

Bush agenda includes bipartisanship, unity

By Zenitha Prince
Special to Sentinel-Voice
WASHINGTON (NNPA)
—President George W. Bush discussed plans for his second term at a press conference on Nov. 4, and says he will seek bipartisan cooperation in achieving his objectives.

"With the campaign over, Americans are expecting a bipartisan effort and results," Bush said. "I will reach out to everyone who shares our goals and I'm eager to start the work ahead."

The war in Iraq and other national security issues seemed to remain the marquee concerns on the administration's agenda, issues the president said could bring Democrats, Republicans and Independents together.

"There's a common ground to be had when it comes to foreign policy that says the most important

agenda is to protect the American people," Bush said. "There are plenty of places for us to work together."

That work includes reforming the intelligence agencies, building on education initiatives, updating the tax code, tort reform and reforming Social Security to allow younger citizens to open private accounts, Bush said.

The press conference came just after the president met with his cabinet, prompting questions and speculations about possible changes.

"It's inevitable there'll be some changes," Bush said. "It happens in every administration." He added, "I have made no decisions on my cabinet and or my White House staff."

Speculation is rampant that Attorney General John Ashcroft may be the first to go, possibly within weeks. Ashcroft suffered from pan-

creatitis earlier this year, which might lead to his resignation.

Illness within the Supreme Court is also opening up possibilities. Chief Justice William Rehnquist's battle with thyroid cancer and the ages of several other justices may present Bush with the opportunity to nominate successors and in so doing, influence the composition and the course of the Supreme Court for years to come.

Bush says the possibility is not one of immediate concern, though he has some clear ideas about the kind of person he would nominate.

"I will deal with that when it comes," he said.

And when that time comes? "I will pick someone who knows the difference between personal opinion and strict interpretation of the law."

Zenitha Prince writes for Afro Newspapers.

U.S. Supreme Court weighs case of arbitrary detention

WASHINGTON (AP) - The Supreme Court sought Monday to clarify whether police can be sued for arresting suspects on charges that later fall apart, even if it turns out that officers had a second, valid reason for the detention.

In the second week of oral arguments without ailing Chief Justice William H. Rehnquist, the justices struggled to formulate a Fourth Amendment rule against arbitrary arrests that would curtail possible police abuse during traffic stops rather than encourage it.

Rehnquist has been absent from the bench since Nov. 1, when he disclosed he was undergoing treatment for thyroid cancer. He still plans to rule on cases based on the written briefs and transcripts of the oral argument.

Monday's case involves the appeal of two Washington State Patrol officers who arrested Jerome Alford for tape recording their conversation during a traffic stop in November 1997.

At the time, Alford told the officers he had case law showing the taping was legal, but police arrested him anyway partly for separate reasons, which they did not tell him, that he appeared to be impersonating a police officer. Alford sued the two officers, claiming civil rights violations.

The 9th U.S. Circuit Court of Appeals sided with Alford in ruling the separate charges were not sufficiently "closely related" to the initial offense for which he was arrested to make the detention lawful.

On Monday, several justices wondered whether such a holding made sense. They noted that the officers appeared to be acting in good faith when they diligently notified Alford he was being arrested on the tape recording charge, even though they were not required to have done so under Washington state law.

"If the 'closely related' offense doctrine has the effect of punishing officers for explaining a reason for the arrest, why is that a good doctrine?" Justice Sandra Day O'Connor asked.

When Alford's attorney, R. Stuart Phillips, suggested there was no empirical evidence indicating that police officers would remain silent for fear of lawsuits over stated charges that later would be proved unfounded, Justice Antonin Scalia disagreed.

"Then they must be stupid police officers," Scalia said, explaining that if they didn't say anything their charges would be able to stand. "Police officers are not dumber than any of us. I can't believe that wouldn't be a consequence."

Washington police say they became suspicious one night in 1997 after noticing Alford's car stopped behind a disabled vehicle on the highway. Alford said he was providing help and then hastily left, but officers tracked him down after they learned he had flashing headlights on his car as is typical of police vehicles.

After noticing that Alford was listening to a police band radio and had a scanner, the officers arrested him on privacy charges after discovering he was recording their conversation. Police then discussed the case with a prosecutor, who said they had grounds to hold Alford for impersonating an officer even though he was not charged with that.

The privacy charge was later dismissed on grounds that conversations between police and highway motorists are not private.

During oral arguments Monday, discussion centered in part on whether officers should be held liable for honest mistakes. Washington, backed in the case by California and 15 other states, says no. Alford claims the "closely related doctrine" is necessary to decrease the chance that officers might engage in improper racial profiling.

One worry is that if police have discretion to "come up with grounds later for an arrest there might be a basic erosion in confidence that police would be acting in good faith when they're making an arrest," Justice David H. Souter said.

The case is *Devenpeck v. Alford*, 03-710.

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