

Point of View

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CIVIL RIGHTS JOURNAL

THE DEATH PENALTY AND THE CHAIN OF ROCKS BRIDGE CASE

By Bernice Powell Jackson

Appointment to the Supreme Court of the United States is for a lifetime. A Supreme Court justice never has to worry about political rhetoric and hyperbole or about pleasing the public or the President. He or she is able to speak the truth as they truly have come to believe it.

A few months ago Justice Harry Blackmun proved the wisdom of making the Supreme Court a lifetime appointment when, in anticipation of his retirement, he shared his belief

that the death penalty is unfair and wrong: "From this day forward, I no longer shall tinker with the machinery of death," Justice Blackmun wrote, adding, "For more than 20 years I have endeavored — indeed, I have struggled . . . to develop procedural and substantive rules that would lend more than the mere appearance of fairness to the death penalty endeavor."

In addition, Justice Blackmun pointed to the role of race in capital punishment cases. "Even under the most sophisticated

death penalty statutes, race continues to play a major role in determining who shall live and who shall die," Justice Blackmun wrote. He cited a Georgia study which found that blacks who kill whites are sentenced to death at 22 times the rate of blacks who kill blacks and more than seven times the rate of whites who kill blacks.

Here's one such case in point. One the night of April 4, 1991, Julie and Robin Kerry, were raped and pushed off the Chain of Rocks Bridge in St. Louis. A

terrible crime, to be sure. The body of Robin Kerry has never been found. Three young African American men, one only 16 years old at the time, were convicted of the murders of these young white women.

A cousin of the Kerry girls, Tom Cummins, was present that night and originally confessed to the murders to the St. Louis police. Then he said that he had caused his cousin Julie to fall from the bridge and that he and her sister Robin had jumped in the river to save her. Cummins' clothing and hair were dry, he suffered no injuries or bruises from his 90 foot jump into the water and there was no evidence that he had, indeed, been in the river that night. He was given a lie detector test that night, which he did not pass.

But, after booking Cummins, the St. Louis police cleared him and he became a witness instead of a defendant. The St. Louis police instead accused four other young men of the murders. One was a 15 year old white youth, who was allowed to plea bargain for 30 years, if he testified against the three African American young men. He testified in court that he was told by the state he would only serve 6-8 years of his term. His testimony included statements which indicated possible perjury.

Despite missing evidence, the lack of one body and missing documents concerning the body which was found, conflicting testimony by the two state witnesses and a possible forced confession, the three African American youth, Reginald Clemmons, Antonio Richardson and Marlin Gray, all were convicted and sentenced to death. They are all on death row at Potosi Correctional Center in Mineral Point, MO. Reginald Clemmons did not have any prior criminal record.

Marlin Gray's appeal has been denied by his trial judge and is now going to the State Supreme Court. Reginald Clemmons and Antonio Richardson's appeals are awaiting a hearing date by their judges.

The Chain of Rocks Bridge Case is but one of injustice in this country. The human rights organization, Amnesty Interna-

tional is looking at this case, particularly because one of the defendants was a juvenile at the time he received the death penalty. The United States is one of only six countries in the world, which, in defiance of international standards, imposes capital punishment on juveniles.

The most chilling fact regarding death penalty cases is the possibility of innocence in a situation where the injustice cannot be rescinded — life cannot be brought back. Indeed, in 1993 the staff of the Subcommittee on Civil and Constitutional Rights of the U.S. House of Representatives Judicial Committee found that a substantial number of

death row inmates are innocent and that there is a high risk that some of them will be executed.

Another troubling factor is the role of economic status in determining who receives the death penalty. Death rows all across this country are full of poor people as well as people of color. In fact, Justice Blackmun is not the first Supreme Court justice to oppose the death penalty. Former Justice William O. Douglas once said, "One searches our chronicles in vain for the execution of any member of the affluent strata of our society."

As long as there are cases like the Chain of Rocks Bridge (See Civil Rights Journal, Pg 4)

TO BE EQUAL

MAKE WORK PAY

By John E. Jacob

The driving American ideology has always been that if you play by the rules and work hard, you'll get ahead. Until recently, that belief was vindicated by most people's experiences.

Even African Americans, despite unequal opportunity and discrimination, found that playing by the rules and working hard paid off in at least some small measure of economic security.

But sometime in the late 1970's, that formula stopped working. A new report by the Census Bureau says that the percentage of Americans working full time for below-poverty wages rose by an incredible fifty percent over the past 13 years.

Now, one in five full time workers is paid less than a family of four needs to stay above the poverty line. And that poverty line of about \$13,000 is itself grossly understated.

That's bad enough. Worse is the news that hardest hit of all were young people.

In 1979, 47 percent — nearly half — of all full time workers aged 18 to 24 earned less than \$13,000 per year, or \$6.50 per hour. Back in 1979, only one in four did.

So what has happened over the past 13 years is a gross, persistent impoverishment of young workers of all races, but especially African Americans, whose young workers suffer far more unemployment, as well.

The results will be with us for a long time.

A generation of young people is being denied the opportunity to translate work into incomes that keep families out of poverty.

The income decline is the driving force behind the rise in single mothers and delayed family formation among both whites and African Americans.

What caused this reversal of the principle that work will be rewarded?

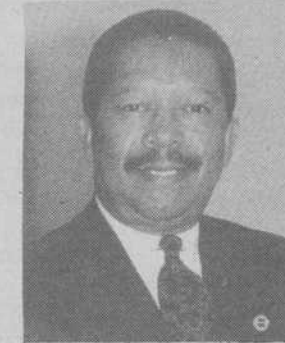
There are plenty of reasons: structural changes in the economy that reward higher skills and more schooling; competition that sends low-skill jobs overseas, the lag between the minimum wage and inflation, and the decline in union membership, among others.

What can get us back on track?

Training for out-of-school youth; meaning school-to-work transition programs, a minimum wage pegged to the poverty line and indexed to rise with inflation, incentives to employers to hire and train new workers, and stronger unions, among others.

Adoption of the Marshall Plan for America that funnels federal investments into job-creating infrastructure programs and education and training, is the quickest way to reverse this disastrous trend.

But instead of pursuing these routes to make work pay, America often appears to be on a course of making bad things



JOHN E. JACOB

worse.

So we're considering a welfare reform that would end benefits unless people get a job — at a time when working means below-poverty wages for half of young workers.

And some radical conservatives are splattering the Op Ed pages with the crazy idea of ending welfare altogether and forcing people to rely on private charity.

We're concentrating on planning for Information Age jobs, which makes sense, while ignoring the need for decent-paying jobs of today, which doesn't make sense.

Sooner or later the impoverishment of our young people and the destruction of the link between work and decent living standards is going to erupt in anger that can shake the system.

It makes sense to head that off now, with measures that give people hope in the future and decent living standards in the present.

LETTER TO THE EDITOR

Dear Sir:

Las Vegas is known all over the world for its glitter and gambling, but little is known how it's Black citizens live under an apartheid system far worse than that of South Africa in that we have no recourse in our laws and courts.

Our cases are always dismissed without a hearing, and police brutality is always found to be justifiable.

During Dr. King's birthday celebration, our governor of Nevada stated in a speech that he would like to see Dr. King's dreams come true in our lifetime. I wrote him a letter and requested, in honor of Dr. King's birthday, that he make the racial injustice in our laws and courts in Nevada a part of his upcom-

ing campaign, which will go a long way in helping to transform Nevada into an oasis of freedom and justice as Dr. King dreamed.

Our Governor declined, as well as the Attorney General of Nevada who advised us in a letter that Nevada has no laws or statutes on its books that covers civil rights violations, and referred us to the Department of Justice/U.S. Attorney General's Office in Washington D.C.

Dr. King would be extremely disappointed to know that thirty years after his death that Nevada, the desert State that he spoke of in his "I have a Dream" speech, is still sweltering with the past of injustice and oppression.

Sincerely,
Elsia Maxine Watson

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