

Is U.S. marshal guilty of murder or of being black?

By Bill Conroy

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Arthur Lloyd, 53, is driving his SUV down a wide boulevard, Rockville Pike, in Montgomery County, which is in Maryland near Washington, DC. His entire family wife and five children are packed in the vehicle with him. They are heading to Mid-Pike Plaza in Rockville to buy a toy for one of his daughters.

It is only days before Halloween, and the roadway is packed with afternoon rush-hour traffic. Somewhere in the course of his trip to the shopping center, Lloyd did something to annoy Ryan Stowers, a 20-year-old who had only recently enlisted in the Navy. Stowers, who is from Redding, Calif., is driving a Chevy Camaro. Maybe Lloyd cut in front of Stowers when he was switching lanes, maybe Lloyd came up to close to Stowers' bumper at some point, or maybe Stowers mistakenly blamed Lloyd for something another driver did. Whatever set Stowers off that day is not clear, but what he did next set-in motion a chain of events that ultimately cost him his life.

Stowers, enraged by the perceived roadway slight by Lloyd, begins to tail him, weaving in and out of traffic in the process.

As the vehicles approach the entrance to the Mid-Pike shopping center, one of Lloyd's children notices that Stowers, now directly behind Lloyd's SUV, is flashing his car lights on and off. He tells his dad; Lloyd pulls his vehicle over after turning into the shopping center parking lot. The Camaro comes to a stop behind Lloyd's SUV.

Stowers exits his vehicle and approaches Lloyd's SUV. He is cursing as he comes to the driver-side window. Lloyd, now fearful for his family's safety, gets out of his vehicle.

At this point, Lloyd, who is African American, identifies himself as a federal U.S. marshal. Stowers, who is white, tells Lloyd he doesn't care. "You cut me off!" he yells.

Lloyd asks Stowers to walk to the back of the SUV away from his family to talk. As the two are walking, Stowers suddenly hauls off and punches Lloyd in the face. By now, Lloyd's wife is out of the vehicle. She attempts to assist her husband. Stowers is still cursing and using the "N" word. Stowers shoves Lloyd's wife out of the way.

A scuffle ensues, during which Lloyd's hand is broken in several places in the process of blocking kicks and punches. Finally, Lloyd, who is off-duty and does not have his handcuffs with him, pulls out his U.S. Marshals Service-issued Glock and shoots Stowers in the ankle to disable him.

He then tells Stowers that he is under arrest. Stowers pulls out a cell phone, telling Lloyd that he is going to call 911. Lloyd says he doesn't care who he calls as long as he stays put. Stowers, though, has no intention of complying. He jumps up and heads toward his car, ignoring Lloyd's multiple commands to stop. Stowers jumps into his Camaro, starts it up and hits the gas as he pulls out from behind the SUV, heading right at Lloyd. As the car is racing toward him, Lloyd, fearing for his and his family's life, takes aim with his gun. While gripping the automatic Glock with his wounded trigger hand, he fires, pumping off three shots-pow, pow, pow while jumping back from Stower's car as it whizzes by him.

One of the bullets enters Stowers left shoulder through his back. Stowers is pronounced dead later that day at a hospital in Bethesda, Md.

Toxicology reports would later show that Stowers was drunk, nearly three times over the legal limit. He also was carrying a false ID card, according to Lloyd's attorneys. That essentially is the defense's version of what happened on that tragic day, Oct. 28, 2004.

The prosecution's version is essentially the same but differs radically when it comes to a few key fof road rage, that he did not identify himself as a federal officer until after he had shot Stowers in the ankle, and that Stowers sped off in fear of Lloyd, who then shot him in the back in an act of cold-blooded murder. "He is charged with murder-one," says Douglas Gansler, the Montgomery County State Attorney. "That's what happens when you shoot people in the back." Lloyd, a 28-year veteran of the U.S. Marshals Service with no criminal record, was arrested at his home within days of the shooting. His case was later brought

before a grand jury, and he was indicted on charges of first-degree murder. Prosecutors for the Montgomery County State Attorney's Office argued at a bond hearing held in early November 2004 that Lloyd is an out-of-control law enforcement officer who is a danger to society. The judge bought the argument, and Lloyd has been sitting in jail without bond since his arrest on Nov. 2, 2004. "They brought up this outrageous stuff at this bond hearing," says Barry Helfand, one of Lloyd's attorneys. "He is a law enforcement officer with no criminal record, yet they denied him bond, and no law enforcement groups have risen to his defense."

The color of justice. So what are we to make of all this? Why should we care about Lloyd or what is happening to him? Because the shooting happened at a shopping center during afternoon rush hour, there are plenty of witnesses, dozens in fact. But that doesn't necessarily help ensure the truth will prevail, because that also means there are dozens of versions of how the shooting went down at Mid-Pike Plaza, with each version colored by the perceptions and biases of the various witnesses.

What is crucial in a case like this is separating the facts from perceptions and misperceptions and biases to ensure a fair trial, one in which the prosecution has to prove beyond a reasonable doubt that Lloyd did, in fact, murder Stowers in cold blood. But there are some serious questions emerging in this case that raise the specter of a kangaroo court in motion.

For starters, if Lloyd did purposely, in a premeditated way, murder Stowers, why did he bother to shoot him in the ankle first? Why did he bother to wound him in a way that would disable him— unless he really was trying to deal with an out-of-control, drunk, madman as he contends? But there are other facts in the Lloyd case that the press coverage to date has failed to bring to light.

Lloyd, in 2001, prevailed in an eight-day jury trial in which he had accused the Marshals Service of racial discrimination and of retaliating against him for filing Equal Employment Opportunity (EEO) claims against the agency. However, winning the EEO battle may well have proven to be a Pyrrhic victory for Lloyd, according to Matthew Fogg, who is a veteran U.S. marshal and board member of Amnesty International USA. Fogg also won a major EEO case against the Marshals

Service in 1998. In that case, a jury awarded him \$4 million after determining that the Marshals Service was "racially hostile" toward African Americans.

Fogg contends that Lloyd, who he says could be facing the death penalty, is, in effect, being hung out to dry by the Marshals Service because of his EEO activity: Why is a . . . faithful veteran federal law enforcement officer, who spearheads the U.S. Marshals Service inner-city youth mentoring program, is a member of Blacks in Government and supports the NAACP Montgomery County chapter, now facing such degradation and trauma by sitting in a jail cell pending trial because he was assaulted by an overly intoxicated assailant, while in the presence of his precious family . . . ?

It appears the Montgomery County DA (State Attorney) has decided to play the race card in this unfortunate incident, and the U.S. Marshals Service, already labeled as a racist hierarchy, is feeding EEO information to the DA.

Fogg isn't shooting from the hip here. During Lloyd's bond hearings, according to Fogg and Lloyd's attorneys, the prosecution used the fact that Lloyd had filed EEO claims against the Marshals Service to help support their claim that he was an angry man who was out-of-control, and that he should be denied bail as a result.

Attorney Ron Schmidt, who represents a group of some 400 current and former Hispanic Customs agents who have filed a class-action discrimination lawsuit against the Department of Homeland Security, points out that there is a clear problem within federal law enforcement agencies when it comes to discrimination based on race.

He adds that the hostile working environment for minorities has led in recent years to class-action discrimination lawsuits arising in multiple federal agencies including the Secret Service, the ATF, U.S. Customs and the Marshals Service. "I think using EEO complaints as part of a criminal investigation is just plain wrong," Schmidt says. "I think that is completely out of bounds, particularly given the track record of the Marshals Service and other federal law enforcement agencies in EEO matters involving minorities. I think any ethical prosecutor would stay away from these EEO issues.

"Why would it even be relevant, the Race Card"?

State Attorney Gansler, when questioned by Narco News, couldn't offer a clear explanation as to why the EEO cases were used against Lloyd at the bond hearings. All he could say was that he did not remember the "context" in which the EEO claims were mentioned in the hearings.

Gansler then went on to attack Lloyd's character by accusing him of being a wife beater, as evidenced by the fact, he claims, that police have been called to Lloyd's home in the past to deal with alleged domestic disputes.

Fogg, who has stepped forward as a spokesman for Lloyd, stresses that the alleged domestic disputes have nothing to do with the shooting at the shopping center. He says the fact that the prosecution is dragging Lloyd's family into the case is further evidence of its willingness to resort to dirty tricks.

Fogg adds that charges were never brought against Lloyd or his wife in relation to the domestic squabbles. Fogg also reminds that it was Lloyd's wife who was allegedly assaulted by Stowers when she came to the defense of her husband at the shopping center.

When asked why the Marshals Service had not fired Lloyd long ago, if he was in fact such a violent, out-of-control individual, Gansler replied: "We get plenty of cases of people (crossing the line into violence) who have no criminal history. That's what road rage is all about."

But one federal agent interviewed by Narco News, who asked to remain anonymous, points out that if the prosecution really believes Lloyd shot Stowers in the heat of passion due to road rage, then Lloyd should not be charged with first-degree murder.

"It sounds like they decided to throw the kitchen sink at him (Lloyd) in the hope that he would cop a plea," the agent says.

Another of Lloyd's attorneys, Stefanie Roemer, who is a former federal prosecutor, contends that she has sources that indicate the State Attorney's Office did, in fact, over-charge Lloyd intentionally, hoping he would cut a plea deal. She also says the Marshals Service never conducted an independent investigation of the shooting, but rather seemingly has chosen to assist the prosecution in convicting Lloyd.

Roemer claims that on Nov. 3, 2004, one day after Lloyd's arrest, the Marshals Service faxed his entire personnel record, including EEO materials, to the prosecution. Included with the faxed documentation were comments, Roemer claims, such as, "Each time Lloyd was disciplined, he filed an EEO complaint." "A note included with the documents faxed by the Marshals Service to the prosecution also stated that, 'If you need anything else, please call,' " Roemer adds.

Mavis Dezulovich, a public affairs specialist with the Marshals Service, declined to comment on the Lloyd case other than to say, "We are neutral and will let the court decide on the appropriate action."

When asked why the Marshals Service turned over Lloyd's entire personnel record to the prosecution within a day of his arrest, Dezulovich replied, "The Marshals Service always cooperates with other law enforcement agencies."

But the Marshals Service is not alone in tilting the scales of justice against Lloyd, according to his attorneys. Roemer recently filed a motion with the Montgomery County Circuit Court claiming that the prosecution withheld evidence at Lloyd's second bond hearing on Jan. 10, 2005.

She claims that the prosecution was aware prior to the bond hearing that the toxicology report on Stowers showed he was nearly three-times over the legal drinking limit at the time of his encounter with Lloyd. However, the State Attorney's Office, Roemer alleges, failed to disclose this fact to the defense or court until after the bond hearing.

In addition, Roemer claims in her motion that Stowers had a history of angry, violent behavior in his dealings with law enforcement. She alleges that only a few months prior to the shopping center shooting, Stowers had acted out in a hostile fashion against a local police officer who had pulled him over for speeding. Roemer stresses that these facts lend credence to Lloyd's version of what happened on Oct. 28, 2004, at the shopping center in Rockville and that he should not continue to be held in jail without bond.

Gansler, however, claims the fact that Stowers was drunk is not relevant to the case, adding that other physical evidence and witness statements support the prosecution's version of what happened during the shooting. Black and White.

So is it possible that the Marshals Service and the State Attorney's Office in Montgomery County might be conspiring to railroad Lloyd?

Lloyd has undoubtedly caused some of the brass within the Marshals Service heartburn due to his EEO claims. If there is a white good ol' boy network calling the shots within the agency, the Stowers shooting would represent a perfect opportunity for them to exact some revenge on an uppity black man who has exposed the ugly face of racism within the ranks of the Marshals Service.

But why would the State Attorney's Office be so intent on framing Lloyd? Clearly, getting a murder conviction against a federal agent is headline grabbing stuff that can only help to advance the prospects of an ambitious prosecutor seeking to climb the career ladder. But that line of reasoning would apply in most high-profile cases - regardless of race.

Could it be that the powers that be in Montgomery County have an axe to grind and Lloyd simply presents a good opportunity to sharpen the blade? Could it be that convicting a black law-enforcement officer of murder is some kind of political payback for a black eye the county's leadership suffered previously in the race-card game?

Well, it can't be overlooked that predominately white Montgomery County, where blacks compose about 12 percent of the population, entered into a Memorandum of Agreement (MOA) with the U.S. Department of Justice in 2000 after the county's police department was accused of racially profiling African Americans.

From the MOA: "This Agreement is entered into by the United States Department of Justice ("DOJ"), Montgomery County, Maryland ("the County"), the Montgomery County Department of Police ("MCPD"), and the Fraternal Order of Police, Montgomery County Lodge 35, Inc. ("FOP"). This Agreement resolves DOJ's investigation of a complaint (number 1711353) filed with DOJ by the Montgomery County Chapter of the NAACP alleging that officers of the MCPD engage in racially discriminatory conduct, in violation of Title VI of the Civil Rights Act of 1964. . . ."The purpose of this Agreement is to provide for a cooperative effort by DOJ, the County, the MCPD, and the FOP to institute management practices by the MCPD that will promote nondiscriminatory law enforcement and

community support for the MCPD and its officers. . . ."

Agreeing to the terms of the MOA with the Justice Department is not the only time Montgomery County leaders were forced to eat crow due to the alleged racial bias of its law enforcement system. The County also was forced to pay out a hefty sum to the family of a black man who was shot in the back by a white cop in 1999. The multi-million-dollar payment was provided as part of a settlement in a civil lawsuit related to the shooting.

From an April 23, 1999, article in Mother Jones magazine: "New York cops aren't the only lawmen under the microscope for shooting unarmed African-American citizens. In Montgomery County Maryland, police officer Sean Thielke is being investigated after he shot Junious Roberts, who was unarmed, in the back from two feet away, according to WJLA TV. It was the county's second fatal shooting of a black man by a white officer in the past two weeks, according to the WASHINGTON POST.

"The Montgomery Police Department says the shooting was accidental and occurred after a brief auto chase. Thielke claims his gun, a 9mm Baretta without a safety, accidentally went off as he was trying to pull Roberts out of the car. Officer Thielke said he suspected Roberts was drunk and driving a stolen car."

Despite the police department's claim that the shooting was an accident, Roberts' family brought a civil lawsuit against Montgomery County. As part of the settlement of that case, the county agreed to pay \$2 million in compensation to the family and also agreed to appropriate another \$1 million to fund various initiatives designed to improve race relations between the county's police department and the community.

On the surface, the disparity is striking between the fate of Lloyd and the fate of Thielke at the hands of Montgomery County's justice system.

A Montgomery County grand jury chose not to indict Thielke for killing Roberts. However, the State Attorney had no problem convincing a grand jury in the same County to bite on the ham sandwich it was selling in the Lloyd case.

In addition, both Roberts, a black man, and Stowers, a white man, were shot in the back by law enforcement officers. The shooting by the white police officer was deemed an accident; the black law enforcer is now sitting in jail without bond on first-degree murder charges.

According to Gansler, though, the cases are completely different. "The Roberts case had nothing to do with race," he claims. "[Thielke,] who was clearly acting as a police officer at the time, was negligent in not holstering his gun before trying to pull Roberts out of the car, but that is nothing like Lloyd unloading his gun in Stowers back in an act of road rage, and then as an after-thought he brings up that he is law enforcement."

Roemer points out that the real difference in the two cases is that Lloyd isn't trying to claim the shooting was an accident like Thielke did but rather contends that he was acting to protect his life and the lives of his wife and children.

Gansler adds that any suggestion that Lloyd is being railroaded because he is black, or because the county has some hidden racial agenda, is completely out of line. "I think (the adjacent) Prince George's County has a reputation as being racist, but I have never heard anyone say that is the perception of Montgomery County," Gansler stresses.

But if race is playing no role in the Lloyd case, then why bring up Lloyd's EEO filings in a bond hearing? Why was Stowers' toxicology report withheld from the defense? Why, as Roemer claims, has the ballistic report in the Stowers' shooting still not been turned over to the defense, with Lloyd's trial less than a month away now currently set for May 23?

"The trial was originally scheduled for April 11, and the state is still claiming that they do not have the bullet used in the shooting," Roemer stresses. And why is the Marshals Service seemingly going the extra mile to help the prosecution make its case against Lloyd? Why did it turn over EEO records to the prosecution, a particularly troubling question given that Lloyd was successful in pursuing an EEO case against the agency?

Gansler insists that the Lloyd case is all about the pursuit of "justice."
"We have the facts on our side," he insists. "We do not prosecute cases that we

do not believe are just. It is our job to see that justice is done in every case." Fogg, for his part, is unconvinced that this case is about some lofty pursuit of altruistic justice. He says the answer to the questions raised in the Lloyd case are right in front of everyone's eyes, even if they don't like to concede the ugly truth: "As more of this story is uncovered, facts will show that Mr. Lloyd and his family are not only the victims of a brutal attack by . . . a felonious assailant, but the facts will reveal Mr. Lloyd and his family are also the victims of a vicious retaliatory racial attack by the DA and Marshals Service because deputy U.S. Marshal Arthur Lloyd chose to take an EEO stand against racism behind the blue walls of silence.

"Yes, the same U.S. Marshals Service now convicted more than once as an agency that practices racism and bigotry against black deputy U.S. Marshals while in the line of duty has abandoned one of its own."

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