

The Commonwealth v. Mr. Brown



The Roots and Consequences of the Code of Silence in Inner City Philadelphia

Samuel George
Oberlin College
History Thesis, 2007

Table of Contents:

Introduction

Glossier of Interviewees	IV
Introduction to the Project	VII

Chapter 1:

The Structural Foundation of the Code of Silence: Philadelphia, 1945-1980

1.1 An integrated Philadelphia?	2
1.2 Got a Knuckle? Gang Violence in Latter Industrial Philadelphia	4
1.3 When Work Disappears: De-industrialization	5
1.4 A Failed Response to Crisis & the Dilapidation of North Philadelphia	7
1.5 The Effects of Failed Reform: Rioting & Hyper-Segregation	9
1.6 Philadelphia's Black Independent Political Movements of the 1970s	13
1.7 A Failure to Integrate	17

Chapter 2:

The 1980s: Philadelphia's Struggles with Reaganomics and Crack Cocaine

2.1 Early 1980s: Reaganomics & The Nation	20
2.2 Early 1980s: Reaganomics & Philadelphia	21
2.3 The Crack Cocaine Epidemic	25
2.4 The Creation of a New Culture	31
2.5 Conclusion	35

Chapter 3:

The War on Drugs & Its Implications in Philadelphia

3.1 The War on Drugs: A Bad Idea	37
3.2 Philadelphia Law Enforcement's Inability to Protect	38
3.3 Mandatory Minimum Sentencing	42
3.4 Conclusion	45

Chapter 4:

Stop Snitching: The Code of Silence in Contemporary Philadelphia

4.1 Introduction	48
4.2 Something New? The Code Didn't Change, the Crimes Did	50
4.3 Why People Don't Cooperate: Fear	53
4.4 Why People Don't Cooperate: Culture	55
4.5 The Code of Silence & Detectives	58
4.6 The Code of Silence & Juries	62
4.7 A Problematic Approach?	63

Chapter 5:

Seeing Through Masks: *The Commonwealth of Pennsylvania v. Dwayne Brown*

5.1 A Perfect Case Study	66
5.2 The Eyewitnesses	68
5.3 The Video Confession	76
5.4 <i>The Commonwealth v. North Philadelphia</i> : Mark Gilson's Closing Argument	83
5.5 Conclusion	86

Bibliography	88
--------------	----

Introduction

Glossier of Interviewees

Anonymous Detective: (Interviewed 1/24/2007) The gentleman I interviewed has been a detective for 17.5 years. Since 1993, he has been involved in the Organized Crime Unit. According to him, his primary function is to ‘turn snitches’ or generate cooperation. The gentleman denied my request to record our conversation.

Dwayne Brown: (Interviewed 8/30/2006) On 2/10/2006, A jury convicted Dwayne Brown of a double homicide and imposed him to back to back life sentences. Mr. Brown was raised in a poverty stricken, drug-infested neighborhood of North Philadelphia, in a drug-infested house. Mr. Brown and his friends proved very adept at selling crack cocaine, garnering between \$15,000 and \$30,000 dollars per day. Mr. Brown admits his involvement in the drug trade, but maintains his innocence with regards to the double murder. The circumstances of Mr. Brown’s trial inspired this inquiry. I was not permitted to bring my recoding device to my session with Mr. Brown in Huntingdon Correctional Institution in Central Pennsylvania. Mr. Brown is an African American.

Lavinia Brown: (Interviewed 8/20/2006) Lavinia Brown is Dwayne Brown’s mother. She has spent her entire life in North Philadelphia. Some years ago, she overcame a crack cocaine addiction. She currently works long hours in a secretarial job. Mrs. Brown is an African American.

Paul George: (Interviewed 3/24/2007) George, along with Patricia McKinney, represented Dwayne Brown at trial. Prior to establishing his private firm with Ms. McKinney in 2003, George defended homicide cases for the Philadelphia Public Defenders, where he worked between 1982 and 2003. Mr. George is white.

Paul Goldman: (Interviewed 8/24/2006) Paul Goldman is a District Attorney of the Habitual Offenders Unit (‘The Gangs Unit’) in Philadelphia. Prior to joining the District Attorney’s office, Mr. Goldman worked for the Public Defenders Office of Philadelphia. Mr. Goldman is white.

Mark Gilson: (Interviewed 8/8/2006) Mark Gilson is perhaps the most feared, most respected, and best criminal prosecutor in the city of Philadelphia. He has been a prosecutor for 19 years. He handles the city’s toughest cases in the homicide unit, where he has worked since 1992. A Caucasian, Mr. Gilson was raised in a predominantly white neighborhood in North East Philadelphia. He has spent his entire life in Philadelphia.

Wilson Goode: (Interviewed 2/6/2007) Wilson Goode was a very active figure in Philadelphia’s Independent Black Political Movement of the 1970s. In 1984, he became the first African American Mayor of Philadelphia, and he won reelection 1988. He currently heads a program entitled Amache, which offers support and development skills to children whose fathers are in prison. I interviewed Mr. Goode over the telephone, and was unable to obtain a suitable recording of our conversation.

William Harvey: (Interviewed 8/20/2006). Mr. Harvey is Dwayne Brown's father. He has spent his entire life in the same North Philadelphian neighborhood. Due to drug addiction, Mr. Harvey did not always live with Dwayne and Mrs. Brown. Currently, Mr. Harvey has recovered from his addiction, and holds a city job driving a truck. Recently, the city awarded Mr. Brown a promotion at this job. Mr. Brown is an African American.

Renee Cardwell Hughes: (Interviewed 1/16/2007 & 1/17/2007). After being a corporate lawyer representing HMO for Blue Cross, Judge Hughes achieved a seat on the bench in 1995. Judge Hughes moved to Philadelphia in 1985. Judge Hughes presided over *The Commonwealth of Pennsylvania vs. Dwayne Brown*. Judge Hughes has also experienced infamous encounters with the Philadelphia Police, in which circumstances suggest that she was a victim of racial profiling by police officers who did not realize that they were dealing with a judge. Judge Hughes is African American.

Thurgood Matthews: (Interviewed 1/19/2007) Thurgood Matthews is the Assistant Chief of the Homicide Unit of the Philadelphia Public Defenders Associations, and the department looks to Mr. Matthews to defend many of their most difficult murder cases. Mr. Matthews is from Coatesville, a small town near Philadelphia. After attending law school at Howard University, Mr. Matthews joined the Philadelphia Public Defenders in 1981, where he has worked ever since. Mr. Matthews is African American.

George Mosee: (Interviewed 8/26/2006). Mr. Mosee heads the Delinquent Unit of the Philadelphia's District Attorney's Office. 51 years old, Mr. Mosee grew up in a similar section of North Philadelphia as Dwayne Brown. Mr. Mosee is African American.

Laurence Nodiff: (Interviewed 1/22/2007) Laurence Nodiff holds the rank of Lieutenant in the Philadelphia Police Department. He works in the Detective Bureau. He began his career as a Patrol Officer in high crime areas in 1974. Mr. Nodiff is white. Mr. Nodiff declined my request to record our conversation.

Candace Putter: (Interviewed 3/25/2007) Mrs. Putter manages the Philadelphia's Re-integration initiative which is a partnership between the Department of Human Services, Family Court, among other agencies, to oversee the reintegration of youth who have been placed in out of home delinquent placements, and to oversee their reintegration back into the communities, schools, and families. She is white.

James Randolph: (Interviewed 8/29/2006) James Randolph is currently the Deputy Commissioner of the Philadelphia's Department of Human Services, Juvenile Justice Division, which is responsible for overseeing and paying for services for delinquent youth. Mr. Randolph has lived in Philadelphia his entire life, and he grew up in the same poverty stricken neighborhood of North Philadelphia as Dwayne Brown. Mr. Randolph is African American.

Mary Rehill: (Interviewed 1/24/2007) Mary Rehill has been a Philadelphia Police Officer, working on the streets for 20 years. She specializes in narcotics. Mrs. Rehill is white. Mrs. Rehill declined my request to record our conversation.

Drug corner. Gambling corner. York St. & Cleveland St., North Philadelphia. December 4th, 2000. Monday, 8:45 PM. Shots fired. Two men murdered, a third critically injured. Multiple gunmen, multiple guns.

Sure, we could dress it up a little bit...

Maybe Heavy had just reached the corner with a full plate of chicken wings from the Dominican Store on the corner. Maybe Manny, the hard-headed crack dealer, had won money on the dice that evening, adding to an adrenaline rush caused by being on a corner that he had no business being on.

Maybe Tata, the neighborhood barber, held the dice in one hand and a five dollar bill in the other, wondering whether it was worth the risk. Maybe the large crowd of men on the corner egged him on.

Maybe Jaasan Walker and his brothers Fuss and Cub pulled ski masks down over their faces in the alleyway between the Dominican store and the vacant lot on York St. Maybe it was Jaason and Dwayne Stacey Brown in the alleyway on the Cleveland St. side. Maybe Dwayne was nowhere near the alleyway that night. Maybe Jaason didn't want to go through with it. Maybe they were both ready.

Maybe they quickly rolled out of the alleyway while Tata picked up winnings from the dice game, oblivious to the newcomers. Don King, on the other hand, happened to be looking at the alley, and he tipped Manny off to the new comers' arrival with a nod of the head. Manny reaches into his sweatpants for his Glock-9, but it's too late, because Jassan and Stacey have both opened fire, not necessarily trying to kill everyone, but indiscriminately shooting into the crowded area where Manny stood.

Manny died instantly, with his right hand in his pocket, gripping his gun. Tata staggered, dropping the dice, but not the money, soon to realize that the surreal sensation that swept through his body was caused by the bullet lodged in his groin. Don King, shot in the stomach, stumbled against the pay phone, short of breath, cursing Dwayne Stacey Brown for shooting him....

A good story. Might even be true. But we don't know. In fact, we have no idea. Despite the literally innumerable close-range eyewitnesses, countless interrogation sessions, a full investigation, two arrests, a preliminary hearing, a jury trial, a guilty verdict, Dwayne Brown in prison in Central Pennsylvania, and one less unsolved murder file for the Philadelphia police, the extent of the irrefutable knowledge remains the same as on the first night:

York & Cleveland. 8 PM. 2 murdered, 1 wounded, multiple shooters.

*In lieu of any substantial evidence, the case became *The Commonwealth v. North Philadelphia*, or maybe *The Commonwealth v. Stop Snitching*. And Dwayne Stacey Brown, only child of William Harvey and Lavinia Brown became but a face to superimpose over the tragic conditions of North Philadelphia. The jury found Brown guilty. Guilty of all the city's sins. Guilty of the drugs, guilty of the violence, guilty of the intimidation. The jury found North Philadelphia guilty as charged.*

And maybe, to those jurors, that felt good. Maybe they felt that they had stood up to the drug dealers, and the 'Stop Snitching,' and the violence. But that adrenaline had to wear off. And that evening when Brown's jurors switched off the bedroom light, they faced the truth, forever tattooed on the insides of their eyelids: Dwayne Brown is not North Philadelphia, and absolutely nobody professionally involved in the trial knew who

Dwayne Brown was, or what in the world he was doing December 4th, 2000. If any juror from the Commonwealth v. Brown went to sleep that night with a sneaking suspicion that there was a lot they didn't know, they were absolutely right.

For example, they didn't know about the video: Jaason Walker's confession to the crime, videotaped by detectives at 4 in the morning. They never heard Jaason's long intimate explanation about how he had committed the murders with his two brothers, neither of whom are Dwayne Stacey Brown. The jury didn't know that the case's star witness was mentally disabled and most likely far from the crime scene that night, and that he may have possessed a distinct economic interest in seeing Brown removed from the corner of York and Cleveland. In fact, the jury didn't even see this witness testify that Brown ever did anything wrong...they just heard a detective swear that once upon a time, in a police interrogation room, the detective heard the witness say that Brown committed the crime.

But, then again, this is currently the nature of criminal justice in Philadelphia. Given the Code of Silence that mutes the inner city, an alarming amount of justice is based on hypotheses, guesses and stories, spun by prosecutors and defense lawyers alike, all told with the conviction of someone who actually had a clue about what had really happened. How could such a disconnect between the criminal justice system and inner city communities grow? What can the Commonwealth v. Brown tell us about the effect of such a disconnect?

Discussion of Thesis

This thesis isolates a chronological progression of crises that have plagued inner city Philadelphia's African American communities, and have resulted in the Code of

Silence. A recent phenomenon in Philadelphia, the Code of Silence demands that inner city residents do not cooperate with law enforcement in the state's attempts to respond to crime. This can include refusing to talk to police in the streets and claiming amnesia in the courtroom. The code implies that the inner city community views the criminal justice system as a foreign body, clumsily intervening in inner city life. The Code of Silence represents the disintegration of the relationship between the criminal justice system and America's most dangerous neighborhoods.

The crises I discuss do not represent an exhaustive laundry list. Rather, they isolate what I believe are key developments along the path to 'Stop Snitching'. At each stage, Philadelphia, or the nation as a whole, has attempted to address the crisis at hand, and at each stage, the response has proven to be wholly inadequate, creating the conditions required to facilitate the forthcoming crisis.

My discussion begins with de-industrialization, which excluded thousands of undereducated Philadelphians from the city's economic cycle.¹ As Philadelphia looked

¹ Significant historiography exists for this topic. For a discussion on the increased role of Black Philadelphians in the post-World War II industrial age, see Roger Lane's article "Black Philadelphia Then and Now" in Adele Herrell and George Peterson's *Drugs, Crime, and Social Isolation; Barriers to Urban Opportunity*. (Adele Herrell & George Peterson ed. *Drugs, Crime and Social Isolation: Barriers to Urban Opportunity*. Washington: The Urban University Press, 1992.) Lane argues that during World War II, Philadelphia's factory owners were forced to hire African Americans, thus breaking what had been significant racial barriers. Lane argues that this led many African Americans to seek employment in Philadelphia, and that, in the short term, Black Philadelphia benefited greatly from the opportunity to work in industry. Similarly, in their essay "Public Housing, Isolation, and the Urban Underclass," John Bauman, Norman Hummon, and Edward Muller highlight the immediate positive effects on the Philadelphia's African American community of having access to industrial jobs. (Chapter found in Joe Trotter & Eric Smith ed. *African Americans in Pennsylvania: Shifting Historical Perspectives*. Harrisburg: Pennsylvania University Press, 1997.)

For a national discussion of de-industrialization, I recommend Robert Beauregard's *Voices of Decline: The Post War Fate of U.S. Cities* (New York: Routledge Press, 2003) tells the story of America's cities left to rot as industry no longer provided majority employment. Beauregard does not center his study on a single city, but rather takes examples from a number of different cities, including Philadelphia. He follows overall trends that, in his opinion resulted in the creation of the urban ghetto. For further national discussions, see David Wilson's *Cities and Race: America's New Black Ghetto* (New York: Routledge, 2007). Wilson actually isolates a similar series of crises as I do. However, he does not attempt to consider the effects of modern inner city dynamics on the criminal justice system. His early chapters consider the

to physically upgrade itself from a blue-color industrial city to a 'world class,' post-modern city, it faced the task of re-housing thousands of uprooted citizens. This effort resulted in the condensation of poor African Americans into specific neighborhoods, notably those immediately north and further west of Center City. The end result of this concentration was the physical and economic isolation of African American citizens.²

North Philadelphia became characterized by crumbling row homes, tipping over on top of narrow streets, inevitably saturated with litter. Few tax dollars entered these neighborhoods, and few families managed to exit. This demoralizing environment

devastating effects of de-industrialization. William Julius Wilson's *When Work Disappears* (New York: Alfred A. Knopf, 1996) also considers these years. However, his work considers job opportunities up through the 1990s.

For more Philadelphia specific literature, see Carolyn Adams' edited text *Philadelphia: Neighborhoods, Divisions; and Conflicts in a Postindustrial City* (Philadelphia: Temple University Press, 1991) which considers Philadelphia's industrial decline, due to a fundamental transformation in the types of businesses within the region. The book depicts a strong Caucasian majority in Philadelphia as late as the 1940s. Following World War II, the book considers a growing African American community systematically excluded from the declining industrial job base. The book argues that the resulting poverty and geographical isolation of the African American community left them, at first, as the object of public policy. The book supports this claim with discussions of various housing and welfare campaigns that were considered and passed in the 1950s and 1960s. The book argues that, as a result, in its shift to a postindustrial city, Philadelphia has witnessed increased divisions among classes, races, and neighborhoods in both the city and the suburbs.

For a discussion of Philadelphia's industrial workers left jobless by de-industrialization, see Stephan Metraux's article "Waiting for the Wrecking Ball." (In *Journal of Urban History* (1999, 25: 690-715) According to the article, industrial Philadelphia attracted thousands of migrant workers to fields such as manufacturing, construction, railroads, and mining. These jobs were short term, and were held by homeless workers who squatted near the work sites in Center City, transforming the area into 'Skid Row'. Metraux discusses the social niche these workers held.

Finally, for an interesting, if tangential analysis of the effect of de-industrialization on the working class, see Andre Gorz *Farewell to the Working Class: An Essay on Post-Industrial Socialism* (London: Pluto Press, 1980) which questions the effects of de-industrialization on Marxist analysis of class.

² On this topic, the most useful Philadelphia specific secondary source is John Bauman's *Public Housing, Race, and Renewal: Urban Planning in Philadelphia, 1920- 1974* (Philadelphia: Temple University Press, 1987). The central theme of the historical narrative concerns the use of public funds, governmental energy and supplies in re-housing Philadelphians following revitalization projects. Bauman's work is discussed extensively in Chapter 1, as is Anthony Lewis' essay on housing entitled, "Housing for Philadelphia's Blacks in 1980."

Daniel Fusfeld and Timothy Bates' *The Political Economy of the Urban Ghetto* (Edwardsville: Southern University Press, 1984) considers the economy that developed in the urban ghettos, which developed following the re-housing campaigns. The authors argue that beginning around 1960, the nature of poor black urban society changed. They argue that the same forces which created a modern American service economy are those forces which left many African American citizens behind, and they conclude that "one of the byproducts of American affluence is a ghettoized racial underclass (Page XIII)."

represented the consequence of Philadelphia's failed response to de-industrialization. Reaganomics, a national response to an economic malaise, served only to exacerbate the negative characteristics associated with post-industrial, inner city Philadelphia.³ The failure to integrate the city's poor combined with physical isolation and mental anguish to provide the necessary groundwork for the next crisis to hit with epidemic force: The crisis of crack cocaine.⁴

The ill-prepared city put up a feeble defense as crack cocaine poured into Philadelphia. With mothers and father addicted or involved in the trade, youth began

³ See Michael Schaller's *Right Turn: American Life in the Reagan-Bush Era 1980-1992* (New York: Oxford University Press, 2007) for a solid historical analysis of the neo-conservative attack on the poor. Other works, such as Steven Shull's *A Kinder, Gentler Racism? The Reagan-Bush Civil Rights Legacy* (New York: M.E. Sharpe, 1993) argue that the economic and social attitudes spearheaded by Ronald Reagan were continued by President George Herbert Walker Bush, President Clinton, and, currently, President George W. Bush.

Works such as Ronald Walters' study *White Nationalism, Black Interests: Conservative Public Policy and the Black Community* (Detroit: Wayne State University Press, 2003) highlight the devastating effects that these policies had on inner-city African American communities. *The Color of Wealth: The Story Behind the US Racial Wealth Divide* by Rose Brewer, Meuzhu Lui, and Barbara Robles (New York: The New Press, 2006) uses pure numbers to present the racial biases of Ronald Reagan's economic agenda.

As for the effects of Reaganomics on Philadelphia in particular, I augmented my interviews with articles from the yearly publication *The State of Black Philadelphia*, such as Carrolle Perry's 1981 article, "Black Unemployment in Philadelphia" (Philadelphia: Philadelphia's Urban League, 1981), and Alvia Branch & Wanda Coston's 1989 article, "Black Youth Unemployment in Philadelphia" (Philadelphia: Urban League of Philadelphia, 1989).

⁴ At this point, the historiography begins to run thin. One worthy reference is William James and Stephen Johnson's *Doin' Drugs: Patterns of African American Addiction* (Austin: University of Texas Press, 1996). The book tracks the past fifty years of African American substance abuse, including Alcohol, Cigarettes, Marijuana, and Crack Cocaine. The chapter on crack not only offers a historical narrative of the drug's introduction to inner city America, but it also tracks the history of the creation of the drug.

Another valuable source is the book *Cocaine: The History of Drugs*, edited by Emma Carlson Berne (Detroit: Greenhaven Press, 2006). This volume contains entries such as Jacob Lamar's "Crack Starts its Rise", which discussed how the drug swept over unprepared American cities, and "Cocaine Sentencing Policy: Crack Versus Powder", which discusses the United States' racially biased legal interpretations of the sister substances. While a valuable source for dates and statistics, this book does not meet a particularly high academic standard.

This thesis also accepts Jeff Grogger and Mike Willis' study entitled *The Introduction of Crack Cocaine and the Rise in Urban Crime Rates* (Massachusetts: National Bureau of Economic Research, 1998). This study mathematically argues a notable increase of violent crime in urban American following the introduction of crack cocaine. Furthermore, the study argues that without the introduction of crime, such a spike would not have occurred.

turning to crack sales as a means of participating in a ‘Consumer’s Republic’⁵ from which they would otherwise have been excluded. Philadelphia faced the crisis of having to detoxify parents and re-integrate the youth, who began to form their own culture based on the drug trade.

The nation and city’s answer to this crisis, the ‘War on Drugs’, proved an incontrovertible failure, and in its failings, laid the groundwork for the antagonism and fear which would produce the ‘Stop Snitching’ phenomenon.⁶ In choosing a response that severely criminalized any form of involvement with crack cocaine, entire communities saturated with the drug clashed with law enforcement. As a result, the

⁵ See Lizbeth Cohen’s book *A Consumer’s Republic: The Politics of Mass Consumption in Postwar America* (New York: Vintage Books, 2004).

⁶ The disastrous consequences of the War on Drugs have been well documented, if not by historians. In Michael Tonry’s *Malign Neglect- Race, Crime, and Punishment in America* (New York: Oxford University Press, 1995) the author argues the overall and categorical failure of the War on Drugs. He focuses on the fact that the war did not rid the streets of drugs, that the building of new prison facilities required huge investments, and that the war “foreseeably and unnecessarily blighted the lives of hundreds of thousands of young disadvantaged Black Americans (Pg. 82).” He also discusses the severity of Mandatory Minimum Sentences.

Dragan Milovanic and Kathryn Russell’s *Petit Apartheid in the U.S. Criminal Justice System* (North Carolina: Carolina Academic Press, 2001). argues that racial profiling is a major battle tactic in the nation’s War on Drug’s and that this explains the severe disproportion in drug arrests by race. The article makes a statistical argument that African Americans are no more likely to use drugs than Caucasians.

Marc Mauer’s *Race to Incarcerate* (New York: The New York Press, 2006) discusses the racial implications of punishing possession of crack cocaine far more severely than punishing possession of pure cocaine. He argues that that discriminatory factors have influenced the severity of the punishment of possession of substances in the past as well. He cites marijuana as an example: Marijuana, he explains, carried a far stiffer punishment when it was predominantly associated with African Americans.

Jerome Miller’s *Search and Destroy: African American Males in the Criminal Justice System* (New York: The Cambridge University Press, 1996) argues that African American defendants consistently receive harsher punishments than white defendants convicted of the same, or similar crimes. For example, a white defendant may only receive probation while a Black defendant is sentenced to prison.

Loic Wacquant’s article “Deadly Symbiosis; When Ghetto and Prison Meet and Mesh” (in *Punishment and Society*, Vol. 3(1). London: SAGE Publications) places the prison as the most recent manifestation of a sequence of ‘peculiar institutions’, which have defined and confined African Americans. Wacquant places prison alongside of slavery, the Jim Crow regime, and the ghetto. He argues that the prison has become the extension of the African American ghetto (in my thesis, these neighborhoods are referred to as ‘inner city’). He argues that prison culture has thus heavily influenced ghetto culture, and thus, that the War on Drugs served to make prison culture a force within America’s ghettos. Scott Christianson makes a similar argument in *With Liberty for Some: 500 Years of Imprisonment in America* (Boston: Northeastern University Press, 1998). He argues that, “Among urban African Americans, imprisonment is so extensive and deeply ingrained that it may be viewed as the modern equivalent of slavery (Pg. 303).” He continues to discuss the overall burden placed on the African American family as a result of the excessively high imprisonment rates.

already tenuous relationship between inner-city African Americans and the Philadelphia police dissolved.

Furthermore, the intense demand for the drug combined with the intense desire to capitalize from its sale, rendered the police's job impossible: crack dealers continue to operate openly on the corner in what amounts to the occupation of public territory. Not only did this failure further disintegrate belief in the police, but it also served to make crime public, as the dealers dominated public space and defended their occupation with extreme and at times indiscriminate violence. In turn, not only did the community become more tolerant of criminal activity, but its members also became implicated within the crime structure, in the role of witnesses.

At the same time, Mandatory Minimum Sentence practices overwhelmed the court system with felonies. Faced with a logistical inability to prosecute such a high volume of cases, prosecutors opened up shop: They traded freedom for the currency of information, which, given the public nature of the crack trade, many individuals possessed.

Owing to the hegemonic cultural position of drug dealers, inner-city youth began to celebrate the drug dealers who, unlike anyone else in the neighborhood, flaunted the pricey items displayed on televisions and billboards. Within the inner city, drug culture became mainstream, and with it came the violence and disregard for traditional law enforcement.⁷

⁷ These changing cultural trends have received little scholarly attention in the field of history. Examples exist, such as David Canton's "The Political, Economic, and Cultural Tensions in Gangsta Rap" which appeared in the 34th edition of *Reviews in American History* 34 (Johns Hopkins University Press, 2006). The article argues that inner city African American youth have been heavily influenced by the messages espoused in Rap music.

Meanwhile, given the inability of the police to protect inner-city neighborhoods, the drug dealers intimidated law-abiding citizens. The fear experienced by those not involved in the drug trade combined with the cultural beliefs of the criminal element to create a culture of silence in the face of abhorrent gun violence. Under these circumstances, Philadelphia smacked into its next crisis; a wall of silence.

Introduction to *The Commonwealth of Pennsylvania v. Dwayne Brown*

During January and February of 2006, I had the opportunity to intern for my father, Paul George, who works as a criminal defense lawyer with Patricia McKinney in Philadelphia. During these months, I worked intimately on a drug-related murder trial, at the end of which, Dwayne Brown, a 33-year-old North Philadelphian, was convicted of double homicide, and sentenced to back to back life terms.

The crime itself was committed years earlier on December 4th, 2000. That evening, a crowd of regulars gathered to shoot craps on the corner of York & Cleveland in the heart of densely concentrated, predominantly African American North Philadelphia. The dice players stood in front of the “Cleveland Mini Market” corner store, which borders the larger York Street, a one-way street going west, and Cleveland Street, a one-way street going south. On either side of the corner store sit vacant lots,

A great deal of sociological work exists on the topic. A classic example is Elijah Anderson’s *The Code of the Street: Decency, Violence and the Moral and the Moral Life of the Inner City* (New York: W.W. Norton & Company, 1999) which loosely divides inner city residents into two categories: ‘Street People’, and ‘Decent People’. Anderson argues that peer pressure can easily influence ‘decent people’ into comporting themselves like ‘street people.’ Douglas Massey, a contemporary of Anderson often considers modern violence in Philadelphia. His contribution to Anderson’s edited volume *Problem of the Century: Racial Stratification in the United States* (New York: Russell Sage Foundation, 2001) entitled “Segregation and Violent Crime in Urban America” uses a similar linear argument as my own. However, whereas mine leads to the collapse of relations between the criminal justice system and the inner city, his leads to an explanation of the excessive violence which plagues inner city Philadelphia.

In my opinion, the best book on the subject is David Simon and Edward Burns’s *The Corner: A Year in the Life of an Inner-City Neighborhood* (New York: Broadway Books, 1997). The book tracks the lives a number of inner city individuals from West Baltimore, delving into the experiences of young dealers, old users, mothers struggling to beat addiction, and father struggling to find employment.

currently swamped with litter. According to eyewitnesses, between two and three shooters came out from one of these lots and opened fire, with the apparent aim of killing suspected drug dealer Anthony “Manny” Williams. Not only did Manny die, with his hand in his pants gasping for his pistol, but the gunfire also killed local barber Kieta “Tata” Lacey and critically wounded Don McCoy.

The shooters left little physical evidence for the police, who only recovered fired cartridge casings from the three different guns. However, throughout the next year, police accumulated three eyewitnesses who implicated two men, Dwayne “Stacey” Brown, and Jasaan Walker as the murderers. When police arrested Walker, he confessed to the crime, and gave a lengthy explanation as to how he committed the act with his two brothers, “Fuss,” and “Cub,” and how, between the three of them, they ran a successful crack cocaine ring in North Philadelphia. In Jasaan’s confession, which, unlike the other statements, was videotaped by detectives, he explains that Brown was part of the drug organization but had nothing to do with the murders of December 4th. Walker ultimately pled guilty to the crime and received a 30-year prison sentence. One of the conditions of the plea was his promise that he would not testify in Brown’s case.

Dwayne Brown, however, took the case to open court. In a controversial decision, Judge Renee Cardwell Hughes denied Brown’s attorneys’ attempts to enter Jasaan’s videotape into evidence. Nevertheless, prosecutor Mark Gilson’s case quickly began to falter, as all three eyewitnesses called to the stand disavowed their earlier out-of-court statements which had inculpated Mr. Brown. Nevertheless, despite receiving no corroborating physical evidence, nor a single accusation made in open court, the jury found Dwayne guilty of the double homicide.

Chapter 1:

The Structural Foundation of the Code of Silence: Philadelphia, 1945-1980

In those days, (the gangs) weren't about an economic affiliation. It was a strong sense of belonging to your community...and I emphasize that you just worried about getting beaten up.

-Jim Randolph¹

¹ Jim Randolph, interview by Sam George, 8/29/2006.

1.1 An integrated Philadelphia?

Given the promising legal developments calling for racial integration during the 1950s, a time-traveling Philadelphian from that era would likely be shocked by the heavily segregated nature of Philadelphia in 1980. As World War II whipped the United States into total mobilization, factory owners had little choice but to employ African Americans in significant quantities. Shortly thereafter, *Brown v. Board of Education of Topeka*, as litigated in 1954, “sounded the death knell for Jim Crow, generally.”² With the culmination of legally institutionalized racism, Philadelphia’s African Americans appeared to gain access to full employment, with sufficient salaries to raise a middle class family. As an apparent consequence of consistent employment, the percentage of two-parent African American homes in Philadelphia reached an all-time peak.³

However, lurking behind this general air of effective integration were subtler forms of institutionalized racism that began to emerge throughout the 1950s and 1960s. Though impressive, liberties gained during the Civil Rights Movement (such as access to political positions) often proved of little avail in confrontation with the negative effects of physical isolation. A formidable code of silence could not engulf a community unless that community was spatially and emotionally disconnected from the greater community of Philadelphia.

Indeed, as late as 1940, Philadelphia did not suffer from hyper-segregation. Up until 1950, Black Philadelphians lived predominantly in racially mixed neighborhoods immediately south, west, and north of Center City. While these neighborhoods would

² Mark Weiner. *Black Trials: Citizenship from the Beginnings of Slavery to the end of Caste*. (New York: Vintage Books, 2004) Pg. 280.

³ Joe Trotter and Eric Ledell ed. *African Americans In Pennsylvania: Shifting Historical Perspectives*. (Harrisburg: Pennsylvania University Press, 1997).

later become the heart and vital organs of contemporary inner city Black Philadelphia, numerous ethnic groups shared these communities at the time. For example, Dwayne Brown's neighborhood of North Philadelphia, roughly bounded by Spring Garden Street on the south, Lehigh Avenue on the north, and the Schuylkill River on the west had thriving populations of Germans, Irish, Russians, Poles, and Ukrainians, complementing a 39% African American population in the 1940s.⁴

Following World War II, Philadelphia faced two major demographic phenomena that challenged many Northern cities of the United States: 1) African American migration north, and 2) A wholesale white exodus to new suburban enclaves. As these demographic evolutions have been documented extensively elsewhere,⁵ suffice it to say that between 1960 and 1977, 20,000 African Americans moved into Philadelphia, while 200,000 whites abandoned the city.⁶ Ethnographically, the migrant African Americans often represented "the poorest, least healthy, and least educated group of citizens in the United States,"⁷ while the fleeing Whites had the economic means to move into more expensive suburban properties. While these changes held obvious economic ramifications for the communities, it was the process of de-industrialization that truly cost the growing African American communities their utility in Philadelphia's capitalist society.

⁴ John Bauman *Public Housing, Race, and Renewal: Urban Planning in Philadelphia, 1920-1974*. (Philadelphia: Temple University Press, 1987), 84.

⁵ For a more in-depth discussion of white flight, see Lizbeth Cohen's *Consumer's Republic*, Robert Beauregard's *Voices of Decline: The Postwar Fate of U.S. Cities*, Ronald Walters' *White Nationalism, Black Interest*, and the National Research Council's *Inner-City Poverty in the United States*.

⁶ Carolyn Adams, etc. *Philadelphia: Neighborhoods, Divisions, and Conflict in a Postindustrial City*. (Philadelphia: Temple University Press, 1991), 84.

⁷ Timothy Bates and Daniel Fusfeld. *The Political Economy of the Urban Ghetto*. (Edwardsville: Southern University Press, 1984), 62.

1.2 Got a Knuckle? Gang Violence in Latter Industrial Philadelphia

“I’ve been stabbed more times than you’ve been kissed,”⁸ George Mosee, current head of the Delinquent Unit of the District Attorney’s Office, stated flatly to me from his office in Center City Philadelphia. Like Mosee, Jim Randolph, the man responsible for overseeing Philadelphia’s services for delinquent youth, emerged from inner city Black Philadelphia. These men told me that inner-city Philadelphia of the 1950s and 1960s was rife with gang conflict. Mr. Randolph spoke extensively on the nature of these conflicts:

I am from North Philadelphia, and I had family at 16th and Huntington.⁹ When I grew up,¹⁰ North Philadelphia was a tough, poor, mostly Black, very difficult place to live. I grew up during the time of gangs, but they were fist-fighting gangs. They were fist-fighting gangs, and everybody belonged to one; it was like a right of passage. A gang was defined by turf, and that’s what we fought over. You were safe with your gang, but if you strayed from your block, you might get ‘rolled on’ (beat up), but I was never afraid of getting killed; it wasn’t about getting shot...It was young guys, 13,14,15 years old, then you grow out of it and become a family man, an ‘old head.’

In those days, it wasn’t an economic affiliation, it was a strong sense of belonging to your community...I can’t say that it was all negative. I still feel close to some of those guys...and I emphasize that you just worried about getting beaten up.¹¹

William Harvey, Dwayne Brown’s father grew up in the same neighborhood. He provided corroborating oral history:

Dwayne got shot when he was 14: They robbed him and they shot him. See, I grew up in the same neighborhood, and I didn’t have to worry about that. When I grew up, people would ask for a knuckle. You show them what you can do with a fist, and they don’t pick on you no more...It wasn’t about money. It was about gangs. It went from gang wars to drug wars. Now they wanna shoot each other over money.¹²

⁸ George Mosee, interview by Sam George, 8/26/2006.

⁹ This intersection is only blocks away from the intersection of York St. & Cleveland St., where the crime that sparked this inquiry occurred.

¹⁰ Mr. Randolph is 58 years old.

¹¹ Randolph, interview. In *Fist, Stick, Knife, Gun: A Personal History of Violence in America*, Geoffrey Canada gives a very similar account of the nature of gang violence in pre-crack cocaine inner city neighborhoods. Canada grew up in the Bronx, New York.

¹² William Harvey, interview by Sam George, 8/20/2006.

Mosee's cheap shot at my love life was meant to argue the same point: "The kids of my day were way tougher, but without the nihilistic attitude; without the guns."¹³

North Philadelphia was no playground prior to crack cocaine. However, we can use these testimonies to establish a different complex form of gang activity. The descriptions of gang activity in the 1950s suggest a strong allegiance to, and identification with one's neighborhood. Most importantly perhaps, these testimonies establish that even though gangs existed in the 1950s through the 1970s, these organizations were not *excessively* violent, and not motivated by economic incentive.

1.3 When Work Disappears¹⁴: De-Industrialization

During the early post-war years, the risk taken by migrant African Americans seemed to pay off. In the late 1940s, Philadelphia constructed the Richard Allen Homes, complete with front lawns and modern kitchens for its growing African American working class in North Philadelphia. Between 1945 and 1952, married couples with children comprised 70% of the homes' occupants.¹⁵ Jim Randolph remains acutely aware of the positive effect the factories had on his community. In interview, he explained:

Economically, North Philadelphia is worse off now... We had a lot of poverty, but in the 50s there were more opportunities for undereducated men to find work, raise a family, and keep that family together. Jobs like the Philco plant, the garment industry, construction... We weren't living high on the hog, but we had opportunities. Myself, I got a job over at the Philco plant in Kensington.¹⁶

¹³ Mosee, interview.

¹⁴ William Julius Wilson. *When Work Disappears*. (New York: Alfred A. Knopf Books, 1996).

¹⁵ John Bauman, Norman Hummon, & Edward Muller. "The Richard Allen Homes." In Joe Trotter and Eric Smith ed. *African Americans in Pennsylvania: Shifting Historical Perspectives*. (Harrisburg: Pennsylvania University Press, 1997), 452

¹⁶ Randolph, interview. This analysis is consistent with Wilson's conclusions in *When Work Disappears*.

As these factories left the city, Philadelphia transitioned from an industrial to a service economy. Given the changing demographics, Philadelphia had little choice but to raise business taxes.¹⁷ When labor and transit problems augmented economic issues, businesses responded by shifting investments out of the city. After the war, the majority of Philadelphia's large factories that had hired African Americans, such as Budd and Cramp Ship Company, either left the city for suburban locations or closed up shop.¹⁸

Statistics depict the effects of de-industrialization: In Philadelphia, between 1955 and 1975, three out of every four industrial jobs disappeared.¹⁹ By 1960, 78% of Philadelphia's African American families earned less than the \$4,000 deemed necessary to purchase an inexpensive house.²⁰

By 1970, 93.3% of North Philadelphia's population was Black.²¹ In 1964, married couples headed less than 40% of Richard Allen homes, while single-mother families rented 48% of the apartments.²² Shaking his head, Mr. Randolph explained to me, "those jobs are all gone now. Go visit Kensington: They're just shells over there; the factories...there is nothing, they're all gone."²³ Randolph, who holds an eminent position within the city fighting to rehabilitate delinquent youth, concluded, "Today, an

¹⁷ Historian Robert Beauregard sums up the resultant catch-22: "City governments had to raise property taxes to maintain services and address slums, blight, poverty and widespread unemployment. To raise taxes, though, was to accelerate the flight of the city's businesses and households, and its taxpayers."¹⁷

¹⁸Bauman, 84. Furthermore, the Campbell Soup Company shut down its inaugural plant and headquarters located in Camden, New Jersey. Though in New Jersey, Camden is essentially 'East Philadelphia', as only a thin stretch of the Delaware River separates the suburb from downtown Philadelphia, and the opulent Center City skyline is readily visible from Camden's downtrodden streets.

¹⁹ Adams, 81.

²⁰ Bauman, 87.

²¹ Bauman, 84.

²² Bauman, Hummon, Muller, 455.

²³ Randolph, interview.

undereducated person has literally no shot of finding a job that will pay him a salary and allow him to support a family.”²⁴

As the factories slipped outside of city limits, a large number of the city’s neighborhoods “simply became disconnected from the structures of opportunity.”²⁵

While the city evolved from an industrial to a service economy, working class neighborhoods devolved into to mass holding zones where the city planners and politicians quite literally dumped those who stood between them and their dream of a gentrified Center City.

1.4 A Failed Response to Crisis & the Dilapidation of North Philadelphia

By year 1950, ‘urban blight’ dominated Center City Philadelphia, the core of industrial Philadelphia. However, with post-World War II de-industrialization, “the labor niche that ‘skid row’ occupants once occupied was no longer there to serve as a prop against images of drunken men, squalid flophouses, and panhandlers.”²⁶

Stretching the definition of ‘urban blight,’ Philadelphia city officials chose to “characterize Skid Row’s residents in terms of blight...mixing social and spatial meanings.”²⁷ Thus, Center City Philadelphians submitted to the eminent domain of the city. Led by the National Association for the Advancement of Colored People (NAACP), African Americans showed great optimism, and a willingness to let their houses be razed, with the understanding that they would later be re-housed in modern, multiracial facilities. Little did they know that their government would, in the end, simply dump

²⁴ Ibid.

²⁵ Adams, 27.

²⁶ Metraux, 659.

²⁷ Ibid, 699.

them into dilapidated North and West Philadelphia neighborhoods, creating racially and economically segregated neighborhoods.

In 1956, Central Urban Renewal Area (CURA), the organization responsible for the redevelopment, unveiled a controversial set of proposed housing locations, which the city government would later reject. Led by William Rafsky, CURA had planned to achieve multi-racial housing by placing the new public facilities in predominantly white neighborhoods. Typical site selections included one in the Olney section, a low-density working class neighborhood that boasted relatively new housing, high rates of homeownership, and proximity to then-thriving industries. Its white residents actively resisted the intrusion of public housing, arguing in town meetings that, “public housing depressed property values and attracted Blacks, slum people, criminals, and other riff raff.”²⁸

Perceiving a hot-button issue among residents likely to vote, City Council convened, and returned with a new set of proposed sites which overwhelmingly failed to complement the long-range objectives of the CURA plan. Rafsky capitulated bitterly, uttering “the opposition was so deep-seeded in its fundamental attitude that it would take a great deal of doing before we convince the leadership.”²⁹

Left with no other solutions, CURA promptly began building public housing in heavily concentrated, poverty stricken African American neighborhoods. Between 1956 and 1978, the Philadelphia Housing Authority (PHA) opened 16 new housing projects. Only seven remained from CURA’s original 21 locations, and only two of these seven, located in Germantown and West Oak Lane, had attracted serious neighborhood

²⁸ Bauman, 164.

²⁹ Ibid, 165.

opposition. The PHA constructed no facilities in the White strongholds of Olney, the greater North East, Roxborough, and Italian South Philadelphia.³⁰ Thus, CURA's response served only to further concentrate urban poverty.³¹

1.5 The Effects of Failed Reform

Tensions rose during the sweltering summer months of 1964. As white merchants serving Black communities pursued questionable tactics, an estimated 1/5th of North Philadelphia's African Americans faced exponentially increasing debts.³² Complaints of police brutality began to weigh in and the pressure cooker popped. Three days of violent rioting broke across North Philadelphia's most overcrowded, unemployed neighborhoods. Within a five-block radius of 'ground zero,' only 54 of 170 businesses emerged unscathed. All but two of the spared stores were Black-owned, sporting signs to this effect in their windows.

These riots exacerbated the trends that had spawned the ghettos, and reflected increasing spatial and economic isolation. For one, the riots of the 1960s fueled white fears of the Black community: A wholesale White exodus from the city's inner rings followed the riots.³³ Secondly, the riots marked a substantial cutback in the service

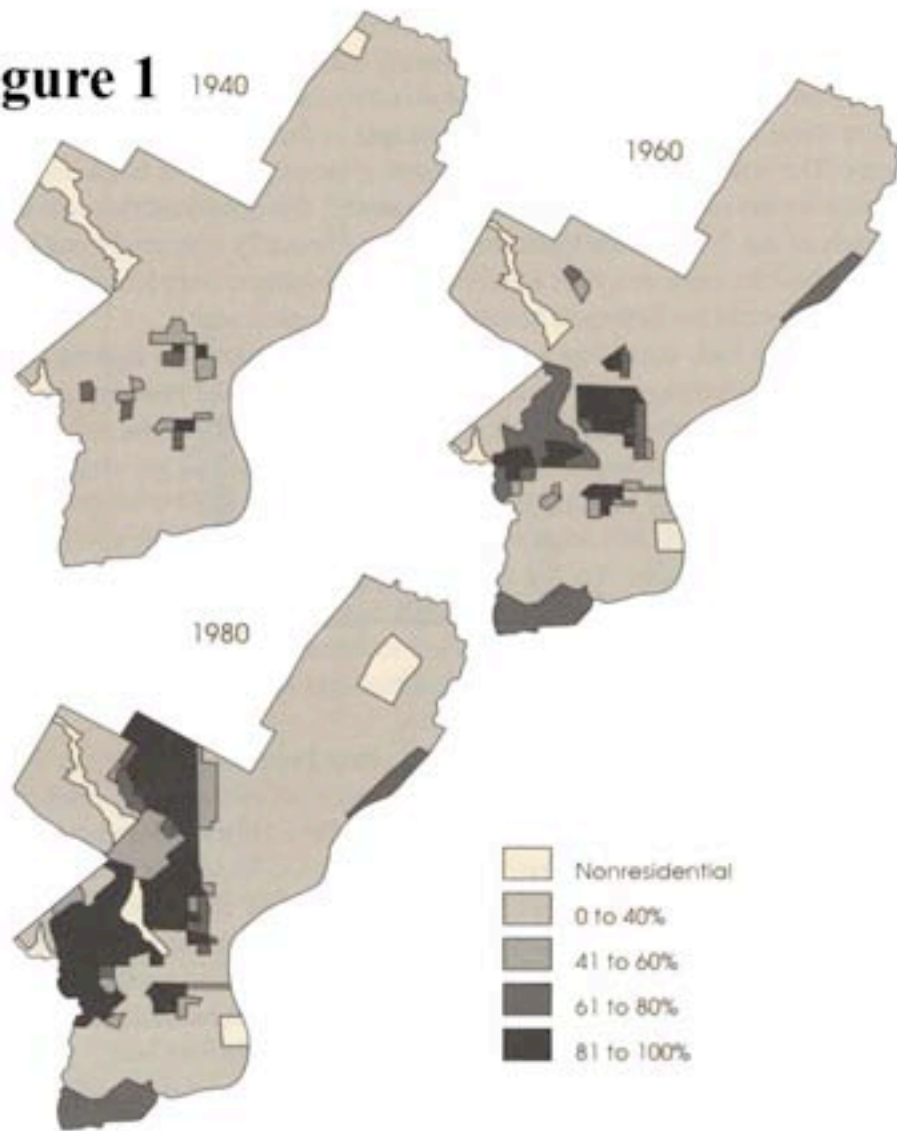
³⁰ Ibid, 169.

³¹ Making matters worse, not only did the PHA fail to provide desegregated, economically viable public housing, but the PHA also failed to adequately re-house those displaced following the razing of Center City. As Bauman writes on page 149 of *Public Housing, Race and Renewal* : "An astounding 52.8% of the uprooted families either refused to cooperate with the bureau, or disappeared, as none of the precautions effectively addressed the housing needs of the thousands of black families trapped in the path of urban renewal. A study reported that out of one group of 7,000 families relocated between 1955 and 1960, only one out of ten families found satisfactory dwellings." Experts suspect that these families packed into fringe neighborhoods left by fleeing whites, or relocated into the decaying heart of the black ghetto. **Figure 1 (Page 10)**, depicts the extent to which African Americans overwhelmingly condensed into areas of North and West Philadelphia in the post-industrial years.

³² Lenora Berson. *Case Study of a Riot: The Philadelphia Story*. (New York: Institute of Human Relations Press, 1966), 26.

³³ Adams, 83.

Figure 1 1940



The proportion of blacks in Philadelphia neighborhoods, 1940, 1960, and 1980

Sources: *Social Science Data Library Philadelphia Historical Data File, 1929-1985* (machine readable data file) (Philadelphia: Temple University Social Science Data Library, 1989). Data reported in this figure are based on: *U.S. Census of Population and Housing, 1940: Statistics for Census tracts, Philadelphia, PA* (Washington, D.C.: Government Printing Office, 1942); *U.S. Census of Population and Housing, 1960: Census Tracts, Philadelphia, PA-NJ Standard Metropolitan Statistical Area* (vol. 1, no. 116) (Washington, D.C.: Government Printing Office, 1962); *U.S. Census of Population and Housing, 1980: Summary Tape File 3A*, prepared by the Bureau of the Census (machine readable data file) (Washington, D.C.: Bureau of the Census, 1982).

economy that *had* existed in inner city Black communities. William Harvey, who recalls the violence vividly, described its effects:

When I was a kid, it was racially mixed. We had corner stores, shoe shops, we could buy clothing all down Susquehanna Avenue, people knew you by name, and you could have debts at the store. During the riots, they destroyed everything...and none of those stores ever came back.³⁴

50% of new businesses in the immediate post-riot years went bankrupt during their first year, and another 50% of the remaining businesses folded by their fifth year.³⁵

At the time, an African American manager of Mildy's Shoe Store commented, "when a business closes up, the place stays empty. It is very hard to get new businesses here, and every time a store goes, some jobs go for the people who live here."³⁶ Thus, the inner city became further isolated from Philadelphia's economy.

Furthermore, the bleak economic outlook left those with a dollar to invest little choice but to invest that dollar elsewhere. 1970s inner city economists Timothy Bates and Daniel Fusfeld note that:

A substantial portion of the savings of the urban ghetto goes into financial institutions whose investment policies draw funds out of the area and into business loans, mortgages, in other investments elsewhere. Little comes back to support the ghetto economy.³⁷

These developments in the urban economy persisted throughout the upcoming decades. A comprehensive study of the city conducted in 1999 by the Office of the City Controller of Philadelphia came to a conclusion that, "many city residents travel great

³⁴ Harvey, interview.

³⁵ Berson, 50.

³⁶ Berson, 50.

³⁷ Bates and Fusfeld, 137.

distances to shop for necessities- or shop in their neighborhoods at high-priced ‘convenience’ stores.”³⁸

As for housing, in the years following the riots, city government quietly forgot about any plans to integrate the city. Anthony Lewis, a regular contributor to *The State of Black Philadelphia*, a volume released annually in the 1980s, argued that throughout the 1970s, under the euphemism of ‘recycling’, city policy encouraged the deterioration of poor and Black neighborhoods in Philadelphia, as services were cut and supportive programs withdrawn. With respect to the city’s true desire of gentrification, Lewis writes, “When enough properties were abandoned, and enough people forced or lured into other neighborhoods, services were not only renewed, but increased. Rehabilitation poured in from many private and public sources.”³⁹ In 1974, a Housing and Community Development Act upheld this process, stressing the need for “spatial de-concentration of low income neighborhoods and the revitalization of these neighborhoods to attract persons of higher income.”⁴⁰ Essentially, this ‘recycling’ was a subtler version of the ‘Urban Renewal’ of the 1950s. The effects were extensive: Towards the end of the 1970s, an estimated ½ of Philadelphians needed housing assistance, while 22,000 homes were abandoned and more than 39,000 families occupied substandard, non-public housing.⁴¹ Lewis charges that between 1975 and 1978, the Office of Housing and Community Development (OHCD) spent only 4.6% of the total community development budget, and that, as of 1981, millions of dollars allocated to this program had not been

³⁸ Office of the City Controller. *Philadelphia: A New Urban Direction*. (Philadelphia: Saint Joseph’s University Press, 1999), 153.

³⁹ Anthony Lewis. “Housing for Philadelphia’s Black in 1980: It’s Still an Unequal Opportunity.” In *The State of Black Philadelphia, 1981*. (Philadelphia: The Urban League of Philadelphia, 1981), 30.

⁴⁰ Lewis, 30.

⁴¹ *Ibid*, 31.

put to use. In 1981, Lewis wrote, “OHCD’s refusal to spend these millions in Black areas like North Philadelphia can only be interpreted as the local government’s intent to let these neighborhoods decline in preparation of recycling.”⁴²

The Philadelphia City Controller’s 1999 study concluded that Philadelphia contained an abundance of vacant property. **Figure 2** (Page 14) is a reproduction of the Controller’s graph, depicting extensive vacancy in North Philadelphia. The study proceeds to lament that despite crucial tax cuts provided to any business willing to operate in these blighted neighborhoods, “developers and employers continue to choose to forego benefits associated with the zones for locations with greater amenities and potential to generate profit,”⁴³ and the study offers suggestions that would encourage gentrification. These developments not only support Lewis’ testimony that the city stood by and watched the neighborhoods deteriorate, but also seems to suggest that the city accidentally allowed these zones to *over*-deteriorate, to the point that even economic incentives could not lure a higher class clientele.

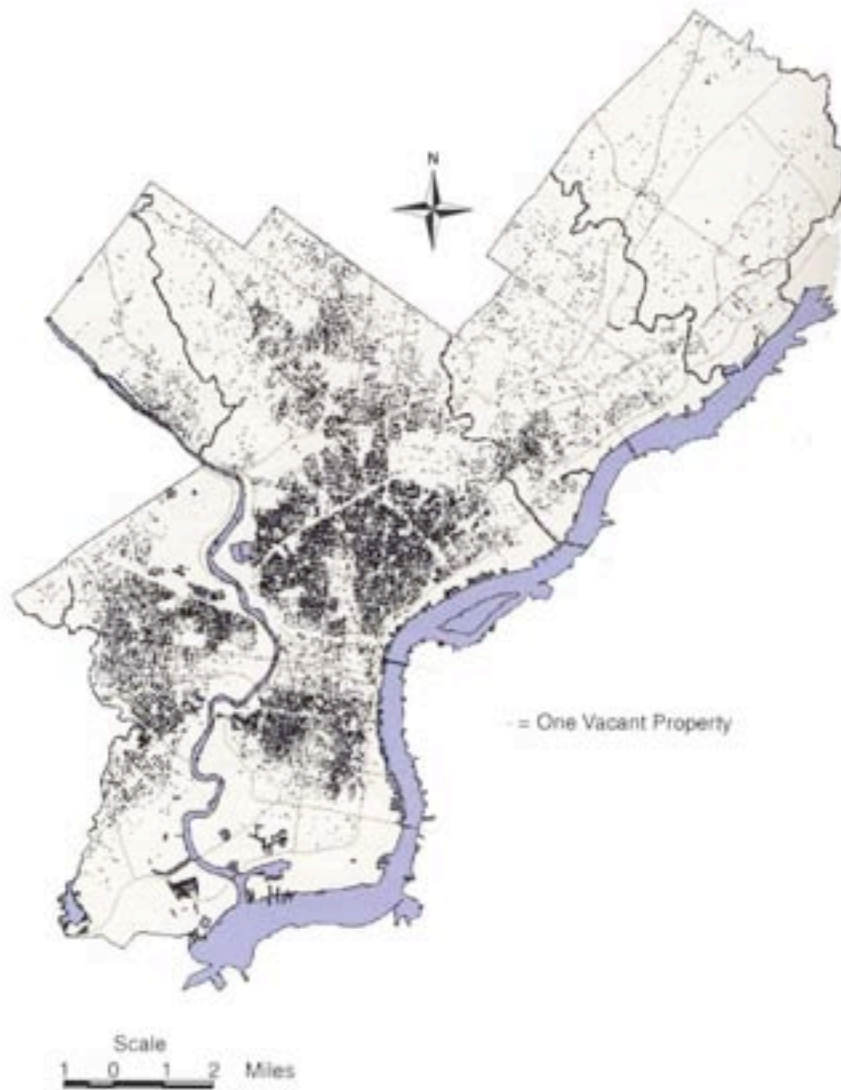
1.6 Philadelphia’s Black Independent Political Movements of the 1970s

Despite the firm entrenchment of poor African Americans in certain North and West Philadelphia neighborhoods, residents had yet to adopt the fatalistic approach held by many youth of the same neighborhoods today. Residents still felt connected to the city and its government, and they maintained a belief in the ability to successfully fight for reform within the existing system. Independent African American political movements throughout the 1970s exemplify this belief. Certain Black politicians and

⁴² Ibid, 32

⁴³ The Office of the City Controller of Philadelphia, 154.

Figure 2 Vacant Properties in Philadelphia



Map produced by City of Philadelphia Mayor's Office of Information Services
Data Sources: City of Philadelphia Board of Revision of Taxes,
Department of Licenses and Inspections, and Bureau of Water Revenue

influential members of the Church believed that through their dollar and their vote, they could make the will of the African American communities a force to be reckoned with.

Philadelphia's African American vote began to move primarily from the Republican to the Democratic party during the New Deal. By the 1950s, Philadelphian Democrats exercised dominance over city politics; an advantage that they enjoy to this day. Democratic Mayor Richardson Dilworth genuinely sought liberal reforms in the 1950s, including the establishment of the CURA organization, and the Commission on Human Relations, designed to "bring an end to racially discriminatory employment practices in the city's public and private sectors."⁴⁴

However, by the 1960s, residents criticized the Democratic Party for its machine politics, which functioned based on favors and rewards for party loyalty. John White, who later founded the Black Political Forum (BPF), referred to this system as "plantation politics."⁴⁵ The Democratic machine feared integration, as "Reform had become a hindrance to the party's consolidation of power in the city,"⁴⁶ and might cost the party middle class white votes.

African Americans responded with politically independent movements. In an interview with the author, Wilson Goode described his role as an activist in independent Black politics. Goode explained that the movement's initiative was to "run and elect candidates independent from the Democratic Party."⁴⁷ Like White, Goode used references to slavery to describe the situation, suggesting that the movement aimed to

⁴⁴ Matthew Countryman. "From Protest to Politics; Community Control and Black Independent Politics in Philadelphia, 1965-1984." In *Journal of Urban History*, Vol. 32, No.6 September 2006, 813-861. (Sage Publications, 2006), 819.

⁴⁵ Countryman, 814.

⁴⁶ Ibid, 820.

⁴⁷ Wilson Goode, interview by Sam George, 2/6/2006.

break the “shackles” in which the Democratic Party bound the African American citizens, and to loosen the “noose” held around their necks. Wilson Goode explained that, “Black leaders were willing to challenge the machine apparatus, under the belief that the African American vote was irrelevant to handpicked Democrats.”⁴⁸

Throughout the 1970s, Black Power movements implicated traditional leaders as villains, and year after year, African American activists attempted to mount independent campaigns against the figures endorsed by the Democrats. Goode explained that while the Democratic Party benefited from modern forms of technological propaganda, the independent politicians spread their word by literally campaigning door-to-door.⁴⁹ For years, Democratically-endorsed candidates stomped these movements on Election Day.

Nevertheless, despite low budgets and setbacks,⁵⁰ independent black political movements achieved notable success. Wilson Goode identified Hardy Williams’ election to the State House of Representatives as the first significant accomplishment of Black Independent Politics. Goode himself ascended to the position of Mayor in 1984.

Historian of Philadelphia Mathew Countryman criticizes Goode’s ascension, writing,

Though Goode began his career as a prominent leader of the activist wing, he would enter the mayor’s office as a consummate insider, a politician whose moderate image reassured business and political leaders who feared what Black political power could mean for the city.⁵¹

When confronted with the above quote, Goode offered a different interpretation.

Considering that he won the Democratic primary despite the lack of Party endorsement,

⁴⁸ Goode, interview.

⁴⁹ Goode, interview.

⁵⁰ At times, the Democratic Party actively stifled the movements. In the 1960s, Frank Rizzo, later a Democratic mayor of Philadelphia, acted as Police Commissioner of a violently anti-African American police corps. In 1966, Frank Rizzo led a crippling police raid on a momentum-gaining third party Black movement spearheaded by the SNCC. Rizzo claimed to be acting on an informant’s tip that the group was stockpiling explosives. In the raid, police recovered very little to corroborate this claim, but the raid did spell the end of the SNCC’s movement. (Countryman, 820)

⁵¹ Countryman, 846.

Goode does not consider himself an ‘insider.’ In his eyes, his election was the “great triumph of Black Independent Politics.”⁵² Members of the Black independent movement maintain that their re-integration into the Democratic Party did not represent an abandonment of the movement.

Even in the face of failures, the independent Black movements evidenced the momentum of the Civil Rights Movement maintained by the African American community into the 1970s. Even if the movement’s philosophy suggested that traditional parties did not represent African Americans, the movement itself reflected a refusal to accept isolation, and a will to fight it. This spirit contrasts significantly with that which exists today. According to Goode:

It is not even a question that Black Independent Movements are less active today. They don’t protest, they don’t contest, participate or vote. They are laid back and apathetic.⁵³

1.7 A Failure to Integrate

At precisely the moment when Philadelphia’s pool of laborers began to swell, industries left the city, leaving the accumulated masses of undereducated laborers out of luck. Huge numbers of citizens lost their legitimate access to capital. This phenomenon acted to divide, or segregate the unemployable from those trained to be productive within a service economy. In an industrial Philadelphia, even if on the low end of the totem pole, manual laborers shared the same economic culture with white-collar workers. With de-industrialization, the shared economic culture snapped, and following generations of youth felt a lesser connection to the legitimate economy, its government, its police, and its courts.

⁵² Goode, interview. After the primaries, Philadelphia’s Democratic Party supported Goode in the final election, and Goode assumed office as a Democrat in 1984.

⁵³ Goode, interview.

The housing crisis paralleled de-industrialization. An inadequate response to the crisis concentrated these underemployed citizens into substandard living facilities. Such physical segregation underscored socioeconomic divisions. The concentration would later facilitate the creation of a counter-culture that hardly felt connected to the *other* Philadelphia.

These two factors worked to eventually undermine the momentum and new possibilities provided by the Civil Rights Movement for certain African Americans. Despite poverty, old North Philadelphians such as District Attorney Mosee, DHS leader Randolph, and city employee Harvey all testify to a positive outlook on life in the city in the 1950s and 1960s. Randolph explained that, “we always knew that our life was of value, and that we could make something of ourselves in this world.”⁵⁴ Mosee affirmed that up through the 1970s, “the African American community, the poor community, was moving up. We were graduating from college and raising families.”⁵⁵ Furthermore, African Americans played active roles within city politics. Judge Renee Cardwell Hughes, the presiding judge over Dwayne Brown’s trial, cited Wilson Goode’s ascension to power as “an exciting time for African Americans in Philadelphia.”⁵⁶ However, the structural changes, which began brewing shortly after World War II, crept up behind these communities, leaving them deeply vulnerable to the instabilities of the 1980s.

⁵⁴ Randolph, interview.

⁵⁵ Mosee, interview.

⁵⁶ Renee Cardwell Hughes, interview by Sam George, 1/16/2007.

Chapter 2:

The 1980s: Philadelphia's Struggles with Reaganomics and Crack Cocaine

*We cannot put into words the effect on human life,
on the family, on the block, on the neighborhoods,
on the city, and on the budget of crack cocaine.*

-Wilson Goode⁵⁷

*I'm Old School, baby crack
I aint trying to bring the 80s back
When Haitians gave me hated Crack
Plus my momma hated Crack
Until we got evicted
And I came through with them 80 stacks.*

-Young Dro
(Hip-Hop Artist)

⁵⁷Goode, interview.

2.1 Early 1980s: Reaganomics & The Nation

In his 1980 Presidential campaign, Ronald Reagan declared that “in the present (urban) crisis... government is not the solution to our problem, government *is* the problem.”⁵⁸ During his campaign, Reagan promised to halt and roll back many of the New Deal’s precedents. This effort revolved around a proposed division between taxpayers, and “tax takers.”⁵⁹ Reagan criticized the progressive income tax, believing that Americans should be rewarded for achieving wealth. In what has been called the ‘trickle down effect,’ Reagan supported supply-side economics, under the theory that cutting taxes would stimulate business, as investors would have more resources to distribute throughout the economy.⁶⁰ This theory does not consider the economic isolation suffered by many inner city communities, which would be excluded from any such economic growth.

Setting the tone for his presidency, in January of 1981, Ronald Reagan asked Congress to cut the federal business tax rate by 25% over three years, and to lower the top marginal personal income tax rate from 70% to 50%. By August 13th of the same year, Reagan “signed two major laws: the Economic Recovery Tax Act, and the Omnibus Budget Reconciliation Act. The former slashed federal income tax rates by 25% over three years; the later cut \$40 billion dollars in domestic spending.”⁶¹

These trends continued throughout Reagan’s two terms in office. The Urban Development Action Grant program fell from \$675 million in 1981 to \$216 million in

⁵⁸ Michael Schaller. *Right Turn: American Life in the Reagan-Bush Era, 1980-1992*. (New York: Oxford University Press, 2007), 49

⁵⁹ According to historian Michael Schaller, “Taxpayers were hard working, mostly white Americans from whom the government took exorbitant sums of money. Tax takers were the ‘undeserving poor’ and minorities upon whom Democrats supposedly lavished federal resources.” (Schaller, 52).

⁶⁰ Ibid, 51

⁶¹ Ibid, 27.

1988, and then was eliminated altogether. Federally-financed production of subsidized housing fell by over 82% in the late 1980s.⁶² Many of these cuts had racially disparate implications.⁶³ Of the ten federal programs cut in 1985, six had more than 45% African American beneficiaries. Furthermore, economic resources earmarked for urban America often did not arrive under Reagan. In 1990, Congress concluded that throughout the Reagan years, The United States Department of Housing and Urban Development was “enveloped by influence peddling, favoritism, greed, fraud, embezzlement, and theft.”⁶⁴

Reagan further inflicted this recession upon the poor by pursuing a major neo-conservative goal: welfare reform. Conservatives latched on to the issue of welfare reform between 1965 and 1975, when the number of AFDC recipients jumped from 4.4 million to 11.4 million.⁶⁵ This jump reflects the effects of the de-industrialization discussed in Chapter 1. The effort to minimize assistance to the country’s most needy later came to fruition under George H.W. Bush and Bill Clinton.⁶⁶

2.2 Early 1980s: Reaganomics & Philadelphia

Immediately prior to Reagan’s election, Philadelphia was home to the greatest proportion of unemployed African Americans among the nation’s largest ten cities, with

⁶² Barbara Robles, Rose Brewer, Meizhu Lui. *The Color of Wealth: The Story Behind the US Racial Wealth Divide*. (New York: The New Press, 2006) Pg. 111-114.

⁶³ See **Figure 3** (Page 22): Changes in Social Spending Under Ronald Reagan.

⁶⁴ Schaller, 129.

⁶⁵ Ronald Walters. *White Nationalism, Black Interests: Conservative Public Policy and the Black Community*. (Detroit: Wayne State University Press, 1996), 153.

⁶⁶ Presidents George H.W. Bush and Bill Clinton continued Reagan’s national assault on welfare. As President Bill Clinton observed in his 1995 State of the Union Address, he “had heard America,” and that “the era of Big Government is over.” The next year, Clinton signed the controversial Welfare Reform Act. By June of 2000, 66%, representing 3.3 million of five million families who were on AFDC in 1994, had been forced off welfare. As a result, whereas in 1994, 62% of poor children received assistance, that figure dropped to 43% by year 2000. (Walters, 126-162)

Figure 3: Changes in Social Spending Under Ronald Reagan

Money Spent Domestic, Social Programs (In Millions of Dollars)⁶⁷			
Type of Aid	1981	1983	%Change
Social Welfare	65,375	55,432	-15.3%
Social Services	27,200	18,094	-33.5%
Community Development	4,042	3,350	-17.2%
Employment & Education	21,146	12,281	-42.0%
Housing & Urban Development	33	14	-40.0% ⁶⁸

⁶⁷ Walter, 177.

⁶⁸ Schaller, 129

20% African American unemployment in 1978.⁶⁹ Presumably, these were the ‘Welfare Queens’ of which Reagan so frequently spoke. As Jim Randolph explained:

Reagan said people were leaching from the government, sneaking an extra food stamp, or welfare dollar. Reagan painted a picture of urban cities living the high life on welfare. From my standpoint in Philadelphia, that was totally fallacious, and not actually happening.⁷⁰

According to Wilson Goode, mayor of Philadelphia throughout Reagan’s Presidential tenure, “Philadelphia’s budget was directly funded by the federal government, and was directly decreased under Ronald Reagan.”⁷¹ Specifically, Goode explained, Philadelphia had benefited greatly from two programs eliminated due to federal cutbacks. Under the first, revenue sharing, the federal government funded a number of social welfare initiatives in Philadelphia. Under the second program, The Comprehensive Employment Act (CEA), the government paid the salaries of a number of city workers. With the elimination of CEA, the city became responsible for writing these employees’ checks.⁷² This led to significant cutbacks in employment programs.

Randolph explained:

(Those programs) provided jobs, education, and gave poorer workers job experience, and they could earn enough money to become middle class. A lot of folks in the city government got their first jobs through those programs. With the Reagan cutbacks, this was ended. People love to talk about ‘pull yourself up by the bootstraps,’ these programs were the straps that *let* people pull themselves up.⁷³

The cutbacks affected many public agencies in Philadelphia, including the Public Defender’s Office of Philadelphia, the agency charged with defending the city’s poorest

⁶⁹ Carrolle Perry. “Black Unemployment in Philadelphia.” In *The State of Black Philadelphia, 1981*. (Philadelphia: Urban League of Philadelphia, 1981), 40

⁷⁰ Randolph, interview.

⁷¹ Goode, interview.

⁷² Ibid.

⁷³ Randolph, interview.

citizens. Paul George, one of Dwayne Brown's two lawyers and longtime Public Defender prior to establishing his own practice in 2003, explained that:

Prior to Reagan, Public Defender's salaries used to increase significantly over the years. But once Reagan began de-funding, salaries were frozen in place for many years. This was very frustrating to us because before, we got pretty decent salaries for a public interest job, but then, the salaries ceased to be increased. This encouraged the better defenders to leave the practice, and probably discouraged others from joining.⁷⁴

Under Reaganomics, many programs that in prior years were run by the federal government, now had to be run by the state and the city. "It's tough to find \$50-60 million dollars," Goode laments 20 years after the fact. "That's a big problem."⁷⁵

According to Goode, "This placed a huge burden on these citizens' income opportunity, which they had not anticipated."⁷⁶ By 1987, 1.7 million African Americans were unemployed. In the same year, youth ages 16-19, representing only 6.9% of the Philadelphian work force, accounted for 19% of the unemployment.⁷⁷ Writing in 1989, Dr. Alvia Branch and Wanda Coston conclude that the little work available tended to be "isolated in the non-unionized, low paying undesirable jobs of the non-corporate sector."⁷⁸

The effects of Reaganomics in Philadelphia may have accelerated decline in Independent Black Politics, as Wilson Goode's face became associated with the fiasco. "As the Mayor, I caught the heat," explained Goode. "Even though it was Reagan and

⁷⁴ Paul George, interview by Sam George, 3/24/2007.

⁷⁵ Goode, interview

⁷⁶ Ibid

⁷⁷ Alvia Branch & Wanda Coston. "Black Youth Unemployment in Philadelphia" in *The State of Black Philadelphia, Vol. VIII: The Plight of African American Children & Youth*. (Philadelphia: Urban League of Philadelphia, 1989), 17.

⁷⁸ Branch & Coston, 20.

the Republican government that made those decisions, the way the people saw it, ‘we elected you to fix it...now fix it! We don’t want no excuses about Reagan!’”⁷⁹

Thus, in Philadelphia, Ronald Reagan’s economic agenda further isolated the city’s residents from what few job opportunities remained, and severely de-funded public services that aimed to keep families above water and integrate them into the middle class. Reagan’s economic agenda was not conducive to grooming Philadelphia’s inner city to enter into a service economy. Furthermore, Reagan’s government coincided with the end of a forceful independent Black political movement, suggesting that inner city, poverty stricken African Americans no longer demanded reform from their government to the extent that they had in the 1970s. The overall effect of Reaganomics was to exacerbate existing trends, leaving many Philadelphians feeling emotionally and economically helpless, with no respite in sight: the pre-requisite conditions required to smoke and sell crack cocaine at epidemic levels.

2.3 The Crack Cocaine Epidemic

By the mid-1980s, Reaganomics left the urban underclass especially vulnerable. The last thing these communities could tolerate was a new drug; a new drug which offered a euphoric shot of pleasure to men and women who had been slowly beaten by years of disappointment; a euphoric shot of pleasure which could dissolve maternal instincts and societal pressures; a new drug with the power to stuff a few bills into the pockets of a generation of youth acutely aware of their apparently irreversible poverty. In the late 1980s, a new high, lifestyle, and economy swept through North Philadelphia: that of crack cocaine.

⁷⁹ Goode, interview.

Inner city neighborhoods were not immune to hard drugs prior to the 1980s, as heroin existed in Philadelphia's underclass in the decades prior to crack cocaine. In fact, Philadelphia Police Lieutenant Laurence Nodiff, active on the force since 1974, suggests that the blocks of 20th and York streets were notorious for the quality of their heroin in the 1970s.⁸⁰ This would be the exact neighborhood in which the Brown family currently resides, where the crack trade thrives, and a mere two blocks from where the shooting in Brown's trial occurred. However, consensus between the police officers, prosecutors, defense lawyers, and neighborhood residents interviewed suggests that heroin use and trade was a behind-closed-doors activity, and largely marginalized within the community. According Paul Goldman, Chief of the District Attorney's Habitual Offenders ('Gangs') Unit, "Heroin was different than crack. Heroin was not saturated within the community, and users could often be functional, or were completely marginalized by the neighborhood."⁸¹ Chief Juvenile Division District Attorney George Mosee, who grew up in North Philadelphia, added, "heroin wasn't a neighborhood problem. Heroin was a problem for the individual, but crack cocaine was a neighborhood problem."⁸² The most emphatic agreement comes from Dwayne Brown's father. Mr. Harvey, a recovered crack cocaine addict, believes that his neighborhood began to morph into its present state with the proliferation of crack cocaine:

The neighborhood changed when the drugs got heavy. There has always been heroin, but when then that crack came, that really took the family down... See, crack is a very addictive drug, and usually, your gonna stray. And if you have kids, that drug is telling you, "the hell with the kids, you gotta get me." And the kids are young, and they're raising themselves, so now that generation that raised themselves, seeing that their parents are crack heads, they're the ones that come up selling the drugs... Everybody

⁸⁰ Laurence Nodiff, interview by Sam George, 1/22/2007.

⁸¹ Paul Goldman, interview by Sam George, 8/24/2006.

⁸² Mosee, interview

ran through it, even the ones that got away from it. The percentage of people that didn't involve themselves with it is low.⁸³

George Mosee warns that addicts and dealers can overstate neighborhood involvement:

They might say that everyone was using: Everyone wasn't using. The vast majority of these people were and are law abiding, and they believed that they could overcome these problems legitimately, and they don't use crack cocaine. It's significant, but that number is relative: It's like one heroin addict in the 1960s vs. hordes of people walking the street today. That horde is still only 30 people. But that horde tore the community apart. And it was right there, for everyone to see, and that became the face of the community. When the crime became public, it increased the level of tolerance of the general community.⁸⁴

The effects touched everyone in the community. Mayor Goode assured me that,

We cannot put into words the effect on human life, on the family, on the block, on the neighborhoods, on the city, and on the budget of crack cocaine. It was a huge disruption of the city.⁸⁵

In a swift transition the drug trade moved from behind-closed-doors transactions to a blatant street market. As Dr. Arnold Washington, the director of research for the National Cocaine Hotline, explained in the late 1980s, "Last May, I had never heard of crack. Today we get nearly 700 to 900 calls a day from people having problem with the drug."⁸⁶ Some city blocks and street corners became high-valued franchised properties, to be protected not by powerful lawyers, but by a powerful arsenal.⁸⁷

⁸³ Harvey, interview.

⁸⁴ Mosee, interview.

⁸⁵ Goode, interview.

⁸⁶ Jacob V. Lamar Jr. "Crack Starts its Rise." in Emma Carlson Berne ed. *Cocaine: The History of Drugs*. (Detroit: Greenhaven Press, 2006), 111.

⁸⁷ A brief history of Crack Cocaine: On the morning of September 11, 1973, Chilean General Augusto Pinochet ordered Hawker Air Strike attacks against his own country's presidential palace (*La Moneda*). Within hours, socialist President Salvador Allende fell murdered, and Pinochet completed his coup. Eleven countries north, Philadelphians continued their morning, unaware that, "perhaps the most significant event to affect the pattern of African American addiction" had occurred (James & Johnson, 27). Prior to Pinochet, most of the world's cocaine shipped out of Chile in what remained a small cottage industry. The iron fist of Pinochet made short work of the Chilean cocaine industry (James & Johnson, 27). As the cocaine processing laboratories shut down in Chile, the Bolivian and Peruvian harvesters began shipping their crops to much more ambitious cartels in Columbia.

The new drug not only sold cheaply, but also yielded a stunningly addictive high, far more so than powder cocaine.⁸⁸ Absorbed rapidly through the lungs, the drug hits the brain within seconds in a dangerously concentrated form. Once addicted, the drug becomes all-consuming.⁸⁹

A study of crack cocaine conducted by Jeff Grogger and Mike Willis concludes that crack cocaine hit Philadelphia in 1985.⁹⁰ The drug quickly found a home. Characterized by failing row homes, North Philadelphia's neighborhoods were ripe with rotten and abandoned houses, perfect for conversion into crack homes and nighttime drug sales. James and Johnson noted that, compared to other cities, "Philadelphia's crack trade lasted visibly later into the night."⁹¹

Nevertheless, the drug's high price tag put the substance out of reach for most inner-city residents (see Jerry Hopkins. "Cocaine as a Status Symbol", in Emma Carlson Berne ed. *Cocaine: The History of Drugs*. (Detroit: Greenhaven Press, 2006) 84.). As James and Johnson suggest, "In the 1960s and 1970s, cocaine was very difficult to obtain in the Black community... Finding cocaine, and the expense of the drug... in this period limited its use to movie stars and athletes (95)." This all changed in 1983, when scheming Columbians succeeded in transforming cocaine into a solidified, smokable rock: Crack.

The origins of crack began with freebasing; a method of cooking cocaine which often employs ammonia and ether in the extraction process. However, the dangers of fire and ether became national news when influential comedian Richard Pryor lit himself on fire while chasing a high (Berne, 108). Both written texts and ex-users often cite Pryor's experience as introducing the notion of crack to the Black community. Similar to freebase, crack is simply cocaine cooked in bicarbonate of baking soda, resulting in a 'rock', which dealers sell very inexpensively on the street (Berne, 108).

⁸⁸ Lamar Jr., 112.

⁸⁹ According to James and Johnson: "Within ten to thirty minutes of use, the individual becomes obsessed with securing the next hit, (and) even semi-responsible spending patterns will disappear. A heroin addict will frequently re-administer the drug, but he is limited by the sedative effect of the drug, whereas crack binges lead to wiped-out housing, cars, savings, and family relationships in weeks. Individuals totally unprepared for a life of addiction will move into the chaos of violence and despair of urban addictive life, unaware of how it all happened. Physically, the addict will experience weight loss, sleep deprivation, and pulmonary damage, along with the cocaine toxicity. Spiritually the addict will sustain damage to self-esteem and respect, a loss of life purpose and focus, and a loss of internal controls, self-discipline, and a sense of peace. Mentally, the crack addict will have disturbed thought process, limited short-term memory, perceived irritability, and a general inability to focus on complex tasks. Economically the addict will spend all of his resources, lose long term employment, and become temporarily unemployable... Furthermore, the high frequency for relapse is perhaps the single fact that sets crack cocaine addiction apart from other addictions. Many of the most respected inpatient treatment centers report that over 70% of their crack cocaine patients relapse within one year following program completion."

⁹⁰ Jeff Grogger and Mike Willis. *The Introduction of Crack Cocaine and the Rise of Urban Crime Rate*. (Massachusetts: National Bureau of Economic Research, 1998), 32.

⁹¹ James and Johnson, 101.

The first generation introduced to crack fell the hardest. Gang Division District Attorney Paul Goldman explains, “We never saw (crack) coming. We were completely unprepared, and could not defend against it.” The drug swallowed a significant portion of an entire generation, including both of Dwayne Brown’s parents; Brown grew up in a drug-infested house, as did many of his peers.

In fact, one of the more devastating effects of crack within the inner city African American community was its popularity among females, and, consequentially, mothers. In a 1989 article from the yearly publication *The State of Black Philadelphia*, Doctors Donald Schwarz, Anthony Rostain, and Edmond Notebaert suggest that in the past, mothers shied away from drugs that required injections, such as heroin, and could not afford others, such as cocaine. Crack cocaine was neither, and as a result, many mothers-turned-addicts put their children at risk.⁹² The doctors linked this inference with a rising infant mortality rate, which they attributed to excessive use of crack on the part of the addicted mothers. In the 1989 edition of *The State of Black Philadelphia*, doctors noted that, “since the point of rapid increase in the rate of crack use in Philadelphia in 1985, the Black infant mortality rate has jumped more than 50% in West and North Philadelphia.”⁹³ Currently, doctors are considering the psychological effects of drugs on urban youth. Candace Putter oversees the funding of programs for the re-integration of delinquent youth back into home and school environments. In an interview, she explained that

We’re looking at a very interesting study that took all of the kids currently in a delinquent program, and, on a map, they overlaid where they lived as young children with where the cocaine epidemic hit the hardest. There was an astounding correlation: These corners are exactly where

⁹² Edmond Notebaert, Anthony Rostain, and Edmond Donald Schwarz. “Cocaine Abuse and Black Children.” In *The State of Black Philadelphia, Vol. VIII: The Plight of African American Children & Youth*. (Philadelphia: The Urban League of Philadelphia, 1989), 55.

⁹³ Notebaert, Rostain, & Schwarz, 55.

delinquents come from. A given delinquent might have grown up on a block where three shootings happened.⁹⁴

By the late 1980s, estimates suggested that one half of poor, inner-city Philadelphian youth had an addicted parent.⁹⁵ Furthermore, in 1989, 80% of births to adolescents in inner city, Black Philadelphia were to unmarried mothers.⁹⁶ In an interview with a Philadelphia Homicide Detective, who preferred to remain nameless, the longtime detective gave an off-the-cuff estimate that upwards of 90% of the cases he deals with involve males from single-mother households.⁹⁷

The Grogger and Willis report *The Introduction of Crack Cocaine and the Rise of Urban Crime Rate* also confirms a national rise in violent crime coinciding with the outbreak of crack cocaine. Their charts reveal the exponential rise in actual violent crimes committed from 1983 through 1991. They conclude,

By 1988, the introduction of crack had resulted in a crime rate that was 9.5% higher than it otherwise would have been. Put differently, the number of violent crimes rose from 9,058 in 1983 to 9,971 in 1988; a rise of 10%. Our predictions indicate that, in the absence of crack, crime would have risen by only 1.5%.⁹⁸

Douglas Massey argues that the rate of deaths escalated: “Whereas Black men were killed at a rate of 45 per 100,000 in 1960, by 1990, the rate jumped to 140 per 100,000.”⁹⁹

The drug sparked a highly illegitimate economy, which had to be protected by increasingly violent means.

⁹⁴ Candace Putter, interview by Sam George, 3/25/2007.

⁹⁵ Notebaert, Rostain, & Schwarz, 46.

⁹⁶ Branch & Coston, 23.

⁹⁷ Anonymous Detective, interview by Sam George, 1/24/2007.

⁹⁸ Grogger and Willis, 20.

⁹⁹ Douglas Massey. “Segregation and Violent Crime in Urban America” in Elijah Anderson and Douglas Massey ed. *Problem of the Century: Racial Stratification in the United States*. (New York: Russell Sage Foundation, 2001), 318.

2.4 The Creation of a New Culture

“What was my reaction when crack hit?” asks Wilson Goode. “This was my reaction: We have Reagan, we have police layoffs, here comes crack; *what will be next?*”¹⁰⁰ With an unfortunate percentage of the adult generation succumbing to the drug, many youths became estranged from their cultural heritage, traditional community supports, and family structure. In some families, no adult was in a position to make sure that children went to school each day, or that they came home at a reasonable hour. By year 2000, only about half of American Americans males earned a high school diploma within six years. In the 2003-2004 school year, 13,000 students in Philadelphia dropped out of high school.¹⁰¹

Some youth found employment, purpose, and culture within the world of crack cocaine. In fact, many have no notion of a time before crack houses and junkie parents. Mosee lamented:

Every kid I deal with has always known about crack houses...and that does something to their psyche, especially when you try to impress upon a kid that it doesn't have to be that way; they believe that that's the way it's supposed to be.¹⁰²

From the visiting center at the State Correctional Institute at Huntingdon, Dwayne Brown explains:

Ever since I walked out of my house, there were dealers on the corner. We'd be six years old, riding bikes past vacant lots and crack houses. And those would be the cats with the cars and the clothes.¹⁰³

Precisely because these youth lacked the ability to partake in what Lizbeth Cohen calls a 'Consumer's Republic,' their desires to consume became exaggerated by the

¹⁰⁰ Goode, interview.

¹⁰¹ Information provided by Philadelphia Youth Network.

¹⁰² Mosee, interview

¹⁰³ Dwayne Brown, interview by Sam George, 9/1/2006.

pervasive American culture of materialism, depicted in American entertainment and advertising. Put simply, unlike Philadelphia's newer expressways, the deep-seated American inclination to consume did not bypass the ghetto. Far from the collapsing row homes of North Philadelphia, Dwayne Brown confirms these statements:

Once I had a little money, I just felt an intense need to make more. I was never addicted to the drugs; it was the money. Once I had a little bit of money, I felt I had to make more, at whatever cost, so I sold drugs. Really, it was the only way I saw to make the money.¹⁰⁴

The generation of youth raised with the crack economy in their faces realized that they too could purchase the items displayed on billboards and mall shop windows with funds garnered by selling the drug. They began to cultivate their own culture which celebrated the outlawism associated with drug dealing. As Randolph notes,

There had always been the "Bad N-Word" on the streets. What changed is, in the 1980s, this figure became the only outlet for creativity...it became the only icon in the Black community, and this rebel attitude became the only way to establish individuality.¹⁰⁵

The most pervasive and influential cultural development of this period would be that of Rap music, maligned by each interviewee to a person as solidifying the notion of the drug dealer and the street life as 'cool'. Historian David Canton argues that rap music offered a 'bad man' mentality, complete with "hyper-masculine, hyper-sexualized, sexist lyrics."¹⁰⁶ Canton argues that through the 'bad man' mentality, African American youth could express the masculinity that could otherwise only be achieved by economic self-sufficiency.¹⁰⁷

¹⁰⁴ Dwayne Brown, interview.

¹⁰⁵ Randolph, interview.

¹⁰⁶ David Canton. "The Political, Economic, Social, and Cultural Tensions in Gangsta Rap." In *Reviews in American History* 34 (Johns Hopkins Press, 2006), 249

¹⁰⁷ Ibid 252.

In the late 1980s, Gangsta Rap music began to permeate inner-city Philadelphia. At its best, the music reflected the harsh realities of inner city life, depicting a community torn by drugs, and the violence spawned by drugs. At its worst, the music celebrated the violence and drugs in pornographic attempts to sell records. Either way, the music quickly became the cornerstone of street culture. According to Jim Randolph,

The Hip-Hop music infused the youth with a totally whacked sense of values. Anyone who's calling women (bitches) and using the N-word...and now folks use the words and concepts in daily interactions, thus devaluing themselves and their neighbors.¹⁰⁸

Not only did the music espouse a devalued sense of Black people, but it also embraced, perhaps even represented the drug trade. In prison, Dwayne Brown explained the pervasive inner city belief that in fact, rappers tended to be former drug dealers, and that they had invested their income in their entertainment careers.¹⁰⁹ Whether this is true or not is irrelevant; the importance lies in the perception that these new 'heroes' attained greatness through the drug trade¹¹⁰. Brown, perhaps somewhat self-reproachingly, continued to say, "Black people are stupid; they see Jay-Z (a rapper) come on television with a fancy shirt, and the next day, they all gotta have that same shirt."¹¹¹ Such statements confirm the notion that in the late 1980s, drug dealers became iconic figures, and that they delivered their *fatwas* through the lyrics of rap music.

In accepting a culture that glorified guns and drugs, inner-city youth inadvertently internalized the messages within the songs to the extent that the music dictated *what it meant to live in the inner city*. In my interview with George Mosee, I suggested that rap

¹⁰⁸ Randolph, interview

¹⁰⁹ Dwayne Brown, interview.

¹¹⁰ For what it is worth, the literature suggests that, in fact, many rappers did get their start in the music career with drug money. See Canton, 445.

¹¹¹ Dwayne Brown, interview.

music sells at staggeringly high volumes to white suburban youth, yet the cultural effects do not seem to be included with the transaction. He replied that, culturally, inner city African Americans “have nothing, except who they are today. This is the truth for the kids who aren’t sitting out in the suburbs, who aren’t white, and don’t have a heritage separate and apart from what they learn from the music.”¹¹² Following extensive field research, sociologist Rachel Sullivan’s concludes, “(My study) reveals that African American youth are more committed to rap music, and are more likely to see rap music as life-affirming.”¹¹³ Chief Gang Prosecutor Paul Goldman bluntly states, “rap music became a textbook for drug dealing.”¹¹⁴ To a notable portion of youth, these textbooks became more relevant than the outdated volumes offered in Philadelphia’s crumbling public schools.

In his ethnography on North Philadelphia entitled *Code of the Streets*, University of Pennsylvania Professor Elijah Anderson argues that these cultural inclinations gave rise to what Anderson refers to as “street people,” or people who subscribe to the image and morals espoused in rap music and culture. Those involved in the actual drug trade see little recourse *but* violence and thugism to protect their investments. In the most unfortunate cases, however, the violent, anti-establishment attitude extends beyond interactions with drugs. As former beat cop and detective Mary Rehill explained, “These days, the violence might not even be drug related...it will be a respect issue. A shooting will occur because, ‘You looked at my girl.’ With the open air drug market, such

¹¹² Mosee, interview.

¹¹³ Rachel Sullivan. “Rap and Race: It’s Got a Nice Beat, But What About the Message?” *Journal of Black Studies*, Vol. 33, No.5 (Sage Publications, 2003), 605.

¹¹⁴ Goldman, interview.

thugism is cool and mainstream.”¹¹⁵ According to our anonymous detective, those that adopted ‘Street Culture’¹¹⁶ “no longer fear law enforcement. You used to be able to scare a 15-year-old kid. Now kids are raised by their boys, and the new culture lacks respect for police, and is not intimidated.”¹¹⁷ Judge Hughes characterizes the culture as, “get it quick, get it easy, and get it violently; you don’t have to work for it, you can take it.”¹¹⁸

2.5 Conclusion

The political and economic changes of the 1980s demoralized inner city Philadelphia. In adopting the drug culture, this generation also accepted the thuggish outlook and violence that necessarily accompanies the illicit market. ‘Gangs Unit’ DA Goldman described the resultant sub-community:

Guys with nihilistic attitudes, and no sense of what will happen in five minutes...with the ability to put their own lives on the line, and act like their own life, and the life of another is cheap...this was a new mentality.¹¹⁹

Obviously, this mentality was irreconcilable with that of an economically viable Philadelphia. The categorical disconnect represented a new crisis in Philadelphia. The botched response to this crisis produced a community susceptible to the Code of Silence.

¹¹⁵ Mary Rehill, interview by Sam George, 1/24/2007.

¹¹⁶ Anderson, 35-66.

¹¹⁷ Anonymous Detective, interview

¹¹⁸ Hughes, interview.

¹¹⁹ Goldman, interview.

Chapter 3:

The War on Drugs & Its Implications in Philadelphia

No doubt, some kind of war on drugs was a political inevitability, just as that war's failure to thwart human desire was inevitable as well. But we might have saved ourselves from the psychic costs of the drug war- the utter alienation of an underclass from its government, the wedding of that alienation to a ruthless economic engine, and finally, the birth of an outlaw philosophy as ugly and enraged as hate and despair can produce.

**-David Simon & Edward Burns,
*The Corner*¹²⁰**

*I'm tired of you out here fuckin' with the people.
You need to go get you a real arrest!*

**-William Harvey
(In response to police provocation)**

¹²⁰ David Simon and Edward Burns. *The Corner: A Year in the Life of an Inner-City Neighborhood*. (New York: Broadway Books, 1997), Pg. 160.

3.1 The War on Drugs: A Bad Idea

As the effects of crack cocaine on inner-city communities approached epidemic levels, national, state, and city officials faced the task of defusing the crisis, and reintegrating straying neighborhoods back into the fabric of a communal America. Influenced by public outrage, political officials chose an aggressive strategy emphasizing harsh punishment. Elected officials on all levels rallied around a declaration of war, dubbed ‘The War on Drugs.’ This title proved slightly inaccurate, as neo-conservatives proceeded to wage war not against the drugs, but against the *people* involved with the drugs, and more to the point, *minorities* involved with controlled substances. Conceivably, a war on *drugs* would center on efforts to help a community overcome addiction and help youth develop the skills required to enter the formal economy. Neither Republican nor Democratic officials allotted many resources to treatment programs or educational facilities. Rather, the late 1980s and 1990s saw the War on Drugs criminalize an entire community of American citizens.¹²¹

The war had a number of catastrophic effects. First of all, as crack cocaine was a neighborhood problem, the combative nature of the government’s response turned entire neighborhoods into ‘war zones,’ so to speak. Given the stunningly high volume of young Black males arrested and processed through the legal system, The War on Drugs

¹²¹ The mass imprisonment of young African American men in the late 1980s through the 1990s has been documented extensively elsewhere, and should not need to be argued again here. By way of example: Between 1980 and 1994, the number of incarcerated Americans tripled from 320,000 to 882,000, with African Americans bearing the brunt of this increase. By the end of the 1980s, one in nine African American men between the ages of 20 and 34 was incarcerated. At the core of former industrial cities (such as Philadelphia) up to 2/3 of Black men were behind bars, on probation, or on parole. By 1995, 7% of African American males were incarcerated, compared to 1% of Caucasian men. Though African Americans represent only 12% of American population, they comprise over half of the prison population, with the majority serving time for drug related offences. For more information, see Loic Wacquant. “Deadly Symbiosis; When Ghetto and Prison Meet and Mesh.” In *Punishment & Society, Vol. 3(1)*. (London: SAGE Publications, Pg 95-134.), Dragan Milovanic and Katheryn Russell. *Petit Apartheid in the U.S. Criminal Justice System*. (North Carolina: Carolina Academic Press, 2001), and Marc Mauer. *Race to Incarcerate, Revised and Updated*. (New York: The New York Press, 2006).

essentially cost Philadelphia the inner city respects for its legal system. William Harvey explains, “People out here (in North Philadelphia) basically don’t trust the system anyway, cause all of us have been through something completely unfair, whether it happened to us, or a family member.”¹²² The War on Drugs solidified an antagonistic relationship between Philadelphia’s police and inner city communities. Despite the innumerable arrests, the Philadelphia police proved incapable of protecting the inner city, and drug dealers continued to dominate public space.

The war also affected the courtroom. Legislatures took the law out of the judges’ hands by imposing Mandatory Minimum Sentencing (MMS). As so many citizens became criminals in the eyes of the law, the distinction between criminal and citizen lost much of its meaning in certain communities, as innumerable non-violent drug offenders faced stiff prison sentences. As penitentiaries and caseloads overflowed, district attorneys found themselves in control of the discretion that the judges had lost, as they could decide who to charge and with what, and whom to offer a deal, and *for* what. The possession of information that incriminated another became ever more valuable. This chapter considers two pervasive consequences of the War on Drugs in Philadelphia, which later facilitated the Code of Silence: 1) The police’s inability to *win* the War in the streets, and 2) The War’s effect on courtroom proceedings.

3.2 Philadelphia Law Enforcement’s Inability to Protect

If the effort to curtail crack in inner city was a war, then the Philadelphia police represented the front line of the government’s offensive. However, the police officers sent to ‘liberate’ the city simply made endless arrests with little consequential effect. While the arrests may have disrupted family life, they had little effect on the perpetual

¹²² Harvey, interview.

drug trade. Drug dealers maintained control of public property, dealing openly on the corner.

Paradoxically, the open-air nature of the crack market made policing all the more difficult. As Mosee explains:

In 1965, when some punk kid would grab a woman's purse, nobody was worried about calling the police. Now, when you have 15-20 young men on the corner, and somebody calls a cop, all that cop can do is pull up in front of the caller's house, and all the guys on the corner can see exactly whose house the cop stops at....that is the last time that call will be made.¹²³

Citizens who looked to police for help became disheartened by the inability to clean up the streets while the criminals remained blatantly obvious. A low-level drug peddler might be arrested, make bail, and be back on the corner the next day. If not, any number of hungry youngsters would take his place.¹²⁴ Mark Gilson, the District Attorney in *The Commonwealth v. Dwayne Brown*, noted a growing frustration with law enforcement during these years:

(Inner-city citizens) feel like nobody cares. With the endless crime in the streets, the police come through, make their arrests and leave, but somebody always takes (the arrested person's place). So there is a lot of frustration. There is a feeling of being forgotten and ignored. Police come when a crime occurs, and then they leave the next day. The community feels betrayed.¹²⁵

Judge Hughes concurred with Gilson: "They see cases going unsolved, people see the drug dealers operating openly on the corners, and they think, 'we know who they are, why don't you come and get them!'"¹²⁶

¹²³ Mosee, interview.

¹²⁴ For a fantastic sociological exploration of this process, see David Simon & Edward Burn's *The Corner*.

¹²⁵ Mark Gilson, interview by Sam George, 8/8/2006.

¹²⁶ Hughes, interview.

In the initial years of the War on Drugs, police lay-offs forced strategic changes in law enforcement, apparently severing personal connections that once existed between policemen and civilians.¹²⁷ Lieutenant Lawrence Noddiff explains that prior to the downsizing, police vehicles always patrolled the same ‘sectors’¹²⁸ of Philadelphia (“Sector Integrity”). Policemen knew all the people, grocery stores, and restaurants in their sector. They would even be issued a book containing a list of ‘vice-characters’ in the sector.¹²⁹ Officer Rehill explained that “we used to know all about these guys, and the person involved assumed that you already knew about them.”¹³⁰ Thus, even in a hyper-segregated community, a police officer could form relationships with individuals and develop trust. Consider the following testimony from Brown’s father, William Harvey:

I used to have relationships with a few cops. Like, I used to know a cop named Frank, and he would tell me to go tell someone to clean it up, or he was gonna get busted. I would do it, and the next day, Frank would thank me. Now, I don’t know the cops, and they be messing with me.¹³¹

With the police layoffs, this notion of ‘sector integrity’ had to be abandoned, to the point that not only do police officers currently show up to work unaware of where they will be assigned for the day, but they are also responsible for numerous sectors, as opposed to just one.¹³²

To a policeman unfamiliar with a given neighborhood, anyone on the street could be dealing crack to mothers, or merely walking to the corner store to buy dinner for his

¹²⁷ Unfortunately, I do not have statistical support of the police layoffs. However, Mayor Goode, Lieutenant Noddiff, and the Anonymous Detective all discussed significant police layoffs during the initial years of the War on Drugs.

¹²⁸ A sector being a certain defined square of blocks.

¹²⁹ Lawrence Noddiff, interview by Sam George, 1/22/2007.

¹³⁰ Rehill, interview.

¹³¹ Harvey, interview.

¹³² Noddiff, Rehill, Hughes, interview.

family. Thus, while police were not able to rid the streets of drugs, they did manage to infuriate innumerable American citizens with degrading searches. Lavinia Brown, Dwayne Brown's mother, opines that after crack hit, police "judge you the wrong way before they even know what's going on."¹³³ In turn, Brown's father related the following story:

I come home from work, and I go outside, cause I want to get some fresh air. I don't want to be a prisoner in my own house. I go outside and start talking to my friend that works for the water department, and another friend who works for the gas company. Now keep in mind that there are drug dealers all over the street, and the police know who they are. A cop pulls up on *us* and look at us, and we look at him. He says, "Y'all must don't know who I am?" "Who are you?!" we laugh, so then he get out of the car. "What are you doing standing out here," the cop asks. "We're talking!" I say. "Well," said the cop, "I got to search yall for bazookas and cannons." So I'm really mad...I told my friend not to let the cop search him. I say, "You know what, you passed all those drug dealers to get to us old folks, and we just sitting here talking." And the cop says, "Well, yall were the easy ones." That's what he told us...but he stopped searching us cause he felt embarrassed. Now this was the third time recently that this happened to me, so you know what I said to him? I said "I'm tired your fuckin' ass. You out here fucking with the people. This man is 70 years old, this guy is retired. I work, *he* works, *he* works, and you out here fuckin' with the working people." I said "I'm sick of your shit...you need to go ahead and fuck with somebody else." And then the crowd of working people started sayin', "Yeah. You need to go get you a real arrest." The cop just looked stupid.¹³⁴

Perhaps Mr. Harvey has a negative disposition towards police, given the arrest of his son.

However, the majority of North Philadelphia residents have experienced the arrest of somebody to whom they were close. According to Judge Hughes, as a result of such interactions, "nothing is more terrifying to a young Black man than a policeman."¹³⁵

¹³³ Lavinia Brown, interview by Sam George, 8/20/2006.

¹³⁴ Harvey, interview.

¹³⁵ Hughes, interview.

Thus, the objective of the War on Drugs to rid the streets of contraband failed miserably. Among many other indicators of the police's inability to respond to the wide-open drug market is the resurgence of heroin in Philadelphia. Fueled by the success of crack cocaine, and unperturbed by the inefficient War on Drugs, *somebody* developed a purer form of heroin, a form that did not need to be injected, but could simply be snorted.¹³⁶ In the 1990s, this new, purer form of heroin began to saturate the streets of Philadelphia, right in the face of dejected law enforcement agents.¹³⁷ As a result, drug dealers not only continued to occupy public domain, but they even expanded their market. The public nature of the drug dealing 1) by definition, created a large body of witnesses (potential 'snitches') to illegal activity, and 2) reflected the failures of the police, which led to the community's lack of trust in the police's ability to defend the neighborhood. Furthermore, the loss of sector integrity, combined with the aggressive nature of the War on Drugs led to hostile encounters between citizens and police officers.

3.3 Mandatory Minimum Sentencing

While the police failed to win the War on Drugs in the streets of Philadelphia, the implementation of 'tough on crime' legislation undermined inner-city faith in the court system. Perceiving a cheap way to win votes, legislatures passed harsh laws that often took discretion out of judge's hands. In California, this trend manifested itself in the 'Three Strikes and You're Out' laws. In Pennsylvania, those convicted of drug felonies face Mandatory Minimum Sentencing (MMS). These laws dictate the minimum amount of jail time for a conviction of a particular crime, regardless of any extenuating

¹³⁶ Office Rehill suggests that Columbians produced this drug. This *may* be true, but I found no corroborating evidence to support this, and I am sure that Officer Rehill herself would admit that she is not an expert on this particular aspect of the drug market. There is no question as to the resurgence of heroin.

¹³⁷ Rehill, Noddiff, Goldman, interview.

circumstances. Mandatory Minimum Sentencing resulted in disproportionately harsh punishments on inner city African Americans and the transition of discretion from the judge to the district attorney.

Powder cocaine was largely associated with Whites, while crack, a substance composed of cocaine, was markedly more prevalent in the African American community. The MMS associated with crack cocaine were far more severe than those associated with powder cocaine. In 1986, Republican senators such as Bob Dole and Strom Thurmond ensured that, at the federal level, every gram of crack cocaine would be considered the equivalent of 100 grams of powder cocaine in the punishment phase of conviction.¹³⁸ At the state level, the Mandatory Minimum Sentencing of ten grams of cocaine is less than that of one gram of crack.¹³⁹ Furthermore, under Mandatory Minimum Sentencing in Pennsylvania, possession of at least 2 grams of crack was considered possession with intent to deliver. According to Paul George, still a Philadelphia Public Defender when these laws came into existence,

A serious drug addict can use two grams of crack in a real hurry, but it started to be the case that it was assumed that you were dealing. I saw countless people go to jail who had no business going to jail...Earlier they would have just gotten probation.¹⁴⁰

Few citizens of Philadelphia are in better position to judge the effects of Mandatory Minimum Sentencing on inner city Philadelphians than Thurgood Matthews, Assistant Chief of the Public Defender's Homicide Division. Matthews achieved his license to practice law in 1981, and has since served his entire career as a public defender. "In my experiences," he states, "(MMS) has disproportionately affected poor

¹³⁸ Gest, Ted. "Cocaine Sentencing Policy: Crack Versus Powder" from Emma Carlson Berne, *Cocaine: History of Drugs* (Detroit: Greenhaven Press, 2006), 118.

¹³⁹ Thurgood Matthews, interview by Sam George, 1/19/2007. Hughes, interview.

¹⁴⁰ George, interview.

people and minorities, who get involved in cases that result in very, very severe prison sentences.”¹⁴¹ This led Matthews to conclude that, whether or not the new laws had this end in mind, Mandatory Minimum Sentencing has “reinstated racism into the system. The effect that the new laws had, and still have, creates discriminatory distinctions.”¹⁴² As the War on Drugs in Philadelphia was fought primarily in poor African-American communities, and because the Mandatory Minimum Sentences were so severe, the tough-on-crime legislation had a disillusioning effect on Philadelphia’s inner-city African Americans. Judge Hughes had a front row seat for this process:

Harrisburg (Pennsylvania State Government) responded to the crime of the moment. They passed MMS to be tough on crime, but they didn’t think about the impact of MMS on the structure of the family, they didn’t think about that person’s ability to reintegrate into the community and to get a job and to change from a life of crime to more constructive activity. They didn’t think about whether we could afford to house all these non-violent people. It was group think, which didn’t serve the community...and (MMS) helped defeat the community’s ability to believe, because those that can be rehabilitated, and should be given another chance, don’t get it.¹⁴³

Actually, this might not always be the case. As discretion for sentencing shifted from the judge to the District Attorney, the Commonwealth became quicker to offer second chances in exchange for information, or, to use the parlance of the street, to become a ‘snitch’. With Mandatory Minimum Sentencing in drug cases, judges lost much of the discretion within their own courtroom. A clearly frustrated Judge Hughes laments, “I virtually have no role. A computer could do my job, and when it comes to drugs, a computer basically does.”¹⁴⁴ With the judge’s hands tied, the District Attorney

¹⁴¹ Matthews, interview.

¹⁴² Matthews, interview.

¹⁴³ Hughes, interview.

¹⁴⁴ Hughes, interview.

makes important decisions, such as whom to charge, and with what to charge them.

According to Hughes,

The judicial discretion now lies in the hands of the District Attorney and the Police, and the misapplication of this discretion has created a truly disparate impact on the African American community, and all of this feeds into the distrust of the police in the African American community.¹⁴⁵

The D.A.'s newfound control has also created an expanding market for information. With crimes that used to be misdemeanors elevated to felonies, the district attorney's caseload overflowed, as have the jails into which the D.A. look to place defendants. The D.A. has the discretion to give a defendant probation, or perhaps, to demand information in exchange for a lesser punishment. Detectives got the ball rolling in Dwayne Brown's case when they arrested one Damon Dent with a little crack. In exchange for his freedom, Dent implicated Brown in the murders of December 4th, 2000.

3.4 Conclusion

The government responded to the crisis of crack cocaine with the 'War on Drugs,' which emphasized arrests and punishment. The failures of this shortsighted program have had devastating consequences, and can be understood as a necessary precursor to the Code of Silence. Not only did the police prove unable to rid the streets of drugs, but their inefficient arrests and hostile approach dissolved the relationship between police and the community. Part of the responsibility for apparent police inefficiency must be laid upon the district attorney's office. Mandatory Minimum Sentencing not only moved discretion away from judges, but it also called for very harsh penalties for not-so-severe crimes. The district attorney could not possibly prosecute all of these new 'felons'. Therefore some violators got sent directly back to the corner, angering the law-abiding

¹⁴⁵ Hughes, interview.

citizens of the block, while others were sent directly to prison, demoralizing family and friends of non-violent drug offenders. Furthermore, the inability to prosecute all suspects created a market for information, in which low-level offenders could avoid harsh Mandatory Minimum Sentences by 'dropping dime' and testifying for the prosecution. In response, the street element demanded the Code of Silence.

Chapter 4:

**Stop Snitching:
The Code of Silence
In Contemporary Philadelphia**

*If you don't answer the question,
I'll have you held in contempt of court!*
-D.A. Mark Gilson to Witness Gregory "Heavy" Deas

Would I get Life for contempt?
-Gregory "Heavy" Deas to Judge Hughes

4.1 Introduction

On Sunday, March 25, 2007, a pair of shootouts erupted in North and South Philadelphia neighborhoods, right around dinnertime. In North Philadelphia, the violence left 12-year-old Anbra Brown¹⁴⁶ and her 9-year-old cousin critically wounded. In South Philadelphia, stray bullets ended the life of 28-year-old Jovonne Stelly, who was riding his bike with children. All in all, the combat left two dead and five wounded. NBC10.com reported that “Some in the neighborhood reported hearing as many as 30 gunshots, but police were frustrated by a lack of witnesses coming forward to report what they saw.” The article continued to report that 84 days into 2007, the Philadelphia’s homicide count had reached 92.¹⁴⁷ The most tragic part of that Sunday’s bloodshed was that there really was nothing unique about it. Extreme violence, often accompanied by silence from the community, has become a daily event in particular Philadelphia neighborhoods. Clocking in at a rate below 50%, Philadelphia’s homicide department has hit an all time low in clearing homicide cases.¹⁴⁸

Over the last five years, the notion of a ‘snitch’ has taken on a whole new meaning in Philadelphia, and the phenomenon of community-wide silence has kicked up a media storm, routinely splashing ink across all Philadelphia periodicals. The media frenzy concerning the Code of Silence began around the turn of the millennium, from the proliferation of black tee-shirts with large white letters boldly proclaiming ‘Stop

¹⁴⁶ To my knowledge, Anbra Brown is of no relation to Dwayne Brown’s family.

¹⁴⁷ “Two Dead, Five Wounded.” available at <http://www.nbc10.com/news>, March 25, 2007.

¹⁴⁸ Gilson, interview.

Snitching'.¹⁴⁹ The implication was clear; anybody cooperating with law enforcement acted in betrayal of The Code of the Streets, which apparently operated independently from mainstream Philadelphia's justice system.

On February 11th, 2004, frustrated Philadelphians attached a face to the phenomenon. On the morning of the 11th, in front of a Philadelphia elementary school, two drug gangs held a shootout amidst crossing guards, parents, and young children on their way to school. The only fatality was 10-year-old Faheem Thomas-Childs, shot dead in the face. Despite the bevy of people at the scene and the innocence of the victim, not a single eyewitness stepped forth. When finally a 14-year-old girl emerged with information on the killing, her father appeared at the Philadelphia Criminal Justice Center the day of her testimony, and in front of a packed courtroom, ordered his daughter to say that she knew nothing. The daughter obeyed, and the "Don't Snitch Dad" became a media sensation in Philadelphia.¹⁵⁰ On July 27th, 2004, the Philadelphia Metro quoted Mark Gilson, who prosecuted this case as well, as saying "The father, who should have been in that courtroom to witness his daughter's courage, instead convinced her to lie in one of the saddest murder cases this city has ever seen."¹⁵¹ Later, Mr. Gilson said in our interview, "What is different now is that even when a little 10 years old dies, there is still no witness willing to step up and tell the truth, and it was broad daylight in front of

¹⁴⁹ On 8/7/2005, the Philadelphia Inquirer ran a front page article entitled, "Crime of Fashion, in which Natalie Pompilios writes, "It's one of Philadelphia's hottest- and most controversial- fashion statements: T-shirts and hats that say, "Stop Snitching." Those who wear and sell the shirts say it's part of a style, a fad, the "in" look - as Jay-Z's oversize striped, button-down shirts were a few months back. But these shirts are far more sinister, with some picturing guns (and) crosshairs."

¹⁵⁰ For example, see "Street Code Slams into a Higher Law." *Philadelphia Daily News*, April 26, 2006., McCrone, Brian. "Dad Charged with Telling Daughter: Do Not Snitch." *The Philadelphia Metro*, April 25, 2006., Dale, Maryclaire. "Charges Stand for Don't Snitch Dad." *Philadelphia Metro*, July 27th, 2006

¹⁵¹ Maryclaire Dale. "Charges Stand for "Don't Snitch Dad." *The Philadelphia Metro*, July 27th, 2006.

parents, crossing guards and teachers and nobody steps up.”¹⁵² The case became the epitome of the phenomenon. For example, Julie Shaw began her December 6th, 2006 article, which appeared on the front page of the B section of the Philadelphia Inquirer by referring to the circumstances of a murder trial as “a reminder of the Faheem Thomas-Childs trial and any number of other Philadelphia cases in recent years: witnesses getting scared, “going south,” and recanting what they'd told the police about a crime of violence.”¹⁵³

The media attention is not unwarranted. The Code of Silence perpetuates disconnection, mistrust, and lawlessness in a city that seeks peace and reintegration. The Code of Silence represents Philadelphia’s most critical conflict since the rise of crack cocaine.

4.2 Something New?

“How old is Stop Snitching?” Public Defender Matthews repeats my question. “How old is the mafia?”¹⁵⁴ Interview subjects who have lived in inner-city Black Philadelphia claim that ‘The Code of Silence’ is nothing new. “I am 51 years old,” explained George Mosee. “Stop Snitching has always been part of the code of the streets.”¹⁵⁵ Matthews adds, “The notion of ‘don’t snitch’ includes, ‘don’t tell the landlord or the bill collector that I’m here.’”¹⁵⁶ Under this understanding, the Code of Silence can be viewed as a holdover from the days of neighborhood gangs, discussed by Randolph in Chapter 1; an extension of the allegiance that underprivileged neighbors once shared. Under this more general interpretation, the Code of Silence extends beyond criminal

¹⁵² Gilson, interview.

¹⁵³ Julie Shaw. “Witnesses balk, but trial is ordered.” *The Philadelphia Inquirer*, B1, December 6th, 2006.

¹⁵⁴ Matthews, interview.

¹⁵⁵ Mosee, interview.

¹⁵⁶ Matthews, interview.

activities, and it “boils over to ‘we’re homies and even when you’re wrong, I’m not gonna tell on you.”¹⁵⁷

Nevertheless, those interviewees who face the current crisis in court rooms, and never lived in North Philadelphia, see a distinct change. Top Philadelphia prosecutor Mark Gilson feels that there is a significant difference between the mafia’s Code of Silence, and that which currently mutes Philadelphia’s poorest neighborhoods. “A snitch used to be when a co-defendant joins the prosecution and testifies against you.”¹⁵⁸ This definition of snitch would not apply to the people who witnessed the violence that landed Anbra in the hospital. “The average person who just saw something they weren’t supposed to see,” Gilson explained, “was not a snitch. See, we used to call those people *witnesses*.”¹⁵⁹

According to Judge Hughes, who moved to Philadelphia in the mid- 1980s, “20, 30 years ago, it was unheard of that witnesses did not come to court, it was unheard of that witnesses did not tell police what they saw.”¹⁶⁰ Similarly, Gilson explains that, at this point, in stark contrast to his earlier years as a District Attorney, he expects witnesses *not* to testify.

Now I don’t know what to do when they actually testify! My strategy at this point is to just beg them. Whereas before, you might get one person who didn’t want to testify, now its not unusual for everyone to not testify.¹⁶¹

¹⁵⁷ Mosee interview.

¹⁵⁸ Gilson, interview.

¹⁵⁹ Gilson, interview.

¹⁶⁰ Hughes, interview.

¹⁶¹ Gilson, interview.

Conclusion 1: The Code Didn't Change, the Crimes Did

As established, crack dealing occurs in open markets, blatantly obvious to law abiding and criminal elements alike. This development held ramifications for the role of witness in North Philadelphia. Paul George explains:

In order to snitch, you have to have something to snitch about. When somebody gets arrested for a drug offence, the suspect could potentially give police information about an entire organization; more senior members who are never out on the corner. There is the potential to bring down other people and save yourself...this isn't the case in a situation where someone snatches a purse.

Considering the large volume of participants in the crack trade, their ready use of guns, and the aggressive nature of the War on Drugs, Philadelphians became much more likely to encounter a situation in which police pressured them for information. The widespread arrests for drugs had made the entire community suspicious of the motives of the police. More importantly, the public nature of the crack-trade made *everyone* a potential 'Snitch.' Being a 'tattle-tale' may always have been frowned upon, but unless a citizen stumbled upon something he was not supposed to see, he would never be forced to apply the code to serious crimes. With the crack trade, entire communities must decide to what extent the code of allegiance applies to the drug trade. Certainly, the very real threat of armed violence influences this decision.

Developments in the drug trade have thrust a significant portion of North Philadelphia's citizens into the position of witness, and they must confront an updated version of a code that has been instilled since birth. The majority of these citizens detests the violence, and would love to walk outside of their houses without being offered crack cocaine. Yet, despite wanton violence that often leaves innocent bystanders dead, Philadelphia's law enforcement still struggles to establish cooperation within these

communities. As D.A Paul Goldman explained, “When the ‘Don’t Snitch’ attitude is allowed to take a foothold, it avalanches, and that community becomes susceptible to whatever the criminal element wants to do.”¹⁶²

4.3 Why People Don’t Cooperate: Fear

All too often, those involved attribute the ‘Stop Snitching’ phenomenon to cultural influences. For example, Gilson had the ‘Don’t Snitch Dad’ arrested for obstruction of justice when he convinced his daughter not to testify against the same gang members who had been willing to shoot it out in front of an elementary school. When interviewed, Gilson explained that the father “was not afraid, threatened or intimidated, he just didn’t want his daughter to be a snitch.”¹⁶³ The Philadelphia media flayed the ‘Don’t Snitch Dad’ alive.¹⁶⁴ However, other closely involved individuals attribute the majority of the silence to fear, stemming directly from the inability to protect the neighborhoods. Randolph himself admitted that he would think twice before he would,

Advise my family member to snitch, because I want them to live. Lives get put on the line over testimony, and these bad guys have no compulsion against killing. This is about fear more than being cool. We always had a no snitch moral, but now it’s a fear thing.¹⁶⁵

The anonymous detective with whom I spoke admitted that the drug dealers control the streets, and that police cannot guarantee the protection of those that cooperate. As a result of the hyper-condensed neighborhoods in North Philadelphia, police have been unable to maintain the security of public space. Given the secession of public space, Gilson acknowledged the difficulty of testifying in a neighborhood murder trial: “This person just killed somebody: Are you gonna step up and come to court and point a

¹⁶² Goldman, interview.

¹⁶³ Gilson

¹⁶⁴ See footnote 147.

¹⁶⁵ Randolph, interview.

finger? Now they'll have a real good reason to kill you. Most people want to do the right thing, but they are afraid.”¹⁶⁶ Judge Hughes can attest to the unabashed nature of the terrorizers:

I've had people come into my courtroom and start pointing fingers, in the shape of guns at my witnesses. When a witness takes the stand, and all of a sudden 50 men walk into the courtroom, dressed like hood rats, staring down the witness, that's real intimidation.

The Faheem Thomas Childs case exemplifies the realness of the threat. The October 4th edition of the *Philadelphia Daily News* reports:

One of Faheem Thomas-Childs' murderers was ordered yesterday to stand trial in another slaying. Kareem Johnson faces murder charges for allegedly emptying a gun into the head, neck and shoulders of Walter Smith in December 2002 outside a Gray's Ferry bar. At the time of his death, Smith was preparing to testify that one of Johnson's "young boys" had killed a woman with a stray bullet months earlier.¹⁶⁷

Philadelphia's Witness Protection Program is a far cry from what appears in Hollywood movies. Law enforcement agents tell witnesses never to return to their home neighborhoods. However, as established earlier, these citizens lack the mobility to begin a new life elsewhere. Candace Putter, who has spent her life working with inner city youth, claims that some of them have never even been far outside of their inner city neighborhood, and their family and friends all live in that same neighborhood.¹⁶⁸ The anonymous detective related a story in which he convinced a witness to testify, and told the witness never to return to his North Philadelphia neighborhood. The individual in question earned his check from a neighborhood Burger King, and against the detective's advice, returned to work a couple of weeks later. He was murdered walking home after

¹⁶⁶ Gilson

¹⁶⁷ Theresa Conroy. "Boys killer to be tried for a slaying in '02." *The Philadelphia Daily News*, October 4th, 2006, Page 8.

¹⁶⁸ Putter.

his shift.¹⁶⁹ Judge Hughes, Lieutenant Noddiff, and Mr. Randolph all related similar stories in which witnesses' testimony cost them their lives. From this perspective, the Code of Silence reflects not necessarily an antagonism against mainstream society's criminal justice system, but rather, the natural reaction of a community occupied by dangerous drug dealers, and faced with the inability of the police to enforce laws in public territory.

4.4 Why People Don't Cooperate: Culture

Given the general criminalization of inner city Philadelphia, some North Philadelphians may not accept that those involved with drugs are criminals that need to be arrested. Dwayne Brown's father explained: "I got friends who I grew up with, who I partied with, who I played ball with, and now they're on the other side of the law. I can't stop being friends with him because of that."¹⁷⁰ In Chapter 2, I discussed the rise of a new culture, closely associated with a new drug, and at opposition with law enforcement. In North Philadelphia, the blatant drug market may have increased the community's tolerance of crime.

Furthermore, one cannot overlook a predominant feature of the drug culture that stipulates that 'real men' solve their disputes in the streets. As Gilson interprets the Code of Silence:

If someone was wronged, injured, killed on the streets, it's the responsibility of that man's friends and family members to deal with it on the streets. They handle things outside the criminal justice system, they handle things outside of law enforcement, they don't refer to the courts.¹⁷¹

¹⁶⁹ Anonymous Detective, interview.

¹⁷⁰ Harvey, interview.

¹⁷¹ Gilson, interview.

The drug trade necessitated this approach. As Mosee observes, “If you are selling drugs, and you get shot, you can’t really say what happened to the police.”¹⁷² Drug dealers saw little recourse but to settle their disputes outside of the court system. Paul Goldman reports that he has “seen letters between two people arrested for a shootout, and the letters say, ‘I won’t say anything about you, you don’t say anything about me, you know how we handle our stuff, ourselves.’”¹⁷³

As drug dealers became the main expression of ‘cool,’ it became a cultural norm among youth to settle disputes themselves, without involving law enforcement. For today’s youth, explains Goldman, “its not cool to snitch...we must understand how much peer pressure exists in street culture, and the desire for acceptance.”¹⁷⁴ Gilson agrees, arguing that the media has marketed ‘Stop Snitching’ in rap and rap videos. The degradation of those who cooperate with police became a recurring theme in Rap music. Rappers such as 2pac, Jay-Z, and DMX have solidified the notion that real men solve disputes in the streets, while linking police cooperation with homosexuality. The music, in turn, influenced the entire inner city, with a beat that resonated beyond just the drug trade.¹⁷⁵

Conclusion 2: Opposing Reasons for the Same Outcome

The immediate causes of the Code of Silence stem from two distinct, but interrelated phenomena that, according to Judge Hughes, “butt heads in my courtroom

¹⁷² Mosee, interview.

¹⁷³ Goldman, interview.

¹⁷⁴ Ibid.

¹⁷⁵ The July 30th edition of the *Inquirer* ran a front-page story entitled, “Snared by the Streets.” The article interviewed six Philadelphian men under 20 currently behind bars for apparently non-drug related violent felonies. The article probes the youths in search of insight into the “Stop Snitching” mentality. Jamil Thomas, currently serving a life sentence for murder explains, “If somebody do something to you, you don’t go to the cops. You can handle it on the streets.” Raymond Ferguson, currently serving 15-30 years for attempted murder added, with regards to witnesses, “If it has nothing to do with you, you shouldn’t be putting yourself in it.”

every single day.”¹⁷⁶ On the one hand, terrified citizens do not feel comfortable pointing fingers in the courtroom. The police lack the required control over the inner city to protect citizens willing to testify in open court. Furthermore, drug dealers have not hesitated to inflict mortal violence on those that dare break the code. Thus, potential witnesses see no need to put their lives on the line in exchange for testimony that seems irrelevant, as even a guilty verdict will not rectify the overall situation. On the other hand, inner-city culture has meshed with drug and prison culture through rap music to perpetuate the values of the drug culture that developed in the 1980s.¹⁷⁷ Partially, this is consequence of the War on Drugs, as many alienated youth found expression within the outlaw culture, and abide by it fiercely, including the ‘Stop Snitching’ element. Judge Hughes succinctly sums up the effect of these phenomena, which together rendered the Code of Silence:

You have old people who won’t behave responsibly and inform the police of activities because they are afraid of the violence imposed upon the neighborhood by the drug dealers. At the same time, you have very very young people who come out on the corner and see the drug dealers riding around in the Benz or the Hummer, wearing platinum and diamonds...and ‘you want me to be like that guy who is working as a janitor?! No, I’m gonna be like the drug dealer.’¹⁷⁸

For a young man in North Philadelphia, acting as a witness for the prosecution goes against the cultural pressure of his peers. He also faces internal pressure to live up to the accepted notion of manhood. For adults, testifying can mean becoming sitting targets in their own neighborhood. Either way, prosecutors ask a lot when calling an inner-city resident to the stand.

¹⁷⁶ Hughes, interview.

¹⁷⁷ See Loic Waquant, “Deadly Symbiosis; When Ghetto and Prison Meet and Mesh.” In *Punishment & Society, Vol. 3(1)*. (London: SAGE Publications, Pg 95-134.), 96.

¹⁷⁸ Hughes, interview.

The Code of Silence & The Criminal Justice System

The Code of Silence represents a significant challenge to police, detectives, judges, district attorneys, and even defense lawyers. Though still too recent to calculate the phenomenon's effect on the criminal justice system, at least two trends have emerged. One concerns technical changes in detectives' approach, and how district attorneys use the detectives work to overcome the Code of Silence. The second, only beginning to take shape, concerns the effect of the media's incessant reporting of 'Stop Snitching' on jurors, who are, of course, comprised of Philadelphia's general public.

4.5 The Code of Silence & Detectives

According to Mark Gilson, law enforcement smacks into the first 'wall' of silence at the scene of a crime. More often than not, police can very quickly deduce who committed the crime and why, but they cannot get a witness to speak on record. Many cases die at this point.

However, it is common for a witness to give an out-of-court statement to the police, and then later disavow that statement in court. Few of these interviews conducted at 'the roundhouse'¹⁷⁹ are video recorded, so the conditions under which individuals give particular statements, the mental state of the individual at the time of the statement, or the degree of certainty of his testimony remain a mystery. Accordingly, defense and prosecution lawyers have very different interpretations on the nature of these sessions. "Look folks, you win more flies with honey," Gilson explained to Dwayne Brown's jury at trial. He repeated this statement in our interview, adding, "Those statements are given in a small, safe setting, where its just you and the detective. They don't think ahead to

¹⁷⁹ Common parlance, throughout Philadelphia, for the circular shaped the central Philadelphia Police Station

the situation of a trial where they will have to confront the killer and his friends and family.”¹⁸⁰ As if by mantra, the anonymous detective repeated the flies and honey metaphor.¹⁸¹

Defense attorneys depict a very different situation. According to Matthews, “The interview room is a pressure cooker: It’s a formidable place of mental anguish, and after 15 to 20 hours, the notion of a false confession or statement becomes very real.”¹⁸²

Detectives may imply that a subject faces severe punishment if they do not cooperate.

The anonymous detective, who did not work the Brown case, confided, “Listen, in order to turn an informant these days, you need some leverage.”¹⁸³ While district attorneys refer to the document that these sessions produce as a ‘verbatim’ account of discussion, the documents really reflect the final portions of the discussions, which often follow hours of unrecorded interrogation. Brown lawyer Paul George explains:

That sheet of paper that comes out of the little room, that isn’t exactly what really happened in there. If they would turn on a camera, and record the whole thing, you’d see a very different process from the one police come in and describe in court.¹⁸⁴

This process, in itself, does not represent a great change in pre-trial proceedings. What has changed is the frequency with which these statements are later disavowed in court.

Under specific conditions, out-of-court statements become admissible during trial. For example when a witness contradicts his earlier statement, lawyers can introduce past statements in order to impeach the witness. The prior statement cannot be admissible for its truth content, but can be used to discredit a witness. However, under certain other

¹⁸⁰ Gilson, interview.

¹⁸¹ Anonymous Detective, interview.

¹⁸² Matthews, interview

¹⁸³ Anonymous Detective, interview.

¹⁸⁴ George, interview.

conditions, lawyers can introduce prior statements that juries can consider for their truth content. These kinds of statements include those “given in a reliable setting, signed, and adopted by the witness.”¹⁸⁵ If the witness is physically present and available for cross-examination, past statements can be entered as evidence for their truth content. The court considers interrogation rooms a ‘reliable setting’, and detectives ensure that witnesses sign their statements. As more and more witnesses later disavow these statements while physically present in the courtroom, district attorneys have made a practice of calling the well-trained detective to the stand to read the statement that they originally took from the witness. Under these conditions, the ‘trials’ essentially occur in the interrogation rooms, not in public, not in front of a jury, and the written statements are never subjected to cross-examination. As Public Defender Matthews explains, “That pressure cooker of an interrogation room that I was talking about, that becomes the trial right there.” This apparent perversion of justice has become the state’s main strategy in defeating ‘Stop Snitching’ in the courtroom.

Oral evidence suggests that detectives have modified their approach to interrogation following the outbreak of the Code of Silence. Gilson works very closely with the state’s detectives, and he affirms that,

At this point, detectives work under the assumption that if the case goes to trial, the statement that they take will become the evidence, and not any testimony given in court. Recently, they’ve become much better at making sure that the statements comply with the law, and have the indicia of trustworthiness and reliability so that a jury can convict. They tend to be longer now, more involved, more details and with more pointed questioning.¹⁸⁶

¹⁸⁵ Gilson, Matthews, George.

¹⁸⁶ Gilson

From the defense’s perspective, Thurgood Matthews gave a quote to the identical effect, but perhaps the most compelling evidence of a change comes from the anonymous detective himself:

We develop techniques to make the statements air tight, so that they can stand alone, and win a conviction in the courtroom. For example, I like to make a mistake when I write down the testimony. Then I give it to the witness to read at the end, just like we have to. When the witness corrects the intentional mistake, the district attorney will later have proof that the witness read and affirmed the accuracy of their statement.¹⁸⁷

Nevertheless, as Gilson himself admits, these statements are lacking: “These statements were not given in courts, they were not given under oath, and could not be cross examined, and neither the defendant, the jury, the lawyers nor the judge was present.”¹⁸⁸

The detectives and district attorneys’ approach is understandable. However, the constitutional guarantee to due process of law and the right to a public trial prohibit, in essence, the procedure by which the state overcomes the ‘Stop Snitching’ phenomenon, and for good reason. Gilson himself notes that the third cornerstone of American justice, behind the presumption of innocence, and the burden of proof is “cross-examination, and the right to confront a witness.”¹⁸⁹ When a witness disavows a prior statement that is then entered into evidence for its truth content, the defense cannot confront the witness over particulars of the statement. Typically, defense attorneys look to pick apart accusatory testimony to expose inaccuracies, inconsistencies, and lies. However, when said witness disavows the statement, the defense cannot challenge the specifics. Instead, the jury is left to decide if it is *all* true, or if it is *all* false. Furthermore, the practice of literally calling a detective to the stand to read the document has the effect of “putting a

¹⁸⁷ Anonymous Detective, interview.

¹⁸⁸ Gilson, interview.

¹⁸⁹ Ibid.

suit and tie on the statement.”¹⁹⁰ A trained detective reading the words of what Judge Hughes refers to as “hood rats”¹⁹¹ gives statements an air of reliability which it would never have had if it had been offered by its original narrator. By all accounts, this process has increased exponentially since the Code of Silence began making its presence felt in Philadelphia’s courtrooms.

4.6 The Code of Silence & Philadelphia Juries

Frustrated by the nihilistic culture, Philadelphians may be becoming harsher on individuals from troubled neighborhoods. Unlike the technical developments of the detectives’ approach, the reaction of jurors to such courtroom antics is not so clear-cut, and has yet to fully manifest itself. However, trends have begun to emerge. As in all 50 states, a random selection of Philadelphia’s citizens comprises her juries. Given the quantity of ink spilt on the ‘Stop Snitching’ phenomenon, these citizens come to the courtroom aware of the Code of Silence, and unsympathetic to it. With the Code of Silence, the district attorney’s task of meeting a burden of proof beyond a reasonable doubt becomes increasingly difficult. Fortunately for district attorneys, a trend may be emerging in which juries do not hold the district attorney to his constitutional burden.

“More jurors nowadays are certainly more knowledgeable,” states Mark Gilson. “They understand what is going on, and why, and I think that they are more willing to convict without a single witness coming into court and pointing the finger.”¹⁹² Another explanation could be that the media frenzy has infuriated Philadelphia’s citizens at the notion that violent criminals beat charges through witness intimidation. When forced to, district attorneys hang their thin cases on these emotions.

¹⁹⁰ Brown lawyer Pat McKinney made this comment to me during the trial.

¹⁹¹ Hughes, interview.

¹⁹² Gilson, interview.

Both defense and prosecution lawyers note a change, and question whether jurors have redefined constitutional guarantees. According to George:

The juries look at it as a scary, dangerous situation, getting more and more chaotic, and they want to stop it before it gets any worse. You are asking a lot to sit there and tell the jury that they haven't heard enough to convict, and ask them to let a defendant go walking home.¹⁹³

Lawyers such as Matthews and George argue that the burden has now fallen on the defense to prove the *innocence* of their client. Similarly, Gilson wondered "if we have to rethink reasonable doubt. Where would the justice be if we let a killer go because he scared a witness?"¹⁹⁴

4.7 A Problematic Approach?

The Code of Silence has challenged the District Attorney's ability to build a case against those that violently disturb the streets of Philadelphia. However, juries, well aware of the problems that plague their city, may be becoming more sympathetic to district attorneys. For example, they may be more inclined to accept out of court statements for their truth-value, even when these statements are disavowed in the courtroom. Early trends suggest that juries may be willing to lower standards required to meet the burden of proof beyond a reasonable doubt in order to combat the Code of Silence. In my interview, Gilson argued that, "When everybody says that a guy didn't do it, he probably did. The system is not designed to arrest, prosecute, or convict innocent people."¹⁹⁵ The implications of such an argument (a devalued standard of reasonable doubt and a greater faith in the state's investigation) could have disastrous ramifications. Such verdicts send a clear message to the inner city community that they will not be

¹⁹³ District Attorney Gilson also feels that he asks 'a lot' from juries: "When you try a case, and everyone refuses to testify, you ask a lot of a jury. They expect testimony and evidence, but they get nothing.

¹⁹⁴ Gilson, interview.

¹⁹⁵ Gilson, interview.

afforded the rights guaranteed to other American citizens by the Constitution. Lack of faith in Philadelphia's court system will significantly deepen the division between the inner city and mainstream Philadelphia.¹⁹⁶

¹⁹⁶ I reiterate that the trends in jury behavior noted above are but early impressions, as expressed by those that face the Code of Silence and juries on a regular basis. Other potential trends have been noted as well. For example, Judge Hughes explained, "I can't tell you the number of jurors who ask, 'do they know where we live?' I had a jury find a man not guilty when the evidence was frightfully clear, and the only question the jury had was, 'will they be able to follow us home.'"

Furthermore, parties interviewed cited the effects of ever popular courtroom television dramas on modern juries. As testimonies were often in stark opposition, I could not deduce a trend worth discussing in this paper. For example, Judge Hughes argued that, "Juries want what they see on TV. They want things that no city budget can pay for. Most crime scenes do not generate biological evidence, and that's what juries see on TV, and that's what they want. This has *raised* the standard required to meet reasonable doubt." Thurgood Matthews counters: "A large number of these television shows are solved in 45 minutes, and 9/10 of the time, the final verdict is guilty, and the show implies that the defense lawyer tried to be slick, and was trying to hide things, so now, juries have a jaundiced eye to the lawyers and their clients. This is subconscious manipulation by the media."

Chapter 5:

Seeing Through Masks: *The Commonwealth of Pennsylvania v. Dwayne Brown*

Were it simply a homicide, you too would reject the accusation, in view of the insignificant, the unsubstantiated, the fantastic nature of the facts when they are each examined separately. At least, you would hesitate to ruin a man's destiny merely because of your prejudice against him.

-Fyodor Dostoevsky
The Brother's Karamazov

5.1 A Perfect Case Study

On January 31st, 2006, the Commonwealth of Pennsylvania began its case against Dwayne Stacey Brown with regards to a double homicide committed on the corner of York St. & Cleveland St. in North Philadelphia. Home on Winter Term, I interned with the defense on the case. From the back of the courtroom, I watched a jury of 12 Philadelphians face the task of making sense of the confusion.

On one side of the bar sat the judge, the district attorney, defense lawyers, and other professionals who together represented Philadelphia's Criminal Justice System. On the other side of the bar sat people from Brown's neighborhood. Metaphorically, the bar represented the disconnect separating the inner city and Criminal Justice. Like a prisoner of war, Dwayne Stacey Brown sat captive on the foreign side. And as a captured soldier giving his name, rank and nothing more, Dwayne stood up, looked at his feet, muttered, "Not guilty", and sat back down, not to be heard from again for the remainder of the trial.

The Commonwealth of Pennsylvania v. Dwayne Brown represents a perfect case study for my thesis, which questions whether in the face of a Code of Silence, a defendant from an inner city community will still be afforded the presumption of innocence. This is *not* the story of the Hurricane. It has never been proven that Brown is *innocent*. He has never provided an alibi for the evening. In our interview, he told me that he understood the crime to be the result of a conflict over a female between Fuss and Manny. Somehow, this rings hollow.

However, he was also never *proven* guilty. The State of Pennsylvania based its entire case on the police statements of three eyewitnesses. When they were called to testify in open court, all of these witnesses disavowed their prior statements. Because

police recovered no incriminating physical evidence, this case allowed me to isolate and examine the effects of the ‘Stop Snitching’ phenomenon upon Philadelphia’s courtrooms.

I also believe this trial presents a perfect case study due to the people involved. Judge Renee Cardwell Hughes, a young African American woman who has personally experienced run-ins with racist police officers, presided over the case.¹⁹⁷ DA Mark Gilson, one of the best in the city, had often confronted the Stop Snitching phenomenon in the city’s toughest cases. Defense lawyers Patricia McKinney and Paul George have practiced for over 20 years, and are seasoned veterans of Philadelphia’s criminal justice system.

As for the representatives of inner city Philadelphia, the Brown family had personally experienced the neighborhood transitions discussed earlier, having lived their entire lives in North Philadelphia. Dwayne Brown himself experienced a childhood engulfed by the crack-epidemic. Eventually Brown began to sell drugs. In a literally cutthroat business, Brown proved incredibly successful, as his organization garnered between \$15 and 30 thousand dollars daily.¹⁹⁸ One wonders what he might have done with a graduate degree from the Wharton Business School.

During the trial, the state called three witnesses who had identified Brown as the killer in out-of-court statements to the police. First, I discuss how each witness’ courtroom testimony displayed a different problematic aspect of the state’s response to the Stop Snitching phenomenon. Secondly, I discuss a piece of valuable exculpating

¹⁹⁷ For example, Mumia Abu-Jamal, writing from Death Row following his conviction of murdering a Philadelphia police officer mentions Hughes’ public run-ins with police in his collection of essays entitled *Live from Death Row*. Mumia writes, “Mrs. Renee Hughes, past president of the prestigious Barristers Association and wife of state representative Vincent Hughes had her windows shattered by the highway patrol when she didn’t move her car fast enough or open her window on command. She is seized, handcuffed, and arrested.” Mumia Abu-Jamal. *Live From Death Row*. (New York: Perennial Books, 1996), 127-128.

¹⁹⁸ Dwayne Brown, interview.

evidence controversially withheld from the case by Judge Hughes. I argue that this demonstrates the state's efforts to overcome Stop Snitching, at the expense of individual justice. Finally, I consider Mark Gilson's closing argument in which the district attorney played more upon the jury's general frustrations with current inner city Philadelphia than to the specifics of the incident at York St. and Cleveland St. on December 4th, 2000.

5.2 The Eyewitnesses

The Testimony of David "Charlie" Garvin

Less than one hour before returning a guilty verdict in *The Commonwealth v. Dwayne Brown*, jury members asked to review bits of David Garvin's statement to detectives; a statement given years before the trial. Perhaps the fiercest person to appear in the courtroom over the two-week trial, the physically intimidating David Garvin arrived in the courtroom from prison where he is currently serving a seven year sentence. Specifically, the jury wanted to review the type of gun Garvin claimed to have witnessed Brown carrying as he allegedly walked towards the corner on the night in question. This suggests that the jury accepted Garvin's out-of-court statement as the truth, and that this statement played an integral role in convincing them of Brown's guilt. A close inspection of Garvin's involvement in the case exemplifies the information barrier between the inner city and the Criminal Justice System, and how this disconnect compromises the court's integrity.

On January 23rd, 2001, over a month and a half following the murders, David Garvin appeared unexpectedly at the central Philadelphia police station. Police had never questioned Garvin about the murders because nobody had ever said he was present on the corner that night. Claiming that his name was John, Garvin proceeded to identify

Dwayne Brown and Jasaan Walker as the two December 4th shooters. On February 1, 2006, the state called Garvin to the witness stand to testify, where Mark Gilson asked him to “Tell the jurors what you told the detective.”¹⁹⁹ Garvin responded, “I told you that the detective made this (statement) up.”²⁰⁰ “Okay. Time out,” responded a flustered Mark Gilson. “Time out, yeah!” taunted the defiant Garvin.²⁰¹

Mark Gilson proceeded to read every word of Garvin’s statement aloud, while Garvin absurdly denied ever saying any of it. Finally, the lawyers and Mr. Garvin met in the judge’s chambers. While still on record, a frustrated Garvin explained to Judge Hughes, “I gave these statements. I did! But I hate to say the word, and I don’t want to be ignorant, but this is crap!”²⁰² Over the next two days Garvin tried to explain that he felt a deep pain following the death of his friend Manny, and that he had heard on the streets that Brown and Jasaan were responsible. Therefore, according to his courtroom testimony, he had concocted the statement based on what he had heard through the grapevine following the murders. In fact, during cross-examination, George established that Garvin had given *another* pre-trial statement to a private detective, in which he explained,

The reason why (I implicated Jasaan and Dwayne) was that because the person murdered was a friend of mine, and I heard people saying Jasaan, so I just assumed that they knew what they were talking about. I found out about the murders the next day from Odell and Tim.²⁰³

In addition, the statement Garvin gave to detectives had significant loopholes.

For example Garvin claimed to have been two feet away from the dice players who got

¹⁹⁹ Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*, February 1, 2006, 248.

²⁰⁰ Ibid.

²⁰¹ Ibid.

²⁰² Ibid, 307.

²⁰³ Notes of Testimony. *The Commonwealth of Pennsylvania v. Dwayne Brown*. February 2nd, 2006, 58. Statements were never taken from either Odell or Tim, and they were never called to the stand as witnesses.

shot, and that the shooters were three feet away from the dice players. Garvin's discussion of close range fire contradicted the testimony of other witnesses. Moreover, if Garvin had really been so close, it would have been a minor miracle that he himself did not get shot. In another example, when Garvin was asked to give a physical description of the shooters, the best he could do was, "I know Stacey when I see Stacey." Furthermore, none of the other eyewitnesses, in any of their statements ever put Garvin at the scene of the crime. Dwayne's father William later told me,

I've talked to people who were there that night, including some that didn't come to court and didn't testify, and they all say that Charlie²⁰⁴ wasn't there. They say that Charlie don't even come down here; he hangs out with them boys up there, and they don't get along with the guys down here.²⁰⁵

Because Garvin categorically denied ever even being present, defense council could never cross-examine him about the particulars of his statement to the police. To the jurors, the particulars lost any relevance. The actual question became, 'why would Garvin change his testimony.'

The most the jury should have been able to conclude from the many testimonies of David Garvin was that something did not add up properly. Certainly, one explanation could have been that Garvin had been intimidated into repudiating his statement.

However, another equally plausible explanation could have been exactly the one he gave in court. I discussed Garvin's testimony extensively with Mark Gilson, who suggested,

It's true, you could hear on the street that Stacey and Jassan killed Manny and Tata. You could hear how it happened, and go and tell the police as if you saw it. But think about it: They're lying about what? That they were

²⁰⁴ For clarification: Mr. Garvin's legal first name is David. When he met with detectives at the roundhouse to implicate Dwayne Brown in the murders, he said his name was John. On the streets, he is known exclusively as Charlie.

²⁰⁵ Harvey, interview.

there. But are they lying about who did it? No. It's hearsay, but again, that's a technical word. What they are saying is the truth.²⁰⁶

This suggests that, in the face of silence, prosecutors and detectives are prepared to accept a broader range of evidence, even secondhand evidence from a person giving a fake name.

Following the trial, however, I uncovered a third potential explanation for why Garvin may have disavowed his statement. This theory truly depicts the information divide between the inner city and the justice system, as what appears as common knowledge on the streets was never discussed in Brown's trial. Dwayne's father explained:

Listen, Charlie was friends with Manny, but he didn't know Manny as well as he said he did at the trial. See, you have to understand, Garvin ran with Rock Star (a cleverly named local dealer). Rock Star wanted Dwayne's corner, so he sent Charlie down to the Round House. Charlie is retarded. Everyone in the neighborhood knows he can't read or write a statement. If Charlie had decided on his own that he wanted to talk to a cop, he would have started talking to the first traffic cop he saw on the street! See, Rock Star tried to put the money move on Dwayne. The idea is Dwayne pays Rock Star, and Charlie takes back his statement. Rock Star pulled that shit one too many times...he got shot recently when he tried to pull something like that. When he died, there was no point in Charlie testifying.²⁰⁷

Aware of this theory, Gilson later commented, "Yeah, Garvin may have had alternative reasons for giving his statement, but you have to remember that he wasn't the only witness." No hard facts exist to support this theory, yet, no hard facts exist to support the theory that Dwayne Brown intimidated Garvin into disavowing his statement.

Much can be learned from Garvin's testimony in *The Commonwealth v. Dwayne Brown*. The district attorney's post-trial recognition of the problematic nature of

²⁰⁶ Gilson, interview.

²⁰⁷ Harvey, interview.

Garvin's testimony suggests that the state is willing to grasp at straws of evidence in order to combat the Code of Silence. The testimony suggests the very real possibility that in such a grasp, the state might latch onto completely unreliable evidence. Furthermore, the testimony underscores the information disconnect between the inner city and the criminal justice system. For example, Garvin gave his inculpatory statement under a fake name. Harvey commented on the detective who took the statement, "So you (the detective) are the number one dog on the murder trial, and you don't even know who you're talking to...these detectives have no clue what's going on."²⁰⁸ Similarly, the true nature of Garvin's and Manny's relationship, be it friendship or economical, remains a mystery. Finally, although numerous legitimate theories exist to explain the changes in Garvin's statement; none of them can be proved. Thus, the jury's acceptance of Garvin's testimony reflects George and Matthews' argument that, in today's courtrooms, defendants are required to prove their innocence.

The Testimony of Allen Lanier

The testimony of Allen Lanier demonstrates the effect on the jury of having the inculpatory statements repeated first by a district attorney and then by a trained detective at trial, as opposed to hearing the witness himself give the statements. This process is discussed in Chapter 4. In *The Commonwealth v. Dwayne Brown*, this led the jury to accord the statements a degree of credibility that might never have been given if the people whom Judge Hughes refers to as 'hood rats' had actually repeated inculpatory statements themselves in the courtroom.

One of the few things proven in *The Commonwealth v. Dwayne Brown* was that nothing Allen 'Dolemite' Lanier has ever said can be trusted. Lanier appeared in court in

²⁰⁸ Harvey, interview.

prison garb as he is serving a sentence for armed robbery. On the stand, he proved himself willing to say absolutely anything to help his own personal cause. Lanier gave his statement while he was in prison under the assumption that if he helped the DA, they would shorten his sentence. Similarly, Lanier gave a statement to Jasaan Walker's private investigator *exculpating* the later, under the expectations that Jasaan would pay for Lanier lawyer in an open drug case.²⁰⁹ In his series of pre-trial statements, Lanier was willing to give statements in support of whichever party could do him the biggest favor at the time.

Once in the courtroom, it became readily apparent that Lanier saw it in his best interest to side with the defense. As if on repeat, Lanier answered nearly every question that the Mark Gilson had, with a flat 'No'. He refused to admit knowing what the word 'snitch' meant, even though he had described it to a tee in his out-of-court statement. He also claimed to have no idea whether it was a bad thing to be a snitch in prison.²¹⁰ On cross-examination, he answered 'yes' or 'true', regardless of the question put to him. For example, in cross examination, Brown's lawyer Patricia McKinney asked Lanier, "You are the kind of person who comes and lies one way or the other if you get something out of it?" to which Lanier responded, "True." Ms. McKinney continued, "Basically, you're going to say what you need to say to help yourself whether it's true or not?" to which Lanier agreed: "True."²¹¹

Only one conclusion could be garnered from Lanier's testimony and statements: The man lies through his teeth. How could such a man give a series of contradictory

²⁰⁹ Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*, February 3, 2006, 89.

²¹⁰ *Ibid*, 110.

²¹¹ *Ibid*, 116.

statements, come to court and say nothing, and have *one* of these statements selected and deemed truthful by the jury? I submit that by reading the statement repeatedly in court, the detectives and district attorney gave it an unwarranted air of legitimacy.

After Gilson read the statement aloud to the jury, he called Detective McCann to the stand, who assured the jury that the combative man they had just witnessed was, “very cooperative” while he gave his statement. “He didn’t avoid answering any of our questions,” the detective explained.²¹² Next, Gilson called yet another detective, to read Lanier’s inculpatory statement out loud. Detective Centeno calmly addressed the jury, reading,

I then saw Stacey and Jasaan peeking out of the lot. They wanted to see who was around. I then saw Jasaan and Stacey exit the lot with masks on. They were rushing the corner where TaTa, Donald and Manny were, and they both had guns. As soon as they hit the corner they started firing.²¹³

Because the detective was a well-spoken citizen with a very respectable job, the jury may have accorded these words with a level of trustworthiness that they would never have granted to a man that a half an hour earlier seemed ready to lie about the color of the sky, should it fit his agenda.²¹⁴

We can conclude that the jury accepted the state’s interpretation of Lanier’s testimony, because without Lanier, the murders were a motiveless crime. In one of the

²¹² Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*, February 3, 2006, 116

²¹³ *Ibid*, 164.

²¹⁴ In a poignant example of the difficulty in cross-examining a detective armed with a statement, defense attorney Paul George asked Centeno, “Now at any point, did Lanier indicate to you that he was hopeful that there might be some benefit to him in exchange for the help he was giving you?” “He may have, but I don’t remember” replied the detective, essentially ending that line of questioning. Later, George challenged a portion of the statement that claimed, “I waited for the cops to show up, and I left...Heavy took TaTa to the hospital and I followed in my car.” George addressed the detective, “Are you aware that from other interview taken from other individuals in this case that Heavy took TaTa to the hospital well before the police showed up?” The detective confidently looked at the jury and informed them that he was not aware of this. (Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*, February 1, 2006, 139.)

statements, Lanier claimed, “It was a drug war. Manny was messing with Fuss’ business. He would stop the customers before they could get to Fuss’ dealers.”²¹⁵ In his closing, Gilson used these two sentences to defend the allegations that the shooting was in response to a drug war. Had Lanier tried to make such allegations in open court, he would likely have been laughed out of the courtroom. As a witness, his credibility had been completely impeached. However, his out-of-court statements sounded cool, calm, reliable and collected when coming out of the mouths of professionals such as Gilson and Detective Centeno.

The Testimony of Lionel Lawrence

Lionel Lawrence’s testimony exemplifies the fact that nobody can be quite sure of the conditions under which most out of court statements are given. Lawrence witnessed the double homicide from his car, as he was joyriding around the block with TaTa’s brother in the passenger seat. Some time after the crime, detectives got word that Lionel had witnessed the events, and they tracked him down for questioning. In the statement produced during this session, Lawrence explained how masked men appeared from the alleyway, and how he jammed his foot on the accelerator to flee the scene. While Lawrence did not implicate Brown in the body of his statement, he did at the end identify Dwayne Brown and Jasaan Walker from a spreadsheet of photos.

In *The Commonwealth v. Dwayne Brown*, Lionel Lawrence testified that his statement was given under significant duress, and that he had been apprehended by detectives and taken to the police station without his consent. Lawrence proceeded to testify that detectives held him in the police station for many hours, denying him access to bathrooms, food and water, and telling him that he would not be permitted to leave

²¹⁵ Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*, February 3, 2006, 64.

unless he pointed to a picture of Dwayne Brown. He also testified that detectives subtly implied that if he did not give them Brown, than perhaps *he himself* committed the crime.

In the courtroom, a frustrated Lionel pleaded to the jury that the shooters were wearing masks, and they could not be identified beneath their dark hoodies, sweatpants, and facial disguises. He claimed that, “the detective just told me to sign the sheet. Sign, sign, sign. These guys was nasty with me. They wasn’t going to let me read over the statement.”²¹⁶

As detectives did not tape Lawrence’s statement, nobody will ever know the degree of conviction or confidence with which Lawrence selected a photo of Dwayne Brown. We will never know to what extent his accusations of police intimidation and mental anguish are accurate, and what affect they had on his statement. We will never be able to substantiate or repudiate his claim that the detectives pressured him into implicating Dwayne Brown.

Furthermore, since no defense attorney was present for the interrogation session, no portion of Lawrence’s accusation- which would later be entered for its truth content- could ever be subjected to any cross-examination. At the time when Lawrence picked out a photo, no defense attorney ever got to ask Lawrence on what basis he had selected that of Brown. I have argued that Brown’s trial transpired months before his actual court date, and that it occurred in the detectives’ interrogation rooms. Lawrence’s testimony demonstrates the mysterious conditions under which these statements were given.

5.3 The Video Confession

Late on the evening of December 3rd, 2001, Philadelphia police raided the high-class waterfront home of known crack dealers Fuss, Cub, and their little brother Jasaan

Walker. In the ensuing scramble, police apprehended Jasaan on the balcony as he attempted to descend from the penthouse apartment. By three o'clock in the morning, Jasaan sat dejected in the detective's office, with a number of bright florescent lights illuminating the small room and obscuring the true time of day. What proceeded proved highly unusual: In an epoch stigmatized by the Code of Silence, Jasaan had simply had enough; enough of the dealing, the violence, the thirst for money, and enough of the silence. The young man began to open up, and tell detectives *everything*. Everything about the drug organization which he had been born into, everything about the bags of money stashed in his mother's house, everything about Manny, and how the fool had opened up shop on *their* corner. Everything about how he, along with his brothers Fuss and Cub, snuck out of the alleyway at York & Cleveland on December 4th, 2000, and shot Manny, Tata, and Don King.

Detectives responded to Jasaan's personal unburdening with a most unusual decision of their own: Unlike any other eyewitness statement taken during this investigation, detectives procured a video camera and recorded Jasaan's confession. Thus, unlike any of the pre-trial statements used against Dwayne Brown, we know *exactly* what Jasaan said, how he said it, and under what conditions he gave his statement. The viewer can watch the weight evaporate off Jasaan's chest as he explains how he and his two brothers hid their masks in the top shelf of a closet in Cub's house, and how they discarded the weapons so that the firearms would never be found.

The detectives, no doubt elated by the purity of the confession, had one point of confusion. As noted in Chapter 4, following an arrest for possession with intent, Damon Dent bought time by implicating Dwayne Brown in the murders to which Jasaan

confessed. Detectives were also aware that Dwayne belonged to the drug organization headed by the Walkers. “What about Stacey? Did he have anything to do with this?” pressed one detective on the video. Jasaan, who had been giving his statement with a thousand yard stare aimed about a foot in front of his feet, raised his eyes to the detectives. His face clenched with confusion. “Stacey? He didn’t have nothing to do with this...” and with a bit of frustration, as if nobody had been listening to the bearing of his soul, Jasaan repeated, “It’s like I said, I did it with my brothers, Fuss and Cub.”

Months following the trial, Prosecutor Mark Gilson admitted:

I’ve never had a case where somebody did what Jasaan did, to give something real honest inculcating himself, without pulling any punches, but then to implicate his own brothers, while exculpating Dwayne Brown, that was unique.²¹⁷

The video put the Commonwealth into a difficult position. They knew they had a slam dunk case against Jasaan Walker. However, the Commonwealth faced the dilemma that no jury could *convict* Dwayne Brown, given the exculpating statements from a man done with lying. Jasaan’s confession exculpating Brown would most likely trump the rag-tag bunch of statements implicating Dwayne Brown.

District Attorney Mark Gilson had the solution: He moved to separate the cases, and try Jasaan Walker and Dwayne Brown separately for the same crime. In *The Commonwealth v Jasaan Walker*, the state would muscle Walker into a guilty plea, arguing the immutable truth of the video confession. However, on an evidentiary technicality, the District Attorney would then argue that the very same video could *not* be introduced as evidence during the trial of Dwayne Brown.

²¹⁷ Gilson, interview.

Later, Gilson would admit that he believed the overwhelming majority of the taped statement was true, even admitting that he believed Fuss participated in the shooting. Really, the only thing that Gilson did not accept for its truth content was the statement that Cub, Jasaan's other brother, and not Stacey, was the third shooter. Perhaps once upon a time such decisions would have been left to a jury, but in an era when unsolved cases pile up towards the ceiling, the state takes no chances. The District Attorney offered Jasaan a 30-year plea bargain; a very tempting offer in a double capital murder trial. However, in order to receive that deal, the Commonwealth forced Jasaan to agree not to testify in *The Commonwealth v. Dwayne Brown*. While Gilson would later contest this during our interview, court records seem to substantiate this claim. On February 6, 2006, already over one week into Brown's trial, Judge Hughes sent the courtroom into recess, as Mark Gilson, Brown's two lawyers, and Jasaan Walker's lawyer Brian McMonagle convened in the judge's chambers to discuss whether Jasaan would testify during Brown's trial. In this conversation, which remained on the record, McMonagle stated,

I would represent to the Court that the specific negotiations of the guilty plea were that Mr. Walker would not testify with respect to this particular case or answer questions if called as a witness with respect to this case.²¹⁸

Rather than face the Death Penalty, Jasaan Walker agreed to assert his 5th Amendment rights at Dwayne Brown's trial, and he never appeared in front of a single juror. As a result, a legal question arose as to whether the video could still be offered as evidence in Brown's trial (see footnote 213). In a remarkably revealing statement, Mark Gilson later stated,

²¹⁸ Notes of Testimony. *The Commonwealth of Pennsylvania v. Dwayne Brown*. February 6th, 2006. Volume 2, Pg. 146.

If Jasaan hadn't have pled the 5th, the defense could have played it the way the prosecutor normally would, giving the video an air of authenticity and reliability because a detective would sit up there and read the dialogue out loud, and make it sound very believable. The detective would be playing the video, I wouldn't have been able to cross examine Jasaan because he would have pled the 5th. Would that have been fair? To make a determination without the ability to cross examine the person that made the statement?²¹⁹

Mark Gilson certainly earned his paycheck in devising a plan in which one guilty verdict was accomplished by arguing the truth content of a piece of evidence, and another guilty verdict could be accomplished by challenging the truth content of the exact same piece of evidence. However, Mr. Gilson did not have the final word. In the end, Judge Renee Cardwell Hughes would decide whether the video in which Jasaan Walker calmly and comprehensively confessed to committing the murder with his two brothers could be presented to the jury in Dwayne Brown's capitol murder trial. Hughes had a great deal of agency in this decision as the video presented a unique evidentiary question; a question of first impression in a court system based on precedent.²²⁰ Judge Hughes chose to bar the video from the courtroom. To this day, not a single juror knows of its existence.

To the defense attorneys, Hughes' legally suspect ruling affirmed the Judge's belief in Brown's guilt, and her willingness to steer the trial towards such a verdict. In a heated conversation held on the record in the judge's chambers, Brown lawyer Pat McKinney charged, "Your Honor, I know that you made it clear throughout this case that

²¹⁹ Gilson, interview.

²²⁰ Under particular situations, hearsay can be admitted into court for its truth content. This can occur when one has given a statement against penal interest. For example, if Dwayne Brown had been arrested in a single defendant case, and Jasaan had confessed to this crime on the video, the video could be entered as evidence in the courtroom, whether Jasaan testified or not. By the same token, in a multi-defendant case, if Jasaan had confessed to the crime, but said that Brown didn't do it, by precedent, the inculpatory evidence would be admissible, while the exculpatory evidence would not. However, the gray area occurs when Jasaan confessed to a multi-person crime, and implicated the other defendants, none of whom were Dwayne Brown.

you believe Dwayne Brown is guilty.”²²¹ Hughes did not challenge this assertion, but claimed that, “This is a jury trial, and my opinion of the evidence is of no moment.”²²² However, evidence suggests that Judge Hughes did not personally believe in the portion of Jasaan’s statement that exculpated Brown, and, almost certainly, this was why the incredible video never screened in Courtroom 904.

On January 23rd, 2006, before a jury had even been selected, Judge Hughes heard motions from the lawyers involved in order to determine the video’s admissibility.

Towards the end of the conversation, Judge Hughes opined,

It seems to me like Fuss don’t get his hands dirty so it’s kind of hard for me to believe that Fuss would have shot somebody. It’s kind of inconsistent with somebody riding around in a white Bentley.²²³

I took particular note of this comment at the time, given the reaction of the audience from Dwayne Brown’s neighborhood. Some looked at each other in shock, while other fought to stifle laughter. Clearly, the audience, who knew more about Fuss than Judge Hughes did, was not in agreement with her characterization. These remarks epitomize the shaky nature of the guesswork that the Code of Silence imposes on the court. Furthermore, the refusal to allow the video into the courtroom supports allegations by defense attorneys such as Mathews, George and McKinney that judges have assumed a more active role in procuring convictions. According to George, “At this point, as Defense Attorneys, it has become very infrequent for a gray area ruling to go in our favor.”²²⁴

²²¹ Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*. February 1, 2006, Pg. 146.

²²² Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*. February 1, 2006, Pg. 146.

²²³ Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*, January 23rd, 2006, Pg. 81.

²²⁴ George, interview.

The effects of Judge Hughes' ruling cannot be over-emphasized when considering the guilty verdict returned by Dwayne Brown's jury. Paul George suggests,

As a juror, if you see that tape, you cannot possibly look yourself in the mirror and say, 'I know that Dwayne Brown is guilty.' I said earlier that currently, it seems like a defendant has to prove his innocence. Well, this tape would have provided that proof.²²⁵

Furthermore, the video would have undercut the District Attorney's main argument that Dwayne Brown and his drug organization had pressured witnesses into disavowing their statements. The totality of the evidence supporting this assertion came from Allen Lanier's (the perpetual liar discussed earlier) out of court statements, as Lanier claimed that Manny was messing with Fuss' business. Later in the statement, which was read to the jury, Lanier stated,

Jasaan's brother Cub came and got me...and told me that a private investigator wanted to talk to me. Cub told me to say that Manny and Ta-Ta were gambling with two other guys and that the two other guys shot them. Cub told me to tell the investigator that the two guys had masks on. So Cub and I went to Cub's house where the private investigator was. I told the private investigator what Cub told me to say...Cub offered to pay for my lawyer on an open drug case that I had. Cub was going to pay me an additional twenty-five hundred...Jasaan's mother said to me, "Don't testify against my son...Than Jasaan approached me and said, 'Yo, I hear you're telling on me.' Jasaan said, 'Bend but don't break.'²²⁶

Without any real discussion as to who these Jasaan, Fuss and Cub fellows were, this testimony was entered into evidence for its truth content against Dwayne Brown.

Gilson's implications were clear: Somehow, Brown must have been involved in the drug trade, and for some reason, the mysterious Fuss, Cub, and Jasaan were attempting to protect Brown. The testimony strongly corroborated Jasaan Walker's video confession that he committed the crime with Fuss and Cub. However, in lieu of the video, the jury

²²⁵ George, interview.

²²⁶ Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*, February 3, 2006, Pg 90-94.

accepted the implication that Fuss, Cub and Jasaan had attempted to obscure Dwayne Brown's guilt.

In the end, the state, and not the jury decided which parts of Jasaan's statement were true, and which were not, and it based these decisions on little solid evidence.

Following the trial, Gilson explained,

I have to make these kind of inferences more and more...If you wanna believe that Jasaan's statement is the truth, and if you want to believe that portions are a lie, you can defend that...in the end, its what you believe.²²⁷

Apparently, both Gilson and Judge Hughes believed that Stacey was guilty, and in the face of the Code of Silence, they ensured that the defense would be denied the crucial evidence, which exonerated the man currently spending the rest of this life in a century old penitentiary in Central Pennsylvania.

5.4 *The Commonwealth v. North Philadelphia: Mark Gilson's Closing Argument*

Given the confusing nature of the testimony in *The Commonwealth v. Dwayne Brown*, Mark Gilson's closing argument likely played a crucial role in convincing the jury that they had enough evidence to convict. A close reading of Mark Gilson's closing argument suggests that Gilson played to the jury's general frustration with the situation in Philadelphia, as opposed to any case specific evidence. Gilson began his closing by arguing that "I have done murder cases for twenty years, and this happens all the time." Shortly thereafter, Gilson asserted to the jury that, "In the neighborhoods where we live, there is a code of the streets, and it is a Code of Silence...They refer to witnesses as snitches and rats." These arguments provided no solid evidence against Mr. Brown, but

²²⁷ Gilson, interview.

rather, asked the jury to sit in judgment of perceived neighborhood tendencies. Gilson proceeded:

You know, sometime tonight or tomorrow night a shot is going to ring out in the city of Philadelphia and some mother's son is going to be gunned down on the street dead, and the police are going to get called and they're going to go there like they always do, like they did in this case, and a crowd is going to gather and they're going to ask, 'did anybody see anything? And everybody is going to take two steps back and the people are going to go back inside their homes, and they're going to shut their doors and pull their shades and turn out their porch lights.'²²⁸

Next, Gilson implied that the audience present in the courtroom had intimidated the witnesses, an argument unsubstantiated by any evidence presented during the trial. "Yeah, I pointed at those people," Gilson told the jury. "Because every time I called an eyewitness, ten or twelve of these people would file into the back of the courtroom and take a seat."²²⁹ As a matter of fact, I viewed the entire trial from the back row of the courtroom, and while Brown's trial did attract a minor audience, I saw nothing to substantiate Gilson's claims of intimidation. Months after the trial, Lavinia Brown confided,

We had state representatives in that courtroom, vice presidents of unions in that courtroom, childhood friends in the courtroom. A lot of people in that courtroom were there to support both our family and TaTa's family. But because they were African American, and sitting with the defense, they assumed that they were all just gangsters and drug dealers.²³⁰

Maybe audience members *did* intimidate witnesses. However, Gilson's accusation were purely speculative and based on the overall situation in North Philadelphia, and cases in the past; not on any facts presented during the trial of Dwayne Stacey Brown.

²²⁸ Notes of Testimony. *The Commonwealth of Pennsylvania v. Dwayne Brown* February 8th, 2006, Pg. 91

²²⁹ Notes of Testimony. *The Commonwealth of Pennsylvania v. Dwayne Brown* February 8th, 2006, Pg. 93.

²³⁰ Lavinia Brown, interview.

Throughout the remainder of his closing argument, Gilson continued to weave novels, at times severely distorting the few facts that existed in the case. For example, Gilson addressed the jury, “You know why (Tata’s brother) left the hospital so quickly after Tata was shot. He left the hospital to go back to that neighborhood and take care of it himself, to find the two guys who did it: Jasaan and Stacey.”²³¹ A completely unsubstantiated argument, but one that perpetuates a notion of lawlessness and separation from the criminal justice system in Philadelphia, one that Gilson implied the jury could fix with a guilty verdict.

As for factual distortions, Gilson talked at length about how David Garvin came forth with information in defense of his friend TaTa. “When they killed TaTa, that was different,” Gilson explained to the jury.

On the streets, that was different because he didn’t deserved to die, because he didn’t do anything wrong. If Manny was the only one who had been killed, this murder might never have been solved. John Garvin felt ‘some kind of way’ about TaTa being shot. He said, ‘Ta-Ta was a friend of mine, he wasn’t supposed to be shot.’²³²

Court records clearly state that Garvin testified that he “felt some kind of way about his best friend *Manny* being shot.”²³³ The re-arrangement of Garvin’s testimony represents the ‘novels’ lawyers conceive in order to combat the Code of Silence. In lieu of hard facts, Gilson looked to create a martyr; something that would whet the jury’s appetite for revenge. It may even be the case that TaTa *was* a martyr, representing the innocent people caught up in the city’s violence. However, given the disconnect between inner

²³¹ Notes of Testimony. *The Commonwealth of Pennsylvania v. Dwayne Brown*, February 8th, 2006, Pg. 109-110

²³² Ibid, Pg.110-111. Note that Gilson still has not quite figured out Garvin’s legal first name.

²³³ Notes of Testimony, *The Commonwealth of Pennsylvania v Dwayne Brown*, February 2, 2006, 4-77.

city residents and the justice system, lawyers could not even argue this point without doctoring the evidence.

Gilson concluded his statement by issuing a challenge to the jury: “The only question is what are you going do about it?”²³⁴ Given the nature of his closing argument, the question seems to ask, ‘what are you going to do about the violence in North Philadelphia?’ or ‘what are you going to do about the fact that it’s dangerous to be a witness in a murder trial?’

5.5 Conclusion

On February 10, 2006, a jury of 12 Philadelphians asserted their capability to do exactly what Lionel Lawrence claimed he could not: See through masks. The jury found Dwayne Brown guilty of double homicide, even though no witness had ever taken the stand and accused him under oath. The state’s evidence consisted entirely of suspect statements, made by suspect individuals, under suspect conditions, that were not suspect to cross-examination. The guilty verdict of *The Commonwealth v. Dwayne Brown* represents a significant deviation from the standard of the burden of proof, as placed upon the district attorney by the Constitution of the United States of America.

Such a devolvement of due process makes significant strides either to an overall regression from America’s unique stance on justice, or, more likely towards the creation of second class citizenry. By this, I mean the burden of proof required to convict me, a young white male, may be significantly higher that that required to convict Mr. Brown. The precedent set in *The Commonwealth v. Dwayne Brown* is a dangerous one. What happens when a community, already antagonistic to the legal system, begins to perceive that constitutional rights no longer apply to people from their neighborhood?

²³⁴ Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown* February 8th, 2006, 142.

During the interview Lavinia Brown fumed,

It was like that judge was racist...maybe that's not the right word but she didn't like Dwayne no kind of way, even though she didn't know him. It was like he was right off the streets or something...the judge is supposed to be balanced, but she took every leg my son had out from under him. A video confession that says a man didn't do it should be presented in the courtroom.

They're just playing with your life. They feel like nobody care anyway, so 'we can just play these games'...That trial was fixed. All the crooked things that went on with the DA and the judge was a nightmare, and is still a nightmare for me and my family. Dwayne was already guilty before he even entered the courtroom.²³⁵

Of course, given her son's experience, Mrs. Brown may hold a biased opinion of the court system. However, if the measures whereby the state achieved the guilty verdict here were to become more commonplace, the inevitable result will be more and more people feeling as if their family member or friend did not get a fair trial. Just as an entire community was affected by the insensitive response to the crack epidemic, the relationship between that same community and criminal justice will likewise suffer as the state employs extraordinary tactics to combat the Code of Silence.

²³⁵ Lavinia Brown, interview.

Bibliography

Primary Sources

- Anonymous Detective. Interview by Sam George. Philadelphia, Pennsylvania, January 24th, 2007.
- Booker, Thurman. "Alcohol and Drugs in the Black Community." In *The State of Black Philadelphia, 1993*. Philadelphia: Urban League of Philadelphia, 1993.
- Branch, Alvia & Coston, Wanda. "Black Youth Unemployment in Philadelphia." In *The State of Black Philadelphia, Vol. VIII: The Plight of African American Children & Youth*. Philadelphia: Urban League of Philadelphia, 1989.
- Brown, Dwayne. Interview by Sam George. Huntingdon, Pennsylvania, September 1, 2006.
- Brown, Lavinia. Interview by Sam George. Philadelphia, Pennsylvania, August 18th, 2006.
- Conroy, Theresa. "Boy's killer to be tried in the slaying of a man in '02." *The Philadelphia Daily News*, October 4th, 2006, Page. 8.
- Dale, Maryclaire. "Charges Stand for Don't Snitch Dad." *Philadelphia Metro*, July 27th, 2006.
- Harvey, William. Interview by Sam George. Philadelphia, Pennsylvania, August 18th, 2006.
- George, Paul. Interview by Sam George. Oberlin, Ohio, March 24th, 2007.
- Goldman, Paul. Interview by Sam George. Philadelphia, Pennsylvania, August 24th, 2006.
- Goode, Wilson. Interview by Sam George. Oberlin, Ohio, February 6th, 2007.
- Hughes, Renee Cardwell. Interview by Sam George. Philadelphia, Pennsylvania, January 17, 2007.
- Hutchens, Francis. "Adolescent Pregnancy Among Black Philadelphians", in *The State of Black Philadelphia, 1981*. Philadelphia: The Urban League of Philadelphia, 1981.
- McCrone, Brian. "Dad Charged with Telling Daughter: Do Not Snitch." *The Philadelphia Metro*, April 25, 2006.

- Lewis, Anthony. "Housing for Philadelphia's Black in 1980: It's Still an Unequal Opportunity." In *The State of Black Philadelphia, 1981*. Philadelphia: Urban League of Philadelphia, 1981.
- Matthews, Thurgood. Interview by Sam George. Philadelphia, Pennsylvania, January 19th, 2007.
- Mathis, Thaddeus. "The Status and Growth of Black Political Impedance in Philadelphia, 1979-1980." In *The State of Black Philadelphia, 1981*. Philadelphia: The Urban League of Philadelphia, 1981.
- Mosse, George. Interview by Sam George. Philadelphia, Pennsylvania, August 24, 2006.
- Nodiff, Laurence. Interview Sam George. Philadelphia, Pennsylvania, January 22nd, 2007.
- Notebaert, Edmond, & Rostain, Anthony, & Schwarz, Donald. "Cocaine Abuse and Black Children" in *The State of Black Philadelphia, Vol. VIII: The Plight Of African American Children & Youth*. Philadelphia: The Urban League of Philadelphia, 1989.
- Notes of Testimony, *Commonwealth of Pennsylvania v. Duane Brown*. CP0103-073 1/1, April 12, 2005; June 15, 2003; July 15, 2003; January 23, 2006 – February 8, 2006.
- Office of the City Controller of Philadelphia. *Philadelphia: A New Urban Direction*. Philadelphia: Saint Joseph's University Press, 1999.
- Perry, Carrolle. "Black Unemployment in Philadelphia", in *The State of Black Philadelphia, 1981*. Philadelphia: Philadelphia Urban League, 1981.
- Putter, Candace. Interview by Sam George. Oberlin, Ohio, March, 25, 2007.
- Pompilios, Natalie. "Crime of Fashion." *The Philadelphia Inquirer*, August 7th, 2005, Page A01.
- Randolph, Jim. Interview by Sam George. Philadelphia, Pennsylvania, August 29th, 2006.
- Rehill, Mary. Interview by Sam George. Philadelphia, Pennsylvania, January 24th, 2007.
- Shaw, Julie. "Witness balked, but trial still ordered." *The Philadelphia Inquirer*, December 6, 2006.
- "Snared by the Street", *The Philadelphia Inquirer*, July 30th, 2006.

“Street Code Slams into a Higher Law.” *Philadelphia Daily News*, April 26, 2006.

Weyrich, Noel. “Don’t Start Snitching.” In *Philadelphia Magazine*. December 2006, Pg. 68-74.

Secondary Sources

Abu-Jamal, Mumia. *Live from Death Row*. New York: Perennial Books, 1996.

Adams, Carolyn, ext. *Philadelphia: Neighborhoods, Division, and Conflict in a Postindustrial City*. Philadelphia: Temple University Press, 1991.

Anderson, Elijah. *The Code of the Street: Decency, Violence, and the Moral Life of the Inner City*. New York: W. W. Norton & Company, 1999.

Anderson, Elijah. *Streetwise: Class, Race, and Change in an Urban Community*. Chicago: University of Chicago Press, 1990.

Bates, Timothy, and Fusfeld, Daniel. *The Political Economy of the Urban Ghetto*. Edwardsville: Southern Illinois University Press, 1984.

Bauman, John. *Public Housing, Race, and Renewal: Urban Planning in Philadelphia, 1920- 1974*. Philadelphia: Temple University Press, 1987.

Bauman, John; Hummon, Norman; and Muller, Edward. “The Richard Allen Homes.” In Trotter, Joe; and Ledell, Eric ed. *African Americans in Pennsylvania: Shifting Historical Perspectives*. Harrisburg: Pennsylvania University Press, 1997.

Beauregard, Robert. *Voices of Decline: The Postwar Fate of U.S. Cities*. New York: Routledge, 2003.

Berne, Emma Carlson ed. *Cocaine: The History of Drugs*. Detroit: Greenhaven Press: 2006.

Brewer, Rose. Lui, Meuzhu. Robles, Barbara. *The Color of Wealth: The Story Behind the US Racial Wealth Divide*. New York: The New Press, 2006.

Canton, David. “The Political, Economic, Social, and Cultural Tensions in Gangsta Rap”. *Reviews in American History* 34. Johns Hopkins University Press, 2006, Pg. 244-257.

Christianson, Scott. *With Liberty for Some: 500 Years of Imprisonment in America*. Boston: Northeastern University Press, 1998.

Countryman, Matthew. “From Protest to Politics; Community Control and Black Independent Politics in Philadelphia, 1965-1984.” In *Journal of Urban*

- History*. Vol. 32 No.6, 813-861. Sage Publications, 2006.
- Glasgow, Douglas. *The Black Underclass; Poverty, Unemployment, and Entrapment of Ghetto Youth*. San Francisco: Jossey-Bass Publishers, 1980.
- Grogger, Jeff, and Willis, Mike. *The Introduction of Crack Cocaine and the Rise in Urban Crime Rates*. Massachusetts: National Bureau of Economic Research, 1998.
- Gest, Ted. "Cocaine Sentencing Policy: Crack Versus Powder." In Berne, Emma Carlson ed. *Cocaine: The History of Drugs*. Greenhaven Press: 2006.
- Gorz, Andre. *Farewell to the Working Class: An Essay on Post-Industrial Socialism*. London: Pluto Press, 1980.
- Hopkins, Jerry. "Cocaine as a Status Symbol" in Berne, Emma Carlson ed. *Cocaine: The History of Drugs*. Greenhaven Press: 2006.
- James, William, and Johnson, Stephen. *Doin Drugs: Patterns of African American Addiction*. Austin: University of Texas Press, 1996.
- Lamar Jr., Jacob. "Crack Starts its Rise", in Berne, Emma Carlson ed. *Cocaine: The History of Drugs*. Greenhaven Press: 2006.
- Lane, Roger. "Black Philadelphia Then and Now; The Underclass of the late 20th Century Compared with Poorer African Americans of the Late 19th Century" in Herrell, Adele. Peterson, George ed. *Drugs, Crime, and Social Isolation; Barriers to Urban Opportunity*. Washington: The Urban Institute Press, 1992.
- Ledell, Eric, and Trotter, Joe, ed. *African Americans in Pennsylvania: Shifting Historical Perspectives*. Harrisburg: Pennsylvania University Press, 1997.
- Marable, Mannint. *Race, Reform, and Rebellion: The Second Reconstruction in Black America, 1945-1990*. Jackson: University Press of Mississippi, 1991.
- Massey, Douglas. "Segregation and Violent Crime in Urban America." in Anderson, Elijah, and Massey, Douglas ed. *Problem of the Century: Racial Stratification in the United States*. New York: Russell Sage Foundation, 2001.
- Mauer, Marc. *Race to Incarcerate, Revised and Updated*. New York: The New York Press, 2006.
- Metraux, Stephen. "Waiting for the Wrecking Ball: Skid Row in Postindustrial Philadelphia." In *Journal of Urban History* (1999, 25: 690-715).
- Miller, Jerome. *Search and Destroy: African American Males in the Criminal Justice*

- System*. New York: The Cambridge University Press, 1996.
- Milovanic, Dragan & Russell, Kathryn. *Petit Apartheid in the U.S. Criminal Justice System*. North Carolina: Carolina Academic Press, 2001.
- Notebaert, Edmond, & Rostain, Anthony, & Schwarz, Donald. "Cocaine Abuse and Black Children" in *The State of Black Philadelphia, Vol. VIII: The Plight Of African American Children & Youth*. Philadelphia: The Urban League of Philadelphia, 1989.
- Pitney, Howard. *The African American Jeremiad: Appeals for Justice in America*. Philadelphia: Temple University Press, 2005.
- Quinn, Eithne. *Nuthin' But a "G" Thang: The Culture and Commerce of Gangsta Rap*. New York: Columbia University Press, 2004.
- Richards, Eugene. *Cocaine True, Cocaine Blue*. New York: Aperture, 1999.
- Saddick, Annette. "Rap's Unruly Body; The Postmodern Performance of Black Male Identity", *The Drama Review* 47. New York University, 2003.
- Schaller, Michael. *Right Turn: American Life in the Reagan-Bush Era: 1980-1992*. New York: Oxford University Press, 2007.
- Shull, Steven. *A Kinder, Gentler Racism: The Reagan-Bush Civil Rights Legacy*. New York: M.E Sharpe, 1993.
- Simon, David, and Burns, Edward. *The Corner: A Year in the Life of an Inner-City Neighborhood*. New York: Broadway Books, 1997.
- Sullivan, Rachel. "It's Got a Nice Beat, But What About the Message?" *Journal of Black Studies, Vol. 33, No. 5*. Sage Publications, 2003.
- Tonry, Michael. *Malign Neglect- Race, Crime, and Punishment in America*. New York Oxford University Press, 1995.
- Wacquant, Loic. "Deadly Symbiosis; When Ghetto and Prison Meet and Mesh" in *Punishment and Society, Vol. 3(1)*. London: SAGE Publications.
- Waldorf, Dan, Reinerman, Craig, and Murphy, Sheigla. "Understanding Crack: The Scientific Perspective." in Berne, Emma Carlson ed. *Cocaine: The History of Drugs*. Greenhaven Press: 2006.
- Walters, Ronald. *White Nationalism, Black Interest: Conservative Public Policy And the Black Community*. Detroit: Wayne State University Press, 2003.

Weiner, Mark. *Black Trials: Citizenship from the Beginnings of Slavery to the End Of Caste*. New York: Vintage Books, 2004.

Welshman, Josh. *Underclass: A History of the Excluded 1880-2000*. New York: Palgrave Macmillan Press, 2006.

Wilson, David. *Cities and Race: America's New Black Ghetto*. New York: Routledge, 2007.

Wilson, William Julias. *When Work Disappears*. New York: Alfred A. Knopf, 1996.

The crime, the witnesses' silence, the state's response, the judge's actions, and the jury's verdict in *The Commonwealth of Pennsylvania v. Dwayne Brown* exemplify the collapse of relations between inner city African American Philadelphia and the criminal justice system, as well as the problematic approach the state uses to combat the crisis. As a conclusion to this thesis, I will situate this case study as a product of the historical narrative I have developed.

Raison d'être

Without acknowledging a historical approach to the crisis, Philadelphia risks succumbing to emotional reactions that do not address the root of the problem. For example consider Noel Weyrich's article, "Don't Start Snitching" which appeared in the December 2006 edition of *Philadelphia Magazine*. Weyrich lampoons Police Commissioner Sylvester Johnson for "whining impotently that 'we're not going to arrest our way out of this,'" along with "bleeding-heart, imbecile judges, who don't believe in stiff sentences."⁸ Weyrich's article essentially begs for the two responses that *caused* the division to begin with: more arrests and tougher penalties.

Should we respond with an emotional knee-jerk reaction, as occurred when Philadelphians resisted integration in the 1950s and 1960s, as occurred when the nation turned to conservatism in the early 1980s, and as occurred when the nation declared the War on Drugs in the late 1980s, we are but setting our city up for another crisis, inevitably worse than that which preceded it.

To my knowledge, no prior historical analysis of the phenomenon of witness silence exists. Although some topics in this paper have been written about extensively (such as de-industrialization and the failures of the War on Drugs), I have attempted to

⁸ Noel Weyrich. "Don't Start Snitching." In *Philadelphia Magazine* (December 2006, Pg. 68-74), 70.

use these subjects to create a new thesis: a historical development of the ‘Stop Snitching’ phenomenon. A narrative that combines courtroom analysis with neighborhood developments fills an important gap in the field of modern African American history.

In other portions of the paper, I believe that I submit original arguments. For example, Chapter 4 features a lengthy discussion of the phenomenon of district attorneys and detectives reading and re-reading out-of-court statements subsequently disavowed by witnesses in the courtroom and the use of those out-of-court statements as a substitute for in-court, under-oath eyewitness testimony. This development, which has become a daily occurrence in Philadelphia’s courtrooms, has yet to be considered in academic circles. Furthermore, this thesis relies heavily on 15 interviews that I held with individuals intimately involved with the ‘Stop Snitching’ phenomenon. These subjects not only witnessed the development of the crisis, but they are also charged with the task of solving it. Their candid testimonies represent additions to the field.

Chapter 1:

The Structural Foundation of the Code of Silence: Philadelphia, 1945-1980

In those days, (the gangs) weren't about an economic affiliation. It was a strong sense of belonging to your community...and I emphasize that you just worried about getting beaten up.

-Jim Randolph¹

¹ Jim Randolph, interview by Sam George, 8/29/2006.

1.1 An integrated Philadelphia?

Given the promising legal developments calling for racial integration during the 1950s, a time-traveling Philadelphian from that era would likely be shocked by the heavily segregated nature of Philadelphia in 1980. As World War II whipped the United States into total mobilization, factory owners had little choice but to employ African Americans in significant quantities. Shortly thereafter, *Brown v. Board of Education of Topeka*, as litigated in 1954, “sounded the death knell for Jim Crow, generally.”² With the culmination of legally institutionalized racism, Philadelphia’s African Americans appeared to gain access to full employment, with sufficient salaries to raise a middle class family. As an apparent consequence of consistent employment, the percentage of two-parent African American homes in Philadelphia reached an all-time peak.³

However, lurking behind this general air of effective integration were subtler forms of institutionalized racism that began to emerge throughout the 1950s and 1960s. Though impressive, liberties gained during the Civil Rights Movement (such as access to political positions) often proved of little avail in confrontation with the negative effects of physical isolation. A formidable code of silence could not engulf a community unless that community was spatially and emotionally disconnected from the greater community of Philadelphia.

Indeed, as late as 1940, Philadelphia did not suffer from hyper-segregation. Up until 1950, Black Philadelphians lived predominantly in racially mixed neighborhoods immediately south, west, and north of Center City. While these neighborhoods would

² Mark Weiner. *Black Trials: Citizenship from the Beginnings of Slavery to the end of Caste*. (New York: Vintage Books, 2004) Pg. 280.

³ Joe Trotter and Eric Ledell ed. *African Americans In Pennsylvania: Shifting Historical Perspectives*. (Harrisburg: Pennsylvania University Press, 1997).

later become the heart and vital organs of contemporary inner city Black Philadelphia, numerous ethnic groups shared these communities at the time. For example, Dwayne Brown's neighborhood of North Philadelphia, roughly bounded by Spring Garden Street on the south, Lehigh Avenue on the north, and the Schuylkill River on the west had thriving populations of Germans, Irish, Russians, Poles, and Ukrainians, complementing a 39% African American population in the 1940s.⁴

Following World War II, Philadelphia faced two major demographic phenomena that challenged many Northern cities of the United States: 1) African American migration north, and 2) A wholesale white exodus to new suburban enclaves. As these demographic evolutions have been documented extensively elsewhere,⁵ suffice it to say that between 1960 and 1977, 20,000 African Americans moved into Philadelphia, while 200,000 whites abandoned the city.⁶ Ethnographically, the migrant African Americans often represented "the poorest, least healthy, and least educated group of citizens in the United States,"⁷ while the fleeing Whites had the economic means to move into more expensive suburban properties. While these changes held obvious economic ramifications for the communities, it was the process of de-industrialization that truly cost the growing African American communities their utility in Philadelphia's capitalist society.

⁴ John Bauman *Public Housing, Race, and Renewal: Urban Planning in Philadelphia, 1920-1974*. (Philadelphia: Temple University Press, 1987), 84.

⁵ For a more in-depth discussion of white flight, see Lizbeth Cohen's *Consumer's Republic*, Robert Beauregard's *Voices of Decline: The Postwar Fate of U.S. Cities*, Ronald Walters' *White Nationalism, Black Interest*, and the National Research Council's *Inner-City Poverty in the United States*.

⁶ Carolyn Adams, etc. *Philadelphia: Neighborhoods, Divisions, and Conflict in a Postindustrial City*. (Philadelphia: Temple University Press, 1991), 84.

⁷ Timothy Bates and Daniel Fusfeld. *The Political Economy of the Urban Ghetto*. (Edwardsville: Southern University Press, 1984), 62.

1.2 Got a Knuckle? Gang Violence in Latter Industrial Philadelphia

“I’ve been stabbed more times than you’ve been kissed,”⁸ George Mosee, current head of the Delinquent Unit of the District Attorney’s Office, stated flatly to me from his office in Center City Philadelphia. Like Mosee, Jim Randolph, the man responsible for overseeing Philadelphia’s services for delinquent youth, emerged from inner city Black Philadelphia. These men told me that inner-city Philadelphia of the 1950s and 1960s was rife with gang conflict. Mr. Randolph spoke extensively on the nature of these conflicts:

I am from North Philadelphia, and I had family at 16th and Huntington.⁹ When I grew up,¹⁰ North Philadelphia was a tough, poor, mostly Black, very difficult place to live. I grew up during the time of gangs, but they were fist-fighting gangs. They were fist-fighting gangs, and everybody belonged to one; it was like a right of passage. A gang was defined by turf, and that’s what we fought over. You were safe with your gang, but if you strayed from your block, you might get ‘rolled on’ (beat up), but I was never afraid of getting killed; it wasn’t about getting shot...It was young guys, 13,14,15 years old, then you grow out of it and become a family man, an ‘old head.’

In those days, it wasn’t an economic affiliation, it was a strong sense of belonging to your community...I can’t say that it was all negative. I still feel close to some of those guys...and I emphasize that you just worried about getting beaten up.¹¹

William Harvey, Dwayne Brown’s father grew up in the same neighborhood. He provided corroborating oral history:

Dwayne got shot when he was 14: They robbed him and they shot him. See, I grew up in the same neighborhood, and I didn’t have to worry about that. When I grew up, people would ask for a knuckle. You show them what you can do with a fist, and they don’t pick on you no more...It wasn’t about money. It was about gangs. It went from gang wars to drug wars. Now they wanna shoot each other over money.¹²

⁸ George Mosee, interview by Sam George, 8/26/2006.

⁹ This intersection is only blocks away from the intersection of York St. & Cleveland St., where the crime that sparked this inquiry occurred.

¹⁰ Mr. Randolph is 58 years old.

¹¹ Randolph, interview. In *Fist, Stick, Knife, Gun: A Personal History of Violence in America*, Geoffrey Canada gives a very similar account of the nature of gang violence in pre-crack cocaine inner city neighborhoods. Canada grew up in the Bronx, New York.

¹² William Harvey, interview by Sam George, 8/20/2006.

Mosee's cheap shot at my love life was meant to argue the same point: "The kids of my day were way tougher, but without the nihilistic attitude; without the guns."¹³

North Philadelphia was no playground prior to crack cocaine. However, we can use these testimonies to establish a different complex form of gang activity. The descriptions of gang activity in the 1950s suggest a strong allegiance to, and identification with one's neighborhood. Most importantly perhaps, these testimonies establish that even though gangs existed in the 1950s through the 1970s, these organizations were not *excessively* violent, and not motivated by economic incentive.

1.3 When Work Disappears¹⁴: De-Industrialization

During the early post-war years, the risk taken by migrant African Americans seemed to pay off. In the late 1940s, Philadelphia constructed the Richard Allen Homes, complete with front lawns and modern kitchens for its growing African American working class in North Philadelphia. Between 1945 and 1952, married couples with children comprised 70% of the homes' occupants.¹⁵ Jim Randolph remains acutely aware of the positive effect the factories had on his community. In interview, he explained:

Economically, North Philadelphia is worse off now... We had a lot of poverty, but in the 50s there were more opportunities for undereducated men to find work, raise a family, and keep that family together. Jobs like the Philco plant, the garment industry, construction... We weren't living high on the hog, but we had opportunities. Myself, I got a job over at the Philco plant in Kensington.¹⁶

¹³ Mosee, interview.

¹⁴ William Julius Wilson. *When Work Disappears*. (New York: Alfred A. Knopf Books, 1996).

¹⁵ John Bauman, Norman Hummon, & Edward Muller. "The Richard Allen Homes." In Joe Trotter and Eric Smith ed. *African Americans in Pennsylvania: Shifting Historical Perspectives*. (Harrisburg: Pennsylvania University Press, 1997), 452

¹⁶ Randolph, interview. This analysis is consistent with Wilson's conclusions in *When Work Disappears*.

As these factories left the city, Philadelphia transitioned from an industrial to a service economy. Given the changing demographics, Philadelphia had little choice but to raise business taxes.¹⁷ When labor and transit problems augmented economic issues, businesses responded by shifting investments out of the city. After the war, the majority of Philadelphia's large factories that had hired African Americans, such as Budd and Cramp Ship Company, either left the city for suburban locations or closed up shop.¹⁸

Statistics depict the effects of de-industrialization: In Philadelphia, between 1955 and 1975, three out of every four industrial jobs disappeared.¹⁹ By 1960, 78% of Philadelphia's African American families earned less than the \$4,000 deemed necessary to purchase an inexpensive house.²⁰

By 1970, 93.3% of North Philadelphia's population was Black.²¹ In 1964, married couples headed less than 40% of Richard Allen homes, while single-mother families rented 48% of the apartments.²² Shaking his head, Mr. Randolph explained to me, "those jobs are all gone now. Go visit Kensington: They're just shells over there; the factories...there is nothing, they're all gone."²³ Randolph, who holds an eminent position within the city fighting to rehabilitate delinquent youth, concluded, "Today, an

¹⁷ Historian Robert Beauregard sums up the resultant catch-22: "City governments had to raise property taxes to maintain services and address slums, blight, poverty and widespread unemployment. To raise taxes, though, was to accelerate the flight of the city's businesses and households, and its taxpayers."¹⁷

¹⁸Bauman, 84. Furthermore, the Campbell Soup Company shut down its inaugural plant and headquarters located in Camden, New Jersey. Though in New Jersey, Camden is essentially 'East Philadelphia', as only a thin stretch of the Delaware River separates the suburb from downtown Philadelphia, and the opulent Center City skyline is readily visible from Camden's downtrodden streets.

¹⁹ Adams, 81.

²⁰ Bauman, 87.

²¹ Bauman, 84.

²² Bauman, Hummon, Muller, 455.

²³ Randolph, interview.

undereducated person has literally no shot of finding a job that will pay him a salary and allow him to support a family.”²⁴

As the factories slipped outside of city limits, a large number of the city’s neighborhoods “simply became disconnected from the structures of opportunity.”²⁵

While the city evolved from an industrial to a service economy, working class neighborhoods devolved into to mass holding zones where the city planners and politicians quite literally dumped those who stood between them and their dream of a gentrified Center City.

1.4 A Failed Response to Crisis & the Dilapidation of North Philadelphia

By year 1950, ‘urban blight’ dominated Center City Philadelphia, the core of industrial Philadelphia. However, with post-World War II de-industrialization, “the labor niche that ‘skid row’ occupants once occupied was no longer there to serve as a prop against images of drunken men, squalid flophouses, and panhandlers.”²⁶

Stretching the definition of ‘urban blight,’ Philadelphia city officials chose to “characterize Skid Row’s residents in terms of blight...mixing social and spatial meanings.”²⁷ Thus, Center City Philadelphians submitted to the eminent domain of the city. Led by the National Association for the Advancement of Colored People (NAACP), African Americans showed great optimism, and a willingness to let their houses be razed, with the understanding that they would later be re-housed in modern, multiracial facilities. Little did they know that their government would, in the end, simply dump

²⁴ Ibid.

²⁵ Adams, 27.

²⁶ Metraux, 659.

²⁷ Ibid, 699.

them into dilapidated North and West Philadelphia neighborhoods, creating racially and economically segregated neighborhoods.

In 1956, Central Urban Renewal Area (CURA), the organization responsible for the redevelopment, unveiled a controversial set of proposed housing locations, which the city government would later reject. Led by William Rafsky, CURA had planned to achieve multi-racial housing by placing the new public facilities in predominantly white neighborhoods. Typical site selections included one in the Olney section, a low-density working class neighborhood that boasted relatively new housing, high rates of homeownership, and proximity to then-thriving industries. Its white residents actively resisted the intrusion of public housing, arguing in town meetings that, “public housing depressed property values and attracted Blacks, slum people, criminals, and other riff raff.”²⁸

Perceiving a hot-button issue among residents likely to vote, City Council convened, and returned with a new set of proposed sites which overwhelmingly failed to complement the long-range objectives of the CURA plan. Rafsky capitulated bitterly, uttering “the opposition was so deep-seeded in its fundamental attitude that it would take a great deal of doing before we convince the leadership.”²⁹

Left with no other solutions, CURA promptly began building public housing in heavily concentrated, poverty stricken African American neighborhoods. Between 1956 and 1978, the Philadelphia Housing Authority (PHA) opened 16 new housing projects. Only seven remained from CURA’s original 21 locations, and only two of these seven, located in Germantown and West Oak Lane, had attracted serious neighborhood

²⁸ Bauman, 164.

²⁹ Ibid, 165.

opposition. The PHA constructed no facilities in the White strongholds of Olney, the greater North East, Roxborough, and Italian South Philadelphia.³⁰ Thus, CURA's response served only to further concentrate urban poverty.³¹

1.5 The Effects of Failed Reform

Tensions rose during the sweltering summer months of 1964. As white merchants serving Black communities pursued questionable tactics, an estimated 1/5th of North Philadelphia's African Americans faced exponentially increasing debts.³² Complaints of police brutality began to weigh in and the pressure cooker popped. Three days of violent rioting broke across North Philadelphia's most overcrowded, unemployed neighborhoods. Within a five-block radius of 'ground zero,' only 54 of 170 businesses emerged unscathed. All but two of the spared stores were Black-owned, sporting signs to this effect in their windows.

These riots exacerbated the trends that had spawned the ghettos, and reflected increasing spatial and economic isolation. For one, the riots of the 1960s fueled white fears of the Black community: A wholesale White exodus from the city's inner rings followed the riots.³³ Secondly, the riots marked a substantial cutback in the service

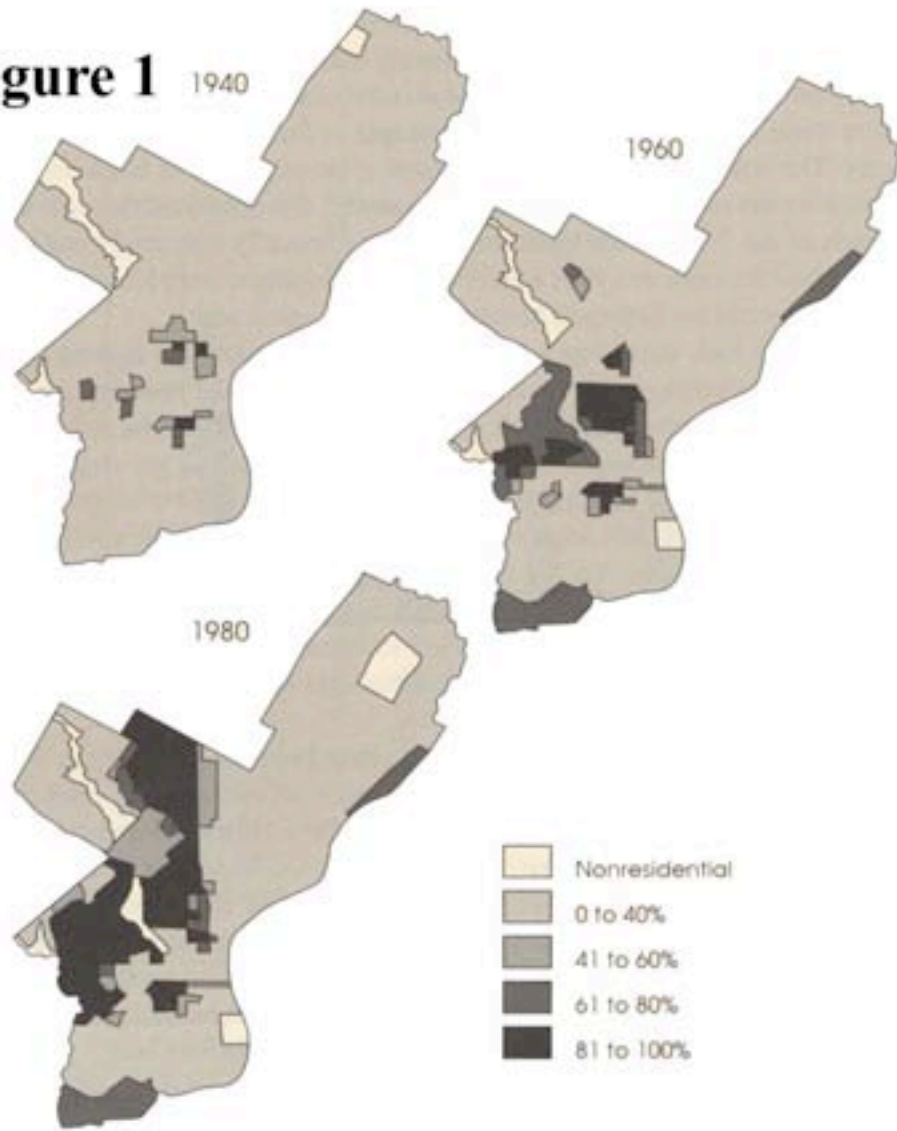
³⁰ Ibid, 169.

³¹ Making matters worse, not only did the PHA fail to provide desegregated, economically viable public housing, but the PHA also failed to adequately re-house those displaced following the razing of Center City. As Bauman writes on page 149 of *Public Housing, Race and Renewal* : "An astounding 52.8% of the uprooted families either refused to cooperate with the bureau, or disappeared, as none of the precautions effectively addressed the housing needs of the thousands of black families trapped in the path of urban renewal. A study reported that out of one group of 7,000 families relocated between 1955 and 1960, only one out of ten families found satisfactory dwellings." Experts suspect that these families packed into fringe neighborhoods left by fleeing whites, or relocated into the decaying heart of the black ghetto. **Figure 1 (Page 10)**, depicts the extent to which African Americans overwhelmingly condensed into areas of North and West Philadelphia in the post-industrial years.

³² Lenora Berson. *Case Study of a Riot: The Philadelphia Story*. (New York: Institute of Human Relations Press, 1966), 26.

³³ Adams, 83.

Figure 1 1940



The proportion of blacks in Philadelphia neighborhoods, 1940, 1960, and 1980

Sources: *Social Science Data Library Philadelphia Historical Data File, 1929-1985* (machine readable data file) (Philadelphia: Temple University Social Science Data Library, 1989). Data reported in this figure are based on: *U.S. Census of Population and Housing, 1940: Statistics for Census tracts, Philadelphia, PA* (Washington, D.C.: Government Printing Office, 1942); *U.S. Census of Population and Housing, 1960: Census Tracts, Philadelphia, PA-NJ Standard Metropolitan Statistical Area* (vol. 1, no. 116) (Washington, D.C.: Government Printing Office, 1962); *U.S. Census of Population and Housing, 1980: Summary Tape File 3A*, prepared by the Bureau of the Census (machine readable data file) (Washington, D.C.: Bureau of the Census, 1982).

economy that *had* existed in inner city Black communities. William Harvey, who recalls the violence vividly, described its effects:

When I was a kid, it was racially mixed. We had corner stores, shoe shops, we could buy clothing all down Susquehanna Avenue, people knew you by name, and you could have debts at the store. During the riots, they destroyed everything...and none of those stores ever came back.³⁴

50% of new businesses in the immediate post-riot years went bankrupt during their first year, and another 50% of the remaining businesses folded by their fifth year.³⁵

At the time, an African American manager of Mildy's Shoe Store commented, "when a business closes up, the place stays empty. It is very hard to get new businesses here, and every time a store goes, some jobs go for the people who live here."³⁶ Thus, the inner city became further isolated from Philadelphia's economy.

Furthermore, the bleak economic outlook left those with a dollar to invest little choice but to invest that dollar elsewhere. 1970s inner city economists Timothy Bates and Daniel Fusfeld note that:

A substantial portion of the savings of the urban ghetto goes into financial institutions whose investment policies draw funds out of the area and into business loans, mortgages, in other investments elsewhere. Little comes back to support the ghetto economy.³⁷

These developments in the urban economy persisted throughout the upcoming decades. A comprehensive study of the city conducted in 1999 by the Office of the City Controller of Philadelphia came to a conclusion that, "many city residents travel great

³⁴ Harvey, interview.

³⁵ Berson, 50.

³⁶ Berson, 50.

³⁷ Bates and Fusfeld, 137.

distances to shop for necessities- or shop in their neighborhoods at high-priced ‘convenience’ stores.”³⁸

As for housing, in the years following the riots, city government quietly forgot about any plans to integrate the city. Anthony Lewis, a regular contributor to *The State of Black Philadelphia*, a volume released annually in the 1980s, argued that throughout the 1970s, under the euphemism of ‘recycling’, city policy encouraged the deterioration of poor and Black neighborhoods in Philadelphia, as services were cut and supportive programs withdrawn. With respect to the city’s true desire of gentrification, Lewis writes, “When enough properties were abandoned, and enough people forced or lured into other neighborhoods, services were not only renewed, but increased. Rehabilitation poured in from many private and public sources.”³⁹ In 1974, a Housing and Community Development Act upheld this process, stressing the need for “spatial de-concentration of low income neighborhoods and the revitalization of these neighborhoods to attract persons of higher income.”⁴⁰ Essentially, this ‘recycling’ was a subtler version of the ‘Urban Renewal’ of the 1950s. The effects were extensive: Towards the end of the 1970s, an estimated ½ of Philadelphians needed housing assistance, while 22,000 homes were abandoned and more than 39,000 families occupied substandard, non-public housing.⁴¹ Lewis charges that between 1975 and 1978, the Office of Housing and Community Development (OHCD) spent only 4.6% of the total community development budget, and that, as of 1981, millions of dollars allocated to this program had not been

³⁸ Office of the City Controller. *Philadelphia: A New Urban Direction*. (Philadelphia: Saint Joseph’s University Press, 1999), 153.

³⁹ Anthony Lewis. “Housing for Philadelphia’s Black in 1980: It’s Still an Unequal Opportunity.” In *The State of Black Philadelphia, 1981*. (Philadelphia: The Urban League of Philadelphia, 1981), 30.

⁴⁰ Lewis, 30.

⁴¹ *Ibid*, 31.

put to use. In 1981, Lewis wrote, “OHCD’s refusal to spend these millions in Black areas like North Philadelphia can only be interpreted as the local government’s intent to let these neighborhoods decline in preparation of recycling.”⁴²

The Philadelphia City Controller’s 1999 study concluded that Philadelphia contained an abundance of vacant property. **Figure 2** (Page 14) is a reproduction of the Controller’s graph, depicting extensive vacancy in North Philadelphia. The study proceeds to lament that despite crucial tax cuts provided to any business willing to operate in these blighted neighborhoods, “developers and employers continue to choose to forego benefits associated with the zones for locations with greater amenities and potential to generate profit,”⁴³ and the study offers suggestions that would encourage gentrification. These developments not only support Lewis’ testimony that the city stood by and watched the neighborhoods deteriorate, but also seems to suggest that the city accidentally allowed these zones to *over*-deteriorate, to the point that even economic incentives could not lure a higher class clientele.

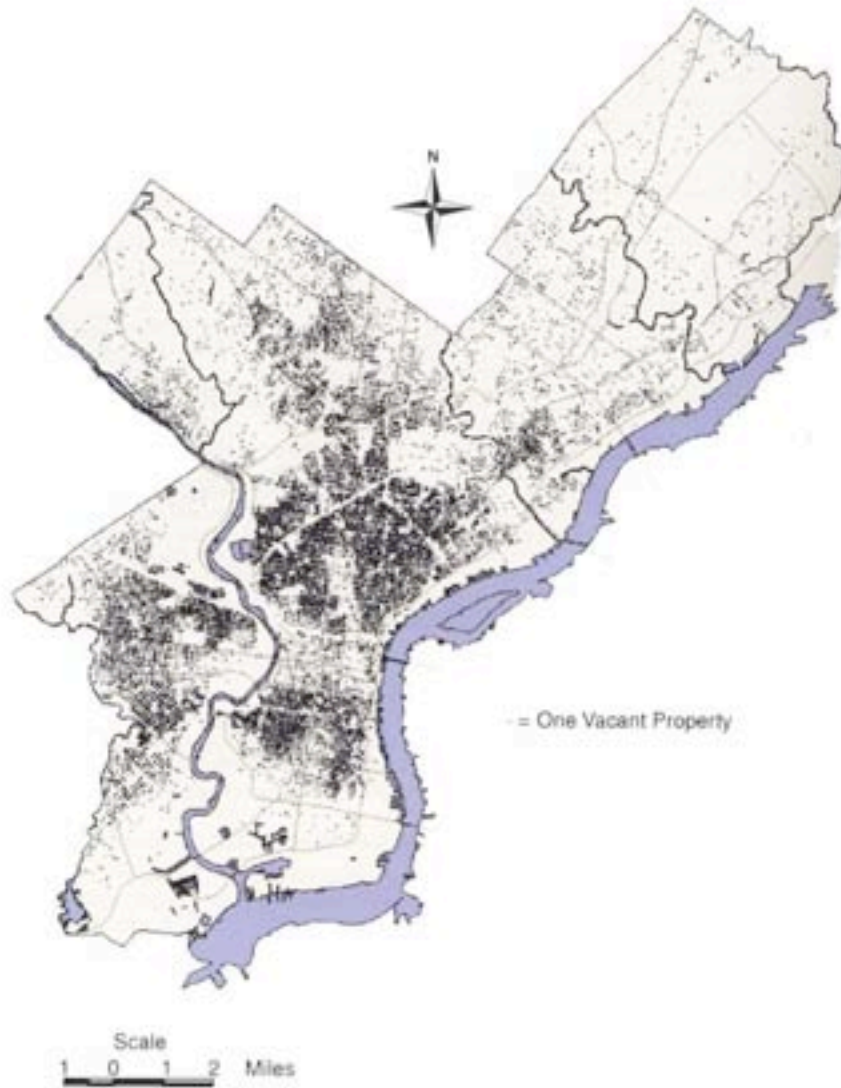
1.6 Philadelphia’s Black Independent Political Movements of the 1970s

Despite the firm entrenchment of poor African Americans in certain North and West Philadelphia neighborhoods, residents had yet to adopt the fatalistic approach held by many youth of the same neighborhoods today. Residents still felt connected to the city and its government, and they maintained a belief in the ability to successfully fight for reform within the existing system. Independent African American political movements throughout the 1970s exemplify this belief. Certain Black politicians and

⁴² Ibid, 32

⁴³ The Office of the City Controller of Philadelphia, 154.

Figure 2 Vacant Properties in Philadelphia



Map produced by City of Philadelphia Mayor's Office of Information Services
Data Sources: City of Philadelphia Board of Revision of Taxes,
Department of Licenses and Inspections, and Bureau of Water Revenue

influential members of the Church believed that through their dollar and their vote, they could make the will of the African American communities a force to be reckoned with.

Philadelphia's African American vote began to move primarily from the Republican to the Democratic party during the New Deal. By the 1950s, Philadelphian Democrats exercised dominance over city politics; an advantage that they enjoy to this day. Democratic Mayor Richardson Dilworth genuinely sought liberal reforms in the 1950s, including the establishment of the CURA organization, and the Commission on Human Relations, designed to "bring an end to racially discriminatory employment practices in the city's public and private sectors."⁴⁴

However, by the 1960s, residents criticized the Democratic Party for its machine politics, which functioned based on favors and rewards for party loyalty. John White, who later founded the Black Political Forum (BPF), referred to this system as "plantation politics."⁴⁵ The Democratic machine feared integration, as "Reform had become a hindrance to the party's consolidation of power in the city,"⁴⁶ and might cost the party middle class white votes.

African Americans responded with politically independent movements. In an interview with the author, Wilson Goode described his role as an activist in independent Black politics. Goode explained that the movement's initiative was to "run and elect candidates independent from the Democratic Party."⁴⁷ Like White, Goode used references to slavery to describe the situation, suggesting that the movement aimed to

⁴⁴ Matthew Countryman. "From Protest to Politics; Community Control and Black Independent Politics in Philadelphia, 1965-1984." In *Journal of Urban History*, Vol. 32, No.6 September 2006, 813-861. (Sage Publications, 2006), 819.

⁴⁵ Countryman, 814.

⁴⁶ Ibid, 820.

⁴⁷ Wilson Goode, interview by Sam George, 2/6/2006.

break the “shackles” in which the Democratic Party bound the African American citizens, and to loosen the “noose” held around their necks. Wilson Goode explained that, “Black leaders were willing to challenge the machine apparatus, under the belief that the African American vote was irrelevant to handpicked Democrats.”⁴⁸

Throughout the 1970s, Black Power movements implicated traditional leaders as villains, and year after year, African American activists attempted to mount independent campaigns against the figures endorsed by the Democrats. Goode explained that while the Democratic Party benefited from modern forms of technological propaganda, the independent politicians spread their word by literally campaigning door-to-door.⁴⁹ For years, Democratically-endorsed candidates stomped these movements on Election Day.

Nevertheless, despite low budgets and setbacks,⁵⁰ independent black political movements achieved notable success. Wilson Goode identified Hardy Williams’ election to the State House of Representatives as the first significant accomplishment of Black Independent Politics. Goode himself ascended to the position of Mayor in 1984.

Historian of Philadelphia Mathew Countryman criticizes Goode’s ascension, writing,

Though Goode began his career as a prominent leader of the activist wing, he would enter the mayor’s office as a consummate insider, a politician whose moderate image reassured business and political leaders who feared what Black political power could mean for the city.⁵¹

When confronted with the above quote, Goode offered a different interpretation.

Considering that he won the Democratic primary despite the lack of Party endorsement,

⁴⁸ Goode, interview.

⁴⁹ Goode, interview.

⁵⁰ At times, the Democratic Party actively stifled the movements. In the 1960s, Frank Rizzo, later a Democratic mayor of Philadelphia, acted as Police Commissioner of a violently anti-African American police corps. In 1966, Frank Rizzo led a crippling police raid on a momentum-gaining third party Black movement spearheaded by the SNCC. Rizzo claimed to be acting on an informant’s tip that the group was stockpiling explosives. In the raid, police recovered very little to corroborate this claim, but the raid did spell the end of the SNCC’s movement. (Countryman, 820)

⁵¹ Countryman, 846.

Goode does not consider himself an ‘insider.’ In his eyes, his election was the “great triumph of Black Independent Politics.”⁵² Members of the Black independent movement maintain that their re-integration into the Democratic Party did not represent an abandonment of the movement.

Even in the face of failures, the independent Black movements evidenced the momentum of the Civil Rights Movement maintained by the African American community into the 1970s. Even if the movement’s philosophy suggested that traditional parties did not represent African Americans, the movement itself reflected a refusal to accept isolation, and a will to fight it. This spirit contrasts significantly with that which exists today. According to Goode:

It is not even a question that Black Independent Movements are less active today. They don’t protest, they don’t contest, participate or vote. They are laid back and apathetic.⁵³

1.7 A Failure to Integrate

At precisely the moment when Philadelphia’s pool of laborers began to swell, industries left the city, leaving the accumulated masses of undereducated laborers out of luck. Huge numbers of citizens lost their legitimate access to capital. This phenomenon acted to divide, or segregate the unemployable from those trained to be productive within a service economy. In an industrial Philadelphia, even if on the low end of the totem pole, manual laborers shared the same economic culture with white-collar workers. With de-industrialization, the shared economic culture snapped, and following generations of youth felt a lesser connection to the legitimate economy, its government, its police, and its courts.

⁵² Goode, interview. After the primaries, Philadelphia’s Democratic Party supported Goode in the final election, and Goode assumed office as a Democrat in 1984.

⁵³ Goode, interview.

The housing crisis paralleled de-industrialization. An inadequate response to the crisis concentrated these underemployed citizens into substandard living facilities. Such physical segregation underscored socioeconomic divisions. The concentration would later facilitate the creation of a counter-culture that hardly felt connected to the *other* Philadelphia.

These two factors worked to eventually undermine the momentum and new possibilities provided by the Civil Rights Movement for certain African Americans. Despite poverty, old North Philadelphians such as District Attorney Mosee, DHS leader Randolph, and city employee Harvey all testify to a positive outlook on life in the city in the 1950s and 1960s. Randolph explained that, “we always knew that our life was of value, and that we could make something of ourselves in this world.”⁵⁴ Mosee affirmed that up through the 1970s, “the African American community, the poor community, was moving up. We were graduating from college and raising families.”⁵⁵ Furthermore, African Americans played active roles within city politics. Judge Renee Cardwell Hughes, the presiding judge over Dwayne Brown’s trial, cited Wilson Goode’s ascension to power as “an exciting time for African Americans in Philadelphia.”⁵⁶ However, the structural changes, which began brewing shortly after World War II, crept up behind these communities, leaving them deeply vulnerable to the instabilities of the 1980s.

⁵⁴ Randolph, interview.

⁵⁵ Mosee, interview.

⁵⁶ Renee Cardwell Hughes, interview by Sam George, 1/16/2007.

Chapter 2:

The 1980s: Philadelphia's Struggles with Reaganomics and Crack Cocaine

*We cannot put into words the effect on human life,
on the family, on the block, on the neighborhoods,
on the city, and on the budget of crack cocaine.*

-Wilson Goode⁵⁷

*I'm Old School, baby crack
I aint trying to bring the 80s back
When Haitians gave me hated Crack
Plus my momma hated Crack
Until we got evicted
And I came through with them 80 stacks.*

-Young Dro
(Hip-Hop Artist)

⁵⁷Goode, interview.

2.1 Early 1980s: Reaganomics & The Nation

In his 1980 Presidential campaign, Ronald Reagan declared that “in the present (urban) crisis... government is not the solution to our problem, government *is* the problem.”⁵⁸ During his campaign, Reagan promised to halt and roll back many of the New Deal’s precedents. This effort revolved around a proposed division between taxpayers, and “tax takers.”⁵⁹ Reagan criticized the progressive income tax, believing that Americans should be rewarded for achieving wealth. In what has been called the ‘trickle down effect,’ Reagan supported supply-side economics, under the theory that cutting taxes would stimulate business, as investors would have more resources to distribute throughout the economy.⁶⁰ This theory does not consider the economic isolation suffered by many inner city communities, which would be excluded from any such economic growth.

Setting the tone for his presidency, in January of 1981, Ronald Reagan asked Congress to cut the federal business tax rate by 25% over three years, and to lower the top marginal personal income tax rate from 70% to 50%. By August 13th of the same year, Reagan “signed two major laws: the Economic Recovery Tax Act, and the Omnibus Budget Reconciliation Act. The former slashed federal income tax rates by 25% over three years; the later cut \$40 billion dollars in domestic spending.”⁶¹

These trends continued throughout Reagan’s two terms in office. The Urban Development Action Grant program fell from \$675 million in 1981 to \$216 million in

⁵⁸ Michael Schaller. *Right Turn: American Life in the Reagan-Bush Era, 1980-1992*. (New York: Oxford University Press, 2007), 49

⁵⁹ According to historian Michael Schaller, “Taxpayers were hard working, mostly white Americans from whom the government took exorbitant sums of money. Tax takers were the ‘undeserving poor’ and minorities upon whom Democrats supposedly lavished federal resources.” (Schaller, 52).

⁶⁰ Ibid, 51

⁶¹ Ibid, 27.

1988, and then was eliminated altogether. Federally-financed production of subsidized housing fell by over 82% in the late 1980s.⁶² Many of these cuts had racially disparate implications.⁶³ Of the ten federal programs cut in 1985, six had more than 45% African American beneficiaries. Furthermore, economic resources earmarked for urban America often did not arrive under Reagan. In 1990, Congress concluded that throughout the Reagan years, The United States Department of Housing and Urban Development was “enveloped by influence peddling, favoritism, greed, fraud, embezzlement, and theft.”⁶⁴

Reagan further inflicted this recession upon the poor by pursuing a major neo-conservative goal: welfare reform. Conservatives latched on to the issue of welfare reform between 1965 and 1975, when the number of AFDC recipients jumped from 4.4 million to 11.4 million.⁶⁵ This jump reflects the effects of the de-industrialization discussed in Chapter 1. The effort to minimize assistance to the country’s most needy later came to fruition under George H.W. Bush and Bill Clinton.⁶⁶

2.2 Early 1980s: Reaganomics & Philadelphia

Immediately prior to Reagan’s election, Philadelphia was home to the greatest proportion of unemployed African Americans among the nation’s largest ten cities, with

⁶² Barbara Robles, Rose Brewer, Meizhu Lui. *The Color of Wealth: The Story Behind the US Racial Wealth Divide*. (New York: The New Press, 2006) Pg. 111-114.

⁶³ See **Figure 3** (Page 22): Changes in Social Spending Under Ronald Reagan.

⁶⁴ Schaller, 129.

⁶⁵ Ronald Walters. *White Nationalism, Black Interests: Conservative Public Policy and the Black Community*. (Detroit: Wayne State University Press, 1996), 153.

⁶⁶ Presidents George H.W. Bush and Bill Clinton continued Reagan’s national assault on welfare. As President Bill Clinton observed in his 1995 State of the Union Address, he “had heard America,” and that “the era of Big Government is over.” The next year, Clinton signed the controversial Welfare Reform Act. By June of 2000, 66%, representing 3.3 million of five million families who were on AFDC in 1994, had been forced off welfare. As a result, whereas in 1994, 62% of poor children received assistance, that figure dropped to 43% by year 2000. (Walters, 126-162)

Figure 3: Changes in Social Spending Under Ronald Reagan

Money Spent Domestic, Social Programs (In Millions of Dollars)⁶⁷			
Type of Aid	1981	1983	%Change
Social Welfare	65,375	55,432	-15.3%
Social Services	27,200	18,094	-33.5%
Community Development	4,042	3,350	-17.2%
Employment & Education	21,146	12,281	-42.0%
Housing & Urban Development	33	14	-40.0% ⁶⁸

⁶⁷ Walter, 177.

⁶⁸ Schaller, 129

20% African American unemployment in 1978.⁶⁹ Presumably, these were the ‘Welfare Queens’ of which Reagan so frequently spoke. As Jim Randolph explained:

Reagan said people were leaching from the government, sneaking an extra food stamp, or welfare dollar. Reagan painted a picture of urban cities living the high life on welfare. From my standpoint in Philadelphia, that was totally fallacious, and not actually happening.⁷⁰

According to Wilson Goode, mayor of Philadelphia throughout Reagan’s Presidential tenure, “Philadelphia’s budget was directly funded by the federal government, and was directly decreased under Ronald Reagan.”⁷¹ Specifically, Goode explained, Philadelphia had benefited greatly from two programs eliminated due to federal cutbacks. Under the first, revenue sharing, the federal government funded a number of social welfare initiatives in Philadelphia. Under the second program, The Comprehensive Employment Act (CEA), the government paid the salaries of a number of city workers. With the elimination of CEA, the city became responsible for writing these employees’ checks.⁷² This led to significant cutbacks in employment programs.

Randolph explained:

(Those programs) provided jobs, education, and gave poorer workers job experience, and they could earn enough money to become middle class. A lot of folks in the city government got their first jobs through those programs. With the Reagan cutbacks, this was ended. People love to talk about ‘pull yourself up by the bootstraps,’ these programs were the straps that *let* people pull themselves up.⁷³

The cutbacks affected many public agencies in Philadelphia, including the Public Defender’s Office of Philadelphia, the agency charged with defending the city’s poorest

⁶⁹ Carrolle Perry. “Black Unemployment in Philadelphia.” In *The State of Black Philadelphia, 1981*. (Philadelphia: Urban League of Philadelphia, 1981), 40

⁷⁰ Randolph, interview.

⁷¹ Goode, interview.

⁷² Ibid.

⁷³ Randolph, interview.

citizens. Paul George, one of Dwayne Brown's two lawyers and longtime Public Defender prior to establishing his own practice in 2003, explained that:

Prior to Reagan, Public Defender's salaries used to increase significantly over the years. But once Reagan began de-funding, salaries were frozen in place for many years. This was very frustrating to us because before, we got pretty decent salaries for a public interest job, but then, the salaries ceased to be increased. This encouraged the better defenders to leave the practice, and probably discouraged others from joining.⁷⁴

Under Reaganomics, many programs that in prior years were run by the federal government, now had to be run by the state and the city. "It's tough to find \$50-60 million dollars," Goode laments 20 years after the fact. "That's a big problem."⁷⁵

According to Goode, "This placed a huge burden on these citizens' income opportunity, which they had not anticipated."⁷⁶ By 1987, 1.7 million African Americans were unemployed. In the same year, youth ages 16-19, representing only 6.9% of the Philadelphian work force, accounted for 19% of the unemployment.⁷⁷ Writing in 1989, Dr. Alvia Branch and Wanda Coston conclude that the little work available tended to be "isolated in the non-unionized, low paying undesirable jobs of the non-corporate sector."⁷⁸

The effects of Reaganomics in Philadelphia may have accelerated decline in Independent Black Politics, as Wilson Goode's face became associated with the fiasco. "As the Mayor, I caught the heat," explained Goode. "Even though it was Reagan and

⁷⁴ Paul George, interview by Sam George, 3/24/2007.

⁷⁵ Goode, interview

⁷⁶ Ibid

⁷⁷ Alvia Branch & Wanda Coston. "Black Youth Unemployment in Philadelphia" in *The State of Black Philadelphia, Vol. VIII: The Plight of African American Children & Youth*. (Philadelphia: Urban League of Philadelphia, 1989), 17.

⁷⁸ Branch & Coston, 20.

the Republican government that made those decisions, the way the people saw it, ‘we elected you to fix it...now fix it! We don’t want no excuses about Reagan!’”⁷⁹

Thus, in Philadelphia, Ronald Reagan’s economic agenda further isolated the city’s residents from what few job opportunities remained, and severely de-funded public services that aimed to keep families above water and integrate them into the middle class. Reagan’s economic agenda was not conducive to grooming Philadelphia’s inner city to enter into a service economy. Furthermore, Reagan’s government coincided with the end of a forceful independent Black political movement, suggesting that inner city, poverty stricken African Americans no longer demanded reform from their government to the extent that they had in the 1970s. The overall effect of Reaganomics was to exacerbate existing trends, leaving many Philadelphians feeling emotionally and economically helpless, with no respite in sight: the pre-requisite conditions required to smoke and sell crack cocaine at epidemic levels.

2.3 The Crack Cocaine Epidemic

By the mid-1980s, Reaganomics left the urban underclass especially vulnerable. The last thing these communities could tolerate was a new drug; a new drug which offered a euphoric shot of pleasure to men and women who had been slowly beaten by years of disappointment; a euphoric shot of pleasure which could dissolve maternal instincts and societal pressures; a new drug with the power to stuff a few bills into the pockets of a generation of youth acutely aware of their apparently irreversible poverty. In the late 1980s, a new high, lifestyle, and economy swept through North Philadelphia: that of crack cocaine.

⁷⁹ Goode, interview.

Inner city neighborhoods were not immune to hard drugs prior to the 1980s, as heroin existed in Philadelphia's underclass in the decades prior to crack cocaine. In fact, Philadelphia Police Lieutenant Laurence Nodiff, active on the force since 1974, suggests that the blocks of 20th and York streets were notorious for the quality of their heroin in the 1970s.⁸⁰ This would be the exact neighborhood in which the Brown family currently resides, where the crack trade thrives, and a mere two blocks from where the shooting in Brown's trial occurred. However, consensus between the police officers, prosecutors, defense lawyers, and neighborhood residents interviewed suggests that heroin use and trade was a behind-closed-doors activity, and largely marginalized within the community. According Paul Goldman, Chief of the District Attorney's Habitual Offenders ('Gangs') Unit, "Heroin was different than crack. Heroin was not saturated within the community, and users could often be functional, or were completely marginalized by the neighborhood."⁸¹ Chief Juvenile Division District Attorney George Mosee, who grew up in North Philadelphia, added, "heroin wasn't a neighborhood problem. Heroin was a problem for the individual, but crack cocaine was a neighborhood problem."⁸² The most emphatic agreement comes from Dwayne Brown's father. Mr. Harvey, a recovered crack cocaine addict, believes that his neighborhood began to morph into its present state with the proliferation of crack cocaine:

The neighborhood changed when the drugs got heavy. There has always been heroin, but when then that crack came, that really took the family down... See, crack is a very addictive drug, and usually, your gonna stray. And if you have kids, that drug is telling you, "the hell with the kids, you gotta get me." And the kids are young, and they're raising themselves, so now that generation that raised themselves, seeing that their parents are crack heads, they're the ones that come up selling the drugs... Everybody

⁸⁰ Laurence Nodiff, interview by Sam George, 1/22/2007.

⁸¹ Paul Goldman, interview by Sam George, 8/24/2006.

⁸² Mosee, interview

ran through it, even the ones that got away from it. The percentage of people that didn't involve themselves with it is low.⁸³

George Mosee warns that addicts and dealers can overstate neighborhood involvement:

They might say that everyone was using: Everyone wasn't using. The vast majority of these people were and are law abiding, and they believed that they could overcome these problems legitimately, and they don't use crack cocaine. It's significant, but that number is relative: It's like one heroin addict in the 1960s vs. hordes of people walking the street today. That horde is still only 30 people. But that horde tore the community apart. And it was right there, for everyone to see, and that became the face of the community. When the crime became public, it increased the level of tolerance of the general community.⁸⁴

The effects touched everyone in the community. Mayor Goode assured me that,

We cannot put into words the effect on human life, on the family, on the block, on the neighborhoods, on the city, and on the budget of crack cocaine. It was a huge disruption of the city.⁸⁵

In a swift transition the drug trade moved from behind-closed-doors transactions to a blatant street market. As Dr. Arnold Washington, the director of research for the National Cocaine Hotline, explained in the late 1980s, "Last May, I had never heard of crack. Today we get nearly 700 to 900 calls a day from people having problem with the drug."⁸⁶ Some city blocks and street corners became high-valued franchised properties, to be protected not by powerful lawyers, but by a powerful arsenal.⁸⁷

⁸³ Harvey, interview.

⁸⁴ Mosee, interview.

⁸⁵ Goode, interview.

⁸⁶ Jacob V. Lamar Jr. "Crack Starts its Rise." in Emma Carlson Berne ed. *Cocaine: The History of Drugs*. (Detroit: Greenhaven Press, 2006), 111.

⁸⁷ A brief history of Crack Cocaine: On the morning of September 11, 1973, Chilean General Augusto Pinochet ordered Hawker Air Strike attacks against his own country's presidential palace (*La Moneda*). Within hours, socialist President Salvador Allende fell murdered, and Pinochet completed his coup. Eleven countries north, Philadelphians continued their morning, unaware that, "perhaps the most significant event to affect the pattern of African American addiction" had occurred (James & Johnson, 27). Prior to Pinochet, most of the world's cocaine shipped out of Chile in what remained a small cottage industry. The iron fist of Pinochet made short work of the Chilean cocaine industry (James & Johnson, 27). As the cocaine processing laboratories shut down in Chile, the Bolivian and Peruvian harvesters began shipping their crops to much more ambitious cartels in Columbia.

The new drug not only sold cheaply, but also yielded a stunningly addictive high, far more so than powder cocaine.⁸⁸ Absorbed rapidly through the lungs, the drug hits the brain within seconds in a dangerously concentrated form. Once addicted, the drug becomes all-consuming.⁸⁹

A study of crack cocaine conducted by Jeff Grogger and Mike Willis concludes that crack cocaine hit Philadelphia in 1985.⁹⁰ The drug quickly found a home. Characterized by failing row homes, North Philadelphia's neighborhoods were ripe with rotten and abandoned houses, perfect for conversion into crack homes and nighttime drug sales. James and Johnson noted that, compared to other cities, "Philadelphia's crack trade lasted visibly later into the night."⁹¹

Nevertheless, the drug's high price tag put the substance out of reach for most inner-city residents (see Jerry Hopkins. "Cocaine as a Status Symbol", in Emma Carlson Berne ed. *Cocaine: The History of Drugs*. (Detroit: Greenhaven Press, 2006) 84.). As James and Johnson suggest, "In the 1960s and 1970s, cocaine was very difficult to obtain in the Black community... Finding cocaine, and the expense of the drug... in this period limited its use to movie stars and athletes (95)." This all changed in 1983, when scheming Columbians succeeded in transforming cocaine into a solidified, smokable rock: Crack.

The origins of crack began with freebasing; a method of cooking cocaine which often employs ammonia and ether in the extraction process. However, the dangers of fire and ether became national news when influential comedian Richard Pryor lit himself on fire while chasing a high (Berne, 108). Both written texts and ex-users often cite Pryor's experience as introducing the notion of crack to the Black community. Similar to freebase, crack is simply cocaine cooked in bicarbonate of baking soda, resulting in a 'rock', which dealers sell very inexpensively on the street (Berne, 108).

⁸⁸ Lamar Jr., 112.

⁸⁹ According to James and Johnson: "Within ten to thirty minutes of use, the individual becomes obsessed with securing the next hit, (and) even semi-responsible spending patterns will disappear. A heroin addict will frequently re-administer the drug, but he is limited by the sedative effect of the drug, whereas crack binges lead to wiped-out housing, cars, savings, and family relationships in weeks. Individuals totally unprepared for a life of addiction will move into the chaos of violence and despair of urban addictive life, unaware of how it all happened. Physically, the addict will experience weight loss, sleep deprivation, and pulmonary damage, along with the cocaine toxicity. Spiritually the addict will sustain damage to self-esteem and respect, a loss of life purpose and focus, and a loss of internal controls, self-discipline, and a sense of peace. Mentally, the crack addict will have disturbed thought process, limited short-term memory, perceived irritability, and a general inability to focus on complex tasks. Economically the addict will spend all of his resources, lose long term employment, and become temporarily unemployable... Furthermore, the high frequency for relapse is perhaps the single fact that sets crack cocaine addiction apart from other addictions. Many of the most respected inpatient treatment centers report that over 70% of their crack cocaine patients relapse within one year following program completion."

⁹⁰ Jeff Grogger and Mike Willis. *The Introduction of Crack Cocaine and the Rise of Urban Crime Rate*. (Massachusetts: National Bureau of Economic Research, 1998), 32.

⁹¹ James and Johnson, 101.

The first generation introduced to crack fell the hardest. Gang Division District Attorney Paul Goldman explains, “We never saw (crack) coming. We were completely unprepared, and could not defend against it.” The drug swallowed a significant portion of an entire generation, including both of Dwayne Brown’s parents; Brown grew up in a drug-infested house, as did many of his peers.

In fact, one of the more devastating effects of crack within the inner city African American community was its popularity among females, and, consequentially, mothers. In a 1989 article from the yearly publication *The State of Black Philadelphia*, Doctors Donald Schwarz, Anthony Rostain, and Edmon Notebaert suggest that in the past, mothers shied away from drugs that required injections, such as heroin, and could not afford others, such as cocaine. Crack cocaine was neither, and as a result, many mothers-turned-addicts put their children at risk.⁹² The doctors linked this inference with a rising infant mortality rate, which they attributed to excessive use of crack on the part of the addicted mothers. In the 1989 edition of *The State of Black Philadelphia*, doctors noted that, “since the point of rapid increase in the rate of crack use in Philadelphia in 1985, the Black infant mortality rate has jumped more than 50% in West and North Philadelphia.”⁹³ Currently, doctors are considering the psychological effects of drugs on urban youth. Candace Putter oversees the funding of programs for the re-integration of delinquent youth back into home and school environments. In an interview, she explained that

We’re looking at a very interesting study that took all of the kids currently in a delinquent program, and, on a map, they overlaid where they lived as young children with where the cocaine epidemic hit the hardest. There was an astounding correlation: These corners are exactly where

⁹² Edmond Notebaert, Anthony Rostain, and Edmond Donald Schwarz. “Cocaine Abuse and Black Children.” In *The State of Black Philadelphia, Vol. VIII: The Plight of African American Children & Youth*. (Philadelphia: The Urban League of Philadelphia, 1989), 55.

⁹³ Notebaert, Rostain, & Schwarz, 55.

delinquents come from. A given delinquent might have grown up on a block where three shootings happened.⁹⁴

By the late 1980s, estimates suggested that one half of poor, inner-city Philadelphian youth had an addicted parent.⁹⁵ Furthermore, in 1989, 80% of births to adolescents in inner city, Black Philadelphia were to unmarried mothers.⁹⁶ In an interview with a Philadelphia Homicide Detective, who preferred to remain nameless, the longtime detective gave an off-the-cuff estimate that upwards of 90% of the cases he deals with involve males from single-mother households.⁹⁷

The Grogger and Willis report *The Introduction of Crack Cocaine and the Rise of Urban Crime Rate* also confirms a national rise in violent crime coinciding with the outbreak of crack cocaine. Their charts reveal the exponential rise in actual violent crimes committed from 1983 through 1991. They conclude,

By 1988, the introduction of crack had resulted in a crime rate that was 9.5% higher than it otherwise would have been. Put differently, the number of violent crimes rose from 9,058 in 1983 to 9,971 in 1988; a rise of 10%. Our predictions indicate that, in the absence of crack, crime would have risen by only 1.5%.⁹⁸

Douglas Massey argues that the rate of deaths escalated: “Whereas Black men were killed at a rate of 45 per 100,000 in 1960, by 1990, the rate jumped to 140 per 100,000.”⁹⁹

The drug sparked a highly illegitimate economy, which had to be protected by increasingly violent means.

⁹⁴ Candace Putter, interview by Sam George, 3/25/2007.

⁹⁵ Notebaert, Rostain, & Schwarz, 46.

⁹⁶ Branch & Coston, 23.

⁹⁷ Anonymous Detective, interview by Sam George, 1/24/2007.

⁹⁸ Grogger and Willis, 20.

⁹⁹ Douglas Massey. “Segregation and Violent Crime in Urban America” in Elijah Anderson and Douglas Massey ed. *Problem of the Century: Racial Stratification in the United States*. (New York: Russell Sage Foundation, 2001), 318.

2.4 The Creation of a New Culture

“What was my reaction when crack hit?” asks Wilson Goode. “This was my reaction: We have Reagan, we have police layoffs, here comes crack; *what will be next?*”¹⁰⁰ With an unfortunate percentage of the adult generation succumbing to the drug, many youths became estranged from their cultural heritage, traditional community supports, and family structure. In some families, no adult was in a position to make sure that children went to school each day, or that they came home at a reasonable hour. By year 2000, only about half of American Americans males earned a high school diploma within six years. In the 2003-2004 school year, 13,000 students in Philadelphia dropped out of high school.¹⁰¹

Some youth found employment, purpose, and culture within the world of crack cocaine. In fact, many have no notion of a time before crack houses and junkie parents. Mosee lamented:

Every kid I deal with has always known about crack houses...and that does something to their psyche, especially when you try to impress upon a kid that it doesn't have to be that way; they believe that that's the way it's supposed to be.¹⁰²

From the visiting center at the State Correctional Institute at Huntingdon, Dwayne Brown explains:

Ever since I walked out of my house, there were dealers on the corner. We'd be six years old, riding bikes past vacant lots and crack houses. And those would be the cats with the cars and the clothes.¹⁰³

Precisely because these youth lacked the ability to partake in what Lizbeth Cohen calls a ‘Consumer’s Republic,’ their desires to consume became exaggerated by the

¹⁰⁰ Goode, interview.

¹⁰¹ Information provided by Philadelphia Youth Network.

¹⁰² Mosee, interview

¹⁰³ Dwayne Brown, interview by Sam George, 9/1/2006.

pervasive American culture of materialism, depicted in American entertainment and advertising. Put simply, unlike Philadelphia's newer expressways, the deep-seated American inclination to consume did not bypass the ghetto. Far from the collapsing row homes of North Philadelphia, Dwayne Brown confirms these statements:

Once I had a little money, I just felt an intense need to make more. I was never addicted to the drugs; it was the money. Once I had a little bit of money, I felt I had to make more, at whatever cost, so I sold drugs. Really, it was the only way I saw to make the money.¹⁰⁴

The generation of youth raised with the crack economy in their faces realized that they too could purchase the items displayed on billboards and mall shop windows with funds garnered by selling the drug. They began to cultivate their own culture which celebrated the outlawism associated with drug dealing. As Randolph notes,

There had always been the "Bad N-Word" on the streets. What changed is, in the 1980s, this figure became the only outlet for creativity...it became the only icon in the Black community, and this rebel attitude became the only way to establish individuality.¹⁰⁵

The most pervasive and influential cultural development of this period would be that of Rap music, maligned by each interviewee to a person as solidifying the notion of the drug dealer and the street life as 'cool'. Historian David Canton argues that rap music offered a 'bad man' mentality, complete with "hyper-masculine, hyper-sexualized, sexist lyrics."¹⁰⁶ Canton argues that through the 'bad man' mentality, African American youth could express the masculinity that could otherwise only be achieved by economic self-sufficiency.¹⁰⁷

¹⁰⁴ Dwayne Brown, interview.

¹⁰⁵ Randolph, interview.

¹⁰⁶ David Canton. "The Political, Economic, Social, and Cultural Tensions in Gangsta Rap." In *Reviews in American History* 34 (Johns Hopkins Press, 2006), 249

¹⁰⁷ Ibid 252.

In the late 1980s, Gangsta Rap music began to permeate inner-city Philadelphia. At its best, the music reflected the harsh realities of inner city life, depicting a community torn by drugs, and the violence spawned by drugs. At its worst, the music celebrated the violence and drugs in pornographic attempts to sell records. Either way, the music quickly became the cornerstone of street culture. According to Jim Randolph,

The Hip-Hop music infused the youth with a totally whacked sense of values. Anyone who's calling women (bitches) and using the N-word...and now folks use the words and concepts in daily interactions, thus devaluing themselves and their neighbors.¹⁰⁸

Not only did the music espouse a devalued sense of Black people, but it also embraced, perhaps even represented the drug trade. In prison, Dwayne Brown explained the pervasive inner city belief that in fact, rappers tended to be former drug dealers, and that they had invested their income in their entertainment careers.¹⁰⁹ Whether this is true or not is irrelevant; the importance lies in the perception that these new 'heroes' attained greatness through the drug trade¹¹⁰. Brown, perhaps somewhat self-reproachingly, continued to say, "Black people are stupid; they see Jay-Z (a rapper) come on television with a fancy shirt, and the next day, they all gotta have that same shirt."¹¹¹ Such statements confirm the notion that in the late 1980s, drug dealers became iconic figures, and that they delivered their *fatwas* through the lyrics of rap music.

In accepting a culture that glorified guns and drugs, inner-city youth inadvertently internalized the messages within the songs to the extent that the music dictated *what it meant to live in the inner city*. In my interview with George Mosee, I suggested that rap

¹⁰⁸ Randolph, interview

¹⁰⁹ Dwayne Brown, interview.

¹¹⁰ For what it is worth, the literature suggests that, in fact, many rappers did get their start in the music career with drug money. See Canton, 445.

¹¹¹ Dwayne Brown, interview.

music sells at staggeringly high volumes to white suburban youth, yet the cultural effects do not seem to be included with the transaction. He replied that, culturally, inner city African Americans “have nothing, except who they are today. This is the truth for the kids who aren’t sitting out in the suburbs, who aren’t white, and don’t have a heritage separate and apart from what they learn from the music.”¹¹² Following extensive field research, sociologist Rachel Sullivan’s concludes, “(My study) reveals that African American youth are more committed to rap music, and are more likely to see rap music as life-affirming.”¹¹³ Chief Gang Prosecutor Paul Goldman bluntly states, “rap music became a textbook for drug dealing.”¹¹⁴ To a notable portion of youth, these textbooks became more relevant than the outdated volumes offered in Philadelphia’s crumbling public schools.

In his ethnography on North Philadelphia entitled *Code of the Streets*, University of Pennsylvania Professor Elijah Anderson argues that these cultural inclinations gave rise to what Anderson refers to as “street people,” or people who subscribe to the image and morals espoused in rap music and culture. Those involved in the actual drug trade see little recourse *but* violence and thugism to protect their investments. In the most unfortunate cases, however, the violent, anti-establishment attitude extends beyond interactions with drugs. As former beat cop and detective Mary Rehill explained, “These days, the violence might not even be drug related...it will be a respect issue. A shooting will occur because, ‘You looked at my girl.’ With the open air drug market, such

¹¹² Mosee, interview.

¹¹³ Rachel Sullivan. “Rap and Race: It’s Got a Nice Beat, But What About the Message?” *Journal of Black Studies*, Vol. 33, No.5 (Sage Publications, 2003), 605.

¹¹⁴ Goldman, interview.

thugism is cool and mainstream.”¹¹⁵ According to our anonymous detective, those that adopted ‘Street Culture’¹¹⁶ “no longer fear law enforcement. You used to be able to scare a 15-year-old kid. Now kids are raised by their boys, and the new culture lacks respect for police, and is not intimidated.”¹¹⁷ Judge Hughes characterizes the culture as, “get it quick, get it easy, and get it violently; you don’t have to work for it, you can take it.”¹¹⁸

2.5 Conclusion

The political and economic changes of the 1980s demoralized inner city Philadelphia. In adopting the drug culture, this generation also accepted the thuggish outlook and violence that necessarily accompanies the illicit market. ‘Gangs Unit’ DA Goldman described the resultant sub-community:

Guys with nihilistic attitudes, and no sense of what will happen in five minutes...with the ability to put their own lives on the line, and act like their own life, and the life of another is cheap...this was a new mentality.¹¹⁹

Obviously, this mentality was irreconcilable with that of an economically viable Philadelphia. The categorical disconnect represented a new crisis in Philadelphia. The botched response to this crisis produced a community susceptible to the Code of Silence.

¹¹⁵ Mary Rehill, interview by Sam George, 1/24/2007.

¹¹⁶ Anderson, 35-66.

¹¹⁷ Anonymous Detective, interview

¹¹⁸ Hughes, interview.

¹¹⁹ Goldman, interview.

Chapter 3:

The War on Drugs & Its Implications in Philadelphia

No doubt, some kind of war on drugs was a political inevitability, just as that war's failure to thwart human desire was inevitable as well. But we might have saved ourselves from the psychic costs of the drug war- the utter alienation of an underclass from its government, the wedding of that alienation to a ruthless economic engine, and finally, the birth of an outlaw philosophy as ugly and enraged as hate and despair can produce.

**-David Simon & Edward Burns,
*The Corner*¹²⁰**

*I'm tired of you out here fuckin' with the people.
You need to go get you a real arrest!*

**-William Harvey
(In response to police provocation)**

¹²⁰ David Simon and Edward Burns. *The Corner: A Year in the Life of an Inner-City Neighborhood*. (New York: Broadway Books, 1997), Pg. 160.

3.1 The War on Drugs: A Bad Idea

As the effects of crack cocaine on inner-city communities approached epidemic levels, national, state, and city officials faced the task of defusing the crisis, and reintegrating straying neighborhoods back into the fabric of a communal America. Influenced by public outrage, political officials chose an aggressive strategy emphasizing harsh punishment. Elected officials on all levels rallied around a declaration of war, dubbed ‘The War on Drugs.’ This title proved slightly inaccurate, as neo-conservatives proceeded to wage war not against the drugs, but against the *people* involved with the drugs, and more to the point, *minorities* involved with controlled substances. Conceivably, a war on *drugs* would center on efforts to help a community overcome addiction and help youth develop the skills required to enter the formal economy. Neither Republican nor Democratic officials allotted many resources to treatment programs or educational facilities. Rather, the late 1980s and 1990s saw the War on Drugs criminalize an entire community of American citizens.¹²¹

The war had a number of catastrophic effects. First of all, as crack cocaine was a neighborhood problem, the combative nature of the government’s response turned entire neighborhoods into ‘war zones,’ so to speak. Given the stunningly high volume of young Black males arrested and processed through the legal system, The War on Drugs

¹²¹ The mass imprisonment of young African American men in the late 1980s through the 1990s has been documented extensively elsewhere, and should not need to be argued again here. By way of example: Between 1980 and 1994, the number of incarcerated Americans tripled from 320,000 to 882,000, with African Americans bearing the brunt of this increase. By the end of the 1980s, one in nine African American men between the ages of 20 and 34 was incarcerated. At the core of former industrial cities (such as Philadelphia) up to 2/3 of Black men were behind bars, on probation, or on parole. By 1995, 7% of African American males were incarcerated, compared to 1% of Caucasian men. Though African Americans represent only 12% of American population, they comprise over half of the prison population, with the majority serving time for drug related offences. For more information, see Loic Wacquant. “Deadly Symbiosis; When Ghetto and Prison Meet and Mesh.” In *Punishment & Society, Vol. 3(1)*. (London: SAGE Publications, Pg 95-134.), Dragan Milovanic and Katheryn Russell. *Petit Apartheid in the U.S. Criminal Justice System*. (North Carolina: Carolina Academic Press, 2001), and Marc Mauer. *Race to Incarcerate, Revised and Updated*. (New York: The New York Press, 2006).

essentially cost Philadelphia the inner city respects for its legal system. William Harvey explains, “People out here (in North Philadelphia) basically don’t trust the system anyway, cause all of us have been through something completely unfair, whether it happened to us, or a family member.”¹²² The War on Drugs solidified an antagonistic relationship between Philadelphia’s police and inner city communities. Despite the innumerable arrests, the Philadelphia police proved incapable of protecting the inner city, and drug dealers continued to dominate public space.

The war also affected the courtroom. Legislatures took the law out of the judges’ hands by imposing Mandatory Minimum Sentencing (MMS). As so many citizens became criminals in the eyes of the law, the distinction between criminal and citizen lost much of its meaning in certain communities, as innumerable non-violent drug offenders faced stiff prison sentences. As penitentiaries and caseloads overflowed, district attorneys found themselves in control of the discretion that the judges had lost, as they could decide who to charge and with what, and whom to offer a deal, and *for* what. The possession of information that incriminated another became ever more valuable. This chapter considers two pervasive consequences of the War on Drugs in Philadelphia, which later facilitated the Code of Silence: 1) The police’s inability to *win* the War in the streets, and 2) The War’s effect on courtroom proceedings.

3.2 Philadelphia Law Enforcement’s Inability to Protect

If the effort to curtail crack in inner city was a war, then the Philadelphia police represented the front line of the government’s offensive. However, the police officers sent to ‘liberate’ the city simply made endless arrests with little consequential effect. While the arrests may have disrupted family life, they had little effect on the perpetual

¹²² Harvey, interview.

drug trade. Drug dealers maintained control of public property, dealing openly on the corner.

Paradoxically, the open-air nature of the crack market made policing all the more difficult. As Mosee explains:

In 1965, when some punk kid would grab a woman's purse, nobody was worried about calling the police. Now, when you have 15-20 young men on the corner, and somebody calls a cop, all that cop can do is pull up in front of the caller's house, and all the guys on the corner can see exactly whose house the cop stops at....that is the last time that call will be made.¹²³

Citizens who looked to police for help became disheartened by the inability to clean up the streets while the criminals remained blatantly obvious. A low-level drug peddler might be arrested, make bail, and be back on the corner the next day. If not, any number of hungry youngsters would take his place.¹²⁴ Mark Gilson, the District Attorney in *The Commonwealth v. Dwayne Brown*, noted a growing frustration with law enforcement during these years:

(Inner-city citizens) feel like nobody cares. With the endless crime in the streets, the police come through, make their arrests and leave, but somebody always takes (the arrested person's place). So there is a lot of frustration. There is a feeling of being forgotten and ignored. Police come when a crime occurs, and then they leave the next day. The community feels betrayed.¹²⁵

Judge Hughes concurred with Gilson: "They see cases going unsolved, people see the drug dealers operating openly on the corners, and they think, 'we know who they are, why don't you come and get them!'"¹²⁶

¹²³ Mosee, interview.

¹²⁴ For a fantastic sociological exploration of this process, see David Simon & Edward Burn's *The Corner*.

¹²⁵ Mark Gilson, interview by Sam George, 8/8/2006.

¹²⁶ Hughes, interview.

In the initial years of the War on Drugs, police lay-offs forced strategic changes in law enforcement, apparently severing personal connections that once existed between policemen and civilians.¹²⁷ Lieutenant Lawrence Noddiff explains that prior to the downsizing, police vehicles always patrolled the same ‘sectors’¹²⁸ of Philadelphia (“Sector Integrity”). Policemen knew all the people, grocery stores, and restaurants in their sector. They would even be issued a book containing a list of ‘vice-characters’ in the sector.¹²⁹ Officer Rehill explained that “we used to know all about these guys, and the person involved assumed that you already knew about them.”¹³⁰ Thus, even in a hyper-segregated community, a police officer could form relationships with individuals and develop trust. Consider the following testimony from Brown’s father, William Harvey:

I used to have relationships with a few cops. Like, I used to know a cop named Frank, and he would tell me to go tell someone to clean it up, or he was gonna get busted. I would do it, and the next day, Frank would thank me. Now, I don’t know the cops, and they be messing with me.¹³¹

With the police layoffs, this notion of ‘sector integrity’ had to be abandoned, to the point that not only do police officers currently show up to work unaware of where they will be assigned for the day, but they are also responsible for numerous sectors, as opposed to just one.¹³²

To a policeman unfamiliar with a given neighborhood, anyone on the street could be dealing crack to mothers, or merely walking to the corner store to buy dinner for his

¹²⁷ Unfortunately, I do not have statistical support of the police layoffs. However, Mayor Goode, Lieutenant Noddiff, and the Anonymous Detective all discussed significant police layoffs during the initial years of the War on Drugs.

¹²⁸ A sector being a certain defined square of blocks.

¹²⁹ Lawrence Noddiff, interview by Sam George, 1/22/2007.

¹³⁰ Rehill, interview.

¹³¹ Harvey, interview.

¹³² Noddiff, Rehill, Hughes, interview.

family. Thus, while police were not able to rid the streets of drugs, they did manage to infuriate innumerable American citizens with degrading searches. Lavinia Brown, Dwayne Brown's mother, opines that after crack hit, police "judge you the wrong way before they even know what's going on."¹³³ In turn, Brown's father related the following story:

I come home from work, and I go outside, cause I want to get some fresh air. I don't want to be a prisoner in my own house. I go outside and start talking to my friend that works for the water department, and another friend who works for the gas company. Now keep in mind that there are drug dealers all over the street, and the police know who they are. A cop pulls up on *us* and look at us, and we look at him. He says, "Y'all must don't know who I am?" "Who are you?!" we laugh, so then he get out of the car. "What are you doing standing out here," the cop asks. "We're talking!" I say. "Well," said the cop, "I got to search y'all for bazookas and cannons." So I'm really mad...I told my friend not to let the cop search him. I say, "You know what, you passed all those drug dealers to get to us old folks, and we just sitting here talking." And the cop says, "Well, y'all were the easy ones." That's what he told us...but he stopped searching us cause he felt embarrassed. Now this was the third time recently that this happened to me, so you know what I said to him? I said "I'm tired your fuckin' ass. You out here fucking with the people. This man is 70 years old, this guy is retired. I work, *he* works, *he* works, and you out here fuckin' with the working people." I said "I'm sick of your shit...you need to go ahead and fuck with somebody else." And then the crowd of working people started sayin', "Yeah. You need to go get you a real arrest." The cop just looked stupid.¹³⁴

Perhaps Mr. Harvey has a negative disposition towards police, given the arrest of his son.

However, the majority of North Philadelphia residents have experienced the arrest of somebody to whom they were close. According to Judge Hughes, as a result of such interactions, "nothing is more terrifying to a young Black man than a policeman."¹³⁵

¹³³ Lavinia Brown, interview by Sam George, 8/20/2006.

¹³⁴ Harvey, interview.

¹³⁵ Hughes, interview.

Thus, the objective of the War on Drugs to rid the streets of contraband failed miserably. Among many other indicators of the police's inability to respond to the wide-open drug market is the resurgence of heroin in Philadelphia. Fueled by the success of crack cocaine, and unperturbed by the inefficient War on Drugs, *somebody* developed a purer form of heroin, a form that did not need to be injected, but could simply be snorted.¹³⁶ In the 1990s, this new, purer form of heroin began to saturate the streets of Philadelphia, right in the face of dejected law enforcement agents.¹³⁷ As a result, drug dealers not only continued to occupy public domain, but they even expanded their market. The public nature of the drug dealing 1) by definition, created a large body of witnesses (potential 'snitches') to illegal activity, and 2) reflected the failures of the police, which led to the community's lack of trust in the police's ability to defend the neighborhood. Furthermore, the loss of sector integrity, combined with the aggressive nature of the War on Drugs led to hostile encounters between citizens and police officers.

3.3 Mandatory Minimum Sentencing

While the police failed to win the War on Drugs in the streets of Philadelphia, the implementation of 'tough on crime' legislation undermined inner-city faith in the court system. Perceiving a cheap way to win votes, legislatures passed harsh laws that often took discretion out of judge's hands. In California, this trend manifested itself in the 'Three Strikes and You're Out' laws. In Pennsylvania, those convicted of drug felonies face Mandatory Minimum Sentencing (MMS). These laws dictate the minimum amount of jail time for a conviction of a particular crime, regardless of any extenuating

¹³⁶ Office Rehill suggests that Columbians produced this drug. This *may* be true, but I found no corroborating evidence to support this, and I am sure that Officer Rehill herself would admit that she is not an expert on this particular aspect of the drug market. There is no question as to the resurgence of heroin.

¹³⁷ Rehill, Noddiff, Goldman, interview.

circumstances. Mandatory Minimum Sentencing resulted in disproportionately harsh punishments on inner city African Americans and the transition of discretion from the judge to the district attorney.

Powder cocaine was largely associated with Whites, while crack, a substance composed of cocaine, was markedly more prevalent in the African American community. The MMS associated with crack cocaine were far more severe than those associated with powder cocaine. In 1986, Republican senators such as Bob Dole and Strom Thurmond ensured that, at the federal level, every gram of crack cocaine would be considered the equivalent of 100 grams of powder cocaine in the punishment phase of conviction.¹³⁸ At the state level, the Mandatory Minimum Sentencing of ten grams of cocaine is less than that of one gram of crack.¹³⁹ Furthermore, under Mandatory Minimum Sentencing in Pennsylvania, possession of at least 2 grams of crack was considered possession with intent to deliver. According to Paul George, still a Philadelphia Public Defender when these laws came into existence,

A serious drug addict can use two grams of crack in a real hurry, but it started to be the case that it was assumed that you were dealing. I saw countless people go to jail who had no business going to jail...Earlier they would have just gotten probation.¹⁴⁰

Few citizens of Philadelphia are in better position to judge the effects of Mandatory Minimum Sentencing on inner city Philadelphians than Thurgood Matthews, Assistant Chief of the Public Defender's Homicide Division. Matthews achieved his license to practice law in 1981, and has since served his entire career as a public defender. "In my experiences," he states, "(MMS) has disproportionately affected poor

¹³⁸ Gest, Ted. "Cocaine Sentencing Policy: Crack Versus Powder" from Emma Carlson Berne, *Cocaine: History of Drugs* (Detroit: Greenhaven Press, 2006), 118.

¹³⁹ Thurgood Matthews, interview by Sam George, 1/19/2007. Hughes, interview.

¹⁴⁰ George, interview.

people and minorities, who get involved in cases that result in very, very severe prison sentences.”¹⁴¹ This led Matthews to conclude that, whether or not the new laws had this end in mind, Mandatory Minimum Sentencing has “reinstated racism into the system. The effect that the new laws had, and still have, creates discriminatory distinctions.”¹⁴² As the War on Drugs in Philadelphia was fought primarily in poor African-American communities, and because the Mandatory Minimum Sentences were so severe, the tough-on-crime legislation had a disillusioning effect on Philadelphia’s inner-city African Americans. Judge Hughes had a front row seat for this process:

Harrisburg (Pennsylvania State Government) responded to the crime of the moment. They passed MMS to be tough on crime, but they didn’t think about the impact of MMS on the structure of the family, they didn’t think about that person’s ability to reintegrate into the community and to get a job and to change from a life of crime to more constructive activity. They didn’t think about whether we could afford to house all these non-violent people. It was group think, which didn’t serve the community...and (MMS) helped defeat the community’s ability to believe, because those that can be rehabilitated, and should be given another chance, don’t get it.¹⁴³

Actually, this might not always be the case. As discretion for sentencing shifted from the judge to the District Attorney, the Commonwealth became quicker to offer second chances in exchange for information, or, to use the parlance of the street, to become a ‘snitch’. With Mandatory Minimum Sentencing in drug cases, judges lost much of the discretion within their own courtroom. A clearly frustrated Judge Hughes laments, “I virtually have no role. A computer could do my job, and when it comes to drugs, a computer basically does.”¹⁴⁴ With the judge’s hands tied, the District Attorney

¹⁴¹ Matthews, interview.

¹⁴² Matthews, interview.

¹⁴³ Hughes, interview.

¹⁴⁴ Hughes, interview.

makes important decisions, such as whom to charge, and with what to charge them.

According to Hughes,

The judicial discretion now lies in the hands of the District Attorney and the Police, and the misapplication of this discretion has created a truly disparate impact on the African American community, and all of this feeds into the distrust of the police in the African American community.¹⁴⁵

The D.A.'s newfound control has also created an expanding market for information. With crimes that used to be misdemeanors elevated to felonies, the district attorney's caseload overflowed, as have the jails into which the D.A. look to place defendants. The D.A. has the discretion to give a defendant probation, or perhaps, to demand information in exchange for a lesser punishment. Detectives got the ball rolling in Dwayne Brown's case when they arrested one Damon Dent with a little crack. In exchange for his freedom, Dent implicated Brown in the murders of December 4th, 2000.

3.4 Conclusion

The government responded to the crisis of crack cocaine with the 'War on Drugs,' which emphasized arrests and punishment. The failures of this shortsighted program have had devastating consequences, and can be understood as a necessary precursor to the Code of Silence. Not only did the police prove unable to rid the streets of drugs, but their inefficient arrests and hostile approach dissolved the relationship between police and the community. Part of the responsibility for apparent police inefficiency must be laid upon the district attorney's office. Mandatory Minimum Sentencing not only moved discretion away from judges, but it also called for very harsh penalties for not-so-severe crimes. The district attorney could not possibly prosecute all of these new 'felons'. Therefore some violators got sent directly back to the corner, angering the law-abiding

¹⁴⁵ Hughes, interview.

citizens of the block, while others were sent directly to prison, demoralizing family and friends of non-violent drug offenders. Furthermore, the inability to prosecute all suspects created a market for information, in which low-level offenders could avoid harsh Mandatory Minimum Sentences by 'dropping dime' and testifying for the prosecution. In response, the street element demanded the Code of Silence.

Chapter 4:

**Stop Snitching:
The Code of Silence
In Contemporary Philadelphia**

*If you don't answer the question,
I'll have you held in contempt of court!*
-D.A. Mark Gilson to Witness Gregory "Heavy" Deas

Would I get Life for contempt?
-Gregory "Heavy" Deas to Judge Hughes

4.1 Introduction

On Sunday, March 25, 2007, a pair of shootouts erupted in North and South Philadelphia neighborhoods, right around dinnertime. In North Philadelphia, the violence left 12-year-old Anbra Brown¹⁴⁶ and her 9-year-old cousin critically wounded. In South Philadelphia, stray bullets ended the life of 28-year-old Jovonne Stelly, who was riding his bike with children. All in all, the combat left two dead and five wounded. NBC10.com reported that “Some in the neighborhood reported hearing as many as 30 gunshots, but police were frustrated by a lack of witnesses coming forward to report what they saw.” The article continued to report that 84 days into 2007, the Philadelphia’s homicide count had reached 92.¹⁴⁷ The most tragic part of that Sunday’s bloodshed was that there really was nothing unique about it. Extreme violence, often accompanied by silence from the community, has become a daily event in particular Philadelphia neighborhoods. Clocking in at a rate below 50%, Philadelphia’s homicide department has hit an all time low in clearing homicide cases.¹⁴⁸

Over the last five years, the notion of a ‘snitch’ has taken on a whole new meaning in Philadelphia, and the phenomenon of community-wide silence has kicked up a media storm, routinely splashing ink across all Philadelphia periodicals. The media frenzy concerning the Code of Silence began around the turn of the millennium, from the proliferation of black tee-shirts with large white letters boldly proclaiming ‘Stop

¹⁴⁶ To my knowledge, Anbra Brown is of no relation to Dwayne Brown’s family.

¹⁴⁷ “Two Dead, Five Wounded.” available at <http://www.nbc10.com/news>, March 25, 2007.

¹⁴⁸ Gilson, interview.

Snitching'.¹⁴⁹ The implication was clear; anybody cooperating with law enforcement acted in betrayal of The Code of the Streets, which apparently operated independently from mainstream Philadelphia's justice system.

On February 11th, 2004, frustrated Philadelphians attached a face to the phenomenon. On the morning of the 11th, in front of a Philadelphia elementary school, two drug gangs held a shootout amidst crossing guards, parents, and young children on their way to school. The only fatality was 10-year-old Faheem Thomas-Childs, shot dead in the face. Despite the bevy of people at the scene and the innocence of the victim, not a single eyewitness stepped forth. When finally a 14-year-old girl emerged with information on the killing, her father appeared at the Philadelphia Criminal Justice Center the day of her testimony, and in front of a packed courtroom, ordered his daughter to say that she knew nothing. The daughter obeyed, and the "Don't Snitch Dad" became a media sensation in Philadelphia.¹⁵⁰ On July 27th, 2004, the Philadelphia Metro quoted Mark Gilson, who prosecuted this case as well, as saying "The father, who should have been in that courtroom to witness his daughter's courage, instead convinced her to lie in one of the saddest murder cases this city has ever seen."¹⁵¹ Later, Mr. Gilson said in our interview, "What is different now is that even when a little 10 years old dies, there is still no witness willing to step up and tell the truth, and it was broad daylight in front of

¹⁴⁹ On 8/7/2005, the Philadelphia Inquirer ran a front page article entitled, "Crime of Fashion, in which Natalie Pompilios writes, "It's one of Philadelphia's hottest- and most controversial- fashion statements: T-shirts and hats that say, "Stop Snitching." Those who wear and sell the shirts say it's part of a style, a fad, the "in" look - as Jay-Z's oversize striped, button-down shirts were a few months back. But these shirts are far more sinister, with some picturing guns (and) crosshairs."

¹⁵⁰ For example, see "Street Code Slams into a Higher Law." *Philadelphia Daily News*, April 26, 2006., McCrone, Brian. "Dad Charged with Telling Daughter: Do Not Snitch." *The Philadelphia Metro*, April 25, 2006., Dale, Maryclaire. "Charges Stand for Don't Snitch Dad." *Philadelphia Metro*, July 27th, 2006

¹⁵¹ Maryclaire Dale. "Charges Stand for "Don't Snitch Dad." *The Philadelphia Metro*, July 27th, 2006.

parents, crossing guards and teachers and nobody steps up.”¹⁵² The case became the epitome of the phenomenon. For example, Julie Shaw began her December 6th, 2006 article, which appeared on the front page of the B section of the Philadelphia Inquirer by referring to the circumstances of a murder trial as “a reminder of the Faheem Thomas-Childs trial and any number of other Philadelphia cases in recent years: witnesses getting scared, “going south,” and recanting what they'd told the police about a crime of violence.”¹⁵³

The media attention is not unwarranted. The Code of Silence perpetuates disconnection, mistrust, and lawlessness in a city that seeks peace and reintegration. The Code of Silence represents Philadelphia’s most critical conflict since the rise of crack cocaine.

4.2 Something New?

“How old is Stop Snitching?” Public Defender Matthews repeats my question. “How old is the mafia?”¹⁵⁴ Interview subjects who have lived in inner-city Black Philadelphia claim that ‘The Code of Silence’ is nothing new. “I am 51 years old,” explained George Mosee. “Stop Snitching has always been part of the code of the streets.”¹⁵⁵ Matthews adds, “The notion of ‘don’t snitch’ includes, ‘don’t tell the landlord or the bill collector that I’m here.’”¹⁵⁶ Under this understanding, the Code of Silence can be viewed as a holdover from the days of neighborhood gangs, discussed by Randolph in Chapter 1; an extension of the allegiance that underprivileged neighbors once shared. Under this more general interpretation, the Code of Silence extends beyond criminal

¹⁵² Gilson, interview.

¹⁵³ Julie Shaw. “Witnesses balk, but trial is ordered.” *The Philadelphia Inquirer*, B1, December 6th, 2006.

¹⁵⁴ Matthews, interview.

¹⁵⁵ Mosee, interview.

¹⁵⁶ Matthews, interview.

activities, and it “boils over to ‘we’re homies and even when you’re wrong, I’m not gonna tell on you.”¹⁵⁷

Nevertheless, those interviewees who face the current crisis in court rooms, and never lived in North Philadelphia, see a distinct change. Top Philadelphia prosecutor Mark Gilson feels that there is a significant difference between the mafia’s Code of Silence, and that which currently mutes Philadelphia’s poorest neighborhoods. “A snitch used to be when a co-defendant joins the prosecution and testifies against you.”¹⁵⁸ This definition of snitch would not apply to the people who witnessed the violence that landed Anbra in the hospital. “The average person who just saw something they weren’t supposed to see,” Gilson explained, “was not a snitch. See, we used to call those people *witnesses*.”¹⁵⁹

According to Judge Hughes, who moved to Philadelphia in the mid- 1980s, “20, 30 years ago, it was unheard of that witnesses did not come to court, it was unheard of that witnesses did not tell police what they saw.”¹⁶⁰ Similarly, Gilson explains that, at this point, in stark contrast to his earlier years as a District Attorney, he expects witnesses *not* to testify.

Now I don’t know what to do when they actually testify! My strategy at this point is to just beg them. Whereas before, you might get one person who didn’t want to testify, now its not unusual for everyone to not testify.¹⁶¹

¹⁵⁷ Mosee interview.

¹⁵⁸ Gilson, interview.

¹⁵⁹ Gilson, interview.

¹⁶⁰ Hughes, interview.

¹⁶¹ Gilson, interview.

Conclusion 1: The Code Didn't Change, the Crimes Did

As established, crack dealing occurs in open markets, blatantly obvious to law abiding and criminal elements alike. This development held ramifications for the role of witness in North Philadelphia. Paul George explains:

In order to snitch, you have to have something to snitch about. When somebody gets arrested for a drug offence, the suspect could potentially give police information about an entire organization; more senior members who are never out on the corner. There is the potential to bring down other people and save yourself...this isn't the case in a situation where someone snatches a purse.

Considering the large volume of participants in the crack trade, their ready use of guns, and the aggressive nature of the War on Drugs, Philadelphians became much more likely to encounter a situation in which police pressured them for information. The widespread arrests for drugs had made the entire community suspicious of the motives of the police. More importantly, the public nature of the crack-trade made *everyone* a potential 'Snitch.' Being a 'tattle-tale' may always have been frowned upon, but unless a citizen stumbled upon something he was not supposed to see, he would never be forced to apply the code to serious crimes. With the crack trade, entire communities must decide to what extent the code of allegiance applies to the drug trade. Certainly, the very real threat of armed violence influences this decision.

Developments in the drug trade have thrust a significant portion of North Philadelphia's citizens into the position of witness, and they must confront an updated version of a code that has been instilled since birth. The majority of these citizens detests the violence, and would love to walk outside of their houses without being offered crack cocaine. Yet, despite wanton violence that often leaves innocent bystanders dead, Philadelphia's law enforcement still struggles to establish cooperation within these

communities. As D.A Paul Goldman explained, “When the ‘Don’t Snitch’ attitude is allowed to take a foothold, it avalanches, and that community becomes susceptible to whatever the criminal element wants to do.”¹⁶²

4.3 Why People Don’t Cooperate: Fear

All too often, those involved attribute the ‘Stop Snitching’ phenomenon to cultural influences. For example, Gilson had the ‘Don’t Snitch Dad’ arrested for obstruction of justice when he convinced his daughter not to testify against the same gang members who had been willing to shoot it out in front of an elementary school. When interviewed, Gilson explained that the father “was not afraid, threatened or intimidated, he just didn’t want his daughter to be a snitch.”¹⁶³ The Philadelphia media flayed the ‘Don’t Snitch Dad’ alive.¹⁶⁴ However, other closely involved individuals attribute the majority of the silence to fear, stemming directly from the inability to protect the neighborhoods. Randolph himself admitted that he would think twice before he would,

Advise my family member to snitch, because I want them to live. Lives get put on the line over testimony, and these bad guys have no compulsion against killing. This is about fear more than being cool. We always had a no snitch moral, but now it’s a fear thing.¹⁶⁵

The anonymous detective with whom I spoke admitted that the drug dealers control the streets, and that police cannot guarantee the protection of those that cooperate. As a result of the hyper-condensed neighborhoods in North Philadelphia, police have been unable to maintain the security of public space. Given the secession of public space, Gilson acknowledged the difficulty of testifying in a neighborhood murder trial: “This person just killed somebody: Are you gonna step up and come to court and point a

¹⁶² Goldman, interview.

¹⁶³ Gilson

¹⁶⁴ See footnote 147.

¹⁶⁵ Randolph, interview.

finger? Now they'll have a real good reason to kill you. Most people want to do the right thing, but they are afraid.”¹⁶⁶ Judge Hughes can attest to the unabashed nature of the terrorizers:

I've had people come into my courtroom and start pointing fingers, in the shape of guns at my witnesses. When a witness takes the stand, and all of a sudden 50 men walk into the courtroom, dressed like hood rats, staring down the witness, that's real intimidation.

The Faheem Thomas Childs case exemplifies the realness of the threat. The October 4th edition of the *Philadelphia Daily News* reports:

One of Faheem Thomas-Childs' murderers was ordered yesterday to stand trial in another slaying. Kareem Johnson faces murder charges for allegedly emptying a gun into the head, neck and shoulders of Walter Smith in December 2002 outside a Gray's Ferry bar. At the time of his death, Smith was preparing to testify that one of Johnson's "young boys" had killed a woman with a stray bullet months earlier.¹⁶⁷

Philadelphia's Witness Protection Program is a far cry from what appears in Hollywood movies. Law enforcement agents tell witnesses never to return to their home neighborhoods. However, as established earlier, these citizens lack the mobility to begin a new life elsewhere. Candace Putter, who has spent her life working with inner city youth, claims that some of them have never even been far outside of their inner city neighborhood, and their family and friends all live in that same neighborhood.¹⁶⁸ The anonymous detective related a story in which he convinced a witness to testify, and told the witness never to return to his North Philadelphia neighborhood. The individual in question earned his check from a neighborhood Burger King, and against the detective's advice, returned to work a couple of weeks later. He was murdered walking home after

¹⁶⁶ Gilson

¹⁶⁷ Theresa Conroy. "Boys killer to be tried for a slaying in '02." *The Philadelphia Daily News*, October 4th, 2006, Page 8.

¹⁶⁸ Putter.

his shift.¹⁶⁹ Judge Hughes, Lieutenant Noddiff, and Mr. Randolph all related similar stories in which witnesses' testimony cost them their lives. From this perspective, the Code of Silence reflects not necessarily an antagonism against mainstream society' criminal justice system, but rather, the natural reaction of a community occupied by dangerous drug dealers, and faced with the inability of the police to enforce laws in public territory.

4.4 Why People Don't Cooperate: Culture

Given the general criminalization of inner city Philadelphia, some North Philadelphians may not accept that those involved with drugs are criminals that need to be arrested. Dwayne Brown's father explained: "I got friends who I grew up with, who I partied with, who I played ball with, and now they're on the other side of the law. I can't stop being friends with him because of that."¹⁷⁰ In Chapter 2, I discussed the rise of a new culture, closely associated with a new drug, and at opposition with law enforcement. In North Philadelphia, the blatant drug market may have increased the community's tolerance of crime.

Furthermore, one cannot overlook a predominant feature of the drug culture that stipulates that 'real men' solve their disputes in the streets. As Gilson interprets the Code of Silence:

If someone was wronged, injured, killed on the streets, it's the responsibility of that man's friends and family members to deal with it on the streets. They handle things outside the criminal justice system, they handle things outside of law enforcement, they don't refer to the courts.¹⁷¹

¹⁶⁹ Anonymous Detective, interview.

¹⁷⁰ Harvey, interview.

¹⁷¹ Gilson, interview.

The drug trade necessitated this approach. As Mosee observes, “If you are selling drugs, and you get shot, you can’t really say what happened to the police.”¹⁷² Drug dealers saw little recourse but to settle their disputes outside of the court system. Paul Goldman reports that he has “seen letters between two people arrested for a shootout, and the letters say, ‘I won’t say anything about you, you don’t say anything about me, you know how we handle our stuff, ourselves.’”¹⁷³

As drug dealers became the main expression of ‘cool,’ it became a cultural norm among youth to settle disputes themselves, without involving law enforcement. For today’s youth, explains Goldman, “its not cool to snitch...we must understand how much peer pressure exists in street culture, and the desire for acceptance.”¹⁷⁴ Gilson agrees, arguing that the media has marketed ‘Stop Snitching’ in rap and rap videos. The degradation of those who cooperate with police became a recurring theme in Rap music. Rappers such as 2pac, Jay-Z, and DMX have solidified the notion that real men solve disputes in the streets, while linking police cooperation with homosexuality. The music, in turn, influenced the entire inner city, with a beat that resonated beyond just the drug trade.¹⁷⁵

Conclusion 2: Opposing Reasons for the Same Outcome

The immediate causes of the Code of Silence stem from two distinct, but interrelated phenomena that, according to Judge Hughes, “butt heads in my courtroom

¹⁷² Mosee, interview.

¹⁷³ Goldman, interview.

¹⁷⁴ Ibid.

¹⁷⁵ The July 30th edition of the *Inquirer* ran a front-page story entitled, “Snared by the Streets.” The article interviewed six Philadelphian men under 20 currently behind bars for apparently non-drug related violent felonies. The article probes the youths in search of insight into the “Stop Snitching” mentality. Jamil Thomas, currently serving a life sentence for murder explains, “If somebody do something to you, you don’t go to the cops. You can handle it on the streets.” Raymond Ferguson, currently serving 15-30 years for attempted murder added, with regards to witnesses, “If it has nothing to do with you, you shouldn’t be putting yourself in it.”

every single day.”¹⁷⁶ On the one hand, terrified citizens do not feel comfortable pointing fingers in the courtroom. The police lack the required control over the inner city to protect citizens willing to testify in open court. Furthermore, drug dealers have not hesitated to inflict mortal violence on those that dare break the code. Thus, potential witnesses see no need to put their lives on the line in exchange for testimony that seems irrelevant, as even a guilty verdict will not rectify the overall situation. On the other hand, inner-city culture has meshed with drug and prison culture through rap music to perpetuate the values of the drug culture that developed in the 1980s.¹⁷⁷ Partially, this is consequence of the War on Drugs, as many alienated youth found expression within the outlaw culture, and abide by it fiercely, including the ‘Stop Snitching’ element. Judge Hughes succinctly sums up the effect of these phenomena, which together rendered the Code of Silence:

You have old people who won’t behave responsibly and inform the police of activities because they are afraid of the violence imposed upon the neighborhood by the drug dealers. At the same time, you have very very young people who come out on the corner and see the drug dealers riding around in the Benz or the Hummer, wearing platinum and diamonds...and ‘you want me to be like that guy who is working as a janitor?! No, I’m gonna be like the drug dealer.’¹⁷⁸

For a young man in North Philadelphia, acting as a witness for the prosecution goes against the cultural pressure of his peers. He also faces internal pressure to live up to the accepted notion of manhood. For adults, testifying can mean becoming sitting targets in their own neighborhood. Either way, prosecutors ask a lot when calling an inner-city resident to the stand.

¹⁷⁶ Hughes, interview.

¹⁷⁷ See Loic Waquant, “Deadly Symbiosis; When Ghetto and Prison Meet and Mesh.” In *Punishment & Society, Vol. 3(1)*. (London: SAGE Publications, Pg 95-134.), 96.

¹⁷⁸ Hughes, interview.

The Code of Silence & The Criminal Justice System

The Code of Silence represents a significant challenge to police, detectives, judges, district attorneys, and even defense lawyers. Though still too recent to calculate the phenomenon's effect on the criminal justice system, at least two trends have emerged. One concerns technical changes in detectives' approach, and how district attorneys use the detectives work to overcome the Code of Silence. The second, only beginning to take shape, concerns the effect of the media's incessant reporting of 'Stop Snitching' on jurors, who are, of course, comprised of Philadelphia's general public.

4.5 The Code of Silence & Detectives

According to Mark Gilson, law enforcement smacks into the first 'wall' of silence at the scene of a crime. More often than not, police can very quickly deduce who committed the crime and why, but they cannot get a witness to speak on record. Many cases die at this point.

However, it is common for a witness to give an out-of-court statement to the police, and then later disavow that statement in court. Few of these interviews conducted at 'the roundhouse'¹⁷⁹ are video recorded, so the conditions under which individuals give particular statements, the mental state of the individual at the time of the statement, or the degree of certainty of his testimony remain a mystery. Accordingly, defense and prosecution lawyers have very different interpretations on the nature of these sessions. "Look folks, you win more flies with honey," Gilson explained to Dwayne Brown's jury at trial. He repeated this statement in our interview, adding, "Those statements are given in a small, safe setting, where its just you and the detective. They don't think ahead to

¹⁷⁹ Common parlance, throughout Philadelphia, for the circular shaped the central Philadelphia Police Station

the situation of a trial where they will have to confront the killer and his friends and family.”¹⁸⁰ As if by mantra, the anonymous detective repeated the flies and honey metaphor.¹⁸¹

Defense attorneys depict a very different situation. According to Matthews, “The interview room is a pressure cooker: It’s a formidable place of mental anguish, and after 15 to 20 hours, the notion of a false confession or statement becomes very real.”¹⁸²

Detectives may imply that a subject faces severe punishment if they do not cooperate.

The anonymous detective, who did not work the Brown case, confided, “Listen, in order to turn an informant these days, you need some leverage.”¹⁸³ While district attorneys refer to the document that these sessions produce as a ‘verbatim’ account of discussion, the documents really reflect the final portions of the discussions, which often follow hours of unrecorded interrogation. Brown lawyer Paul George explains:

That sheet of paper that comes out of the little room, that isn’t exactly what really happened in there. If they would turn on a camera, and record the whole thing, you’d see a very different process from the one police come in and describe in court.¹⁸⁴

This process, in itself, does not represent a great change in pre-trial proceedings. What has changed is the frequency with which these statements are later disavowed in court.

Under specific conditions, out-of-court statements become admissible during trial. For example when a witness contradicts his earlier statement, lawyers can introduce past statements in order to impeach the witness. The prior statement cannot be admissible for its truth content, but can be used to discredit a witness. However, under certain other

¹⁸⁰ Gilson, interview.

¹⁸¹ Anonymous Detective, interview.

¹⁸² Matthews, interview

¹⁸³ Anonymous Detective, interview.

¹⁸⁴ George, interview.

conditions, lawyers can introduce prior statements that juries can consider for their truth content. These kinds of statements include those “given in a reliable setting, signed, and adopted by the witness.”¹⁸⁵ If the witness is physically present and available for cross-examination, past statements can be entered as evidence for their truth content. The court considers interrogation rooms a ‘reliable setting’, and detectives ensure that witnesses sign their statements. As more and more witnesses later disavow these statements while physically present in the courtroom, district attorneys have made a practice of calling the well-trained detective to the stand to read the statement that they originally took from the witness. Under these conditions, the ‘trials’ essentially occur in the interrogation rooms, not in public, not in front of a jury, and the written statements are never subjected to cross-examination. As Public Defender Matthews explains, “That pressure cooker of an interrogation room that I was talking about, that becomes the trial right there.” This apparent perversion of justice has become the state’s main strategy in defeating ‘Stop Snitching’ in the courtroom.

Oral evidence suggests that detectives have modified their approach to interrogation following the outbreak of the Code of Silence. Gilson works very closely with the state’s detectives, and he affirms that,

At this point, detectives work under the assumption that if the case goes to trial, the statement that they take will become the evidence, and not any testimony given in court. Recently, they’ve become much better at making sure that the statements comply with the law, and have the indicia of trustworthiness and reliability so that a jury can convict. They tend to be longer now, more involved, more details and with more pointed questioning.¹⁸⁶

¹⁸⁵ Gilson, Matthews, George.

¹⁸⁶ Gilson

From the defense's perspective, Thurgood Matthews gave a quote to the identical effect, but perhaps the most compelling evidence of a change comes from the anonymous detective himself:

We develop techniques to make the statements air tight, so that they can stand alone, and win a conviction in the courtroom. For example, I like to make a mistake when I write down the testimony. Then I give it to the witness to read at the end, just like we have to. When the witness corrects the intentional mistake, the district attorney will later have proof that the witness read and affirmed the accuracy of their statement.¹⁸⁷

Nevertheless, as Gilson himself admits, these statements are lacking: "These statements were not given in courts, they were not given under oath, and could not be cross examined, and neither the defendant, the jury, the lawyers nor the judge was present."¹⁸⁸

The detectives and district attorneys' approach is understandable. However, the constitutional guarantee to due process of law and the right to a public trial prohibit, in essence, the procedure by which the state overcomes the 'Stop Snitching' phenomenon, and for good reason. Gilson himself notes that the third cornerstone of American justice, behind the presumption of innocence, and the burden of proof is "cross-examination, and the right to confront a witness."¹⁸⁹ When a witness disavows a prior statement that is then entered into evidence for its truth content, the defense cannot confront the witness over particulars of the statement. Typically, defense attorneys look to pick apart accusatory testimony to expose inaccuracies, inconsistencies, and lies. However, when said witness disavows the statement, the defense cannot challenge the specifics. Instead, the jury is left to decide if it is *all* true, or if it is *all* false. Furthermore, the practice of literally calling a detective to the stand to read the document has the effect of "putting a

¹⁸⁷ Anonymous Detective, interview.

¹⁸⁸ Gilson, interview.

¹⁸⁹ Ibid.

suit and tie on the statement.”¹⁹⁰ A trained detective reading the words of what Judge Hughes refers to as “hood rats”¹⁹¹ gives statements an air of reliability which it would never have had if it had been offered by its original narrator. By all accounts, this process has increased exponentially since the Code of Silence began making its presence felt in Philadelphia’s courtrooms.

4.6 The Code of Silence & Philadelphia Juries

Frustrated by the nihilistic culture, Philadelphians may be becoming harsher on individuals from troubled neighborhoods. Unlike the technical developments of the detectives’ approach, the reaction of jurors to such courtroom antics is not so clear-cut, and has yet to fully manifest itself. However, trends have begun to emerge. As in all 50 states, a random selection of Philadelphia’s citizens comprises her juries. Given the quantity of ink spilt on the ‘Stop Snitching’ phenomenon, these citizens come to the courtroom aware of the Code of Silence, and unsympathetic to it. With the Code of Silence, the district attorney’s task of meeting a burden of proof beyond a reasonable doubt becomes increasingly difficult. Fortunately for district attorneys, a trend may be emerging in which juries do not hold the district attorney to his constitutional burden.

“More jurors nowadays are certainly more knowledgeable,” states Mark Gilson. “They understand what is going on, and why, and I think that they are more willing to convict without a single witness coming into court and pointing the finger.”¹⁹² Another explanation could be that the media frenzy has infuriated Philadelphia’s citizens at the notion that violent criminals beat charges through witness intimidation. When forced to, district attorneys hang their thin cases on these emotions.

¹⁹⁰ Brown lawyer Pat McKinney made this comment to me during the trial.

¹⁹¹ Hughes, interview.

¹⁹² Gilson, interview.

Both defense and prosecution lawyers note a change, and question whether jurors have redefined constitutional guarantees. According to George:

The juries look at it as a scary, dangerous situation, getting more and more chaotic, and they want to stop it before it gets any worse. You are asking a lot to sit there and tell the jury that they haven't heard enough to convict, and ask them to let a defendant go walking home.¹⁹³

Lawyers such as Matthews and George argue that the burden has now fallen on the defense to prove the *innocence* of their client. Similarly, Gilson wondered “if we have to rethink reasonable doubt. Where would the justice be if we let a killer go because he scared a witness?”¹⁹⁴

4.7 A Problematic Approach?

The Code of Silence has challenged the District Attorney's ability to build a case against those that violently disturb the streets of Philadelphia. However, juries, well aware of the problems that plague their city, may be becoming more sympathetic to district attorneys. For example, they may be more inclined to accept out of court statements for their truth-value, even when these statements are disavowed in the courtroom. Early trends suggest that juries may be willing to lower standards required to meet the burden of proof beyond a reasonable doubt in order to combat the Code of Silence. In my interview, Gilson argued that, “When everybody says that a guy didn't do it, he probably did. The system is not designed to arrest, prosecute, or convict innocent people.”¹⁹⁵ The implications of such an argument (a devalued standard of reasonable doubt and a greater faith in the state's investigation) could have disastrous ramifications. Such verdicts send a clear message to the inner city community that they will not be

¹⁹³ District Attorney Gilson also feels that he asks ‘a lot’ from juries: “When you try a case, and everyone refuses to testify, you ask a lot of a jury. They expect testimony and evidence, but they get nothing.

¹⁹⁴ Gilson, interview.

¹⁹⁵ Gilson, interview.

afforded the rights guaranteed to other American citizens by the Constitution. Lack of faith in Philadelphia's court system will significantly deepen the division between the inner city and mainstream Philadelphia.¹⁹⁶

¹⁹⁶ I reiterate that the trends in jury behavior noted above are but early impressions, as expressed by those that face the Code of Silence and juries on a regular basis. Other potential trends have been noted as well. For example, Judge Hughes explained, "I can't tell you the number of jurors who ask, 'do they know where we live?' I had a jury find a man not guilty when the evidence was frightfully clear, and the only question the jury had was, 'will they be able to follow us home.'"

Furthermore, parties interviewed cited the effects of ever popular courtroom television dramas on modern juries. As testimonies were often in stark opposition, I could not deduce a trend worth discussing in this paper. For example, Judge Hughes argued that, "Juries want what they see on TV. They want things that no city budget can pay for. Most crime scenes do not generate biological evidence, and that's what juries see on TV, and that's what they want. This has *raised* the standard required to meet reasonable doubt." Thurgood Matthews counters: "A large number of these television shows are solved in 45 minutes, and 9/10 of the time, the final verdict is guilty, and the show implies that the defense lawyer tried to be slick, and was trying to hide things, so now, juries have a jaundiced eye to the lawyers and their clients. This is subconscious manipulation by the media."

Chapter 5:

Seeing Through Masks: *The Commonwealth of Pennsylvania v. Dwayne Brown*

Were it simply a homicide, you too would reject the accusation, in view of the insignificant, the unsubstantiated, the fantastic nature of the facts when they are each examined separately. At least, you would hesitate to ruin a man's destiny merely because of your prejudice against him.

-Fyodor Dostoevsky
The Brother's Karamazov

5.1 A Perfect Case Study

On January 31st, 2006, the Commonwealth of Pennsylvania began its case against Dwayne Stacey Brown with regards to a double homicide committed on the corner of York St. & Cleveland St. in North Philadelphia. Home on Winter Term, I interned with the defense on the case. From the back of the courtroom, I watched a jury of 12 Philadelphians face the task of making sense of the confusion.

On one side of the bar sat the judge, the district attorney, defense lawyers, and other professionals who together represented Philadelphia's Criminal Justice System. On the other side of the bar sat people from Brown's neighborhood. Metaphorically, the bar represented the disconnect separating the inner city and Criminal Justice. Like a prisoner of war, Dwayne Stacey Brown sat captive on the foreign side. And as a captured soldier giving his name, rank and nothing more, Dwayne stood up, looked at his feet, muttered, "Not guilty", and sat back down, not to be heard from again for the remainder of the trial.

The Commonwealth of Pennsylvania v. Dwayne Brown represents a perfect case study for my thesis, which questions whether in the face of a Code of Silence, a defendant from an inner city community will still be afforded the presumption of innocence. This is *not* the story of the Hurricane. It has never been proven that Brown is *innocent*. He has never provided an alibi for the evening. In our interview, he told me that he understood the crime to be the result of a conflict over a female between Fuss and Manny. Somehow, this rings hollow.

However, he was also never *proven* guilty. The State of Pennsylvania based its entire case on the police statements of three eyewitnesses. When they were called to testify in open court, all of these witnesses disavowed their prior statements. Because

police recovered no incriminating physical evidence, this case allowed me to isolate and examine the effects of the ‘Stop Snitching’ phenomenon upon Philadelphia’s courtrooms.

I also believe this trial presents a perfect case study due to the people involved. Judge Renee Cardwell Hughes, a young African American woman who has personally experienced run-ins with racist police officers, presided over the case.¹⁹⁷ DA Mark Gilson, one of the best in the city, had often confronted the Stop Snitching phenomenon in the city’s toughest cases. Defense lawyers Patricia McKinney and Paul George have practiced for over 20 years, and are seasoned veterans of Philadelphia’s criminal justice system.

As for the representatives of inner city Philadelphia, the Brown family had personally experienced the neighborhood transitions discussed earlier, having lived their entire lives in North Philadelphia. Dwayne Brown himself experienced a childhood engulfed by the crack-epidemic. Eventually Brown began to sell drugs. In a literally cutthroat business, Brown proved incredibly successful, as his organization garnered between \$15 and 30 thousand dollars daily.¹⁹⁸ One wonders what he might have done with a graduate degree from the Wharton Business School.

During the trial, the state called three witnesses who had identified Brown as the killer in out-of-court statements to the police. First, I discuss how each witness’ courtroom testimony displayed a different problematic aspect of the state’s response to the Stop Snitching phenomenon. Secondly, I discuss a piece of valuable exculpating

¹⁹⁷ For example, Mumia Abu-Jamal, writing from Death Row following his conviction of murdering a Philadelphia police officer mentions Hughes’ public run-ins with police in his collection of essays entitled *Live from Death Row*. Mumia writes, “Mrs. Renee Hughes, past president of the prestigious Barristers Association and wife of state representative Vincent Hughes had her windows shattered by the highway patrol when she didn’t move her car fast enough or open her window on command. She is seized, handcuffed, and arrested.” Mumia Abu-Jamal. *Live From Death Row*. (New York: Perennial Books, 1996), 127-128.

¹⁹⁸ Dwayne Brown, interview.

evidence controversially withheld from the case by Judge Hughes. I argue that this demonstrates the state's efforts to overcome Stop Snitching, at the expense of individual justice. Finally, I consider Mark Gilson's closing argument in which the district attorney played more upon the jury's general frustrations with current inner city Philadelphia than to the specifics of the incident at York St. and Cleveland St. on December 4th, 2000.

5.2 The Eyewitnesses

The Testimony of David "Charlie" Garvin

Less than one hour before returning a guilty verdict in *The Commonwealth v. Dwayne Brown*, jury members asked to review bits of David Garvin's statement to detectives; a statement given years before the trial. Perhaps the fiercest person to appear in the courtroom over the two-week trial, the physically intimidating David Garvin arrived in the courtroom from prison where he is currently serving a seven year sentence. Specifically, the jury wanted to review the type of gun Garvin claimed to have witnessed Brown carrying as he allegedly walked towards the corner on the night in question. This suggests that the jury accepted Garvin's out-of-court statement as the truth, and that this statement played an integral role in convincing them of Brown's guilt. A close inspection of Garvin's involvement in the case exemplifies the information barrier between the inner city and the Criminal Justice System, and how this disconnect compromises the court's integrity.

On January 23rd, 2001, over a month and a half following the murders, David Garvin appeared unexpectedly at the central Philadelphia police station. Police had never questioned Garvin about the murders because nobody had ever said he was present on the corner that night. Claiming that his name was John, Garvin proceeded to identify

Dwayne Brown and Jasaan Walker as the two December 4th shooters. On February 1, 2006, the state called Garvin to the witness stand to testify, where Mark Gilson asked him to “Tell the jurors what you told the detective.”¹⁹⁹ Garvin responded, “I told you that the detective made this (statement) up.”²⁰⁰ “Okay. Time out,” responded a flustered Mark Gilson. “Time out, yeah!” taunted the defiant Garvin.²⁰¹

Mark Gilson proceeded to read every word of Garvin’s statement aloud, while Garvin absurdly denied ever saying any of it. Finally, the lawyers and Mr. Garvin met in the judge’s chambers. While still on record, a frustrated Garvin explained to Judge Hughes, “I gave these statements. I did! But I hate to say the word, and I don’t want to be ignorant, but this is crap!”²⁰² Over the next two days Garvin tried to explain that he felt a deep pain following the death of his friend Manny, and that he had heard on the streets that Brown and Jasaan were responsible. Therefore, according to his courtroom testimony, he had concocted the statement based on what he had heard through the grapevine following the murders. In fact, during cross-examination, George established that Garvin had given *another* pre-trial statement to a private detective, in which he explained,

The reason why (I implicated Jasaan and Dwayne) was that because the person murdered was a friend of mine, and I heard people saying Jasaan, so I just assumed that they knew what they were talking about. I found out about the murders the next day from Odell and Tim.²⁰³

In addition, the statement Garvin gave to detectives had significant loopholes.

For example Garvin claimed to have been two feet away from the dice players who got

¹⁹⁹ Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*, February 1, 2006, 248.

²⁰⁰ Ibid.

²⁰¹ Ibid.

²⁰² Ibid, 307.

²⁰³ Notes of Testimony. *The Commonwealth of Pennsylvania v. Dwayne Brown*. February 2nd, 2006, 58. Statements were never taken from either Odell or Tim, and they were never called to the stand as witnesses.

shot, and that the shooters were three feet away from the dice players. Garvin's discussion of close range fire contradicted the testimony of other witnesses. Moreover, if Garvin had really been so close, it would have been a minor miracle that he himself did not get shot. In another example, when Garvin was asked to give a physical description of the shooters, the best he could do was, "I know Stacey when I see Stacey." Furthermore, none of the other eyewitnesses, in any of their statements ever put Garvin at the scene of the crime. Dwayne's father William later told me,

I've talked to people who were there that night, including some that didn't come to court and didn't testify, and they all say that Charlie²⁰⁴ wasn't there. They say that Charlie don't even come down here; he hangs out with them boys up there, and they don't get along with the guys down here.²⁰⁵

Because Garvin categorically denied ever even being present, defense council could never cross-examine him about the particulars of his statement to the police. To the jurors, the particulars lost any relevance. The actual question became, 'why would Garvin change his testimony.'

The most the jury should have been able to conclude from the many testimonies of David Garvin was that something did not add up properly. Certainly, one explanation could have been that Garvin had been intimidated into repudiating his statement.

However, another equally plausible explanation could have been exactly the one he gave in court. I discussed Garvin's testimony extensively with Mark Gilson, who suggested,

It's true, you could hear on the street that Stacey and Jassan killed Manny and Tata. You could hear how it happened, and go and tell the police as if you saw it. But think about it: They're lying about what? That they were

²⁰⁴ For clarification: Mr. Garvin's legal first name is David. When he met with detectives at the roundhouse to implicate Dwayne Brown in the murders, he said his name was John. On the streets, he is known exclusively as Charlie.

²⁰⁵ Harvey, interview.

there. But are they lying about who did it? No. It's hearsay, but again, that's a technical word. What they are saying is the truth.²⁰⁶

This suggests that, in the face of silence, prosecutors and detectives are prepared to accept a broader range of evidence, even secondhand evidence from a person giving a fake name.

Following the trial, however, I uncovered a third potential explanation for why Garvin may have disavowed his statement. This theory truly depicts the information divide between the inner city and the justice system, as what appears as common knowledge on the streets was never discussed in Brown's trial. Dwayne's father explained:

Listen, Charlie was friends with Manny, but he didn't know Manny as well as he said he did at the trial. See, you have to understand, Garvin ran with Rock Star (a cleverly named local dealer). Rock Star wanted Dwayne's corner, so he sent Charlie down to the Round House. Charlie is retarded. Everyone in the neighborhood knows he can't read or write a statement. If Charlie had decided on his own that he wanted to talk to a cop, he would have started talking to the first traffic cop he saw on the street! See, Rock Star tried to put the money move on Dwayne. The idea is Dwayne pays Rock Star, and Charlie takes back his statement. Rock Star pulled that shit one too many times...he got shot recently when he tried to pull something like that. When he died, there was no point in Charlie testifying.²⁰⁷

Aware of this theory, Gilson later commented, "Yeah, Garvin may have had alternative reasons for giving his statement, but you have to remember that he wasn't the only witness." No hard facts exist to support this theory, yet, no hard facts exist to support the theory that Dwayne Brown intimidated Garvin into disavowing his statement.

Much can be learned from Garvin's testimony in *The Commonwealth v. Dwayne Brown*. The district attorney's post-trial recognition of the problematic nature of

²⁰⁶ Gilson, interview.

²⁰⁷ Harvey, interview.

Garvin's testimony suggests that the state is willing to grasp at straws of evidence in order to combat the Code of Silence. The testimony suggests the very real possibility that in such a grasp, the state might latch onto completely unreliable evidence. Furthermore, the testimony underscores the information disconnect between the inner city and the criminal justice system. For example, Garvin gave his inculpatory statement under a fake name. Harvey commented on the detective who took the statement, "So you (the detective) are the number one dog on the murder trial, and you don't even know who you're talking to...these detectives have no clue what's going on."²⁰⁸ Similarly, the true nature of Garvin's and Manny's relationship, be it friendship or economical, remains a mystery. Finally, although numerous legitimate theories exist to explain the changes in Garvin's statement; none of them can be proved. Thus, the jury's acceptance of Garvin's testimony reflects George and Matthews' argument that, in today's courtrooms, defendants are required to prove their innocence.

The Testimony of Allen Lanier

The testimony of Allen Lanier demonstrates the effect on the jury of having the inculpatory statements repeated first by a district attorney and then by a trained detective at trial, as opposed to hearing the witness himself give the statements. This process is discussed in Chapter 4. In *The Commonwealth v. Dwayne Brown*, this led the jury to accord the statements a degree of credibility that might never have been given if the people whom Judge Hughes refers to as 'hood rats' had actually repeated inculpatory statements themselves in the courtroom.

One of the few things proven in *The Commonwealth v. Dwayne Brown* was that nothing Allen 'Dolemite' Lanier has ever said can be trusted. Lanier appeared in court in

²⁰⁸ Harvey, interview.

prison garb as he is serving a sentence for armed robbery. On the stand, he proved himself willing to say absolutely anything to help his own personal cause. Lanier gave his statement while he was in prison under the assumption that if he helped the DA, they would shorten his sentence. Similarly, Lanier gave a statement to Jasaan Walker's private investigator *exculpating* the later, under the expectations that Jasaan would pay for Lanier lawyer in an open drug case.²⁰⁹ In his series of pre-trial statements, Lanier was willing to give statements in support of whichever party could do him the biggest favor at the time.

Once in the courtroom, it became readily apparent that Lanier saw it in his best interest to side with the defense. As if on repeat, Lanier answered nearly every question that the Mark Gilson had, with a flat 'No'. He refused to admit knowing what the word 'snitch' meant, even though he had described it to a tee in his out-of-court statement. He also claimed to have no idea whether it was a bad thing to be a snitch in prison.²¹⁰ On cross-examination, he answered 'yes' or 'true', regardless of the question put to him. For example, in cross examination, Brown's lawyer Patricia McKinney asked Lanier, "You are the kind of person who comes and lies one way or the other if you get something out of it?" to which Lanier responded, "True." Ms. McKinney continued, "Basically, you're going to say what you need to say to help yourself whether it's true or not?" to which Lanier agreed: "True."²¹¹

Only one conclusion could be garnered from Lanier's testimony and statements: The man lies through his teeth. How could such a man give a series of contradictory

²⁰⁹ Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*, February 3, 2006, 89.

²¹⁰ *Ibid*, 110.

²¹¹ *Ibid*, 116.

statements, come to court and say nothing, and have *one* of these statements selected and deemed truthful by the jury? I submit that by reading the statement repeatedly in court, the detectives and district attorney gave it an unwarranted air of legitimacy.

After Gilson read the statement aloud to the jury, he called Detective McCann to the stand, who assured the jury that the combative man they had just witnessed was, “very cooperative” while he gave his statement. “He didn’t avoid answering any of our questions,” the detective explained.²¹² Next, Gilson called yet another detective, to read Lanier’s inculpatory statement out loud. Detective Centeno calmly addressed the jury, reading,

I then saw Stacey and Jasaan peeking out of the lot. They wanted to see who was around. I then saw Jasaan and Stacey exit the lot with masks on. They were rushing the corner where TaTa, Donald and Manny were, and they both had guns. As soon as they hit the corner they started firing.²¹³

Because the detective was a well-spoken citizen with a very respectable job, the jury may have accorded these words with a level of trustworthiness that they would never have granted to a man that a half an hour earlier seemed ready to lie about the color of the sky, should it fit his agenda.²¹⁴

We can conclude that the jury accepted the state’s interpretation of Lanier’s testimony, because without Lanier, the murders were a motiveless crime. In one of the

²¹² Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*, February 3, 2006, 116

²¹³ *Ibid*, 164.

²¹⁴ In a poignant example of the difficulty in cross-examining a detective armed with a statement, defense attorney Paul George asked Centeno, “Now at any point, did Lanier indicate to you that he was hopeful that there might be some benefit to him in exchange for the help he was giving you?” “He may have, but I don’t remember” replied the detective, essentially ending that line of questioning. Later, George challenged a portion of the statement that claimed, “I waited for the cops to show up, and I left...Heavy took TaTa to the hospital and I followed in my car.” George addressed the detective, “Are you aware that from other interview taken from other individuals in this case that Heavy took TaTa to the hospital well before the police showed up?” The detective confidently looked at the jury and informed them that he was not aware of this. (Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*, February 1, 2006, 139.)

statements, Lanier claimed, “It was a drug war. Manny was messing with Fuss’ business. He would stop the customers before they could get to Fuss’ dealers.”²¹⁵ In his closing, Gilson used these two sentences to defend the allegations that the shooting was in response to a drug war. Had Lanier tried to make such allegations in open court, he would likely have been laughed out of the courtroom. As a witness, his credibility had been completely impeached. However, his out-of-court statements sounded cool, calm, reliable and collected when coming out of the mouths of professionals such as Gilson and Detective Centeno.

The Testimony of Lionel Lawrence

Lionel Lawrence’s testimony exemplifies the fact that nobody can be quite sure of the conditions under which most out of court statements are given. Lawrence witnessed the double homicide from his car, as he was joyriding around the block with TaTa’s brother in the passenger seat. Some time after the crime, detectives got word that Lionel had witnessed the events, and they tracked him down for questioning. In the statement produced during this session, Lawrence explained how masked men appeared from the alleyway, and how he jammed his foot on the accelerator to flee the scene. While Lawrence did not implicate Brown in the body of his statement, he did at the end identify Dwayne Brown and Jasaan Walker from a spreadsheet of photos.

In *The Commonwealth v. Dwayne Brown*, Lionel Lawrence testified that his statement was given under significant duress, and that he had been apprehended by detectives and taken to the police station without his consent. Lawrence proceeded to testify that detectives held him in the police station for many hours, denying him access to bathrooms, food and water, and telling him that he would not be permitted to leave

²¹⁵ Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*, February 3, 2006, 64.

unless he pointed to a picture of Dwayne Brown. He also testified that detectives subtly implied that if he did not give them Brown, than perhaps *he himself* committed the crime.

In the courtroom, a frustrated Lionel pleaded to the jury that the shooters were wearing masks, and they could not be identified beneath their dark hoodies, sweatpants, and facial disguises. He claimed that, “the detective just told me to sign the sheet. Sign, sign, sign. These guys was nasty with me. They wasn’t going to let me read over the statement.”²¹⁶

As detectives did not tape Lawrence’s statement, nobody will ever know the degree of conviction or confidence with which Lawrence selected a photo of Dwayne Brown. We will never know to what extent his accusations of police intimidation and mental anguish are accurate, and what affect they had on his statement. We will never be able to substantiate or repudiate his claim that the detectives pressured him into implicating Dwayne Brown.

Furthermore, since no defense attorney was present for the interrogation session, no portion of Lawrence’s accusation- which would later be entered for its truth content- could ever be subjected to any cross-examination. At the time when Lawrence picked out a photo, no defense attorney ever got to ask Lawrence on what basis he had selected that of Brown. I have argued that Brown’s trial transpired months before his actual court date, and that it occurred in the detectives’ interrogation rooms. Lawrence’s testimony demonstrates the mysterious conditions under which these statements were given.

5.3 The Video Confession

Late on the evening of December 3rd, 2001, Philadelphia police raided the high-class waterfront home of known crack dealers Fuss, Cub, and their little brother Jasaan

Walker. In the ensuing scramble, police apprehended Jasaan on the balcony as he attempted to descend from the penthouse apartment. By three o'clock in the morning, Jasaan sat dejected in the detective's office, with a number of bright florescent lights illuminating the small room and obscuring the true time of day. What proceeded proved highly unusual: In an epoch stigmatized by the Code of Silence, Jasaan had simply had enough; enough of the dealing, the violence, the thirst for money, and enough of the silence. The young man began to open up, and tell detectives *everything*. Everything about the drug organization which he had been born into, everything about the bags of money stashed in his mother's house, everything about Manny, and how the fool had opened up shop on *their* corner. Everything about how he, along with his brothers Fuss and Cub, snuck out of the alleyway at York & Cleveland on December 4th, 2000, and shot Manny, Tata, and Don King.

Detectives responded to Jasaan's personal unburdening with a most unusual decision of their own: Unlike any other eyewitness statement taken during this investigation, detectives procured a video camera and recorded Jasaan's confession. Thus, unlike any of the pre-trial statements used against Dwayne Brown, we know *exactly* what Jasaan said, how he said it, and under what conditions he gave his statement. The viewer can watch the weight evaporate off Jasaan's chest as he explains how he and his two brothers hid their masks in the top shelf of a closet in Cub's house, and how they discarded the weapons so that the firearms would never be found.

The detectives, no doubt elated by the purity of the confession, had one point of confusion. As noted in Chapter 4, following an arrest for possession with intent, Damon Dent bought time by implicating Dwayne Brown in the murders to which Jasaan

confessed. Detectives were also aware that Dwayne belonged to the drug organization headed by the Walkers. “What about Stacey? Did he have anything to do with this?” pressed one detective on the video. Jasaan, who had been giving his statement with a thousand yard stare aimed about a foot in front of his feet, raised his eyes to the detectives. His face clenched with confusion. “Stacey? He didn’t have nothing to do with this...” and with a bit of frustration, as if nobody had been listening to the bearing of his soul, Jasaan repeated, “It’s like I said, I did it with my brothers, Fuss and Cub.”

Months following the trial, Prosecutor Mark Gilson admitted:

I’ve never had a case where somebody did what Jasaan did, to give something real honest inculcating himself, without pulling any punches, but then to implicate his own brothers, while exculpating Dwayne Brown, that was unique.²¹⁷

The video put the Commonwealth into a difficult position. They knew they had a slam dunk case against Jasaan Walker. However, the Commonwealth faced the dilemma that no jury could *convict* Dwayne Brown, given the exculpating statements from a man done with lying. Jasaan’s confession exculpating Brown would most likely trump the rag-tag bunch of statements implicating Dwayne Brown.

District Attorney Mark Gilson had the solution: He moved to separate the cases, and try Jasaan Walker and Dwayne Brown separately for the same crime. In *The Commonwealth v Jasaan Walker*, the state would muscle Walker into a guilty plea, arguing the immutable truth of the video confession. However, on an evidentiary technicality, the District Attorney would then argue that the very same video could *not* be introduced as evidence during the trial of Dwayne Brown.

²¹⁷ Gilson, interview.

Later, Gilson would admit that he believed the overwhelming majority of the taped statement was true, even admitting that he believed Fuss participated in the shooting. Really, the only thing that Gilson did not accept for its truth content was the statement that Cub, Jasaan's other brother, and not Stacey, was the third shooter. Perhaps once upon a time such decisions would have been left to a jury, but in an era when unsolved cases pile up towards the ceiling, the state takes no chances. The District Attorney offered Jasaan a 30-year plea bargain; a very tempting offer in a double capital murder trial. However, in order to receive that deal, the Commonwealth forced Jasaan to agree not to testify in *The Commonwealth v. Dwayne Brown*. While Gilson would later contest this during our interview, court records seem to substantiate this claim. On February 6, 2006, already over one week into Brown's trial, Judge Hughes sent the courtroom into recess, as Mark Gilson, Brown's two lawyers, and Jasaan Walker's lawyer Brian McMonagle convened in the judge's chambers to discuss whether Jasaan would testify during Brown's trial. In this conversation, which remained on the record, McMonagle stated,

I would represent to the Court that the specific negotiations of the guilty plea were that Mr. Walker would not testify with respect to this particular case or answer questions if called as a witness with respect to this case.²¹⁸

Rather than face the Death Penalty, Jasaan Walker agreed to assert his 5th Amendment rights at Dwayne Brown's trial, and he never appeared in front of a single juror. As a result, a legal question arose as to whether the video could still be offered as evidence in Brown's trial (see footnote 213). In a remarkably revealing statement, Mark Gilson later stated,

²¹⁸ Notes of Testimony. *The Commonwealth of Pennsylvania v. Dwayne Brown*. February 6th, 2006. Volume 2, Pg. 146.

If Jasaan hadn't have pled the 5th, the defense could have played it the way the prosecutor normally would, giving the video an air of authenticity and reliability because a detective would sit up there and read the dialogue out loud, and make it sound very believable. The detective would be playing the video, I wouldn't have been able to cross examine Jasaan because he would have pled the 5th. Would that have been fair? To make a determination without the ability to cross examine the person that made the statement?²¹⁹

Mark Gilson certainly earned his paycheck in devising a plan in which one guilty verdict was accomplished by arguing the truth content of a piece of evidence, and another guilty verdict could be accomplished by challenging the truth content of the exact same piece of evidence. However, Mr. Gilson did not have the final word. In the end, Judge Renee Cardwell Hughes would decide whether the video in which Jasaan Walker calmly and comprehensively confessed to committing the murder with his two brothers could be presented to the jury in Dwayne Brown's capitol murder trial. Hughes had a great deal of agency in this decision as the video presented a unique evidentiary question; a question of first impression in a court system based on precedent.²²⁰ Judge Hughes chose to bar the video from the courtroom. To this day, not a single juror knows of its existence.

To the defense attorneys, Hughes' legally suspect ruling affirmed the Judge's belief in Brown's guilt, and her willingness to steer the trial towards such a verdict. In a heated conversation held on the record in the judge's chambers, Brown lawyer Pat McKinney charged, "Your Honor, I know that you made it clear throughout this case that

²¹⁹ Gilson, interview.

²²⁰ Under particular situations, hearsay can be admitted into court for its truth content. This can occur when one has given a statement against penal interest. For example, if Dwayne Brown had been arrested in a single defendant case, and Jasaan had confessed to this crime on the video, the video could be entered as evidence in the courtroom, whether Jasaan testified or not. By the same token, in a multi-defendant case, if Jasaan had confessed to the crime, but said that Brown didn't do it, by precedent, the inculpatory evidence would be admissible, while the exculpatory evidence would not. However, the gray area occurs when Jasaan confessed to a multi-person crime, and implicated the other defendants, none of whom were Dwayne Brown.

you believe Dwayne Brown is guilty.”²²¹ Hughes did not challenge this assertion, but claimed that, “This is a jury trial, and my opinion of the evidence is of no moment.”²²² However, evidence suggests that Judge Hughes did not personally believe in the portion of Jasaan’s statement that exculpated Brown, and, almost certainly, this was why the incredible video never screened in Courtroom 904.

On January 23rd, 2006, before a jury had even been selected, Judge Hughes heard motions from the lawyers involved in order to determine the video’s admissibility.

Towards the end of the conversation, Judge Hughes opined,

It seems to me like Fuss don’t get his hands dirty so it’s kind of hard for me to believe that Fuss would have shot somebody. It’s kind of inconsistent with somebody riding around in a white Bentley.²²³

I took particular note of this comment at the time, given the reaction of the audience from Dwayne Brown’s neighborhood. Some looked at each other in shock, while other fought to stifle laughter. Clearly, the audience, who knew more about Fuss than Judge Hughes did, was not in agreement with her characterization. These remarks epitomize the shaky nature of the guesswork that the Code of Silence imposes on the court. Furthermore, the refusal to allow the video into the courtroom supports allegations by defense attorneys such as Mathews, George and McKinney that judges have assumed a more active role in procuring convictions. According to George, “At this point, as Defense Attorneys, it has become very infrequent for a gray area ruling to go in our favor.”²²⁴

²²¹ Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*. February 1, 2006, Pg. 146.

²²² Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*. February 1, 2006, Pg. 146.

²²³ Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*, January 23rd, 2006, Pg. 81.

²²⁴ George, interview.

The effects of Judge Hughes' ruling cannot be over-emphasized when considering the guilty verdict returned by Dwayne Brown's jury. Paul George suggests,

As a juror, if you see that tape, you cannot possibly look yourself in the mirror and say, 'I know that Dwayne Brown is guilty.' I said earlier that currently, it seems like a defendant has to prove his innocence. Well, this tape would have provided that proof.²²⁵

Furthermore, the video would have undercut the District Attorney's main argument that Dwayne Brown and his drug organization had pressured witnesses into disavowing their statements. The totality of the evidence supporting this assertion came from Allen Lanier's (the perpetual liar discussed earlier) out of court statements, as Lanier claimed that Manny was messing with Fuss' business. Later in the statement, which was read to the jury, Lanier stated,

Jasaan's brother Cub came and got me...and told me that a private investigator wanted to talk to me. Cub told me to say that Manny and Ta-Ta were gambling with two other guys and that the two other guys shot them. Cub told me to tell the investigator that the two guys had masks on. So Cub and I went to Cub's house where the private investigator was. I told the private investigator what Cub told me to say...Cub offered to pay for my lawyer on an open drug case that I had. Cub was going to pay me an additional twenty-five hundred...Jasaan's mother said to me, "Don't testify against my son...Than Jasaan approached me and said, 'Yo, I hear you're telling on me.' Jasaan said, 'Bend but don't break.'²²⁶

Without any real discussion as to who these Jasaan, Fuss and Cub fellows were, this testimony was entered into evidence for its truth content against Dwayne Brown.

Gilson's implications were clear: Somehow, Brown must have been involved in the drug trade, and for some reason, the mysterious Fuss, Cub, and Jasaan were attempting to protect Brown. The testimony strongly corroborated Jasaan Walker's video confession that he committed the crime with Fuss and Cub. However, in lieu of the video, the jury

²²⁵ George, interview.

²²⁶ Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown*, February 3, 2006, Pg 90-94.

accepted the implication that Fuss, Cub and Jasaan had attempted to obscure Dwayne Brown's guilt.

In the end, the state, and not the jury decided which parts of Jasaan's statement were true, and which were not, and it based these decisions on little solid evidence.

Following the trial, Gilson explained,

I have to make these kind of inferences more and more...If you wanna believe that Jasaan's statement is the truth, and if you want to believe that portions are a lie, you can defend that...in the end, its what you believe.²²⁷

Apparently, both Gilson and Judge Hughes believed that Stacey was guilty, and in the face of the Code of Silence, they ensured that the defense would be denied the crucial evidence, which exonerated the man currently spending the rest of this life in a century old penitentiary in Central Pennsylvania.

5.4 *The Commonwealth v. North Philadelphia: Mark Gilson's Closing Argument*

Given the confusing nature of the testimony in *The Commonwealth v. Dwayne Brown*, Mark Gilson's closing argument likely played a crucial role in convincing the jury that they had enough evidence to convict. A close reading of Mark Gilson's closing argument suggests that Gilson played to the jury's general frustration with the situation in Philadelphia, as opposed to any case specific evidence. Gilson began his closing by arguing that "I have done murder cases for twenty years, and this happens all the time." Shortly thereafter, Gilson asserted to the jury that, "In the neighborhoods where we live, there is a code of the streets, and it is a Code of Silence...They refer to witnesses as snitches and rats." These arguments provided no solid evidence against Mr. Brown, but

²²⁷ Gilson, interview.

rather, asked the jury to sit in judgment of perceived neighborhood tendencies. Gilson proceeded:

You know, sometime tonight or tomorrow night a shot is going to ring out in the city of Philadelphia and some mother's son is going to be gunned down on the street dead, and the police are going to get called and they're going to go there like they always do, like they did in this case, and a crowd is going to gather and they're going to ask, 'did anybody see anything? And everybody is going to take two steps back and the people are going to go back inside their homes, and they're going to shut their doors and pull their shades and turn out their porch lights.'²²⁸

Next, Gilson implied that the audience present in the courtroom had intimidated the witnesses, an argument unsubstantiated by any evidence presented during the trial. "Yeah, I pointed at those people," Gilson told the jury. "Because every time I called an eyewitness, ten or twelve of these people would file into the back of the courtroom and take a seat."²²⁹ As a matter of fact, I viewed the entire trial from the back row of the courtroom, and while Brown's trial did attract a minor audience, I saw nothing to substantiate Gilson's claims of intimidation. Months after the trial, Lavinia Brown confided,

We had state representatives in that courtroom, vice presidents of unions in that courtroom, childhood friends in the courtroom. A lot of people in that courtroom were there to support both our family and TaTa's family. But because they were African American, and sitting with the defense, they assumed that they were all just gangsters and drug dealers.²³⁰

Maybe audience members *did* intimidate witnesses. However, Gilson's accusation were purely speculative and based on the overall situation in North Philadelphia, and cases in the past; not on any facts presented during the trial of Dwayne Stacey Brown.

²²⁸ Notes of Testimony. *The Commonwealth of Pennsylvania v. Dwayne Brown* February 8th, 2006, Pg. 91

²²⁹ Notes of Testimony. *The Commonwealth of Pennsylvania v. Dwayne Brown* February 8th, 2006, Pg. 93.

²³⁰ Lavinia Brown, interview.

Throughout the remainder of his closing argument, Gilson continued to weave novels, at times severely distorting the few facts that existed in the case. For example, Gilson addressed the jury, “You know why (Tata’s brother) left the hospital so quickly after Tata was shot. He left the hospital to go back to that neighborhood and take care of it himself, to find the two guys who did it: Jasaan and Stacey.”²³¹ A completely unsubstantiated argument, but one that perpetuates a notion of lawlessness and separation from the criminal justice system in Philadelphia, one that Gilson implied the jury could fix with a guilty verdict.

As for factual distortions, Gilson talked at length about how David Garvin came forth with information in defense of his friend TaTa. “When they killed TaTa, that was different,” Gilson explained to the jury.

On the streets, that was different because he didn’t deserved to die, because he didn’t do anything wrong. If Manny was the only one who had been killed, this murder might never have been solved. John Garvin felt ‘some kind of way’ about TaTa being shot. He said, ‘Ta-Ta was a friend of mine, he wasn’t supposed to be shot.’²³²

Court records clearly state that Garvin testified that he “felt some kind of way about his best friend *Manny* being shot.”²³³ The re-arrangement of Garvin’s testimony represents the ‘novels’ lawyers conceive in order to combat the Code of Silence. In lieu of hard facts, Gilson looked to create a martyr; something that would whet the jury’s appetite for revenge. It may even be the case that TaTa *was* a martyr, representing the innocent people caught up in the city’s violence. However, given the disconnect between inner

²³¹ Notes of Testimony. *The Commonwealth of Pennsylvania v. Dwayne Brown*, February 8th, 2006, Pg. 109-110

²³² Ibid, Pg.110-111. Note that Gilson still has not quite figured out Garvin’s legal first name.

²³³ Notes of Testimony, *The Commonwealth of Pennsylvania v Dwayne Brown*, February 2, 2006, 4-77.

city residents and the justice system, lawyers could not even argue this point without doctoring the evidence.

Gilson concluded his statement by issuing a challenge to the jury: “The only question is what are you going do about it?”²³⁴ Given the nature of his closing argument, the question seems to ask, ‘what are you going to do about the violence in North Philadelphia?’ or ‘what are you going to do about the fact that it’s dangerous to be a witness in a murder trial?’

5.5 Conclusion

On February 10, 2006, a jury of 12 Philadelphians asserted their capability to do exactly what Lionel Lawrence claimed he could not: See through masks. The jury found Dwayne Brown guilty of double homicide, even though no witness had ever taken the stand and accused him under oath. The state’s evidence consisted entirely of suspect statements, made by suspect individuals, under suspect conditions, that were not suspect to cross-examination. The guilty verdict of *The Commonwealth v. Dwayne Brown* represents a significant deviation from the standard of the burden of proof, as placed upon the district attorney by the Constitution of the United States of America.

Such a devolvement of due process makes significant strides either to an overall regression from America’s unique stance on justice, or, more likely towards the creation of second class citizenry. By this, I mean the burden of proof required to convict me, a young white male, may be significantly higher that that required to convict Mr. Brown. The precedent set in *The Commonwealth v. Dwayne Brown* is a dangerous one. What happens when a community, already antagonistic to the legal system, begins to perceive that constitutional rights no longer apply to people from their neighborhood?

²³⁴ Notes of Testimony, *The Commonwealth of Pennsylvania v. Dwayne Brown* February 8th, 2006, 142.

During the interview Lavinia Brown fumed,

It was like that judge was racist...maybe that's not the right word but she didn't like Dwayne no kind of way, even though she didn't know him. It was like he was right off the streets or something...the judge is supposed to be balanced, but she took every leg my son had out from under him. A video confession that says a man didn't do it should be presented in the courtroom.

They're just playing with your life. They feel like nobody care anyway, so 'we can just play these games'...That trial was fixed. All the crooked things that went on with the DA and the judge was a nightmare, and is still a nightmare for me and my family. Dwayne was already guilty before he even entered the courtroom.²³⁵

Of course, given her son's experience, Mrs. Brown may hold a biased opinion of the court system. However, if the measures whereby the state achieved the guilty verdict here were to become more commonplace, the inevitable result will be more and more people feeling as if their family member or friend did not get a fair trial. Just as an entire community was affected by the insensitive response to the crack epidemic, the relationship between that same community and criminal justice will likewise suffer as the state employs extraordinary tactics to combat the Code of Silence.

²³⁵ Lavinia Brown, interview.

Bibliography

Primary Sources

- Anonymous Detective. Interview by Sam George. Philadelphia, Pennsylvania, January 24th, 2007.
- Booker, Thurman. "Alcohol and Drugs in the Black Community." In *The State of Black Philadelphia, 1993*. Philadelphia: Urban League of Philadelphia, 1993.
- Branch, Alvia & Coston, Wanda. "Black Youth Unemployment in Philadelphia." In *The State of Black Philadelphia, Vol. VIII: The Plight of African American Children & Youth*. Philadelphia: Urban League of Philadelphia, 1989.
- Brown, Dwayne. Interview by Sam George. Huntingdon, Pennsylvania, September 1, 2006.
- Brown, Lavinia. Interview by Sam George. Philadelphia, Pennsylvania, August 18th, 2006.
- Conroy, Theresa. "Boy's killer to be tried in the slaying of a man in '02." *The Philadelphia Daily News*, October 4th, 2006, Page. 8.
- Dale, Maryclaire. "Charges Stand for Don't Snitch Dad." *Philadelphia Metro*, July 27th, 2006.
- Harvey, William. Interview by Sam George. Philadelphia, Pennsylvania, August 18th, 2006.
- George, Paul. Interview by Sam George. Oberlin, Ohio, March 24th, 2007.
- Goldman, Paul. Interview by Sam George. Philadelphia, Pennsylvania, August 24th, 2006.
- Goode, Wilson. Interview by Sam George. Oberlin, Ohio, February 6th, 2007.
- Hughes, Renee Cardwell. Interview by Sam George. Philadelphia, Pennsylvania, January 17, 2007.
- Hutchens, Francis. "Adolescent Pregnancy Among Black Philadelphians", in *The State of Black Philadelphia, 1981*. Philadelphia: The Urban League of Philadelphia, 1981.
- McCrone, Brian. "Dad Charged with Telling Daughter: Do Not Snitch." *The Philadelphia Metro*, April 25, 2006.

- Lewis, Anthony. "Housing for Philadelphia's Black in 1980: It's Still an Unequal Opportunity." In *The State of Black Philadelphia, 1981*. Philadelphia: Urban League of Philadelphia, 1981.
- Matthews, Thurgood. Interview by Sam George. Philadelphia, Pennsylvania, January 19th, 2007.
- Mathis, Thaddeus. "The Status and Growth of Black Political Impedance in Philadelphia, 1979-1980." In *The State of Black Philadelphia, 1981*. Philadelphia: The Urban League of Philadelphia, 1981.
- Mosse, George. Interview by Sam George. Philadelphia, Pennsylvania, August 24, 2006.
- Nodiff, Laurence. Interview Sam George. Philadelphia, Pennsylvania, January 22nd, 2007.
- Notebaert, Edmond, & Rostain, Anthony, & Schwarz, Donald. "Cocaine Abuse and Black Children" in *The State of Black Philadelphia, Vol. VIII: The Plight Of African American Children & Youth*. Philadelphia: The Urban League of Philadelphia, 1989.
- Notes of Testimony, *Commonwealth of Pennsylvania v. Duane Brown*. CP0103-073 1/1, April 12, 2005; June 15, 2003; July 15, 2003; January 23, 2006 – February 8, 2006.
- Office of the City Controller of Philadelphia. *Philadelphia: A New Urban Direction*. Philadelphia: Saint Joseph's University Press, 1999.
- Perry, Carrolle. "Black Unemployment in Philadelphia", in *The State of Black Philadelphia, 1981*. Philadelphia: Philadelphia Urban League, 1981.
- Putter, Candace. Interview by Sam George. Oberlin, Ohio, March, 25, 2007.
- Pompilios, Natalie. "Crime of Fashion." *The Philadelphia Inquirer*, August 7th, 2005, Page A01.
- Randolph, Jim. Interview by Sam George. Philadelphia, Pennsylvania, August 29th, 2006.
- Rehill, Mary. Interview by Sam George. Philadelphia, Pennsylvania, January 24th, 2007.
- Shaw, Julie. "Witness balked, but trial still ordered." *The Philadelphia Inquirer*, December 6, 2006.
- "Snared by the Street", *The Philadelphia Inquirer*, July 30th, 2006.

“Street Code Slams into a Higher Law.” *Philadelphia Daily News*, April 26, 2006.

Weyrich, Noel. “Don’t Start Snitching.” In *Philadelphia Magazine*. December 2006, Pg. 68-74.

Secondary Sources

Abu-Jamal, Mumia. *Live from Death Row*. New York: Perennial Books, 1996.

Adams, Carolyn, ext. *Philadelphia: Neighborhoods, Division, and Conflict in a Postindustrial City*. Philadelphia: Temple University Press, 1991.

Anderson, Elijah. *The Code of the Street: Decency, Violence, and the Moral Life of the Inner City*. New York: W. W. Norton & Company, 1999.

Anderson, Elijah. *Streetwise: Class, Race, and Change in an Urban Community*. Chicago: University of Chicago Press, 1990.

Bates, Timothy, and Fusfeld, Daniel. *The Political Economy of the Urban Ghetto*. Edwardsville: Southern Illinois University Press, 1984.

Bauman, John. *Public Housing, Race, and Renewal: Urban Planning in Philadelphia, 1920- 1974*. Philadelphia: Temple University Press, 1987.

Bauman, John; Hummon, Norman; and Muller, Edward. “The Richard Allen Homes.” In Trotter, Joe; and Ledell, Eric ed. *African Americans in Pennsylvania: Shifting Historical Perspectives*. Harrisburg: Pennsylvania University Press, 1997.

Beauregard, Robert. *Voices of Decline: The Postwar Fate of U.S. Cities*. New York: Routledge, 2003.

Berne, Emma Carlson ed. *Cocaine: The History of Drugs*. Detroit: Greenhaven Press: 2006.

Brewer, Rose. Lui, Meuzhu. Robles, Barbara. *The Color of Wealth: The Story Behind the US Racial Wealth Divide*. New York: The New Press, 2006.

Canton, David. “The Political, Economic, Social, and Cultural Tensions in Gangsta Rap”. *Reviews in American History* 34. Johns Hopkins University Press, 2006, Pg. 244-257.

Christianson, Scott. *With Liberty for Some: 500 Years of Imprisonment in America*. Boston: Northeastern University Press, 1998.

Countryman, Matthew. “From Protest to Politics; Community Control and Black Independent Politics in Philadelphia, 1965-1984.” In *Journal of Urban*

- History*. Vol. 32 No.6, 813-861. Sage Publications, 2006.
- Glasgow, Douglas. *The Black Underclass; Poverty, Unemployment, and Entrapment of Ghetto Youth*. San Francisco: Jossey-Bass Publishers, 1980.
- Grogger, Jeff, and Willis, Mike. *The Introduction of Crack Cocaine and the Rise in Urban Crime Rates*. Massachusetts: National Bureau of Economic Research, 1998.
- Gest, Ted. "Cocaine Sentencing Policy: Crack Versus Powder." In Berne, Emma Carlson ed. *Cocaine: The History of Drugs*. Greenhaven Press: 2006.
- Gorz, Andre. *Farewell to the Working Class: An Essay on Post-Industrial Socialism*. London: Pluto Press, 1980.
- Hopkins, Jerry. "Cocaine as a Status Symbol" in Berne, Emma Carlson ed. *Cocaine: The History of Drugs*. Greenhaven Press: 2006.
- James, William, and Johnson, Stephen. *Doin Drugs: Patterns of African American Addiction*. Austin: University of Texas Press, 1996.
- Lamar Jr., Jacob. "Crack Starts its Rise", in Berne, Emma Carlson ed. *Cocaine: The History of Drugs*. Greenhaven Press: 2006.
- Lane, Roger. "Black Philadelphia Then and Now; The Underclass of the late 20th Century Compared with Poorer African Americans of the Late 19th Century" in Herrell, Adele. Peterson, George ed. *Drugs, Crime, and Social Isolation; Barriers to Urban Opportunity*. Washington: The Urban Institute Press, 1992.
- Ledell, Eric, and Trotter, Joe, ed. *African Americans in Pennsylvania: Shifting Historical Perspectives*. Harrisburg: Pennsylvania University Press, 1997.
- Marable, Mannint. *Race, Reform, and Rebellion: The Second Reconstruction in Black America, 1945-1990*. Jackson: University Press of Mississippi, 1991.
- Massey, Douglas. "Segregation and Violent Crime in Urban America." in Anderson, Elijah, and Massey, Douglas ed. *Problem of the Century: Racial Stratification in the United States*. New York: Russell Sage Foundation, 2001.
- Mauer, Marc. *Race to Incarcerate, Revised and Updated*. New York: The New York Press, 2006.
- Metraux, Stephen. "Waiting for the Wrecking Ball: Skid Row in Postindustrial Philadelphia." In *Journal of Urban History* (1999, 25: 690-715).
- Miller, Jerome. *Search and Destroy: African American Males in the Criminal Justice*

- System*. New York: The Cambridge University Press, 1996.
- Milovanic, Dragan & Russell, Kathryn. *Petit Apartheid in the U.S. Criminal Justice System*. North Carolina: Carolina Academic Press, 2001.
- Notebaert, Edmond, & Rostain, Anthony, & Schwarz, Donald. "Cocaine Abuse and Black Children" in *The State of Black Philadelphia, Vol. VIII: The Plight Of African American Children & Youth*. Philadelphia: The Urban League of Philadelphia, 1989.
- Pitney, Howard. *The African American Jeremiad: Appeals for Justice in America*. Philadelphia: Temple University Press, 2005.
- Quinn, Eithne. *Nuthin' But a "G" Thang: The Culture and Commerce of Gangsta Rap*. New York: Columbia University Press, 2004.
- Richards, Eugene. *Cocaine True, Cocaine Blue*. New York: Aperture, 1999.
- Saddick, Annette. "Rap's Unruly Body; The Postmodern Performance of Black Male Identity", *The Drama Review* 47. New York University, 2003.
- Schaller, Michael. *Right Turn: American Life in the Reagan-Bush Era: 1980-1992*. New York: Oxford University Press, 2007.
- Shull, Steven. *A Kinder, Gentler Racism: The Reagan-Bush Civil Rights Legacy*. New York: M.E Sharpe, 1993.
- Simon, David, and Burns, Edward. *The Corner: A Year in the Life of an Inner-City Neighborhood*. New York: Broadway Books, 1997.
- Sullivan, Rachel. "It's Got a Nice Beat, But What About the Message?" *Journal of Black Studies, Vol. 33, No. 5*. Sage Publications, 2003.
- Tonry, Michael. *Malign Neglect- Race, Crime, and Punishment in America*. New York Oxford University Press, 1995.
- Wacquant, Loic. "Deadly Symbiosis; When Ghetto and Prison Meet and Mesh" in *Punishment and Society, Vol. 3(1)*. London: SAGE Publications.
- Waldorf, Dan, Reinerman, Craig, and Murphy, Sheigla. "Understanding Crack: The Scientific Perspective." in Berne, Emma Carlson ed. *Cocaine: The History of Drugs*. Greenhaven Press: 2006.
- Walters, Ronald. *White Nationalism, Black Interest: Conservative Public Policy And the Black Community*. Detroit: Wayne State University Press, 2003.

Weiner, Mark. *Black Trials: Citizenship from the Beginnings of Slavery to the End Of Caste*. New York: Vintage Books, 2004.

Welshman, Josh. *Underclass: A History of the Excluded 1880-2000*. New York: Palgrave Macmillan Press, 2006.

Wilson, David. *Cities and Race: America's New Black Ghetto*. New York: Routledge, 2007.

Wilson, William Julias. *When Work Disappears*. New York: Alfred A. Knopf, 1996.