

Introduction to The Black Panther Is An African Cat

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It is my honor and privilege to have been asked to write this introduction to this remarkable collection of poetry by the African cat once called David Rice, as he was known in the 60's and early 70's when I was Director of the National Conference of Black Lawyers and the nation was in turmoil.

He and Ed Poindexter had been sentenced to the life sentences they are still serving after conviction of the 1970 bombing death of an Omaha, Nebraska policeman. They had been caught up in the anti-Black Panther hysteria that swept the country during that period. Unlike some of the other victims of political oppression who I represented during that period, Rice and Poindexter's trial and early appeals did not have the benefit of national legal support and public attention. Their conviction had relied on the testimony of a frightened teenager who admitted to the crime and evidence allegedly seized in an illegal search of Rice's house. I will use Rice/Poindexter, as the case was then known in my brief synopsis, but I will use the name "Mondo" to describe the man I have come to know and admire over his many years of struggle against his conviction and imprisonment.

The Rice/Poindexter prosecution must be understood in the context of the intense period of conflict between the police and African-American communities throughout the nation during the sixties and seventies. In Omaha, responding to the national struggles against racism and social upheaval, between July 1966 and July 1969, police had recklessly killed 4 African-Americans and 2 Caucasians. At that time Omaha's African-American population was only slightly over 10% of the total population. Police harassment of the black community increased after Governor George C. Wallace of Alabama spoke at a rally supporting segregation in Omaha in March 1968. A few hours after Wallace's rally, an African-American was killed by the police. Frequent arrests of African-Americans on the slightest pretext were commonplace.

Among the most vocal critics of the continuing abuse of power by the Omaha police were the members of the local chapter of the Black Panther Party and its successor, the National Committee to Combat Fascism (NCCF). These critics of police misconduct were themselves continually harassed. One Black Panther leader was arrested repeatedly, 15 times, between 1968 and 1970 on a variety of trumped-up charges, most of which were eventually dropped. Rice and Poindexter were among the leaders of the NCCF who were frequently arrested. Poindexter was Chairman of the NCCF and Rice its Minister of Information.

In August 1970, Larry Minard was killed by a bomb, 15-year-old Duane Peak, confessed placing the bomb and lured the police to the site of the bomb. Shortly after the killing of Minard, Peak told his sister that he had acted alone. After his arrest, he made repeated sworn statements to the police which did not include Rice and Poindexter's involvement. But subsequently, he identified Rice and Poindexter as his accomplices after threats of the electric chair by the police. This testimony was critical to their conviction.

In 1975 when I was National Director of the National Conference of Black Lawyers and Vice Chair of the National Alliance Against Racist and Political Repression, I prepared amicus curiae briefs on behalf of each organization to support the state's appeal to the U.S. Supreme Court. Two lower courts had already unanimously ruled that the dynamite used to corroborate Peak's testimony, allegedly seized from Rice's home following the bombing, had been obtained by an illegal police search. In fact, the U.S. Circuit Court of Appeals had held that the conduct of the Omaha Police Department represented "a negligent disregard...for the constitutional rights of not only the petitioner, but possibly other citizens as well."

But, in 1976, the U.S. Supreme Court refused to rule on the issue of the illegal search but instead used the case to set new procedural rules for appeals. The Supreme Court ruled that, starting with the Rice appeal, an appellant could not go directly to the Federal courts to challenge an illegal search. Thus, by changing the rules of legal procedure, the U.S. Supreme Court nullified the favorable rulings of the lower federal courts.

In 1980, attorneys for Rice and Poindexter finally were able to obtain copies of FBI memos documenting the prosecutorial misconduct at the time of the original trial. The FBI, operating under instructions to "expose, disrupt, misdirect, discredit, or otherwise neutralize the activities of black nationalist, hate-type organizations and groupings, their leadership, spokesmen, membership, and supporters," had volunteered to help the Omaha Police Department convict the two men as part of COINTELPRO, the national FBI offensive against political activists, denounced in 1974 by Congressional investigation.

As part of their efforts to "disrupt and discredit" African American leadership, the Omaha FBI suppressed tapes of the 911 call which summoned police to the site of the bomb which would have enabled the FBI to provide the Omaha police with voice analysis information about the caller. An Omaha FBI memo, dated 10/13/70, stated that "Assistant COP Glenn Gates of the Omaha PD, advised that he feels that any use of tapes of this call might be prejudicial to the police murder trial against two accomplices of

Peak and, therefore, had advised that he wishes no use of this tape until after the murder trials of Peak and the two accomplices has been completed."

It took Rice and Poindexter's attorneys another year to get a copy of the tape from the Omaha Police Department. But subsequent multiple appeals filed for Rice using the new evidence which documented the suppression of the exculpatory evidence at trial were rejected by the courts.

By 1991, I was chosen to represent Wopashitwe Mondo Eyen we Langa. (This most appropriate combination of words from several indigenous African languages means "Wild (natural) Man Child of the Sun". In his Preface to this volume he describes the evolution of his thinking which led him to change his name).

I was asked to represent Mondo before the Nebraska Board of Pardons after the Nebraska Parole Board had unanimously recommend that the life sentences for both Mondo and Poindexter be commuted to a given number of years so they could be eligible for parole and subsequent release after 21 years in prison. Notwithstanding, the Board of Pardons refused to grant a hearing, despite over 75 letters of support from local and national individuals, elected officials and organizations, five offers of jobs, housing and job search assistance, and despite the presence of 125 supporters at the hearing. Infractions in the prison including two charges that Mondo, a vegetarian, had given the meat from his tray to other inmates and two others for wearing a paper medallion of Africa on a string around his neck, were the reasons given by the Pardons Board for not granting him a hearing for the commutation of his life sentence.

The Nebraska Parole Board continued to unanimously recommend commutation of their life sentences, leading the Nebraska governor to replace the members of the Parole Board.

As this volume of poetry goes to press, Mondo we Langa and Ed Poindexter have spent 35 years in prison. As even a cursory reading of this volume shows, the mind and creativity of Mondo is as free as his body is imprisoned.

I would like to share some of my personal impressions of Mondo, as I have come to know him He has always been a person who shares the rage of the victims of racism and of police abuse and has always sought to "right the wrongs." For these reasons the Black Panthers and the NCCF offered him opportunities to struggle for justice for others. A man of honor and firm conviction, after learning that an arrest warrant had been issued for him, Mondo gave himself up to the police because as he wrote he knew his innocence, although he did not trust the court system which uses "legal lynching as its rule of thumb." Since he was innocent, he wrote, "I had faith in you, the people, that you would be able to see political persecution for what it is...I had faith that you would be able to see

through the...window dressing public officials would go through to disguise the move to silence two outspoken men and I have been called a 'fool' for having such faith. Ed has been called likewise by those who do not believe there is such a thing as 'power of the people.'

Mondo's particular focus continues to be the African-American community. He writes for both the "brothers and sisters," and for the general public. Although, his collection of children's stories Morning of the Bright Bird and this collection of poems were dedicated to "brothers and sisters," while the essays published as A View from Taney's Place to the "general public", all can be enjoyed by everyone with an appreciation of creativity and longing for justice.

Mondo's writings are always political, even when erotic. They express his love of music and the beauty of athletes in motion. He is a keen observer of events and people, individually and as they interact. He believes that all members of the global community should participate in society. All his creative work reflects the humor, both subtle and outrageous, that enlivens his conversation.

In short, even though incarcerated, Mondo embraces life constructively and is a principled, courageous and articulate educator, leader and organizer in the continuing struggle for justice.

His life like that of Malcolm X's is motivated by a fundamental set of principles. Malcolm said in 1964. "We are not fighting for integration, nor are we fighting for separation. We are fighting for recognition as human beings. We are fighting for human rights."

Society could certainly benefit from Mondo's release among us to fight for human rights. In the interests of justice I urge you to join him in the continuing fight for his and Ed's release and against the illegal imprisonment of thousands of others in this country and throughout the world.

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* This introduction was originally written in 2005 but was not received in time to be included in the first edition.