

The Jonny Gammage Law: Federal Prosecution of Police Brutality

*by Rev. Larry Ellis, Syracuse Greens
and Co-Chair of the Jonny Gammage Law Initiative*

The high profile cases of police brutality we have witnessed in recent years are not just media sensationalism. For every beating like Rodney King's that is caught on video tape and for every killing of an Amidou Diallo, there are hundreds of other victims of police brutality and the numbers are growing. In 1990, 62 people died at the hands of police. By 1998, that number had more than tripled to 205. Police killings are just the tip of a massive iceberg of police abuse of citizens ranging from beatings and assaults to racial profiling, false arrests, and biased court procedures, and to daily harassment and disrespect, especially toward minority youth.

The militarization of our police forces, indeed, the militarization of domestic policy generally is the source of the problem. When the police are militarized, cops-as-soldiers tend to see citizens as the enemy.

Militarization began with the creation of SWAT teams in response to the urban rebellions and anti-war protests of the 1960s. But it has really accelerated under the Clinton administration with the passage of the 1994 Crime and 1996 Anti-Terrorism bills. These bills greatly expanded the US military and federal roles in domestic policing in terms of funding, training, and law enforcement operations. These bills created many exemptions to the 1878 Posse Comitatus Act which prohibited the military from domestic policing. Today, with SWAT teams in 90% of cities over 50,000 and 70% of towns under 50,000, the US military is training police and accompanying them on police operations.

Put the militarization of policing together with the traditional racial bias of the police and the result is deadly.

The Police Murder of Jonny Gammage

In Syracuse, New York in the 1990s, we have had five people die in police custody under suspicious circumstances, all of them black people. But it was the police killing of a Syracuse native while driving through a Pittsburgh, Pennsylvania suburb that galvanized a movement for federal prosecution of police brutality. We call it the Jonny Gammage Law.

Jonny Gammage Jr., a young black man, was murdered by five white police officers outside Pittsburgh on October 12, 1995. Gammage was killed during a routine traffic stop, allegedly for driving erratically but likely for "driving while black" at night in the white suburb of Brentwood. He was handcuffed and placed on the pavement. Only then did officers beat him with at least 20 blows by nightsticks, a metal flashlight, and a leather blackjack. Bruises were found all over his head. Then the officers pressed down hard on him against the pavement with their knees, causing

hemorrhages on his back and preventing his breathing. His face was pushed to the pavement, flattening his nose against his face as blood and mucous filled his throat and mouth. The officers smothered him until he was killed by asphyxiation. His last words to the cops as he begged for his life were, "I'm only 31." When the paramedics arrived to try and revive Gammage, they had to scream at the officers to get off of him.

None of the five police officers responsible were convicted of any crime in this killing. The case received national attention because Gammage's cousin was Pittsburgh Steeler defensive tackle Ray Seals. Seals' father and Gammage's uncle, Tommie Seals, was a member of the Syracuse police force. Jonny Gammage had no criminal record. He was known in Syracuse as a positive and generous member of the community.

The inquest jury recommended that all five officers face murder charges. But the prosecutor charged only three of the officers with the lesser charge of involuntary manslaughter. The first trial against two officers ended in a mistrial when the county coroner blurted out improper testimony. The case was thrown out because, of all things, these two officers were "singled out" while two other officers were not charged at all. The second trial of these two officers ended in a hung jury when the sole African American juror refused to vote for acquittal. The District Attorney decided not to pursue a third prosecution of these two officers. The third officer charged was acquitted by an all-white jury and subsequently promoted by his Brentwood police department.

To effectively hold police officers accountable to the law, federal prosecutors must be appointed who are not tied to the local "old boys networks" in the local justice system.

Through a Freedom of Information Act request after the trials, activists were able to obtain tape recordings of two phone conversations between the prosecuting District Attorney and the Brentwood Chief of Police in which the prosecutor and police chief strategized on how to get the officers out of the charges they faced. But despite this evidence of misconduct, Clinton's Justice Department declined to pursue a criminal case against the officers under federal civil rights laws.

The murder of Jonny Gammage by police officers is similar to scores of cases around the country where officers beat, maim, or kill a victim without justification and suffer no consequences.

The problem has become epidemic in recent years. There ought to be a law to make sure police brutality and killer cops are prosecuted. That law is the Jonny Gammage Law.

The Jonny Gammage Law

In far too many cases of police brutality and murder, officers of the law are not forcefully prosecuted because their prosecutors are the people they work with on a day-to-day basis in the local criminal justice system. To effectively hold police officers accountable to the law, federal

prosecutors must be appointed who are not tied to the local “old boys networks” in the local justice system.

The Jonny Gammage Law would mandate:

- appointment of a federal prosecutor by the US Attorney General whenever a law officer is accused of violating the civil rights of a human being, including bodily injury or death;
- US Department of Justice investigation of whether prosecution is warranted for all charges of civil rights violations and brutality by police officers by credible public or private sources, such as Citizen Review Boards, Human Rights Commissions, and civil rights organizations;
- removal of jurisdiction over such cases from the local and state justice system, including the grand jury, to the US Department of Justice and the federal courts;
- the immediate suspension of an officer charged until the case is resolved;
- a permanent bar an officer convicted under the Jonny Gammage Law from ever being employed as a law enforcement officer again;
- federal monitoring to insure fair treatment on the job of police officers who testify against other officers in these cases.

The law would cover all officers of the law, attorneys, prosecutors, prison officials, and judges, as well as police officers. The Jonny Gammage Law would remove local conflicts of interest and eliminate the influence of local politics.

The Jonny Gammage Law would break through the “Blue Wall of Silence” that is used to intimidate good cops from testifying against rogue cops and results in the cover-up of police and official misconduct and corruption. It would disrupt the comfort zone for rogue cop activity by taking away their luxury of being investigated by their own friends. It would protect police officers who believe in the oath they took “to protect and serve” from being intimidated by their peers and superiors with the “Blue Wall of Silence.” It would provide support for the brave and true officers who come forth to testify and expose brutality and corruption. It would tell rogue officers that there will be consequences if they violate, maim, or kill citizens.

The movement for enactment of the Jonny Gammage Law was initiated by activists in Syracuse NY and has been taken up by around the country by movements against police brutality and for police accountability. The Jonny Gammage Law was one of the four demands of the National Emergency March for Justice Against Police Brutality in Washington DC, April 3, 1999, endorsed by Amnesty International, the Asian American Legal Defense and Education Fund, Center for Constitutional Rights, Greens/Green Party USA, Jews for Racial and Economic Justice, National Action Network, National Black Police Association, National Coalition for Police Accountability,

National Conference of Black Lawyers, National Congress for Puerto Rican Rights, National Lawyers Guild, Racial Justice Working Group of the National Council of Churches, Southern Organizing Committee for Social and Economic Justice, Women for Justice, and many other organizations.

It is now time to put the Jonny Gammage Law onto the congressional and presidential agenda. We call upon Green federal candidates to champion the Jonny Gammage Law. We call upon Green city councilors to pass resolutions asking Congress to enact the Jonny Gammage Law.

Justice for Jonny did not come from the justice system. But it will do justice to the memory of Jonny Gammage and all the other victims of police brutality and murder when the Jonny Gammage Law is enacted.

For more information, contact the Jonny Gammage Law Initiative, care of the Co-Chairs: Rev. Larry Ellis, Pastor, God's Way Church of Jesus, 126 Dearborn Place, Syracuse NY 13205, (315) 422-4290, or Donna Reese, President, Syracuse/Onondaga Co. NAACP, P.O. Box 397, Syracuse NY 13205, (315) 422-6933.
