

103

INVESTIGATION OF THE 1992 POSTAL INSPECTION SERVICE NARCOTICS TRAFFICKING OPERATION IN CLEVELAND, OH

Y 4. P 84/10: 103-29

Investigation of the 1992 Postal In...

HEARING

BEFORE THE

COMMITTEE ON

POST OFFICE AND CIVIL SERVICE

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

NOVEMBER 29, 1993

Serial No. 103-29

Printed for the use of the Committee on Post Office and Civil Service



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INVESTIGATION OF THE 1992 POSTAL INSPECTION SERVICE NARCOTICS TRAFFICKING OPERATION IN CLEVELAND, OH

MONDAY, NOVEMBER 29, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, DC.

The committee met, pursuant to call, at 10 a.m., in room 101, Law School Moot Courtroom, Cleveland State University, 1801 Euclid Avenue, Cleveland, OH, Hon. William Clay (chairman of the committee) presiding.

Members present: Representatives Clay and Sawyer.

Member also present: Representative Stokes.

Mr. CLAY. The committee will come to order.

Today the Committee on Post Office and Civil Service will hear the testimony of individuals who were victimized by the 1992 narcotics sting operation conducted by the Postal Inspection Service of the U.S. Postal Service.

Long before this hearing is over, I think you will agree with me that this disgraceful episode was the worst abuse of power by the Postal Inspection Service in its history.

This fiasco has been disastrous from start to finish. For the innocent postal employees stung by this renegade operation, their lives and careers have been irreparably harmed. For the Postal Inspection Service, hundreds of thousands of dollars were wasted and its public standing tarnished beyond repair.

What is purported to be a top-flight, professional law enforcement organization is revealed as a gang of undisciplined yahoos, out of control. Not only were their actions outside the bounds of decency, but somewhere outside the limits of law.

In 1991 and 1992, the Postal Inspection Service hired convicted felons and placed them on the workroom floor of the Cleveland Post Office to convince postal workers to sell them drugs. Even worse, these felons were given "carte blanche" control over the sting operation, and control they took. In the process, they took the Postal Service for hundreds of thousands of dollars and took from 20 innocent men and women, their reputations, their freedom, and their employment.

Postal inspectors never witnessed any alleged drug purchases. This enabled the felons to use actors—yes, I said actors, to pose as postal workers selling drugs. They kept the drug purchase money supplied by the inspection service and supplied the inspectors with

baking soda and sometimes a little cocaine, and the names of postal workers as well.

In the end, the felons pocketed over \$300,000, to our knowledge. The inspectors arrested 19 postal workers and one private citizen. Based on this not-too-ingenuous scam, the postal workers were immediately fired before anyone was ever found guilty.

Only after the press broke the story of this drug sting fiasco, did the inspection service begin its own investigation.

That is only half of the story. Many of the postal workers received their positions back, and only after the committee intervened, were they given backpay. But that could never fully compensate these innocent victims. They were arrested, handcuffed, hauled off to jail.

Today in an attempt to right this gross wrong, we will hear from some of those who have been the victims. We will learn of the true cost of the abuse of power by an agency of government. The testimony we hear today will help the Congress to write legislation to correct these wrongs and prevent repetition.

I want to, before closing my opening statement, to take a moment to thank my colleague and friend, Congressman Lou Stokes, for assisting this committee in this investigation and specifically for assisting with the logistics for this hearing.

I also want to acknowledge that Senator Glenn and Metzenbaum were unable to attend but have asked me to convey their interest and concerns, and they will be working with us to rectify this grave injustice.

[The prepared statement of Hon. William (Bill) Clay follows:]

PREPARED STATEMENT OF HON. WILLIAM (BILL) CLAY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Good morning. Today the committee on Post Office and Civil Service will hear the testimony of individuals who were victimized by the 1992 narcotics sting operation conducted by the Postal Inspection Service of the U.S. Postal Service.

Long before this hearing is over, I think you will agree with me that this disgraceful episode was the worst abuse of power by the Postal Inspection Service in its history. This fiasco has been disastrous from start to finish. For the innocent postal employees stung by this renegade operation, their lives and careers have been irreparably harmed. For the Postal Inspection Service, hundreds and thousands of dollars were wasted and its public standing tarnished beyond repair. What is purported to be a top-flight, professional law enforcement organization is revealed as a gang of undisciplined yahoos, out-of-control. Not only were there actions outside the bounds of decency, but somewhere outside the limit of law.

In 1991 and 1992 the Postal Inspection Service hired convicted felons and placed them on the workroom floor of the Cleveland Post Office to convince postal workers to sell them drugs. Even worse these felons were given carte blanche control over the sting operation, and control they took. In the process they took the Postal Service for hundreds of thousands of dollars and took from 20 innocent men and women their reputations, their freedom and their employment.

Postal inspectors never witnessed any alleged drug purchases. This enabled the felons to use actors—yes, I said actors—to pose as postal workers selling drugs. They kept the drug purchase money supplied by the Inspection Service and supplied the inspectors with baking soda and sometimes a little cocaine, and the names of postal workers. In the end the felons pocketed over \$300,000; the inspectors arrested 19 postal workers and one private citizen. Based on this not too ingenious scam, the postal workers were immediately fired before anyone was ever found guilty.

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Today, in an attempt to right this gross wrong, we will hear from some of those who have been victimized. We will learn of the true cost of the abuse of power by an agency of Government. The testimony we here today will help the Congress write legislation to correct these wrongs and prevent repetition.

I want to take moment to thank my colleague and friend, Congressman Lou Stokes, for assisting the committee in this investigation and specifically for assisting with the logistics for this hearing.

Do any of my colleagues wish to make any remarks?

Mr. CLAY. Congressman Stokes, do you have any opening statement?

Mr. STOKES. Thank you very much, Mr. Chairman.

At the outset, let me express to you my deep appreciation for the opportunity you have given me to participate in today's hearing with you and my other colleagues who are expected to attend. I want to say how grateful I am for the leadership you have provided on this issue, and for your having responded to my personal request that the Post Office and Civil Service Committee investigate this matter in our city.

I also want to express my appreciation to your staff. They have done yeoman's work in terms of the investigation, and in particular, I want to thank Gail Weiss and Carl Anderson for the great work that they have done here.

I want to take just a moment, Mr. Chairman, and share with the committee how my office became involved in this case initially. As you may know, my office was approached individually by several postal employees who wanted me to inquire into their removal from the Postal Service. In each case, these individuals had been removed for alleged misconduct relating to illegal drug activity.

After talking amongst themselves, and realizing they all had the same problem—all had the same information used against them, provided by the same informant or informants—a group of these individuals came to my congressional office wanting to file a class action suit and asking for my advice on this matter. Under my direction, my staff was directed to get statements from each of these individuals, and to advise them that upon receipt I would forward their statements to the appropriate congressional oversight committee.

What we have learned, as the sordid details of this illegal sting operation have come out, has the distasteful makings of some script that one might expect to see utilized for television or a movie: An organization hires informants to catch alleged employees of drug trafficking; informants solicit drug dealers to pose as supposed suspects and run scam on organization; suspected employees charged with violations and fired from jobs.

It is a sad commentary that this matter is not only a real life situation, but that it involves the U.S. Post Office, a Federal Government entity and institution supported by the American taxpayers. Moreover, the entire operation was conducted with the complete knowledge and control of top Post Office officials. In fact, as more and more information emerges, it appears that this type of activity is not the first instance in which such an operation was carried out.

Mr. Chairman, the real travesty of this entire case is that this illegal and ill-advised operation has damaged the character and

reputation of many innocent individuals. For many of these persons, jobs were lost. As a result of this loss in income, hard-earned private property and investments such as homes and automobiles were lost as well. Moreover, entire families have been placed under unnecessary and undue stress and censure. All apparently because of some conviction-hungry and vindictive postal inspectors.

Mr. Chairman, this case also shows the complete disregard for due process. It also has some serious racial implications. Affected postal employees were forced to sign statements and give up their rights to bring action against the Post Office. In addition, each and every one of the targeted employees was an African-American.

Furthermore, had it not been for the persistence of many in this room here today, I am almost afraid to guess how long it would have been, if at all, before these activities were uncovered. And even after the involvement of my office and this committee, there was still a lack of cooperation and willingness by the Postal Inspection Service to provide the complete and accurate facts. That is why the work of the Post Office and Civil Service Committee is so important. Illegal and racially motivated sting operations conducted by Federal agencies cannot be tolerated.

Mr. Chairman, in closing, I want to recognize all of those individuals who had the courage to approach me in the first place and to stand up for their rights. Had it not been for them, untold numbers of innocent people might have continued to be persecuted unfairly.

I look forward to hearing the testimony of all of our witnesses today and to eventually working with this committee in restoring to these individuals all that is properly due them.

I yield back the balance of my time and I appreciate again your presence in our city.

Mr. CLAY. I thank the gentleman for his opening remarks.

And now recognize the distinguished member of the committee, Congressman Sawyer.

Mr. SAWYER. Thank you, Mr. Chairman.

I appreciate the opportunity to hear today directly from the people who were implicated in the Postal Inspection Service's narcotics trafficking sting operation in Cleveland, OH, in 1992. Your leadership on this issue as well as the leadership of Congressman Stokes, is something that I think all of us are grateful for. It is an issue that has hit very close to home.

As you know, that drug sting led to the arrests of some 20 innocent postal employees. The result is inexcusable.

As you know also, the two subcommittees that work under your leadership in the postal arena have been conducting hearings in the arena of safety in the postal workplace. Safety and well-being for postal employees has got to be a top priority for the Inspection Service.

A secure work environment is simply not a fringe benefit, something that people ought to feel entitled to. Postal employees deserve a workplace that is safe and productive, offers dignity, respect, and the expectation that people will simply go about the business of doing their jobs.

As the chairman of one of those subcommittees, particularly affecting matters with regard to the postal work force, I want to take whatever steps I can to assure that Postal Service is in a position

to protect its employees from any type of threat to a productive work environment. That would include certainly the use of the postal workplace for purposes of drug trafficking.

Clearly, a drug-free workplace is an admirable and a necessary goal, in terms of safety. But I am concerned, as I know both of you are, Mr. Chairman and Congressman Stokes, about the role of the Postal Inspection Service in eliminating substance abuse in the workplace. If the inspection service is going to continue efforts to accomplish that worthwhile goal, I think it needs to define with real clarity the extent and the limits of its role with much more clarity than they have.

Is it appropriate to use outside informants or even postal employees in drug sting operations?

Does reliance on current employees place those who may have personal or work-related difficulties at any further risk?

Does reliance on outside informants place the Postal Inspection Service at greater risk itself?

This hearing is an opportunity to discuss those kinds of questions as well as broader questions about the most appropriate use of the Postal Inspection Service's resources and establishment of meaningful priorities.

Finally, Mr. Chairman, I guess I would like to thank our witnesses for coming forward today. The actions of the Postal Inspection Service has disrupted the lives of many dedicated postal employees, not only those who are here today but others throughout Ohio and the Nation.

We can't erase what has already taken place, but this forum will help us as we search for an appropriate framework to ensure the safety and productivity of postal workers.

I thank you for the chance to be with you today.

[The prepared statement of Hon. Tom C. Sawyer follows:]

PREPARED STATEMENT OF HON. TOM C. SAWYER, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF OHIO

Thank you, Mr. Chairman, for the opportunity to hear directly from individuals who were implicated in the Postal Inspection Service's narcotics trafficking sting operation in Cleveland in 1992. I am grateful for your leadership on an issue that has hit so close to home.

As you know, that drug sting led to the arrests of 20 innocent postal employees. That result is inexcusable.

The safety and well-being of postal employees must be a top priority for the Postal Inspection Service. A secure work environment is not a fringe benefit. Postal employees deserve a workplace that is safe and productive, and offers dignity and respect at all times.

As chairman of the subcommittee that has oversight responsibility for matters affecting the postal workforce, I want to ensure that the Postal Service is in a position to protect its employees from any type of threat to a productive work environment.

Clearly, a drug-free workplace is an admirable and necessary goal in terms of safety. However, I am concerned about the role of the Postal Inspection Service in eliminating substance abuse in the workplace.

If the Postal Inspection Service is going to continue efforts to accomplish that worthwhile goal, I think it needs to define the parameters of its role more clearly.

Is it appropriate to use outside informants, or even postal employees, in drug sting operations?

Does reliance on current employees place those who may have personal or work-related difficulties at further risk?

Does reliance on outside informants place the Postal Inspection Service at greater risk?

This hearing is an opportunity to address those questions, as well as broader questions about the most appropriate use of Inspection Service resources and establishment of meaningful priorities.

I want to thank our witnesses for coming forward today. The actions of the Inspection Service disrupted the lives of many dedicated postal employees. We cannot erase what has already taken place. But this forum will assist us as we search for an appropriate infrastructure to ensure the safety and productivity of postal workers.

Mr. CLAY. I thank the gentleman.

Our first witness this morning is Mr. Art McKoy.

Mr. McKoy, your entire statement will be entered into the record and you may proceed as you see fit.

STATEMENT OF ART McKOY, OWNER, SUPERFLY BARBER SHOP, CLEVELAND, OH, AND PRESIDENT, BLACK ON BLACK CRIME COMMITTEE, ACCOMPANIED BY ALAN C. ROSSMAN, COUNSEL

Mr. McKOY. Is there a time limit, Mr. Chairman? I went through two trials.

Mr. CLAY. Not for you. Just state your name and your occupation, if you have one, and then proceed.

Mr. McKOY. Yes, my name is Art McKoy. I reside at 13726 Cedar Road, University Heights, OH. I have owned Superfly Barber Shop located at 14685 Euclid, East Cleveland, OH, for over 15 years. I am also President of the Black on Black Crime Committee, an organization that fights against drugs and crime.

I have never been a postal worker or affiliated with the post office in any way.

Before I go any further, I would like to thank my lawyers, Terry Gilbert and Alan Rossman, and my beautiful wife, and father who were very supportive to me. And I also like to thank Congressman Stokes and Ms. Henderson, who without them, we wouldn't have come this far.

I also like to thank you, Mr. Chairman, and the other distinguished colleagues.

In May 1992, I arrived at my barber shop at 11 a.m. There was a certified letter waiting for me that one of my barbers had signed for. Opening that letter changed my life forever. The letter stated that Art McKoy was indicted for selling drugs in Cross' Bar on 79th on Wade Park, next to a school on three occasions, January 16, 26, and 28, all over the bulk amount.

My mind went from surprise to shock to disbelief. Someone had made a terrible mistake which I was sure would be detected and someone would tell me it is all a big mistake, we sent the wrong indictment to the wrong man. This never happened. I had to hire a lawyer and answer my indictment and be arraigned.

At my arraignment in May, I was arrested, booked, jailed, and had a cash bond of \$5,000. How humiliating for an innocent man, but I was still sure somewhere down the line someone would realize that they had the wrong man.

Information on the indictment was hard to come by, everything was so secretive, the informants' identity, the evidence. Finally, we were able to obtain the facts that there were three informants at first and three tapes identifying me as the drug dealer.

In early July, about 3 weeks before the trial began, we were allowed to hear the tapes. After hearing the tapes and conferring with my lawyer, Terry Gilbert, we both realized that this was not my voice and the tapes were so tampered with that this was some kind of scam. Why it took the prosecutor's office so long to find out is baffling.

After several court hearings and unsuccessful plea bargains, the trial began. As I sat there in an array of dizziness, disbelief, 12 jurors marched out, swore in, and were seated. As the jury was instructed by the judge, I had the feeling that this was TV, that I was on Perry Mason. This couldn't be real.

The jury process was complete, the trial was ready to begin. The first witness against me was Inspector Tim Marshall. I had never seen this white man before in my life.

He testified to the fact that reliable informants had targeted me because I was a known heroin drug dealer selling drugs to the postal workers. He introduced several bags of powder cocaine of high grade that I was supposed to have sold to his informants.

Also entered into evidence were three tapes of my selling drugs. Mr. Marshall swore under oath that the dope was high quality and the tapes had not been tampered with, when in fact the dope was low grade to no grade, and the tapes had been tampered with.

He said he had watched and searched the informants before and after every transaction, when in fact he had not. Even though he observed me on three occasions going in and out of Cross' Bar, he could not identify me in the courtroom.

He observed me exiting a car, yet he did not get the license plate number or know the exact make of the car. I was paid inside the bar but never arrested to confiscate the marked money. As a matter of fact, from January, when the alleged sale took place, until May, when my picture, name and place of employment appeared in the Plain Dealer, supporting the Mike Tyson Fan Club—this is when Mike Tyson went to jail—is when Mr. Marshall knew an Art McKoy existed.

It was testified that he read this article and decided that Art McKoy was really Art Baker. All the tapes and transcripts up until this point starts out with the name "Art Baker." Inspector Marshall's testimony was based solely on informants and very sloppy police work, and the inspectors.

The next witness was Tirell Beasley, a young man, 20 years old, my son's age. I had never seen this man before either. I was still hoping up until this point, Congressman, that this man would look me in the face and say that you got the wrong man.

It was when Mr. Beasley took the stand, swore in, and said, yes, Art McKoy sold me dope in Cross' Bar, that that hope quickly faded. Reality set in that this was a conspiracy against me and I was in for the fight for my life.

Tirell Beasley continued his testimony of lies. He didn't know me personally. He only met me after being introduced by the main witness against me, Willie Kemp, who was to testify next. Willie Kemp was by far the most important witness for the prosecution. He was the man who was supposed to have known me.

After Beasley's testimony, recess was called. At this time reality had set in and I knew I had to start playing hard ball or spend

75 years in prison. That is when I got busy. That recess was the most important of my life because I used that time to call the media into the case.

Remember, I am an outspoken community activist, who fights against crime and drugs, who has the ear of the media. I realized the media was very important in this case because after watching the first two witness look me in the face and lie without any real pressure, it was too easy. I wanted to see how they could lie under oath, with cameras and pressure in their face, and spectators staring them in the face. My other reason for wanting the media was to put pressure on the judge to conduct court by the letter of the law. Before the media came in, I was being completely railroaded.

Congressman it worked even better than I had planned, because by the time I hung up the phone, recess was over and as I headed back into the courtroom, to my surprise, camera crews, reporters were rushing into the courtroom. I knew personally that the media would open my life up like a book, but it didn't matter because my defense was built on truth. I maintained from the beginning that I had never been in Cross' Bar, that I had never seen the informants or met the informants in my life. I was not a drug dealer, nor had I sold drugs.

From that point on, it was a new trial. The prosecutor called his main informant, witness Willie Kemp, a young black man, 20 years old, whom I had never seen before in my life. He looked me in the face and said, yes, Art sold drugs to me in Cross' Bar. He continued his lies under the guidance of Inspectors Marshall and Kuack.

However, the news media presence was beginning to make him sweat and he didn't remember quite so well no more, Congressman. Under cross-examining, he could not remember one lie from another.

My lawyer, Terry Gilbert, was beginning to turn this case around and excerpt the truth. The prosecutor rested their case.

Ernest Cross, owner of Cross' Tavern, this courageous businessman heard his place being slandered by the public and the media. He knew I had never been in Cross' Bar and did not like the fact that his bar was being slandered unfairly. Tonya, my wife, contacted him and, thank God, he had the courage to come down and testify on my behalf.

I produced four of the best character witnesses who knew me; all I asked them to do was to come to court and tell the truth. They were good witnesses. They were such good witnesses that the prosecution became unraveled, and on the fourth character witness, he broke a rule that he, the judge and my attorney had agreed on, that anything past 15 years on my record would not be used. Mr. Maloney saw his case slipping away, so cross-examining my witness, he blurted out about my past conviction I had years ago.

My attorney saw this attempt coming, jumped up and put his hand over the prosecutor's mouth. Before me or any of the other witnesses could testify, the judge declared a mistrial, admonishing the lawyers with fines, and sentencing my lawyer to 5 days in jail.

I was disappointed by the mistrial because I had strong feelings that if this case had gone to the jury, I would have been declared innocent. A new trial was scheduled for November.

During the summer as I waited to go back to trial, I met many postal workers accused of the same drug crimes. We began to compare transcripts and tapes of testimony, the voices, it seemed all so phoney. What was even more interesting was the fact that this conspiracy did not just start in 1991, but reached way back to 1984 and 1986. We began to meet regularly at my barber shop.

Waiting to go back to trial, I uncovered many dirty tricks perpetrated by Inspector Marshall and his staff. My phone was tapped; my ex-girlfriend Katie was offered \$3,000 to entice me into buying her some dope; Howard Rice's informant sister was sent to my barber shop to try to lure me into buying drugs; I was followed and watched constantly, but I was not worried because I was not involved in anything illegal.

In September, during a visit to Congressman Stokes 11th District Caucus Picnic, I met Mr. Stokes. I told him of my dilemma and he agreed to look into the matter. Unlike other officials I had asked without result, Mr. Stokes was the only sincere person to do something.

New Year's 1993, my new trial was set for mid-January. Two weeks before the trial began I met an old friend for over 30 years that had worked for me for 3 years, up to March 1991. I wear a perm-type hairstyle, as you see, that requires setting after shampoo. Frank was my personal hair stylist. Every Monday and Tuesday after I went to the YMCA for fitness, after which I needed my hair done, Frank would always—would always fix it. So upon seeing Frank again, I asked him if he could come to court and testify about the time frame he was doing my hair. He agreed, so we set up a meeting to talk. It was not known then that Frank himself was a paid informer for the inspector.

We met and talked while he was wired—we met and talked while he was wired up to Inspector Marshall. From the beginning of the conversation I told Frank I did not want him to lie, I was an innocent man and my whole defense was built on truth. However, I would pay his travel expense and parking, and I knew—because I knew he was unemployed.

This goodwill gesture, Congressman, turned into a bribe against me.

We spoke several times more. Each time Frank was instructed by Marshall to try and lure me further into his trap—you see, Congressman, the inspector knew his original case would not stand up a second time in court so he was desperate to frame me again. Money was no object—money was no object, just bust Art McKoy and get paid up to \$3,000. On one occasion, Frank came in and asked me to loan him \$20. Being an old friend, I was glad to do the favor. However, this was perpetrated as a bribe.

One week before my trial I was indicted on charges of bribery, perjury, and tampering with a witness. I had to post a new bond of \$3,000, hire a new good lawyer, Alan Rossman, and get ready for a new trial. When I got a chance to review and hear my tapes, I could have fainted listening to my old friend conniving to send me to the penitentiary for life.

The second trial began. This time I had many of the postal workers also accused of selling drugs in the courtroom with me. Some from 1991 and others from 1994 and 1996. After jury selection, the

judge called a special hearing in my case, at which time he raised my bond up to \$250,000, remanded me to the county jail for the rest of my trial.

Being beat up mentally, Congressman, and humiliated in two trials by an unfair judge, lied about by unscrupulous postal inspectors, lying on that dirty county jail floor almost broke me. It almost made me plead guilty to selling drugs when I knew in fact I had not.

I was so close to pleading guilty until all I had to do was say I was guilty and I could have got a lesser sentence and I was determined to do that, but I could not do it because I knew I was innocent. That is why I realize—that is why I can relate to many postal workers that pleaded guilty.

The second day of my trial as I entered the courtroom, I could hear Inspector Marshall. I could hear Inspector Marshall say to Inspector Kuack: "We got that nigger now."

Mr. CLAY. Take your time.

Mr. MCKOY. Yes. I am missing a page. That is what the problem is.

Mr. CLAY. Why don't you start at the top of that page, the first witness.

Mr. MCKOY. I am ready.

Yes, the first witness, the first witness, Willie Kemp, continued his web of lies, but this time we had one distinct advantage, we had the transcripts from the last trial. Alan Rossman used them to the utmost. These witnesses could not remember their lies the first time, surely they could not remember them now.

Willie Kemp's testimony was so shaky, anyone within reason would have known he was lying. Marshall tried to coach him through but it did not help. Next was Tirell Beasley, the second informant witness. Before he was called, more pressure was put on me to cop out, to make a deal. The deal was getting better, but I said no deal.

Beasley's testimony was as bad as his memory and he could not remember a thing. The bogus tapes that was supposed to have my voice on them were played again. However, this time they had a new set of tapes with my real voice on them, with my consultations with Frank Folks.

These new tapes that were supposed to be the final nail in my coffin, turned out to be the evidence that set me free. For you see, as my lawyer had pointed out to the prosecutor, there was a clear distinction between the voice on the first tape and the second. Once the prosecutor finally realized, the whole scam began to—once my lawyer made the prosecutor realize it, the whole scam began to unravel.

Inspector Marshall tried desperately to protect their lies and deceitfulness. But on the fifth day of lying on that county jail floor, in court I was set free. All my drug charges were dropped.

I pleaded guilty to attempted perjury on the second charge, a misdemeanor, even though I knew I was innocent of those charges also. I received probation and had to cut 400 heads of hair as community service.

However, several months later, the judge dismissed the guilty plea, dropped the latter charges and I was completely set free from

probation, and the 400 haircuts. The judge, my lawyer, and prosecutor again found out that the inspectors had lied about that case, too.

These are my final notes.

Mr. CLAY. The final notes will be included in the testimony, so they will be printed and we will start asking you questions.

Mr. MCKOY. Yes, sir.

[The prepared statement of Mr. McKoy follows:]

PREPARED STATEMENT OF ART MCKOY, OWNER, SUPERFLY BARBER SHOP,
CLEVELAND, OH; PRESIDENT, BLACK ON BLACK CRIME COMMITTEE

My name is Art McKoy, I reside at 13726 Cedar Road University Heights, Ohio. I have owned Superfly Barber Shop located at 14685 Euclid, East Cleveland, Ohio for fifteen years. I am also president of the Black on Black Crime Committee, an organization that fights against drugs and crime. I have never been a postal worker or affiliated with the post office.

In May of 1992 I arrived at my barber shop at 11:00 a.m., there was a certified letter waiting for me that one of my barbers had signed for. Opening this letter changed my life forever. This letter stated that Art McKoy was indicted for selling drugs in Cross's Bar on 79th Wade Park next to a school on three occasions, January 16, 26, and 28th, all over the bulk amount. My mind went from surprise to shock to disbelief. Someone had made a terrible mistake which I was sure would be detected and someone would tell me it's all a big mistake, we sent the wrong indictment the wrong man. This never happened. I had to hire a lawyer and answer my indictment and be arraigned.

At my arraignment in May I was arrested, booked, jailed and had a cash bond of \$5,000.00. How humiliating for an innocent man, but still I was sure somewhere down the line someone would realize that they had the wrong man. Information on the indictment was hard to come by everything was so secretive, the informants identity and evidence. Finally we were able to obtain the fact that there were three informants and three tapes identifying me as the drug dealer. In early July about three weeks before the trial began we were allowed to hear the tapes. After hearing the tapes and conferring with my lawyer Terry Gilbert we both realized that this was not my voice and the tapes were so tampered with that this was some kind of scam. Why it took the prosecutors office so long to find out is baffling. After several court hearings and unsuccessful plea bargains the trial began, as I sat there in an array of dizziness and disbelief twelve jurors marched out swore in and were seated. As the jury was instructed by the judge I had the feeling that this was T.V. Perry Mason it couldn't be real I was dreaming.

The jury process was complete the trial was ready to begin. The first witness against me was an Inspector Marshall, I had never seen the man before in my life. He testified to the fact that reliable informants had targeted me because I was a known heroin drug dealer selling drugs to postal workers. He introduced several bags of powder cocaine of high percentage that I was to have sold to his informants. Also entered into evidence were three tapes of me selling drugs. Mr. Marshall swore under oath that the dope was high quality and the tapes had not been tampered with, when in fact the dope was low grade and the tapes had indeed been tampered with. He said he had watched and searched the informants before and after every transaction when in fact he had not. Even though he had observed me on three occasions going in and out of Cross's Bar he could not identify me in the court room, he observed me exiting a car yet he did not get the license plate numbers or know the exact make of the car. I was paid inside the bar but never arrested to confiscate the marked money. As a matter of fact from January when the alleged sales took place until May when my picture, name and place of employment appeared in The Plain Dealer, supporting the Mike Tyson Fan Club, is when Mr. Marshal knew an Art McKoy existed. It was testified that he read this article and decided that Art McKoy was really Art Baker. All the tapes and transcripts start out with the name Art Baker. Inspector Marshall's testimony was based solely on his informants and very sloppy police work.

The next witness was Tirell Beasley, a young man twenty years old, my son's age. I had never seen this man before either. I was still hoping that he would look me in the face and say that's not the right man. It was when Mr. Beasley took the stand, swore in, and stated yes Art McKoy sold dope in Cross's Bar that hope quickly faded. Reality set in that this was a conspiracy against me and I was in for the fight for my life. Tirell Beasley continued with his testimony of lies, he didn't know

me personally. He only met me after being introduced by the main witness against me Willie Kemp, who was to testify next. Willie Kemp was by far the most important witness for the prosecution. He was the man who was supposed to have known me.

After Beasley's testimony recess was called, at this time reality had set in and I knew I had to start playing hard ball or spend seventy-five years in prison. That's when I got busy, that recess was the most important of my life because I used that time to call the media into the case. Remember I am the outspoken community activist who fights against crime and drugs who has the ear of the media. I realized the media was very important in my case because after watching the first two witnesses look me in the face and lie without any real pressure was too easy. I wanted to see how good they could lie under oath, with cameras, lights and spectators staring in their faces. My other reason for wanting the media was to put pressure on the judge to conduct court by the letter of the law, before the media came I was being completely railroaded. Congressman it worked even better than I had planned, because by the time I hung up the phone recess was over and as I headed back into the court room, to surprise camera crews and reporter were rushing into the court room. I knew personally that the media would open my life up like a book but it didn't matter because my defense was built on truth, I maintained from the beginning that I had never been in Cross's Bar.

I had never seen the informants or met the informants in my life. I was not a drug dealer nor had I sold any drugs. From that point on it was a new trial, the prosecutor called his main informant witness Willie Kemp, a young black male twenty-one years old whom I had never seen before in my life. He looked me in my face and said I sold him drugs in Cross's Bar. He continued to lie under the guidance of Inspector Marshall. However the new media presence was beginning to make Kemp sweat and not remember so well. Under cross examination he could not remember one lie from another. My lawyer Terry Gilbert was beginning to turn this case around and excerpt the truth. The prosecutor rested his case.

Ernest Cross owner of Cross's Tavern. This courageous business man heard his place being slandered by the public and the media. He knew I had never been in his bar and did not like the fact that his bar was being slandered unfairly. Tonya, my wife contacted him and thank God he had the courage to come down and testify on my behalf. I produced four of the best character witness who knew me, all I asked of them was for them to tell the truth. They were such good witness that the prosecution became unraveled and on the fourth character witness he broke a rule that he the judge and my attorney had agreed on, that anything past fifteen years on my record would not be used. Mr. Molonay saw his case slipping away so cross examining my witness he blurted out about a past conviction I had years ago. My attorney saw the attempt coming and jumped up and put his hand over the prosecutors mouth. Before me or any of my other witnesses could testify the judge declared a mistrial, admonishing the lawyers with fines and sentencing my lawyer to five days in jail. I was very disappointed by the miss trial because I had strong feelings that if this case had gone to a jury I would have been declared innocent. A new trial was scheduled for November.

During the summer waiting to go back to trial I met many postal workers accused of the same drug crimes, we began to compare transcriptions and tapes, the terminology, the voices it all seemed so phony. What was even more interesting was the fact that this conspiracy did not just start in 1991 but reached way back to 1984 and 1986. We began to meet regularly at the barber shop.

Waiting to go back to trial I uncovered many dirty tricks perpetrated by Inspector Marshall and staff, my phone was tapped, an ex-girlfriend Kathy was offered \$3,000.00 to entice me to buy her some dope. Howard Rice's informant sister was sent by the barber shop to try and lure me into buying drugs. I was followed and watched constantly, but I was not worried because I was not involved in anything illegal.

In September during a visit to Congressman Stokes II district caucus picnic I met Mr. Stokes. I told him of my dilemma and he agreed to look into the matter. Unlike other officials I had asked without result Mr. Stokes was the only sincere person to do something.

New Year 1993 my new trial was set for mid January. Two weeks before the trial began I met an old friend for over thirty years that had worked for me for three years up until March 1991. I wear a perm type hairstyle that requires setting after shampoo. Frank was my personal hairstylist. Every Mon., Tues., and Thur. I would go to the Y.M.C.A. for fitness, after which I needed my hair done Frank would always fix it. So upon seeing Frank again I asked him if he could come to court and testify about the time frame he was doing my hair. He agreed, so we set up a meet-

ing to talk, it was not known then that Frank himself was a paid informer for the Inspector.

We met and talked while he was wired up to Inspector Marshall. From the beginning of our conversation I told Frank I did not want him to lie for me, I was innocent and my whole defense was built on truth. However I would pay his travel expenses and parking, I knew he was unemployed. This good will gesture was turned into a bribe against me. We spoke several times more each time Frank was instructed by Marshall to try and lure me further into his trap. (You see the Inspector knew his original case would not stand up a second time in court so he was desperate to frame me again. Money was no object just bust Art McKoy and get paid up to \$3,000.00.) On one occasion Frank came in and asked me to loan him twenty dollars, being an old friend I was glad to do the favor. However this again was perpetrated as a bribe. One week before my trial I was indicted on new charges of bribery, perjury and tampering with a witness. I had to post a new bond of \$3,000.00 hire a new lawyer Allan Rossman and get ready for a trial. When I got a chance to review and hear my tapes, I could have fainted listening to my old friend conniving to send me to the pen for life.

The second trial began, this time I have many of the postal workers also accused of selling drugs in the court room with me. After jury selection the judge called a special hearing in my case at which time he raised my bond to \$250,000.00 and remanded me to the county jail for the rest of my trial. Being beat up mentally and humiliated in two trials by an unfair judge, lied about by an unscrupulous postal inspector, lying on the dirty county jail floor almost broke me. It almost made me plead guilty to selling drugs when I knew in fact I had not. That's why I can relate to the many postal workers that pleaded guilty, the second day of my trial as I entered the court room I could hear Mr. Marshall tell Inspector Kuack: "We got that nigger now."

The first witness Willie Kemp continued his web of lies but this time we had one distinct advantage, we had the transcripts from the last trial. Alan Rossman used them to the utmost, these witnesses couldn't remember there lies the first time surely they could not remember them now. Willie Kemp's testimony was so shaky anyone within reason would know he was lying. Marshall tried to coach him through but it did not help. Next was Tirell Beasley the second informant witness, before he was called more pressure was put on me to cop out, the deals were getting better but I said no deal. Beasley's testimony was as bad as his memory he could hardly remember a thing. The bogus tapes that were supposed to have my voice on them were played again, however this time they had a new set of tapes with my real voice on them consultations with Frank Folks. These new tapes that were supposed to be the final nail in my coffin turned out to be the evidence that set me free, for you see as my lawyer pointed out to the prosecutor there was clear distinction between the voices on the first tapes and the second. Once the prosecutor finally realized the whole scam began to unravel, Inspector Marshall tried desperately to protect their lies and deceitfulness. But on the fifth day of lying on that county jail floor Friday in court I was set free. All my drug charges were dropped.

I pleaded guilty to attempted perjury on the second charge, a misdemeanor, even though I knew I was innocent of those charges also. I received probation and had to cut four hundred heads as community service. Several month's later the judge dismissed the guilty plea, dropped all latter charges and I was completely set free from probation, and the four hundred hair cuts. The judge and prosecutor found out the inspector had lied about that case too.

FINAL NOTES

1. Inspector Marshall lied and perjured himself under oath.
2. This entire witch hunt was built on lies and deception, not only from Marshall but his supervisors as well.
3. Money was spread like water to corrupt the informers into lying, stealing falsifying evidence.
4. Inspector's must go to jail.
5. Inspector's stole money.
6. There were more than nineteen scams started in 1984.
7. Inspector allowed informant to carry guns and badges.
8. No one has apologized on compensated me in any way.
9. Inspectors slander cost me over fifty percent of barber business.
10. Trial cost me over \$15,000.00. (broke me)
11. Racism behind arrests in postal drug sting.

12. Even after prosecutor dropped drug charges, Tim Marshall denied that his informant lied about the case and said he remained convinced that McKoy is the same man whose voice in drug sale tapes.

13. Marshall also said after charges were dropped that he received information from East Cleveland Police Department that drugs were being sold at Superfly Barber Shop. (1-9-93 Plain Dealer) I checked with East Cleveland Police Department they said statement was untrue.

14. Willie Kemp told me after trial that he told Marshall that I was the wrong man but he insisted that Kemp and Beasley lie under oath.

15. Informant Frank Folkes and Howard Rice told me Marshall only wanted them to bust and set up blacks, because they were poor, would get scared and could not afford to fight their case.

16. We want justice not just for me but for the 19 others who have been framed since 1984 case by case.

Mr. CLAY. As the only non-postal employee arrested in this drug scheme, how do you think you became involved?

Mr. MCKOY. I don't know. I have several—I have several ideas, but to be honest with you, as a matter of fact, I don't know and I hope that this congressional investigation will get to the bottom of it. There are—there are several reasons I say that. No. 1, it is under testimony that Mr. Marshall didn't know who I was until the Mike Tyson Fan Club thing; that happened in March.

There was—this whole thing took place in January with my case, January 16, 26, and 28. However, at this time, there was an Art Baker, they was looking for an Art Baker. And the tapes and everything say we are getting ready—Inspector Marshall said we are getting ready to bust an Art Baker.

All right. In March, I did the Mike Tyson Fan Club thing, of which my name appeared in the paper, Art McKoy, Superfly Barber Shop, my address. And from that, it was testified on that, this is when Marshall was reading the paper one day and he sees Art McKoy, Superfly Barber Shop, and he has this case, Art Baker, a barber. So some kind of way, he related Art McKoy to Art Baker.

He called his informants in and said we got our man, this is who we have been looking for for 3 months, Art McKoy is Art Baker. That is one angle.

The other angle is I am an outspoken community activist and someone was out trying to get me. But the truth of the matter is I don't really know how I got involved in this whole transaction.

Mr. CLAY. You testified that they notified you in the mail that you had been indicted.

Mr. MCKOY. Yes, sir, they did.

Mr. CLAY. Will you identify for the record the gentleman sitting next to you?

Mr. MCKOY. Yes, my fine attorney, Alan Rossman.

Mr. CLAY. Mr. Rossman, is that a normal procedure of informing people of indictment?

Mr. ROSSMAN. Well, it is on—

Mr. CLAY. Put the mike in front of you.

Mr. ROSSMAN. Yes, indictments come out certified mail, but in these cases, a lot of these are done by secret indictment. And that was unusual.

Mr. CLAY. They don't—an officer of the court doesn't personally serve you with the notification?

Mr. ROSSMAN. Well, the indictments are eventually sent out certified mail, but there is a lot of ways to notify people they have

been charged. In these cases, what we found out is that a lot of this was done suggesting it was staged for the media, that these were done, secret indictments were returned, and then the arrests were actually staged to be photographed. So the procedure is through certified mail, but normally you are aware of it and your indictment comes with notification of your arraignment. But to be notified—the way the arrests were made I think is more an issue of the staging.

Mr. CLAY. Thank you.

Mr. MCKoy, could you describe for the committee pressures that were put on you to accept a plea bargaining in exchange for reduced charges?

Mr. MCKoy. Yes. Well, from the very beginning, there was pressure put on me in many ways. No. 1, I have a business and my business was at stake, and they kept slandering my business by saying that it was a place where they sold drugs. So I—there was the fact that I would lose over half of my business if I didn't plead guilty. The fact that if I didn't plead guilty, I was facing selling drugs next to a school, I was facing up to 75 years in the penitentiary if I didn't plead guilty to selling drugs. They were also prepared to go through with prosecution if I didn't plead guilty to the drug cases as well.

Mr. CLAY. How far is your barber shop from the post office?

Mr. MCKoy. Well, there is a—there is an East Cleveland Post Office, which is about four or five blocks away, East Cleveland branch of the post office.

Mr. CLAY. And were you accused of selling any drugs at your barber shop?

Mr. MCKoy. No, I was not accused of selling drugs at my barber shop, but my barber shop was slandered in a way that the inspector testified that, and the informants testified that my barber shop was a place known to sell drugs. But no drugs—all the drugs that I was supposed to have sold was sold at Cross' Bar, which is about 4 or 5 miles from where my barber shop is. And there is a bar about three doors from me, there is about 25 bars that I could have went to rather than go 5 miles, if that had been the fact.

Mr. CLAY. Mr. Sawyer.

Mr. SAWYER. Thank you, Mr. Chairman.

I guess I can only share a kind of sense of dismay at the entire set of events that led up to this. I really have only one question for you.

You said early in your testimony that Inspector Marshall said that he had observed you on three occasions going in and out of Cross' Bar, but he could not identify you in court. He had observed you exiting a car, yet did he not get the license plate number. You were paid inside the bar but never considered to confiscate. I assume that you mean by that that he accused you of going in and out of Cross' Bar?

Mr. MCKoy. Absolutely.

Mr. SAWYER. He said he observed you exiting a car, but in fact he had not?

Mr. MCKoy. He had not.

Mr. SAWYER. And you were paid inside the bar. It is not something that actually took place, but rather something that you are accused of?

Mr. MCKOY. Absolutely.

Mr. SAWYER. Thank you very much. Appreciate it.

Mr. CLAY. Mr. Stokes.

Mr. STOKES. Thank you, Mr. Chairman.

First, I just want to commend Mr. McKoy for the testimony that he has given here and the service he has provided to the entire community by coming forth and providing this type of information. You have given us testimony with reference to two trials you were subjected to, \$250,000 bond and other matters of sorts. Can you give us some idea of the type of expenses you were subjected to in order to show your innocence in this?

Mr. MCKOY. Yes. First of all, it cost me—it broke me, it cost me \$15,000 legal fees, completely, with lawyers, two lawyers, bond, and that kind of thing. Also, it cost me—I have two barber shops and it cost me 50 percent of my business and it cost me several of my barbers because they—because they slandered my business. And so this monetary compensation, is the fact that at least half of my—I lost half of my customers from this.

Mr. STOKES. Let me ask you this: A couple of days ago in Washington, DC., Mr. Carl Anderson of this staff and I interviewed Willie Kemp, one of the informers, who had contacted me and wanted to provide information regarding this case. And we spent a considerable amount of time interrogating him. Have you ever talked with Mr. Kemp?

Mr. MCKOY. Yes, I have.

Mr. STOKES. And when did you talk with him?

Mr. MCKOY. I talked to Willie Kemp the day after I was set free. The next day he called my barber shop crying and he explained to me that he was sorry for what he took me and my family through, and that even after he told Inspector Tim Marshall that I was the wrong man, Inspector Marshall insisted that he perjure himself and he insisted that Tirell Beasley and Willie Kemp continue with their testimony and perjure themselves.

Mr. STOKES. Have you ever talked with any of the other informers?

Mr. MCKOY. Yes, I did. I talked to—Frank Folks and Howard Rice, the other two informants who were being sentenced. When they—I came down to the courtroom where they were being sentenced. They saw me and called me over. We went into another room. They apologized to me for what they had done.

They said that, you know, they wanted me to understand that money was being spread like water and this is the reason that they did what they did. They just could not resist that money that the inspectors were giving out. They told me that the inspectors told them, Inspector Marshall told them to just bust black people, don't go after no white, just bust the black people. These are the things that Howard Rice and Folks told me.

Mr. STOKES. Thank you, Mr. Chairman.

Mr. CLAY. And we thank you for your testimony.

Mr. MCKOY. Thank you.

**STATEMENT OF DOUGLAS D. WILLIAMS, POSTAL EMPLOYEE,
ACCOMPANIED BY: RUSSELL ADRINE, COUNSEL**

Mr. CLAY. The next witness is Mr. Douglas D. Williams.

Without objection, your entire statement will be entered in the record and you may proceed as you so desire.

Will you identify your counsel?

Mr. WILLIAMS. My counsel is attorney Russell Adrine.

Mr. Chairman, I would like to begin by thanking you and the members of the committee for the opportunity to appear here, and make known the grievous situation to which I have been exposed, both myself and others involved in this scam.

I would like to outline, give a little of my background before I begin. I am a 46-year-old former Army officer of the Vietnam era. For the past 7 years, I have been employed as a letter carrier at the East 55th Branch of the Cleveland Postal Division. And during my employment, I have had no serious disciplinary actions.

I have represented our station during "Career Awareness Days" at the Cleveland Public Schools. I have been performed—I also performed as an acting supervisor. I would like to mention that at the time of my discharge from the military, I had obtained the rank of captain.

On my first day of employment with the Cleveland Division of the U.S. Postal Service, I attended an orientation at the Orange Avenue facility. Mr. Chairman, I was astonished at that time when the person conducting the orientation, cautioned a room full of new employees that "we should never believe that the Postal Service cared about us, because they don't. There are hundreds of people who are out there and who would love to have your job." This is a direct quote.

Six years later, on August 26, 1992, that total disregard for the rights of postal employees was emphatically demonstrated when the Postal Inspection Service arrested and proceeded to prosecute 20 employees, including myself, on totally false charges of drug trafficking. These arrests were the culmination of months of investigation by Postal Inspectors Tim Marshall and Dan Kuack. It involved the use of paid informants with known criminal backgrounds, and wasted more than, at that time it was admitted to be \$250,000 of government funds.

These inspectors used recordings that were supplied by the informants to obtain Grand Jury indictments against me for allegedly selling cocaine on two occasions. In its zeal to obtain convictions against me at any cost, the postal inspectors ignored several glaring irregularities.

First, that the total amount allegedly paid for 47.23 grams of cocaine was \$1,400. A casual perusal of any of the local newspaper accounts on the street value of drugs seized during police narcotics operations should have immediately raised suspicion.

Second, on one alleged buy, two informants allegedly paid \$350 each in exchange for 10 and 15 grams of narcotics, respectively.

And third, the laboratory analysis of the narcotics provided by the informants on February 13, 1992, and March 5, 1992, were determined to contain 5 percent and 12 percent cocaine, respectively.

Postal inspectors refused to question the veracity of their informants in other cases, even after it was discovered that one defendant

had been in Anchorage, AK, on the date of an alleged narcotics sale. Postal spokesman Michael Sitter publicly declared that any charges of racism in these prosecutions were "laughable."

Mr. Chairman, I can think of no other possibility. Numerous studies have been conducted indicating that the drug problem in the United States crosses all social, cultural, and racial lines. It is a fact that black Americans are neither the leading suppliers nor consumers of illegal drugs. And during a recent local news investigation at the main post office, a postal spokeswoman stated that the Postal Service had no more of an alcohol or drug problem than would be found in the general public.

My question is, why then have Cleveland postal inspectors prosecuted almost exclusively black employees for the past 10 years? I fail to see the source of Mr. Sitter's mirth.

In his letter of September 30, 1992, Mr. Ezelle E. Graham, who was then the Acting Manager of Labor Relations, concluded that his review of the incident found that the charges against me were fully supported by the evidence and that my termination was warranted. His decision was reached without having afforded me any opportunity to refute the charges. In effect, I had been terminated without the benefit of due process in either the workplace or the judicial system.

Because of the actions of the Postal Service and the postal inspectors, my family and I have suffered gross humiliation that I feel we will never overcome. Any back pay, any amount of money that I have received in conjunction with this, will never undo the stress, the humiliation that my family and I have faced. I have been forced to spend over \$1,100 in attorneys' fees and obtaining forensic opinions. And as a result of this scam, I now receive psychological help to deal with the frustration, the anger, and the fear that this incident has caused me.

I thank you for the opportunity to appear before the committee.

Mr. CLAY. Thank you.

[The prepared statement of Mr. Williams follows:]

PREPARED STATEMENT OF DOUGLAS D. WILLIAMS, POSTAL EMPLOYEE

On my first day of employment with the Cleveland Division of the U.S. Postal Service, I attended an orientation at the Orange Avenue facility. I was astonished when the person conducting the orientation cautioned a room full of new employees that we should "never believe that the Postal Service cares about you, because they don't. There are hundreds of people out there who would love to have your job." Six years later on August 26, 1992, the total disregard for the rights of postal employees was emphatically demonstrated when the Postal Inspection Service arrested and proceeded to prosecute 20 employees, including myself, on false charges of drug trafficking. These arrests were the culmination of months of investigation by Postal Inspectors Tim Marshall and Dan Kuack. It involved the use of paid informants with criminal backgrounds, and wasted more than \$250,000.00 of government funds. These inspectors used recordings supplied by the informants to obtain Grand Jury indictments against me, for allegedly selling cocaine on two occasions.

In its zeal to obtain convictions against me at any cost, the Postal Inspectors ignored several glaring irregularities:

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Mr. CLAY. Let me ask you from the outset, because although it appears that you have been cleared of all of the charges that were made against you, there are many people who will in all probability think that you were guilty, that they just didn't have enough evidence to convict you. And with that in mind, I want to make sure that the public and the Congress know that you have quite an extensive and distinguished career in both the military and the employment field before you came to the post office.

Will you elaborate for this committee what you did in the military, how you rose to the rank of captain, and where you worked before you came here and why you came here?

Mr. WILLIAMS. I was a product of the ROTC program at Hampton University. And upon my graduation, I was commissioned as a Second Lieutenant in the United States Army. I served as an aerial delivery specialist in the United States as well as in Southeast Asia. Specifically, I was stationed in Thailand, but there were other places in Asia where I was never really officially to have been.

My last assignment was as the Commander of Headquarters and Headquarters Company, Yuma Proving Ground, Yuma, AZ, a company that was composed of some 500 men and women for whom I had 24-hour-a-day responsibility. Upon my honorable discharge, I returned to school.

I did graduate study in the field of hotel administration, with a major in personnel. And for approximately 10 years, I had worked for hotel chains such as Stouffer's. And my most recent job was as the Director of Training and Development at the Bonaventure Hotel in Los Angeles, CA.

My return to Cleveland was predicated largely on the health of my father, the declining health. And I returned here. When I did return, I was interviewed for a position with Marriott Hotels as their director of personnel. That job did not come to fruition. And while it was my responsibility as an only child to return and do what I could for my family, the hard-hit reality of being unemployed came home, and in attempting to find employment, I completed an application with the Postal Service. They were the first people who offered me a job and I have never been afraid or never

hesitated to take what opportunity that was presented to me for employment and use it to the best of my ability to advance within the system. And I felt that sooner or later this opportunity would come to me in the postal office.

Mr. CLAY. Now, I assume that you are back to work?

Mr. WILLIAMS. Yes, I am.

Mr. CLAY. And you are back to work with all of your back pay?

Mr. WILLIAMS. Yes.

Mr. CLAY. They paid attorneys' fees?

Mr. WILLIAMS. Yes, they have.

Mr. CLAY. You mentioned you are in psychological treatment; are they paying for this?

Mr. WILLIAMS. At this time, they are not. I have been going to the Veterans' Hospital. As a matter of fact, I am even forced to use my own sick time to do this. And while you bring up the point of being paid, I think it should stand in the record that the total callousness that the system has showed for all of us, even those who were brought back to work, our repayment of fees, back pay, was handled as business as usual. There was no urgency at all attached, other than to avoid the, or minimize the amount of criticism that they, and "they" being the Postal Inspection Service and the Postal Service, had received from the media.

We were forced to go through the usual procedure of documenting where we had attempted to gain employment during our period of discharge. I think this was farcical, when the system itself had created a period where no one in their right mind would have hired an alleged drug trafficker.

Mr. CLAY. Let me say, even though they have made some financial restitution, there is a human element here. Can you tell us how you felt during the arrest and incarceration?

Mr. WILLIAMS. It was the most humiliating thing that I have ever faced in my life. I was handcuffed on the streets in front of my customers, transported to the work area where my fellow employees, although I was fortunate that I was not paraded through, my fellow employees were free to see me sitting in the car with my hands behind my back, and obviously, I could not have been searching for something in the back seat for that period of time. I was booked.

Mr. McKoy described laying on the dirty floor in the county jail. That was likewise my experience. Never having been arrested or never having had any introduction to the legal system, was really—it was really traumatic for me.

I would like to just mention one instance of having to—a thirst, wanting to quench a thirst and to find that the water fountain, the face basin and the commode were a single unit. It was thoroughly disgusting.

And it was also our personal family relationships; there are people that have been friends of ours for years, who with the mere stigma of drug trafficking and reinforced by the fact that certainly the Federal Government to do something like this would have to have been based on fact, people shied away from us, people that I have known that have encouraged me throughout my life to attend college, to do other things that I may have achieved, have intimated to other friends of mine that while they would have liked

to have contacted myself and my family to offer their support, this mere stigma was just enough to keep them at arm's length.

Mr. CLAY. I notice that you don't have any legal background, but you did mention that they violated your due process rights. Can you tell us about that?

Mr. WILLIAMS. The only—and I would preface that by saying that the only, as the headquarters—as a company commander in the military, I was forced to learn the bare basics of justice. And then when I say they violated my due process, Mr. Chairman, in employment, termination of employment has always been likened to the capital punishment of employment.

At the time that I was arrested and transported to county jail and until I was later bonded out, there was at least 2 weeks that went by that I was ever—before my attorney or myself ever received any specifics as to what I was alleged to have done. And this, in fact, came from the manager of the station at which I was assigned.

Shortly thereafter, within a period of a month, as I stated, Mr. Graham sent the letter to me that his investigation fully supported that I should be removed. I asked what investigation?

Neither I, nor any representative of mine, was ever given a fact, an opportunity to present anything to the contrary. Neither the fact that I had taken and passed polygraph examinations, as well as scientific examinations of these tapes that were purported to have been me.

Mr. CLAY. Mr. Sawyer.

Mr. SAWYER. Thank you, Mr. Chairman.

Mr. Williams, can you describe what it has been like since you returned to work?

Mr. WILLIAMS. I think probably the air of—even coming back to work, there are many people who are supportive of myself and the other people. There are also those that have made the snide comments, the sideways looks. I would even recount one incident where someone had told me that if I had known that you were the man selling narcotics, I would have given my business to you as opposed to taking it elsewhere.

Mr. SAWYER. The notion that you have been exonerated from this certainly hasn't penetrated the workplace?

Mr. WILLIAMS. It has done absolutely nothing to lessen the trauma. I have had very good friends who were in law enforcement. I have never had a reason to be afraid or apprehensive of law enforcement officials. And I in fact work in a community that is a high-crime area.

Whenever I see police cars, I am traumatized. I had one occasion where a law enforcement officer approached me to ask me questions of something, an activity on my route, and it was all I could do to refrain from running.

And I might—I would like to mention that as well, that when this incident, this arrest incident came about, it was very close to a time of another incident that rocked our city and that involved a young man by the name of Michael Pipkins. OK. My thought is, had I resisted, had I run, would these people have been justified in taking my life?

Mr. SAWYER. In asking this question, I want to make clear that I don't in any way suspect that were you involved in any substance abuse at all. But in cases of substance abuse, the Postal Service, like many government and private sector employers, maintains an employee assistance program. Recognizing that you are far better off taking an employee and bringing him or her back to productive stability rather than simply turning them out into the street. Has anything of that kind been offered to you in an attempt to reacclimate you back into the workplace?

Mr. WILLIAMS. Mr. Sawyer, the only help that I have received was at my demand when I indicated that I wanted to talk to someone in EAP, to help refer me to mental health professionals. And I must say that it took, in spite of approaching my supervisors and my managers at my station, it took the intervention of the union vice president before I was ever—any arrangement was ever made for me to have an appointment with someone.

Mr. SAWYER. One final question, Mr. Chairman.

Has anyone ever apologized to you?

Mr. WILLIAMS. I received, thanks to the work of this committee and thanks to the program, "Day One," I received a very hollow apology from Mr. Dillman. Or, in fact, Mr. Dillman relayed a letter from Chief Inspector Hunter in Washington. And this was within—well, within a few months ago. Only after the program had aired on "Day One."

Mr. SAWYER. Thank you, Mr. Chairman.

Mr. CLAY. For the record, it was 8 months later, I think.

Mr. Stokes.

Mr. STOKES. Just one or two questions, Mr. Chairman.

What was the process for you to get your job back, to be reinstated and to get your back pay and so forth? Did they just come to you or did you have to go through a process?

Mr. WILLIAMS. If I understand your question entirely, on the 26 of January, I believe it was, my case was thrown out of the court. Because it was dismissed without prejudice, I was told by the union officials that I should not be surprised if the postal inspectors did not attempt to reindict me.

Following this time, Mr. Stokes, it was that I wrote the letter, as a matter of fact, within a couple of days, to you. I had purposely waited until the decision was rendered in my case because I did not want to have any hint or anyone to be in a position to suggest that I was asking you to intervene directly in my case so that there would be no dispersions cast upon yourself or me. Once I had written the letter, it was not until actually all of the cases were dropped, 2 weeks later, I received a letter that informed me that I should report to work the next day.

As I said, it took 1 day to arrest me, it took 2 to 3 days to have me down in county jail, but the next, I was to be at work the next day. It took 8 months before I got an apology. The timeframe, or the timeframe that these people deal in is beyond my comprehension, and the sense of urgency, the things that received a sense of urgency, I am afraid I can't comment on either.

Mr. STOKES. Thank you very much.

Thank you, Mr. Chairman.

Mr. CLAY. Thank you.

Mr. Adrine.

Mr. ADRINE. Mr. Chairman, I just wanted to have a statement on behalf of my client and the others who are similarly situated. I noticed Mr. McKoy and neither my client, Mr. Williams, have been here in a vindictive situation where they are wanting the hides of the people who caused this matter.

They have clearly stated what inconvenience they had suffered. They stated the trauma that it had upon them. And they are working within the sense that I believe this committee is working, to try to find if there is something that needs to be done remedially in order to see to it that this type of thing does not happen again.

Mr. McKoy, and also Mr. Williams, clearly stated to you that there is no amount of money that could replace and put him back where he was the day before these charges were brought. He has relayed that to me any number of times. But he does feel that something is wrong with the system that will give immunity to enforcement officers and to prosecutors and allow them to do the things that have been done to these people, and have been done to him in particular, and he should sit here with no recourse other than to come to a committee and replay the hardship that he has suffered.

Earlier this morning, I saw an individual on Channel 3 that had been charged with murder; spent 9 years in jail, came back, he is released, he is now back with his dad. He has suffered trauma, and he made the statement that if they gave him a million dollars as of now, it would not make reparation for what he had suffered.

Insofar as blacks are concerned, since I am a little older than the majority of the people here, I go back to the 1930s and 1940s, where the Cleveland Postal Alliance was held up during the McCarthy era and that whole organization was decimated. Individuals with Master's and Ph.D.s and Bachelor of Arts, who only had the recourse of working in the post office, were fired summarily, without any recourse. And this same type of sting, a sting was perpetrated in 1990s, as Mr. McKoy mentioned, and some other people were arrested and they reached the same stage that Mr. McKoy reached, where he had an alternative, 75 years or do I try to find a way to exist and live. And some of them entered pleas of guilty in order to avoid the long time that they faced.

Something is wrong with individuals. The system, I have always maintained, is good, if the system is handled and processed properly. But it is the individuals in the system. How could investigators who are alleged to be experienced, hear tapes who had different voices and end up going forth to prosecute?

How could they take information that was obviously convoluted and insist that it go forward and those individuals be arrested?

How can people who had the responsibility and the force of the government behind them, do this to citizens, Black or White, in this day and age?

Something needs to be done. And I would suggest, Mr. Clay, that some legislation ought to be thought of, looked into, that would not allow or will do away with this specious blanket of immunity that rests on some law enforcement officers and from prosecutors in this situation.

Mr. CLAY. I thank the gentleman. And that is the purpose of this hearing, and the hearings we are going to have across this country. I thank both of you for appearing today.

STATEMENT OF WILLIE E. MOORE, FORMER POSTAL EMPLOYEE, ACCOMPANIED BY STEPHEN GARD, COUNSEL

Mr. CLAY. The next witness is Mr. Willie Moore.

Mr. Moore, we will put your entire statement in the record and you may proceed as you see fit.

Mr. MOORE. Thank you.

Mr. CLAY. Will you identify the person sitting next to you?

Mr. MOORE. This is my attorney, Mr. Stephen Gard.

My name is Willie Moore. I reside at 2366 Noble Road, Cleveland Heights, OH. In August 1992, I resided at 1522 Belmar Road, East Cleveland, OH.

On August 31 of 1992, I was at my home on Belmar when there was a knock at my door. My wife went to the door and answered it; came back and told me there were two gentlemen that wanted to see me. I went to the door and they identified themselves as postal inspectors and said they had a secret indictment for my arrest for drug trafficking.

I didn't—I mean, I went into shock. I mean, I said: You got the right man? Are you talking about me? My name is Willie Moore. They said: Well, you know, we have got you down. Took me out on the porch, handcuffed me, took me down to the main post office, where I was fingerprinted, photographed. And I was taken to the county jail, where I was fingerprinted and photographed again, and kept for 2 days, 3 days and 2 nights.

I didn't know what the—what exactly the charges were against me until my arraignment, which was two days later. At that time, they told me that I had been charged with four counts of drug trafficking. I had been accused of selling \$3,600 worth of drugs to three undercover informants on three—two different occasions, May 28, 1992, and June 2, 1992.

These sales supposedly had taken place at Hatton's Lounge. I knew I hadn't done anything. At the arraignment, I didn't have a lawyer so I was assigned a public defender. At the arraignment, the public defender assigned to me, after meeting with the prosecutor and the judge, came back and asked me if I wanted to plea bargain to a lesser charge so I could get probation.

I said, why should I plea bargain, I haven't done anything. She said, well, either you plea bargain or you are going to go to jail for 18 months on each count. I said, well, no, I am not plea bargaining.

Then she told me what the deal really is, is that they want your job from the Post Office. So I said, well, I am still not plea bargaining.

Mr. CLAY. Which inspector told you that?

Mr. MOORE. This was the public defender.

Mr. CLAY. Oh, your defender?

Mr. MOORE. Yes, the one that was assigned to me by the court. But I still had—you know, I still didn't want to plead guilty because I knew I hadn't done anything. So after that I arranged for bail. The bail was \$2,500. My sister arranged the bail for me.

So after I got out, I hired a lawyer and we got to investigating what was going on. On the days that I was supposed to have been selling drugs, on May 28, I was on the route. At the trial, a friend of mine, Ms. Velma Hopkins, testified that she had walked on the route with me.

On June 2, I was supposed to have sold drugs at 12:30 in Hatton's Lounge, when in actual fact, I had a doctor's appointment at 1 o'clock at Kaiser Hospital.

I was still in shock. At the trial, I figured that when I went to trial that once these informants saw me, that they would say, hey, well, this is not the guy. They would immediately recognize their mistake and say he is not the one. But each one of them identified me as the one that sold them drugs at Hatton's Lounge.

The judge, Richard McMonagle, found me guilty on all counts. After he had rendered his decision, my attorney at the time said, well, just hold on a minute, I am going to talk to him. So after he read the guilty verdict, he went back into his chambers. She went back and talked to him and came back and said, well, he has agreed to reduce the charges to a lesser degree so you can get probation. And which he did.

And I went through the probationary procedure. But during that time, the other defense attorneys, they had all gotten together, this whole thing came to be broken out, we found out it was a scam. And the charge was vacated.

During this time, I was out of work. I had no money. So I resigned from the Post Office so I could get some money to live on. I had just enrolled my daughter at school about 7 days before I was arrested. I had planned to, you know, send her all the way through school. I had paid for the tuition for the first semester and was going to work and get the rest of the tuition. But when I was arrested and lost my job, I couldn't afford the tuition so she had to come home in December.

I lost my house, couldn't keep up the house notes. My wife left me because after I was found guilty, she said she didn't want to hang around and see what was going to happen to me.

My daughter had to get out of school, leave school, couldn't afford the tuition. I even thought about suicide on an occasion. Because it was just like my whole life had just been turned upside-down, inside-out.

[The prepared statement of Mr. Moore follows:]

PREPARED STATEMENT OF WILLIE E. MOORE, FORMER POSTAL EMPLOYEE

My name is Willie E. Moore. I am 47 years old and I have served the United States of America for 23 years. I was first hired by the United States Post Office in 1966 and worked there until 1974 when I resigned to enlist in the United States Army. After receiving an honorable discharge I returned to the United States Post Office in 1979 and worked as a letter carrier until August 31, 1992. On that day the United States Post Office robbed me of my dignity, my self-esteem and everything of value in my life—all because of a crime I didn't commit.

Before August 31, 1992 I had a good life. I had my job with the United States Postal Service which gave me a fine income and, equally important, a sense of self-respect. I was providing for my family. I had a wife and 3 children. I owned my own home in Cleveland Heights and had many friends. My daughter, Chafcka Moore, was then 18 years old, a member of the Prayer Warriors gospel group and, on August 24, 1992, enrolled as a freshman at Tuskegee University. I was proud of her accomplishments and proud that I could provide her the college education

which she had earned. I had never been convicted of a crime; indeed, I even had a good driving record. My present and my future seemed bright.

On August 31, 1992 two U.S. Postal Inspectors knocked on the door of my home. Postal Inspector Tim Marshall told me that there was a secret indictment for me and that I was being arrested for "drug trafficking". I was frisked and handcuffed on my front porch in front of my friends and neighbors and taken to the Main Post Office on Orange Street in Cleveland. At the Main Post Office I was fingerprinted and my photograph was taken. Postal Inspector Tim Marshall showed me another photograph and when I pointed out that it was not a picture of me he said that I was wrong.

I was then taken to the Cuyahoga County Jail at the Justice Center in Cleveland where I was again photographed and fingerprinted. I spent 3 days in a cell at the County Jail. I slept on a mat on the floor because the Jail was overcrowded and no beds were available.

On September 1, 1992 I was arraigned and learned for the first time that I was being accused of a felony, four counts of "trafficking cocaine" supposedly worth \$3,600.00. I pled "not guilty" because I didn't do it. I was innocent. My bond was set at \$2,500.00, which was later put up by my sister. Since I didn't have a lawyer a public defender was assigned to represent me at the arraignment. After the arraignment the public defender met with the prosecutor. I was not present at this meeting. The public defender then told me that if I were convicted I could be sent to prison for as long as 6 years. The public defender recommend a plea bargain to a lesser charge and said that I could get probation if I pled guilty to the reduce charge. I refused because I was innocent and hadn't committed any crime. Then the public defender told me that what they really wanted was to get my job and that there was a chance that the charges would be dropped if I quit my job with the United States Postal Service.

After I was arrested I was placed on leave without pay status by the United States Post Office. I had no income to support myself and my family. On September 25, 1992 I quit my job with the United States Postal Service. I applied to get back the money which for 23 years I had contributed to the retirement plan so that my family and I could eat. I also quit my job because, even though I knew I was innocent and had committed no crime, I was afraid of going to prison.

My trial was in December 1992. At the trial I saw the 3 "confidential informants" who were working for the United States Postal Inspectors for the first time in my life. I was sure that they would see me, realize that they had made a mistake and say that I was the wrong person. I was totally shocked when the 3 informants testified that I had sold cocaine. They played a tape recording but the voice on the recording which was supposed to be mine was inaudible. There were no other witnesses against me.

I was accused of selling cocaine at 12:30 p.m. on May 28, 1992 at Hatton's Lounge on Euclid Avenue in East Cleveland. At this time I was really at work. I was walking my route as a letter carrier. Velma Hopkins truthfully testified that on that day she had walked the route with me the entire day and that she was with me on the route at 12:30 p.m.

The informants also said that I sold cocaine at 12:30 p.m. on June 2, 1992 at Hatton's Lounge in East Cleveland. On June 2, 1992 I really went to a 1:00 p.m. doctor's appointment at the Kaiser facility on Fairhill Road in Cleveland.

At the end of the trial Judge Richard McMonagle found me guilty of all 4 counts of trafficking cocaine.

In January 1993 it was discovered that the wrongdoers were the United States Postal Inspectors and the "confidential informants" and Judge Richard McMonagle vacated my conviction.

After my conviction was vacated I applied for reinstatement to my letter carrier job. My request for reinstatement was denied by the United States Postal Service on the grounds that "it would not be in the best interest of the Service" because of my absenteeism during the summer of 1992. In August 1992 I had been given a notice of proposed removal for absenteeism. In fact, I had suffered a fracture while on duty as a letter carrier and my absences were medically necessary and prescribed by my doctor. I had given the doctor's statements to the Postal Service at the time and this documentation had been given to my union which was in the process of resolving this misunderstanding.

Since my conviction was vacated in January 1993 I have received a letter of apology from the United States Postal Service and the Postal Service has sent me a check to reimburse me for the attorney fees owed to the attorney I hired to represent me at the trial. I still have not been reinstated to my letter carrier job. My union has requested arbitration but no date has been set yet for this arbitration

hearing. I understand that the United States Postal Service still is fighting my reinstatement.

It is impossible to describe the effect which the actions of the United States Postal Service have had on my life. My wife said that I was a loser and left me. I lost my home because I was unable to make the payments and I am presently living with a friend because I cannot afford a place of my own. Most of my former friends have abandoned me and avoid me even when they see me on the street. I was not able to afford the college tuition for my daughter, Chafcka, and she had to drop out of Tuskegee University in December 1992 at the end of her first semester.

In December 1992 Chafcka came home one evening and found me sitting in front of the television with a handgun. I was planning to take my own life. Chafcka began crying and said, "Daddy, please don't!" We cried together for some time before the gun was put away. Even today I am unable to remember everything about that evening. Since then I have thought about ending my life on numerous occasions and the different ways that this could be done. It is hard for me to think about my future. It is hard for me not to think about what the United States Postal Service has done to me and why it is me that this happened to. I frequently have nightmares which terrify me.

I have had to get professional help. The report of Dr. Walter P. Knake, Jr. Ph.D. is enclosed.

Mr. CLAY. Let me ask you, you resigned and you had been working about 21 years for the Post Office?

Mr. MOORE. Yes.

Mr. CLAY. And you got your—you pulled down your retirement pay?

Mr. MOORE. Yes.

Mr. CLAY. They accused you of a \$3,600 buy. Did they take that out of your retirement?

Mr. MOORE. Yes, they did.

Mr. CLAY. They took the \$3,600 out of your retirement?

Mr. MOORE. They did, yes. After the—after the verdict was vacated, they reimbursed me for that, but in the beginning, they took it out of my retirement.

Mr. CLAY. Did they reimburse you for anything else?

Mr. MOORE. Attorneys' fees.

Mr. CLAY. Have you gone back to work?

Mr. MOORE. No.

Mr. CLAY. Why?

Mr. MOORE. During the time that I was off, I mean in August I had an on-the-job injury, and they had given me a letter of removal for absenteeism, which I had documentation from the doctor, from the post office dispensary, that it was a work-related injury and that it was justified. They had given me a letter of removal for this absenteeism and that is the reason they said they wouldn't let me back to work, because of the absenteeism.

Mr. CLAY. You were appealing—

Mr. MOORE. Yes, I am appealing.

Mr. CLAY [continuing]. The removal?

Mr. MOORE. Yes.

Mr. CLAY. What reason did they give you for taking the \$3,600? Can you recall?

Mr. MOORE. That is the amount that I was supposed to have sold in drugs. That is the amount that I was supposed to have gotten from the informants for selling, you know, drugs. So that was supposed to have been money that the Postal Service lost, which was my fault, so I had to reimburse the Postal Service.

Mr. CLAY. How far is Hatton's Bar from Kaiser Hospital?

Mr. MOORE. Oh, it is at least about maybe a good 8 or 10 miles, probably.

Mr. CLAY. And did you show up for your 1 o'clock appointment at Kaiser?

Mr. MOORE. Yes, I did.

Mr. CLAY. And did the court know that, the postal inspectors know that?

Mr. MOORE. Yes, they did.

Mr. CLAY. So it was impossible to get from Hatton's Bar in 30 minutes, if you were accused of selling drugs?

Mr. MOORE. Yes, especially at 12:30 in the afternoon, it was heavy traffic.

Mr. CLAY. Mr. Sawyer.

Mr. SAWYER. Mr. Moore, your story is—is devastating. Your written testimony notes that you sought arbitration for reinstatement in your job but they haven't even set a date yet for that; is that still the case as of today?

Mr. MOORE. I am waiting on an arbitration hearing. They tentatively set it for February, so February I should get an arbitration hearing.

Mr. SAWYER. It seems to me that it needs arbitration only if they are contesting your reinstatement. In other words, it shouldn't be difficult.

Mr. Chairman, is that—

Mr. CLAY. Well, I think we are going to get to the bottom of a whole lot of these things that we have heard about today and in the past several weeks. There is something drastically wrong in this Postal Service.

Mr. GARD. If I can clarify, the Postal Service is fighting reinstatement in this case.

Mr. SAWYER. On those grounds of absenteeism?

Mr. GARD. On the grounds of the absenteeism, yes.

Mr. CLAY. But there is something wrong here, that here we have all these serious accusations against the postal inspectors, they haven't fired them, they are on leave with pay.

Let me remind the audience that we don't want any demonstrations. That is the House rules. We will tolerate a few more.

Mr. SAWYER. Thank you, Mr. Chairman.

Mr. CLAY. Mr. Sawyer, continue.

Mr. SAWYER. Thank you.

Mr. CLAY. Mr. Stokes.

Mr. STOKES. Thank you, Mr. Chairman.

There is a release that has been issued today by R.T. Cable, postal inspector in charge of Cleveland, in which it says: Since the injustice came to light, we have worked with those employees and union representatives and management in the Cleveland Post Office to see those employees were reinstated to their former jobs, received the back pay to which they were entitled and fully reimbursed for all legal expenses. Is that statement true as to you?

Mr. MOORE. No, sir. Only the legal fees. I haven't got any back pay and I am definitely not back to work.

Mr. STOKES. In your formal statement—

Mr. MOORE. I got a letter of apology, too, from the inspector.

Mr. STOKES. You got a letter of apology?

Mr. MOORE. Yes, from the postal office.

Mr. STOKES. But you don't have a job?

Mr. MOORE. No.

Mr. STOKES. How long have you now been out of work?

Mr. MOORE. Since September 1992. Well, since August, since I was arrested, August 31.

Mr. STOKES. August 1992?

Mr. MOORE. Yes.

Mr. STOKES. So you are talking about a year and a half. What type of work are you doing now?

Mr. MOORE. I am working as a grocery clerk.

Mr. STOKES. As a grocery clerk?

Mr. MOORE. Yes.

Mr. STOKES. How many days a week?

Mr. MOORE. Four, sometimes five.

Mr. STOKES. What type of pay do you receive?

Mr. MOORE. Five dollars an hour.

Mr. STOKES. Five dollars an hour. What were your wages, your hours as a postal worker?

Mr. MOORE. Just about \$16.

Mr. STOKES. How long have you had this job at the grocery store?

Mr. MOORE. I started there November 3, I think it was. Yes, November 3, on training. I didn't start actual work until the 14th. It was training for 2 weeks and actual working on the 14th.

Mr. STOKES. This past November?

Mr. MOORE. This November here.

Mr. STOKES. This month?

Mr. MOORE. Yes.

Mr. STOKES. Prior to that, did you have any employment?

Mr. MOORE. No.

Mr. STOKES. In your statement, you mention an evening when Chafcka came home. Who is Chafcka?

Mr. MOORE. That is my daughter, the one that attended Tuskegee University.

Mr. STOKES. You want to tell us about that evening?

Mr. CLAY. Mr. Stokes, maybe we will just have him put it in the record. You might explain.

Mr. STOKES. I think the record ought to reflect the fact that due to the experience this gentleman has had with the Post Office, that he has now had to seek professional help and that he describes for the committee a very sad occasion when he had actually thought of taking his own life as a result of what he has encountered here, and only the insistence of his own daughter who pleaded with him not to take his life, did he forsake that type of action.

I just think that the record ought to reflect, this is the second witness we have heard from this morning who, as a result of what has occurred to them has had to seek professional help. Even with the reinstatement of jobs, which does not apply to him, and back pay and other things, obviously there are some matters here that have to be taken into account by this committee for which these individuals can never be fully restituted.

Mr. CLAY. Thank you.

Let me thank you for your testimony.

[The prepared statement of Hon. Louis Stokes follows:]

PREPARED STATEMENT OF HON. LOUIS STOKES, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF OHIO

Thank you, Mr. Chairman. I appreciate the opportunity to participate in today's hearings with you and my other distinguished colleagues. Let me just say how grateful I am for the leadership you have provided on this issue. Your commitment to investigate the facts surrounding the 1992 drug trafficking sting operation is commendable.

I want to also thank my colleagues (name) for taking time from their well-earned recess to travel to Cleveland to provide their assistance to investigating this serious matter. Their presence is a testament to their concern about this case and an indication of their support of my request for this investigation. It is unfortunate, however, that there is even a need to convene this hearing at all.

I would like to take a moment to share with this committee how my office became involved in this case initially. As you may know, my office was approached individually by several postal employees who wanted me to inquire into their removal from the Postal Service. In each case, these individuals had been removed for alleged misconduct relating to illegal drug activity.

After talking amongst themselves, and realizing they all had the same problem and all had the same information used against them provided by the same informant, a group of these individuals came to my office wanting to file a class action suit and wanting my advice on the matter. Upon my direction, my staff was directed to get statements from each of these individuals, and to advise them that upon receipt I would forward their statements to the appropriate congressional oversight committee.

What we have learned, as the sordid details of this illegal sting operation have come out, has the distasteful makings of some script that one might expect to see utilized for television or a movie: an organization hire informants to catch alleged employees of drug trafficking; informants solicit drug dealer to pose as supposed suspects and run scam on organization; suspected employees charged with violations and fired from jobs.

It is a sad commentary that this matter is not only a real life situation, but that it involves the United States post office—a Federal Government entity and an institution supported by the American taxpayers. Moreover, the entire operation was conducted with the complete knowledge and control of top Post Office officials. In fact, as more and more information emerges, it appears that this type of activity is not the first instance in which such an operation was carried out.

Mr. Chairman, the real travesty of this entire case is that this illegal and ill-advised operation has damaged the characters and reputations of many innocent individuals. For many of these persons, jobs were lost. As a result of this loss in income, hard earned private property and investments such as homes and automobiles were lost as well. Moreover, entire families have been placed under unnecessary and undue stress and censure. All apparently because of some conviction hungry and vindictive postal inspectors.

Mr. Chairman, this case is also shows a complete disregard for due process. It also has some serious racial implications. Affected postal employees were forced to sign statements and give up their rights to bring action against the Post Office. In addition, each and every one of the targeted employees was an African American.

Furthermore, had it not been for the persistence of many in this room here today, I am almost afraid to guess how long it would have been—if at all—before these activities were uncovered. And even after the involvement of my office and this committee, there was still a lack of cooperation and willingness by the postal inspection service to provide the complete accurate facts.

That is why the work of the post office and civil service committee is so important. Illegal and racially motivated sting operations conducted by Federal agencies cannot be tolerated.

Mr. Chairman, in closing, I want to recognize all of those individuals who had the courage to approach me in the first place and to stand up for their rights. Had it not been for them, untold numbers of innocent people might have continued to be persecuted unfairly.

I look forward to hearing the testimony of all of our witnesses today and to eventually working with this committee in restoring to these individuals all that is properly due them. I yield back my time.

Mr. CLAY. The next witnesses will be a panel consisting of Rosemary Howard, Raymond Scruggs—Ramon Scruggs, Harold Worley, Darrell Walker.

Welcome to the committee.

All of your statements will be inserted in the record and you may proceed as you see fit.

Who wants to be first?

**STATEMENT OF ROSEMARY HOWARD, POSTAL EMPLOYEE;
RAMON L. SCRUGGS, POSTAL EMPLOYEE; HAROLD E.
WORLEY, POSTAL EMPLOYEE; AND DARRELL G. WALKER,
POSTAL EMPLOYEE**

Ms. HOWARD. I will go first. OK.

Good morning, Congressman. My name is Rosemary Howard and I am here to tell what happened to me and how it has affected me and what I am going through today.

I am a 14-year letter carrier with the East Cleveland facility, and on September 4, around 9 o'clock, 1992, I was at work casing my route and I noticed a lot of inspectors in the building. And I noticed two of them coming towards me, and they came over and asked me my name. And I told them, and they told me I was under arrest. And I asked them for what? And he told me for drug trafficking.

And from there, they searched me and dumped my purse on my case, made me take my shoes off and searched me. And then they handcuffed me in front of my coworkers and took me outside where the Channel 8 News crew was waiting outside, and later to find out that I was on the news. And they took me from there.

I could not believe this was happening to me, so I asked one of the inspectors if they were sure they had the correct person. They told me once they had investigated someone they were sure, that they did not make mistakes.

I was taken to the main post office where my fingerprints were taken and I was photographed. I was then taken downtown to the justice center where I was photographed, with my fingerprints taken again. At this time, I was told I was charged with the sale of cocaine and marijuana, four indictments.

I was told that I supposedly sold \$4,260 worth of drugs to informants at a bar that I had never been to. My bond was set at \$5,000, and I had to sit there until a nationwide search was done. I paid the \$500 and I was released. OK.

Then I continued to go to several pretrials and my lawyer wanted me to plead guilty to a misdemeanor and resign. And I refused because I knew I had done nothing. And the trial, pretrials continued to go on until one day I was supposed to go to trial. That afternoon when I showed up, the inspectors and the informants did not show up, so the case was dismissed. So I was under the impression that my case was over.

Then in December 1993, I was reindicted again and had to go through the same procedure all over again. I had another bond set at \$5,000, and I had to pay another \$500. And all of this time, during the first trial, they had nothing on me, no tapes or anything. Then all of a sudden about a week before I was to go to trial, they came up with some tapes, and the prosecutor that was in my case came out to talk to me, and I guess he was comparing my voice to that and the tape and he realized it wasn't me. And about this time, Art McKoy's case was going on and the light—I mean the truth came to light and all the charges were dropped against me and all the other individuals.

The humiliation and shame I went through as a result of this matter has been almost unbearable. I was facing 5 to 25 years for something I did not do, and my family suffered through this also. I was forced to move my son to a different school and to move from home because of the shame, humiliation from neighbors and, you know, other people outside the community.

I think about this all the time, and to this day, it is hard for me to trust anyone. And I am currently receiving psychological help today, and I have never been in any type of trouble with the law. And this has truly been a nightmare for me.

Mr. CLAY. Thank you.

[The prepared statement of Ms. Howard follows:]

PREPARED STATEMENT OF ROSEMARY HOWARD, POSTAL EMPLOYEE

I, Rosemary Howard was arrested on September 4, 1992, at the East Cleveland Post Office. I was searched in front of co-workers, then handcuffed and taken outside the post office. When I was taken outside the TV news crew from channel 8 was waiting to report the arrest of myself and the other employees arrested that day.

I could not believe what was happening to me, so I asked one of the inspectors if they were sure they had the correct person. They told me that once they had investigated someone they were sure and that they did not make mistakes. I was taken to the main post office where my finger prints were taken and I was photographed. I was then taken downtown to the Justice Center where I was photographed and my finger prints were taken again. At this time I was told that I was charged with the sale of cocaine and marijuana. I was told that I supposedly sold \$4,260 worth of drugs to informants at a bar in East Cleveland. I have never been in this bar and I had never seen or been involved with the informants. Following processing at the Justice Center I was arraigned and a bond of \$5,000 was established. After approximately three hours I posted bond and was released.

Following my release, I was formally charged on September 14, 1992 with four counts of selling cocaine. Following several pretrail hearings I was told by my attorney that if I plead guilty, to a misdemeanor and resigned from the post office that would be the end of my case, I refused. I was scheduled for a trial sometime in October 1993, however the inspectors and the informants did not appear and the case was dismissed. I was under the impression that the whole matter was over. Then in December 1993 I received another summons for a hearing on December 8. At that hearing I was recharged and had to post bond to be released from the jail. At that time the prosecutor in the case talked to me in the courthouse, I felt he was trying to determine if the voice on a tape alleged to be me talking with the informants was real. I believe at that time he realized that the voice on the tape was not me. Finally after the information came to light in the Art McKoy case, all charges were dropped against me and the other individuals arrested.

The humiliation and shame I went through as a result of this matter has been almost unbearable. I was faced with the possibility of going to jail for 5 to 25 years for something I did not do. Further my family has suffered, I was forced to move my son to different school and to move from my home. I think about this matter almost all the time. I have come to trust no one and am currently receiving psychological treatment. I have never been in trouble with the law before and to have something like this happen has been a nightmare.

I appreciate being given this opportunity to provide this statement to the Committee.

Mr. WALKER. Good morning, House committee, thank you for convening these hearings. I would like to read my statement.

My name is Darrell G. Walker and I have been a postal worker for 19 years. In 1988, I won an incentive award for "notable work performance" and on many occasions I attended "school career days" representing the Postal Service. I even marched in a Christmas parade on their behalf.

I don't have any attendance problems, having over 1,100 hours of sick time and over 300 hours of vacation time. I have never had

a discipline problem, never got any kind of letters of warning or anything like that. Yet, on September 4, 1992, I was arrested by postal inspectors and led away from my beloved job in fear and in handcuffs.

Charged with five counts of drug trafficking, though I had never sold drugs, I spent 2 days in the county jail. On the grounds of these false charges, I was fired from the Postal Service on October 22, 1992.

Prior to that date, however, on or about October 10, 1992, a man came to my home, asked for me by name and said that he heard I wanted to sell my car. He offered me \$4,000, and I rejected that offer. I thought nothing of his approaching me because the windshield and rear window was broken and others had asked me if I wanted to sell it. He returned every other day for about a week and a half, raising his offer.

When he raised his offer to \$6,000, I agreed to sell. He said he would return the next day with the money. When he returned he said that we would have to go and get the money. I got into his car and he drove around the corner.

Suddenly, without braking, he threw the car into park, jumped out and ran. Seconds later, the car was surrounded by police and I was arrested and charged with another count of drug trafficking. While bent over the car and being handcuffed, I saw a U.S. Postal Service parking permanent sticker on the windshield of the car.

I spent 2 days in the East Cleveland City Jail before being released. I later learned that the informant that set me up was named Willie Kemp.

The following is an excerpt from a Plain Dealer article, dated October 3, 1993, where Willie Kemp, now a prison inmate, details how he set me up:

Inspectors periodically sought reassurance that the buys were legitimate. A bust was set up. Postal inspectors would be on the scene when drugs were confiscated. That is how Darrell Walker, a 38-year-old postal worker, ended up getting charged. Knowledge and Kemp knew Walker wanted to sell his car. He was asking \$6,000. So they told Marshall that they were going to buy drugs off Walker and that Walker used the word 'car' as a code word for drugs.

While Kemp wore a hidden tape recorder, the two men talked about the car and its price, including the miles on the odometer. Knowledge said he told Marshall the mileage was actually a reference to the South American country where the cocaine was coming from.

Kemp picked up Walker and drove him in Kemp's car to get money to close the deal. What Walker didn't know was that Kemp had planted a pack of cocaine under the passenger seat.

A few blocks away, postal inspectors and police cut off the car. Kemp fled. Walker was arrested. Before Darrell knew anything, he had a 9 millimeter in his mouth.

To make matters worse, postal inspectors filed a false police report concerning the arrest in East Cleveland. They said in the police report that they observed me, Walker, coming out of the house with the drugs that Kemp planted under the passenger seat of the car that I was arrested in. That false police report caused me a great deal of mental distress, emotional pain and financial agony.

In January 1993, I was indicted by the Grand Jury on the sixth false charge of drug trafficking. Being out of work for the previous 5 months, I could not make bail and subsequently spent the next 26 days in the county jail, an ordeal that still gives me nightmares.

This experience affected me and my family negatively in many ways and our lives will never be the same. On many nights my wife and I cried together while lamenting our emotional and financial plight. I am in a great deal of debt to this day because of what happened.

The experience transformed me from a happy-go-lucky young mailman into an angry, bitter and cynical old mailman.

Thank you for your concern and interest in this matter.

Mr. CLAY. And let me just say that Mr. Kemp has informed this committee that everything you have said is absolutely true.

You may proceed.

Mr. SCRUGGS. I would just like to say we postal workers here involved in this, and Mr. McKoy, the civilian involved in this, we truly thank you for giving us this opportunity to tell our stories here today.

My name is Ramon Scruggs. I reside at 13309 Gillmor Avenue, Cleveland, 44135. I have been a postal worker for 9 years and 6 months. I have been a leader at the Shaker Station where I am stationed now and where I was arrested at.

I have been on the E.I. Committee, spokesman for that. I have been spokesman for the Christmas committee and forming the different things to take this through. I have been the artist for the Christmas lobby display which we won 2 years in a row. I have always tried to show leadership on the job and off the job. And also a leader in my church.

I would just like to say that on this particular day that this happened to me, on September 2, I was carrying my route as usual. I have the walkout route, which is around the station. So I periodically come back and forth and to the office to pick up my swings. Picking up my third swing coming into the office, I was met on the dock by Mr. Leslie McQueen, which is my super—or was my supervisor. He informed me that he wanted to see me in the office, so would I follow him into the office, which many of us do.

You know, we go into the office thinking that it is a complaint from the customer or something that we have done well that he is going to talk to us about. So in following him into the office, I go into his office, he proceeds to sit at his desk, and then as I go into the office, the door is shut behind me. And as I look behind, there are two gentlemen standing there and they both—they tell me that they are postal inspectors and that I am under arrest for aggravated drug trafficking.

I look at them and I say, you know, you sure you have the right person here? You know, I haven't done anything like this, I know you have the wrong person. And then I asked Mr. McQueen, I said, Mr. McQueen, I said, is this a joke, you know, can you tell me what is happening?

All Mr. McQueen did is he held his head low, he wouldn't look at me or say anything. So then they proceeded to tell me that I was under arrest for these aggravated drug trafficking counts here. They said that for me to empty my pockets and put all my personal belongings in this box, which consisted of my money, my jewelry and things of this sort. And then I am still asking them, you know, well, you know, what have I done or when did this take place?

And they tell me that, you know, we are sure of what we are doing, your picture was picked out amongst five others, and you have been identified as being this particular person that, you know, was doing this trafficking.

Mr. CLAY. Excuse me. Did they read you your rights?

Mr. SCRUGGS. At that particular time, yes, they did. He—they said—they read me my rights. Okay.

After giving my personal items up, they proceeded to handcuff me. They handcuffed me and then they walked me out of the office through the customers' lobby. Now there is two doors they could have went out, there is a side door which is a dock, and then there is a back door, neither of which they used.

They chose to use the door going through the lobby, they marched me through my coworkers there, past another supervisor. I asked him, I said, you know, what is happening, is this a joke? He wouldn't say anything to me. So they walked me past the customers and on to the street, which is East 130th Street, which is my route. Many of my customers looking at me—and then they put me into the back seat, handcuffed there, okay. Then we proceed down, they said they are going down to the main office. So we are driving down and I am still asking them as I am sitting in the back seat, you know, what is this all about? You know, I am telling them they have the wrong person.

They said, well, you know, they have picked my picture from five here and I have been identified, there is no doubt about it. The gentleman that was described had a mustache like yours, which is a Fu Manchu, which I still wear today. They said his hair was long. OK, and I said, well, it doesn't make any sense to me, I said, because there are others at my station that fit that description, you know.

And then they were asking me, they said, well, do you know of anyone that has been dealing any drugs at Shaker station? And I told them no, I do not, you know.

But as we proceeded down and I started thinking, I said, well, there was one young man that was on a program where he had been out of work a couple of months for drugs and they were more or less helping him through it. I didn't mention—you know, I don't want to mention his name. But this gentleman does look like me, he has been involved in drugs, his hair is long, he wears the same mustache that I wear; I am bowlegged, he is bowlegged; we are both the same height, same complexion. Nothing was ever said to him, to my knowledge. OK.

As we go downtown, I am fingerprinted there, and then as I am riding down he is saying to me, well, since you have been so cooperative, Mr. Scruggs, I will see if I can get you a personal bond.

I said a personal bond? I said—yes, he said, well, I will see if I can get you a personal bond. So I go into the county jail. They book me there, they fingerprint me there, take my picture there.

And I would like for you to know here at this point, I have never been arrested for anything, I have never had any negative marks at the Postal Service or off the Postal Service. You know, I have always held a good record.

So at this point as I go through the county and he is telling me that he is going to get me a personal bond, you know, I try and

call my parents. And I asked them, you know, well, they—I said, well, I don't know anything, so I can't get a arraignment date because I don't even know what I am really charged with.

So I seek a bondsman, and finally my bondsman tries to call back, he said he can't get me out because still I have—they don't know what it is for. I have to spend the night in jail, and then they tell me that I have been charged with eight counts of traffic in drugs at two different locations. One of which I had gone to, which was Dearing's restaurant, East 110th and Superior, but I had gone to this many years before that, you see, because I am an entertainer also, I am a singer. And I went there after singing, doing my gigs, I would go there. I knew Ulysses Dearing personally, OK, so I would go there.

The other place which was Terrance Manor Apartments, I had never been before, which is in East Cleveland. So, OK, as we go through this here, I am trying to, you know, figure out what is happening. They tell me that I get out on a personal bond, but the tricky thing about this is the morning—or I am arrested the day before.

That morning, Inspector Marshall calls my parents, speaks to my mother, and tells her that, you know, we think we have the wrong person. And we are going to see, you know, what we can do to get this together, you know. But still I go through all this mess, you know. I go through the procedures, so when I do get out on my personal bond, I seek an attorney.

The attorney, Cynthia Smith, she was on my route, so I went to her just, you know, going to the first person I am thinking about. She did not do as I thought she should have done. Her work was not speedy enough for me. So I had that expense there and I sought another attorney, which was attorney Jim Draper, which he is now Cuyahoga County's defense attorney. I sought him. He was my Assistant Minister at University Church of Christ. And we got together and I was telling him about all of this that had happened. And I am thinking here, before I read my letter here, one of the—

[The prepared statement of Mr. Scruggs follows:]

PREPARED STATEMENT OF RAMON L. SCRUGGS, POSTAL EMPLOYEE

The Pain and Suffering this uncalled-for-incident brought upon me and my family is simply—unmeasurable. I still to-this-day get unwelcomed looks. People that use to talk with me in my neighborhood—no longer will do this. My Reputation—as well as my family's reputation has been severely damaged. It will, probably, never be the same.

I've heard crushing remarks from co-workers and outside associates. JOKES & REMARKS have been plentiful concerning me. I try to laugh many of the bad Remarks off, it's not, always, easy. To fully understand where I'm coming from * * * you would have to just as I was unexpectedly been accused, stripped of your personal belongings, handcuffed, marched through your fellow employees and customers on to your route's street and then driven away like a hardened criminal. Total embarrassment, robbing me of my respect and my livelihood. Unjustifiably accused of trafficking drugs.

This unnecessary accusation has put a lot of mental pressure, financial pressure—as well as physical pressure on me and my family—never to be fully lifted.

Many times, just thinking about being arrested and thrown into jail chokes me up. If I talk to someone about this false arrest I become emotional; I have to stop talking about everything for a moment—just to regroup.

My financial problems have been great. I went without any pay for quite sometime. I applied for unemployment and was denied. I eventually, was given a loan

through my Postal Credit Union (after being reinstated to my position and having all the charges dropped). This loan was, mainly, to catch-up on my monthly bills. I was thinking of purchasing a home during the time of my false arrest—now * * * my credit getting behind—I have been—totally denied.

My leadership in my church has been damaged; I offended many of the elderly members. Many of the members—even though charges have been dropped—still hold it against me. I know this isn't right, but * * *.

My goals with the Postal system have been marred. I used to look forward to coming to my job on a daily basis, now the atmosphere is a bit different. Often I just look around at my fellow co-workers and ask myself "WHY ME".

Just to think back at my stay in the jail—it was just UNREAL. To be locked up—put into those orange clothes—sleeping on those very thin mattresses, grouped into a very cold room, fed sickening food, walking around single-file, eyes straight ahead—no talking—UNREAL.

Mr. CLAY. Let me, for the sake of time—we have got an airplane we have got to catch—let me ask you about that call to your mother. Who made that call to your mother?

Mr. SCRUGGS. Inspector—

Mr. CLAY. All of that is going to be in the record.

Mr. SCRUGGS. OK. Inspector Marshall made the call to my mother the next morning.

Mr. CLAY. And what did he tell your mother?

Mr. SCRUGGS. He told my mother that they thought that they had the wrong person.

Mr. CLAY. But they continued with the prosecution?

Mr. SCRUGGS. They continued.

Mr. CLAY. All right.

Let's go to the next witness here, because we are going to run out of time if we don't.

Mr. WORLEY. All right. Mr. Clay, I want to thank—

Mr. CLAY. Take your time. If you want to read your whole statement, all right.

Mr. WORLEY. Thank the committee for allowing me to speak before it this morning.

My name is Harold Edward Worley. I am 36 years of age. I am a homeowner at 914 East 75th Street. I have lived there for the past 8 years with my wife Rhonda Anne Worley, to whom I have been married for 11 years. I have seven children, two by a previous marriage, three girls and four boys. Their names and ages are a daughter, Tiffany, 17; a daughter, Alicia, 16; a son, Harold Jr., 15; a son, Nikolas, 14; a son Leon, 13; a son Isaiah, 10; and a daughter, Asia, who is 8 years of age.

I have been employed with the U.S. Postal Service for the past 9 years. I have no criminal record.

On September 8, 1992, I was on my mail route delivering mail when I was approached by two postal inspectors, Tim Marshall and Daniel Kuack. I was told to empty my pockets. They then told me to give them my wedding band and watch. I was then handcuffed. They read me my rights and put me in the back seat of their car.

As I pulled off, I asked, what is going on? To my surprise and disbelief, Tim Marshall said I was under arrest for drug trafficking. He told me I had sold cocaine to a couple of his boys.

They took me to the John Holley building where I was fingerprinted and photographed. I was then taken down to the county jail where I was fingerprinted and photographed again. I

was then put on a floor with other detainees, where I had to sleep on a steel floor with a mattress that was only two inches thick.

I frantically called my wife to see if she could raise my bail money. This ordeal went on for 4 days and 3 nights. I was finally released on a \$5,000 bail, of which I had to pay \$534 to a bail bondsman. I could not afford a lawyer so the courts appointed me—courts appointed me a lawyer. And I told this court-appointed lawyer that under no circumstances will I accept a plea bargain. It was either going to be a trial by jury or a complete dismissal of all charges.

I had four indictments of selling cocaine. I knew this was not true. I thought it was a case of mistaken identity. But reality set in hard when I was—when I went to my first pretrial and I was offered a plea bargain, which I refused to accept. This went on at least once a month for the next 5 months. Every time I went to a pretrial, I never knew if I would be released—would be allowed to leave.

Thanks to the integrity and courage of one assistant county prosecutor, Michael P. Maloney, who was more interested in justice than a conviction, blew the postal drug sting sky high and all charges against me were dropped on February 5, 1993.

During the 5 months that this absurdaction was going on, my wife began having migraines that had to be treated with medication, which we have a bill of \$384—\$383. On November 13, 1992, I received a letter from the Postal Service stating I had been removed from its payroll.

Now me and my family had to survive on my wife's income, which could not support a house and seven people. I had to apply for public assistance so that we could eat. I was forced to get a job paying minimum wage, cleaning bathrooms. Eventually, we had to refile our Chapter 13 bankruptcy to keep our house out of foreclosure. This cost us \$480.

The postal drug sting started to have an adverse effect on my health. I was weak, with diarrhea most of the time. I did not go to the doctor for fear of creating another bill that we could not afford. Emotionally I went into a shell and withdrew into myself. When friends and family came around, I would unknowingly isolate myself; this gave many the impression I had something to hide.

The only time me and my family talked was when they were telling me what other people were saying, things like: When the postal inspectors get you, you are got, they are too good to mess up; or maybe they got a video of me selling the drugs. Those 5 months seemed like an eternity, a nightmare.

Since the charges have been dropped, I am still behind in my house note. The Chapter 13 bankruptcy was extended for another 18 months. I would have had to pay it off the beginning of this year if I wasn't put in this drug mess.

I was emotionally unfit to go back to work in February when they dropped the charges. The next day they told me to go back to work. And I wasn't ready to go back, so I asked for emergency annual leave, in which the supervisor told me I couldn't get, so I just walked out of the Post Office in fear of causing harm to someone.

I was emotionally unfit to go back to work. I was put on medication for bouts of depression. Me being one of Jehovah's Witnesses

helped me a great deal in coping with this, but it wasn't enough for my children.

I always tried to instill principles and values in my children. I have tried to do this by my example. In essence, the Postal Service told my children that my example was a lie.

I watched my two oldest children, Tiffany and Harold Jr., slip from under my loving care. Tiffany's grades dropped and she got pregnant, and is now married and moved out of town, all at the—excuse me. All at the age, at the young age of 17. Harold Jr., ended up in a boy's home in Hudson. Nikolas has also distanced himself.

Most of my family and friends are supportive but there are still some who ridicule and slander, saying things such as: If the Postal Service arrested you, you are guilty of something, they just didn't pull—they just didn't pull your name out of a hat; or you were lucky this time.

It has been over a year since I was caught up in this infamous postal drug sting, and me and my family are still feeling the adverse effects of it to this day.

Dear congressional committee, I would like to add to this statement, along with the one that I previously gave, it is a short one, that I gave to Mr. Ned Free.

The U.S. Postal Service seems to not—seems not to see the seriousness of the situation. They do not see or do not care that innocent lives have been destroyed because of the negligence of their procedure and the way this, they, the Postal Inspection Services, conduct criminal investigations.

The near blanket immunity enjoyed by this specific branch of the Federal Government has led them, the Postal Inspection Services, to believe it has the right to treat people however it want—however it wants to. If this had been a private corporation, it would have not have allowed such a shabby operation to go on running for fear of being sued.

It seems that the Postal Services are free to do whatever they want and not have to answer to anyone. This, the Postal Inspection Service has proved to be the case in its last Cleveland drug sting. The Postal Inspection Service showed total disregard for the law by tampering with evidence and it is very likely that the Postal Inspection Service supplied the streets of Cleveland with drugs.

I am sure that if Congress continues to investigate the failed Cleveland postal drug sting, you will find these statements to be true. And also that the Postal Inspection Service's blatant abuse of power did not start with us, the 19 postal workers, but can be dated as far back as 1984, and many have lost jobs and wages.

And at this time, if it may be permitted, to allow Mr. Freeman to show this chart that has involved the lives of many other postal workers.

Mr. CLAY. For the record, we will take the chart. But we are running out of time, and the committee needs to ask some questions of all of these witnesses.

First of all, let me ask Rosemary Howard, you are back to work, all of you are back to work?

Ms. HOWARD. Yes.

Mr. CLAY. You have been reimbursed for your expenses. You mentioned that you were having psychological help.

Ms. HOWARD. Yes, because of my—

Mr. CLAY. Are they paying for that?

Ms. HOWARD. No, I am paying for it out of my pocket.

Mr. CLAY. Have you submitted the bill to them?

Ms. HOWARD. No.

Mr. CLAY. And, Mr. Worley, I guess, you had a bill of \$383 and \$480; have you submitted a bill to them?

Mr. WORLEY. Yes, I have, Mr. Clay.

Mr. CLAY. Tell me about this emergency leave you applied for—and they denied it?

Mr. WORLEY. Yes, it was denied me by my supervisor who was Morton at the time. He told me that he couldn't take it. So I just walked out. Like I said, I was—it was the day, that very night prior to that they had called and dropped all charges. The very next day they sent the certified letter by a special carrier, postal carrier—I had to sign for it—telling me to get back to work that day, that next day. So I had to go back to work and I was in no condition to go back to work.

Mr. CLAY. Was this this year or last year?

Mr. WORLEY. That was in February, that was actually February.

Mr. CLAY. Of this year?

Mr. WORLEY. Of this year.

Mr. CLAY. Is that the same month the President signed my bill on family and medical leave for emergencies?

Mr. SAWYER. Yes, yes.

Mr. CLAY. Isn't that ironic, they told you you couldn't have an emergency leave.

Let me ask you, each of you, were all of you accused of selling drugs off of Federal property?

Mr. WALKER. Yes.

Ms. HOWARD. Yes.

Mr. WORLEY. Yes.

Mr. CLAY. You know, the postal inspectors don't have any authority off of Federal property.

And all of you went to State court?

Ms. HOWARD. Yes.

Mr. CLAY. Doesn't it make sense that a Federal law enforcement officer would accuse somebody of a Federal crime and then take you to State court?

Mr. WORLEY. Actually, it was city.

Mr. CLAY. City court, that is even worse.

Mr. SCRUGGS. County.

Mr. CLAY. County, that is State. I am having a real problem. The more I get into this, the more problems I have.

Mr. Sawyer.

Mr. SAWYER. Mr. Chairman, the stories that we have heard today have brought a sense of life and reality to the kinds of press reports that we have seen since the middle of this past year. In seeing first the kinds of commentaries that were offered on the television, the print responses, the kind of work the chairman has done, the efforts that Congressman Stokes has made, as important as all of that has been, it really doesn't give a sense of reality that you have brought to us today.

My own experience with this kind of operation really does not involve the kind of experience that you have had, but rather efforts to engage postal workers in the kind of sting operations of which you were victims. That is a very special kind of victimization in its own.

I can only for my own part thank you for your willingness to be here today, for the effort that is clearly undertaken for you to tell your stories.

And Mr. Chairman, Mr. Stokes, the other members of our committee that could not be here today, that we will all do everything that is within our power to make this right.

Thank you, Mr. Chairman.

Mr. WALKER. Excuse me, but there is something that I would really like to get on the record.

Mr. CLAY. Yes.

Mr. WALKER. When Mr. Dillman came with his apologies and promising us back pay, I asked him if he is going to compensate me for having spent 30 days in jail. He said no, if you want that, you are going to have to sue us. And I thought that was a very callus, very cruel thing for him to actually say. And I would really like to get that on the record.

Mr. CLAY. Thank you.

Mr. Stokes.

Mr. STOKES. Mr. Chairman, I don't have any questions of the panel. I will reserve my closing remarks for such time as you recognize us.

Mr. CLAY. Thank you.

Let me ask you, Ms. Howard, we have heard Mr. Worley talk about the personal problems of his family. And in your written statement, you talk about your son having to change schools.

Ms. HOWARD. Yes, because—

Mr. CLAY. Will you tell us about that?

Ms. HOWARD. Yes. His friends had saw his mother on TV with, you know, me being arrested with handcuffs. And they teased him about his mother being a drug dealer. And that affected his grades. His grades dropped drastically. And after I was reinstated back to work, I moved and I put him in another school. He is doing much better today.

Mr. CLAY. Thank you.

If there are no further questions of these—yes, Mr. Scruggs.

Mr. SCRUGGS. I would like to say one thing that I would like to put on the record, also. When the amount came up, the amount that I supposedly had been charged with of selling drugs, it was thousands of dollars. I did have this amount in my thrift savings, which the post office has tied up. I wasn't allowed to even touch that. They said I was not able to get this out because I owed this to the post office.

Mr. CLAY. Did you retire, did you pull down your retirement money?

Mr. SCRUGGS. No, this was a thrift savings that you just give from your check, they automatically take it out of your check.

Mr. CLAY. Sort of bonds or—

Mr. SCRUGGS. Just money that they match.

Mr. CLAY. Not part of your thrift retirement?

Mr. SCRUGGS. No.

Mr. SAWYER. Mr. Chairman, would you yield for just 1 minute?

Did any of the witnesses—did any of you experience the problem with your retirement funds that one of the previous witnesses mentioned?

Mr. WALKER. They sent us a letter saying we couldn't touch those funds, we couldn't touch our annual leave until we paid them back the money that they put out for the drug sting. Mine was \$4,300 they say I owed them for money that I sold drugs to people.

Mr. SAWYER. Have you verified for a fact that those monies were not removed from your retirement accounts? You might be well advised to do that.

Mr. CLAY. Let me ask each of you, when you—did you take your money down?

Mr. WORLEY. No, no.

Ms. HOWARD. No.

Mr. CLAY. Who took the money down?

Mr. WORLEY. Actually, all assets was froze.

Mr. CLAY. OK. When they reinstated you, how many months were you off?

Ms. HOWARD. Five.

Mr. WORLEY. Five.

Mr. CLAY. Did they take out union dues and health benefit payments during the 5-month period?

Mr. WORLEY. Well, actually they took out—yes, they took the union dues out and on my first paycheck that I received, I didn't receive, because they took out my hospitalization.

Mr. CLAY. But you weren't covered?

Mr. WORLEY. No, no.

Mr. CLAY. Same in your case? How long were you off?

Ms. HOWARD. Five months.

Mr. CLAY. And they took union dues and hospitalization?

Ms. HOWARD. Right.

Mr. WALKER. Same here.

Mr. CLAY. Same, Mr. Scruggs?

Mr. SCRUGGS. See, now I went back before all of them. I went back November of that particular year, so I was only out just about 3 months. My attorney, Jim Draper at that time, said he would get all of the attorneys together and get this, you know, all this together, because there was something wrong all over. And they met and then shortly after that, my release and going back to work, then they were asked to come back to work. Things were dropped.

Mr. CLAY. They gave them their back pay minus the hospitalization payments and union dues; they weren't protected by either during that period they were off.

Are there any further questions of these witnesses?

We want to thank all of you.

And I will yield to Mr. Sawyer if he has a closing statement.

Mr. SAWYER. Mr. Chairman, thank you for having this hearing, for making it possible for the witnesses that we have heard today to come before us. This touches so many different arenas. The hearings that we have had, that you have taken part in and others, on safety in the postal workplace, is really touched by this.

It is one thing to face the potential for violence in any workplace. The truth of the matter is that despite all of the press reports with regard to violence in the workplace, that the postal workplace is fundamentally safer than most workplaces in society at large. But that probably doesn't count the kind of violence that has been done to your lives. This hasn't been a matter of physical injury, but it has certainly been a matter of violence which was done to each and every one of you. Making amends for that kind of violence may be much more difficult. But we thank you for giving us at least the beginnings of what it takes to try and recover.

Thank you.

Mr. CLAY. Thank you.

Mr. Stokes.

Mr. STOKES. Thank you, Mr. Chairman.

Mr. Chairman, once again I want to express on behalf of myself and my constituents, our total appreciation for your bringing this congressional hearing to the 11th Congressional District of Ohio. The fact that you have taken time out of your busy schedule, particularly at a time when Congress is now in recess, to bring the committee here, affords all of my constituents the knowledge that there is some form of recourse through their legitimate representation.

And I also want to thank my distinguished colleague from Akron, Mr. Sawyer, coming up from his congressional district and joining us to make this an official hearing and to participate in it.

I also want to thank you for permitting me to participate in this hearing, though I am not a member of the Post Office and Civil Service Committee. But through this hearing, this heart-rending testimony we have heard here this morning, one can understand that what has occurred in this city is wrong. These are decent, hard-working people, all of them caring for their families and their homes, their children, and they have now found themselves having been targeted maliciously and unwarrantedly.

As a consequence of it, they have suffered unnecessary and great loss. It is very heart rending to hear people talk of now being under psychiatric care simply because they were carrying out their responsibilities and duties every day, working a job as all Americans have the right to do.

And in the case of Mr. McKoy, I think here is a man who didn't even work for the post office who has been targeted and subjected to what he has been subjected to. It gives us a very dim view of what justice is like in this country.

And that brings me to what I really want to talk about, and that is the fact that it seems to me there are two things we have to do. One is that there has to be some form of legislative approach, some form of legislative relief for these people. Because the mere reinstatement of a job and back pay and a letter of apology here does not really bring full restitution to these people or to the lost lives that they will never be able to regain. And so we are going to seek legislative remedies here.

Second, I think it is a total travesty of justice to have these people who were innocent of any type of crime, having their lives destroyed, at the same time now to see that each of the informants who participated here are under indictment, and the real perpetra-

tors, Marshall and Kuack, who not only conceived of this but then took taxpayer funds to carry out this ill-contrived, illegal operation, are walking the streets every day as though they are immune from any type of prosecution.

I want to announce here today, it is my intention to speak with the county prosecutor, Ms. Stephanie Tubbs Jones, in order to see why Marshall and Kuack are not indicted as everyone else has been indicted in this matter.

And I just want to say that a few days ago we had the opportunity in Washington, DC, to interview Mr. Kemp. And at the appropriate time, Chairman Clay will, I am sure, release that testimony publicly or make it a part of the official record. But I can say that his testimony corroborates what the people here said here this morning. I think that is the important thing, to note these people have told us the truth and they are indeed innocent.

So again, Mr. Chairman, I want to thank you for bringing this hearing and providing us this opportunity to go on record in an official congressional hearing.

Mr. CLAY. Thank you.

And I want to thank you, Mr. Stokes, for permitting us the opportunity to meet with all of these people, to find out how they have been aggrieved by this government. I want to ensure you that your case is not an isolated case. We found the same kinds of abuses of power involving these illegal and ill-conceived drug stings in city after city, at least seven cities we know of, and the same kinds of things have happened to other people.

It is the intention of this committee, and I assure you that Mr. Sawyer and I don't know what kind of restitution we can possibly come up with, but we intend to make your lives whole.

And you are right, Mr. Walker, you ought to be paid for the 30 days that you spent in jail. Not just a letter of apology. Somebody owes you a great deal.

And I can say to all of you that I understand and know the tragedies.

Mr. WALKER. One of those days was my birthday.

Mr. CLAY. Is that right. You know, a lot of times you hear people say, well, I know how you feel. I actually know how you feel because I have been victimized by the same thing. We had a U.S. attorney back in my district trying a drug case and in his opening statement said: And I will prove that Congressman Clay has been selling narcotics. And for two years this was the front page story all over the country, Wall Street Journal, New York Times, every newspaper in the country.

Every time my name was mentioned I was associated with a statement made in open court, that I had been selling narcotics and never produced any evidence whatsoever during the trial to place me anywhere where I was selling narcotics or to produce any witnesses.

So I know what you went through. For two years this hung out there. Finally, I got 107 Members of the U.S. Congress to sign a letter to the Attorney General asking that they impanel a grand jury for the purpose of convicting me, if they had any evidence. And Mr. Stokes and myself, Barbara Jordan and Jim Wright, went over to meet, and Tip O'Neill, went over to meet with the U.S. Attorney,

a Republican, I think, from this town or this State, Saxby, or Leiby, it was one of them.

I went over there four times on four different grand jury investigations, not about narcotics, but other things. And I won all of those. This is since I have been in Congress.

But it took us 2 years to get my name cleared. They conducted a full-scale investigation and then the Attorney General held a press conference to say there was no evidence whatsoever to connect me with any illicit, illegal drug traffic.

So I know what you are going through, I know what you are going through with your family, I know what your kids are going through. My kids had to go through it in school. All I can say to you is that if it is humanly possible, Mr. Sawyer and myself and the other members of this committee are going to see to it that you are made whole.

Thank you.

The record will be left open for 30 days.

And that adjourns this hearing.

Thank you.

[Whereupon, at 12:21 p.m., the committee was adjourned.]

[Additional material submitted for the record follows:]

Kenneth Ferguson
 1383 Ellwood
 East Cleveland, Ohio
 44112-2701

11/19/93

To Whom It May Concern:

On September 4, 1992 I was arrested at the East Cleveland Post Office for drug trafficking. Two postal inspectors came over to my case called out my name and told me to step back I was being arrested for selling drugs. They searched me and my locker for drugs. After they found neither they took me to the main post office where I was finger printed and photographed. After that they took me to the ~~Main~~^{JAFH} post office where I was finger printed and photographed again, I stayed in jail for several hours until my bond was posted. When I was released they gave me papers telling me exactly what I was being charged with. These papers gave me the dates I was suppose to have sold drugs and how much. I couldn't believe this was happening to me but it was all so real. Once it sunk in I got scared. I knew I hadn't sold any drugs but I was being charged. I went through pure hell the days following thinking about it and the consequences. That's when I decided to seek help to help me fight this ridiculous charge. My lawyer and me must have went to nine or ten pre trials to get to the bottom, each time they kept giving us the run around. My lawyer filed a writ of discovery to get whatever evidence they had. They

turned over two casset tapes to my lawyer. After I heard the tapes I knew I was going to ~~be~~ exonerated because it wasn't my voice.

During this time it was nineteen other postal employees fighting the same charges each one saying they're not guilty. At this particular time we knew something wasn't right, all the accused were black. It looked as if they were trying to get blacks out the post office. These charges were eventually dropped and I returned to work February 6, 1993.

work
home

Kenneth Ferguson
East Cleveland Post Office
451-9703
541-1801

Darrell G. Walker
1231 E. 123rd
Cleveland OH 44108

Dear Sirs,

By participating in the congressional hearing investigating the Cleveland postal drug "sting" of 1992 I realized that the committee was just as interested in how the "sting" affected my life as it was in the details of the actions of the inspectors and informants. Therefore I'd like to supplement my original statement to the committee with this letter that I have written to the local newspaper.

Sincerely yours
Darrell G. Walker

Darrell G. Walker
1231 E 123rd
Cleveland OH, 44108

Dear Sirs,

I am a 19 year postal employee that was targeted in the recent drug "sting" debacle. Now that the Postal Service is about to waste 7 million dollars on a new logo, I feel that it is imperative that the public know of the emotional and financial hardships that the "sting" caused for me and my loved ones. During those dark days I had no friends, while my children had no Thanksgiving, no Christmas, and eventually, no daddy.

Like most Americans I live from paycheck to paycheck; so the financial devastation of the "sting" was immediate. In my case, the lives of two families were drastically affected; that of my ex-wife and two children, ages 16 and 18 and that of my present wife and four children, ages 2, 3, 7 and 11. Both families almost lost their homes. My ex-wife almost lost her home because I was unable to continue paying alimony and child support. To avoid homelessness, she took out a \$2,000 personal loan to pay past due house notes, putting herself in a severe financial bind.

The "sting" caused me to be \$12,000.

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behind in support to her. Where am I going to get \$12,000? The support bureau sent me a letter stating that all of my future state and federal tax refunds will be confiscated to satisfy that debt. I pay \$1,500 a month in alimony and child support to her and desperately need those tax refunds to support my current family. I went to the support bureau and explained how I came to be in arrears and that it wasn't my fault. I was told that it didn't matter how I came to be behind and that no other arrangements could be made for payment.

My home was almost lost when I received an eviction notice bearing the words "trafficking in drugs alleged". I had to literally beg my landlord not to put my babies out on the street. He said that if the government made these charges then they had to be true. I explained that the Postal Service was behind the allegations. After much pleading he agreed to let us stay until I was convicted in court. Being employed all my life, this was the first time that I

ever had to beg for anything and it was a very degrading experience.

I was accused of five counts of drug trafficking on Sept. 3, 1992 and fired on Oct. 22, 1992, without the benefit of a trial. As a sort of severance pay they granted me thirty days of administrative leave pay on the stringent condition that I seek employment elsewhere. (Later all monies earned while we were off were deducted from the back pay.)

Every job application that I filled out had questions such as "Have you ever been arrested? If so, what for?", and "Have you ever been charged with a felony? If so, what was the charge?" By answering such questions honestly I was automatically disqualified for the job. Who would hire an alleged drug dealer?

Because I couldn't find a job, I turned to selling my possessions for income. When I tried to sell my car, a postal informant, posing as a buyer, set me up in a drug bust. His name is Willie Kemp. I wound up in jail for two more days for trying to feed and house my family. However

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I could not let that deter me; my children had to eat.

Over the following months I sold most of my furniture and appliances. I pawned my T.V. over ten times. By January all I had left was two beds, a hot-plate, a second-hand sofa and a refrigerator. My kids had to eat their meals sitting on the floor on newspaper. The four of them slept in one bunkbed.

Unbelievably, things got worse. I was indicted on a sixth drug charge; the Willie Kemp set-up charge. Unable to make bail, I was jailed and separated from my family just when they needed me most. Two weeks into my incarceration our electricity was disconnected for lack of payment. With no lights or heat my family was forced to abandon our home and be shuffled about between different relatives.

The helplessness, mental anguish and monumental worry over my family's situation nearly drove me crazy. Being locked up in the very unpleasant county jail for crimes that I did not commit didn't help.

matters either.

When the truth about the drug "sting" broke in February of 1993 I had spent a total of thirty days in jail. To be released I still had to make bail because of a fraudulent police report filed by postal inspectors concerning the "Willie Kemp set-up" drug charge. Postal inspectors said in that police report that they observed me coming out of my house with the drugs that Kemp later admitted planting under the passenger seat of the car that I was arrested in.

Though I was given my job back, with back pay, I gained nothing from the back pay. I had to use it to replace my furniture and pay six months of past due car notes and other bills. I still owe \$12,000 in delinquent alimony and child support payments because of the "sting".

Once, during the height of our crisis, my twelve year old daughter asked me, "Daddy, why are they doing this to us?". I couldn't give her an answer. I ^{just} went into another room and wept silently. Well, they are

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still doing it to us, and without ^{economic} justice
from someone, anyone, the trecherous legacy
of the Great Postal Drug "Sting" of
1992 will continue to scar the lives of
all its victims for years to come.

Sincerely yours,
Darell Walker

IN THE COURT OF APPEALS
FOR THE EIGHTH JUDICIAL DISTRICT
CUYAHOGA COUNTY, OHIO

CASE NO. 65159

STATE OF OHIO
Plaintiff/Appellee

-vs-

LEROY LUMPKIN
Defendant/Appellant

BRIEF OF APPELLANT

COUNSEL FOR DEFENDANT/APPELLANT COUNSEL FOR PLAINTIFF/APPELLEE

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TABLE OF AUTHORITIES

Criminal Rule 29

Fifth and Fourteenth Amendments of the United States Constitution and Article I of the Ohio Constitution

Fifth and Fourteenth Amendments to the United States Constitution and Article I, Section 16, of the Ohio Constitution

Ohio Revised Code Section 2925.03

State v. Apanovitch (1987), 33 Ohio St. 3d 19, 514 N.E. 2d 394; *State v. Bridgeman* (1978), 55 Ohio St. 2d 261, 9 O.O. 3d 401, 381 N.E. 2d 184.

State v. Doran (1983), 5 Ohio St. 3d 187, 192, 5 OBR 404, 409, 449 N>E> 2d 1295, 1299, citing *Sherman v. United States* (1958), 356 U.S. 369, 78 S. Ct. 819, 2 L. Ed. 2d 848

State v. Jenks (1991), 61 Ohio St. 3d 259, 574 N.E. 2d 492

State v. Martin (1983), 20n Ohio App.3rd 172, 175, 20 OBR 215, 219, 485 N.E.2d 717, 720. See, also, *State v. Abi-Sarkis* (1988), 41 Ohio App.3d 333, 535 N.E.2d 745; *State v. Otten* (1986), 33 Ohio App.3d 339, 515 N.E.2d 1009; *State v. Thrush* (April 23, 1991), Franklin App. No. 90AP-1298, unreported, 1991 WL 64902

State v. Robinson (1955), 162 Ohio St. 486, 487, 55 O.O. 388, 388-389, 124 N.E.2d 148, 149; *State v. Cooley* (1989), 46 Ohio St.3d 20, 26, 544, N.E.2d 895, 905-906; *Tibbs v. Florida* (1982), 457 U.S. 31, 102 S.Ct. 2211, 72 L.Ed.2nd 652

Steiner v. Custer(1940), 137 Ohio St. 448, 451, 19 O.O. 148, 149, 31 N.E. 2d 855, 856-857; *State v. Adams*(1980), 62 Ohio St. 2d,151, 157,16 O.O. 3d 169, 172-173, 404 N.E. 2d 144, 149

ASSIGNMENTS OF ERROR

- I. The trial court erred in failing to give a jury instruction on entrapment depriving appellant of due process of law as guaranteed by the *Fifth and Fourteenth Amendments of the United States Constitution* and *Article I of the Ohio Constitution*

- II. The trial court erred when it overruled appellant's motion for judgment of acquittal made pursuant to *Criminal Rule 29*, thereby depriving him of due process of law as guaranteed by the *Fifth and Fourteenth Amendments to the United States Constitution* and *Article I, Section 16, of the Ohio Constitution*

- III. Appellant's convictions are against the manifest weight of the evidence.

STATEMENT OF THE ISSUES

- I. Whether the trial court abused its discretion in denying appellant's request for a jury instruction on entrapment.
- II. Whether the trial court erred in denying appellant's motion for judgment of acquittal under *Criminal Rule 29*
- III. Whether the jury's verdict is against the manifest weight of the evidence.

STATEMENT OF THE CASE

Defendant/Appellant LEROY LUMPKIN was initially indicted by a Cuyahoga County Grand Jury in CR 282048 and charged with drug trafficking in violation of Ohio Revised Code Section 2925.03. Assigned to Judge Linda Rocker, this case was dismissed, presumably due to the corrupt, illegal actions of the postal inspectors' "confidential, reliable informants". The dismissal took place when the case was called for trial on November 10, 1992. Unbeknownst to appellant, the postal inspectors had him re indicted the day before in the instant case (CR 289746). This indictment was the result of alleged criminal activity from October 29, 1992. It is important to note that appellant left the employ of the Post Office over three (3) weeks earlier on October 3, 1992.

Appellant was arraigned on his new case November 16, 1992 and was tried and convicted in part, from January 21, 1993 to January 26, 1993. Sentencing took place February 16, 1993, and this appeal was timely filed.

While not a part of the official record, it is important to note that the "postal sting", as it has come to be known, resulted in the dismissal of all the other criminal charges except this case. Representative William Clay, chairman of the House Post Office Committee, demanded an investigation of the undercover operation which led to unlawful firing and wrongful prosecution of many workers on drug charges.

STATEMENT OF THE FACTS

Appellant, Leroy Lumpkin, met a young woman at the Justice Center and again, by coincidence (?), on the streets of Cleveland. This young lady, Kim, introduced appellant to her alleged brother, Polo. Appellant's new found friend, Polo, cajoles and convinces appellant to assist him in obtaining drugs. The testimony of Postal Inspectors Marshall and Cuack was that they searched their "confidential informants" at a parking lot on Superior Avenue new East 116th Street in the City of Cleveland. Finding drugs or money on their "informants" the inspectors followed the two (2) snitches car in their own unmarked vehicle. Proceeding to 3683 East 116th Street (appellant's address), the confidential, reliable informants (CRIs) exited their car and entered the residence for several minutes. The inspectors next followed their CRIs to East 118th Street and Benham Avenue where appellant was observed standing out on the street. The CRIs and appellant spoke for about thirty (30) seconds, appellant walked across the street to a house, returned to the CRIs vehicle and got in.

The three (3) parties in the car returned to appellant's residence where they existed the CRI's car and went into the home. There, they remained for approximately thirty (30) minutes before getting back in the CRI's car and driving off.

At a residence on Elizabeth Street, a fourth person entered the vehicle and they went down to East 116th street, remained there for about fifteen (15) minutes and returned to the Elizabeth Street address where the fourth party alit the CRI's car.

Another stop was made at a grocery store at Kinsman and East 119th Street. Finally, the Postal Inspectors' CRIs arrived at East 103rd and Quebec where the alleged crimes took place. Inspectors Marshall and Cuack allegedly watched as one of the CRIs and appellant exited the car, walked to and through a vacant lot on the west side of East 103rd, and returned about one half hour later. It was then that the CRI gave a pre-determined signal indicating that the appellant had a controlled substance in his possession.

Appellant was arrested and twenty-six (26) "rocks" of crack cocaine were recovered from the immediate area along with Two Hundred Dollars (\$200.00) in "marked" money.

The B.C.I. lab technician testified that the "rocks" tested positive for cocaine and a second substance submitted for analysis, a bag of over fifteen (15) grams of powder turned out to be baking powder. Both exhibits were submitted for analysis with the B.C.I. under the name of appellant.

LAW AND ARGUMENT

- I. Whether the trial court abused its discretion in denying appellant's request for a jury instruction on entrapment.

As indicated in appellant's "Statement of the Case", the Postal Inspectors had previously indicted appellant, but dismissed the case on the day of the trial (Tr. 76,77 and 78). They immediately set about to entrap appellant by pursuing him with the same "reliable" informants who have themselves been indicted. It was the Postal Inspectors' infamous informant who broached the subject of purchasing drugs (Tr. 177, 178, and 179). Nowhere in the transcript is the testimony of the two (2) CRIs because their conduct was so reprehensible that their credibility prohibited them from testifying.

Abuse of discretion connotes more than an error of law or judgment as it implies the court's attitude was unreasonable, arbitrary or unconscionable. *Steiner v. Custer*(1940), 137 Ohio St. 448, 45 i, 19 O.O. 148, 149, 31 N.E. 2d 855, 856-857; *State v. Adams*(1980), 62 Ohio St. 2d,151, 157,16 O.O. 3d 169, 172-173, 404 N.E. 2d 144, 149. Here, the court was well aware of the numerous complaints previously raised about the postal "sting" and its catastrophic results. The mere fact that the prior case was dismissed on the day of trial was reason to give some deference to the suggestion by appellant that perhaps, the government's agents were going out of their way to "get" appellant. He was not even employed by the Postal Service when he was approached by the CRIs.

"Entrapment is not established when government officials 'merely afford opportunities or facilities for the commission of an offense' and it is shown that the accused was predisposed to commit the offense." *State v. Doran* (1983), 5 Ohio St. 3d 187, 192, 5 OBR 404, 409, 449 N.E. 2d 1295, 1299, citing *Sherman v. United States* (1958), 356 U.S. 369, 78 S. Ct. 819, 2 L. Ed. 2d 848. Appellant herein was not predisposed to commit the crimes for which he was charged. As he alone testified about what took place, the CRIs pressed him to sell or purchase drugs (Tr. 179, 180, and 181). After the prior proddings by the CRIs, he was again asked on the date of the alleged offense to assist them in securing drugs. The Postal Inspectors corroborated appellant's version of events and lend credence to the entrapment theory. The various stops made by the CRIs with appellant and the enticement of the one CRI's sister made appellant, a self-professed, recovering drug addict, a helpless victim. The CRIs ingratiated themselves into appellant's life and did more than merely provide an opportunity to appellant to commit criminal acts.

Appellant's trial counsel correctly requested the jury charge on entrapment and timely objected to the trial court's refusal to give such an instruction. Failure to instruct the jury on entrapment is an abuse of discretion in light of the overwhelming evidence to support such a defense.

II. Whether the trial court erred in denying appellant's motion for acquittal under *Criminal Rule 29*

Pursuant to *Criminal Rule 29 (A)*, a court shall not order an entry of judgment of acquittal if the evidence is such that reasonable minds can

reach different conclusions as to whether each material element of a crime has been proved beyond a reasonable doubt. *State v. Apanovitch*(1987), 33 Ohio St. 3d 19, 514 N.E. 2d 394; *State v. Bridgeman*(1978), 55 Ohio St. 2d 261, 9 O.O. 3d 401, 381 N.E. 2d 184. In order to reverse the trial court on this issue, the evidence must be construed most favorably toward the state. In reviewing this particular case however, it must be noted that defendant was not found to have had any drugs or residue on his person. In fact, the jury agreed that defendant was not in possession of the "crack" because they acquitted appellant. Nevertheless, the trial court allowed the case to go to the jury and the resultant verdict was wholly inconsistent. Appellant was convicted of "knowingly prepare for shipment" cocaine.

The state's evidence was sorely lacking in this particular count of the indictment and the trial court again, abused its discretion in failing to grant the appellant's motion for judgment of acquittal.

III. Whether the jury's verdict is against the manifest weight of the evidence.

Appellant asserts that his conviction is against the manifest weight of the evidence. Although a verdict is supported by sufficient evidence, a court of appeals may nevertheless conclude that the verdict is against the manifest weight of the evidence. *State v. Robinson* (1955), 162 Ohio St. 486, 487, 55 O.O. 388, 388-389, 124 N.E.2d 148, 149; *State v. Cooley* (1989), 46 Ohio St.3d 20, 26, 544, N.E.2d 895, 905-906; *Tibbs v. Florida* (1982), 457 U.S. 31, 102 S.Ct. 2211, 72 L.Ed.2nd 652. Here, the test is much broader than that applicable to challenges to the sufficiency of the evidence. " * * * The

court, reviewing the entire record, weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines whether in resolving conflicts in the evidence, the jury clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered. * * *" *State v. Martin* (1983), 20n Ohio App.3rd 172, 175, 20 OBR 215, 219, 485 N.E.2d 717, 720. See, also, *State v. Abi-Sarkis* (1988), 41 Ohio App.3d 333, 535 N.E.2d 745; *State v. Otten* (1986), 33 Ohio App.3d 339, 515 N.E.2d 1009; *State v. Thrush* (April 23, 1991), Franklin App. No. 90AP-1298, unreported, 1991 WL 64902. This review is tempered by the principle that questions of weight and credibility are primarily for the trier of fact. *DeHass, supra* Thus, the power to reverse a judgment as against the manifest weight must be exercised with caution and only in the rare case where the evidence weighs heavily against conviction. *Martin, supra* 20 Ohio App.3d at 175, 20 OBR at 219, 485 N.E.2d t 720; *Abi-Sarkis, supra* 41 Ohio App.3d r 337-338, 535 N.E.,2d at 750.

No rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt. *State v. Jenks*(1991), 61 Ohio St. 3d 259, 574 N.E. 2d 492, at paragraph two of the syllabus.

Herein, there was no testimony by the CRIs, the Postal Inspectors were not privileged to the long absences outside the hearing of the appellant and the CRIs, evidence of baking soda was presented as having been a part of the investigation of appellant, and there wasn't one scintilla of testimony or evidence linking appellant to the preparation for shipment of cocaine. Obviously, the jury lost its way and returned a verdict of guilty without the requisite elements of proof beyond a reasonable doubt having been presented.

CONCLUSION

For the foregoing reasons, appellant requests this Honorable reviewing Court reverse the two (2) convictions returned at the trial court and dismiss the charges against appellant.

Respectfully submitted,

James A. Jenkins
Counsel for Appellant

CERTIFICATE OF SERVICE

A copy of the foregoing Brief of Appellant was served on Stephanie Tubbs Jones, Cuyahoga County Prosecutor, 9th floor, The Justice Center, 1200 Ontario Avenue, Cleveland, Ohio 44113 this 2nd day of July, 1993.

James A. Jenkins

DEC 14 1993

LAW OFFICES OF

JAYE M. SCHLACHET

TERMINAL TOWER - SUITE 620

50 PUBLIC SQUARE

CLEVELAND, OHIO 44113-2204

(216) 781-3434

FAX 781-1749

JAYE M. SCHLACHET

OF COUNSEL
ALAN GOODMAN
SANFORD GROSS

December 10, 1993

Congressman Louis Stokes
Federal Office Bldg., Room 2947
1240 East Ninth Street
Cleveland, Ohio 44199

Re: Brian C. White

Dear Congressman Stokes:

I represent Brian C. White, an employee of the United States Postal Services, and one of the victims of the Postal Services drug sting which went awry. Mr. White and myself were in attendance at the hearing on the Postal Inspection Service drug sting operation in Cleveland, Ohio, held on November 29, 1993. I was only able to attend a portion of the meeting due to a scheduling conflict. Your secretary asked Mr. White to provide your office with a statement regarding his experiences with the operation.

Initially, Mr. White would like herein to express his heartfelt appreciation for your interest in the matter. Would you please express Mr. White's sentiments to the Honorable Chairman of the Committee on the Post Office and Civil Service, the Honorable William L. Clay.

On June 10, 1992, in a secret indictment, the Cuyahoga County Grand Jury issued a three-count indictment against Mr. White, which carried Case No. CR283261. Count One alleged that on December 11, 1991, in violation of Drug Law, Revised Code 2925.03, Mr. White sold or offered to sell cocaine in an amount being less than the minimum bulk amount. Count Two alleged that on January 28, 1992, in violation of Drug Law, Revised Code 2925.03, Mr. White sold or offered to sell cocaine in an amount equal to or exceeding the bulk amount but less than three times the bulk amount. Count Three of the indictment alleged that on March 31, 1992, Mr. White violated Drug Law, Revised Code 2925.03, wherein he sold or offered to sell cocaine in an amount equal to or exceeding the bulk amount but less than three times the bulk amount. The secret indictment was unsealed in September of 1992. Mr. White was indicted along with

Congressman Louis Stokes
Page -2-
December 10, 1993

18 other Postal Service's Cleveland Area employees, who were all secretly indicted on drug trafficking charges. The arrests allegedly stemmed from a nine-month investigation by the Postal Service in a nationwide campaign to cleanse its work places and work force of drugs according to Postal Inspector, Michael D. Sitter. Mr. White was arrested while working at Cleveland's Main Post Office at 2400 Orange Avenue. The arrest was made in full view of his co-workers and television cameras. The investigation allegedly was triggered by tips from supervisors, employees and customers. Mr. White was immediately suspended without pay, pending the outcome of the case. Mr. White's name and residence street was placed in an article appearing in the headlines of the Metro Section of the Cleveland Plain Dealer on September 5, 1992.

The U. S. Postal Inspection Service specifically alleged that on December 11, 1991, at approximately 5:11 P.M., Mr. White met with confidential informants, described as Nos. 238 and 226, at East 92nd and St. Clair, in Cleveland, wherein Mr. White sold the two confidential informants 3.5 grams of crack cocaine in exchange for \$345.00. Next, it was alleged that on January 28, 1992, at 7:41 P.M., Mr. White met with confidential informants 238 and 269, at the men's restroom of a bar at East 105th Street and Massie Avenue, in Cleveland and sold 18 grams of cocaine powder in exchange for \$750.00. Finally, it was alleged that on March 31, 1992, at 7:11 P.M., Mr. White, in the restroom of Roundtree's Golden Lady Tavern, at 7513 St. Clair Avenue, in Cleveland, sold to informants 238 and 269, 29.5 grams of cocaine powder for \$1600.00.

On November 10, 1991, Mr. White was injured in a gunfire incident and underwent extensive surgery for his wounds on November 11, 1991. Mr. White was subsequently released from the hospital on December 14, 1991. He was an in-patient at the Mt. Sinai Medical Center in Cleveland, Ohio, from November 10, 1991 through December 14, 1991. Subsequently, Mr. White was released from the hospital and was permitted by his doctor to travel to Alaska for further recuperation with his mother. Mr. White did, in fact, travel to Alaska on January 6, 1992. On January 28, 1992, when he allegedly was selling drugs in Cleveland, he was at a doctor's appointment in Anchorage, Alaska and saw Roland E. Gower, M.D. Obviously, there was an incredible error in the indictment. On December 11, 1991, when Brian White was allegedly selling drugs, he was a patient in the hospital. In January, he was in Alaska. Accordingly, after

Congressman Louis Stokes
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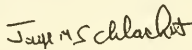
incurring several thousand dollars in defense fees, his criminal matter was dismissed by the State. It became quite apparent that there was something radically wrong with the total investigation after Mr. White's case was brought to the Prosecutor's attention. It is clear that there was incredible information pointing to the innocence of more than a dozen of the postal workers charged in the drug sting and the Postal Inspectors had to have known that something was very wrong with the investigation. Subsequently, the U. S. Postal Inspection Service announced that it had been hoodwinked by its own informants into charging 19 innocent postal workers with drug trafficking. The Committee, through its diligent investigation, knows the rest of the story.

Mr. White cannot, in words, express the anger, humiliation, embarrassment and the damage he has suffered as a result of the wrongful charge. Mr. White, an honorably discharged United States Marine's reputation remains tarnished in the community. Unfortunately, persons in this community believe that he was able to extricate himself from his criminal charges through legal maneuvering. He is still attempting to economically recover from his period of unemployment.

Mr. White is available, at any time, to further articulate to the Committee the dire ramifications of the U. S. Postal Inspection Service's outrageous conduct.

Again, on behalf of Mr. White, thank you for this opportunity.

Very truly yours,


Jaye M. Schlachet

JMS/ap
cc. Brian C. White

November 29, 1993

Dear Chairman and Members of this distinguished Board:

I would like to greet you with the greetings of peace of As-Salam-Alaikum. I first would like to thank almighty God for letting us be here today. Ladies and gentlemen of this panel, I will secondly say that the minutes you allow me to speak are not enough for me to get my total point across. I will say what I am to say here with God as my witness that I speak the truth and nothing but the truth.

I, Abdul Rahim Ali Hasan, who is the Chairman of the group "People Uniting for Justice" find it very hard to believe that from the beginning until now that the guilty party, knowing who they are, would allow any type of meeting to go on without me being invited to be there or play a part therein. Had I been a leader of a group of infidels or some group talking about overthrowing a government, I would be on national television; but since I was not one of these, but a man of truth, you all have denied me to speak until this point.

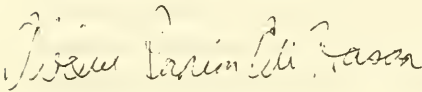
I heard that some of you wanted to know whether the acts done by these Postal Inspectors was racist. I will answer your question with another. If the inspectors in these cases were all black and the so call violators were white, what would you call it?

We as people of color along with the depressed and oppressed of this country are tired of being pushed around by the bureaucrats and aristocrats of this country. I believe that America is on its way to a Civil War again. This time it will be the oppressed against the establishment or the System. We as people, should I say "human beings," don't wish for such an encounter. What we ask of you is that you get your feet off of our back and let us get a peace of the Earth that God intended for all of us.

I personally am upset with the way that the judicial system here has handled these cases of the postal workers, mostly black. That this system would allow the Postal Inspectors with no arresting authority, Alexander vs. the United States, 5 Circuit, 1968, at 390 Federal 2d 101 and the volumes 39 United States Constitutional Amendment at (a)(2)(C & K)(, to come into this city of Cleveland and administrate this type of violation upon these citizens, who happens to be postal workers of the highest degree of excellence in their lives, who are husbands, mothers, wives and fathers, who are mostly veterans of the Armed Forces, mostly vietnam veterans. Ruining their lives with their friends and family and, most of all, their dignity in their pursuit of the American Dream, but not getting the dream but the American Nightmare.

This Judicial System in the county of Cuyahoga took these cases up because they believed (or went along with) that the Postal Inspectors don't make mistakes. But how do you like them now, my prosecutors and my Judge and news media. I say to you, the panel here to do all you can to get us back our jobs, our dignity, and let us go on with our lives and let your conscience be your guide because God looks at all we do.

Thank you,



Abdul Rahim Ali Hasan

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THE STATE OF OHIO }
CUYAHOGA COUNTY }

IN THE PROBATE COURT
Division of the Court of Common Pleas

Doc. ... 875 ... No. ... 876469

In re

Stanley Howard Cummings

JOURNAL ENTRY **1364**
OF

CHANGE OF NAME

JOUR 1190

1232

On this 23 day of November, 1977 this cause came on to be heard on the
petition of Stanley Howard Cummings

for an order and decree of this Court changing
his name from Stanley Howard Cummings

to Abdul Rahim Ali Hasan

and the same is heard on said petition, the exhibits and testimony.

Whereupon, the Court being fully advised in the premises, finds that the petitioner... has
duly given notice of his intention to file the petition for the change of his name...
by one publication in a newspaper of general circulation in this County at least thirty days prior to the
time of the filing of the petition as required by law, and the Court being satisfied on examination of
the proof herein filed, that such publication was in all respects legally made, the same is hereby approved.

The Court finds and is satisfied by proof in open Court that the facts set forth in the petition
are true, and that there exists reasonable and proper cause for changing the name... of the petitioner...

It is therefore, by the Court ordered and decreed that the name... of the petitioner... be and it is
hereby changed from Stanley Howard Cummings

to Abdul Rahim Ali Hasan

as prayed for.

NOV 20 1977

21/9/77

Joseph J. Hasan
Probate Judge

The State of Ohio, } ss.
 CUYAHOGA COUNTY

IN THE PROBATE COURT
 Division of the Court of Common Pleas

I, FRANCIS J. TALTY, Probate Judge and Ex-officio Clerk of the Probate Court, within and for said County, and in whose custody the Files, Journals and Records of said Court are required by the laws of the State of Ohio to be kept, hereby certify that the foregoing is taken and copied from Journal 1190 page 1232 of the proceedings of said Court and that the same has been compared by me with the original entry on said Journal, and is a correct transcript thereof.

In Witness Whereof, I do hereunto subscribe my name
 and affix the seal of said Court this 5th day of

March 19 86

Francis J. Talty Probate Judge
 By Mary Ann Osaver Deputy Clerk

cc. 875 No. 876469

note

Stanley Howard Cummins

Change of Name

THIS IS AN IMPORTANT RECORD
SAFEGUARD IT.

PERSONAL DATA		SERVICE NUMBER		SELECTIVE SERVICE DATA	
1. LAST NAME, FIRST NAME, MIDDLE NAME CHERWIN, STANLEY ROBERT		7. SERVICE NUMBER 52 659 072		3. SELECTIVE SERVICE CLASSIFICATION 2-D	
4. GEF (REGIMENT, BATTALION AND BRANCH OR CLASS) 1st Armored Div		5. GRADE (REGIMENT NUMBER) PL4(7) (Sec 30)	6. GRADE (DATE) 1st Lt	8. DATE OF RANK 13 Jun 65	9. DATE OF BIRTH 25 Jun 44
10. SELECTIVE SERVICE NUMBER 33 20 4 221		11. SELECTIVE SERVICE LOCAL ORDER NUMBER, CITY, COUNTY, STATE AND ZIP CODE 1120, Cleveland, Ohio 44114		12. DATE REGISTERED 16 Jul 65	
13. TYPE OF TRANSFER OR DISCHARGE Transferred to UMR (Sec 16)		14. STATION OR INSTALLATION AT WHICH EFFECTED Fort Hood, Texas		15. REASON AND AUTHORITY Sec 16 (1) (a) 615-200 (1) 201 Expiration of Term of Service	
16. TERMINAL DATE OF RESERVE 15 Jul 71		17. CURRENT ACTIVE SERVICE OTHER THAN BY INDUCTION None		18. PRIOR REGULAR ENLISTMENTS None	
19. SOURCE OF ENTRY ENLISTED (First Enlistment)		20. PLACE OF ENTRY INTO CURRENT ACTIVE SERVICE (City and State) Cleveland, Ohio		21. GRADE, RATE OR RANK AT TIME OF ENTRY INTO CURRENT ACTIVE SVC Pvt (1) E-1	
22. STATEMENT OF SERVICE		23. CHARACTER OF SERVICE REGULAR		24. TYPE OF CERTIFICATE ISSUED None	
25. SPECIALTY NUMBER AND TITLE 1120 Inf Div		26. GRADE, RATE OR RANK AT TIME OF ENTRY INTO CURRENT ACTIVE SVC None		27. DATE OF ENTRY 15 Jul 65	
28. GRADE, RATE OR RANK AT TIME OF ENTRY INTO ACTIVE SERVICE (Insert: R, D, Civil, County, State and ZIP Code) 713 Merrill Drive Cleveland (Cuyahoga) Ohio 44109		29. SOURCE OF ENTRY ENLISTED (First Enlistment)		30. DATE OF ENTRY 15 Jul 65	
31. SPECIALTY NUMBER AND TITLE 1120 Inf Div		32. GRADE, RATE OR RANK AT TIME OF ENTRY INTO CURRENT ACTIVE SVC None		33. DATE OF ENTRY 15 Jul 65	
34. OCCASIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED Victorian Service Medal w/2 Bronze Service Stars; National Defense Service Medal; Emblem of Vietnam Campaign Medal; Purple Heart w/3d Oak Leaf Cluster, Combat Infantryman Badge; Paratrooper (Title) 1st Class Aviator (Other Markers)		35. STATEMENT OF SERVICE		36. AMOUNT OF ALLOTMENT None	
37. VA CLAIM NUMBER None		38. SERVICE MEMBER'S GROUP LIFE INSURANCE COVERAGE None		39. MONTH ALL DUTY DISCHARGED None	
40. REMARKS 4 Years High School Blood Groups "A" Blood 5a: ABO (P) 7-3 Aptd 10 Dec 65		41. SIGNATURE OF PERSON BEING TRANSFERRED OR DISCHARGED <i>[Signature]</i>		42. SIGNATURE OF OFFICER AUTHORIZED TO SIGN <i>[Signature]</i>	
43. ADDRESS FOR MAILING PURPOSES AFTER TRANSFER OR DISCHARGE (Insert: RFD, City, County, State and ZIP Code) 17711 Chardon Road Chardon, Ohio 44024		44. SIGNATURE OF PERSON BEING TRANSFERRED OR DISCHARGED <i>[Signature]</i>		45. SIGNATURE OF OFFICER AUTHORIZED TO SIGN <i>[Signature]</i>	

DD FORM 1 JUL 64 214

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE EFFECTIVE 1 JAN 67.

GPO : 1968 O - 233-125

ARMED FORCES OF THE UNITED STATES
REPORT OF TRANSFER OR DISCHARGE

United States Postal Service

Special Achievement Award
is conferred upon

A. R. H A S A N

in recognition of notable performance



Issued at CLEVELAND, OHIO DIVISION

Date OCTOBER 13, 1987

R. F. Martin

R. F. MARTIN
FIELD DIVISION GENERAL MANAGER/POSTMASTER

U.S. POSTAL SERVICE											
Award Recommendation/Authorization											
Suggestion No.		Employee Position Title: 134 Full Time Letter Carr			Salary Schedule Grade/Step 0-5-0		Employee Installation Cleveland Ohio East Cleveland Facility 44112-9998				
PAYMENT DATA <i>Originating office will fill in unshaded items.</i>											
Card Code	Vendor Number	Finance Number	FAC	W/C Code	Sub Loc	Social Security No.	Cat Code	Benefits (Hundreds of Dollars)	Account Number	Sub A/C No.	Gross Amount
2		38-1666				282401278	25	00000	51313	113	250.00
1	2-7	8-14	15	16-17	18-20	21-29	30-31	32-36	48-52	53-55	60-67
Card Code	Vendor Number	Employee Name (Enter complete name as it appears on official records)									
3		A. R. Hasan									
1	2-7	8-33									
Type of Award: <input type="checkbox"/> Suggestion <input type="checkbox"/> Quality Step Increase* <input checked="" type="checkbox"/> Special Achievement <input type="checkbox"/> Certificate of Appreciation* <input type="checkbox"/> Meritorious Service <input checked="" type="checkbox"/> Distinguished Service											
*(Note: For Certificate of Appreciation and Quality Step Increase do not send original to the Postal Data Center.)											
Analysis of Improvement or Estimated First-Year Savings, or Basis for Achievement Award:											
<p>On August 6, 1987 while in the performance of his official duty as a city letter carrier, Mr. Hasan noticed one of his customers, Mr. James Letteria, an eighty nine year old male lying in his back yard, unable to raise himself. Mr. Hasan lifted the gentleman and carried him up to his apartment on the second floor and laid him down on his couch. He then called Mr. Letteria's next of kin. It is not known what Mr. Letteria's medical problems were. However, Mr. Hasan's act of kindness, concern and compassion for his fellowmen and human-kind prompted him to perform this human act. In this regard, I recommend that an honorarium of two Hundred and Fifty dollars (\$ 250.00) along with a letter of commendation be awarded to Mr. Hasan.</p>											
Recommended By (Typed Name/Signature): Allen O. Bridges			Title Manager, Branch Oper's				Date September 1, 1987				
Adoption (Approval) Authorized By (Typed Name/Signature): Hulton R. Corley			Title Central Area Mgr. Acting				Date 9-29-87				
Approved By (Typed Name/Signature): Richard A. Kubick			Title Cleveland Ohio Division Director, City Operations				Date Sept. 29, 1987				
CAT Codes: 11 - Employee Suggestion - Measurable Benefits 25 - Incentive Awards 13 - Energy Suggestion - Measurable Benefits 27 - Safety Awards 15 - Employee Suggestion - Nonmeasurable Benefits 17 - Energy Suggestion - Nonmeasurable Benefits											

United States Treasury ¹⁵⁻⁵¹ 000

6009-82894685



10-13-87

Pay to \$****196DOLLARS37CENTS
the order of A R HASANU.S. POSTAL SERVICE
MINNEAPOLIS PDC
TWIN CITIES, MN
55111-9530

Check No. R2894885

LJ 001153 INC AWARD

\$****196*37



⑈60093⑈ ⑆0000005⑆B⑆ 828948857⑈

A. R. Hasan

8-33

Type of Award: Suggestion Quality Step Increase* Special Achievement
 Certificate of Appreciation* Meritorious Service Distinguished Service

*(Note: For Certificate of Appreciation and Quality Step Increase do not send original to the Postal Data Center.)

Analysis of Improvement or Estimated First-Year Savings, or Basis for Achievement Award:

On August 6, 1987 while in the performance of his official duty as a city letter carrier, Mr. Hasan noticed one of his customers, Mr. James Letteria, an eighty nine year old male lying in his back yard, unable to raise himself. Mr. Hasan lifted the gentleman and carried him up to his apartment on the second floor and laid him down on his couch. He then called Mr. Letteria's next of kin. It is not known what Mr. Letteria's medical problems were. However, Mr. Hasan's act of kindness, concern and compassion for his fellowman and human-kind prompted him to perform this human act. In this regard, I recommend that an honorarium of two Hundred and Fifty dollars (\$ 250.00) along with a letter of commendation be awarded to Mr. Hasan.

Recommended By (Typed Name/Signature): Allen O. Bridges	Manager, Branch Oper's	September 1, 1987
Adoption (Approval) Authorized By (Typed Name/Signature): Richard A. Kobick	Central Area Mgr, Acting	Date 9-29-87
Approved By (Typed Name/Signature): Richard A. Kobick	Cleveland Ohio Division Director, City Operations	Date Sept. 29, 1987
CAT Codes	11—Employee Suggestion—Measurable Benefits 13—Energy Suggestion—Measurable Benefits 15—Employee Suggestion—Nonmeasurable Benefits 17—Energy Suggestion—Nonmeasurable Benefits	25—Incentive Awards 27—Safety Awards

Dear Sirs:

My name is Richard Norton, I'm thirty eight years old and the father of three children, two girls and a son. I have attended five years of college, three at Cuyahoga Community College for a degree in law corrections and audio visual technology. Two years attended at Kent State University majoring in telecommunication, my minor was in criminal law. I also failed to mention that I studied a year at Cleveland State University in communications. I'm also a Vietnam era veteran, with a knee disability (cartlidge removal), this was obtained while I was enlisted in the military.

I enjoyed my stay in the military and almost considered making it my career. My military occupational specialty, (MOS) were Television Production / Photography, you can see why I considered making this my career. Upon returning to civilian life, the Postal Service was not my choice of careers, obviously being trained while in the military, in a good civilain related field, Television Production/ Photography, I could not wait to meet the media. I worked for Channel Five Cleveland Broadcasting briefly, and I obtained my degrees in T.V Production and Law Correction, with my G.I. Bill, however one might say the media and I did not see eye to eye.

The next choice I made, was government but, not the Post Office, At least not at first. My first government job was for DCASMA (Defense Contract Administrators) although I

enjoyed my years there, the pay was not in the range I preferred. so I applied for the Postal Service. When the Post Office hired me I thought it was great, the pay was swell, the benefits where good, and the work was challenging.

I originally started downtown at the Main Facility located at 2400 Orange Ave. I was hired as a part-time flex. I endured all the hell that the part-time flexible subs have to endure (paying their dues they call it). You were a rookie, and most career Postal employees, pride themselves on moving the mail, I have never seen a group of veterans (career employees) work so hard and so fast, so when you, see reports on TV about the loafing and laziness, dont believe the hype, I was there, most of the people challenge each other, as to who can put out the most mail. I had never seen anything like it before, dedication at its best.

What I was about to go through and I'll be brief, was about to change my whole life. The Postal Service came up with a plan, going into my second year, to transfer twenty-one -Subs (Part time flex) as we were called, to greater Cleveland Postal branches as window clerks, thereby replacing those clerks, at these perspective station that were promoted to regulars. I was chosen as a part time flex to be trained as window clerk to be assigned to Lakewood as a window clerk/pool clerk. A pool clerk is a clerk that can be rotated at any given moment, to any given station, in the jurisdiction of the station that he work for. Lakewood was where I first encountered the informant, Matt Gibbons.

Matt came to Lakewood as a casual mail carrier. Matt was a short white man with a beer like gut, but he was as cool as any brother I had ever met, and I can speak for the record. I had been at Lakewood I guess , a little over a year, and had worked at other branches under Lakewood jurisdiction, and I simply love the job and the customers. Being a window clerk was not bad at all, and I never encountered a situation I couldn't handle. What also was strange was I did not, during my time at Lakewood, encounter anybody, trafficking drugs. I never ask anybody about drugs, and nor had I been asked about drugs. As a matter of fact I was not asked by the informant, at least not at Lakewood branch. It gets complicated please bear with me. The informant while at Lakewood had five other people (Postal workers) in which he controlled to make buys for him. What brought the informant to me a year later, was the fact that I observed the informant on one occasion smoking pot with one of the very Postal employees, that he would later set up in the Postal Inspectors Drug Sting. When the informant approached me a year later at Bedford, only later, would I find out several black employees had been set up by the same informant. by making the same mistake I made introducing the informant at his request, to people whom you knew or thought sold drugs. Lots of people have asked me and some of the others I suspect, why would you do it, if it's illegal to do ? I myself could only shrugg my shouders in dismay. Let me say this, the art of persuasion is in deed

a very real thing, and Matt persuaded a many of blacks and two whites that I know of into entrapment even if we are guilty of taking him, he's guilty of ruining our lives with an idea that he as a friend , whom all of us had been friends, brought to our attention. The idea, would have never been conceived had he not come to me. In thirty-four years of my life I had no reason from drugs or otherwise. When the informant approched me at the Bedford postal branch, to ask me did I know anybody that sold drugs, he emphasized that when I was at Lakewood my friend and his Ricky Cummings often got them for him. Using Ricky as a lead in was sure ot throw me off, because me and Mr. Cummings had formed a singing group while at Lakewood to compete in a Postal Talent show and the informant was aware of this. Even though Cummings did not sale drugs to my knowledge, he and the informant Matt Gibbons were awfully close. When the informant came to Bedford to see me, at the least I was very happy to see an old friend, one whom I'd not seen in over a year, and a friend whom I greeted warmly as one should greet a friend. He approached me at my window and I waited on him, he mentioned our old friend from Lakewood, Ricky Cummings and asked me had I talked to him lately and I said I had not. Little then did I know the informant had already persuaed Cummings into making so many controlled purchases, that it had lead to Cummings being indicted on sixteens counts of trafficking drugs and related charges. Upon speaking on Cummings for a few minutes the

informant asked me did I know where he could purchase some cocaine. I said I did not, even though I knew, and so did he, that you could go on any given corner, in the inner city at any given time to purchase drugs, he persistently pursued me for this recruitment. I rejected the informant several times simply because I did not purchase, other peoples drugs for them, ~~I did not purchase people drugs for them,~~ I did not purchase drugs period. Sure I knew people who used and sold them but none where postal people, at least that I knew personally. Even the people that the informant finally got me to set up the buys for him, were not Postal people. No purchase took place on postal property, I was never on Postal time, nor did I use Postal telephone to talk about, quote, "prices or set up drug buys".

When reading the Postal Inspectors affidavit, one can not help but see a pattern of framing me taking place. Throughout the the affidavit it is mentioned that I am on the clock when in fact I am never on the clock, when I am talking to the informant and his Postal Inspector cousin to make purchases. The affidavit, by the Postal Inspector also mentions I used the Postal Service for drug business, but it is the Inspector who constantly called me at work to inform me that he would like to make a purchase from my friend.

My friend wont deal with any body that he did not know one on one so on occasions I got my friend, and took him with me to sale his product to the Inspectors, they (the inspectors) mention this in there affidavits, the constant presents of another black man whom in fact is the one that sold them the drugs. Do you think they had enough sense to question him, it was obvious to me they didn't

care, if he was not a postal employee, he was a Cleveland Police problem. Even though my friend, the seller was not a Postal employee the inspectors continued to set up controlled purchases. Two more to be exact, only to make it seem like I was the trafficker. I never brought drugs to them at work they never knew my phone number at home or where I stayed, in every conversation I had with the Postal inspectors and informant there was no eagerness for me to get drugs, simply because I didn't care one way or the other just doing a friend a favor, and at best I guess I felt morally wrong even though the drugs, as they put it were for recreational purposes.

After each meeting with the informant, (and there were three) I never cared if i saw him again because I saw him again because I had nothing to gain, ~~was~~ doing a friend a favor. The world is full of drugs, and in 1988 was no exception, in fact there were more available then, than now. On lots of corners, drugs could be purchased by simply driving up and asking for them.

The informant convinced me to purchase for him on the premise that he was white, and seller would identify him as a narcotics agent and me being black they would never think such a thing. When I was arrested and charged i was on vacation, I, like others could not believe they had the right man. My fiance and I had been engaged for about a year, I had known her two years, she could not believe I even had, the time to know anybody that she did not know, (because we both work for the Postal Service), let alone sale drugs. When my fiance reviewed the affidavits written by the inspectors, she could not believe I could breathe on the days I was accused, with out her knowing. You see, we were just that close and in love.

I was indicted for a crime that had been conceived by the Postal Inspector. Twelve counts were brought against me, for drug trafficking and using a vehicle to transport drugs. The strangest thing about being charged with using a vehicle to transport drugs, was I never once took the informant for a ride to get the drugs, the person whom he bought the drugs from was at the location where the drugs were purchased.

The Postal Inspectors came to my house the night I had returned home from vacation with my fiancée and our daughter. My fiancée was more devastated than I was. I knew the postal inspectors had the wrong guy. It was 3:00 A.M. in the morning when they arrived. The effect of that arrest, changed me and my fiancée's whole life. When my fiancée did find out that I met with these people a couple of times ~~was~~ before she could not believe it. She knew I was no drug seller, but what puzzled her even more, was how could I have gotten away from her to meet anybody when we spent all of our time together. As the trial continued, and the days were getting shorter for me to plea bargain, I realized that the system was not fair at all. I realized that if you accuse a black man or a group of black men of selling drugs, no matter how loud they cry, and say they didnt do it, no matter how much they say investigate big brother, and check my record, it does no good. To me it was obvious I was guilty before I walked through the courtroom door, I had to plea bargain or spend many years in prison for something I did not do. ~~I~~
~~spent~~ ~~white~~ ~~years~~ ~~in~~ ~~prison~~. ~~My~~ ~~lawyer~~ ~~Douglas~~ ~~is~~ ~~in~~

I spent three years in prison, my lawyer, Douglas Glenn did not believe me when I told him the sting was racially motivated, "they'll chew that up and spit it out" he said. I could not pay to have a better lawyer. What bothered me the most about this whole thing was, I had no financial backing at all and I couldnt pay my lawyer the balance of his fee when he wanted it, he threw me to the wolves. Surely we were entrapped but no one heard our call. Ask yourself this, how could so many Postal worker sell this much drugs to other postal workers, and get any thing done, with the mail, after all it would have to be other postal workers buying these drugs, or the postal inspectors would not have got involved. I challenge you to ask yourself one thing, why wasnt any drugs, for the most part, sold or dispense on postal property? Thereby triggering a postal inspector investigation in house. The postal inspectors and their informants were on the streets of Cleveland, making drug buys with postal employees who knew no better, while they were on their time, and to further compound this no Cleveland Police were ever involved I find it very strange myself, smells like a setup to me.

I would like to close by saying, I thank God that the truth prevailed. For so many reasons I would love to do it over again so that I could have chose differently. Obviously not to have introduced anyone to anyone. The prison sentence and the time made me wiser and stronger, and yet it took a lot from me. I know I hurt

my children and my fiancée when I encountered this tragedy, to them I say I'm sorry and I love you, and God bless you. To you who endured so much through my tragedy. To you who stood by me and believed in me, and hung with me, as long as you could, I say your the best, to my fiancée. To my mom who believed in me from the start, I say you're the best and wellwin, God knows we will. To my friends who believed in me for three years and watched me fight, In Law library, and through writings, thanks fellows, and to this committee, thank you for your time.

Richard Norton

STATE OF OHIO)
COUNTY OF CUYAHOGA) ^{SS}

THE UNDERSIGNED HAVING BEEN DULY SWORN SAYS THAT ALL STATEMENTS CONTAINED IN THE FOREGOING AFFIDAVIT ARE TRUE, SO HELP ME GOD.

Richard Norton

SUBSCRIBED AND SWORN TO BEFORE ME THIS 14th DAY OF DECEMBER, 1993,
BY RICHARD NORTON.

Linda Widmayer

LINDA WIDMAYER, Notary Public
State of Ohio, Cuyahoga County
My commission expires 10.11.94

FORM 2b - Veterans

DATE: August 11, 1989

SUBJECT: Notice of Charges - Removal

TO: Richard Norton
Regular Pool Clerk
SSH: 290-54-9156

Certified No. P 099 693 648

This is notice that it is proposed to remove you from the Postal Service no earlier than 30 days from the date you receive this notice. The reasons for this proposed action are:

CHARGE NO. 1: CONDUCT UNBECOMING A POSTAL EMPLOYEE

CHARGE NO. 2: UNAUTHORIZED USE OF POSTAL TELEPHONE FOR TRANSACTING THE SALE OF AN ILLEGAL SUBSTANCE.

CHARGE NO. 3: TRANSACTING THE SALE OF AN ILLEGAL SUBSTANCE WHILE ON DUTY.

1 On July 1, 1988, at approximately 9:30 AM, Confidential Informant (CI) 108
 2 entered the Bedford Branch of the Cleveland, Ohio Post Office. From the
 3 customer lobby, the CI saw you working in the back of the post office. The
 4 CI talked with you and arrangements were made for the CI to meet you at 1:30
 5 PM outside the post office. At approximately 1:42 PM, the CI and you walked
 6 to your vehicle, which was parked in the driveway on the east side of the
 7 post office. Your vehicle is a dark-colored Buick, Ohio License # 743 RYU.
 8 After a short conversation, the CI and you walked to Inspector Wascak's auto
 9 which was parked in front of the post office. The CI and you entered
 10 Inspector Wascak's auto. During the ensuing conversation between Inspector
 11 Wascak, the CI and you, you agreed to sell the CI and Inspector Wascak each 1
 12 gram of cocaine. The CI and Inspector Wascak then each paid you \$120 in
 13 official U.S. Postal Service funds for the cocaine. You were on duty and
 14 officially employed by the U.S. Postal Service at that time. Arrangements
 15 were made for you to call Inspector Wascak via his telephone pager when you
 16 had the cocaine. At approximately 4:55 PM, you paged Inspector Wascak. At
 17 approximately 5:00 PM, Inspector Wascak placed a telephone call to you.
 18 Arrangements were made for the CI and Inspector Wascak to meet you at Wendy's
 19 located at 120th and Buckeye to pick up the cocaine. At approximately 5:30
 20 PM, Inspector Wascak and the CI arrived at Wendy's in Wascak's auto. A short
 21 time later, you arrived driving a rust orange-colored Buick Somerset, Ohio
 22 License # 918 RYE. An unidentified black male was in the car with you. You
 23 parked your auto and got into the back seat of Inspector Wascak's auto. You
 24 then produced two paper packets. You handed one packet to Wascak and the
 25 other to the CI. Both packets were placed on the floor next to the gearshift
 26 lever by Wascak and the CI. You then discussed the quality of the cocaine
 27 and future deals. At approximately 5:40 PM, you exited Inspector Wascak's
 28 auto, got into your auto and left the area. Inspector Chastain submitted the
 29 purchased substance to the United States Postal Inspection Service Crime
 30 Laboratory for analysis. Their analysis revealed that one packet contained
 31 .80 grams of cocaine, a Schedule II controlled substance, and the other
 32 packet contained .75 grams of cocaine, a Schedule II controlled substance.

Richard Norton
Page 2.

SOMMERSETOR REGAL

1978 ^{etc.} WHAT AUTO WAS DRIVEN (Buick Mayday)
On July 13, 1989, at approximately 10:15 AM, CI 108 telephoned you at the Dedford Branch Post Office and arranged for you to meet with Inspector Wascak outside the post office at 1:30 PM. During the conversation, the CI ordered 1/8 ounce cocaine from you. You were on duty and officially employed by the U.S. Postal Service at that time. At approximately 1:33 PM, you entered Inspector Wascak's auto which was parked in front of the post office. You informed Inspector Wascak an "eight ball" (1/8 oz.) of cocaine would cost \$275.00. Inspector Wascak then asked you if he could get two "eight balls." You replied you could probably get two. Inspector Wascak then paid you \$550 in official U.S. Postal Service funds for the cocaine. You told Wascak the two of you would meet at the same place as the last time (Wendy's at 120th and Buckeye Road) at 3:30 PM. At approximately 3:20 PM, Inspector Wascak drove his auto to Wendy's and parked in the lot on the west side. You parked your auto on Buckeye Road, just east of Wendy's. You then exited your auto, walked to Inspector Wascak's auto and, at approximately 3:25 PM, entered Wascak's auto. You then asked Inspector Wascak to drive to the drive-thru window. While at the drive-thru window, you placed two plastic bags under the floor mat on the passenger side of Wascak's auto. You then exited Inspector Wascak's auto, walked to your auto and drove out of the area. Inspector Wascak then drove a short distance west on Buckeye Road, pulled to the side of the street and retrieved the plastic bags. Inspector Chastain submitted the purchased substance to the United States Postal Inspection Service Crime Laboratory for analysis. Their analysis revealed that bag (Sample A) contained 2.30 grams of cocaine, a Schedule II controlled substance, and the other bag (Sample B) contained 2.85 grams of cocaine, a Schedule II controlled substance.

1988 WHAT PRICE WAS PAID/WHERE IS AUTO USED TO BRING COKE
On July 29, 1988, at approximately 10:50 AM, Inspector Wascak telephoned you at the Strongsville Branch of the Cleveland, Ohio Post Office. During your conversation, arrangements were made for Inspector Wascak to meet you at Wendy's on Buckeye and E. 120th Street at 5:30 PM to discuss a cocaine deal. You were on duty and officially employed by the U.S. Postal Service at that time. At approximately 4:55 PM, Inspector Wascak arrived at Wendy's and parked in the parking lot. You parked your auto, a dark-colored Buick, Ohio License #743 MYJ on Buckeye Road in front of Wendy's. At approximately 4:57 PM, you entered Wascak's auto. At that time, Inspector Wascak ordered 1/4 ounce of cocaine and inquired about purchasing 1/2 ounce of cocaine. You stated you did not think you could get 1/2 ounce at that time. At approximately 5:55 PM, Inspector Wascak received a message via his telephone pager to call you. When Wascak talked with you on the telephone, you advised it would take another hour. You informed Wascak that you would page him when you had the cocaine. At 7:44 PM, Inspector Wascak was again paged by you. When Wascak telephoned, you advised him that you had the cocaine but wanted to meet at McDonald's on E. 93rd Street and Kinsman between 8:05 and 8:10 PM. At approximately 8:11 PM, you arrived at McDonald's and met with Wascak. You entered Wascak's auto and placed a white paper packet on the floor of Wascak's auto, near the base of the driver's seat. You and Wascak then discussed a future purchase of 1/2 ounce of cocaine. You advised Wascak what to say when he telephoned the post office to order the 1/2 ounce. You then exited Wascak's auto and left the area on E. 93rd Street. Inspector Chastain submitted the purchased substance to the United States Postal Inspection Service Crime Laboratory for analysis. Their analysis revealed the white paper packet contained 5.75 grams of cocaine, a Schedule II controlled substance, diluted with lactose.

*what to say to avoid any more
different than any other calls.*

On August 19, 1988 at approximately 9:53 AM, Inspector Wascak placed a telephone call to you at the Strongsville Branch Post Office. During your conversation, arrangements were made for you to meet Inspector Wascak at McDonald's on Pearl Road across the street from the Strongsville Post Office during your lunch break to set up a cocaine deal. You were on duty and officially employed by the U.S. Postal Service at that time. At approximately 12:15 PM, Inspector Wascak reported that he saw you walk out of the post office and were crossing the street. At approximately 12:17 PM, you entered Wascak's auto. After entering Wascak's auto, you asked what Wascak wanted. Wascak replied he wanted a half (1/2 ounce of cocaine). You then advised the price for 1/2 ounce would be \$725. At approximately 12:25 PM, Inspector Wascak paid you \$725 in official U.S. Postal Service funds for the cocaine. You advised Wascak that you had talked with your source after talking with Wascak that morning. You stated it would be no problem to get Wascak the 1/2 ounce. You advised Wascak that you would contact him around 7:00 PM to arrange a time and place for delivery of the cocaine. You then exited Wascak's auto at approximately 12:28 PM and walked back to the Strongsville Post Office. At approximately 8:04 PM, Inspector Wascak received a message via his telephone pager to call you. When Wascak telephoned you, arrangements were made for Wascak to meet you at McDonald's on E. 93rd and Kinsman. At approximately 8:25 PM, Wascak parked his auto in the parking lot of McDonald's at 93rd and Kinsman. At approximately 8:26 PM, you parked your auto (a rust orange-colored Buick Somerset, Ohio, License #91B RYE) next to Wascak's. You then told Inspector Wascak to follow you. You then drove your auto onto Kinsman and stopped at the corner of E. 93rd. At that location, an unidentified black male got into the car with you. You then drove to Sophia Street and parked near the Sophia Food Market. At that location, the unidentified black male got out of your auto and entered the Sophia Food Market. You got out of your auto and walked back to the driver's side of Wascak's auto. You advised Wascak the other person had gone to get the cocaine. You informed Wascak that you would drive around the corner when the other person returned. You then walked to your vehicle. At approximately 8:36 PM, the unidentified black male returned to your vehicle. You then drove to the corner of Woodhill and Sophia, turned left and stopped at that location. The unidentified black male exited your auto and walked away. You exited your auto and walked to the driver's side of Inspector Wascak's auto. At approximately 8:39 PM, you handed Wascak a plastic bag containing a white powdery substance. At approximately 8:40 PM, you walked to your auto and left the area. Inspector Chastain submitted the purchased cocaine to the U.S. Postal Inspection Service Crime Laboratory for analysis. Their analysis revealed the plastic bag contained 11.65 grams of cocaine, a Schedule II controlled substance.

On July 19, 1989, you were indicted by the Cuyahoga County Grand Jury on four (4) counts of Aggravated Trafficking in Cocaine.

On July 25, 1989, you were arrested at your residence by Postal Inspectors.

Your actions were a gross violation of Postal Rules & Regulations and did not reflect favorably upon the Postal Service.

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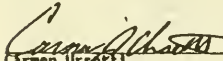
Richard Horton
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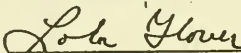
As a preference eligible employee, you have the following rights:

You may review the material relied on to support these reasons at the Labor Relations Office, John O. Holly Building, Room 85, Cleveland, OH 44101-9401. If you do not understand the reason for this notice, contact the undersigned for further information. You may answer this notice personally and in writing, or both to Patricia Hall, Acting Manager, Labor Relations, John O. Building, Room 85, Cleveland, OH 44101-9401 and may submit affidavits in support of your answer. If you are otherwise on official duty, you will be allowed a reasonable amount of official time to review the material relied on to support the reasons for this notice, to secure affidavits and prepare an answer to this notice. You will be allowed 10 calendar days from the date you receive this notice to submit your answer. Full consideration will be given to any answer you submit. As soon as possible after your answer(s) is received, or after the expiration of the 10-day limit, if you do not answer, you will be given a written decision.

You have the right to file a grievance under the Grievance-Arbitration procedures set forth in Article 15, Section 2, of the National Agreement within 14 days of your receipt of this notice.

REVIEWING AUTHORITY:


Carmen Ursetti
Supervisor


Lola Glover
Concurring Official

Received by Employee _____ Date: _____

Time: _____

8097/1-4

My name is Willie B. Goodson Jr. I am now 41 years old, I have lived in Chicago for the past three years. Before moving to Chicago, I resided in Cleveland all my life with the exception of the time I served in the Air Force. I had been working for the U.S. Postal Service since July 1979 where I participated in many of the upgrading job offers the post office encouraged its employees to take part in. During my tenure I participated in their CPR program, was the safety officer for the station and was trying to get in their management program.

On July 28, 1989 I had completed working overtime, as I often did. As I was cleaning out the mail from my postal car I was approached by two postal inspectors. To my disbelief I was told I was under arrest for drug trafficking along with two other employees. We were handcuffed, taken to the main post office and then transferred to the city jail. At no time was I read my rights while in the county jail, I learned of at least 12 other employees all in for the same reason. All were black, except one. Reggie one of the black employees and I were in one cell. We talked to one another trying to figure out what had happened. It was hard to believe that I was lying on the floor on a mat, something I had never done before. We tried to keep each other up by talking about this thing which was happening to us. As I lay there I wondered why this was happening to me I thought that I was doing all the right things in my life: working two jobs, trying to raise my sons. My first thought was is this what happens to black Vietnam Vets, you hear so much about vets who lose good jobs. Was I another victim? I wondered why and how could they bust me on a charge like this but could not catch people breaking into postal cars stealing social security checks. After being released the next morning on a personal bond, I saw my mother waiting for me. Little did I know it would be the last time I would see her in a right state of mind, shortly after that my mother was diagnosed with Alzheimer's Disease. This only added to the other problems in my life. I was going through a divorce and my youngest son had a kidney disease. Trying to raise two boys with one being sick was hard enough, but for them to have to hear from friends and read in the paper that their father was a drug dealer was quite painful. I had always taught my sons to get a good education and to work for that they wanted, this was the key to success. That's why I had always worked two jobs. Now how could they believe in me or the philosophy that I had tried to instill in them. I saw it as another way of the system hurting a black man. I started to believe my father's warning that justice does not apply to black folks.

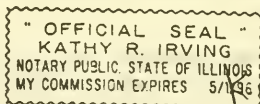
I became mentally and financially drained as I had to deal with my mother in her first stages of Alzheimers Disease, and going back and forth to the hospital for my younger son. The disease would swell him up like a balloon one day and a few days later after taking the medication he would lose all the swelling. His medication was quite expensive, each prescription ran about \$100.00. Although I had lost much of my motivation to keep going I knew I had to keep working, so I took a minimum wage job

cleaning up garbage at the old west side market in order to pay the doctors and make an attempt to pay my other bills as well. I became withdrawn from my family and friends. At times I didn't even want to see my sons because I felt that I had let them down. I had always taught them to stand up and be strong proud black men. But after watching bills pile up, going back and forth to court always hearing the same story them trying plea bargain with me, not getting any help from the union, mentally torn down after five months, I broke down under ill advice from my lawyer. I felt even worst now because I let so many people down because I no longer believed in myself, I could no longer be the strong proud black man I use to be. I knew I wasn't a drug dealer, but the system I worked for which I was proud of and, the country I fought for had tricked me. I was convicted and found guilty the moment they arrested me because it was a known fact that if the postal inspector caught you. You had to be wrong. I now wonder how many lives they have messed up before mine. Since, they were so good no one would question them. Not even the union to which I paid dues seemed like they were behind me. After taking minimum wage jobs for two years, you can't get anything else because you've been convicted of a crime and no one wants an ex-con drug dealer working for them, I moved to Chicago hopeful that things would get better. Since being here I still have had to take minimum wage jobs trying to make ends meet. But the hardest part is being away from my sons. The oldest now lives in Toledo. I missed my youngest sons last years of high school. My mother doesn't even know who I am because she is in the full blown stage of Alzheimers. I lay nights wondering what were her last thoughts of her only son. When I do manage to get home to see my mother, I cry because I remember the last time we talked and she fully remembered who I was, I was leaving jail.

I truly hope that this court/committee will get to the true nature of this case so that I and all the other victims can once again believe in the country and system that we worked for and some of us fought for.

Willie B. Goodson Jr.

Willie B. Goodson Jr.



Kathy R. Irving
 12-23-93

In August 26, 1992, a very unexpected situation occurred. Me, Arthur Petersen, was handcuffed by Postal Inspectors for alleged drug trafficking. I was arrested while delivering mail on route 311.

I was completely shocked that this was happening to me. It had to be a joke. I was informed by the Postal Inspectors that I had seven (7) counts of drug trafficking counts against me.

I was then taken back to the Post Office (handcuffed) and humiliated in front of my CA-workers.

The Postal Inspectors then took me to their office downtown. I was fingerprinted and asked questions. Another Postal Inspector that had nothing to do with the arrest, said, "We Finally Got You!"

(2)

All this time, I knew they had the 'wrong man'.

The most agonizing and degrading situation was being taken downtown to jail and being stripped and locked up with thieves and murderers.

My thought at this time was, "Why would someone so subject me to this." I held so much pride and dignity for this job I waited five (5) years to get it and to get it snatched away from me so easily when I know I was not guilty.

I not only suffered through this experience of deceit, my family and friends did too.

Paying back lawyers fees and back pay will never justify the anguish I had to endure. I wonder was this a plot to get rid of 18 black carries and

(3)

destroy their lives?

Time heals all wounds. In spite of all of this, I still find kindness for my customers. I can feel proud to be a mail carrier after being able to assist in saving a couple of days of my customers' life. I noticed her mail piling up, and checked on her. She had been stabbed, beaten and robbed. Being there at time, made me proud to wear my blue uniform.

Justice must be done. My life was at the brink of being destroyed. I was treated like a criminal with my name and address in the newspaper.

The people responsible for this must pay the price.

Arthur Suggs

November 19, 1993

To whom it may concern:

My name is Lonnie H. Moore, Jr., of 636 East 94th Street. I attended and graduated from Lutheran High School East in Cleveland, Ohio. I have a B.A. Degree from Walsh University in Canton, Ohio, 1980. I am the proud and loving father of five (5) children.

On September 4, 1992, I was arrested on my job at Station H-8 Post Office by Postal Inspectors at about 9:00 A.M. Upon my arrest in front of my co-workers, I was degraded and laughed at by the arresting Inspectors. After being handcuffed and fingerprinted by Inspectors at the Downtown Post Office, I was paraded out of the building in handcuffs to waiting T.V. cameras. I was then put into an Inspector's car and driven to the County Jail, at which time I was booked and fingerprinted again and held in jail until bond was set and posted so I could be released.

At this time, it became known to my family that I had been charged with 9 counts of Drug Trafficking as opposed to the others Postal Workers 3 to 5 counts. We, the Postal Workers, were teased and laughed at by the Sheriff and the Correction Officers. One Sheriff said "It's a bad day for the mailman". And it was.

The next week I received a letter of Indebtedness from the Postal Service stating that I owed the Postal Service \$4,500.00 for my drug selling activities. I did not know what they were talking about. Also, the same week I received a letter of termination from the Postal Service. I was devastated. I have been totally broken by this. In trying to assess the effects of the Sting, and the losses caused by it. I must put them in four (4) categories: family; socially; health and financial.

Family -- two of my kids have seen me being arrested on the 6:00 news. My son asked his grandmother, "Why is my daddy being arrested." She had no answer. Our house was

the house that the neighborhood kids would hang out and play. So my kids had to answer these questions about their father. Not really knowing the answer and having to put up with the jokes about their daddy the "jailbird". I also have two children who have been relocated to Houston, Texas. My son's birthday is on September 11. We had made plans for me to fly down to Houston for his birthday. Needless to say, I didn't make it. I did not have the heart to tell my son that I couldn't make it because I was arrested for selling drugs. Although a few days later someone mailed to newspaper article to Houston. So his birthday was ruined, not to mention the strain and embarrassment he felt after announcing his daddy was flying down from Cleveland to Houston for his birthday and I didn't make it!! And the most personally devastating even as far as my family losses was the break up of my marriage. I was married February 4, 1992. I had put everything into my marriage and two days after being arrested my wife moved all of my belongings from the house and asked me to leave. My wife is a very religious women who hates the thought of drugs. I am still paying for my wedding and my marriage is over.

Socially -- my neighbors and friends started giving me the cold shoulder, and who could blame them. I lived in a nice suburban neighborhood where the children play together and have sleep-overs at our house and here I am on T.V. arrested for selling drugs. My neighbor on one side is a college professor and my other neighbor is a doctor. And I'm just a hard working mailman who is on t.v. for being a drug dealer. I was raised with the belief that if you work hard and live right you can have some of the nicer things in life. I was trying to live that dream. My friends and neighbors from my another neighborhood were shocked and disappointed. Here I went for a guy with a nice job, nice house and nice family to a guy with nothing who was back to living at his mother's house at the age of 35.

Financial -- my finances are shot, I went six (6) months without being able to pay any of my bills and six (6) months of not being able to take care of my children, car insurance lapse; health insurance; life insurance all in one. Plus attorney's fees, late fees on all of my bills. Plus my wife and I almost lost over \$50,000.00 on a Land Contract over a three (3) year period on a deal we had to purchase our home. And to save the house and the deal we had to pay another \$16,000.00 in penalties. I went from a very good credit rating to a "Deplorable Credit Rating". My good name and reputation with my creditors has been destroyed due to the Postal Drug Sting.

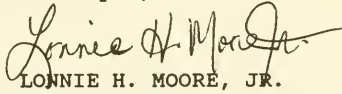
Health -- these turn of events has put a tremendous strain on my health, as well as that of my family members. Personally I have physically suffered weight loss; weight gain; sleepiness; nightmares; high blood pressure; excessive bleeding from my mouth and gums due to stress; headaches; dizziness; fainting; fatigue. Mentally I have suffered thoughts of suicide; husband and wife suicide; thoughts of violence; thoughts of fear. How can I take care of my children?

Pain -- Other members of my family's health has taken a turn for the worse. My grandfather has been in and out of the hospital several times since these events have happened to his grandson. My mother suffers from fatigue; nightmares; headaches; she can only walk with the help of a cane. Not to mention the fear of her oldest son going to jail for a very long time. My mom and dad took pride in the fact that they raised six (6) children in the inner city and none of them hade ever been in trouble with the law, and all have at least an Associates Degree from a college and good stable jobs. My mom felt truly blessed by her children. And I was the first to achieve her dreams and goals. She had for children. And the first to shatter them also. My siblings were crushed by this Drug Sting, but they stayed strong for me and my mother. My children have nightmares and fear that they will never see their father again. I have been receiving mental counseling and spiritual counseling from the Kaiser Health Foundation Mental health Department, and from my Pastor Michael O. Exum of the Full Gospel Evangelistic Center. Pastor Exum has played an important part in me getting my life back together. Especially curbing and rebuking my suicidal and violent thoughts, as well as helping me with my divorce and spiritual uplifting.

In conclusion, I would like to say I felt the Postal Service's handling of this matter was despicable. I don't know why I was chosen for this fake Drug Sting. The Postal Service took months in issuing an apology letter and months before they gave us our back pay. The coldness in which this Sting was conducted is frightening. I felt this attempted Sting placed my life in jeopardy, as well as my good name and reputation, as well as jeopardizing the health and financial well-being of me and my family. September 4, 1992 is truly a day I will never forget, as well as all the hardships and grief. I have suffered since this Postal Drug Sting. I have been broken financially. I have been broken socially. My family has been broken and my health has been broken. I can only pray that with the help of this investigation and this Committee that we can

uncover why this terrible thing has happened to me, as well as the other Postal Workers and figure out a way to make us whole again and restore our good names and reputations. I would like to thank the Committee for listening and trying to help us.

Thank you,

A handwritten signature in cursive script that reads "Lonnie H. Moore, Jr." with a long horizontal flourish extending to the right.

LONNIE H. MOORE, JR.

LHM/lhm

July 21, 1993

My name is Charles Banks. I reside at 934 Ravine Drive, Cleveland Heights, Ohio. I am a Viet Nam Veteran and a former Postal Worker. I was employed by the U.S. Postal Service in January 1987. I was hired with five point preference because of Veteran status and a four year enlistment in the U.S. Air Force with honorable service while stationed in Viet Nam during the war.

Upon discharge from the military, I returned to the States and lead an upstanding life. I've always worked for a living and held each job with a sense of pride. During my employment at the Post Office, I maintained that same sense of pride and was considered by many a hard-working and dedicated employee.

On many occasions fellow employees and patrons alike would commend me for going 'beyond the call of duty' because I would oblige a customer by doing favors for them such as delivering their mail early, or ringing their bell when I delivered, or holding their mail a few days, etc., etc.. Helping people out has been an intrinsic character trait which has abounded throughout my service to 'my country' as well as in my personal affairs. However, in January 1989 (after two years of impeccable service) I found myself in a peculiar predicament.

Upon leaving work one day, I was approached by a gentleman named 'Mike'. He asked me if I could help him out of a desperate situation. He seemed real distressed so I took the time out to listen to his dilemma. He began to tell me of his need to obtain some drugs--that he had tried to find some but to no avail. He was frantic and showed a sense of urgency as he pleaded with me to help him out. I responded to him as stern as I possibly could--yet compassionately because he was literally begging for my help. I told him that I could'nt help him because I knew of no one or no place that drugs could be purchased from. He became very insistent saying things like "there must be somebody on your route" and "of all the people you come in contact with there must be someone". At this point he seemed pressed for time because he looked at his watch, then no sooner said than done, he hastily shoved \$100.00 in my hand and said "I'll be back in an hour, please do what you can" and he drove away.

Well there I stood dumbfounded with \$100.00 in my hand. I did'nt know what to do. I had no prior dealings or experience in this sort of activity so I did what I thought was the best thing to do at the time and that was to oblige the wishes of this man that seemed so distraught and desperate. Now I had a dilemma because I knew of no one to purchase drugs from--so I approached several acquaintances and told them of my situation and enlisted their assistance. After a couple of phone calls, they were able to aquire the drugs. When Mike returned in about an hour, I gave him the package of drugs. He was very relieved and thankful. He asked me for my phone number so that we may get together sometime socially for drinks, as a gesture of gratitude. I saw no harm in doing so, so I gave him my phone number and that was that. Or so I thought...

In retrospect--that entire incident was to be the beginning of my end. Within the following month, 'Mike' called me at the Post Office several times asking me to assist him again. I told him, as I had told him before, I could'nt help him because I did'nt know anyone who he could get drugs from and I was a bit upset that he even called me at work asking such a thing.

A few weeks later...while I was off from work on sick leave with a broken wrist, I received a phone call from 'Mike'. He sounded very desperate again, the same as he sounded the first time I met him a few months earlier. And again I reiterated that I could'nt help him because I knew of no one he or I could get drugs from. He kept on insisting and pleading saying he needed it bad because he was having a party that evening and the guest would be expecting drugs. He went on to say that if I helped him out that there would be a lot of grateful ladies at the party who would love to show their gratitude in the ways we men love it to be shown...that is if you want to participate in the festivities he said. Well,(with that kind of fun in mind), I told 'Mike' that I'd call a couple of friends who might know of someone that they or he could purchase the drugs from. I contacted a friend and asked if he knew anyone that dealt drugs and he said he would call around and get back to me. In the meantime 'Mike' called me back and I apprised him of the situation and told him to call back within the hour. My friend called me saying he made the connections and that Mike and I could come and pick 'it' up. 'Mike' picked me up at my parents home (where I stayed to recuperate from my broken wrist) and we proceeded over to my friends house, where the drug dealer had come to also. Once we arrived, 'Mike' handed me the money to give to the dealer, and I did. After procuring the drugs, 'Mike' said he had some things to do before the party and that he would call me later on. He thanked me for my help and off he went. Needless to say, I did'nt hear from 'Mike' anymore that evening.

However, during the following few months, 'Mike' called me on three other occasions wanting my assistance, and each time I'd tell him he could go on his own - that he did not need me - but he would insist and beg and plead--and I'd give in to him and he would pick me up from home and we would ride around trying to locate drugs and each of those three times, he would hand me the money to hand to the drug dealer, and I did.

As it turned out, 'Mike' was an informant for the U.S. Postal Inspectors and on June 21, 1989, I was arrested (at work) on five (5) counts of 'Drug Trafficking'. I was snared into a trap, a sting operation which was being perpetrated on other postal employees as well. I was told by my court appointed attorney that the evidence they had against me (alleged recordings and/or video tapes) was damaging and that I should plead guilty to avoid a trial by jury,thus ensuring a lighter sentence with parole or perhaps just probation. Based on this attorneys advice and the 'so-called' damaging evidence they had against me coupled with qualms of 'doing time', I plead guilty.

However, the judge did'nt see my offense as incidental as my attorney did and I was sentenced to three (3) actual years in prison, with no chance of parole.

I feel a grave injustice was done, not only because of the trickery and entrapment tactics conducted by the Postal Inspectors, but also because of a Judicial System that would impose such a stiff sentence on someone as myself who had no prior convictions or run-ins with the law. I was railroaded, coerced and ill-advised to admit to a crime I not knowingly committed, and in doing so I lost a lot more than just my freedom. I lost the dignity and the pride that was once so much a part of me. I lost the love for life as well as the love of my life, who ironically on the very day I was incarcerated, gave birth to my first-born child. Not only did I miss the birth of my child, but because of my imprisonment, I was banished from her and my ex-fiancee's life.

My reputation was tarnished because of biased media coverage on T.V. and in the press. My identical twin brother was shunned as though he were me. We both suffered the shame and humiliation from the ridicule. I was pauperized, demoralized, and forced to live a life of degradation. My elderly parents (late 70's) were heart-broken causing my mother to suffer heart ailments from all the grief.

What the 'System' did to me was irremissible and although I can't get back the (3) three years of my life I spent in prison; or be the father I could have been; or mend my mother's broken heart, I can be recompensed for my other losses and for the pain and suffering my family and I have endured.

It's been four years since I was incriminated and branded with reproach. And at this juncture in my life, my main objectives are to rectify the wrongs that were perpetrated against me and to get my life back on track.

Consequently, the reason I've written this letter is because I need assistance in accomplishing these objectives.

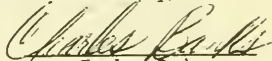
First, I am seeking advice as to what course of action I should take to bring about a congressional and/or federal investigation into these matters.

Secondly, I am seeking an advocate to support my cause and speak on my behalf.

Finally, I am seeking expert legal counsel to litigate my case and tilt the scale of justice in my favor. If there is such a thing as "equal justice for all" then I expect to be vindicated, exonerated, and remunerated for all the "trials and tribulations" I've suffered.

Please help restore my faith in our 'System' and let justice prevail by conducting an inquiry as soon as possible. Your attention to this matter will be greatly appreciated. I look forward to your reply. Please mail any correspondence directly to me. Thanking you in advance...

Sincerely,



Charles Banks

Charles Banks
934 Ravine Dr.
Cleveland Hts., Ohio 44112
(216) 268 - 1836

c.c. Postmaster General
Senator Metzenbaum
Congressman Stokes
Carol Henderson
NAACP-Cleveland Chapter
Legal Aid Society
Avery Friedman Esq.

LAW OFFICES
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701 CITIZENS BUILDING
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(216) 621-9282

KENNETH D. MYERS
OF COUNSEL

BEFORE THE UNITED STATES HOUSE COMMITTEE
ON POST OFFICE AND CIVIL SERVICE

STATEMENT TO THE COMMITTEE OF ATTORNEYS
AVERY S. FRIEDMAN AND KENNETH D. MYERS

NOVEMBER 29, 1993 Field Hearing
Cleveland, Ohio

We wish to thank the Committee and its Chair, the Honorable William Clay, for holding this vitally important hearing and for giving us the opportunity to submit this statement.

We represent 23 current and former postal workers who were caught up in the botched drug sting operation that is the subject of today's hearing. Although several of our clients are testifying and submitting statements of their own to the Committee, we would like to draw the Committee's attention to several issues that are important to the Committee's understanding of the gravity of this problem.

First, it is important to note, as Chairman Clay and Congressman Louis Stokes did in meeting with us and with many of our clients on October 18, 1993 in Cleveland, that the postal sting operation resulted in untold misery to a great many innocent people. While the goals of the sting were indeed worthy--rooting drugs out of the postal service--the methods used were abominable and the results tragic.

This is more than a problem of bureaucratic bungling and wasted taxpayers' dollars. This is a human tragedy, the likes of which can be seen on the faces of each and every one of our clients and their families, and the scores of others who became ensnared in the net of over-zealous postal inspectors and their opportunistic and dishonest informants.

We understand that the Cleveland field hearing will focus mainly on the part of the sting that the postal inspectors have already admitted went wrong; that is, on the 19 postal workers who were initially fired and who have been reinstated to their former positions.

However, the Committee should understand that other former postal workers, most of whom were also innocently drawn into the sting operation, discharged and indicted for drug trafficking, have not yet either been reinstated or had the charges against them vacated.

As a way of quantifying the loss these people have experienced, we asked our clients to calculate how much they had lost in wages and benefits since their discharge. The total

amount, for the 17 who responded, is identified in Exhibit A, which we would ask be made part of the record. This figure does not include out-of-pocket expenses many of them incurred in defending themselves, the loss of self-esteem they suffered, the governmental costs of prosecuting their cases and incarcerating them, or the amount of money many of them actually had to take out of the state and federal system in unemployment compensation, welfare and food stamps.

In short, due to the unbelievable incompetence that embodied this sting operation, dozens of fine, hard-working employees were wrongfully changed from productive members of society into criminals and welfare recipients.

Many of these fine men and women were victims of the same postal inspectors and/or the same informants who have admitted lying in other instances. We certainly hope there is some inquiry made of the postal inspectors as to why the firings of these men and women, whom we call the "pre-19" (those whose cases were prosecuted before the problems with the sting came to light) are still valid when other investigations that were initiated by the same postal inspectors, and "helped" by the same informants who turned out to be lying were thrown out. We would like to know how decisions were made and by whom, and based on what criteria. Justice requires that all who were painted by the same broad brush should be given the benefit of the extreme doubt that has arisen over the credibility of the informants and the fairness of the process. How can the postal inspectors, whose own credibility and

competence are now in question, be permitted to decide which dismissals should remain in force and which should be overturned? This is especially true when those decisions rest solely on the testimony of the same informants who were shown to be liars in the more recent cases.

Specifically, we believe the Committee would like to know why Fletcher Carr, Dan Glenn, Donald Ruff, Donald Taylor and Gary Herron, all of whom are victims of the same inspectors and same informants, and none of whom are included in the 19 postal workers who got their jobs back, were excluded from the group the postal service reinstated.

We would also like to know, as no doubt would the Committee, why all of these prosecutions were done on the state level. The Committee might wish to inquire of the postal inspectors whether they went first to federal law enforcement authorities with these cases, and if so, whether federal prosecutors turned down the cases, and why. If the federal prosecutors turned down these cases, especially if the reason for turning them down was because the evidence was less than credible, the fact that inspectors then went to local prosecutors may be an indication of over-zealousness and may weigh on the quality of the prosecutions.

In addition to the complete lack of merit of some of these cases and the possible entrapment that occurred in others, we have a primary concern that spans all of the cases, a concern that has also been expressed by Chairman Clay and Congressman Stokes; namely, the issue of race. We hope that the Postal Inspection

Service is forced to reveal how people were targeted and what percentage of those targeted were black. We suspect that the overwhelming majority of those targeted, fired and prosecuted were black and we believe that those numbers are hugely disproportionate to the percentage of black Americans working for the postal service. As the Committee is aware, many of those targeted were falsely accused. Of those who were targeted and actually badgered or harassed into participating in drug deals, most had no criminal records, no past history of selling drugs, and no predisposition to engage in such illegal activities and thus, properly-trained law enforcement officers would have no probable cause to target these people for a drug sting operation. On the other hand, at least two of our clients had previously had a substance abuse problem, had reported it to their supervisors and sought and received treatment. To target these individuals, who were certainly more vulnerable than the average person, was an unconscionable use of federal power. We hope the Committee inquires about the method and intent used by inspectors in each and every sting prosecution.

We believe the Committee may wish to determine how far Congress's oversight authority reaches. What is the mechanism for triggering that authority and what other ways are there of redressing the wrongs that have been visited upon these former employees?

Our ultimate goal, as we explained during the October 18th meeting, is at the very least to get reinstatement and back pay for each of these citizens.

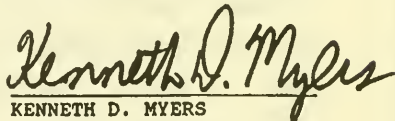
Attached to this statement are individual statements from some of our clients which we would ask to be included in the record of this hearing. We believe that it is very important for the Committee to see how many others, in addition to those already reinstated, have suffered at the hands of an out-of-control inspection service, so that as the Committee's investigation progresses, the Committee can see how wide-ranging and irresponsible this operation was.

Once again we would like to thank the Committee-members and the Committee staff for the diligence they have shown in pursuing this case. We hope the investigation continues and we offer our services in assisting the Committee in whatever way we can.

Respectfully submitted,



 AVERY S. FREEMAN



 KENNETH D. MYERS

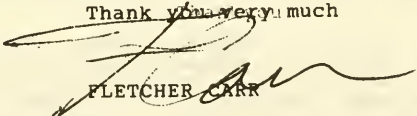
SUBMITTED this 29th day of November, 1993.

Everybody knows that drug dealers sell drugs to anybody that's how they get caught. None of us had ever been investigated by any other law enforcement agency, so why did the inspectors investigate us??? Did they do background checks on any of these people? The postal inspectors have been framing and entrapping black postal workers for years, this time they just got caught.

The sleazy, gestapo-like tactics the postal service are allowing these racist inspectors to use against black postal workers must stop, We hope by bringing these grave matters to your attention, something will be done to stop the economic genocide of black people working for the U.S. postal service.

Enclosed are correspondence from lawyers for some of the postal workers framed and entrapped in previous so-called stings.

Thank you very much



FLETCHER CARR

Law Offices
CHARLES W. LAZZARO
 1440 Leader Building
 Cleveland, Ohio 44114

RECEIVED
 BRANCH 40
 DEC 25 1989

CLEVELAND, OHIO 44114

Charles W. Lazzaro
 Michele M. Lazzaro

Telephone
 (216) 621-8771

December 21, 1989

Mr. Bob Harrigan
 William C. Doherty Branch No. 40
 United Building
 2012 West 25 Street, Room 702
 Cleveland, OH 44113

In re: Reginald Byrd

Dear Mr. Harrigan:

Enclosed please find copy of certified Journal Entry in case number 241884 entitled State of Ohio vs. Reginald Byrd.

As you well know, the Postal Authorities through their investigators were responsible for this 3-count indictment, a copy of which is enclosed, wherein Reginald Byrd was charged with the crime of trafficking in drugs. This matter was tried by a jury which returned a verdict of not guilty on all three counts.

Would you please keep me advised as to what the status of this matter is as I am contemplating a civil lawsuit against the U. S. Postal Service for malicious prosecution, damages, attorney fees, etc.

In the 39 years that I have been a lawyer, I have never seen such outrageous conduct by any authority be it governmental or otherwise. I fully intend to call this case to the attention of the proper authorities as I feel that there has been a tremendous waste of taxpayers money by the postal authorities in carrying out their gestapo-like tactics as they did in this case.

BRANCH 40
1989

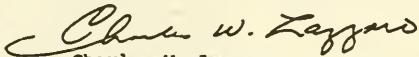
Mr. Bob Harrigan
William C. Doherty Branch No. 40
December 21, 1989
Page 2

In re: Reginald Byrd

Law enforcement should be left in the hands of enforcement agencies that are equipped and know how to investigate crimes. These matters should not be left to amateurs who concoct evidence and entrap people into committing unlawful acts.

Very truly yours,

LAW OFFICES OF CHARLES W. LAZZARO



Charles W. Lazzaro
Attorney for Reginald Byrd

CWL/gm

Enclosures

Rally calls for investigation into Postal Inspection Service

By K.I. PEDIZISI
Call and Post Staff Reporter

"Through my experience I have realized that there is another side to the war on drugs, that innocent people's reputations, lives, careers, and families will and can be destroyed," said Art McKoy, standing in the waiting room of the Cuyahoga County Prosecutor's office, as he led a rally of nearly a dozen former and suspended postal workers calling for an investigation into the U.S. Postal Inspection Service's recent drug sting.

A recent U.S. Postal Service drug sting has charged 19 postal workers with drug trafficking, based on information received from informants that carried tape-recorders and made multiple buys from the suspects, says Mike Sitter of the U.S. Postal Inspectors office.

McKoy and the others charge that the U.S. Postal Inspector did not supervise their informants properly. "These people (the informants), wanted to keep the money and they developed a system in which they would falsify voice on the tape and then name other innocent people," says Fletcher Carr, a postal worker for 17 years. "I think that the post office is no different than any place in America, drugs are probably there," said Carr. He questions the methods of the postal inspectors investigation. "Since they have never seen the drug sale go down, don't they think it strange that people that have no problems on their records, that have families, and have served their community and the country, are supposedly selling drugs," said Carr. Maintaining the Postal Service uses the same standard for sting operations as other law enforcement organizations, "the people that we use (as informants) are involved in the lifestyle and environment of drugs, we use every countercheck that is available to be certain that they are not lying," said Postal Inspector Sitter.

Carr, McKoy, and several others believe that since the U.S. Postmaster General mandated to reduce the workforce by 84,000 by 1994, the U.S. Postal Service is targeting Blacks that have more than six years of service, since the

union has a no-layoff clause. Postal Inspector Sitter disagrees with the charges, "If you consider that 300-400 of these drug charges are filed by postal inspectors nationwide, every year, then common sense tells you that this way isn't an effective way to reduce."

At least six of the people charged have had their cases dismissed. The reason for the dismissal of the cases, is that the prosecution has not been present since they often have scheduling conflicts, says Sitter. Once the case is dismissed, that doesn't necessarily mean that the prosecution has dropped the charges, he said. Often the case is dismissed, because the defendant pleads to a lesser charge, says Sitter.

The case of Rosemary Howard, a postal worker of 13 years was decided on Monday in the courtroom of Judge Patricia Cleary. "The selling of 75 grams of cocaine, for \$4,260 was a felony in the first degree said," Attorney Greg Roby. "The penalty potential was five to 25 years, she maintained her innocence," he said. Although, the prosecution maintained that they had her voice on audio tape, "it didn't sound anything like her," said Roby.

As of presstime Cuyahoga County Prosecutor Stephanie Tubbs-Jones had made no comment.

11-29-93

In May 1989, the Postal Inspector came to my brother's house and arrested. No police just Inspector. They took me downtown to the main Post Office. They told me they had audio tapes of me making drug sales to an informant. They also told me that all the Post Office wanted was my job; that if I resign I would not go to jail.

Then they took me to Cleveland County jail and turn me over to Cuyahoga State Court for charges of a secret informant I was suppose to have had on me. I was represented by a court appointed lawyer who at first seem to give me confident that some thing was wrong. Then she said she heard tapes of me making sales and she was sure it was me.

I said to her if she heard tapes of me, then she would have heard me said, I had just come out of a Rehab program, and I was not into using, selling, or ~~copping~~

drugs. The informant continue to harass me on my route. Then I would tell him to meet me at a certain place, and I would never show up. Later I was ~~inform~~ inform my station manager was aware that I was having the informant go to place to meet me and would not show up.

When I went to court my lawyer told me that I had a good chance of probation. So I resign and received 6 yrs. which I did 7 months and 1 yr. parole. I no I was ~~fully~~ convicted, loss of job family, and to day I send 6 to 9 month in V.A. hospital for stress. I was also told after 2 yrs. my felony would be sponge.

I like my job back and part of my life

Aloes Norway

November 29, 1993

The statement herein is true and accurate to the best of my knowledge. I David Graham swear to tell the truth and only the truth to the best of my ability.

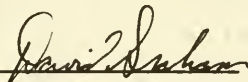
On or about the month of June, 1989, I David Graham, was employed by the United States Postal Service. During my employment at the Post Office, Collinwood Station, my duties were as such; Maintenance/Carrier. While employed, I met an informant for the postal inspectors by the name of Matthew Gibson. At the time of our first encounter, I did not know that he was an informant. Nevertheless, he would try to befriend me.

After being their awhile, he (Matt) would begin to inquire about drugs. It was a topic I tried so desperately to avoid. Yet, he would badger me on a daily basis. One day while we were talking about bars and girls I asked him if he knew a girl who would dance for me at a bachelor party and he said yes. I gave him a number to a pager I was using at the time.

Soon after I gave him the number to the pager, I started receiving anonymous phone calls, in which I never returned them. Soon after, I left the pager in a friend's car after playing basketball, and I didn't see it again until the trial.

Apparently during the time my so-called friends had the pager, Matt called them and they answered. Matt then made arrangements with them to buy some drugs. I had no knowledge of this entire event until after my arrest. Once I was arrested I was charged with about seven different charges. I never sold Matt Gibson or Kenneth Chastain any drugs nor did I tell them where to get any drugs. I was victimized by a pre-planned, precalculated demise to rid the postal service of its minority employees.

SEAL

Signed Signed and sworn before me _____ this
Notary Public

_____ day of _____ 1993.

November 28, 1993

To the Honorable Members of Congress,

My name is Keith L. Johnson, a victim of the Postal Inspector's improperly conducted drug sting. My case is from the 1989 drug sting and I would like to briefly fill you in on the particulars of the injustices that have befallen me.

In August of 1988 I was first approached to make a drug buy for a confidential informant. This initial approach was by a fellow employee who said that his friend was looking for some cocaine and if I knew where they could get some. My reply was no, but it is apparent that that no was not sufficient because it was not long before I was asked again. When approached the second time I told them no and that I did not mess around thinking that would be it.

The ironic thing about this co-worker, is that she worked with my wife, and thus, she also rode to work and back with her. Due to this fact, she was able to introduce me to her friend, a informant for the inspector's, named Michael McDaniels. Upon meeting this guy, he quickly started calling my house and soon started inquiring about drugs. I would tell him that I couldn't help him and he would say if I knew anybody to let him know and he would kick me out a few dollars for the hook up.

Sometime around middle of September, he had stopped calling, but this co-worker picked up these calls. Because of this unusual amount of phone calls from her my wife became suspect that something was up. At this time she, my wife, asked me what was happening and I told her what I was being asked to do, which infuriated her that her friend would even ask me. She immediately told her friend to stop calling the house and that she and I both worked at the Post Office and we did not have to indulge in activities such as that. Needless to say, she also stopped calling or asking me at work.

However it did not end there. Because of this co-worker association on the job with my wife, she was aware that we had separated. It was then that the phone calls from him and her began again.

The time was around early October and he would call with just conversations about women and he knew what I was going through with my wife, but, the conversation would always change to drugs. I would say I didn't know anybody and couldn't help him. He would say his people were out of town and if I could connect him with something he would give me some money for the buy and for myself.

All month he did this until I finally agreed to think about it. I told him I would give it thought and get back with him. He soon called me because I had not gotten back with him yet and at this time I gave in and told him I would check on it. He came to my house and dropped the money off and I told him if I get it I would call him. He said when I called he would meet me wherever was convenient.

I eventually was able to locate what he wanted through a friend of mine who picked it up for me and I then called the informant, who then met me at a McDonalds restaurant. I gave him the package and he then gave me \$50.00 for doing him the favor and we went our separate ways.

Two weeks later he called me again and asked if I could get in touch with my friend again. I told him I could introduce him because I was through with it, but he convinced me that my friend might not trust him because he didn't know him and that he would pay if I did it. I then told him that this was it and he came by my house to give me the money and we agreed the procedure we used before we would use again. Except this time he had a white guy in the car with him, so I told him I was'nt going to do anything else and that he was on his own. He called a few times after that, but I told him that was the last time and I never heard from him again.

The last transaction occurred in November of 1988 and I thought that that was that, but little did I know. It was not until June 19, 1989 that I was approached and arrested by Postal Inspector's Ken Chastain and Norman Trukowski. These same two Postal Inspectors were later to show up at my first pretrail

asking me to set up other postal employee's and they would make arrangement for me to get probation, but I refused so I was sentenced to 3 to 15 years, with a 3 year actual incarceration for a first time offense.

It seems odd how a person who has never been in trouble, served honorably in the Marine Corps. could be victimized by such a operation that had very little supervision and less probable cause to be suspect of criminal activities. This whole drug sting appears criminal to me and I beg, as well as, seek justice through you, the members of Congress and trust that full scope of the Postal Inspectors drug stings be fully investigated. I thank you in advance for your attention to this matter.

Richard L. Johnson
-----signature-----

PAGE (1)

April 20, 1993

Mr Darryl L. Steplight
898 Parkwood Dr
Cleveland Ohio 44108

To whom it may concern:

My name is Darryl Steplight a former postal worker convicted of various drug offenses after being urged by an informant being used by the postal inspectors to obtain illegal drugs for them

On June 19, 1989 I was arrested on the workroom floor of the John O. Holly building 2400 Orange Ave. Cleveland Ohio 44101. The postal inspectors said that I had sold drugs to one of these informants four different times and that he had called my home four different times

The information the inspectors got from the informant was not true but I was wrongly prosecuted anyway. On June 12, 1989 I was indicted by the Cuyahoga County Grand Jury of four counts of aggravated trafficking in Cocaine because I was a victim of a poor investigation conducted by postal inspectors.

I was assigned a public defender who I told how this had happen I had no prior criminal record I went along with what

PAGE (2)

my public defender had to say. I was told that a jury would not believe that I was entrapped since there were four counts. I was told that if I lost the case that I would go to prison for a long time so I agreed to plead guilty to a reduced charge because I thought it would be my word against postal inspectors and a postal informant word.

Wayne L. Stone
SIGNED BY.

BEFORE ME, A NOTARY PUBLIC IN and FOR SAID COUNTY & STATE PERSONALLY APPEARED. DARRYL STEPLIGHT PERSONALLY:

IN TESTIMONY where of, I HAVE SET MY HAND & OFFICIAL SEAL AT CLEVELAND, Ohio 14th day July, 1993

CHARLES NAIM, Notary Public
State of Ohio, Cuyahoga County
My commission expires Feb. 7, 1997

Charles Naim
NOTARY PUBLIC

The Honorable William Clay
 Chairman, U.S. Postal Civil
 Service Commission.

To Whom It May Concern:

I Eric W. Norvell worked for The U.S. Postal Service at 2400 Orange Ave. In Cleveland, Ohio for 12 years. I served in The U.S Navy from November 1971,- Oct 1975. I am a Disabled Veteran of The Vietnam Era. I have never sold drugs to anyone at anytime. The charges bought against me was by Inspector P.M. Hartman, John Wascak, and others. The informant, John Nolan (CI238-134). John Nolan was a Co worker I knew for 8 to 10 years. He had troubles with drugabuse and borrowing money that he could not pay back.

John Nolan and I were casual user of drugs, Marijuana and Cocaine we spent money together. John Nolan was not a stranger to me or any of the othere people, who he told on. INSpectors would want you to believed he was, the target of the informants were black not true, there were white informants going after black employ-ees.

I was caught up in March 1988, sting the three(3) incident took place in April 1987, on the Dates of April: 9, 20, and 28. The informant always came to me badgering and begging me to get him drugs. He used the excuse that he needed drugs bad. He gave me the money on the so called occasions to go to thé bar,(Tuckers) and see Mike, because if he (informant) went to Mike he would take the money from him, because he owed Mike money for drugs on credit. The informant introduced me to Mike on a lunch break 6

months prior to the for said incidents.

The inspectors came to arrest me. I went to State Court , not Federal and I plea- bargained because I was scared and confused I could only answer what the judge or prosecutor asked of me nothing more. I felt betrayed by the system, of The Cuyahoga County Prosecutor Office, Grand Jury for never calling me to address these charges. I s justice blind after all these years. We are all still Black!

I am married with a family of 2 children ages of 7 and 14. I been marry for 9 years, I am a Productive Citizen. I can't accept being label as a Drug Dealer. When I worked for The U.S. Postal Service, for 12 years. I never had attendance disciplinary, drugs or alcohol problem and drug dealer don't work.

The same thing happened to me just like the 19 others who were indicted after me. I was forced to resigned under duress. The Postal Service refused to let me return, saying conduct unbecoming a postal employee. I was charged with fourth degree felony, placed on probation for 2 years, with drugs testing every month and also fined . I never had a record.

Thank you.

Eric W. Norvell

28 NOV 93

MAIL
AIDE

Drug charges hit 5 postal employees

Five U.S. Postal Service employees, and the husband of one, have been charged in warrants with trafficking in drugs at the Main Post Office on Orange Ave.

The employees, Charles Stevens, 56, of Harrison Ave., Maple Heights; DeCosta Smith, 38, of Sidney Ave., Euclid; Eric Norvell, 35, of Georgetown Rd., Elyria; Cleothus Goss, 43, of Forestdale Ave.; and Bobbie J. Capps, 47, of Victoria Ave. were arrested and released on bond.

Bobbie Capps' husband, Charles,

40, turned himself in to police yesterday.

According to postal inspectors, Smith and Stevens were charged with trafficking in marijuana. The others have been charged with trafficking in cocaine.

Four of the postal employees are clerks and Stevens is a maintenance man, a postal spokesman said.

The spokesman said the suspects sold drugs on and off Postal Service property and the arrests culminated a four- to five-month investigation.



PHOTO BY LEVY

East Cleveland community activist Art McKoy, left, leads a news conference in support of postal workers who have been prosecuted by the U.S. Postal Inspection Service. Next to him, from left, are Fletcher Carr, Reginald Byrd and Richard Norris.

More workers also say post office set them up

By ULYSSES TORASSA
PLAIN DEALER REPORTER

CLEVELAND

The controversy over a botched drug sting that left 20 innocent postal workers facing criminal charges is growing to include other postal employees who say they, too, were wrongly prosecuted.

About a dozen former post office workers joined with a handful of those who have been exonerated at a press conference yesterday. They said that in the wake of revelations about how poorly postal inspectors conducted the investigation, people previously charged by the same informants and inspectors should have their cases thrown out, too.

"We want justice for everybody, not just the 19," said Gary Herron, a former postal worker who lost his job after he pleaded guilty to a misdemeanor drug charge in 1991. An initial count of innocent people targeted was 19; it has since been raised to 20.

Herron and other former workers, most of whom had no prior criminal records, were targeted by postal inspectors as early as 1984, they said. Herron and another longtime employee, Fletcher Carr, said they only agreed to plead guilty to reduced misdemeanor charges because they feared they'd go to prison for a long time because it was their word against an informant.

They are hoping that, like the 20 caught up in last year's sting, their cases will be reversed and the Postal Service forced to rehire them.

"It's really just Gestapo-type tactics of the Postal Service trying to get rid of black men," said Reginald Byrd, who had worked as a letter carrier until 1989, when he was charged with trafficking in marijuana. He was

cleared at trial, but said the post office still refused to reinstate him. Nevertheless, he said postal officials have been forced to rehire a white man who was convicted of a felony.

Art McKoy, an East Cleveland barber whose father on drug charges helped discredit the informants used in last year's sting, said he plans to work to try and get these earlier cases reversed.

"I feel kind of like Moses today," McKoy said. "I must lead these people as I led the others out of their convictions."

Charges against McKoy were dropped after prosecutors realized he was not the man whose voice was on a tape of a drug sale. He pleaded guilty to attempted perjury and attempted bribery, but his lawyer said McKoy's attempt to obtain an affidavit from an informant was made out of fear he would be convicted on false drug charges.

McKoy said he is troubled that virtually every postal worker charged with drug trafficking by postal inspectors in the last few years has been black.

"That tells you right there that it's a racial issue," McKoy said.

Postal inspectors have denied they targeted blacks. But they launched an internal investigation two months ago after they admitted being tricked by informants into charging the 20 innocent workers with drug trafficking.

Two of the five informants used in the sting pleaded guilty last month to criminal charges for their roles in fingering innocent postal workers and collecting tens of thousands of dollars in wages and drug-buy money. Three others are also expected to be indicted, prosecutors said.

4-10-93

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November 27-1993

To Whom it may concern

My Name is Donald Ruff.
 I'm writing this letter to let you know, that, because of the lies that Inspector Marshall, and his informer Willie Kemp. told about me selling Drugs and also Robbing the Post Office on E 185 St. I am now and has been for the last two years taking a prescription drug. Three Hundred milligrams of Mellarile due to a nervous condition cause from being falsely accused.

If I had not been falsely accused, I would still be on my job at the Post Office.

I have been off work since 1991 to the present time. Because of the injustice that Inspector Marshall and Willie Kemp did to me.

If I could be compensated for the time off from 1991 until now it would be greatly appreciated.

Thank You

Donald Ruff

11-28-93

November 27-1993

To Whom it May Concern

My Name is Donald Luff
 I'm writing this letter, to inform you
 that I have never sold or brought
 any Drugs from Willie Kemp.
 Art McCoy was also falsely accused
 by Willie Kemp, and his case was
 dropped, This Willie Kemp is the same
 informant that lied on me and several
 other Postal Workers.

It is also a fact that in
 Court, Willie Kemp said on the
 stand, that he lied about myself
 and others, and its also on type
 he said he lied about all of ~~us~~ us
 about selling Drugs.

I don't know why I'm not
 getting the same consideration that
 the other 20 persons are getting.

Thank You
 Donald Luff
 11-28-93

November 27, 1993

I Marvin Wade do solemnly swear that the events I'm about to convey to you are the truth and nothing but the truth to the best of my recollection and knowledge. I'm presently a Forty year old black male, who was 34 years old and working as a Postal Employee at the Cranwood Post Office when I made the acquaintance of Matt Gibson, whom I thought was a fellow Letter Carrier who was having some personal problems.

Mr. Gibson and I were both Substitute Carriers and there were times when we would both work on the same mail route. Naturally by us working together we became good friends. After becoming friends with Mr. Gibson, he occasionally asked me about obtaining marijuana for him and his cousin John. At this time I was an Out-Patient at Brecksville V.A.M.C. and was actively participating in there Drug Rehabilitation program, this information was also on my employment application. Somehow Mr. Gibson got hold of this information and therefore targeted me as one of the people to try and coerced into obtaining drugs for him. Mr. Gibson after about two months of knowing me, was now asking me quite frequently to obtain drugs for him and his cousin John. I was very reluctant to do this because as I feared it would sabotage my sobriety. However Mr. Gibson was very persistent and offer me extra money if I would buy drugs for him, he even went as far as to say "My cousin has plenty of money you can charge him whatever you want he'll pay." After awhile my own greed and the fact that I was a former user caused me to give in, even though I knew deep down inside it would sabotage my sobriety, which it did, because soon after I was buying drugs for myself and using drugs again. You see even though I had nine months clean I still was not strong enough to be around or to handle drugs. Buying drugs for Mr. Gibson was the catalyst that started my own addiction off and running which eventually cause me other problems.

Over the next three months I obtain drugs for Mr. Gibson six times. I bought marijuana for him three times and cocaine twice. On the the third occasion he wanted me to buy him a half ounce of cocaine which I tried to do, but I didn't have that type of connection for a bulk amount. You see all my life I've been a user of drugs not a dealer of drugs. Even in this case I did not go out and actively solicit any sales. I just acted like a middle man to obtain Mr. Gibson as much as Ten \$10.00 bags of marijuana and as much as 1½ grams of cocaine, like I was saying earlier on the third time I couldn't get the cocaine so I ended up using the money to support my own habit. But being the man that I am I tried to pay Mr. Gibson his money back which was \$600.00, I only got the chance to pay him back \$270.00 of the \$600.00. Then for awhile I didn't see Mr. Gibson, however when I did see him a couple of months later he proceeded to ask me could I get him a \$50.00 bag of coke, at this time I turn him down, because once again I was trying to stay clean away from drugs, but I wasn't having to much success at it. I would stay clean for a couple of weeks but I always started using again and that is how it was up until I went to prison.

That whole period of time^{was} very devastating to my family and I. I loss my job and the respect of those around me. I had nine months of sobriety at the time Mr. Gibson made me one his victims, I often wonder what my life might be like if I could have maintain my sobriety and could have been left alone to work my job like I was paid to do. I was coerced into buying drugs for Mr. Gibson, who I thought was a friend, I was not dealing drugs and certainly wasn't soliciting sales, like the Postal Inspectors mention in there investigative memorandum stating that I was saying I had good Monkey Paw reefer for sale. That was nothing but a lie that they made up to justify coming at me in the first place. Prior to my obtaining drugs for Mr. Gibson I had never obtain drugs for anyone at the job. I definitely was not dealing drug:

My life was ruined by that unnecessary sting operation by the Postal Service. I went to prison for one year behind what happen then I accept responsibility for my actions, but I don't feel that end result justified means and which it was accomplished. I feel that no amount of monetary settlement can't make up for the lost of self-respect, dignity and love lost because of what happen. I truly feel as though I've been raped because the sanctity of my manhood and my citizenship had been severely compromise by the actions of the Postal Inspector and thier confidential informant. It really is ashame that a man cannot pursue and honest living by going to work and have his employer take part in trying to induce him into breaking the law and buying drugs to further thier own needs. I really enjoyed my job at the Postal Service because I like working with people. I fail to see the reasoning behind the Postal Inspectors inducing people to committ crimes where there is no crime. I thought the purpose of the Postal Inspector Service was to stop crimes not served as the catalyst to start crimes where there is no crime just to further their own needs. Why make a crime where there is none?

^{was}
To sum it all up I feel that I entrapped into that whole circle of events and that if I had been left alone to do my job, like I was trying to do, there never would have been any drug using on my part and no obtaining of drugs for anyone. Matt Gibson was the only person I obtain drugs for, no one else can say that Marvin Wade bought drugs for them or from them during that time.

Mr. Gibson induced me to do something I ordinarily wouldn't have done. At times he was pratically begging me to obtain drugs for him as a friend I did purchase drugs for him. He knew by me being a former user I was suceptible to his need to use drugs. I had no idea he was a confidential informant for the Postal Inspectors.

Thank You,

Marvin Wade
Marvin Wade

Marvin Wade
11-28-93

November 28; 1993

Quite naturally the postal inspectors are caught up on the 20 employee,s.

But I also was a victim of their informats investigation. The same informats Howard Rice , Willie Kemp and of course Tim Marshall were involved in my case as the 20 or so who have all had their charges dropped, especially after the fact the informats have come forward admitting their wrong doings puplicly to the media.

I was sentenced to 1 and a half to 5. My public defender lawyer advised me to do so, stating otherwise fight the government and lose I would face large time unless I plead to a lesser charge inwhich was drug abuse. I lose and suffered a lot since my January 24, 1992 sentencing date.

I fell behind in my child support payments, major bills, having trouble finding a decent employment behind this false conviction. MY losts run deep two years wages totalling 38,000.00 per year. Falling behind in my personal debts totalling roundabout 6,000.00. My children have suffered through it all

The month of April-1991 unfortunatly was one of their first victims, behind the simle fact of going to school with Howard Rice. He used my name for his personal use that lie and make money off inspector Marshall inwhich he continued to do until being caught the same year. I was flat and simply railroaded by the postal inspectors. Also the criminal justice system as well.

The inspectors handed the state information they did,nt know anything about , how was I and so many others served indictments behind the investigation of known convicts who all are where they belong prison as I type now.

Hopefully someone will take a closer look at the many cases they're trying to cover up. A liar is a liar from day one till they were caught nothing had changed. Also Howard Rice was a ex- convict desperate for a job and cash inwhich he was dangerous individual definitely under a lot of pressure. Lying on anyone meant no different to him. I,ll continue to state my innocents to whoever will listen, Hopefully justice will preveil, and justice serve all, an not just a choosen few.

I,m willing to do whatever it takes to resovle this life running situation , Praying no one else have to ever go through this sort of wrong doing to employee,s in the postal serves or other workplaces inthe United States of America. I,m a veteran who gave 4, years of my life to serve my country I,ve worked all my life and have never sold drugs a day in my life, but yet my story was never listen too. Rather a two or maybe three time convicted felony word over mine. It don,t take a rocket Scientist to figure this out Common sense and anyone can see what took place with inspector Marshall, and his so-called informats who as I stated are all in prison or on the run.

Dan Glenn

Dan Glenn
11/28/93

WALTER ROSS VENABLE, JR.
512 EAST 108TH STREET
CLEVELAND, OHIO 44108
(216) 451-5668

My name is Walter Ross Venable, Jr. a 1969 graduate of Glenville Senior High School. Shortly after graduation from high school I entered the Air Force in June of 1969, was stationed in Viet-Nam from 1971 until 1972, discharged from the Air Force with Honorable Discharge with the rank of E-4.

After my discharge from the service, I was offered employment with the Navy Finance Center working as a Military Pay Clerk. I worked for the Navy Finance Center for approximately a year after this I had the opportunity to work for the U.S. Postal Services as a Security Police Officer in the Postal Inspection Services. My employment at the post office was from 1972 until 1984. I was married in July of 1973, we have a daughter 19 years of age and a son, 15 years of age, and just recently celebrated our 20 year anniversary.

Because of this scandal and absurd accusation, it has played an unfortunate role. It's affected me mentally and physically. I lost my home in 1986, filed bankruptcy in 1989 causing some extreme hardship because of this post office scandal. The stress of this ten year ordeal, has certainly contributed to my health to suffer drastically, I am now a diabetic taking insulin shots everyday. And to mention the mental anguish and humiliation this has caused me (and my family) is somewhat still troubling.

I might not have been the very best postal security officer, but I was far from being what they accused me of in March of 1984. I was not a drug trafficker and never was. I was taught to be honest in life, and I sought this through hard work and honest work. I've always worked two jobs since 1978 to support my family. And to be truthful, the salary I was receiving from the post office and my other part-time jobs was sufficient for me to raise my family decently not dishonestly.

I had no reason whatsoever to be dishonest on my job, not only my employment but with the everyday walks of life. I did not need to make the extra money that comes from the sale of illegal substances, that's why I worked everyday and have been employed every since I graduated from high school. I had no reason to sell illegal substances as the postal personnel accused me of in March of 1984. No reason at all!

Respectfully submitted,

Walter Ross Venable, Jr.
October 18, 1993

Walter R Venable

To The Honorable Congressman Louis Stokes,

My name is Walter Venable

I am writing this letter to let you know that my civil rights were violated on March 15, 1984. I was a security police officer for the U.S. Postal Service. On that day I was indicted on 4 counts of drug trafficking of heroin and cocaine. All of which were false charges.

I lost my job and my family as a result.

An informer by the name of Kenny Barnett told all sorts of lies on me.

This case went on until the 3rd. week of July, 1985.

I was told these charges were a 4th degree felony.

I kept telling them that I don't sell drugs and never did.

I was told to take the 4th degree felony.

I was working two jobs at the time of my arrest, if I took a 4th degree conviction I would not be able to work my second job. They dropped the felony down to a misdemeanor and I could never work at the Post Office again.

The Post Office told me that I had to pay for the investigations that they ran on me which cost \$1000.00. And \$3500.00 which they said I made drug trafficking. I told them to take it out of my retirement money,

I am writing you this letter to let you know that 95% of the men were from 1984 to 1992 that were working at the P.O. that were indicted were black.



Walter R Venable

My name is Larry Odell Penn a 1969 graduate of East Tech high school. Shortly after graduation from high school I entered the Air Force. I was discharged from the Air Force with an Honorable Discharge for medical reasons (diabetes).

After my discharge from the service, I was offered employment with the Navy Finance Center working as a Military Pay Clerk. I worked for the Navy Finance Center for approximately 2½ years.

After this I worked for the U.S. Postal Service as a letter carrier from 1977 until 1984.

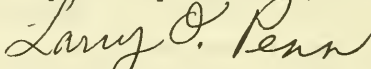
Because of this scandal and absurd accusation it has played an unfortunate role in my life. It has affected me mentally and physically. I lost my car and family in 1984, causing extreme hardship because of this Post Office scandal. The stress of that ten year ordeal has certainly contributed to my health. I am diabetic with high blood pressure and a thyroid condition.

In March of 1984 I did not sell illegal substances as my accuser said I have. Why take the word of an informer rather than that of an upstanding citizen?

I have not worked since 1984. To work as a Postal Carrier in 1984 and sell aluminum cans in 1993 is a big change.

If you are not part of the solution, you are part of the problem.

Respectfully submitted,



Larry Odell Penn
November 28, 1993

November 29, 1993

To Whom It May Concern:

I, Abdul Rahim Ali Hasan, would like to tell you the story of my life as a person persecuted by the United States Postal Service and its so called police force, the Postal Inspector. I will start off by saying that I am an innocent man and has always been innocent. I am far from being perfect, but I do believe in telling the truth.

My nightmare started on June 20, 1989 when two postal inspectors came up to my case while I was sorting my mail and said, "You are under arrest for selling cocaine in a three-count indictment." They handcuffed me in front of my fellow employees and did not read me my rights (violation). They took me downtown to the main Post Office on Orange Avenue, where they interrogated me and also took my fingerprints. After they finished, they escorted me down to the County Jail, where I was fingerprinted again and put in a holding cell until 8:30 p.m. At this time, I was bailed out on a \$2,500 bond. They told me there was an outstanding warrant from Cleveland, so they took me to City Jail where I stayed until 10:30 p.m. that night. Ms. Diana McKissack gave her signature to get me released.

I left there and went to the bar where I had a few drinks before I went home. I was sent to an arraignment in front of a Judge, who put in a plea of "not guilty" and said he would appoint me a lawyer. A few days later I got a letter from Attorney Ozan stating that he was representing me because I could not afford an attorney. I went to his office and talked to him briefly about the situation. I told him that I was not guilty of any of the charges that was against me. He felt like I must be guilty of something because the Postal Inspectors

do a thorough job of investigating. I told him that did not matter and I still was not guilty of these charges.

Making this story as short as I possibly can, we went to trial and I was convicted of the lies that the Postal Inspectors and informants told on me by a jury that slept off and on during the trial as well as the Judge. The jury found me guilty within 20 minutes of deliberating on 2½ days of testimony. I have never known of a decision rendered so quickly, not even on television. I was sentenced 1½ years, 1½ years, and 3 years running concurrently I had to do a 3-year accrual sentence. The judge gave me a pre-sentence report which did not favor me--a man who has never been in trouble, a war hero with a purple heart and three oakleaf clusters. A family man with five children to support and a dignified person in society.

I asked myself time and time again, "Why me? Why me?" It then dawned upon me when the Postal Inspectors went after these 19 innocent people in 1992, who was all Afro-Americans (like it was in my case and the people of my time and as far back as 1984, which were predominantly black except one or two), I realized then that the Postal Inspectors were committing discrimination of the highest degree--conspiracy to get the Afro-Americans out of the Postal Service.

In my case there were two main players (Postal Inspectors), Inspector Sitter and Inspector Marion, who was over these cases all the way from 1984 until 1993. All the inspectors in these cases were white, except one who they used as a "token," a black inspector named Samuels. I believed then that the Postal Inspectors were racist. I don't understand how people from your office and others don't realize that this is what me and my fellow workers have said about these inspectors being that they are racist.

I use cliches like, "a picture is worth a thousand words" and "'seeing is believing" and "action speaks louder than words." So if this be the case and the Postal Inspectors are targeting

just Afro-Americans for drug trafficking in the System, why is it a known fact that 75% of the drugs used in America are used by whites. Furthermore, blacks do not have the money to import drugs of the magnitude that come into America.

I further say this to you, "If we the accused were actually dealing drugs, why didn't the Postal Inspectors go to our houses and find materials used by drug dealers. Why, because they knew that we were not drug dealers. I believe that they worked with these informants and took money for their personal use and bought drugs of a cheap quality and kept the money right along with the informants. There is no way that I believe that the Postal Inspectors would put out that much money (over a million dollars) and give to low-life black informants and not keep some of the cash, if not most of it, for their own personal use.

I have asked this question to many people, but have yet to receive an answer. Could you tell me what is the duty of Postal Inspectors, mandated by the United States Constitutional law. What is the guidelines for arrest in the State of Ohio, by law enforcement agents other than local authorities? I believe if you find the answer to these two questions, you will find that the Postal Inspectors are guilty of violating the "RIGHTS" of all the people they have arrested in this state.

My resolution for the things that have happened to me and my fellow postal workers who have lost their jobs, homes, spouses, dignity, etc. should be made whole again by giving our jobs back with all back pay, including all overtime and vacation. Then let the Courts decide on what we should get as far as punitive damages are concerned.

Also, on a last note, something that has been puzzling me is the way Howard Rice and Frank Folks have put all these bogus charges up against Kemp and Patton and the prosecutors who were brought into this, just to protect the Postal



Inspectors, when in fact, the Postal Inspectors who were lying on the witness stand should be the ones brought up on perjury charges, if nothing else. I believe that the prosecutors office and the judges in these cases are involved in some kind of way or they just don't care how they treat blacks in the judicial system. I personally believe all of them are guilty of something and I believe the United States Justice Department should be called in to investigate the whole judicial process here in Cleveland and in the County of Cuyahoga.

I thank you for reading this letter and am well qualified to go before a Congressional Committee and affirm every statement I made here as the truth and nothing but the truth so help me God (Allah).

Respectfully submitted,

Abdul Rahim Ali Hasan 11-28-93

Abdul Rahim Ali Hasan

Gary A. Herron
1514 E. 256 Street
Euclid, Ohio 44132

My name is Gary Herron and I am forty four years old. A three year veteran of the U.S. Army during the Vietnam War from 1966 to 1969. I was an 18 year employee of the Postal Service at the General Mail Facility in Cleveland, Ohio. I have no previous criminal record.

I was removed from the Postal Service on December 6, 1991 for alleged drug trafficking. The dates of the alleged incidents are November 8, 1990, November 28, 1990, and December 4, 1990.

A confidential informant, named Willie Kemp, working for the Postal Inspector came to my home on November 8, 1990. Kemp had approached me previously at work and asked if I could introduce him to someone that would sell him marijuana. I told him I did not know anyone that could help him. When he came to my home asking me to help him obtain marijuana I told him again that I could not help him and that my nephew, Jimmy, was about to take me to work and I did not want to discuss this issue with him anymore. My nephew and I were about to leave when my nephew asked me what Kemp wanted. I told my nephew what he wanted and my nephew said that he could help him. I told my nephew that was between him and Kemp and none of my business, that I just wanted to go to work. Jimmy made arrangements with Kemp to follow him to a store at E. 71 Street and Cedar Avenue on his way to taking me to work. I sat in my nephew's car while he and Kemp conducted their business. My nephew then took me to work. On the two other occasions Kemp asked me to ride with him when he went back to the same store. On November 28, 1990, I was on my way to work at the post office from the E. 34th Street Rapid Transit Station when Willie Kemp pulled up in a car and asked me to ride with him. On December 4, 1990 I was in the locker room of the general mail facility on my lunch break when Kemp came in and asked me to ride with him again. On both occasions he purchased marijuana from the store at E. 71 Street and Cedar Avenue. As a result I was indicted and charged with three counts of marijuana trafficking. During the course of my court proceedings the prosecutor offered a plea bargain of a misdemeanor of attempted trafficking and to be put on one year probation. Even though I was not guilty of the charges I was afraid I would be convicted because of the public stereotyping of blacks and drugs; also that I had no proof that I did not do this. So on the advice of my attorney I accepted the plea bargain even though the postal inspector had no substantiating evidence such as tapes or videos.

Respectfully,

Gary Herron

Gary A. Herron
11-28-93

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