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ABSTRACT

*In 1985 police bombed the Philadelphia headquarters occupied by members of the black counterculture group MOVE. What began 15 years earlier as a neighborhood squabble provoked by conflicting lifestyles ended in the destruction of sixty-one homes and the death of eleven residents—five of them children. Some 250 people were left homeless. The authors examine the dynamics of the conflict, analyzing attempts at third-party mediation and the possibility of resolution without violence. Interventions raised ethical issues, and there were failures to define and involve appropriate parties, break down mutual misperceptions, oversee implementation of an agreement, and understand the decision-making structure of the groups involved. All these contributed to the failure of third party intervention and may have accelerated the violence.*

Father Paul Washington recalls seeing Philadelphia Mayor Wilson Goode in church in April 1985. The mayor told him he was going to have to do something about the radical, back-to-nature group, MOVE. "I am going to have to move very carefully and cautiously, because we want to

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avoid making any of the mistakes that were made back there in 1978." A month later, on May 13, 1985, an assault on MOVE's Osage Avenue headquarters began. Police shot 10,000 rounds of ammunition in ninety minutes and finally dropped a bomb from a helicopter incinerating five MOVE members and six children, and destroying sixty-one homes.

"Back there in 1978," a long brewing series of conflicts with MOVE erupted in a shoot-out with police in which one policeman was killed. What "mistakes" was Mayor Goode trying to avoid? What lessons can conflict resolvers learn from these confrontations?

To answer these questions, the Conflict Resolution Center International undertook a major research project. The Center interviewed people who had tried to intervene in the MOVE conflicts between the early 1970s and 1985. All agreed that to understand the 1985 disaster, one must first study the 1978 shootout.

## MOVE

MOVE began in the early 1970s as a non-violent, predominantly black, counterculture activist group. It originally called itself "the Movement," later shortened to MOVE. Its founder, John Africa, was the philosophical leader. He advocated an anti-technology approach, respect for animal life and communal living. Its members took on the surname "Africa" to express their sense of communal family. MOVE is often labeled as an urban, back-to-nature, primitivist group.

In the mid-1970s, MOVE established a headquarters in Powelton Village, an integrated, new left, section of Philadelphia. There they disrupted community meetings with lengthy harangues based on the teachings of John Africa. Their primitivism included recycling garbage by throwing it in their yard; respect for animal life included rats and stray dogs,. They constantly used profanities and aggressive, confrontational language. These traits sparked a major lifestyle conflict with the neighborhood.

Police abuse became MOVE's major political issue. In the politically charged, post-Viet Nam 1970s, led by the tough "law and order" oriented Mayor Frank Rizzo, the Philadelphia police were frequently accused of racism and brutality. MOVE concentrated on protesting police abuse, and the police in turn focused their attention on MOVE. This led to clashes, court hearings, protests in courtrooms, contempt citations and more clashes.

A pivotal event was an April 1976 clash between MOVE and police in which three MOVE leaders were convicted and imprisoned. They referred to them as "political prisoners," and their release from prison became MOVE's main concern.

## Stages of Conflict

The 1978 Powelton conflict consisted of four phases.

Phase I involved ongoing clashes with the police, neighbors, and the courts.

Phase II involved a heavy police presence at MOVE headquarters. Police established a twenty-four hour presence to arrest MOVE members if they left their headquarters.

Phase III was an attempt to evict MOVE from its headquarters by blockading it, to "starve them out."

Phase IV was an attempt to evict MOVE using armed force—the shootout.

## The Parties and Issues

Most of the interveners interviewed stated that the parties to the 1978 confrontation were MOVE and the City. In fact, the parties were much more complex. One set was MOVE and the Powelton neighborhood. The neighborhood, in turn,m was divided in its response. Some advocated police intervention while others insisted the problem should be settled in the community. A third faction sought to reconcile the first two.

MOVE's conflict with the city involved many sub-parties. To MOVE, Mayor Rizzo represented the law-and-order rule they opposed, and the police department was continually in confrontation with the activist group. The department itself was split between the highly professional, trained, civil disturbances squad and the rank-and-file police who were often called "Rizzo's thugs." As confrontations with the rank and file evolved, MOVE came into confrontation with the courts. It used them as a vehicle to dramatize its beliefs and issues. MOVE's fundamental issue involved the city and courts, and more specifically, freedom for its three "political prisoners."

## Merger of Issues

In Phase I these issues initially moved on separate tracks. For instance, there were negotiations between MOVE and its neighbors. However, in May 1977, MOVE, in responce to another law enforcement incident, dramatically appeared on the porch of their barricaded headquarters wearing military uniforms and carrying weapons. Alarmed, residents called the police, who responded by laying siege to the house. After a tense initial

confrontation, the city vowed to maintain a massive police presence and arrest any MOVE member who left the headquarters. They would mainly be charged with firearm violations and incitement to riot. These pending charges became another major issue in the negotiations.

### Phase II

Bringing in the police, already a party to the conflict, as a third-party intervener transformed the conflict and issues. The issue of police presence outweighed all others. Rather than focus on their conflict with MOVE, the neighbors argued with each other over whether the police presence was appropriate. A major faction of the new left neighborhood generally opposed police intervention. To disengage the police, this group became involved as third-party intervenor in MOVE's conflict with the city.

MOVE apparently began to see that by upsetting the neighborhood and involving the police, it could get public attention for its main issue—release of its prisoners. Although MOVE seemed to have had little incentive to negotiate with the neighbors at this stage, there is some evidence they it made at least one agreement.

### Composting Agreement

Neighbors approached MOVE about the garbage in their yard. They suggested if MOVE were serious about recycling, then they could do it more efficiently by composting. That would also meet the neighbors needs by reducing the odor and vermin food. This example of needs-based bargaining resulted in "wins" for both sides. Although MOVE apparently lived up to that agreement, the Powelton people interviewed did not remember it. They were so focused on the life-and-death issues of the massive police presence, they did not notice an environmental agreement that may have worked.

### Interpol

An example of early mediation intervention was given by Father Paul Washington, an active black minister. He knew the MOVE leadership and had helped them visit their incarcerated members. MOVE sympathizers called him in during Phase II. MOVE was parading on their porch with

guns, and a tense confrontation with police was in progress. Washington calmed both sides down and got MOVE to go back into their house to talk. They were upset because they had heard one of their members, who was recently arrested, had been beaten by police. Washington shuttled between MOVE and the police commissioner. He received assurances from the police that no beating had taken place. He negotiated an agreement that if the police brought the arrested member to MOVE headquarters to show he was uninjured, MOVE would relinquish its arms. On his final visit to confirm the agreement, Delbert Africa, MOVE's negotiator, insisted they would only turn in their guns if their colleagues were released. Washington concluded that negotiations with MOVE were impossible because they would keep escalating the stakes.

Delbert Africa, MOVE's negotiator, in this incident confirmed Washington's analysis but added a missing piece. He said Washington was right. MOVE would keep escalating the stakes until someone paid attention to their basic concern—that is as long as their fundamental issue, freeing the political prisoners, is being ignored, MOVE would not rest.

**Joel Todd**

A major intervenor was a young white attorney, Joel Todd. He had represented Jerry Africa, one of the imprisoned "political prisoners" in his trial and became friendly with the group. He was well connected with the city's political structure.

By October of 1977, the Phase II stand-off was four months old. Costs were mounting for both sides, and MOVE supporters asked Todd to help them reach a settlement. Todd agreed. His goal was to avoid violence. He saw the conflict as between MOVE and the city and felt neighborhood was not a party. He began carrying messages back and forth between the MOVE headquarters and the city manager's office. He quickly defined each side's primary issue. MOVE wanted release of its "political prisoners." The city wanted a face-saving way out of the crisis, preferably by removing MOVE from the neighborhood.

Todd began to build an agreement with the following terms:

1. MOVE members would submit to orderly arrest procedures concerning the outstanding weapons and riot charges. Procedures would allow witnesses to be present to assure that MOVE members would not be brutalized, and arrests would be timed so some adult members would always be in the house to care for the children and animals. Both sides agreed on these procedures.

2. Those arrested would be released without posting bail. MOVE wanted a written guarantee. The city would only give oral assurances.

3. MOVE would permit a weapons search and health inspection of its premises. Both sides agreed.

4. MOVE would vacate its premises. MOVE disagreed with this.

These provisions were labeled "surrender terms" by the press. They met the city's basic issue, but the five months of negotiations did not touch MOVE's concern about its "political prisoners." While Todd felt MOVE was so strongly committed to that issue that "they would die for it," he saw it as an unacceptable demand where no resolution was possible.

This narrow view of what could be negotiated may trace back to Todd's intervention goal: to avoid violence. A conflict resolution ethical maxim suggests that when one's sole intervention goal is to avoid violence, one tends to support the status quo power relationship. That appears to have taken place here.

Todd defined his intervention style as that of message carrier. He asked each party what their position was and carried that information to the other party. He felt it was not appropriate for him to help the parties reality test their positions or to help them reexamine their needs and those of the other party in order to invent new solutions. He may have been encouraged in this approach by MOVE's insistence that "only MOVE negotiates for MOVE."

MOVE finally broke off negotiations when an imprisoned member was beaten. The city obtained a court order to evict MOVE by blockading them and "starving them out." Todd and others obtained a stay, and Todd tried to arrange a face-to-face negotiation session with MOVE leadership, the judge, and the city manager. The barricaded MOVE leadership refused to trust an offer of "safe passage" to the courtroom where the negotiations were scheduled. Finally, they agreed to let their imprisoned leaders negotiate for the group. That session ended in failure, and the city began the blockade in earnest. Phase III had begun.

### Phase III Interventions

By cordoning off a predominantly black group, cutting off food and water, and fortifying the police positions, the city made MOVE a cause celebre, resulting in a flurry of unsuccessful interventions to head off the clash. Radio personalities were suggested as interveners. Comedian/activist Dick Gregory met with MOVE once before abandoning his efforts.

### City Wide Coalition

The stage was now set for a more successful intervention. MOVE supporters approached Walt Palmer. Palmer was an established businessman and civil rights activist with many connections. His goals of intervention were to avoid violence and to produce a settlement that met the needs of both parties. He too defined the parties as MOVE and the city. He saw a major power imbalance. More pressure needed to be applied to get the city to bargain seriously.

To alter the power relationships, he organized the City Wide Coalition for Human Rights (CCCHR). CCCHR's religious and business committees organized those segments of the black community to bring pressure on the city. The community task force conducted major demonstrations and the legal task force researched the snarled legal issues. A communications committee distributed information to the press and defined the situation as a human rights issue. They even brought the issue before the United Nations.

Palmer chose Oscar Gaskins, a black civil rights attorney, to negotiate. Gaskins obtained a power of attorney from MOVE to represent it in negotiations; this gave him credibility as MOVE's attorney-negotiator.

### Impasse Broken

In his negotiations with the city manager's office, Gaskins was the first intervenor to negotiate MOVE's prisoner issue. City representatives, while privately agreeing that the charges upon which the prisoners were convicted were questionable, felt they could not compromise the legal system by releasing prisoners under pressure. Gaskins created a solution that met the interests of both parties. He suggested the prisoners be allowed to appeal their sentences. The superior court could then release them on their own recognizance. They were likely to be acquitted on appeal, and if not, most of their sentence had been served already. Both parties agreed.

### Agreement

After breaking this impasse, Gaskins was able to negotiate settlements on the other issues. The city took the additional step of agreeing to commit themselves in writing to release, without bail, those MOVE members submitting to arrest. MOVE agreed to allow health and firearm inspections,

clean the premises, and vacate within 90 days. They also agreed for Gaskins to represent them in court rather than appear personally, to avoid confrontations.

**Controversy**

MOVE complied with much of the agreement. They cleaned the building and allowed a health inspection, which passed. A firearms inspection found only inoperative weapons. Controversy arose over the outstanding charges. MOVE thought they would be dropped. Gaskins felt they would be routinely processed and MOVE would receive probation. The district attorney talked about the seriousness of the charges. He started requiring MOVE members to appear in court which Gaskins and MOVE felt violated the agreement. The DA changed his mind and felt he was legally bound to compel MOVE to attend court.

Even more difficult was the requirement for MOVE to relocate within 90 days. Many groups tried to find MOVE rural retreats to practice their back-to-nature concepts. At one point they were ready to move to a farm in New Jersey donated by a black farmer.

However, during the 90-day period, MOVE got the impression from a conversation with the farmer that he wanted to use them for slave labor. They refused his offer. No one interceded to rectify the problem.

The city took the strict position that MOVE had to be out in 90 days. MOVE insisted the city should help them find quarters. While private groups suggested some locations, MOVE found them all lacking. Finally, the city solicitor was quoted in the newspaper that as soon as the MOVE premises were vacated the city would bulldoze it. This incensed MOVE members, who felt they could continue to use their property for other than residential purposes.

Although Gaskins was available to argue MOVE's position in court, no one was available to oversee this growing collection of accusations and misunderstandings. Finally, at the end of the 90-day period the judge declared MOVE had broken the agreement. He deputized the police to forcibly evict MOVE and arrest its members.

After allowing Palmer and a few others to make last minute appeals for MOVE to surrender, the police moved in. A gunfight broke out in which one policeman died. Other police and fire-fighters were injured before MOVE members were finally brought out of the house. One was severely beaten in front of TV cameras. Newspapers reported that the agreement failed because MOVE refused to vacate.

## Observations

CCCHR's task was enormous. Many participants sacrificed over six months of their lives to achieve the agreement. Palmer's activist and street background gave him credibility and an ability to communicate with MOVE. He and Gaskins could cajole, confront their positions, and reality test. They interpreted each party's positions in a way the other could hear.

Their empowerment strategy was effective. The broad community attention forced the city to bargain more seriously. Its effect may also have gone the other way, also. The city may have perceived Palmer and Gaskins, with their community backing, as more able to assure that their clients would abide by their commitments.

Palmer and Gaskins' indirect "shuttle diplomacy" style made reaching an agreement easier, since it buffered public officials from MOVE's outbursts. However, when the full agreement is reached through indirect negotiations it may give parties an opportunity to disavow certain provisions. Jerry Africa, a MOVE's spokesman, refers to the written agreement as "Gaskins' agreement" not theirs.

A key element was Gaskins' ability to expand the issue when the parties were deadlocked. He found a solution to the prisoner issue which met MOVE's goals and maintained the city's concern for the dignity of the law. He may have been able to interject this solution because he saw his role as wider than a neutral message bearer. He was an advocate for one party.

## Reasons for Failure

The agreement may have failed because one or both sides scuttled it. Another possibility is that no one was in charge of the implementation period. Intervenors were too exhausted from the ordeal of reaching agreement to retain vigilance over this key period. In a situation where trust was so low and verbal dueling so high, postagreement oversight is a crucial issue.

Another problem may have been misperceptions of MOVE's decision-making structure. Most intervenors, including Palmer and Gaskins, thought the MOVE spokespeople they worked with either could bind MOVE, or would have to have the group in the Powelton house ratify the decisions. Jerry Africa, one of the three "political prisoners," states that MOVE operated on a consensus process that involved all members—whether present or not. If he, in prison, disagreed with a commitment made by MOVE negotiators in the house, then the commitment was not binding on any MOVE member. Whether this interpretation is true is unknown, but it underlines

the need for intervenors to obtain a clear understanding of the extent to which negotiators can bind their group.

The failure to involve all parties was also crucial. Since the neighborhood was not included in the negotiation, the city ended up adopting the most extreme neighborhood position—removing MOVE. That became a fixed position. The neighborhood's absence prevented the parties from considering a more moderate approach, such as MOVE remaining while complying with health codes and basic standards of courtesy.

The police were left out. Their ongoing clashes with MOVE set up a dynamic similar to two warring gangs. After each rumble, one gang wants to avenge the wrongs from the last clash. Ultimately, police harbored resentment from the death of one of their members in the shoot-out. Nothing in the agreement or the aftermath was designed to defuse their hostility. Untreated police resentment may have contributed to the violence in 1985.

While MOVE and CCCHR viewed MOVE as a political organization, the city responded with traditional law enforcement tactics. Unlike a criminal group which might respond to punishment and deterrence, a group that sees itself as a revolutionary political movement might even be strengthened, attract more publicity, and galvanize support from confrontation and challenge. The presence of the media made it difficult for the city to meet MOVE's demands without losing face, even though privately they may have seen merit in MOVE's position.

Differing styles of expressing conflict may have been a factor. MOVE's rhetoric was laden with violent threats to neighbors, public officials, and all who opposed them. One never knew to what extent the threats were real. Some suggest the line between "talking" and "fighting" is different between street-black and middle class black and white culture. To the middle class angry words, heat, confrontation, insults and threats will inexorably lead to violence. In street black culture, however, there is a clear separation. "Talking" is verbal: "fighting" is physical. A "fight" begins when someone within the context of an angry quarrel begins to make a provocative move. MOVE talked but did not physically provoke confrontation.

## 1978-1982

Ten MOVE members were convicted on conspiracy counts related to the police officer who was killed in the shoot-out. Charges were dropped against the officers who beat the captured MOVE leader. Once again, freeing

prisoners became MOVE's main articulated issue. MOVE dispersed to other cities. Mayor Rizzo was succeeded by a moderate who in turn was succeeded by Philadelphia's first black mayor, Wilson Goode.

Many MOVE members left Philadelphia and established settlements in New York and Virginia. In the early 1980s the city, processing outstanding warrants, extradited MOVE members back to Philadelphia. A group settled on Osage Avenue in a house owned by John Africa's sister. During this period MOVE spokesperson Jerry Africa pressed MOVE's position with anyone in authority he could reach. MOVE insisted it was subject to consistent abuse of the legal process; it was being persecuted and imprisoned for its belief rather than actions.

Once again, a lifestyle conflict arose in the new Osage Avenue neighborhood. Problems such as sanitation, collecting animals, and cutting flea collars off neighbors' pets created friction. By October 1983, verbal harassment was added to the list.

The new neighborhood was black, middle class. It was the heart of the political coalition that had elected Mayor Goode and trusted him to find a solution to the MOVE problem.

## Memories of 1978

All parties involved seemed to operate on assumptions about the others they had "learned" in 1978. The city, and many potential intervenors, thought they had learned:

1. MOVE is an untrustworthy bargainer,
2. MOVE will violate any agreement,
3. MOVE is more interested in confrontation than settlement,
4. Therefore, it is unproductive to negotiate with MOVE.

MOVE thought it had learned:

1. The city is an untrustworthy bargainer,
2. The city will violate any agreement,
3. The city is more interested in destroying MOVE than settlement.
4. Therefore, if it is possible to negotiate with the city at all, it is only when it is subject to broad pressure from an aroused public.

## Building Crisis on Osage Avenue

When Jerry Africa's negotiations led nowhere, MOVE began trying to call attention to their cause using the same techniques that had succeeded

in 1978. They barricaded their house, mounted loud-speakers in front, and began harassing the neighborhood.

Neighbors appealed to the city for help, and the city took a wait-and-see attitude. No broad-based coalition to support a negotiation process arose. Generally, Philadelphians trusted the new liberal black administration to find a reasonable solution to the problem.

Most people saw the issue of freeing ten people convicted of killing a police officer to be an unreasonable demand. Some intervenors unsuccessfully involved in the 1978 event advised the mayor that negotiation was impossible. However, Bennie Swans of the Crisis Intervention Network, planned a promising approach. His agency had good street contacts with MOVE. He felt that MOVE was really after an orderly process by which each of the ten cases could be reviewed. He envisioned persuading MOVE to change its political tactics. Rather than provoke the neighbors, it might try to form coalitions with them. An initial bargaining point might be for MOVE to forgo disturbing people with their loud-speakers if the neighbors would join them in protesting the imprisonment issue.

Since the Crisis Intervention Network was city funded, Swans sought clearance from the city manager's office to pursue negotiations. He was turned away, as were others who tried to intervene. The city had already decided MOVE was a police matter. Even if the broad decision to negotiate had not already been made, Swans' plan probably would have met with city resistance. It amounted to building a political coalition directed at changing city policy. That strategy might have jeopardized the agency's city funding.

There were a few other attempts to intervene. MOVE participated in all, but none of the third parties could enlist the city in dialogue.

MOVE continued its harassment, and the neighbors grew more resentful. When they finally appealed for help from the state and threatened physical retaliation, the city's conflict avoidance policy became unworkable. They had to do some thing quick and dramatic. They evacuated the neighborhood and began the assault. Once again last-minute attempts were made to defuse the crisis. MOVE received the delegations. The city did not and went ahead with the armed assault.

A partial explanation of the severity of the police assault may be the unresolved hostilities between MOVE and the police dating back to the 1978 period. Police were not a party to that agreement, and no follow-up work was done to defuse those tensions.

An investigative commission issued a report condemning the assault as being excessively violent and bungled. A local grand jury was formed and issued no indictments against any public officials. Mayor Goode was

reelected to serve a second term. Meanwhile, Ramona Africa, sole survivor of the Osage bombing, was convicted and served time in the state penitentiary on riot related charges.

MOVE still exists in Philadelphia. While John Africa died in the inferno, some coherency still exists in the group. Its grievances are still the same—freedom for its "unjustly imprisoned" members. Now the stakes are higher. The history of clashes that result in violence, followed by punishment of MOVE members and exoneration of city officials is an even greater barrier to building the trust needed for a settlement.