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Likely choice to lead JHS may not get the nod

By Alice Thomas-Tisdale

Jackson Advocate Publisher

There are two finalists for the job of director of the Jackson Heart Study (JHS), the largest epidemiological study ever conducted to examine cardiovascular disease in African Americans. In the running for the highly anticipated vote are Dr. Mark Johnson, professor of family and community medicine at Howard University, and Dr. Adlofo Correa, who is serving as

interim director.

Although the decision will be made by a select few associated with the JHS, which is a collaboration between Jackson State University, Tougaloo College and UMMC, the black community has publicly voiced its preference that an African American lead the study, which is now in its 16th year. Dr. Johnson fits that bill and Dr. Correa is Latino.

Surprisingly, Dr. Ervin Fox,

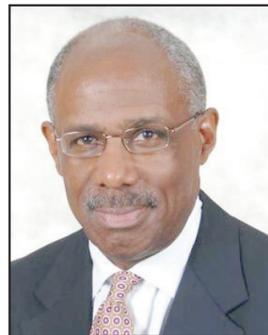
who applied for the job, did not make it to the interview process. President Obama awarded the renowned black cardiologist in 2012 for his contributions in research.

Dr. Richard Middleton, a frontline supporter of the Jackson Heart Study, favors a black physician to oversee the study. "An African American who is well qualified for the position would have more insight into the history and

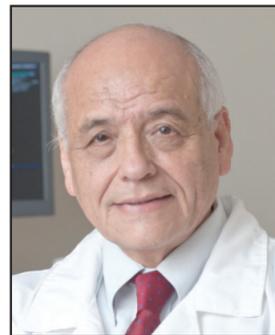
culture of African Americans to combat the diseases and illnesses that affect us," he said.

Dr. Johnson visited Jackson in November to meet with JHS administrators, staff and community members. However, many missed the opportunity to ask him questions due to receiving notice that he would be available from 10-11 a.m. at the Jackson Medical Mall. Dr. Johnson was actually available

See JHS on 10A



Dr. Mark Johnson



Dr. Adlofo Correa

Laquan McDonald Too many questions, not enough answers

By William Warren

JA Chicago Bureau Chief



William Warren

More than a year ago, on October 20, 2014, 17 year old Laquan McDonald was shot 16 times, execution style by police

officer, Jason Van Dyke.

Van Dyke was one of several officers responding to a call of a man breaking into cars and vandalism.

A video released on November 24, 2015, showed the incident as it unfolded. The video has been national



Laquan McDonald

news as protesters closed down the gold coast shopping area of Chicago in the past week.

Young and old people – of all races – marched in protest

See McDonald on 10A



William Palmer



Melinda Hyman, left, with elderly cousin Kathleen Freeman Mackie



Generations six and seven of the Freeman family, Melinda's children and grandchildren

BLACK LAND LOSS ISSUE

Virginia family in century-long battle to hold on to farm

Theft, threat, neglect seen as key reasons for 90 percent of black land loss in less than century

By Earnest McBride
JA Contributing Writer

Five generations ago, Emmanuel Freeman, Sr., bought 1000 acres of land in Halifax County, Virginia. Having fought off a late-night assault by the Ku Klux Klan with deadly force to protect his property in the early 1900s, Freeman then crafted a legacy of hard work and land stewardship that would make real for him and his offspring the post-slavery Freedmen's dream of 40 acres and a mule, some 25 times over.

"Since the first settlers landed at Jamestown over 400 years ago," the guardians of the oldest state in the USA advertise, "agriculture has been at the heart of Virginia."

And so was it in the hearts of Emmanuel Freeman, Sr. and his sons Emmanuel, Jr.,

Benjamin and William. Land in that era was considered to be the only true source of wealth.

Patriarch Freeman's dream, however, slowly evolved into a terrible nightmare, as the same dream has for untold thousands

of other black families who have had to battle sharp-tongued land hustlers, white terrorists, and competing family members bent on getting title to more of the inherited property than they are due.

See Farm on 10A

Writer of new act governing heir property urges Mississippi to adopt proposed reform

By Earnest McBride
JA Contributing Writer

A series of stories on black land loss reported by the Associated Press in 2001 had a shocking effect in many of the nation's top legal circles, University of Wisconsin Law Professor Thomas

W. Mitchell, said Tuesday at the December meeting of the Mississippi Access to Justice Commission in Jackson.

The 18-month-long AP investigative study "Torn From the Land" cited U. S. Agricultural

See Reform on 10A



Mitchell

City of McComb found liable in wrongful termination case

JANS – After being arrested on the job and then fired in 2009, former McComb Police Chief Mark Anderson has spent the last six years telling the courts and public that he was the victim of wrongful termination and a political vendetta. On Monday, a verdict in Anderson's favor was upheld by a federal appeals court.

Attorneys Dennis Sweet, Terris Harris and the firm of Sweet and Associates took on Anderson's case and filed a lawsuit alleging false arrest and a lack of due process in his termination.

These are the facts. Anderson spoke to a human



Mark Anderson resources employee about whether he had enough time accumulated to retire. The clerk told him that he had ten months leave which would

See McComb on 10A

College Board to raise tuition at public universities

By Ivory Phillips
JA Contributing Editor

Barring some unforeseen circumstantial changes, the Board of Trustees of the State Institutions of Higher Learning (the College Board), will vote later this month to raise tuition at the state's eight public universities by an average of 4.1%. This will translate into approximately \$268, making the average payment \$7,027. The increased tuition will come in two steps, the larger

portion in the Fall of 2016 and the second the following fall semester.

The percentage may not seem like much, but for paying parents and independent students this increase marks a growing financial burden as they look at college as an option.

Back in the late 1990s, the College Board, at one point, decided to put a moratorium of tuition raises. It realized how inaccessible a college education

was becoming. Those "good ole days" are apparently gone for good.

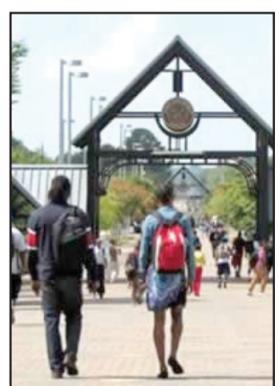
While for the wealthy and for students on full scholarships, the increase in tuition is not a problem, such payments consume nearly 20% of the income of the average working class family. It is even more of a burden on those with lower incomes. This forces many students and/or families into long term debt for student loans. Statistics show that over the last

decade college costs have gone up 64% in Mississippi, while income has gone up far less than 20%. This makes a college education less accessible for many students; it helps widen the gap between the wealth and income of the top 10% and bottom 90%.

As the proposed tuition increases were announced, the reasons given were to increase faculty salaries, to offset rising operating costs and to make up for the reduced state aid.

But caution is in order. If the past is a guide, we will not see any significant faculty salary increases. On the other hand, in many other states faculty salary increases and rising operating costs are taken care of by increased assistance from the state. Faculty should not be pitted against students in this manner. Higher education should be treated as an investment in the future by the state legislature.

See Tuition on 10A



JHS

from 9-10 a.m. No explanation for the mix up was given to those who arrived at 10 a.m.

During the Q&A, Dr. Johnson seemed to relieve fears of attendees who had questions about his accessibility. He said

that he is sensitive to the fact that blacks are apprehensive when it comes to health studies because of past history with trials like Tuskegee and assured them that he would make himself available to the community.

When asked a similar question, Dr. Correa, who spoke to his audience on the

following day, relayed that his concentration will be on managing the research study and not taking on the role of a black leader.

A significant number of JHS participants are now afraid of who is going to have access to their private, personal information, data, specimens,

and genetic information if an African American is not in charge of the study.

Their concern is whether or not it will remain the study that former JHS principal investigator Dr. Herman Taylor called “an example of community centered public health research that may

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serve as a model to be used in other communities and other populations.”

According to Jermel Clark, chair of the JHS Community Outreach Advisory Board, “In the beginning, it was the trust factor that recruited the 5,301 participants. It was a study of blacks, for blacks by blacks.

Jackson, Mississippi

It was the face of Dr. Herman Taylor and others we put out there to recruit participants. We were able to overcome their apprehension. There was not one single white or other minority out there. If we don’t hire an African American to lead the study it could take away a big surge to keep it going.”

McDonald

of the obvious cover up of this shooting and crucial evidence that kept the taxpaying citizens of Chicago in the dark and totally ignorant of the heinous crimes.

What protesters and others want to know is why did the Chicago Police Department, mayor Rahm Emanuel, and

state attorney Anita Alvarez keep this information buried?

Video from a nearby Burger King restaurant was tampered with and erased. Who was responsible for this?

Why did the city pay \$5 million to the family immediately following the brutal shooting?

Who saw the video before months of requests and law suits from reporters to release

the video on the ground of public information?

When will the grand jury finish their investigation and release the results to the public?

Will the chief of police, Garry McCarthy resign or be fired due to public pressure and lack of public confidence? Yes! He stepped down today.

And finally, will the

mayor, Rahm Emanuel, be impeached by the citizens of Chicago?

As a father of two sons, this vicious act of unjustified violence against a 17 year old child is unconscionable. The city’s cover-up is unfathomable.

Our community is in shock. We want answers and vow to continue protesting until we get them.

On Thanksgiving Day, I had a guest who has been actively protesting and expressed his outrage of the whole cover up. If the city covered up this shooting incident for over a year, can you imagine what else is locked away in drawers, never to be released to the public.

The thought is frightening as to what is hidden away from us.

The protesters demand a new climate of transparency and a new culture of integrity. This corruption within the police department and city hall cannot continue.

I am so proud of the Chicagoans, including youth, speaking up and voicing our concerns for our collective future. We are demanding a change and collectively we just may see it happen.

McComb

make him eligible. Anderson then said he was taking a few days off. McComb’s City Administrator at the time, Quordiniah Lockley, who never spoke to Anderson, acted on the conversation and informed others that Anderson was retiring and had resigned

despite the fact that he never filed any official paperwork.

When he returned to work, after completing a 12-hour shift, Anderson was arrested and charged with joyriding and impersonating a police officer. The criminal charges were dismissed, but Anderson filed a federal lawsuit saying his civil rights had been violated because he had been wrongfully

terminated without due process.

The City of McComb’s argument that Anderson’s conversation and time off constituted retirement was found not credible. After all the evidence was presented in a three-day August 2014 trial, a jury found that McComb, through its officials, acted, “intentionally, recklessly, or through gross negligence” to

fire Anderson. The ruling also reads that, “Anderson was not provided due process in his termination; Anderson would not have been terminated if he had been afforded notice and an opportunity to be heard; and Anderson was due \$150,000 in back pay for the violation.”

Attorneys representing the City of McComb appealed that decision to the United States

5th Circuit Court of Appeals and their appeal was denied Monday when the court upheld the jury’s verdict in favor of Anderson.

Monday’s opinion states that a reasonable jury would find Anderson was “involuntarily terminated by the City of McComb without due process.”

Anderson and his attorneys are pleased with the verdict.

“This is a victory for all city workers who are victims of politics and schemes. Due process exists for situations like this. Governing bodies should be the first to enforce the law, not act as though they are above the law,” Sweet said.

For more information:
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Sweet and Associates
601-965-8700

Tuition

The idea of investing in the future through higher education apparently is not as important in Mississippi as in some other states. One can easily recall the unsuccessful big push last legislative session to provide a relatively large income tax cut in the state. Such a push this session is likely to pass due to the fact that the legislature seems less committed to public

education in general. If that is the case, it will put even more pressure on the universities and the College Board to increase tuition in order to balance their budgets. Higher education advocates and many economists suggest that instead of tax cuts for the wealthy and the pricing the working class students out of college, the process be reversed. That is, to say, the students from working class families should be assisted through just taxes that will help

the entire society in the future.

As parents and independent students contemplate the increased tuition burden for next year, it will escape only a few that the current mood of the new Congress is such that even federal assistance for college students is less likely than has previously been the case. Its idea is to cut spending from the budget, especially, when it comes to what it considers as “social spending” or entitlements.

This too, makes it difficult for working class people to gain access to a college education; to move from one economic level to the next through their own efforts in the area of academics.

The news in all of this is that the College Board can, if it will, realize that tuition increases will continue making it unnecessarily difficult for many to gain a higher education through the public universities. The College Board

has the power to do something different, such as strongly lobbying the state legislature for more assistance rather than demanding more money from students.

As the College Board considers such issues, it could certainly use wisdom from as many sources as possible. Since Governor Phil Bryant will be in a position to appoint several new college board members, it would be wise on his part to assure that Alcorn,

Jackson State and Mississippi Valley State are given a greater nod of support by naming alumni from those universities to the board. It would also be helpful if the board took an honest look at Alcorn, Jackson State and Mississippi Valley, especially, the fact that the Ayers settlement has not done for them what needs to be done. The practice of apparent benign neglect of the historically black universities needs to come to an end.

Reform

Census statistics that showed black American farmers losing nearly 15 million acres of farmland “through trickery, violence and murder” over 150-plus-years.

The reports spurred the American Bar Association into action in 2002, leading to the formation of the Property Preservation Task Force, said Mitchell, who was appointed a member of the task force.

The task force concluded that the biggest cause of continuing land loss for

African American and other family landowners was the forced sale of property held in common—popularly known as heir property. The task force urged reform that could be conceivably adopted by each state and submitted a proposal to the National Conference of Commissioners on Uniform State Laws – also called the Uniform Law Commission.

The key issue was to allow the holders of heir property to get the maximum value from any sale of the property or its product, such as timber sales. Task force members also

wanted to make provisions for one or more heirs to buy out the interests of another heir who wanted to sell, in preference to a court-ordered auction or sealed bid sale.

In 1967, the Uniform Law Commission appointed a drafting committee for the new act that the states would consider for adoption. Mitchell was assigned the duty of “reporter,” the principal writer of the new law which would be officially titled the Uniform Partition of Heirs Property Act (UPHPA).

Mitchell said that his group completed its work in 2010

and had it approved by the Uniform Law Commission and endorsed by the American Bar Association. Mitchell had become only the second African American to be the principal author of a new act by the Commission.

Six states have adopted the act, including Alabama, Arkansas and Georgia. The act has not been adopted by Mississippi, however. But there is promise.

The UPHPA is favored by a number of influential legal and nongovernmental organizations in state and may come up for consideration

in the Mississippi legislature over the next few years, several members of the audience said.

“A wonderful by-product of this act has been to catalyze a number of different groups – major law firms, civil rights organizations and community based organizations – to work together to adopt this act into law,” Mitchell said.

“In Mississippi, specifically, the Federation of Southern Cooperatives hadn’t been organized around this issue because they thought there was no opportunity for any reform. But now they are supportive of

making it a state law and would like to work with us on ideas for further reform.”

At first, Mitchell said, he and his team felt overwhelmed because they had to search out property case histories and legal documents that defied detection. Most of the court fillings had been shunted off as insignificant and were not easily tracked down. Today, five years after completing the work on the UPHPA, he is very pleased at the growing acceptance of his work.

“There’s more action on it now than I’ve ever seen,” he said.

Farm

Freeman’s offspring from his second marriage to Rebecca Johnson Freeman would eventually come into conflict with the children of the first wife, Elise Barksdale Freeman, mainly because there were too few wills and other legal documents stating which survivors should get what parts of the estate. Each succeeding generation would find the problem of partitioning more perplexing.

Today, Freeman’s 1000 acres has diminished to about 460 acres and one group of his heirs – those who have borne the tax burden for nearly 20 years – claim that they have been denied their share of the family property.

HEIR PROPERTY RIFE WITH PROBLEMS

University of Wisconsin Law Professor Thomas Mitchell, who has done the most comprehensive research on black land loss to date and who wrote the new legal code governing “heir property,” says that “tenancy-in-common is the most widespread form of common ownership of real property in the United States.” But it also “represents the most unstable ownership of real property in this country,” he adds.

Tenancy-in-common is the technical term for what is popularly called “heir property,” Mitchell says.

“One of the legal mechanism that has contributed significantly to the loss of land in the African American community is something called a partitioning action,” Mitchell said in a

telephone interview last week. “If you own property and don’t make a will, the property will then pass down through the law of intestacy to your legally defined heirs.

“One reason for the instability of the ownership of heir property is that once you have that common ownership form, any one of the common owners can go into a local state court and say they no longer want to be a part of the ownership group and request that the court order the property to be sold. The money from the sale will then be distributed to the various owners. It doesn’t matter how big an interest the person has.”

This provides an opportunity for land speculators and other hucksters to buy out one of the heirs either by outright purchase or through trickery. Once the claim to even the smallest piece of the property is gained, then a push for a sale of all the land can be made. Quite often will sell the property well below market value, Mitchell said.

BLACK PROPERTY UNPROTECTED BY LAW

Mitchell says there was little real concern within court systems for black land claims and property rights, especially in the Southern states. The prevailing attitude among judges and lawyers in the Jim Crow era (1875-1965), Mitchell says, was that black landholders were incapable of running a productive farm and should not be defended or protected in land disputes with whites. Therefore, few lawyers or human rights organizations were willing to take up the cause of blacks facing death threats, fraud and outright theft of their land.

In 2001, the Associated Press

ran a series of in-depth stories by reporters who had been assigned to investigate the land loss issue over an 18-month period. The reporters found that despite thousands of incidents of land fraud, theft, and use of deadly force to deprive black farmers and urban landowners and their heirs from full and free use of their property, little had been done to correct the problem and to protect the black owners.

“In the decades between Reconstruction and the civil rights struggle, blacks were powerless to prevent them (the land takings),” the AP report said. “In an era when black men were lynched for whistling at white women, few blacks dared to challenge whites. Those who did could rarely find lawyers to take their cases.”

In the aftermath of the AP series and the revelations of the routine denial of loans to black farmers by local agents of the United States Department of Agriculture that would culminate in the *Pickford versus Glickman*, the American Bar Association set up a task force to study the possible legal remedies.

Mitchell was a member of the ABA task force and ultimately was selected by the Uniform Law Commission to write the new Uniform Partition of Heirs Property Act (UPHPA), which had the full backing of the Bar Association and was adopted as law in six states – [Nevada](#), [Georgia](#), [Montana](#), [Alabama](#), [Arkansas](#), and [Connecticut](#) – and is up for consideration for adoption by a number other states, including Mississippi, in 2015, according to Mitchell.

“Some states in the past had made an effort to reform the law of partition,” Mitchell said. “But with a few minor exceptions those efforts came to nothing. Now with the Uniform Law Commission behind this act, the chances of the new partition law to be adopted in most states has greatly increased.”

LONG STRUGGLE TO KEEP FREEMAN FARM

Melinda Hyman, and her cousin William Palmer, both the great-great grandchildren of Emmanuel, Sr. and his first wife, began paying the taxes on the land after the death in 1986 of their great aunt, the last administrator of the Freeman estate.

Hyman and some of her cousins set out to put the estate in order, so that the issue of partition could be addressed. But faced with more than 60 deeds and other related legal documents, they needed a lawyer and made plans to get enough for the legal fees through timber sales.

They would eventually set up a family corporation, Freeman Eco Farms, Inc., in February 2012 in order to simplify the money sharing for heirs with a legal share in the family property.

“Melinda arranged to sell some of the timber through a company willing to buy it, so we could pay for an attorney,” Palmer said. “We had the papers all signed by the company and the agreement of most of the family members. But Attorney Don T. Bagwell, Jr., the lawyer for some of our opposing cousins, blocked the sale and threatened us and the company buying the timber

with severe penalties. But Bagwell and his brother had been able to sell the timber 30 or 40 years ago with signatures he acquired that had nothing to do with us.”

“He ran our contractors away,” Palmer said. “So we couldn’t follow through on the sale. That’s something that I couldn’t understand. We never agreed for him to be our attorney.”

As they looked further into a prior partition and land sale from the estate, Hyman and Palmer said they discovered they had been written off as deceased on the heir’s list.

“Someone had edited the heirs list filed in 1957, and said Melinda and I and other descendants from the first family didn’t exist,” said Palmer.

Hyman and Palmer also allege that the attorneys Don Bagwell, Sr. (now deceased), and Don Bagwell, Jr., had abused their role as special commissioners to oversee the partition. They also were the lawyers for some family members, an apparent conflict of interest, the two cousins said. The second son of Bagwell, Sr., George Bagwell, wound up owning a sizeable chunk of the Freeman estate. A deed shows that he had bought at auction 30 acres of the Freeman estate for \$5,400.

On the deed filed by the special commissioner Pamela Gordon on Jan. 29 1988, granting the property rights to George Bagwell, Hyman wrote a note to herself at the bottom of her copy of the official paper: “Pamela Gordon has collected

\$2075.98 July 15, 1987. December 27, 1987, sold (30 acres) to George Bagwell of Bagwell and Bagwell (Law Firm), same company w/ partition on Emmanuel Freeman, Jr., inheritance that his father owned. Emmanuel, Sr.”

This is the primary reason for the allegations of conflict of interest and unethical practices levied by Hyman and Palmer against the principals of the Bagwell and Bagwell law firm. George Bagwell is listed by the Legal Directories Publishing Company as “a lawyer with Bagwell & Bagwell, P.C., a law firm in Halifax, Virginia.” Melinda Hyman says: “The judicial system is not supporting what we’re doing because there’s a bigger political picture – and we’re aware of it.”

She reports that, as of last Thursday, she has been given court approval to act as administrator of her father’s estate. She had sought probate of her father’s estate once before, but the proceedings had not been accepted as official.

Hyman says she is fighting for the rights of her children and grandchildren, who are entitled to exercise their rights to inheritance in the Freeman estate. She continues her unending battle with the legal system of Virginia. Having been denied an appeal of a judgment by the Virginia Supreme Court, She is considering an appeal to the next highest body, the Supreme Court of the United States.