

## U.N.: Women, children among Congo militias

BUNIA, Congo (AP) - Women and children, some as young as 8, are fighting with militia forces that have attacked villages in eastern Congo and killed dozens while forcing more than 70,000 people to flee their homes, a U.N. spokesman said Saturday.

Kemal Saiki, the U.N. spokesman, described classic guerrilla warfare tactics.

"During the day these women could be at home grinding manioc, and two hours later have a machete or AK-47 blowing you away," said Saiki.

Peacekeepers killed as many as 60 fighters last week after being fired upon near the village of Loga, some 20 miles north of Bunia, and villagers claim women and chil-

dren were among those killed. Human rights groups were investigating those claims.

The militias, also suspected of killing nine U.N. peacekeepers in northeastern Congo, have taken thousands of people hostage to use as sex slaves, said Saiki. Last week's fighting marked the largest number of militia forces killed by peacekeepers during their six-year Congo mission.

The United Nations insists that peacekeepers only fired on combatants who were shooting at them.

The conflict in the eastern Congo province of Ituri is a bloody sideshow to the country's five-year, six-nation war that killed 4 million, according to aid groups. The war ended in 2002.

## Death Row

(Continued from Page 1) ion burglarized her house. After the Circuit Court of Jefferson City convicted him and sentenced him to death, Missouri's Supreme Court ruled 4-3 to overturn his death sentence because of his age. They ruled that the executions of juveniles have become so rare that they constitute cruel and unusual punishment, a violation of the 8th Amendment to the U.S. Constitution. The Supreme Court upheld that ruling.

"When a juvenile commits a heinous crime, the state can exact forfeiture of some of the most basic liberties, but the state cannot extinguish his life and his potential to attain a mature understanding of his own humanity," writes Justice Anthony M. Kennedy.

"While drawing the line at 18 is subject to the objections always raised against categorical rules, that is the point where society draws the line for many purposes between childhood and adulthood and the age at which the line for death eligibility ought to rest," Kennedy said.

"People under 18 cannot vote and cannot serve in the armed services without their parents' permission. They cannot purchase liquor, and, ironically in the state of Louisiana, they cannot witness an execution unless they are the one being put to death."

Although Black and Brown juveniles represent 21 percent of the 16- to 17-year-olds in America, they represent more than triple that pro-

portion (66 percent) of all death row inmates sentenced as juveniles.

Death penalty opponents say that race of the victim is also a factor. For example, of the 72 juvenile offenders on death row, 71 percent (65) of their victims were White. Nine percent were Black, 11 percent were Latino and 7 percent were Asian.

"If you kill a White person, you're much more likely to get the death penalty than if you kill a minority or a Black person. Over 90 percent of the studies have come to the same conclusion. So it's a very strong core of evidence," says Deiter of the Death Penalty Information Center.

"Studies have been done in virtually every death penalty state around the country and they all keep coming to the same conclusion. So there's a very powerful body of scientific knowledge that they can use now," he said.

At the time of high court's ruling, 19 states had no death penalty for juveniles: California, Colorado, Connecticut, Illinois, Indiana, Kansas, Maryland, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, Ohio, Oregon, South Dakota, Tennessee, Washington and Wyoming.

Ted Shaw, director-counsel and president of the NAACP Legal Defense and Educational Fund (LDF), recalls being deeply troubled when the high court ruled 5-4 against an LDF case in 1987 that raised the issue of racial

## Needles

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use," Hawkins notes. "This is not about science; it's about politics — all politics."

In 1999, the U.S. government took a stance on NEPs. The Clinton Administration endorsed the practice of exchanging used needles for clean ones, but still upheld the ban forbidding the federal government to offer financial support.

"The senior scientists of the Department and I [the Surgeon General] have unanimously agreed that there is conclusive scientific evidence that syringe exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces transmission of HIV and does not encourage the illegal use of drugs. When properly structured, syringe exchange programs provide a unique opportunity for communities to reach out to the active drug injection population and provide for the referral and retention of individuals in local substance abuse treatment and counseling programs and other important health services," David Satcher, former U.S. Surgeon General wrote.

Bill Hall of the Department of Health and Human Services (DHHS) states: "Congress says we can't fund needle exchange programs, so we don't. We think it's best to have local communities handle the situation because every community is different." The CDC also has limitations.

"We can not support needle exchange programs financially because of Congress, but we know at the CDC that most studies show that access to sterile injection equipment among active injection drug users decreases the transmission of HIV without increasing the frequency of drug use," Kathy Harben of the CDC says.

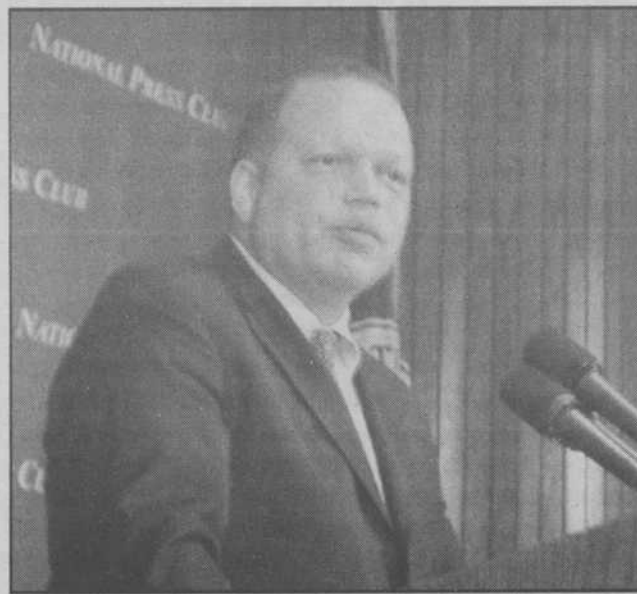
Million of Americans inject illegal drugs every year. Since the AIDS epidemic began, this population accounted for almost one-third (36 percent) of reported AIDS cases in the U.S., reports the CDC.

Of all AIDS cases in 2000, 193,527 (25 percent) were related to IDU. Among those, 42 percent were White women, 41 percent were Black women and 40 percent were Hispanic women compared to 9 percent of White men, 34 percent of Black men and 35 percent of Hispanic men.

Hawkins, the new director of Whitman-Walker, says that until we change our attitudes, we won't make any progress treating the million of IDUs across the Nation.

"If we started to look at drug addiction as an illness and not a sin, we might have a whole different look on needle exchange programs. Nobody wakes up and says I want to be an addict and since we don't have perfect treatment programs NEPs are necessary," Hawkins said.

"Local jurisdictions are very supportive and they are doing a lot with their local dollars, but we could reach so many more people with federal dollars," she asserts.



The NAACP Legal Defense and Educational Fund's Ted Shaw says the repeal of the juvenile death penalty adds fuel to the continued fight against U.S. capital punishment.

discrimination in the imposition of the death penalty (Mcklesky v. Kemp.)

In this Georgia murder case, the LDF argued that prosecutors sought the death penalty in 70 percent of the cases involving Black defendants and White victims. Yet, they sought the death penalty 15 percent of the time when the defendant was Black and the victim was also African-American. Overall, 81 percent of the prisoners on death row since 1976 had victims that were White.

"There, we put before the Supreme Court all of the remnants of racial discrimination and the imposition of the death penalty in Georgia, not only with respect to the race of the defendant, but also the race of the victim," Shaw recalls.

"And the court basically

said, "Even if we accept your evidence at face value, you're asking us to do more than we're willing to do. It would require uprooting an entire criminal justice system."

Death Penalty decisions have taken several twists and turns over the years.

A Supreme Court decision resulted in a national moratorium in 1972 because the court ruled that laws governing the death penalty in some states were arbitrary and capricious and, therefore, constituted cruel and unusual punishment. After death penalty laws were tightened at the state level, the Supreme Court upheld the constitutionality of the death penalty in 1976. Legal executions resumed the following year.

In 1988, the Supreme Court decided 5-4 (Thompson v. Oklahoma) to strike

down the juvenile death penalty for youth at the age of 16. In another 5-4 decision in 1989 (Stanford v. Kentucky), the court said states could impose the death penalty on offenders ages 16 and 17.

Shaw says it would be a stretch to predict a near future reversal of McKlesky v. Kemp, the 1987 race and the death penalty case.

"I refuse to ever be hopeless, because when you're hopeless, you might as well [lie down] and die," he says.

William Shultz, director of Amnesty International U.S.A., which, for nearly two years, has led a global campaign against the juvenile death penalty, says a key to last week's win was that the U.S. had shamed itself in the context of the world.

"The overwhelming weight of international opinion against the juvenile death penalty is not controlling here, but provides respected and significant confirmation

for the court's determination that the penalty is disproportionate punishment for offenders under 18," Kennedy writes. "The United States is the only country in the world that continues to give official sanction to the juvenile penalty."

Agreeing with Kennedy were Justices John Paul Stevens, David Souter, Ruth Ginsburg and Stephen Breyer. Justices Sandra Day O'Connor, Antonin Scalia, William Rehnquist and Clarence Thomas dissented.

Shultz says opponents will continue to fight, focusing on race as well as other issues of unfairness.

"We're going to have to keep fighting, and this is not an easy fight," says Shaw. "One thing you know is you won't always win. But if you don't fight, you don't have a chance of winning. That's why I say we've got to keep hanging in there and keep swinging."

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