

# Whalen admits 'problem' between police, blacks

By JOHN MORAN  
Gazette Reporter

ALBANY — In a turnaround from previous statements, Mayor Thomas M. Whalen III told the revamped Community-Police Relations Board last night that there is a "perception problem" between police and the black community over alleged police abuse.

Several weeks ago, a day after a demonstration in front of Whalen's home against alleged abuse, the mayor said he didn't think relations were deteriorating between the black community and police. Last night he said, "There's a perception problem for police in the city. There's no doubt about it."

"If there are isolated proven incidences of police misconduct, you have my assurance that those in-

stances will be dealt with promptly," Whalen told the board, which was meeting for the first time in almost a year.

Police Chief John Dale also addressed board members, saying his department will cooperate 100 percent with their efforts.

The new board was criticized by former members of the old board, which all parties agree was a failure. Former board members said the new panel will not improve relations between the police and the community.

"It's simply a public relations mechanism," said former board member Alice Green, who now directs the Center for Law and Justice. "It's not independent. It has no power. It's the mayor's board."

Green had represented the National Association for the Advancement

of Colored People for a time under the old board structure, where groups such as the NAACP designated individuals to serve.

Green's condemnation of the new board was joined by Merton Simpson, coordinator of the Capital District Coalition Against Apartheid and Racism, which also formerly had a representative on the board.

Green and others have called for the formation of a civilian review board with investigative powers to look into police matters. Whalen and Dale reiterated their opposition to such a move last night.

"I'm professionally opposed to a civilian review board, because the dispensing of discipline has to come from the chief," Dale said. "Review boards don't work. They never work. It's been tried in a number of cit-

ies." Simpson and Green countered this attitude in a written statement saying, "We firmly believe that citizens ought to have some oversight and control over those they have empowered to use physical and deadly force."

In addition to representatives from groups, the old board consisted of members of the Police Department and members of the city's Human Rights Commission. The new structure, which Whalen announced in April of last year, consists of 11 members, two from the Police Department, three from the rights commission and six from the community.

Of the community members three are at-large, one represents the students of the State University of New York at Albany, and there is one each

from the 2nd and 3rd Wards. The student designee and one at-large member have yet to be named. All members are appointed by the mayor.

The three members of the rights commission — Rabbi Martin Silverman, the Rev. Beresford Bailey, and James Albee — are all veterans of the old board, as is the Rev. Robert W. Dixon, who is now an at-large representative.

Following remarks from Whalen and Dale, the board held a short meeting, forming a nominations committee to seek members for chairman, vice chairman and secretary.

Silverman suggested that at the next monthly meeting the board should be briefed by officers from the Police Department's Internal Affairs Unit on the department's procedures

for investigating complaints of police abuse.

Currently there are six abuse complaints being investigated stemming from a Nov. 30 fracas in which five people were arrested. Police Lt. Robert Wolfgang, one of the department's representatives on the board, said last night that the complaints are still being investigated.

In addition to that incident, community concern has been raised by the apparent suicide of Corey Sheldon, a young black man who police say they found hanged by his shirt in the Division II lockup.

Whalen said the "tragic and unfortunate" Sheldon incident had "created an apprehensive atmosphere that Chief Dale and I want to be eliminated."

"If there are problems we will deal with it no matter where it falls."



RAY SUMMERS Gazette Photographer

## Two boys hurt

Rescuers from the Duaneburg Ambulance Corp. and Delanson Fire Department help two boys hurt after they were hit by a car yesterday morning at McGuire School Road and Garnsey Road in Duaneburg.

car driven by Richard J. Haver, 33, of Amsterdam, went out of control and hit them. They were taken to St. Clare's Hospital in Schenectady. McCarthy was admitted with a fractured shoulder and ankle.

## OBITUARIES

### Edward L. Young, 76; was dairy farmer and businessman

FORT PLAIN — Edward L. Young, 76, of Paris Road died yesterday morning at home after a long illness.

Born in Saranac Lake, Mr. Young was educated in Herkimer schools. He operated a dairy farm in the town of Minden while working at Remington Arms in Ilion during World War II and also while operating the Young Crest Implement Co. in Fonda for 19 years.

Mr. Young was a communicant of St. James Roman Catholic Church.

Survivors include his wife, Helen Smith Young; three sons, Edward L. Young II of Palatine Bridge and Douglas F. and Ronald M. Young, both of Fort Plain; four sisters, Amy Sirt of Middleville, Herkimer County, Delima Bartlett of Saugquoit, Oneida County, Jenny Nichols of De-

troit, Mich., and Agnes McGuire of Boise, Idaho; 11 grandchildren; and two great-grandchildren.

A Mass of Christian burial will be celebrated at 11:30 this morning at St. James Church, Reid Street.

Spring burial will be in Mohawk Cemetery, Mohawk.

There will be no calling hours. Contributions may be made to the Mid-County Volunteer Ambulance Service.

Arrangements are by Swartz & Schmiedel Funeral Home, 34 Center St.

### Marie Crannell

AMSTERDAM — A service will be held tomorrow for Mrs. Marie E. Crannell, 63, of Holland Gardens Apartments, who died Sunday at her daughter's home in Fonda after a long illness.

Born in Brooklyn, Mrs. Crannell was educated in Summit and lived in Broadalbin for many years before moving to Amsterdam.

She was a bookkeeper and was employed at the Horig Group until her illness.

Survivors include a son, Richard Crannell of Minetto; two daughters, Char Walker of Fonda and K.C. New-

### Robert Gibbons

SCHENECTADY — A service will be held for Robert D. Gibbons, 64, of 37 Calypso Cay, Vero Beach, Fla., formerly of Schenectady, who died Sunday at Indian Memorial Hospital, Vero Beach, after a short illness.

Born in Schenectady, Mr. Gibbons lived there most of his life until moving to Florida this past August.

## Whalen urges better police-citizen relations

By Catherine Clabby

Staff writer

ALBANY — Mayor Thomas M. Whalen III told members of the city's newly reorganized community-police relations board Monday he recognizes that some who live in this city, particularly in black neighborhoods, are suspicious of local police.

"There is a perception problem for the police in the city, there's no doubt about it," said Whalen, referring to recent allegations of misconduct connected to the alleged beating of members of an Arbor Hill family and suspicions expressed over the apparent suicide of Corey Sheldon, a young, black robbery suspect.

Whalen stressed, however, that he does not believe the suspicions are based in fact.

"Those instances, I think, have created an apprehension in the community that is not well founded. But it's an apprehension none the less that Chief (John) Dale and I want to be eliminated," said Whalen, whose home for the first time in memory earlier this month was the site of an angry demonstration in the wake of Sheldon's death.

That demonstration occurred after a meeting at the Arbor Hill Community Center — attended by more than 100 people — held to inform people how to file complaints

about alleged police brutality.

The mayor on Monday called on the nine members appointed to date to the 11-person panel to help him build a more "positive" relationship between citizens and the police department. He assured them any allegations of police misconduct will be taken seriously and investigated.

"If there are isolated instances of police misconduct, you have my assurance that those instances will be dealt with correctly and promptly," he said, a promise repeated by Dale, who also appeared before the panel.

The community-police relations board has been dormant for nearly a year following Whalen's criticism of its former makeup, which included representatives of some organizations critical of the board's inability to direct and make public the results of internal police investigations. The mayor rejected a recommendation by that body that members be given such powers, a proposition Dale also opposes.

Comprised of neighborhood representatives, members of the city Human Rights Commission, police officers and a State University at Albany student, the new panel will have the ability to accept citizen complaints of police misconduct and review the results of department probes. If board members don't agree with the results of those probes, they can ask Whalen to order

a second review.

Board members also are expected to make recommendations to the mayor and the police department on how to enhance mutual trust and respect between citizens and police, to funnel concerns from the community to police and to prepare an annual report.

Alice Green, president of the Center for Law and Justice Inc., a longtime critic of the police department and a one-time board member herself, distributed a press release at the meeting that faulted Whalen's rejection of increased powers for a citizens' panel.

"The new structure ... appears to be nothing more than another clever attempt on the part of the mayor to create the impression that there is no problem of police abuse in our community and that a powerless body under his guidance can function to simply improve community-police relations," she wrote.

Two newly appointed members, questioned after the meeting, were more optimistic that the panel can be independent and offer substantive assistance.

Lloyd Ballou, the son of Arbor Hill Alderwoman Sara Logan, said he thinks the board can be of help to people looking to file complaints against police when merited. "We're not here to just sit around a table,"



Mayor Thomas M. Whalen III  
... "a perception problem"

he said.

Marilyn Hammond, a South End resident and outreach worker for the Evangelical Protestant Church, said the city's police department is made up mostly of helpful people with a tough job. That doesn't mean, she said, there aren't "a few bad apples."

Other members include the Rev. Robert Dixon; Gail Elliot, Rabbi Martin Silverman, James Albea, the Rev. Berseford Bailey, Police Lt. Robert Wolfgang and Capt. Vincent Foley.

Board members agreed to meet the fourth Monday each month. Their next session will be held Feb. 25 at the Arbor Hill Community Center.

have 10 days to straighten problem out.

The department receives about 350 to 400 complaints of zoning building code violations a year, according to Ralph Hildenbrandt, department director.

"We have handled complaints years, 15 or more years, ever since there has been a Building Department," said Hildenbrandt. "Complaints have expanded because junk cars. We've been more involved for the last 10 years."

### Man charged with

TROY — A 23-year-old city pregnant girlfriend.

John R. Janiszak of 66½ Sixth with assaulting Susan McGraw.

Janiszak was charged with the City Court Judge Patrick McGraw County Jail and is due back in court.

McGraw told police that Janiszak sleeping on his bed and he began screaming, McGraw charged through her nose and mouth and causing

McGraw's glasses also were pregnant, did not seek medical treatment.

### Sewer district plan

MENANDS — The Albany County award from the Environmental

The plant was selected to represent New Jersey, the Virgin Islands that occurs later this year.

The award was made on the list in the category of plants with a

The plant is designed to handle day and has been in operation cities of Albany, Cohoes and Guelderland, and the villages of

### Radio club to start

TROY — The Amateur Radio Club accept messages of 25 words or less from the Persian Gulf.

The messages will be sent to Saudi Arabia, where they will

The messages are expected two weeks for regular mail.

For information, contact J. J. 276-3131.

## Albany police to vote on contract settlement

By Joe Mahoney

Staff writer

ALBANY — The Albany Police Officers Union will vote next week on a tentative settlement in the negotiations for a new police contract.

Union and city officials on Monday withheld details of the 2-year package, pending the ratification vote next week by the rank and file of the 320-member union.

Howe police department sources said the agreement would give officers pay increases of approximately 5 percent a year for the two years

covered by the contract.

Police have been working without a contract since Jan. 1, and the pact would be retroactive to then.

Detective James W. Tuffey, president of the union, said the proposed agreement will be presented to the union membership at two meetings Thursday at the Knights of Columbus Hall on Ontario Street. The ratification vote will be held a week later.

"In this economy, it's a fair settlement," said Tuffey, declining to comment on the particulars in

the agreement.

The agreement covers three units within the union: patrol, sergeants and lieutenants, and captains and inspectors.

City Corporation Counsel Vincent M. McArdle Jr. said the downturn in the national economy weighed on the negotiations. "Both sides think it was fair under the present circumstances," he said of the agreement.

Among issues dividing the two sides had been whether Martin Luther King Jr. Day would be added as a paid holiday.

LETTERS TO THE EDITOR, THE "ALBANY TIMES UNION"

1-16-91

Jail death probed <sup>TU</sup>

To the Editor:

<sup>1-16-91</sup>  
Alice Green and several other members of the community have been very vocal in expressing their outrage about the recent death of Corey Sheldon at the Division 2 police lockup. Mr. Sheldon's death was clearly a tragic and unfortunate event. I am nevertheless very concerned about the serious and unsupported allegations that are currently being made about the role of Albany police officers in this case.

If any officers were negligent or otherwise at fault, they should be punished appropriately. It serves no constructive purpose, however, to inflame passions while the case is still being investigated. As a former member of the Commission of Correction's Medical Review Bureau, I can assure the people of Albany that the commission conducts thorough and impartial investigations of all inmate suicides.

The Commission of Correction is an independent state agency with no ties to the Albany Police Department. A trained investigator will be assigned to gather evidence in this case, and his/her report will be reviewed by a panel of medical and psychiatric experts before the commission releases its findings. The members of this panel are appointed by the governor and serve without compensation. The panel currently includes Dr. Michael Baden, a world famous forensic pathologist who has participated in a number of highly complex and technical cases around the world. If Albany police officers are guilty of any wrongdoing, the commission will document it and advise the appropriate authorities.

It is essential that we keep an open mind despite the opinion of certain individuals that Mr. Sheldon would never have committed suicide. I have personally investigated inmate suicides in which the victim had no known mental health history and had never advised family or friends of any suicidal thoughts. The evidence subsequently showed that their decisions to end their lives were impulsive reactions to highly stressful situations in which they were isolated from their support systems and were experiencing great fear or uncertainty about their fate. It is also important to note that a person can die within three minutes of hanging himself/herself. Nothing short of constant supervision will ever prevent all future suicides in the lockup.

It is irresponsible to circulate rumors about what the Albany police might or might not have done in the Sheldon case. Basic fairness and objectivity require that we refrain from making unfounded allegations while the case is still being investigated.

DENNIS MCCARTHY, PH.D.

1-25-91

<sup>AJZ 1-25-91 TU</sup>  
Replies to accusations

To the Editor:

In a recent article in *The Times Union*, Mayor Whalen reportedly accused me of exploiting the unfortunate death of Corey Sheldon. Then, in a letter to the editor on Jan. 16, Dennis McCarthy, of the state Division of Criminal Justice Services, accused me of "inflaming passions" by making unsupported allegations about the role of Albany police officers in the death of Mr. Sheldon.

Both claims are totally false and reckless.

It is most disturbing that these two men, who hold responsible positions in our community, can be so careless and irresponsible in basing their accusations on totally false information.

As I wrote to the mayor, I have never publicly or privately questioned whether Mr. Corey's death was other than a suicide. Others are charged with the responsibility of investigating the circumstances surrounding his death. On the contrary, our office issued a statement the day after his death lamenting the fact that another suicide had taken place in the Albany Police lockup.

I fear that the unfounded allegations of these two men are designed to mask the real issues which I have raised repeatedly, and will continue to do so. That is, procedures at the lockup should be changed to prevent another suicide from occurring and police should be made more accountable to the community in order to insure justice and restore confidence in our department.

ALICE P. GREEN, Ph.D.  
Albany

*The writer is president, Center for Law and Justice, Inc.*

## Police to Restrict Filming of Political Rallies

By SELWYN RAAB

New York City Police Commissioner Lee P. Brown has issued new rules limiting police surveillance of political activities after an oversight panel found that officers had improperly photographed and videotaped participants at street rallies concerning Cuba. The stricter guidelines stemmed from complaints that the police had violated a court agreement by photographing the faces of supporters and opponents of President Fidel Castro of Cuba at a demonstration and counter-demonstration in midtown Manhattan last April 7.

In a report last week to Mr. Brown,

the oversight panel said that three officers had taken 35 close-up still pictures and seven minutes of videotapes of demonstrators. It said that the filming had violated its guidelines. But the panel concluded that two of the officers had been unaware of the guidelines, and that the third had focused on the demonstrators inadvertently.

Under a 1985 Federal court order known as the Handschu agreement, the Police Department is prohibited from photographing people who are not under arrest or committing crimes. The original guidelines permit only the filming and photographing of police

demonstrations to help supervisors review their crowd-control methods.

The Handschu case was a suit by a group who contended that the police had violated their constitutional rights by monitoring their political activities. As part of the settlement of the suit, named for one of the plaintiffs, a panel of two deputy police commissioners and a civilian was created as the Handschu Authority to oversee and approve political surveillance.

Noting that two of the officers who photographed the demonstrators in April were unaware of the previous guidelines and restrictions, the authority in its report recommended that all

the department's 26,800 officers be given clearer directives. The report said that a third officer who was aware of the Handschu prohibitions had inadvertently focused on demonstrators while taping officers moving from the front of a line of marchers to the rear.

### Chief Cleared of Wrongdoing

The authority, by finding there had been no intentional violations of the old guidelines, in effect cleared of wrongdoing the Manhattan South Borough Commander, Assistant Chief Thomas P. Walsh. Chief Walsh had ordered the use of videotape and still cameras.

In revised guidelines issued on Thursday, Commissioner Brown said that the use of still or video cameras was allowable only if there was a "bona fide need" to prepare material on crowd control or if there was a reason-

able belief that crimes or arrests would occur.

He also said requests to use the equipment must be approved by the Chief of the Department, Robert J. Johnston Jr., the force's highest ranking uniformed officer. Chief Johnston will review all photographs and video tapes within 60 days to determine if they conform to the guidelines.

The Commissioner also ordered that an annual report be submitted to the authority describing all photographic and video monitoring by the police at political rallies.

Jethro M. Eisenstein, a lawyer who represented the plaintiffs in the Handschu suit, said the authority's report "recognized that violations had been committed by officers in civilian clothes" and that the previous guidelines had been unclear. The new rules,

he added, will require the police to fully justify their reasons for filming political demonstrations.

The organizations in the April demonstrations were the United States Hands Off Cuba Coalition, a pro-Castro group, and the Junta Politica Club and the Cuba Civic Forum, which sponsored the anti-Castro rally.

The complaints were filed by the New York Civil Liberties Union and four lawyers. The suit was the third controversy to develop over compliance with the Handschu agreement. In 1987, the department acknowledged that intelligence officers had covertly attended meetings of the New York City Civil Rights Coalition. In 1989, the department was found to have improperly recorded political views expressed on a radio station, WL1B.

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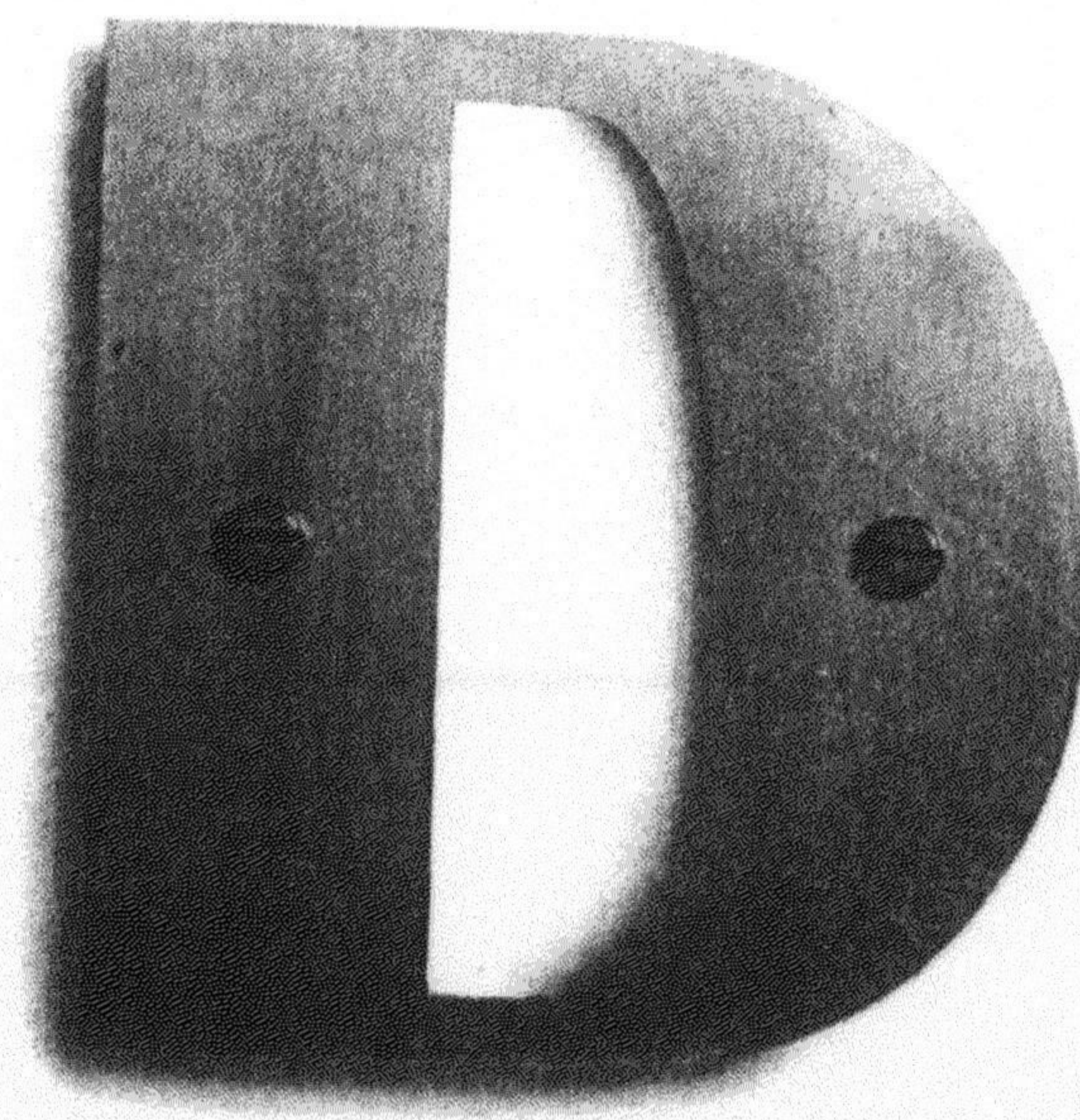
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# Minorities still wary of police

## Abuse by officers alleged in Albany

By John Caher  
and Catherine Clabby

Staff writers

ALBANY — While city officials maintain that police uphold the constitutional rights of black people, they now are acknowledging the widespread perception that cops who abuse their power is a problem in itself.

No incident in recent memory better illustrates the depth of citizen suspicion than the death last month of Corey Sheldon, a 21-year-old black robbery suspect who police said hanged himself in the department's downtown lockup. Although a county coroner said two pathologists — including one retained by the Sheldon family — concluded the man committed suicide, his relatives and other members of the black community were convinced there was foul play by police.

"There is a problem if a segment of the community believes we would even do something of that nature," said Chief John A. Dale, the first African-American to head the department. "It occurred during a time when there were other accusations of police brutality. This sealed the fire."

Dale, who became chief in February 1988, said some suspects are quick to allege police abuse, hoping to win leverage in a criminal case. He maintains that allegations have created a false perception that police mistreat blacks.

Activists and attorneys along with several shopowners and residents of Albany's predominantly black Arbor Hill neighborhood insist the perception is based on reality.

In three federal civil rights lawsuits filed by minority plaintiffs, the city and white police officers paid a total of \$270,900 in damages, penalties and fees.

City officials continue to support the police officers found liable for civil rights violations and attribute the verdicts to quirks in the jury system. None of the officers responsible has been disciplined.

"I'm still convinced that in the case of the McKevers, the jury felt the cops did the right thing. They felt sorry for the plaintiffs, so they threw them a little bone," Corporation Counsel Vincent J. McArdie said, referring to a 1987 case in which a jury found police had invaded the home of the McKeever family while responding to a child-abuse complaint, assaulted the black residents and subjected them to racial taunts.

In small shops along Clinton Avenue, proprietors and patrons interviewed on recent afternoons rattled off examples to prove their point that there is a pattern of police bias. Two men employed on the avenue said owning a new car almost guarantees getting hassled by officers, on the assumption that a black person with a flashy vehicle must be a drug dealer. Two young men contended they had been stopped and interrogated for nothing more unusual than walking down the street. Another man said an officer ordered him to show his driver's license and registration after he stepped out of his car to inspect a tire.

John Wilson, 27, said he was walking in his neighborhood down lower Clinton Avenue on Thanksgiving Day when he encountered at least four police cruisers. For reasons that weren't explained, an officer told him to stop and empty his pockets.

Wilson did so without comment, he said, but was angered by the treatment and is not sure if the police would have acted the same way in a white neighborhood.

"They have a problem. It's a disease that people can't find a cure for," he said. "Racism is a disease."

Another scourge afflicting the neighborhood is the illegal drug trade.

"I want them to wipe all the drugs

See BRUTALITY / C-6

# Albany lawyers seek police brutality probe

By JOHN MORAN  
Gazette Reporter

ALBANY — In the wake of the national uproar over a video showing Los Angeles police clubbing and kicking a black man, two local lawyers are requesting federal investigations into six cases of alleged police brutality by the Albany Police Department.

Terence Kindlon said he and Mark Mishler sent a letter yesterday to the head of the Justice Department's Civil Rights Division in Washington, D.C., and to the top FBI agent in

Albany asking them to look into incidents involving six separate cases the two lawyers are involved with.

Kindlon is handling four lawsuits, seeking from \$1 million to \$7 million, against Albany police, he said. Mishler is handling two cases, Kindlon said.

Information on all six cases is being sent to both federal agencies, the lawyer said.

The lawyers were spurred to ask for federal investigations after President George Bush ordered Attorney General Richard Thornburgh to reopen all complaints of police brutal-

ity filed in the last six years, Kindlon said.

Thornburgh was also prodded by members of the Congressional Black Caucus to widen his probe beyond Los Angeles. The video, shot by a bystander, showed Los Angeles police beating and kicking a black motorist as he lay on the ground.

Kindlon said the FBI is already investigating brutality complaints filed by members of the Cancer family against Albany police following a Nov. 30 incident in which five people were arrested after a melee on Clinton Avenue.

"If Mr. Kindlon opts to ask other agencies to look into these matters, then by all means we will cooperate," said police spokesman Lt. Robert Wolfgang.

Wolfgang said Kindlon and his clients often don't file complaints with the department's internal affairs unit and complaints must be filed to trigger the investigations.

"All along Chief (John Dale) has indicated he will not tolerate any wrongdoing," Wolfgang said.

He added that he was not aware of the FBI looking into the Cancer family complaints, but added that the de-

partment was having trouble investigating the allegations they filed.

"We've had difficulty getting the people involved to cooperate, which makes it hard to come to a conclusion," Wolfgang said.

Kindlon said the widespread airing of the video has changed the way people look at allegations of brutality.

"Now that everybody has seen the tape from L.A. everyone is able to visualize that this happens in America whereas they weren't able to before," he said.

Kindlon said he filed his latest law-

suit yesterday on behalf of John Van Hoesen Jr., 14, of Albany, who says he was struck with a nightstick by a uniformed police officer last August after the officer told Van Hoesen to go into his house.

The youth was standing on his front stoop when the officer arrived to break up a fight, Kindlon said. Van Hoesen turned to go into his home as the officer instructed, Kindlon said, "when the cop cracked him with the billy club and injured his left arm."

The lawsuit is seeking \$1 million in damages, Kindlon said.

## U.S. No. 1 in violent crimes

Americans rape, murder, rob at unrivaled pace, report says

Knight-Ridder Newspapers

WASHINGTON — The United States is "the most violent and self-destructive nation on Earth," the Senate Judiciary Committee said in a report Tuesday.

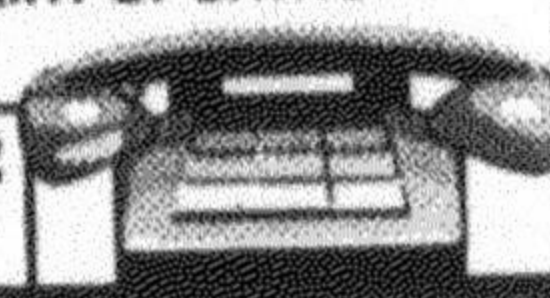
The report depicted Americans killing, raping and robbing one another at a furious rate, surpassing every other country that keeps crime statistics.

The nation's citizens committed a record number of killings in 1990 — at least 23,300, would commit three an hour — and a record num-

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Details, Page 2



"When viewed from the national perspective, these crime rates are sobering. When viewed from the international perspective, they are truly embarrassing," the report said. The report noted that the homicide rate

Turn to Crime, Page 11

Daniels goes to Washington to urge gun

## Crime: Violence in U.S. worst in world

Continued from Page 1

in the United States was more than twice that of Northern Ireland, which is torn by civil war; four times that of Italy; nine times England's and 11 times Japan's.

Violence against women in the United States was even more pervasive, the committee said.

The rape rate in the United States was eight times higher than in France, 15 times higher than in England, 23 times higher than Italy's and 26 times higher than in Japan, according to the report.

Robbery rates followed much the same pattern: six times higher than in England, seven times higher than Italy's — and nearly 150 times higher than in Japan.

The committee's report, based on raw FBI data and preliminary statistics for last year, based its comparisons on Justice Department statistics for industrialized nations. Crime reporting standards vary in those countries, and crime rates for less-developed Third World nations generally are either unavailable or unreliable.

However, the report made clear that violence in the United States has no equal among the world's developed nations.

"More than 1.8 million Americans were murdered, raped, robbed or assaulted in 1990," the

committee said. That makes the violent crime rate last year the highest ever, which means Americans are likelier to become victims of violent crimes today than at any time in modern history, the committee said.

Fewer than 35 Americans became the victims of violent criminals every hour in 1960. Today about 200 Americans are victimized every hour.

In New Haven, as in other crime-ridden cities around the country, the report hits a sensitive nerve.

There were 31 homicides in New Haven last year, down from 34 the previous year.

Bridgeport led the state with 61 homicides, up from 43 in 1989. Hartford's homicide rate dropped from 33 to 24.

New Haven Police Chief Nicholas Pastore said the report should help illustrate the problem, so people can begin to address it. But, he said, addressing the nation's violence does not mean more police and more jails.

Crime is rooted in racism, he said. If people are treated with respect, if they are considered worthy of proper housing, food, protection, education, shelter, then they will in turn respect others.

"They're are too many people living in despair," he said.

"You've got to invest in quality of life."

As for the police, he said, they must be trained to be sensitive to other cultures, and departments should hire more blacks, Hispanics and women, he said.

"The police around this country must get away from that military mindset. They must bend down to lift up," Pastore said.

In the report, Sen. Arlen Specter, R-Pa., a member of the Judiciary Committee, noted that the United States had more than three police officers for every reported violent crime in 1950. In 1990, there were more than three violent crimes for every police officer.

Yet the Bush administration wants to cut federal funding for state and local law agencies by nearly \$100 million, down to \$450 million, Judiciary Committee Chairman Joseph R. Biden, D-Del., said Tuesday.

Biden released the report as he introduced crime-control legislation aimed at increasing federal funding for state and local police by \$1 billion, banning assault weapons and imposing the death penalty for more than 30 federal offenses. Bush submitted his crime bill Monday.

Register reporter Virginia Morris contributed to this story.

# Lawyers seek federal probe of alleged Albany police brutality

□ Cite four cases as indicating a pattern of abuse by law enforcement officers in the city.

By Catherine Clabby  
Staff writer

ALBANY — Two local attorneys who represent clients with pending federal suits alleging police brutality in Albany want the U.S. Justice Department to investigate what they maintain is a pattern of police misconduct here.

Attorneys Terence Kindon and Mark Mishler are seeking probes in light of Attorney General Richard Thornburgh's recent order that a national review of police brutality cases be undertaken. Thornburgh's order followed the national uproar that accompanied reports on the brutal police

beating March 3 of a black motorist filmed by an unseen observer in Los Angeles.

Albany Police Chief John Dale on Tuesday said the attorneys have every right to write whomever they wish, but repeated his oft-stated view that his department has adequate means to investigate such complaints internally.

"I have the utmost confidence in the internal affairs unit," he said. The chief and Mayor Thomas M. Whalen III have conceded that the perception of police brutality exists here, particularly among the city's black community, but insist that it is unfounded.

In two letters addressed to several federal

officials, including an attorney assigned to the Justice Department in Washington, Kindon and Mishler note four cases they have filed in federal court that allege police brutality. Three plaintiffs in the cases are black, one is white.

"We feel that these cases are terribly important and that it's our responsibility to put them immediately in front of the attorney general," he said.

They single out two present officers and one retired officer named in three of the cases in one letter, saying, "We believe that there is a pattern of brutality by certain police officers that rises to a level of being a violation of the federal civil rights law."

The cases cited in the letters include the following:

● Robert Butler of Albany is suing the city

for \$7.3 million, contending that he was riding a bicycle in September 1989 in Arbor Hill when he was cut off by an unmarked police car and knocked to the ground. He alleges that he was beaten by several officers on the street, in a car and at Division 2 headquarters.

● James Lunday of Albany is suing for \$7.13 million and alleges that Kenneth Sutton and other officers in May 1989 kicked and beat him and subjected him to "vile, obscene and racist language" after Lunday refused to identify himself to undercover officers while waiting for his girlfriend outside a city restaurant.

● Daniel Amlaw, a former city resident, is suing for \$7.13 million. He contends that in October 1989 he was assaulted and falsely arrested after he expressed impatience with

officers frisking a woman at the downtown bus station with whom he planned to share a cab.

● McKinley Branch Jr., an Albany man who was suspected of dealing drugs to a 14-year-old, is seeking \$4 million in damages and contends that he was driving on North Swan Street in November 1989 when he was pulled over by three police officers in an unmarked vehicle. He claims that an officer struck him on the head with a flashlight and stomped on his back, and that he was assaulted at the Division 2 headquarters.

Despite repeated phone calls Tuesday to the civil rights division of the Justice Department, a spokesman could not be reached to explain whether the cases could qualify for federal scrutiny as part of the review.

## Man accused of pouring sugar in tank

By Vincent Jackson  
Staff writer

COLONIE — A Wolf Road restaurant owner, accused of pouring sugar into an employee's gas tank, is scheduled to appear tonight before Town Justice Nicholas Caponera.

George P. Carta, 43, of 26 Via Davinci St., Clifton Park, was charged Monday with fourth-degree criminal mischief, a misdemeanor, for pouring sugar into a car, according to the police report.

The incident took place Monday at Long John Silver's Seafood Shoppe, the police report said.

Colonie police investigator Charles Tryon said police are still trying to determine the motive.

Carta, a Brooklyn native, paid \$100 bail and was told to return for his arraignment at 7 tonight.

Donald F. Howell, 21, of Albany said Tuesday that he was working in the restaurant Monday evening when four people from Florida, who were dining at the neighboring Pizza Hut, came into the restaurant and said they saw someone pouring sugar into the gas tank of a gray car. That was Howell's car.

"The witnesses told me not to drive it," said Howell, who has worked at the restaurant off and on since 1986. "Maybe, the guy wanted to kill me."

Howell said he was told that the car would run for a while and then quit because of the sugar and gasoline mixture. He said it cost him \$450 to have the gas tank and fuel cleaned out after the car was towed to a service station.

# EASTER

## Values

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## SHELDON

Continued from B-1

charged with a similar robbery that police said also took place on the Washington Park access road. That charge was later dismissed, however, after the case was bound over for grand jury action and the alleged victim could not be located, authorities said.

It was in November 1989 that Sheldon began attending services regularly at Wilborn Temple First Church of God in Christ on Lancaster

Street, said the Rev. Emmett H. Jeffress, pastor of the Pentecostal church.

Jeffress said he last saw Sheldon on New Year's Eve when Sheldon led the congregation in a "Watch Night" devotional service. "He was very happy and we had a wonderful service," he said. "He didn't talk like he was despondent in any way."

Sheldon's death prompted a demonstration Monday night outside the home of Mayor Thomas M. Whalen III. The protesters voiced skepticism over the police account of the hanging and claimed that police brutality against blacks is widespread. Community activist Alice Green has also contended that the Sheldon case shows that police screening of black prisoners for signs of suicide is inadequate.

On Wednesday, 3rd Ward Alderwoman Sara E. Logan, who represents Arbor Hill, chided the critics of police, saying she feared that they could discourage officers from doing their best work in her neighborhood.

"I don't want to live in a community where police protection isn't at its best," she said.

Those alleging brutality should file formal complaints with the Police Department's internal affairs unit and collect facts before staging highly visible protests, Logan said.

Logan stressed that she was not attacking the credibility of the police critics. She also said she wanted to voice a vote of confidence for John Dale, the city's first black police chief.

"I don't think we could come up with a better person, a more qualified person," she said. "John Dale grew up in this community."

On Friday, Logan will stage a news conference with members of the newly reorganized Community-Police Relations Board to detail her concerns. The board has attracted criticism by some city residents, who believe that the city would be better served by a civilian review board.

Jeffress said he and many others who knew Sheldon are convinced that he would not have killed himself. Asked for his opinion on how he died, the pastor said, "If you don't believe he committed suicide, there is only one other thing you could believe, that it was foul play. Once a person is in the jail, any officer would have access to him. He was in the police custody."

Jeffress conceded that he had no evidence to support his assertion. "I can't indict anybody because I wasn't there," he said.

## ● Churchgoer and robbery suspect

By Joe Mahoney  
and Catherine Clabby

Staff writers

ALBANY — As a somber funeral service was held Wednesday for hanging victim Corey J. Sheldon, a portrait of a young man with two incongruous sides began to emerge, with police records suggesting that he was in trouble on more than one occasion and friends saying he was devoutly religious and law-abiding.

Sheldon, who died Jan. 3 several hours after he was found hanging in the Albany police lockup, was facing a robbery charge after police determined that his fingerprint records matched the prints found in a vehicle used by the robbery victim, detectives said Wednesday.

In addition to the fingerprint identification, Sheldon's photo was selected from an array of mug shots presented to the victim of the Dec. 18 robbery, police said.

Albany police Detective Lt. Edmund P. Flint, who assisted in Sheldon's arrest early Jan. 3, said the 21-year-old suspect showed no sign of emotional distress when he was taken into custody at 41 Third Ave.

"Nothing at all seemed out of the ordinary," Flint said. "There was no sign of any alcohol, no sign of any drug use. He was a perfect gentleman, and he was treated in a most

professional manner."

Less than six hours later, at 8:15 a.m., Sheldon was found hanging from his shirt in Cell 23 in the Division 2 lockup, where he had been lodged at 4:15 a.m. Police said he was checked at 8 a.m. and nothing was amiss. Albany County Coroner Paul Marra has ruled that Sheldon died from hanging.

Sheldon was one of six male prisoners lodged in the lockup that morning, according to Division 2 records. Contacted Wednesday by *The Times Union*, one of the men, James Keneston, 27, of Schenectady, said he heard no commotion in the cellblock from the time he was lodged at 2:05 a.m. until after the time Sheldon was found hanging.

"It was quiet," said Keneston, noting that he was asleep for most of the period.

Sheldon was charged with first-degree robbery for allegedly accosting a 29-year-old Cohoes man on Dec. 18. Police said he jumped into the passenger seat of a Jeep at Englewood Place near Washington Park, ordered the driver to surrender his bank card and money, then forced him to remove his pants and took off with the victim's wallet and \$40 in cash.

On Oct. 17, 1989, Sheldon was  
See **SHELDON** / B-6

## Albany police harassment controversy grows

By JOHN MORAN  
Gazette Reporter

ALBANY — A harassment complaint was filed with the Police Department yesterday by an Albany resident who says police harassed her 18-year-old son Tuesday night as they were in the process of making a drug arrest.

No charges were filed against Karen Johnson's son, Demonya Johnson, 18, who was walking with Hicks down Clinton Avenue when the incident happened at about 7 p.m., was charged with following a prosecution.

Ryan and five others had just filed complaints of police abuse earlier

that day with the department's Internal Affairs Unit. Ryan and several members of the Cancera family claim police beat them Nov. 30 while making arrests outside an American Legion Post on Clinton Avenue.

Authorities say Ryan and several members of the Cancera family jumped officers as they were trying to arrest two men on burglary charges.

Some have accused police of harassing people who make complaints about the police and Mark Mishler, a lawyer for the Cancera, said they have been harassed since they publicly criticized the department. "It certainly raises the question about why this person was arrested on the

day he filed a complaint," Mishler said.

"Police stopped, threw him against the steps . . . and then brought Demonya and Markeen into the house," said Johnson of Tuesday's incident. "I feel that was harassment."

Police arrived at 411 Clinton Ave. to make a drug raid on the basement apartment. When they entered the apartment, they arrested two men there and confiscated 101 vials of crack cocaine, police said.

Ryan faces the hindering prosecution charge for allegedly yelling "Five-0," when police approached. The expression, taken from the television show "Hawaii Five-0," is a warning that police are approaching.

"Demonya said he did not hear Markeen say anything," said Johnson. She said the boys didn't know the people who lived in the basement apartment. Ryan is being held in the Albany County Jail in lieu of \$5,000 bail.

Recent concerns over police abuse have heightened due to the Cancera incident and what police have deemed the suicide last week of Corey Sheldon, who was found hanged in a cell in the Division II lock-up.

In the Sheldon case, Albany County Coroner Paul Marra said an independent pathologist ruled the death a suicide confirming the outcome of his autopsy. He said both ruled the cause of death asphyxiation due to strangulation from hanging.

*Karen J. filed complaint on behalf of 18 yr old Demonya Johnson - from walking with Hicks*

## Albany boosts police force to 320 with 15 new recruits

By KATE GURNETT  
Gazette Reporter

ALBANY — The city added its first class of new police officers in more than a year when Mayor Thomas M. Whalen III swore in 15 recruits yesterday before a crowd of family, friends and fellow police in the City Hall Rotunda.

The recruits bring to 320 the number of officers in the city, the department's budgeted limit.

Last summer, the city passed up a scheduled hiring, despite calls from union leaders and three city aldermen for more police to counter crime and anticipated retirements. Nearly 30 officers will become eligible to retire in 1991, though not all will do so, Lt. Robert Wolfgang said.

"The uniformed services are in many ways our most visible representatives," Whalen told the crowd. "We look to them to project that . . . spirit of enthusiasm and good will."

Chief John Dale, who handed the officers their badges and welcomed them to the "family" of Albany police, said the recruits will take a five-month basic course at Hudson Valley Community College. "But the training starts once they leave the academy," he said.

The all-male class' two blacks and two Hispanics attest to the city's progress toward minority recruitment goals, Dale said. The lone female recruit dropped out shortly before she was to be sworn in, he said.

"We've been recruiting very heavily. But I think we have to do much better. I would like to have the minority representatives at least [equal] in proportion to the [number in the] community," Dale said.

Currently, there are three Hispanic males, 20 black males, two black females, 19 white females and one Asian female on the force.

Three recruits followed family members into police work.

of a single, white, judge. An end to political executions is one of the preconditions laid out by the Organisation of African Unity for genuine negotiations to end apartheid.

The official statement confirmed that Mandela's release was 'not now on the agenda'. The Mass Democratic Movement welcomes the releases as 'first and foremost a massive victory for the international community'.

In the largest of the marches to date in South Africa, some 70,000 people demonstrated in Johannesburg.

1st October 1989  
Day Fifty-Four

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# 6 complaints filed with Albany police

By JOHN MORAN / 4/91  
Gazette Reporter

ALBANY — Six people filed physical abuse complaints with the Police Department yesterday, and the mayor and police chief both accused some involved with the issue of having ulterior motives. Four members of the Cancer family and two other individuals filed

complaints with the Internal Affairs Unit, according to Police Chief John Dale. Five of the six complaints claim the individuals were assaulted by police, including one from Maria Cancer, of Quail Street, who said she was six months pregnant when she was hit in the stomach by officers. Dale said his Internal Affairs Unit had gone as far as it could in its investigation of the Nov. 30 incident

and was waiting for the complaints to complete the investigation. Both Mayor Thomas M. Whalen III and Dale, in separate interviews, said they believed certain people are exploiting the recent surge of concern over police conduct — partially due to what police call the suicide of a 21-year-old black man, Corey Sheldon, while in the city lockup. Whalen specifically named lawyer

Mark Mishler, who is representing the Cancer family in its civil cases, as someone with a self-interest in the issue. "He has several suits against the city," Whalen said. Mishler, who was not aware of Whalen's comments at the time, said he has two lawsuits pending in federal court. See SIX FILE, Page B14

1st October 1989  
Day Fifty-Eight

A spokeswoman said the incident was made very clear by President De Klerk who condemned talks between South African groups and the ANC. The HRC reports that 231 people are being held in detention under State of Emergency legislation, including nine children in Natal.

adhere to the Geneva Convention regarding prisoner of war status for combatants in liberation movements.

4th October 1989  
Day Fifty-One

A magistrate's court in Cape Town hears evidence against two senior white officers of the Cape Town riot squad. Witnesses include...

A Cape Town magistrate hearing allegations against two senior white police officers, brought by Coloured police officers...

12th October 1989  
Day Fifty-Nine

5th Oct  
Day 1

6th Oct  
Day 2

10th Oct  
Day 4

Sheldon, who police say hanged himself with his shirt from an air vent, died of asphyxiation due to strangulation, according to Albany County Coroner Paul Marra. Dale and the lawyer for the Sheldon family, Lewis Oliver, confirmed that the family had a separate autopsy done by an independent pathologist.

"I was appalled at their crowd control tactics," Little said of the police. "The cops were talking to the crowd as if they were all guilty of some crime. There were cops with clubs in hand approaching and pushing people back." White Little said he hadn't arrived while the brawl was underway, he said he was concerned with the way they roughly treated 17-year-old Maria Cancer once she was in custody. "To be pressed up against the car with a knee in her back, I don't think someone pregnant should be treated like that," Little said. Little said nearly 100 people had gathered during the incident and that he, fearing a riot might break out, tried to calm people.

In another development in the Cancer incident, which began as an attempted burglary arrest of two people and turned into a Clinton Avenue brawl with five arrested and four officers hurt, Arbor Hill Democratic Ward Leader Rodney Little said he was disturbed by what he saw that night. "They were being treated in a very disrespectful manner, as if they were animals," said Little of the crowd that gathered around the incident near the front of the Joseph Zolaga American Legion Post.

Continued from Page B1  
eral court and that he knows of at least four other police abuse suits that have been filed against Albany police. "We think this shows a pattern of abuse against blacks, and the mayor has continually said there is no pattern of brutality," Mishler said. He said the Cancers are considering a civil lawsuit, but first they have to deal with the criminal charges they face.

## Six file

1st October 1989  
Day Sixty

4th October 1989  
Day Sixty-One

1st October 1989  
Day Sixty-Two

## WHALEN

Continued from B-1

"an objective, fair review. That's my only goal. That's my personal agenda." She reaffirmed her desire for a civilian review panel.

She and Mishler said the number of people at the demonstration, and the fact that more than 100 people showed up at a meeting at the Arbor Hill Community Center just before the protest, showed that concern about police conduct is shared by many.

Mishler said the idea of a demonstration arose at the meeting among Sheldon's family and friends, who said he did not kill himself. Mishler said the idea that he, Green and a few other activists are fueling discontent is "reminiscent of Ku Klux Klan ideology." He said Whalen's failure to recognize the broad discontent in the black community "suggested such a distance or removal from the reality that many people are experiencing, it's astounding."

Criticism and a call for a deeper review also emerged Tuesday from the Albany branch of the National Association for the Advancement of Colored People, whose president, Anne Pope, questioned whether Sheldon "did in fact commit suicide ... or did something else happen?" Pope also supported the idea of a civilian review panel.

Sheldon, 21, of 4 Mohawk St. was arrested Thursday on charges of second-degree robbery and unlawful imprisonment. Police alleged that Sheldon hit William Sfara, 29, of Cohoes on Dec. 18 at Englewood Place near Washington Park, forced him into a car and drove him to the Delaware Avenue Price Chopper. There, he allegedly forced Sfara to

surrender his clothes and stole his wallet with about \$40 in cash.

Police said Sheldon underwent a routine screening for suicidal tendencies and was held in the Division 2 lockup. At 8:15 a.m. Thursday, about 15 minutes after he was last checked by an officer, he was found hanging from a shirt tied to an air vent. Police said they attempted to revive him, but he later died at Albany Medical Center Hospital.

Police ruled it a suicide, the first in the lockup in more than four years since they intensified their screening procedures. Friends and relatives, however, have said Sheldon was a deeply religious and upstanding young man, engaged to be married and serving in the National Guard, and wouldn't have killed himself.

Dale noted that about 11,000 people passed through the lockup in the last four years and the screening detects about six or seven potential suicides a week, who are sent to the Capital District Psychiatric Center. The department is looking at the procedure to see if it needs strengthening, Dale said, and he could not speculate on how Sheldon might have slipped through the cracks.

The Commission of Correction, a state watchdog agency, is also looking into the incident as a matter of routine. It began its review Tuesday, Dale said.

## DEAN

Continued from B-1

as adjunct instructors. Belsky said Baker's race had no bearing on the job offer.

"This person was selected because he was the most qualified candidate," Belsky said. "No other factor came into account but that."

# Whalen, Dale say critics exploiting hanging in cell

By Jay Jochnowitz

Staff writer

ALBANY — Police Chief John Dale, bristling at what he called suggestions that police hanged a young black man in his jail cell, joined Mayor Thomas M. Whalen III Tuesday in lashing out at activists they say are using the death to bolster personal agendas.

Speaking to the Albany Kiwanis Club the day after more than 65 people protested in front of his South Pine Avenue home, Whalen called Corey Sheldon's hanging death "tragic" and criticized activist Alice Green of the Center for Law and Justice for using the incident as a springboard for criticism of the police force.

"I think it's outrageous to claim that there is some type of thread that runs through the Police Department relating to any type of abuse," said Whalen, who termed the protest "vintage Alice Green."

He also singled out Mark Mishler, an Albany attorney who has filed lawsuits alleging police brutality. Both Green and Mishler have served on the city's Police-Community Relations Board and have lobbied for an independent civilian review panel in police misconduct cases, an idea Whalen and police oppose.

Dale also said it was "disgusting and disturbing" that Sheldon's death is being used for a broader, renewed assault on the department. He also

**"I think it's outrageous to claim that there is some type of thread that runs through the Police Department relating to any type of abuse"**

— Thomas M. Whalen III

Corey Sheldon?" and said they don't believe that it was a suicide — suggested that Sheldon was killed in police custody.

"To even insinuate the possibility that these officers would have hung somebody is very disturbing," said Dale.

Green and Mishler denied accusing police of having a hand in Sheldon's death.

"I wouldn't even venture a guess as to what happened to him," said Green. Asked how she would interpret the doubts that have been raised about Sheldon's death, Green said only, "If people don't believe he killed himself, the assumption is that something else caused his death."

Green did not entirely dispute Whalen's charge that the incident is becoming a rallying point for renewed police criticism. She said she

## ● Police critic's arrest sparks furor

By Jay Johnson

Staff writer

ALBANY — Hours after he filed a brutality complaint against police, a Livingston Avenue man was charged with interfering with a drug raid, and friends and witnesses to his arrest say police manufactured the charge.

The mother of a 14-year-old boy who got caught up in the raid but was not arrested also said Wednesday that she filed a complaint with police over their handling of her son.

Lt. Thomas Fargione, who heads the Police Department's drug unit, said he had no knowledge of the brutality complaint when he and other officers arrested Markeem Ryan, 18, of 383 Livingston Ave. during a Tuesday night drug raid at an alleged crack house in the basement of 411 Clinton Ave. "I didn't know that," he said. "We didn't realize who this person was until we got him down here."

Ryan faces no drug counts but was charged with second-degree hindering prosecution, a felony, for allegedly running to the apartment doorway and shouting "5-0," slang for police. Officers at that moment were about to execute a search warrant, and Fargione said the charge implies that Ryan knew about the alleged drug operation inside.

But a 14-year-old First Street boy

who was walking with Ryan down Clinton Avenue on their way to the Arbor Hill Community Center said Ryan never uttered a word and police simply pulled them off the street for no apparent reason.

"He didn't say that," said Demonya Hicks, Ryan's companion.

Hicks said he and Ryan left his First Street home around 7 p.m., stopped at the Livingston Avenue apartment of a friend, Granville Cancer, and had just turned the corner onto Clinton and were going east when police grabbed them. The officers, Hicks said, threw them onto the steps of 411 Clinton Ave. and ordered them to submit to a search. Hicks said he was told to take off his sneakers by an officer. "He was in my face, yelling at me," Hicks said.

Police shattered the windows to the apartment to gain entry, and inside they arrested Comy Lewis, 19, of Queens and Avasel Caldwell, 26, of 411 Clinton Ave. on charges of fourth-degree criminal possession of a controlled substance and possession with intent to sell. Fargione said police found 101 vials of crack cocaine in the apartment packaged for sale.

Deborah Bell, who lives above the apartment, said she arrived home just as police were emerging from their cars. She said Ryan and the

See **ARREST** / B-6

11/11/90

Demon Hicks  
17  
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Johnson filed  
complaint  
Was re  
Furor night  
incident

Markeem Ryan 18  
was arrested  
(kicked out) he  
had filed

Complain  
on Tues?  
with  
Cancer  
family

## ARREST

Continued from B-1

youth had just reached the foot of her front steps when they were grabbed by police. Bell said the two never reached the entrance to the basement apartment being raided. "I didn't see nobody at the apartment," she said.

Hicks and Ryan were taken during the raid into the apartment, where Hicks said police questioned them about drug dealing. Hicks, who said he didn't know the other suspects, was released on the spot, while Ryan was arrested.

The police raid on the apartment drew a crowd of neighborhood residents who shouted and cursed angrily at police. Some threatened to get back at officers.

Caren Johnson, Hicks' mother, said she was upset that her son was stopped, searched, questioned and taken into the alleged crack house during the arrest, and on Wednesday she filed a complaint with police. "I don't feel it was right the way they went about it," she said. "To me, that was harassment."

Ryan was one of six people who on Tuesday filed brutality complaints with the Police Department's internal affairs unit, alleging that police beat and abused them during a Nov. 29 incident. Police that Friday night arrested two men, Granville Cancer, 24, then of 225 Clinton Ave., and Willie Vaughn, 28, of 60 Judson St., in

connection with a burglary at 94 Clinton Ave.

Police made the arrest in front of 388 Clinton Ave., where family and friends of the suspects ended up in a brawl with officers. Also arrested that night were Ryan, Maria Cancer, 17, of 19 Quail St., and Eric Cancer, 16.

Police say relatives and friends attempted to interfere in the arrest. Vaughn, Ryan and the Cancers maintain that police initiated the fight, taking off their badges and hitting Sally Cancer, 41, Eric and Granville Cancer's mother, when she tried to calm her younger son. She was hospitalized after the incident, while four officers were injured, none seriously.

On Tuesday morning, attorney Mark Mishler filed complaints on behalf of Vaughn, Ryan and Maria, Granville, Eric and Sally Cancer. Granville Cancer said he could see no other reason for Ryan's arrest than the complaints.

"These two kids just left my house," he said during an interview on the scene of the arrest Tuesday night. "They didn't have a chance to get in trouble."

Echoing Fargione's comments, police spokesman Lt. Robert Wolfgang termed the arrest "coincidence."

Mishler said Ryan's family expressed a desire to file new complaints with police over the arrest, but he still needed to talk with Ryan, who is in Albany County Jail after he was unable to post \$5,000 bail.

This pamphlet is not a substitute for the advice of a lawyer.

If you are arrested or if you think you are about to be arrested, your first step should be to **obtain** the assistance of a lawyer. To get legal help, contact any of the following:

**Albany County Public Defender**  
447-7150

**Albany County Bar Association**  
(Lawyer Referral Service)  
445-7691

**NY State Defender Association**  
465-3524

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**To file a complaint about police abuse, contact:**

**Capital District Coalition Against Apartheid & Racism**  
Box 3002 - Pine Hills Station  
Albany, NY 12203

Alice Green, Executive Director  
Center for Law & Justice, Inc.  
427-8361

The Coalition Against Apartheid and Racism is collecting information about incidents of police abuse in Albany that trends can be identified and proper action can be taken to discipline officers who mistreat citizens. The Coalition cannot provide individual legal representation, but we hope to help stop police abuse by gathering and presenting documented information about incidents of police abuse.

*a project of the Social Justice Center  
Labor Donated*

## **POLICE ABUSE** What To Do

*Your rights:*

on the street  
in a car  
at home  
if you are  
arrested



Capital District Coalition Against  
Apartheid & Racism  
Box 3002, Pine Hill Station  
Albany, New York 12203

**POLICE ABUSE  
INCLUDES:**

*verbal racial/ethnic slurs and  
derogatory comments*

*physical shoving, kicking,  
beating, or any physical con-  
tact that is not necessary in  
order for the officer to do his  
or her job*

*psychological intimidation -  
threats of harm or violence,  
threats of trumped-up charges*

**If you are a victim of police  
abuse or witness abuse,** obtain  
the following information:

- Name of officer(s)
- Badge number(s)
- Car number(s)
- Date/Time/Place
- Race, sex, height, weight,  
hair, complexion & eye color  
of officer(s)
- Name, phone & address of  
witness(es)
- Name of victim(s)

If you witness an incident in Albany,  
call the Police at **463-4141** and  
explain what you observed. This call  
will be taped and will document the  
incident. Also, file a complaint. (See  
back for agencies that will help)

**If the police stop you on the  
street or in a car:**

*Don't panic*



Remain calm and alert. Give only your  
name and address when asked (and  
provide license, registration and  
insurance card if driving a car).

You are not legally required to identify  
yourself on the street, but in most  
situations doing so could help prevent  
unnecessary confrontation with the  
police officer. **Pay attention to  
everything** that is going on and who is  
involved.

**If the police come to your  
home:**



*Ask to see a warrant*

Check name, address & items listed.  
Ask to see their badges and ID cards. If  
the police do not have a warrant, tell  
them politely that you do not want  
them to enter your home and ask them  
to please leave.

If the police attempt to search your  
person, home or car, you do not have  
to consent. **But if they persist, do not  
resist.**

**If you are arrested, you have the  
right:**

• to be informed of the charges against  
you. **Ask** the officers what the charges  
are.

• to remain silent. **Do not answer any  
questions other than your name and  
address.** Even if you are innocent,  
something you say might be mistated  
and used against you.

• to speak with a lawyer at the plac  
where you are being held. **Ask** for an  
opportunity to make a telephone call.

• to have a lawyer appointed for you if  
you cannot afford one. If you cannot  
afford a lawyer, te'l the police and **ask**  
to be provided with a lawyer.

**Note:** If you are arrested, have a witness  
contact a friend or family member  
immediately. If injured, ask for medical  
treatment. If you don't receive  
treatment, obtain it immediately upon  
release. Always record the doctor's name  
and date and time of treatment.

**Remember**

**pay attention to everything  
the officers do.**

*Mehelam - working copy*

A POSITIVE STEP  
A CRITICAL STRUGGLE

**ENFORCE  
THE PROXMIRE  
ANTI-GENOCIDE  
LAW**



**STOP  
RACIST &  
ANTI-SEMITIC  
VIOLENCE**



The National Alliance Against Racist & Political Repression has been on the front lines of the struggle for freedom, equality and unity for almost two decades. Our Alliance is unique. We are the only nation-wide, multi-racial, multi-national coalition with the sole purpose of organizing united, mass struggle against repression.

Founded out of the historic victory won in the Angela Davis case, we are proud that our Alliance has helped to free the Wilmington Ten, the five Puerto Rican Nationalists, Mayor Eddie J. Carthan, Delbert Tibbs, George Merritt, Chief Howard Brooks, Joanne Little, Phil Shinnick, Spiver Gordon and other voting rights activists in the Black Belt of Alabama. And we have helped to free literally hundreds of other sisters and brothers victimized by the criminal justice system because of their race and/or political activities.

We have struggled to outlaw racist and anti-Semitic violence and hate groups. We have developed model legislation. We have worked for and in many places helped to win local legislation creating stiffer penalties for hate crimes. We have put the spotlight of publicity and struggle on racist violence whether its perpetrators wore bedsheets or blue uniforms. We have struggled to oust the KKK, Nazis and other hate groups from local police departments.

We urge you to join with us. We can stop the national emergency of racist, anti-Semitic, and other hate motivated violence. We can free Johnny Imani Harris and Leonard Peltier, unjustly imprisoned for almost two decades.

Add your strength to ours. Together we can fight back and win.

***National Alliance Against  
Racist & Political Repression***

11 John St., Room 702  
New York, NY 10038  
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## **STOP RACIST AND ANTI-SEMITIC VIOLENCE**

### ***Enforce the Anti-Genocide Law***

**L**ET US BE CLEAR: the rising tide of racist, anti-Semitic and other hate motivated violence threatens our entire society. The life, liberty and happiness of the direct victims is under immediate attack. The unity of the people of our country—the key to winning a better future for all of us—is in imminent danger.

In 1988, after 40 years of struggle for it, Congress passed legislation making genocide a crime in the United States. This new law—the Genocide Convention Implementation Act—provides us with a potentially powerful tool against those who commit or incite acts of racist and anti-Semitic violence.

Over a decade of Reagan-Bush assault on hard-won people's victories for civil rights, labor rights, and social welfare has created a climate in which racism, anti-Semitism and hate-mongering have reached epidemic proportions. Unfortunately it comes as no surprise that this administration's Justice Department has failed to prosecute a single case under this important new law.

Forcing the federal government to enforce the anti-genocide law vigorously will require a broadly based, multi-racial, multi-national people's movement. We must unite millions of our sisters and brothers around the demand for effective enforcement of the Act.

This law gives us something to work with. But work we must. And we must get started now. Please join with us.

## HATE VIOLENCE IN THE UNITED STATES:

### *A Grave National Emergency*

**W**hy is hate violence on the rise? Since 1981, the right-wing Republican administrations of Reagan and Bush have waged a "new class war" against working and poor people. The "voodoo economics" of Reagan and Bush have greatly increased corporate profits while smashing unions and slashing the people's standard of living.

The result for the great majority of people has been higher levels of unemployment, poverty, and despair. These economic policies have had a decisive racist edge, creating especially grave conditions among African Americans, Latinos, Native Americans, Asian Americans, Pacific Islanders, Arab Americans and recent immigrants from the third world.

Bush's veto of the Civil Rights Act of 1990 is a racist assault on the human and civil rights won by the people through decades of struggle. By vetoing this act Bush has made clear that he is committed to protecting the interests of the corporations and other racists and bigots—at the expense of racially and nationally oppressed people.

The Reagan and Bush administrations have virtually gutted federal enforcement of civil rights laws, and they have relentlessly assailed affirmative action programs. They have appointed Supreme Court and other federal judges whose rulings have made it almost impossible to bring effective anti-discrimination suits.

In eight years as President, Reagan never met once with African American civil rights leaders. Bush's style may be different, but the substance of his policies are the same. He continues to oppose quotas and timetables that are necessary for meaningful affirmative action.

The Civil Rights Bill of 1990 did not include either quotas or timetables. But Bush cynically labelled it a quotas bill and vetoed it. And they have spread the vicious lie that racism is largely a thing of the past.

The reactionary, racist policies coming out of Washington since 1981 are directly responsible for the increasingly dangerous climate throughout our coun-

*Bush calls Civil Rights Bills  
a quota*

try. These policies have led to a truly frightening situation in which white supremacy, anti-Semitism, and other forms of bigotry are being more openly expressed—and more frequently translated into hate violence.

The dimensions of the crisis are staggering: hundreds of people have been killed by racists, anti-Semites, and other bigots. Thousands of people have been physically assaulted or harassed because of their race, national origin, religion, or sexual preference.

Neo-Nazi and fascist organizations are responsible for many of these vicious acts. The American Nazi Party and its splinter factions, Ku Klux Klan groups, the White Aryan Resistance, and racist Skinheads have dramatically increased their organizing and recruiting efforts. Their members and supporters have murdered and terrorized people of color, Jews, immigrants and gays in every region of our nation.

Klansmen shot and wounded five elderly African American women in Chattanooga, lynched a young African American man in Mobile, beat Vietnamese fisherman in Galveston, and committed numerous other acts of racist violence. White Aryan Resistance members killed a Jewish couple and their two children in Seattle, an Ethiopian immigrant in Portland, a Jewish radio host in Denver, and a state trooper in Missouri. A neo-Nazi machine-gunned five Asian American children in California. Racist Skinheads assaulted African Americans and Latinos, and desecrated Jewish insitutions in Dallas.

Neo-Nazi and other fascist organizations are not the only source of the upsurge in racist, anti-Semitic and other hate-motivated violence. Such violence has erupted by racist white mobs in a number of cities. In New York the death of Michael Griffith in Howard Beach, the murder of Yusef Hawkins in Bensonhurst, and the killing of Vincent Chin in Detroit have outraged



and angered freedom-loving people everywhere.

The Anti-Defamation League of B'nai B'rith reported 1300 anti-Semitic incidents in forty states in 1988—a five year high. And the National Gay and Lesbian Task Force reported a 42% increase over the last year in cases of violence and harassment.

Racist police violence is also a growing source of alarm. Racist cops have murdered African Americans, Latinos and other people of color in New York, Chicago, Los Angeles and many other cities. Michael Stewart and Eleanor Bumpers were killed in cold blood by New York City cops. Teaneck, NJ cops fatally shot Phillip Pannell in the back while his hands were up. Leonard Bannister was killed by Chicago cops while his hands were in the air.

These summary executions have come to symbolize this new wave of racist police repression. From Boston to Los Angeles, reports of police beatings and torture are growing, as are community outrage and anger. But little is being done to punish those responsible. In Chicago, for example, over 2300 cases of police brutality were reported in 1989—yet only one officer was fired.

One additional measure of the gravity of this crisis is the frightening escalation of hate violence on our college campuses. Racist, anti-Semitic and homophobic violence has occurred at dozens of our college campuses. A Racist mob attacked African American students at the University of Massachusetts following a World Series game. Racist white members of the baseball team assaulted Haitian students at Brooklyn College.

Racists damaged the African American Center and the Holocaust Memorial at Yale University. An African American fraternity house at the University of Mississippi was burned down. Hate violence has erupted at Dartmouth, Stanford, the University of Illinois, Oberlin, the University of Wisconsin, the University of Michigan, the University of Texas and many other schools.

It is essential for us to recognize this growing epidemic of hate violence as a grave national emergency. This explosion of racist, anti-Semitic, and other hate crimes threatens not only the lives and well-being of its direct victims, but the future of our entire country. At a time when we face many serious economic, political, and social problems, we need multi-racial, multi-national, people's unity more than ever. The climate of division being created by hate violence threatens our prospects for developing this unity and achieving social progress for everyone.

4

*prosecute cops & individuals*

## THE GENOCIDE CONVENTION IMPLEMENTATION ACT

### *An Important Tool Against Hate Violence*

In the aftermath of the Second World War, mindful of the unique crimes against humanity committed by the fascist states, the nations of the world sought to prevent the recurrence of systematic extermination of entire peoples. On December 9, 1948, the United Nations General Assembly approved the International Convention on the Prevention and Punishment of the Crime of Genocide.

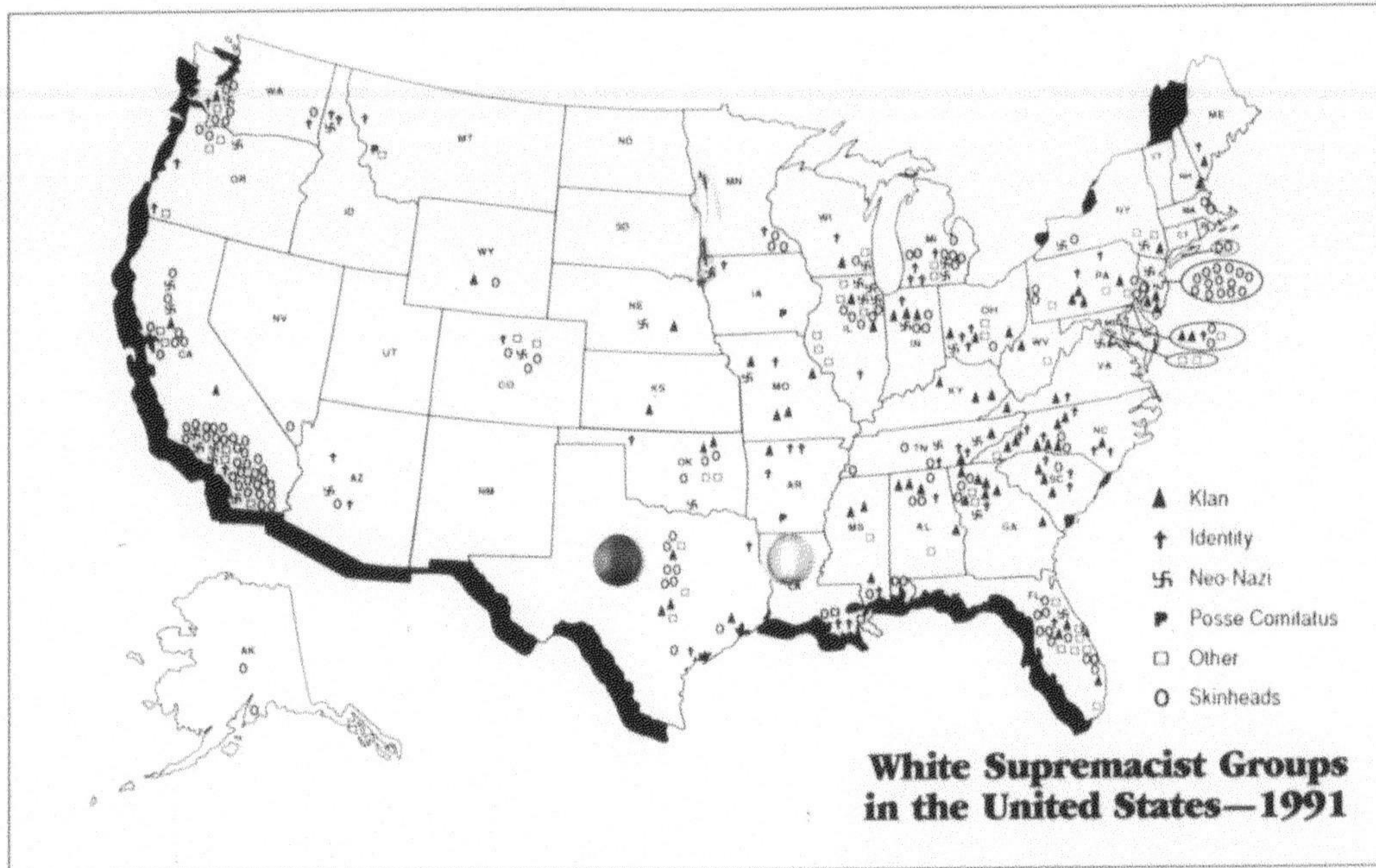
The Convention defined genocide as the commission of acts intended to destroy a national, ethnic, racial, or religious group. Almost one hundred nations ratified the Convention before the U.S. Congress finally passed the Genocide Convention Implementation Act in 1988.

This important law makes it a federal crime to commit or incite acts "with the specific intent to destroy in whole or in substantial part, a national, ethnic, racial or religious group, as such." The Act specifically outlaws killing or seriously injuring members of that group; permanently impairing the mental faculties of group members through drugs, torture, or other means; subjecting group members to conditions of life intended to physically destroy that group; imposing measures intended to prevent births within that group; and forcefully transferring children of that group to another group.

Despite the mounting level of hate violence, the U.S. Justice Department has not prosecuted a single case under the provisions of the Act. However, we believe that vigorous, aggressive enforcement of this law would be a strong tool in the people's struggle against racist, anti-Semitic and other forms of hate motivated violence. Strong and consistent enforcement of the law would punish those who murder or physically assault people because of their nationality, ethnicity, race or religious views.

The anti-genocide law could be a powerful means of combatting neo-Nazis and fascists who openly call for "race war" and genocide. Certainly, the neo-Nazis,

5



Reprinted from *KLANWATCH Intelligence Report*, February 1991/#54, a project of the Southern Poverty Law Center

Klansmen, and other right-wing terrorists are promoting the same kind of racist and anti-Semitic violence as their Nazi predecessors, and this is exactly what the U.N. Convention was designed to prevent from ever happening again.

But the anti-genocide law could also be invoked more broadly against *anyone* who kills or physically harms people because of their nationality, ethnicity, race or religious views. Anyone who commits such a crime — whether it be a member of a mob or a police officer — should face the same full penalties of the law as a neo-Nazi or Klansman. All those who commit hate crimes must be brought to justice.

The anti-incitement provisions of the law could serve as a powerful brake on hate speech. The law specifically denies constitutional protection to speech and advocacy which intends—and is likely—to incite or produce genocidal acts. Sustained enforcement of the anti-incitement provisions would punish those who advocate or encourage racist or anti-Semitic vio-

lence. And it would send a resounding message that speech and advocacy which promote hate motivated violence have no place in a truly democratic society.

Enactment of this law was itself an important victory for the people of our country. Transforming this law from a mere statute into an effective tool for combating hate violence will be an even greater victory in the struggle for freedom, equality, and democracy.

Although the struggle will be difficult and demanding we can draw strength and inspiration from the courageous campaigns against genocide and racism waged by our compatriots during the last forty-five years. In 1946, The National Negro Congress petitioned the United Nations to eliminate racism against African Americans. Paul Robeson, Revels Cayton and Herbert Aptheker presented the petition to the U.N. Secretary-General, but its consideration was blocked by the U.S. delegation.

In 1947, under the leadership of Dr. W.E.B. DuBois, the NAACP petitioned the U.N. in opposition to racism

in the United States. Again, consideration of the petition was blocked by the U.S. delegation. In 1951, William L. Patterson, Paul Robeson, George Crockett and others petitioned the U.N., charging the U.S. with genocide against the African American people. The petition, entitled *We Charge Genocide*, was a book-length chronicle of the racist violence and oppressive living conditions faced by African Americans.

In 1970, a group including Charlene Mitchell, Ossie Davis, Angie Dickerson and Dick Gregory presented a petition against genocide to the U.N., in conjunction with the Conference to Defend the Right of the Black Panther Party to Exist. And in 1978, our Alliance, the National Conference of Black Lawyers and the United Church of Christ Commission for Racial Justice, petitioned the U.N. to address the racism and political repression endured by people of color in the U.S. This petition, too, has become a book, *Illusion of Justice*, written by Alliance attorney Lennox Hinds.

Our Alliance has always conceived of its work as directly descended from and inspired by this history of struggle. Victory in our campaign for effective enforcement of the Genocide Convention Implementation Act will be a fitting tribute to those pioneering efforts against genocide and racism.

But we are mindful of Frederick Douglass' teaching that "Power concedes nothing without a demand." Victory will require a multiracial, multinational movement which unites millions of people from coast to coast around the demand for effective enforcement of the law. Our Alliance will unite with religious, political, labor, student, women's and other organizations to struggle for that demand.

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## BUILDING THE CAMPAIGN

**W**e must demand that the United States Justice Department vigorously enforce the Genocide Convention Implementation Act. Even the best laws remain ineffective unless they are consistently and aggressively enforced.

If we are to turn back the mounting tide of hate violence, we must insist on severe punishment for those guilty of these crimes against humanity. Sending perpetrators of hate violence to prison will make clear our society's commitment to full equality for all people. And if rigorous enforcement reveals any shortcomings or inadequacies in the Act, we will be in a better position to correct them.

We must also demand that the United States Congress conduct hearings on enforcement of this Act. Hearings in the Senate and House of Representatives could determine the most appropriate ways of guaranteeing effective enforcement. These hearings could also suggest concrete measures for overseeing Justice Department implementation of these guarantees.

Victory in the struggle for enforcement of the anti-genocide law could be a turning point in the people's struggle for freedom, equality, and democracy. Although we face a grave national emergency, we have the opportunity to make truly historic strides toward a society without racism, anti-Semitism, or other forms of bigotry. We must meet that challenge—through unity, organization, and struggle. And we must begin now.

## PROXMIRE ANTI-GENOCIDE LAW

Public Law 100-606  
100th Congress  
(S. 1851)

### *An Act*

To implement the International Convention on the Prevention and Punishment of Genocide.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE

This act may be cited as the "Genocide Convention Implementation Act of 1987 (the Proxmire Act)"

#### SEC. 2 TITLE 18 AMENDMENTS.

(a) IN GENERAL.—Part 1 of title 18, United States Code, is amended by inserting after chapter 50 the following:

#### "CHAPTER 50A - GENOCIDE

"Sec.  
1091 Genocide  
1092 Exclusive remedies.  
1093 Definitions

##### "§ 1091. Genocide

"(a) Basic Offense. — Whoever, whether in time of peace or in time of war, in a circumstance described in subsection (d) and with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial or religious group as such —

- "(1) kills members of that group;
- "(2) causes serious bodily injury to members of that group;
- "(3) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques;
- "(4) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part;
- "(5) imposes measures intended to prevent births within the group; or
- "(6) transfers by force children of the group to another group; or attempts to do so, shall be punished as provided in subsection (b).

"(b) Punishment For Basic Offense.—The punishment for an offense under subsection (a) is—

"(1) in the case of an offense under subsection (a)(1), a fine of not more than \$1,000,000 and imprisonment for life; and

"(2) a fine of not more than \$1,000,000 or imprisonment for not more than twenty years, or both, in any other case.

"(c) Incitement Offense.—Whoever in a circumstance described in subsection (d) directly and publicly incites another to violate subsection (a) shall be fined not more than \$500,000 or imprisoned not more than five years, or both.

"(d) Required Circumstance For Offenses. — The circumstance referred to in subsections (a) and (c) is that—

"(1) the offense is committed within the United States; or

"(2) the alleged offender is a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

"(e) Nonapplicability Of Certain Limitations.—Notwithstanding section 3282 of this title, in the case of an offense under subsection (a)(1), an indictment may be found, or information instituted, at any time without limitation.

##### "§ 1092. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws to the conduct proscribed by this chapter, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any proceeding.

##### "§ 1093. Definitions

"As used in this chapter —

"(1) the term 'children' means the plural and means individuals who have not attained the age of eighteen years;

"(2) the term 'ethnic group' means a set of individuals whose identity as such is distinctive in terms of common cultural traditions or heritage;

"(3) the term 'incites' means urges another to engage imminently in conduct in circumstances under which there is a substantial likelihood of imminently causing such conduct;

"(4) the term 'members' means the plural;

"(5) the term 'national group' means a set of individuals whose identity as such is distinctive in terms of nationality or national origins;

"(6) the term 'racial group' means a set of indi-

viduals whose identity as such is distinctive in terms of physical characteristics or biological descent;

"(7) the term 'religious group' means a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals; and

"(8) the term 'substantial part' means a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity within the nation of which such group is a part."

(b) Clerical Amendment.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 50 the following new item:

"50A. Genocide ..... 1091".

***We must begin now  
building the national  
campaign to enforce the  
anti-Genocide law.***

***Yes, I want to help.***

- Please contact me.
- Enclosed is my contribution of \$ \_\_\_\_\_ to help build the campaign.
- I want to join the NAARPR. Please send me information.
- My organization would like to affiliate with the NAARPR. Please send information.

NAME \_\_\_\_\_

ORGANIZATION \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/STATE/ZIP \_\_\_\_\_

(        )  
TELEPHONE \_\_\_\_\_

Return to:

National Alliance Against  
Racist & Political Repression  
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# Speak-out on hate: Nobody's exempt

By ROGER GABOURY 1/23/91  
Gazette Reporter

ALBANY — Combating hatred and prejudice is a "war" in the United States, and State University students are looking to communication for their defense.

In a speak-out on the SUNYA campus last night, Deborah Williams Muhammad of the state Division for Human Rights told students they, as a community, need to develop strategies to deal with hate groups like the Ku Klux Klan, who rallied at the statehouse Sunday.



Muhammad

"This doesn't only happen off the campus community but on the campus community," she said, "and as much as we would like to say that we're exempt, none of us are."

It was decided to stretch the speak-out concept into the residence halls to get people to talk about the issue with each other.

Sheila Stowell and John Jenkins, two of the student organizers of the speak-out, said they were disappointed the meeting didn't draw Klan sympathizers to get a different perspective.

Small and large group discussions in the residence halls may generate that type of diverse discussion, they said.

"We are not here to condemn the KKK and other white supremacist groups but to educate ourselves and each other about what our reaction

should be to them," Stowell said to open the speak-out.

Student opinion was split on whether to vehemently oppose future Klan activities or purposely ignore it so it doesn't draw much public attention.

One unidentified student said confronting the Klansmen "may make them stop thinking they are powerful." Another said that confrontation by a large crowd may be the reaction the group is seeking.

Muhammad said racism has become "refined" today with hate groups subtly misleading the public to gather support for their cause rather than overtly attacking minorities.

To deal with this, she said the communities must unite and learn the names of these groups, how they work and what they do. "We need to understand all the different forms it can take and how it exists."

Larry Wittner, a history professor at the university, said that racism throughout history has been used to "splinter (the struggling classes) into competing and hostile groups" and redirect their anger away from the ruling classes, he said.

The Jews were used as scapegoats by the Russian czars and Hitler and U.S. slave owners used racism to hold together slavery although many whites did not own slaves, he said.

Recent examples can be seen in President Bush's campaign advertisements using Willie Horton, he said. One student, using the example later in the program, said: "You never heard the word 'nigger' in the Willie Horton ad, but it was always there."

## 1/19/91 25 months in jail

Linda Thomasine Edmonds, 36, was acquitted by a jury in Albany recently of murder and robbery. Ms. Edmonds had on several occasions been offered a plea bargain agreement. Convinced of her innocence, she decided to take the case to trial.

In the eyes of her attorney, Ms. Edmonds "had a lot of guts" to persevere from the time of her arrest to the time of her acquittal. We could hardly disagree, especially since she spent the past 25 months behind bars. Arrested in December 1988, she had been held in jail without bail until the day her trial ended.

Ms. Edmonds' case might well be a commentary on the what the human spirit can endure. More to the immediate point, this case is a commentary on how long an innocent person can be held in

jail in Albany County without having her case go to trial.

The county might very well have been right to deny bail to someone accused of the crimes of which Ms. Edmonds was accused. For that very reason, however, the judicial personnel should have been determined to insure that the accused got a speedy trial.

Contrast the delay in the Edmonds case with the speed with which the Finkel trial was recently pursued in Rensselaer County — even though Rensselaer County has a far greater case backlog than does Albany County.

Ms. Edmonds received her day in court, and justice was rendered when she was judged not guilty. But didn't an injustice occur simply by holding the defendant in jail for two years?

# Arbor Hill crowd rallies against police 'brutality'

By JOHN MORAN  
Gazette Reporter

1/8/91

ALBANY — An angry, frustrated group of Arbor Hill residents, concerned over the recent death of a black man while he was in police custody, ended a community meeting last night by driving to Mayor Thomas M. Whalen III's home for a spontaneous protest.

The more than 50 protesters were not sure if Whalen was home as he never appeared during the 20-minute demonstration, according to Alice Green, one of the panelists at the police brutality forum where the group originated.

"It was incredible," said Green. "They made a lot of noise and everyone [on the street] knew we were there. It was very responsible and peaceful. They were venting frustration, which is completely understandable," said Green of the relatives of Corey Sheldon, the 21-year-old black man who police say hanged himself while in a Division II cell Thursday.

Several of Sheldon's relatives attended the community forum held at the Arbor Hill Community Center before the demonstration.

One of Sheldon's cousins said at the end of the meeting that he wanted some immediate action and suggested demonstrating at the governor's mansion or Whalen's home on Pine Avenue, said Green.

The approximately 90 people who gathered for the meeting decided on Whalen's home and quickly shared rides to get there, Green said.

A neighbor of Whalen's, who asked not to be identified, confirmed that a peaceful demonstration took place in front of the mayor's house.

At the meeting Sheldon's aunt, Joyce Frederick told the crowd, "Please help us avenge what happened to Corey. Corey was a person of

God. I challenge every black person in Albany . . . I challenge every black minister in Albany to help us find out what happened to Corey, because he didn't kill himself. I want you to get real angry."

Frederick's words were met with applause from the group which had to be moved out of a conference room into the gym in the center because people were overflowing into the hall.

Many of the speakers from the public were visibly angry, not just over the incident with Sheldon, but over an incident in which members of the Cancer family say police beat them while attempting to make an arrest.

Members from the audience and the panel, which was organized by the Coalition Against Apartheid and Racism and the Center for Law and Justice, characterized Albany as having a history of police abuse against minorities.

"We're tired of this. We're tired of talking," Dorothea Brace said with her voice rising in anger.

"Even a man of God can only turn the other cheek so many times. The black people are going to take to the streets. We're not going to take it. It's been a long damn time since there was a riot in Albany!" she said.

While Brace's words were met with shouts of approval and applause so were the comments of other who called for a non-violent solution to the situation.

"What good will it do if we kill two of them and they kill two of us?" asked Carolyn Edmunds, a community activist who sat on the panel.

Green, the director of the Center for Law and Justice, stressed that complaints against the police have to be documented and the individuals involved need to overcome fear of retaliation by police and make the complaints.

# black men, death comes with a gun

By Don Colburn

Washington Post

When a young black man dies in this country, the most likely cause is not cancer or cardiac arrest or a car wreck. He is shot to death.

The homicide rate among black men ages 15 to 24 rose by two-thirds during the five years ended in 1988, the federal Centers for Disease Control reported. Death by gunfire accounted for almost the entire increase, researchers said.

"More and more, guns are becoming the method of choice for killing someone in this age group," said Robert G. Froehke, a medical epidemiologist in the CDC's Division of Injury Control and the chief author of the report.

The homicide rate is particularly alarming in black male teenagers, the CDC reported. Their homicide rate, already high, nearly doubled between 1984 and 1988 and in some areas exceeds the casualty rate among soldiers in Vietnam, Froehke said.

Nationally, one of every 1,000 young black males is murdered each year, the report found. No other group in the population even approaches that rate. Homicide accounts for more than 40 percent of deaths in black males between the ages of 15 and 24, and gunshot wounds are the cause of death in 80 percent of those homicides.

In the District of Columbia and five states — California, Florida, Michigan, Missouri and New York — the homicide rate was even higher in 1987, the last year for which complete figures are available.

A total of 463 murders has occurred in the District of Columbia during 1990 so far, a record for the third straight year. Eighty-two percent were black males.

The latest symbol of the Washington area's carnage is Jay Bias, 20, younger brother of University of Maryland basketball star Len Bias, who died of a cocaine overdose in 1986. Jay Bias was gunned down this month while waiting in his car at a stop sign in suburban Maryland, allegedly by a man who accused Bias of flirting with his wife.

Washington, D.C., is not alone in its soaring homicide rate. FBI crime statistics show that the increase in the homicide rate nationwide has continued at least through mid-1990, with an 8 percent rise in homicides this year. More than a dozen other large U.S. cities — including New York, Dallas, San Antonio, Phoenix, Memphis, Milwaukee and Boston — have already marked all-time high homicide totals in 1990. Homicide totals have declined this year in Detroit, Miami, Atlanta and Denver.

The CDC report identified four particularly disturbing aspects of the rising homicide rate in young black men:

- Gunshots caused more than 80 percent of the deaths and accounted for 96 percent of the recent increase.
- The rise since 1984 was highest in teen-aged black males.
- The already large gap between the homicide rates of black men and those of other groups is widening.
- Certain areas, including the District of Columbia, have extraordinarily high rates.

Homicide was the 10th-leading cause of death in the United States last year. A young black male is six times more likely to be murdered than a young black female, nine times more likely than a young white male and 26 times more likely than a young white female, according to CDC figures for 1988.

Froehke said it is "outrageous" that homicide is "a significant contributing factor" in the decline in life expectancy for blacks.

The National Center for Health Statistics recently

See BLACK / C-4

A study reported in the *New England Journal of Medicine* this year found that black men in the Washington area have a 10 percent higher risk of dying from homicide than white men.

## BLACK

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reported a drop in life expectancy for American blacks in 1988, the fourth consecutive annual decline. The drop was large enough to cause life expectancy for the population as a whole to decline slightly for the first time since 1985.

A study reported in the *New England Journal of Medicine* this year found that black men in the Harlem neighborhood of New York City had less chance of surviving to age 65 than men in Bangladesh. The high homicide rate was the main reason.

The stalled progress in the trend toward longer life spans among Americans signals a recent shift in public-health priorities. Death rates from heart disease, stroke and cancer — historically the biggest killers — all declined in 1988, but deaths from AIDS and homicide rose substantially.

"People often ask me why, as a physician, I'm dealing with homicide," said CDC's Froehle, a pediatrician. But he said homicide — and shootings in particular — must be considered a public-health threat as much as cancer or heart disease.

"If there were a disease responsible for over 40 percent of the deaths of a group of people that should be in peak physical health and it had increased by two-thirds in four years, and we knew there was an agent that accounted for 80 percent of those deaths, there would be substantial public-health efforts to address that," he said.

What caused the upward spiral in the homicide rate is a complicated question, and what to do

about it is even more so. But the first step is a recognition of homicide as a public-health crisis, experts agreed.

"We lose nearly 50,000 people a year to homicide and suicide in this country," said Deborah Prothrow-Stith, assistant dean of the Harvard School of Public Health and former Massachusetts health commissioner. "The question is: Where's the beef?"

"We need to make violence a public-health issue, just like drunk driving, just like heart disease, just like AIDS," said Prothrow-Stith, a physician who has helped develop a curriculum aimed at helping high-school students dispel myths about crime, understand anger and resolve conflicts without resorting to violence.

The rise in the homicide toll, the CDC report noted, results from a set of interrelated factors that include access to firearms, alcohol and drug abuse, drug trafficking, poverty, racism and cultural acceptance of violent behavior. The immediate causes of homicide include domestic violence, child abuse, rape and fighting among acquaintances.

"There aren't any instant solutions," said Frederick P. Rivara, director of the Injury Prevention Center at Harborview Medical Center in Seattle. "If there were, they would have been done a long time ago."

Rivara cited poverty, drug abuse and access to guns as the three key factors in soaring homicide rates. Previous studies have suggested that poor blacks have about the same homicide rate as poor whites, and wealthy blacks about the same rate as wealthy whites, he said.

Another study, reported two years ago in the *New England Journal of Medicine*, compared

homicide rates in Seattle and its Canadian neighbor city, Vancouver, which has a more restrictive gun-control policy. Seattle's homicide rate was 60 percent higher than Vancouver's — a difference accounted for almost entirely by a fivefold greater risk of being shot to death by a person wielding a handgun.

Tougher gun-control laws, Rivara said, would help reduce homicide rates for both blacks and whites.

In the District of Columbia this year, 78 percent of the homicide victims were shot, which is exactly the percentage that the CDC researchers found nationally during the decade from 1978 through 1987.

But a declining percentage of the slayings is classified by police as drug-related. The proportion of killings that are drug-related has fallen from 66 percent in 1988 to 52 percent last year and 39 percent this year, according to D.C. police data.

Despite a common misperception that most homicide victims are killed by unknown assailants during robberies or drug-related crimes, the CDC report said, more than half are killed by people they know.

"Most violence is acquaintance or family violence," said Harvard's Prothrow-Stith. "It starts with an argument. Alcohol plays a role. Owning a gun has something to do with it."

The risk factors are often behavioral, just as in heart disease, and so are the solutions, she said. "More police won't really help," said Prothrow-Stith. "Criminal justice comes after-the-fact and has very little preventive effect."

"We spend a lot of time trying to change people's behavior to get at heart disease. We have to do the same thing with violence."



Times Union photo by Roberta Smith

**POLICE CONDUCT AIRED** — Third Ward Alderwoman Sara Logan conducts a press conference at St. Joseph's Community Center Friday on the issue of Albany police relations with blacks.

## Views vary on police-black dealings

By Catherine Clabby

Staff writer

ALBANY — Political leaders and community activists concerned about the perception that police are using excessive force when dealing with black residents are divided about how to address the problem.

At a press conference Friday, Third Ward Alderwoman Sara Logan, who represents Arbor Hill, reiterated her stand that formal complaints to police are the best route to the truth.

While she believes some allegations of brutality may be true, she is confident that a department with an increasing number of black officers that is led by John Dale, the city's first black police chief, will be responsive, she said.

"There's a fine line between brutality and self protection," said Logan, calling on police to do their best to avoid excessive force while battling robberies, the illegal drug trade and violence on city streets.

Alice Green, director of the Center for Law & Justice Inc., sees it differently. In a letter she delivered Friday to Mayor Thomas M. Whalen III, she repeated her long-held conviction that greater community control of internal probes in the department is needed.

"Police accountability to our community is still a major goal," said Green, a long-time advocate of a local civilian review complaint board with powers to direct department investigations. Green also criticized Whalen for linking her to a protest in front of his home sparked Monday by suspicions surrounding the death of a robbery suspect police say killed himself in a city lock up.

In recent weeks, allegations of police misconduct have resurfaced in Albany. Suspicion surrounding the apparent suicide of Corey Sheldon, the black robbery suspect

found hanged while in police custody, sparked the large and angry demonstration outside Whalen's home. Six people filed brutality complaints Tuesday, alleging police beat and abused them Nov. 29 while attempting to arrest two burglary suspects on Clinton Avenue.

Friends and family members have insisted they don't believe Sheldon, 21, would have killed himself. Two pathologists, including a doctor hired by the Sheldon family, have found the young man died from self-inflicted asphyxiation, according to Albany County Coroner Paul Marra.

The state Commission of Correction, which oversees jails and prisons, is doing a full-scale investigation of the death, said Steven DeGiacco, a commission spokesman.

The Rev. Robert Dixon, a member of the newly revived Community-Police Relations Board, on Friday lashed out at Green and Mark Mishler, the attorney representing the families involved in the brutality cases filed this week.

"You call them activists, I call them antagonists," said Dixon, whose board has been dormant for a year after Whalen expressed an interest in changing its makeup to reflect fewer "special interest" groups and more neighborhood representatives.

Lewis Oliver, an attorney representing the Sheldon family, said Friday that he has recommended his clients not file any formal complaints with the police department concerning Sheldon's death.

Whalen on Friday repeated his conviction that no pattern of abuse exists and that adequate means exist to explore any complaints through the police department's internal affairs division and the newly reorganized Community-Police Relations Board. He will listen to any suggestions Logan has for additional efforts, he said.

# LOCAL

★ THE TIMES UNION

Tuesday,  
January 8, 1991

**B**  
SECTION

## Jail death spurs blacks' protest against police

Richard Wexler

Writer

ALBANY — Slinging "We Shall overcome" and braving bitter cold, about 65 people demonstrated in front of the home of Mayor Thomas Whalen III Monday night, protesting what they charge is widespread brutality against blacks by Albany police.

For 20 minutes, the demonstrators chanted, "What happened to Corey Clayton?" a reference to a black suspect who died in a cell in Division 2 lockup. Police say the death was a suicide, but the demon-

strators did not believe it. They also chanted, "Whose mayor are you?" and, "Where is Whalen?"

Lights were switched off at the Whalen household on South Pine Avenue as the protest began and the mayor did not come to the door when reporters sought comment after the protest. Shortly after the demonstrators left, police arrived. Whalen, clad in a bathrobe, opened the door, asked, "Is it quiet now?" again refused comment, and shut the door. One of the officers on the scene said he did not know who had called police.

The demonstration was unplanned. It happened after people attending a meeting at the Arbor Hill Community Center about alleged police brutality demanded that some sort of action be taken immediately. More than 100 people attended the meeting, which had to be moved to the gymnasium from a smaller room.

The meeting was called in the wake of the Sheldon death and the alleged beating of several members of the Cancer family in Arbor Hill last month. John Cancer, a family spokesman, said Monday night that

formal complaints would be filed with the Police Department's internal affairs unit this morning.

"I brought with me a copy of the Constitution of the United States," said Alice Green, who has resigned her job with the New York Civil Liberties Union to work full time on issues of police abuse. "The Albany Police Department doesn't seem to believe it exists for black people."

"I was scared (to speak out) but I couldn't take it any more," said Carolyn Edmonds, a merchant in Arbor Hill. "I have seen people harassed, abused, beaten and

charged for no reason at all," though she added that she has seen "good officers, too."

"Racism is alive and well right here in Albany," charged Deborah Muhammad, a human relations specialist for the state Division of Human Rights. Like other speakers, Muhammad cited what she said was the widespread feeling among blacks that they faced retaliation if they complained about brutality. "Even if there is no abuse, there is a problem when people are this afraid," Muhammad said.

See PROTEST / B-3

FIRST ANNUAL CAPITAL DISTRICT COMMUNITY  
CONFERENCE ON CRIME AND CRIMINAL JUSTICE

MAY 18, 1991

Proposed resolution regarding grand jury investigation  
into the arrest of James Lunday.  
Submitted by the Capital District Coalition Against  
Apartheid & Racism.

WHEREAS, a special prosecutor has been appointed in Albany County  
and a special grand jury convened to look into the circumstances  
surrounding the arrest of James Lunday, an African-American resident  
of Albany, on May 13, 1989,

WHEREAS, the allegations of Mr. Lunday concerning the use of  
racial slurs by certain Albany police officers and the beating he was  
subjected to after being taken into custody are quite shocking,

WHEREAS, Mr. Lunday's allegations have generally been corroborated  
by one of the police officers who was present when he was arrested,  
therefore,

BE IT HEREBY RESOLVED that the members of the public gathered at  
this First Annual Capital District Community Conference on Crime and  
Criminal Justice express our support for the appointment of the  
Special Prosecutor and the convening of the special grand jury, and

BE IT FURTHER RESOLVED that we encourage the special prosecutor  
and special grand jury to proceed with open minds in their inquiry,  
that they be thorough in their investigation and that they not  
hesitate, if the evidence so warrants, to show the courage to indict  
police officers for criminal offenses against Mr. Lunday, and

BE IT FURTHER RESOLVED that we will continue to monitor  
developments in this case.

ADOPTED 5/18/91

FIRST ANNUAL CAPITAL DISTRICT COMMUNITY  
CONFERENCE ON CRIME AND CRIMINAL JUSTICE

MAY 18, 1991

Proposed resolution regarding civilian control of the police.  
Submitted by the Capital District Coalition Against  
Apartheid & Racism.

WHEREAS, the police are public servants who should be accountable to the public they are sworn to serve and protect;

WHEREAS, historically, police departments have neither sought nor welcomed involvement of broad and diverse sections of the community they serve in the assessment, planning, and implementation of priorities and policies and in the review of police conduct;

WHEREAS, police departments in cities such as Albany, Troy and Schenectady do not include African-American and Latino officers or women officers in percentages even close to the percentage of these groups in the population;

WHEREAS, we are convinced that police use of excessive force is both widespread and accepted as routine and ordinary by police departments, including those in Albany, Troy and Schenectady;

WHEREAS, police use of excessive force particularly victimizes African-Americans and Latinos;

WHEREAS, the procedures currently in existence to address police misconduct such as internal affairs units and community police "relations" boards have proven to be ineffective in curbing police use of excessive force; and

WHEREAS, one solution to police misconduct is the re-affirmation and implementation of the concept of democratic, civilian control over the police; therefore

BE IT HEREBY RESOLVED by those members of the public gathered at the First Annual Capital District Community Conference on Crime and Criminal Justice that we support the creation in every municipality of a Civilian Police Control Board that would have the authority to set policies for police conduct and, in addition, have review and disciplinary powers to address instances of misconduct by police officers; and

BE IT FURTHER RESOLVED, that such Civilian Police Control Boards should be democratically elected pursuant to procedures that guarantee the participation and election of a diverse cross-section of the community including, in particular, persons representing groups traditionally victimized by police misconduct such as African-Americans, Latinos and young people.

ADOPTED 5/18/91



4/18/91

# Lunday gratified by indictments

By LAURA SUCHOWLEC  
Gazette Reporter

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ALBANY — James Lunday's son is 5 years old now, but the child still remembers watching as a white police officer forcibly arrested his father in 1989 outside Big John's Restaurant, his mother said yesterday.

"We've only driven by there just once since it happened and he [5-year-old James Lunday III] said, 'Look, there's where my daddy got beat up by the police,'" said Barbara Lunday, the boy's mother.

James Lunday II of Albany said he hopes the indictments against three white city police officers will help change the way some police officers treat citizens.

"I'm raising a son and I wouldn't want this to happen to him," said Lunday, tears flowing from his eyes.

"I think they will have a great impact," Lunday said of the indictments.

The indictments — handed up Monday by a 23-member, all-white Albany County special grand jury — accuse Retired Detective Kenneth Sutton, 46, of Coeymans Hollow of beating the handcuffed Lunday and yelling racial slurs at the black man. Detective Thomas Schillinger, 47, of Castleton and John Tanchak Jr., 41, of Waterford are charged with witnessing Sutton's alleged misconduct and failing to report it.

"I believe this will help my son and black and white children around the country," Lunday said. "This has got to stop . . . It's 1990 . . . Just because you're black doesn't mean you don't have rights."

The probe by the special grand jury was initiated after former police Officer Mathia Sidoti in a sworn state-

ment backed the allegations of police brutality and racial harassment raised by Lunday, 36, in a \$7.13 million civil lawsuit.

Sidoti, who was fired from the force for alleged cocaine use, was a defendant in the civil lawsuit and initially backed the three officers named in the indictment.

Sidoti was dropped as a defendant in the federal civil suit and was granted immunity from prosecution for her grand jury testimony.

Lunday's arrest occurred the day before Mother's Day in 1989 while Lunday was waiting outside a restaurant for his girlfriend — now his wife — who was buying a takeout dinner for the family.

He was arrested on charges of assault, resisting arrest and disorderly conduct, but the charges were dropped without public explanation six months after his arrest.

6/19/91

# New job for two officers

## Albany chief takes action on charges

By KATE GURNETT  
Gazette Reporter

ALBANY — Two city detectives will be reassigned from the narcotics squad until misdemeanor misconduct charges against them are resolved, Chief John Dale announced yesterday.



Dale

Detectives John Tanchak and Thomas Schillinger, both 19-year veterans, will be assigned to desk duty on whatever shift has an available opening, Dale said.

"It's a traumatic experience for the officers and I felt at this time it would be best if they had inside duty," Dale said.

The two were indicted Monday by a special grand jury investigating racial brutality in the arrest of James F. Lunday. The indictments accuse retired Detective Kenneth Sutton of repeatedly punching Lunday and calling him "a nigger and other vile epithets" while he was handcuffed and in custody in May, 1989.

Tanchak, 41, and Schillinger, 47, witnessed the abuse but failed to report it to their superiors, the indictments state.

"I'm not here to try to convict or exonerate someone," Dale said. "They're entitled to their day in court like anyone else. The court will make the ultimate decision."

The police Internal Affairs unit "will be looking into" the case to see if departmental charges should be filed against the two detectives, Dale said.

"What we do here will depend on what happens in court," he added. "In the meantime if we find we can substantiate it, then [internal] charges will be done before that."

Meanwhile, the city will continue paying the three men's \$90-an-hour legal bills. It is the first time the city has paid for legal representation for police facing criminal charges, Corporation Counsel Vincent J. McArdle Jr. said.

"This is an unusual case," he said. "Our contract calls for us to provide representation unless we make a determination that they were not acting in the line of duty or scope of their employment."

"How is official misconduct and beating up on a suspect within their duties?" Lunday attorney Laurie Shanks responded.

Tanchak and Schillinger can appeal a decision to fire or discipline them if they are convicted of a misdemeanor to an arbitrator under the union contract, Dale said. Officers convicted of felonies are automatically fired, he said.

# LOCAL

★★ THE TIMES UNION

Wednesday,  
June 19, 1991

**B**  
SECTION

## Police charged in race incident are desk-bound

By John Caher

Staff writer

ALBANY — Two city narcotics detectives indicted in a racial incident have been assigned to desk duty pending the outcome of an internal investigation.

Vincent J. McArdle Jr., the city's lawyer, said the reassignment of Detectives John Tanchak Jr. and Thomas Schillinger was a result of an indictment on Monday charging them with official misconduct, a misdemeanor.

The indictment alleged they witnessed and failed to report a May 13, 1989 incident when Kenneth Sutton, a detective who since has retired, beat and racially taunted a handcuffed black man.

Sutton was charged with official misconduct and harassment, a violation, in connection with a confrontation with James F. Lunday, 36, an Albany man who was apparently mistaken for a drug suspect.

McArdle, after meeting with Chief John A. Dale Tuesday morning, said the police internal affairs division would investigate the matter. He said Tanchak and Schillinger will remain on duty unless the internal affairs investigation determines they committed misconduct.

"In order to suspend, we have got to bring charges," McArdle said. "We are not in a position, except in looking at the indictment itself, to draw much of a conclusion. There are a lot of contradictions."

At a news conference Tuesday morning, Lunday's attorneys, Terence L. Kindlon and Laurie Shanks, said the indictment was a watershed event in that an all-white grand jury apparently rejected the testimony of white police officers and accepted that of a black man.

"We have great respect for police officers who do their job and do it well," Kindlon said. "I am absolutely unwilling to accept a bad police officer hiding behind good police

officers and using the war on drugs as an excuse for misconduct."

McArdle said he could not recall a similar complaint resulting in an indictment, but was uncertain if the charges lodged Monday were unique in Albany.

Lunday, whose only brush with the law was a traffic violation several years ago, said the indictment sends a message to police that "If you do wrong, you should be brought to justice."

McArdle said an initial investigation by internal affairs "did not get to the point where it concluded (the officers) had committed the acts alleged or they would have charged them at that point." He said the department would re-examine Lunday's allegations in light of the indictments handed up on Monday.

"Internal affairs has looked at it, and I'm sure we'll be looking at it anew based on this development," McArdle said.

McArdle said the city would continue to pay \$90 per hour to each of the three private attorneys retained to represent Sutton, Tanchak and Schillinger "until we make a determination that the officers were not acting within the scope of their employment."

A key prosecution witness, former Police Officer Mathia Sidoti, has given conflicting accounts of the altercation with Lunday. Sidoti initially supported her colleagues, but after she was named in a \$7.13 million civil rights lawsuit, she implicated herself and the detectives.

Sidoti, who was fired for cocaine use several months after the Lunday incident, said under oath that Sutton and Tanchak beat the suspect and that she and Schillinger were involved in a cover-up. Lunday was charged with resisting arrest, disorderly conduct and assault, but all the charges were dismissed in Albany City Court.

6/20/91

## Lawsuit expected in death that followed police chase

By JOHN MORAN  
Gazette Reporter

ALBANY — The family of a black man who died after being chased and arrested by police from several local departments is taking the first step toward filing a lawsuit against the Albany and Bethlehem police forces.

Lowell R. Siegel, a lawyer for the National Association for the Advancement of Colored People, said he filed a notice of claim yesterday in federal court against the Albany and Bethlehem police departments, the Albany County Sheriff's Department, the county and city of Albany and the town of Bethlehem.

Siegel is representing the family of Raymond E. Stallings, the man who died after being apprehended by police after a chase from Bethlehem into Albany. Police say they tried to pull Stallings over after they discovered the license plate on the car he was driving belonged to another vehicle.

Stallings collapsed after being chased on foot by police from several departments. A coroner ruled that Stallings died from a ruptured heart and that there was no police abuse.

Bethlehem Supervisor Ken Ringler and police Chief Paul Currie confirmed the town and the Police Department were served with the notice yesterday.

Albany Corporation Counsel Vincent McArdie Jr. and police spokesman Lt. Robert Wolfgang said they were not aware of the city or the department being served.

"This notice of claim has been served as a precedent to further legal action for damages sustained on account of wrongful death, severe and permanent personal injuries sustained prior to death . . . deprivation of civil rights, and conspiracy for the deprivation of civil rights," Siegel said in a written statement.

Siegel said his own investigation has turned up information that has not been made public yet. He said he planned to meet with the FBI later this week to turn over this information so the FBI could include it in its probe.

The FBI completed a preliminary probe of the death and sent the results to the U.S. Justice Department in Washington, D.C., in mid-May. The department is now reviewing the material and is expected to decide in July whether to order a full investigation by the FBI.

Siegel wouldn't elaborate on the "substantial and persuasive evidence" that he said his investigation has turned up.

"I anticipate this evidence will create enough impetus to get a full investigation," Siegel said.

While Wolfgang said he did not know of the notice being served, he

said, "We investigated [the death] and we determined there was no wrongdoing on the part of the officers."

Ringler and Currie declined comment, saying questions should be asked of Town Attorney Bernard Kaplowicz. Kaplowicz did not return a call yesterday.

Stallings, 30, of Albany was followed by police after he left the Grand Union grocery in Delaware Plaza because Bethlehem Detective Ted Wilson saw him "coming out and he acted differently than the other people leaving. He stopped and seemed to be looking down and acting differently than the others," Curry has said previously.

After Wilson checked the plates on the car Stallings was driving, he attempted to pull him over, but Stallings, a former jail guard who had just been hired at the Guilderland Grand Union, kept driving toward Albany, according to Curry.

After driving into Albany, Stallings hit a barrier near Interstate 787 and fled on foot. Once Albany Detectives John Tanchak and Thomas Schilling caught him, the overweight man collapsed and attempts to revive him failed. Witnesses said they did not see police use excessive force.

Siegel has questioned whether Stallings was followed because he was a black man in a white suburban shopping center.

## Albany activists demand Greenberg's resignation

The district attorney is taken to task for calling a witness against the police a "sleazeball."

By Joe Mahoney

Staff writer

ALBANY — Two activist groups — the Center for Law and Justice and the Capital District Coalition Against Apartheid and Racism — demanded Thursday that District Attorney Sol Greenberg resign, citing his verbal attack on a key witness in a case of alleged police brutality.

The two groups were irate over Greenberg's comments in a front-page story in Thursday's *Times Union*, in which he denounced Mathia Sidoti, a former Albany police officer, as a "sleazeball," attacked her credibility and questioned special prosecutor Richard Kohn's decision to grant her immunity from prosecution.



Green

Sidoti, 26, was fired from the police force last year for cocaine use, and recently has emerged as a pivotal figure in the case of James Lunday, a black man who alleged he was beaten and racially insulted by white Albany policemen.

Sidoti was on duty in May 1989 when police arrested Lunday on charges which were later dropped. She has corroborated some of Lunday's allegations.

She was a key witness before a special grand jury that this week indicted retired Detective Kenneth Sutton on charges of harassment and official misconduct and also indicted Detectives John Tanchak and Thomas Schillinger on charges of official misconduct.

In a joint statement, the Center for Law and Justice and the Coalition Against Apartheid and Racism described Greenberg's comments as "unconscionable" and contended he has "abandoned his official responsi-

See GREEN / B-3

## GREEN

Continued from B-1

bility to protect all of the citizens of this county from criminal abuse. . . . Through his actions and repeated comments, he has communicated the message that police are free to

brutalize people of color with impunity."

The statement was attributed to Alice P. Green, head of the justice center, and Merton Simpson and Vera Michelson, co-chairs of the anti-apartheid coalition.

The three also criticized Greenberg for not prosecuting police officers in the alleged beating in 1987 of Gregory Baity, a homeless black man who later received a \$12,500 settlement from the city in exchange for pleading guilty to a resisting arrest charge. They chastised Greenberg for recently saying that "we're going to have a jungle society" if police officers are made "scapegoats all the time."

In response to the demand that he resign, Greenberg said he had no

comment other than to point out that his current term expires in December 1993.

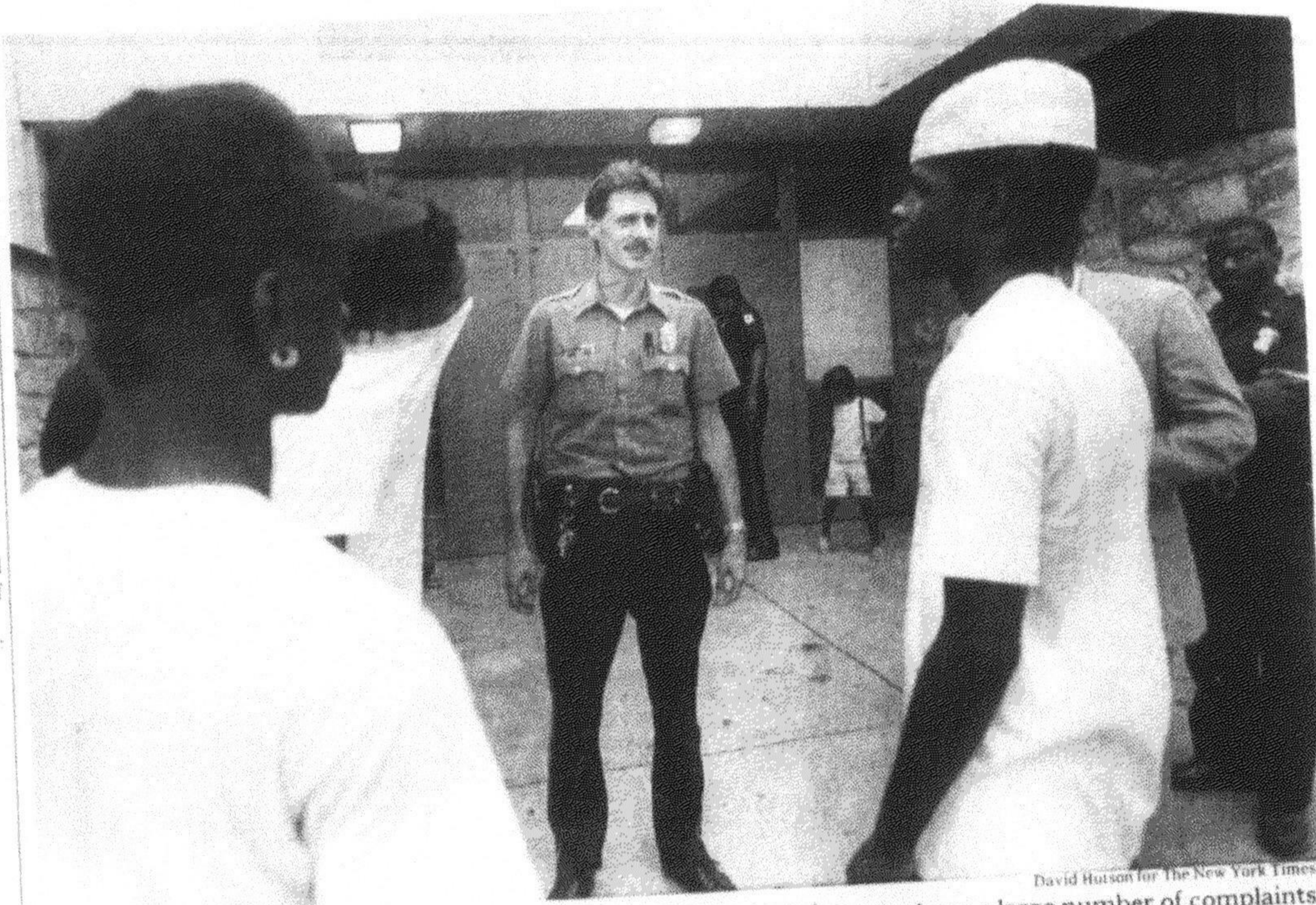
"I don't plan on going any place," he said.

Defense lawyers for the three indicted police officers are expected to rip into Sidoti's credibility when the case goes to trial in Albany County Court.

Green, meanwhile, said she plans to step up her crusade to endow a civilian police review board with significant power to oversee the handling of complaints against Albany police officers.

Greenberg's attack on Sidoti, Green said, "confirms our notion that there is no mechanism in Albany County to effectively handle complaints against the police."

TU  
6/21/91



David Huison for The New York Times

A program in Kansas City, Mo., identifies and counsels police officers who have a large number of complaints against them. Officer Jim Pott says he is proud he has not had a complaint since completing the program.

## Kansas City Police Go After Their 'Bad Boys'

By DON TERRY

Special to The New York Times

KANSAS CITY, Mo. — Lightning slashed across the sky over this city known for its hot barbecue, cool jazz and tough police officers. One officer, Jim Pott, sat in a patrol car watching the storm and talked about his place on what he and colleagues bitterly call "the bad boys list."

The list, a computer printout of 25 officers who have an unusually large number of citizen complaints against them, is part of the Kansas City Police Department's new "early warning sys-

tem" to prevent officers here from using the kind of excessive force that provoked public outrage last spring when a videotape of Los Angeles police officers beating a motorist was made public.

"We want to latch on to the officer who has problems dealing with the public as soon as possible, before they get into bad habits that can cause a lot of problems," said Capt. Dean Kelly, the commander of the internal affairs unit.

He said the first group of bad boys was sent to a special eight-hour class

that used role playing and other methods to help the officers improve their communications skills.

Jim Pott was among the first to be reeled in.

"Sometimes I get carried away with the macho image; a lot of us do," Officer Pott said, blowing a cloud of cigarette smoke out the window. "I consider myself an aggressive officer; you have to be. I like messing with the real bad guys. Not too long ago, the unwritten rule was if somebody ran on

Continued on Page D19, Column 1

Continued From Page A1

you and you caught 'em, you'd smack 'em one."

"To be honest," he said with a smile, "in the past we got away with quite a bit. But everything is post-L.A. now."

Experts say that in any city a comparatively small group of officers provoke most complaints of excessive force.

#### Problems of a Few

That was borne out here in a recent departmental study that was ordered by Chief Steven C. Bishop after an alarming string of excessive-force allegations, including the striking of two black clergymen and the televised beating of a suspect after a car chase.

The study found that over a three-year period the 25 officers on the list were responsible for more than half of the 600 complaints filed every year against the 1,200-officer department.

Similarly, in Los Angeles, a commission established to investigate the Police Department shortly after the beating last March of the motorist, Rodney G. King, also found a minority but still "significant number of officers who repetitively misuse force."

Even before the Los Angeles incident, the Kansas City Police Department had acted to prevent roughhouse tactics. In his first 14 months on the job, Chief Bishop has forced out 24 of the department's 1,200 officers for bad conduct, a previously unheard-of action. "And I have two more hanging in the wings," he said with a sad, slow sigh.

But the Chief's policies have met with resistance from the rank-and-file. Last year, he handed out the stiffest

suspension in department history, 120 days without pay when an officer hit a Baptist minister in the back of the head with the butt of a shotgun during a robbery investigation.

The officer's colleagues held a monthlong work slowdown to protest the action and raised thousands of dollars for the officer by auctioning off the same kind of shotgun he used to strike the minister.

"We as officers felt the Chief had gone way over the line with discipline," Officer Pott said.

Nevertheless, Lawrence W. Sherman, president of the Crime Control Institute in Washington, called the Kansas City department "a model of preventative action to control police use of excessive force."

#### 'On the Right Track'

And Hubert Williams of the Police Foundation, a research group in Washington, said Chief Bishop "was on the right track" by dismissing problem officers.

"Excessive use of force by police officers creates such a cleavage within the community that police departments can almost become dysfunctional in certain areas of a city," Mr. Williams said. "It's critical that police managers send a strong, clear message that this kind of behavior is not tolerable. You have to draw a line and say: 'If you want to be a cop, you have to be one of the good guys, you can't be a bad guy, busting heads.'"

Still, only a handful of departments go as far as Kansas City's has, Mr. Sherman said.

The New York City Police Department has identified and provided counseling for more than 8,200 officers since 1973. Officers receive help through the department's early intervention pro-

gram for a variety of reasons, including gambling, financial troubles, alcohol abuse, marital problems.

Here in Kansas City, the department's main objective is to correct questionable behavior out on the street. A secondary goal is even harder to achieve: changing attitudes.

#### 'Prejudice That People Carry'

"We've learned we can not necessarily change people," Captain Kelly said. "There is prejudice that people carry with them that we cannot change. But

## Police officers find that communication goes a long way.

what we can do is make them aware that they have these attitudes and that they have to put them at the back of their minds and carry on business as if they didn't exist or else they can start looking for a new job."

The 25 officers on the first list were sent to the special class last April. They used role playing, lectures, videotapes and group discussions to demonstrate ways to communicate better on the street and at home.

The class also teaches the officers to avoid using what Captain Kelly calls "blockers" to communication.

He said many of the officers on the list wear mirrored sunglasses and other trappings of authority when talking to people. Out on the street, they are

humorless and approach the increasingly complex job like 1950's cardboard television characters: just the facts ma'am and no backtalk.

Some wear two or three pairs of handcuffs and rest their hands on their guns during even the most routine traffic stops.

"We talk about eye contact, facial expressions, stance," Captain Kelly said. "You rest your hand on your gun; cops don't realize that it offends and even scares people. I don't know how many times I have heard people complain, 'I thought he was going to shoot me for running a red light.'"

#### Another Taped Beating

The Kansas City plan is part public relations. Months before the Los Angeles incident, police officials here grappled with how to handle "our own Rodney King incident," Chief Bishop said.

Last September, after chasing a van through the streets of the city, several officers yanked the driver, a white man, through the window and began kicking him and beating him with a blackjack-like weapon.

The incident was filmed by a television cameraman who had been following the chase in his own van.

"I think our officers realize now we had a problem with the way we were treating people," the Chief said. "But that was a very small minority of our officers."

Although the Chief's words and actions have encouraged many, there is still a deep sense of caution, a sense that the changes are only temporary. The president of the Kansas City branch of the National Association for the Advancement of Colored People, Herman Johnson, said the department's reputation has been "terrible for years and years and years."

"It's better now," he said. "But there's been trouble before. They clean it up, change some policies but as soon as it quiets down, they go right back to what they were doing."

#### Pattern Is Crucial

In Kansas City as in other cities, most complaints filed against an officer are never substantiated. And filing a complaint is not an uncommon tactic of some suspects, who hope to derail aggressive but legitimate police work.

But Chief Bishop said a pattern of complaints against an officer, whether substantiated or not, is a good sign that trouble could be developing.

Complaint records are now checked every month to update the list and commanders are notified anytime an officer has received three or more complaints in a six month period.

Back out on the street where the action is, Officer Pott lit another cigarette, and talked about how he had moved from his hometown of Grand Rapids, Mich., to Kansas City to pursue his lifelong dream of becoming a policeman.

"I just like the possible excitement of it all," he said. "But I had a real problem with communicating. I think I was a bad listener. I could always talk though. I could always tell people what to do out here or at home."

He said initially he was angry and embarrassed about being on the list but is now happy that he took the class. He said he is more tolerant and open minded "and my marriage is 100 percent better."

He said he was fourth on the list after receiving 13 complaints in two years but not of those complaints, he said, has been substantiated.

The dispatcher's voice broke in:



David Hutson for The New York Times

In his first year on the job, Chief Steven C. Bishop forced 22 Kansas City, Mo., police officers out of department for bad conduct.

"Man with a gun in his shorts." Flicking his cigarette out the window, Officer Pott made a U-turn. And then, heading his cruiser toward the stranger with the gun, he smiled and said, "I love this job."



6/22/91

## Greenberg spreads distrust

Albany County District Attorney Sol Greenberg just never knows when to button his lip.

I'm referring to his outrageous bit of recent public second-guessing concerning the granting of immunity to a key witness in the James Lunday police brutality case.

On Wednesday, Sol called the key witness, former police officer Mathia Sidoti, a "sleazeball" and unworthy of immunity. Sidoti testified before a grand jury she observed specific brutality against Lunday, a black man, by two Albany Police narcotics detectives and a recently retired one.

The grand jury indicted retired Detective Ken Sutton on misdemeanor charges, and Detectives John Tanchak and Thomas Schillinger were charged with official misconduct. Essentially, the charges specify that Sutton whacked around and verbally abused Lunday, while he was in handcuffs, as Tanchak and Schillinger looked on and did nothing about it.

Never mind that Greenberg's unfortunate intrusion undermines special prosecutor Richard Kohn. That's bad enough. They are supposed to be on the same side, prosecuting crime on behalf of we, the people.

What galls any fair-minded person is a pattern emerging here clearly aimed at trivializing this case, making it appear as if the media and a few vocal critics like Alice Green are blowing something out of proportion.

Now, I understand the city is justifiably nervous about a pending civil suit against its police department brought by Lunday. That the three cops were indicted at all is a major blow. If a jury finds these guys guilty to boot, the city is a dead duck in the civil case.

But fair is fair. The media and the critics are not the special prosecutor, who presented the evidence. The media and critics are not the grand jury, which weighed the testimony and came up with charges. The system is supposed to go forward now to see if those charges can be substantiated.

Instead, Sol is doing precisely what he regularly accuses critics of doing: trying the case in the newspapers. There is a time to scream your opinion, and a time to keep your mouth shut. And right now, Sol, is distinctly a time for the latter.

I said there seems to be a pattern. Sol seems to fall in league with Albany Police Chief John Dale, who's already on record as seeing nothing extraordinary in how the officers behaved. City Corporation Counsel Vincent McArdle voiced thoughts along similar lines — hedging some — but that is the message.

The sum of all this is to tell the public, "Forget it folks. It's no big deal. Back to sleep."

Well, what's on trial here is a big deal, going to the heart of decades of distrust between Albany's minority and alternative communities, and the police department. What Sol is doing, for the sake of a few brownie points with the cops that his office has to deal with day in and day out, is to perpetuate, even deepen, that distrust.

What's on trial here? The city's credibility.

It took a special prosecutor before these guys were indicted. The Albany Police Department, and Sol's office, did not see misconduct when they looked at the case. Now the FBI also is investigating, presumably to see if civil rights violations are involved, which makes Sol's mouthing off all the stranger. Federal indictments, should they come, will make Sol look deeply silly.

The charges themselves Sol has characterized as penny-ante. In a literal way, he's right. A couple of misdemeanors and official misconducts are no big deals — except under these racially charged circumstances. The James Lunday case is about whether white cops beat up and taunted a black prisoner in handcuffs. And then lied about it and expected to get away with it.

The charge against Sutton, for example, reads: "... Having taken the said James Lunday into custody, did subject (him) to physical and verbal mistreatment, by repeatedly punching and striking him about his body, striking his head against a metal cabinet, and by kicking and kneeling him about his face and body, and by calling him a nigger and other vile racial epithets ..."

So says the grand jury. So much for "penny-ante."

## GREENBERG

Continued from A-1

I think it was justified (to grant immunity), and I'm certain that Mr. Greenberg, had he been prosecutor, would have done the same."

Greenberg, Albany County's top law enforcement official, described the official misconduct counts handed up by the grand jury as "penny ante charges, despite all the hoopla" in the media.

In a civil rights lawsuit filed in U.S. District Court, Lunday, 37, is seeking \$7.13 million in damages from the city of Albany, its police department and Sutton, Tanchak and Schillinger. Sidoti also had been named as a defendant, but was dropped from the suit after she recanted her story that she witnessed no police misconduct and claimed she observed police assault and racially taunt Lunday. She gave a new version of events after she was fired.

Attorney Mark Mishler, who represents Sidoti, contended that Greenberg is more interested in retaliating against Sidoti for "taking a courageous stance and breaking the police code of silence" than he is in

addressing the problem of police brutality and racial abuse.

Mishler said the indictments showed that "23 white citizens of Albany County (who were on the grand jury) were convinced that Mathia Sidoti was telling the truth and that the police officers were not telling the truth."

Mishler acknowledged he advised Sidoti not to submit to questioning by the Albany police internal affairs investigators. "I don't know if there's a hell of a lot more she can say," he said. "I didn't want her to be in a situation where she has to expose herself to some penalties. Also, I don't have tremendous confidence in internal affairs. They've had their shot at many cases and haven't come through."

Mishler said Sidoti has completed a drug treatment program, holds a full-time job, and, to his knowledge, has remained drug-free.

The Lunday case began in May 1989 when police arrested him on charges of resisting arrest, disorderly conduct and assault. Lunday later said that police officers beat him and racially insulted him. All of the charges against Lunday were later dismissed in Albany Police Court.

In April, Greenberg recommended that a special prosecutor be named in the Lunday case to "give total credibility to an investigation by a neutral source." Greenberg made the request after Lunday's lawyer in the civil lawsuit, Terence Kindlon, demanded a criminal investigation of the incident, citing the switch by Sidoti in corroborating Lunday's claims.

Kohn was then named special prosecutor in the case by County Judge Thomas W. Keegan.

Kohn said Wednesday that Lunday's allegations against Sutton, Tanchak and Schillinger were distinct from the accusations against Sidoti. The only accusation against her was her failure to report misconduct of other officers in a timely manner, he said.

"I feel the grand jury did the right thing," said Kohn. "They heard all the evidence. This was not a one-sided presentation, and I didn't intend it to be such. The grand jury made up their own mind. They were very much independent and conscientious."

Tanchak and Schillinger have participated in hundreds of drug arrests over the last several years and many of those cases are still pending.

Greenberg said he believed the indictments against the two detectives would not undermine those prosecutions.

One of the drug busts involving Tanchak and Schillinger was the seizure last winter of 23 pounds of near-pure cocaine — the largest amount of the drug ever confiscated in Albany — and the arrests of five suspects, including reputed Albany drug kingpin Robert "Starborn" Miller, now being held for lack of \$1 million bail at Albany County Jail.

Miller's lawyer, David Brickman, said Tanchak was the officer who apprehended three of the suspects. Brickman said of the Lunday case indictments, "It's going to be a factor, if I can help it," at upcoming hearings in the Miller case. "It's an issue that is going to have to be carefully researched," Brickman added.

Greenberg said: "Defense lawyers will do anything they can do get their clients out. If juries buy it, so be it."

In addition to the civil rights lawsuit and this week's indictments, the Lunday case is also the subject of an investigation by the Albany FBI office.

JUL 15 1991

PRELIMINARY INQUIRY

(IF MORE THAN ONE ATTORNEY IS INVOLVED, FILE SEPARATE INQUIRY FORMS AGAINST EACH)

TO: Committee on Professional Standards  
Gov. Alfred E. Smith State Office Building  
22nd Floor, P.O.Box 7013, Capitol Station Annex  
Albany, New York 12225

DATED July 15, 1991

I, Alice P. Green (Center for Law and Justice, Inc.)

NAME

Telephone: Home (482-2672 )  
Work (427-8361 )

Pine West Plaza, Building #2, Washington Avenue Ext. Albany, New York 12205

ADDRESS

am aggrieved by the following acts of Sol Greenberg

(ATTORNEY'S FULL NAME)

Albany County Court House, Eagle Street, Albany, New York 12207

(ATTORNEY'S OFFICE ADDRESS)

(Please indicate below the exact aggrieved acts and explain in detail all facts, dates, and events which are relevant. Continue on reverse side if necessary.)

(Please see attached)

1. Have you filed a complaint concerning this matter with another bar association, state attorney general's office or any other agency? Yes

If so, please provide:

Name of Agency NYS Division of Criminal Justice Services

Action Taken by Agency

2. Have you brought a civil action against this attorney? No

Name of Court

Result

*Alice P. Green*

(SIGN YOUR FULL NAME)

Albany County District Attorney Sol Greenberg should be disciplined for prejudicial statements made to the media on June 19, 1991 regarding the James Lunday police brutality case. On June 20, 1991 and June 21, 1991, the "Albany Times Union" and "The Daily Gazette" respectively, printed several of Greenberg's statements pertaining to the Lunday case in which he criticized the key witness and the special prosecutor's decision to grant the witness immunity from prosecution in exchange for her testimony in front of the Grand Jury. (See attached articles). One such statement by Greenberg stated "What I can't understand is why you would grant immunity to a sleazeball like (Mathia) Sidoti." (Times Union, June 20, 1991). Sidoti had previously given a sworn statement that she observed specific police misconduct against Lunday by several Albany Police officers; we assume that her testimony before the Grand Jury was consistent with her previous sworn statement. Currently, James Lunday has a civil rights lawsuit filed in the U.S. District Court seeking \$7.13 million in damages against the City of Albany, and several of the officers arising out of this incident.

Mr. Greenberg also said that he considered the charges filed against the three officers to be "penny-ante", thereby seeming to question the validity and appropriateness of decisions made by the Grand Jury.

The District Attorney's remarks were especially inappropriate in light of the fact that he had determined that there would be a conflict of interest with his involvement in the case. Because of that determination and the fact that he is the highest elected law enforcement officer in the county, he should have been extremely careful about the kind of statements made regarding the Lunday case. We believe that he acted improperly by making the reported statements.

A district attorney functions under a higher standard regarding his or her ethical responsibility to the community as stated in the American Bar Association Code of Professional Responsibility:

"The responsibility of a public prosecutor differs from that of the usual advocate; it is to seek justice, not merely convict. This special duty exists because...the prosecutor represents the sovereign and therefore should use restraint in the discretionary exercise of governmental powers...(EC 7-13).

The Center for Law and Justice contends that District Attorney Sol Greenberg violated the Code of Professional Responsibility, specifically disciplinary rules DR 1-102 A (5) and (7) and Disciplinary Rule 7-107 Trial Publicity. He should be disciplined. The rules state that it is a form of misconduct to engage in conduct that is prejudicial to the administration of Justice or that adversely reflects on the lawyer's fitness to practice law. (DR 1-102 A (5) and (7). Disciplinary Rule 7-107 (A) reads that "a lawyer participating in or associated with a criminal or civil matter shall not make an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding." Code of Professional Responsibility, 1991. More specifically, DR 7-107 (B)(1) states that "a statement ordinarily is likely to prejudice materially an adjudicative proceeding when it refers to a civil matter triable to a jury, a criminal matter, or any other proceeding that could result in incarceration, and the statement relates to ... the character, credibility, reputation or criminal record of a party, suspect in a criminal investigation or witness, or the identity of a witness, or the expected testimony of a party or witness." Code of Professional Responsibility, 1991.

Clearly the statements made by District Attorney Greenberg are in violation of several ABA Disciplinary Rules and Standards. By injecting himself improperly into the Lunday case in which he has a conflict of interest, he has deliberately violated the intent of the ethical standards which deal with the professional responsibility of a public official. He should therefore be disciplined as warranted.

**CENTER FOR LAW & JUSTICE, INC.**

Pine West Plaza Building 2  
Washington Avenue Extension  
Albany, New York 12205  
(518) 427-8361

ALICE GREEN, Ph.D.

July 16, 1991

**FORMAL COMPLAINTS FILED AGAINST DISTRICT ATTORNEY SOL GREENBERG**

Statement by Alice Green for The Center for Law and Justice

On June 20, 1991, The Center for Law and Justice and the Capital District Coalition Against Apartheid and Racism called for the resignation of Albany County District Attorney Sol Greenberg. We did so strongly believing that Mr. Greenberg, the highest elected law enforcement officer of the County, has allowed his personal biases to replace his ability and responsibility to function as a neutral protector of the rights of all citizens of this county.

This morning, the Center for Law and Justice with the support of the Coalition and other community groups and individuals, filed two formal complaints against Mr. Greenberg. The first complaint was filed with the New York State Committee on Professional Standards which receives and processes complaints involving members of the legal profession.

A second complaint has been filed with Mr. Richard H. Girgenti, the New York State Director of Criminal Justice and Commissioner of the New York State Division of Criminal Justice Services, the chief law enforcement official of the State.

Both have been asked to investigate our complaint of professional misconduct and to discipline Mr. Greenberg if warranted.

Although we respect Mr. Greenberg's right to express his opinions, the responsibility of a district attorney "differs from that of a usual advocate." He must function under a higher standard regarding his ethical responsibility to the community.

# Dale argues Albany police vindicated

By Jay Jochnowitz  
Staff writer

ALBANY — Police Chief John Dale said Wednesday that he felt the police were vindicated in the death of a black man in police custody, but a lawyer for the man's family continued to charge the state with whitewashing an investigation of the death.

Dale said the report from the state Commission of Correction, which concluded that Corey Sheldon, 24, died Jan. 3 "as a result of a suicidal hanging attempt," was "exactly what we knew happened. We knew we hadn't caused his death or contributed to it."

However, Lewis B. Oliver, an

attorney for the Sheldon family, continued to attack the report as incomplete, and said an independent agency with the power to compel testimony in a public forum should be created to review the case.

"The family is justified in feeling that evidence, information about what happened, is being covered up," said Oliver. Pointing to what he said is conflicting evidence and information not covered in the commission's final report, Oliver said: "They haven't begun to do their job. Somebody is not telling the truth."

William G. McMahon, chairman of the Commission of Correction, bristled at Oliver's remarks. "We do about 300 inmate mortality investigations a year. We're not in the

business of whitewashing a report," McMahon said.

Oliver said he has been unable to obtain some information from police, such as photographs of the cell and the autopsy, but Dale said he believed the department has given Oliver everything he had requested.

Both Dale and McMahon said they sympathized with the family and attributed Oliver's criticism to the family's difficulty in coming to grips with a suicide.

Sheldon, 21, was arrested Jan. 3 in connection with the Dec. 18 robbery of a Cohoes man in Washington Park. Police said he underwent a routine screening designed to detect suicidal inmates, and showed no sign of despondency, but was found

hanging in his cell at 8:15 a.m. Police said he died several hours later, after police, firefighters, and doctors and Albany Medical Center Hospital tried to revive him.

Oliver, however, said there are problems with the police story and the commission report, including:

- While the police lockup log has notations that Sheldon was awake between 7 a.m. and 7:30 a.m., a Jan. 8 intra-departmental memo by Captain H. John Damino, obtained by Oliver, stated that Albany County probation officer Michelle Scott told him that she was in the cellblock the morning Sheldon died at about 7 a.m. and he was "lying face down sleeping." Scott left the cellblock at 7:25 a.m., according to the log.

Lt. Edmund Flint, one of the arresting officers in the Sheldon case, said officers checking the cells in the morning use a flashlight, and the officer on duty might have seen Sheldon's eyes open, or for other reasons, decided he was awake.

Oliver said the county has refused to allow him to interview Scott.

- The police log book didn't record finding Sheldon at 8:15 a.m. — until other entries after that time were made.

Flint said the discrepancy might have been due to delays in logging the incident during a shift change.

- Police say Sheldon didn't die until around noon at Albany Medical Center, but a fire department record of his treatment showed no respira-

tion, pulse, blood pressure or heart activity. A tape obtained by Oliver of a call by an officer to Damino also shows the officer twice stated Sheldon was dead.

Dale, however, said Sheldon "was alive when we took him to the hospital. He died hours later."

- Sheldon, who had recently joined the National Guard, was said to have hanged himself with a "field jacket." Although state law requires that such items as jackets, along with belts, ties, and shoelaces, be taken from prisoners, Flint said police apparently allowed Sheldon to keep the jacket to wear over his T-shirt because there was no indication he was going to hang himself.

in inmate's hanging

THE TIMES UNION

Albany, N.Y., Thursday, August 8, 1991

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A-8

# Blacks more likely to face assault counts

Second of two parts

**By Harvey Lipman**  
Staff writer

Anyone taking a quick look at the Albany Police Department's arrest statistics could easily be convinced that blacks commit most of the violent crimes in the city.

More than 60 percent of the people arrested in the first six months of 1991 for violent crimes — including assault, robbery, murder, sex offenses and weapons charges — are black. With blacks making up about 20 percent of Albany's population, that gives them a far higher arrest rate than the city's whites.

In fact, a black resident of Albany is six times more likely to be arrested for a violent crime than is a white resident.

But does the fact that blacks are arrested far more frequently mean they're far more likely to commit crimes? Or are whites who commit certain types of violent crimes simply more likely to get away with them? Or are there other explanations?

Statistics on assault arrests in New York state raise some serious questions about whether blacks and whites are playing on the same level field.

See **CRIME** / A-4

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*mond 2/13/91*

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Story on B-5.

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## Nylon night

*"Wealth maketh many friends; but the poor is separated from his neighbor." — Psalms 19:4*

**By Cailin Brown**

Staff writer

**SCHENECTADY** — If Zoa McKiernan twists, coughs or sneezes the wrong way, she will probably trigger a compression fracture in her fragile ribs.

McKiernan, 77, wears a Tens Unit on her wrist, a small mechanism attached to electrodes on her back that continuously sends shocks through her body. She has osteoporosis of the spine, and the treatment helps relieve the pain.

T



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## CRIME

Continued from A-1

Assault is by far the most common violent crime. Assault cases, for example, accounted for more than three-fourths of all the violent crimes in which the Albany police made arrests.

Nearly 60 percent of those arrested on assault charges were black. Statewide in 1990, blacks accounted for almost half the assault arrests. Yet in an annual federal survey, only one-fourth of New York's assault victims said they were attacked by a black person. Nearly 60 percent identified their attackers as white.

If most of the people who commit assaults are white, why are half the people arrested for assault black?

"This is basically a racist society," argued A.J. Williams-Myers, director of the New York African American Institute. "Police are part of that society. They're impacted by racism, and they're going to reflect that."

Alice Green, executive director of the Center for Law and Justice, said the problem is more one of institutional racism than the racist attitudes of individual cops. But she added: "I'm not sure you can separate institutional racism from individual racism. Individual acts are related to something. The institution determines how you react to people, and if a police officer operates from the notion that blacks are violent people, that blacks are criminal people, and that blacks are valued less than whites, then he will react to that."

Green suggested that when whites

are involved in minor scuffles, they are more likely to be charged with lesser offenses like disorderly conduct. In fact, disorderly conduct is one of the few charges for which whites made up the majority of those arrested in Albany.

"Disorderly conduct is only a violation," Green noted. "It's a catchall. If you don't want somebody to have a criminal record, you charge them with disorderly conduct."

Albany Police Chief John Dale vehemently disputed any suggestion that his officers treat whites and blacks differently.

"An assault is just that: an assault," he said. "How does racism affect crimes of violence? These are black-against-black crimes. The victims are the same color."

One criminal justice expert at the State University at Albany suggested another explanation for the seemingly disproportionate share of blacks arrested on assault charges.

"What we're finding is that whites don't report assaults, or report them less frequently," explained Alan Lizotte, associate dean of the university's School of Criminal Justice.

Lizotte also pointed out that many assault cases involve domestic violence. Those that occur in communities made up of single-family houses — which most whites live in — often don't get reported to the police because the neighbors never hear anything going on.

In an inner-city neighborhood, however, "when the guy in the apartment next door has a fight with his wife, you call the police," he added.

Lizotte said another difference between those two types of neighborhoods also made it more likely a

police officer would make an arrest in an inner-city setting.

"If a cop goes to a middle-class house and there isn't a crowd gathered outside, there's no face to be lost on his part. He can go to the house and negotiate. He can say to the guy who's been beating up his wife, 'Let's go for a walk around the block.' Then he can tell him if he doesn't cool it, he's going to arrest him. If the guy says (expletive) when the cop shows up, there's nobody around to hear it, and he may not feel forced to make an arrest," Lizotte said.

"Now go to a more urban neighborhood. First of all the neighbors called the police. The cruiser pulls up, and now a crowd has gathered outside. If the guy says (expletive) here, a crowd full of people hears him. What's the cop going to do? He makes an arrest," Lizotte said.

Lizotte said other factors also come into play.

"The guy living in an urban tenement may not be articulate enough to talk his way out of it. Justice is supposed to be blind, but these are really insidious differences. They are circumstances that happen more to minorities than to whites," Lizotte said.

He still believes the data that show that blacks commit crimes at a higher rate than whites, however. "We know that lower socioeconomic class people do more crime. A lot of that's related to poverty and education," he said.

Williams-Myers agreed: "These arrest figures are an outgrowth of the inability of a society to meet the needs of its people on an equal basis. If blacks are involved in violent crimes or drugs, that might mean they simply see no alternatives."

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AIDS

Men's Health Crisis in New York, said clinics in that area are delaying