Hurricane Essay, Research Paper

Hurricane by James S. Hirsch

In James S. Hirsch’s book about Rubin “Hurricane” Cater, Hurricane, the author describes how Carter was wrongfully imprisoned and how he managed to become free. Hirsch tells about the nearly impossible battle for Carter and his friend John Artis for freedom and justice. Both, Carter and Artis, were convicted of a triple homicide, and both were innocent.

The book raises the importance of, and questions, the writ of habeas corpus. Carter used a writ of habeas corpus to get a federal trial. Many question the legality of Carter going into federal jurisdiction, when his case should have been heard before the Supreme Court of New Jersey. It was a gamble, but the federal judge gave fair justice to Carter and Artis. The State of New Jersey appealed the case all the way to the United States Supreme Court, which upheld the District Court’s ruling.

Rubin “Hurricane” Carter was a boxer who hailed from Paterson, New Jersey. His story begins in the summer of 1966, during the Civil Rights Movement. Carter was at the Lafayette Bar and Grill on June 17th, but he was denied service by the bartender, James Oliver, due to his race. Carter left the bar after being denied service. Around 2:30 A.M., two armed black men came into the Lafayette Bar and opened fire. Oliver and one customer were killed instantly. Two other patrons, Hazel Tanis and William Marins, were

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seriously wounded. Patty Valentine, a tenant who lived above the bar, looked out her window just after the shooting. She saw two black men leave in a white car.

Nearby Alfred Bello and Arthur Bradley were breaking into a factory. Bello was the lookout, and his exact location – inside or outside the bar – would be a point of concentration for the next twenty years. The police arrived at the bar within minutes. They took statements from Marins, Valenine, and Bello. Not one of them said they had seen Rubin Carter, one of Paterson’s most well-known citizens, at the scene. A police bulletin radioed officers to be on the lookout for a white car with two black men inside.

Four minutes after the shooting, but before the police bulletin, a Paterson police officer was chasing a speeding white car which was leaving town. The car got away. As he returned to Paterson, the same officer heard the bulletin and stopped another white car, leased by Rubin Carter. Artis was driving and Cater was the passenger. The police escorted Artis and Carter to the crime scene.

No one at the crime scene identified Carter and Artis as the killers. They were then taken to the hospital where Marins and Tanis did not identify them. They were released from police custody around 7:00 P.M. on June 17th. They were not charged at the time.

Between July and October 1966, Bello and Bradley were offered a deal. In exchange for identifying Carter and Artis as the killers, they would get leniency for all of their pending criminal charges. Bello was also told he would get to claim the $10,000 reward offered for information leading to the arrest and conviction of the two killers. Bello signed a statement claiming he saw the pair outside the bar right after the shootings.

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Consequently, Carter and Artis were arrested on October 14, 1966 and charged with three counts of first-degree murder.

At the trial, Bello testified against Carter and Artis. He claimed that the was outside the bar, on the street. His testimony was key to the deliberations of the all-white jury. Carter and Artis were both found guilty of murder in the first degree. Each received three lifetime sentences which were upheld by the New Jersey Supreme Court.

Prosecutors made good on their promises to Bello and Bradley. Bello continued to rely on police protection with the courts until 1974, when he was told nothing more would be done for him. He was no longer benefiting from government hand-outs, so Bello began to tell a different story. A story that was more consistent with his first police discussion, and one that would exonerate Carter and Artis.

Rubin Carter was telling his story in a book, The 16th Round. This book received significant attention. Even Bob Dylan was intrigued by it and agreed to meet with Carter. He left the meeting convinced that Carter was innocent and told the world what he thought in his song, “Hurricane.” The song was released in 1974 and one of the verses castigated Bello and Bradley:

Now all the criminals in their coats and ties

Are free to drink martinis and watch the sun rise

While Rubin sits like Buddha in a ten foot cell

An innocent man in a living hell.

Just prior to the publishing of The 16th Round, Bello and Bradley recanted their testimony. They told a New York Times reporter that the Paterson police had pressured them into lying. Based on this development, lawyers for Carter and Artis fliled a motion

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for a new trial. It took the New Jersey Supreme Court to overturn the convictions and order a new trial to begin on October 12, 1976.

Before the beginning of the second trial, the prosecution was concerned about Bello’s testimony, so he was asked to take a polygraph test. He agreed, but the results concluded that Bello was inside the bar at the time of the shootings. This was not what the prosecutors wanted to hear. It contradicted his previous testimony of being outside the bar. So, the prosecution’s lead investigator pressured the professor that administered the polygraph to summarize his results, but in the investigator’s words.

The prosecutors used the summary of the polygraph to get Bello to change his testimony back to his original lie. They did this by lying to Bello about the results of it. They also only gave the defense attorneys only the summary instead of the entire polygraph test results. So, after a second trial, Carter and Artis were once again found guilty of first-degree murder. Their life sentences were reinstated.

The defense lawyers found out about the polygraph results and filed motions for a new trial. This motion went to the New Jersey Supreme Court, which ordered a hearing on the polygraph issues. After a fifteen-day hearing, the judge ruled against Carter and Artis on all issues. They appealed the ruling to the Supreme Court of New Jersey, which ruled against Carter and Artis 4-3. The decision was based on the fact that Carter and Artis failed to show their own polygraph results from the original trial. Carter was sent back to prison while Artis had been released on parole.

Carter was out of appeals, or so he thought. However, his life was about to take an unexpected turn. A group of nine Canadians and a young black man from Brooklyn,

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Lesra Martin, were reading The 16th Round. They began their fight for Carter’s freedom. By the fall of 1983, the Canadians sold their Toronto house. Three of them and Lesra moved to New Jersey to assist Carter’s lawyers.

Leon Friedman, a renowned constitutional scholar, was assisting Myron Beldock and Lewis Steel, lawyers for Carter and Artis, in their efforts to file a Petition for Writ of Habeas Corpus. The suit would be a civil suit filed against the person having custody over Rubin Carter, John Rafferty, Superintendent of Rahway State Prison. A Writ of Habeas Corpus is the only way in which the federal judiciary can correct abuses of the Bill of Rights at the state court level.

Habeas Corpus, which is Latin for “you have the body.” Prisoners often seek release by filing a petition for a writ of habeas corpus. It is a judicial mandate to a prison official, ordering that an inmate be brought before the court so it can be decided whether or not that person is imprisoned lawfully and whether or not he should be released from custody. A habeas corpus petition is filed with a court by a person who objects to his own or another’s detention or imprisonment. The petition must show that the court ordering the detention or imprisonment made a legal or factual error. Habeas corpus petitions are usually filed by persons serving prison sentences. In family law, a parent who has been denied custody of his child by a trial court may file a habeas corpus petition. Also, a party may file one if a judge declares him in contempt of court and jails or threatens to jail her (Habeas 1).

Lesra and the three Canadians spent nearly two years compiling enough evidence and witnesses to file the petition. By 1985, the Petition for Writ of Habeas Corpus was

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ready. Carter would have one last chance to see if Bello’s lies and suppressed polygraph evidence made a material difference to the outcome of the second trial.

On November 7, 1985, in U.S. District Court, Judge H. Lee Sarokin made his lengthy decision in favor of Carter and Artis. Judge Sarokin quoted extensively from the New Jersey Supreme Court dissenting opinion. He also made the point that, “Bello never identified Carter and Artis as the murderers.” Judge Sarokin was aware that the Third Circuit Court of Appeals and the U.S. Supreme Court could review his actions. He also knew that they may find that he abused his discretion, but he did what he believed was right. He awarded Carter immediate release from custody with prejudice, meaning he set Carter free and that the case was over forever.

The prosecutors filed an appeal with the Third Circuit Court of Appeals. They also asked that Carter be detained because he was a dangerous man, until the appeal was over. The court let Carter remain free, and unanimously ruled in favor of Carter. The court ruled that Bello’s testimony was invalid. They destroyed his credibility and decided that he was only of minor importance to the prosecutor’s case.

The State of New Jersey appealed the Third Circuit Court’s decision to the U.S. Supreme Court. The high court did not change the outcome. They upheld Judge Sarokin’s decision and the prosecutors finally gave up and did not seek a third trial. On February 19, 1988 the prosecutor filed a motion to dismiss the original indictments brought against Carter and Artis in 1966. After a 22-year process, all charges were dropped despite the fact that no appellate court had found him innocent.

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James S. Hirsch’s Hurricane raises several questions about the legal system, especially during the 1960’s when racism was prominent. It also shows that justice can be accomplished over time, even though an innocent man spent nearly twenty years in prison. He was a number-one contender when he was arrested in 1966, but who can say what could have taken place in his boxing careers in the years that followed. The major problem for the Hurricane is that he will never get those years of his life back, when they were unjustly taken from him.