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Federal judge says Supreme Court got it wrong on Black Panther Mondo we Langa

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U. S. Distict Judge Warren Urbom says Mondo we Langa deserves a new trial

Official photo

United States District Judge Warren Urbom, whose ruling ordering a new trial for [Mondo we Langa](#) (then David Rice) was overturned on procedural grounds in 1976 by the Supreme Court, says the high court was wrong . The Supreme Court retroactively applied a new restriction on access to federal courts on [Mondo we Langa](#) which Judge Urbom says is not fair.

In *Called to Justice*, Judge Urbom's recent memoir published by the University of Nebraska Press, there are several pages about Mondo we Langa's trial with [Edward Poindexter](#) for the murder of Omaha police officer Larry Minard, Sr, on August 17, 1970. Mondo and Poindexter were officers in an affiliate chapter of the Black Panthers and were prosecuted for Minard's death. Mondo's house was searched and dynamite was allegedly found in the basement,

Mondo we Langa objected to the **dynamite evidence** because it was the result of an illegal search and Judge Urbom agreed with him that the Fourth Amendment had been violated by the police search. In the memoir, Urbom explained the exclusionary rule that guided the case.

“That rule was controversial from its beginning, and walked on wobbly legs until this *Rice* case went to the Supreme Court. Simply put, many state court judges and prosecutors were offended over the fact that after two tiers of state courts—the state trial court and at least one appellate court in Rice’s case, that meant the trial judge and the state’s supreme court, a total of eight judges)—had held that the dynamite could be considered by the jury in deciding guilt or innocence of Rice, that the holding could be overturned by a single federal judge, including me,” wrote Urbom.

However, a three-judge panel of the Eighth Circuit U.S. Court of Appeals upheld Judge Urbom and complimented him on his decision to require a new trial for Mondo we Langa.

“Judge Urbom exercised painstaking care in resolving the factual and constitutional issues in this case. Having done so, Judge Urbom conscientiously and courageously concluded and demonstrated in two soundly reasoned opinions that the petitioner had been deprived of a basic constitutional right.,” said the federal appellate court decision.

The Supreme Court refused to consider the merits of Mondo we Langa’s case and whether or not Urbom was correct in ordering a new trial. Instead, the Supreme Court returned Mondo to Nebraska courts on procedural grounds limiting *habeas corpus* appeals of state prisoners.

“I think it unfair to apply the new rule to David Rice’s case...and I stoutly think that the law in effect when Rice was convicted should have been applied to his case, which would allow him a new trial without the use against him of the dynamite and other evidence found by an illegal search,” wrote Urbom.

“The decision of the Supreme Court did not find that the dynamite and accoutrements were legally found or that the Nebraska state courts had been right in allowing use of that evidence at trial.” Judge Urbom continued, “It found only that the federal court should not have taken the case—not because that had been the law when Rice had his trial, but because the Supreme Court was now changing the law as to when a federal court should take such a case.”

Chief Justice Warren Burger was successful in his effort to reverse the so-called liberal trend of his predecessor Earl Warren. Mondo we Langa’s case was consolidated with another convicted murderer and the Supreme Court restricted access to federal courts by state prisoners sending both men back to the state courts, where their outcomes were predictable.

Mondo we Langa and Ed Poindexter were targets of a clandestine operation of the Federal Bureau of Investigation code-named **COINTELPRO**. Secret FBI documents released long after the conviction of the **Omaha Two**, as the men are now called, reveal the FBI manipulated evidence in the case under orders of FBI Director J. Edgar Hoover.

The jury that convicted the [Omaha Two](#) was never told about evidence tampering and the Supreme Court did not address [COINTELPRO](#) or the illegal search at Mondo we Langa's house.

Mondo we Langa is a twice-made political prisoner, first by the Director of the FBI and second by the Chief Justice of the Supreme Court. The COINTELPRO-tainted trial in 1971 ordered by [J. Edgar Hoover](#) was the first time. The underlying agenda of Warren Burger to roll back Earl Warren's jurisprudence and Burger's retroactive application of new restrictions in 1976 on Mondo we Langa was the second time.

Warren Urbom was an appointee of President Richard Nixon and in August announced his retirement next year. Judge Urbom's career on the bench has spanned over four decades. Urbom is perhaps best known for presiding over many of the Wounded Knee trials in the late 1970's.

Mondo we Langa and Ed Poindexter remain in prison serving life sentences at the maximum-security Nebraska State Penitentiary where they continue to maintain their innocence.

For further information see [Crime Magazine](#)

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