

# OPINION

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## Mandatory Sentences Hurt Minorities

*Congress should respect judges' discretion*

BY JUDGE GREG MATHIS

After nearly 18 years, the Supreme Court has restored a judge's ability to use discretion in sentencing. Prior to this ruling, judges were bound to apply across-the-board sentencing for certain offenses regardless of the circumstances. Republican lawmakers are already attempting to override the court by crafting legislation that re-institutes mandatory sentencing. One of the strengths this country was founded upon is the separation of powers. Having the branches be equal allowed this country's framers ensure that no particular branch would be able to single-handedly overrule the other. It seems, however, that the Republican majority never learned this simple civics lesson.

Mandatory sentencing has resulted in unreasonably long sentences for black youths, in particular. The mandatory sentencing laws removed judicial discretion for even first time offenders. In one famous example out of Michigan, a female drug courier received a life sentence without the possibility of parole for being in a car with her boyfriend who had over 650 grams of cocaine on him. The boyfriend absolved

the female of any wrong doing and admitted that the drugs in question were his, but under federal sentencing law, the judge was unable to consider the female's relative degree of guilt. This is just one example of an exceedingly harsh sentence not fitting the crime.

Blanket rules are a hindrance to judges because, generally, there are no easy one-step solutions when it comes to sentencing individuals for specific crimes.

The risk, detractors say, is that courts will start to impose drastically different sentencing decisions for the same offense. This is a sound concern, however, this already happens. Even with the "benefit" of mandatory sentencing, the arbitrary sentencing laws often hardest impact minority defendants. By returning sentencing power to the courts and away from Congress, we can start to rectify this and, at least, give defendants the ability to appeal a sentence.

This latest Supreme Court decision is a victory for common sense, justice and the criminal court system.

Judge Greg Mathis is chairman of the Rainbow PUSH-Excel Board and a national board member of the Southern Christian Leadership Conference.



## Honoring Dr. Martin Luther King Jr.

BY BERNICE POWELL JACKSON

What would Dr. King think of the world today had he lived? What would he have to say? What causes would he be speaking out for or against? Many ask that question every year as we approach his Jan. 15 birthday. The truth is we will never know because no human being stands still in time, but we all grow and mature just by living.

By reading Dr. King's sermons and writings in the last five years of his life, we know that he prioritized economic justice issues and working for peace in a world of war. These became his priorities, just as racial justice had been his prime motivator in the early days of his ministry.

What would Dr. King have to say about the terrible toll of the tsunami? I think he would have spoken a word of consolation to the people of those nations and an assurance of the love of God, especially for those who had lost not only family, but all possessions.

But I also think he would have challenged those of us who live so

comfortably in America to understand that our sharing with the world cannot come only during times of crisis and catastrophe. I think he would have used this opportunity to help Americans understand that our federal government's foreign aid (excluding military spending) and our private charitable gifts combined equal only 21 cents per day,



*I think Dr. King would say we, the richest nation in the world, can do better.*

What would Dr. King say about the on-going war in Iraq? I have said many times that I believe Dr. King would have spoken out forcefully against going into that war and would have continued to voice his opposition to the war, just as he did in the Vietnam War. In his famous sermon titled, "Silence is Betrayal," at The Riverside Church

in New York City, one year before his assassination, Dr. King spoke out against the inherent danger of trying to end conflict with war, the racism of that war, the spending of our national budget for war instead of against poverty and the high price being paid by the soldiers who were mostly Black and Hispanic and poor.

Recently there have been some African-American clergy who have tried to expropriate Dr. King in their fight against same sex marriage, some even beginning a march at his graveside. I don't profess to know

what Dr. King's position on same sex marriage would have been, but I do believe that Dr. King would have supported the full humanity and the inclusion of all children of God in our society. Just as he supported Bayard Rustin, the labor unionist and gay man who was the genius behind the March on Washington and many of the strategies of the civil rights movement, I believe Dr. King would have reached out to the gay community.

I know that he would have urged each and every American to work for justice and peace in our nation and the world. This year, as we celebrate Dr. King's birthday, let's all find a concrete way to work for such a world. Write a letter to your congresspersons and senators about the genocide in Darfur, work in Habitat for Humanity building projects, make sure your church is using fair trade coffee, tutor a child in need or teach an adult to read. If we want a world of peace with justice, then we must work for it. I know Dr. King would approve of that.

Bernice Powell Jackson is executive minister for the United Church of Christ Justice and Witness Ministries.

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## Fix the Real Social Crisis

BY TERRY MCAULIFFE

As usual, President Bush is stretching the truth on Social Security.

Bush and the Washington Republicans are trying to hide two facts. First, Social Security, while a challenge is not a crisis; it is solvent until at least 2052. Second, Washington Republicans don't want to

address the real crisis: the fact that African-American men die sooner than the rest of the population isn't a Social Security problem; it is a health care problem.

Under Bush, seven million African Americans don't have any health insurance, which might explain why African American men have a lower life

expectancy than the general population.

What is "inherently unfair" is for the President to ignore a health care crisis and yet invoke it to try to muster support for his Social Security privatization plan.

Terry McAuliffe is chairman of the Democratic National Committee.

## Letter to the Editor Right Step for Reform

Unlike in 2000, when every senator stood silent, Sen. Barbara Boxer of California's courageous act to object to the counting of Ohio's electoral votes brought national attention to a crisis in our democracy and forced a much needed two hour debate on voting and elections in the U.S. Senate.

Thanks also goes to Rep. Stephanie Tubbs Jones and other congressional leaders who, in the face of a patronizing, hostile and disrespectful Republican majority, did our country a service by speaking out and demanding that we protect each citizen's right to vote.

Republican leadership has stood in the way of meaningful electoral reform, especially on the issue of an auditable paper trail for electronic voting, despite common sense and bi-partisan efforts supporting it. It's unconscionable. How is it that every ATM can give a secured receipt, but not the touch screen machines that capture and tally our votes? It's the integrity of our democracy that's at stake.

Joan Levine  
 Northeast Portland

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