

Cops sued for killing actor

LOS ANGELES (AP) - The city and the police department have been hit with a lawsuit over the slaying of a Halloween party guest who was shot by an officer while holding a fake gun.

The lawsuit, filed by the family of 39-year-old Anthony Dwain Lee, calls the Oct. 28 shooting unjustified and seeks unspecified damages.

Lee, an actor who appeared on TV shows such as "ER" and "NYPD Blue," was wearing a black sweat shirt, a black vest and tan pants, and had donned a rubber devil mask but was not wearing it when he was shot. Friends said he brought the fake gun as part of his costume.

Police said Lee pointed the rubber replica .357-caliber Magnum at Officer Tarril Hop-

per before Hopper, one of two officers sent to the party because of a noise complaint, shot him.

Johnnie L. Cochran Jr., a lawyer for Lee's family, disputed that, saying police shot Lee in the back. An autopsy found that Lee was struck from behind by four bullets.

Lee's sister, Tina Lee-Vogt, said Monday that police tried to cover up the circumstances. "My brother was not a fleeing felon. He was not a parolee at large. He was not a suspect with an outstanding warrant," she said.

It was not clear if Lee knew that Hopper was a policeman and not just another party guest in costume. Some at the party said other guests were wearing Los Angeles police uniforms. Lee was black, as is Hopper.

Study finds no death penalty bias

WASHINGTON (AP) - Wide racial disparities in federal death penalty cases are not caused by intentional bias against minorities but stem from law enforcement practices that lead to more minority defendants in federal capital cases, a Justice Department review concluded.

In a much-anticipated report analyzing more than 900 federal death penalty cases, the department said last week there was no evidence of racial or ethnic bias in the federal death penalty system.

The reason more blacks and Hispanics get death sentences is that there are more minorities in the pool of cases that carry the federal death penalty, such as murder and drug trafficking, department officials said.

"Our conclusions are that there is no evidence of racial bias in the administration of the federal death penalty," Attorney General John Ashcroft told lawmakers at a hearing. The review showed that the death penalty was sought at lower rates for black

and Hispanic defendants than for whites, Ashcroft said. He ordered further studies, by an independent panel, on federal death cases and the prosecution of murder cases.

Death penalty opponents reacted angrily to Ashcroft's assertions.

"This statement by the attorney general flies directly in the face of not only the government's own studies ... but those of numerous independent and impartial organizations that have been studying this issue for years," said Curt Goering, senior deputy executive director of Amnesty International USA.

Justice Department officials said practices among state prosecutors that send defendants into the federal system and geographical trends were the main factors behind the disparities first revealed in a federal death penalty study released in September.

That study showed 80 percent of defendants charged with capital offenses over a five-year period ending last

summer were minorities and 20 percent were white.

Ultimately during this period, 20 defendants were sentenced to death, 80 percent of them minorities and 20 percent of them white.

The study also said that just nine of the 94 U.S. attorney districts accounted for about 43 percent of all cases in which prosecutors called for the death penalty. They were: Puerto Rico, the eastern district of Virginia, Maryland, the eastern and southern districts of New York, western Missouri, New Mexico, western Tennessee and northern Texas.

Justice Department lawyers looked at all 682 cases in the original study, gathered information from U.S. attorneys and analyzed an additional 291 federal death penalty cases that were not part of the 2000 study.

Out of a total of 973 defendants convicted of crimes punishable by death, 408 were blacks, 350 were Hispanic, 166 were white and 49 (See *Death Penalty*, Page 14)

Court rejects racial profiling case

WASHINGTON (AP) - The Supreme Court refused to revive claims by a women's college basketball coach that Texas police arrested her and two others solely because they are black.

The court's action, taken without comment last week, rejected arguments from Hampton University coach Patricia Bibbs that Lubbock police engaged in racial profiling when they zeroed in on her, her husband and the team's assistant coach in a Wal-Mart parking lot.

Lower federal courts threw out a \$30 million civil rights lawsuit on grounds that the officers had discretion to make the arrests and were immune from suit.

"The reality is the stop was ordered because (Bibbs and then-assistant coach Vanetta Kelso) were the only blacks the officers saw," when they responded to a call at the store, lawyers for Bibbs wrote in an unsuccessful attempt to win Supreme Court review.

The case began in 1998 when a customer

reported that a black woman approached her outside a Wal-Mart store, asking about a lost purse. Another black woman, this one quite well-dressed, then joined the conversation, the shopper said.

Police suspected the two women were con artists. Two hours later, police went to the parking lot and saw Bibbs and Kelso, in town for Hampton's game against Texas Tech.

The women were eventually handcuffed, along with Bibbs' husband, Ezil, and held for several hours.

Police later said security tapes from the store showed the Bibbses and Kelso had no contact with the shopper. The three were released, and the mayor apologized for their treatment.

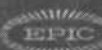
The Bibbses, Kelso and Hampton University sued in federal court, but the case was thrown out before trial in 1999. The 5th U.S. Circuit Court of Appeals ruled the "unfortunate incident," but upheld the lower court last year. The case is Bibbs v. Lubbock, 00-1550.

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