

to help rehabilitate parks because the city doesn't have funds," Isabella said. Law that requires all city employees hired after July 12 to reside within the city. At present 220 of the city's 870 employees live outside the city.

Community police board pushes for more data

Attorney denies Whalen claim

ALBANY — An attorney involved in a civil rights case against the city has denied a letter sent by Mayor Thomas M. Whalen III to a police review panel.

Whalen, in a letter to the city's Community-Police Relations Board, stated that attorneys for the plaintiffs in the case, four former State University at Albany students who claim they were abused by police, consider a \$405,000 award granted recently by a federal jury to be "excessive." The mayor also said negotiations for a reduced settlement are continuing.

But Mark Mishler, one of two attorneys who brought the case and who represented three of the four plaintiffs, said the mayor's claims were untrue.

"It is absolutely untrue that the plaintiffs' attorneys in the federal court case feel the verdict was excessive," Mishler said.

The case was brought by four former SUNYA students who charged that in a 1982 arrest, two white Albany police officers battered or taunted them with racial epithets. An all-white jury in April awarded them \$405,000 in compensatory damages, to be paid by the city.

The city challenged the verdict and was granted a reduction to \$235,000 by U.S. District Court Judge Con Cholakis.

Whalen, after discussions with police, protested strongly about its lack of power and threatened to disband.

Whalen, after discussions with police, arranged for Deputy Chief Wilbur to brief the board on case details, but the understanding that officers would not be held and the board would take place in secret.

proper, according to Keith St. John, an attorney and a representative on the board from the Capital District Lesbian and Gay Center. St. John, who analyzed the state's Open Meeting Law, said it appears the closed-door briefings come under an open meeting exception covering the release of information that pertains to matters affecting the discipline of an employee.

St. John, however, is also opposed to the board's practice, noting that since no identities are used, the board is not really receiving confidential information nor is it able to use the executive session fully. "If I can't be trusted to keep a secret as a responsible member of the board, that's an undertone that I find incredible," he said.

As a possible compromise, the board plans to ask Whalen to reconsider the limitations by allowing officers accused of misconduct to be assigned a code number. Members said they could watch the reports to see if patterns emerge.

In another matter, the board heard a presentation on the city's drug trade and police efforts to stem it by Detective Sgt. Thomas Fargione, head of the special investigations unit.

Addressing concerns that police may be overzealous and not conduct proper searches or arrests, Fargione said his unit is trained in constitutional law, and that incidents of misconduct are thoroughly investigated. He said he has never had an officer lie about making a procedural error and that the problem of constitutional violations "does not exist" in his unit.

Fargione also said the department is shortly expected to increase the special investigations unit's manpower, but would not provide figures, noting that much of the work is covert.

(of the party)."

Police to get ^{3/2/87} more training

By Brad Kelly
The Knickerbocker News

Albany police officials this year will learn new ways to handle family disputes, including making more arrests in cases in which couples are involved in domestic altercations.

It is just one of a number of in-house training programs the department has implemented in response to a recently released study.

The study, which reviewed all aspects of police service in the city in 1985, found that the department's Administrative Services Bureau (ASB) was not offering sufficient training programs.

"Training within the department is a major problem," the report said. "It has been cited by commanding officers, line personnel and representatives of community organizations as a glaring need."

On Wednesday, Sgt. Richard Basile of the ASB said that if the study were conducted today, it would be "complementary, not critical" of the city's training programs.

Basile said one of the reasons for this year's in-house training schedule. The schedule offers 14 training programs, seven of which are new.

Basile said each officer would be required to attend every class. He added that he hoped the entire member force would complete the programs within 18 months.

Basile said the training would include instruction in new ways to handle domestic disputes. He said it had been found that serving as a counselor to quarreling couples did not decrease the number of assaults. Therefore, he said, the department will issue a new set of procedures for dealing with domestic disputes that will stress arrests.

In addition to the domestic violence class, other programs being offered this year include classes on child abuse, acquired immune deficiency syndrome (AIDS) education, community relations, the developmentally disabled and chemical agents.

Other classes being offered are basic and advanced police officer survival, street Spanish, critical incident management, hazardous material management, arson and drug abuse.

Each class requires a minimum of 7.5 hours of classroom training, according to Basile. This year's program offers in-house training at a level much higher than 40 hours per year, as recommended in the police study.

Basile said there were twice as many in-house classes offered this year as in 1985, the year the study took a critical look at the in-house training program.

Basile said the ASB, which develops training programs and keeps crime data, was still understaffed.

According to Basile, the department plans to hire additional personnel for the bureau sometime in the future.

BLACK POWER CONVENTION
Albany Steering Committee
334 Livingston Avenue
Albany, New York 12206

March 15, 1987

Tony Morris, Co-Chair
Jabari Penda, Co-Chair
Chad McKnight, Treasurer
Steven Smith, Secretary

RE: NATIONAL BLACK POWER CONVENTION 1st-3rd MAY, 1987

Dear AFRICAN AMERICAN--Leaders and Individuals:

These are indeed tough times for the majority of our people. A major drug epidemic, Crack, homelessness, unemployment, and severe crisis within the BLACK FAMILY has had a devastating impact upon our communities. Reaganism and the reactionary political mood of America offers few solutions to our problems. Therefore, as our ancestors have done before, we must turn to ourselves for solutions.

It is in this spirit that the above-mentioned came together on March 15, 1987 to start a move to formalize a committee that will make our communities aware of the existence of the NATIONAL BLACK POWER CONVENTION to address the crisis in our Black society. The convention will be held on May 1st-3rd, 1987 at York College in Queens, New York.

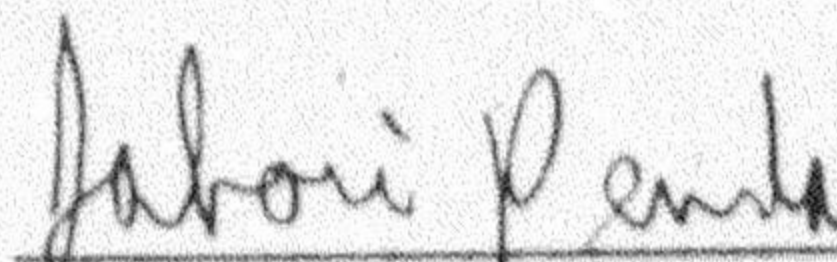
Our short-term objective is to raise money for bus(es) that will leave the Capital District for the convention.

Our long-term objective is to galvanize and encourage attendance and active participation of our people in the coming Black Power Convention with the aim of bringing about a pragmatic programme of action that will address the economic, educational, political and social crisis in our communities and our powerlessness.

Your donations will be very much appreciated and will help bring about this historical event. Bus cost range \$850-\$1,000.

Please call (518) 463-6003 and inform us of your participation to make plans for this historic convention through a donation or any help you are able to give. Call between 6:00 a.m.-8:00 a.m. or after 9:00 p.m. any day, as soon as possible.

Sincerely,



Jabari Penda, Co-Chair

The Call

Seventeen years after the **Black Power Conference** the majority of our people are seriously 'catching hell'. There is a major drug epidemic, (chemical warfare once again), Crack; homelessness, unemployment, a severe crisis within the Black family and a consolidation by the most right wing sector of those who truly rule America.

Over those last seventeen years our movement during its peaks and valleys none the less established that our conditions here in America would only be changed through the real acquisition of power. For some of us that meant political empowerment through the electoral system; indeed there was and continues to be a struggle in this vein. We also ventured into traditional economic development and the acquisition of jobs and job opportunities in every sphere of the American economy; we requested and lobbied for presence on the boards of the Fortune 500 companies; and developed our own. We planned and organized for those social barriers - discrimination in housing, private clubs and restaurants, theatres, schools - to be brought down and again moved to set up our own. There were those of us who fought for fundamental change and organized for revolution: the Black Panther Party, the Black Liberation Army.

The concept of Black Power was defined and redefined, rejected in some circles and fought for in others. 1986 suggests a need for an assessment of where we are domestically. Our need to impact internationally on the life of our brothers and sisters around the world with a determined and uncompromising stand in support of the liberation of South Africa is undeniable. Therefore there must be a domestic policy based on a strategy that will enable us to contribute to the liberation of our people. Likewise a foreign policy that would influence and direct our relationship with our brothers and sisters in Africa, the Caribbean and Latin America.

The call, brothers and sisters, is Black Power, Black Nationhood, African People Fighting Back, Worldwide.

**National Black Power Organizers
to Address Community at Arbor Hill
by Merton Simpson**

Members of the National Steering Committee for the 1987 Black Power Conference will be addressing the community at the Arbor Hill Community Center on Thursday April 16, 1987, at 6:30 p.m. The speakers will address the topic " What is Black Power in 1987? "

The following speakers have been invited:

Robert "Sonny" Carson: During the 1960's, Sonny was Chairman of the Brooklyn Chapter of the Congress of Racial Equality (CORE) and was actively involved with community control of schools in the Ocean-Hill Brownsville struggle. Sonny is the Chairman of the Citywide Coalition of the Black Power conference, the Black Men's Movement Against Crack, and the Committee to Honor Black Heroes.

Viola Plummer: Community activist and organizer, Viola was an organizer around African Liberation Day in the 1970's. Viola is a member of the New York 8+, Host Committee for the Black Power Conference, and the Black Men's Movement Against Crack.

Jitu Weusi: Vice Chairman of the National Black United Front; Organizer of the African American Teachers Association; and member of the Host Committee for the National Black Power Conference.

Lisa Williamson: Community activist and organizer of the National African Youth Student Alliance.

Colette Pean: Member of the New York 8+, a lead organizer of the Regional Black Power Conference, and a member of the Host Committee for the National Black Power Conference.

The April 16 meeting at the Arbor Hill Community Center will serve as a regional forum to prepare people in the Capital District and larger upstate region for the National Conference. The National Black Power Conference will be held May 1-3, 1987, at York College in Jamaica, Queens. The conference planners are depending on a strong showing from the Capital District area. If you have any questions call Merton Simpson (457-4145) or Odel Winfield (463-4654).

This forum is being sponsored by Blacks In Government, the Malcolm X Study Network, and the Critical Black Issues Coordinating Committee.

**Black Power
Black Nationhood
African People Fighting Back, Worldwide**



NATIONAL BLACK POWER FORUM
Thursday April 16, 1987 6:30p.m.
Arbor Hill Community Center
50 North Lark Street

Sponsored By: Blacks In Government, The Malcolm X Study
Network, and The Critical Black Issues Coordinating
Committee

For information call
Merton Simpson 457-4145 or
Odel Winfield 463-4654

EMERGENCY CALL

DAY OF OUTRAGE
For Black People of New York

CIVIL DISOBEDIENCE
&
ECONOMIC DISRUPTION
On towards a General Strike . . .

SHUT DOWN THE MTA

NO
JUSTICE . . .
There can be
NO
PEACE

- ▶ **Murder of Michael Stewart**
- ▶ **TA Cops Brutalize and Illegally Arrest Black and Hispanic Men**
- ▶ **NYPD Beat Yvonne Smallwood to Death**
- ▶ **Police/KKK Rape & Sodomize 15-year-old Tawana Brawley**
- ▶ **Crack in the Black Community**

SHUT DOWN THE MTA & THE BOARD OF EDUCATION
STOP TRAFFIC ON THE BRIDGES & LIE

MONDAY, DECEMBER 21, 1987—4:00PM SHARP!

ASSEMBLE AT BOROUGH HALL PARK, BROOKLYN (IN FRONT OF COURTHOUSE)

"A", "F"—IND; 2, 3, 4, 5—IRT TO BORO HALL

BRING TOKENS

Broome County Urban League, Merton Simpson (Albany), C. Vernon Mason (NYC), Viola Plummer (NYC), Michael Warren (NYC), African Islamic Mission, Rev. Lawrence Lucas (NYC), Nation of Islam, Rep. Barbara Clark, New Afrikan People's Org., JAMAA Headquarters (New Rochelle), Hon. Arthur Eve, Dutchess County Committee Against Racism, Hon. Roger Green, Coltrane Chimurenga (NYC), Alton Maddox (NYC), Sonny Carson (NYC), Middletown NAACP, Black Men's Movement, Rainbow Coalition (Poughkeepsie), Brenda Purvis (Albany), Afro-American Educators, Black Power Conference, Jitu Weusi (NYC), Elombe Brath (NYC), Rev. Herbert Daughtry, Rev. Tim Mitchell, Cynthia Jefferson (Buffalo), Colin Moore (NYC), N.A.Y.S.A., Billie Anderson (Binghamton)

Reported crime declines slightly in Arbor Hill

By Brad Kelly
The Knickerbocker News

Crime in Albany's Arbor Hill dipped slightly in the 12-month period following the closing of its neighborhood police unit, but reported cases of rape, robbery, assault, burglary and motor vehicle theft all increased, according to statistics released by the Albany Police Department.

A drop in Arbor Hill's overall crime rate was attributed to a significant decrease in the number of reported larcenies, which along with arson, were the only two types of crime that declined.

"Naturally, we would like to see those statistics lower," Deputy Police Chief John Dale said Friday. "But I think this proves the system we have in the Arbor Hill area now is working."

Both the Arbor Hill and South End police units were closed in April 1986

4/25/87
Police 'would like to see those statistics lower'

in an effort to make better use of the city's police force.

The closings, police officials have argued, eliminated a number of desk jobs in both units and put those officers back out on the street.

A study showed the units were staffed by 17 percent of the police force available for patrol in 1985 but they responded to only 12 percent of the department's calls that year.

The closings put a total of 52 officers back on city streets.

Police compared Arbor Hill crime figures for the 12-month period following the unit closing with the same time period prior to the closing. The comparison showed:

- Reported crimes dropped from 826 to 808.
- Murders dropped from two to one.

● Reported rapes increased from 14 to 19.

● Reported robberies increased from 47 to 60.

● Reported assaults increased from 83 to 93.

● Reported burglaries increased from 261 to 329.

● Reported larcenies dropped from 375 to 260.

● Reported motor vehicle thefts increased from 35 to 43.

● Reported arsons dropped from nine to three.

A statement released by Albany Police Chief John Reid said Arbor Hill accounted for 13 percent of all crimes committed in the city during the 12 months beginning April 1, 1986 as compared to 15 percent during the

same time period for 1985-86.

It also said the number of crimes reported citywide increased from 5,506 to 6,189 over the same time period. The number of reported rapes, robberies, assaults, burglaries and motor vehicle thefts all increased citywide.

Dale said increases in most major crime categories does not warrant a reopening of the Arbor Hill police unit.

"I think there is more involved in a neighborhood unit than crime statistics," he said.

A recent study of the department said the neighborhood police unit concept did not work anymore in Arbor Hill. The study pointed out that officers originally assigned to the units no longer patrolled Arbor Hill and that newly assigned officers were no longer trained in neighborhood policing techniques.

niques.

Alice Green, a member of the Albany Police-Community Relations Board, has questioned the department's decision to close the units rather than improve them.

Dale said the decision to assign police officers to specific areas of Arbor Hill at certain times of the day is helping to reduce crime.

Statistics show there were 305 occasions when officers were assigned to walking beats in the Arbor Hill Area since December.

The comparison also showed the average response time to priority calls in Arbor Hill has decreased from 4.2 minutes in 1986 to 3.4 minutes in 1987. The average is lower than the citywide average of 4.03.

Sgt. Robert Wolfgang said the response time figures are based on a comparison of responses taken during a one-week period.

EDITORIALS

Police brutality

Members of the Albany Police Community Relations Board have grown irritated lately over Mayor Thomas Whalen's indecision over whether to give the board some real power. The board wants, among other things, the police to submit more detailed information on complaints against the police, and wants the authority to ask the mayor to begin a second, independent review of a complaint should the board deem that necessary.

The board should be given those powers — or else it will function much as it has since its creation, which is to say much like a nonentity.

Putting that question aside for the moment, it is worth mentioning that during the course of this latest debate, the mayor wondered aloud why this community board has almost solely focused its attention on the police department. Why doesn't it focus on other community problems as well.

In the mayor's words, "It wasn't meant to be a one-issue board. It appears their energies are directed at one area — internal affairs — which only deals with police misconduct." He added, "there are other things," like drug-abuse education and minority employment programs.

The mayor makes a good point. The Arbor Hill and South End communities are plagued by numerous problems, the most serious of which have much to do with drug abuse, truancy, crime and unemployment. Police brutality is, without question, a serious matter. Every instance should be met with the full force of the law.

Yet, that having been said, it must be admitted that the problem of police brutality is slight compared to both the number and seriousness of crimes that members of those communities perpetrate against one another. The problem of police brutality is also slight compared to those ills that deprive many poor persons of stable family lives, steady jobs and general direction in life.

This is not to understate the importance of checking instances of police brutality. Indeed, the Police Community Relations Board should be given real powers to examine complaints against the police. But, as the social critic Glenn C. Loury has written in the January issue of *Commentary* magazine, black community leaders who direct all the community's attention to the issue of police brutality at the expense of even more serious — in large part because more widespread — problems are doing the black community itself a disservice.

Each member of the Community Relations board is a respected and talented member of the Albany community. Their influence with Albany's troubled youth could be great, if only they turned their attention to drugs, crime, unemployment and the many other problems that don't get nearly the attention they deserve.

Gov. Cuomo has recently asked business leaders in New York to help minority youth in training and guidance. He said he hoped business leaders would comply out of "love."

It seems a fair request to make of business leaders — and no less a fair request to make of Albany's leading community figures.

EDITORIALS

A few troublemakers

Two years ago the fatal police shootings of an Albany black man, Jessie Davis, and five other New York City blacks made headlines. A few immediately charged that blacks had somehow become the target of police violence. A deep-seated racism, they said, was behind all these killings.

Perhaps it was natural that Gov. Cuomo should appoint a commission to look into these and other incidents of police violence to determine just what the problem really was. Specifically, the commission wanted to know if police in New York state misuse their powers and if feelings of racism are endemic to the departments.

Now, after two years, the State Commission on Criminal Justice and the Use of Force has issued its report. The major findings, which are not all that surprising for those familiar with New York police officers, should be loudly proclaimed.

First, the commission found that there is no "pervasive misuse of deadly or physical force by law enforcement officials." Generally, according to the head of the commission, the evidence suggests "restraint" is the customary response by police to the provocations they face daily.

Second, the commission "does not find that race is a significant factor in police decisions to use deadly or physical force." True, the report notes, more blacks and Hispanics are killed by the police than whites. But that's only because "high-risk encounters" are so much more frequent between minorities and the police than between whites and the police. When this fact is taken in account, the "police in a given city are not more likely to shoot blacks than to shoot whites."

Nonetheless, the commission did find a small number of police officers who are given to using racial epithets and otherwise exacerbating racial tensions. While these persons should be reviled and reprimanded, they ought not be used to taint the reputations of all police officers in the state.

The report notes that certain black leaders also perpetuate racial tensions with their own brand of stereotypical responses to police actions. For these few loudmouths, every police action to restrain a member of a minority or every shooting of a minority member by police is just another instance of institutionalized racism — or some such phantasm. The commission writes that "exaggerated and emotional claims of police brutality by some minority representatives erodes credibility and undermines their suggestions to ameliorate relationships."

If it were only so. Unfortunately, exaggerated claims don't always work to undermine the speaker's credibility. On the contrary, these baseless claims are all too often taken for fact.

In short, there is room for improvement. Police departments must work to quiet those few officers who are given to racist remarks and other humiliations. Certain black leaders must accept the fact that police racism is not endemic in New York and that every shooting of a black or Hispanic cannot be a license to foment race hatred.

Just as most blacks are not criminals, most police officers are not racists.

Police suspect racial motive in bat attack

Police believe that a 27-year-old Albany man who was fatally injured in a baseball bat attack on Partridge Street shouted a racial insult at a black man who had been arrested on charges of second-degree murder, law enforcement sources disclosed Friday.

The victim, Brian P. Purcell of 94 Ontario St., was pronounced dead at 12:55 a.m. Friday at Albany Medical Center Hospital where he had been unconscious since being struck on the head with a 33-inch bat about 3 a.m. Thursday, police said.

Albany County Coroner William E. Loetterle III said death was caused by a brain hemorrhage.

Following his death, police charged Mark L. Gordon, 22, of 625 Washington Ave., with second-degree murder.

Sources said the bat attack followed a racial insult that Purcell, a white man, called out as Gordon, a black man, was about to move his car.

Gordon told police he went into a house to get the bat after Purcell claimed he had a gun, sources said.

Police said they could find no weapon on Purcell or during a search of the street after the attack.

Purcell was unconscious when police arrived, authorities said.

Police said they were seeking to interview witnesses to any verbal exchange between the two men.

Gordon, described by police as an unemployed disc jockey, was arraigned on the murder charge Friday in Police Court. Sent to Albany County Jail without bail, he is scheduled to return to court July 9.

Gordon was initially arrested Thursday morning on an assault charge.

Purcell, a taxi driver, was the husband of Amy Purcell. He was the father of an 11-month-old child, Brian Jr.

Fatal Albany beating presents puzzle

By Brad Kelly
The Knickerbocker News

Police and the wife of a 27-year-old Albany man who died after being beaten with a baseball bat say they don't know what prompted the attack.

Brian Purcell, who was beaten with a baseball bat outside 92 Partridge St. early Thursday morning, died at 12:55 a.m. Friday in the Albany Medical Center Hospital.

A spokesman for the Albany County Coroner's Office said Purcell died of massive contusions to the brain.

Mark L. Gordon, 22, of 625 Washington Ave., who was initially charged with first-degree assault, was arraigned in Albany Police Court on Friday on one count of second-degree murder.

He is being held in the Albany County Jail until he returns to Police Court July 9.

Police spokesman Sgt. Robert Wolfgang said Friday police still were interviewing people in an attempt to determine what might have caused the beating.



Purcell

"Up to this point, we haven't established exactly what brought it about," he said.

The victim's wife also was unable to say what prompted the incident.

"He was well-liked. He had a lot of friends," said his wife, Amy. "Whoever did this has to be crazy."

Purcell lived at 94 Ontario St. with his 21-year-old wife, their 11-month-old son, Brian Jr., and a dog named Harley.

Amy Purcell said the couple had met in Albany five years ago.

"Brian has a little baby that is going to be a year old in a couple weeks," she said.

The couple's two-story home, which faces Swinburne Park, was a wedding present from Brian's mother, according to a friend, Dina Stevens.

Amy said she last saw Brian before the beating at his mother's house on South Main Avenue.

"We were swimming in his mom's pool with a few friends," Amy recalled. "He was well-liked. Whoever did this has hurt a lot of people."

Her husband drove a taxi and renovated buildings for a living, his wife said.

Stevens said Brian Purcell, who enjoyed motorcycles, had once told her that when he died he wanted everyone to come to the funeral on a motorcycle.

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June (?) 1987

Police review

To the Editor:
Your editorial on "Police brutality" (May 16) raises some interesting points.

We applaud *The Times Union* for agreeing with the Albany Community Police Relations Board in its demand for more detailed information on complaints against the police and for the authority to call for a second independent review of any complaint that the board deems necessary.

We do not, however, feel that "the mayor makes a good point" when he directs the board members to turn their attention to other problems in Arbor Hill and the South End. If the mayor feels that the members of the board and the organizations they represent are not already dealing with the root causes of crime, such as institutional racism, poverty, unemployment, drugs and inadequate housing, he is badly mistaken. The key issue here is that this particular board was established to address the issue of community-police relations. It is official arrogance for the mayor to presume to tell these board members what their priorities should be.

The mayor's posturing and lack of leadership on the question of police abuse in Albany has set a climate which allows the problem to continue unabated.

VERA MICHELSON
Capital District Coalition
Against Apartheid and Racism

Albany

Police, fire AIDS lists assailed

By Jay Jochnowitz

Staff writer

The Albany Police Community Relations Board is preparing to take up a resolution demanding that Albany police discontinue their practice of keeping lists of AIDS victims.

Unable to vote Monday night because it lacked a quorum, the board discussed the resolution on the AIDS lists proposed by board member Alice Green, a representative from the National Association for the Advancement of Colored People.

Green said she had hoped to ask the board to demand the police discontinue their practice of keeping lists of AIDS victims at both Division One and Division Two headquarters.

The lists have already sparked objections from the AIDS Council of Northeastern New York and Green echoed several of the council's concerns.

Green, who plans to raise the issue formally to the board if it can attain a quorum next month, said even a person's admission of carrying the fatal AIDS virus can be shaky grounds for including them on a list. People may, she said, think they have AIDS without having been diagnosed.

"There's concern about the accuracy of that list," said Green.

Like the AIDS Council, Green said "such lists do not provide protection to police officers," but give "a false sense

See POLICE / B-4

POLICE

Continued from B-1

of security." The serious risk, she said, is the category of AIDS victims who do not know they are infected and could not warn police even if they would otherwise do so.

Green said the lists leave the people on them vulnerable to the possibility of discrimination by police.

She said her request to the board for action on the lists would also include urging the department to adopt standardized health precautions for dealing with all people in situations in which there is a chance of transmission of the disease.

The existence of the lists came to light last week when Capt. Thomas Nolan, commander of Division One, confirmed a list is kept in a division filing cabinet. He and Deputy Chief John Dale said the list is apparently compiled by officers based on first or second-hand information, and available to all police.

In Division Two, Officer Richard Hendrick, president of the police union, said a second list exists and is posted on a wall to alert officers when a person in custody has AIDS. Hendrick said the information is gathered, with other medical details, from suspects at the time of arrest.

Police defended the lists, terming them necessary for officers who may come into more than casual contact with AIDS victims. Police say the lists allow them to take precautions when

necessary, including the use of rubber gloves or manually operated breathing apparatus.

The Albany Fire Department also keeps an AIDS list for similar reasons. Battalion Chief Robert Lynch, in charge of the department's emergency medical services, initially said the list was compiled from patient information and, in the absence of that, on the basis of other information as well, including medication, statements from others at the scene of an accident, or various health indicators.

Since the fire department list became known, Deputy Chief James Larsen has maintained the list includes only cases based on information supplied by the victims.

In another matter, the board next month will consider a request from the Capital District Coalition Against Apartheid and Racism to ask the police department to discipline Detective Valerie VonDollen Burke, found liable for illegally searching the home of Donald and Barbara McKeever five years ago.

Burke was the sole officer to be held liable for damages among five others tried in U.S. District Court. Police had responded to the McKeever home in Arbor Hill Sept. 21, 1982, on a complaint of possible child abuse. McKeever said he was disciplining his 13-year-old boy with a strap.

Burke, who later said she was looking for other children, entered the master bedroom and a scuffle ensued which led to the parents' arrests. The charges were later dismissed and the

McKevers filed a \$5 million civil rights suit.

A jury last month rejected the McKevers' claims of false arrest, undue force, and racial discrimination but it did find Burke conducted an unreasonable search. The jury awarded the McKevers \$600 in compensatory damages and Burke was ordered to pay the McKevers \$100 in punitive damages.

Police spokesman Robert Wolfgang said immediately after the award that the court's judgment confirmed the department's feeling that the officers had acted properly, and that Burke would not be disciplined.

Mark Mishler, a member of the coalition, said his group feels Burke should be disciplined. In a letter which he will present to the Police Community Relations Board next month, the coalition's chairman and chairwoman, Vera Michaelson and Merton Simpson, noted the McKeever case is not the first time Burke has been involved in such an incident.

In 1984, the city settled a claim brought by another black woman, Mary Keyes, who Burke reportedly hit over the head with a five-cell flashlight. According to court papers, Keyes attempted to intervene during the arrest of her son. The city settled for \$9,700 including attorney fees.

The coalition letter termed it "bizarre" that Burke was disciplined in neither case. "The police department should regard court decisions against police officers as conclusive proof" of wrongdoing, the letter said, and charged public confidence would suffer if the department does not act to discipline Burke.

7/21/87

More racial attacks show 12/27/87 need for special prosecutor

By Jeffrey Jones

Governor Cuomo should appoint a permanent special prosecutor with statewide authority to investigate incidents of racial violence.

He is wrong when he says, as he did at a press conference last Tuesday, that the successful prosecutions in the Howard Beach case — teenagers Jason Ladone, Jon Lester and Scott Kern were convicted of manslaughter — prove such an official is not needed. It was as the result of community pressure that Governor Cuomo gave the task of prosecuting the Howard Beach attack to special prosecutor Charles Hynes. That Hynes now says he will look into Queens District Attorney John Santucci's initial handling of the case only emphasizes how local political considerations stymie

Jones is a member of the Capital District Coalition Against Apartheid and Racism.



JASON LADONE

prosecutions in racial violence cases.

More importantly, Howard Beach was only one of an alarming number of racial attacks. Several have occurred

two events.

On Nov. 22, prison guards at the Orange County jail in Goshen used fire hoses and night sticks to subdue nine black and Latin prisoners. According to a Poughkeepsie lawyer who interviewed several of the inmates, some of the guards wrapped towels or pillow cases around their heads in order to conceal their identity and used racist language during the assault.

Lilly Howard, the mother of one of the inmates, told me on Dec. 7 that her son still had not received treatment for a concussion he suffered when forced through a gauntlet of prison guards. "They are stalling, hoping it will go away," she said.

Once the nine inmates were out of the cells, guards took their wet clothes, mattresses and personal possessions. Windows in the jail were opened, and left that way all night. Temperatures in the jail soon fell below freezing. When the inmates asked for dry mattresses, they were given some which had been set aside in storage due

within the past month.

In the early morning of Nov. 21, a gang of white youths attacked Alfonso Smith, a young black, at about 1 a.m. in a Peekskill gas station. "If a car had been coming, it could have been Howard Beach all over again," reported Hayward Burns, dean of the Law School of the City University of New York. Burns, who is black, was on his way home from the annual Peekskill NAACP awards dinner when he stopped for gas. He noticed a group of young white men "storming across the station." One of the gang was holding a lead pipe. Another said "get my knife" as he approached the car where Smith was a passenger.

Three members of the gang then charged Smith, who had left his car, forcing him onto the highway. Using the word "nigger," the gang chased him on foot until Burns was able to get the young man into the back seat of his car.

On Thanksgiving Day, Nov. 26, after an article that included Smith's ad-



JON LESTER

dress had appeared in a local Westchester County paper, his house was burned. Peekskill police acknowledge it was arson, but do not connect the



SCOTT KERN

to possible lice and crab infestation.

Lillie Howard is very angry. "I feel very bad, very frustrated and very
See RACIAL / D-2

RACIAL

Continued from D-1

vulnerable that my child is in the hands of people who don't care," she told me.

Then on Nov. 25, in Wappingers Falls, Dutchess County, Tawana Brawley, a black 15-year-old honor student and high school cheerleader was abducted by an unknown white man who showed her a police badge and forced her into his car. She was taken to a wooded area where five more white men sexually assaulted her. She was found dazed and traumatized three days later. Her hair had been cut and smeared with feces and she had been beaten. The word "nigger" had twice been written on her stomach and the letters "KKK" had been written on her breast.

Clarence McGill, executive director of the Dutchess County Committee Against Racism, conveyed the Black community's sentiment when he said at a protest rally, "Those six men are

still in your community; don't forget that. They're still out there."

The Brawley family believes she was abducted by police officers and has refused to cooperate with local officials. Dutchess County District Attorney William Grady has requested a grand jury investigation, and County Sheriff Fred Scoralick has threatened to subpoena the victim. Much like the Howard Beach situation, outside investigators must enter this case.

It was just a year ago, on Dec. 13, 1986, that Jimmy Lee Bruce Jr., 20, a young black Ellenville, Ulster County, resident, was choked to death by an off-duty police officer working as a security guard at a Walkill movie theater. Repeated request to the governor for a special prosecutor in the Bruce case, which occurred only six days before Howard Beach, went unanswered and there have been no county or state indictments in the case. Lawyers for the Bruce family are now turning to the federal courts in the search for justice.

With much justification, these Hudson Valley black communities feel they

are under increasing threat of racial violence. It remains to be seen if the verdict in the Howard Beach case will stem this tide. Meanwhile, black and Latin prisoners in the state's jails have their human rights violated. Young blacks are attacked and sexually assaulted. The disease of racial violence appears within the law enforcement agencies themselves and the black community sees evidence that the Ku Klux Klan exists in our state.

There is a growing trend of racial violence, and a growing lack of trust that state officials are doing anything about it. This is why Gov. Cuomo should not be giving himself a pat on the back for the Howard Beach convictions. Black leaders I hear say these convictions were the result of demands for the special prosecutor, and that in New York's more isolated upstate communities, where the political pressure is not as great, not enough is being done. A special prosecutor with statewide powers in all race-related cases would be one way for Gov. Cuomo to demonstrate his leadership now.

8/8/87 - T.U.

Rights groups press Albany to clarify its AIDS-list policy

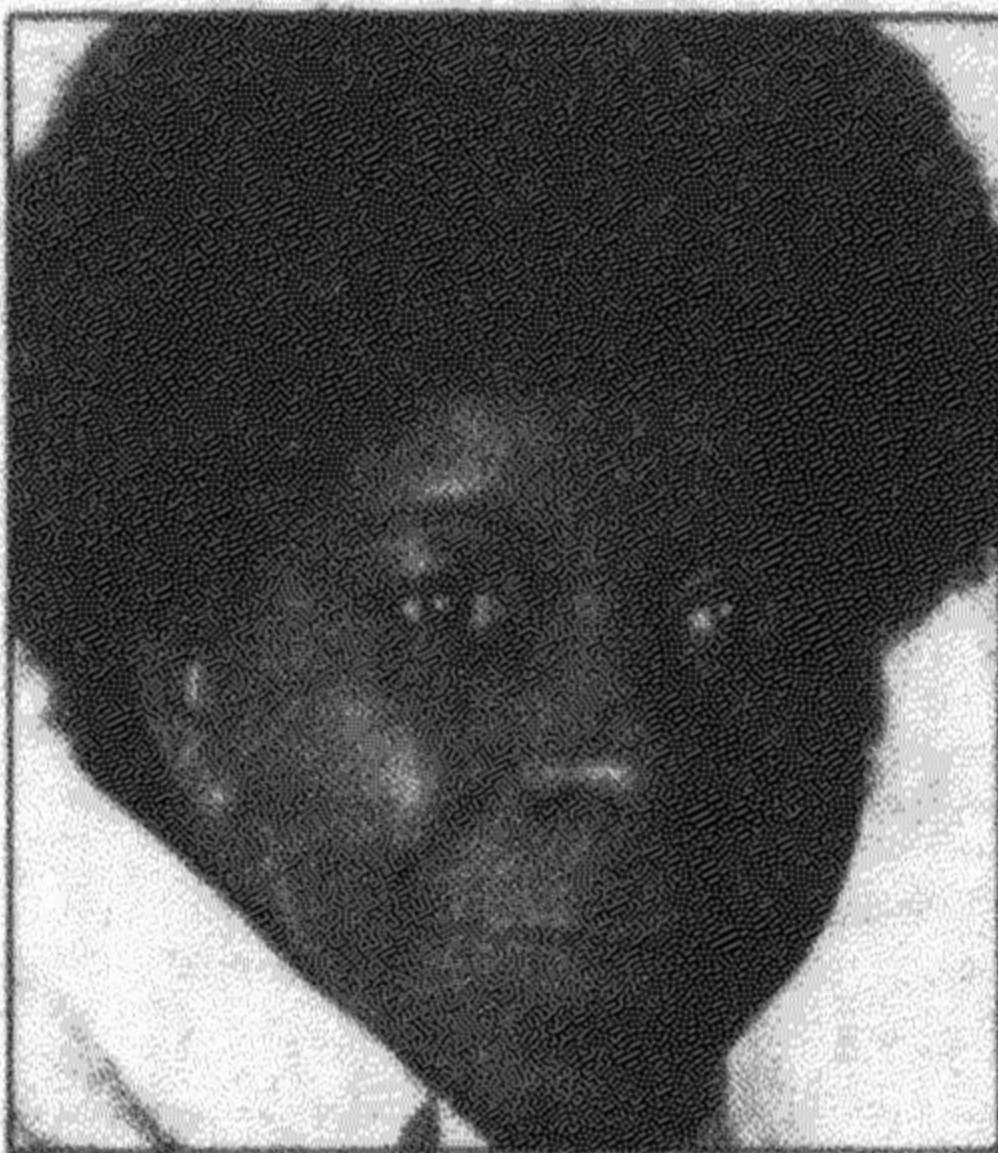
By Deborah Gesensway
Staff writer

Three city and state organizations concerned with civil liberties and civil rights Friday formally asked Albany officials to clarify whether any lists of AIDS sufferers are being kept by city agencies and if so, to detail what the lists are going to be used for.

In a letter to Mayor Thomas M. Whalen III, the Albany chapter of the National Association for the Advancement of Colored People and two New York City based organizations — the New York Civil Liberties Union and Lambda Legal Defense and Education Fund, a homosexual-rights organization — filed a request under the state's Freedom of Information Law for all city records pertaining to lists of AIDS victims or carriers of the virus thought to cause the fatal immune system disease.

Vincent J. McArdle Jr., Albany's corporation counsel, said his office will be reviewing the Freedom of Information request before deciding what information about the lists the city will release. Whalen couldn't be reached for comment Friday.

"We thought this was important to do because there are a lot of civil liberties issues involved with any lists," said Robert Levy, a staff attorney for the civil liberties union who said he knows of only one other municipality — Rochester — where



ALICE GREEN
cites contradictions

lists similar to Albany's have been compiled. "Maintaining a list is a violation of people's confidentiality. What's going to happen to these people? They're often denied employment, kicked out of their apartments."

Levy said that when lists are kept "there is always a threat of abuse by police. What are they going to do with the people? Isolate them in a dehumanizing way if they're arrested? Maybe not respond as quickly to an emergency at an address on a list?"

Representatives of the Albany police and fire departments have said the two departments have been keeping track

of AIDS sufferers and people suspected of carrying the virus that causes the disease. Names and addresses on the lists apparently have been compiled by officers based on first- or second-hand information.

When the lists first came to light one month ago, police defended them, saying they need to know when to take special precautions. But last week, they announced they were discontinuing the list because of their inability to compile a complete and accurate list.

High-ranking fire officials have confirmed the existence of a list, but the department's chief has said the department keeps no such record.

Alice Green of Albany's NAACP said that since these contradictory statements have been made about the existence of department lists, the need to get an idea of the city's policy on them is even more important.

"Were copies given out to individual police officers before it was officially abolished?" Green asked. "How aggressive is the department going to be in enforcing this ban (on keeping lists)?"

Green said that after national newspapers picked up local press reports of the Albany lists, the two New York City organizations contacted the Albany NAACP to see how they could help with a drive to have the lists abolished.

Police board member accused of conflict

By Jay Jochowitz

Staff writer

An Albany Community Police Relations Board member who sought disciplinary action against a city detective Monday was accused by the police department and a board colleague of conflict of interest in pushing for the probe.

Both Deputy Chief Wilbur Stott and the Rev. Robert Dixon, chairman of the board, sharply criticized Mark Mishler for trying to seek a renewed investigation of Detective Valerie Von Dollen Burke while Mishler is a member of a law firm that represented clients who filed a \$5 million dollar civil rights suit against the officer.

"You can't sit on a board and be fair in your decisions when you're tied in on the other side," Dixon said. "It is conflict of interest if your firm is representing somebody; you shouldn't even discuss it."

Mishler, who has stated he will not vote on matters concerning clients, maintained his legal interests do not preclude him from raising issues as a member of the board. He said the board's existence is based on the idea that people serving on it might have views and interests that conflict with those of police.

"I do not believe that by being on this board I'm supposed to come here with a clean slate and an empty mind."

Since this summer, Mishler has been seeking disciplinary action against Von Dollen Burke for her involvement in two cases: the 1982 arrests of a black couple, Donald and Barbara McKeever, and a 1980 incident involving another black woman, Mary Keyes.

Keyes, according to court documents, attempted to intervene in the arrest of her son, and Von Dollen Burke allegedly hit her over the head with a flashlight. Von Dollen Burke was held liable in the case and the city settled for \$9,700, including attorney fees.

She also was held liable by a federal jury this summer for illegally searching the McKeever apartment during a 1982 arrest. Police had responded to the McKevers' residence on a complaint of possible child abuse, and the couple was arrested after a scuffle with Von Dollen Burke. The charges

were later dropped.

The McKevers, who sued for \$5 million, were awarded \$600 plus costs.

Mishler is a member of the firm representing the McKevers — Walter, Thayer & Long — which is now seeking \$40,000 in legal fees from the city.

After the McKeever decision, Mishler presented a request for a new police internal affairs investigation of Von Dollen Burke. He brought the request on behalf of the group he represents on the board, the Capital District Coalition Against Apartheid and Racism.

The department took no action against Von Dollen Burke, and Deputy Police Chief John Dale said none is planned. Dale said neither Keyes nor the McKevers filed a complaint with the department against Von Dollen Burke, and the one-year limit for an investigation to take place has passed.

Mishler, however, maintains that Von Dollen Burke is still open to an investigation. He contends an investigation was started into the McKeever case less than a month after the arrest, and claims to have copies of the internal affairs report. Dale, who at first denied an investigation was done, conceded one might have been started.

Additionally, Mishler contends, the court rulings on Von Dollen Burke indicate she was involved in crimes — assault in the Keyes case and criminal trespass in the McKeever incident. That, he feels, puts her outside the department's one-year limit on misconduct investigations.

The Community Police Relations Board, however, decided in an executive session not to pursue further investigation from the department, Dixon said later.

Mishler, who was excluded from portions of the executive session, defended his role in bringing the matter before the board. He said he feels he could have voted on the matter as well, but acknowledged that could raise conflict of interest questions.

But Stott, who raised the issue of a conflict, said even bringing the matter before the board was a conflict for Mishler. "There's a very serious situation when his law firm is representing a client and he's using this board to extract information," Stott said.

...WYER / B-4

Racial incident goes to dispute mediation

By Mary D'Ambrosio
Staff writer

COLONIE — Just what happened between a white high school principal accused of using "slightly excessive force" against a black student, and her mother who shortly afterward allegedly slapped the principal and accused school officials of condoning racism, may never be made public.

A town justice Wednesday suggested that South Colonie Central High School Principal Theodore Gilkey and the parents of 16-year-old Kindra Sims into private mediation to iron out their differences, and advised them not to discuss the negotiations with reporters.

The chief mediator will be Sheri Ackerman, executive director of the Albany Dispute Mediation Program.

Among the cases Ackerman handles for the courts are student-teacher disputes, she said. Ackerman said the results of the mediation would be binding if both parties sign an agreement.

After a meeting with the mediators — who could call in as many as 30 people to discuss the case — the

Simses and Gilkey are to return to court April 29.

"The court feels that it needs a little more information before it can do anything with the case," Town Justice Nicholas Greisler said during a 10-minute discussion with the parties.

"Hopefully, mediation will address the problem in its entirety," Greisler said.

The concerns about alleged racism in school drew public attention March 31, two days before the confrontation, when Marjorie and David Sims appeared at a school board meeting to complain that their daughter had been harassed by white children because of her race, and to charge that school officials condoned racism.

On April 2, they visited Gilkey to further discuss the feelings, leaving about 1 p.m., according to Assistant Superintendent Donald McDonald.

According to McDonald, Kindra Sims was walking down the hall later that afternoon when Gilkey took her by the arm to summon her into his office after an assistant principal asked him

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**Capital District Coalition
Against Apartheid
and Racism**

Box 3002 - Pine Hills Station
Albany, NY 12203

A Project of the Social Justice Center

August 14, 1987

Committee on Police and Racial Violence

Basic goals:

1. provide information to the community about police and racial violence in Albany and the United States
2. create an atmosphere where concerns and issues about police and racial violence can be raised
3. work toward police accountability to the community
4. draw linkage between racism in South Africa and the U.S.

Dear Brothers and Sisters,

- At our last meeting on July 23rd we discussed the following issues:
1. Proposal by Naomi Jaffe for a statewide campaign making demands that New York State be made a sanctuary state for refugees from Central America and a call for a standing special prosecutor for cases of racist violence. We discussed the links between racism in the U.S. and Central America and the ways in which the racism leads to policies of violence. Further discussion on our potential involvement in this campaign is planned
 2. Demand for discipline of Officer Von Dollen Burke as a result of the McKeever case outcome. Mark Mishler will officially present this demand at the next meeting of the Albany Community Police Relations Board in September. Follow up discussion needed to address other ways our committee will deal with this issue.
 3. Brainstorming ideas about ways the community could develop a mechanism for helping people who have trouble with the police. Odell to send out letter to several community groups and individuals who might be willing to work on this project. Report due at next meeting.

All of the above issues need to be discussed at the next meeting scheduled for TUESDAY, AUGUST 25th, 1987 at 7:00 pm at the ALBANY URBAN LEAGUE, LIVINGSTON AND TEN BROECK

This will be an important Fall planning meeting, please try to be there.

In struggle,

Odell Winfield
Eileen Kawola