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#### The Ordeal Of **Judge Hastings**

by Stephen McPherson

The criminal justice system in this country takes particular pain to protect innocent parties from the excesses of an over-zealous government. The fulles of evidence delimit facts from opinions. It is seldom that any jury would convict an accused person based solely on undocumented circumstantial evidence. There also is an absolute requirement that any criminal conviction be devoid of a reasonable doubt.

On the other hand the articles of impeachment generated by any Congress are not necessarily packaged with the same tidiness required by the judicial system. To be sure, they are purely a presentment tantamount to a true bill rendered by a grand jury. The Senate is obligated by the constitution to air the accusations in a full trial in which testimony is given and the right to cross examine the witnesses by counsel of the accused, accused choosing is respected. It is not surprising that such a process was successful in removing an incumbent from office only eleven times during the entire history of this country. At its best impeachment is a very difficult exercise, even though the preliminary articles might loom as ominous and damning.

The matter of Judge Alcee Hastings is either a curious example of the persistent harassment of a dedicated public servant by a vindictive bureaucracy or the best orchestrated malfeasance of an incorrigable charlatan who must be removed from office immediately if the judicial system is to

Normally a jury acquittal precludes further criminal proceedings. The constitutional prohibition against double jeopardy is a principle that has survived the canons of Anglo-American jurisprudence for more than eight centuries. One might not always agree with the findings of a jury but it is rare when such a decision is set aside or challenged in a court of law. The idea that articles of impeachment are not in conflict with the principle of double jeopardy is specious. It is only the Supreme Court which is qualified under our system to make such a innocent until proven guilty bedetermination. It would seem that ority in this matter of interpreta-

The overture Judge Hastings is alleged to have made through William Border to extract employed. It is hard to believe Hastings? criminal activity. Did the FBI ever floor.

submit voice prints to confirm the fact that the voices intercepted were indeed those of Judge Hastings? To believe such evidence requires that one have a great deal of faith in FBI methods of investigation.

Even if all of the other evidence is untainted, one would have to believe in Santa Claus, the Easter Bunny and the Tooth Fairy if we are to accept the mode by which the Rico/Romano group exchanged the initial \$25,000 deposit with Mr. Border in the manner described. Even if these unlikely facts are true, how was the money launder ed? What was Mr. Border's moti vation? Is it possible that he was running his own personal extortion racket and benefiting from his past associations with Judge Hastings? He admitted as much in separate criminal proceedings prior to his disbarrment.

The evidence presented with regard to a dinner date Judge Hastings had at the Fontainebleau is shabbier than all the rest. It seems to support Judge Hastings' contention that he was only dining out with a female companion. How could the removal of two chairs from a four place table even remotely suggest that he was expecting other guests?

Finally, at the suggestion of Mr. Hastings' colleagues in the 11th circuit the United States Judicial Conference appears to have acceded to a personal vendetta against the Judge. District attorneys in the past have been known to manufacture all sorts of obfuscations which would abrogate the doctrine of double jeopardy. When one observes judges in the federal court playing the same sort of dirty pool, that act becomes reprehensible.

Neither can one be deeply impressed by the fact that Rep. John Conyers, a Black man and chairman of the subcommittee on criminal justice and the judiciary convinced his colleagues to vote unanimously for the articles of impeachment. Isn't that exactly what the present administration

In the United States, one is still yond a shadow of doubt. Col. the Congress exceeded its auth- Oliver North has demonstrated quite convincingly that the burden of the proof is on the accuser. More recently Ed Meese labored under tons of circumstantial evidence and survived the on-\$150,000 from a defendant would slaught. Even the recent incumhave been inept since the judge bent in the White House has been frequently authorized wiretaps tainted but exonerated. Is a and would have been knowledge- special standard of ethics now able of the methodology the FBI being applied to Judge Alcee

that a federal judge would permit It is to be hoped that Judge himself to be seen making a tele- Hastings, though not obligated phone call from a public tele- under our laws, will give a good phone just outside his chambers, accounting of himself when he especially if he were involved in a steps into the well of the Senate

# EDITORIAL / OPINION

## Dr. Cheikh Anta Diop: Leader and Master Historian



n my travels, I had the pleasure of meeting one of the greatest King's in all his glory. No individual, scholar contributed more to Afrikan people retaking their fame than Dr. Cheikh Anta Diop, whose death at his home in Dakar Senegal, West Afrika, on Feb. 7, 1986 brought to a close one of the most brilliant intellectual careers in this century. I'm inclined to believe, Dr. Diop was one of the few universal scholars in the world, having mastered the disciplines of physics, archaeology, Egyptology, linguistics and sociology. Brother Diop used these disciplines to develop an intellectual framework that provided Afrikan leaders with the major ideas they used in their struggle against colonialism, and Afrikan scholars with theories to guide their studies toward the restoration of the truth about Afrikans in world history and civilizations.

Professor Diop was born in Diourbel, Senegal, December 29, 1923. He was born into the Wolf ethnic tradition, and was later trained in Qur'anic studies, received an undergraduate degree at the University of Dakar in Senegal, and finally completed his formal education at the Sorbonne in Paris, France. I believe, Diop turned these experiences, which have had a tremendous impact on the intellectual development of Afrikans all over the world, into assets. As a student in Paris, Diop studied world civilizations from an Afrocentric perspective. He became leader of the Afrikan students' movement. He was Secretary General for R.D.A. (Democratic Afrikan Rally), the "radical" student movement which attracted most of the Frankhaphone future, Afrikan leaders. He was also a leader in the organization of the First Pan Afrikan Student Congress. Later he became an active participant in the 1966 World Festival of Black Arts in Dakar, Senegal. There he shared a special award with W.E.B. DuBois as "the writer who had exerted the greatest influence on Black thought in the 20th Century." He also made many contacts with Afrikans from all parts of Afrika and the world that kept him politically active throughout his very busy and work-oriented life.

Not only did Dr. Diop begin his political battle against colonialism at the Sorbonne, he also launched his war against the intellectual European world. While pursuing the doctorate, Diop had to write three thesis because the university rejected his first two. The first thesis had established Egypt as an Afrikan civilization, both biologically and culturally. The second thesis scientifically demonstrated the cultural unity of traditional Afrika. In the latter work he also demolished the theory of universal pattern of cultural unity which leads to the concept of European cultural supremacy. These two rejected works were later published in French by Presence Afrikaine and have become among the most outstanding books of the 20th Century. (The English versions are, respectively, The Afrikan Origin of Civilization: Myth or Reality, and The Cultural Unity of Black Afrika).

The third thesis was accepted only after Brother Diop rounded up all the Afrikan scholars he could find in Paris and invaded the examination room with them. That work was also published by Presence Afrikaine as Afrique Pre-Coloniale and will soon be available in an English translation. In that work he focused on developing a scientific explanation of the laws of governing the evolution of Afrikan socio-political structures as the basis of a history of Afrika.



## Along the Color Line

by Dr. Manning Marable

### The Bentsen Mistake

Sometimes the way in which problems are handled is more significant than the content of the problem itself. Dukakis's problem was to inform Jesse in a timely fashion that he wasn't being selected. This wasn't a surprise to Jackson. But the manner in which Dukakis permitted the media to dump the news on the Rainbow Coalition's candidate was, deliberately or not, also perceived as a racial statement. The "Duke" was stating that Jackson had no right to the normal courtesies one would anticipate within power politics. The Rainbow's successes were written off in a preemptive fashion. And behind the scenes, Dukakis's key advisers whispered that a racial snub of the Country Preacher might produce thousands of white, conservative male votes. The New England technocrat had found a neo-Dixiecrat approach to the dilemma of Black activist politics.

The real question which remains unanswered is whether the liberal/left forces behind Jackson will recognized that their recent ostracism was not based on personality differences with Dukakis,

but actually represented a strategic shift by the Democrats to the right. Blacks and progressives can be taken for granted, so long as they have no other alternatives except to embrace the national Democratic ticket.

Victories in the California and New Jersey Democratic primaries in early June pushed Massachusetts Governor Michael Dukakis over the top in his run for his party's nomination. In retrospect, Dukakis's successful campaign is difficult to explain. The Governor was all but unknown outside of New England at the beginning of 1988. He has a speaking style which is bland, and the personality of a snail on sominex. Dukakis has a respectable track record as a public sector manager, but he's never had the capacity to express a bold political vision which could capture the hearts and minds of voters. In fact, he couldn't recognize what a political vision was even if it crept up on him in the middle of the night.

Dr. Manning Marable is Chairperson of the Black Studies Department, Ohio State University, Columbus, Ohio. "Along the Color Line" appears in over 140 newspapers

## -Perspectives-



by Professor McKinley Burt

#### **Business** As Usual?

t is still empty! - That convenience store location at N.E. 15th and Fremont. The failure of this operation was cited several weeks ago in my comments on cultural reasons for the demise of many businesses. For those who may be considering this type enterprise, I point out that there is an excellent (and larger) site available in the Pacific Power and Light complex across the street.

On the positive side of commerce this paper will in the near future feature several successful local Black businesses: A sophisticated COMMUNICATIONS CEN-TER AND OFFICE SERVICE with both conventional and radio answering services - An IN-TERSTATE PARCEL DELIVERY SERVICE - A Westside REAL ESTATE MANAGEMENT COR-PORATION (Employed one of my students to install a computerized

control system a decade ago.) From time to time I have cited some historical examples of commercial excellence - such as the Coleman Manufacturing Company of South Carolina (textiles). It was set-up at the end of last century and after many changes in corporate ownership (and color), became today's CANNON LINEN MILLS. For the many who think it is not possible to start a business without a government loan (and control), I would love for

them to see my file on many enterprises set up by whites and Asians with and without such aid. Often, it is a matter of style and discipline - no more, no less.

In the early 1950's my autodealer accounting clients were already fleeing Union Avenue for the suburbs. At the same time a friend offered me his down-state CAR WASH in settlement of a debt. It was in Albany, Oregon and there I saw an opportunity to exercise some of my more imaginative ideas. In the West, I knew that while in large cities employment discrimination was rarnpant - as in Portland - in the smaller towns many business opportunities were wide open. I had met Black owners of Auto Dealerships, Helicopter Services, Logging Companies. Sheet Metal Shops, Agricultural Chemical Companies, Trucking Firms, and Grange Masters, even Mayors.

After a year of operation of the car wash, I added a pick-up and a mobile steam cleaner in order to service loggers, contractors and farmers; for the latter I cleaned and lubricated tractors and combines, and sterilized poultry pens. During a long loggers strike, white help became readily available and with additional units I expanded into cleaning restaurant grilles and the shopping carts of supermarkets from one end of 99W to the other.

In 1954, I was ready to leave for Los Angeles to set-up an accounting and Federal Tax Court Practice. Finding no interested Black buyer in Portland I sold to a local restaurant owner who wanted the business for his sons. Interestingly, my first client in Los Angeles was a 'Mecca Mortgage Company' owned by three Black brothers of the 'Spikes' family. The eldest was the inventor of the RAILROAD SEMAPHORE and the MAGNETIC TORPEDO. In fact this began my research into Black Inventors.

#### CIVIL RIGHTS JOURNAL



### The Howard Beach **Tragedy**

by Benjamin F. Chavis, Jr.

The racial injustice of the Howard Beach tragedy continues unabated. Although the racial attack occurred in the Howard Beach section of Queens. N.Y. in December of 1986, most of the group of the more than twelve young whites who violently attacked three African-American men have not been prosecuted. Michael Griffith, 23 years old, was struck and killed by a car as he was running from the attackers. In the first trial which ended in December of 1987, three white men were convicted of manslaughter and assault and a fourth was acquitted of all charges.

The second Howard Beach trial recently ended with the acquittal of one of the white attackers, 19-year-old Thomas Gucciardo. Although Cedric Sandiford, who was severely beaten during the Howard Beach attack, testified that Gucciardo was the one who "was beating me with a tree limb." Gucciardo was found not guilty. The foreman of the jury, George Isaris, stated that the jury did not believe that Sandiford's identification of Gucciardo was

adequate enough for a conviction. We all remember the highly controversial nature of the first Howard Beach trial which ended in the convictions of some of the attackers. The lawyers representing the Griffith family and Cedric Sandiford demanded a special state prosecutor. Attorneys Alton Maddox an Vernon Mason, African-American lawyers who represented the victims of the Howard Beach attack, were severely criticized because of their demands for the special pro-

secutor. At the end of the trial, however, Maddox and Mason won praise because their strategy proved to be effective in getting some convictions arising out of the Howard Beach tragedy. Now that the media and public attention has turned the limelight away from the Howard Beach drama the orderly course of institutionalized racism in the criminal justice system continues to flow unchallenged.

Even though there were two African-Americans on the jury of the second Howard Beach trial. they were prepared to give a greater weight to the varacity of the defense of Mr. Gucciardo over the testimony of one of the victims of the crime. Justice, therefore, continues to be an illusive phenomena for African-American victims of racially motivated violence.

One could draw the conclusion that unless African-Americans and other racial and ethnic victims of racial attacks have lawyers and supporters who are willing to literally "raise hell" before, during and after the trial of these cases, then there will never be anything gained toward justice being done. When it comes to the actions of the judicial and law enforcement systems of this nation, the life of an African-American in this society appears to be of less worth than the life of a Anglo American.

The Howard Beach incident, like that of the Emmett Till tragedy in Mississippi in the 1950s, has made another ideliable imprint on the conscienceness of the African-American community concerning the reality of the viciousness of racism in the United States. We will never forget the life and the death of Michael Griffith.