

CARTON 6:19

STRONG IN THE STRUGGLE

CIVIL RIGHTS, POLICE BRUTALITY,
JUSTICE

1991-1995

SULLIVAN, BRIAN

2017/193

THOMAS STEEL
NANCY CLARENCE
STUART BUCKLEY
MICHAEL ADAMS
JEFF BYRNE
KATE DIER

STEEL
CLARENCE &
BUCKLEY
ATTORNEYS AT LAW

August 1, 1995

Via Facsimile (415) 553-1669 and U.S. Mail

San Francisco Police Commission
Hall of Justice
850 Bryant St., 5th Floor
San Francisco, CA

RE: Death Of Brian Sullivan

Dear Members of the Police Commission:

This firm represents the family of Brian Sullivan, who was shot and killed by SFPD Officer William Wohler on July 15, 1993.

The City recently settled the Sullivan family's lawsuit arising from Brian's death. The family has now filed a complaint with the Office of Citizen Complaints demanding a complete investigation of the shooting. The reason the OCC complaint has been filed is because, while the City has provided the Sullivan family a \$295,000 cash settlement and waived \$10,000 in related medical bills, it has done nothing to hold either Officer Wohler or the San Francisco Police Department accountable for the grave misconduct which occurred here.

We were pleased to read in the San Francisco Examiner yesterday that the Sullivan case will be addressed at the Police Commission hearing tomorrow evening. We will be present to discuss the case with you and to request that you take action.

The Sullivan family demands that an independent and thorough investigation of the death of Brian Sullivan be completed by the OCC forthwith, and that this be followed by appropriate disciplinary action against Officer Wohler, including termination.

While the Police Commission must await the findings of the OCC before taking action against Officer Wohler, the Sullivan case illustrates certain critical gaps in SFPD policies and procedure. These gaps should be filled immediately. We therefore request

TELEPHONE 415-553-1669
211 PENNSYLVANIA AVE SAN FRANCISCO CA 94102
FAX 415-553-1669

that the Police Commission enact the following policy changes:

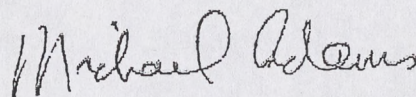
- 1) That the SFPD Weapon Discharge Review Board include at least one individual who is not a member of the SFPD. The non-SFPD position might be filled by the staff attorney or Chief Investigator of the OCC.
- 2) That the Weapon Discharge Review Board be required to submit a report to the Chief with findings and recommendations in all shooting cases. This report should summarize the incident and state why the Board believes SFPD policies were or were not violated. Currently, the Board does not issue a report if there is "consensus" among the members that the shooting did not violate SFPD policy. In addition, the Board's reports are often pro forma, even in complicated and disputed cases.
- 3) That a Management Control Investigation be conducted every time there is an officer-involved shooting which results in death or injury. There was no such investigation in the Sullivan case, forcing the Weapon Discharge Review Board to rely solely on the work of the SFPD Homicide Investigation Section. Homicide Investigation focuses solely on whether criminal conduct has occurred. Thus policy violations which are serious but do not rise to the level of criminal conduct are often overlooked in the investigation of officer-involved shootings.
- 4) That the SFPD adopt a policy that any officer involved in a shooting be removed from the scene of the incident as soon as back-up officers are able to take over. In the Sullivan case, Officer Wohler remained on the scene long after back-up officers arrived, ostensibly searching for evidence. This is a violation of standard police practice. Moreover, there are allegations that Officer Wohler remained on the scene in an attempt to locate and destroy incriminating evidence.
- 5) That the SFPD be required to submit a report to the Police Commission every time a settlement of an officer misconduct case is approved by the Board of Supervisors. This report should state:
 - a) whether the settlement is only for "nuisance value", and if so, why the SFPD classifies the settlement as such;
 - b) if the settlement is not for nuisance value, what action the SFPD has taken to ensure that a similar incident will not reoccur. This "action report" should include at least the following information:

- i) the names of the officers principally involved;
 - ii) whether any disciplinary or other action was taken in connection with the officer(s), the nature of that action, and why that action was appropriate given the circumstances;
 - iii) the officer(s)' history of complaints, litigation and disciplinary actions;
 - iv) whether any changes in SFPD policies or training have occurred as a result of the incident.
- 6) That the SFPD conduct a review of all in-custody deaths within the last five years. The Sullivan and Aaron Williams cases suggest the possibility of a pattern of misconduct among SFPD officers when taking suspects into custody. A review of recent in-custody deaths would determine whether such a pattern does indeed exist.

All financial claims in the Sullivan case have been settled. Therefore, neither the Sullivan family nor this law firm have any financial interest in this matter. We ask you to take action because unless serious reform of the SFPD occurs and Officer Wohler is terminated, what happened to Brian Sullivan will undoubtedly happen to somebody else. Simply put, we hope to prevent the unnecessary loss of another life.

We look forward to your timely action on this matter.

Very truly yours,



Michael Adams
Attorney for the Sullivan family

CONCERNED CITIZENS GROUP
on
POLICE BRUTALITY AND ACCOUNTABILITY

Meeting

August 2, 1995
12:30 P.M.

PROPOSED AGENDA

1. Introductions 3 Minutes
2. Discussion/Action 20 Minutes
Report by the Chief of Police Anthony Ribera
to respond to questions of the Board of Supervisors
regarding the incident involving Aaron Williams
and other related cases of death or serious
injuries of citizens at the hands of the police.
---What was accomplished?
-- The Next Step: Develop Specific Action Plan
Guest: Supervisor Terrence Hallinan
3. Discussion/Action 20 Minutes
Our Proposed Resolution regarding
Police Accountability
---Synopsis of Action Taken By Board of Supervisors
---Our Next Action Step(s): Define Specifically
4. Special Report: Protest/Demonstration Committee 10 Minutes
---Overview of Proposed Plans
---Action Needed
5. Other Committee Reports 10 Minutes
6. Discussion/Action 15
---The Future of The Concerned Citizens Group
on Police Brutality and Accountability--
---Is There A Present and Future Need?

CONCERNED CITIZENS PUBLIC HEARING PLANNING GROUP

Meeting

July 26, 1995

12 Noon

PROPOSED AGENDA

1. Introductions
2. UPDATE: Proposed Charter Amendment - Office of Citizen Complaints
3. Overview and Status of Proposed Resolution via Supervisor Willie B. Kennedy
4. PROGRESS: PLAN OF ACTION No. II
 - a. Comprehensive Youth Outreach/Presentations
 - b. OCC Task Force
 - c. Special Meeting (Ministers) with Mayor Jordan
 - d. Federal Investigation
5. Committee Reports
6. Synopsis of Chief Ribera's response to Clerk of the Board Letters - 7-18-95 & 7-19-95
7. REMINDER - DISCUSSION: IMPORTANT MEETING -- IMPORTANT MEETING
ATTENDANCE NEEDED:

Board of Supervisors Meeting
401 Van Ness Avenue
Room 410
2 P.M.

(Please attend and bring 5 other people)

✓ 8. THE NEXT STEP

a. What Needs To Be Done? ✓

B. By Whom?

c. When?

9. Scheduling of Next Meeting

Date _____

Time _____

Location _____

Memorandum

TO: Resolution Committee / Media Committee
FROM: Lefty Gordon & Sharen Hewitt
RE: Resolution Status update
Date 7/21/95

Persons interested in receiving a copy of the proposed Resolution Against Police Brutality, may contact Lefty Gordon, Executive Director of Ella Hill Hutch Community Center on Monday 7/24/95 at (415) 921-6276.

There will be a full Board of Supervisors meeting held on Monday 7/24/95 2pm at 401 Van Ness. We are encouraging individuals to speak during the Public Comments Section of the Agenda which will be at the latter part of the meeting approximately 3:30PM. Please note, that the questions regarding the Aron Williams case have been forwarded to Chief Ribera for a written response that should occur at The Board of Supervisors' meeting on 7/24/95. Individuals wanting additional information can contact the following people;

Rev. Grizzell 921-6276
Sharen Hewitt 826-8095
Rev. Boyd 921-4935
DeDe Hewitt 921-6276

We have provided an additional sheet with The Board of Supervisors' phone numbers to encourage your individual lobbying. Please make the following dates available on your calendars;

Monday 7/24/95 2pm, General Board Meeting 401 Van Ness Rm. 410

Wednesday 7/26/95 12:30 next planning meeting at Ella Hill Hutch Community Center

Monday (7/31/95) The tentative date that the Resolution will go before the full Board for vote at Van Ness Rm. 410 2pm. We're currently awaiting final confirmation.

Memorandum

To: Concerned Citizens' Against Police Brutality
From: Lefty Gordon, and Committee Chairs
Re: Follow up Action Needed
Date: 7/21/95

This is a brief reminder that your continued involvement and support are critically needed! While we have been successful in raising the issue of Police Accountability much more continued pressure is necessary. To this end, we are asking that you::

- 1.) Be in attendance at the planning meeting
Wednesday 7/26/95 12:30 pm at Ella Hill Hutch
- 2.) Call the attached list of supervisors and let them know your concerns.
- 3.) Write letters to the newspapers

Board of Supervisors' phone numbers are;

Supervisor Alliotto	554-7788
Supervisor Ammiano	554-5144
Supervisor Beirman	554-6661
Supervisor Kaufman	554-4880
Supervisor Kennedy	554-5734
Supervisor Hsieh	554-5015
Supervisor Hallinan	554- 5444 7766
Supervisor Migdom	554-4033
Supervisor Leal	554-6644
Supervisor Teng	554-4981
Supervisor Shelley	554-4005

Supervisors put off vote on proposal

By Diana Walsh
OF THE EXAMINER STAFF

A proposal designed to bolster San Francisco's police watchdog agency has hit a snag after supervisors said it would give police officers accused of sexual harassment or stalking more rights than their alleged victims.

The Board of Supervisors postponed voting on the proposed ballot measure for one week after a two-hour discussion Monday left many members wondering if including binding arbitration in the plan to resolve cases of alleged officer misconduct would help or hurt efforts to clamp down on bad cops.

The original version of the proposed Charter amendment, which would go before voters in November, called on The City to increase the number of investigators with the watchdog Office of Citizen Complaints from 11 to 14, forbid the Police Department from promoting officers who have been found guilty of misconduct for two years, and give the mayor the authority to reject the Police Commission's choice for OCC director.

But last week, leaders of the Police Officers Association told supervisors that they would agree to the measure only if it also included their long-sought binding arbitration proposal.

That plan would allow an officer who had been suspended for five days or more to appeal the suspen-

S.F. SUPERVISORS

In other business Monday, the San Francisco Board of Supervisors:

► **YOUTH COMMISSION:** Submitted a Charter amendment for the November ballot that would establish a youth commission to advise the Board of Supervisors and the mayor on issues relating to children and youths. The commission would be made up of 17 members ages 12 to 23.

► **YOUTH EMPLOYMENT:** Approved another Charter amendment for the November ballot that would allow some nonprofit organizations to ignore a law that requires them to pay prevailing wages to youths working on city projects. The Board of Supervi-

sors would have to approve any exemptions. The measure was sponsored by Supervisor Terence Hallinan.

► **CIGARETTES:** Heard Supervisor Angela Alioto introduce an ordinance that would ban cigarette vending machines, except in places where minors aren't allowed.

► **PRESIDIO TRUST BILL:** Heard Alioto call for a hearing on the proposed trust that would manage property in the new Presidio national park. Alioto fears that the trust will be able to sign leases for as long as 99 years with any agency, corporation or individual without a public hearing.

Compiled by Diana Walsh of The Examiner staff.

sion to an independent arbitrator instead of the mayoral-appointed Police Commission. Officers could not resort to arbitration in cases in which citizens had complained of police brutality.

Leaders of the police union testified Monday that the proposal would speed up the disciplinary process. Police officials said outside arbitrators would not be accountable to the public and would lack expertise in police matters.

But the question that seemed to bother several supervisors most was: Who would have more rights under the new system, an accused sexual harasser or the alleged victim?

"The way the bill is written now, if it's stalking or sexual harassment within the department, it doesn't have to go to the OCC or the (Police) Commission. It can go directly

to arbitration," said Supervisor Susan Leal, one of several board members who pushed for the delay. "The victim can't stop it from going to arbitration."

Supervisor Tom Ammiano, who wrote the proposed Charter amendment, said after the meeting that he was prepared to drop the arbitration provision and the limit on promotions for officers who have been disciplined to gain support for the overall proposal.

For the proposed Charter amendment to qualify for the November election, the 11-member board must agree to it by next Monday.

"If there's not a way to remedy, I'd like to go back to my original," Ammiano said. "Now that the momentum is there, I'd rather continue than delay (until a later election)."

CITY AND COUNTY OF SAN FRANCISCO



LOUISE H. RENNE
City Attorney

OFFICE OF THE CITY ATTORNEY

MICHAEL E. OLSEN
DEPUTY CITY ATTORNEY

DIRECT DIAL: (415) 554-4257

A handwritten signature in dark ink, appearing to read "Michael E. Olsen", written over the printed name and title.

FACSIMILE COVER SHEET

Monday, July ²⁶17, 1995; Time: 10:42 AM

TO: Jackie Keys

Tel: 4-5734

Fax: 554-7034

RE: Resolution

MESSAGE: revised per our discussion.

We are transmitting a total of 5 pages, including this cover sheet. If you did not receive all of the pages or there is another problem, please call me or Carlos Crisologo at (415) 554-4297.

CONFIDENTIALITY NOTE

THIS AND ANY ACCOMPANYING PAGES CONTAIN INFORMATION FROM THE SAN FRANCISCO CITY ATTORNEY'S OFFICE WHICH IS CONFIDENTIAL AND PRIVILEGED. THE INFORMATION IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, THEN BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR USE OF THE ACCOMPANYING DOCUMENT (OR THE INFORMATION CONTAINED IN IT) IS PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE TRANSMISSION IN ERROR, PLEASE NOTIFY OUR OFFICES IMMEDIATELY SO THAT WE CAN ARRANGE FOR RETRIEVAL AT NO COST TO YOU.

FOX PLAZA • 1390 MARKET STREET, FIFTH FLOOR • SAN FRANCISCO, CALIFORNIA 94102-5408

RECEPTION: (415) 554-4283 • FACSIMILE: (415) 554-4248

RESOLUTION REGARDING POLICE ACCOUNTABILITY

WHEREAS, on Sunday, June 4, 1995, Western Addition resident Aaron Williams died in the custody of San Francisco Police Officers;

WHEREAS, witnesses report that a number of the 12 San Francisco Police Officers who took custody of Mr. Williams beat, kicked, and pepper-sprayed him; and

WHEREAS, despite San Francisco Police Department Policy, none of the 12 San Francisco Police Officers present washed the pepper-spray residue from Mr. Williams' face, nor monitored his breather, nor called an ambulance when Mr. Williams' breathing became impaired; and

WHEREAS, the homicide investigator responsible for determining whether any of the officers present should have been charged with criminal wrongdoing referred to the late Mr. Williams as a "bum"; and

WHEREAS, one of the police officers involved in Williams incident was Marc Andaya, who as an Oakland Police Officer was subject to a lawsuit for the shooting of Jerry Stancil, an African-American, mentally ill, unarmed man, and who as an Oakland Police Officer was the subject of a number of community complaints and disciplinary investigations; and

WHEREAS, notwithstanding Officer Andaya's known history of improper and violent conduct, the San Francisco Police Department hired him; and

WHEREAS, the Office of Citizens' Complaints, charged with investigating citizen complaints about San Francisco police officers, is plagued by backlogs and is incapable of responding timely to such complaints; and

WHEREAS, in a up to 70 percent of those cases where the Office of Citizens' Complaints pursues and finds police officer misconduct, the Chief of the San Francisco Police Department has responded either by taking no action; and

WHEREAS, the publicity surrounding the Williams incident, the hiring and retention of Officers with known propensities for misconduct, the inability of the Office of Citizens' Complaints to process timely or adequately citizens' concerns about the

Police, and the San Francisco Police Department's response to officer misconduct contribute to a perception that San Francisco police officers are not held accountable for violations of the law, rules and regulations of their profession, or the rights of the citizens and residents of the City; and

WHEREAS, the perceived lack of accountability undermines the confidence of the City's residents and citizens in their Police Department; and

WHEREAS, it is the interest of this Board of Supervisors and the people of the City and County of San Francisco to maintain the highest standards of Police Officer professionalism and to sustain the confidence of the people of this City in the San Francisco Police Department and all of its members;

[Task Force]

THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO that the Board of Supervisors shall appoint a task force to develop a five-year plan to implement a strategy of comprehensive community policing and public safety for the City and County of San Francisco. This task force shall be known as the Comprehensive Community Policing and Public Safety Strategy Task Force (CCPPSS). The CCPPSS task force, comprising community and City representatives, shall oversee implementation of the five-year plan and report the suggestions, plans, and concerns of the task force and the community regularly to the Board of Supervisors.

The CCPPSS task force shall consist of 15 regular members and four ex-officio members. Eleven of the 15 regular members of the CCPPSS task force are to be appointed by the Board of Supervisors and shall geographically and ethnically represent those who are disproportionately and inequitably impacted by acts of police misconduct in San Francisco; the remaining 4 of the 15 members shall comprise one representative each from the Office of Citizen Complaints, the Office of the Mayor, the Police Officers Association, and the Officers for Justice. The four ex-officio members of the CCPPSS task force shall comprise the Chief of Police (or his or her designated representative) and three members of the Board of Supervisors.

The members of the CCPPSS task force shall be appointed by September 1, 1995.

The CCppSS task force shall within 60 days report to the Board of Supervisors regarding its methodology for development and implementation of the five-year plan for the development of a Comprehensive Community Policing and Public Safety Strategy; the task force shall report to the Board of Supervisors within one year the proposals of the task force for immediate action to be reviewed and voted on by the Board of Supervisors.

Thereafter, the CCppSS task force shall report to the Board of Supervisors from time to time for all purposes.

The task force shall cease to exist on September 1, 2001.

[OCC Review]

BE IT FURTHER RESOLVED that the Board of Supervisors shall develop the process necessary to result in policy changes which would empower the Office of Citizen Complaints to implement its disciplinary action consistent with the Peace Officers' Bill of Rights enforced by and under the direction of the Human Rights Commission with an additional emphasis relating to issues in the Unfinished Agenda. Two-Hundred Fifty Thousand Dollars (\$250,000) shall be earmarked for the Human Rights Commission for staffing and developing the process for on-going communication between the Police Commission, Board of Supervisors, Office of Citizen Complaints, the community and the CCppSS.

[Removal from Street Duty]

BE IT FURTHER RESOLVED that the Board of Supervisors urges the Mayor to request that the San Francisco Police Commission, in order to support public confidence in the Police Department, uniformly enforce the policy that police officers who are subject to serious claims of excessive force be immediately reassigned to minimize their public contact during the pendency of such investigations.

2 Families Want Cop Fired

Relatives say
he beat son,
killed another

By **Thaai Walker**
Chronicle Staff Writer

The Sullivans' son was shot to death by a San Francisco police officer in 1993. The Rices say their son was beaten and maced by that same officer just a few months ago.

Now, the two families have come together and filed formal complaints with a San Francisco police watchdog agency to tell the Police Department that they want that officer, William Wohler, off the force. In April, San Francisco made an out-of-court settlement of almost \$300,000 with the family of Brian Sullivan, who was shot to death by Wohler as the officer tried to apprehend Sullivan in the Excelsior.

Then, two weeks after the Sullivan case settlement, Wohler beat and kicked Guy Rice, a 16-year-old who had been a friend of Sullivan, according to lawyers for Sullivan's family. Yesterday, members of the Sullivan and Rice families filed complaints against Wohler with the Police Department's Office of Citizen Complaints.

"Why should the city pay \$300,000 and then let this guy off so the same thing could happen all over again?" asked Randolph Daar, a lawyer for both families. "We are

seeking a thorough investigation of Wohler and also, based on his prior record, seeking from the (complaints office) a recommendation that he be immediately removed from the department."

Wohler, a 25-year-veteran of the force, is assigned to Ingleside Station. He is on vacation and could not be reached for comment yesterday. Police Department spokeswoman Barbara Davis said only that Police Chief Anthony Ribera "needs to review the matter"

'We are . . . seeking a recommendation that (William Wohler) be immediately removed from the department'

— RANDOLPH DAAR,
FAMILIES' ATTORNEY

and that an official statement would be issued today.

To back up their claims, the families yesterday displayed color photos depicting head and facial bruises Rice says he suffered after being beaten by Wohler on April 29. One picture showed what looked like a boot mark behind the teen's left ear.

Daar said Rice was sprayed, beaten and kicked by Wohler after the officer cornered Rice in alley

"as Rice tried to give up." Daar also said Wohler was trying to apprehend and arrest Rice at the time, but would not comment on why.

Gloria Rice, the teenager's mother, said it was "scary" to come forward and accuse a police officer of wrongdoing. But, she said: "I felt I had to, thinking about Brian — it could happen to another kid."

Wohler was responding to a call about a man with a gun when he confronted Sullivan on July 15, 1993. Wohler told investigators that Sullivan was carrying a shotgun at the time. A chase ensued, and Wohler followed Sullivan to Sullivan's home on Madrid Street, where the young man tried to escape through the garage, out through the backyard and onto the roof.

There, Sullivan collapsed. He was apprehended after one of several shots fired by Wohler severed a main artery to his heart. Wohler later said the shot that killed Sullivan was one of several he had fired at Sullivan through the garage door. But the family's attorneys say that based on evidence, the fatal bullet was fired from below Sullivan as he scrambled up a ladder leading to the roof.

The attorneys also claim that following Sullivan's killing, the department engaged in a "biased investigation (of the shooting incident) designed from the outset to clear Wohler."

"The investigation of Wohler appeared to be more of an effort to exonerate him than getting at the truth," Daar said.

WILLIAMS: Coroner Reaches New Conclusion

From Page A11

on police training."

"The civilian witnesses say he was limp, flaccid, not moving and didn't seem to be taking any action. Police say they thought he was shamming — that he recognized he was now under arrest," Stephens added. In fact, he said, Williams "was in trouble and was spiraling down."

"I was impressed by some of the witnesses who didn't have an ax to grind, and they all said the same thing — that he appeared to be immobile and nonresponsive after he was handcuffed and on the ground," the medical examiner added.

"So he was either unconscious or on his way to being unconscious shortly after he was handcuffed. Even if the paramedics had been there, there may not have been much they could do once the excited delirium process is advanced to that point. Of all the reported cases of excited delirium I am aware of in the literature, once patients have lost body and temperature control, they typically die regardless of what supportive care is given."

About 45 minutes after his death, Williams' body temperature was still about 103 degrees — indicating that his body had lost its ability to regulate temperature. "That supports the excited delirium finding," Stephens said.

He added that experts believe that cocaine, when combined with physical and psychological stress, can bring on the excited delirium condition in which "the body can lose control of its cardiac ability, its ability to regulate temperature and possibly respiration."

In addition, Stephens said it was his conclusion about the gravity of Williams' state when he was placed in the van that prompted him to decide that "positional asphyxia" — being placed in a cramped position that blocked breathing — was only a possible factor in the death and not a definite contributing cause.

"There is one witness who claims that after the van doors closed, he heard Williams cry out 'help me, help me,' but no other witnesses, including his sister Kimberly a few feet away, heard that," Stephens said. "None of the police heard it, and none of the other witnesses."

Several agencies, including the

FBI and the civilian-run Office of Citizen Complaints, are investigating the death of Williams, a black man whose case has become a rallying cry for some groups in the African American community who say the department has a long history of racism.

None of these agencies has announced final conclusions on the circumstances surrounding Williams' death June 4 after a fight with police on Bush Street in front

of his Western Addition apartment. Some witnesses have said police used the proper amount of force to restrain Williams.

John Crew, a staff lawyer with the American Civil Liberties Union, has said that police clearly violated their own regulations when they failed to monitor Williams' breathing carefully and placed him alone in the back of the van for transport to the Richmond District police station.

Coroner Thinks Williams Unconscious When Put in Van

By Susan Sward
Chronicle Staff Writer

San Francisco's medical examiner said yesterday that officers may have unknowingly placed an already unconscious, rapidly failing burglary suspect into the back of a police van without realizing what civilian witnesses saw clearly — that the man was in very bad medical shape.

Dr. Boyd Stephens said witnesses' statements have prompted him to conclude that Aaron Williams, a 35-year-old San Francisco man who died within hours of his arrest, probably was unconscious when he was placed in the van.

Some witnesses and the Williams family have alleged that police beat Williams and then failed to take the bloodied man to the hospital. Police leaders acknowledge some doubts about the handling of Williams

after he was subdued but say he was a violent suspect who injured three officers who arrested him.

On Friday, Stephens announced his conclusion that Williams died because of a cocaine-related condition known as "excited delirium," a condition that can cause respiratory and cardiac failure. Yesterday he said the cocaine found in Williams' bloodstream was "by itself not sufficient to be lethal."

Describing the scene following the police fight with Williams, Stephens said, "None of the police officers has admitted recognizing there was a problem (with Williams' condition at the time he was placed in the van), but we have civilian witnesses 50 to 60 feet away that recognized there was a problem, so I think we have to focus

WILLIAMS: Page A12 Col. 3

S.F. Backs Ballot Plan To Police Cops Better

Supervisors try to lift public confidence

By Clarence Johnson
Chronicle Staff Writer

Troubled by ongoing community uproar about police conduct, the San Francisco Board of Supervisors yesterday endorsed a double-barrel ballot measure designed to increase scrutiny of the Police Department and to boost public confidence in the watchdog agency that oversees officers.

After weeks of public debate and closed-door wrangling, the board approved a proposed charter amendment that would make the Office of Citizen Complaints directly accountable to the Board of Supervisors and make the Police Department — rather than the city — pay out of its own budget what typically are millions of dollars each year in misconduct claims.

Supervisor Tom Ammiano crafted the legislation in response to numerous concerns not only about police but also about the Office of Citizen Complaints' ability to adequately investigate and process charges against officers accused of misconduct.

Only Supervisor Tom Hsieh voted against the measure because he said it added too much clutter to the city charter. The supervisors have drafted another ballot measure to streamline the huge document.

Other supervisors insisted that something needs to be done about the OCC. The agency has a backlog of cases, some of them more than two years old. The lag time between an alleged misdeed and an OCC finding in such a complaint is so long that Chief Anthony Ribera conceded yesterday that he often does not discipline officers even when a complaint is finally sustained against them.

"We have a great OCC on paper, but full implementation of it has been thwarted," said Ammiano. "This is a small but important step because the public is demanding it and because good cops don't want their reputations tainted either."

The measure headed for the November ballot would:

- Require the mayor to select only an OCC director who has been nominated by the Police Commission. The nominee would then have to be approved by the supervisors.

- Require mandatory staffing levels for the OCC.

- Require quarterly reports to the board from the OCC director.

- Require that monetary settlements resulting from police misconduct claims be taken directly

BOARDWATCH

At its weekly meeting yesterday, the San Francisco Board of Supervisors:

Approved:

- A measure for the November ballot that would regulate city taxicab services. Among other things, it would set fares, establish requirements for taxi permits and create a centralized dispatch service to ensure availability. (Vote: 6 to 5 with supervisors Mabel Teng, Angela Alioto, Tom Hsieh, Barbara Kaufman and Susan Leal opposed.)

- A resolution urging the San Francisco Unified School District, the Community College District and the city to take steps to educate the public about their legal rights as they relate to Proposition 187, the measure designed to deny illegal immigrants public education and most social services.

- A resolution ordering an annual

audit of the controller's books. (Vote: 11 to 0).

- A resolution approving a special transit fare agreement between the city and BART for the continued use of the Muni Fast Pass for trips within the city on BART.

Something On Which We All Agree:

- "I'm sure he understands, as we understand, that bad police officers harm public safety," said Supervisor Willie Kennedy to Police Chief Anthony Ribera. Kennedy summoned Ribera before the Board of Supervisors to explain several issues in connection with the death of Aaron Williams while in custody.

— CLARENCE JOHNSON

from the Police Department budget. Currently, such payments come from the city's general fund.

Initially, the measure contained harsh disciplinary provisions such as barring officers deemed guilty of wrongdoing from promotion within two years of a misconduct conviction.

But, spurred by objections from the Police Officers Association, all disciplinary aspects of the measure were scrapped.

"Do I wish that stuff was in the ballot measure? Absolutely," said John Crew of the American Civil Liberties Union. "But it is a very strong measure without it. I hope the POA will support it. They have

communicated to me that they will."

Ammiano said the death of Aaron Williams, who died while in police custody; the New Year's Eve police raid on a gay warehouse party, and the death of Brian Sullivan, who was shot by police in 1993 are among several recent incidents that have eroded public trust in the police and the watchdog agency.

"The timing of this legislation was not planned, but tragically these things happened," said Ammiano. "But this only the beginning. Some of the more disciplinary like denial of promotions still need to be looked into."

Heidi Fleiss Money Laundering Trial Draws to a Close

Associated Press
Los Angeles

Heidi Fleiss either ran "the most expensive dating service in the history of the world" or was a pimp who hid thousands of dollars in prostitution income, a prosecutor said yesterday in closing arguments of the Hollywood madam's money laundering trial.

Countering defense suggestions that Fleiss was merely a "go-between" for rich men and beautiful women who simply wanted "companionship," Assistant U.S. Attorney Mark Holscher insisted that Fleiss ran an international sex ring.

Using bank transactions and a bogus real estate deal, she laundered more than \$300,000 in prostitution proceeds, the prosecutor said.

Fleiss' 1992 income tax return showing \$33,000 in income was a lie, Holscher said. He noted that Fleiss made \$7,000 monthly mortgage payments that year and controlled about \$600,000 in bank accounts at the time.

"Everyone should pay their taxes," Holscher said. "Period."

Fleiss was convicted on state

pandering charges in December and sentenced to three years in jail. She faces about five more years if convicted on the federal charges of money laundering, tax evasion, conspiracy and bank fraud. Jury deliberations are scheduled to begin at 8 a.m. today.

In three weeks of testimony, some Fleiss clients — including actor Charlie Sheen and former Denver Nuggets owner Sidney Shlenker — admitted paying Fleiss thousands of dollars for prostitutes. Three prostitutes spoke of \$10,000 jobs and international sex junkies.

Fleiss never took the stand. But her attorneys said the evidence failed to show she broke the law.

Defense attorney Tom Holliday attacked the credibility of prosecution witnesses — particularly prostitutes and their clients — in his closing argument. He also suggested that Fleiss should be seen as someone who bringing consenting adults together, not as someone running a prostitution ring.

He said the government's witnesses have serious credibility problems.

"Everyone has a reason not to

be telling the truth," Holliday said. "Every single one of them should be viewed very carefully, very suspiciously." He noted that one key witness — prostitute Samantha Burdette — had a prior drug conviction and that many prostitutes and customers alike testified under immunity.

But the prosecutors stayed close to the paper trail of canceled checks, questionable loan applications and revealing real estate papers. Even though many Fleiss clients paid in cash, enough wrote personal checks to illuminate the money flow.

"Some of the money, quite honestly, we haven't been able to find," Assistant U.S. Attorney Alejandro Mayorkas said in his closing argument. Bank records, however, showed that Fleiss deposited scores of prostitution checks in her sister Shana and father Paul's accounts, he said. Much of that money was later withdrawn to buy a \$1.6 million estate, Mayorkas said.

The elder Fleiss, a prominent pediatrician, was "up to his nose in debt" and served as a "straw buy-

er" for the property at Heidi's urging, he said. A loan application listing Paul Fleiss as the buyer was a criminal scheme "to have all this money and conceal it from the Internal Revenue Service and the government, who would give her trouble," Mayorkas said.

Holliday conceded Heidi Fleiss paid for much of the estate she lived in but said it was a "family investment," not a money laundering scheme. The defense also contended that her income tax return, although "not a model of clarity," was accurate.

If anything, Holliday said, Heidi Fleiss should be allowed to claim significant business expenses and is entitled to a refund.

Mayorkas said that under that kind of reasoning, Bonnie and Clyde could claim their getaway car as a business expense. He said Fleiss earned at least \$148,000 that year — and probably "a heck of a lot more" — and told one accountant she had "zero" expenses.

"But it doesn't make a difference to the Internal Revenue Service how you earn your money," Mayorkas said.

COLMA: Prominent Lawyer Investigated for Alleged Bribery

From Page A13

ano, press secretary to Attorney General Dan Lungren.

The case spotlights the rapid growth of card clubs, which pay a percentage of their take to the financially strapped cities that license them. Millions of dollars are at stake for both club owners and cities.

The Peninsula town of Colma, famous for its 13 cemeteries, has 1,200 residents.

The story of how it got into the card club business includes an election campaign in which most of the voters got free bus tours of gambling parlors and a Town Council that couldn't get a quorum.

The card club was the brainchild of Rene Medina, who for 20 years has operated Lucky Tours, a bus company that runs shuttles from San Francisco to Reno casinos.

"I approached all the cities on the Peninsula, and they all turned me down except Colma," Medina said yesterday.

The Town Council put the matter to a public vote in February 1993.

During the campaign, Medina gave the council and the majority of the city's voters Friday night bus tours of card clubs in San Bruno and San Jose.

Some supporters of the proposed card club accused Artichoke Joe's, the San Bruno club and a potential competitor, of moving an employee into town to mount an opposition campaign. Artichoke Joe's did not respond to requests for comment.

The measure to allow a card club won 117 to 111 in a mail-in ballot that required a recount. Over the next several months, the Town

Council analyzed four card club proposals, picking Medina's as tops in March 1994.

The second-place finishers were the two local businessmen, Don Smith, an auto parts dealer and restaurateur, and Robert Atwood, a landowner whose holdings include a golf course and cemetery.

Smith is a world champion baccarat player. Atwood, who owns the land where his proposed club would be built, said he does not gamble and did not like the idea of a card club in Colma, but thought he could build it to minimize the impact on the community.

Medina's 60-table club, to be called Lucky Chances, could more than double the budget of the city, which has no property tax but relies on sales taxes generated at 13 car dealerships and two large shopping centers.

Medina gave the council projections showing he expects to rake in \$25 million a year by the third year of operation. He forecast profits of \$3.3 million for himself and a partner and \$3.5 million for the city each year.

The council gave Medina until January 1995 to get a gaming permit from the state.

It seemed more than enough time, but partly because the state is being deluged with applications, it did not come through.

That led to a critical emergency council meeting December 29. The meeting turned out to be one of the strangest the city has ever had.

Montgomery was there representing Smith and Atwood, who believed that if Medina could not meet the deadline, their partnership was entitled to build the card club.

Medina was represented by his own high-powered, politically connected lawyer, Michael Franchetti, who was once chief deputy attorney general and Governor George Deukmejian's finance director.

The five-member council had already lost one member with the death of the city's longtime mayor, Ted Kirschner, the previous September.

Two other members, Mayor Dennis Fiscaro and his wife, Helen Fiscaro, did not want to participate, citing a conflict of interest. The mayor, a landscape contractor, has done work on both Smith's restaurant and Atwood's cemetery.

That left only two members. City Attorney Roger Peters ruled that under the "rule of necessity," a third member could provide a quorum, even with a conflict of interest. The minutes of the meeting indicate that the lawyers got into a big battle on this point.

Finally, Peters flipped a coin to decide which of the Fiscaros would provide the quorum. The mayor won, but returned to the back of the room and did not vote.

The vote was 2 to 0 — a majority of the those present — to give Medina more time.

Montgomery filed a lawsuit challenging the decision.

News of the bribery investigation against Montgomery has not deterred the council. They plan to go forward with an August 16 hearing on a use permit for Medina, who finally received his state permit in May. He hopes to open his card club in October 1996.

"I'm speaking only for myself, but I don't see any problem," said Councilman Philip Lum.

Smith and Atwood said they

Jordan's Accusations Anger Muni Drivers

By Catherine Bowman
Chronicle Staff Writer

More than 100 frustrated Municipal Railway drivers and their supporters held a rally outside City Hall yesterday, shortly before union leaders and Mayor Frank Jordan attended a tense meeting to start hammering out a new contract.

Labor leaders are angry that Jordan made public a letter to the union in which he accused some drivers of misconduct and outlined his plan for improving Muni service. Yesterday, union leaders released their own plan for making the transit system better — and again accused the mayor of launching a "racially motivated attack" on Muni drivers and playing election-year politics.

"If he thinks he can ride to victory on the backs of Muni drivers and workers, he's on the wrong bus," said Walter Johnson, secretary-treasurer of the San Francisco Labor Council. "If it's necessary we will have thousands of people in the street and there will be no buses moving."

Both sides are scheduled to meet again Friday. The deadline for reaching an agreement is August 25.

Jordan wants to change the work rules that govern how Muni drivers do their job. By addressing the number of missed runs, absenteeism, overtime and other policies, Jordan contends, the city could recoup as much as \$10 million a year to improve the transit system.

"The system is too lenient and too loose," Jordan said. "I don't think there's a transportation system around the country that would allow (these work rules)."

Union leaders say their plan could also save millions of dollars — but without altering the

rules. Among their proposals: Have Muni hire more drivers to reduce overtime and put 61 drivers who are doing mostly administrative work behind the wheel full time.

The union also wants more than 200 additional police officers, more mechanics, and more street supervisors to prevent "bunching" of buses.

"We've got one of the toughest jobs," said Joe Barnes, president of the drivers' union. "We work with bad equipment ...

'If he thinks he can ride to victory on the backs of Muni drivers and workers, he's on the wrong bus'

— WALTER JOHNSON,
S.F. LABOR COUNCIL

(and have) a lot of stress. We're always short-handed. We are not the problem."

Jordan denied that his efforts are racially motivated or that he is trying to use the contract negotiations to win points with voters. As for the union's proposal, he said, some of their suggestions — such as hiring more drivers and more police — would cost money and result in no net savings.

"The most effective way to reduce overtime is to make sure drivers show up for work," the mayor said in a statement.

Although both sides say it is too early to talk about the possibility of a strike, some drivers are already worried. Jordan said any driver who walks off the job could be fired.

More Affordable Homes Urged for Santa Clara

By Maria Alicia Gaura
Chronicle South Bay Bureau

Local governments in Santa Clara County were urged yesterday to change their zoning regulations to encourage the construction of smaller, more affordable homes.

A study released yesterday by the Santa Clara Valley Manufacturing Group identified the last remaining scraps of undeveloped land in the valley. It concluded that Santa Clara County should build 52,287 homes within the next five years to strike a balance between jobs and housing.

Failure to do so, the report said, could jeopardize the area's healthy economy.

Despite the availability of Silicon Valley jobs, thousands of workers are unable to afford homes in the area and are forced into lengthy commutes. The cost of housing has also put a damper on many companies' expansion

plans and has hurt recruitment efforts.

The report notes that the median home price in Santa Clara County was \$230,000 in 1990, compared with a national average of \$95,000. The California Association of Realtors estimates that only 36 percent of county households could afford to buy a median-priced home in 1993.

Among the report's recommendations:

- Cities should encourage builders to put up small, inexpensive homes on small lots.

- High-density condominium-style homes should be clustered close to transit hubs, to encourage ridership and to offer the best value for the public's transit dollars.

- Some industrial parcels should be converted to mixed residential-commercial use, allowing workers to live near their jobs and encouraging the use of public transit.

ASK ABOUT OUR CURRENT AIRTIME PROMOTION.

COMPACT PHONE. COMPACT PRICE.

Nokia 100
Model #N107
with cigarette
lighter adapter.

\$29*
CLOSE OUT

Get a brand new Nokia 100 cellular phone for only \$29 when you sign up for one year of service on select GTE Mobilnet rate plans.

No product contract or product deposit required. Supplies are limited, so hurry.

GTE Mobilnet
More Than Cellular Phones,
Cellular Service™

Includes 3 year warranty — a \$70 value.

Available at the following GTE Mobilnet locations:

San Francisco 199 Pine St. 415-543-9797	San Jose 780 Montague Expwy. #106 408-432-7577	San Leandro 1655 Alvarado St. 510-895-7400	San Francisco 699 Second St. 415-957-2991	Santa Rosa 844 Fourth St. 707-525-5010 1-800-499-4834	Corte Madera 221 Corte Madera Town Center 415-924-9084	Pleasanton 6070 Johnson Dr., Suite D 510-847-0320	Marin outside Sales Representative 1-800-499-4834
Walnut Creek at the corner of Civic and Locust 1646 N. California Blvd., Suite P103 510-988-6990	Napa 3196 Jefferson St. #8 707-259-2121	Concord 1776 Arnold Industrial Way, Suite S 510-798-3400 1-800-GTE-2099	Cupertino 20735 Stevens Creek Blvd. Suite E 408-777-0220	Mountain View 1020 N. Rengstorff Ave. Suite D 415-966-1441			

*Price reflects activation on any currently published contract rate plan, excluding Safety Plan. Nokia phone may be purchased for \$225 without activation or \$89 with activation on the Safety Plan. 3,400 close out units available. All rates and information subject to change without notice. Limit two phones per customer. No dealers or agents please. Other restrictions may apply. ©1995 GTE Mobilnet.

Yes, I want to help stop racist police violence.

Here are my 1991 NAARPR Membership dues.

- | | | | |
|---------------------------------------|------------------|-------------------------------------|------------|
| <input type="checkbox"/> Individual | \$10/year | <input type="checkbox"/> Sustaining | \$25/year |
| <input type="checkbox"/> Contributing | \$50/year | <input type="checkbox"/> Supporting | \$100/year |
| <input type="checkbox"/> Life-Time | \$500 (one time) | | |

Here is my contribution of

☐ \$500 ☐ \$100 ☐ \$50 ☐ \$25 or \$ _____

Name _____

Address _____

City/State/Zip _____

Telephone () _____

**National Alliance Against
Racist & Political Repression**

11 John Street, Room 702
New York, N.Y. 10038



From the Desk of
CHARLENE MITCHELL
Executive Director

Spring, 1991

Dear sisters & brothers:

The Los Angeles police lynch-mob attack on Rodney King, an African American man, has put the problem of police violence on the national consciousness.

We need your support to move from consciousness to struggle. The enclosed Organizer is a lesson in what is possible.

Most police violence is racist violence. The anti-genocide law has to be enforced against all who violate it. Our Alliance program for civilian control of the police can not only punish but help prevent such attacks.

Please send as large a contribution as possible. Pay your 1991 dues if you haven't done so, and pay above the basic rate if you can. We urge you to add your strength to ours.

In unity and struggle,

Charlene Mitchell

Charlene Mitchell

NATIONAL ALLIANCE AGAINST
RACIST & POLITICAL REPRESSION
11 John Street, Room 702
New York, NY 10038 212/406-3330



ORGANIZER

NATIONAL ALLIANCE AGAINST RACIST & POLITICAL REPRESSION

VOLUME XVIII No.1 ■ JANUARY-MARCH 1991

Las Vegas Campaign Stop Police Crimes

The killing of a young African American man by Las Vegas, Nevada police has sparked a movement to establish a Citizens-Police Control Board for that metropolitan area. The new Las Vegas Branch of the NAARPR has been a key organizer. In a recent local television survey, 70 percent of the people interviewed now favor the Control Board.

At an October news conference called to announce the drive for a Citizens-Police Control Board, Dr. James Tate, Chair of the Las Vegas NAARPR Branch and national Executive Board member, told reporters, "The well-known motto of 'To serve and protect' must be reestablished here, and the motto 'To intimidate and terrorize' must be discarded."

Tate continued, "The time has come for a Citizens-Police Control Board for the Metropolitan Police Department. . . We use the term 'control' as opposed to 'review' . . . with a clear understanding that a control board does more than review what an officer does."

As proposed, the Control Board would set

policies for police conduct and have review and subpoena powers to deal with problems that occur. Tate, a physician, compared such oversight to the role of the Board of Medical Examiners for the medical profession.

On July 31, 1990, three Las Vegas police officers seized the keys from a woman friend of Charles Bush and entered Bush's house without a warrant. Bush was sleeping in the house at the time. In the struggle that ensued, Bush was strangled by the police.

The police apparently waited nearly three hours before calling the coroner. When the Coroner's Inquest was held, the police officers were exonerated.

Las Vegas police have a history of racist attacks in the African American and Latino communities. Many in the labor movement will remember their brutal beating of striking hotel workers a few years ago.

Support for the call for a Citizens-Police Control Board has come from the Las Vegas Chapters of the National Medical Association, the National Bar Association, the Nevada American Civil Liberties Union, the Las



Vegas NAARPR, and the Las Vegas African American Summit Committee, an alliance of 20 community organizations including the NAACP.

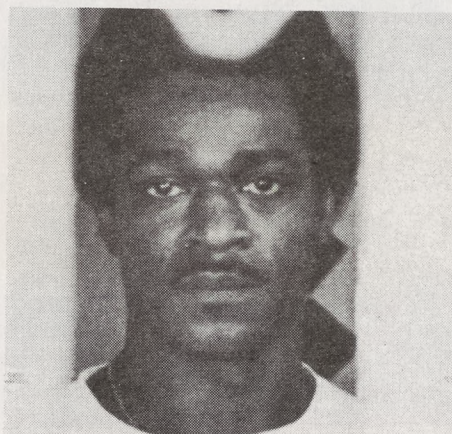
Our Las Vegas NAARPR Branch is circulating a petition that states, "We, the undersigned citizens of the state of Nevada, after witnessing the shameful and consistently illegal conduct of the Metropolitan Police Department, do hereby join in the demand for the creation of a Police Citizens Control Board immediately." Over 6000 signatures have already been collected.

Cont. on Page 4

Demand Parole for Johnny Imani Harris

In spite of his capital conviction having been reversed and the indictment dismissed; in spite of being 9 years overdue for parole on his original convictions under Alabama's paroles practices, Johnny Imani Harris remains in prison in Alabama. His case remains a brutal example of the racist and anti-working class bias of the so-called criminal justice system.

Now members of the Alabama Board of Pardons and Paroles indicate there will be a hearing on Harris' parole application in May. The Birmingham NAARPR Branch and our national office are organizing a delegation to meet with the Board as soon as possible and urge Harris' release. Once again we



Johnny Imani Harris

must organize a campaign of letters and resolutions demanding freedom for Johnny Imani Harris.

The case began when Harris's family moved into a previously all-white neighborhood in Birmingham in 1970. They were immediately targeted for harassment by the KKK and the police (not too different at that time). Harris was charged with 4 robberies and the rape of a white woman. His court-appointed attorneys did virtually nothing to prepare a defense and persuaded him to plead guilty rather than risk a death sentence.

Harris was sent to Atmore prison to serve

Cont. on Page 4

EDITORIAL

Civilian Control of the Police—The Time is Now



Charlene Mitchell
NAARPR Executive Director

Police crimes like the LAPD lynch-mob attack on Rodney King, the killing of Federico Pereira by the New York police, and the strangulation of Charles Bush by Las Vegas police can be stopped.

Police violence against African Americans, Native Americans, Latinos, and Asian Americans in particular, and against work-

ing people in general has exploded across the country. In the name of fighting crime, the police have placed themselves above the law. They have declared themselves judge, jury, and—all too often—executioner. The March 25 decision by the Reagan-Bush majority of the U.S. Supreme Court to allow courtroom use of coerced confessions can only encourage more criminal actions by the police.

This reality and the Los Angeles videotaping are creating a new consciousness and a new urgency.

We must be clear on the solution: the police must be made accountable to the people they are sworn to protect. In every city, country and state there must be independent, elected, civilian boards to establish civilian control over the police. Such boards must have the power to investigate complaints against the police, including subpoena power. They must have disciplinary powers as well as authority to oversee general police policies and practices, guarantee non-discriminatory recruitment, develop training procedures, etc.

Prosecuting and punishing the police officers guilty of recent highly publicized crimes is important, and we support that demand.

We say to President Bush that if he is truly "sickened" by the actions of the police de-

partment run by his "all-American hero," LA Police Chief Daryl Gates, he should take action. The U.S. Congress passed the Proxmire anti-genocide law in 1988. This law specifically forbids and punishes attacks designed to destroy a racial minority. Bush and his Attorney-General Richard Thornburgh have failed to prosecute a single case under this historic law. We say to President Bush, "Prosecute police officials and officers for the genocide they are attempting."

Public hearings called by Congressional committee or by state or local bodies play an important role by shining the light of public scrutiny on police crimes. We support and will help to push for such hearings.

But our Alliance has had nearly 20 years of experience in this struggle. We held a national people's hearing on police crimes in Los Angeles 10 years ago. We have seen too clearly that one-half, one-fourth and one-eighth measures don't solve the problem. That special experience places upon our organization a special responsibility.

The answer to repression is democracy. The solution to police crimes is democratic, civilian control over the police. Now is the time to join with millions of people outraged by what they see in Los Angeles and in their own cities. Now is the time to unite, organize, struggle and win.

New NAARPR Brochure:

**Enforce the Proxmire
Anti-Genocide Law
Stop Racist & Anti-Semitic
Violence**

Send \$1 to NAARPR for a copy

1992 Hearings on Hate Crimes

are being initiated by NAARPR as part of the activities to de-celebrate the 500th anniversary of Columbus' arrival in the Americas. If your organization would like to participate, please contact NAARPR.

Cont. on Page 4

Chicago NAARPR Organizes to Stop Racist Violence

Racist violence has been on the rise in Chicago just as in the rest of the country. The Chicago NAARPR Branch has taken the lead in mobilizing protests and won an important partial victory.

On August 1, 1990, four African American young men and women were returning from the beach. It was late and they were looking for a place to eat. When they entered Fat Albert's Bar in the Bridgeport section of the city, they were assaulted first verbally, then physically by the bar patrons who were white. The young people were chased into the street. A white man, later identified as Philip Carioto, fired a pistol in the air, then pointed it in the face of one of the young people, but it would not fire.

The group of young people managed to

get into their car. They were surrounded and the windows smashed before they could escape. It was only luck that prevented another Howard Beach or Bensonhurst tragedy. They went directly to the police to report the attack.

Police took 10 days after the identification of Carioto to file any charges. Then they charged him with aggravated assault and ethnic intimidation, not attempted murder as he should have been. He has never been arrested. Police say he is out of their jurisdiction, so obviously they know where he is.

As soon as they heard about the attack, the Chicago NAARPR Branch contacted the victims and called a meeting to plan a response. Twenty people came to the meet-

New Motion Filed in Peltier Case

On December 3, 1990, attorneys for American Indian Movement leader Leonard Peltier filed a Writ of Habeas Corpus on his behalf in Federal District Court in Kansas City, KS. The government has changed its story on the case, but wants to keep Peltier in prison anyway.

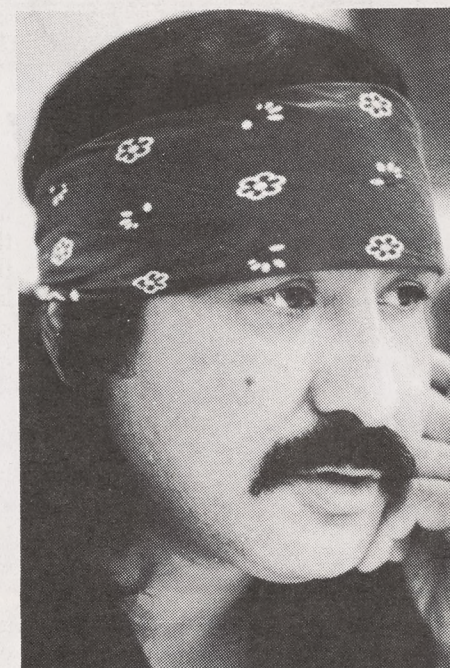
Leonard Peltier was convicted on charges that he was the person who approached two FBI agents and shot them at close range on the Pine Ridge Reservation in 1975. Subsequently, FBI records obtained through the Freedom of Information act proved that Peltier's rifle was not the one used to kill the agents. The FBI concealed this evidence at the time of the trial and intimidated defense witnesses. Peltier and other AIM leaders had been targeted by the FBI's infamous COINTELPRO program.

Now the government admits that it can't prove who killed the FBI agents. But it contends Peltier would have been convicted anyway as an "aider and abettor." Since Peltier was not allowed to introduce evidence to counter this charge at his trial, he was denied any semblance of due process. Others who were charged with aiding and abetting the killing were acquitted.

What You Can Do:

- Write Judge Paul Benson (U.S. District Court, Federal Court House, Fargo, ND 58102). Tell him to grant Peltier's motion immediately.

- Write President George Bush (White House, Washington, DC 20500). Tell him to free Leonard Peltier immediately through executive clemency.



Leonard Peltier

Mumia Abu-Jamal on Pennsylvania Death Row

Mumia Abu-Jamal, African American journalist and activist, is now on death row at Huntingdon State Prison in Pennsylvania. He was convicted of killing a Philadelphia policeman, but serious evidentiary and procedural questions exist. The case has all the hallmarks of a racially and politically motivated frame-up.

Abu-Jamal's direct appeals have been exhausted, and last October the U.S. Supreme Court refused to review his conviction and death sentence. A death warrant can be signed at any time.

Abu-Jamal joined the Black Panther Party (BPP) as a teenager in Philadelphia, becoming the local chapter's newspaper editor and Lieutenant of Information. This coincided with the height of the FBI-orchestrated program targeting the BPP and its leadership for destruction. Some 38 BPP leaders and members were assassinated by police across the country.

In August 1970, Philadelphia's racist police chief Frank Rizzo personally led a night raid on the group's headquarters. A SWAT team dragged Abu-Jamal and others into the street and strip-searched them at gunpoint. They were all subsequently released because no meaningful charges had been filed against them.

Rizzo had proudly stated that he planned "to make Atilla the Hun look like a faggot." He set the tone for one of the most racist

and brutal police departments in the country. In 1974 alone, Philadelphia cops shot and wounded 148 people—twice as many as in New York, which has four times the population.

By the middle 1970s, Jamal had become a successful journalist and radio commentator. He was heard on National Public Radio and Mutual Black Radio, and had his own talk show on WUHY. In 1981, *Philadelphia Magazine* named him "one of 81 people to watch." The *Philadelphia Inquirer* called Abu-Jamal "an eloquent activist not afraid to raise his voice." He was elected head of the Philadelphia Chapter of the Association of Black Journalists.

On the night of December 9, 1981, Abu-Jamal was supplementing his journalist's income by driving a cab in Philadelphia. He came upon a police officer beating his brother, who had been stopped for a minor traffic violation. According to eyewitnesses, someone entered the scene, fired on the officer, and fled. Abu-Jamal took a bullet in the abdomen and was bleeding on the curb when other police arrived. Abu-Jamal was beaten by police at the scene and at the hospital.

At the trial, Abu-Jamal was not allowed to represent himself as he wished to do. His court-appointed attorney did little to challenge the prosecution. Although Philadelphia is 40 percent African American, on-

ly one juror was African American. Eleven were excluded by the prosecution.

The gun that had killed the police officer was never produced, supporting the testimony that another person fired the shot. But the prosecution said Abu-Jamal had a pistol registered in his name that *could* have been the weapon.

At Abu-Jamal's sentencing hearing, the prosecution cross examined him about his political activities and implied that he had been waiting since his BPP days to kill a policeman. The jury was told that they were not being "asked to kill anyone" because the defendant would have "appeal after appeal." Thus the jury was led to believe that the responsibility for the death sentence did not really lie with them.

Mumia Abu-Jamal was convicted and sentenced to death. Despite the many questions and errors that have led to reversals in other cases, the courts have rejected all appeals. Death warrants have recently been signed in six Pennsylvania cases, the first since 1962.

What you can do:

- Write Governor Robert Casey (Main Capitol Building, Room 225, Harrisburg, PA 17120). Urge him to use the powers of his office to prevent Mumia Abu-Jamal from being executed and free him or at least allow for his retrial.

Please send a copy of your letter to the NAARPR national office.

Las Vegas from p. 1

The Branch is also organizing a series of five public hearings to hear testimony from area residents. Many have come forward with new evidence of police crimes.

Establishing a Citizens-Police Control Board in the Las Vegas-Clark County metropolitan area will require state legislation as well as local action. A bill has been introduced into the Nevada State Assembly by Assemblyman Wendell P. Williams, and hearings are being held around the state. The NAARPR Branch is mobilizing people to attend and speak.

Harris from p. 1

5 consecutive life sentences. The prison had changed little since the days when the Scottsboro defendants were imprisoned there. The federal courts later declared conditions in the Alabama prison system to be in violation of constitutional prohibitions against cruel and unusual punishment.

In 1974, prisoners, provoked by guards, rebelled and took two of the guards hostage. They asked for community and media representatives to be allowed in the prison to see the conditions. The warden ordered guards to break up the protest. A guard and one of the prisoner leaders was killed.

Using an 1859 slaveholder law that mandated the death sentence, a politically ambitious Attorney General charged Johnny Imani Harris with killing the guard. No evidence was presented that Harris had killed the guard. The prosecutor maintained he was guilty because he had been part of the protest. An all-white, all-male jury convicted Harris.

For a decade and a half a national and international campaign spearheaded by the NAARPR has fought to save Harris's life and now to win his freedom. After 14 years on death row, Harris's capital conviction was thrown out in 1989.

Harris became eligible for parole, and wide support for him was shown at his parole hearing. The Alabama Board of Pardons and Paroles denied parole, stating that Harris had not been in the general prison population long enough to be ready for parole.

Last fall, when Harris' application should have come up again, Alabama Governor Guy Hunt was running for reelection. In a cynical election campaign stunt, Hunt declared a moratorium on paroles, citing the crimes committed by two white parolees in the previous week. Harris remained in prison.

What you can do:

• **Write Mr. Joel Barfoot, Rev. John Nettles, and Mr. Jack Shows, Alabama Board of Pardons and Paroles (777 S. Lawrence St., Montgomery, AL 36130.) Tell them this injustice must end. Johnny Imani Harris should receive immediate parole.**

• **Write Gov. Guy Hunt (11 S. Union St., Montgomery, AL 36130). Tell him to commute Harris' sentence to time served and free him.**

Please send copies of your letters to the NAARPR national office.

Chicago from p. 2

ing, representing the United Auto Workers, Citizen's Alert, Coalition of Black Trade Unionists, Women's International League for Peace and Freedom, Chicago Conference of Black Lawyers, Amnesty International, and the NAARPR.

A campaign was put in motion to press the police to act and to demand that Mayor Richard Daley speak out on this attack in his own neighborhood. A news conference was called, and a demonstration of over 200 held at Daley's office. Branch leaders Josephine Wyatt and Kevin Tyson went on local interview programs to discuss the attack.

Our Alliance Branch went to the Chicago Human Rights Commission and instituted proceedings to revoke the liquor license of Fat Albert's Bar. After a series of hearings filled by the NAARPR and others, the license was revoked. The bar owner is appealing the ruling.

Lawyers from the Chicago Conference of Black Lawyers have filed a \$50 million civil suit against the bar.

Three days after the attack at Fat Albert's Bar, a cross was burned in front of the home of an interracial family on the north side and their living room window broken. There was an immediate response from neighbors in the predominantly white community. A petition was circulated "to condemn this criminal act of racially motivated hatred and violence." Neighborhood activists spoke out to the media. Churches in the area condemned the attack.

An eyewitness from the neighborhood identified the attackers, and police arrested and charged five white youths. While police insist it was a teenage prank, local residents report that one of the youths arrested is known to have neo-nazi ties.

Join the NAARPR

- | | |
|---|------------------|
| <input type="checkbox"/> Individual | \$10/year |
| <input type="checkbox"/> Sustaining | \$25/year |
| <input type="checkbox"/> Contributing | \$50/year |
| <input type="checkbox"/> Supporting | \$100/year |
| <input type="checkbox"/> Life-Time | \$500 (one time) |
| <input type="checkbox"/> Prisoner | Fee Waived |
| <input type="checkbox"/> Affiliate Organization | \$50/year |

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

()
TELEPHONE _____

SIGNATURE _____

Send to:

**NATIONAL ALLIANCE AGAINST
RACIST & POLITICAL REPRESSION**11 John St. Room 702
New York, NY 10038
212/406-3330National Alliance Against Racist & Political Repression
11 John Street Room 702
New York, NY 10038
212/406-3330Bulk Rate
U.S. Postage
PAID
New York, NY
Permit No. 9388