

# Another Victim of America's Criminal Justice System

Veronza Bowers, Jr.

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On September 15, 1973, Veronza Bowers, Jr. was arrested in Mill Valley, California and charged with robbery and possession of stolen property. After state charges were dropped for lack of probable cause to obtain a search warrant, the FBI arrested Bowers and charged him with the first-degree murder of National Park Service ranger Kenneth Patrick on August 5, 1973 at Point Reyes National Seashore near San Francisco.

At trial, testimonies from two government informants, Alan Veale and Jonathan Shoher, proved crucial. Both were also charged with the killing. Yet there were no independent eye-witnesses, and no evidence incriminated Bowers besides the word of these two men who had every incentive to cooperate with the Department of Justice.

Veale and Shoher were convicted bank robbers. In return for their testimony, their murder charges were dropped, and one of them served no prison time, was paid \$10,000, and placed in the government's witness protection program.

Allegations were that the three men were at Point Reyes National Seashore to poach deer, ranger Patrick confronted them, and Bowers shot him three times. At trial, he testified for himself and steadfastly denied the charge. His wife's alibi testimony was dismissed as well as assertions by two relatives of the informants who insisted they were lying.

In April 1974, Bowers was convicted in San Francisco District Court and sentenced to life in prison. He's currently held at the United States Penitentiary (USP), Atlanta, Georgia.

In August 1979, after a failed prison escape from the Lompoc Federal Correctional Institution, Bowers became a model prisoner by focusing on his spiritual self. He became an author, musician, and student of Asian healing arts. He developed a strong interest in Buddhist meditation and hands-on healing techniques. He's an honorary Lompoc Tribe of Five Feathers member, a Native American spiritual and cultural group, and a mentor and founder of the All-Faith Meditation Group, a non-denominational spiritual organization devoted to healing meditation using the traditional Japanese shakuhachi flute.

At the expense of having his parole appeals denied, Bowers consistently maintains his innocence. Friends and supporters stand with him and offer testimony in his behalf.

Neoma Kenwood is a California Appellate Project attorney who represented Bowers pro bono for many years. On August 14, 1991, he wrote to the Parole Commission, mainly as a friend, and said this was his first ever letter like this. He did it because "Mr. Bowers is in a special category....(he's) very different; I have found him to possess much more integrity and decency than many of my fellow professionals."

Prison Administrator J. Harrison praised Bowers in a 1991 letter for his “contributions to the operations and programs of the (US Penitentiary Terre Haute, IN) Recreation Department,” calling them “numerous and significant.” He added that he “can be depended upon to willingly and cheerfully perform any extra task which the staff of this department might ask of him, (and) strongly endorsed” his parole.

Numerous other support letters were similar, including one by Maynard Garfield. He’s treasurer of the Veronza Bowers, Jr. legal defense fund. He describes him as mature, intelligent, thoughtful and compassionate, and considers it “a privilege and a pleasure to call him my friend.” Yet he’s been denied parole at his hearings. Garfield said:

“I have pleaded with him. Just tell them: ‘I was young and did wrong. But I have found my way. I am a born-again Christian. I have found salvation.’ ”

Bowers responds:

“Don’t you understand. I have been here for 35 years. If the only way I can get out is to lie and say I am guilty, then my whole life is a sham. I will rot here in prison before I will do that.”

According to Garfield, rot he may without considerable help, and that’s why this article is written – to urge readers to go [www.veronza.org](http://www.veronza.org) for information about him and learn how to help. Numerous times before, he was approved for parole and given release dates, only to have them rescinded at the last moment.

On October 5, 2005, he was due for Mandatory Parole but again was denied. On July 18, 2005 Bryan Gaynor, Alan Chaset and Monty Levenson representing him explained as follows:

“The National Parole Commission has again blocked Veronza Bowers, Jr.’s right to be released on mandatory parole after serving more than 31 years in prison....(its) third in a series of high-handed and improper actions to deny (him) his right....in complete disregard of the Commission’s legal obligation to follow applicable federal statutes as well as its own rules and regulations. We believe this latest and most egregious decision, made at the request of Attorney General Alberto Gonzales, is politically motivated, disregards Veronza’s exceptionally good conduct in prison, and is an unlawful denial of his right to due process.”

The lawyers also provided background information and explained that Bowers was legally entitled to “mandatory parole” since April 7, 2004 because:

- no evidence showed he might commit a crime if released;
- he hadn’t violated prison rules; or
- committed serious infractions during his years of incarceration; in fact, he’s a model prisoner.

Nonetheless, his parole was denied. Then on October 26, 2004, Federal Judge William Terrell Hodges of the Middle District of Florida ruled on a habeas writ and ordered the Commission

to hold a hearing within 30 days and release Bowers on “mandatory parole” if he complied with the above three qualifications.

A December 21, 2004 hearing was held at which nationally-recognized criminologist and Clinical Director of the National Center of Institutions and Alternatives Hans H. Selvog testified. He administered a battery of psychological tests and determined that Bowers is normal, socially well-adjusted with no criminal disposition, and an excellent candidate for parole.

Examiner Rob Haworth also testified that Bowers was eligible for “mandatory parole.” He said he believed he was one of the most worthy candidates he’d encountered and recommended that he be released on February 18, 2005. Commissioner Cranston Mitchell ordered it based on Haworth’s assessment.

Yet on that date, at the last moment, the Commission notified the Coleman Correction Facility warden that the parole was rescinded, and the five-member Commission would reconsider his case. Besides political pressure from Washington, the ruling was based on unsupported allegations of ranger Patrick’s widow and members of the Fraternal Order of Police (FOP). The woman supported her dead husband with no knowledge of the facts. FOP members cited spurious allegations of prison rule violations, including arranging for two contract killings.

Earlier on August 26, 2005, Association of National Park Rangers president Lee Werst wrote Thomas Hutchinson, chief of staff, US Parole Commission as follows:

“....we believe a decision by the Commission to parole Mr. Bowers would send the wrong message to the federal law enforcement community we all depend on to protect our public lands and citizens. Indeed, it would send the wrong message to Mr. Patrick’s family and friends, to every employee of the National Park Service, and to all federal agency personnel - that the memory of Ranger Patrick’s ultimate sacrifice somehow holds lesser importance than the early release of a convicted murderer.”

On March 21, 2005, a rehearing was held and affirmed the previous December’s recommendations: namely, that no credible evidence supported denying Bowers release. Between March 21 and May 16, the Commission exercised its “original jurisdiction” and voted two in favor, two opposed, and one abstention on parole. Anything less than a majority meant Bowers should be freed. June 21, 2005 was his scheduled release date, but on June 14, at the request of AG Alberto Gonzales, the Commission rescinded it without notifying his lawyers so they and Bowers could respond.

Attorneys Gaynor, Chaset and Levenson considered this action “to be without a proper basis in law. There is no statutory authority whatsoever (for it). It is our position that the original jurisdiction decision by the Commission constituted final agency action and any further action taken in this matter violates due process.”

What’s most objectionable is how the politicization of Bowers’ case made an impartial administrative process impossible. Gonzales’ intervention was “illegal, unprecedented and pander(ed) to the political agenda of his administration’s constituents.” It defiled the case’s merits and kept him incarcerated to this day, over four years later.

On June 6, 2009, Atlanta Journal-Constitution writer Rhonda Cook said “US Magistrate Susan Cole....wrote in a final report and recommendation order that US Attorney (General) Alberto Gonzales improperly meddled in (his) case (and that Bowers should) be paroled immediately.”

Cole said Gonzales “had no statutory or regulatory authority” to get involved and by doing so affected the Commission’s impartiality. In a recommendation to US District Judge Charles Moye, assigned to handle Bowers’ 2008 lawsuit, she added that the decision to keep Bowers imprisoned “cannot stand.” A Commission spokesperson declined to comment. Current Bowers attorney Charles D. Weisselberg was confident that an honest review of the case would yield a favorable decision for his client.

On August 13, 2005, former political prisoner Ashanti Alston read Bowers’ prepared statement at a Washington, DC Justice Rally. He said:

“...I am Veronza Bowers, Jr. I am a former member of the original Black Panther Party (more on that below) and have been held in federal prison for almost 32 years. I am just one of the many long-held Political Prisoners whom government officials officially claim do not exist....I was convicted (mainly on the testimonies) of two paid ‘informants (sound familiar?) in (a) shooting death (I had no part in).”

“...your sons and daughters, brothers and sisters and friends are filling up these prisons with sentences longer than they’ve been on this earth....they are filling the graveyards before they’ve had a chance to live. Something is dreadfully wrong with this picture...Please, can we have a full minute of silence to remember and honor all those who have gone before us in our struggle. For a better future for us all. After the silence, I salute and thank you.”

### **The Original Black Panther Party**

As Bowers said above, he was “a former member of the original Black Panther Party.” This writer’s October 2008 article on the San Francisco Eight former members contained the section below – slightly edited here to explain what party members stood for, an agenda far different from mainstream propaganda about them.

In October 1966, Huey Newton and Bobby Seale founded the Black Panther Party for Self-Defense. It was progressive, activist, militantly for ethnic justice, racial emancipation, and real economic, social, and political equality across gender and color lines – radical ideas then and now. The party’s ten-point program expressed them:

- (1) freedom and “power to determine the destiny of our black community;”
- (2) full employment for black people and everyone;
- (3) “an end to the robbery by the capitalists of our black community;”
- (4) decent housing;
- (5) education to expose “the true nature of this decadent American society (and teach) us our true history and our role in the present-day society;”
- (6) for “all black men to be exempt from military service” at a time they were drafted for foreign wars;

(7) “an immediate end to police brutality and murder of black people;”

(8) “freedom for all black men held in federal, state, county and city prisons and jails” as political prisoners;

(9) for black people in court “to be tried....by a jury of their peer group or people from their black communities;” and

(10) “land, bread, housing, education, clothing, justice and peace.”

It added words from the Declaration of Independence at the end:

— “that all men are created equal”;

— “to secure (their) rights, governments are instituted among men, deriving their just powers from the consent of the governed;”

— “that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and institute a new government;”

— “to throw off (despotism), and to provide new guards for (peoples’) future security.”

They believed in the rule of law, published a newspaper with 250,000 readers that articulated fundamental wants and needs, and practiced what they preached with:

— nutritious breakfasts for poor children;

— groceries for needy families;

— free clinics for medical care;

— a free ambulance service;

— help for the homeless;

— free legal aids and bussing to prisons;

— after-school and summer classes teaching black history; and

— voter registration drives for blacks that helped elect Oakland’s first black mayor, Lionel Wilson, in the city where the Panthers were founded.

They were young, idealistic, and willing to put their lives on the line for their beliefs and activism. Their goal was to make the world a better place - for black people and everyone. They were revolutionaries, hostile to repression. In Huey Newton’s words they were: “never a group of angry young militants full of fury toward the ‘white establishment.’ The Party operated on love for black people, not hatred of white people.” Their 2000 members demanded change and struggled for it from over 30 branches nationwide.

They wanted redress of longstanding grievances - slavery, Jim Crow laws and practices, segregation, neglect and abuse, and claimed their right of self-defense against them. It was a revolutionary agenda that included ideas Jefferson preached, but for practicing them the US government targeted them for destruction and largely succeeded. The 1960s civil rights

gains as well so that today blacks are repressed, impoverished, and segregated. They're stripped of their voting rights, and consigned to second class status by a society disdaining them, other people of color, and all non-Christians or Jews.

The October 2008 article focused on the San Francisco Eight (SF 8) - innocent men targeted by the FBI's infamous COINTELPRO - a gangster operation that never ended. Because of their Black Panther activism, they were framed for crimes they didn't commit from 1968 - 1973.

### **Updated Status of the SF 8**

On July 6, California state prosecutors dropped charges against four members for lack of sufficient evidence - Ray Boudreaux, Richard Brown, Hank Jones and Harold Taylor. Jalil Muntaqim pled no contest to conspiracy to commit voluntary manslaughter, received credit for time served and three years probation. He'll now return to New York to seek parole. Attorney Soffiyah Elijah said: "This is finally the disposition of a case that should never have been brought in the first place."

Francisco Torres still faces an August 10 court hearing. He steadfastly maintains his innocence, according to his attorney Charles Bourdon who'll file a motion to dismiss charges to have his client released.

Herman Bell pled guilty to the reduced charge of involuntary manslaughter and received a sentence of five years probation with no additional incarceration.

Albert Nuh Washington died in prison.

Veronza Bowers, Jr. was targeted for the same reason as the SF 8 - for being black and committed to social justice for all people equally. Today, others as dedicated risk the same fate at a time we're all watched and as vulnerable as Veronza.

### **A Brief Legal History of Bowers' Case**

Throughout his incarceration, the Parole Commission consistently violated its own rules and regulations in denying Bowers due process - even after the Ninth Circuit Court of Appeals (in 1993) determined that it acted improperly. It granted him relief, and instructed the District Court to have the Commission recompute his parole eligibility.

Nonetheless, the Commission ignored the order and ruled (without explanation) that Bowers must stay in prison until his mandatory April 26, 2004 release date. A final appeal to the National Parole Commission failed to reverse the decision.

Bowers became eligible for parole on December 6, 1983 after serving 10 years in prison. In November, he had his first hearing before the US Parole Commission, was denied, and was ordered to serve another 10 years before reconsideration. All subsequent legal appeals failed until the 1993 Ninth Circuit Court of Appeals ruling. It was also ignored, and Bowers remains incarcerated despite considerable efforts on his behalf and the below listed factors about him:

— his exemplary conduct and achievements as a model prisoner, including attaining a community college associates of arts degree and receiving a commendation for saving guards from assault or possible death by intervening in a hostile prison confrontation;

- his activities as an author, musician and therapeutic healer - through music, accupressure, and therapy message;
- his spirituality, strong emotional state, and belief in nonviolence;
- his receiving the highest possible “salient factor” score of 10 - the Parole Commission rating to determine his eligibility and prognosis if paroled; and
- the active support of prison staff, family, friends, and community for his release.

Bowers’ lawyers and supporters continue their struggle to free him, the National Jericho Movement among them that seeks “Recognition and Amnesty” for political prisoners in America. It calls holding them “an act of terror” and says this as an advocate for Bowers:

“TOGETHER, we can help force the US Parole Commission and the federal prison system honor its obligation to let Veronza Bowers go free” - after unjustly being imprisoned for 35 years, yet courageously enduring it with dignity and steadfast adherence to his principles.

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