

Chapter 3

The Minneapolis Courts: Whose Rule by Law? The Peoples' or the Judges'? What to do when "legal" trumps "moral"?

But let justice roll on like a river, righteousness like a never failing stream.

Amos 5: 21-24

Martin Luther King, Jr.

What does the Lord require of you but to do justice, and to love kindness,
and to walk humbly with your God?

Micah 6:8

In this chapter, I discuss the Minneapolis courts: they can be and sometimes are rigged. That it seldom happens doesn't excuse the times it does. In the case I discuss, the supreme law appeared to be the Law of the Supremes, until I, as a citizen, defended myself with the same law they sought to use to defeat me. This same drama, including the misuse of the law by officials and the challenge of such by citizens is still going on in the case of the disappearing city files (Chapter 12) and the disenfranchisement, disempowerment, and impoverishment attempted through redistricting (Chapters 12 and 13). In the case discussed in here, I had to challenge the court over its purposeful deletion of 173 pages of testimony so it could not be challenged on appeal. I challenged anyway and won. All of this leaves the haunting question of how many others have they done this to and gotten away with it?

This case is about two things: first, the corruption of the Court system, second a subset of that corruption, the racist treatment of a Black man before the court.

I have been taken to court six times. Six times I have represented myself. And six times I have won. How many others, unable to represent themselves, or without the ability to defend themselves, have been done in by the legal system? My court experience is documented in the written, court-recorded reality of the truths of my story and forms the foundation of the questions I raise in this book. It happened to me. How many others did it happen to also?

Many could write about Minneapolis as they see it. However, a big problem with many of the movers and shakers who could do so is that they might feel compelled to do the Charles De Gaulle thing: when De Gaulle wrote his memoirs, his first sentence was "I am France!" Too many of the wealthy families honestly believe they

are Minneapolis. The difference between them and me is that I know I'm not. And they are not. They just haven't learned that yet. They look in the mirror and say: "I am Minneapolis." I stand and ask: "Why won't Minneapolis let my people go?" Now that last sentence was said with a wink. I've always wanted to say that line. It seemed very appropriate to do so here, as I haven't forgotten the goal: equal access and equal opportunity based on ability and not on color or gender or creed.

One of the most beautiful women in the world in my eyes is Justice, as she stands boldly, strongly, holding her scales, blindfolded, letting all know that in America, Justice is as blind to outside influences as it is to the personal peccadilloes of one's mind. That is the ideal we all hold to.

Unfortunately, that is not the Justice I see standing before the courthouse in Minneapolis. That is not the Justice of the Minneapolis story. Minneapolis is a place where Justice has a different kind of blindness: an unwillingness to see, a purposeful denial, the desire for personal power over the ideal of liberty and justice for all, a darkness of the soul, and an absence of light in the mind. My task here is to shed light on many situations in Minneapolis where the beautiful lady Justice has been purposefully blinded even without the blindfold, making her eyes like the corpse, closed wide shut, in order to deny justice. Hence my line, "let my people go." In times like these, someone needs to return sight to Justice by telling the Truth.

The most notorious of my six cases went to the Minnesota Supreme Court. I beat the bosses, and they lost. But the bosses protected themselves. When you read what they did, ask yourself this: How many others, Black or White, were sacrificed to protect their privilege and cover up their incompetence, malfeasance, and pure and simple law breaking?

Here is the bottom line on the stories I will tell:

- A judge who tampers with a court transcript, having 173 pages purposefully deleted from my transcript (the equivalent of shredding) in order to prevent a successful appeal to a wrongful conviction (Chapter 3).
- A Council President is defeated and then removes most of her files to cover up the deals cut with developers, agencies, and the sell-out Black leadership (Chapter 12).
- The disenfranchisement/disempowerment/impoverishment of Blacks through gerrymandered redistricting with the help of the same sell-out Blacks (Chapters 12-13)
- Examples outside Minneapolis of this same dynamic: making legal that which is unjust and unfair as slavery was once legal.

Justice as the Golden Rule, Not Justice as Gold Rules

This tampering with my testimony occurred 30 years ago, when I was 32. It reminds me of the different levels of ethics that people live by. The most superficial level is that of events and facts that we note without interpretation. A friend who teaches literature likes to talk about the allegorical level: when we interpret events and facts as guiding myths with heroes to emulate to guide our own actions. I consider the heroes in Interludes 3, 4, 9, 11, and the end of 15 as some of the real heroes. We don't need allegorical ones to follow. I know that there are many others you the reader could add to the list.

I see a moral level of interpretation in news reports in the papers and on TV. As any Black man, I am very much aware that for most, morality is a reflection of social customs or laws or regulations that have been established by society and encoded in law. This is why Southern Christians could justify slavery with passages from the Bible just as Muslims today use passages in the Koran to justify waging religious war. Most think that morals are beyond question. No Black man would think that way. How could he? We have had to live with moral interpretations that said slavery and then Jim Crow laws were not only moral but also just and right. Too many twist their views into morals, as they play the Charles De Gaulle "I am" role.

But there is a dimension of morals that is harder to twist and that instead should give us pause, as it is about morals on a transcendent or spiritual level. I consider myself a spiritual man although not a religious man (I don't follow a specific creed). This may be one of the reasons why I reject the notion that everything works out by God's plan, for how can slavery or Jim Crow laws or the events I write of in this book be considered a part of God's plan? That is a racist view as it leaves it unchanged and unremedied, as if it is part of God's plan. No, dear readers, whoever holds that view has a pretty puny view of God. The transcendent, as I understand it, refers to what God intends us to do regardless of how we interpret from our perspective what we think he wants us to do. Slavery and Jim Crow have certainly been part and parcel of custom and laws and myths for providing minorities with lousy education, housing, and jobs, not to mention the recent redistricting in Minneapolis and other events written about in this book. But do you really think that is the intent of God? Remember the "peoples of the book" are Jews, Christians, and Moslems. After creating the world and human beings, the Bible says that God looked on his creation, including humans, and said that it was good. Therefore, very simply, any who would not do good to other humans is not doing what God would want, which is why every major religion has this one common role for all: the Golden Rule.

In terms of worth and value then, we have to conclude that are created equal. The Golden Rule is a reminder that each person has worth and value. What too many

rulers want, however, is not the Golden Rule but the Gold Rule: he who has the gold (or power) rules. To bring it to our time, I am reminded of this by the saying of former President Gerald Ford who, when he was the Minority Leader in the U.S. House of Representatives, when asked what the Constitution and the laws mean, answered whatever the Supreme Court or Congress meant at the time. This is why, in its time, slavery could be called legal and moral, as were Jim Crow laws, and a whole host of other laws, passed to keep Blacks in their place (not to mention not allowing women to vote until the early 20th century).

It is at the transcendent level where I see Justice as beautiful and untarnished. It is what separates the Golden Rule from the Gold Rule.

I believe that God, however you define God, wants us all to treat each other well, which is why what is called the Golden Rule is a part of every major religion and philosophy. It helps us to better understand the transcendent level and it helps us understand the “American Dilemma” in dealing with Blacks: as fellow creature of God are we different somehow and therefore should we be separate? Here is what leading religions and philosophers have said, which I list alphabetically:

Religious perspectives

- American Indian: Live in harmony, for we are all related.
- Buddhist: Hurt not others with that which pains yourself.
- Christian/Jesus: Do unto others as you would have them do unto you.
- Hindu: This is the sum of duty: do naught to others which, if done to thee, would cause thee pain.
- Jewish: What is hateful to you, do not do to your fellow men. That is the entire Law; all the rest is commentary.
- Islam: No one of you is a believer until he desires for his brother that which he desires for himself.

The problem with these is that is possible to interpret them narrowly to one's own group and thus leave out the rest of human kind. Here are two philosophical versions that attempt to close that potential loophole:

Philosophical perspectives

- Etzioni: Respect and uphold society's moral order as you would have society respect and uphold your autonomy to live a full life.
- Kant: Do unto others as you would have everyone do unto everybody.

In its treatment of minorities, and especially of Blacks in its inner city, Minneapolis sidesteps the Golden Rule in favor of Gold Rules.

President John F. Kennedy showed how tough this concept of the Golden Rule is and how difficult it is to get people to follow it, especially in terms of how to treat Blacks and bring them into the mainstream. In 1963, President Kennedy attempted to get White people to treat Black people better. In an anti-segregation speech, he called on the use of the Golden Rule, back at the time of the first enrollment of a Black student at the University of Alabama. He asked Whites to consider what it would be like to be treated as second-class citizens because of their skin color. He asked them to imagine themselves as Black, to imagine being told that they couldn't vote, or go to the best public schools, or eat at most restaurants, or sit in the front of the bus. He said that: "the heart of the question is whether we are going to treat our fellow Americans as we want to be treated." He asked them if they would like be treated that way. The mystery remains: They would not like to be treated that way although that is how they too often treated Blacks. Given the evidence since 1963, his exhortation and question are still relevant. They still need to be widely heeded. The same Golden Rule President Kennedy asked for is still lacking in Minneapolis for many inner city Blacks.

I leave it to you, dear reader, to interpret, in this chapter and in the chapters that follow which rule is being followed, the Golden Rule or the Gold Rule. Whether you are Black or White, always ask yourself: Do I want to be treated in the same way others are being treated, and, more close to home, do I want to be treated as I am treating others? If people treated others as they would like to be treated, we would certainly need fewer courts. But people don't.

I cannot say it often enough: legal is what *they* say it is. Human beings have sought shortcuts for millennia. What stops them is our system of checks and balances. Our Constitution, Bill of Rights, and Amendments are what has given us the chance to continue to fight the good fight and pursue the American Dream even in the presence of those who would prevent us from doing so. The separation of powers that is our checks and balances prevents any power elite from gaining full control, although at times it seems as if the enemy is not outside interests but the partnership between entrenched legislators and special interests that write laws and allow the kind of gerrymandering and redistricting to thwart competitive elections. But time is on our side. And as long as we don't become like them, we shall overcome. We may not live as luxuriously as they do, but our legacies will endure as positives while theirs will eventually endure as negatives. Clearly, human nature has not changed for millennia. Therefore what has changed is the body of laws and regulations. It is this legal infrastructure and the lack of enforcement that allows judges and corporations and government bureaucrats to act in ways that are not in the best interest of the

average American. This is what needs to be changed. We need more checks and balances in Minneapolis. Which brings us back to my case, when 173 pages were removed from the transcript of my trial.

A judge tampering with a court transcript, deleting 173 pages of testimony

The bottom line in my case: To prevent me from being able to appeal, the judge had 173 pages removed from the official court stenographer's transcript. This was a purposeful choice, as the judge chose the Gold Rule over the Golden Rule.

I was in court because I had been arrested for interfering with a police decoy operation. I had interfered intentionally. I was opposed to this policy because I felt it was dangerous to the Black community, which later proved to be true when young Blacks were killed by police during these decoy operations.

Too long has it been legal to discriminate against Blacks. Too long has Minneapolis carried on its own low-key Apartheid against "excess" Blacks, especially young Black men. I tell this story because it obviously reflects others. Others have told me it was done to them. They have told me that their transcripts were altered. But without proof, nothing can be done. In my case, it is all in the records of my case. And if you are now asking in how many other cases does Lady Justice doff her scales and blindfold for a green eye shade, a cigar, and a smoke-filled backroom to cut deals of injustice and unfairness, then we are on the same page.

The judge was Sheryl Ramstad Hvass (currently the Commissioner of Corrections, appointed by Governor Jesse Ventura), the sister-in-law of Jim Ramstad (Congressman from the 3rd Ward, 3rd Congressional district) and the daughter of a powerful man, one of the top airline liability attorneys. Rather than take these connections as a great gift unavailable to others, a gift to use responsibly, she used it irresponsibly. My sense was that she felt she had a dumb Black Boy before her and could treat me the way she saw the men in her family treat Blacks. She was wrong. She just wasn't as good at it as they were. I'm a very seasoned individual in many respects. I am comfortable in court. I am not afraid of the Gold Rules set, because no matter what they may try to do, they'll never get close to my mind and spirit. And that is my great strength. The judge made a terrible mistake in thinking she could twist the law with Ron Edwards.

The trial lasted two and a half days. That's a lot of pages of transcript. Who would miss a few pages or even know? The key is that I saw this trick coming from a mile away. You see, I used no notes. I had no legal pads. I have a wonderful memory. The judge obviously didn't believe a Black man could get through without notes. She had to be thinking she could do what she wanted. She saw a guy representing himself, without professional counsel, without notes, without even taking notes. She

thought she had a real rube, a country bumpkin, a dumb Black Sambo. She was wrong.

The arresting officer testifying against me in this jury trial was David Neber, who at first seemed to be amicable. During the various testimonies, Judge Sheryl Hvass treated me with disdain and condescension, which I noticed was beginning to affect the jury, not a good sign. But I was watching. Realizing what was going on, I began to do what any smart attorney does, especially if the Judge is being partial; that is, I proceeded to conduct my case in such a way as to set up an appeal if I lost. This common strategy is to set the judge up by saying and doing things to demonstrate her bias and lack of impartiality that can then be used later on appeal. Too many judges think that we are not one nation under law or one nation under God but are instead one nation under judges.

I watched for an opening. It came when Officer Neber purposefully said that he had arrested me before, for a DUI (driving under the influence), an obvious attempt to further sway the jury against me, trying to paint me as an old darkie town drunk. His statement was false on two counts. First, he had never arrested me for a DUI (nor had anyone else). Secondly, I decided in my early 20s not to drink, that my mind and being would be better off without alcohol. So he accused a guy who didn't drink. When he made this charge, I immediately objected. Judge Sheryl Hvass overruled me. So I asked to approach the bench. I told her that the testimony of Officer Neber to the prosecutor, Mr. Tumbley, was absolutely untrue.

She was obviously annoyed because I was defending myself without using an attorney. I responded that the record needed to be set straight. She looked at me and then with a scornful tone let me know that she was running the trial. I agreed. She then directed both Tumbley and me to research this in the court's office to determine if the DUI arrest had happened. At the recess, we went back to the clerk's office, reviewed the microfiche files, and found out that, of course, as I had said, Officer Neber had never arrested me for a DUI. Nor had anyone else.

Recognizing that we could clearly impugn Officer Neber's testimony, we returned to the court. We joined Judge Hvass in her chambers with a court stenographer. Tumbley informed her that I was correct. I, of course, gave that "you know" Black person's stupid smile. White people always interpret it as meaning that we are stupid, ignorant, and just don't know what is going on. I sensed that that was how she viewed me. She then interrupted the stenographer while we were speaking and told her to get her robe, which the stenographer did while we continued talking. I told the Judge that this information pretty much satisfied the issue at hand and that I was now in the position to impugn Officer Neber's testimony. I then asked, "Officer Neber will correct his testimony, right?" And she gave a non-answer: "Yes, we will

certainly work it out,” yet all the while the stenographer was not yet back to take it all down. As you can probably guess, saying we will work it out doesn’t mean anything, not in a court of law. They either do or do not, will or will not.

To me, her tone, her posture, and her attitude clearly revealed her racism. It was if she was thinking who does this damn Black fool think he is, this Black sonofabitch trying to act as if he were a lawyer in my courtroom. This entire conversation was not recorded because the stenographer was away from her dictating machine. It appeared to me as if Judge Hvass had purposefully had this last exchange occur when it could not be recorded.

We then returned to the courtroom.

Tumbly returned to his examination of Officer Neber. All of a sudden, Neber went back to the DUI charge. I again objected. Judge Hvass overruled me, and I asked to approach. She said she’d already heard me and that she’d already warned me. You can imagine how I was now looking to the jury. I then said: “Exception,” something that’s very rarely used in a Minnesota court. Now it was clear that there was more than a normal objection. Her face got red as a beet and you could see the how dare you written all over it. So, I said okay.

Then it was my turn, and I proceeded to question Neber. I kept him on the stand for 4 hours. The judge was angry and Neber’s face was turning red. All of a sudden Judge Hvass cut me off and did something absolutely outrageous. She said, “Just a minute Mr. Edwards.” She then turned to Neber and said: “Officer, would you like a drink of water?”

Now you are never supposed to do that. This was on my time. I was cross-examining this man. We were dealing with the issue of possible perjury, but Judge Hvass poured him a cup of water and handed it to him. So I turned and looked at the jury. I could only assume they were thinking, “Oh, here’s a nice White officer. He is just a nice young man with a boy’s face and this pushy Negro over here isn’t treating him nicely, and even the judge sees that.” In my view, by their actions and words, the judge and the officer were able to bias the jury, which then found me guilty.

So I retained Joe Peterson to handle my appeal. Joe is both an attorney and a law professor. When he asked me the basis of the appeal, I told him it would be their tampering with the transcript. Now, Peterson had known me for a long time and respected me, and yet even he was taken aback by my allegation, an allegation that goes to the very heart of the integrity of the court system. I then explained it to him.

I wasn't being cynical. As a civil rights and human rights advocate and social change agent, I had already heard it all. But hearing it and proving it are two different things. I have had Black men tell me that earlier court transcripts read back to them also had key portions deleted. But they were unable to prove it. And so they were defeated before they started. In my case, I was able to prove it.

Neber was the key officer, the decoy officer in the alley who said he allegedly overheard me tell two Black men standing 60 feet away that they needed to come on out of that alley to avoid problems. Later on, the Supreme Court of Minnesota ruled that I had in no way violated the statute. Neber's testimony was that he could hear this conversation, but I was too far away for him to hear anything. I was standing right next to these men and was not talking loudly.

At that time, I had been Chairman of the Urban League for almost three years, and I had maintained that these decoy operations were going to get innocent Black citizens killed. There had already been some beatings. Then a year later, Neber and five other officers blew off the top of a Black man's head in a similar decoy operation. And it happened to others. It was a lousy program. It is no longer used. I'm glad I stood up against it and bested them. And now they were going to try to best me in court after having arrested me.

So we made notification of appeal. The normal procedure always is to order a transcript and pay for it when you pick it up. In my case, they made an exception: They demanded a \$1,400 payment in advance. Peterson didn't like that, but we paid it up front. After another delay, the transcript was delivered to me. I read through it, and sure enough, it had been tampered with. I walked Peterson through that transcript and I showed him where that specific exchange between Judge Hvass, me and Tumbley was gone, as well as additional testimony. I said it was cute the way she did it by asking her to get the robe. I could see from the expression on the young lady's face that that had troubled her, but this was the Judge, her boss. I then showed Joe Petersen where parts of my cross examination of Officer Neber were deleted. Judge Hvass had definitely directed the stenographer to delete pages. So Peterson moved into high gear. He filed a petition that went beyond the appeal. Joe Petersen presented a motion and a demand for inquiry that dealt with impropriety by the trial judge herself, causing both a gap in the transcribing by not having it taken down and deleting actual pages that had been part of the court record. Tampering with a court transcript goes to the heart of the integrity of the court itself.

What the Supreme Court does in a situation like this is to appoint a special master who convenes a hearing. As this was a legal matter for attorneys and judges only, and I wasn't an attorney, I couldn't be there, which was all right with me, and

probably best as this way it would only be between members of the club: all professional attorneys and judges. Peterson told me later what happened.

The key moment came when he questioned the stenographer; because I had detailed everything for him, he was able to ask her all the right questions. I knew she was going to be key. He later told me that she had told the group that I was one of the finest lawyers she had ever seen and that my closing argument was one of the best she had ever heard. This was a very, very heavy setting that included all kinds of implications. Peterson asked her if, after Tumbley and I came into the judge's chambers, whether or not she transcribed the whole time or whether she got up to get the judge's robe. She asked, "Who told you that?" and she was told that I did. She said I must have an incredible memory, as what was described was correct in every detail. Then she broke down and started to cry, asking what she was supposed to do, as she didn't want to lose her career.

At that point, I was told that the room began to get very tense. The observer from the Supreme Court was looking at the master and the master was looking at him. The stenographer was assured that her career was safe. And then she spoke the blockbuster, going beyond just not taking down transcription. She said Judge Hvass had called her into her chambers and told her to delete 173 pages of the transcript. Peterson told me that the observer and the master became visibly upset. She was then asked if the particular part of my statement that I claimed was excluded was indeed part of what she deleted. She said yes. Then she said something unusual, in that she was not an attorney. She said that these were definitely issues that I would win on appeal. That ended it. It was over. Needless to say, I later won my appeal.

But what about the judge? They were stuck, yet they protected their own. A report went back to the State Supreme Court, which then ordered the Appellate Court to reverse the decision and overturn my conviction, but the rationale on my reversal sheet was a technicality having nothing to do with what I had raised. The Supreme Court covered up by having their reversal sheet go all the way back to the beginning of the case and used a judge by the name of Sedlin to maintain that when I made my first appearance, the audio tape that was allegedly kept in the courtroom had malfunctioned and there was no clear record of whether I had been advised of my rights. For that reason the decision was reversed. They completely ignored what Judge Hvass had done. By going back to the beginning, everything that came after didn't count, so, technically, she didn't do anything wrong. In other words, to the Court, it is acceptable if it violates our constitutional rights.

Rigging the system against Blacks: The fix is in.

My second example deals with covering up a whole lot of rigging or fixes by the outgoing Minneapolis City Council President, Jackie Cherryhomes, who stole and

then hid or destroyed most of the documents in her office covering 12 years, leaving no record of her deals for her successor (Chapter 12). I would wager anything that some of the scandals that I discuss in Chapters 7-13 would be exposed in those files, which is why I believe they were taken.

It is my opinion that these missing files will identify the sell-out Blacks in the NAACP and especially in the Urban League who went along with Cherryhomes' deals during her years in office. What did Cherryhomes take? In all probability, all of the files dealing with economic development and especially the Hollman case. The story received very little coverage in the local *Minneapolis Star Tribune* because that paper has long had its own definition of what is "fit to print," and that means either anything favorable to it and its cronies or anything negative about those the paper doesn't like. *The Minnesota Spokesman-Recorder* was the only media outlet to give the story of the missing files major coverage (it even put a picture showing the wall of empty file cabinets on its front page), but that is a Black newspaper, so who will pay attention to that? And so nearly a year after the files disappeared (stolen? Hidden? Shredded ?), neither the newly elected Mayor nor the City Attorney nor any other public official, city or state, has honored the request of Cherryhomes' successor, Natalie Johnson-Lee, to investigate the taking of the missing files.

The rigging/fixing of redistricting

My third example of how the DFL political puppet masters rig the process to disempower, disenfranchise, and ghettoize Minneapolis Blacks is their legal gerrymandering in the unjust and unfair redistricting of the city's wards after the 2000 census, done immediately after Cherryhomes lost to Johnson-Lee. Is this coincidence? I don't think so. See more detail in Chapters 11-13. The key is to remember as you read those chapters that so much of this is legal. So was slavery. Making it legal doesn't make it right and it certainly doesn't make it just or fair.

Other examples, other cities

You, dear reader, have heard the airways and headlines filled during this past year with examples of corporate accounting deeds that we all probably agree are abhorrent. If you are like me, you were then horrified further to find out that much of what they did was legal. Government regulations gave them the loopholes. A lack of checks and balances enabled them to drive truck loads of money through those loop holes. My point is that the law is the sum total of what is agreed to be legal. My argument is this: We must turn the law into more than what is allowed by those who can manipulate it, and thus have laws that are just and fair. Thus, I purposely repeat myself:

Legal does not mean moral; legal does not mean fair and just. Legal just means whatever those who made the law or are designated to interpret it says it means. In a word, legal means you can do whatever is declared legal and not go to jail or be fined.

What occurred in my case was legal: the Supremes could go back to the Miranda rule (reading a person his or her rights before anything else is said or done to him or her) and use it to cover up what the Judge did. Was that legal? Yes indeed. Was it moral? Yes or no, depending on your view. From my point of view it was not moral. Was it corrupt? Again, if you said yes that it was moral then you would not conclude that it was corrupt even though, in my view, it was. Regardless, I contend that the reason the Judge did what she did was because of the racism. I was a high profile Black head of a high profile organization that the police felt was interfering with their work. To them, being Black was a sign of a crime waiting to happen (Interlude 2). And although I appreciate their concern regarding what they considered my interference, their interference in the lives of Minneapolis Blacks has far outweighed anything that I have done (Interludes 2 and 10, Chapters 7-13).

So the Minneapolis story is also about rigging the system with fixes, legal fixes, fixes made legal by laws and by judges. It has happened to me. The headlines tell us it has happened to others. How many lives have been ruined or hurt by falling through the trap doors of fixes when Lady Justice was sent to stand and face the corner without her blindfold, without her scales, and without her light, not to mention when this is done in the nation beyond Minneapolis.

Justice is not always wanted in this country. For those who followed the Microsoft trial with confusion regarding how a company could be allowed to squash the competition, fix prices, and extort cooperation from other companies, all one has to do is look at the competing definitions of justice. The July 2002 *Upside* Magazine cover story, "In Microsoft We Trust" notes that for Microsoft to lose, the first thing that has to happen is "to overcome the judges trained to disregard the law." We have all read that Microsoft broke Sherman Antitrust Act laws and others, 12 different ways all told, and yet is, as of this writing, getting away with it. Why? Because the prevailing view among judges is that monopolies are OK (just as they once said slavery was OK). Here is the blood-curdling, spine-chilling evidence: the attempt "to take justice out of the federal judiciary," a movement led by the Law & Economics Center (LEC) at George Mason University School of Law in Virginia and supported by such well-known judges as Richard A. Posner, Robert Bork, and Phillip Areeda. While teaching a law class, former circuit judge and former chief judge for the 7th U.S. Circuit Court of Appeals in Chicago, Richard A. Posner, "once wrote 'justice' on the blackboard while teaching a law class. He then told his students he didn't want to hear that word in his class" (Upside article, p. 23).

Now here is the rub: where “many believe moral philosophy must underlie a system of justice, Posner says ‘I hate the moral-philosophy stuff’” (p. 23).

Now here is how this relates to the Minneapolis story and to Minneapolis race relations, especially in North Minneapolis. Justice is, to me, justice. You either have it or you don’t. If these judges can allow Microsoft to break the law because they don’t like the law, and pay judges to come to their seminars explaining their view, isn’t this same as when, in the South, judges would hear cases of Whites murdering Blacks and then either dismiss the cases or provide such light sentencing, suspended sentences, probation or small fines, that even murder was allowed because it was only Blacks that they murdered. I believe there is a link here.

I also believe that at some point someone is going to find a link between the legal philosophy of Judge Posner and all of the corporate accounting scandals: if it is OK to allow unfair methods of competition, unfair contracts, the restraint of trade, and monopolization, a kind of corporate state’s rights that Southern states call for in their treatment of Blacks, why would the U.S. system of justice combat unfairness in terms of shareholders or employee pension funds?

As Arsenio Hall used to say, “HMMMMMMMM.”

October 2002 Postscript

For those of you, dear readers, who want to learn more about the Jim Crow laws, which continued the burden of segregation, injustice and violence borne by Blacks during that 91 year period between the Emancipation Proclamation and the U.S. Supreme Court ruling of Brown vs. Board of Education, consider getting the video tape of the PBS four part documentary, “The Rise and Fall of Jim Crow,” that aired for the first time October 1st. I’m sure they’ll have a companion book as well. Here is what the New York Times says in its October 1, 2002 review about the Jim Crow story “When Heroes Faced Down Injustice and Terror”:

- An indictment
- A narrative of broken promises
- A narrative of stolen hopes

Given how the world is responding today to those who have chosen terror as their way of seeking social change as well as preventing social change, what this series says is important and needs to be heard: that the U.S. also has its history of **terror** use.

So that you don't think I'm going off the deep end, I quote from the article. The bold emphases are mine:

Not long after the Civil War, he hopes of the freed slaves for better lives were largely dashed. "The way White supremacists made sure ex-slaves would fall back into place, or nearly back into place, was terror" the Princeton historian Neil Painter says, emphasizing the last word as **"ter-roar."**

The four hours include chilling descriptions and unbearable pictures of lynchings, some well into the 20th century. A third-generation Klansman recalled one he attended as a child, describing the hanging as matter-of-factly as if it had been a football game. To Vernon Jarrett, a journalist, ritualized lynching of Blacks had "religious and patriotic connotations," a worship of segregation.

And yet, hear the soaring spirit of the Black man that I celebrate in this book singing even under Jim Crow. The series quotes W.W. Law, a historian and civil rights leader who died at the age of 79 this year. He is but one of the impassioned witnesses this series portrays. Law said:

I'm not ashamed of the segregated and Jim Crow experience because we were able to devise techniques for survival. That permitted us to bid our time and to wait until change comes.

And so, as I demonstrate in the Minneapolis story, we continue to work for our freedom, as we bide our time for what we know will come. The article concludes this way, quoting Charles Hamilton Houston, the NAACP lawyer who helped develop the strategies that led, after his death, to the Brown decision. He said:

The fight has just begun," Hamilton said after one of his legal victories. "Shout if you want, but don't shout too soon.

"The Rise and Fall of Jim Crow" does not shout, nor does it exult. It pays homage to sacrifice and achievement, and it leaves the door open to hope. Now run and tell that.

And that is what I am trying to do with the Minneapolis story: to run and tell everyone the story of hope as well as perhaps some helpful suggestions regarding how to realize that hope.

And after you have read this book, I invite you too to run and tell the story, the Minneapolis story as it has been, and the Minneapolis story as it could be.

Interlude 3

NELLIE STONE JOHNSON, 1906 – 2002

Community Advocate Civil Rights Activist

Nellie was one of my mentors. She had enormous influence on some of the most significant politicians of the century in Minnesota. For example, she had enormous influence with Governor Olson, whom I consider to be the greatest Minnesota governor before Rudy Perpich. Nellie was instrumental in forming the Democratic-Farmer-Labor Party. In the 1930s, the Democrats were third in Minnesota, behind the Republicans and the Farmer-Labor party. Nellie was a key leader of the Farmer-Labor Party, and she negotiated with Hubert H. Humphrey in 1944 to merge her Farmer Labor Party with the Democratic Party, making sure they kept the name: Democrat-Farmer-Labor party (DFL). What a combination! But once merged, the Democrats betrayed her. But she always kept her eye on the prize. And she knew she had to be able to support herself, so she never gave up her job as a seamstress. Just imagine: a woman with this intellect and drive and fire, who builds a political party bigger than the Democrats and yet is betrayed by them, spends her life as a seamstress, just in case, as she continued her work to foster civil rights for everyone, farmers, workers, minorities.

Nellie was a true community advocate. She was born in Lakeville, Minnesota. Her father was the second Negro ever elected to a Minnesota office. Forty years later, in 1944, she became the third Negro person ever elected to a public office in Minnesota, when she was elected to the Library Board. She was elected along with another young man, from South Dakota, Hubert H. Humphrey. And while a student at the University of Minnesota in the 1920s, she met and befriended future Governor Floyd B. Olson and Dr. Thomas Johnson.

Nellie is rightly given credit for being one of the pillars that made Minnesota a liberal state and an influence on such Liberal Democratic politicians on the national stage as Humphrey, Walter Mondale, and Eugene McCarthy, as they expanded Minnesota's influence nationwide. She was not well understood by angry conservatives who called the state "The People's Republic of Minnesota." Nonetheless, Nellie was instrumental in bringing to the forefront of political dialogue in Minnesota and nationwide the language of tolerance and diversity, pluralism and anti-racism.

But she was also a community-oriented person, and this is what eventually led to her being betrayed by the Liberals, as they saw the vehicle of deliverance a state-centered liberalism, a state political party in control. They wanted to control everything because they believed their utopian ideas were best for everyone (Chapters 7, 12-14). Nellie's issues were not state control but people in community with equal access and equal opportunity to work and learn and do good in their own communities. She believed in freedom and property rights. Her issues were education, jobs, and health care.

She was a great supporter and gifted person of ideas for Floyd B. Olson when he was Governor. And Rudy Perpich, when he was Governor, worshiped the ground she walked on. When the Urban League kicked her and me out, Governor Perpich said that he had no time for any organization that did not include Nellie Stone Johnson and Ron Edwards.

Nellie earned her political wings at the University of Minnesota and considered herself briefly, in the early years, a socialist, which is why others later falsely branded her a communist.

Throughout all of her activism, she earned her way as a seamstress, doing so into her 90s. She lived life fully, normally, she said. But she was in for the long haul. Nellie is quoted in the Epilog of the new book, *Making Minnesota Liberal*, by Jennifer A. Delton:

"Somebody asked me...what I thought was going to happen when we founded the DFL Party. I said I thought by now we would have taken over the whole country. At the time, I thought our politics were so good, so pure, so equality-minded that it didn't make any difference where we went, people would flock to us. That hasn't been the case."

And this is still the case today. Not enough have flocked to her cause of being equality-minded, meaning equal access and equal opportunity for all. She fought for it her whole life and helped many move in that direction. I invite all of you readers to find a way to join in Nellie's cause to make sure everyone has a chance. For those who want to learn more about Nellie:

- *Nellie Stone Johnson: The Life of an Activist* by Nellie Stone Johnson and as told to David Brauer (royalties go to the Nellie Stone Johnson Scholarship Fund).
- *Making Minnesota Liberal: Civil Rights and the Transformation of the Democratic Party* by Jennifer A. Delton, University of Minnesota Press.