

1 HR485  
2 143300-2  
3 By Representative Hubbard (J)  
4 RFD:  
5 First Read: 16-MAY-12

8 TO EXPRESS DEEPEST SYMPATHY AND CONDOLENCES TO THE  
9 FAMILY OF BERNARD WHITEHURST.

10  
11 WHEREAS, on December 2, 1975, Bernard Whitehurst was  
12 mistakenly shot by Montgomery police near the scene of a  
13 robbery; and

14 WHEREAS, the United States Court of Appeals for the  
15 Fifth Circuit found the following facts to be true: "Bernard  
16 Whitehurst was gunned down by Montgomery, Alabama police who  
17 mistook him for a suspect in a local robbery. The fatal shot  
18 was fired by police officer Donald Foster, who claims that  
19 Whitehurst shot first. Although none of the officers in the  
20 vicinity found a gun near the body, a detective subsequently  
21 called to the scene spotted a gun twenty-seven inches from the  
22 victim. It was later discovered that the gun had been  
23 confiscated by police in a drug raid occurring over one year  
24 prior to the Whitehurst shooting. This odious sequence of  
25 events shook the entire Montgomery law enforcement community  
26 and precipitated the resignation of the city's mayor, its

1                   public safety director, and several of its police officers;"

2                   and

3                   WHEREAS, due to Bernard Whitehurst's untimely death,  
4                   his widow, Florence, was left without a husband in a city far  
5                   from her family; his children, Shiela, Tracy, Stacy, and  
6                   Bernard, III, were left without a father and were separated at  
7                   a young age to be raised by various family members; his  
8                   grandchildren, Taurio Harris, Santorion Farris, LaShaunda  
9                   Whitehurst, Stacy Bernard Whitehurst, TaPorchia Whitehurst,  
10                  Amber Miles, Stephanie Miles, Daryl Whitehurst, Noah  
11                  Whitehurst, Ava Whitehurst, and Mariah Whitehurst grew up  
12                  without knowing their grandfather's love; and

13                  WHEREAS, in the intervening 36 years, no public  
14                  apology or condolences of any kind have ever been offered to  
15                  the family of Bernard Whitehurst; and

16                  WHEREAS, nothing can ever replace a loved one  
17                  untimely taken, nor can any official act ever make right all  
18                  the wrongs that led to and followed the tragic death of  
19                  Bernard Whitehurst; now therefore,

20                  BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF  
21                  THE LEGISLATURE OF ALABAMA, That we hereby officially  
22                  acknowledge the grave tragedy of Bernard Whitehurst's  
23                  untimely, unnecessary, and unfortunate death and offer a  
24                  public and sincere expression of sympathy and condolence to  
25                  his family.