

111TH CONGRESS
1ST SESSION

H. CON. RES. 44

Expressing the sense of the Congress that the President should grant a pardon to Marcus Mosiah Garvey to clear his name and affirm his innocence of crimes for which he was unjustly prosecuted and convicted.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2009

Mr. RANGEL submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Expressing the sense of the Congress that the President should grant a pardon to Marcus Mosiah Garvey to clear his name and affirm his innocence of crimes for which he was unjustly prosecuted and convicted.

Whereas Marcus Mosiah Garvey was born in St. Ann's Bay, Jamaica, on August 17, 1887, and emigrated to the United States;

Whereas Marcus Garvey was the founder and leader of the Universal Negro Improvement Association, the largest Black organization in history, which was dedicated to the economic, social, and political empowerment of African-Americans and the fostering of unity between all people of African decent;

Whereas Marcus Garvey's movement for humans rights, economic self-sufficiency, and cultural solidarity for peoples of African decent attracted millions of followers in the United States, the Caribbean, Latin America, Africa, and Europe;

Whereas Marcus Garvey's philosophy of uniting the people of the African Diaspora around a recognition of their common heritage and his teachings regarding pride, self help, and identification with Africa inspired Black leaders throughout the world, including W.E.B. DuBois, Kwame Nkrumah, Malcolm X, and Martin Luther King;

Whereas pervasive discrimination and subjugation of African-Americans in the United States created a climate of intolerance towards Black social activists, such as Marcus Garvey, and a determination by the United States Government to undermine and destroy the Universal Negro Improvement Association;

Whereas Marcus Garvey became the target of surveillance and harassment by Federal law enforcement agencies;

Whereas Marcus Garvey was arrested numerous times, with charges being dropped on each occasion, thus indicating that the arrests were solely for the purpose of harassing Marcus Garvey and disrupting the Universal Negro Improvement Association;

Whereas, after a zealous effort by Government authorities, which included infiltration of the Universal Negro Improvement Association, Marcus Garvey was prosecuted and convicted of a single count of mail fraud by Federal authorities in 1923 and sent to prison;

Whereas Marcus Garvey, in connection with the severe criticism of his politically motivated conviction, submitted his first official application for Executive clemency in 1925;

Whereas, in 1926, nine members of the jury that convicted Marcus Garvey signed an affidavit recommending the commutation of his sentence;

Whereas, in response to the public outcry regarding the suspect nature of Garvey's conviction, and on the action of the United States Pardon Attorney's Office, President Calvin Coolidge commuted Garvey's sentence in 1927, establishing the precedent for Executive clemency in this case;

Whereas Marcus Garvey, as a consequence of his conviction, was deported from the United States in 1927, never to return again;

Whereas Marcus Garvey maintained his innocence and his desire to be exonerated throughout the remainder of his life;

Whereas it is now widely accepted that the case against Marcus Garvey was politically motivated, the charges unsubstantiated, and his conviction unjust;

Whereas millions of petitioners have appealed for his exoneration;

Whereas Marcus Garvey's body was returned to Jamaica in 1964, where he was officially declared the country's first national hero;

Whereas Marcus Garvey is recognized as a towering figure in African, African-American, and world history; and

Whereas Marcus Garvey's life and contributions to the United States should be recognized and appropriate steps

taken to restore his name and reputation in this country:
Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that—

3 (1) Marcus Garvey was innocent of the charges
4 brought against him by the United States Govern-
5 ment;

6 (2) Marcus Garvey is and should be recognized
7 internationally as a leader and thinker in the strug-
8 gle for human rights and dignity; and

9 (3) the President should endeavor to restore the
10 honor and good name of Marcus Garvey through the
11 granting of a full posthumous pardon that proclaims
12 his conviction to have been unjust and unwarranted
13 and affirms his innocence on the charges brought
14 against him.

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