

## Legislature urged to scrap death penalty

### System labeled biased

CARSON CITY, Nev. (AP) - Lawyers for condemned inmates, religious leaders and others urged state legislators on Monday to abolish Nevada's death penalty, suggesting life in prison without parole as an alternative.

Speaker after speaker told a legislative study panel that Nevada's standards for capital cases are so broad that almost every murder case could result in a death sentence.

The witnesses said the laws aren't applied evenly, and people able to hire their own lawyers can avoid death sentences while poor defendants - especially minorities - tend to receive inferior legal help and wind up on death row.

The study panel, holding its first meeting, also was told there's so much potential for error in capital cases that there is no guarantee an innocent person won't be executed.

All but one speaker argued against capital punishment. After the anti-death penalty comments, Ben Graham of the Nevada District Attorneys Association said the lawmakers had heard half-truths and "a great many misrepresentations of reality."

But Mike Pescetta, a U.S.

assistant federal public defender who handles appeals in many death penalty cases, said problems are obvious - notably that more than half of Nevada's 86 death row inmates are black or Hispanic.

In terms of overall population, blacks and Hispanics account for about one-fourth of Nevada's residents.

Pescetta also said that in half of Nevada's capital cases on appeal, legal representation is inadequate - and in some cases the lawyers are incompetent in death penalty law.

He also noted that none of the state's death row inmates had private legal counsel.

"Justice may not be for sale, but life and death are," said the Rev. Massey Gentry of Christ Episcopal Church in Las Vegas, adding that accused murderers who can afford lawyers might not avoid prison time - but they do avoid execution.

The Rev. Frank Murphy, pastor of Our Lady of Wisdom Catholic Church in Reno, said the state has a duty to protect its citizens, but can change its methods - by changing from executions to no-parole life prison terms.

The Rev. Ron Rentner of the Lutheran Advocacy Min- (See Death Penalty, Page 7)

## Gov. Davis' veto challenged in racial profiling lawsuit

SAN FRANCISCO (AP) - Civil rights groups sued Gov. Gray Davis last Thursday, alleging he unlawfully rewrote racial profiling legislation in a case that could test the governor's veto powers.

The controversy surrounds a fraction of the state's \$100 billion budget Davis signed in July.

Lawmakers included \$3 million in the budget to collect racial profiling data when motorists are stopped by police. But Davis vetoed language requiring law enforcement agencies to report the reason for vehicle stops, whether a search was conducted and what was found, and whether an arrest was made.

Davis said police need only document the race and ethnicity of those stopped to be eligible for funding. Thursday's suit was filed by the American Civil Liberties Union on behalf of black and Hispanic organizations that say a detailed analysis of those stopped is the only way to document racial profiling.

The California Supreme Court has ruled governors can reduce or delete spending in budget bills, but cannot alter the language of non-budget bills. Davis altered language in a budget bill, which has not been addressed by the court.

Davis's spokesman, Byron Tucker, said the bill did not provide enough money to carry out the tracking lawmakers wanted. "The governor absolutely has the authority to take the action that he did," he said.

ACLU attorney Michelle Alexander disagreed.

"With a stroke of his pen, Gov. Davis exceeded his authority under the state Constitution and rendered useless an important piece of racial profiling legislation," she said.

Soon after the suit was filed, a federal appeals court froze the \$3 million in funding attached to the profiling bill.

## Surgeon General Satcher to step down

WASHINGTON (AP) - Surgeon General David Satcher, who riled the Bush White House over the issue of teaching sexual abstinence in schools, says he'll be stepping down in three months when his four-year term ends.

"My term ends on Feb. 13 and I don't plan to stay on," Satcher said Friday in an interview with The Associated Press. He had been appointed by President Clinton.

Asked if he would like to stay on, he said, "That's not an issue for me."

Health and Human Services Secretary Tommy Thompson praised Satcher. Asked, however, if he would recommend to Bush that the doctor be retained as surgeon general, he replied: "That is not my decision. That is a decision that Dr. Satcher and the president will have to make."

Satcher drew criticism from the White House last summer after his office released a report that said there was no evidence showing that teaching sexual abstinence in schools was successful. It called for schools to encourage abstinence among students, but to also teach birth control techniques.

Additionally, the report found that there was no evidence that a gay person could become hetero-



Surgeon General David Satcher gestures during an interview with the Associated Press in Washington Friday. Satcher, a Clinton appointee who drew the anger of the Bush White House last summer with a medical report on sexuality, says he will leave the government in February.

sexual.

The report drew a sharp retort from President Bush's spokesman, Ari Fleischer, and demands from political conservatives for Satcher's resignation.

"The president understands the report was issued by a surgeon general that he did not appoint, a surgeon general who was appointed by the previous administration," Fleischer said then.

said in an interview at the time.

Satcher was the first surgeon general to focus on suicide and mental health. Other action by his office included reports on reducing tobacco use, smoking among women, youth violence and oral health.

Satcher became the 16th U.S. surgeon general in 1998, confirmed over opposition led in the Senate by ex-Sen. John Ashcroft, R-Mo., who is now Bush's attorney general.

The 60-year-old Satcher was born in Anniston, Ala., and raised in an era when poor black families such as his had little access to medical care in his state. The experience helped his resolve to become a doctor.

Satcher earned a bachelor's degree from Morehouse College and medical and doctoral degrees from Case Western Reserve University in Cleveland.

He practiced family medicine in Los Angeles for a time and then moved into academia, serving as a professor at Morehouse School of Medicine and as president of Meharry Medical College in Nashville. In 1993, Satcher was named director of the Centers for Disease Control and Prevention, a position he was holding when Clinton appointed him surgeon general.

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**671-0013**

720 S. 4th Street • Suite 301-A

(3 blocks from courthouse)

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