

# To Be Equal

by VERNON E. JORDAN, JR., Executive Director National Urban League

## Court Affirms Death Penalty

The question whether the death penalty violates the Constitution's prohibition of "cruel and unusual punishment" has been hanging fire for some time now. The Supreme Court sidestepped it back in 1972 when it struck down state death penalty laws as being capricious and inconsistently applied.

Now, it has finally decided the issue, wrongly, in my opinion.

In the closing days of its term, the Court upheld the death penalty laws of Florida, Georgia and Texas, stating that they met the requirements of fairness set out in the 1972 decision. There are 147 people on the death rows of the prisons of those states today who now face execution.

Those states' laws were upheld because they met the Court's test for penalties based on the nature of the crime and the character of the defendant. In Georgia a first trial is held to determine guilt and a second trial determines the sentence. In Texas the jury has to decide that there was intent to kill, that if the act was provoked, the offender's response was unreasonable, and that the defendant probably would commit other criminal acts in the future.

According to the Court, these state laws take the death penalty out of the realm of the arbitrary and make it reasonable. But this seems to me very inconsistent.

## Whites Get Lesser Sentences

In 1972, the death penalty was struck down because poor people and Black people were executed while offenders who were White and affluent got lesser sentences. It's pretty obvious that under the state laws the Court now finds constitutional, the same pattern will emerge. A poor Black man from Texas defended by a public defender is going to be looked on by a jury as one likely to commit a crime in the future and get the death penalty, while an affluent White person defended by an expensive criminal lawyer will get a lesser sentence. Just watch!

The Court is really straining here. It wants to avoid the blatant capriciousness of the old ways in which the penalty was applied and so it has talked itself into believing that judges and juries will be completely objective and avoid race and class judgments. In this it is deceiving itself.

The answer then, if there is no objective way to determine who is to die for murder and who is to live, might be mandatory death penalties for everyone convicted of the crime.

Fortunately, the Court rejected this inhuman notion in cases involving such mandatory death penalty laws in North Carolina and Louisiana. By a narrow 5-4 decision it ruled that such laws, by their "lack of focus on the circumstances of the particular offense and the character of the offender," violate the Constitution and don't comply with contemporary standards of decency.

Some 16 states have laws similar to those struck down by that decision, so 145 people on their death rows now will escape death.

### Moral Confusion

The death penalty cases show a Court in confusion, uncertainly facing the moral dilemma. If sanctioning state-imposed death while not wanting to buck the hard-line law and order trend that grips our society.

The Court declares that there is no evidence to maintain the death penalty as a deterrent so the only reason for it is the primitive one of retribution, -hardly an enlightened position to take.

Justice Brennan, in dissent, rightly held that: "Moral concepts require us to hold that the law has progressed to the point where we should declare that the punishment of death, like punishments on the rack, the screw and the wheel, is no longer morally tolerable in our civilized society."

I believe America has evolved to the point where murder by the state, even for convicted murderers, is unconstitutional, cruel and unusual punishment that serves no purpose and debases legitimate authority.

It's tragic that the Court could not bring itself to outlaw the barbarism of the penalty, thus delaying the eventual, inevitable day when it will finally be declared unconstitutional, cruel and unusual punishment.

## Dr. M.L. King's Niece Dies While Jogging in Atlanta

Miss Ester Darlene King, 20, a niece of the late Dr. Martin Luther King, Jr., collapsed and died while jogging with a high school track team last Friday according to a Fulton County (Georgia) medical examiner.

The examiner said there were no witnesses to the incident, but added that "nothing unusual happened. She just collapsed; there was not any foul play or anything accidental."

Miss King was the daughter of the late Rev. A. D. King, Dr. King's youngest brother who drowned while swimming in a pool at his home in 1969.

The young woman's death marked the fourth tragedy in the King family. The first was the slaying of Martin, then the drowning of A.D., the shooting death of their mother in church two years ago and now death while jogging.

## The Hughes

### Report

By Thomas F. Hughes



## More Hogwash

Some years ago Howard Hughes bought R.K.O. Pictures Studios sight unseen. One night around midnight the eccentric Mr. Hughes (No relation - I have not made a will yet) called and said he wanted to inspect the place. He walked through set after set without a word. When he passed through the last one he said "Paint it."

Six months ago because of Rev. Albert Dunn's insistence that Las Vegas spend 50 million for economic development on the Westside and after much research, many meetings, planning, etc. word comes that the power structure has said "Paint it." More hogwash.

I have to applaud Kathryn Joseph who has said "Put up or shut up" by asking for \$93,000 to start painting it. But I am at a loss to see the reasoning behind just a cosmetic approach. Certainly a clean up, spruce up, paint up project will make it more inviting to prospective businessmen and investors but a police station and better fire prevention will induce them more. Our research said that the closest fire plug to the Golden West Shopping Center is 8 or 9 blocks away. Would you put a business in such a location? Remember the multi-million dollar fire at Commercial Center?

### No Dollars

#### for economic development

What is really needed is an energetic bare-bones, no nonsense, no pork barrel economic project. \$100,000 for a research by a San Francisco firm will be a waste of money in my humble opinion. What does San Francisco know about Westside Las Vegas? How much would a sensible program that would be productive cost? \$40,000 a year. This would provide a director and an assistant director, and office, phones, research, travel expense money for successful Black business men to come to Las Vegas necessary luncheons, seminar fees, make surveys, promote better relations, help Black businesses secure contracts with the City of Las Vegas, County and State and the many hotels and various resort services. Perhaps the most important research would come from people like Rev. Jesse Jackson, Director of PUSH, who has gotten millions of dollars of business and thus salaries for Blacks. Talks with John H. Johnson of Johnson Publishing (Ebony, Jet, etc.) which is the second largest Black business in these United States, Johnson of Johnson Products (third largest Black business). Los Angeles WLCAC Director Watkins who has developed a multi-million dollar business empire in Watts or Harold Johnson of San Diego who handles all food in the San Diego University restaurants as well as all food at several army bases. Black officers of Black Pacific State Bank in San Diego and Black Bank of Finance in Los Angeles, Black Freedom Bank in New York, A. G. Gaston, multi-millionaire of Alabama who has many Black enterprises operating profitably, etc. etc. There is a wealth of Black business people who have made it big, who could give invaluable information to Westside Las Vegas. They came from black ghettos. When will we get down to business. We don't need any more hogwash.

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