

Editorial

Death penalty ruling encourages racism

The Supreme Court's 5-4 decision to uphold the constitutionality of Georgia's death penalty Wednesday is a grave setback for both non-discrimination advocates and capital punishment opponents.

The court has upheld the death penalty since 1976. But studies have shown a distinct relationship between the race of the victim and the sentence given to the killer.

One of these recent studies, the Baldus study, was the basis for the defense in *McCleskey vs. Kemp*. Warren McCleskey claimed his 14th Amendment right to equal protection of the law and his Eighth Amendment right against cruel and unusual punishment had been violated with his death sentence.

The Baldus study claims that killers of white people are sentenced to the death penalty more often than killers of black people. In its decision, the court accepted the study's findings as true.

The problems arose in determining if, in McCleskey's case specifically, discrimination had occurred. In other words, whether the jurors convicted him because he was black. The defense was right in its stance that this is next to impossible to prove.

It would mean "breaking the sanctity of the jury room and entering the minds of the jurors to see if they were motivated by race," said Jack Boger, an attorney for the National Association for the Advancement of Colored People.

This decision creates a messy bowl of porridge for capital punishment. By restricting the definition of discrimination in this case, the court has placed societal influences over the basic decision of constitutionality.

In the majority opinion, Justice Lewis Powell assumes capital punishment is constitutional. He said the case challenged "the validity of capital punishment in our multiracial society" and "the principles that underlie our entire criminal justice system."

This narrow view is flawed. Obviously capital punishment is far from perfect when studies, accepted by the court, continue to show such distinct discrimination.

Powell continued, "It is not the responsibility... of this court to determine the appropriate punishment for particular crimes."

Granted, it is not the Supreme Court's role to pass sentence. But it is its role to interpret the Constitution case by case — without being influenced by outside factors.

One of Powell's main concerns was that if this case were upheld, hundreds of other cases would come forward claiming an unfair trial. But this evades the issue. If discrimination in capital punishment exists, then it should be exposed.

Justice William Brennan stressed that in past capital punishment cases "the risk of imposition of an arbitrary sentence, rather than the proven fact of one" was enough on which to base a decision.

Some have called this ruling the "last broad-based constitutional challenge to the death penalty." But because the decision was 5-4, this is not the case. One more vote in favor of the case would have changed the decision.

The court is still open to capital punishment cases. But if opponents of the death penalty take a defeatist attitude, this will be the final ruling.

Mike Luckovich
Times-Picayune
DAILY NEWS
SERVICE



Letters

Survival

I don't think one can justify making surrogate parenting illegal just because problems have arisen in a very tiny percentage of such arrangements.

I feel we should leave people alone who want to engage in practices to create families. America would be in better shape if we cracked down on destructive, anti-family practices liberals and feminists generally are so fond of defending.

Many liberals say we shouldn't condemn homosexuality. Well, I have yet to see anything positive result from this practice. Actually, the negative effects on society, biology, etc., would easily justify re-criminalizing homosexual actions.

Another cause near and dear to the hearts of most liberals is legalized abortion. Ironically, some of the same people saying a woman has the right to conceive then kill a baby in the womb feel a woman shouldn't be allowed to conceive a baby (through non-sexual, clinical means) and carry it for another

couple. No matter how one feels about surrogate parenting, this must seem strange to anyone but the liberal mind.

I find myself in agreement with Richard Sharvy's letter (ODE, April 1) and the statement "scratch a liberal, and you'll find a totalitarian underneath."

Many liberals hate regulation when it applies to their causes, but champion it when it applies to activities they disagree with. Ironically, most of the stands liberals take are harmful to the family and to American survival.

Michael Cross
Graduate
Political science, history

Empowerment

The University has one of the most powerful student governments in the country. The student incidental fee is one of the tools through which students empower themselves to direct their own education experience.

The Oregon state Legislature authorized the student incidental fee to provide for the "cultural and physical development" of students. This was meant to provide students with funding for a wide range of activities that will aid students in their development.

This is the most important aspect of the incidental fee. To require all students to agree with every group receiving incidental fees would be absurd and impossible.

James Randall, Laura Romano and Ron Munion have filed a

petition with the ASUO Constitution Court in an attempt to stop OSPIRG from receiving incidental fees. Their argument states that they do not agree with OSPIRG and therefore it is unconstitutional that they should have to fund OSPIRG.

If every student had the power to fund or not to fund, student groups would probably not get enough funding to survive. This is why the IFC was created in the first place, to make sure that a wide range of student groups could receive fair funding if they fit IFC guidelines.

If these students win this case, it will undermine the IFC process and take away students' rights.

Tim Gross
OSPIRG local board
chairman

Get the facts

Michael Kennedy, identified as a member of Gay and Lesbian Alliance's board of directors (Emerald, April 9), SHOULD GET HIS FACTS STRAIGHT!

He claims Dr. Paul Cameron has a Ph.D. in theology. WRONG! Paul Cameron, chairman of the Family Research Institute, holds his Ph.D. in psychology and he also has an M.A. in sociology.

Dr. Cameron has appeared on various national news talk shows discussing homosexuality (biological, psychological and sociological aspects), AIDS and proposed legislation he and members of his organization have successfully fought against. His organization is made up of doctors, professionals from the social science field and others desiring the truth to get out to the public.

I'm surprised Kennedy could have made such a mistake. After all, Dr. Cameron has been labeled the most dangerous threat to the gay rights movement by many of his opponents. He must be doing something right.

Gina Norens
Eugene

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