

**Ed Poindexter and Mondo we Langa
In Prison 40 Years
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Part I: Introduction

Shots rang out like firecrackers on the Fourth of July in the dark hot summer night on 24th Street in Omaha, Nebraska on June 24, 1969. Dancing like flames of fire, the silhouettes in the night of young people running while buildings burned in the background on 24th Street drew my attention like a moth to a flame.

Earlier that day, Omaha Police Department officer James Loder shot and killed an unarmed 14 year old Vivian Strong in the Logan Fontenelle Housing Projects near 24th Street in North Omaha. During the next 48 to 72 hours after the killing, the “freedom fighters” which were comprised of many young blacks confronted the police on 24th Street with bricks, bottles and setting numerous buildings on fire in protest of the police killing.

After dark that night people gathered on a very noisy, busy 24th Street. I slowly walked down the long sidewalk of my house at 2110 Ohio Street, which was a few blocks from the commotion at 24th and Ohio Street. As a curious 11 year old, I stared at 24th Street and I did not understand that I could have been shot by a stray bullet. Mesmerized by the sounds of the gunfire and the burning buildings, I watched the silhouettes of the shooters, the looters, the revolutionaries, the “freedom fighters” and everyday people dancing against the night as buildings burned in the background. The sirens, the screams, the yelling, the shouting, the running, the gun fire, the smell of the smoke from the burning buildings and the smell of gunpowder was in the air that hot summer night.

Chaos was everywhere. I will always remember the sights and sounds of that night. The power structure called it a riot; the oppressed called it a rebellion.

For the rest of the summer of 1969, I, nor any other kid in my neighborhood, could walk very far from the front porch of my house because of the fear that an Omaha Police Officer would shoot and kill me.

Sometime later that night, Wopashitwe Mondo Eyen We Langa (hereinafter “Mondo”) formerly known as David Rice, as an employee of the Greater Omaha Community Action (GOCA)- a building on 24th Street near Binney- manned the office providing people with information and refuge from the chaos.

When Omaha made national news, the eyes of F.B.I. Director J. Edgar Hoover focused on Omaha and he ordered special agent in charge of Omaha Paul Young to get the Black Panther Party (Black Panthers) off the streets. At that time, the Black Panthers established the Omaha Chapter of the National Committees to Combat Fascism (NCCF)- Mondo was the “Deputy Minister of Information” and Poindexter was Deputy Chairman.

The head of the F.B.I. Hoover launched a covert government Counter Intelligence Program called Cointelpro to destroy the Black Panthers. Hoover feared a black leader would lead the Black Panthers in a violent revolution and a violent overthrow of the United States Government. Operation Cointelpro killed and sent to prison many Black Panthers to destroy the black power movement in this country. Black Panthers leader Fred Hampton, 21, and Mark Clark, 22, were shot to death on December 4, 1969 in a gun battle provoked by the Chicago Police. Black Panther Geronimo Pratt was framed by the F.B.I. for the murder of Caroline Olsen in Santa Monica in 1970.

Two innocent men Poindexter and Mondo are still in jail after 40 years as a result of Cointelpro. They were wrongfully convicted on April 17, 1971 in the murder trial for the August 1970 bombing death of Omaha Police Officer Larry D. Minard, Sr. The police were lured to the house at 2867 Ohio Street by a man making a 911 call stating a woman was screaming inside the house. A booby trapped suitcase bomb filled with dynamite exploded killing Minard inside the house. After a circus type atmosphere in court, Poindexter and Mondo, like Pratt, were convicted of first degree murder on April 17, 1971 after a jury trial in the District Court of Douglas County, Nebraska. Mondo and Poindexter were sentenced to life in prison for first-degree murder. Poindexter and Mondo deny any involvement in the murder.

The 40th anniversary of the conviction of these two political prisoners- the Omaha Two Poindexter and Mondo- passed without a lot of attention from the media or our community this year.

Part II: Police Harassment

Walking down 24th & Lake Street one week after an unarmed 14 year old Vivian Strong was shot in the back of the head and killed in the Logan Fontenelle Housing Projects on June 24, 1969 by Omaha Police Department Officer James Loder, I could not believe 24th Street looked like a war zone with some buildings burned to the ground, buildings torched inside and a lot of trash on the ground- a result of the total devastation of the rebellion one week earlier.

At age 11, I did not know Ed Poindexter and Wopashitwe Mondo Eyen We Langa (hereinafter "Mondo") formerly known as David Rice in 1969 but the Omaha Police Department, F.B.I. Director J. Edgar Hoover and a special F.B.I. agent in charge of Omaha, Paul Young, knew both of the Omaha Two very well. Mondo and Poindexter were under surveillance by Young because the head of the F.B.I. Hoover launched a covert government Counter Intelligence Program called Cointelpro to destroy the Black Panthers Party (Black Panthers) and the black power movement in this country.

In 1991, Amnesty International and the British Broadcasting Company (BBC) produced a documentary examining Cointelpro, the Black Panthers and political prisoners Geronimo Pratt, Poindexter and “Mondo”. Pratt, who was represented by the late Johnnie Cochran, had his conviction overturned in 1997 and he lived in Africa until his recent death.

Mondo and Poindexter have been in jail since they were wrongfully convicted on April 17, 1971 in the murder trial for the August 1970 bombing death of Omaha Police Officer Larry D. Minard, Sr. Mondo and Poindexter were sentenced to life in prison for first-degree murder in 1971. Poindexter and Mondo deny any involvement in the murder. All three men were considered political prisoners and were convicted as a result of Hoover’s operation Cointelpro which was designed to destroy the Black Panthers.

An internal F.B.I. Cointelpro memorandum explained the purpose of counter intelligence action is to disrupt the Black Panthers and it is immaterial whether facts exist to substantiate the charge against a person. Pratt was kept under constant surveillance by the F.B.I.

A few weeks before the Pratt trial in 1970, the Los Angeles F.B.I. reviewed the Pratt case and Wes Swearingen a former F.B.I. agent attending that meeting, stated in the BBC documentary, “My feeling was the supervisor was explaining that we finally got someone we can hang in bureau terminology-neutralize- my feeling was Pratt was going to be framed for murder if they could get away with it.”

The Black Panthers established the Omaha Chapter of the National Committees to Combat Fascism (NCCF) and in 1969, Mondo was the “Deputy Minister of Information” and Poindexter was Deputy Chairman.

“We were under constant surveillance and constant harassment,” said Poindexter in the BBC documentary. “A great deal of energy and resources were spent on trying to provoke us into a confrontation involving a shooting.

“We could not leave a building and enter the streets without being frisked, harassed,” he also said. “This went on around the clock. There was not a night that went by that somebody was not absolutely totally unnecessarily pounced upon by the police. This was seven days a week.”

As a child, I saw every adult get arrested in my neighborhood at 20th & Ohio Street in Omaha in the 1960s. At 11 years old, I decided that when I got older I wanted to become a lawyer so that when the police would try to arrest me I would know the law.

During that time, the Black Panthers published a newsletter “By Any Means Necessary” and Mondo was the editor.

“We did on occasion talk about having a right to defend yourself if the police attacked us in the newsletter,” said Mondo.

Mondo, like many of the young blacks in Omaha, was frequently the target of police harassment and arrested for numerous offenses which included failure to disperse and disturbing the peace because of his protest and demonstrations in Omaha in the 1960s.

Retired Police Officer Marvin McClarity, who was one of the few black police officers in Omaha at that time, stated in the BBC documentary, he had a feeling that they were out to get those two- Poindexter and Mondo -because they were the two that were the most vocal and they were the two that police viewed as being a threat.

Part III: Mondo

Walking in the front door of the Nebraska Penitentiary and through the long, cold shiny hallway to the metal detectors located at the front desk to meet a new client for the first time can be a nerve racking experience. As I approached the front desk, I pulled out my identification, I nodded to the prison guard and I advised him of the name of the inmate I wanted to visit, “Mondo!”

The prison guard at the front desk stared as if he was shocked, he looked at the chart in disbelief and then he seemed happy when he said, “Thank goodness you’re here! It has been a while since Mondo has had an attorney visit!” I learned in my first visit that Mondo is well respected by everyone who knows him.

In 22 years, I have never had a prison guard happy because I visited a client before, of course, I have never represented someone like Wopashitwe Mondo Eyen We Langa formerly known as David Rice. Wopashitwe Mondo Eyen We Langa (hereinafter “Mondo”) means “Wild (natural) Man Child of the Sun.” This name comes from the Kwanyama, Gikuyu, Ibibio and Hausa languages in Africa.

My client, Mondo, and Ed Poindexter have been in jail since they were wrongfully convicted on April 17, 1971 in the murder trial for the August 1970 bombing death of Omaha Police Officer Larry D. Minard, Sr. Mondo and Ed were sentenced to life in prison for first-degree murder. For more than 40 years, the Omaha Two have been unjustly imprisoned for a crime they did not commit. Both deny any involvement in the crime. They were arrested as part of a covert government Counter Intelligence Program called Cointelpro launched by F.B.I. Director J. Edgar Hoover to destroy and arrest members of the Black Panther Party.

Mondo was one of three male children born to Otis and Vera Rice in Omaha, Nebraska. He became active in civil rights and other issues during his junior and senior years at Creighton Preparatory School where he participated in an effort to desegregate Omaha's Peony Park Swimming Pool. He also participated in various programs designed to promote cross cultural understanding and it was during this period that Mondo developed an interest in writing.

Mondo attended Creighton University where he became a friend of Ernie Chambers, a former Nebraska State Senator. During college, he explored the ideologies of Martin Luther King Jr., Malcolm X., and the Black Panther Party.

In 1968, Mondo was taking an active interest in the Black Panther Party. Mondo was maced when he was a protester at a George Wallace rally in 1968 held in Omaha. He wrote for a number of local alternative newspapers and black community newsletters and he worked with an assortment of African community organizations and coalition groups, dealing with a variety of issues such as welfare rights, police brutality, the United States War against the people of Vietnam, housing issues, absentee landlords, the political system and the school system in Omaha.

In 1970, Mondo was deputy minister of information of the Omaha Chapter of the National Committees to Combat Fascism (NCCF), which was an arm of the Black Panther Party. Poindexter was deputy chairman. Locally, the NCCF operated a number of programs which served the African community which included a breakfast program for children, the Vivian Strong Liberation School for children and police monitoring patrols. The NCCF published "By Any Means Necessary" which was the chapter newsletter. The goal of the NCCF was to work with other community organizations to raise the consciousness of black people and to elevate the condition of black people.

As a result of the work Mondo was doing in the Omaha community, the reputation of the Black Panther Party nationally, and the general climate of conflict between African people and the police, Mondo and Poindexter faced frequent harassment, attempts at intimidation by the Omaha Police and the FBI. Prior to his unjust murder conviction, Mondo, like many other blacks during that time, was arrested for crimes such as failure to disperse and disturbing the peace in connection with protest demonstrations; he received traffic tickets; his home was under surveillance; and he was arrested for refusing induction into the military service. As a result of their community activism, Mondo and Poindexter have been political prisoners for more than 40 years.

Part IV: The Black Panthers

As the young black man slowly walked down the street in North Omaha in 1964, a police patrol car slowly followed him until suddenly the flashing red lights were turned on. He

ran. The cops jumped out of the car and chased him. After they tackled him, the cops beat him furiously until he was bloody. The cops arrested the young black man for some "questioning."

In the sixties, the police could hold him until he confessed to a crime or they charged him with a crime he did not commit. The police did not have to read him his rights because the Miranda case which guaranteed a "suspect" the right to remain silent, the right to an attorney, etc., etc. would not be decided until 1966 and used by police much later. It was logical that a group would form to protect the black community from police brutality. The Black Panther Party for Self-Defense ("Panthers") was formed in Oakland in 1966 by Bobby Seales and Huey Newton to protect blacks from police brutality. The Panthers had a national membership of 10,000 by 1969 and their official paper the Black Panther had a peak circulation of 250,000.

To counteract a revolution by the Panthers, F.B.I. Director J. Edgar Hoover launched a covert government Counter Intelligence Program called Cointelpro to destroy and arrest members of the Panthers.

The white power structure in this country targeted the Panthers for destruction by Operation Cointelpro as Noam Chomsky wrote in 1973: "A top secret Special Report for the president in June 1970... describes the party as 'the most active and dangerous black extremist group in the United States.' Its 'hard core members' were estimated at 800, but 'a recent poll indicates that approximately 25 percent of the black population has a great respect for the Black Panthers, including 43 percent of blacks under 21 years of age.'" The white 2 power structure feared a black messiah or leader would lead a black revolution. (As an 11 year old in Omaha, I wanted to grow up to be a Panther.)

The Panthers ideology "What We Want, What We Believe" was part of their program to improve "Land, Bread, Housing, Education, Clothing, etc." for blacks. They created the free lunch program among many other programs. Panthers believed in armed resistance to police brutality and expressing their first amendment right to freedom of speech which sometimes resulted in fiery rhetoric such as "kill the pigs" referring to the death of police officers or by "any means necessary" a quote from Malcolm X. The Panthers also appeared in force and in great numbers in the black community whenever a tragic event occurred such as the death of a black by police officers.

In Omaha, Wopashitwe Mondo Eyen We Langa formerly known as David Rice (hereinafter "Mondo") and Ed Poindexter emerged as charismatic leaders of the Omaha Chapter of the National Committees to Combat Fascism (NCCF), which was an arm of the Black Panther Party.

In 1970 Poindexter was deputy chairman of the NCCF and Mondo was deputy minister of information. The NCCF worked with other community organizations in Omaha as part of the Panthers.

Poindexter grew up in North Omaha one of three children born to Edward and Virginia Poindexter. After he graduated from Omaha North High School in 1962, he served in the military as a medical aid man and a mechanic.

Poindexter, who is described as extremely intelligent, is a natural born leader who likes all sports and he likes to read. Poindexter was a former delegate to the Democratic Convention in Chicago. He is a former member of the board of directors of the North Omaha YMCA. He attended Catholic Church and Catholic schools as well as a Methodist Church.

During his leadership in the NCCF, the F.B.I. and the Omaha Police targeted Poindexter and Mondo, just as they targeted Panthers across the United States, for arrest in operation Cointelpro because of their strong political beliefs.

Poindexter and Mondo were some of the many Panthers who decided to dedicate their lives to defending the 3 black community against police brutality and racism. Poindexter and Mondo have been in jail since they were wrongfully convicted on April 17, 1971 in the murder trial for the August 1970 bombing death of Omaha Police Officer Larry D. Minard, Sr. Both deny any involvement in the crime. Both were sentenced to life in prison for firstdegree murder. Both men were arrested as part of Operation Cointelpro.

Part V: The Bombing

A suitcase booby trapped with a bomb sat in the middle of the room at the house located at 2867 Ohio Street early in the morning of August 17, 1970 while an emergency call was placed to lure the Omaha Police to that house.

“I’m on 28th and Ohio, man,” said the man with a deep Barry White type voice to the emergency police dispatcher.

“The addresses is 2866-2867,”

“There’s an old vacant house, this dude is doing this woman up,” frantically said the caller in his deep voice. “She’s screaming I don’t know what’s going on man”

“2866 is on file,” the police dispatcher responded.

“2866-28 67 it’s an old vacant house with a bunch of weeds ’round it...” said the man in an excited deep voice. “A vacant house...she’s screaming”

What’s your address sir? “said the police Dispatcher.

“My address is 2865 Ohio?” the caller quickly responded.

“65 Ohio?”

“We’ll have an officer check it out, sir?” replied the dispatcher.

The final words of the man with the deep voice was, “Good okay.”

Earlier that night Omaha Police Department Officer “OPD” Larry Minard, Sr. and his partner John Tess had just finished lunch when they heard the radio call of a woman screaming in a house on Ohio Street. Minard who was a 7-year OPD veteran, responded to the emergency call along with several other OPD officers.

When they arrived, no one was in the dark house. As both officers entered the house, their flashlights appeared to be slow beacons of light creeping against the darkness as they methodically searched each room of the house. Minard was the first officer to spot the suitcase. He approached and bent over it. When Minard placed his hand on the suitcase, the booby trapped bomb exploded instantly killing him and injuring other officers.

A bomb made of dynamite was inside the suitcase which was set to explode when moved.

The fairly routine telephone call made by the man with the deep voice to the police dispatcher early in the morning of August 17, 1970 turned tragic for OPD Minard and led to the 40-year incarceration of the Omaha Two- Ed Poindexter and Wopashitwe Mondo Eyen We Langa (hereinafter “Mondo”) formerly known as “David Rice.”

The voice on the tape was not Poindexter’s or Mondo’s.

A week after the bombing Minard was buried.

A week after the bombing while Mondo was in Kansas City giving a speech, his house was raided by the police who claim they found a box of dynamite in the basement. Many in the community believe the dynamite was planted in his house.

“I would be very cautious about having anything in my house that somebody could get some time for,” Mondo told the British Broadcasting Company and Amnesty International in a documentary in 1991. “I possessed guns registered legally in my name in my house. I always suspected there would be some kind of raid.”

Although the OPD claimed to have found dynamite, no firm evidence linked Mondo or Poindexter to the bombing.

OPD Investigators and the FBI arrested 15-year-old Duane Peak and charged him with first-degree murder in the bombing death of Minard.

Initially, Peak told the police he made the bomb with members of his family. Police were not interested in that story. The police put pressure on Peak to implicate Mondo and Poindexter in the bombing. After changing his story numerous times, Peak implicated Mondo and Poindexter.

Although as a 15-year-old Peak’s voice was similar to Pee Wee Herman’s, he claims that he was the deep voiced man (who sounded like Barry White) who placed the call to the police luring Minard to his death.

On the testimony of Peak, Mondo and Poindexter were charged with with first-degree murder in the bombing death of Minard and were convicted of first degree murder on April 17, 1971 after a jury trial in the District Court of Douglas County, Nebraska. At that time, the jury and the public was not aware of FBI Director J. Edgar Hoover’s Counter Intelligence Program’s (Cointelpro) part in the trial which was to falsely convict members of the Black Panther Party for Self Defense for crimes they did not commit. Mondo and Poindexter were sentenced to life in prison. Poindexter and Mondo deny any involvement in the murder.

Part VI: The Arrest

The African American teenage boy with a neatly cut afro slowly lifted his head off the table revealing tears as the white police officers relentlessly interrogated him in a small hot smoke filled room in Omaha Police Headquarters in 1971.

“You will be the youngest person to die in the electric chair,” the Omaha Police Officer yelled as he pounded his fist on the table during the interrogation of 15 year-old Duane Peak for first degree murder in the bombing death of Omaha Police Officer Larry Minard, Sr. on August 17, 1970.

“David Rice (Wopashitwe Mondo Eyen We Langa (hereinafter “Mondo”) formerly known as David Rice) and Ed Poindexter’s name was not initially mentioned (by Peak) until sometime later,” said his uncle Carl Washington in a British Broadcasting Company and Amnesty International documentary film in 1991. “They (police) wanted scapegoats, they wanted something sensationalized, they wanted to go after people making headlines.”

“The police would make statements to Peak-you will be the youngest person to die in the electric chair and your family would probably also suffer,” said Washington in the BBC documentary. “You killed a police officer. It was a frightful experience (for Peak), it was very traumatic. ”

Initially, Peak told the police he made the bomb with members of his family but the police were not interested in his story so they put pressure on him to implicate Mondo and Poindexter in the bombing, said Washington in the BBC documentary. After Peak changed his story several times, he claimed he made the bomb with Mondo and Poindexter. Peak claims they instructed him to plant the bomb and make the telephone call to lure Minard to his bombing death at 28th and Ohio Street in Omaha.

Although it appeared there was no connection with the Minard murder a very important document in this case would be “A top secret Special Report for the president in June 1970... (which) describes the (Black Panther Party for Self Defense) party as ‘the most active and dangerous black extremist group in the United States.’” Noam Chomsky wrote in 1973.

In three years the Panthers grew from two founding members-Bobby Seals and Huey Newton- in Oakland in 1966 to more than an estimated 10,000 members in 1969 of armed African Americans who would NOT tolerate racism and police brutality.

FBI Director J. Edgar Hoover created a Counter Intelligence Program (Cointelpro) to falsely convict members of the Panthers for crimes they did not commit, to kill the Panthers and to destroy the Panthers. Cointelpro successfully framed Panther Geronimo Pratt for a murder he did not commit in 1970 and his conviction was overturned in 1997. He lived in Africa until his recent death.

In 1970, Mondo was the “Deputy Minister of Information” and Poindexter was Deputy Chairman of the Omaha Chapter of the National Committees to Combat Fascism (NCCF) an arm of the Panthers and they were highly visible in the community.

Cointelpro targeted Mondo and Poindexter when Omaha FBI Special Agent in Charge Paul Young, who was ordered by Hoover, proposed to Chief of Police Glen Gates that they should be framed for the murder.

During the week after the bombing, Mondo was in Kansas City to give a talk to raise money for the defense fund of fellow Panther Pete O'Neal when his house was raided and the police claimed to find dynamite. Mondo was arrested when he returned to Omaha. Poindexter was originally arrested and released for lack of evidence before he was arrested again. The only evidence to connect Mondo and Poindexter to the murder was the constantly changing testimony of Peak.

"I did not make that Bomb, I did not conspire with anyone to make a bomb, I did not give any instructions for anyone to make that bomb," said Poindexter in the BBC documentary. "I had nothing to do with the making of any bomb nor did I know about a bomb." Mondo also denies any involvement in the crime and denies the police found dynamite in his house.

"The physical evidence, the dynamite that is all we would have had at that point and it would have been questionable whether we could have filed it (charges)," according to the late prosecuting attorney Sam Cooper's BBC documentary interview. "It is pretty clear that absent the testimony of Duane Peak it would have been a weak circumstantial case of murder."

Peak's testimony was the only evidence to link Mondo and Poindexter to the bombing. Peak's testimony was critical in the wrongful conviction on April 17, 1971 of Mondo and Poindexter in the first-degree murder trial for the August 1970 bombing death of Minard.

Part VII: The Preliminary Hearing

An audible and loud gasp was made by spectators in court after the young man slowly removed his dark sunglasses revealing a black eye and other bruises as he sat in the witness stand in the most bizarre preliminary hearing ever held in the state of Nebraska.

After his 9 a.m. morning testimony, sixteen year-old Duane Peak appeared to have been beaten when he appeared at 1:30 p.m. on September 27, 1970 in the preliminary hearing of Ed Poindexter and Wopashitwe Mondo Eyen We Langa (hereinafter "Mondo") formerly known as David Rice in the Douglas County District Court in Omaha, Nebraska.

The preliminary hearing was a criminal hearing to determine whether there was sufficient evidence to prosecute Mondo and Poindexter for the August 17, 1970 bombing death of Omaha Police Officer Larry D. Minard, Sr. The attorney for Mondo was David Herzog and the attorney for defendant Poindexter was Thomas Kenny.

One year before this preliminary hearing, Mondo was the “Deputy Minister of Information” and Poindexter was Deputy Chairman of the Omaha Chapter of the National Committees to Combat Fascism (NCCF) which was established by the Black Panther Party for Self-Defense (Panthers). At the time of the preliminary hearing, the defense did not know FBI Director J. Edgar Hoover’s Counter Intelligence Program’s (Cointelpro) targeted Mondo and Poindexter as members of the Panthers to convict them for Minard’s murder.

The defense did not know about Cointelpro at that time and the Prosecutor Arthur O’Leary asked the following questions of Peak at 9 a.m. in the preliminary hearing:

Q: Duane (Peak), I’m going to call your attention to August 10, (1970) Monday, of this year, and ask if you saw the defendant Edward Poindexter on that day.

A: No

Q: You did not?

A: No.

Q: When did you first see defendant, Poindexter?

A: Pertaining to what?

Q: You are going to have to speak up. I can’t hear you.

A: Pertaining to what?

Q: Pertaining to the Minard case.

A: I don’t think I remember seeing him.

Q: I will call your attention to Monday, August 10, 1970, and ask you if you were at the address at 2816 Parker Street (Mondo’s address) on Monday evening.

A: No.

Q: You were not?

A: No.

Q: Were you on Tuesday?

A: No.

Q: I call your attention to Friday evening, August 14th, and ask you if you were at the American Legion on that particular evening.

A: I think I was. I don’t know for sure.

Q: On that particular occasion, did you see the defendant, Poindexter?

A: No.

Q: You are Duane Peak?

A: Yes.

“When he (Peak) testified in the morning he denied any involvement on my part or Ed’s (Poindexter),” said Mondo in a British Broadcasting Company and Amnesty International documentary in 1991. “My reaction was the little dude is stronger than I could have guessed because I know they have done some things to him or said some things to him

that would scare the hell out of him but somehow he is not going along with the program.”

With the shocking disclosure to the prosecutor the proceedings ended and it was continued in the afternoon, said Mondo’s Attorney Herzog in the BBC documentary. When court started at 1:30 p.m. Prosecutor O’Leary stated that this morning the testimony of the witness (Peak) “had taken us by surprise...” In the afternoon, Peak changed his appearance and testimony.

“Peak comes in wearing sunglasses looking visibly shaken and changed so I asked Peak to take off his sunglasses” said Herzog in the BBC documentary.

“When he took the glasses off the people in the court room let out an audible gasp,” said former Nebraska State Senator Ernie Chambers in the BBC documentary.

“His face around the eyes was swollen, it looked discolored to me, his eyes were red, it was clear he had been crying,” said Chambers in the BBC documentary. “My impression at the time was he had been struck physically and that is what caused the discoloration and the marks around his eyes.”

“Duane Christopher Peak had been really worked on between the morning session and the afternoon,” said Herzog in the BBC documentary. “It was frightening to see what happened to the young man (Peak).”

During his afternoon testimony, Peak implicated both Poindexter and Mondo.

This bizarre preliminary hearing led to the wrongful conviction of Mondo and Poindexter on April 17, 1971 in the murder trial for the bombing death of Minard. Mondo and Poindexter were sentenced to life in prison and they deny any involvement in the murder.

Part VIII: The Trial

“I RAISED my voice and put it in a lower tone and explained that there was a woman screaming in a house at 2867 Ohio Street and I HAD BEEN STANDING THERE AND I SAW A MAN DRAG HER INSIDE,” testified sixteen-year-old Duane Peak describing the 911 call he made in the murder trial on April 17, 1971 of Ed Poindexter and Wopashitwe Mondo Eyen We Langa (hereinafter “Mondo”) formerly known as David Rice for the August 17, 1970 bombing death of Omaha Police Officer Larry D. Minard, Sr.

In the “Trial of the Century” and for the first time ever courtroom security searched every courtroom spectator who packed into the standing room only crowded courtroom in the Omaha, Douglas County Courthouse.

Peak, who had a high pitched voice, testified that he made the 911 call to lure Minard to his death but his testimony is contradicted by the actual deep bass voice of the caller on the 911 tape.

“I’m on 28th and Ohio, man,” said the man with the deep bass voice on the 911 tape. “THERE’S AN OLD VACANT HOUSE, THIS DUDE IS DOING THIS WOMAN UP. SHE’S SCREAMING. I DON’T KNOW WHAT’S GOING ON MAN.”

The jury did not hear the 911 tape during the trial. The state believed Peak did not make the 911 call because the bass voice of the grown man on the tape was not Peak’s. The defense team was not given a copy of the 911 tape, in violation of a court order to give them all of the evidence, because the tape was suppressed and destroyed. The 911 operator on duty at that time made a personal copy of the tape and it surfaced in 1980 as part of his personal items after he died.

In 2009 an expert on voice analysis, Thomas Owens, conducted a voice analysis on the 911 tape and concluded that it was a high probability that Peak did not make that 911 call. Owens was hired by the U.S. government to analyze other tapes including the voice of the late Osama Bin Laden.

The prosecution’s opening argument was that Mondo and Poindexter conspired with Peak to plant a bomb at 2867 Ohio Street on August 17, 1970. The death penalty was sought by the prosecution team of County Attorney Donald Knowles, Arthur O’Leary, and Sam Cooper. It would have been a weak circumstantial case without Peak’s testimony.

From the time of his arrest when he initially denied Mondo and Poindexter’s involvement and during the trial, Peak gave numerous statements under oath that contained glaring contradictions.

Thomas Kenney, Douglas County Assistant Public Defender, and Frank Morrison represented Poindexter. David Herzog represented Mondo.

The defense argued: the credibility of Peak’s testimony; Peak had incriminated Mondo and Poindexter to save himself; Peak told numerous stories; Peak made an agreement for a lighter sentence; the Police targeted Mondo and Poindexter because they were leaders of the Omaha Chapter of the National Committees to Combat Fascism (NCCF) an arm of the Black Panther Party for Self Defense and they criticized the government.

The defense had to argue in closing they were innocent and plead with jury to not impose the death penalty.

Omaha FBI Special Agent in Charge Paul Young proposed to Chief of Police Glen Gates that Mondo and Poindexter should be framed for the murder as part of a secret FBI Operation Cointelpro. Evidence such as the 911 tape was withheld. Cointelpro successfully helped to frame Panther Geronimo Pratt for a murder he did not commit in 1970. After his conviction was overturned in 1997, Pratt lived in Africa until his recent death.

In 1970, Mondo was the Deputy Minister of Information and Poindexter was Deputy Chairman of the NCCF and they were leaders in the community.

The court allowed inflammatory literature such as the NCCF chapter's monthly newsletter "Freedom by Any Means Necessary," which criticized the police and other government entities, to be used in the trial.

The court allowed evidence of the police search of Mondo's house although Mondo denies possessing dynamite and he denies dynamite was found in his house. Many in the community believe the dynamite was planted in the house. Later, in 1974, the federal district court ruled that search was illegal.

The guilty verdict was announced in a locked, closed courtroom. Mondo and Poindexter were wrongfully convicted on April 17, 1971 in the murder trial for the bombing death of Minard. Mondo and Poindexter were sentenced to life in prison and they deny any involvement in the murder.

Part IX: COINTELPRO

"Dir. advised telephonically & said Okay to do!" were the words written on a memo in 1971 after Ivan Willard Conrad's discussion with the director of the F.B.I., J. Edgar Hoover, who commanded the F.B.I. crime laboratory to not issue a formal report on their analysis of the identification of the 911 tape recording of the killer's voice in the case of Ed Poindexter and Wopashitwe Mondo Eyen We Langa (hereinafter "Mondo") formerly known as "David Rice."

As a result of this short conversation, the F.B.I. withheld the 911 tape from the jury in defiance of a court order and both men-the Omaha Two- have been in jail for the last 40 years after they were wrongfully convicted on April 17, 1971 in the murder trial for the August 1970 bombing death of Omaha Police Officer Larry D. Minard, Sr. Both men deny any involvement in the crime.

The government believed the analysis of the emergency 911 call which lured Minard to his death would have revealed that 15 year-old Duane Peak, who had a high pitched voice, was not the same voice of the caller- a grown man with a deep bass voice. Voice expert Thomas Owen recently analyzed the 911 tape and concluded it was a high probability the voice was not Peak's.

Years before the Omaha Two trial and in response to police brutality, the Black Panther Party for Self-Defense ("Panthers") was formed in 1966 in Oakland by Bobby Seales and Huey Newton. By 1969, the Panthers had approximately 10,000 armed members who could assemble anywhere in this country within minutes. Although Malcolm X was assassinated in 1964, the Panthers based their organization on his defiant opposition to police brutality and injustice "By Any Means Necessary."

The Panthers started the free breakfast program and neighborhood patrols. The official paper of the Panthers circulation was 250,000 and many who read the paper were young "freedom fighters." In 1967, armed Panthers protested a ban on weapons by marching on the California State Capitol in Sacramento.

F.B.I. director Hoover subsequently created a clandestine covert government Counter Intelligence Program called Cointelpro which consisted of surveillance, infiltration, perjury and police harassment to kill and destroy the Panthers.

Hoover labeled the Panthers the "greatest threat to the internal security of this country" and Noam Chomsky wrote in 1973: "A top secret Special Report for the president in June 1970... describes the party as 'the most active and dangerous black extremist group in the United States.' Its 'hard core members' were estimated at 800, but 'a recent poll indicates that approximately 25 percent of the black population has a great respect for the Black Panthers, including 43 percent of blacks under 21 years of age.'" The white power structure feared a black leader would start a black revolution.

Chicago Panther leaders Fred Hampton, 21, and Mark Clark, 22, were shot to death on December 4, 1969 by the Chicago Police. Many in the Black community called it a "massacre" because the police fired more than 99 shots into the apartment but it appears only one shot, if that many, was returned in the early morning raid. The Chicago Tribune reported that "Months later, a federal investigation showed that only one shot was fired by the Panthers, although that number remained in dispute. In the two years before the raid, police and Panthers had engaged in eight gun battles nationally, in which three police officers and five Panthers died. Four of the shootouts, including one in which two police officers were killed, occurred in Chicago."

Panther Geronimo Pratt was framed for the murder of Caroline Olsen in Santa Monica in 1970 although he was under surveillance by the F.B.I. in another city at the time of the murder of Olsen. His conviction was overturned in 1997 and he resided in Africa until his recent death.

In 1970, Mondo (Deputy Minister of Information) and Poindexter (Deputy Chairman) were the leaders of the Omaha Chapter of the National Committees to Combat Fascism (NCCF), an affiliate of the Panthers. Hoover sent a series of memos criticizing the Omaha F.B.I. for their inability to use counterintelligence measures to disrupt the Panthers and to target the leaders in Omaha.

Part X: The 911 Tape

What would happen if a witness falsely testified that two men committed a murder but there was no physical evidence such as DNA to support the testimony?

Barry Scheck, who was an attorney on the O.J. Simpson case, started an independent nonprofit organization the Innocence Project which has exonerated 271 individuals through DNA testing in its nineteen years of existence. There has been no case using a voice analysis to overturn a conviction which is one of the issues in the murder trial for the 1970 bombing death of Omaha Police Department (OPD) Officer Larry D. Minard, Sr.

A man with a deep Barry White type voice made the emergency 911 call stating a woman was screaming in a vacant house on August 17, 1970 to lure OPD Officer Minard to his death at 2867 Ohio Street in the case of Ed Poindexter and Wopashitwe Mondo Eyen We Langa (hereinafter “Mondo”) formerly known as David Rice.

Sixteen-year-old Duane Peak, who had a high pitched voice similar to Pee-Wee Herman, testified that he made the 911 call in the April 17, 1971 murder trial. The voice on the tape was not Poindexter’s or Mondo’s.

Initially, the first story told by Peak was that he made the bomb with members of his family but the police pressured him to implicate Mondo and Poindexter. After changing his story at the preliminary hearing, Peak implicated Mondo and Poindexter and testified he made the 911 telephone call to lure Minard to his death. To secure his testimony, Peak was threatened with the death penalty. It was a very weak circumstantial case without Peak.

A Counter Intelligence Program called Cointelpro was created by the Federal Bureau of Investigation (FBI) Director J. Edgar Hoover to falsely convict Panthers of crimes they did not commit and to destroy the Black Panther Party for Self Defense (Panthers). By

1969, the Panthers were the “greatest threat to the internal security of this country” according to Hoover because they had an estimated 10,000 armed members. At that time, Mondo was the Deputy Minister of Information and Poindexter was Deputy Chairman of the Omaha Chapter of the National Committees to Combat Fascism (NCCF) an affiliate of the Panthers.

In Poindexter’s Nebraska Supreme Court appeal in 2009, Poindexter, “introduced a copy of internal FBI communications indicating that the Omaha police had originally asked the FBI to conduct a voice analysis of the taped 911 call; ...A later communication submitted into evidence by Poindexter reads in part: Assistant [chief of police] GLENN GATES, 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, has advised that he wishes no use of this tape until after the murder trials ... has [sic] been completed.” The jury did not hear the tape because the government destroyed it in violation of a court order. No jury would have convicted the Omaha Two- Mondo and Poindexter- after they heard that tape.

The 911 operator made his own personal copy of the tape and after he died the tape surfaced as part of his personal items in 1980. The current technology to complete a comparison of Peak’s voice can be compared to an ipod and the technology used in the 1970’s was similar to an 8-track player. Just like DNA, the voice comparison technology is more reliable now than in the 1970’s.

A voice analysis on the 911 tape was conducted in 2006 by an expert on voice analysis for Poindexter’s 2009 appeal by Thomas Owen and he concluded that it was a “high probability” with a “reasonable degree of scientific certainty” that Peak did not make that 911 call. The U.S. government hired Owen to analyze other tapes including the voice of the late Osama Bin Laden.

If this was a DNA case and Peak’s testimony convicted co-defendants Poindexter and Mondo in a rape and murder trial in 1970 they would be allowed DNA testing of the DNA evidence. If the DNA evidence proved it was not their DNA on the victim of the rape and murder, the prosecutor could dismiss the case or the court could order a new trial.

Unfortunately, this is not a DNA case. Although the voice analysis proved scientifically that Peak did not make the 911 call the voice analysis is not equal to DNA at this time under the law. Why? State and Federal Statutes grant exoneration to those eligible for DNA testing but no laws exist for voice analysis testing. The attorneys for the Omaha Two must convince a court that voice analysis is just as reliable as DNA.

Part XI: The Dynamite

Oh what a tangled web we weave when we practice to deceive describes the dynamite evidence and the deception of the government in the murder case of Ed Poindexter and Wopashitwe Mondo Eyen We Langa (hereinafter “Mondo”) formerly known as David Rice for the August 17, 1970 bombing death of Omaha Police Officer Larry D. Minard, Sr.

In a jury trial on April 17, 1971, government tactics led to the wrongful conviction of Mondo and Poindexter for first degree murder in the bombing death of Minard in the Douglas County District Court. Mondo and Poindexter were sentenced to life in prison. They deny any involvement in the murder.

A man with a deep bass voice made a 911 emergency call stating a man was assaulting a woman in a vacant house on 28th & Ohio Street to lure Omaha Police to a booby trapped bomb which killed Minard on August 17.

After the bombing, a multi-agency task force called Domino comprised of the Federal Bureau of Investigation, the Division of Alcohol, Tobacco & Firearms (ATF), the Douglas County Sheriff’s Department, the Omaha Police Department (OPD) and the Nebraska State Patrol assembled to investigate the bombing. Domino arrested approximately 60 suspects in a week long dragnet in North Omaha.

OPD arrested Luther Payne, Lamont Mitchell and Conrad Gray for allegedly possessing dynamite. (Some of the charges disappeared after Mondo and Poindexter were convicted.)

After the bombing, OPD claimed they found dynamite during a search of Mondo’s house while he was giving a speech in Kansas City. (In an appeal after the trial by Mondo, federal judges criticized the controversial search.) Mondo denied that he had dynamite in his house and the community believes the police planted the dynamite.

In 1970, Operation Cointelpro, which was created by FBI Director J. Edgar Hoover to frame members of the Black Panther Party for Self Defense (Panthers) for crimes they did not commit, targeted Mondo and Poindexter. Mondo was the “Deputy Minister of Information” and Poindexter was Deputy Chairman of the Omaha Chapter of the National Committees to Combat Fascism (NCCF) an affiliate of the Panthers. FBI Special Agent in Charge Paul Young proposed to Chief of Police Glen Gates that the Panthers-the Omaha Two- Mondo and Poindexter should be framed for the murder so they withheld evidence such as the 911 tape from the jury. Cointelpro successfully

framed Panther Geronimo Pratt for a murder he did not commit in 1970. Pratt's conviction was overturned in 1997 and he lived in Africa until his recent death.

The fact that two white males were running from the scene of the Minard bombing before the blast was not revealed at that time and the Weatherman, which was a white extremist group that achieved legendary status because they were mentioned in a Bob Dylan song, was believed to be responsible for a number of bombings throughout the 1970's.

In 1970, the Midwest was besieged by bombings according to the August 18, 1970 Wisconsin State Journal (Journal): "A federal building in Minneapolis was bombed August 18, 1970 injuring a night watchman and causing one-half million dollars in damage... At Omaha on June 11 (1970), several thousand dollars' damage resulted to a police assembly building when 10 pounds of dynamite blew a hole in a wall and broke windows. No one was in the building at the time. ...In neighboring Iowa, three police departments have been bombed. Eleven persons were hurt in dynamitings at station houses in Des Moines, Ames, and Council Bluffs. In downtown Des Moines, the Chamber of commerce building was bombed in May and June (1970). On June 22 (1970), Des Moines police were able to dismantle a dynamite bomb, placed in a tool box with a booby-trap arrangement, before it exploded."

Sixteen year old Duane Peak, who had a high pitched voice and he was the only witness implicating Mondo and Poindexter, initially denied their involvement in the case. Peak later testified he made the 911 call and he constructed the bomb with Mondo and Poindexter but the physical evidence did not support Peak's testimony.

At the trial, Jack Snow a chemist who worked for the national office laboratory of the ATF testified that a swab test analysis conducted on Mondo and Poindexter at the time of their arrest can detect microscopic particles of dynamite. Snow testified under cross-examination that based on the test swabs in evidence there was no dynamite test particles or dynamite oils on the fingernails and hands of Mondo and Poindexter at the time they were tested after their arrest. Although no physical evidence connected them to the bombing, Mondo and Poindexter have been in jail 40 years.

Part XII: The Attorneys

One of the Omaha Two Political Prisoners was granted a writ of habeas corpus by a federal court ruling in 1974 because of an illegal search in violation of the Fourth Amendment. A writ of habeas corpus is a written request by a defendant asking the court for his freedom.

“Did the search of a house violate the Fourth Amendment?” was the issue before Federal Judge Warren Urbom in Omaha in 1974 in the David L. Rice, Petitioner, v. Charles L. Wolff, Jr., Warden of the Nebraska Penal and Correctional Complex, Respondent. The court decision was based on the facts which follow:

Wopashitwe Mondo Eyen We Langa (hereinafter “Mondo”) formerly known as David L. Rice was the Deputy Minister of Information and Ed Poindexter was Deputy Chairman of the Omaha Chapter of the National Committees to Combat Fascism (NCCF) in Omaha in 1969 which was established by the Black Panther Party for Self Defense.

The police were lured to a house at 2867 Ohio Street by a man making a fake 911 call stating a woman was screaming inside the house in the early morning hours on August 17, 1970. A booby trapped suitcase bomb filled with dynamite exploded killing Omaha Police Officer Larry D. Minard, Sr inside the house. Mondo and Poindexter have been in jail since they were wrongfully convicted on April 17, 1971 in the murder trial in the Douglas County District Court for the August 1970 bombing death of Minard. Mondo and Poindexter were sentenced to life in prison for first-degree murder and they deny any involvement in the case.

Intensive police investigation led to the conclusion that sixteen year old Duane Peak, who was a known member of the NCCF, was a prime suspect in the case.

The Fourth Amendment to the U.S. Constitution prohibits unreasonable searches and seizures and the issuance of search warrants without probable cause. In order to have probable cause to search Mondo’s house under the Fourth Amendment, the police must get an independent objective magistrate, which is a judge, to sign a search warrant. The magistrate must have a supporting affidavit from the police alleging probable cause that Mondo was engaged in criminal activity. An affidavit is a written sworn statement under oath testifying to all of the facts of the case known by the investigating police officers at the time they request the search warrant.

The Nebraska State Supreme court held in Mondo’s appeal the search warrant was valid based upon information which the police officers had but which was not revealed to the magistrate.

In federal court, Judge Urbom held all evidence seized violated the Fourth Amendment’s prohibition of unreasonable searches and seizures because the search of Mondo’s house at 2816 Parker Street was conducted pursuant to a search warrant which was issued without probable cause due to an insufficient supporting affidavit.

“The record contained no evidence that any information outside the affidavit was presented to the magistrate. The magistrate cannot evaluate information not known to him and his actions should be determined from what he knew, not from what someone else knew or later came to know. An analysis of the validity of the search warrant must be made from the affidavit alone, because nothing else was considered by the magistrate.”

The tip that Mondo keeps explosives at his residence, and also illegal weapons, which he has said should be used against Police Officers’ (which is protected by the First Amendment right to free speech) does not describe the criminal activity in the detail required by law to inform the magistrate that he is relying on something more substantial than a rumor or an accusation based merely on Mondo’s general reputation.

The statement that Mondo is a member and Minister of Information of the NCCF which advocates the violent killing of police, that a policeman has been killed, and that arrests have been made from the membership of the NCCF, in no way suggest that dynamite would probably be stored at Mondo’s house.

The supporting affidavit was insufficient because it did not state the basis on which the informant concluded Mondo possessed dynamite, it did not state the informant was credible and it did not state the dynamite was stored in a particular place at Mondo’s house.

The affidavit supporting the request for a search warrant of Mondo’s house did not give the magistrate probable cause to issue the warrant; therefore, the warrant was issued without probable cause. Mondo’s petition for writ of habeas corpus was granted. Mondo was not physically released from jail.

The state appealed Judge Urbom’s decision to the Eighth Circuit Federal Court which held the search was illegal. The U.S. Supreme Court, the highest court in the land, reversed the decision that the search was illegal in the Stone v. Powell case.

Part XIII: First Appeal

One of the Omaha Two Political Prisoners was granted a writ of habeas corpus by a federal court ruling in 1974 because of an illegal search in violation of the Fourth Amendment. A writ of habeas corpus is a written request by a defendant asking the court for his freedom.

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Intensive police investigation led to the conclusion that sixteen year old Duane Peak, who was a known member of the NCCF, was a prime suspect in the case.

The Fourth Amendment to the U.S. Constitution prohibits unreasonable searches and seizures and the issuance of search warrants without probable cause. In order to have probable cause to search Mondo’s house under the Fourth Amendment, the police must get an independent objective magistrate, which is a judge, to sign a search warrant. The magistrate must have a supporting affidavit from the police alleging probable cause that Mondo was engaged in criminal activity. An affidavit is a written sworn statement under oath testifying to all of the facts of the case known by the investigating police officers at the time they request the search warrant.

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“The record contained no evidence that any information outside the affidavit was presented to the magistrate. The magistrate cannot evaluate information not known to him and his actions should be determined from what he knew, not from what someone

else knew or later came to know. An analysis of the validity of the search warrant must be made from the affidavit alone, because nothing else was considered by the magistrate.”

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The affidavit supporting the request for a search warrant of Mondo’s house did not give the magistrate probable cause to issue the warrant; therefore, the warrant was issued without probable cause. Mondo’s petition for writ of habeas corpus was granted. Mondo was not physically released from jail.

The state appealed Judge Urbom’s decision to the Eighth Circuit Federal Court which held the search was illegal. The U.S. Supreme Court, the highest court in the land, reversed the decision that the search was illegal in the Stone v. Powell case.

Part XIV: Board of Pardons

Imagine walking into court for a trial on a traffic ticket you received for speeding and you are greeted by the only other person in court- the prosecutor.

“Good morning,” says the prosecutor. “If you are ready for trial, I will need one minute to prepare.”

The prosecutor walks around the court, steps behind the bench, puts on a black robe and sits in the seat of the judge as he says, “Now, I am ready for trial!”

“What!” you say to the judge. “Wait a minute! You are the prosecutor and the judge!”

“Yes!” says the judge. “Now, let us start the trial.”

Well, that is exactly how the Board of Pardons (Pardons Board) operates in our state to decide if a prisoner will receive parole. The Pardons Board is made up of the Attorney General (AG), the Secretary of State, and the Governor pursuant to Nebraska Revised Statute Section 83-1,126. The AG serves as both the prosecutor in court and a judge on the Pardons Board.

Wopashitwe Mondo Eyen We Langa (hereinafter “Mondo”) and Ed Poindexter -the Omaha Two Political Prisoners- were wrongfully convicted on April 17, 1971 in a jury trial for first degree murder in the August 17, 1970 bombing death of Omaha Police Officer Larry Minard, Sr. in the Douglas County District Court, Omaha, Nebraska. They deny any involvement in the murder and they were sentenced to life.

In his 2010 appeal before the Eighth Circuit Court, I wrote in a brief on behalf of my client Mondo, “When Mondo was sentenced, the Nebraska Department of Corrections noted in Mondo’s file that he was parole eligible in March of 1972.” Thereafter, Mondo has been denied a meaningful parole hearing.

In 1993, Parole Board Chairwoman Ethel Landrum informed the Pardons Board that the Parole Board voted 5-0 to recommend Mondo for parole. The Parole Board determines if an inmate should be released from prison. However, the Parole Board has stated that the Pardons Board must commute or change a sentence of “Life” to a specific number of years in order for the person serving a life sentence to be eligible for parole. Mondo and Poindexter are in a class of inmates who must have the Pardons Board change their life sentence to a specific number of years so that they can become eligible for parole.

“There is no law in Nebraska that states a prisoner must first commute or change his life sentence to a number of years before becoming eligible for parole. When Mondo was sentenced the parole eligibility statute provided: “(1) Every committed offender shall be eligible for release on parole upon completion of his minimum term less reductions granted in accordance with this act, or if there is no minimum, at any time.” Nebraska Revised Statutes section 83-1,110 (1969). Mondo argues that his life sentence has “no minimum” term or minimum number of years and he has been parole eligible since the start of his sentence in 1971.

Unfortunately, the Nebraska Supreme Court disagreed and has held that Mondo and Poindexter must first have their sentence commuted to a minimum number of years by the Nebraska Pardons Board to be eligible for parole.

It is inherently a violation of Mondo's constitutional rights to have the AG requesting Mondo remain in jail and the AG serve on the Pardons Board as a judge to decide if Mondo is eligible to receive parole.

In 1994, Mondo requested a hearing before the Pardons Board to consider changing his life term to a definite number of years which would make him eligible for parole. The three member panel of the Pardons Board voted 2-1 to deny Mondo a hearing. Governor Ben Nelson and AG Don Stenberg voted to deny Mondo a hearing. Secretary of State Allen Beerman voted to grant Mondo a hearing.

At least, eight inmates with similar charges, who were sentenced after Poindexter and Mondo, have been paroled. In essence, the Pardons Board treated the alleged killing of a white police officer by blacks as a different class of crime for the purpose of parole eligibility.

Governor Nelson acknowledged the nature of the crime that was allegedly committed made it unlikely he would grant a commutation which is changing Mondo's sentence to make him eligible for parole. The AG Stenberg has stated before that people who (allegedly) kill police officers should receive the death penalty or die in prison. Therefore, Mondo has never had a meaningful hearing before the Pardons Board because the AG serves as both the prosecutor and the judge.

Part XV: Parole Board

One of the Omaha Two Political Prisoners -Wopashitwe Mondo Eyen We Langa (hereinafter "Mondo") formerly known as David Rice- was free to roam Nebraska from prison unescorted on numerous occasions between 1982 and 1985.

Why was Mondo allowed to leave prison unescorted between 1982 and 1985? Mondo was a member of the Omaha Chapter of the National Committees to Combat Fascism which was an arm of the Black Panther Party for Self-Defense in 1970. In 1970, F.B.I director J. Edgar Hoover created Operation Cointelpro a government program to falsely convict the Black Panthers- who Hoover considered the greatest threat to the internal security of this nation- of crimes they did not commit. Although he was falsely convicted of murder in 1971, Mondo was not a danger to the community in 1981so he was granted furloughs under a program that is no longer in existence. A furlough is a short release from prison.

In 1981 there were three custody levels classified by the Nebraska Prison where Mondo is serving his sentence- minimum custody, medium custody and maximum custody.

Mondo had minimum custody in 1981 which allowed him to travel without restraints based upon various travel orders.

In 1981, Mondo was eligible as a minimum custody inmate for furloughs, education release and work release. Between 1982 and 1985, Mondo received 13 travel orders with unarmed escorts and no restraints. The shortest time period he was released was for two hours and the longest time period Mondo was allowed a travel order to leave unescorted was 12 hours.

During the period from 1981 until 1985, Mondo was approved for educational release to attend the University of Nebraska at Lincoln and was also approved to go out into the community on furloughs.

In February of 1985, Mondo went on a travel order to Omaha to attend a memorial service for his deceased father with two security guards. Less than a week later, Mondo participated in a panel discussion of African history and culture at the Malone Community Center in Lincoln, Nebraska. Mondo had gone on travel orders to deliver presentations to classes at both the University of Nebraska at Lincoln and Nebraska Wesleyan University, to exhibit his artwork at the Burkholter Studio and the state office Building in Lincoln, and to participate in other programs at a variety of venues. Apparently, from the time period of 1981 until 1985 the government did not consider Mondo a threat to the community.

These approvals, which were given by the Nebraska Prison, were subsequently stopped by the Board of Parole (Parole Board). During this time period, Ed Poindexter was transferred to a prison in Minnesota. The furlough program was terminated sometime around 1985.

The Parole Board is comprised of five full-time members, who serve for a six year term, appointed by the governor to determine if an inmate should be released from prison.

In 1993, Chairperson Ethel Landrum of the Parole Board recommended by a unanimous vote of all five members that Mondo's sentence be commuted to a specific term of years by the Board of Pardons(Pardons Board). However, the Parole Board has stated that the Pardons Board must commute or change a sentence of "Life" to a specific number of years in order for the person serving a life sentence to be eligible for parole.

The Pardons Board does not have any authority over the Parole Board pursuant to Nebraska law. Nebraska Supreme Court judges interpret the law differently and have held that Mondo and Poindexter must first have their sentence commuted to a minimum number of years by the Pardons Board to be eligible for parole.

The Pardons Board is made up of the Attorney General (AG), the Secretary of State, and the Governor. It is inherently a conflict of interest and a violation of Mondo's constitutional rights to have the prosecuting office of the AG requesting Mondo remain in jail and the AG serve on the Pardons Board as a judge to decide if Mondo is eligible to receive parole.

In 1994, the three member panel of the Pardons Board voted 2-1 to deny Mondo a hearing. In 1994, Governor Ben Nelson and AG Don Stenberg voted to deny Mondo a hearing and Secretary of State Allen Beerman voted to grant Mondo a hearing.

As a result of the Pardons Board refusing to commute their life sentence, Mondo and Poindexter who were wrongfully convicted on April 17, 1971 in a jury trial for first degree murder in the August 17, 1970 bombing death of Omaha Police Officer Larry Minard, Sr. in the Douglas County District Court remain in jail after 40 years. They deny any involvement in the crime and they were sentenced to life.

Part XVI: Ex Post Facto Law

Imagine driving down the highway on a sunny Monday morning at 70 mph on a highway with a speed limit of 75 and you wave to an officer parked on the side of the street.

Imagine driving down the same highway on your way to work on Friday and the speed limit sign has been changed to 45 mph so you are driving 40 mph. However, that same police officer pulls you over, requests your drivers license and your registration.

“What is the problem officer?” you ask.

“I’m going to have to give you a ticket for driving 70 miles an hour on Monday?” he responds.

“What! you scream. “The posted speed limit on Monday was 75 mph, I did not violate the speed limit on Monday and you changed the speed limit to 45 mph today-Friday. How can you give me a speeding ticket for driving 70 mph on Monday when it was not the law!?”

“Well, we changed the rule and the law,” says the officer as he hands you the ticket, “it applies to you after the fact.”

The U. S. Constitution does not allow ex post facto laws which are laws which change the RULES- “done or made after the fact; having retroactive force or effect.”

Ex post facto laws have been used to keep Wopashitwe Mondo Eyen We Langa (hereinafter “Mondo”) formerly known as David Rice and Ed Poindexter, who were wrongfully convicted on April 17, 1971 in a jury trial for first degree murder in the August 17, 1970 bombing death of Omaha Police Officer Larry Minard, Sr. in the Douglas County District Court, in prison for 40 years.

First Mondo and Poindexter argue the parole eligibility statute/rule at the time they were sentence provided: “(1) Every committed offender shall be eligible for release on parole upon completion of his minimum term less reductions granted in accordance with this act, or if there is no minimum, at any time.” Neb. Rev. Stat. § 83-1,110 (Cum. Supp. 1969). Mondo and Poindexter argue that the life sentence has “no minimum,” and they have been parole eligible since the start of their sentence in 1971.

There was no rule or statutory requirement in Nebraska in 1971 that a prisoner must first commute his life sentence to a term of years before becoming parole eligible. The Nebraska Supreme Court has essentially changed the rule in violation of the ex post facto clause in the U.S. Constitution by declaring that Mondo and Poindexter must first have their sentence commuted to a term of years by the Pardons Board to be eligible for parole. Mondo and Poindexter argue the language that if there is no minimum at any time should apply to them because that was the statutory rule and the law at the time they were sentenced.

In 1993 all five member of the Parole Board voted to parole Mondo but they held the Pardons Board must first commute the life sentence to a definite number or term of years although that is not a statutory rule required by law.

In 1994, Mondo requested a hearing before the three member panel of the Pardons Board -which was comprised of the Attorney General(AG) Don Stenberg, Governor Ben Nelson and the Secretary of State Allen Beerman – to consider converting his life term to a definite number of years which would make him eligible for parole.

The Pardons Board voted 2-1-the Governor and AG voted to deny- and the Secretary of State voted to grant Mondo a hearing.

In 1994, the Pardons Board changed the rules (in violation of the ex post facto law) of misconduct from a major disciplinary report- one resulting in either time spent in segregation or loss of good time- to any minor infractions in the disciplinary report because they stated Mondo should be free of any misconduct for five years before a hearing. During the five year time period before the hearing, his file contained alleged minor infractions of wearing a map of Africa around his neck and trying to give his meat

to a fellow inmate in the cafeteria because Mondo is a vegetarian and other alleged minor incidents.

To keep Mondo and Poindexter in jail for 40 years, the State has changed rules and laws in violation of the ex post facto clause in the Constitution in the manner which follows: they changed the rule that the Pardons Board must first commute prisoners life sentence to a term of years before becoming parole eligible from they were immediately eligible for parole when they were sentenced; gave the Pardons Board AG, who is both the prosecutor and judge, the final approval of their parole; and changed the Pardons Board definition to grant a hearing from a major disciplinary report to any misconduct.

Afterward: We Must Support the Omaha Star

“You are too black to practice law so get out of my courtroom and don’t ever come back, “ said the white Judge in a Chicago courtroom in 1898 to the new African American Kent Law School College Graduate Robert S. Abbot who bears a striking resemblance to comedian “Cedric the Entertainer.”

With those racist words, Attorney Abbott’s law career ended so he founded the Chicago Defender (Defender) on May 5, 1905, which he promoted as “The World’s Greatest Weekly.”

Starting out in a small kitchen in his landlord’s apartment, Abbott started with initial press runs of 300 copies and an initial investment of 25 cents. Abbott soon became a millionaire because his Defender was the first African American newspaper to have a circulation of more than 100,000. The Defender, with two-thirds of the circulation outside of Chicago, had a higher circulation than the other three white Chicago area papers in the early 1900s.

Black Pullman Porters who rode the train distributed the Defender in the south because racist white newspaper distributors refused to circulate the paper. The Defender would beat the white daily papers to many important news stories of that day such as invasions of other countries or business news because most white people in power felt extremely comfortable discussing important matters in front of the black “help” such as maids and butlers (and, of course, it was believed the “help” would give the story to the Defender through the Black Pullman Porters).

IN THE EARLY 1900’S BLACKS WHO COULD NOT READ BOUGHT THE CHICAGO DEFENDER TO SUPPORT THE PAPER. The Klu Klux Klan threatened the

Defender readers and attempted to confiscate the paper to stop circulation of the Defender throughout the nation.

Southern States passed laws against the distribution of the Defender. The Defender was read aloud in barbershops and churches and passed from person to person. It is estimated that more than 500,000 people read the Defender each week. It was called the “Mouthpiece of 14 Million People” which was the population of blacks in the United States at that time.

The Defender started the Bud Billiken Day parade (based upon a character created by Abbott) in Chicago which is still one of Chicago’s favorite events to promote healthy values in children.

During World War I, the Defender declared May 15, 1917 the date of the “Great Northern Drive” and the “Great Migration.” It used editorials, cartoons, and articles to convince southern black readers to migrate to the North in record numbers to live a better life. Between 1915-1925, the Defender posted job listings and train schedules to facilitate the relocation of more than one and a half million southern blacks to migrate to the North with at least 110,000 relocating to Chicago between 1916-1918- which tripled the city’s black population.

The Defender covered the Red Summer Race Riots of 1919 by, among other things, publishing the exact number of whites and blacks killed in the riots. The Defender also campaigned for anti-lynching legislation.

Langston Hughes and Walter White were Defender columnists. Also, the early poems of Pulitzer Prize winning poet Gwendolyn Brooks were published in the Defender.

In 1948, editors at the Defender campaigned for President Harry S. Truman to integrate the Armed Services which was done shortly after their campaign.

In 1940, Abbott was the first president of the National Negro Publishers Association, which he founded, which is now the National Newspaper Publishers Association- an organization of approximately 200 African American publishers of newspapers across the country which includes this paper. African American newspapers, including the Omaha Star, in our country have a history of fighting for equality.

American race prejudice must be destroyed can describe the philosophy of both the Defender and this paper the Omaha Star. In 1938, the torch was passed from the Defender to the late Mildred D. Brown who founded The Omaha Star which has worked for equal rights for all Americans. Ms. Brown may be the first African American woman

(if not the only African American woman) to have founded a newspaper in the nation's history.

The Omaha Star gives a voice to the voiceless. It allows a diversity of editorial opinions such as articles by former State Senator Ernie Chambers, a variety of local as well as national writers and this paper allowed me to recently write a 20 part series explaining the case of the Omaha Two Political prisoners Wopashitwe Mondo Eyen We Langa (hereinafter "Mondo") and Ed Poindexter. No other newspaper would allow the writers in this paper to write and express the thoughts of this community. Furthermore, for decades, the Omaha Star has provided jobs in this community.

If a company in Omaha does not advertise with the Omaha Star they do not SUPPORT you. If the companies do not support you, you should not support their business.

Some major companies in this city will not buy an advertisement with this paper but they will advertise in the white media. Those companies expect a lot of business from Blacks. Their philosophy is we are not going to advertise in the Omaha Star, which is the black weekly paper, but we want your black dollars.

If blacks who were threatened in the early 1900's supported their paper, why can't we support the Omaha Star? Now, in 2011 in Omaha, we have a paper which is invested in this community. Blacks in the civil rights movement in the 1960s supported other blacks. Blacks, who supported the Defender, in the early 1900s would not support a company today which did not support Blacks.

Since we now have a black president, the "integrated" Blacks in 2011 in Omaha support companies which do not advertise in the Omaha Star, do not hire and promote Blacks, and do not support the Black community. Have we forgotten racism, the civil rights struggle and the economic disparity which currently exist in this city and nation?

Supporting a black business such as the Omaha Star creates jobs in the black community.

Do not buy from a business that does not advertise in this paper. However, if you feel you must buy from a company who does not advertise in this paper, at least ask the management why don't you advertise in the Omaha Star? After your purchase, please make a follow-up call, e-mail or write to that company to tell them to advertise in the Omaha Star.

Support those who support you- subscribe to the Omaha Star- give the Omaha Star as a gift- is stated repeatedly in this paper and I agree.

I practice what I preach. I own four Omaha Star subscriptions. Of course, only one paper comes to my office and the other three are sent to family members as a gift. I also advertise in the Omaha Star.

We can not afford to lose the Omaha Star because of a lack of economic support from this community. By supporting the Omaha Star, we support our community. We must support the Omaha Star!

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