

Battle looms over Supreme Court vacancy

By George Curry
Special to Sentinel-Voice

The unexpected resignation of Supreme Court Justice Sandra Day O'Connor creates a vacancy that, once filled, can radically shift the court to the right on social issues. And that can ultimately spell disaster for such issues as affirmative action, women's rights, civil liberties, the death penalty and employees' rights.

O'Connor, the first Supreme Court appointment made by Ronald Reagan, was the court's swing justice, with her vote helping constitute a 5-4 majority on many important issues.

Court watchers had expected ailing Chief Justice William H. Rehnquist to retire after this session — and that's still a possibility — but he was expected to be replaced by another conservative, meaning the nine-member court would remain evenly divided, with four liberals, four conservatives and O'Connor darting back and forth between each camp.

However, the resignation of the court's swing voter means that George W. Bush's first court appointee could instantly shift the balance of power, creating a conservative majority.

This appointment will force Bush, who has tried to have it both ways on some issues, to choose between his rhetoric of compromise and cooperation and his pledge to appoint Supreme Court justices in the mold

of Antonin Scalia and Clarence Thomas, the court's most conservative members.

To understand O'Connor's impact, all one has to do is examine some of the 5-4 Supreme Court decisions. She cast the deciding vote in:

- Grutter v. Bollinger, affirming the right of universities to use affirmative action in admissions;

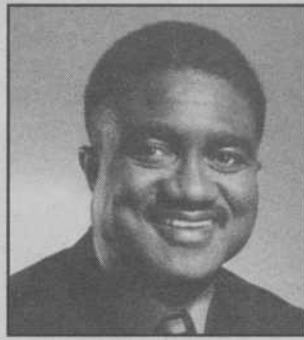
- Brown v. Legal Foundation of Washington, maintaining legal funding for the poor;

- Rush Prudential HMO v. Moran, allowing people enrolled in HMOs to seek a second medical opinion;

- Hunt v. Cromartie, upholding the right of states to consider race as a factor in redistricting; and

- Brentwood Academy v. Tennessee Secondary Athletic Association, affirming a lower-court decision that civil rights laws apply to associations regulating intercollegiate sports.

Even before O'Connor announced her decision, the battle lines were drawn and multi-million dollar campaigns had already been launched. Progressives were campaigning to persuade the public — and President Bush — that only mainstream jurists should be placed in the lifetime appointments to the court. Conservatives, eager to avoid a defeat similar to 1987 attack that blocked the eleva-



GEORGE CURRY

tion of Judge Robert Bork to the Supreme Court and the narrow (52 votes) and bitter confirmation of Clarence Thomas in 1991, formed Alliance Defense Fund, a consortium of conservative Christian organizations.

Even more important, they set in motion a campaign aimed at making sure the next Supreme Court selection will

consistently side with conservatives. Upset that Justice David H. Souter, a Reagan appointee, consistently votes with the more liberal wing of the court, conservatives have developed a rallying cry: "No More Souters."

Bush's conservative base is pushing for a strong conservative who will not disappoint them.

A research paper by People for the American Way observes: "...Right-wing activists have turned their harshest fire not on the Court's more moderate justices but on two conservative justices who frequently forge majorities on the most important cases before the Court — Justices O'Connor and Kenney.

A number of far-right leaders have harshly criticized these two Justices, going so far as to call for their impeachment.

In an April newsletter, Focus on the Family's James Dobson called Supreme Court Justice Anthony Kennedy "the most

dangerous man in America," and demanded that he be impeached "along with [Justices] O'Connor, Ginsberg [sic], Souter, Breyer, and Stevens."

Despite such radical views, White House officials have acknowledged that they are sharing the names of several potential nominees past Dobson and other conservative group for their review.

Some Senators are urging Bush to select a nominee who will enjoy broad bipartisan support. They note that Sandra Day O'Connor was approved 99-0 in 1981, Anthony Kennedy, 97-0 in 1988, David Souter 90-9 in 1990, Ruth Bader Ginsburg, 96-3 in 1993 and Steven G. Breyer 87-9 in 1994, which was the last time there was a vacancy.

So far, Bush does not seem to be striking a conciliatory tone.

"The nation deserves, and I will select, a Supreme Court justice that Americans can be proud of," Bush said. "The nation also deserves a dignified process of confirmation in the United States Senate, characterized by fair treatment, a fair hearing and a fair vote."

Whether the nominee gets that kind of reception, will depend on whether Bush is able to break the hold the far right has on his administration and nominate a mainstream candidate acceptable to both Democrats and Republicans.

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U.S. prison industrial complex new form of slavery

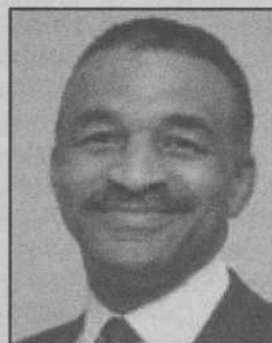
By James Clingman
Special to Sentinel-Voice

Many of us know that Abe Lincoln and his Emancipation Proclamation did not free our relatives. On the other hand, many of us believe slavery was abolished when the 13th Amendment to the Constitution was ratified in December 1865, even though it took 100 years more to give us our "civil rights." But how many of us know that there is an exception in the 13th Amendment that allows slavery in cases of those "duly convicted" of crimes? Maybe that's why we see all the private jails and all of the money being made on the stock market on prisons. Yes, slavery is alive and well, and I saw a glowing example of it last month in Morgan, Ga.

I was in that small town for the Habeas Corpus hearing for William Mayo, the brother who was sentenced to two life sentences plus 40 years — for a robbery he did not commit. It took 13 years for William to get his hear-

ing and tens of thousands of dollars, a thousand of which was spent to bring the two men who committed the crime to Morgan to exonerate Mayo. They were not even brought into the courtroom...but I'm getting ahead of myself.

That morning in the remote town, dozens of supporters came hundreds of miles to stand with William Mayo, to see justice finally rendered, to share the moment with William's mother, his family and friends, as the judge would listen to the arguments and deliberate — and finally decree that William should have another trial. Despite an over abundance of police officers, prison officers and court room officers (You would have thought William was a serial murderer — or worse), we were full of positive anticipation and didn't think much of it



JAMES CLINGMAN

when the judge had to be reminded to "bring the petitioner" into the courtroom. Just an oversight, you know.

The judge was also reminded by William's attorney that there were witnesses in the courtroom that would be called, and she requested they be sequestered in another room. Oh yes, she also suggested to the judge that they

be sworn in collectively, which the judge did. More oversights, but no problem, right?

Judge Cato asked the attorneys to begin. William's attorney spoke for a few minutes, setting up the case and recounting two major points: The men who did the crime perjured themselves and would disclose that fact, as they had done several years ago, although no one listened; and the prosecutor in the original case acted in a corruptible manner, as he

cut deals with the real perpetrators to implicate William. That, too, was disclosed years ago, but no one listened. This time we had the "honorable" Judge Cato; he would listen.

After the prosecutor spoke for a few minutes, it was time to rumble. We settled in for a long day in that southern courtroom, in that quaint little town. The defense attorneys, armed with so many files they had to be carted in by hand truck, were ready to go to war. They had the evidence, the witnesses, and they had the hearing they had fought so long to obtain: Justice. What a sweet sounding word.

After both attorneys spoke, Judge Cato clasped his hands and began to speak. (By the way, Mayo was shackled hand and feet, and his handcuffs were never taken off, but why was he dressed in clothes that are specifically for persons being released? Hmmm.)

(See Clingman, Page 12)

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(Continued from Page 10)
napped or killed.

It comes as no surprise to me that the American media looks for any opportunity to anoint yet another White woman or White child as the cause-of-the-moment, sending the message that missing White women and White children are the only ones worth looking for.

Personally, I have no expectations of mainstream America on this one. They have spent the last several hundred years showing us what they really think about people of color. They consistently buy in to and help perpetuate the worst stereotypes of us because they have always believed them to be true. So their consistent insensitivity and disregard for missing women and children of color is

par for the course. Consequently, there's no need to ask them to be more inclusive on this issue.

But what does come as a surprise to me is, just as White-owned media and White America ignore the plight of Black men and women and children who are missing, so does the Black media, which causes people of color (especially children) to be targeted more frequently by predators because of the perceived public apathy towards their safety. How many urban format or Black radio stations have been willing to dedicate five minutes of airtime to aid in the search of Black women and children?

BET has endless parades of videos degrading Black women but would rather show garbage like "Uncut" than dedicate a half hour

of airtime to profile missing or abused Black women and children. Oprah Winfrey regularly highlights missing White girls and White women while neglecting to do the same for Black women and children.

When will we step up and step out? When will we start expending as much effort to get the word out about missing Black women and children as we do promoting the latest album or clothing line?

When will the Black radio stations step up and start doing daily segments on missing women and children of color?

When will Black magazines and publications start doing the same?

When will Black consumers and grassroots level folks within our communities nationwide get mad enough and outraged

enough to demand more of ourselves, each other and our public servants (cops, politicians, etc.)?

When will Black consumers send the message to Black and White media to get a message heard loud and clear: Until Black women and children receive the same media attention provided to the Caucasian community, we will boycott viewing the media's programs in our homes or reading their publications.

It's time for all of us to realize that all children — no matter their race, creed, color or stature in life, but all children — hold promise for our future, hope for our tomorrow; and, when missing, they will be searched for with the same intensity and passion afforded to any Caucasian child.