

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.