

## The Hurricane

“The Hurricane” has descended upon us with the power and whirlwind of a cyclone. But this is no tropical storm. It is the beast of Robert Frost’s *Storm Fear*. It is a storm that blows a harsh cold wind and spits ice and snow in all directions. The newspaper ad for the movie says Come celebrate the Triumph. I say Come watch the snow job.

On June 17, 1966 two black men entered a bar in Paterson, New Jersey armed with a shotgun and .32 caliber revolver. Within seconds Fred Nauyoks, a patron, and the bartender James Oliver were dead. Hazel Tanis died four weeks later from the gun shot wounds and the only survivor, William Manis was shot in the head and blinded in one eye. Mains later died in 1973. The victims were not acquainted with their killers; nor was robbery involved. This was an execution of four innocent victims, who happened to be white.

Three eye witnesses testified that immediately after hearing the shots, they saw two black men run from the bar and drive away in a white automobile with out-of-state license plates and taillights shaped like triangles or butterflies. Within minutes after the shootings the police stopped a white car in the vicinity with out-of-state plates and triangular taillights occupied by Rubin Carter and John Artis.

As the New Jersey Supreme Court would later confirm, the evidence against Carter and Artis was overwhelming. Their vehicle was a dead ringer. It was found to contain the same .32 caliber and 12-gauge shotgun shells which were used on the victims. Carter was personally identified by two of the witnesses and Artis by one. Three of Carter’s initial alibi witnesses later admitted they had lied and one of them also testified that Carter had suggested to her to falsify

her story on his behalf.

Several hours before the murders of Nauyoks and Oliver, a black bartender was shot to death at a local bar by a white man. That killing sparked an outrage on the part of Carter and Artis who were friends of the victim's stepson. After the three met, the carnage took place.

Rubin Hurricane Carter and John Artis were convicted of these crimes by two separate juries, in 1967 and 1976. The second jury took only nine hours to reach its decision. Artis was paroled in 1981 and one year later the New Jersey Supreme Court upheld the convictions.

Having exhausted all appeals in the state courts, Carter and his legal team then turned to the federal court. In 1985 they found a sympathetic ear in Judge H. Lee Sarokin. Despite the fact that not one of the seven New Jersey Supreme Court justices accepted Carter's claim that his conviction was based upon racial bias, Sarokin did. And he turned Carter loose.

Almost twenty years after the crimes and with most of the witnesses now gone, the Prosecutor had little choice. He would not retry Carter a third time for these crimes.

Thus, we now have *The Hurricane*; a wide screen, multi million dollar production based upon the self serving versions of history offered up by Carter and the movie script writers.

With popcorn and raisenettes for company the movie is tolerable. While even the title fight scene is a farce, Denzel Washington's performance is worth the price. But when you leave the theater and return to the real world, remember that he is just an actor, and this is big business, Hollywood business. The movie ad quotes a critic as saying "It is impossible not to be moved." The movie did in fact move me. It moved me to speak some truth about the Hurricane and the destruction it continues to leave in its path.

Rubin Carter has been a free man since 1985; free to make a great deal of money as the

latest hero in the fight against racism in this country. He is the wrong poster child. Convicted twice of these murders, Carter has never been declared by any judge or jury to have been innocent or even falsely accused of these crimes. He is a free man today because of an imperfect American justice system which, at times, must sacrifice the protection of the good for the rights of the wicked. I believe, however that Rubin Carter is free because the integrity of our justice system gave way to the whim of one judge and his personal agenda. Sarokin's written opinion in the case denounces racial bias, but to this reader, it seems to foster it. As in the O.J. Simpson case, what we believe to be the essence of justice somehow succumbs to a smokescreen of someone else's version of it. And somewhere along the way, the truth gets lost.

Prejudice practiced in any form is wrong. It goes against the very fiber of what our free nation is all about. And, without a doubt, the racial prejudice towards blacks is perhaps the greatest scourge in the history of this country. But Judge Sarokin practiced his own form of personal prejudice in his zeal to strike a blow against racism. He was blinded by his passion and he was indifferent to the casualties of the justice he had just pronounced.

In my own respect and passion for the civil rights of others, I cannot in good conscience, no matter how much I may want to, think of Rubin Carter as a positive symbol in the continuing fight against racism. To do so would tarnish the greatness of such true Black American heroes as Dr. Martin Luther King, Jackie Robinson, Joe Louis and Wilma Rudolph. To do so would elevate his lie to their truth.

United States Supreme Court Justice David Souter has said that the criminal justice system must never treat a crime victim as a "a faceless stranger." We must never forget, nor take for granted, the individuals our criminal justice system was designed to protect. When we

fail to offer compassion and respect for the innocent victims of crime, we not only take away their identity but we risk losing our own. While the rights of a criminal defendant must not be compromised to favor a crime victim, likewise, the rights of crime victims cannot be ignored or disregarded.

We must salute the real heroes in the eye of this hurricane; James Oliver, William Manis, Hazel Tanis and Fred Nauyaks and their many family members and friends. I was recently contacted by a grandson of Fred Nauyaks. He spoke of the grandfather who was robbed of the opportunity to witness his grandson's ninth birthday. He described the continued sorrow of his mother and grandmother who still grieve the loss of their loved one after 34 years.

Several days later I received another phone call. The caller was a soft spoken woman and I detected a certain nervousness in her voice. She asked if I could help her. Her mother was Hazel Tanis.

Throughout the course of the past ten years I have experienced many personal situations with crime victims which have profoundly become a part of me. On January 26th I was once again given the opportunity to bear witness to the power of the human spirit. As I introduced Hazel Tanis' son and daughter to two of the grandchildren of Fred Nauyaks, I became frozen in my own emotion. This was no reunion. They had never met nor spoken before. They did not even know that the others existed before this day. Nevertheless, their common bond, their grief as victims of this crime, seemed to absorb 34 years of their history like some time machine.

As these four average, yet remarkably inspiring individuals embraced and drew strength from each other, they shared the similarities of their loss, their pain and their continued fears. Each commented that while some days may be a bit easier than others for survivors of murder,

the wounds never heal. With the size of the Hurricane's advertising budget they are not about to heal.

If you are looking for a hero in the Hurricane, go no further than the victims of these crimes and their survivors. These heroes however will have no movies made about them. There will be no concerts to raise money on their behalf and Bob Dylan will not sing of their courage. We will not see them on Oprah or the Larry King Show where recently the viewers were treated to a syrupy dose of backslapping between Carter, Sarokin and super lawyer Jerry Spence.

So when you turn on the television on Oscar night, don't expect to see any of the victims' family members in the audience or walking up arm and arm with Denzel to receive his award. No Hurricane victim will be given the opportunity to make one of those empty pronouncements from the microphone that actors have come to believe they do so well. But the Hurricane's victims will survive. They have survived. And it is up to those of us who have faith in the righteousness of our justice system to make sure that, while not being on the big screen, nevertheless, they will not be faceless strangers.

The advertisement for the movie says, "Come celebrate the Triumph." So I did. And I shall continue to celebrate and to salute the powerful triumph of the human spirit of these Victims and their Survivors; but not the hurricane.

Richard D. Pompelio

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