

OPINION

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United States Supreme Court is Up for Grabs

Years of progress in jeopardy

BY JUDITH E. SCHAEFFER

A little more than seven years ago, the U.S. Supreme Court issued its 5-4 decision in *Bush v. Gore*. By stopping the contested vote count in Florida on Dec. 12, 2000, the conservative wing of the Supreme Court effectively gave the presidency to George W. Bush and took the decision away from the voters. Less than one year from now, the voters will decide the future of the Supreme Court. The next appointments to the Court will almost certainly be made by the President elected in November 2008, and confirmed by a Senate with new members elected in the same cycle. It's crucial that voters understand that their votes will help determine the shape of the Court for many years to come.

Bush v. Gore demonstrated all too clearly that the Supreme Court has a profound and lasting effect

on the daily lives of all Americans, who look to the Supreme Court as a fair arbiter of the law and our nation's highest values.

Since that decision, President Bush's lifetime appointments of Chief Justice Roberts and Justice Alito have pushed the Court even farther to the right. The two justices are likely to serve for many decades, ensuring that President Bush's influence will extend long past the end of his term. Their nominations and confirmations underscore how significantly elections results can shape the Court.

On issues ranging from school integration to fair pay for equal work to reproductive freedom, the Roberts Court has started to reverse years of progress that most Americans accept as moderate, fair

and wise. In the coming years, we can expect more and more rulings outside the mainstream.

It's no coincidence that the Su-

The result has been a decades-long push by the far right to fill the federal courts with jurists who place a narrow ideological agenda above

their own stated positions, such as Giuliani's professed "pro-choice" stand.

Replacing another moderate justice with a hard-right conservative would be a devastating blow to the principles of fairness and equality that the vast majority of Americans embrace. Another right-wing justice added to the ultra-conservative voting bloc of Roberts, Alito, Scalia and Thomas could help reverse decades of precedents, threatening legal rights that Americans take for granted.

This isn't a case of left-versus-right, as some conservative pundits have claimed.

The fight for the Supreme Court is between the values of the vast majority of Americans and a small, energetic faction attempting to turn back the clock by decades. It's time for mainstream Ameri-

cans to make the same stand at the ballot box, and demand a Supreme Court that reflects mainstream American values: Equality, regardless of race or religion; fair pay for women and minorities in the workplace; the rights of families to make private medical decisions without government interference; and much, much more.

Mainstream Americans must demand appointments of justices to the court who reflect their values, justices who will apply the law fairly, not ideologically. That will require a fair-minded president and a Senate majority large enough to confirm progressive nominees.

The anniversary of *Bush v. Gore* is a reminder that courts matter, something that voters should bear in mind throughout the coming election season. The future of the Supreme Court depends on it.

Judith E. Schaeffer is legal director for People for the American Way.



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preme Court has been a major electoral issue for the far-right for the last several election cycles. In order to roll back constitutional protections on privacy rights and church-state separation, the leaders of the movement have been whipping their followers into a fury for years, demanding that candidates pledge to appoint and confirm ultraconservative justices.

the rule of law and the Constitution. The current Republican candidates for President have been only too happy to oblige.

John McCain, Mitt Romney, Rudy Giuliani and Mike Huckabee have all pledged to appoint justices in the mold of ultraconservative Justices Antonin Scalia and Clarence Thomas - even when such an appointment would conflict with

rights that Americans take for granted.

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Principles Get Left Behind In Rich States

When it comes to helping children, families

BY JUDGE GREG MATHIS

Liberals say they believe in a government that benefits all. Conservatives push family values. Each side will tell you it knows what is best for American children and families. A recently released study shows that neither party has the answer. The data does make clear that, in rich states, red or blue, poor kids suffer.

If partisan politics are to continue to be the law of the land, the least policymakers can do is live up to the principles they advocate for and fight for policies and programs in those states where poor children struggle the most.



According to a study released by the Annie E. Casey Foundation, poor children who lack access to quality healthcare and an effective education system live in some of the country's richest states, many of them located in the Northeast,

including New York and New Jersey.

These same children also tend to not have a solid family structure or routine in place. And it makes sense: though these states are wealthy, they also have large urban areas, where single women raise their children alone.

Poverty, which has a direct effect on a child's well-being and their access to healthcare and education, is much greater in female-run households than in those led by two parents.

States like New York and New Jersey tend to skew Democrat in national elections and are often thought to be fairly liberal in terms of political views. Liberal is as liberal does. It is not enough to support progressive viewpoints at the polls.

The elected officials from these states have the opportunity to create models of change.

By creating and funding programs that aid families run by a single parent, programs that safeguard the health and well-being of poor children, these states can set the stage for a better America.

The southern states of Texas, Louisiana and Mississippi, rank in the bottom 15 on the list.

Greater percentages of poor children struggle in these states than they do anywhere else. What's interesting is that these places don't have large numbers of poor children. Southern states tend to be "red" states - or conservative states. This area of the country is also known as the Bible belt. Here religion is used to motivate individuals politically and socially; politicians use terms like "family values" and express their desire for a more "wholesome" America.

Those of us who are truly faithful and live by the Word understand that God wants us to help the poor, not turn our backs against

them. The hypocrisy of some of the leaders - and voters - from the southern states is detrimental to young lives. Leaders in the Bible belt need to start living up to the images they project.

If these policy makers believe in family values, they must demonstrate it, by supporting initiatives that provide for all families.

In a country as wealthy as America, it is a crime that any child should suffer, especially in a state full of resources.

According to the study, in the states where low-income kids do the best, many of which are not wealthy states, there is a sense of community, and people look out for one another. Perhaps this is the lesson we should all learn: It truly does take a village to raise a child. Partisan politics are not part of the equation. Better distribution of resources and collaborative approaches are really the only way to ensure America's children reach their full potential.

Judge Greg Mathis is national vice president of Rainbow PUSH and a national board member of the Southern Christian Leadership Conference.

Congress Must Follow Up

Eliminating drug-crime disparities

BY MARC H. MORIAL

Back in the 1980s at the height of the crack epidemic in urban America, our nation's leaders labored under the misconception that the less expensive form of cocaine was much more addictive than its powder form, based on the testimony of an "expert" government witness. Distorted visions of crack babies overtaking inner cities danced in their heads, much to the detriment of fair and reasonable public policy.

As a result, the U.S. Congress mandated harsher sentences for possession and distribution of crack. Under the Anti-Drug Abuse Act of 1986, those convicted of possessing 50 grams of the crack form of cocaine faced the same time behind bars as those convicted of possessing and/or selling 100 times as much of the powder form.

The result? Prisons swelled with petty criminals, a disproportionate number - as much as 85 percent - African-American, not the drug kingpins of the world.

In an early December 7-2 decision, the U.S. Supreme Court decided to give federal judges leeway in sentencing for crack convictions. The case in question involved a Desert Storm veteran named Derrick Kimbrough who was found to possess crack, powder cocaine and a gun, offenses that should have sent him to prison for two decades or more.

Had he possessed only powder cocaine he would have faced half the sentence, concluded Judge Raymond Jackson, who presided over the trial, in giving Kimbrough a lesser-than-mandated 15-year sentence. An appeals court overruled Jackson's decision only to be reversed by the nation's highest court.

Justice Ruth Bader Ginsburg, who authored the decision with John Paul Stevens, concluded that



What happens on the federal level could change the course of history at the state level.

if powder and crack cocaine, the product of powder cocaine and baking soda crystallized, possess "the same physiological and psychotropic effects" then their users should be treated the same. The ruling deemed the 1986 law that created the disparate sentencing guidelines as "disproportionate and unjust."

Then, in a rare show of mercy a few hours after the decision, President George W. Bush cut the sentence of Michael D. Short, who had been convicted of aiding a crack-cocaine ring, one year short. It was one of only five commutations granted during his presidency. And a day later, the U.S. Sentencing Commission announced that up to 20,000 federal inmates with crack

convictions could be eligible for sentence reductions.

Graham Boyd, director of the ACLU's drug reform project, described the recent court decision as the first since the mid-1980s "that actually talks about justice, that seems to have some blood in it."

The recent developments provide a welcomed relief for the families left behind as well as the incarcerated.

Unfortunately, the U.S. Justice Department has sounded unwarranted alarms over the sen-

tencing commission's decision, contending that it would result in unleashing thousands of "dangerous prisoners, many of them violent gang members" back into communities ill-equipped to handle them.

The department probably wouldn't be as worried over the prospect of a "mass" inmate release if Uncle Sam made prisoner re-entry programs a priority in the first place.

Nevertheless, the recent course of events is important. What happens on the federal level could change the course of history at the state level.

Marc H. Morial is president and chief executive officer of the National Urban League.

Repair?

Renovate?

Replace?

What do we want for schools in our neighborhoods?

Come share your opinions about the future of Portland's school buildings.

Your input will help shape the district's long-range facility plan.

Cluster	Date	Location
North	January 15	Jefferson High, 5210 N. Kerby
West	January 16	Wilson High, 1151 SW Vermont
Northeast	January 22	Madison High, 2735 NE 82 nd
Southeast	January 23	Franklin High, 5405 SE Woodward

All meetings will be held from 7-9:30 p.m. in the school cafeteria. At each meeting options will be presented for each school in that area. Interpretation will be available in Spanish, Chinese, Vietnamese, and Russian

We hope that you can attend a neighborhood meeting.

For more information, visit: reshape.pps.k12.or.us



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