EDITORIAL/OPINION

Retreat from justice

After a few faltering steps that have brought some economic gain to Blacks, minorities and women over the last twenty years, hopes have again been dashed by the Reagan Administration.

The Administration has followed other repressive measures by recommending a relaxing of government affirmative action regulations over its contractors. Whereas now only those companies employing 50 or more workers and doing at least $50,000 in government business need comply with federal regulations on hiring and promotion, Reagan would like to restrict these rules to only those companies with 250 workers and $1 million in government jobs. It so happens that about 75 per cent of the employers now covered would be off the hook.

The reason reported for eliminating rights is to "keep the paper work down" but actually this is one of a long series of proposals to free business from those regulations that protect the workers and the public.

It is a fact that justice has never come to Black people in this country without the full force of the law. With the federal government withdrawing, there should be no illusion that private employers will hire minorities and women in reasonable numbers.

In a time of high unemployment, with a large pool of unemployed persons seeking work, this change of regulations insures that the opportunities of Blacks will be severely restricted. Again, the rights and needs of the American citizens are being trampled in the quest for the dollar.

Partying

A poor example of the high standards of our elected representatives was set this weekend as the state's politicians flocked to the home of State Senator Richard Groener for his usual fund raising party.

Closely following findings against Groener by the State Ethics Commission that included use of his position for personal gain, the State's politicians and would-be-politicians showed their disain for the law and the spirit of the law by gathering about him in even greater numbers than ever before. To the average citizen -- who just votes and pays the bill -- this was an insult in the extreme.

No, we do not believe Mr. Groener's friends should desert him in a time of trouble. But the ritual of ceremoniously returning to his side is a signal that cannot be missed.

Our Mayor was prominately there -- and our Governor dropped by. Only Attorney General Dave Frohnmayer was forthright with his decision not to attend.

The public is disillusioned with its government. The people would like to see a high example of conduct on the part of its public officials -- a standard to be emulated by the common citizen.

What was in the minds of those who attended we cannot know -- but the picture they painted was "business as usuall".

The Trickle-Down Theory

The gathering storm

By Fungai Kumbula

As the Reagan administration continues to flirt more openly with the racist South African regime, people of good conscience throughout the country are gearing up for a more concerted counter-offensive. Though there has been very little in the news recently regarding the efforts of the various anti-apartheid movements, all has not been quiet on the home front. Consider these divestment efforts taken so far this year:

January: the trustees of Mount Holyoke College in Massachusetts voted to sell their stock in the First National Bank of Boston, General Motors and Mobil Oil Corp., three companies they hold stock in which have consistently refused to cut their business ties with South Africa. The stock sold was worth over $2 million.

February: Harvard University sells $50 million worth of Citibank notes and certificates in protest over Citibank's recent loans to the government of South Africa.

March: Dr. William Howard, President of the National Council of Churches and Dr. Leon Sullivan, formulator of the notorious Sullivan Principles, hold a joint press conference to denounce bank loans to South Africa, specifically the recent $150 million loan Citibank had been party to.

April: Brandeis University sells $300,000 worth of US Steel stock after the company had refused to suspend its operations in South Africa and refused even to honour the much maligned Sullivan Principles.

May: Newmont Mining, Timken Corporation and Citibank have $2.4 million of their stock divested by Swarthmore College.

May: Riverside Church, following Swarthmore's lead, withdraws an operating account worth some $6 million annually from Citibank, again, protesting the recent loans Citibank had extended to the apartheid regime of South Africa.

Church groups, between the period February to May, targeted 26 US corporations for their involvement in South Africa. The resolutions presented to these corporations ranged from demands to honour the Sullivan Principles to calls for a cessation of sales to the South African military to out and out withdrawal from South Africa.

A direct result of these resolutions was the winning over of 5.7% of the shares at Continental Illinois Bank, 6% at the Bank of America, 7% of Citicorp, 10.3% at Wells Fargo and a hefty 10.8% at Crocker National. Loans to South Africa have, therefore, begun to make investors a little wary when one considers that church groups alone could not have commanded such figures.

Protesting Citicorp's loan to South Africa, the Archdiocese of Milwaukie recently sold $300,000 worth of Citibank bonds. In Connecticut, a recent bill that would have gone beyond the provisions and recommendations of the Sullivan Principles passed the Legislature by a vote of 101 to 35 before it was vetoed by the governor. An attempt to override the veto fell just shy of the two-thirds vote needed: 81 to 61.

Labour has begun to participate in the anti-apartheid battle in a major way also. The United Auto Workers, UAW, recently announced that it was calling for a clause in its contract with Chrysler that would bar investing new pension funds in five companies that have refused to abide by the Sullivan Principles. The companies named were Allegheny International, Dresser Industries, Eaton Corp., Newmont Mining and US Steel. The UAW statement went on to call for a move "from an investment freeze to outright divestment, from a limited embargo on arms and trade to a total embargo."

Some 12 states and 10 cities, among them California, Connicticut, Illinois, Indiana, Massachusetts, Michigan, Minnesota, Nebraska, New York, Ohio, Oregon, Wisconsin and Washington D.C. have taken some legislative action in regards to the South African problem. Flexing their muscles, legislators could have quite an impact, economically, when one considers that public employee pension funds, in 1979, amounted to some $179 billion. Public and private pension funds together form a pool of capital exceeding some $650 billion and control up to 20% of common stock and 40% of the bond market.

All indications are that, as the politicians hatch more sinister plots as regards South Africa, the people are rising up in arms, becoming more sophisticated and learning the rules of the game and the most effective language: money.

Prisoners walk a narrowing path to justice

By William Bennett Turner
Pacific News Service

EDITOR'S NOTE: The dominant theme of recent proposals by a special advisory committee to President Reagan is that the answer to crime is more—and longer—imprisonment. But with the prospect looming that more Americans will find themselves incarcerated the rights of those who are invalidly convicted or poorly treated are already shrinking rapidly, reports PNS correspondent William Turner. Prisoners' claims now stand little chance of reaching a judge and jury, a development which has serious constitutional implications. Turner, a San Francisco-based attorney, is a former Harvard Law School instructor who has represented prisoners in several important constitutional cases over the past 12 years.

If the proposals of a special advisory committee to the Reagan administartion are acted on, a simple remedy will be tested on the problem of crime in America: More people will go to prison.

Among other things, the Attorney General's Task Force on Crime has recommended a $2 billion federal program to help states construct prisons, the elimination of parole in federal cases, and new limitations on habeas corpus petitions from state prisoners.

The upshot is not only the likelihood of more Americans winding up in and remaining in prison, but also the aggravation of a problem which already beleaguers prisons and prisoners alike.

In even greater numbers, prisoners are suing their keepers to gain relief from overcrowded conditions, guard brutality, medical neglect, racial discrimination and mail censorship. Yet, with rare exceptions, their attempts to air their complaints through the legal process—as opposed to bloody riots—are doomed to frustration.

Before the Supreme Court's landmark criminal procedure decisions of the 1960s, the courts took a "hands off" attitude toward prisoner complaints. In practice, prisoners had no rights enforceable in court; the rule of law did not penetrate prison walls. Arbitrariness, corruption and occasional brutality by prison officials simply went unquestioned.

The Warren Court's rulings opened federal courthouse doors to prisoners trying not only to reverse invalid convictions, but also to sue state officials over unconstitutionally oppressive prison conditions. The result has been a relentless upsurge in prisoner cases in the federal courts: Civil rights cases alone grew from 218 in 1966 to 12,397 last year. Prisoner petitions are now the largest single category of federal civil litigation.

Some say this volume threatens both efficient judicial administration and the possibility of justice in individual cases. Indeed, it is difficult to identify meritorious cases in a wordy sea of prisoner-drafted pleadings.

In theory, nevertheless, even the least favored persons in our society have access to the courts to complain of unconstitutional behavior by state officials.

But increasingly, the theory is not translated into reality, as the Supreme Court under Chief Justice Warren Burger immunizes more and more prison practices from judicial review. This year, for example, the Court reached decisions on three prisoner cases. In the first, the Court threw out a prisoner's claim that officials had wrongfully confiscated his property. Wary of turning federal judges into small claims magistrates, the Court found that, even though officials had acted negligently, their negligence did not amount to a deprivation of property "without due process of law."

In an Ohio overcrowding suit, the Court declared that "prisons cannot be free of discomfort" and decided that it was permissible to confine two prisoners in a cell designed for one. By outlawing double-celling the Court would have condemned conditions in a majority of state prisons, compelling some serious reconsideration of the need to incarcerate bad check artists, car thieves, drug possessors and other non-violent offenders at tremendous taxpayer expense.

Most recently, the Court exempted stated pardon and parole officials from disclosing any reasons whatsoever for their decisions. Expanding on a doctrine it had developed in other cases solely for the purpose of denying relief to prisoners, the Court in this case denied prisoners any due process protection, unless they are about to lose a liberty or property interest "rooted in state law." This new doctrine creates an unfortunate paradox: The more a state legally limits the behavior of its officials, the more prisoners may invoke due process to require fair treatment. But if the state gives wide and unregulated discretion to the officials, it completely escapes judicial review.

Moreover, even when the validity of prisoner claims is acknowledged, they often meet a dead end in the trial courts. Such cases are generally not heard by judges and juries. There are seldom trials with witnesses and arguments. Instead, prisoner complaints are screened at the outset by court clerks, and the overwhelming majority are rejected summarily. A prisoner who believes he is sending his petition off to a judge for his day in court is hopelessly naive.

A major problem is that states generally provide no legal assistance to prisoners. Those which do offer legal services programs find that fewer suits are filed, as lawyers resolve many prisoner problems administrativley and advise against frivolous litigation.

Elsewhere, prisoners fend for themselves as best they can, against the opposition of resourceful and well-financed state attorney general's offices. Cases that survive initial screening languish on the court's docket. The prisoners have neither the knowledge nor the means to move their cases to trial. Having a lawyer is the key to the courthouse door, for there is no effective judicial review of prisoner complaints without one.

There are other, and doubtless better ways, to resolve at least some prison disputes. In-prison grievance arbritation is a promising alternative, provided that outside impartial arbitrators are used. But prison systems resist this idea, perhaps because officials fear the introduction of outsiders might unsettle existing guard-prisoner power relationships.

Thus, cumbersome and sporadic as it is, judicial review provides virtually the only outside scrutiny of what goes on behind the walls. The prison reform movement of the early 1970s has now largely disintegrated. Prisons absorbed early court rulings upholding prisoner rights simply by bureaucratizing. Rules and regulations replaced seat-of-the-pants decision-making, adding to the depersolanization of imprisonment while making little dent on prison reality.

In the meantime, the new conservatism, together with fear of crime and criminals, discourages citizens from taking an interest in what happens to people after conviction. The prison remains a closed world, with hardly any inquiry into unspeakable crowded conditions or the broad exercise of power by state bureaucrats.

Letters to the Editor

Working people lose again

To the Editor:

President Reagan has got a lot of nerve going on vacation for four weeks in the middle of the air controllers' strike. I wonder how long air controllers have to work before they get four weeks vacation? I know it must be more than the eight months Reagan has served as President.

In my opinion, Reagan's arrogant attitude toward working people in this country is only equaled by his stupidity. If he thinks he can fire the trained personnel in the control towers and the rest of us will blithely continue to fly the unfriendly skies, he's out of his mind. The F.A.A could hardly keep the system working safely with 17,000 air controllers and I don't see how they'll do it now without them.

And forget trusting my life to military personnel. Remember their famous Iranian hostage caper? They had those planes cracking up on the ground!

The army can't run the airports, factories, hospitals or offices of this country. Working people do that and we want decent working conditions, four weeks vacation after one year's employment, and pay pensions that keep up with inflation. What's good enough for the President is good enough for us.

Marcia Cutler
Portland, Oregon

Don't say it in public

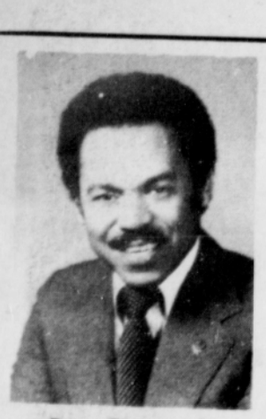
Open Letter
To The School Board

In my request for agenda time at the August 10 Board meeting, I suggested we were seeking a "yes," "no" or "go to hell" answer to our request for community involvement. This was in regards to use of buildings you had voted to close. You did not take any action.

At the August 11 meeting of the sub-committee dealing with closed buildings and surplus space, Charlotte Beeman told me the Board took no action because they could not use that kind of language in a public meeting. While I did not like the answer, at least I appreciated the fact that she was willing to explain the Board's position.

At least now our community, and others affected by closed buildings, know where we stand with the Board. That is always good to know.

Bob Nelson
Portland, Oregon



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The *Portland Observer* is a champion of justice, equality and liberation; an alert guard against social evils; a thorough analyst and critic of discriminatory practices and policies; a sentinal to warn of impending and existing racist trends and practices; and a defender against persecution and oppression.

The real problems of the minority population will be viewed and presented from the perspective of their causality: unrestrained and chronoically entrenched racism. National and international arrangements that prolong and increase the oppression of Third World peoples shall be considered in the context of their exploitation and manipulation by the colonial nations, including the United States, and their relationship to this nation's historical treatment of its Black population.

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