

New York lawsuit winds down

Sharpton, lawyers guilty of defamation in Brawley case

David Walsh
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The defamation trial of attorneys Alton Maddox, C. Vernon Mason and the Rev. Al Sharpton neared its conclusion Thursday in Poughkeepsie, New York--some 60 miles north of New York City--with the expected no-show of Tawana Brawley during the damages phase of the proceedings. The three defendants were found guilty July 13 on 10 out of 22 counts.

The \$395 million suit was brought by former Dutchess County assistant prosecutor Steven Pagonos, named by Brawley, who is black, as one of a group of white men who abducted and raped her over the course of four days in November 1987. Brawley, a 15 year old at the time of the incident, did not testify before a grand jury in 1988 and her story, apparently concocted to explain her absence to her mother and stepfather, was established as a fabrication. (One witness saw her surreptitiously climbing into the garbage bag in which she claimed her assailants had placed her.)

Maddox, Mason and Sharpton became Brawley's 'advisers' and publicly identified Pagonos as one of Brawley's attackers. Maddox and Mason are ardent black nationalists who have never let the truth stand in the way of their political aims. Maddox was suspended from the bar until 1999 for refusing to cooperate with an inquiry into his conduct during the Brawley case. Sharpton, a former FBI drug informant, who has distanced himself somewhat from Maddox and Mason in the recent period, used the Brawley case to advance his career and has risen to a position of prominence within the Democratic Party in New York City and state.

Brawley has consistently refused to testify under oath about her allegations. Pagonos won a default judgment against her in 1991 after she failed to answer a subpoena. She now lives in Washington, DC. When the penalty phase of the trial began Mason asked State Supreme Court

Justice S. Barrett Hickman to allow Brawley to testify. Hickman at first turned him down, but this week granted his permission. Mason's lawyer, Stephen Jackson, asserted on Tuesday, 'Now we're going to make efforts to bring her up here. She's going to be here.' William Stanton, Pagonos's attorney, suggested that the judge had called the defense lawyers' bluff. 'I might not even prepare a cross examination,' he said. 'People don't travel to New York state to get on the stand and lie.' In the event, Brawley did not appear.

The entire sorry affair finds its ultimate roots in a political atmosphere in which race is made the central and abiding issue. There is no evidence to show that Brawley in November 1987 was anything more than a teenager in a jam. But what caused her to make up the particular account that she did? The notion that a story of her being sexually assaulted by a group of white men would win her the greatest sympathy. Making them law enforcement officials, who are often guilty of brutality and even murder against minority youth, added plausibility and fuel to the fire. One suspects that she never anticipated the response her charges would generate.

Brawley's claims were mirrored in the cases of Charles Stuart in Boston and Susan Smith in South Carolina. Stuart, who was white, murdered his pregnant wife and claimed a young black man had done it, setting off a ferocious manhunt, with traces of lynch-mob hysteria in the media and Boston police. He later owned up to the crime and committed suicide. Smith, who ultimately confessed to drowning her children in a fit of depression, initially told authorities that they had been abducted by a black carjacker in a stocking cap at a deserted intersection.

In each incident the individual told the authorities (or nationalist demagogues, in Brawley's case) what he or she

thought they wanted to hear, given the prevailing social atmosphere. In Brawley's case, most shamefully, her allegations were promoted not only by charlatans like Sharpton, but by organizations claiming to be left-wing and 'socialist.' The only result of such 'left' support is to drive backward layers of the population into the arms of the right wing, encourage racial polarization and make it more difficult for *genuine* victims to win support in the future.

Those who argue that the truth or falsehood of Brawley's claims is irrelevant, considering the legacy of slavery and oppression of blacks in the US, play a particularly pernicious role. Lying has never advanced any progressive social cause.

There is a connection between the lying, defamatory character of the Brawley campaign and the role of racialism. Those, like Maddox, Mason and Sharpton, who preach racial animosity and strive for privileges for their particular color or nationality *must lie* in their presentation of social life. Society is not a collection of warring ethnic tribes; it is fundamentally divided along class lines, between the elite handful who control economic life and the vast majority of working people. Racialists make things up because their conceptions do not correspond to reality.

Brawley elicited sympathy not only from among nationalists at the time of her alleged attack, but no doubt as well from among black people and others outraged over the nature of the crime. If there is something to be learned here, it is the real danger of reacting to such a situation without weighing the facts and making a reasoned analysis. Such an analysis implies having a perspective on society and an understanding of its essential driving forces. Figures like Mason, Maddox and Sharpton, and their counterparts of every color and background, are dangerous individuals. They play on confusion, ignorance and prejudice to advance their own reactionary political aims. The lesson is: beware of demagogues!



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