

Point of View

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TO BE EQUAL

THE O.J. SIMPSON VERDICT

By Hugh B. Price, President
National Urban League



HUGH B. PRICE

O.J. Simpson has been found not guilty by a unanimous jury decision.

But what has not been decided is how the looming issue of police brutality and citizen's rights, revealed by the Mark Furhman tapes, will be addressed.

The potential violations that surfaced included:

- Denial of equal protection of the laws, as evidenced by the apparently harsher treatment of African Americans by local police officers.

- Fabrication of evidence by police in violation of constitutional guarantees of due process of law.

Since the federal constitutional rights of American citizens are still at risk, we of the national Urban League, whose constituents and communities must live daily with these indignities, call upon President

Clinton to create a national commission immediately to address this crisis in urban law enforcement.

Such a commission's role, as we see it, isn't to conduct a series of hearings across the country, or to engage in endless fact finding.

We see its mission as much more focused and its life span sharply limited to, say, 18 months at most.

The commission's charge from the President would be to:

- Gather testimony, evidence, findings and dispositions from relevant grand jury investigations, civilian complaint proceedings and major police/community controversies in recent years which involve apparent or proven police abuse of citizen's rights.

- Ascertainment from this reconnaissance whether there are recurring patterns of abuse and, if so, in the course of which kinds of police/civilian encounters.

- Analyze the kinds of strategies and tools police departments need to combat the more violent and sophisticated forms of crime that plague cities these days.

- Issue findings about the nature and extent of the problem of abuse of citizens' constitutional rights.

- Promulgate a model code of police conduct consistent with the U.S. Constitution that should govern their behavior all along the continuum of encounters with citizens, from routine patrol, handling of minor infractions and investigation, to so-called "hot pursuit," detention for questioning, custody, arrest and formal prosecution.

We envision such a commission being chaired by a federal distinguished jurist,

The chair would be joined by, among other members, experts on constitutional law, elected officials, leading representatives of the law enforcement community and thoughtful representatives of community groups and people who live with the problem.

This cross-section of members should assure thorough deliberations and credible, useful work products.

The overarching constitutional issues that the presidential commission would address are too important to be left to local police commissions or civilian complaint review boards. They profoundly affect the tranquillity and quality of life of America's cities, and thus of the nation. American citizens deserve aggressive federal protection of their constitutional rights against abuse by lawless cops.

CIVIL RIGHTS JOURNAL

The Death Penalty: The South African Perspective

By Bernice Powell Jackson

For many years the United States was second only in the world to the racist apartheid government of South Africa in its incarceration rate. The government of South Africa's high levels of incarceration could be attributed to its habit of jailing political prisoners and opponents of apartheid as well as criminals.

But with the fall of apartheid, things have changed in South

Africa. Most, if not all, of those political prisoners have been released and South Africa no longer incarcerates its citizens at the world's highest rate. Meanwhile, more and more Americans are being incarcerated, with latest statistics showing a million and a half Americans in federal, state and local prisons and another .5 million on probation and parole.

In the new South Africa the

death penalty is no more. In its first major ruling, South Africa's supreme court unanimously abolished the death penalty. In announcing the decision of the Constitutional Court, its president, Author Chaskalson, said, "Everyone, including the most abominable of human beings, has a right to life and capital punishment is therefore unconstitutional." He added, "Retribution cannot be accorded

the same weight under our Constitution as the right to life and dignity."

The court's decision was met with both joy and derision. Most South African blacks applauded the decision, even though they are most often the victims of violence in that country. On the other hand, many white South Africans cited that as another example of a gradual slide away from law and order.

We could learn something from South Africa. We could learn that the abolition of the death penalty as a respect for life and the dignity of life does not show that a country is weak, but that it is strong. We could learn that responding to a public frenzied with fear about crime and demanding the quick fix is not ethnically or morally correct. We could learn that a country which finds most of its death row inmates to be poor and black is probably a country which has an overrepresentation of wrongful arrests and convictions.

Take the Chain of Rocks bridge case in St. Louis. Two young white sisters were raped and killed in 1991 in an incident which occurred on an abandoned bridge. They fell or



Bernice Powell Jackson

jumped off this 90-foot bridge; one body was never found. Their cousin, who was with them, was originally charged with their murders after he gave several different stories. In one version he was responsible for the girls falling; in another he jumped from the bridge himself, although he suffered no bruises or injuries and his hair was not even wet.

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THIS WAY FOR BLACK EMPOWERMENT IF POWELL GOES INDEPENDENT, THE BLACK COMMUNITY GOES WITH HIM

By Dr. Lenora Fulani

Public and private speculation over a possible presidential candidacy by Colin Powell has hit a fever pitch. This had prompted a new round of questions about how relevant a Powell candidacy would be for the Black community. For example, I got a call from CNN asking my opinion on the results of a new poll which showed Powell with higher favorable rating among whites (73%) than among Blacks (57%).

My response was this: I believe that if Colin Powell were to run for President as an independent he would be an eminently popular figure among African American voters. If he

were to address the failure of the two-party arrangement and the increased alienation among Black Americans this failure has produced, he'd become an overnight hero with the majority of Black people. As Mr. Powell said on "Larry King Live," this may be a two-party system, but "we are not a two-party nation." With the popular leadership, I believe that the Black community will play a vital role in helping the country move beyond the stagnant two-party system, and thereby help to empower itself.

Mr. Powell has insisted in statements to the press that he is not the "Black candidate." I do not think the media has fully appreciated the depth of this

remark. Black voters don't vote "Black."

Like all Americans, we vote in what we believe to be our own interests. Until recently, those interests have been intertwined with the Democratic Party, though I believe that the Democratic Party did far better in that deal than we did. Now that the Democratic Party has all but abandoned our agenda, that political partnership has been undercut.

There has, of course, been much public and private speculation about whether Rev. Jackson would play the role, either as a candidate or an endorser for an independent campaign, of leading the Black



DR. LENORA FULANI

community out of the Democratic Party. I've been urging Rev. Jackson's break with the Democratic Party since 1983. But so far, his independent posturing notwithstanding, he has allowed the independent movement to gain considerable ground without supporting it or (See *Blk Empowerment*, Pg 4)

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