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THE "LYNCHING" AT HOWARD BEACH: AN ANNOTATED BIBLIOGRAPHIC INDEX

J. Clay Smith, Jr.*

Whether the term "lynching" is the appropriate way to describe the unprovoked racial attack against three Black men by several young White men on December 20, 1986, at Howard Beach, New York, that is the term that Edward I. Koch, Mayor of New York City, used and that is the term that will remain throughout history.

Racial attacks against Black men are not new in American history. Countless number of Black men and women have been unjustly accused, tried, convicted and summarily executed by violent mobs. This violence dates back prior to the turn of the twentieth century.¹ For years state authorities ignored these crimes, despite the national outrage urging Congress to pass anti-lynching legislation and the submission of many drafts of anti-lynching legislation proposed by Black lawyers such as James Adelia Cobb, William Henry Lewis, Sr., and Butler Roland Wilson, in the early 1920's.

The purpose of this annotated bibliographic index is to aid legal and traditional historians, political scientists, psychologists and other disciplines in the study of mob violence in America against Blacks and other minorities. The incidents of racial attacks against Blacks is rising, and the voices and actions of the legal profession must meet such conduct with swift, fair justice, as was done in the Howard Beach cases.

December 21, 1986

McFadden, *Black Man Dies After Beating by Whites in Queens*, N.Y. Times (D.C. ed.), Dec. 21, 1986, at A1, col. 3.

Twenty-three year old Michael Griffith was struck and killed by a car on a Queens highway after being severely beaten twice by nine to twelve White men who chased him through the streets of Howard Beach. Police, responding to the reports of trouble, discovered the man, with his skull crushed, and a companion wandering nearby, dazed and bruised. Police Commissioner Benjamin Ward said that the assailants were Howard Beach locals. Ward also stated that the driver of the vehicle had no apparent connection to the beating.

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1. See *100 Years of Lynchings* 253-270 (R. Gizburg ed. 1962) (listing lynchings of Black men and women by name, date and state since 1859). See also, C. Ferrell, *Nightmare and Dream Antilynching in Congress 1917-1922* 3 (1986). ("Seventy percent of all lynching victims from 1882 to 1952 were Negro."); Zangrando, *The NAACP and a Federal Antilynching Bill, 1934-1940*, 50 J. Negro Hist. 106,107 (1965). ("On February 20, 1934, NAACP . . . testified that since 1882, 5,053 lynchings involving 3,513 Negroes had occurred.")

Mayor Edward I. Koch has offered a \$10,000 reward for the capture of the assailants.

December 21, 1986

Parker, *Gang of Whites Attacks 3 Blacks in Queens*, Washington Post, Dec. 21, 1986, at A17, col. 1.

Michael Griffith, a Black man whose car broke down in a White section of Queens, was beaten with baseball bats by a gang of Whites, and then accidentally run over and killed by a car while trying to escape. Mayor Edward I. Koch compared the attack to a Deep South lynching. Two of Griffith's friends, Cedric Sandiford and Timothy Grimes, were also attacked, but they survived the beatings.

December 22, 1986

Gross, *As Priest Censures Racism as Sin, Howard Beach Deals With Attack*, N.Y. Times (D.C. ed.), Dec. 22, 1986, at A1, col. 4.

The reaction of the residents of Howard Beach in Queens to the killing of 23 year old Michael Griffith of Brooklyn was mixed. Reverend Kenneth Leona of Our Lady Grace Roman Catholic Church admonished his congregation that racial prejudice, discrimination, violence and hatred were sins. There were also opposing views, most often articulated by White males in their early twenties, who said that Blacks primarily come into the area to commit crimes. Blacks in neighboring communities said that because of the hostility and passionate territorial loyalties, they avoid unnecessary forays into certain White neighborhoods. The police have noted that two other "bias incidents" were investigated in Howard Beach during the current year.

December 23, 1986

Smothers, *Black Leaders Say Queens Attack Is Evidence of 'Pervasive Problem'*, N.Y. Times (D.C. ed.), Dec. 23, 1986, at A1, col. 1.

Black civic and political leaders have said that the Howard Beach attack, by Whites on three Black men, was indicative of a pervasive problem of racially motivated violence. C. Vernon Mason, a Black civil rights lawyer in Manhattan, noted that since Bernard Goetz shot four Black youths nearly two years ago, it has become more acceptable for Whites to take the law into their own hands when dealing with Black people. Laura D. Blackburne, counsel for the State Conference of Chapters of the NAACP and Professor of Law at St. John's University Law School, stated that finding the culprits is not enough. Blackburne contends that the focus must be on addressing the attackers' attitudes that they have a right to punish the victims because they are Black.

December 23, 1986

3 Youths Charged in Racial Attack, Washington Post, Dec. 23, 1986, at A6, col. 4.

Three White youths, a 16 year old and two 17 year olds, were charged with second degree murder, second degree manslaughter, and second degree assaults. The charges follow the Friday night attack on three blacks, one of whom died after being struck by a car as he tried to escape. Police report that

the youths were attending a party when they decided to find and assault the Black men seen in the area earlier. Police Commissioner Benjamin Ward said one partygoer had seen the Black men at a nearby pizzeria. Police spokesman Mike Julian said three White teenagers left the party, encountered the Black men, exchanged words, returned to the party and got friends. The Black victims, Michael Griffith, Cedric Sandiford and Timothy Grimes, had walked to the pizzeria to use the phone after their car broke down. No phone was available, so they ordered and ate pizza. Upon their departure, three cars, carrying about ten teenagers, pulled up. The teenagers, who were carrying bats and tree limbs, said "Nigger, you're in the wrong neighborhood."

December 24, 1986

Three Teen-Agers Arraigned In New York Attack on Blacks, Washington Post, Dec. 24, 1986, at A3, Col. 4.

Three White teenagers were arraigned on murder, manslaughter, and assault charges in connection with the Friday night attack on Michael Griffith and his companions, which resulted in Griffith's death. Another White teenager was arrested in another race related assault that occurred two hours earlier and less than two miles away. A coalition of Black organizations angrily accused Governor Mario M. Cuomo and Mayor Edward I. Koch of "gross negligence in providing equal protection to the Black community, in abating the racist climate in New York and [turning] back the tide of genocide against Black people."

December 27, 1986

Smothers, Victim of Attack Tie's Driver to Gangs in Queens, N.Y. Times (D.C. ed.), Dec. 27, 1986, at A1, col. 4.

Alton H. Maddox, Jr., the Black attorney for Howard Beach victim Cedric Sandiford, said that both the police and the Queens District Attorney have failed to act in good faith in their investigation of the Howard Beach incident. Maddox stated that his client informed the police on the night of the attack that the driver of the vehicle which killed Griffith was one of the attackers. Maddox points out that Dominick Blum, the driver, left the scene of the death and returned with his father, a police officer, to explain to the police that he had hit something, but did not know what it was. Maddox's account said that investigators failed to follow normal procedures when Mr. Blum returned to the parkway. The police failed to test Blum for intoxicants or to demand the immediate production of the car Blum was driving in order to examine it. Maddox further alleged that the police were attempting to insure that none of the attackers would be convicted of any charges greater than assault. Police spokesman Sergeant Norris Hollomon disputed Maddox's contentions, saying that Mr. Blum was not tested because there appeared to be no need to do so. Further, Mr. Sandiford never said that one of the cars chasing them entered the highway. Prosecutor John Santucci discounted the allegations, saying it would be virtually impossible for anyone to identify the driver of the car that night.

December 27, 1986

McFadden, *Police Inquiry Into Motorist Contradicts Lawyer's Stand*, N.Y. Times (D.C. ed.), Dec. 27, 1986, at 26, col. 1.

The police refuted allegations made by Alton H. Maddox, Jr., attorney for one of the two surviving victims, that the driver involved in the Howard Beach killing was one of the original attackers. The police reported that through their own investigation a detailed account could be made of Dominick Blum's actions and movements on the day and evening before the accident. Sergeant Raymond O'Donnell reported that Blum was at work from 8:00 a.m. to 4:00 p.m. He further reported that Blum attended a play at Brooklyn College with his girlfriend, parents and another couple until 10:30 p.m. After the play, Blum, his girlfriend and the other couple went to the Archway Diner to eat. The diner was about one mile from the college. The accident occurred as Blum was taking his girlfriend home after having driven the other couple home from the restaurant.

December 28, 1986

Hornblower, *N.Y. Marchers Protest Racial Attack*, Washington Post, Dec. 28, 1986, at A1, col. 1.

Hundreds of Black and White civil rights activists marched through Howard Beach in protest of the racial attack which resulted in the death of 23 year old Michael Griffith. The marchers, said to number between 800 and 1,200, encountered several hundred Howard Beach residents. The residents said their neighborhood was being unfairly portrayed. Approximately 250 policemen were on hand to ensure that the march was peaceful. Many Black leaders say that Griffith's death has helped refocus attention on the deteriorating condition of race relations in New York. These leaders point to the growing number of racial incidents which have recently occurred in New York. These incidents include: Bernard Goetz's shooting four Black youths in his attempt to thwart an alleged attempted robbery; the recent conviction of two White police officers for torturing a Black suspect with an electric stun gun; and the beating of a Black Brooklynite by White transit police.

December 28, 1986

Smothers, *1,200 Protesters of Racial Attack March In Queens*, N.Y. Times (D.C. ed.), Dec. 28, 1986, at A1, col. 1.

The State Conference of the National Association for the Advancement of Colored People and the Southeast Queens Catholic Clergy organized a demonstration through Howard Beach, Queens, as a protest against racism. As 1,200 people convened for the march, assemblyman Edward Abramson, who represents the area, welcomed the group. As the group marched from the parkway area where Michael Griffith was hit to the high school where the three murder suspects are students, they were followed and taunted by about 200 mostly White males. About 250 policemen were on hand to maintain order. Benjamin Hooks, the Executive Director of the NAACP, addressed the crowd upon their arrival at the school, telling them that racially motivated attacks were on the rise nationwide. Reverend Charles White, a local Catholic priest, asked that Howard Beach be remembered not for what hap-

pened last week but for what Howard Beach could become, a new Jerusalem, a new Bethlehem.

December 29, 1986

Koch Calls for a Panel To Study Racism in U.S., Washington Post, Dec. 29, 1986, at A3, col. 5.

On the CBS news program, "Face the Nation", New York Mayor Edward I. Koch called for the creation of a national commission on racism. Koch stated that he believed that racism had declined since the Kerner Commission's study of racism in 1968, but America continues to suffer from the cancer of racism. U.S. Assistant Attorney General William Bradford Reynolds, on the same program, denied the need for a national commission, arguing instead that Howard Beach was an isolated incident and not a national problem. On the local front, Mayor Koch said he would organize a conference of clergy and laity to study racism in New York City.

January 1, 1987

Tsiantar, *Special Prosecutor Sought in Queens*, Washington Post, Jan. 1, 1987, at A3, col. 3.

Alton H. Maddox, Jr., attorney for Cedric Sandiford, and C. Vernon Mason, attorney for Timothy Grimes, made an emotional plea for the governor to appoint a special prosecutor, alleging that the District Attorney is conducting a "bad faith investigation." Despite pleas from various political leaders, Maddox has maintained that his client, Sandiford, will not testify until police charge the driver of the car that struck and killed Michael Griffith. Maddox said that only a governor-appointed special prosecutor could untangle the legal quagmire. A state judge dismissed assault and murder charges against three White defendants because Sandiford refused to testify. Governor Cuomo dispatched Criminal Justice Director Lawrence Kurlander to discuss the case with Charles Hynes, the state's standing special prosecutor in New York. Kurlander said that Hynes normally would intervene if he found evidence to support allegations of a cover-up, but on very rare occasions the governor could appoint a separate special prosecutor.

January 4, 1987

Tsiantar, *Racial Attack Witness Blast Police Probe as 'Masquerade'*, Washington Post, Jan. 4, 1987, at A17, col. 4.

Cedric Sandiford, a Howard Beach victim and the stepfather of deceased victim Michael Griffith, told reporters at a news conference that he was "upset and disgusted" with the way the District Attorney and the police were investigating the case. Sandiford said that after the incident the police searched him and held him for 3 1/2 hours without offering medical attention for his injuries. Sandiford said that he cooperated with the police for the first three days following the incident but the police did not believe his account of the attack. Sandiford's lawyer, Alton H. Maddox, Jr. criticized Governor Cuomo for failing to respond to a request for a special prosecutor and he refused to cooperate with standing special prosecutor Charles Hynes because Hynes did not have the authority to supersede the District Attorney in this case.

January 6, 1987

Robbins, *Home Is Where the Hate Is*, *The Village Voice*, Jan. 6, 1987, at 15, col.1.

New York has been plagued with a series of racially motivated attacks, including: the 1978 incident in which 16 year old Victor Rhodes was stomped into a coma by Hasidic students; the 1982 fatal beating of Black transit worker, Willie Turk, by a group of White youths; and the 1986 stabbing of Gary Moy, an Asian, by White Brooklyn youths. However, it was not until the death of Michael Griffith that a number of Black leaders, civil rights activists and diverse racial and ethnic organizations came together to create the New York Civil Rights Coalition. The Coalition's purpose is to address the continuing problem of racial attacks in New York. Michael Meyer, one of the coordinators and a Black attorney who heads the Resource and Advocacy Center for Equality, noted that a lot of the organization's members participated in the southern civil rights movement; they learned there that silence about acts of racial violence sends a message of condonation.

January 6, 1987

McFadden, *Police Seek New Witnesses To Howard Beach Attack*, N.Y. Times (D.C. ed.), Jan. 6, 1987, at B1, col. 5.

Police report that Cedric Sandiford, who initially reported only that he saw White youths chasing decedent Michael Griffith, now asserts that he actually saw Whites beating Griffith. Police further report that they are unable to locate any other witnesses to the attack. They are, however, continuing to search for the persons who called the 911 emergency number to report the attack. In his effort to produce witnesses, District Attorney John J. Santucci said he was considering an offer of immunity to one of the White youths accused of involvement in the attack.

January 6, 1987

Purnick, *A Break With the Past: Koch and Racial Attack*, N.Y. Times (D.C. ed.), Jan. 6, 1987, at B1, col. 5.

In a response that many suggest is politically motivated, New York Mayor Edward I. Koch likened the Howard Beach death to a lynching in the Deep South. The Mayor maintained that his position against racism has remained the same, though perhaps his style has changed. Black leaders have charged the Mayor with dealing provocatively and defensively with racial issues in the past. Mayoral Political Consultant David Garth stated that the Mayor has gone through an evolutionary change of which the genesis may be found in the 1983 congressional hearings on complaints of police brutality.

January 8, 1987

Verhovek, *Family Near Scene Describes Attack on Blacks in Queens*, N.Y. Times (D.C. ed.), Jan. 8, 1987, at A1, col. 1.

In their attempt to find witnesses to the Howard Beach attack, police have located a White woman in her twenties who witnessed the attack through her living room window. The woman, who wished to remain anonymous, said

that she saw a Black man stagger down the sidewalk as a group of White youths pursued and encircled him. Two of the youths then beat him with sticks as he doubled over in pain. The woman said that she was unable to identify the assailants beyond describing them as young and dressed in typical clothes such as jeans and ski jackets. No other members of the woman's family witnessed the attack; however, her mother did see the two Black men as Griffith was headed towards the parkway. Police were uncertain whether the beating witnessed by the woman was the first or second of two separate beatings administered to Mr. Cedric Sandiford. Separately, a 17 year old youth driving home around 1:15 a.m. noted a group of Whites outside a house near the accident. The youth did not, however, witness the attack.

January 8, 1987

Cuomo To Appoint Panel on Bias-Related Violence, N.Y. Times (D.C. ed.), Jan. 8, 1987, at B2, col. 3.

Governor Mario M. Cuomo, reacting to the beating of three Black men in Howard Beach, announced his intent to establish a task force on bias-related violence. The Governor noted that the state had recently seen new evidence of pernicious violence, apparently rooted in bias and hatred. State Commissioner of Human Rights Douglas H. White will head the task force.

January 8, 1987

Howard Beach Everywhere, Los Angeles Sentinel, Jan. 8, 1987, at A6, col. 1.

This editorial notes that Howard Beach is not atypical, and Blacks are not close to the promised land. The Sentinel suggests that, given the current political climate, not only have we stopped moving forward but the struggle is seemingly moving in reverse.

January 9, 1987

Rimer, *Black Man's Death in an Upstate City Ignites Debate About Racial Climate*, N.Y. Times (D.C. ed.), Jan. 9, 1987, at B5, col. 1.

Twenty year old Jimmy Lee Bruce, Jr. was killed in an altercation with two off-duty police officers who were working as security guards for an upstate New York movie theatre. The off-duty officers reported that Bruce and his friends became boisterous and belligerent, making it necessary to escort them from the theatre. Once outside of the theatre, Bruce allegedly punched Officer Simpson in the face and attacked him. In response Officer Simpson wrestled Bruce to the ground, placing him in the choke hold which ultimately caused his death. Orange County District Attorney Francis D. Phillips II said that although he could not find enough evidence to support the charge of manslaughter, he would present the case to a grand jury later that month. Black leaders, while asserting that they do not believe Mr. Bruce's death was racially motivated, say the way the incident has been handled reveals an underlying racial problem in Middletown.

January 9, 1987

Barron, *Ward Renews Attack on Lawyer in Beating Case*, N.Y. Times (D.C. ed.), Jan. 9, 1987, at B5, col. 3.

Police Commissioner Benjamin Ward, the first Black to hold the city's top law enforcement job, renewed his criticism of Alton H. Maddox, Jr., the attorney for one of the three Blacks attacked at Howard Beach. Ward refused to apologize to Maddox for implying that Maddox might be in the case for the money he could earn in a wrongful death suit. Responding to Maddox's charge of police cover-up, Ward said he was not going to be insulted or be accused of engaging in a cover-up. Ward further said that he has no objections to the planned protest in front of his home as long as it was peaceful.

January 9, 1987

Fried, *Teen-Ager Charged in Racial Attack Is Imprisoned in Another Case*, N.Y. Times (D.C. ed.), Jan. 9, 1987, at B5, col. 1.

Seventeen year old Jon Lester, one of the youths charged with being a part of the gang of Whites that assaulted three Black men in Howard Beach, was sentenced to one to three years in prison in a separate case. In November, 1986, Lester pleaded guilty to illegal possession of a loaded handgun. At that time Justice Seymour Rotker told Mr. Lester that he would be given a five-year probation unless he was rearrested or charged with any other crime or offense before the sentencing. Justice Rotker said he was imposing the prison sentence not because of the nature of the charge in Howard Beach but simply because Mr. Lester had been rearrested.

January 9, 1987

Fried, *U.S. to Wait to Prosecute Racial Case*, N.Y. Times (D.C. ed.), Jan. 9, 1987, at B1, col. 6.

Queens District Attorney John J. Santucci said that Cedric Sandiford's refusal to testify has made Federal prosecution an attractive option in his prosecutorial efforts against the attackers in the Howard Beach incident. Santucci said Federal immunity and conspiracy laws make it easier to gain and use testimony of accomplices. Federal Prosecutor Lawrence Urgenson said that the federal authorities will prosecute the youths only if the state cannot go forward or otherwise achieve substantial justice. He noted that in New York youths over 16 years old are treated as adults, whereas in federal court the judge would determine whether a defendant under 18 could be tried as an adult.

January 10, 1987

McCarthy, *Preaching to Howard Beach*, Washington Post, Jan. 10, 1987, at A23, col.6.

Residents of Howard Beach feel as though they have been assaulted by the influx of protestors, politicians and media. The residents say that there is no single Howard Beach community but rather a compilation of smaller communities with multitudinous psyches and mindsets. The residents note that the

racial violence at the surface of the assault here is connected with subsurface cultural racism found everywhere in America.

January 11, 1987

Rangel, *N.A.A.C.P. Defends Actions by Ward*, N.Y. Times (D.C. ed.), Jan. 11, 1987, at A20, col. 1.

Reacting to a call for the resignation of Police Commissioner Benjamin Ward by a number of local Black leaders, Hazel Dukes, President of New York State Conference of NAACP chapters, staunchly defended Commissioner Ward's handling of the Howard Beach investigation. Ms. Dukes attributes the existing problems to Queens District Attorney John J. Santucci. Ms. Dukes and NAACP legal counsel, Laura Blackburne, said that although they disagreed with Ward's comments accusing attorney Alton H. Maddox, Jr. of being involved for solely financial reasons, the remarks were not reason enough to call for Ward's resignation.

January 12, 1987

Smothers, *Blacks, After Howard Beach, Unite on Goals, Split on Policy*, N.Y. Times (D.C. ed.), Jan. 12, 1987, at A1, col. 1.

Many Black leaders agree that the Howard Beach attack underscores the need for strong actions to change the attitudes and conditions that prompt such attacks. This search for answers has, however, reopened an old schism between established Black leaders and the younger, more militant Black leaders. Reverend Benjamin Chavis, who has ties to both groups, says by and large the Howard Beach incident has promoted unity within the Black community. However, Reverend Calvin Butts, who is more closely connected with the more militant element concedes that they are wary of the more established Black leaders based on experience.

January 14, 1987

Smothers, *Hynes Is Selected To Be Prosecutor in Queens Attack*, N.Y. Times (D.C. ed.), Jan. 14, 1987, at A1, col. 1.

Following a meeting with Black leaders, New York Governor Mario M. Cuomo announced the implementation of a multi-tiered plan of action to deal with both the Howard Beach incident and the more pervasive problem of increased racial violence. The governor has announced that he will draft civil rights legislation similar to that of the federal government. He has further declared that he will set up a mechanism to handle requests for special prosecutors in atypical cases. Finally, the governor announced the appointment of Charles J. Hynes as special prosecutor in the Howard Beach investigation. Mr. Hynes will be empowered to investigate allegations of misconduct by police and the District Attorney. Hynes noted that Queens District Attorney John J. Santucci voluntarily relinquished control of the investigation. Hynes further noted that he will initially focus on interviewing the victims who have thus far refused to cooperate with Santucci.

January 14, 1987

Smothers, *Victim of Attack Faces Reduced Assault Count*, N.Y. Times (D.C. ed.), Jan. 14, 1987, at B4, col. 4.

Felony assault charges against Howard Beach victim, Timothy Grimes, were reduced to misdemeanor charges after Grimes' girlfriend refused to testify against him for stabbing her on December 27, 1986. Steven Schwartz, assistant district attorney, said that he had enough evidence to proceed without the girlfriend Cheryl Sandiford's testimony. Schwartz said that he allowed the reduction in charges because there was no serious injury or pattern of abuse.

January 14, 1987

Special Prosecutor Named in New York Racial Attack, Washington Post, Jan. 14, 1987, at A3, col. 5.

Governor Mario M. Cuomo, after a lengthy meeting with church and community leaders, announced the appointment of Charles J. Hynes as special prosecutor to investigate the Howard Beach racial attack. At the news conference, Reverend Calvin Butts, who attended the meeting with Governor Cuomo, said that the victims' lawyers agreed to cooperate fully with the special prosecutor.

February 4, 1987 Farber, *New Account Given in Attack on Blacks In Queens*, N.Y. Times (D.C. ed.), Feb. 4, 1987, at A1, col. 2.

Based on recent admissions by at least one of the assailants, prosecutors in the Howard Beach case have reason to believe that the White youths were in close pursuit of Michael Griffith. The new account does not alter the basic outline of the case, but rather changes the escape route taken by Griffith and widens the scope of the investigation by implicating White youths, in addition to the three already charged, in the pursuit of Griffith.

February 10, 1987

Arneberg & McAlary, *Indictment Handed Up In Howard Beach Case*, Washington Post, Feb. 10, 1987, at A6, col. 3.

A special grand jury handed up a sealed indictment which accused twelve White youths of the beating of two Black men and the death of a third. Special Prosecutor Charles J. Hynes would only say that the indictment would be unsealed at the arraignment. Informed unidentified sources said the top charge was homicide related. The three youths previously charged with reckless endangerment, Jon Lester, Jason Ladone and Scott Kern, are named in the new indictment.

February 10, 1987

Howard Beach Case: From Attack to Indictments, N.Y. Times (D.C. ed.), Feb. 10, 1987, at B4, col. 4.

Chronology of events in the Howard Beach case.

February 11, 1987

Tsiantar, *12 Arraigned in Howard Beach Case*, Washington Post, Feb. 11, 1987, at A4, col. 3.

Jon L. Lester, Scott Kern and Robert Riley were charged with second degree murder for the death of Howard Beach victim Michael Griffith. Thomas Gucciardo, Jason Ladone, Michael Pirone, William Bolander, Harry Buonocore, Salvatore DeSimone, Thomas Farino, James Povinelli and John Saggese were indicted on charges ranging from rioting to attempted murder.

February 22, 1987

Howard Beach Group Seeks New Friends in a Black Area, N.Y. Times (D.C. ed.) Feb. 22, 1987, at A39, col. 4.

Assemblyman Edward Abramson organized a meeting between residents of predominantly Black Rochdale Village and Howard Beach to try to improve race relations and to change Howard Beach's reputation. Ethel Nadel, a Howard Beach resident of 21 years, said "a community of 18,000 people cannot be put in the same boat as 12 hooligans spoiling for a fight."

March 2, 1987

Bronstein, *Laws to Curb Bias Attacks Weighed*, N.Y. Times (D.C. ed.), March 2, 1987, at B2, col. 1.

In the wake of the Howard Beach racial attack, New York City and state officials are proposing laws and procedures to deter hate crimes. The state's Human Rights Commissioner, Douglas H. White, said current state laws are sufficient to penalize criminals when it determined that a motive of bias exists.

March 7, 1987

James, *State Might Reduce Charges on Howard Beach Witness*, N.Y. Times (D.C. ed.), March 7, 1987, at 31, col. 1.

Since Robert Riley agreed to cooperate with the prosecution in the Howard Beach investigation, Special Prosecutor Charles J. Hynes has considered allowing Riley to plead guilty to a lesser charge. Since Riley agreed to testify, he has received threats and is now under constant police protection at his home. Two of the other defendants, Jon L. Lester and Gabriel Leone, remain incarcerated.

April 4, 1987

Davidoff, *How Lindsay Helped Race Relations*, N.Y. Times (D.C. ed.), April 4, 1987, at A27, col. 2.

Former administrative assistant under Mayor John V. Lindsay, Sid Davidoff, suggested that Mayor Koch respond to the Howard Beach attack like Mayor Lindsay responded to the racial tension which resulted from the sniper killing of a Black youth. Mr. Davidoff suggested that Mayor Edward I. Koch create storefront offices where residents could go to vent their anger and frustration. These storefronts served as neighborhood city halls.

April 5, 1987

Fried, *Hearings in Racial Attack Focus on Police Questioning of Suspects*, N.Y. Times (D.C. ed.), April 5, 1987, at A36, col. 1.

Bryan Levinson, defense attorney for accused Howard Beach attacker Jon L. Lester, is attempting to suppress statements made by Lester in which he accused some of the White gang members of swinging baseball bats at the three Black victims. Levinson argued that the statements were impermissibly solicited after Lester had requested an attorney. The prosecutor's office argued that Lester voluntarily waived the right to remain silent. As a result of his cooperation with the prosecutor's office, defendant Robert Riley will be permitted to forego trial and plead guilty to the charge of assault. Defendant Michael Pirone complained that prior to being questioned he was left sitting in a room at the police station for two hours.

May 22, 1987

Fried, *Driver Is Not Charged In the Death of a Black Fleeing Queens Youths*, N.Y. Times (D.C. ed.), May 22, 1987, at A1, col.

A Queens Grand Jury gave credence to driver Dominick Blum's account that he thought he hit a tire or an animal, and not a person, by voting not to bring criminal charges against him for striking and killing Michael Griffith in Howard Beach.

August 19, 1987

Fried, *Black Had Knife at Howard Beach*, N.Y. Times (D.C. ed.), August 19, 1987, at A1, col. 5.

Prosecutor Charles J. Hynes revealed that Howard Beach victim, Timothy Grimes, admitted displaying a knife at the start of the dispute. Hynes said that the knife, a two to three inch utility knife, was brandished in a defensive manner and would have no significant impact on the case. Defendants' lawyers say the revelation bolsters their argument that the Black victims were the aggressors.

September 6, 1987

Fried, *After Harsh Debate, First Trial Is Set to Start in Howard Beach Assault Case*, N.Y. Times (D.C. ed.), September 6, 1987, at A42, col. 1.

After eight months of public debate and legal maneuvering, participants believe the first Howard Beach trial is likely to begin with a difficult jury selection process. The prosecutors enlisted the aid of a professional jury consultant, whereas defense attorneys Gabriel Leone and Ronald Rubinstein said they would move for a postponement of the trial until the publicity died down. However, experienced lawyers say that it is unlikely that the motion will be granted. It is also estimated that the trial could take up to two months.

September 8, 1987

Kurtz, *Howard Beach Trial Opens Today*, Washington Post, September 8, 1987, at A3, col. 4.

The Howard Beach murder trial opened Tuesday, September 8, 1987, in a

Queens courtroom. Two of the defendants, Jon L. Lester and Scott Kern, have been charged with second degree murder. Defendant Michael Pirone, has been charged with manslaughter, and defendant Jason Ladone, has been charged with attempted murder and assault. Prosecutor Charles J. Hynes has been consulting with Boston District Attorney Newsom Flanagan, who successfully prosecuted a similar case. Both the defense attorneys and Hynes acknowledged that picking an unbiased jury will be time consuming because of the extensive newspaper coverage this case has attracted.

September 9, 1987

Fried, *Howard Beach Judge Starts Questioning Possible Jurors*, N.Y. Times (D.C. ed.), Sept. 9, 1987, at B4, col. 5.

Jury selection began in the first trial of the Howard Beach assault case. Justice Thomas Demakos questioned 32 of 150 prospective jurors. Justice Demakos explained that the jury selection process was divided into three stages. The first stage involves asking general questions to groups of sixteen potential jurors regarding issues of community, occupation and family. The second stage involves individual questioning in a conference room to prevent answers from prejudicing other prospective jurors. The final stage involves the questioning of individuals by the prosecution and defense attorneys. The lawyers involved said that the jury selection process could take approximately two weeks.

September 10, 1987

Fried, *Picking Howard Beach Jury: Sifting Outlook*, N.Y. Times (D.C. ed.), Sept. 10, 1987, at B4, col. 3.

Judge Demakos began questioning prospective jurors to determine if their opinions and attitudes would prevent them from being impartial jurors. Three of the fourteen people initially questioned were Black.

September 12, 1987

Purdum, *A Black Youth is Attacked in Queens*, N.Y. Times (D.C. ed.), Sept. 12, 1987, at A31, col. 4.

Even as jury selection continues in the Howard Beach assault case, police reported the interracial assault of a sixteen year old Black male in the Park Slope Section of Brooklyn. Police further report that this assault was the third to occur within the last eight days. Mayor Edward I. Koch, in acknowledging the problem, stated that there are too many instances of racial violence and urged judges to impose minimum one year sentences for people convicted of such violent assaults.

September 21, 1987

Shipp, *Judge for Howard Beach*, N.Y. Times (D.C. ed.), Sept. 21, 1987, at B3, col. 1.

Justice Thomas A. Demakos, who served as an assistant district attorney for seventeen years, has been called an even handed and fair judge by all segments of the legal community. Justice Demakos' judicial mettle will be tested as he rules on a motion by the prosecution to take corrective measures against the

defense attorneys, charged with using their peremptory challenges to keep Blacks off the jury.

September 22, 1987

Fried, *Howard Beach Jury Challenges are Held Biased*, N.Y. Times (D.C. ed.), Sept. 22, 1987, at A1, col. 1.

Justice Thomas Demakos, ruling on the prosecution's motion, held that the defense attorneys were using their peremptory challenges to exclude Blacks from the jury. The judge stated that he would not rescind what had occurred thus far, but future usage of peremptory challenges would be curbed. The judge noted that he was expanding the application of U.S. Supreme Court cases and several state court cases that prohibit the use of preemptory challenges to discriminate or exclude a particular group of people from a jury. Defense attorneys denied any impropriety and immediately appealed the decision. The defense attorneys also countercharged that the prosecution was abusing its peremptory challenges by intentionally excluding middle class White homeowners.

September 22, 1987

Shipp, *Peremptory Jury Challenges Face New Test*, N.Y. Times (D.C. ed.), Sept. 22, 1987, at B4, col. 4.

State and federal courts have increasingly recognized the claim that peremptory challenges have been impermissibly used to exclude particular groups from juries. The courts, as in Howard Beach, have responded by limiting or closely scrutinizing attorneys' use of the challenges.

September 26, 1987

A Fair Jury for Howard Beach, Washington Post, Sept. 26, 1987, at A26, col. 1.

Justice Thomas Demakos, suspecting a pattern of racial bias in jury selection, correctly held that defense attorneys must explain further challenges of Black jurors if prosecutor Charles J. Hynes objects. For decades, prosecutors utilized a biased jury selection process and defense attorneys were rarely questioned about it. However, the United States Supreme Court has recently admonished prosecutors that use of peremptory challenges to select potential jurors must be free of racial bias.

September 27, 1987

A Finding of Racial Bias As the Jury Is Selected, N.Y. Times (D.C. ed.), Sept. 27, 1987, at E6, col. 1.

The New York Supreme Court, Appellate Division, and the Court of Appeals in Albany both declined to interfere with Judge Thomas A. Demakos' ruling which prohibited the defense lawyers in the Howard Beach case from using their peremptory challenges to exclude Blacks from the jury.

September 29, 1987

Rangel, *First Black Juror Picked In Howard Beach Trial*, N.Y. Times (D.C. ed.), Sept. 29, 1987, at B2, col. 1.

In the first court session since the presiding judge ruled that defense attorneys would not be permitted to use their peremptory challenges to exclude Blacks from the jury, Beverly Minor was selected as the first Black juror. She was selected as the eighth juror despite objections by one of the defense attorneys. Three other Black citizens were considered for jury duty, however, they were also excluded. The special prosecutor used a peremptory challenge to exclude one prospective Black juror; defense lawyers gave what they called nonracial reasons for excluding the other two.

October 2, 1987

Fried, *12 From Queens Picked for Jury In Black's Death*, N.Y. Times (D.C. ed.), Oct. 2, 1987, at B2, col. 1.

The selection of the defense jurors in the Howard Beach murder trial has been completed. The panel consists of six White jurors, one Black juror, two jurors of Puerto Rican background, two Asian Americans and a man from Guyana whose roots go back to Asia. Seven of the twelve are men and five are women. Four alternate jurors have yet to be chosen in the New York Supreme Court in Queens.

October 4, 1987

Newark College Reaches Accord in Racial Dispute, N.Y. Times, Oct. 4, 1987, at 54, col. 1.

A White fraternity has been placed on probation for two academic years, beginning immediately, and its members will perform community service projects recommended by and in conjunction with four minority groups in settlement of a dispute arising from the fraternity's advertisement of a party. The advertisement said, "Howard Beach Goes to Trial," and it featured two illustrations, one depicting public concern over the subway shootings and the other showing a clothed skeleton in an abandoned elevator. The minority groups objected to the leaflet's distribution, saying that the handbill glorified racial violence against Blacks.

October 6, 1987

Fried, *Lawyer Reveals Events in Howard Beach Case*, N.Y. Times (D.C. ed.), Oct. 6, 1987, at B3, col. 5.

Stephen Murphy, attorney for Howard Beach defendant Michael Pirone, told reporters that, according to copies of the Grand Jury report released by the prosecution, defendant Robert Riley admitted to having taken a bat from defendant Scott Kern to have a weapon with which to hit the three Black men. Riley further stated that defendant, Jon L. Lester, took the bat from him. Riley's attorney, Richard Libett, stated that it would be improper for him to comment.

October 8, 1987

Fried, *Howard Beach Jurors Hear Divergent Views*, N.Y. Times (D.C. ed.), Oct. 8, 1987, at B1, col. 2.

Opening statements were made in the Howard Beach murder trial. Prosecutor Charles J. Hynes, in his opening statement, painted a picture of three Black men fleeing from a merciless gang of White youths. He graphically described how Cedric Sandiford was brutally beaten with a baseball bat, tire iron and tree limb. Defense attorneys, on the other hand, contended that the Blacks were the aggressors and that they were looking for trouble. As they listened to the opening statements, the jury gazed intently at a diagram of the area.

October 9, 1987

Fried, *Howard Beach Rescue Bid Recalled*, N.Y. Times (D.C. ed.), Oct. 9, 1987, at B1, col. 3.

Witness Theresa Fisher of Queens testified that, while visiting her sister, she heard screaming and as she looked out the door she saw a Black man being beaten by a group of White youths. Ms. Fisher further testified that she scoured the neighborhood to find and offer assistance to the victim after he escaped and fled. She also testified that she could not identify any members of the group, and, in light of the hostility she encountered, the subpoena is the only reason she is testifying. Also testifying was Jean Griffith, mother of the decedent Michael Griffith.

October 9, 1987

Howard Beach Witness Tells of Attack, Washington Post, Oct. 9, 1987, at A11, col. 4.

Theresa Fisher testified that she saw a dozen White youths surround a Black man and beat him with a crowbar, a tree limb and a baseball bat. She testified that the victim looked at her and pleaded for help.

October 14, 1987

Howard Beach Jury Hears 911 Tape, Washington Post, Oct. 14, 1987, at A15, col. 1.

Despite defense attorneys' objections, Justice Thomas Demakos allowed the jury to hear a police tape recording of Theresa Fisher and her sister Angela Romanillo as they urged a 911 emergency dispatcher to rush police to the aid of a Black man being beaten with a crowbar.

October 15, 1987

Fried, *2 Girls Do Not Support Statement On Howard Beach Incident*, N.Y. Times (D.C. ed.), Oct. 15, 1987, at B3, col. 1.

Two White teenage girls, called as witnesses for the prosecution, denied that the white youths had a baseball bat and yelled racial slurs. The witnesses stuck to this testimony even though it was inconsistent with statements previously given to the police. One of the witnesses, Claudia Calogero, the former girlfriend of defendant Scott Kern, was declared a hostile witness. Miss Calogero insisted that the Black men were the aggressors. She stated that Salva-

tore DeSimone was driving her home from a party when he stepped on the brakes as they saw three Black men cross the road. After an exchange of epithets, the Black men allegedly surrounded the car and the melee ensued.

October 16, 1987

Fried, *Man Struck in Howard Beach Recalls Start of Confrontation*, N.Y. Times (D.C. ed.), Oct. 16, 1987, at B1, col. 4.

Howard Beach victim Timothy Grimes recounted how ten White youths wielding a baseball bat and other weapons confronted him and two other Blacks in what authorities say was the start of the Howard Beach assault. Grimes said he pulled a knife and displayed it, causing the White youths to freeze momentarily. This enabled him to race from the scene but not in time to avoid a stick which hit him in the back. According to knowledgeable sources, Grimes is unable to identify any of the assailants.

October 20, 1987

Fried, *Witness in Howard Beach Case Erupts During Relentless Cross Examination*, N.Y. Times (D.C. ed.), Oct. 20, 1987, at B1, col. 3.

In reaction to what prosecutor Charles J. Hynes described as 'witness badgering' by defense attorney Stephen Murphy Howard Beach victim Timothy Grimes twice exploded in anger and frustration, refusing to continue his testimony. After consultation and encouragement from friends and ministers, Mr. Grimes continued his testimony.

October 20, 1987

Yen, *Howard Beach Victim Bolts From Stand*, Washington Post, Oct. 20, 1987, at A8, col.1.

Four court officers tried to subdue Howard Beach victim Timothy Grimes after he erupted in a rage as a result of the aggressive and antagonistic questioning by defense attorney Stephen Murphy. Unable to subdue Grimes, the officers ushered him from the courtroom.

October 21, 1987

Fried, *Guard Says He Saw Pursuit Of Blacks in Howard Beach*, N.Y. Times (D.C. ed.), Oct. 21, 1987, at B28, col. 5.

Citibank security guard, Alex Rios, testified that while on duty he watched 15 or 20 White youths chasing a Black man in Howard Beach, Queens. Rios further testified that he saw some of the pursuers return to the pizzeria. In another development Reverend Al Sharpton filed a complaint with court officials about the belligerent and antagonistic conduct of defense attorney Stephen Murphy.

October 22, 1987

Fried, *A Witness Says Suspect in Clash Had Ball Bat*, N.Y. Times (D.C. ed.), Oct. 22, 1987, at B5, col. 6.

Teenager Anthony Mauro testified that he and the defendants in the Howard Beach murder trial were among the guests at a birthday party early on the

morning of December 20th. Mauro said that the defendants left the party with some other youths, after someone mentioned a fight, and returned about forty minutes later. Mauro further said that defendant, Jon L. Lester, returned with a baseball bat in his hand.

October 23, 1987

Kurtz, *Death Chase Described In Howard Beach Trial*, Washington Post, Oct. 23, 1987, at A3, col. 5.

Howard Beach assailant Robert Riley testified that he and his friends chased Michael Griffith to the edge of the Beltway Park. He then heard a loud 'thud' and saw Griffith's body go up in the air after being struck by a passing car. Riley's account was the first to place defendants Lester, Kern, Ladone and Pirone in pursuit of Griffith at the parkway when he died.

October 23, 1987

Fried, *Attacker Describes Death at Howard Beach*, N.Y. Times (D.C. ed.), Oct. 23, 1987, at B1, col. 4.

Under cross examination, prosecution witness Robert Riley said that the pursuing Whites chased Griffith to a point about sixty feet from the traffic lanes. The defense lawyers say that this undermines the prosecution's argument that Griffith was left with no alternative but to cross the highway to escape his pursuers. In an attempt to impugn Mr. Riley's credibility, defense attorney Gabriel Leone questioned Riley about his plea negotiation and cooperation agreement with the prosecution.

October 24, 1987

Fried, *Lawyers Challenge Account of Howard Beach Witness*, N.Y. Times (D.C. ed.), Oct. 24, 1987, at A35, col. 5.

Defense attorneys attacked the credibility of the prosecutor's key witness, Robert Riley. The attorneys questioned Riley regarding his plea bargain agreement with the prosecutor's office and the discrepancies between his testimony at the trial and his testimony before the grand jury.

November 1, 1987

Fried, *Howard Beach Lawyers to Attack 2 Accounts*, N.Y. Times (D.C. ed.), Nov. 1, 1987, at A49, col. 1.

Defense attorneys have signaled that they will attack the credibility of Howard Beach victim Cedric Sandiford by showing that he was not as seriously injured as he claimed. Further, the defense lawyers will argue that the defendants are not responsible for Michael Griffith's death because Dominick Blum, the driver of the vehicle which struck Griffith, had not been driving with proper vigilance.

November 7, 1987

Motorist Unsure He Hit Howard Beach Victim, Chicago Defender, Nov. 7, 1987, at 14, col. 1.

Motorist Dominick Blum told reporters that he was still not sure he was the

driver who killed Michael Griffith. Blum said he was told that his car came in contact with the body, but he was not convinced his was the only car to strike the victim.

November 13, 1987

Fried, *Painful View of Howard Beach Case*, N.Y. Times (D.C. ed.), Nov. 13, 1987, at B3, col. 1.

Jean Griffith sat in a courtroom listening to graphic testimony describing how her son, Michael Griffith, was killed and her fiance, Cedric Sandiford, was severely beaten in Howard Beach. Griffith acknowledged that the testimony was painful but stated she had the strength to deal with what had happened because of God. Maria and George Toscano testified that they saw White youths encircle a staggering Black man and hit him with baseball bats and other weapons.

November 14, 1987

Fried, *Expert Rejects Drug Claim In the Howard Beach Death*, N.Y. Times (D.C. ed.), Nov. 14, 1987, at 31, col. 5.

Prosecution Drug Expert Dr. Kenneth Tardiff testified that, contrary to defense contentions, the cocaine in Michael Griffith's system had been taken too long before he died for the drug to have influenced his decision to run onto the highway. Defense attorney Ronald Rubinstein said he would call his own expert to testify that the cocaine could have affected Griffith's decision to run onto the highway.

November 17, 1987

Fried, *Black Witness Describes Beating in Howard Beach*, N.Y. Times (D.C. ed.), Nov. 17, 1987, at B1, col. 2.

Howard Beach victim Cedric Sandiford graphically described the beating he received at the hands of a gang of White youths. Sandiford also identified defendant, Jon Lester, as one of the assailants. According to police, Lester admitted beating Sandiford with a bat. However, Justice Thomas A. Demakos ruled that this statement was improperly obtained and was therefore inadmissible.

November 17, 1987

Yen, *Howard Beach Victim Tells of Beating*, Washington Post, Nov. 17, 1987, at A3, col.4.

Cedric Sandiford described the beating he received at the hands of a gang of White youths in Howard Beach. Sandiford's head wounds required sixty-six stitches. Sandiford, the last key witness for the prosecution, identified assailant Jon Lester and graphically described Griffith's body as it lay beside the road.

November 19, 1987

Fried, *Disparities Cited At Howard Beach Trail*, N.Y. Times (D.C. ed.), Nov. 19, 1987, at B3, col. 4.

One of the key issues in dispute in the Howard Beach murder trial is the location from which Michael Griffith ran onto the parkway where he was struck and killed. The defense attorneys say that the murder and manslaughter charges are based on a scenario of events that are incompatible with the earlier accounts that Sandiford reportedly gave police. The defense suggested that Sandiford was tailoring his trial testimony to conform to the prosecution's need to prove various charges.

November 23, 1987

Fried, *Howard Beach Defense Taking Over*, N.Y. Times (D.C. ed.), Nov. 23, 1987, at B3, col. 1.

The prosecution in the Howard Beach murder trial rested its case after calling sixty witnesses. Following a day off to prepare, the defense lawyers will call as many as a dozen witnesses. Among the witnesses to be called are a drug expert, police detectives and civilians. Defense attorneys say that defendants Pirone and Ladone will not testify; it is doubtful that defendant Lester will testify; and, it has not been decided whether defendant Kern will testify.

November 28, 1987

Howard Beach Case Goes to Jury, Washington Afro-American, Nov. 28, 1987, at 10, col.1.

The prosecution's star witness, Cedric Sandiford, wrapped up dramatic testimony in which he identified defendant Jon L. Lester as one of the assailants. Justice Thomas A. Demakos admonished defense attorney Ronald Rubinstein during his cross examination to stop screaming and yelling, as everyone was getting shell-shocked.

December 1, 1987

Fried, *Father of Youth In Queens Case Defends His Son*, N.Y. Times (D.C. ed.), Dec. 1, 1987, at B3, col. 1.

Harold Kern, father of Howard Beach defendant Scott Kern, maintained his son's innocence and testified that his son's statement to the police was incomplete and improperly obtained. Mr. Kern testified that his son, whom he accompanied to the police station, was not informed of his right to remain silent and consult a lawyer until after he had made the statement.

December 3, 1987

Fried, *Testimony Ends in Attack Trial of 4 Teenagers*, N.Y. Times (D.C. ed.), Dec. 3, 1987, at B4, col. 1.

Testimony ended in the three month old Howard Beach murder trial. Prosecutors called sixty-one witnesses and defense lawyers called thirteen. Justice Thomas Demakos said he expected jury deliberations to begin next Wednesday, after closing arguments Monday and Tuesday.

December 8, 1987

Fried, *Appeals Court Prohibits Cameras At the Howard Beach Summations*, N.Y. Times (D.C. ed.), Dec. 8, 1987, at B5, col. 1.

Under a new experimental state program allowing cameras at trials at the trial judge's discretion, news organizations requested permission to record the closing arguments and jury instructions. Justice Thomas A. Demakos, citing the concerns articulated by the defense attorneys, denied the news organizations permission to record. But Justice Alfred Lerner, acting under a provision of the program that allowed administrative judges to review the trial judge's ruling, held that Justice Demakos' concerns were unwarranted and the cameras should be allowed. The New York State Appellate Court, after hearing arguments on the matter, ruled that Justice Demakos did not abuse his discretion under the program and that Justice Lerner had erred in substituting his discretion for that of the trial justice.

December 8, 1987

Appeals Court Prohibits Cameras at Howard Beach Summations, Washington Post, Dec. 8, 1987, at A10, col. 2.

A state appeals court barred cameras from the Howard Beach trial's closing arguments, overturning an administrative judge's ruling allowing the cameras. The appeals panel ruled that the administrative judge erred in overturning a ruling by the presiding judge who earlier barred the cameras.

December 9, 1987

Fried, *Lawyer Argues Blacks Incited Attack in Queens*, N.Y. Times (D.C. ed.), Dec. 9, 1987, at B3, col. 5.

Defense lawyers made closing arguments reiterating their theory that the Howard Beach attack was not a racially motivated attack, but a fight precipitated by the hostile, aggressive Black men. The defense argued that the Whites acted out of fear after seeing the Black men display knives.

December 10, 1987

Fried, *Night of Hatred by Whites Is Depicted at Racial Trial*, N.Y. Times (D.C. ed.), Dec. 10, 1987, at B3, col. 5.

Chief Prosecutor Charles J. Hynes, in closing arguments of the Howard Beach murder trial, told the jury that no matter how the lawyers for the defendants tried to destroy the reputations of the Black men, the plain fact is that they had a right to walk through the streets of Queens County. He further told the jury that Jon Lester, Scott Kern, Jason Ladone and Michael Pirone killed Michael Griffith.

December 11, 1987

Fried, *Howard Beach Jury Gets Case and Asks to Visit Attack Scene*, N.Y. Times (D.C. ed.), Dec. 11, 1987, at B1, col. 4.

Following three hours of often complex legal instructions, the jury in the Howard Beach murder trial began deliberations. Prior to the deliberations, Justice Thomas A. Demakos announced that Beverly Minor, the only Black

juror, would be replaced by Felicia Chapman, who is also Black. Ms. Minor was dismissed because her son was ill and required hospital treatment. The jurors requested exhibits and asked to visit the scene in Howard Beach. Justice Thomas A. Demakos previously rejected a request by the prosecution for a visit.

December 11, 1987

Shipp, *Tense Lawyers Search For 'Dominant' Juror*, N.Y. Times (D.C. ed.), Dec. 11, 1987, at B4, col. 5.

The lawyers in the Howard Beach murder trial, especially the defense lawyers, say that the outcome of the trial depends on how well they have predicted the jurors' reactions based on either detailed, personal information or stereotypical responses of those with certain ethnic or socioeconomic backgrounds. The lawyers say they tailored their closing arguments to the jurors they deemed most important.

December 12, 1987

James, *Jury Is Denied Visit to Site of Howard Beach Incident*, N.Y. Times (D.C. ed.), Dec. 12, 1987, at 35, col. 1.

Justice Thomas A. Demakos denied the jury's request to visit the Howard Beach site. The judge told the jury to base their decision solely on the evidence presented at the trial. In another decision, the judge granted permission for still and television cameras to be present in the courtroom during the delivery of the verdict. The cameras will not, however, be allowed to show the jury nor will audio equipment be allowed to pick up the voice of the jury forewoman as she reads the verdict.

December 13, 1987

Shipp, *Black Lawyer Pleased by Special Prosecutor*, N.Y. Times (D.C. ed.), Dec. 13, 1987, at 54, col. 1.

C. Vernon Mason, a Black lawyer who has long argued that the criminal justice system has a double standard, praised Howard Beach Special Prosecutor Charles J. Hynes for his handling of the case. Mason said that Hynes' office has done an exemplary job and that New York City's five district attorneys should use Hynes' handling of the case as a model when dealing with cases of racially motivated violence and police misconduct.

December 13, 1987

Fried, *Howard Beach Jury Requests Testimony*, N.Y. Times (D.C. ed.), Dec. 13, 1987, at 54, col. 1.

Harold Kern, the father of Howard Beach defendant Scott Kern, said that his son was in court because he is a political prisoner. Kern said that the mayor and all the dignitaries called this a racial attack from the beginning without knowing all the facts. Kern believes that these are not racial attacks but rather confrontations provoked by the Black men.

December 13, 1987

Howard Beach Jury Rehears Testimony, Washington Post, Dec. 13, 1987, at A18, col.1.

The jury in the Howard Beach trial asked to have a court reporter read back the testimony of Theresa Fisher, who witnessed a dozen white youths beat Cedric Sandiford with bats and tree limbs.

December 16, 1987

No Verdict Yet in the Howard Beach Trial, N.Y. Times (D.C. ed.), Dec. 16, 1987, at B4, col. 3.

After six days of deliberations, the jury in the Howard Beach trial has yet to reach a verdict. The jury did spend much of the day having the testimony of key prosecution witness, Robert Riley, read to them.

December 17, 1987

No Verdict Reached Yet In Howard Beach Case, N.Y. Times (D.C. ed.), Dec. 17, 1987, at B6, col.6.

The jury in the Howard Beach trial deliberated for a seventh day without reaching a verdict.

December 18, 1987

Lyll, *Ex-Howard Beach Alternate Juror Discusses Case*, N.Y. Times (D.C. ed.), Dec. 18, 1987, at B3, col. 1.

Anthony Paterniti, an alternate juror dismissed by the judge in the Howard Beach trial, predicted that the jury would decide the case based on the evidence presented and would not consider the broader racial and social questions raised by the trial. Mr. Paterniti, who was dismissed after the judge heard that he was restless and frustrated, said he did not know what his verdict would have been had he been on the regular jury. But, he doubted the credibility of Robert Riley, one of the prosecutor's key witnesses.

December 20, 1987

Fried, *Howard Beach Jury Weighs Rule on the Testimony of Accomplices*, N.Y. Times (D.C. ed.), Dec. 20, 1987, at 42, col. 5.

In their tenth day of deliberation the jury in the Howard Beach trial requested the portion of the judge's instructions that dealt with an accomplice's testimony. The judge told the jurors that the corroborating evidence for an accomplice's testimony must tend to connect the defendants with the crimes they are accused of.

December 21, 1987

Fried, *Torturous Wait For Families of Defendants*, N.Y. Times (D.C. ed.), Dec. 21, 1987, at B1, col. 2.

The families of the defendants in the Howard Beach trial anxiously await the jury's verdict. Each time Justice Thomas A. Demakos convenes the court to respond to jurors' requests the anxiety heightens. In another development,

two remaining alternate jurors were dismissed but remained at the courthouse because of their interest in seeing the conclusion of the case.

December 21, 1987

Erlanger, *500 Mourn Man Killed In Queens*, N.Y. Times (D.C. ed.), Dec. 21, 1987, at B1, col. 6.

On the eleventh day of jury deliberations in the Howard Beach trial, a memorial service and mass was held for deceased victim Michael Griffith. In attendance was Jean Griffith, mother of the decedent, and Cedric Sandiford, also a victim of the Howard attack. A number of speakers urged the congregation of over 500 to attend a demonstration to be held at Borough Hall Park in Brooklyn as a part of "Day of Outrage for Black People of New York."

December 22, 1987

Kurtz, *3 Convicted of Manslaughter In '86 Howard Beach Attack*, Washington Post, Dec. 22, 1987, at A1, col. 5.

Three White teenagers, Jon L. Lester, Scott Kern and Jason Ladone were found guilty of second degree manslaughter in the killing of Michael Griffith. The fourth defendant, Michael Pirone, was acquitted of manslaughter and lesser charges. The jury also found Lester, Kern and Ladone guilty of first degree assault in the baseball bat beating of Cedric Sandiford. The manslaughter and assault charges carry separate terms of 5 to 15 years in prison. The jury rejected attempted murder charges.

December 22, 1987

Fried, *3 In Howard Beach Attack Are Guilty of Manslaughter*, N.Y. Times (D.C. ed.), Dec. 22, 1987, at 1, col. 1.

After 12 days of deliberations, the jury in the Howard Beach trial found three of the defendants Scott Kern, Jon L. Lester and Jason Ladone guilty of second degree manslaughter and first degree assault. The fourth defendant Michael Pirone was acquitted of all charges.

December 22, 1987

Fried, *Mistrial Sought After Disclosure About a Juror*, N.Y. Times (D.C. ed.), Dec. 22, 1987, at B10, col. 6.

Hours before the verdict was returned, defense lawyers asked for a mistrial because of a report that a television news producer, purporting to act as the agent for jury forewoman Nina Krauss, sought to sell her story to three newspapers. Justice Thomas A. Demakos denied the motion at a closed session. The defense lawyers reported that the judge would not hold a hearing based on hearsay information.

December 22, 1987

McFadden, *Racism Protest Disrupts Brooklyn Subway Service*, N.Y. Times (D.C. ed.), Dec. 22, 1987, at B1, col. 1.

In a protest against racism, several hundred people severed critical subway and bridge links between Brooklyn and Manhattan disrupting the homebound

rush of hundreds of thousands of commuters. Defying a judicial order, the predominantly Black demonstrators mounted the protest against racism as a result of various cases involving the police and the criminal justice system. Black attorney Alton H. Maddox, Jr., one of the protest leaders, cited the Howard Beach case; the death of Michael Stewart; the death of Yvonne Smallwood and other allegations as evidence of racism.

December 23, 1987

Lee, *To C. Vernon Mason, Justice in New York Is Guilty of Racism*, Wall Street Journal, Dec. 23, 1987, at 1, col. 1.

Profile on C. Vernon Mason, a Columbia Law School graduate. Mason's continuing struggle against racism and the inequalities in the criminal justice system lead to the Howard Beach case being tried differently with the appointment of a special prosecutor. Mason said he also acted to help defuse hostility and possible violence.

December 23, 1987

The Howard Beach Case, The Mobile New Times, Dec. 23, 1987, at 3, col. 1.

This editorial asserts that there can be no explanation for racist behavior but perhaps the Howard Beach convictions are a positive sign that at least perpetrators of racial violence will be brought to justice.

December 27, 1987

Erlanger, *After Howard Beach: A New Militancy?*, N.Y. Times (D.C. ed.), Dec. 27, 1987, at E7, col. 1.

The convictions in the Howard Beach trial seemed to temporarily diffuse some of the racial tension pervasive in New York City. But even as the jurors were in the final hours of deliberations about 500 people were stopping rush hour traffic. The disrupters complained of general unfairness to Blacks in the educational and criminal justice systems. The demonstration was intended to herald a revival of the tradition of militant civil disobedience associated with the '60's. Whether the protest is the beginning of a sustained movement, however, few pretend to know.

December 27, 1987

Lyall, *2 Blacks Attacked in Brooklyn*, N.Y. Times (D.C. ed.), Dec. 27, 1987, at 38, col. 5.

Two Black men, Steven Lamont and his brother Sylvester Lamont, were sat upon and beaten by a group of White youths in Brooklyn. The Whites said "this is our Howard Beach." The police, who reported a doubling of racially motivated acts in the year since the Howard Beach attack, say that Douglas Milliband was arrested at the scene and charged.

December 27, 1987

Morgan, *Howard Beach Juror Cites Victim's Fear*, N.Y. Times (D.C. ed.), Dec. 27, 1987, at 38, col. 4.

Howard Beach juror, Chester Li, noted that the jury responded with a manslaughter conviction, rather than murder, because they believed that fear, generated by the chase, caused the victim's death. Consequently, there was insufficient evidence to convict the defendants of murder.

December 28, 1987

Raspberry, *Seeing Things in Black and White*, Washington Post, Dec. 28, 1987, at A21, col. 1.

This commentary on the Howard Beach case notes that, despite the significant racial progress of the last two decades, both Blacks and Whites correctly believe that race colors our perception of justice. The commentator noted that the sad truth is that there was nothing the jury could have done to reach the deeper problem that the case uncovered: the radically different assumptions Blacks and Whites make about racial justice in America.

December 28, 1987

Kempton, *You Need to Have a Heart to Break*, Washington Post, Dec. 28, 1987, at A21, col. 2.

Commentary on the effects of the bittersweet victory of the Howard Beach trial on chief prosecutor Charles J. Hynes.

January 3, 1988

Hevesi, *Blacks March in Brooklyn in a Protest of Racism*, N.Y. Times (D.C. ed.), Jan. 3, 1988, at 21, col. 1.

Following the Howard Beach trial and the beating of two Black men in Bath Beach, Brooklyn, Reverend Al Sharpton, a Brooklyn minister, organized a march to protest racial discrimination. An estimated 1,000 police officers were on hand to protect the approximately 450 marchers as whites, shouting epithets, taunted them.

January 6, 1988

Payne, *Howard Beach Verdict Came Under Pressure*, St.Louis American, Jan. 6, 1988, at 5A, col. 1.

Commentary remonstrating New York City's current judicial system and noting that the compromise manslaughter verdict in the Howard Beach case did not issue from a normally functioning judicial system but rather from extraordinary pressure exerted by Blacks to override that system. The commentator also praised Black attorneys, Alton H. Maddox, Jr. and C. Vernon Mason, for their handling of the case.

January 9, 1988

Chavis, *Howard Beach is Everywhere*, Michigan Chronicle, Jan. 9, 1988, at 6A, col. 3.

Commentary noting that Howard Beach is indicative of the racially motivated violence that is pervasive nationally. Declaring that no African-American is exempt from racially motivated violence, the author related several incidents which occurred in Prince George's County, Maryland, including the shooting of Black police officer James Gordan and the brutal beating of Black teenager Sir Kaylin Edwards. The author concluded that, given the present national climate, racial incidents will continue to increase unless justice is demanded each time an incident occurs.

January 17, 1988

Wycliff, *To Blacks, City's Racial Unease Is No Cause for Consensus*, N.Y. Times (D.C. ed.), Jan. 17, 1988, at E8, col. 1.

Many of New York's traditional civil rights organizations and their leaders quietly disapproved of the day outrage demonstrations coordinated by Reverend Al. Sharpton, attorney C. Vernon Mason and attorney Alton H. Maddox, Jr., after the Howard Beach racial attack. As an alternative to demonstrations, which are deemed to be of limited value, a group of forty clergymen, businessmen and civic leaders offered a three point plan of empowerment for New York Blacks. One of the group, Reverend Benjamin Chavis, Jr., acknowledged that the strategy represents a gamble which, if successful, would unite Blacks.

January 23, 1988

Fried, *Howard Beach Defendant Given Maximum Term of 10 to 30 Years*, N.Y. Times (D.C. ed.), Jan. 23, 1988, at 1, col. 4.

Denouncing Howard Beach defendant Jon L. Lester for the hatred and savageness of his actions, Justice Thomas Demakos imposed the maximum sentence of 10 to 30 years on the youth. The justice told Lester that he would have to serve a minimum of 10 years before becoming eligible for parole. Defendant Scott Kern is to be sentenced on February 5, 1988, and defendant Jason Ladone is to be sentenced on February 11, 1988.

February 23, 1988

Kurtz, *Howard Beach Youth Given 30-Year Term*, Washington Post, Feb. 23, 1988, at A3, col 1.

Citing Howard Beach defendant Jon Lester's lack of remorse, Justice Thomas Demakos sentenced Lester to a thirty year prison term for manslaughter and assault. In rejecting the pleas for leniency, Demakos said that he was troubled that none of the 1,500 letters received on Lester's behalf expressed remorse about Griffith's death.

January 11, 1988

Fried, *Howard Beach Judge Assailed*, N.Y. Times (D.C. ed.), Jan. 11, 1988, at B3, col. 1.

Jean Lester, mother of convicted Howard Beach defendant Jon L. Lester, criticized Justice Thomas Demakos, asserting that the judge had acted as a prosecutor. In a related development Scott Kern, who was sentenced to 6 to 18 years for his conviction, was released on \$300,000 bail while the appeal of his conviction is argued.

February 12, 1988

Fried, *Youth Gets 5 to 15 Years for Howard Beach Attack*, N.Y. Times (D.C. ed.), Feb. 12, 1988, at B1, col. 5.

After publicly expressing remorse, Howard Beach defendant Jason Ladone was sentenced to 5 to 15 years for his second degree manslaughter and first degree assault convictions. Justice Thomas Demakos cited Ladone's exemplary record prior to the attack as the reason for not sentencing Ladone as severely as the other two defendants.

February 20, 1988

Fried, *A Howard Beach Defendant Goes to a Closed Court Session*, N.Y. Times (D.C. ed.), Feb. 20, 1988, at B3, col 1.

A defendant in the Howard Beach racial attack case appeared at a closed court proceeding, and lawyers for the defendants expressed concern that the teenager who appeared had secretly pleaded guilty. The teenager who appeared, Harry Buonocone, 19 years old, is one of two defendants previously reported to have been negotiating plea deals with Justice Thomas Demakos of the State Supreme Court in Queens. After the New York Times had protested the closures to an appeal court, Justice Demakos held a hearing at which a lawyer from the New York Times is to argue that the session and any similar ones planned should be open to the public.

February 26, 1988

Fried, *Passing Lie Test Said to Lead To Howard Beach Plea Deal*, N.Y. Times (D.C. ed.), Feb. 26, 1988, at B5, col. 1.

A plea deal in the Howard Beach racial attack case was made possible when a defendant passed two lie detector tests backing his position that he had not seen the beating of the Black victim. Salvatone Desimone, pleaded guilty Tuesday to a riot charge for his part in the attack. Under the plea agreement, Mr. Desimone is to be sentenced to probation and required to perform community service. The deal does not require him to testify for the prosecution.

June 4, 1988

Fried, *Jury's Racial Makeup Is Disputed*, N.Y. Times (D.C. ed.), Jun. 4, 1988, at 31, col. 3.

The prosecution in the second trial in the Howard Beach racial attack case asserted that some defense lawyers discriminated against Blacks during jury selections. The judge suggested that the prosecution not press its charge, indi-

cating he thought it had become moot. The development came as the second week of jury selection ended for the unusual trial in which two juries will hear much of the same evidence but deliver separate verdicts for the different defendants.

June 7, 1988

Fried, *A Key Witness Missing In Howard Beach Case*, N.Y. Times (D.C. ed.), Jun. 7, 1988, at B3, col. 5.

A victim and key prosecution witness in the Howard Beach racial attack case could not be located, raising the possibility that he will not be available to testify at the second trial of the case. Head prosecutor James Kohler stated that if nineteen year old Timothy Grimes fails to testify, it "could be harmful" to the prosecution. Kohler, yesterday, confirmed reports that Mr. Grime's whereabouts were unknown. Jury selection for the trial continued in State Supreme Court in Queens.

June 14, 1988

James, *2d Howard Beach Juries Hear Initial Statements*, N.Y. Times (D.C. ed.), Jun. 14, 1988, at B3, col. 1.

The second Howard Beach trial began in Queens yesterday. The prosecutor claimed that the evidence would show that the five defendants participated in "a race riot in every ugly sense of the word" when they confronted three Black men outside a pizza parlor in December 1986. Both juries will hear testimony on the riot charges arising from the confrontation involving three Black men and twelve White teenagers outside a pizza parlor in Howard Beach. Afterwards, the jury deliberating the riot charges will leave. The jury considering the riot, attempted murder and assault charges will remain to hear testimony arising from the assault later that morning on Cedric Sandiford.

June 22, 1988

Fried, *5 in Racial Case Refuse to Testify In Second Trial*, N.Y. Times (D.C. ed.), Jun. 22, 1988, at B2, col 6.

Five young White men who were convicted of crimes or pleaded guilty in the Howard Beach racial attack invoked their rights yesterday not to testify against five other defendants on trial in the case. The five who refused to testify had been expected to follow that course. Three of the five were convicted of manslaughter in the trial last year. If their pending appeals succeed and they are retried, anything they say as witnesses at the current trial can be used against them.

June 24, 1988

Fried, *Key Howard Beach Witness Sought*, N.Y. Times (D.C. ed.), Jun. 24, 1988, at B3, col. 2.

As one victim of the Howard Beach racial attack testified in a Queens court yesterday another was being sought by the authorities in Virginia on charges that he shot and seriously wounded his brother this week. The search by the Virginia authorities involved the third Black man assaulted at Howard Beach, Timothy Grimes. The Frederick County Sheriff's Department in Virginia

said yesterday that the 20 year old man was being sought on a warrant charging him with malicious wounding in the shooting of his older brother, Tommy Grimes, at an aunt's home outside Winchester Monday evening.

July 5, 1988

Hays, *Attack Victim In Race Case Is Arrested*, N.Y. Times (D.C. ed.), Jul. 5, 1988, at B1, col. 6.

Timothy Grimes, a victim in the Howard Beach attack, was arrested in Coney Island after being recognized by an uniformed officer on patrol from the 60th Precinct. Mr. Grimes was arrested on a fugitive warrant issued by the Frederick County Sheriff's Department in Virginia, where he is charged with malicious wounding in the shooting of his older brother, Tommy Grimes, of Berryville, Virginia, on June 21 near their aunt's home in Winchester, Virginia.

July 15, 1988

Howard Beach Defendant Acquitted, Washington Post, Jul. 15, 1988, at A8, col. 4.

A jury today acquitted Thomas Gucciardo of attempted murder, assault and riot in the 1986 Howard Beach attack by a gang of White youths on three Black men, resulting in the death of Michael Griffith who was struck by a car. Three youths were convicted in an earlier trial of manslaughter. A fourth youth was acquitted at that trial.

August 8, 1988

Three Youths Convicted In Howard Beach Case, Jet, Aug. 8, 1988, at 33, col. 1.

Three White youths from Howard Beach were convicted of misdemeanor riot charges, but acquitted of felony riot charges, that stemmed from the racial attack of three Black men in a Queens neighborhood which resulted in the death of Michael Griffith. Facing a maximum sentence of a year in jail are William Bollander, 18, James Povinelli, 18, and Thomas Farino, 18. The fourth defendant, John Saggese, 20, was acquitted of felony and misdemeanor riot charges by the jury of six Whites, three Blacks and three Hispanics. With the last convictions, a total of six White youths involved in the attack have been convicted.

September 24, 1988

Fried, *Youth Who Aided Howard Beach Case Gets Term*, N.Y. Times (D.C. ed.), Sept. 24, 1988, at 29, col. 3.

Robert Riley, 19 years old, one of the prime assailants in the Howard Beach racial attack was sentenced to six months in jail by Judge Thomas A. Demakos of the State Supreme Court in Queens. Riley cried during the sentencing stating, "Nothing I can do or say can bring Michael Griffith back to life. This is something that will haunt me always." The views are mixed whether Riley cooperated with the authorities to get the best deal for himself, or as a matter of conscience. Riley's cooperation with the prosecutor was vital in obtaining the conviction of the others charged in the racial assault, accord-

ing to Charles J. Hynes. Riley, requiring 24-hour police protection, has been ostracized by his neighbors because he cooperated with authorities.

September 24, 1988

Periz and Hurewitz, *Howard Beach Snitch Gets 6 Months In Jail*, N.Y. Post, Sept. 24, 1988, at 4, col. 1.

This article describes how Riley has been treated as a result of his cooperation with authorities. He has been ostracized by his community; dead rats have been tossed onto his front porch; and he had to complete his senior year at home. Riley was sentenced to six months at Rikers Island, required to do 400 hours of community service and received five years probation. Judge Thomas A. Demakos granted Riley youthful offender status — his record will not show the crime.

September 25, 1988

How 12 Defendants Fared in Court, N.Y. Post, Sept. 25, 1988, at 4, col. 2.

The following summary by the N.Y. Post shows the outcomes in the 12 cases of defendants charged in the Howard Beach cases:

1. *Jon Lester*, convicted, second degree murder, first degree assault, conspiracy and sentenced to ten to thirty years in prison.
2. *Scott Kern*, convicted, second degree murder, first degree assault, conspiracy and sentenced to six to ten years in prison.
3. *Jason Ladone*, convicted, second degree manslaughter, first degree assault and sentenced to five to fifteen years in prison.
4. *Robert Riley*, pleaded guilty to second-degree assault and sentenced to six months in jail.
5. *William Bollander*, convicted of a misdemeanor to riot and sentenced to four months of weekends in jail.
6. *James Povinelli*, convicted of misdemeanor to riot and sentenced to four months of weekends in jail.
7. *Salvatore De Simone*, pleaded guilty to first-degree riot and criminal facilitator and received five years probation and 200 hours of community service work.
8. *Harry Buonocore*, pleaded guilty to first degree riot, and received five years probation and 200 hours of community service work.
9. *Thomas Farino*, convicted of misdemeanor riot and sentenced to four months of weekends in jail.
10. *Michael Pirone*, acquitted of manslaughter, riot and assault charges.
11. *Thomas Gucciardo*, acquitted of attempted murder, assault and riot.
12. *John Saggese*, acquitted of felony and misdemeanor riot.

September 29, 1988

Marriott, *Koch Rebuilding Rights Commission, Names 13 to It, 11 New*, N.Y. Times (D.C. ed.), Sept. 29, 1988, at B4, col. 1.

The Howard Beach racial attack against three Black males, leaving one dead, caused a mayoral panel to conclude that the New York Human Rights Commission was doing a poor job.

AUTHOR'S NOTE—On August 28, 1989, Robert Riley appeared before Justice Thomas Demakos to begin serving his 6-month sentence at the Brooklyn House of Corrections. *Howard Beach Witness Begins 6-month Term*, N.Y.

Times (D.C. ed.), Aug. 29, 1989 at B4, col. 1. On December 11, 1989, the New York Supreme Court of the Appellate Division (2d Dept.), reversed the convictions of William Bellander, Thomas Fanno, and James Povinelli on technical grounds "without prejudice to the People to re-present any appropriate charge to another Grand Jury." *People v. Bollandar*, 549 N.Y.S.2d 27, 28 (A.D. 2 Dept. 1989). On March 29, 1990 the New York Court of Appeals upheld the convictions of Jon Lester, Scott Kern and Jason Le Done. See Verhovek, *New York Court Says Defendants Can't Reject Jurors Based on Race*, N.Y. Times, March 30, 1990, at 1, col. 5.