

Doing Justice

Background on:

MOVE 1, MOVE 2, Delbert Africa, Daniel Faulkner, Mumia, and the Philadelphia Police

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Overview

From the mid-1970s through to the mid-1980s, Philadelphia witnessed a series of deadly, ongoing confrontations between a local group, called MOVE, and the Philadelphia Police Department, and other components of the Philadelphia justice system including the courts and the District Attorney. Legacies of these confrontations continue to today, with the case of Mumia Abu Jamal and continuing supporters of the wife of the late Daniel Faulkner. The scope of related events is large, deadly, and expensive. In addition to one dead police officer from the 1978 MOVE 1 confrontation, public beatings of at least one MOVE member at the conclusion of MOVE 1, the U.S. Department of Justice attempting to take the entire Philadelphia Police Department to court for systematic brutality, the death of police officer Daniel Faulkner in 1981 and the subsequent trial of a local African-American radio journalist, the continued and serious harassment of neighbors on Osage Avenue prior to the 1985 MOVE 2 incident, the death of multiple MOVE members during that 1985 incident, the bombing and burning of a West Philadelphia neighborhood during that incident, the subsequent construction boondoggles as the City of Philadelphia rebuilt that neighborhood, then paid residents who sought to leave because the new construction was so shoddy, the continuing speaking out by MOVE members including

Ramona Africa, and ongoing efforts by some to get a new trial for Mumia Abu Jamal, and the efforts by others to block a new trial, are all related. One of our purposes this week is to attempt to learn how these events fit together. We also want to put a conceptual framework around these events using Black's tools. What we want to do with these events is to **jointly** consider the three different dimensions that Black suggests influence the responses of justice agencies: the vertical dimension of status, the horizontal dimension of race/ethnicity/nativity, and the organizational dimension.

Before getting started it is important to emphasize that this is a particularly dangerous topic for investigating on the web. There is much polemic and misinformation. That polemic extends to books about MOVE 2. Some are well done, others are not. Beware. This is a hugely complicated and highly emotional set of events.

Context

To fully understand initial responses by local agencies of justices it is important to put these events in a local and broader, national context, including, most particularly, the rise of Black Power and the Black Panthers in the late 1960s, and the rise of the law and order agenda as part of the national political scene, starting in 1964. We will be talking later in the course in more detail about the rise of the law and order agenda. The other national development was the rise of Black Panthers in the 1960s. The Black Panthers were a national organization with local chapters in large cities. They were involved in a huge range of political, educational, economic, and cultural activities. They also shot and killed police officers, and got shot and killed by police officers. They were armed, and they included many ex-felons in their ranks. On April 20th, 1969, following a cross burning on the lawn of the Black Women's Cooperative and concerns about

the campus judicial system, armed Black students Panthers took over Straight Hall for 36 hours.¹ Although the students did not call themselves Black Panthers they were clearly modeling Bobby Seale and Huey Newton, the founders of the Black Panthers in Oakland, California. Under suggested readings for this week you can find two items about the rise of Black Power from *The Chronicle of Higher Education*. The point is, following civil disorders of the mid 1960s, there was a lot of concern about armed groups of Black citizens. In the 1990s these concerns shifted to include groups of armed whites, including the Branch Davidians and the Montana Freemen at Ruby Ridge. In the post 9/11 era, very different labels would be applied to these groups today, and government has a very different set of powers for dealing with such groups.

Frank Rizzo

The local context is also central, most importantly the role of Frank Lazarro Rizzo, police commissioner then mayor of Philadelphia, one of the most prominent proponents of the law and order agenda on the national scene, and the influence he had shaping the culture of the Philadelphia Police Department. Born in Philadelphia in 1920, he joined the Philadelphia Police Department at an early age, and moved up through the ranks, becoming Deputy Commissioner in

¹ Cornell University Trustees subsequently interviewed many of those involved and generated a *Report of the Special Trustee Committee on Campus Unrest at Cornell*. The abstract of that report reads:

The Special Trustee Committee was charged with investigating the seizure by black students of Willard Straight Hall at Cornell, and all surrounding circumstances, underlying issues and forces that have been troubling the campus. Their report describes the events that occurred between the morning of April 18, through the afternoon of April 23, 1969. Information was obtained by interviewing about 750 persons: faculty, students, trustees, administrators and alumni. The respondents cited problems in: (1) the handling of discipline and the judicial system; (2) the administration and handling of COSEP (Committee on Special Education Projects) and Afro American Studies Programs; (3) the question and protection of academic freedom for faculty and students; and (4) the lack of communication among all elements of the University. Recommendations are made on each of these issues and suggestions for a more effective role for the Board of Trustees.

1965,² Commissioner in 1968, and Mayor from 1972 – 1978. He was credited with keeping the lid on civil disturbances in the 1960s, and for responding to the riot at Holmesburg in 1970 dressed in a cummerbund, tux, and nightstick. He was elected mayor in 1971 and re-elected by a landslide in 1975.³ He was from South Philadelphia, and a mural on 9th Street near the Italian Market, and a statue outside the municipal services building opposite City Hall, help Philadelphians remember him. His son current serves on City Council. It is a dramatic understatement to say he was a highly controversial figure in Philadelphia. Many saw him as the city's saviour in a time of national urban unrest and racial disturbances. Some saw him as a crypto-fascist not dissimilar from Benito Mussolini. Under Rizzo independent civil review of police conduct was discontinued. How you viewed him depended probably on your own ethnicity, your race, your level of education, your age, and whether you were from South Philadelphia.

1970s in Powelton Village and Mantua

Just north of the Drexel and Penn campuses are two neighborhoods generally referred to as Powelton Village and Mantua. In the 1970s these neighborhoods were home to a complex mix of students, young professionals, radicals, hippies, and lower income predominantly African-American households. Some suggest the location was home to radical housing movements from the 1940s onwards, but hard documentation on that is hard to come by.

² FBI FOIA section, "Frank Rizzo" [online: http://foia.fbi.gov/foiaindex/rizzo_f.htm]

³ Hinds, M.D. (July 17, 1991). Frank Rizzo of Philadelphia dies at 70. New York Times.

MOVE 1

It is here that MOVE had its first headquarters at the corner of 33rd and Powelton. Started by John Africa, formerly John Leaphart, a “back to nature” and “counterculture” movement the group is hard to classify, and also changed significantly over the years. They made money in Powelton Village doing car washes and selling natural produce. They became a nuisance to many neighbors, for a variety of reasons, and had difficult relationships with the police and the courts. There were a lot of incidents. To learn more, read old Philadelphia Inquirer articles from 1978. The main points, however, are these.

- In 1978 the Philadelphia Police Department blockaded the streets surrounding the barricaded house. They believed there were weapons and explosives inside. They were attempting to cut off food and water and force the MOVE residents to leave.
- The blockade went on for weeks, publicity and negotiations continued, and costs mounted. This was a major challenge to Rizzo’s image as the law and order mayor.
- On August 8th, 1978, shooting started. Police officer James Ramp died in the shooting. There are questions about the shooting.
- Following gunfire and water cannons, MOVE members finally emerged. Some, like Delbert Africa, were severely beaten by police.
- The house was bulldozed.
- Nine MOVE members were later convicted of the murder of James Ramp, and received long sentences.

- MOVE members continued to spar with the courts about the treatment of their members being held, the fairness of their trials, and more.

Enter Mumia

In 1981, Philadelphia was home to a prominent, Black radio journalist, Wesley Cook, aka Mumia Abu Jamal. Reportedly he joined the Panthers at age 15 while in high school. On December 9th, 1981, Philadelphia Police officer Daniel Faulkner made a routine traffic stop of Mumia's brother, William Cook. Faulkner ended up shot, and died. Mumia was convicted of the murder. Again, there are many different versions of this story, both about the shooting incident and the trial, and for the most accurate coverage reading of the Philadelphia Inquirer pages at the time of the incidents is recommended.

Mumia subsequently received a death sentence, and continued his radio journalism from death row for a time. Groups advocate for and against his receiving a new trial.

His case continues to be highly emotional and controversial. You have dueling books. Local radio host and columnist Daniel Smerconish has published a book with Faulkner's wife, Maureen. German Academic Michael Schiffman has released a book about Mumia entitled *Race against Death*. Mumia's cause is very popular in Europe, where in, 2004, a street in a Paris suburb was named after Mumia. In the U.S., among both the law enforcement and Irish-American communities, Faulkner's cause continues to be popular. There are motorcycle tribute

runs and fund raising events.⁴ A section of Roosevelt Boulevard has been dedicated in Faulkner's memory.

So by the early 1980s you had two police officers dead and, according to court results, this was at the hands of African-American radicals, one of whom connected to the Black Panthers. You had continuing controversies both about the treatment of MOVE members before during and after their trials, and controversy surrounding Mumia's trial. This is where we are at this point in time.

Pre-MOVE-2

Following the Powelton Village confrontation, through a relative of one member, MOVE was able to take up residence in the 6200 block of Osage Avenue. This is a relatively respectable, predominantly African-American section of West Philadelphia, with many long term residents, and many home owners. MOVE fortified their house, put loudspeakers on the telephone poles and harassed many neighbors on the block, and, as before, created a variety of alleged nuisances for their neighbors. How serious these were and how fed up residents were are all open to dispute. It does seem that MOVE members by this time were more radicalized, and more pointedly anti-government in their rhetoric. Negotiations continued over many months in 1985 as local organizations, citizen leaders, and government personnel attempted to resolve the premises. The City found them in violation of many ordinances. Finally, the city, under Wilson Goode, the city's first African-American mayor, decided that the time had come to move MOVE out of the neighborhood.

⁴ Go to: danielfaulkner.com

Black

From the viewpoint of Black's model, I would suggest that this was a "perfect storm" in four different dimensions:

- downward law
- centrifugal law
- and toward less organization.
- And in a situation where there is little social control

In terms of status, middle class West Philadelphia residents were being "victimized" by MOVE at the Osage Avenue address. In addition to political harangues at all hours of the day and night over loud speakers, there were threats to neighbors, concerns about sanitary conditions related to dogs, large numbers of children, raw meat, and volumes of firearms and combustible materials. Some would say that an entire block of middle class or lower middle class homeowners and renters were being victimized by the group.

Black would tell us this was an example of upward crime. Lower class MOVE members were victimizing middle or lower middle class residents. The response to that, of course, would be downward law. And Black tells us that downward law is always more than upward law. We will get to how much law was applied in a bit. Applying the downward law would be City Agencies, acting on behalf of the residents, to evict the MOVE members.

In terms of ethnicity, the MOVE members were exclusively African-American. Although other neighbors also were African-American, and Mayor Goode was African-American, the

police force and many of the related city agencies (fire, licensing and inspections), were white. The race of the MOVE members, combined with their counter cultural, anti governmental philosophy, contributed to their being defined by many – but not all – as a marginal group. Their offenses, both against their neighbors, and against governmental agencies at the local, state and federal levels, were directed toward the center of society. Therefore these were inward crimes, toward the center, as were the killings of the two police officers in the earlier years. The response to this will be outward of centrifugal law, directed toward those on the margin. And Black tells us that there is more law directed toward the margin than toward the center.

Third, you can apply Black's organizational framework. He suggests that when smaller organizations commit crimes against larger organizations, the larger organizations can direct more law at the smaller organizations than vice versa. Law or more law is more likely to be directed less organized or smaller organizations and less likely to be directed against more organized or larger organizations. MOVE was a small organization taking on the entire organization of Philadelphia city government – police, courts, inspectors, and so on. In response to these crimes against these agencies, in the form of violations of local ordinances, and in response to the threats directed against these agencies, these larger agencies responded with more law directed toward the smaller organization.

Included in the minds of police and many citizens when thinking about crimes against the center were the shootings of two Philadelphia Police officers, James Ramp in MOVE 1, and Daniel Faulkner by Mumia in 1981. MOVE members supported Mumia's case, and were continuing to promote it both here and abroad.

Finally, I suggested you read for this week the material in Black on social control. He suggests that you have stronger calls for more law when there is weaker informal social control. Prior to the MOVE 2 incident, it appears – although some would dispute this – that efforts at social control had failed. The local neighborhood leaders had failed to negotiate a resolution. The local church and civil rights leaders had failed to negotiate an end to this. High level political leaders including city council representatives had failed. Some have argued that had there been more time, a social control solution without a massive amount of law might have been possible. I think that there may be something to that, but that is just guessing on anyone's part. We can't know.

So on the four different dimensions which Black tells us affect how much law is applied, we see a situation where ALL the dimensions of the situation suggest that MORE law will be applied. More law will be applied because on all four of these dimensions the crimes, infractions, and deviance of MOVE and related members will be seen as more serious. Their crimes and infractions and deviance are upward, their crimes and infractions and deviance are toward the center, their crimes and infractions and deviance are directed against large organizations, and their actions are taking place in a context where social control has been ineffective.

We will see what it means for more law to be applied when we view the MOVE video.