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Seagroves Free

in Jamal Elliott — Michael Seagroves Case

Durham Committee Contacts Justice Dept.

North Carolina Attorney General Mike Easley announced Tuesday, January 25, at a news conference in his office in Raleigh, that Michael Seagroves would NOT be retried for shooting Jamal Elliott the back in March of this year. Dropped were charges against Seagroves of voluntary manslaughter and assault with a deadly weapon.

In December, a Durham County jury deadlocked 8-4 for acquittal, claiming that evidence in the case was too weak to win a conviction. Easley said he was "convinced that the state cannot obtain a unanimous verdict of guilty in this case."

Following is the unabridged statement of Kenneth B. Spaulding, chairman, Durham Committee on the Affairs of Black People, issued Tuesday, January 25:

It is a shame and a disgrace that the Attorney General's Office would establish such an unprecedented double standard of justice action in this particular case. This case obviously should have been retried and decided by a jury, not by a politician. Due to the high emotions involved, this case should have been retried in another County as provided for under North Carolina law. This was not even attempted in this case, even though, the case is well settled in this regard.

In our democracy, our Constitution provides for matters such as this to be tried before a judge and jury. Our state law provides for highly emotional cases to be moved a different location so that a fair and impartial trial may be held.

At a time that so many of us in our black and white communities are addressing the issue of crime and the causes of crime, this type of double standard of justice truly works against our efforts. We have been trying to get all of our community involved in supporting our system of justice against this epidemic of crime that is sweeping all of our communities. The Attorney General's action plays right into the hands of those who constantly are saying that the legal system is not to be trusted.

People in the black community are not going to stop our aggressive efforts in fighting against the epidemic of black on black crime, yet we also are going to be muzzled or intimidated from speaking out against or voting against double-standards of justice. The Attorney General's action in this case clearly represents a double standard of justice. I must believe, however, that this type of action by the Attorney General's Office is exactly why we in the black community must work to control our own destiny. We cannot depend on hypocritical politicians to stand up for justice, when their own spines are weak from hypocrisy and corruption.

This action is spineless and hypocritical. Spineless because the Attorney General's Office was afraid to re-try a tough case. Hypocritical because the same politicians cry for law and order, yet now tell black and white Durhams alike, that we can take the law into our own hands by going with precision four bullets into one's back. To me, wrong is wrong, citizens must display more guts and fortitude for law, order and justice than our politicians want.

Blacks and whites, alike, must stand up against crime with great resolve, but blacks and whites alike, must also stand up against "double standards of justice" regardless of whomever is involved.

Following is the unedited content of a letter sent Wednesday, January 26, to Acting Director James Turner, Civil Rights Division, U.S. Department of Justice, Washington, D.C., signed by Kenneth B. Spaulding, chairman of the Durham Committee on the Affairs of Black People; Rev. Percy R. James, president, Interdenominational Christian Alliance; and, James C. Black, president of the Durham Neighborhood NAACP:

On or about March 18, 1993, a 15 year old citizen, Jamal Elliott, was in the back four times and killed as he was fleeing the scene of a garbage-truck in the home of another Durham citizen, Michael Seagroves. Michael Seagroves was charged by a Durham County Grand Jury with voluntary manslaughter. Another teenager was also shot by this same individual at the same time and place.

Durham County Superior Court deadlocked by a vote of four for acquittal and eight for not guilty. The North Carolina Attorney General's Office, after taking telephone calls and letters as allegedly one of the reasons for making a decision for a re-trial, refused to follow the customary procedure in North Carolina of having a re-trial when one's life has been taken. Many now feel that vigilante justice has now been sanctioned by the North Carolina Attorney General's Office in this state. This state threatens the very civil rights of all of our citizens black or white. This action also threatens the very foundation of our system of justice.

The Attorney General's action has now brought about arguably, state action as it relates to a possible civil rights violation in this case. There have been serious issues raised about the Attorney General's prosecution of this case initially, and now there are even more alarming questions about the Attorney General's refusal to re-try the case.



Pamela Reed talks with pre-schoolers about art. See story on page 5. (Photo by Trent)

Janet Reno Says Crime Fights Begins With Children

(AP) - Police and judges can't stem crime by themselves, but must be joined by parents, teachers and community leaders, U.S. Attorney General Janet Reno said.

The solution to crime is not more prison cells or indiscriminate stiffer sentencing, but must involve efforts to bring stability, safety and education to the lives of all children and families, Reno said in a speech Saturday at Duke University.

"If preventing crime is soft on crime, then I am guilty," said Reno, who spoke at a student-organized conference titled "Frontiers of Legal Thought." "Unless we come together as one directed whole, we are going to fail," Reno said.

The attorney general faulted the public, and lawyers in particular, for a narrow view of their responsibilities.

Lawyers engaged in criminal law can't think only about courtroom outcomes, but must concern themselves with services available to the people who enter that system, whether it be drug counseling, housing aid, job training or adequate medical care, she said.

Likewise, Reno said, teachers can't concern themselves only with what occurs in classrooms, but must know whether their young students are unattended after school. If that's the case, they should push for more after-school programs - in their classrooms if necessary, she said.

Crime prevention should begin before birth with access to quality prenatal care for all pregnant women, Reno added. A child's early years are when a sense of right and wrong is developed, and communities must do what they can to ensure young children get the nurturing they need, she said.

"What is the good of all the prisons in America if we don't give our children a sense of conscience?" Reno asked. "Government can't do it all best. It's a matter of family and values." Reno rejected the notion of legalizing drugs, but said a good share of prison overcrowding is caused by the steady parade of drug abusers through the criminal justice system. Those people, particularly first-time offenders, deserve a shot at treatment, even job-training, she said, adding that prison time is too costly for government and does not touch the cause of the problem.

A possible violation of a citizen's civil rights has been sanctioned by the State's chief law enforcement officer, the North Carolina Attorney General.

It is our understanding that your department's Civil Rights Division was established to handle matters such as this, especially when the alleged violation involves a taking of one's life. It is uncontested that there were four bullets fired into the back of this 15 year old. We respectfully request that this entire matter be investigated by the Civil Rights Division for a determination to be made as to the issues herein raised and the many other issues that you will find upon your review. We feel a failure to act would send a chilling message to our community, our state and our nation that vigilante justice will be sanctioned by our government and our government officials. We feel this is a dangerous precedent, and it is at least clearly worthy of your review.

Easley Drops Further Efforts at Seagroves Shooting Prosecution

By Estes Thompson

RALEIGH (AP) - The death of a key investigator and doubts about the state's main witness mean a case that sparked debate on the legal limits of using firearms won't be retried, Attorney General Mike Easley says.

The shortcomings were enough to lead jurors in Michael Seagroves' first trial to deadlock, and the same was likely to happen if he was retried on charges of voluntary manslaughter and assault with a deadly weapon, Easley said.

"I am convinced that the state cannot obtain a unanimous verdict of guilty in this case," Easley said at a news conference Tuesday. "We have seen the case tried. We have heard the evidence presented and we have observed the demeanor of each of the witnesses. The case cannot be made any stronger or be tried any better than it was in December." Prosecutors argued the evidence showed Seagroves fired even when he knew the teens were trying to flee and stepped outside his garage to fire.

Seagroves said two of the youths ran immediately from his garage when he surprised them. The other two began to run, then came back at him, he said.

"What made this case unclear was whether the defendant was firing shots outside or whether ... he was defending his life and his family," Easley said.

"As long as he (Seagroves) was in the house or in the garage when he was doing the shooting, and they were in there when he was doing the shooting, the jurors accepted that as acceptable conduct and not excessive force," Seagroves, 37, was charged with the March 18, 1993, shooting of Jamal Elliott, 15, and Clifton Taft Hester. Elliott died from two of the four wounds in his back and shoulder. Hester was wounded in the ear and back.

The trial ended in a mistrial Dec. 16 with jurors deadlocked 8-4 in favor of acquitting Seagroves.

Easley and William Thomas of Durham, Seagroves' attorney, said the trial did little to define a homeowners' rights of self-defense.

What the case did show was a different standard of justice exists for blacks and whites, said Leroy McKenzie, Elliott's uncle and guardian. Seagroves is white. The four youths involved in the break-in were black.

"I feel from the very beginning of the trial it wasn't ever prosecuted vigorously," McKenzie said. "They didn't have their heart in it. I feel it was a total whitewash." Seagroves' wife, Meribeth, said she wasn't surprised by the decision because she felt all along her husband was not guilty.

"I felt there was something wrong when a victimized person was put on trial. That was a problem in my mind," she said. "You have a right to defend yourself. It was clear that this was what Mike was doing." She said her husband was out of town on business and couldn't be reached for comment Tuesday.

One of the main reasons for the decision to forego a second trial is that jurors told prosecutors that they did not believe the prosecution's main witness, Hester, Easley said.

Hester testified during the three-week trial that Seagroves fired at him as he was running away from the house. But during cross-examination by the defense, Hester appeared cocky and at times was unsure of his account of the shooting.

Hester's criminal record and the fact that two of the youths had committed more than a dozen burglaries together also hurt his testimony.

Further hampering the prosecution's case was the death of the first officer on the scene, who was responsible for securing the area where the incident occurred.

Jurors might have believed that the location of the shell casings from Seagroves' gun and other features of the crime scene had been disturbed, Easley said. That made the testimony of the responding officer more important than it otherwise would have been, he said.

Seagroves was home alone caring for his sick infant son the day of the break-in. The surviving teens pleaded guilty to the break-in and all but one received probation.

Duke's President Adopts Plan For Black Faculty

(AP) - Duke University President Nan Keohane has approved a plan adopted by the school's academic council to double the number of black faculty within a decade.

Keohane approved the plan on Wednesday.

The plan also calls for stepped-up efforts to retain black faculty, an intensified effort to recruit black graduate students, and programs to encourage black undergraduates to seek graduate degrees.

"This is a thoughtful and achievable plan, and I commend the faculty leaders who developed it," Keohane said. "The plan has my enthusiastic endorsement. Increasing the numbers of black faculty is a challenge facing all universities; it is a challenge we at Duke are determined to meet. This plan wisely focuses not only on recruitment, but on the need to provide appropriate support for all new faculty to ensure that they thrive at Duke personally and professionally."