Why You Should VOTE!

A Walk Through the History of Blacks and the Ballot

The Soul of New Orleans

Page 2

Newsmaker
Rep. Waters Lashes out at ‘False Allegations’

State & Local
NOLA Community Book Store Celebrates 30 Years

Page 4

Page 5
Cover Story

Why You Should Vote

A Walk Through the History of Blacks, the Ballot and the Strides Towards Freedom, Justice and Equality of a People

Edwin Buggage
Editor

Voting, Citizenship and Three Fifths A Person

We are on the eve of yet another election, and it is incumbent that people get out and vote. And while voter apathy is something that cuts across racial lines, it is important that African-Americans understand the historical backdrop and why African-Americans must vote not only in this election but every election.

When we examine the History of America, where the founders fought against tyranny Declaring their Independence in 1776 and stating that “All Men are Created Equal.” And after a Revolutionary War a Constitution was put in place that states in its Preamble, “We the People, in order to establish a more perfect union, establish justice.” But these laudable words were not translated into action by the framers of this nation by the time the Constitution was drafted in 1787.

Black humanity was already an issue as this country began as it was in the throes of the evil institution of Chattel Slavery. A dehumanized institution that relegated humans to the status of another person’s property and to be bought and sold like farm animals.

With that as a backdrop, the framers of liberty did not consider their darker brothers as being part of the family of full humanity. When it was said and done these flawed men came up with the 3/5ths Compromise where Blacks were counted as 3/5th of a White person. This has led to a tenuous relationship that African-Americans have with their legal citizenship and to be recognized as full human beings with the same rights and Whites.

Many fought and died for Civil Rights. New Orleans CORE Members that participated in the Freedom Rides, clockwise Julia Aaron, Dave Dennis, Jean Thompson, and Jerome Smith.
Cover Story, Continued from page 2.

Up from Slavery and the Myth of Abraham Lincoln

After the country was involved in the Civil War; that was less about abolishing Slavery something and more about preserving the Union. And while the Great Emancipator, Abraham Lincoln himself, would evolve over time to be in favor of accepting limited Black suffrage he was not a proponent of Black equality.

In one of his famous debates with Stephen Douglas in 1858, Lincoln said on the question Black Equality, “I will say then that I am not nor have I ever been, in favor of bringing about in any way the social and political equality of White and Black races. He also stated that he opposed Blacks having the right to vote, to serve on juries, to hold office and to intermarry with Whites.

But determined abolitionist led by Frederick Douglass fought for Black Equality, after the Civil War ended the 13th, 14th and 15th Amendments were added to the U.S. Constitution, ending slavery, giving Blacks equal protection under the law and granting Black males the right to vote. Under Reconstruction, Blacks held offices in states across the former Confederate States with Louisiana having elected officials at the local and state level rising to the offices of Lt. Governor and Governor.

Reconstruction, Reconstruction and Destruction of Blacks and the Right to Vote

But in a controversial Presidential Election of 1876 over electoral votes, the Republicans made a deal with the Southern Democrats. First Southerners agreed to support Republican candidate Rutherford B. Hayes for President. With Republicans promising to withdraw troops from the south and abandonment of federal enforcement of Black rights, which included their right to vote.

Also, White terrorist groups such as the Ku Klux Klan in Tennessee and the White League in Louisiana fought to suppress the Black vote and other gains by Blacks during Reconstruction. Within a few years, the Southern States Government required Blacks to pay voting taxes, pass literacy tests and many other unfair practices to discourage and prevent them from voting.

These practices reduced the numbers of Blacks in Louisiana from voting. That according to the 1900 Census was 47 percent of the state’s population had been reduced from a high of 130,334 during Reconstruction to 5,320 by 1900 and by 1910, only 730 Blacks were registered to vote, less than 0.5% of eligible Black men. In 27 of the states 60 parishes (today 64 parishes), not a single Black voter was registered. In nine more parishes only one Black voter was registered.

Strides Towards Freedom: Civil Rights the Wrongs of America

In the period most know of the Modern Civil Rights Movement of the 1950’s and 60’s led by Dr. Martin Luther King Jr. and many others that include New Orleans own heroes and heroines that Rev. A.L. Davis, Rev. Avery Alexander, Orelha Castle Haley, Julia Aaron, Jerome Smith, Rudy Lombard, and so many others who fought for full enfranchisement of African-Americans.

These collective strides toward freedom eventually led to the signing of the Civil Rights Act in 1964 and the Voting Rights Act in 1965. These laws as others were met with resistance by Whites, but as people came to know their rights they began the march towards going to the polls electing Blacks as mayors, city council persons and other elected offices.

Closer to home, New Orleans elected its first Black Mayor in 1977, Ernest Dutch Moral, who was also the first Black to serve in the Louisiana Legislature since Reconstruction. This was contributed to demographic shifts and laws that allowed Blacks began to vote and hold leadership positions in New Orleans and cities across America.

This was a time when Blacks given the vote came out in higher numbers and believed that leadership selected by them would result in better results in their communities. This was met with mixed results as was realized that politicians whether White, Black or other are both good and bad.

But it must be noted that the symbolic gains were beneficial in that they inspired people who’d been excluded from choosing their leaders. And as they gained power it was necessary to note that citizens demand accountability. That the power was not with the politicians alone, but with them as civic engagement was necessary to continue the climb forward for African-Americans and that voting alone would not solve the problems of the community and that a holistic approach would be needed to address issues facing the African-American community.

Restoring Hope through the Vote

Today across America some have chosen not to exercise their right to vote. In many elections in New Orleans there have been elections where less than 25 percent of registered voters cast a ballot. Blacks, who have had a temenos and a stain history of citizenship, equal rights and justice cannot afford not to vote.

But what must be realized is that today symbols of progress while sufficient in the 1960’s and 70’s are not acceptable. That we need leadership and also, we must advocate and press our elected leaders for greater accountability. There must be a renewing of the citizens and their commitment to civic action and engagement. So, going to the polls is one way to have a hand in influencing what is to become public policy.

In an age of Trumpism we are witnessing the last grasp of systematic White male privilege in a country that by 2045 will become majority people of color. Today we are witnessing some of the same vitriol and resentment politics that is reminiscent of the worst times in our history.
Rep. Waters Lashes out at ‘False Allegations’

By Stacy M. Brown
NNPA Newswire Contributor

Democratic California Rep. Maxine Waters went on the defensive when pundits and media friendly to President Donald Trump accused one of her staff members of secretly releasing the personal information of three Republican senators.

Waters and Trump have long feuded with the president calling her names and Waters simply calling for his impeachment.

However, as the contentious confirmation hearings of Trump’s Supreme Court nominee, Judge Brett Kavanaugh, roared on, allegations continued.

While the testimony of Dr. Christine Blasey Ford took place in the Senate Judiciary Committee hearing room, South Carolina’s Sen. Lindsey Graham and his GOP counterparts, Sen. Orrin Hatch and Sen. Mike Lee of Utah, saw information that included their phone numbers and addresses leaked onto Wikipedia.

Gateway Pundit and RedState, both Trump-friendly sites, reported that the IP address responsible for the leak was associated with Waters’ office and a staff member was responsible.

Waters went on the offensive:

“Lies, lies, and more despicable lies. I am utterly disgusted by the spread of the completely false, absurd, and dangerous lies and conspiracy theories that are being pedaled by ultra-right-wing pundits, outlets, and websites who are promoting a fraudulent claim that a member of my staff was responsible for the leak of this information,” she said in a statement sent to various news outlets, including the NNPA Newswire.

“This unfounded allegation is completely false and an absolute lie,” Waters said.

She continued:

“The United States Capitol Police and our internal IT specialist have determined that the IP address in question does not belong to my office or anyone on my staff.

“The member of my staff — whose identity, personal information, and safety have been compromised as a result of these fraudulent and false allegations — was in no way responsible for the leak of this information.

“My office has alerted the appropriate authorities and law enforcement entities of these fraudulent claims. We will ensure that the perpetrators will be revealed, and that they will be held legally liable for all of their actions that are destructive and dangerous to any and all members of my staff.”

@StacyBrownMedia

After the Civil War ended the 13th, 14th and 15th Amendments were added to the U.S. Constitution, ending slavery, giving Blacks equal protection under the law and granting Black males the right to vote. Under Reconstruction, Blacks held offices in states across the former Confederate States with Louisiana having elected officials at the local and state level rising to the offices of Lt. Governor and Governor.

No longer can Blacks sit idly by and not be engaged at the polls. This election as is all elections is important. Recently, we made history by electing the City’s first woman Mayor, LaToya Cantrell. On this ballot of special importance is Louisiana Constitutional Amendment 2 regarding non-unanimous verdicts in serious felonies. Something that is a Jim Crow Era Law that’s still on the books and is the cause of many Blacks being sentenced to long prison sentences including life behind bars.

When it comes to Blacks voting, there are still those who try to obstruct. But the mountain climb to full equality that seemed insurmountable for our fore parents has been reduced to a speed bump in the 21st Century. If we are proactive and organized, we can get to the polls. This must be a priority for us as a people if we are to not only survive but thrive.

In 2018 we as African-Americans have the opportunity to vote without poll taxes, literacy test, the Ku Klux Klan and other White terrorist organizations keeping us away from the polls. So, on Nov. 6th get out and restore hope and continue the fight for liberty, justice and equality through the vote. Let your voice be heard and shape the history of this city, state and nation.
When walking into the Community Book Store, it’s almost as if you are stepping inside of a piece of Black History itself. On the back wall of the store, next to the window, you will find T-shirts, with themes and colors resembling those of African tribes. Hanging from another wall, there are paintings of local artists. In one corner towards the store back sits a shelf with strictly self-care items, shea butter jars in many different sizes, and African black soap and essential oils. Turn another corner, and there are rows and rows of books varying in size, color, and subject, but they have one thing in common: they’re all only written by Black authors. This wasn’t a feat that was done overnight, however. On Sept. 28th, the Black-owned, Bayou Road bookstore celebrated 30 years of service to the New Orleans community.

The Community Book Store was founded on Sept. 28, 1983, by Vera Warren-Williams, a New Orleans native, who started selling books in her trunk. It was started as a home-based community service, to provide educational materials to African-American students, so that they could see themselves represented in those materials. Coming from a family where doing social activism was the norm, giving back to her community was something that came natural to her.

"By going into the classrooms, I realized that there was a void. And so, I began bringing my own books from my own personal library into the schools, and it had a profound effect on the children," Warren-Williams said. "Then people started to borrow my books, so that gave me an idea to order books and sell them, so people could have the same books that I have," she said.

Warren-Williams has created a space within her bookstore, where people from all walks of life can come together and discuss things that are happening within their community. As soon as patrons walk in the door, she greets them with a hello and a smile. Her close friend from Howard University, Tina McLendon recounts how her friend always had a caring and loving personality.

"Even in college, she always had that giving part of her personality," McLendon said, "she was always thinking about the community." The community where the building is located is along Bayou Road, a part of New Orleans where the streets are lined with other Black owned businesses. These entrepreneurs vary from owning restaurants to clothing stores. The bookstore has been at this location for more than 10 years and is something that Warren-Williams is very proud of.

"We’ve persevered through Katrina, and all of the other things that have come up since our conception," Warren-Williams said.

"We’re more than a bookstore, we’re a gathering place," Warren-Williams said, "people come and hang out, they talk.

Local residents who come into the bookstore consider Warren-Williams like family, like Sonya Williams, who considers herself a regular, and loves coming to the bookstore and helps out around the store in her spare time.

“I come to the community bookstore a lot,” Williams said. “They host so many community events, and they create this sense of community I just love being around.” Williams isn’t the only one who feels that way, dozens of residents visited the bookstore on its anniversary, interacting with other customers, as well as Warren-Williams.

“Helping Black children understand their self-worth will always be one of my greatest accomplishments,” Warren-Williams said.
In just five short years the Bogalusa Blues & Heritage Festival has become known as one of the best festivals in the New Orleans region and Gulf Coast. Putting on a slate of entertainers tilted heavily toward the blues each year, the word is out... Bogalusa is THE festival to attend outside of New Orleans. What New Orleans is to jazz, Bogalusa is to the blues and you know what? Data was there!!!
Data Zone, Continued from page 6.

Visit www.ladatanews.com for more photos from these events.
Our 45th President rushed back from his United Nations meeting in New York to watch the hearing of his Supreme Court nominee, Brett Kavanaugh, and his accuser Dr. Christine Blasey Ford. Reportedly, he was impressed by Dr. Ford, but excited by Kavanaugh's belligerently offensive session with the senators. From my perspective, Kavanaugh was disgraceful. He attacked Democratic senators, at one point asking Minnesota Senator Amy Klobuchar if she had a drinking problem! His angry, entitled temperament was inconsistent with Supreme Court service. But by the time this is published he is likely to have been voted onto the court.

While the Supreme Court deliberations have dominated the news, it is essential to consider the way that 45 appeared on the world stage. First, he was inexplicably and rudely late to the UN, signaling his own contempt for the organization and its members. Indeed, according to New York reporter Robin Wright, the UN had to scramble to find another speaker to fill in 45’s assigned time. Then, just minutes after 45 began talking, the assembled group started laughing at him. Undoubtedly, they were amused about his assertions of having done more than any other Administration in US history. 45 was speaking to more than one hundred and thirty heads of state and dozens of other delegations. They laughed because 45 is truly funny.

As he ran for President, 45 constantly scolded that our country was the “laughstock” of the world. Then he stood in front of other world leaders and proved them correct. Our nation is not a laughstock, but President Trump surely is. He is out of touch with the rest of the world, out of order in his dealings with others, and out of control with his myopic “America First” philosophy.

We may still be the most powerful nation in the world, but we are holding onto that perch only tentatively. We’re not the largest country in the world. The population of India, at 1.35 billion, or the population of China, the world’s most populous nation, at 1.41 billion people, dwarfs our population of roughly 326 million people. We are a scant 4.3 percent of the world population. India is 17.7 percent of the world population, and China is a whopping 18.5 percent of the world population. Population size is not necessarily an indicator of power, and most concede that the United States remains a significant world leader. But we are a world leader now led by a clown, the laughstock of the world. And in embracing an “America First” doctrine, we isolate ourselves from others and diminish our own world power.

Our power has come from our ability to play well in the world. It has come from our embrace of globalism. Indeed, our economic growth has often been a function of our global role. People want to come to the United States, to study the United States, to vacation in the United States and to enjoy the products and brands of the United States (McDonald’s and Nike are but two examples). Our President’s behavior repels people from the United States instead of attracting people to us. His jingoistic “America First” speech belied decades of international cooperation. His notion that nations are better off going it alone than working in collaboration is isolationist nonsense. His speech would have been better delivered to his sympathizers who drink his Fool Aid than to a thoughtful international audience of his peer world leaders. “America is governed by Americans,” 45 said. “We reject the ideology of globalism, and we embrace the doctrine of patriotism. Inside everyone in this great chamber today, and everyone listening all around the globe, there is the heart of a patriot that feels the same powerful love for your nation, the same intense loyalty to your homeland. It is possible to be a patriot and also embrace globalism, especially if we are thinking of our nation’s well being in the long run. In other words, the world is interconnected, and our countries are intertwined. What would we have to give up if we “went it alone”? I don’t think 45 is capable of thinking through this. What if countries decided to stop doing business with us? What products would we have to give up?

At the United Nations meeting last year, 45 ridiculed North Korean President Kim Jong Un as “Little Rocket Man.” Now Mr. Rocket Man is his new best friend, worthy of 45’s praise. 45 heralded his June summit with Kim Jong Un as a success.

Malveaux, Continued on page 10.
Making the Case for Voting Yes on Amendment 2 (Non-Unanimous Jury Law) on November 6

Angela A. Allen-Bell
Associate Professor of Legal Writing and Analysis, Southern University Law Center

On November 6, 2018, we will decide the most important Criminal Justice Issue of our lifetime. This is because of the multitudes of people affected by Louisiana’s Non-Unanimous Jury Law, either directly or indirectly. Louisiana voter will be asked: “Do you support an amendment to require a unanimous jury verdict in all non-capital felony cases for offenses that are committed on or after January 1, 2019?” If you believe in justice and care about liberty, join me in voting “yes” to Amendment 2.

This law was placed in Louisiana Constitution in 1898, after the Civil War, when a supremacist ideology and an insatiable appetite for free labor still prevailed despite the federal government having forced an end to slavery. At this 1898 Constitutional Convention where the Chairman of the Judiciary Committee openly acknowledged that they met “to establish the supremacy of the White race” – the Non-Unanimous Jury Law was formally adopted with two bad intentions in mind: (1) to obtain quick convictions that would usher people into Louisiana’s quick convict leasing system (as a replacement for free slave labor); and (2) to ensure African-American jurors would not block convictions of other African-Americans.

In the years since, a host of unintended consequences have resulted, such as a disproportionately high number of plea bargains, mass incarceration, voter suppression and disenfranchisement, wrongful convictions, discrimination against and marginalization of minority and women voters and public distrust. When these things are considered, it becomes clear that the upcoming vote is about much more than a contemptable racial history of the law. Louisiana’s Non-Unanimous Jury Law involves the highest of all compacts: The Constitution of the United States. For it is the Sixth Amendment to the Constitution of the United States, which guarantees an impartial jury. What’s at issue on November 6, 2018 is the Constitution itself and the protections it promises.

At no prior point in history have the people of Louisiana been asked to register their informed preferences on this issue. The 1898 change was not done by the people. The 1973 change (from 9 of 12 to 10 of 12) was not done with any disclosure to voters about the history or implications surrounding this law (as was the case in Oregon, the only other state allowing non-unanimous juries in criminal cases, when they changed the law in 1934). Allowing a vote of a fully informed population would properly reflect our collective desires about who we are as a State. We have been robbed of this opportunity.

In all federal courts and in forty-eight of the fifty states, a unanimous vote of twelve is required in non-capital felony cases. While it is true that Louisiana and Oregon are outliers, it is not true that two states violate the Sixth Amendment is worse. For example, Oregon does not allow a non-unanimous jury to convict a person of first-degree murder; Louisiana does (when the death penalty is not at issue). If Louisiana’s sentence weren’t life imprisonment or result in wrongful convictions.

In the case of the death penalty, a number of states have considered abandoning their unanimity requirements. After study and deliberation, change has always been rejected. Why is that? If non-unanimous juries are good, why aren’t most states using them?

For the dismissive who feel this vote is about criminals and, therefore, not worthy of attention or support, I humbly offer a few observations. The Sixth Amendment’s impartial jury promise has nothing to do with convicts or criminals. Instead, it’s in place for the protection of the innocent—those accused of a crime. This means, when we vote, we are voting to guard the rights of the innocent, not convicts. Second to this, a public safety concern underlies this vote because fast convictions that are not the result of careful deliberations often result in the inducement of plea bargains or result in wrongful convictions. When a person is wrongfully convicted, the guilty party remains at-large. When a person plea to a crime they did not commit out of fear of Louisiana’s non-unanimous jury system, the same results. The Sixth Amendment's liberative process by requiring the minority view to be examined and, if possible, accepted or rejected by the entire jury. Over the years, we are voting to guard the rights of the innocent, not convicts. Second to this, a public safety concern underlies this vote because fast convictions that are not the result of careful deliberations often result in the inducement of plea bargains or result in wrongful convictions. When a person is wrongfully convicted, the guilty party remains at-large. When a person plea to a crime they did not commit out of fear of Louisiana’s non-unanimous jury system, the same results. The Sixth Amendment's liberative process by requiring the minority view to be examined and, if possible, accepted or rejected by the entire jury. Over the years,
Cultural Factors Explain Mental Health Taboo among African-Americans

By Victoria Clark
Data News Weekly Contributor

Mental Health is a problem that can affect any and everyone but remains less acknowledged in the Black community. In 2017, suicides in African-American children increased twice as much as White children, according to the U.S. News and World Report. Ryan Hagan, an 11-year-old African-American boy, killed himself in the District of Columbia in November 2017 and Gabriel Taye, an 8-year-old African-American boy, committed suicide in January 2017. Both were described as a shining light in the world and their suicides were completely unexpected. Their families did not know that either child was battling a mental illness.

African-Americans have less access to care when it comes to Mental Health. One in three African-Americans receive or seek treatment for mental illnesses, according to the American Psychiatric Association. Another 11-percent of African-Americans are not covered with health insurance coverage for therapy, and local experts say cultural barriers affect the type and quality of care.

“We don’t have these conversations enough. We often overlook it [Mental Health] in different communities of color… it’s seen as a taboo topic,” said Chantel Grant, the Associate Director of the Department of Counseling and Wellness at Xavier. As September was Suicide Prevention Month, Xavier University of Louisiana professionals sought to engage the community on Mental Health during a discussion held on Sept. 25, 2018.

This cultural barrier causes Mental Health to be a hard topic to address, young adults say. This disconnect can shape how others view Mental Health based on the way they grew up. Not only is Mental Health ignored as a factor in Black children’s well-being, it can cause more harm by not being treated. Ignorance of mental illnesses in the Black community is passed down at a young age. Even controversial Rapper Kanye West acknowledged that the Black community does not take Mental Health seriously.

“I would think it’s because we are taught to be strong,” said Kyrah Felder, 19, a Computer Science Major said. “A lot of Black people are religious so mental problems can also be seen as the work of the devil which may not necessarily take you to a doctor in order to fix that,” Felder explained.

The stereotype that Mental Health is insignificant in the Black community is one that is taught through generations, but breaking the stigma is still possible and needed, local experts said. Black cultural traditions and beliefs can cause misdiagnoses. Experts say to address this stigma, there is a need to increase the amount of treatment for mental illnesses, according to the American Psychological Association. Another 11-percent of African-Americans are not covered with health insurance coverage for therapy, and local experts say cultural barriers affect the type and quality of care.

“What’s at stake in November is the growth of a reputation of the state, as well as the sacred and cherished matters of liberty, freedom and justice. These are no small matters.”

Malveaux, Continued from page 8.

In both instances, a public safety concern ensues. And there are often overlooked concerns about the manner in which this system impacts economic development. There are well-founded fears about individuals and businesses relocating to or even visiting Louisiana because of the risk they assume should they ever have the misfortune of involvement with the state criminal courts. Alongside taxes, school options, housing costs there exists a risk of a Sixth Amendment violation that simply does not exist in most states.

What’s at stake in November is the growth of a reputation of the state, as well as the sacred and cherished matters of liberty, freedom and justice. These are no small matters.

“Cultural Factors Explain Mental Health Taboo among African-Americans”

Malveaux, Continued from page 8.

In both instances, a public safety concern ensues. And there are often overlooked concerns about the manner in which this system impacts economic development. There are well-founded fears about individuals and businesses relocating to or even visiting Louisiana because of the risk they assume should they ever have the misfortune of involvement with the state criminal courts. Alongside taxes, school options, housing costs there exists a risk of a Sixth Amendment violation that simply does not exist in most states.

What’s at stake in November is the growth of a reputation of the state, as well as the sacred and cherished matters of liberty, freedom and justice. These are no small matters.

Notice on November 6, 2018. Vote “yes” to Amendment 2!
email: abell@sulc.edu
twitter: @AngelaAllenBel

ladatanews.com
Bill Cosby was tried and convicted without any actual evidence that his crimes had ever been committed, no police reports, no medical records, no collaborating witnesses, just the accusations of women recalling events that occurred 30 years in the past, according to Bob Law, the chairman of the National Black Leadership Alliance.

“And that is in opposition to the legal principle that the accuser cannot bring the action and also be the witness without any collaborating evidence,” said Law in a letter to NNPA Newswire that was endorsed by several others, including Bill Grace, the founder of the WEB Dubois Learning Center in Kansas City, Mo., and Marcia Harris of the nonprofit Empower to Educate in Hackensack, N.J.

Law and his group are among the growing number of experts who believe that Cosby, jailed on Sept. 25 in Pennsylvania, and sentenced to three to 10 years in state prison, should easily have his conviction overturned.

They point to what they call numerous prejudicial rulings and legal errors made by the judge.

The experts also allege that prosecutors hid evidence that would exonerate Cosby and some claim that despite the high-powered and successful attorneys at his disposal, counsel was ineffective.

“The Cosby jury verdict is being heralded as a great milestone in justice for women accusers….but the problem is that the judge in the case rigged the trial to ensure that Cosby would be convicted,” said International Rights attorney John Davis, who practices in the South of France and who writes about gender issues.

“The trial was a terrible example of the travesty of justice in the American courtroom for sex assault trials,” said Paul Saputo, of the Saputo Law Firm in Dallas, Texas. “As has happened throughout American history, popular culture weighs heavily on criminal justice and I obviously don’t know whether or not Cosby is guilty of what he’s accused of, but when the justice system sacrifices fairness in procedure to tilt the scales, we have a major problem,” Saputo said.

Not only did Cosby’s accuser receive a large amount of support from the government and media, Cosby became a victim of the mass media and popular culture who won’t give him a second thought, Saputo added.

Among the problematic rulings and mis-steps the experts believe include:

Trial Judge Steven O’Neill allowed sworn affidavits that, even before testimony began, the juror proclaimed Cosby was guilty.

Despite compelling evidence presented by Defense Attorney Thomas Mesereau that appeared to show that the statute of limitations had expired on the more than decade old case, O’Neill refused to rule, instead asked that the jury consider it which they did not.

O’Neill didn’t disclose an ongoing feud he had with former District Attorney Bruce Castor, who convinced Cosby to waive his Fifth Amendment rights and sit for a deposition. In exchange, Castor agreed that the deposition could never be used against Cosby in any Pennsylvania criminal proceedings. The deposition was the primary tool used to convict Cosby.

O’Neill refused to recuse himself even after it was discovered that his wife donated money to a women’s group that protested against Cosby. Several jurors were allowed to sit in judgment of Cosby despite revealing that they were either neighbors of court officials or had personal relationships with detectives on the case.

O’Neill only allowed parts of Cosby’s civil deposition admitted as evidence after defense attorneys argued that it shouldn’t be admitted at all. They also argued that if the judge was going to admit the deposition, he should allow the entire 87-page document to be presented to the jury for context.

“The alleged deposition transcript does not show Cosby drugged women without their knowledge in order to incapacitate them so that he could rape them,” said Oxford alumn Jonathan Farley. “But, a juror admitted that he voted to convict Cosby based on this false belief,” Farley said.

If Castor hadn’t promised Cosby that the deposition could never be used against him, Cosby could and likely would have exercised his Fifth Amendment right to remain silent, said Davis.

“Years later, a new trophy hunting District Attorney decided to violate the promises of the prosecutor’s office and filed charges against Cosby,” he said.

Castor testified during a preliminary hearing in the Cosby case that he did indeed have what he called a binding agreement with Cosby and that the deposition should not be used.

The new DA, Kevin Steele, argued that portions of it that are damaging to Cosby should be used. O’Neill sided with Steele.

“That is tantamount to the judge ensuring a conviction by Sneaking evidence in the back door that suggest Cosby is a bad man who has sex outside of marriage and who does drugs and provides drugs to women who are having a relationship with him. Cosby never said in his deposition that he gave them drugs so that they would be unconscious so that he could rape them. This is a pure lie and fraud committed by the mass media,” Davis said.

Legal Experts: Cosby Should Prevail on Appeal

By Stacy M. Brown
NNPA Newswire Contributor

Bill Cosby was tried and convicted without any actual evidence that his crimes had ever been committed, no police reports, no medical records, no collaborating witnesses, just the accusations of women recalling events that occurred 30 years in the past, according to Bob Law, the chairman of the National Black Leadership Alliance.

“And that is in opposition to the legal principle that the accuser cannot bring the action and also be the witness without any collaborating evidence,” said Law in a letter to NNPA Newswire that was endorsed by several others, including Bill Grace, the founder of the WEB Dubois Learning Center in Kansas City, Mo., and Marcia Harris of the nonprofit Empower to Educate in Hackensack, N.J.

Law and his group are among the growing number of experts who believe that Cosby, jailed on Sept. 25 in Pennsylvania, and sentenced to three to 10 years in state prison, should easily have his conviction overturned.

They point to what they call numerous prejudicial rulings and legal errors made by the judge.

The experts also allege that prosecutors hid evidence that would exonerate Cosby and some claim that despite the high-powered and successful attorneys at his disposal, counsel was ineffective.

“The Cosby jury verdict is being heralded as a great milestone in justice for women accusers….but the problem is that the judge in the case rigged the trial to ensure that Cosby would be convicted,” said International Rights attorney John Davis, who practices in the South of France and who writes about gender issues.

“The trial was a terrible example of the travesty of justice in the American courtroom for sex assault trials,” said Paul Saputo, of the Saputo Law Firm in Dallas, Texas. “As has happened throughout American history, popular culture weighs heavily on criminal justice and I obviously don’t know whether or not Cosby is guilty of what he’s accused of, but when the justice system sacrifices fairness in procedure to tilt the scales, we have a major problem,” Saputo said.

Not only did Cosby’s accuser receive a large amount of support from the government and media, Cosby became a victim of the mass media and popular culture who won’t give him a second thought, Saputo added.

Among the problematic rulings and mis-steps the experts believe include:

Trial Judge Steven O’Neill allowed sworn affidavits that, even before testimony began, the juror proclaimed Cosby was guilty.

Despite compelling evidence presented by Defense Attorney Thomas Mesereau that appeared to show that the statute of limitations had expired on the more than decade old case, O’Neill refused to rule, instead asked that the jury consider it which they did not.

O’Neill didn’t disclose an ongoing feud he had with former District Attorney Bruce Castor, who convinced Cosby to waive his Fifth Amendment rights and sit for a deposition. In exchange, Castor agreed that the deposition could never be used against Cosby in any Pennsylvania criminal proceedings. The deposition was the primary tool used to convict Cosby.

O’Neill refused to recuse himself even after it was discovered that his wife donated money to a women’s group that protested against Cosby. Several jurors were allowed to sit in judgment of Cosby despite revealing that they were either neighbors of court officials or had personal relationships with detectives on the case.

O’Neill only allowed parts of Cosby’s civil deposition admitted as evidence after defense attorneys argued that it shouldn’t be admitted at all. They also argued that if the judge was going to admit the deposition, he should allow the entire 87-page document to be presented to the jury for context.

“The alleged deposition transcript does not show Cosby drugged women without their knowledge in order to incapacitate them so that he could rape them,” said Oxford alumn Jonathan Farley. “But, a juror admitted that he voted to convict Cosby based on this false belief,” Farley said.

If Castor hadn’t promised Cosby that the deposition could never be used against him, Cosby could and likely would have exercised his Fifth Amendment right to remain silent, said Davis.

“Years later, a new trophy hunting District Attorney decided to violate the promises of the prosecutor’s office and filed charges against Cosby,” he said.

Castor testified during a preliminary hearing in the Cosby case that he did indeed have what he called a binding agreement with Cosby and that the deposition should not be used.

The new DA, Kevin Steele, argued that portions of it that are damaging to Cosby should be used. O’Neill sided with Steele.

“That is tantamount to the judge ensuring a conviction by Sneaking evidence in the back door that suggest Cosby is a bad man who has sex outside of marriage and who does drugs and provides drugs to women who are having a relationship with him. Cosby never said in his deposition that he gave them drugs so that they would be unconscious so that he could rape them. This is a pure lie and fraud committed by the mass media,” Davis said.

Legal Experts: Cosby Should Prevail on Appeal
ASSESSING HOUSING OPTIONS

UNDERSTANDING BENEFITS

Find articles, tips and tools from experts and others who have been in your place.

aarp.org/caregiving
Caregiving Resource Center
Care for your loved one. Care for yourself.