

# There's no justice in racist exclusion

By Hugh B. Price  
President

National Urban League

"African-Americans face a paradox when it comes to crime and justice. As a group, African-Americans suffer severely from crime in their communities. Yet, they have learned, justifiably, to mistrust the governmental institutions charged with fighting crime." So wrote Christopher E. Stone, executive director of the nonprofit Vera Institute of Criminal Justice, at the beginning of his incisive essay on African-Americans and the criminal justice system for our publication *The State of Black America* 1996.

Nothing more sharply illustrates Stone's point than the release last week of a ten-

year-old training film showing Jack McMahon, a candidate for the District Attorney of Philadelphia who was then an assistant prosecutor, advising young prosecutors how to lie to judges and exclude blacks from juries.

On the film, McMahon, who is now a defense attorney, declares that prosecutors should exclude blacks from poor neighborhoods because they're "less likely to convict. There's a resentment for law enforcement. There's a resentment for authority." Later, he also said that prosecutors should automatically exclude young black women from juries.

While, McMahon also said on the tape that the prosecutors should also exclude teachers,



HUGH B. PRICE

social workers, doctors and "smart people" — categories which, of course, include sizable numbers of African-Americans likely to get called for jury duty — African-Americans were the only group singled out by their ethnicity for automatic exclusion.

The tape was made shortly after the U.S. Supreme Court ruled that blacks could not be excluded from juries on account of their race. So, the training session was, in effect, a primer on how to subvert the Supreme Court decision.

The case is complicated for a host of reasons.

One is that the film was released by McMahon's opponent, the incumbent District Attorney, Lynne M. Abraham. Abraham said the tapes only recently came to her attention and she released them because she was "ethically, morally, and legally" bound to do so. McMahon called the release a campaign trick. Further complicating matters is the fact that Abraham herself in the past has made comments about blacks some considered to be racist.

Legal experts say that McMahon's comments on the tape may force the re-trial of nearly a score of cases McMahon successfully prosecuted and dozens of cases prosecuted by his colleagues during the 1980s.

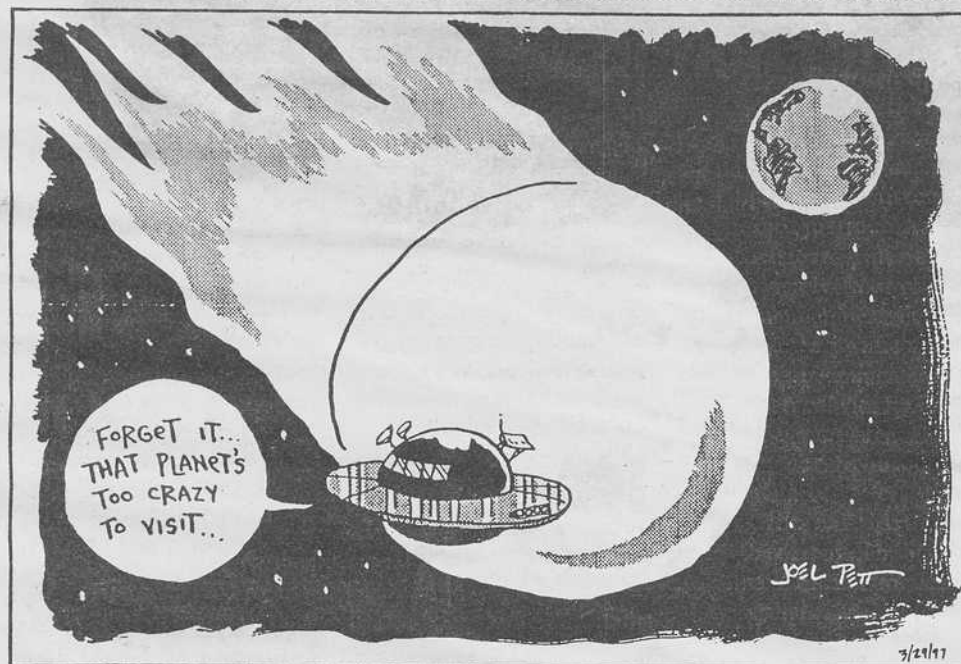
And the tape's release comes against the backdrop of the huge Philadelphia police drug corruption scandal, in which nearly 300 jail sentences had to be overturned because police were found to have planted evidence against innocent people, extorted money from drug-dealers, and stolen drugs for both resale and personal use.

McMahon, for his part has vigorously defended his comments on the training tape, contending that he was just being "realistic."

"I don't apologize for it. Jury selection ... is a strategy between two sides. And demographics are always used by D.A.'s, by defense attorneys, by professional consultants. It's done today. It's going to be done tomorrow."

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## POINT OF VIEW



### THIS WAY FOR BLACK EMPOWERMENT

## "Remaining awake through a great revolution" remembering Dr. King

By Dr. Lenora Fulani  
Special to Sentinel-Voice

I recently read in the *New York Times* of President Clinton's plans to issue an apology on behalf of the Federal Government for the secret syphilis experiment run on African-Americans from 1932 to 1972.

On the same page of the newspaper was another article headlined, "As His Legacy, Clinton Seeks to Improve Race Relations."

The writer of the second article stated: *Under fire for months over Democratic campaign finance practices, the White House has been searching for issues and events that make Mr. Clinton appear intent on the people's work, rising above what his aides hope will seem by contrast to be inside-the-Beltway nattering. A high-profile stance on race would seem to fit snugly with that strategy.*

The tortured and incomplete struggle for civil rights and economic inclusion for black Americans is, in the eyes of our President (and the political party to which we have given our uninterrupted loyalty for 60 years), an opportunity to score political points, deflect public criticism and create a "legacy" for himself.

Perhaps Mr. Clinton, ever on the lookout for chances to use his "triangulation" formula — zigging and zagging from left to right in the hopes of identifying a center he can cling to — wants to counter-balance the "legacy" of his welfare bill and other assaults on the poor and people of color.

This month marks 29 years since the assassination of Dr. Martin Luther King, Jr. I recently read the text of Dr. King's last Sunday morning sermon entitled "Remaining Awake Through A Great

Revolution," delivered just five days before his death. It is a stirring response — three decades early — to Mr. Clinton and other advocates of his brand of welfare reform.

Now there is another myth that still gets around; it is a kind of over reliance on the bootstrap philosophy. There are those who still feel that if the Negro is to rise out of poverty, if the Negro is to rise out of slum conditions, if he is to rise out of discrimination and segregation, he must do it all by himself. And so they say the Negro must lift himself by his own bootstraps.

They never stop to realize that no other ethnic group has been a slave on American soil. The people who say this never stop to realize that the nation made the black man's color a stigma; but beyond this they never stop to realize the debt that they owe a people who were kept in slavery 244 years.

In 1863 the Negro was told that he was free as a result of the Emancipation Proclamation being signed by Abraham Lincoln. But he was not given any land to make that freedom meaningful. It was something like keeping a person in prison a number of



DR. LENORA FULANI

years and suddenly discovering that the person is not guilty of the crime for which he was convicted. And you just go up to him and say, "Now you are free," but you don't give him any bus fare to get to town. And don't give him any money to get some clothes to put on his back or to get on his feet again in life. ...It's all right to tell a man to lift himself by his own bootstraps, but it is a cruel jest to say to a bootless man that he ought to lift himself by his own bootstraps.

We must come to see that the roots of racism are very deep in our country, and there must be something positive and massive in order to get rid of all the effects of racism and the tragedies of racial injustice.

— Dr. Martin Luther King, Jr.

### Carl Rowan's Commentary

When TV announcers said "A white man has been arrested in the murder of Bill Cosby's son, Ennis," my first thoughts were: "God, let it be a crime of wanton greed, but not a crime of racial hatred."



CARL ROWAN

Days earlier, when our TV screens were filled with pictures of two Los Angeles bank robbers firing AK-47s, holding some 300 policemen at bay, the immediate prayer of millions of black people was, "Don't let these robbers be black."

In this case, the prayers were more intense because when crime stories appear on TV the picture of a black villain causes millions of white people to say "That's how they are, acting like animals." Then all black people become losers.

Even the headlines about fund-raising abuses during the 1996 presidential campaign have touched racial nerves. Asians began to complain that all the stories about John Huang, Charles Yah Lin Trie and Johnnie Chung were stigmatizing all Asians, giving the impression that all are sleazy tools of Indonesian merchants or the government of China, or even Taiwan.

Then there was that dramatic news conference called by the National Association for the Advancement of Colored People (NAACP) at which five white female recruits at the Army's Aberdeen Proving Grounds said military officials pressured them to make false rape charges against black drill sergeants and instructors. This threw a racial pall over an already-inflammatory Army effort to root out what had been described as wide-spread sexual harassment of women.

The women at Aberdeen declined to say whether they had engaged in sexual intercourse with the instructors at all, giving the impression that white superiors desirous of protecting themselves by scapegoating somebody had coerced them into making false charges against easily-rail-roaded black men. The NAACP has demanded an independent investigation by a non-military group.

It is notable that even though the secretary of the Army, Togo West, is a black man, the NAACP and blacks in general do not believe that he represents assurance that black military men will not be unfairly victimized in the current campaign against sexual misconduct in the services. So West and Defense Secretary William S. Cohen almost certainly will have to allow some independent oversight of the Army's probers.

All of that week's headlines with racial implications were not negative or sordid. Millions of Americans were cheering black heroes in "March Madness" basketball tournaments. A black man, Eric Holder, Jr., was slated to get the number two job in the Justice Department. And Bryant Gumbel got a prestigious multi-million dollar job at CBS. But on the whole the news told us anew that we are all prisoners of a society's preoccupation with race.

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