended after a series of events at the correctional facility led to a major shakeup of staff and suspension of many inmate liberties. An early 1999 escape, a February drug-and-sex scandal involving correctional officers and inmates and other escape plots that were reported over the last several months in the news media have resulted in the demotion of several officers, relocations of others and the transfer of between 50 and 75 inmates

to higher-security status at the Western Correctional Institution in Cumberland, Maryland; Roxbury Correctional Institution in Hagerstown, Maryland; and other sections of the Maryland House of Correction in Jessup, otherwise known as “The Cut”.

While citing the moves as a means to “keep people destabilized”, Political Prisoner *Marshall “Eddie” Conway*, who continues to seek a new trial to prove that his 1970 conviction in the murder of a Baltimore City police officer was unjust as well as politically-motivated, has hope that the Writers’ Club will be

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Prince George's County and went to Riverside, California, where Tyisha Miller was sitting in her car, unconscious, and a policeman came, overreacted tremendously, shooting [at] her 24 times, hitting her 14, all of them from the back. ...

"Brutality, when it comes to policemen, is not necessarily confined to a color, because Whites have been brutalized in some cases also," he continued. "We saw that in Riverside. ... We will be seeing that in Lansing, Michigan, when we go there. ... And so ... our objective is to stamp out police brutality and misconduct. ... We must and we can do better. We're a better nation than the behavior that we are exhibiting. And that is why we're doing these hearings all across America. Because injustice anywhere is a threat to justice everywhere."

With these remarks, the Baltimore conference on police brutality, "Enough Is Enough!", was underway. A number of community activists, politicians and concerned citizens were present to hear the testimony from citizens who have experienced instances of mistreatment at the hands of the police.

The most stirring and provocative statements, however, were made by two members of the police fraternity, two officers who made the decision that they were Black men and human beings first and police officers second, and who felt the need to expose the misconduct of their brethren. The testimony of the first of these courageous officers is presented below.

BLACK COPS AGAINST POLICE BRUTALITY

Sgt. De Lacy Davis of East Orange, New Jersey greeted the audience with "As Salaam Alaikum, Hotep, Shalom and Good Afternoon." He thanked his security assistants and panel members who demonstrated "the testicular fortitude to stand up like Black men."

He also displayed a model of a NEW JERSEY POLICE DEPARTMENT (NJPD) squad car. "Just as we saw the [burning] cross as a symbol of terror for Black people, this has become the symbol of terror for Brothers in our community, so I will take it around the country so that when you come to the good state of New Jersey, you know what to look for if you're DWB [Driving While Black]."

"The issue of police brutality is one that has led me to found BLACK COPS AGAINST POLICE BRUTALITY, BCAP. ... [It] includes both Black police officers and community representatives. ... I believe that we must examine the root causes of police brutality and our behavior patterns that contribute to the demise of Afrikan people if we're going to effectively address this issue. Although many of us would like to believe different-

ly, I must stare emphatically that just because you have a Black police officer it does not mean that he or she has an agenda that benefits Afrikan people. Without equivocation I assert that White police officers would never kill, maim, rape, wildly denigrate Afrikan people if Black police officers did not participate. ... Many of us, Black and Latino police officers, have tried to go along to get along, with the hope that Master won't bother us. Silence doesn't buy freedom, it simply buys time. We have seen countless Black, Brown, Red, Yellow, and even a few White bodies *laid limp* as a direct result of police misconduct, violence and oppression. Yet the voice of the Black, Latino, Asian police officers has not been heard.

"The organizational concept of law enforcement must be dismantled. It teaches, suggests and rewards the ~~We're~~ All Blue•philosophy. Lest we forget, America must be made to realize that the organizational culture of law enforcement is White male-dominated, racist, sexist, homophobic, and *then* you *might* find a good cop. Just as the Republic of South Africa has held Truth and Reconciliation hearings, so too must America hear our truths and reconcile. ... If there is no admission of the truth, then there can be no reconciliation. The Blue Code of Silence must be discouraged. The police cannot, should not and will not ever effectively police the police, unless of course it is a police officer that they want to silence."

Officer Davis had a personal story to tell, one of his own harassment by the very police department for which he worked, as an example of that last statement. "I've been a police officer for 14 years. ... I work in a 97% Black city. The police department is more than 65% officers of color. Some officers around

this country would like me not to say the things I say as it relates to officers of color because the reality is that they would rather I talk about our White colleagues because that feels better.

"Two years ago ... [several] officers assaulted a citizen in front of me at a courthouse ... simply for answering [an] officer back. And while I wanted to intervene then, the law did not allow me to intervene if in fact the officers were effecting a lawful arrest. And because I know better than most of the corruption and how they develop creative writing courses and all of a sudden everybody in the institution turns on you ... I had to sit back and watch. But once I was able to convince an officer to tell the other officers to let this citizen go, I did what we teach and that is I went to the citizen and ... said 'I will be a witness for you.' The citizen filed a complaint against three officers. Three days later they filed complaints against him. ... They found out that he works for the City and threatened to fire

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OUR PURPOSE is to educate the public and share ideas about community news, events, health and history. **OUR VISION** is an educated, organized and mobilized populace committed to the principles of **Ma'at** (truth, justice, righteousness, harmony, reciprocity, balance, compassion, order and propriety) and the preservation of Afrikan, Indigenous and other world cultures promoting peace, unity, respect, and true freedom.

him immediately if he went forward with the complaint. So he dropped his charges. I went forward on behalf of this citizen. ... For six months my department would not investigate my complaint. I had to go to the community and convince the Ph.D.'s, the academics, the Brothers and Sisters who had the courage to come forward and force the department to investigate. When they brought the officer in to investigate my complaint, rather than protect me they told him it was I who'd brought the complaint against them departmentally. ... The internal affairs officer came directly to me, in front of 14 police officers, a Sergeant, a Lieutenant and eight prisoners who were under my care at that very moment, and threatened to kill me, not one time but five times. ... The last time he jumped over a supervisor's desk in an attempt to get to me. ... [I am certain that the] goal was to engage me in a fight so that I would be fired and he would be rewarded. So I [simply] prepared to fall and not be able to get up. ... I filed a criminal complaint against [the officer] for threatening to kill me. ... the first time in 12 years that we found an officer convicted in Special Court, with the charges downgraded from terroristic threats to harassment which is sufficient to get an officer fired. The courts gave him ... a \$125 fine, they refused to take his job and his colored police chief refused to punish him at all. If any of you had done that you would be facing anywhere from a year to three years in jail, if you were convicted of threatening a police officer.

"What they did was they launched a campaign against me of attack and violence. I lost \$20,000 a year in income ... because they moved me from one shift to a shift where I could never make any overtime. I was not allowed ... any part-time work in the city. ... I've had family members arrested, I've been assaulted twice, my life threatened five times, my house was burned down ... all by police. When my home was burned down ... they said I paid crack dealers \$20 to burn down a house I'd invested \$80,000 in. As a result of all this madness ... I testified in a federal discrimination lawsuit on behalf of a White Captain against a Negro chief and mayor ... because it was in the best interest of the masses of our people who are suffering at the hands of Black people. ... Because I testified against this colored mayor and chief [an officer] grabbed me up one night in a meeting of Black police officers. The gentleman was six-foot-five, a Sergeant, 270 pounds and told me I deserved to be executed, and if it were left up to him he would be the executioner, and at the first chance they got they would kill me. That's why you see me traveling with so much security."

Officer Davis, speaking always in a fast-paced, direct and to-the-point style, offered up a number of solutions as well. "Civilian control and oversight of the police. Residency requirements. Community-based training for all police officers. Cash rewards for the exposure, arrest and conviction of corrupt cops. Congressional public hearings. Mandatory drug testing for all police officers. Zero tolerance for substance abuse by police officers. ... Annual psychological examinations."

In closing, he explained his fervor concerning this issue: "I am not against good police officers. I'm against *racist* police officers. I'm against *brutal* police officers. I'm against police officers of color who suffer from what we call CNS. Confused Negro Syndrome.

"Just as I've taken an oath to protect and serve the community I need to say to everyone, You too are my community, and anywhere I go where people need to be assisted I will assist."

As a final appeal to those in the community who know about corrupt, brutal, or otherwise troubled police officers, he had this to say: "Many of the police officers who are attacking me and people like me ... live in your homes. Sisters, they're not all gay, they're not all White, they're not all unknown. They're people who come home to you every day and you don't make them stand up and tell the truth."

Paraphrasing the immortal words of Ancestor Frederick Douglass, he compared those of us who see and know but do nothing, hoping for a better world the easy way, to "men and women who want crops without plowing up the ground. You want rain without thunder and lightning and you want the ocean without the awful roar of its many waters. The struggle--it may be a long one, it may be a difficult one--but there must be struggle because power concedes *nothing* without a demand. Never has, never will."

His forcefully-delivered and eloquent words having held the audience in rapt attention, Officer Davis completed his remarks to a thunderous standing ovation.

AREA CITIZENS STEP FORWARD TO TESTIFY

Ms. Roxanne Gregory, counsel for the SCLC, took a few minutes to give directions for those who would step forward to testify about their experiences with police brutality, harassment and misconduct. After discussing the five-minute time limit and the need to avoid making speeches, she answered the question, "Why testify?"

Officer Davis "is the personification of courage," she explained. "You cannot fight a war without courage. ... If you do not have the courage to fight, it does not matter how much courage the people at this table have. You are our backbone. ... The cases that make the paper ... are the few 'isolated instances' that they want to make it [seem] rarely ever happen. We know that all these things happen as a matter of routine in our community, and the only way we are going to be able to show that is to document that. ... We are in the process of documenting the many, many cases that happened across the country. ... It is very important that we have this process." She offered the full support of the SCLC to anyone who receives "a hard time because of your testimony here today."

Thus, the testimony of the citizens of Baltimore began.

Mr. Eric Easton, Vice President of UNITY FOR ACTION and a founding member of CONCERNED CITIZENS FOR POLICE ACCOUNTABILITY AND REVIEW, as well as a candidate for City Council in the upcoming primary, spoke first and offered a prime example of an officer of the law attempting to intimidate a citizen with verbal abuse. He recounted an incident in April 1996, in which an Afrikan-American police officer stopped him, allegedly for running a red light. Never properly informing Bro. Easton of the nature of the alleged violation (which Bro. Easton emphatically denied), the officer spoke abusively to him, despite the presence of his wife in the car, who became terrified by the officer's behavior. "He never used police procedure to ask me for my license, to inform me of what the infraction was, or to respect my wife in that car. ... 18 months later we went to court, [he] looked like he had been in a rehab program. ... He was well-groomed [and well-behaved], but when he accosted me that day, he looked like if he didn't have on a blue uniform, that I was in real bad trouble. I never let him escalate the situation, because I knew that his intention was to hurt me or hurt my family. ... He

had no regard for us at all.” As for the result of the court hearing, “the officer conveniently lost my ticket and the tickets for about 30 other people that he had in the courtroom that day. ...”

Mr. Fuad Abdullah recounted a typical “profile stop” from January of 1994. While traveling on Interstate 95 one day, he drove up on a group of police cars stationed in the median strip. After checking his speedometer to insure that he was not exceeding the speed limit, he noticed a truck speeding past him on his left. He and his companion, like him from the islands (Trinidad) and wearing locks in their hair (“dreadlocks”, as some refer to them), remarked, “Oh, he’s in trouble now ...” However, when one of the police cruisers gave pursuit, it pulled Mr. Abdullah’s car over. He unbuckled his seat belt and left the car to explain to the officer that it was the truck that was speeding, when the officer said, “Get back into the vehicle.” He complied, waited for the officer to approach, and produced his driver’s license and registration. The officer requested that he and his companion get out of the vehicle and, without asking any further questions, performed a quick search of the car. She then called for a canine unit. Upon seeing an Afrikan-American officer arrive with the dog, Mr. Abdullah says he thought, “Okay, now here’s my relief. I can tell him my situation.” However, the officer’s response is, “Well, if you did nothing wrong you have nothing to worry about.” The dog searched the outside, the wheel wells, the trunk, the glove compartment and the passenger compartment, walking on and staining the white interior of the car. After finding nothing, the canine team left. The original officer then wrote four citations, including not wearing a seat belt (which he had unbuckled after pulling over), speeding and driving with out-of-state license and registration (despite his explanation that he was visiting from Atlanta and had not yet moved to the area). Since he would be back in Atlanta soon, he had little practical choice but to pay the fines involved. He later would respond to a call for participants in a class action suit brought by the American Civil Liberties Union, among others, on behalf of Afrikan motorists who have been profile-stopped on Interstate 95 for “Driving While Black”.

Mama Anditu Siwatu, Chairperson of the NATIONAL PEOPLE’S DEMOCRATIC UHURU MOVEMENT (NPDUM), recounted an instance of threats and abusive behavior from police. “In 1989, I was standing in front of my apartment building talking to another young lady. ... Two police rolled past, stopped and looked at us and said, ‘You m-f-b-’s, you’ve got two seconds to get in the house.’ ... When they came back ... I told her to leave, so she got in her car and started to pull off. They jumped out their car and ran towards me and said ‘Now you’ve got one second to get in the house, you b-.’ So I stood there and I said ‘First of all you’re violating my democratic rights.’ He said ‘You b-’s don’t have no democratic rights. Lock her up ‘cause she has too much mouth.’ So they locked me up. ... The way they were talking and cursing out there, half the complex came out. ... Wherever I move to ... I organize the people. ... And then at my trial they told them I was trying to start a riot. ... The next day we called a press conference outside, and all the people down there [at the apartment complex] showed up, even the manager of the building. ... and Channel 13 showed up. ... About 50 police came in their cars, most of them White, and they started pushing the people and telling the people that ... it was against the law to hold a press conference outside. ... They filmed the whole thing but they wouldn’t let us show it in court. [One of] the White police

[officers] wanted to lock so many of us up that he started arguing with the Major. ... A month ago, I went to court to pay a ticket. This police car followed me for about four blocks, was right behind me. So when I get up on Wabash to the police station, to make the left there, I sit there and waited until the light turned green ... and when I made the left into the police station he turned his light on. ... I asked him why did he stop me, and he told me ‘Don’t you know you just ran a red light?’ ... So this other police pulled up ... and told him--he wasn’t nowhere in sight--‘I got your back man, I [saw] the whole thing.’” She also told of her senior-citizen brother who was pulled over by police and saw the police officers draw guns on him and ask him if he had drugs in his possession, as well as a friend of hers whose son was shot to death by police officers, “murdered in cold blood.” NPDUM maintains surveillance of police brutality and judicial misconduct cases. She specifically referred to Political Prisoners **Marshall “Eddie” Conway, Mumia Abu-Jamal and Fred Hampton, Jr.**

Mr. Joseph Church spoke on behalf of himself and **Mr. Willie Ray**, reporting on his experience in which an officer went just a little further with the tactics of intimidation. On June 5, 1998, he was at the home of Mr. Ray, who had suffered a stroke two years ago, when a knock at the door was heard. Mr. Church answered the door to find a familiar and unwelcome person as Mr. Ray came forward to demand that the person leave his home. After Mr. Ray displayed a handgun he kept to protect his home, the man left. Five minutes later, a policeman knocks at the door to question Mr. Ray about the gun. As Mr. Ray explained and reached into his pocket to show the gun to the officer, the officer drew his own gun, placed it at Mr. Ray’s head and said “If you move I’m gonna blow your head off,” according to Mr. Church. Mr. Ray explained that he had a permit to carry a gun, at which time Mr. Church informed the officer that he, too, had a permit and a gun, which he was allowed to carry while he was doing business at Mr. Ray’s home. Mr. Church was immediately arrested. “Here I am, a businessman, with all of these credentials on me ... and none of this seems to have made any difference.” Mr. Ray would also have been arrested, according to Mr. Church, “had he been physically fit.”

Two community activists, a Caribbean motorist, and a businessman had spoken. It was time now for two members of the clergy to demonstrate to the audience that even the faith community is not safe from police brutality and misconduct. **Rev. James H. Stovall, Sr.**, current Pastor of the Full Gospel Baptist Church, related his experience from ten years ago as he was carrying some personal property from his car to his mother-in-law’s home in East Baltimore. His wife already in the house, he was approached by a police officer. A gun was suddenly “in front of my face. People were screaming and yelling. He asked me to raise my hands. I did that. ... He asked me to turn towards the fence. I turned towards the fence. Then he grabbed me in my back, pushed me against the fence, scarred my knees and just held me there. Meanwhile, I was saying, ‘Turn me loose. ... What’s wrong?’ He didn’t say anything. Finally ... I heard my wife saying ‘That’s my husband. ... What’s wrong?’ He said, ‘Do you know that woman?’ I said, ‘That’s my wife.’ ‘Who is she, what’s she doing in there? Who lives there?’ ‘My mother-in-law.’ So then he pulls me back from the fence ... held me around my neck ... had me tiptoe around to the front door. My wife came to the door, identified herself and let me in. ... I was hysterical, I was afraid. Because all I could think about was my being killed, and

somebody saying, 'it was self-defense, he threatened a police officer'. ... I do not drink, never had dope in my life, clean from top to bottom. ... And I'm a *minister*, ordained priest at the time.'" A subsequent lawsuit was filed against the City of Baltimore, as well as a federal civil rights suit. According to Rev. Stovall, no Baltimore lawyer dared take the case for fear of being ostracized. After securing counsel outside Baltimore, he learned that the federal case would not be allowed until after the City case was completed. He lost the City case and did not have the money to go forward with the civil rights case.

Rev. Leonard Lyles reported on the events of April 28, 1997, as he was "coming home from prayer service", walking up St. Paul Street, and encountered "at least seven White officers--male--in that block" and "a Black young male in handcuffs laid out against the [police] cruiser. ... I stopped just for a few seconds and tried to encourage the young man, and I took time to witness to him on Salvation. ... Next thing I knew, there was a voice ... saying 'Who you lookin' at? What you doin' up around here? ... Move away from here right now or I'll lock you up!' [As I was] walking away, next thing I knew, he put his hand against my back and pushed me right down to the ground and started laughing, saying 'you're going to jail now, b--.'" After Mr. Lyles was released from Central Booking and a series of attempts were made to obtain a compromise from Mr. Lyles, his complaint against the officer bore some fruit with the resignation of the officer and his complaint is currently pending in the courts. The City of Baltimore, his employer of over 13 years, asked him to submit to a psychological examination despite the fact that his rights had been violated by a police officer and despite the fact that "it's against federal and State laws to have anybody submit to a psychiatric ... examination."

City Council President and Mayoral Candidate Lawrence Bell even testified about a time 12 years ago when he was driving on Reisterstown Road, shortly after he had been elected to the City Council. He was pulled over by a European police officer. "I said, I know I'm not speeding, and I had a suit on so I thought I was going to be treated a little better because I had a suit and tie on." The officer told him one of his rear lights was dim. He produced his license and registration at which time the officer told him his license had been suspended and that he was under arrest. Afrikan-American officers who were members of the Vanguard Justice Society, the Black police officers' union, later informed him that it was not necessary for the officer to arrest him. Still, Mr. Bell was given the opportunity to experience the feeling of having his hands cuffed behind him, being placed in the police cruiser, wait overnight to see a court commissioner and see the story printed in the press. Not until he finally contacted his lawyer, Billy Murphy, was he finally released. In the end, it was determined that the "suspended license" charge against him was the result of a mistake. During his attempt to retrieve his impounded automobile and obtain some redress, he was struck by the fact that the Afrikan-American Major at the involved precinct appeared intimidated by a European "racist" Lieutenant. Mr. Bell supports the creation of a Civilian Review Board. "I believe that most of our police officers are good. ... But there are those, some, a few, who are not. And ... no group is going to be able to completely police itself. There's a bias there. You need to have an independent civilian review process to review allegations of misconduct. Second ... we have

to speed up the process of recruiting more Afrikan-Americans on the Baltimore City Police Force. ... Statistics show that those people who tend to look like you, come from your neighborhood, growing up in your community, have more of a sensitivity, by nature, to you. Not always, but, while they are in the minority, sometimes they can be intimidated when the majority of the force is not Afrikan-American. There was a young Afrikan-American police officer who came along that night and he knew it was wrong, but because ... he was outnumbered ... a minority in the force, he did not have the courage to go to his colleagues and say, 'Don't do this.'" While this officer did not beat or threaten Mr. Bell, this is a case where even elected officials are at times subject to harassment and inappropriate treatment by police officers.

So far, the cases presented represented harassment, profiling, rough physical treatment and threats against citizens by police officers pointing guns and acting inappropriately under color of authority. These might be referred to as "close calls" by some. At this point, the testimony turned to the celebrated cases here in Baltimore in which police officers have *killed* unarmed civilians.

Mr. Andre Powell of the ALL PEOPLE'S CONGRESS spoke on behalf of Preston Barnes and Simmont Thomas. "Unfortunately, the families were not able to be here to present their case," he said as he proceeded to recount their cases one by one.

"In February of 1996, **Preston Barnes** was on his way to the movies in his aunt's car with three friends.'...'The car had no rear license plate [on the bumper], which was displayed in the rear window." **Sergeant Stephen R. Pagotto**, who had been transferred a year and a half earlier from the Eastern District "because of multiple, numerous complaints from the people of the Eastern District" according to Mr. Powell, attempted to stop the car because of the improperly displayed license plate. According to Mr. Powell, Mr. Barnes was slowing the car down when Sgt. Pagotto reached in, grabbed the steering wheel with one hand "with his other hand's finger on the trigger ... while his feet were outside the car being dragged. This led to the gun going off. ... A trial was held, one of the few cases when a police officer was indicted in Baltimore City ... and Stephen Pagotto was found guilty of manslaughter." He was sentenced to 20 months in prison and was free on bail while his case was appealed. A recent article in the *Baltimore Sun* newspaper reported that on July 7th, just over a month after this hearing, the Maryland Court of Special Appeals has reversed the verdict, based on the police claims that Mr. Barnes and his companions were on a drug-selling mission, had ten bags of crack cocaine in the car and were attempting to escape when the shot was fired, and that, while Sgt. Pagotto's conduct deviated from proper police procedure, it was not considered to be "extraordinary and outrageous" [*Baltimore Sun*, July 8, 1999, page 1A]. The president of the Fraternal Order of Police Lodge 3, Gary McLhinney, proclaimed the court's reversal "an important day for police officers." Mr. Powell's conclusion: "If Sgt. Pagotto, instead of being transferred from one precinct to another [in response to alleged community complaints], had been fired ... as for those of us who happen to have private sector jobs, Preston Barnes would be alive today."

The case of **Simmont Thomas** was the story of a group of young boys having stolen a car, and one of them paying for it



with his life. **Officer Edward Gorwell** chased the boys into Leakin Park late at night. "Because he heard a noise which he thought may have been a gunshot ... he pulled his gun out [and] shot into the darkness. The bullet hit 14-year-old Simmont Thomas ... he being the youngest and the smallest ... he was shot in the back by Officer Ed Gorwell," said Mr. Powell. Simmont's hands were subjected to a paraffin test which showed no gunpowder residue, and no weapon was found at the scene. The officer was investigated and tried for Simmont's murder. The first trial ended in a mistrial when a juror disappeared. A second trial was commenced and a motion was made to dismiss based on double-jeopardy (being tried twice for the same offense). The motion was granted and the officer was not tried again. As the State's Attorney's Office began to look into the case once more, said Mr. Powell, "Police Department technicians were found to have taken samples of Simmont's fingerprints from 1993, took them to a lab in Pennsylvania that had this fabulous, as they say, updated equipment, did a test on those fingerprint samples to show that, oh, Simmont Thomas did have gunpowder residue on his hands. ... And yet they tell us it was a new technology. ... This was done without permission of the family, and I'm not really sure if they got the permission of (State's Attorney for Baltimore City) **Patricia Jessamy** ... but [she] has decided not to any further pursue the case of Edward Gorwell for the murder of Simmont Thomas." Recent information also indicates that Officer Gorwell may be receiving back pay from the time of the shooting, despite the fact that he had been dismissed from the force at the time.

As for the actions of the State's Attorney's Office, **State Delegate Clarence Mitchell IV** stated that "Based on the fact that the Police Department purposely subterfuged the investigation by not informing the State's Attorney's Office not only that they were doing the [Pennsylvania] test but that they would show up the day of court with this information and not let the State's Attorney of the City even know they had it, the judge was going to rule at that point on the case. The State's Attorney's Office then refused to move forward which allows them to go back now and prosecute in the future. Had they gone forward and [the case] been dismissed, there would have been no opportunity to go forward [in the future] with the case [because of double-jeopardy]. So I just want everybody to understand, that was a further attempt of the Police Department to subterfuge an investigation. We think that the State's Attorney's Office and Police Department are working together. They're *not*."

Next, **Ms. Michelle Quarles** spoke about her brother, **James Quarles**, who was shot to death by Officer Charles Smothers at Lexington Market as he was selling socks. The incident was captured on video and, as a result, captured the attention of the entire country as it was the first time many saw a police officer using deadly force in what appeared to most viewers as at best a case of blatant overreaction and at worst a case of blatant police brutality. Ultimately, Officer Smothers was dismissed from the police force, but not because the department considered his actions in this case improper; rather, it was because of allegations of spousal abuse. Ms. Quarles described the events of that day as the spokesperson for her brother and the Quarles family. "He happened to be down there witnessing the religious speakers testifying on different subjects. At the time he had his knife out and lost track that he was in a public place when someone contacted one of the security officers down there. ... to let him know that he had this knife out in public so that [they] would not

misinterpret why he was there. As a result of that, several police officers came to the scene at which there were a lot of officers standing around him; several of them had their guns drawn. Because of his age, and because he is young and Black, he realized that he had to obey the officers. ... As a result of him trying to follow their instructions, he lost his life." Officer Smothers was never charged by the State's Attorney's Office because, according to Delegate Clarence Mitchell IV, "he acted in adherence to police policy. That was the statement that was issued--he did exactly what he was supposed to do in police policy." The videotape of the incident did not show Mr. Quarles's feet, and apparently its view of his hand and the knife was obscured somewhat by a trash receptacle, so it was considered inconclusive as evidence. As for the eyewitness testimony of up to 200 spectators at Lexington Market that day: "I believe that they wrote those people off because of [their impressions about] the type of people that [frequented] downtown" and so their testimony was discounted, according to Ms. Quarles.

Baltimore-area community activist Bill Goodin added this information: "When the State's Attorney didn't take it before the Grand Jury, that's because they took the witnesses that they interviewed from the Police Department. ... As long as the police take witnesses to the State's Attorney, they'll never take witnesses that are against them to be in favor of the victim. ... Until people see that we have to be organized in large numbers, they're going to continue to get away with this over and over and over and that's why no matter where they kill us [and] how much they kill us, I'll bet there aren't ten police officers in jail today who killed Black people." Ms. Quarles herself was forced to deal with a case of police misconduct which involved a downtown police officer first choosing to forego ticketing her double-parked vehicle at a bank automated teller machine, then sending several police units in pursuit of her after he had released her and subjecting her to abusive language during that stop.

Also testifying was **Mr. Harold White**, who was sitting in a car in a parking lot, was accosted by a police officer, given a breathalyzer test (which he passed), but was then informed that his car would be towed. "This is supposed to be a DWI (Driving While Intoxicated); the car's not even moving," he said. Rev. Fautroy called it a case of being charged with "Sitting While Intoxicated."

Mr. A. Robert Kaufman, candidate for Mayor of Baltimore, told of the day he was being honored for his 50 years of civil rights activism at the Meyerhoff Symphony Hall on Dr. Martin Luther King, Jr.'s birthday. He went outside to distribute leaflets in support of the Crown Gasoline boycott ("where they fired an integrated crew and hired all Whites"), and he was arrested by Baltimore City Police. He offered this caution: "We have to make sure that the Citizen's Review Board that we put together is really controlled by the citizens and not by the police or other City offices."

A number of others came forward to testify about local instances of police brutality, harassment and misconduct as well, but we were unable to obtain their complete testimony.

Next Issue: Part Two of our Report

- St. Petersburg, Fla.: Brutality against NPDUM
- The Local Cases of **Archie Elliott III** and **Abdur Rahim Muhammad**
- ... and **More!**

Political Prisoner Update

continued from Page 1

reinstated before the end of the year. The program has helped inmates at the facility to expand their knowledge, find constructive ways to express their feelings and reach out to the outside community while providing journalists and activists with a glimpse of correctional facility life. "Baba Eddie", along with other inmates at MHC, has been instrumental in maintaining a positive focus for the Writers' Club and in creating a variety of vehicles for the enrichment of the inmates' lives.

PHILADELPHIA, PA- First, the State of Pennsylvania's courts refused to hear the appeals of *Leonard Weinglass*, the attorney for Political Prisoner and death-row inmate *Mumia Abu-Jamal*. Then, the City of Philadelphia dropped the *Black United Fund of Pennsylvania (BUF-PA)* from its Combined Campaign (whereby City employees authorize payroll deductions for various charities) because it administered contributions earmarked by donors for the *International Concerned Family and Friends of Mumia Abu-Jamal (ICFF-MAJ)*. The recent taped speech by Mumia to the graduating class of Evergreen State University, over the protests of Maureen Faulkner, the widow of Daniel Faulkner, the police officer for whose murder Mumia was convicted, further infuriated those seeking his execution.

Then, along came *Philip Bloch*, a onetime volunteer worker for the Pennsylvania Prison Society, who developed an "intellectual friendship" with Mumia while working with another death-row inmate. His claim of Mumia's answering a question

of his regret over killing Daniel Faulkner with a simple "Yes," signifying a confession, was printed in a *Vanity Fair* article (August 1999) that was, on balance, heavily weighted in favor of the police and prosecution's version of the case. Bloch's contention was that he asked the question in the flow of conversation, and that he had never asked about the case before or since because he had already concluded from the evidence that "he was almost certainly guilty."

Since this time, Mumia himself has produced a letter apparently written to him by Bloch, in which Bloch states that, after watching a documentary of the trials of Bob Robideau, Dino Butler and Leonard Peltier for the deaths of two FBI agents in 1976 (Robideau and Butler were acquitted by virtue of justifiable self-defense while Peltier was denied this defense and was convicted), he concluded it was possible for a trial jury to deliver a just verdict, and as such, "when you receive a new trial", his chances for acquittal were good. This statement implied that Bloch believed Mumia to be innocent, which is inconsistent with his claim of Mumia's confession, which was heard by no one else, and with his alleged previous conclusion of Mumia's guilt.

So, the games continue. Marshall "Eddie" Conway remains, in many ways, isolated from potential supporters due to the restrictions still in place at the Maryland House of Correction as of 1999, and the media efforts to foment doubt and uncertainty in the minds of Mumia Abu-Jamal's supporters, and thereby derail efforts to save his life, continue apace.



Guest Columnist: Sanifu Onaje Mwananchi

AFRICAN NATIONALISM IN AMERICA

Balancing History, Theory and Practice

Part Two: Malcolm X and the O.A.A.U.

[*EDITOR'S NOTE:* Baba *Sanifu Onaje Mwananchi* is a veteran Community Organizer and Theater Artist, and is also the Founder and Director of the **National Center for African Communitarian Culture** and the **Association for Interdisciplinary African Thought**. Baba Sanifu also produces and conducts a lecture series on **Afrikan-American Communitarian Nationalism**. This is Part Two of his essay on a history and brief analysis of Afrikan-American nationalism.]

El-Hajj Malik El-Shabazz (*Malcolm X*) and the *Organization of Afro-American Unity (OAAU)* represented the socio-political reconstruction of African nationalism since the decline of Marcus Garvey and the UNIA (Universal Negro Improvement Association) & ACL (African Communities League). Born in a Garveyite family in 1925, Malcolm later became a central figure in the *Nation of Islam (NOI)*, the secret religious nationalist movement founded by *W.D. Fard (Master Farrad Muhammad)* in 1930. It was during the NOI's third year that Fard appointed the Honorable Elijah Muhammad as the movement's leading minister. Muhammad, who is reported to have been an officer in Garvey's UNIA & ACL before joining the Nation of Islam, maintained spiritual leadership of the NOI until his death in 1975. Malcolm was introduced to the NOI by family

members, during a prison term he received for his role as "mastermind" of a Boston-based burglary ring, during the mid-1940's. Upon his release from prison in 1952, Malcolm officially joined the NOI, and proved himself to be a dedicated, disciplined and diligent organizer, achieving the position of National Representative of the *Honorable Elijah Muhammad* by the end of the 1950's. Due to internal leadership rivalry within the NOI, Malcolm formally disassociated himself from the organization in 1964.

The break from the Nation of Islam would lead Malcolm to make three strategic moves, signaling the restoration and unity of community orientation/organization and social justice advocacy as the definitive and interactive characteristics of African American nationalism, thus ending the hegemonic grip the "civil rights" movement held for nearly forty years. Those strategic moves were:

- his advocacy of nationalism as the philosophical underpinning of his developing socio-political thought.
- his formation of the OAAU with a nationalist base and a Pan-Africanist thrust.
- his call (through the OAAU) for Africans in America to "launch a Cultural Revolution".

The assassination of Malcolm X on February 21, 1965, whatever

the intention of those responsible, did abort the potential of the OAAU as an ongoing organizational force in the movement, however, it did not stop the ideological momentum that characterized the social struggle of the 1960's and 1970's. William Sales notes in **From Civil Rights to Black Liberation: Malcolm X and the Organization of Afro-American Unity**:

“Black Power became the orientation of the latter half of the ‘60s decade because Malcolm X struggled uncompromisingly to restore the African American nationalist tradition. Without Malcolm’s ideological intervention the slogan ‘Black Power’ would not have emerged as quickly nor would it have been so rapidly taken up by so many.”

Continuing to affirm Malcolm’s contribution to African American nationalist theory and practice, Sales says:

“Malcolm X’s presence, in life and death, encouraged (Dr. Martin Luther) King’s nonviolent movement to take a more strident and militant nonviolent stance, openly acknowledg-

ing its deficiencies in confronting the need for a cultural ‘revolution’ in the psyche of Black people. ... Malcolm X sought to discover and implement the organizational form proper to the period of the Civil Rights movements break with ruling class ideas and the transition from reform to revolution. ... African American nationalism was not an aberration or a residue of the spent energies of the Civil Rights mobilization. The nationalism and PanAfricanism of Malcolm X, the OAAU organizational model, are rooted in historically derived institutions and trends indigenous to the African American community. ... In fact, African American nationalism, especially as represented in the thought and legacy of Malcolm X, is a continuing and rich tradition that African Americans call upon as they continue to confront the questions broached between 1963 and 1965 even as they approach the 21st century.”

Next Issue: After Malcolm; Kwame Ture and Harold Cruse

EDITOR’S COLUMN: ON CONSISTENCY

We live in a very insidious society. It seeks to brainwash us through the use of what I call the Old Okey-Doke. It starts off by calling itself a democratic society dedicated to individual freedom, and cites examples of totalitarian foreign regimes to convince us of this. It trumpets the assertion that you or I can become anything we wish to become in this country. It extols its principles of Freedom Of The Press, Freedom Of Speech, Freedom Of Assembly, Freedom Of Religion, and The Right To Bear Arms as uniquely American virtues. It gives us cable TV. We thrill to the National Football League, the National Basketball Association, Major League Baseball, and a dizzying array of movies, network television shows and musical and comedy entertainers. Elements of our own aboriginal cultures are even spoon-fed to us, “sanitized” for our protection, to demonstrate just how “pluralistic” a society we are. The laws that once enforced segregation have been, at least symbolically, dismantled so we can now eat at any lunch counter, ride in any seat on the bus, go to any movie theater and buy a house in any mid-scale or up-scale neighborhood we choose. We can now compete for any job, any supervisory position as long as we are willing to commit to the mission of the “team”.

Of course, in the pursuit of all these privileges, if we lose sight of the fallacies inherent in all of the above statements, so what?

The fact that this “democratic society dedicated to individual freedom” currently holds over 150 individuals such as Marshall “Eddie” Conway, Mumia Abu-Jamal and Leonard Peltier under lengthy incarceration, life imprisonment or on death row for reasons more involved with politics than evidence as it condemns totalitarian regimes which obtained their weapons, riches and influence largely from *this* “democratic society” is something we don’t have time to address in our daily lives. The fact that we can “be what we want to be” in this country because of its pillaging of the resources of so-called “third world” countries

(Where did the term “third world” come from, anyway? Certainly not because of the ages of the countries involved, since most are older than the United States. Perhaps, to those in the so-called “first world”, it implies a rank-ordering based on “importance”?) doesn’t seem to concern us as we go shopping at the malls. That freedom of the press, assembly, speech and religion are relative to the degree to which we are persecuted by individuals and groups, government-sponsored (COINTELPRO) or not (American Nazi Party, White Aryan Resistance, World Church of the Creator, Ku Klux Klan and others come to mind), or that the right to bear arms often seems to end when Black people arm themselves to fight against oppression and White Supremacy (as the Panthers did) are not germane to our daily lives. To dwell on the fact that those entertainers and athletes for whom we cheer (I watch them too) do not even come close to representing the opportunities afforded to the masses of the people and must “toe the line” to even earn what they do (NBA fans will remember what happened to Mahmoud Abdul-Ra’oof when he refused to salute the American Flag, and track-and-field historians will remember John Carlos and Tommie Smith) would only spoil our fun. The fact that the Kente Cloth we admire is often sold to us by merchants who have no connection to and little understanding of our heritage is too painful for us to remember. And damned if we want to face the notion that our newfound status (e.g., houses, cars, nice clothes, prestige, supervisory positions, high salaries, creature comforts and self-esteem that are the trappings of “success”) came at a price: the need to submerge our socio-political awareness, to hide our anger--no, *rage*--at the little everyday slights of personal racism and, worse, to deny ourselves the time to really learn the extent of the fallacies we are told about our free, pluralistic, democratic, greatest-nation-in-the-history-of-the-earth society.

The fact is, those of us who have “made it” and those of us “trying to make it” face the constant challenge of learning about

our world and of trying to show what we learn to others without having our mortgages foreclosed, our cars repossessed, our nice clothes left unwashed, our prestige damaged, our supervisory positions stripped from us along with our high salaries, and our creature comforts cut off due to our inability to pay the bills, exposing our by-now-fragile (at best) self-esteem to be a sham based on material rather than character traits.

Why am I taking you through this rambling, somewhat-convoluted diatribe? It is because I'm convinced that, no matter who you are, as long as you were reared in this society you constantly have to deal with these issues. Even the most Afrikan-Centered of activists understands the need to provide for family, to pay the bills, to keep loved ones comfortable and happy. And, sometimes, "the struggle" winds up taking a back seat to the need to make ends meet, whatever that really means.

For most of us, "the struggle" is a cultural expression, some would even say an affectation, a badge of honor, an image we want to project. While we may depend on it for emotional sustenance or for an affirmation of our social consciousness, most of us do not depend on "the struggle" for our very lives, and fewer of us would be willing to die for it. Martin and Malcolm did. Fred Hampton Sr. and many of the Panthers did. Crazy Horse and Sitting Bull did. A White man named John Brown did at Harpers Ferry. The state of Pennsylvania wants to see that Mumia Abu-Jamal does. The state of Maryland and the federal government evidently want to keep Marshall "Eddie" Conway and Leonard Peltier locked up until they do. And countless nameless and faceless persons-- Black, White, Red, Yellow and Brown--die all over the world, most not even knowing what they're dying for.

All of these people, the Ancestors, our contemporaries and those yet unborn, depend upon those of us who have "made it" or are "making it" to use our knowledge, our skills, our abilities, our intelligence, our resources, our energy and our time whenever we can to advance the causes of true human freedom, dignity and accountability to each other and to the earth. We are the ones who can make a difference, by joining organizations,

by reading and learning, by sharing information with each other and by making our voices heard. Not because we possess some vague membership in a "Talented Tenth", not because we're necessarily smarter than anyone else, not even because we may have more resources that allow us to contribute, though if these things are true, then our contributions can and should be greater. No, it's because we got where we are by the sacrifices of all those who have died, and those who continue to struggle, and to turn our backs on them would be to disrespect their efforts and their memory.

We need to learn to be more committed and more consistent with regard to those ideals we cherish. I say this as much to myself as to anyone reading this. The current edition of *KUUMBAReport* is coming out much later than planned, in many ways due to the encroachment of some of the issues I mentioned above. The vagaries of everyday life, from financial to employment to personal concerns, often drain our energy at varying moments. As a result, timetables are sometimes missed, delayed or otherwise thrown off, and to those who were questioning about the arrival of the next issue, I offer my apologies. At no time was the discontinuation of this newsletter a possibility; this edition was only delayed for a short time. And, while the readership of *KUUMBAReport* is still a relatively small one after two years of publication, those of you who have expressed support for the newsletter have helped in a large way to keep it going.

While I don't plan to get fired from my job or wind up in foreclosure or divorce court, I'm reaffirming my pledge to improve the design, the content, the scholarship, and the *commitment* that will go into this publication, as well as the struggles this publication strives to support. Of course, we welcome any suggestions or comments anyone has about this editorial or any of the features that appear in *KUUMBAReport*. I really look forward to hearing from the readers of this publication. The fact is, this society will move toward true justice and understanding only if those of us with the means and the commitment to move forward do it together. Peace.