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Juror issued challenge during talks in officer's trial in Charlotte

By Tom Foreman Jr.
CHARLOTTE (AP) - A juror who heard evidence at the trial of a white North Carolina police officer said he challenged his colleagues to determine what an unarmed black man did to lead the defendant to fatally shoot him. "I wrote on the board: 'What did Jonathan Ferrell do, and I underlined 'do,' to warrant death: 10 shots.' I had done this because there was nothing that I had seen in the weeks preceding that showed me what he had done," said juror Moses Wilson, who was one of the jurors who chose to convict Officer Randall Kerrick of voluntary manslaughter.

"And I said that if anyone show me what he did, I might change my vote - which was going to be for conviction or acquittal, and every day, that was my challenge," he said.

After four days of deliberations, the jury was deadlocked, 7-5 on an initial vote and 8-4 on the succeeding three votes. And when Judge Robert C. Ervin asked the jury to resume last Friday (Aug. 21) further deliberations would solve the impasse, the response was no. Ervin then declared a mistrial - a move that sparked protests outside the courthouse and elsewhere. At least two people were arrested.

Wilson said when he first went into deliberations, he didn't know how he was going to vote. From there, he decided to review his notes and give his opinion.

While the military veteran Wilson served two tours of Vietnam - and former Boston stable thought the prosecution's case should have been won, Wilson said he was particularly upset with the defense's presentation, which he put Ferrell on trial.

It became, not what he did, or what they did to him, but more, what he didn't do, that he should have known what to do, so that the police would not either beat him or shoot him," Wilson said. Kerrick, who is suspended without pay from the force, fired 12 shots at Ferrell, hitting him 10 times. Prosecutors said nonlethal force could have been used to subdue Ferrell, a former Florida State football player, in September 2013. Two officers with Kerrick didn't fire their guns. One of those officers used a Taser.

But Kerrick's attorneys said the officer feared for his life when he shot and killed Ferrell while responding to a breaking-and-entering call.

Wilson pointed to the three elements of voluntary manslaughter described to the jury by Ervin - including whether Kerrick intended matching the threat to himself by something far more excessive than what was needed to end the threat.

"That's where we had our problems," he said. He said the entire incident amounted to "a night of mistakes" on both sides, but he said the most egregious was that Kerrick didn't do what he was supposed to do as a police officer. "You are not the judge. You are not the jury," he said. "You're the person who comes to investigate and decide whether a person should be arrested and sent elsewhere."



MEMBERS OF THE DURHAM BRANCH OF THE NAACP REMEMBER JULIAN BOND

Durham Branch NAACP Remembers Julian Bond

WASHINGTON (NPA)/Staff Reports

Members of the Durham Branch of the NAACP gathered on Sat., Aug. 22, at 2 p.m. to remember the late NAACP Chairman Julian Bond. Bond's family had asked those who could make the trip to the family's program to participate by spreading flowers into water at 2 p.m.

"The family of Julian Bond wife, [Pam Horowitz, sons, Horace Mann Bond II, Jeffrey and Michael; daughters, Phyllis Jane Bond McMillan and Julia Louise Bond; sister, Jane; brother, James; and his eight grandchildren] has issued the following statement:

"We realize that many people loved and admired Julian. We understand that at this time of great loss for our family, that many of you are feeling your own sense of loss. We also very much understand the need for community closure and an opportunity to celebrate the life of a great husband, father and grandfather, but also a great national treasure and civil rights icon.

"To that end, we would like to provide the following explanation and invitation. "As all of you are aware, Julian Bond was a man who took strong positions and held fast to the things he believed in. Julian directed all of us, with respect to his desires for his final rites. We are honoring his wishes that his body be cremated and his ashes be committed to the Gulf of Mexico. This will be a private, family only, service.

"This final request will be carried out in a burial at sea on Saturday, August 22, 2015 at 2:00 pm, Central Daylight Time.

NAACP member Charles Perry led the delegation to a spot on the Eno River at the West Point on the Eno State Park.

"Julian Bond contributed for years to the NAACP and this the least we can do for him. He was a giant."

Rev. Rachel Green led a prayer of remembrance on how he was instrumental in SNCC and moving the NAACP forward.

Those sentiments were echoed at the Durham Branch's monthly meeting on Sun., Aug. 23.

Bond's family continued: "Since we fully understand and appreciate that many of you consider Julian to be part of your family and would like to be a part of his official home going, we extend the following invitation. We invite you to gather at a body of water near your home and precisely at 2:00 pm, CDT, spread flower petals on the water and join us in bidding farewell to Horace Julian Bond. This gesture will mean a great deal to us as a family and also provide some comfort in knowing that you share our loss.

"Finally, as we join together as a family to help each other through this time, we are well aware that there must be a public opportunity for all of Julian's friends, Civil Rights Colleagues, students and admirers to come together in a memorial celebration of his life to share memories and expressions of love and appreciation. We will announce plans for such a gathering very soon.

"Thank you for sharing Julian with us, and thank you for allowing us to honor his wishes. Thank you."

Meanwhile, tributes continue to pour in for Bond. "Julian Bond was a huge hero in the fight against HIV and AIDS," said Phil Wilson president and CEO of the Black AIDS Institute. "I never had to explain why it was important for him to show up on any of the many occasions I called him for his help. He made sure that HIV/AIDS was front and center on the NAACP's agenda. He was the first leader to create an AIDS strategy for a national civil rights organization. And when I called him asking him to be photographed and to publicly take an HIV test, he did not hesitate."

Equally important, Wilson said, "Julian understood probably better than anybody else that injustice is of a whole cloth - you cannot embrace any of it and still call yourself just. The threads are woven throughout. You can't say that I'm opposed to racism but I'm okay with sexism; you can't be anti-misogynistic yet homophobic. Julian spent his entire life fighting for justice. Not just some of the time, in some places, for some people."

Wine train issues apology to black women booted from train

By Kristin J. Bender

SAN FRANCISCO (AP) - The Napa Valley Wine Train issued an apology Aug. 25 to a book club that includes mostly black women who said they were booted from a tasting tour because of their race.

The company also promised additional training for employees on cultural diversity and sensitivity, and offered the group free passes for 50 people for a future trip.

"The Napa Valley Wine Train was 100 percent wrong in its handling of this issue," CEO Anthony "Tony" Giaccio said in a statement. "We accept full responsibility for our failures and for the chain of events that led to this regrettable treatment of our guests."

The 11 members of the book club, all but one of whom is African American, said rude employees ordered them off the train on Saturday (Aug. 22), mid-journey, and marched them down several aisles to their embarrassment.

"We didn't do anything wrong," club member Lisa Johnson, who chronicled the episode in cellphone videos and social media, told KTVU Monday (Aug. 24). "We still feel this is about race. We were singled out."

One member of the group is 83. Johnson was not immediately available for comment Aug. 25) Tuesday to The Associated Press.

Wine train spokesman Sam Singer said employees had repeatedly asked the women to either quiet down or get off the train and accept a free bus ride back to their starting point.

Giaccio said he had a conversation with Johnson, a leader of the Sistahs on the Reading Edge Book Club, and offered the group the free passes for a reserved car "where you can enjoy yourselves as loudly as you desire."

"We were insensitive when we asked you to depart our train by marching you down the aisle past all the other passengers," he said in his letter. "While that was the safest route for disembarking, it showed a lack of sensitivity on our part."

The Napa Valley Wine Train offers food and wine to passengers as they roll to Napa County wineries in updated Pullman cars.

On average, Singer said, individuals or groups are asked to get off the wine train once a month for various reasons.

Wine train employees had called police in St. Helena about the book club members, who were already off the train when officers arrived.

Police spokeswoman Maria Gonzalez said it was the first time in memory that the wine train had sought such assistance from the department.

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