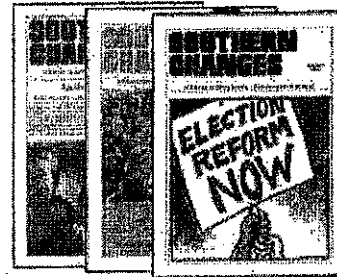


SOUTHERN CHANGES



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McDuffie: The Case Behind Miami's Riots

By Patrice Gaines-Carter

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The story has changed several times since its beginning the morning of December 17, in Miami, Florida. It was about 1:50 a.m. when police officers there say they spotted Arthur Lee McDuffie, a Black insurance executive, doing daredevil stunts on his motorcycle.

After a high-speed chase, McDuffie was caught. At least a dozen police officers encircled him. For 20 minutes, according to reports, they beat him with nightsticks and flashlights. Four days later, after slipping into a coma, McDuffie, 33, was dead.

The police officers wrote up an accident report, saying McDuffie sustained injuries when his motorcycle hit a curb and went out of control. But, the pieces didn't fit. The Dade County medical examiner became suspicious. Rumors about the "accident" were whispered throughout the police department, prompting an internal investigation of the case.

Working together, the medical examiner and police investigators found that McDuffie was handcuffed when he was beaten. The killing blow had crashed into his forehead at 90 times the force of gravity. The medical examiner believed

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the weapon that killed McDuffie to be a heavy-duty flashlight, swung two-handed like an ax. It cracked the skull cleanly in half, from front to back.

McDuffie's death has shaken Miami, especially its Black community, like nothing prior to it in this decade. People who earlier dismissed Black cries of police brutality are now listening. "When all the facts are made known," one investigating officer said, "it will make your hair stand on end."

"Frenzied" was the term used by some officers who witnessed the beating. They said officers fought each other for a chance to beat McDuffie. One witness said, "It looked like a bunch of animals fighting for meat."

One officer told a morning newspaper: "What really happened out there (the morning of December 17) is that the cops just went crazy. There's no question that it never should have happened. The only way you could have stopped what was happening would have been to start killing cops. The feeling afterwards was that this guy was a nigger who was running from the police, and he deserved everything he got."

Frederica, McDuffie's ex-wife, whom he planned on remarrying last February, agreed that McDuffie's death occurred because he was Black and outran the police. "Once they got him they got upset and they wanted to teach him a lesson." She says she has taught their two daughters that they "can't judge them all (police) by something a few did." Her explanations help Shedrica, 8, but mean nothing to 2-year-old Bwana, who still runs to their living room window when a car drives up, and yells, "Daddy! Daddy!"

"They killed the wrong man this time," a Black woman who watched McDuffie's funeral procession said at the time. The insurance executive's death and beating were different from the other cries of police brutality in the Miami community. For one thing, the victim died. Then secondly, in this instance, there were many witnesses, and the witnesses were police officers. Thirdly, McDuffie was a clean-cut, ex-Marine police officer, businessman, volunteer worker and father. He was no dope pusher; no drug addict; no robber. He ran from the police because his license had expired and he had already received one ticket for driving without it.

All of the officers charged were fired by their police director, Bobby Jones, on February 2. Then on March 31st in Tampa, Florida, five Dade County police officers—four Whites and one Latin—went on trial for charges stemming from the beating of Arthur McDuffie.

The trial was moved to Tampa after defense attorneys for the officers argued for a change of venue, claiming because of excess media coverage in Miami their clients could not receive a fair trial in Dade County.

Judge Lenore Nesbitt granted the change in venue, moving the trial to Tampa. In her decision, Judge Nesbitt said, "In fundamental justice to the defendants and for the welfare of the community, I am compelled to grant a change in venue." She called the case "a timebomb I don't want to go off in my courtroom or this community."

Originally, six officers were to stand trial for charges in the death. But in pre-trial hearings, Judge Nesbitt dismissed as evidence the testimony given by officer William Hanlon, 27, during a polygraph examination. She discarded the testimony because Hanlon had not been told of his right to remain silent and to have legal counsel present during the examination.

Hanlon's attorney called the verdict "a victory," and it turned out to be just that when the judge later ruled that charges be dropped against Hanlon. The state attorney's office found it impossible to prosecute Hanlon without the testimony in question.

Hanlon's testimony is also considered crucial in the prosecution of Alex Marrero, the 25-year-old Cuban charged with second-degree murder. Hanlon testified during his polygraph examination that he saw Marrero swing his heavy-duty flashlight with two hands and strike the forehead of McDuffie. He said that after the blow McDuffie's face was covered with blood.

Hanlon had faced a possible sentence of nearly 80 years for his charges of manslaughter and aggravated battery. Sgt. Ira Diggs and officer Michael Watts still face charges of manslaughter and aggravated battery. Officers Ubaldo Deltoro and Sgt. Herbert Evans Jr. are charged with accessory after the fact.

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Some people in the Cuban community are raising money for the defense of officer Marrero, claiming because he is a minority he was given the heavier charge. The claim has gotten some support in the Black community. However, the Black community has called for murder charges against all of the officers involved in the beating. The McDuffie family has filed a multimillion dollar suit against the county.

Dade County encompasses both Miami and Miami Beach as well as nearly a dozen other south Florida municipalities. The tropical land, billed by the Chamber of Commerce as a vacationland under the sun, has always felt the heat of racial tension. Until 1965, Blacks had to carry employment identification cards to get into wealthy Miami Beach. The cards explained why that person was on the beach usually as a day worker in the home of a wealthy family or a street laborer hired to keep the area clean.

The county has become one of the largest metropolitan areas in the country over the past decade. It covers 2,054 square miles, and its population has been fed steadily by the influx of immigrants to its shores. The population is approximately a million and a half.

Blacks, Latins and Anglos make up the population mix. It is expected after the 1980 census that all three will have less than 50 percent of the total population.

The Latin community consists mainly of Cuban refugees, with Colombians and other South and Central American groups on the increase. The Black community, about 14.4 percent of the population, contains Bahamians, Jamaicans and other West Indians.

The police department is a special sore spot for the Black community. Dozens of complaints of police brutality have been filed by Blacks over the years. In fact, some of the officers involved in the McDuffie case have extensive records of alleged brutality.

"The public is aware that there is a group of policemen who are headhunters, who are aggressive and seek out combat situations. They become violent at the drop of a hat," said Robert Simms, director of the Community Relations Board. These people have been called the goon squad.

The suit filed by the McDuffie family is the second of its kind to be filed against the Dade County (also called Metro) police department recently. In February 1979 the Metro police officers burst into the home of a Black school teacher by mistake. The officers went to the wrong address during a drug raid. Nathaniel LaFleur, his son and his wife were beaten. LaFleur filed a \$3 million lawsuit that is still pending against the county, but the state attorney's office absolved the officers involved in the drug raid of any wrongdoing.

After the LaFleur incident, the Black community, with other supporters, asked for a citizen's review board to oversee police complaints.

A year later, in February of 1980, the Metro Commission created the independent Review Panel to investigate "serious complaints or grievances" against county employees or agencies. The panel will have no investigative staff or subpoena power.

At a public hearing preceding the commission's approval of the panel, nearly half of the speakers endorsed a competing proposal for a more powerful board with subpoena power. But fewer than 100 people showed up at the hearing and a third of them were grade-school children. Metro's lone Black commissioner voted against the adopted structure for the panel.

While the panel is still being established, the Metro police department has done some in-house cleaning. A 1976 discrimination suit filed against the department was settled in January, after four years. Filed by the

Progressive Officers Club, 76 Black county police officers, the suit charged discrimination in hiring, promotion, transfers and disciplinary actions. In the settlement, the police department agreed to pay all court costs, reconsider 200 Blacks who were turned down for police jobs prior to the suit and reconsider officers who were on a list for possible promotion to sergeant when the suit was filed.

Under the new agreement Blacks are guaranteed at least one-third of the available police commander, corporal and master sergeant positions. "It means two positions as police commanders, about 20 as corporals and two as master sergeants," said Progressive Club member Lonnie Lawrence.

The agreement also calls for some revamping of the Metro Police Department's policies and a requirement that all police officers undergo a psychological test as part of the department's application.

In addition to the revamping, the department has a new police chief appointed in January. The former chief was fired from his position after the LaFleur raiding. Officer Bobby Jones, the new chief, decided to be a candidate for the position

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after the McDuffie beating, saying that it offered "a challenge" to him to weed out bad officers, create better relationships with the community and boost morale within the department.

Leaders in the Black community are suspicious of Jones' motives, noting that he has worked alongside of the very officers charged in the McDuffie beating. Still, they have thrown their support behind Jones, calling for unity in the Black community. If Jones is to be the chief, the leaders say, there must be a unified Black voice for him to listen to. And, Jones has been a strong supporter of the Independent Review Panel.

Shortly after Jones' appointment in January, another disclosure surrounding the McDuffie case upset the Black community. The Dade County Police Benevolent Association announced it had agreed to pay up to \$2,000 for the defense of each police officer charged in the McDuffie case.

"They have shown their true racist color," an editorial on a popular Black radio station stated.

Blacks in Miami waited for a verdict to see what the end of this chapter of confusion and anger in the community would be. But not without skepticism. They expressed outrage over the dismissal of officer Hanlon's crucial testimony. "Are we to believe that police officers forgot to inform another officer of his Miranda Rights?" asked Marvin Dunn, an outspoken community activist in Miami.

There was also concern over the new site for the trial. The NAACP sent a telegram to the Justice Department, asking that they send someone to monitor the Tampa trial. Even Tampa residents questioned whether or not justice could be found there, where a Black youth was shot by a White police officer a few weeks before the trial began. The officer was absolved of any wrongdoing. The shooting is still a controversial issue in Tampa.

Following McDuffie's death the Black community marched and demonstrated, led by the Southern Christian Leadership Conference and the Achievers of Greater Miami. They carried signs with messages like "Justice Now," "Who's Going to Police the Police," and "Remember McDuffie." Five months to the day after McDuffie was killed, the all-White Tampa jury found the policemen innocent and three days of violence in Miami's central city erupted, opening another violent chapter in a case which official police reports from last December still list as "accidental."

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Sidebar: "We Are Tired of Praying"

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On May 17, in Tampa, Florida, four Dade County police officers charged in the beating death of Black insurance executive Arthur McDuffie were found innocent of all charges by a six member, all-male White jury. The jury deliberated only two hours before returning their verdict. What could have been the end to a grizzly story of police violence and brutality turned out to be only another part of it. By ten o'clock that night the city of Miami was a battleground and the battle cry was "McDuffie."

When the verdict was given at 2:30 p.m. Saturday afternoon, McDuffie's mother Eula, cried, "They are guilty, they are guilty. God will take care of them." The whole Black community of Miami was stunned.

The NAACP called for a protest demonstration at 8:00 p.m. and approximately 1,000 people gathered for a march to the Dade County Justice Department building. The marchers were made up of all elements of the Black community—businessmen in suits, young children in shorts, and old ladies in aprons. Their numbers grew as they marched. The march was reminiscent of the peaceful demonstrations of the 60s as the crowd moved toward the Justice Department building singing "We Shall Overcome." When they stopped on the steps of the Justice Department building a community leader, Marvin Dunn, called for a prayer but someone in the crowd responded, "We are tired of praying. Let's march in the streets." The crowd grew out of control and some gave away to vented anger. A brick was thrown through a window and a police car was burned.

In the meantime, six miles north in Black, impoverished Liberty City, violence also broke out among Blacks, Whites and police officers. Fires were set, stores were looted and people were beaten, maimed and killed. Many witnesses reported that the police vandalized cars, smashed windows and spray-painted the words "Looter" and "Thief" on walls.

With sixteen people dead from the three days of disturbances in Miami, the U.S. Justice Department announced that it will seek civil rights indictments against the four policemen who were acquitted and a complete review of "past, present and future" reports of brutality by police and inaction by local judicial officers. The issues of "McDuffie" are now more than one case. They are the symbols of today's race relations.

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