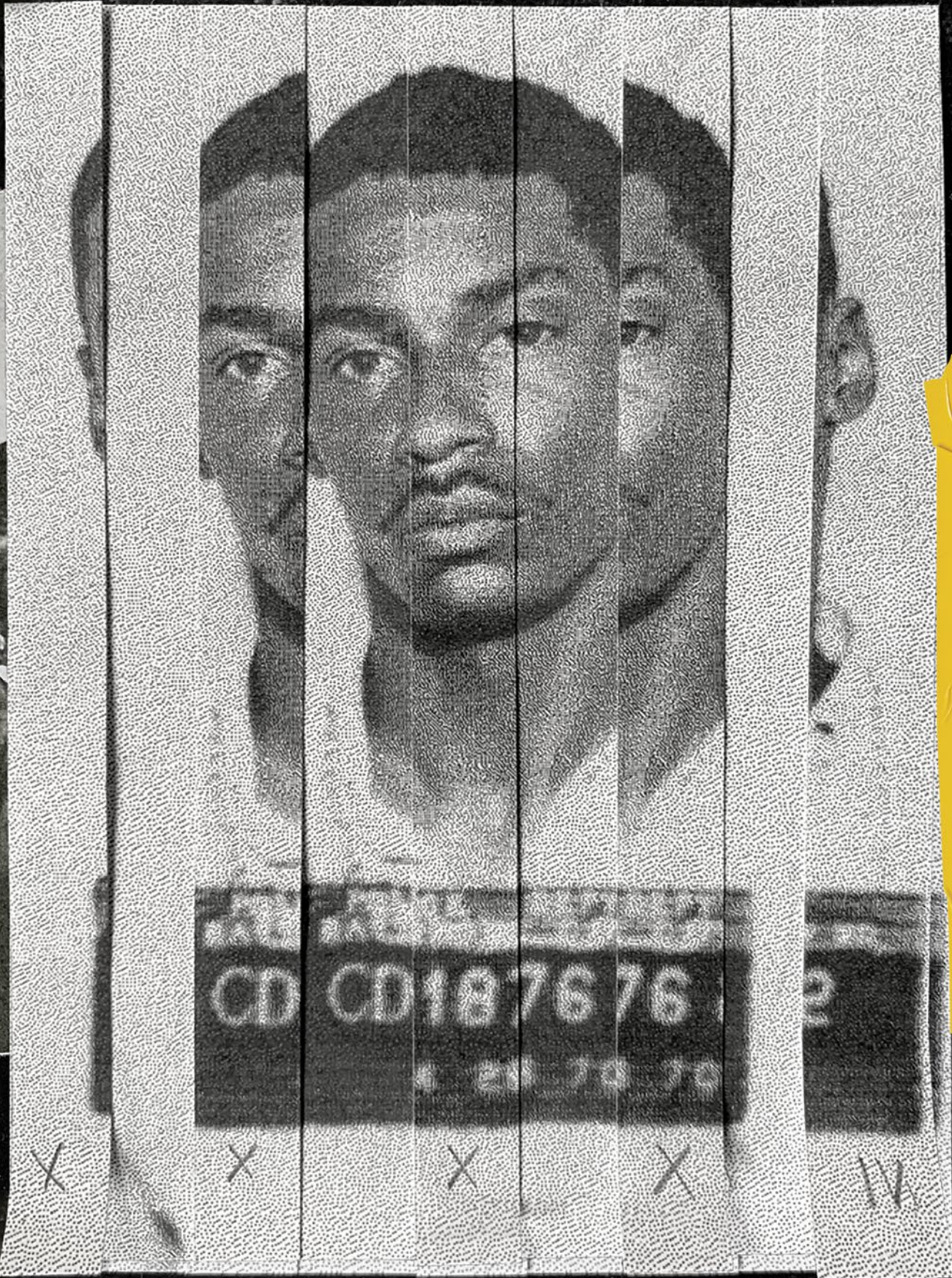




## THE FRAMING OF EDDIE CONWAY

How the FBI and BPD CONSPIRED to infiltrate the Baltimore chapter of the BLACK PANTHER PARTY and FRAME one of its leaders for murdering a police officer.



BY ANDREA CONTE

ILLUSTRATION BY VANINICK LOWERY

# IN THE SUMMER OF 1969,

the FBI began surveilling Eddie Conway, a lieutenant of security for the Baltimore chapter of the Black Panther Party, using a highly sensitive source. An FBI memo from July 15 that year reads: “One EDDIE CONWAY was in contact with the Black Panther Party office, NYC.” The report further describes that Conway had been ordered to travel to the Panthers’ New York office.

Conway was traveling to join an East Coast contingent of party members on a cross-country tour, visiting chapters in other cities on his way to the United Front Against Fascism conference in Oakland, California. Attracting some 5,000 people, the conference had been organized by the Panthers to address issues such as the community oversight of local police departments, the political imprisonment of Panther leaders, including Huey Newton and Bobby Seale, and solidarity with other new left organizations like the American Indian Movement, Students for a Democratic Society, and the Young Lords and the Brown Berets—Puerto Rican and Mexican-American led civil rights groups.

Conway’s path to the Black Panthers started two years earlier while stationed in West Germany, anticipating his Army deployment to Vietnam. “One morning, I got the *Stars and Stripes*, a military newspaper,” Conway recalled in an interview. “On the cover, there was a photograph of an armed military personnel carrier in Newark, New Jersey, where the National Guard was responding to a series of uprisings that came to be known as the 1967 Newark Rebellion. On top of the personnel carrier, a soldier pointed a .50 caliber machine gun at a group of Black women sitting on the sidewalk.

“While I read this story, I looked at my uniform, realizing I was about to go to Vietnam to kill people or sacrifice my life. I realized I was in the wrong place at the wrong time and needed to come home.” For Conway, that meant Baltimore, and he returned from Europe at 21 with a strong desire to become involved in movements confronting white supremacy in the U.S. and internationally.

Trained as a medic and a physician’s assistant, Conway’s first job after his discharge was as an operating room technician at Johns Hopkins Hospital. Then he worked as a fireman, integrating the Sparrow’s Point fire department while also becoming involved in community organizing through such groups as the Congress of Racial Equality (CORE). Following the 1968 Baltimore uprising after the assassination of Martin Luther King Jr.—a time when political revolution felt palpable—Conway joined the Black Panther Party. He believed their 10-point program, which included demands for full employment, affordable housing, quality education, and an end to police brutality, was best suited to serve the needs of Black communities.

When Conway returned from the anti-fascism conference, the FBI deepened their surveillance into his new employment, a night-shift clerking job at the U.S. Post Office on Calvert Street. In October, local FBI field office Special Agent Edwin Tully wrote to the Baltimore postal inspector to inform Conway’s supervisors of his active role within the Black Panthers: “The investigation [by]



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ABOVE: FUTURE BALTIMORE BLACK PANTHER DEFENSE CAPTAIN EDDIE CONWAY PHOTOGRAPHED WHILE SERVING IN THE U.S. ARMY DURING THE VIETNAM WAR.

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OPENING EPICARD: FROM LEFT: BALTIMORE MAGAZINE ARCHIVES, C. 1970; POMERLEAU-WINAR TV NEWS ARCHIVE; BLACK PANTHERS. PERMISSION FROM BALTIMORE SUN MEDIA. ALL RIGHTS RESERVED. THIS PAGE AND OPPOSITE: BALTIMORE MAGAZINE ARCHIVES, C. 1970 (2).

our Bureau is continuing and it would be appreciated if your office could furnish all information available to you regarding Conway.”

That fall, the Baltimore chapter fell into chaos after a barrage of attacks, including media propaganda that portrayed the Panthers as exhorters of violence, the launch of an investigation by the House Committee on Un-American Activities against the national Black Panther Party, and the killing of party members. In December 1969, Fred Hampton, the 21-year-old chairman of the Illinois chapter, and 22-year-old Panther Mark Clark were killed during a police raid in Chicago in an assassination orchestrated by FBI Director J. Edgar Hoover and other top FBI officials. Days later in Los Angeles, 13 Panthers became the target of the first major raid by a Special Weapons and Tactics (SWAT) team, involving 350 officers.

“It wouldn’t be long before the fate of many of our comrades would befall us as well,” Conway would write in his 2011 memoir, *Marshall Law: The Life and Times of a Baltimore Black Panther*. For the Baltimore chapter, including Conway, that fate would manifest from a police shooting in West Baltimore and its aftermath.

On April 24, 1970, at 9:51 p.m., a “signal 13” radio call from police car No. 183 indicated an officer in serious distress. The following transcript of the call was accessed under the Maryland Public Information Act.

*Patrol car: 183, I have been shot.*

*Dispatcher: What unit?*

*Patrol car: 183. 1201 Myrtle Avenue.*

*Dispatcher: Signal 13, 1201 Myrtle Avenue . . .*

*The officer has been shot. 113, 113.*

*Second patrol car: 1201 Myrtle. 113 responding.*

*Dispatcher: 10-4*

*Second patrol car: 10-32, Dolphin and Myrtle.*

*Dispatcher: Go ahead, car with emergency.*

*Patrol car: Two colored males running north on Myrtle from 1201. Wanted for assault and shooting two police officers.*

*Dispatcher: One of the subjects may be armed with a shotgun . . . All we have is two colored males running north on Myrtle Avenue. One may be armed with a shotgun.*

The call for help was made by police officer Stanley Sierakowski, who had just been shot multiple times in a parked BPD patrol car. His partner, Donald Sager, sat fatally wounded next to him in the driver’s seat.

Police reports from that night documented Sierakowski’s account that two men had approached the car and



shot the officers from behind. In the ensuing manhunt, five men were initially taken into custody that evening. The following day, George Collins, anchor of WMAR’s nightly “Newswatch,” announced two men had been charged with the murder of one police officer and attempted murder of another. “Late today,” Collins reported, “the homicide bureau identified the suspects as James Edward Powell, 35 years old, and Jack Ivory Johnson, 21 years old.” Powell and Johnson had been community workers for the Baltimore Panthers for just a few months.

Over the next week, that radio call for two shooters running north on Myrtle Avenue led to multiple

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ABOVE: THE EAST BALTIMORE HEAD-QUARTERS OF THE LOCAL CHAPTER OF THE BLACK PANTHER PARTY IN 1970.

raids, arrests, and charges against 21 members and associates of the Baltimore Panthers. Conway was arrested as a suspected *third* gunman two days after the incident.

What the local Panther chapter and the public didn't know at the time was the extent of the conspiracy between the FBI, the BPD, the U.S. Attorney General, and City State's Attorney's Office to manufacture charges against Panther members. Their goal was not just to lock up and oust leadership like Conway, but to eliminate the Black Panther Party in Baltimore entirely.

**Following the assassination** of Martin Luther King Jr. in April 1968, Baltimore was shaken by nine days of civil unrest, which brought city and county police, state troopers, the FBI, and more than 9,000 armed Maryland National Guard members and U.S. Army soldiers to the city's streets. Nearly 6,000 arrests were made during the first occupation of the city by federal soldiers since the railroad strikes of the 1870s.

After several days of riots, then-Gov. Spiro Agnew invited roughly 100 Black leaders, including judges, City Council members, and ministers to Annapolis for an address on the state of the crisis. But rather than provide insight into the government's response, Agnew infamously launched a firestorm of accusations. "Now, parts of many of our cities lie in ruins. And you know whom the fires burned out just as you know who lit the fires," Agnew said, pointing the finger at his Black audience. "They were not lit in honor of your great fallen leader . . . Those fires were kindled at the suggestion and with the instruction of the advocates of violence."

Agnew specifically named Black Power organizers Jamil Abdullah al-Amin (H. Rap Brown) and Kwame Ture (Stokely Carmichael) as "the advocates of violence" because of their work with the Student Nonviolent

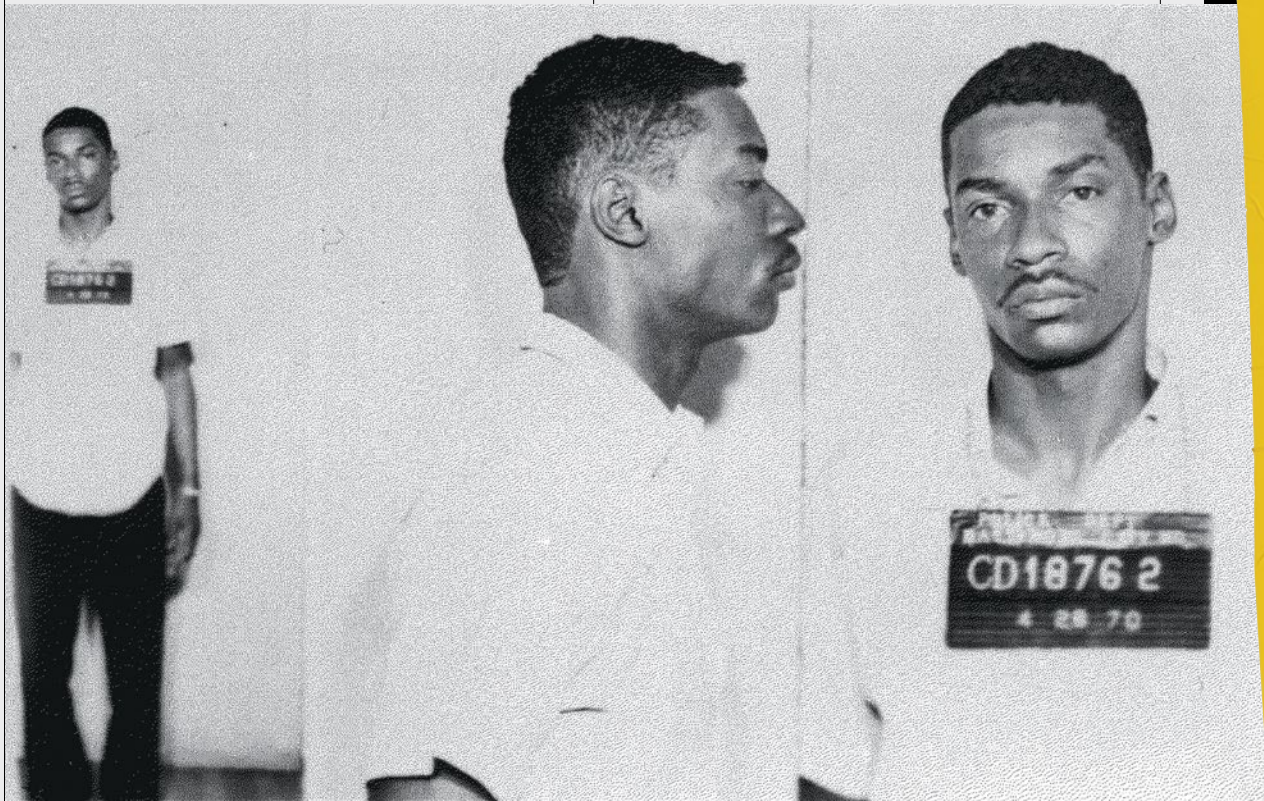
**TWO DAYS AFTER THE INCIDENT,  
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*NO DIRECT EVIDENCE* LINKING  
HIM TO THE SHOOTINGS.**

Coordinating Committee and organizing in Cambridge, Maryland. During the 1975 Church Committee Congressional hearings on intelligence agency abuses, it was revealed Agnew had been receiving memorandums from Hoover's secret counterintelligence program known as COINTELPRO, which emphasized al-Amin and Ture's organizing and "propensity for violence and civil disorder."

From 1956 to 1971, COINTELPRO used unlawful methods to—in the FBI's own words—"expose, disrupt, misdirect, discredit or otherwise neutralize" civil rights, anti-war, Black Power, and student organizations throughout the U.S., often sabotaging, infiltrating, arresting, and even assassinating their members. Following the April '68 riots, the FBI significantly expanded its COINTELPRO crusade to "subvert and eliminate the Black Panther Party and its members." This expansion relied on the FBI's Racial Informant Program, which recruited Black men from inner cities as sources and counter-subversive agents to exhort violence, sow distrust, and encourage criminal acts inside local chapters—all of which happened in Baltimore. At its height, the Racial Informant Program comprised more than 7,000 informants around the country. By November 1968, informants were so successful at infiltrating Panther chapters that co-founder Bobby Seale initiated a halt on new membership and a national purge to rid the organization of suspected infiltrators.

Amid this backdrop, the FBI and the Baltimore Police Department collaborated over the spring and summer of 1968 to establish and control a nascent Baltimore branch of the Black Panthers through the placement of a Black undercover FBI agent. Adj. Gen. George Gelston, based at the 5th Regiment Armory in Baltimore, recommended one of his Maryland National Guard soldiers, Warren Hart, a 40-year-old administrative supply technician, be loaned to the FBI "because of the civil disturbance in the state."





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 ABOVE, FROM TOP:  
 A MUGSHOT OF  
 EDDIE CONWAY;  
 POLICE COMMISSIONER DONALD  
 POMERLEAU.  
 OPPOSITE PAGE:  
 UNDERCOVER  
 OPERATIVE  
 WARREN HART  
 IN THE CENTER,  
 FLANKED BY  
 TWO PANTHERS.  
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Gelston's recommendation was so successful that within months, Panther recruits were gathering at Hart's Park Heights rowhouse, where he lived with his wife and two sons. "Some nights, after a Panther meeting when everyone would leave, my father's FBI bosses would come to the house afterwards to discuss everything that happened earlier," recalled Hart's eldest son, Warren Jr., in an interview. The Hart home would serve as the initial headquarters of the Baltimore chapter of the Black Panther Party, with Warren Hart appointed as its new founding leader.

Published in September 1967, the FBI's Racial Informant Monograph listed money, patriotism, anti-communism, and support for law and order as potential motivators for informants and infiltrators. In other instances, the FBI and local law enforcement agencies offered coercive deals related to criminal charges—although this does not appear to be the case with Warren Hart. During a decade-plus undercover career spanning multiple government agencies across North America and the Caribbean, Hart seemed to enjoy his clandestine work.

"It's like being an artist," Hart said in a 1981 National Film Board of Canada documentary that featured his work as an FBI spy. "An artist has what we call a photographic eye," Hart told the filmmakers. "You have to have total recall and a mental library. If a person suspects

you of being a police officer, you must convince them that you're not. You can't resort to your gun or start fighting because it's a losing battle—you're out there alone. Your act must be convincing, in other words, you must win an Oscar every night of the week."

Born in Durham, North Carolina, and the second oldest of five children, Hart enlisted in the Navy at 15. After an honorable discharge in 1945, he pursued employment with the U.S. Army and the federal government. Years later, he enlisted in the Army's 29th Division Intelligence School in Virginia, where he specialized in arms and explosives training, graduating in 1964. Two years later, Hart joined the Maryland National Guard, where he became known to Gelston as one of few Black soldiers in his ranks.

Hart's undercover role in Baltimore required him to report to an FBI handler, Special Agent Gerald Davis of the Baltimore field office, whose superiors maintained close contact with BPD brass. From his first days in office in 1966, Baltimore Police Commissioner Donald Pomerleau—a graduate of the FBI's National Academy—mirrored Hoover's COINTELPRO by creating a "red



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 ABOVE, UNDERCOVER OPERATIVE AND BALTIMORE BLACK PANTHER LEADER WARREN HART, THIRD FROM RIGHT, AND BALTIMORE BLACK PANTHERS AT A RALLY AT THE WAR MEMORIAL BUILDING.

squad” intelligence unit within the department known as the Inspectional Services Division (ISD). Led by FBI-veteran Maurice Dubois, ISD agents would eventually occupy a house across from the Baltimore Panthers’ office on Gay Street to monitor and infiltrate the chapter. But it was during the early organizing of the chapter in September 1968 that the FBI and BPD worked collaboratively to insert Hart as a rigged contender for local chapter leadership.

**Following Baltimore’s uprising** that spring, ISD officers intensified surveillance of a local Black nationalist group, the Society of United Liberators, known as Soul School, whose members had begun organizing the first Panther meetings in Baltimore. FBI and BPD intelligence squads encouraged Hart to join Soul School and their Panther organizing efforts with the parallel intention of creating opportunities to arrest, charge, and discredit Soul School members.

On Sept. 28, 1968, Soul School member Shaguna Lumumba (William Green) was targeted for a traffic stop by six Baltimore police officers. Hart and two others were also in the car. Lumumba, then described by *The Baltimore Sun* as “the local leader of the Black Panther Party,” was arrested on outstanding traffic warrants and marijuana possession. Hart, who was charged with disorderly conduct for “loud and abusive language,” later paid the group’s bail and fines.

Remarkably, arrest records list Hart’s employer as the National Security Agency and he later admitted that the incident was part of an operation arranged by the FBI and BPD. A month afterward, on Nov. 1, 1968, Hoover sent a letter to the Baltimore field office, boasting about the effectiveness of Hart’s actions at neutralizing Lumumba and Panther organizing efforts.

“This proves once again,” wrote Hoover, “that if you have quality informants placed in key positions it is possible to thwart extremist activities before they get off the ground. Continue in a job well done by developing racial informants who are always one step ahead of the extremists.”

Because he was nearly twice the age of most Panther members and had access to cars, money, and weapons, Hart was widely admired by the organization’s rank and file. In October 1968, he was introduced to Ture, who was impressed with Hart’s military experience and that he had footed the fines and bail after Lumumba’s arrest. Ture even suggested that Hart serve as “chairman of the board” for the Black Panther Party in Maryland and meet with him in New York to discuss needs there.

The next month, Hart traveled to Oakland as a representative of the Baltimore chapter and continued to impress Panther Central Committee members. He participated in arms and explosives training while meeting with Oakland leaders like

**“IT WAS *OBVIOUS* THAT THE BALTIMORE CHAPTER HAS BEEN *INFILTRATED* BY GOVERNMENT AGENTS, BUT *WHERE* THE INFILTRATION *STARTED* AND *STOPPED* WAS *STILL UNCLEAR*” IN MID-1969.**

Bobby Seale, who affirmed Hart’s appointment as Baltimore’s defense captain—the top-ranking position. It was on Dec. 2, 1968, that the Baltimore FBI field office reported Hart “now appears to be in control of the chapter in Baltimore.”

By 1969, the Baltimore branch was one of newest chapters in the country and uniquely established under FBI control. It was also low in membership and lacking funds. As a senior member with ties to other chapters, Conway recognized the Baltimore chapter’s challenges and remained committed to the long game of building the organization. “The local chapter initially seemed more like a social group instead of a political organization,” Conway said. “I sometimes thought they were misinterpreting the meaning of the word ‘party.’”

Unbeknownst to Conway, the Baltimore chapter’s shortcomings were by design. FBI reports unveil daily communication between Hart’s handlers and the BPD to target members and disrupt their programs and community relations in early 1969. This included exerting pressure on public officials, among them the superintendent of Baltimore City public schools, compelling them to ostracize the Panthers from city organizations and limit their public speaking opportunities. As a result, in February of that year, Panther lieutenant Elijah “Zeke” Boyd and five other Panthers were charged with trespassing at Frederick Douglass High School and obstructing the arrest of a supposed seventh Panther, James Foxworth—an undercover BPD agent, recently hired as a patrolman months earlier.

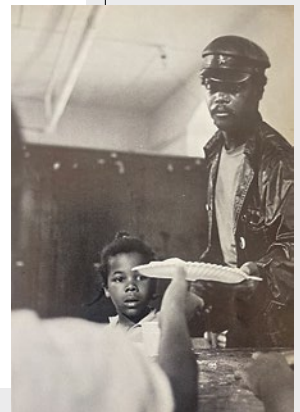
Through Hart’s manipulation, expelled and disenchanted members were recruited by the BPD and FBI as candidates to be flipped into informants. Also in February, for example, an expelled Panther allegedly played a role in the arrest of Baltimore Panther Arnold Chaney, who would later be sentenced to a five-year term for burglary. Days later, another disavowed Panther reportedly set fire to their new 1209 North Eden Street office.

Following the arson, Conway took over as head of security for the chapter. He immediately noticed the suspicious breakdown of cars used to transport children to the Panther’s free breakfast program. He also noticed

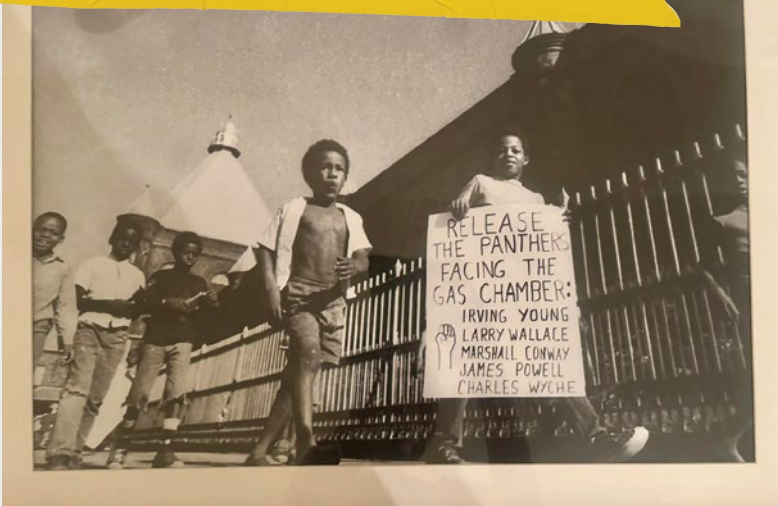
members were often arrested en route to rallies and speaking engagements, and that unauthorized people had access to their office. When he reported these events to Hart, “all too often no action was taken to deal with the problem or to investigate the situation any further,” Conway recalled. “It was obvious that the Baltimore chapter has been infiltrated by government agents, but where the infiltration started and stopped was still unclear.” After Conway reported his suspicions to the Oakland headquarters, the New York regional security team visited the Baltimore chapter on July 4, 1969. Hart was immediately demoted for failing to enforce discipline within the chapter and for a lack of security protocols. Weeks later, the Black Panther newspaper reported Hart’s purging from the party.

Shortly following his expulsion, Hart organized a petition for his reinstatement that was circulated by two local teenage Panther associates, Donald Vaughn and Arnold Loney, both of whom, it was eventually

BELOW, FROM TOP: THE PANTHER’S FREE BREAKFAST PROGRAM; THE POLICE RAID OF PANTHER’S HEAD-QUARTERS IN APRIL 1970.







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 ABOVE, FROM  
 TOP: A PROTEST OF  
 CHARGES AGAINST  
 THE PANTHERS;  
 POMERLEAU  
 MEETING CITIZENS  
 CONCERNED  
 ABOUT HARASS-  
 MENT OF PANTHER  
 MEMBERS.

revealed, were also BPD informants. Even the petition's point person, Sam Walters, of the Peace Action Center, was a BPD operative.

In a memorandum, FBI Agent Davis advised the Office of Special

Investigations, the Secret Service, and the U.S. Army Military Intelligence Corps that it was Conway who had been instrumental in "instigating the charges which eventually led to the ousting of Captain WARREN HART, former Captain of the Black Panther Party, Baltimore, in July 1969."

It was at this point that FBI special agents Davis and Tully began documenting their surveillance and investigation of Conway, including his employment with the Postal Service.

Following his ouster, Hart remained in Baltimore and continued to operate in the shadows for the BPD and FBI, filing reports throughout the fall of 1969. Hart's notes describe regular meetings with BPD informants who maintained close ties to Panther insiders. In one dispatch, Hart documented the fostering of suspicion over Conway's frequent trips to other Panther offices. Hart also instructed Vaughn to raise questions about Conway's government job to other members, later adding, "Eddie would be mudholed."

FBI files then reveal a surreal chain of events.

In a Nov. 28, 1969 report, Special Agent Davis documented Hart's discussions with an informant about their involvement in the alleged torture and murder of a labeled police informant—later identified as Eugene Leroy Anderson—inside the Panther's Baltimore headquarters, just days after Hart's ouster.

Earlier that month, Eugene Leroy Anderson's skeletal remains were identified by the BPD through a dental X-ray comparison at University Hospital Dental School, where Anderson was said to have been a patient in 1966. The identification followed the discovery of the remains in Leakin Park, first reported in October. Over months, links between the discovery of the "bag of bones" to the Panthers would be drawn up by prosecutors using statements from BPD informants Loney, Vaughn, and Mahoney Kebe—the same informers whom the FBI reported as involved in the killing of Anderson. All three would become paid state witnesses and receive immunity in exchange for testimony implicating legitimate Panthers, including Conway, the New York-based Panthers who ousted Hart, and lawyer Arthur Turco, an associate of prominent Panther lawyer William Kuntsler.

The timing of torture and murder charges was remarkable.

It was on April 30, 1970—just six days after the shootings of officers Sager and Sierakowski—that Pomerleau issued arrest warrants for 21 Panther members and associates for the murder of Anderson. More than 150 police officers raided Panther homes and offices. During a May 1 press conference, Pomerleau explained BPD's actions and revealed that Anderson's body had been recovered much earlier. "In late July of 1969, we recovered the body of Eugene Leroy Anderson in Leakin Park . . . but it wasn't until the 24th of November that we were able to develop a significant lead. This lead was furnished at the direction of Mr. Hoover of the FBI through his resident agent in the Baltimore office," Pomerleau said. "He brought over to me a memorandum which conclusively reflected the involvement of the Black Panther Party in this homicide."

Among the 21 warrants issued by BPD, the first Panther tried in the Anderson case was Irving "Ochiki" Young in December 1970. Young was accused of driving the car that took Anderson to Leakin Park where

**“IT HAS BEEN *OBVIOUS* FROM THE BEGINNING THAT THERE WAS NO LEGALLY SUFFICIENT EVIDENCE IN *MOST* OF THE CASES, YET THESE PEOPLE HAVE BEEN UNDERGOING PROSECUTION FOR A FULL YEAR.”**

he was shot and killed. He was found guilty of first degree murder. In the second trial in April 1971, Panther member Charles Wyche was acquitted on all counts, and in Turco's case in June, Kebe, Loney, and Vaughn were outed as paid police informers. In Turco's case, Kebe lied so outrageously that the trial judge ordered his testimony stricken from the record.

In response, just-elected City State's Attorney Milton Allen, Baltimore's first Black state's attorney, dropped the charges in the remaining cases against Panther members. “It has been obvious from the beginning that there was no legally sufficient evidence in most of the cases, yet these people have been undergoing prosecution for a full year,” Allen said in a public statement. He added the charges brought against the nearly two dozen Panthers were examples of “over indictment, indictment for effect, and indictment calculated to achieve maximum publicity.” Young would be released in 1974 after receiving a commutation of his life sentence by Gov. Marvin Mandel, who recognized that the same state witnesses at Young's trial had perjured themselves in Wyche's and Turco's case.

Pomerleau's “maximum publicity” stunt had been guided by FBI leads that began nine months earlier in July 1969, the same period Hart was expelled and Anderson was killed. That was also the same month U.S. Attorney General John Mitchell established a covert FBI task force to create a prosecutorial strategy against the Panther Party. As a part of this strategy, local prosecutors from state's attorney's offices across the country were coached by an FBI lecture series on “How to Deal With Panther Cases.”

**In January 1971**, Conway's trial for the murder of Sager and shooting of Sierakowski began, on the heels of Young's

conviction in the Anderson case. The state's tactics of turning young Black men into paid informants—and then into state witnesses on immunity deals—had not yet been exposed. At the same time, ACLU and lead Panther lawyers William Kunstler and Charles Garry were overwhelmed with cases across the country. “Panthers were being arrested or being killed every day,” said Paul Coates, who was appointed defense captain in Baltimore in August 1970.

A Vietnam veteran, Coates joined the Baltimore chapter as a community worker in September 1969, but quickly climbed ranks following the April 30 raids. “Everyone was in jail, there was literally no one left,” Coates says. “I had to provide court support for those held for trial. I went to New York and the West Coast seeking resources for lawyers and funds to support people, but that support never came. So, I felt that was on me. It was in this crisis that my relationship with Eddie was born.”

The Panthers advised Coates to find a lawyer who could provide Conway with a strong political defense. Kunstler, who had previously defended the Chicago 7—and came to Baltimore on Jan. 5, 1971 to assist Turco—asked Judge Charles Harris for 30 days to complete Conway's arrangements for legal representation. The next day, however, Harris denied Kunstler's request. Then, he denied Conway's request to have Turco represent him. Instead, Harris appointed public defender James McCallister to represent Conway because, according to Harris, “the trial of the case could not be delayed any longer.”

Because Conway's trial was going ahead without a lawyer of his choice, he chose to remain absent for most of the trial, refusing to dignify the proceedings.

Peter Ward, a 33-year-old prosecutor in his fourth year as assistant state's attorney, attempted multiple times to have Conway shackled and forcibly placed in the courtroom—as was done to Bobby Seale in Chicago. Judge Harris denied each of these requests, and the trial proceeded in Conway's absence.

The state's first witness was Sierakowski. When Ward asked how many people the officer observed in the vicinity of the police car when the shooting occurred, Sierakowski changed his initial account from “two colored males”—as documented in the recovered radio and police reports—to three or more Black males. “Right about where I first observed several people around my car . . . there were at least three [people],” Sierakowski testified. “I know it was more than two there, moving around a little.”

Ward continued his questioning of Sierakowski, repeatedly citing “three or more Negro males” as the number of suspects.

The transcript of Sierakowski's call and the police reports that documented only two suspects were not presented at trial. Conway's defense lawyer simply asked Sierakowski about the timing of his promotion to sergeant, and had no further questions.

The state proceeded to connect Conway to the police shooting as a “third person” through two connected identifications.

The first was a BPD statement signed by Jack Ivory Johnson on April 26 at 12 p.m. that stated how on | **CONTINUED ON PAGE 202**

## The Framing of Eddie Conway

CONTINUED FROM PAGE 127



the evening of the 24th, Johnson “met a man known to him as ‘Eddie,’” along with Powell and an unknown fourth man. Although this was the first written instance of Conway’s name being tied to the incident, Conway was already in custody—arrested overnight during the early hours of his shift at the post office—hours prior to Johnson’s statement being issued to BPD detectives.

Johnson and Powell were arrested two blocks from the Myrtle Avenue location just minutes after the signal 13 call. They were reportedly trying to enter people’s houses and had been found hiding under the rear steps of a home with a .38 caliber gun, registered to Powell, on the ground between them. Police reports indicate that .38 and .45 caliber weapons were used in the shooting of the officers. No .45 caliber weapon was ever recovered.

Powell and Johnson had joined the chapter as community workers just months before the shootings, working alongside Coates at the breakfast program, selling newspapers, and attending political education classes.

Johnson remembers sitting with Powell in jail trying to recall how the plan to ambush the police got started. “I don’t remember who was around when the idea came about,” Johnson says now. “That could’ve been the work of an agent provocateur.”

After his arrest, it became clear to Johnson that Baltimore police were seeking Conway.

During the initial days he was held, according to Johnson, he was handcuffed to a table, repeatedly interrogated, and threatened with a gun held to his head. “At the time I’m thinking, ‘I’ve got to get out of this alive,’ they could kill me in the back of the police station and nobody would be the wiser,” recalls Johnson. “Finally, they came in with a statement that they wrote and told me to copy it down.”

Three days after Johnson signed the statement naming Conway, he also signed an immunity deal in exchange for testimony against Conway. When he took the stand in Conway’s

trial, however, Johnson refused to testify. Controversially, Ward challenged Johnson’s Fifth Amendment claim before the jury and proceeded to ask leading questions using the transcript of Johnson’s statement. As Ward continued, giving the impression to the jury that Johnson had implicated Conway in the shooting, Johnson repeatedly responded, “I refuse to testify,” and at one point stated, “this a political frame-up.”

Johnson recalls discussions he had with his lawyer that prevented him from openly saying that Conway was not involved. “I could not say that Eddie wasn’t there, because that would mean I was there,” Johnson says. “But I’m telling you right now, Eddie was not there.” In a recent interview at his home, Johnson said Conway was at the Panther office on North Eden Street the night of the attack, teaching a political education class.

Because he refused to testify against Conway, Johnson was tried in May 1972 and convicted to life for the murder of Sager and attempted murder of Sierakowski. BPD statements that Johnson signed were reportedly used against him at trial. However, Maryland State Archives and the City Circuit Court have no record of Johnson’s court transcript.

Additionally, the FBI denies any record of Johnson’s FBI file, which is identified as file number 1-157-4401 in other FBI records.

The second alleged identification of Conway came from police officer Roger Nolan. In a BPD statement on April 28, 1970, Nolan stated that he and officer James Welch had been in an unmarked car in plain clothes, several blocks from Myrtle Avenue, when they responded to the signal 13 call. Driving to the scene, Nolan said, they noticed a lone man on foot and made a U-turn to pull up alongside him. The man supposedly bent over and “peered” into their unmarked vehicle. When he shouted “police officer,” the lone man ran, Nolan said. He then chased the man on foot through an alley before coming under gunfire.

The man escaped, and reports indicate .45 caliber slugs and casings that were shot at Nolan were recovered from the alley. The .45 caliber elements were used to “match” the bullets that wounded Sierakowski.

At Conway’s trial, Nolan testified that he went to police headquarters the day after the shooting to look at about 30 photos and identify anyone who resembled the lone man who “peered” into their unmarked car the previous night. Nolan viewed the photographs, but did not ID anyone. Three days later, officers Nolan and Welsh were separately shown two sets of

six to eight photographs each. The first set contained a 1963 photo of Conway. The second set contained Conway’s April 26 booking photo. Both officers identified Conway on the basis of the second photograph.

Detective Joseph Thomas later testified during Conway’s trial that he deliberately put Johnson’s photograph in two separate batches of photographs not only to persuade Nolan and Welch’s selection of Conway, but to strengthen the case the BPD was building against Conway through Johnson’s statement.

Finally, Baltimore police used the testimony of a jailhouse informant to fill holes in Conway’s alleged role in the police shootings.

While awaiting extradition to Michigan on an escape warrant, police informant Charles Reynolds shared a jail cell with Conway from May 19 to May 23, 1970. Conway protested his presence because he knew and later said Reynolds was a known informant placed in his cell to help build the case against him.

On May 25, a day after arriving back in Michigan, Reynolds penned a letter to Baltimore’s fugitive squad offering information regarding statements Conway allegedly made to him, implicating himself in the police shootings. Reynolds’ letter described his history as a reliable informant for the Detroit Police Department, the Michigan State Police, and the Michigan Department of Corrections. He also laid out his conditions to testify. In exchange for taking the witness stand, Reynolds wrote, “the BPD will arrange with Michigan authorities a ‘time served credit’ for time spent in Maryland. And that I will be paroled after my testimony and discharged from this sentence here in Michigan.” Reynolds alleged the “reason” Conway confessed to him was that he knew Reynolds was on his way to Michigan. “I realize without my testimony, Homicide there has a weak case because they don’t know what really happened and who fired upon whom.”

Upon receiving Reynolds’ letter, BPD Capt. John Barnold wrote to ISD Lt. Col. Maurice Dubois, requesting he send an investigator to interview Reynolds at Southern Michigan State Prison. “The attached letter is self-explanatory,” Barnold wrote. “There are many unanswered questions as to the possibility of a fourth man and what was done with the .45 caliber, as well as other points before and after the shooting which would fill many of the gaps in our present knowledge of the case.”

Pomerleau approved the request.

Following Reynolds’ testimony at Conway’s trial on Jan. 12, 1971, Ward sent a letter to the

Michigan Parole Board indicating that as the state's witness, Reynolds "fully complied with his promises to us. His testimony was a major if not crucial, factor in Conway's conviction, especially in view of the fact that an accomplice of Conway's (Jack Johnson), who was to testify for the state, declined to do so when called upon." Ward recommended the Michigan Parole Board release Reynolds, immediately.

Notably, Reynolds also testified that Conway told him the police shooting had come on orders from the party's "regional director," whom Reynolds named as Paul Coates. Coates, the future founder of Black Classic Press, testified this was impossible, that he was only a community worker at the time of the shooting and that he believed Ward had arranged Reynolds' lies.

Many years later, Reynolds responded to Conway's legal team, who hired veteran Attica prisoner and organizer Frank "Big Black" Smith as a private investigator. Reynolds agreed to meet with Smith, saying he wanted to come clean on Conway's case, but he later reneged, saying he did not want his daughter to know about his history as a jailhouse informant. "Even though he was dying, and he felt bad about the situation with Eddie, he didn't want his daughter to know," Coates recounts. "So that was the end of that."

On Jan. 15, 1971, after nine days of testimony, the jury found Conway guilty on all counts. He was sentenced to life for the murder of Sager, plus 30 years for the attempted murders of Sierakowski and Nolan. While the timeline of the BPD's and FBI's conspiracy against Conway can be traced to the days after the ousting of Hart, whether Hart had a role in Conway's trial remains unknown. Hart would re-emerge, however, in spectacular fashion.

Soon after Conway's sentencing, Davis notified Hart that he was to meet with a representative from the Royal Canadian Mounted Police (RCMP) on April 14 at the Holiday Inn in Washington, DC. Davis drove Hart to the meeting, where they were joined by Joe Deegan, head of the FBI's racial section and author of the FBI's Racial Informant Handbook. In an arrangement between the State Department and Canada's Department of External Affairs, Hart was loaned from the FBI to the RCMP Security Service, which was pursuing its own version of Canadian COINTELPRO on Black and Indigenous groups.

After working in Canada for nearly five years, Hart went public for mistreatment by the RCMP and his deportation from Canada

in late 1975. In 1980 Hart testified for seven days before the McDonald Commission for RCMP abuses in Ottawa regarding the details of his work as an agent provocateur both for the RCMP and for the FBI in Baltimore. When commissioners of the inquiry asked Hart why he left Baltimore to work for the RCMP in Canada, Hart responded: "I had just solved a big murder in Baltimore, Maryland."

**At 24, Conway became** a political prisoner, but he would continue to organize over the next five decades. He helped create the Maryland chapter of the United Prisoners' Labor Union, the ACLU's Prison Committee to Correct Prison Conditions, the "To Say Their Own Word" educational seminar program, and the American Friends' Service Friend of a Friend mentorship program.

For lifers like Conway, release from prison became a growing impossibility as the tough-on-crime politics of a life sentence in Maryland grew more politicized in the era of mass incarceration. After Gov. Parris Glendening introduced his "life means life" policy as a part of his 1994 campaign, no lifer had been paroled in the state of Maryland for decades, until a once-in-a-century court decision.

In 2012, the Unger v. Maryland decision triggered the improbable release of hundreds of lifers who had received unconstitutional trials and had served an average sentence of 40 years. Until 1980, a colonial-era instruction allowed Maryland juries to decide verdicts while ignoring the law. The 2012 Unger decision allowed anyone convicted before 1980 by this jury instruction to be entitled to a new trial. But because their trials occurred so long ago, new trials were nearly impossible. Instead, the state offered settlement agreements in exchange for probationary release.

On March 4, 2014, after nearly 44 years of imprisonment, Eddie Conway was released from prison. And when he stepped out of prison, he continued doing the same community-oriented work that put him in prison.

Upon his release, he became a producer and journalist at The Real News Network, where he created *Rattling the Bars*, a weekly educational talk show dedicated to prisoner justice issues. He co-founded Tubman House, a space of previously vacant land that continues to serve community needs in Sandtown-Winchester, the neighborhood where Baltimore police killed Freddie Gray. And he inspired the Eddie Conway Liberation Institute, which shapes the talents of top Black

high school debaters and furthers their skills in public policy and politics.

Occasionally, there was confrontation. Months after his release, there was opposition to including Conway on a panel commemorating the 50th anniversary of the Civil Rights Act at Baltimore's Reginald F. Lewis Museum of Black History because of Conway's conviction and the Panther's "reputation of violence." Ironically, when one visits the museum today, a permanent exhibit displays only a few photographs of the Baltimore Black Panther Party, nearly all of them featuring Warren Hart, named as a Panther officer.

Today, there are several Panther-era political prisoners who continue to be imprisoned after four or five decades, such as Leonard Peltier, Jamil Al-Amin (Brown), Mumia Abu Jamal, and others who were COINTELPRO targets, while over a dozen Panthers have died in prison, or shortly after compassionate release.

On Feb. 13, 2023, Eddie Conway died after a serious illness at a California hospital, surrounded by family and loved ones. At his celebration of life 12 days later, hundreds gathered at the Homewood Friends Meeting House in Baltimore to share songs, poems, and words spanning his 76 years of life.

Ta-Nehisi Coates, son of Paul Coates, spoke about how his relationship with Conway shaped his earliest memories and political consciousness.

"Brother Eddie was unjustly jailed. That is what the adversary did to him. But what Brother Eddie did: organizing a Prisoners' Labor Union; educating his fellow prisoners; educating himself; authoring two books. That is what makes his sacrifice great."

In a dedicated page of remembrance, The Real News Network quoted Conway's words, spoken at a March 2019 celebration, on the five-year anniversary of his release.

"Do your little part. Do whatever you can to help change these conditions. Because we're moving into a critical period of history, not just for poor and oppressed people, Black people, but for humanity itself. So you need to engage. Do whatever little bit you can, but you need to do something." ■

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