



Written by [Jack Kenny](#) on August 10, 2009

## Gates Controversy Goes On in Cop's Lawsuit

The controversy over Harvard University Professor Henry Louis Gates, Jr. and his conflict with a Cambridge, Mass., police officer just won't die. A Boston policeman is now suing that city and its police department after he was suspended for referring to Gates as a "banana-eating jungle monkey" in an e-mail he sent to a Boston Globe columnist and to other officers on the force.



Justin Barrett claims his rights were violated when Boston Police Commissioner Edward Davis placed him on administrative leave (suspended with pay) and sent police officers to his home to collect his badge and gun. In his suit, Barrett charges that Davis and Boston Mayor Thomas Menino acted as "prosecutor, judge and jury" by saying that Barrett faces possible termination for the remarks. He has also been suspended from his duties as a captain in the Army National Guard over the incident.

Barrett said that he was "off duty from the Boston Police Department, at a private home and using a privately owned computer" when he sent "remarks that were interpreted as racist and sexist" to Yvonne Abraham at the *Globe*. Barrett took issue with what he claimed was Abraham's biased account of what happened when Cambridge police Sergeant James Crowley arrived at the Gates residence in response to a report of a suspected burglary. Gates later said that the door was jammed and that he and his driver were trying to open it. A witness saw the apparent break-in and called the police.

According to Crowley's report, Gates, who is black, angrily accused the officer of racism, was uncooperative, and was arrested for disorderly conduct. The charge was later dropped. The incident became headline news and a talk-show phenomenon after President Barack Obama said during a prime-time news conference that the Cambridge police "acted pretty stupidly" in arresting Gates after he had shown identification and proved he was in his own house. Obama later said he should have "calibrated" his remarks differently. He has since had both Gates and Crowley as his guests for beer and conversation at what has come to be known as the "White House beer summit."

Barrett, in his e-mail to Abraham, wrote (with the bracketed comments in the original): "Your defense [4th paragraph] of Gates while he is on the phone while being confronted [INDEED] with a police officer is assuming he has rights when considered a suspect.... His first priority of effort should be to get off the phone and comply with police, for if I was the officer he verbally assaulted like a banana-eating jungle monkey, I would have sprayed him in the face with OC deserving of his belligerent non-compliance." Barrett concluded his email by telling Abraham that her column should have run under the



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headline, "CONDUCT UNBECOMING A JUNGLE MONKEY - BACK TO ONE'S ROOTS. JB"

Barrett's lawsuit claims his civil rights have been violated. According to his lawyer his words were misinterpreted.

"The choice of words were poor; but they weren't meant to characterize Professor Gates as a banana-eating jungle monkey," attorney Peter Marano said. "They were meant in a response to behavior and characterizing the behavior. Not the person as a whole." Marano conceded that a police officer, because of the nature of his job, is held to a higher standard of conduct than the ordinary citizen, but added: "Being held to a higher standard shouldn't eradicate his right under the First Amendment for free speech. That is part and parcel of the lawsuit," he said.

But neither does the First Amendment or any other part of the Constitution guarantee anyone continued employment or immunity from discipline as member of his local police force.

*Photo of Henry Louis Gates, Jr.: AP Images*



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