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The 'Omaha Two' - Victimized By COINTELPRO Injustice

By Stephen Lendman
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After a two week April 1971 trial and four days of deliberation, an 11 white/one black member jury convicted Mondo we Langa (formerly David Rice) and Edward Poindexter for the bombing murder of police officer Larry Minard on August 17, 1970. Both men denied involvement, and ever since consistently maintained their innocence, insisting they were framed. Supporters agree, including Amnesty International that declared them political prisoners, and no wonder.

They were Omaha chapter National Committee to Combat Fascism (NCCF) leaders, an off-shoot of the Black Panther Party, targeted (as later revealed) by secret FBI/police Domino task force/COINTELPRO tactics, following J. Edgar Hoover's orders to infiltrate, disrupt, sabotage, and destroy their activism for ethnic justice, racial emancipation, and real economic, social, and political equality across gender and color lines.

COINTELPRO is the acronym for the FBI's secretive/mostly illegal counterintelligence program to neutralize political dissidents, including communists; anti-war, human and civil rights activists; the American Indian Movement; and Black Panther Party among others.

In their book "Agents of Repression," Ward Churchill and Jim Vander Wall

wrote:

"the term came to signify the whole context of clandestine (typically illegal) political repression activities (including) a massive surveillance (program via) wiretaps, surreptitious entries and burglaries, electronic devices, live 'tails' and....bogus mail" to induce paranoia and "foster 'splits' within or between organizations."

Other tactics included:

- "black propaganda" through leaflets or other publications "designed to discredit organizations and foster internal tensions;"
- "disinformation or 'gray propaganda' " for the same purpose;
- "bad-jacketing" to "creat(e) suspicion - through the spread of rumors, manufacture of evidence, etc. - that bona fide organizational members, (usually leaders were) FBI/police informants," to turn some against others violently;
- "assassinations (of) selected political leaders," including Fred Hampton and Mark Clark on December 4, 1969 by Chicago police while they slept; and
- "harassment arrests (on bogus) charges."

Individuals and organizations were targeted for their activism, not crimes that were blamed on innocent victims like the "Omaha Two."

In November 1968, a J. Edgar Hoover memorandum ordered his agents "to exploit all avenues of creating....dissension within the ranks of the BPP (using) imaginative hard-hitting counterintelligence measures aimed at crippling the BPP." From 1968 - 1971, they were vicious, including against Mondo we Langa and Edward Poindexter, targeted by the Bureau to be neutralized.

Months before they were arrested, FBI agents and Omaha police harassed them with tactics like frequent traffic stops, verbal abuse, and more. We Langa was called before a grand jury, and the Greater Omaha Community Action Agency fired him. Poindexter was victimized by bogus newspaper letters and an anonymous phone campaign. For the two men, it was just

the beginning of a long nightmare, ongoing after 40 years.

Background on the "Omaha Two"

We Langa joined the BPP in 1969, then later the NCCF. He wrote for the local underground paper, Buffalo Chip, and in prison created art, wrote plays, short stories, articles, and five poetry books. He also contributed poems and stories to literary journals and magazines, including The Black Scholar, ARGO, Black American Literary Forum, Pacifica Review, Black Books Bulletin, and many others.

He's one of several co-authors of "The Race: Matters Concerning Pan Afrikan History, Culture, and Genocide" published in 1992, and a contributor to Nebraska Voices, commissioned by the Nebraska Humanities Council in commemoration of the sesquicentennial of Nebraska's statehood.

Like Poindexter, he's been incarcerated for nearly 40 years, during which time he's been non-violent and mentored young inmates as a model prisoner. Yet he's bogusly called a "cop killer," repeatedly (with Poindexter) denied parole, and in June 1968, the Nebraska Supreme Court ruled them ineligible unless the Board of Pardons commutes their sentences - unlikely as it's composed of the governor, attorney general and secretary of state who haven't commuted a first-degree murder conviction in two decades, and overruled numerous Nebraska Parole Board's post-1993 unanimous decisions to commute their sentences to time served.

Edward Poindexter is a Vietnam veteran, a graduate of Metro State University, St. Paul, MN with a straight A average, and earned an MA from Goddard Graduate Program in Montpelier, VT. He was imprisoned in Minnesota to separate him from we Langa.

He's held leadership positions in the Art Club, Jaycees as president, and Harambee African Cultural Organization. He also:

- received the Insight Program's Antoniak Award for outstanding achievement;

- created the musical drama, Shakedown Blues;

- published two Youth Survival Guides booklets for troubled youths;
- recorded Jammer from the Slammer promoting constructive problem-solving and self-motivation;
- participated in Minnesota's Turn Off the Violence Campaign;
- was involved in the Juvenile Detention Bed Hotline Information Message Program producing works to support non-violence;
- teaches and is currently writing a workbook for a Minnesota Correctional System class on building self-esteem;
- teaches a health class including AIDS education;
- is involved in teaching other classes on the history of intolerance in America, the civil rights movement, black history, and music;
- developed a program for prisoners to encourage attitudinal and behavioral changes for men who batter women;
- produced motivational tapes; and
- proposed an audio recording studio, currently operating.

He's also been a model prisoner, yet he's denied parole.

Background on the Case

At trial, jurors were told that, using dynamite, blasting caps, and a battery, Poindexter made a suitcase bomb in we Langa's kitchen. A week later, he allegedly instructed 15-year old Duane Peak to put it in a vacant house, call the police, and say a woman was dragged into it screaming. Peak was charged with the crime, confessed, and claimed we Langa and Poindexter put him up to it, but changed his story numerous times, only once incriminated the "Omaha Two," was sentenced as a juvenile, and served about five years.

Initially, he didn't implicate them. In fact, he was in custody three days before mentioning their names, clearly under pressure, threats, and believed beatings in return for leniency.

The defense never heard his taped 911 call. It wasn't introduced at trial, and the original tape was destroyed. Years later, a copy surfaced with an accompanying FBI memo suggesting it was withheld because the voice wasn't Peak's, so perhaps authorities were shielding whoever made it, someone complicit in the crime to incriminate we Langa and Poindexter.

A week after the bombing, police targeted the black community, conducted warrantless searches, arrested NCCF members, had no evidence to hold them, so invented it by apparently planting dynamite, other explosives, blasting caps, and weapons in we Langa's basement, then discovered them when he was in Kansas City for a speech, prepared a shoddy report, gave perjured trial testimony contradicting it, yet got the two men convicted for a crime they didn't commit.

Years later, one juror admitted believing they were innocent because only circumstantial evidence was introduced, and Duane Peak's testimony wasn't credible. Another juror said the only black one thought they were innocent, yet relented after the others agreed to no death penalty.

Judicial Hypocrisy

The entire process was controversial and tainted, including circumstantial evidence that never should have been allowed pertaining to the defendants' political beliefs, ones held by millions in the country, then and now.

In addition, their fingerprints weren't on the alleged dynamite, skin tests performed to detect traces were negative, and according to former Omaha police officer, Marvin McClarty, an improper search procedure found it. Then shortly after the mens' conviction, we Langa's house mysteriously burned down, eliminating any chance for a post hoc accuracy check of police testimony.

In addition, in 1974, a federal court ruled the search illegal, cited inconsistencies in a police lieutenant's testimony authorizing it, admitted the dynamite might have been planted, and ordered a new trial, upheld by the Eighth Circuit Court of Appeals in 1975.

However, in 1976, the Supreme Court applied a post hoc jurisdictional technicality to deny it by ruling that when states provide full and fair

Fourth Amendment litigation opportunities (a dubious conclusion in this case), the Constitution warrants no habeas relief. Later rulings blocked the appellate process, and the statutory time limit for filing in Nebraska courts expired while the men awaited the federal outcome.

A major obstacle is that the Court of Appeals won't address whether the men were fairly tried, whether tainted evidence was introduced, whether key witnesses committed perjury, only if under legal system standards the process was fair, true or not.

Most important, the likelihood that political targets can get due process and judicial fairness is nil when authorities want to convict and have complicit judges allowing it. The courts today are corrupted with them, hanging ones of the worst kind, so what chance have two black men under a system structured against them and always has been.

On June 19, 2009, the Nebraska Supreme Court showed it by denying Poindexter a new trial despite overwhelming evidence of his innocence as well as we Langa's - with added closing statement emphasis saying:

"We affirm the judgment of the district court denying Poindexter's motion for postconviction relief," meaning that to be Black in America grants you none.

In the 1980s, Nebraska Chief Supreme Court Justice Norman Krivosha commissioned a study of the state's judicial fairness that concluded it was equitable with one exception - race. People of color were more likely to be arrested, indicted, convicted, and given longer sentences than whites, including the death penalty for capital offenses. It's no surprise that Nebraska's 3% black population comprises over 40% of its inmates, and the same disparity holds nationally.

Blacks make up around 12.4% of the population, but almost half of those incarcerated. Around 50% of them are for non-violent offenses, and about half of those are drug related. In 2000, Human Rights Watch reported that in one-third of the states, 75% of all drug related offenders were black. In Illinois, it was 89%. Shockingly, with less than 5% of the world's population, America has almost one-fourth of its prisoners, by far the largest total at around 2.4 million, growing at about 1,000 per week, mostly affecting blacks and hispanics.

It's no wonder that we Langa and Poindexter couldn't reopen their case despite later FBI documents (released in 1978) showing police and the Bureau collaborated to suppress exculpatory evidence to convict two innocent men. Jack Swanson, the chief detective in charge of the investigation, told the BBC why:

"I think we did the right thing at the time because the Black Panther Party....completely disappeared from Omaha after we got the two main players." In other words, neutralize the leadership and the organization dies.

Yet former Nebraska Governor Frank Morrison (1961 - 1967, who with Thomas Kenney represented Poindexter as a public defender) believed the men:

-- "were convicted for their rhetoric, not for any crime they committed....The only thing these fellas did was try to combat all the racial discrimination of the time the wrong way....They weren't convicted of murder."

It was for their activism and prominence to stifle dissent, keep them imprisoned to assure it, and continue a long tradition of defiling due process and judicial fairness for people of color, the poor, and disadvantaged in a democracy for the privileged alone, as virulent under Obama as earlier.

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