

AND JUSTICE FOR ALL

PART II

By Roosevelt Fitzgerald

The feeling of being unprotected is frightening. One way to offset that reality is to shield one's eyes; to imagine that there is no need for protection. To live without an expectation of help is to imagine that one does not need help. From the days of Solon, having laws codified was supposed to allow for not only equal knowledge of the laws but also equal treatment under the laws of God in the form of the Ten commandments.

Combining the secular and the profane it would seem that all bases would be covered. The fact of the matter is simply having laws is not enough. There must be a willingness to not only uphold those laws but to uphold them equally. Anything less

serves only to debase the laws and once that occurs the reciprocity which ought to exist between the laws, those who enforce the laws and those whose lives are impacted on by the entire justice system is destroyed. Where there is no reciprocity there is no relationship.

Over the years, in many instances, law makers and law enforcers have trivialized the law. They have made it their own private domain in which they have sought to dictate when and where it will exist. There has been a noticeable absence of ethical behavior in the entire process. Those who have relied most on its enforcement have been victimized by the lack thereof most often. To be involved in the making and en-



Professor Fitzgerald is director of ethnic studies at the University of Nevada-Las Vegas

by Professor Roosevelt Fitzgerald

forcement of the laws requires a special kind of person. There are many things which inhibit ethical behavior in the judicial system.

Perhaps the most outstanding traits of that sort are; self-indulgence, self-deception, self-protection and self-righteousness. To find those who do not manifest those sorts of self-serving characteristics is difficult. It is not, however, impossible. Many times when such individuals are found they are vilified on matters which do not matter. Our system punishes ethical behavior even as it pays lip service to it.

Many have a burning desire for order even at the expense of law. When the law gets in the way of order then the law must

step aside. Orderliness, one of the creations of humans not only have disrupted nature but it has also displaced constitutional and human rights. One good measurement of the effectiveness of democracy is how well it protects the rights of those who possess the least amount of power or those who are held in the greater degree of disfavor. One way to determine this is by ascertaining who gets attacked by those sworn to protect and those who are in fact protected.

The apparent greatest use of police establishments through the nineteenth century was for the apprehension and punishment of slaves or those otherwise thought to be slaves. Following the discovery of gold in California in 1849 and the end of

Civil War in 1865, sheriffs, marshalls and other officers found greater diversity. Real lawbreakers began to appear with greater regularity. Among these were rustlers, bank and train robbers, claim jumpers, crooked gamblers, horse thieves and murderers.

While blacks remained the primary targets in the southeastern portion of the country, that being where the greatest numbers were found at the time, to the southwest and west other groups found themselves in the bull's eye of law enforcement.

Native Americans, midway through the nineteenth century, more than any time before, were being squeezed out of existence. Dating back to the arrival of the first foreigners they were pushed off their lands. I suppose the trail of broken treaties had its beginning right there in the shores of the Atlantic. They had something which the newcomers wanted; land.

The removal of individual Native American groups from their traditional homeland pushed them onto that of other groups. The entire order of the land and its people was irreversibly altered.

As more Europeans arrived in search of freedom for themselves, they had less and less reluctance in denying it to others. The push on and land and power were the commodities. By mid-nineteenth century many eastern and southeastern Native American groups had been pushed to the Mississippi River and beyond. With the discovery of gold in California and the subsequent movement out of California and across the Sierra Nevada mountains into the Utah Territory (this included Nevada)

and on into Arizona, Idaho and the Black Hills over the following thirty years, Native Americans were squeezed from both sides.

Their rights of ownership of the land were violated and their laws usurped

The reigning law provided no protection for them. The common notion that the "only good Indian is a dead Indian" prevailed. They were hounded, harassed, killed and put out of the way on reservations. All of that which was theirs was stolen, desecrated, spoiled, exploited as they were demeaned, dehumanized, degraded and destroyed. All of this was done with the full support, endorsement and encouragement of the law. If they, on the other hand, too, own a cow and horse or a stick of peppermint candy they were arrested and sent to jail. Others, in the meantime, were allowed to take their land, their women, their children and send them to "white man's schools where their hair was cut, their culture peeled away, their language forbidden, their native dress ripped off and burned, their gods and all they held sacred vilified and always, justice was conveniently blind.

We have all seen the movies and Hollywood has gloried this era in our history and have made heroes of the characters who were known as "Indian fighters." When I was a child I wanted to be an Indian fighter.

I did not then understand what that meant. I was thrown off because the hero in the film was the Indian fighter and I, like most children, imitated the actions of the hero. Indian fighters had great looking horses, Henry or Winchester rifles, colt 45's, big and sharp knives and they rid the countryside of those murderous, thieving, butchering, marauding, raping redskinned renegades. Yep, that's what I wanted to be when I grew up; an Indian fighter and on the side of the law.


We are told about the Little Big Horn but not from the proper perspective. It was simply a group of people who had been pushed to the end and had nowhere else to turn. Because the law would not protect them they had to protect themselves. By so doing, they were once again labeled savages. Ha. Democracy needs more such people.

REALTORS
JACK MATTHEWS & CO.

3765 E. DESERT INN ROAD (702) 458-2181
LAS VEGAS, NEVADA 89121 FAX (702) 458-5682

NEVADA'S LARGEST INDEPENDENT


Proudly Announces The Association Of



HENRY SHEAD
REALTOR


RES. 795-7824
BEEPER 389-6411

Our effort to better serve you and your friends.



Karen P. Bennett
Attorney at Law

- Divorce
- Child Custody
- Personal Injury
- Criminal



325 S. THIRD ST., SUITE 30 TELEPHONE
LAS VEGAS, NV 89115 385-1889

AM 970

Knews

YOUR **TOTAL** NEWS &
INFORMATION STATION

**FREE
NEWS
EVERY DAY ... ALL DAY**