

Supreme Court strikes down street gang law

WASHINGTON (AP) — Chicago went too far in its fight against street gangs by ordering police to break up groups of loiterers, the Supreme Court ruled last week, striking down the city's law despite pleas from the Clinton administration, 31 states and many mayors.

The court deemed as unconstitutional the vague anti-loitering ordinance that resulted in 45,000 arrests in the three years it was enforced.

"If the loitering is in fact harmless and innocent, the dispersal order itself is an unjustified impairment of liberty," even if it did reduce crime, Justice John Paul Stevens said in the court's main opinion.

The Illinois Supreme Court previously had invalidated the ordinance and blocked its enforcement.

Thursday's 6-3 ruling

spurred six separate opinions and deep disagreement among the justices.

Stevens, the highest court's only Chicago native, wrote for the majority that the ordinance gave police officers too much discretion to arrest people who never belonged to any gang.

But Justice Clarence Thomas, a dissenter, said he feared the court "has unnecessarily sentenced law-abiding citizens to lives of terror and misery."

Another dissenter, Justice Antonin Scalia, chastised the court for "elevating loitering to a constitutionally guaranteed right."

But the court long has barred communities from using anti-loitering laws to discriminate against racial minorities by, for example, trying to keep blacks out of some towns or neighborhoods.

"We are grateful ... that it is not a criminal activity simply to be a young man of color gathered with friends on the streets of Chicago," said Harvey Grossman, the American Civil Liberties Union lawyer who successfully challenged the ordinance. "Such laws are likely to be enforced in a discriminatory manner."

But Thomas, the court's only black justice and one of its consistently conservative voices, cited far different concerns for innocent minorities.

"The people who suffer from our lofty pronouncements are people ... who have seen their neighborhoods literally destroyed by gangs and violence and drugs," he said.

"They are good, decent people who must struggle to overcome their desperate situation, against all odds, in

order to raise their families, earn a living and remain good citizens."

The 1992 ordinance required police to order any group of people standing around with no apparent purpose to move along if an officer believed at least one of them belonged to a street gang. Those who disregarded the order would be arrested.

"Although it is true that a loiterer is not subject to criminal sanctions unless he or she disobeys a dispersal order," Stevens said, "if the loitering is in fact harmless and innocent, the dispersal order itself is an unjustified impairment of liberty."

Emphasizing that police were not required to ask the purpose of any perceived loitering, Stevens said, "It matters not whether the reason that a gang member and his father, for example, might loiter near Wrigley

Field is to rob an unsuspecting fan or just to get a glimpse of Sammy Sosa leaving the ballpark.

"In either, if their purpose is not apparent to a nearby police officer, she may — indeed, she 'shall' — order them to disperse," he added.

Scalia took a page out of "West Side Story" in his dissenting opinion, complete with gang member Tony, Officer Krupke and the Jets' "speculative discussion (probably irrelevant here) over whether the Jets are deprived because they are deprived."

As Krupke arrests the group for rudely failing to obey his order to disperse, Scalia wrote, "I find it hard to believe that the Jets would not have known they had it coming."

City attorney Lawrence Rosenthal told the court in December that gang crime is

"different from every other form of criminal activity" because street gangs "rely on their ability to terrorize the community" with their mere presence. By the time police officers arrive, he said, all they see are gang members "pretending to innocently loiter."

Acknowledging the "serious and difficult problems" street gangs cause, the court said Chicago has numerous other laws and strategies to use against gang intimidation.

Mayor Richard Daley said the city will try to draft a new ordinance, and Illinois Gov. George Ryan said Daley and other city officials who were just trying to keep the streets safe will devise a new plan that will withstand constitutional scrutiny.

Joining Stevens in finding fatal flaws in the Chicago (See Gang, Page 4)

Ties

(Continued from Page 1) friendships with American adversaries as a small consideration compared with the "overall vitality" of bilateral relations.

On a continent where ethnic tensions often turn into armed conflict, South Africa under Mandela's leadership has become a model for ethnic reconciliation, the officials say. And they also are hopeful that the rest of Africa will look to South African democracy as a worthy alternative to the one-man rule that has been so prevalent on the continent.

Washington, nonetheless, wishes Mandela would be more discriminating in picking his friends.

Mandela said Sunday he was "overwhelmed" by Gadhafi's presence in Cape Town and called him a "revolutionary icon."

The State Department says Gadhafi runs a terrorist regime which was responsible for blowing Pan Am Flight 103 out of the skies over Scotland in 1988. The death toll was 270, most of them Americans.

Mandela has been unbending in his support of

Gadhafi and others who supported him during his 27-year apartheid-era imprisonment. He sees the United States as a Johnny-come-lately to the anti-apartheid struggle.

Salih Booker, of the Council on Foreign Relations, predicted that Mbeki will be far less likely than Mandela to indulge in the kind of rhetoric that offends American sensibilities.

Vice President Al Gore and Mbeki have worked closely over the years as co-chairmen of the U.S.-South African Bi-National Commission, which oversees official relations in trade, the environment and a variety of other areas.

The biggest potential difficulty as Mbeki takes office is in trade relations.

Joseph Sala, a former State Department official and an expert on South Africa, says the Clinton administration shied away from confronting South Africa on trade issues because of Mandela's towering reputation.

U.S. pharmaceutical companies allege that South Africa's use of low-priced

generic drugs violates copyright laws and cuts the profits of the companies that developed the drugs. Mbeki has called the prices U.S. pharmaceuticals charge "exorbitant."

Salas says that if Japan were doing what South Africa is doing, "We would slap the Japanese without hesitation."

Mandela has been given the kind of flattery by the Clinton administration that few others have received.

At one point a few years ago, with Mandela standing at his side, President Clinton said the South African leader was "living proof that the forces of justice and reconciliation can bridge any divide."

"You have shown us the way and we look forward, sir, to walking down the road with you."

On those rare occasions when the United States gently rebuked Mandela, he would react sharply.

GOP pushes cultural pollution bill

WASHINGTON (AP) — The Littleton, Colo., school shooting offers evidence of America's growing acceptance of violence, explicit language and incivility, and its unwillingness to stand up for right and wrong, the congressman who represents the town said Saturday.

In the GOP's weekly radio address, Rep. Tom Tancredo promoted legislation aimed at "cleaning up the pervasive cultural pollution" in the nation.

"Our material wealth has increased, but our cultural wealth has been squandered," said Tancredo, R-Colo. "We have to come to tolerate ever more outrageous behavior, choosing to look that other way rather than appearing to be judgmental."

Americans "now must turn our resolve to cleaning up the pervasive cultural pollution that has seeped into

"Our cultural wealth has been squandered."

— Tancredo, R-Colo

the nation," the congressman added.

On April 20, two students at the suburban Denver high school barged into the building with guns and homemade bombs, killing 12 classmates and a teacher before both the pair committed suicide.

Tancredo said

government has a role to play in reversing the process of cultural decay. He touted legislation the House soon will consider that would curb children's access to explicit sexual or violent movies, video games and other attractions of modern culture.

The centerpiece of the legislation — sponsored by Rep. Henry Hyde, R-Ill. — would restrict sexually explicit or violent material from being made available to minors, much as current law shelters them from obscene material.

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