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# PORTLAND OBSERVER

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Two Sections



Sgt. Joseph Huff, trainer for the Portland Police Department, after explaining how the application and use of the carotid-sleeper hold is taught in the department, demonstrates how a shorter officer can overcome a height difference before applying the

"hold." Some accounts of the incident indicate Officer Barbour jumped off the ground to get his arm around Stevenson's neck, a tactic not taught to officers.



Dr. Allan Ames shows the proper method of detecting if a victim is breathing before applying CPR. Although there are varying accounts relating to Stevenson's breathing — from constant but labored

to not breathing — as reported to A.A. Ambulance, there was no attempt at pulmonary resuscitation.

(Photos: Richard J. Brown)

## Verdict: Homicide

by Lanita Duke

GRASSROOT NEWS, N.W. — Deliberating for two hours and nine minutes and absorbing information only worthy of belief, the inquest jury's verdict was homicide.

Tom Steenson, attorney for the Stevenson family, defined homicide as "the causing of the death of another individual by another individual. In this case it was the police officers. It was more than negligence; it was not an accident and it was not natural. It was caused by the sleeper hold and the failure to administer CPR."

Although District Attorney Michael Schruck's line of questioning favored the police, Steenson was not surprised by the verdict.

"As the three days of testimony unfolded, the evidence became compelling," he added.

Ronnie Herndon, co-chair of the Black United Front, who attended all three days of the inquest, said he was happy, surprised and encouraged by the verdict.

"That was what we hoped for. I was surprised by it because of the unbalanced way the inquest was handled. However, the inquest jury just looked at the facts and came up with the verdict," Herndon said.

A grim D.A. left the courtroom without answers to questions except to say that he was unaware of any procedural questions. But throughout the three day inquest, Steenson, Herndon and a number of onlookers confronted Schruck outside the courtroom regarding his line of questioning.

This reporter witnessed Avel Gordley questioning Schruck on his refusal to pursue whether racial slurs were involved. Schruck said he hadn't heard race brought up. But Gordley replied that he never asked.

The inquest verdict is not admissible in the grand jury proceedings which will begin on Thursday, May 16.

### The testimony

Last week during a public inquest this version of what occurred became public. From throwing the alleged shoplifter into a police car to ignoring Lloyd Stevenson's pleas to show his ID, witnesses pieced together this account:

Barnell Wilson Jr., one of the eyewitnesses closest to the police and Stevenson, said the gas station attendant (Greg Cavic) threatened Stevenson with a gun or a knife. Cavic had called the police and said he was headed over to the 7-11 with a 45-caliber handgun.

"Stevenson was saying, 'Come on with it.' The police (Bruce Pantley and Gary Barbour) came over and said to break it up. We told the officers the whole time that they had the wrong guy."

Four eyewitnesses said at no time did Stevenson hit or push an officer.

Wilson said the officers immediately jumped on Stevenson. "He wasn't struggling. And all he said was, 'Let me show you my ID.'"

Wilson added that the hold was applied to Stevenson while he was standing, Barbour on his back with his arm around Stevenson's throat, Tom Mitchell and Pantley on each arm. "When they went to the ground, I heard Stevenson gasp and then he went limp. Jerry Crain yelled out my car window, 'You guys have killed him!'"

Wilson said Stevenson lay there for five minutes. "I don't understand why they didn't take the time to listen."

Crain said when he and Wilson arrived at the store, Stevenson was preventing onlookers from intervening in an altercation between the clerk and the shoplifter. "We kept telling the police that they had the wrong guy but they wouldn't listen," Crain noted.

Perry Bailey, the 7-11 clerk who asked Stevenson to help, said he also

told the police that Stevenson was the wrong guy. "The police told me to leave well enough alone."

The refusal of the police to immediately administer CPR contributed to Stevenson's death as he lay handcuffed, face down in a parking lot of a 7-11 in Northeast Portland. And the sleeper hold was applied too long, stated Multnomah County Medical Examiner Larry Newman.

Newman, who performed the autopsy, also added that the evidence he reviewed showed that Stevenson had been left on the ground for at least four minutes prior to receiving any medical treatment.

His conclusion complements and corroborates what some eyewitnesses saw April 20 as Stevenson's desire to assist a volatile situation resulting in police over-reaction and his death.

"The police failed to recognize the gravity of the situation he was in," Newman added.

The ambulance technician who arrived on the scene after Pantley ran across the street to request help had to tell the police to remove Stevenson's handcuffs. He said Stevenson wasn't breathing, nor did he have a pulse. Dr. James Rifenberry of Holiday Park Hospital, said Stevenson was essentially dead on arrival.

Edward Meaney, one of the eyewitnesses, said he saw a man down while he was driving south on Union Avenue. "The police weren't doing anything. I drove around the block and the officers were in the same position. It was noticeable that nothing was happening," Meaney said.

The inquest jury viewed the training tapes on the use of the carotid-artery hold. The tapes indicated that the hold should be applied after the person is down.

Officer Barbour said he applied the hold after Stevenson was down, but Officer Bert Combs said Barbour definitely applied the hold while Stevenson was standing. He added that he heard Stevenson's offer to show his identification to the officers three times.

## Stevenson widow files \$15 million damage suit

by Lanita Duke

GRASSROOT NEWS, N.W. — On May 13, Susanna Stevenson, widow of Tony Stevenson who died as a result of police action, filed a 15 million dollar damage suit in U.S. District Court for wrongful death and Civil Rights violations.

The civil suit requested a jury trial and listed Gary Barbour, Bruce Pantley, Thomas Mitchell, Penny Harrington and the City of Portland (Bud Clark) as defendants.

Filed by Tom Steenson, attorney for the Stevenson family, the preliminary statement said, "The defendants caused or allowed the use of the lethal carotid/choke hold under circumstances where deadly force was not justified."

The suit added that the defendants failed to provide any cardiopulmonary resuscitation or other timely medical treatment to Stevenson once the hold rendered him unconscious, "until directed to do so by emergency medical personnel who arrived at the scene eight or 10 minutes later."

The suit claims, "The conduct of defendants Barbour and Pantley herein is consistent with their patterns and practice of using excessive force and racial epithets against Black citizens in Portland."

Stevenson alleges that Stevenson was maintaining crowd control to pre-

vent Blacks and whites from intervening in a struggle between an alleged shoplifter and a store clerk.

"At the time of the police officers' arrival, a verbal exchange between Mr. Stevenson and the service station attendant was taking place. When Mr. Stevenson was approached by the police officers, both he and the witnesses made every attempt to explain his role in the incident and identify himself to the police officers. Those efforts were ignored by the officers," alleges the suit.

The suit contends Stevenson did not forcibly resist or strike any officer, and adds, "Even if the assault and use of the carotid/choke hold was justified in this instance, the carotid/choke was applied improperly by said defendants."

The suit also stated, "On April 20, 1985, defendants Harrington and Portland had a policy, practice or custom, either written or de facto, of allowing the use of the lethal carotid/choke hold by their police officers under circumstances not justifying the use of deadly physical force."

"Defendants Harrington and Portland failed, either negligently, recklessly or intentionally to provide adequate training discipline and supervision of their police officers, so as to prevent the acts alleged."



Minoru Yasui talks to Kikue Kaneyama and her son Bill Sugahiro after he addressed a meeting of the local chapter of the Japanese American Citizen League. (Photo: Richard J. Brown)

## Yasui documents internment

by Robert Lothian

Minoru Yasui was an attorney practicing in Portland in 1942 when the government ordered 120,000 Japanese-Americans living on the West Coast relocated to camps in Idaho, Utah and California.

Yasui, who was "Oregon born and bred," he said, thought the government order was racist and unconstitutional. He decided to resist evacuation, and so did two other men. They were arrested, jailed and eventually sent to the camps.

Yasui is a 1939 graduate of the University of Oregon Law School. Iron-

ically, he had tried to enlist in the U.S. military before the relocation order, but was refused.

Over 40 years later, Yasui is leading a legal fight to overturn the convictions and declare the relocation order and a subsequent Supreme Court decision unconstitutional.

He traveled from Denver, where he practices law, to Portland last week for a court hearing on the issue. While here he addressed a meeting of the local chapter of the Japanese-American Citizens League.

Yasui announced that he and Fred Korematsu had their convictions overturned recently. "It was an out-

standing victory," he said. Gordon Hirabayashi's trial comes up soon in Seattle, he said.

But on his case to have the relocation order overturned and restore rights and privileges to those who were sent to the camps, Yasui described government foot-dragging.

U.S. District Court Judge Robert Belloni refused to fact finding on the issue, even though Yasui's legal team had amassed 400 pages of documents, he said. "Belloni's comment was, 'What are we here for, I haven't read these papers,'" according to Yasui.

"It almost seems as if they are waiting for us to die," to avoid confronting the issue," said Yasui. "We're going to wash dirty linen in public and it's not going to make certain people (in government) happy," he said.

Thousands of Japanese-Americans are not willing to let the issue die, said Yasui. "We want a statement that says the government was wrong in 1942, and we won't settle for less than that," he said, pounding a table for emphasis.

The government's reason for the relocation was intelligence pointing toward an extensive Japanese spy system in the U.S. But Yasui contends that the intelligence was false, that not one Japanese was convicted as a spy.

Approximately 3,600 Japanese-Americans were relocated from Portland, according to Yasui. Many, in-

cluding Yasui, spent several months in a makeshift camp at the Livestock-Exposition yards in North Portland.

Yasui was jailed for 10 months at Rocky Butte Jail, in solitary confinement, and then he was sent to the camp at Minedoka, Idaho. He hasn't forgotten the guard towers, the barbed wire and the machine guns.

He compared the experience to America's equivalent of the Holocaust. Racist, anti-Japanese hysteria was evident in newspaper headlines from that time.

After release from the camp, Yasui settled in Denver, where he married, began raising a family and passed the Colorado bar exam. He met with resistance to practicing law. "They said I was a person of bad moral character," he said. Altogether, said Yasui, the relocation experience took four years out of his life.

Portland's Japanese-Americans compared stories after Yasui's talk. Kikue Kaneyama and her family from Gresham "sold everything we had" before being sent to the camp, she said. She described the feeling of despair that permeated the camp.

Upon returning to Gresham, she said, the family had to start over from scratch and faced antagonism from neighbors. "We weren't welcomed, really, not in the restaurants," said Kaneyama.

"It's just like if a person was raped, you never forget it," she said. "It's always with you throughout your lifetime."