

POINT OF VIEW

Our View

Power moves

The U.S. presidency affords the person who occupies the position near-omnipotence, even giving the office the power to defy logic.

George Bush exercised that power last Thursday by appointing Cleveland lawyer Peter Kirsanow onto the U.S. Commission on Civil Rights, which monitors civil rights enforcement. Bush did so over the objections of veteran activist and commission chairwoman Mary Frances Berry, who argued that Kirsanow's anointing was nonsensical since the term of the commissioner he's to replace hasn't expired—the White House disagrees, arguing that Victoria Wilson's term has expired; she took over for the Judge A. Leon Higginbotham, who died in 1998.

Berry said, rightfully, that she wouldn't relinquish the seat to an appointee unless ordered by a court. Let's hope the courts have more sense than our president.

No matter the outcome, Bush's power move is troublesome at worst, quizzical at best. Rather than an overt attempt to weaken the commission, the move seems a push to make the commission more palatable and, dare we say, favorable to Republicans. After all, the GOP hasn't been the party of the poor, the downtrodden and minorities since Abraham Lincoln, cowed by military duress, emancipated the slaves.

Appointing the conservative Kirsanow, a member of the largely conservative Center for New Black Leadership becomes less quizzical once Bush's plan comes into full view: six of the eight commissioners lean Democratic; two lean Republicans. By adding Kirsanow and announcing plans to replace Yvonne Lee, whose term expires this month, with Jennifer Cabranes Braceras, the president is looking to equalize power.

Such a move is particularly troublesome when weighed against the commission's thrust: to monitor civil rights enforcement. It's no secret that the GOP, no matter its efforts to paint public images to the opposite, is not a party of inclusion. With few exceptions, the GOP is anti-affirmative action, anti-National Endowment for the Arts and anti-civil rights (at least when those rights concern minorities).

Using history as a guide, it's not a stretch to theorize that the new-look commission, with Republicans comprising half and backed by a Republican president, would move further from its original construct and more toward a GOP instrument. That would be a shame.

Barden moves in

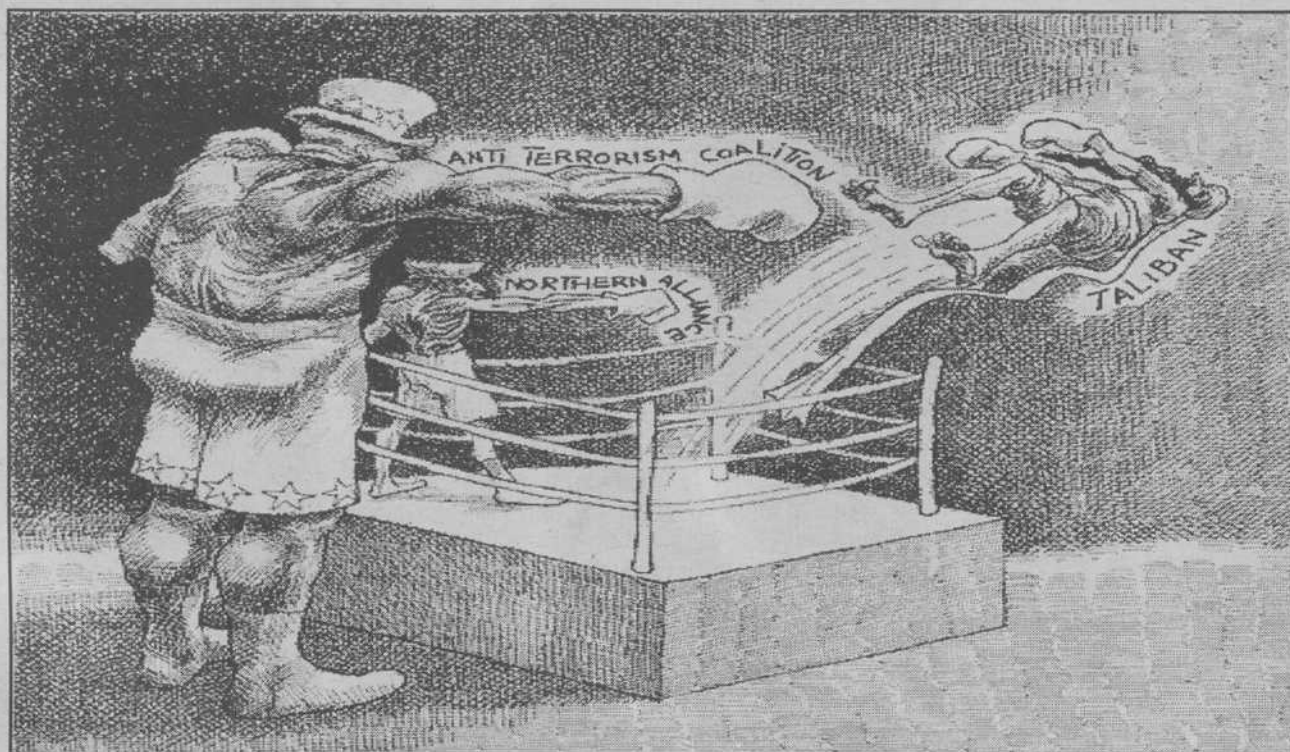
Detroit entrepreneur Don Barden made history Friday, assuming complete control of downtown's Fitzgerald's hotel-casino, becoming the first African-American to wholly own a Nevada casino—Barden purchased the property, along with casinos in Black Hawk, Colo., and Tunica, Miss., for \$149 million.

His feat should be celebrated, as it marks black America's entry into casino industry in the gaming capital of the world—Barden already owns the Majestic Star riverboat casino in Indiana.

Even with Barden's accomplishment, much work needs to be done. Big Gaming's record of hiring and promoting minorities and contracting with minority businesses remains woeful. And there remains absolutely no black casino ownership presence on the Strip, the center of the casino universe.

Landing a Strip property could be an even more daunting prospect for an African-American entrepreneur, as Strip casino moguls are a small, tight-knit fraternity loath to let in newcomers. Any prospective members will have to be monied, as new Strip properties continue to push the construction-cost envelope, many clocking in at more than \$1 billion.

That day will happen. It's just a matter of time.



Criminal injustice system: Guilty until proven innocent

Special to Sentinel-Voice

Convicted as a teenager in 1982 of rape, Marvin Lamont Anderson spent fifteen years in a Virginia state prison — for a crime he didn't commit.

Convicted while teenagers in 1987 of rape and murder, Calvin Ollins, his cousin, Larry Ollins, Omar Saunders, and Marcellius Bradford spent more than 14 years in Illinois state prisons — for a crime they didn't commit.

This month the convictions of these five men — and the decade and a half they spent in prison — were all shown to have been a grievous wrong: DNA evidence proved they were not the individuals who committed the heinous acts.

In other words, years after these men were charged and found guilty of crime and declared by the state to be unfit for the company of decent people, they have been proved innocent.

"A verbal apology would be nice," Marvin Lamont Anderson said last week, in what can only be described as tremendous understatement, when the news of the DNA results came through.

"And then," he added, "I'd like my name scratched from the state computer files still listing me for the heinous crime of rape."

Anderson, now 37 and a truck driver in Virginia, has been on parole since 1997. He is an African-American and was originally sentenced to 210 years in prison. He was convicted by an all-white jury in the rural Virginia town where the crime occurred.

To Be Equal

By Hugh B. Price
President
National Urban League



Police suspicion focused on him because he was then living with a girlfriend who was white, and the rapist had bragged to the victim that he had been with white women before, according to Peter Neufeld, one of Anderson's attorneys and co-director with Barry Scheck of the Innocence Project at the Benjamin N. Cardozo School of Law, in New York City.

The Innocence Project has played a leading role in the use of DNA testing to "prove innocent" people wrongly convicted of crime. Neufeld told the *Washington Post* that Anderson is the 99th inmate convicted of rape and murder in the country to be cleared by DNA testing.

Halfway across the country last week at the Illinois state prison at Joliet, Calvin Ollins greeted his cousin Larry Ollins in their first moments of freedom with the words, "Long journey, man." "What did I tell you?" Larry Ollins replied, "Hold on, right?"

The conviction of these men for the 1986 rape and murder of a Chicago medical school student appears even more fraught with official misconduct. Their attorney,

Kathleen T. Zellner, has said the case raises serious questions that deliberate police misconduct occurred, including coercion of statements from the defendants and some witnesses and false testimony by a police department crime analyst.

Meanwhile, the persons responsible for both crimes remain unknown.

For both the victims — the women who were targets of the crimes and the men who were the targets of the "official" injustice was not served.

These poignant and dramatic cases are just the two latest of a development that has become, not frequent, but disturbingly common in the administration of criminal

justice in America: the release of (largely) men who were convicted at trial and have spent years, and in some cases, decades in prison for crimes they did not commit.

Of course, the most dramatic instances of this have been the death-row cases in Illinois.

Last year Governor George Ryan declared an indefinite moratorium on executions there after 13 death-row inmates were proved innocent of their accused crime through DNA testing.

For most of those men, the testing came years after the date of their executions had first been set.

These cases raise the most alarming question about the administration of justice in this country — a point Rob Warden, director of the Center on Wrongful Convictions at Northwestern University Law School made to the *New York Times*.

"When we see the vast numbers of errors that occur in these relatively few DNA cases, what does that say about the rest of the system?" (See System, Page 14)

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