

The Omaha Star
The Deepest Injustice – Ed Poindexter and Mondo we Langa
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August 18, 2014

**The Deepest Injustice: Edward Poindexter's and Mondo we Langa's
44 Years of Life Imprisonment for a
Crime They Did Not Commit (Part 2 of 3)**

By Walter V. Brooks

In 1970, Edward Poindexter and Wopashitwe Mondo Eyen we Langa (born David Rice) were arrested, charged, prosecuted and sentenced to life in prison for a crime that they did not commit. While a lot of people today think that inmates with “life” sentences eventually get paroled, if you are kept in prison until the DAY YOU DIE, you actually didn't get “life,” you got death. You were given a death sentence.

Wopashitwe Mondo Eyen We Langa is now David Rice's name. It means “Natural Man Child of the Sun” and is a configuration of several languages spoken in Africa. After high school graduation, he was a respected member of the Nebraska State Democratic party; editor of “Black Realities” newspaper and contributing writer to several other publications; a published poet and a painter; an employee of Greater Omaha Community Action (GOCA); a member of the Nebraska chapter of the National Black Caucus. He worked to help develop an African-American Police Officer's League as a way to reduce police abuse in North Omaha.

Edward Poindexter joined the U.S. Army after graduating high school and was stationed in Europe and Vietnam. His experiences with American racism WHILE SERVING IN VIETNAM led him dedicate his life to fighting discrimination and injustice. He was working for the U.S. Post Office at the time he became associated with the Black Panther Party. He also was a delegate to the Nebraska Democratic Party state convention, a member of the board of directors at the Butler-Gast YMCA, and an artist (painting) and musician (guitar and horn).

Mondo and Ed have endured 44 years of incarceration because American law enforcement- local, state and federal- has a deep history of networking to destroy African American resistance to oppression. That's old news. But Ed and Mondo were trapped in a virtually unbreakable "trifecta" of criminal justice abuse:

1. They were charged with the death of a police officer in the performance of his duty. In the United States, the death of a law enforcement officer is categorically considered a "higher form of death" than the death of the rest of us. Call 911 for an emergency and they'll determine an appropriate response. Call 911 and say "Officer down" or let a cop call in "Officer needs assistance" and AUTOMATICALLY all police officers on that side of the city stop what they are doing and race to the scene. When a cop has been killed, EVERYBODY hits the streets. There are no days off. SOMEBODY, SOMEWHERE, SOMEHOW, is going to pay for the death of a cop. Law enforcement can't have EVEN A SINGLE INCIDENT in which they fail to identify, apprehend or kill a cop killer. It is the ultimate assault against law enforcement's entire authority and physical dominance.
2. Ed and Mondo were highly prized "targets for prosecution" in the war against black militant activism in the United States in the 1960's and 1970's. The Black Panther Party and it's affiliate, the National Committee to Combat Fascism (of which Ed and Mondo were leading Omaha officers), were PUBLIC ENEMY NUMBER ONE, as declared by FBI Director J. Edgar Hoover himself. The climate of ferocious assault AGAINST Panther associates has been heavily documented in numerous books published about political repression in America during the 1960s and 1970s. The moment that bomb exploded and killed Officer Larry Minard, Sr., Ed Poindexter and Mondo we Langa were virtually doomed.

3. The third aspect only deepens this tragedy. Somebody built that bomb. Somebody placed that bomb. Somebody made a call that put Officer Minard in harm's way and nobody in Omaha recognizes his voice. If Ed Poindexter, Mondo we Langa and Duane Peak DIDN'T DO IT, then it means two extraordinarily embarrassing realities: the entire criminal justice apparatus in the state of Nebraska, starting with the Omaha Police Department, got the wrong guys and let the real killer(s) get away. And secondly, there has always been strong circumstantial evidence that the bomb found at 2867 Ohio may have been a law-enforcement-conspired attempt to implicate members of the NCCF as terrorist bombers (a maneuver that was used against a number of black militants across the nation.) The actual people responsible for the death of Officer Minard may well be law enforcement agents themselves. A month before the Minard homicide, an ATF affidavit FALSELY accused five NCCF members of building a bomb out of dynamite in front of a 12-year old girl, Marialice Clark. The warrant was not served because the Department of Justice in Washington believed the information was FALSE, yet the ATF was never investigated for filing a false affidavit. No, even I don't believe they actually meant to kill a police officer, but a mistake like that can NEVER be fixed and, therefore, must NEVER be admitted. Larry Minard was not assigned to cover that call. He was not supposed to be there that night. The only thing worse than Officer Minard's family being told that Ed and Mondo ARE NOT the real killers AFTER ALL OF THESE YEARS, is to tell them that Minard may have died as part of some kind of "live-bomb" sting operation gone bad. So, if Ed and Mondo can just quietly die in prison, wouldn't this whole thing just die with them?

Ed and Mondo were tried, convicted and sentenced together, but their legal appeals process has been handled individually. Mondo's appeal process for the last 15 years has been led by Attorney Tim Ashford on a pro bono basis. Ashford said:

“An appeal on behalf of Mondo is before the Nebraska Supreme Court at this time.

The Attorney General has until September 8, 2014 to file an answer to the brief filed on behalf of Mondo, I then will have ten days to file a reply to their answer. The Court will set it for oral hearing after my reply brief has been filed. **WE WANT EVERYONE TO ATTEND THE ORAL ARGUMENT AND ALL THE PUBLIC HEARINGS.**” (The date has not been chosen yet.)

“In addition, the court recently granted Mondo’s motion to take judicial notice of all the evidence in Poindexter's case. The court will take judicial notice of the voice analysis expert Thomas Owens.”

Thomas Owens is a forensic specialist whose testimony is just one of several pieces of critical evidence supporting Ed and Mondo’s innocence that has **NEVER BEEN HEARD IN COURT!** The chief prosecution witness against Ed and Mondo, 16-year old Duane Peak, testified that Ed and Mondo gave him a suitcase with a bomb in it. Peak said he was ordered to place the suitcase in an abandoned house and call 911 to report a disturbance. The original 911 tape recording of that call **WAS NEVER HEARD AT THE TRIAL** and was **PURPOSELY ERASED IN 1978 BY LT. JAMES PERRY**. Yet that was the evidence that could have proved whether Duane Peak was telling the truth.

Duane Peak was charged with juvenile delinquency despite testifying that he was in possession of the suitcase bomb for six hours before placing it, that he made the 911 call and was a full participant in constructing the bomb. He was released from the Kearney youth correctional facility after approximately one month, raised by a foster family in Montana, presumably sent into witness protection and was not found for 20 years.

However, in 1980 a duplicate/back-up copy of the 911 call the day of the bombing was discovered. When Peak was finally located, he would not recant his testimony against Ed and Mondo, but he was forced to submit to a voice recording that Tom Owens compared to the original 911 call from

1970. Owens concluded that Duane Peak DID NOT MAKE THAT ORIGINAL PHONE CALL. Yet, perjury and suppressed evidence was not enough to obtain a new trial for Ed Poindexter.

Tim Ashford stated, "Scott Blake has done an excellent job of updating the web site for 'Nebraska's Two Political Prisoners. The public can now -- in one site -- get all of the information regarding this case.'" The web site, originally created by former Omaha NAACP president Buddy Hogan, is www.n2pp.info. A 30-page summary of the case with excerpts from the trial and depositions is found under the tab titled "The case." Scott Blake and journalist Kietryn Zychal made a three-minute documentary questioning whether Duane Peak could have carried a suitcase bomb for six hours-- including driving with it in the trunk of a car-- without an explosion. The video is on the main page of www.n2pp.info. The entire trial transcript is found under the tab titled "Legal Docs."

Here are some additional sources of information deconstructing the inconsistencies and gaps in the case against Mondo and Ed. Check out these links:

- Former KETV-7 video journalist Ben Gray's (now Omaha City Councilman) hour-long documentary on the case (1982). <http://www.youtube.com/watch?v=oOOC1ewyv7A>
- After a three-year investigation (1977-1980) Amnesty International concluded: "We, Amnesty International group 489, hold the opinion that David Rice and Ed Poindexter are political prisoners. THEY WERE SENTENCED FOR A CRIME THEY DIDN'T COMMIT BECAUSE OF THEIR RADICAL POLITICAL BELIEFS. They had been active in the 60s in the black movement, specifically the Black Panther Party and its spin-off, the NCCF, and had thus become the target of the FBI Counter-intelligence Program whose purpose it was "to expose, disrupt, misdirect, discredit or other-wise neutralize militant black nationalist groups in this country." David Rice and Ed Poindexter, were the most important leaders (second chairman and deputy minister of information, chairman) of the NCCF and the most vocal critics of the police and of the

U.S. social system. The murder of patrolman Minard appeared to be a welcome pretext to incriminate the two activists and strike a blow against the NCCF from which it couldn't recover.

THE LEGAL SYSTEM WAS MISUSED AND THEY WERE UNJUSTLY CONVICTED. David Rice and Ed Poindexter are political prisoners and must be adopted by amnesty international."

Read the full report at http://www.n2pp.info/print/Amnesty_International_4-7-1980.pdf.

- A complete, detailed review the legal case and appeals done by Attorney Tim Ashford can be obtained at http://n2pp.info/print/Omaha_Star_2011.pdf. It's titled: "Ed Poindexter and Mondo we Langa In Prison 40 Years by Timothy L. Ashford." His multi-part series of articles originally was published by the Omaha Star newspaper.

In Part Three, I will look at the extraordinary and increasing incidences of innocent American prison inmates being released after 20, 30, even 40 years of imprisonment. THERE IS HOPE! As Dr. Martin Luther King, Jr. said, "The universal arc of covenant is long, but it bends towards justice."

See you next week.