

JUSTICE FOR MARSHALL “EDDIE” CONWAY: A Chronology of 30 Years in Prison for a Crime He Did Not Commit

Distributed by “Justice For Eddie Conway”, Written by Mardon Walker

Original Charges

Marshall 'Eddie' Conway was arrested while he was at work at the US Post Office on April 26, 1970. On the previous night, two police officers sitting in a patrol car had been fired upon; Officer **Donald Sager** was killed, and Officer **Stanley Sierakowski** was wounded. Within an hour of the shooting, two suspects were arrested near the scene, both with affiliations to Baltimore's **BLACK PANTHER PARTY**. One of the weapons used in the commission of the crime was recovered at the scene. An additional officer who responded to the crime reported seeing a third man “at a distance” near where the two suspects were found. Mr. Conway’s arrest as the third man was the result of a warrant based on information supposedly supplied by a never-identified informant. The two men arrested the night of the attack, **Jackie Powell** and **Jack Johnson**, were tried and convicted for these crimes. Mr. Powell later died of a heart attack while in prison serving his sentence; Mr. Johnson is still incarcerated in a Maryland prison.

These charges came at a time when there was already considerable media attention focused on the Baltimore Chapter of the Black Panther Party. This included front-page coverage of the multiple indictments of this case, and a mass arrest of the Baltimore Panthers for the purported torture/murder of an informant who participated in local chapter activities. In the first trial following the mass arrest, the prosecution witnesses proved to be both contradictory and not credible to the jury. The first defendant charged with the torture/murder and conspiracy was acquitted after just two hours of jury deliberation. None of the remaining cases were ever tried, and all those arrested were released.

The FBI surveillance of Mr. Conway and the Black Panther Party in Baltimore began even before these events, and were part of Mr. Conway’s FBI files, secured by him through the **Freedom of Information Act**. The FBI’s letter to Baltimore’s Postal Inspector dated 10/22/69 provided notification that Mr. Conway, a Postal employee, was a member of the Black Panther Party. An additional memo in the file was from the Baltimore FBI, dated 11/28/69, and stated that 1) the Panthers were under constant surveillance and investigation, and 2) that the Baltimore chapter

had already been infiltrated by government agents and informants. That memo refers to a “highly sensitive source who is of continuous value to the Bureau.” The same memo also confirmed that from November of 1969 on, there was direct coordination of the surveillance of the Baltimore Panthers by the FBI and the **BALTIMORE CITY POLICE DEPARTMENT**.

An Unjust Conviction

Mr. Conway was never linked by any physical evidence to the crimes for which he was tried. There were no fingerprints, and no physical evidence linking him to either the crime scene or the weapons. Mr. Conway maintained his innocence at the trial, and continues to do so. Mr. Conway rejected the use of a criminal defense, which in all likelihood would have ended in his acquittal, based on lack of evidence. Instead, he accepted advice to use a “political” defense, and was wrongfully convicted. With adequate legal representation denied him, an acquittal could have been convincingly argued. At his trial, the prosecution primarily relied on the testimony of an informant, placed in Mr. Conway’s cell under suspicious circumstances and against Mr. Conway’s written protests to the guards. Mr. Conway supposedly then confessed to this stranger who he had already identified as an informant. Such use of informants was common knowledge to all Black Panther Party members. The only other evidence came from the third officer who responded to the shooting, who stated he “followed a man who seemed to be acting suspiciously” near where the two suspects were arrested. The officer’s identification of Mr. Conway came about only after he was given a set of photos and he recognized no one. The same officer was then given a second set of photos in which Mr. Conway’s photo was the only one repeated from the first set, and he “identified” Mr. Conway. Since Mr. Conway was being held in a cell at that very station house as the photos were being shown to the officer, a lineup could easily have been arranged, but was not (the lineup is considered a more reliable means of identification).

Mr. Conway was connected to the shooting of the two officers in the patrol car only by the disputed statements of **Charles Reynolds**, the jailhouse informant, placed in Mr. Conway’s cell despite docu-

mented protests to guards by Mr. Conway. Reynolds was inexplicably transferred to Mr. Conway's cell in the Baltimore City Jail from a Maryland prison, where he was serving time on an assault conviction. Reynolds was en route to Michigan where he was wanted on forgery charges. With his record of four previous convictions, and prior service as a police informer, Reynolds wrote to Baltimore police from Detroit and offered them his testimony in exchange for intercession with the Michigan Parole Board. Nothing came of the interview conducted by the Baltimore police officer flown to Detroit to talk to Reynolds. When it became evident that the case against Mr. Conway was weak however, one of the prosecutors flew to Detroit for a second interview, and as a result, Reynolds was brought back to Baltimore for the purpose of testifying at Mr. Conway's trial.

On most days of the trial, Mr. Conway left the courtroom while the trial proceeded because the trial judge denied him an attorney of his own choosing, or to represent himself. Instead, only the court-appointed lawyer for Mr. Conway was allowed to question witnesses. That lawyer spent only 45 minutes prior to trial with Mr. Conway, and during the trial often appeared to be intoxicated. (Apparent from the transcript itself is the lawyer's inadequate and inappropriate demeanor in the afternoons, following lunch recess.)

Certainly a factor in the trial was Mr. Conway's appearance to the jurors: he was shackled and chained, with his imposing height, huge Afro, and raised-fist salutes to supporters in the crowded courtroom before his refusal each day to sit at the trial table. Prior to their selection, the jurors had been exposed to weeks of inflammatory media coverage of the Black Panthers in Baltimore in connection with allegations of kidnaping and murder. This mirrored the media's negative national coverage of the Panthers throughout this period. Pervasive negative media attention has since been authoritatively attributed to the FBI's **Counter-Intelligence Program** ["**COINTELPRO**"], and other national security operations, as part of their stated intention of destroying the Black Panther Party. Prior to and during the trial, stories were in both of Baltimore's daily papers and in the *Afro-American* each Friday. The jury was not sequestered, and had access to these materials.

Incarceration

Mr. Conway has been incarcerated since April 1970, on his 24th birthday. He has now spent three decades in Maryland's prison system. He is currently classified as medium security prisoner, and is being held in a maximum-security institution at the **MARYLAND HOUSE OF CORRECTIONS** in Jessup, MD.

A vicious beating by Maryland Penitentiary guards in 1974 was part of an attempt to destroy the Panther Collective, formed by Mr. Conway in the Penitentiary. As a result of that attack, Mr. Conway suffered a broken shoulder and compound fracture of his jaw, necessitating surgery and a three-month hospitalization. Although Mr. Conway filed a civil rights action against the guards, an all-White federal jury refused to hold the guards accountable for their actions. The **US Court of Appeals** subsequently refused to substitute its judgement for that of the jury but did acknowledge that: "The severity of the injuries...presents a closer question of whether excessive force was used, amounting to a constitutional deprivation." Mr. Conway earned his high school GED while in the US Army, and while incarcerated, earned a Bachelor of Science degree in Social Science from **COPPIN STATE COLLEGE**. In addition, as his interest and expertise in computers grew, he also earned an Associate of Arts degree in Computer Science and Business Studies from **ESSEX COMMUNITY COLLEGE**. Mr. Conway is currently a student at **CALIFORNIA STATE UNIVERSITY** earning his Master's Degree in the Humanities. While incarcerated, Mr. Conway was also the Inmate Coordinator for the Penitentiary Library, and worked to secure a \$350,000 grant from the **NATIONAL ENDOWMENT FOR THE HUMANITIES**. Mr. Conway directed the project supported by this grant which resulted in *To Say Their Own Words*, fifty videotaped discussion sessions between 100 prisoners and a wide-ranging group of published authors, recorded over a one year period.

Throughout the three decades that he has been incarcerated, Mr. Conway has provided inspiration and leadership in numerous other efforts to benefit fellow prisoners. Some examples of this are: 1) the formation of the **United Prisoner's Labor Union** at the Maryland Penitentiary, which signed up 500 members and secured the support of the labor community; 2) a counseling program for youths at risk for imprisonment, which operated for 12 years: the court

paired young offenders with Penitentiary inmates for 10-week counseling sessions; 3) the ACLU-affiliated **Prison Committee to Correct Prison Conditions**, which was chaired by Mr. Conway, and worked with a team of ACLU lawyers to litigate overcrowding, brutality, and health issues at Maryland House of Corrections [the resulting court decree is still in effect; at the time of the suit the MHC population was 2,100, which was reduced to and remains at 1,200]; and 4) the **Maryland Lifers Association**, now 10 years old, with chapters in three institutions, which created African-centered holiday celebrations for prisoners with their families; a program which used four computers to teach 600 prisoners computer literacy; and the first ever prison-based **Touchstone Project**, which is based on weekly discussions of classical literature.

Current Status of Efforts to Free Eddie Conway

Mr. Conway has been unable to receive any recommendation for parole from the Parole Board in spite of encouraging meetings with them. This is because Maryland's **Governor Paris Glendening**, in one of his first actions when after he was elected, notified the Parole Board his intention of not granting parole to any "lifers" except the aged and terminally ill. Although the Governor's position of "no-parole for lifers" was challenged in several individual cases, and reviewed by Maryland's highest court, it was upheld. Attorneys for the lifers argued in the appeal that such a policy negates the intention of courts to impose life sentences with the possibility of parole. If the "no-parole for lifers" policy is allowed to stand, it will permit the executive to interfere with the exercise of judicial power which rests solely with the courts. Meanwhile, a *habeas corpus* petition to Maryland's highest state court on behalf of Mr. Conway is currently being prepared by attorneys as part of an effort to exhaust legal remedies so that a Clemency Petition can be presented to the Governor. Former Baltimore City Mayor **Kurt Schmoke** has written Governor Glendening on behalf of Mr. Conway suggesting that consideration be given to returning Mr. Conway to the community. The Baltimore Chapter of the NAACP has also called for Mr. Conway's release from prison. Church leaders have voiced their support for Mr. Conway, including the **Rev. Frank Reid**, Pastor of

BETHEL A.M.E. CHURCH in Baltimore City. Support for Mr. Conway's release from prison has also been expressed by some members of Maryland's General Assembly, the Baltimore City Council, and by the community.

As the previously undisclosed records of the FBI and other security agencies are brought to light, Americans are reexamining what was done by the government and the courts in the name of its citizens during the turbulent period of the 1960's and 1970's. Across the country, efforts are being made to win release for the wrongfully convicted and still-incarcerated targets of the FBI's COINTELPRO, including Eddie Conway.

As one part of this effort, **AMNESTY INTERNATIONAL** called for an independent commission of inquiry into the effects of abuses by the FBI on trials in the US. In a press release dated October 13, 1981, Amnesty International asked that the inquiry determine "whether misconduct which judges might have treated as isolated irregularities formed part of a pattern." These abuses were documented in the 144-page report released on that date, and included those that were part of the FBI's COINTELPRO program aimed at disrupting target organizations such as the Black Panther Party. Amnesty International's study was based on an examination of thousands of pages of official transcripts and documents, and cited many examples of irregularities by the FBI in the cases of activists from militant groups, including the Panthers, targeted for FBI intelligence work.

According to that study:

"Production of false evidence, misstatements about FBI action, harassment, infiltration of defense teams by informants and failure to make available information which the defense might have used are all shown to have occurred." (Proposal for Commission of Inquiry into the effect of domestic intelligence activities on criminal trials in the United States of America, 1981)

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