

High Court could tweak police searches

Decision would effect law enforcement officers' powers when consent is in dispute

WASHINGTON (AP) - The Supreme Court on Monday said it will consider whether police may search a home when one occupant consents but another does not.

Justices will review the case of Scott Fitz Randolph of Georgia, who was charged with cocaine possession in 2001 following a domestic disturbance call by his wife. When police arrived, she complained that Randolph had taken away their son and that he had been using cocaine.

A few minutes later, Randolph returned home and told police the son was at a neighbor's home. Officers then asked to search the couple's home, but Randolph objected.

Mrs. Randolph, however, consented and led police to a drug stash inside the couple's bedroom.

At issue is whether the search violated the Fourth Amendment ban against unreasonable searches and seizures.

The Georgia Supreme Court said yes, reasoning that

police must defer to an objecting occupant's position when two people have equal use and control of the home.

Other lower courts, however, are divided on the issue. Many hold that a consent from one occupant is sufficient, since cohabitants assume the risk when living together that "one of their number might permit the common area to be searched."

The case is Georgia v. Randolph, 04-1067.

In other action, the court said it will consider whether

police went too far in questioning when officers taunted a murder suspect with the death penalty after he invoked his right to an attorney.

A Maryland state court dismissed the case of Leeander J. Blake, saying his Miranda rights were violated.

Blake and Terrence Tolbert were charged with the murder of Straughan Lee Griffin, who was shot in the head Sept. 19, 2002, as he was unloading groceries from his car in a downtown neighborhood near the state capitol in Annapolis. He was

apparently run over with his sport utility vehicle as the attackers sped away.

Blake, who was 17 at the time, initially refused to talk to police when he was arrested and taken to jail, wearing only a tank top and boxer shorts.

When a police officer delivered a copy of the charging documents listing death as a possible penalty, another officer told Blake, "I bet you want to talk now, huh?"

After the officer made the comment, a detective said police could not talk to

Blake. About half an hour later, Blake told police he did want to talk to them and made incriminating statements about the murder without consulting a lawyer.

The Maryland state court ruled last year the statements couldn't be used at trial because Blake had invoked his constitutional right to be represented by a lawyer. The comment, "I bet you want to talk now, huh," was a functional equivalent of interrogation, the appeals court said.

The case is Maryland v. Blake, 04-373.

LaGrande

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household income.

• Buyers beware. Make sure that you take responsibility to know what you're getting yourself into when you receive a new card. Read the fine print!

Small loans with abusive terms are no solution for families in financial need, families who live from paycheck to paycheck. Nevertheless, savvy lenders have developed an abusive loan product in the form of what they call "bounced check protection program" that wrings cash from working families. How does this overdraft protection work? This service is usually attached to accounts touting "free checking accounts" and if the customer did not qualify for a line of credit, banks will offer them overdraft protection. Another marketing strategy is to promote overdraft products for those who run short on cash between paydays. No matter how it's marketed or implemented, consumers should stay away from them because this loan can trap a borrower in a cycle of high-cost debt, rather than providing families with a way to manage a short-term emergency.

Banks charge overdraft fees between \$20 and \$35 for each transaction. Some banks also charge a per day fee of \$2 to \$5 until the account has a positive balance. These fees can

amount to triple-digit interest without prior consent from the borrower, and even worse, without their knowledge.

Even though an overdraft protection loan is covered by the bank's funds like any other loan is, there are no disclosure requirements in place. So, you may not even know how much interest you're paying on this loan — an interest fee that should be disclosed, as it is on every other loan. Protect yourself by finding another way to acquire short-term cash, and keep a reserve.

And last but not least, I must warn about the most egregious lending practice of all: predatory lending in home purchasing and home refinancing. When home financing, borrowers are too often misled and told wrong information.

Here is a warning list of things that can go wrong and things consumers should know about whenever borrowing to purchase a home — and some lending institutions unfair practices for refinancing work pretty much the same:

- Borrowers are misled about the cost associated with the acquisition of the loan.
- Lenders promise a lower interest rate than borrowers actually get.
- Interest rates are set slightly above to substantially above market rates.

Fletcher

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believes that the U.S. invasion of Iraq had a great deal to do with oil. He said that he had not originally believed this to be the case, but he was now convinced. Join the club, Hans. It seems fairly evident that oil was at least a piece of the equation.

Yet, Iraq is not the only site for U.S. interest in oil. As mentioned in earlier columns, greater Bush administration attention has gone to African oil producers, particularly in the Gulf of Guinea (such as Nigeria, Cameroon, Gabon and Equatorial Guinea), Angola and southern Sudan. This interest has taken various forms.

In the Sudan, the Bush administration played a relatively constructive role (I know; don't fall out of your chair) in negotiating the peace settlement between the Khartoum government and the Sudanese People's Liberation Movement/Army. In West Africa, the Bush administration is seriously contemplating the redeployment of U.S. troops for purposes of "security." In the case of Libya, with the repudiation of nuclear weapons by Presi-

dent Qaddafi, the Bush administration is treating the Libyans as long-lost cousins. And, in almost all cases, an oil producing country is immune from Bush administration criticism for any action so long as that country is prepared to play a subordinate role to the U.S.

In effect, this means that in oil-producing Africa should governments come to power that are consistently in favor of self-determined, political and economic development — and they choose to disagree with the Bush administration over matters of foreign policy or the manner in which the Bush administration and its oil allies deal with their respective countries — they face the prospect of increased tensions, perhaps, up to and including, the dreaded regime change.

All of this is to say that the oil crisis is chronic, and it is about much more than the cost at our fuel pumps.

It could very well be about the contexts of major conflicts as we get deeper into the 21st century and deeper into the void left by disappearing oil.

• Borrowers are advised they would get a fixed rate, and at the end of the deal, they have a variable rate with prepayment penalties.

• Huge fees are financed into the original loan without the borrower's knowledge.

• Borrowers get loans with hidden balloon payments owed that force repeated financing for additional fees payable to the lender each time.

• Lenders loan more than the value of the home, which means that the borrowers can't refinance with a responsible lender.

• Lenders omit the taxes and insurance from the loan.

These home finance loans are marketed aggressively and deceptively, often through live checks in the mail that result in very high cost loans that the lender will be more than happy to refinance into a new mortgage. The most staggering fact about predatory loans is that they are disproportionately made to

the poor and working class and in minority neighborhoods to individuals across America.

Predatory lenders turn the logic of lending upside down. They make loans they know the borrower cannot repay; they charge fees for each refinancing until finally the consumer can't afford the note and then seize the house. Before signing any loan documents, you should go to a HUD Certified Counseling Agency, Nevada Fair Housing or some entity that is truly going to look out for your best interests.

High-rate (predatory) mortgages for disadvantaged consumers are estimated to be \$25 billion annually. The fraud and price gouging didn't just happen haphazardly. Make no mistake about it; they sat in the boardrooms and drew up the design. The offending corporations have been given the stamp of approval to find poor, working class and minority individuals to just go out and steal from.

Curry

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is made possible by the Community Education Alliance, a group of prominent business leaders, private foundations heads and elected officials formed to improve public education.

In an unusual move, the superintendent was empowered to remove any underperforming teachers from the nine schools. Then, he asked each principal to take on one or two of the weak teachers previously assigned to underperforming schools. The principals were charged with either helping the teachers improve or assisting in documenting their incompetence, paving the way for their dismissal.

The result? Students in the inner-city schools who were singled out for special attention had test scores that improved at a rate almost double that of suburban schools. Tennessee isn't the only state making progress.

In Florida, the state legislature established a Corporate Tax Credit Scholarship Program that allows a corporation to direct up to 75 percent of its state income tax to a nonprofit scholarship organization. Under the plan, 100 percent of the funds must go to children that meet the federal poverty guidelines.

People who have obtained bachelor's degrees in Arizona, but initially had no plans to enter the classroom, can now be certified to teach in elementary and high schools by completing an online learning program offered

by Rio Salado College in Phoenix. The bipartisan Colorado Commission for High School Improvement has recommended that all high school seniors be required to apply to college. While it is understood that not every student will go on to college, making them go through the application process means more students are likely to enroll.

Individuals are also being creative. In the question-and-answer session that followed my speech, one educator complained about the lack of parental support. Later, Connie Rickman, a board member of Tacoma, Washington School District 10, recalled the approach she took when she was teaching.

"I didn't say anything [during the Q & A session] because I didn't want to come across as a know-it-all," she told me. "Before each school year, I would review each student's file and find at least one positive thing to say about them. I would write each parent, telling them what I had noticed, and requested to visit them in their homes. When I did that, I didn't have any problem with a lack of parental involvement. There's nothing magical about this."

There are a lot of magical things going on in urban education. Even more things that are magical could take place if local communities would rally around our public schools.

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