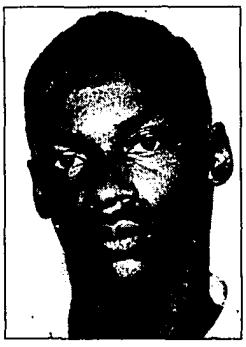
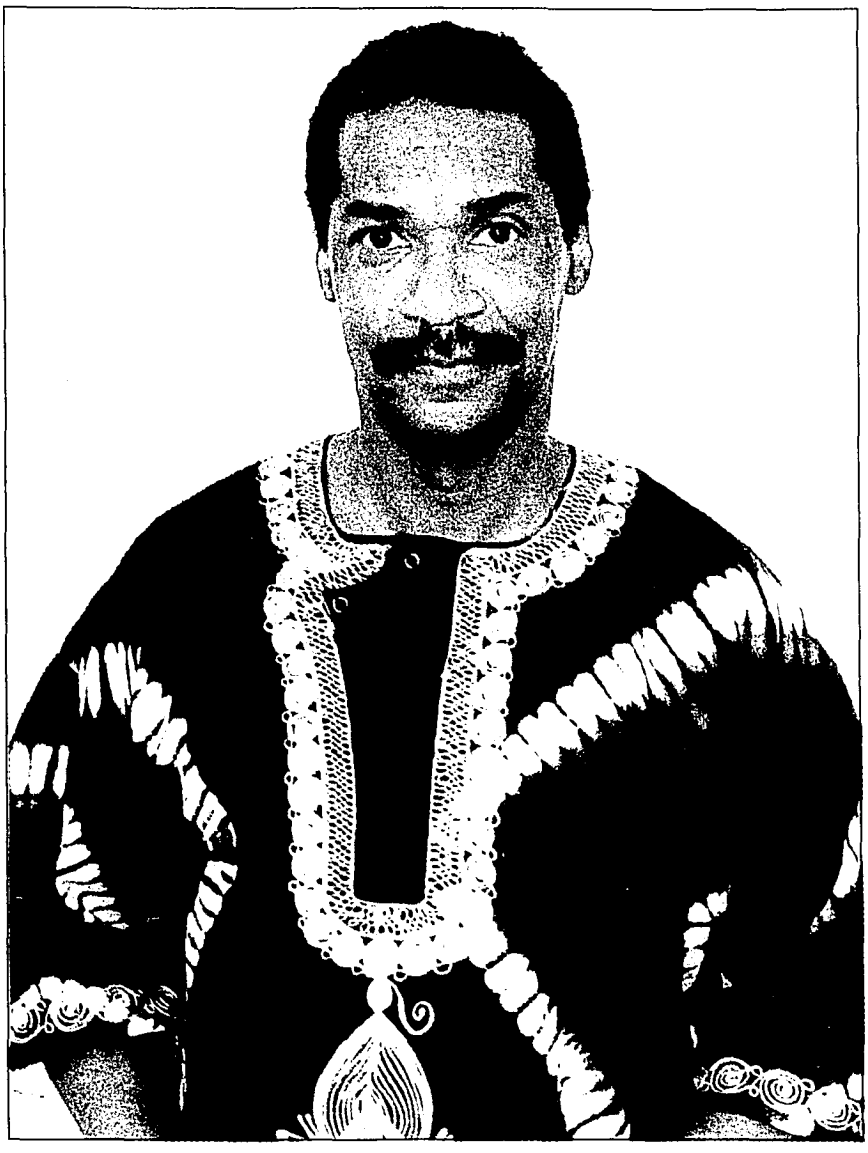
Cop Killer or Victim?



Marshall "Eddie" Conway at the time of his arrest in 1970.



Conway believes he was prosecuted because he exposed a Panther infiltrator.

25 years into sentence, ex-Panther maintains authorities set him up

By Sandra Crockett
Sun Staff Writer

Marshall "Eddie" Conway flashes a smile and raises a clenched fist high in the air. It's the standard gesture of solidarity among the Black Panthers, and the way Eddie Conway still greets his friends.

But Conway isn't saying hello to someone he's bumped into on the street. He's acknowledging a fellow inmate in the visitor's room at the Maryland House of Correction, where's he spent the past 25 years.

And there's no telling when he'll get to see "Panthers," the new movie that has put the spotlight on former party members like Eddie Conway, who maintain to this day that they are political prisoners.

Conway, now 49, believes he was prosecuted in the slaying of a police officer because he exposed a government infiltrator in the Baltimore branch of the Panthers. "I felt strongly that I should have had a political trial," he says.

But the man who put him behind bars says Conway is a cop killer, plain and simple, the leader of an ambush that left Baltimore police Officer Donald Sager, 35, dead and Officer Stanley Sierakowski, 41, wounded.

"I *never* had any questions that Conway was guilty," says Peter D. Ward, who prosecuted Conway and now has a private law practice. "All these implications that this was a political case? No. It was a homicide, and that's how I tried it. Mr. Conway is exactly where he belongs."

Conway, who denies any role in the ambush, is one of many former Panthers still behind bars for crimes committed as members of the organization. He was 25 when he was convicted alongside Jack Ivory Johnson Jr., 23, and James E. Powell, 35.

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The Black Panther Party for Self Defense was founded in Oakland, Calif., in 1966 by Huey P. Newton and Bobby Seale. At first, its work was laudable, such efforts as free breakfast and health care programs in Baltimore and other cities.

But then something went wrong, says Conway, who speaks frankly now about the Panthers.

"The Black Panther Party was good," he says. "But I think we just grew too fast. I think we let guns become more important than our programs and went too far . . ." Conway pauses to search for the right word. "Left," he says.

"And when the party did that, we alienated even members of the black community."

Marshall "Eddie" Conway grew up in west Baltimore and later moved to the city' east side. He attended Lake Clifton High School, but dropped out in 10th grade. He worked at various jobs — A-rabber, busboy and factory worker among them — to make ends meet and pay for an apartment he shared with a few buddies.

He had a brush with the law as a juvenile, when he was convicted of destroying property. At 18, he joined the Army, where he would undergo a political awakening. The year the Black Panther Party was founded Conway was doing a tour of duty in Europe. He remembers seeing a documentary on the life of Malcom X.

"That movie made me pay attention to what was going on in America," Conway says.

It was the mid-'60s, and America was in the midst of the civil rights era. Riots were erupting, and demonstrators were taking to the street. Conway was planning to extend his tour of duty and go to Vietnam when he read accounts of a riot in Newark, N.J. One front-page photo showed a National Guardsman pointing a gun at a small group of black people, including a woman who reminded Conway of his mother.

"This was an awakening for me," he says. "I needed to be back home."

Instead of staying in the Army, Conway returned to Baltimore in September of 1967.

He got married (he's now separated) and

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PANTHER: Convict calls himself a political prisoner

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went to work as a technician at Johns Hopkins Hospital. He also became active in civil rights causes, joining the NAACP and the Congress of Racial Equality.

"We integrated Sparrows Point [Fire Department]," recalls Conway, who got a job there. "But the climate in the fire department was awful."

Conway left that job and went to work at the Post Office. He also quit the NAACP and CORE.

"It was clear to me those two organizations just weren't 'sturdy' enough," he says.

Conway didn't know anyone in the Baltimore Panther party before he joined in late 1968 or early 1969.

The Baltimore party was relatively new then, and while it had some good programs — Conway was involved with a free breakfast initiative and taught first aid — he felt the group wasn't doing nearly enough. He decided to take a leadership role.

"It was a small organization that lacked discipline," says Conway. "I wanted to get it organized."

That proved to be difficult.

Conway and other Panther members came to believe the chapter had been organized by a government infiltrator. They accused Warren Hart, who opened Baltimore's Panther office, of working for the National Security Agency.

"They wanted the chapter like that — disorganized," Conway says.

Steve McAnallen, a spokesman for the NSA, said he could neither confirm nor deny that Warren Hart was an NSA employee. He does say the agency would not have been involved in domestic matter like infiltrating the Panthers.

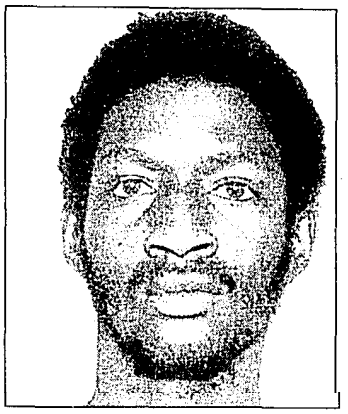
Paul Coates, one of the leaders of the Baltimore chapter who now runs his own publishing company, Black Classic Press, says, "Infiltration came from many segments of the government. There were multiple levels of infiltration in the party."

Congressional committees have since revealed that the Panthers were under surveillance by the "Counter Intelligence Program," a group of federal and local law enforcement agents who's mission was to "neutralize" organizations deemed subversive.

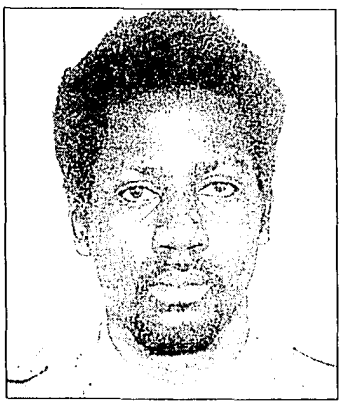
In 1969, Conway went to New York to meet with national Panther leaders and make plans to purge the Baltimore chapter of infiltrators. Warren Hart quit before an investigation could begin. Conway believes he knew the Panthers were onto him.

Officers down

The event that would change Eddie Conway's life began unfolding on the night of April 24, 1970.



Jack Ivory Johnson Jr.



James E. Powell

Around 10 p.m, Officers Donald Sager and Stanley Sierakowski arrived in the 1200 block of Myrtle Avenue in West Baltimore to investigate a domestic disturbance. They dealt with the problem and headed back to their car.

But before they could pull away, a gunman or gunmen approached and opened fire. Officer Sager was found dead in the car. Officer Sierakowski, now retired, was found between the car and sidewalk. He had fallen out of the right door as he was calling for help.

Police would later conclude that Baltimore's Panther party had orchestrated the ambush as an initiation rite for new members — and that Conway had been the leader of the attack.

Within minutes, more than 40 officers arrived on the scene and began an intensive manhunt for suspects. They went door-to-door, searched rooftops, alleys and basements.

Jack Johnson and James Powell — both later convicted in the crime — were found hiding under house steps in the 700 block of West Lafayette Avenue.

A few blocks from the shooting, Officer Roger Nolan reported seeing a man run into an alley off Fremont Avenue. He chased the man, who turned and fired six shots.

Officer Nolan fired back, but eventually tripped and lost track of the suspect.

He later identified the man who fled from him as Eddie Conway.

Officer Nolan declined to be interviewed on the advice of his commander, but the prosecutor in the case, Mr. Ward, remembers well the role the officer played.

"Roger Nolan was, and is, a very sharp guy," Mr. Ward says. "Roger had seen Conway in the neighborhood. . . . [He] was able to look at a photograph of Conway and identify him."

Shortly before midnight on April 26, 1970, officers went to the Post Office where Conway worked and arrested him.

"The evidence against Conway was far from conclusive," counters Robert Boyle, who now represents Conway. "He was identified from a photo by a cop who saw a man running."

But the most damning evidence came from Charles Reynolds, who shared a cell with Conway while he was being held at the City Jail. Reynolds had just been released from the Maryland House of Correction, but was waiting to be sent to Michigan to face other criminal charges.

While in Michigan, Reynolds wrote to Baltimore police and told them about a conversation he'd had with Conway in jail.

Mr. Ward and his investigator went to Michigan to interview Reynolds. "He said that Conway talked about going to the harbor and throwing the gun away. He [Conway] also told him that he had taken Sierakowski's watch," Mr. Ward says.

"Nobody knew that watch was missing," he adds.

The trial

From the beginning, Conway claimed to be a political prisoner.

He says his first lawyer, Nelson Kandel, treated the case as a criminal trial. And for that reason, Conway fired him.

He tried unsuccessfully to get two prominent lawyers who had represented other Panthers — Arthur Turco and William Kunstler — before a judge appointed James McAllister to represent him.

Conway thought Mr. McAllister, now deceased, wasn't up to the job. In protest, he refused to attend most of his trial. Thinking back, Conway says he realizes he never should have fired Mr. Kandel.

"In hindsight now, I know it was a mistake, but I did want a political trial," Conway says.

Mr. Ward sought the death penalty for Conway with a case based on circumstantial evidence — and one in which a key witness decided at the last minute not to testify.

Jack Johnson, one of the other suspects, initially told investigators the ambush was a Panther initiation rite ordered by Paul Coates. But, later, "Johnson got up on that stand and clammed up," Mr. Ward recalls.

Mr. Coates says Johnson would have committed perjury if he had testified.

"It was a fabricated case," he says. "I was brought into it as the person who supposedly gave the order. And I *know* that is a fabrication. That is the reason I stand behind Eddie. He was denied justice. He did not receive a fair trial."

Other testimony came from a ballistics expert and Officer Nolan.

The ballistics expert told the jury that eight bullets removed from Officers Sager and Sierakowski, or found near the scene, came from the same .45-caliber pistol — the type of gun Officer Nolan said was being fired by the man he chased through the alley.

The expert also said that a .38-caliber bullet removed from Officer Sager's skull and another found on the front floor of the patrol car came from a revolver found near Johnson and Powell when they were arrested.

The .45-caliber weapon was never found, which Mr. Ward notes was consistent with Charles Reynolds' story that Conway said he'd throw a gun into the harbor. "Conway was the leader," Mr. Ward insists.

In return for his cooperation, Reynolds was granted parole. "Everyone in jail is looking for a way out," Mr. Ward acknowledges. "The thing that really convinced us was the part about the watch. Nobody knew about that."

Conway steadfastly denies having told Reynolds anything. "When they first came up with the indictment, that watch thing was never mentioned," he notes.

After eight days, the jury of 10 blacks and two whites came in with the guilty verdict. Conway was sentenced to life plus 30 years. Powell received a life term and later died in prison. Johnson was sentenced to life plus 15 years and is still in prison.

When the verdict was read, the courtroom erupted. Black Panters and their supporters, who had packed the courtroom every day, rose with fists in the air — a gesture of solidarity with Conway, who had come to court to hear the verdict.

"I'm not sure if I was shocked," he recalls now. "There *was* fear and apprehension."

Mr. Ward remembers his own stress. "The crowd stood up and began shouting 'Off the pigs!' And all that was separating us was a rail," he says.

Not long after his conviction, Conway had 37 years tacked onto his sentence for two incidents where guards was assaulted.

Since then, he's had a clean record and has earned degrees from Baltimore Community College and Coppin State.

His last parole hearing was in February, and was continued pending additional written reports, says Philip Dantes, another one of Conway's lawyers.

Conway is all too aware that his life might have taken a different turn had he never joined the Panthers. But dwelling on the "what if's" in life would be too psychologically damaging, he says.

"I just can't let myself think about regretting joining the party," he says.