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Source: FBI completes federal probe of Ferguson

By Eric Tucker

WASHINGTON (AP) - The FBI has completed its investigation into the police shooting of an unarmed, black 18-year-old by a white police officer in Ferguson, Missouri, a U.S. official said.

The Justice Department has not yet announced whether it will file a federal civil rights charge against former Ferguson police officer Darren Wilson. But officials and experts have said such a prosecution would be highly unlikely, in part because of the extraordinarily high legal standard federal prosecutors would need to meet.

The official was not authorized to discuss the case by name and spoke to The Associated Press on condition of anonymity. Justice Department spokeswoman Dena Iverson declined to comment.

Wilson, who is white, was cleared in November by a state grand jury in the Aug. 9 death of Michael Brown, a shooting that touched off protests in the streets and became part of a national conversation about race relations and police departments that patrol minority neighborhoods. Attorney General Eric Holder visited Ferguson in the days after the shooting to try to calm tensions and meet with Brown's family and law enforcement.

Wilson, who shot Brown after a scuffle in the middle of the street, told the St. Louis County grand jury that spent months reviewing the case that he feared for his life when Brown hit him and reached for his gun. Some witnesses have said Brown had his hands up when Wilson shot him.

To mount a federal prosecution, the Justice Department would need to show that Wilson willfully deprived Brown of his civil rights. That standard, which means prosecutors must prove that an officer knowingly used more force than the law allowed, is challenging for the government to meet. Multiple high-profile police-involved deaths, including the 1999 shooting of Amadou Diallo, an unarmed West African immigrant, in New York City, have not resulted in federal charges.

Wilson, who had been on administrative leave since the shooting, resigned days after the grand jury decision. A lawyer for Ferguson did not immediately return a call seeking comment.

A separate, broader Justice Department-led investigation into the practices of the Ferguson police department remains open. That investigation, which will examine potential racial bias among officers, has the potential to have more sweeping consequences than any individual criminal prosecutions, experts say.

The New York Times reported that Justice Department lawyers were preparing a memo recommending against prosecuting Wilson, but that the memo was not yet complete and that Holder - who is expected to leave his position within weeks - had not yet made a decision.

Benjamin Crump, a lawyer for Brown's family, said in a statement that the family would not address speculation from anonymous officials and was waiting for an official Justice Department announcement.

The Justice Department, meanwhile, is conducting a separate federal civil rights investigation into the police chokehold death of Eric Garner in New York City. In that case, too, a local grand jury declined to indict the officer. The U.S. attorney whose office is handling that investigation, Loretta Lynch, has been nominated to replace Holder and faces a Senate confirmation hearing next week.

Top UNC leader cites coincidence in Ross replacement timing

By Emery P. Dalesio

CARY (AP) - It was a coincidence that the oversight board for North Carolina's public university system began rewriting its 18-year-old rules for finding a new president just before the current leader was forced out, the board's chairman said.

Members of the University of North Carolina board met to start revamping the framework for replacing UNC system President Tom Ross by next year. But the process of rewriting the existing search guidelines was set in motion before the surprise announcement earlier this month that Ross was being forced out.

"They're unrelated to each other," UNC Board of Governors chairman and Charlotte attorney John Fennebresque said.

Fennebresque previously declined to explain the reasons behind the move to replace Ross, who in 2011 took over running the state's 16 public university campuses and a residential science and math high school in Durham. While Fennebresque praised Ross' steady hand, integrity and work ethic, he said the board decided it was time to find a replacement.

A new policy could be adopted next month, setting out who will be involved in finding Ross's replacement and the process they will use. Four of the 32 members on the university governing board met Jan. 9 and concluded the search policy adopted in 1996 was "overly prescriptive" and that no one group would oversee the process from beginning to end, according to minutes of that meeting.

"It's a complicated policy and we're trying to streamline it to make it more effective," Board of Governors member Joan MacNeill said.

The proposed changes include requiring search committee members to sign a confidentiality agreement to prevent them from revealing potential candidates. Similar confidentiality agreements have been required of campus leaders and the UNC Board of Governors last month removed a Winston-Salem State University trustee after accusing him of leaking names of finalists in that school's hunt for a new chancellor.

The UNC board voted Jan. 16 to replace Ross in January 2016, or later if a successor isn't found by then. Ross made clear he wasn't ready to leave but accepted that the board had the right to replace him.

Fennebresque declined to discuss an online petition asking the UNC board to reverse its decision and keep the 64-year-old Ross beyond next year.

Before becoming president of the 222,000-student university system in January 2011, Ross served as a state Superior Court judge, president of the private Davidson College, an aide to a Democratic congressman, and executive director of Winston-Salem's Z. Smith Reynolds Foundation, a major funder of social welfare and liberal causes.

Republicans who took control of the General Assembly since Ross took office have appointed all but a handful of the university system's board.



The 28th Annual Durham Civil rights Workers Reunion was held Jan. 19, at St. Joseph A.M.E. Church marking the Martin Luther King Jr., Holiday. From left to right is Mrs. Gwendolyn Owens, wife of St. Joseph pastor; civil rights workers Mrs. Vivian McCoy and Ms. Virginia Williams of Royal Seven fame. Ms. Williams was one of seven who participated in the first sit-in in North Carolina at Royal Ice Cream, three years before the N.C.A&T Sit-In in 1960. See story and pictures on pages 8 and 9.

Famed civil rights protesters to have arrest records erased

By Meg Kinnard

COLUMBIA, S.C. (AP) - Nine black men arrested for integrating a whites-only South Carolina lunch counter 54 years ago may be heroes in the historic record, but in the record of the law they are still convicted trespassers.

That criminal record will soon be erased.

On Jan. 28, a prosecutor is expected to ask a judge to vacate the arrests and convictions of the men known as the Friendship Nine.

The men say that brings both relief and a hope for the future.

The eight students at Rock Hill's Friendship Junior College - Willie McCleod, Robert McCullough, W.T. "Dub" Massey, Clarence Graham, James Wells, David Williamson Jr., John Gaines and Mack Workman - were led by Thomas Gaither, who came to town as an activist with the Congress of Racial Equality.

About a year had passed since the sit-in at a segregated lunch counter in Greensboro, North Carolina, helped galvanize the nation's civil rights movement. But change was slow to come to Rock Hill. They decided to act together, getting arrested in February 1961 for ordering lunch from a whites-only counter at McCrory's variety store.

Convicted of trespassing and breach of peace, the men opted for a month's hard labor in a chain gang rather than allow bail money to be posted for them by civil rights groups. They did not want to contribute to the coffers of segregationists.

That decision drew national headlines, garnering the group the name the "Friendship Nine" and setting the standard for a "jail, no bail" policy emulated by other protesters around the South.

Author Kim Johnson took an interest in the men's story, studying their case and publishing a book entitled "No Fear For Freedom: The Story of the Friendship 9" last year. After doing some research, Johnson went to Kevin Brackett, the solicitor for York and Union counties, to see what could be done to give the men a clean slate.

"This is an opportunity for us to bring the community together," Johnson told The Associated Press. "To have the records vacated essentially says that it should have never happened in the first place."

On Jan. 28, Brackett will argue a motion to vacate those convictions before a Rock Hill judge who is expected to do just that.

It comes too late for McCullough, who died in 2006. But some of the others returned to town ahead of the hearing to reflect on their experience, telling the AP they hope their actions can still have an impact.

"It's been a long wait," Graham said. "We are sure now that we made the right decision for the right reason. Being nonviolent was the best thing that we could have done."



President Barack Obama and a young student touch fingers during at the Community Children's Center one of the nation's oldest Head Start providers, in Lawrence, Kan., Jan. 22, 2015. (Official White House Photo by Pete Souza)