

OPINION

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Legal Double Standards Keep Us in Shackles

Pulling back the curtain on unjust laws

BY OSCAR H. BLAYTON

It's time we stop lying to ourselves. The lying has gone on much too long and every time the lie is repeated, we are all the worse for it.

The lie is that in America, everyone is equal under the law. It's time to pull back the curtain on this lie, but in order to do so, first we must have an understanding of what "law" actually is. In its most basic form, law, is a process of authoritative control whereby certain members of a particular community establish and maintain a specific public order.

This definition may seem like a mouthful, but history can help us unpack it. Nazi Germany had anti-Jewish laws, the racist regime of South Africa had apartheid laws and the southern states in this country had Jim Crow laws. The Nazis, the Afrikaners and the Southern segregationists all had authoritative control over their respective national and state communities. And with that control, they each ordered their societies in the manner they desired.

In each of these instances, it

is not difficult to identify those community members who sought to maintain a specific public order, nor is it difficult to identify the "specific order" they sought to maintain.

For blacks in South Africa and the segregated southern United States, subjugation was the public order where they lived. And in the case of Jews living under Nazi

control, it was extermination. For these people, those were the laws.

Our laws are written with high-sounding words, full of dignity and sensibility but words are not deeds. And as in courtrooms, the long arm of the law, embodied in the form of law enforcement officers, reaches out into the streets and neighborhoods where we witness the double standards that are applied in enforcing our laws written in lofty language.

us that what passes for justice in this country is not color-blind. Our laws are written with high-sounding words, full of dignity and sensibility but words are not deeds. And as in courtrooms, the long arm of the law, embodied in the form of law enforcement officers, reaches out into the streets and neighborhoods where we witness the double standards that are applied in enforcing our laws written in lofty language.

Many cities and states maintain a specific public order that targets people of color for fines

arrest. Black men are subjected to this law at a rate vastly disproportionate to their numbers in the general population. A statewide journalism project in South Carolina titled "taken" reports that while comprising only 13 percent of that state's population, black men represent 65 percent of all citizens targeted for civil forfeiture. This is still the law in South Carolina.

The slave codes, the Fugitive Slave Act, the Jim Crow laws of years past and the gutting of the Voting Rights Act just a few short years ago are all part of a process of authoritative control by certain community members to establish and maintain a specific public order that keeps people of color in shackles. There are many more laws that do this, but the list is too long to discuss in this short commentary.

We must pull back the curtain to determine the true public order purpose of each law governing our lives and to identify those community members who seek to establish and maintain them. Once we do this, then we can ask ourselves, if this is the America we want for ourselves. And if not, what are we going to do about it?

Oscar H. Blayton is a former Marine Corps combat pilot and human rights activist who practices law in Virginia.

Ohio maintains a specific public order that allows whites to walk the streets with automatic rifles unmolested by the police, but justifies gunning down a black man who is purchasing a BB rifle in an open carry state.

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A law need not be just or fair or benign to be the law. Law, like a gun or any other tool, can be used for good or for evil.

To disguise the fact that laws can be cruel, unjust and designed to harm certain members of our community, "Blind Justice" was the myth created to foster the notion of a fair legal system in America. But observations in most American courtrooms will instruct

Even though the 13th Amendment to the U.S. Constitution ended slavery more than 150 years ago, people of color are still forced to wear the shackles that are the double standards in our country's legal system. Bigots and racists use our system of laws and law enforcement to police black and brown bodies, making it clear to people of color that we are neither welcome nor expected to exist in white spaces.

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and the confiscation of property in order to fund local and state governments. Ferguson, Mo. was proven to use the disproportionate levying of fines on people of color to fund their municipal activities. That was the law in Ferguson. The state of South Carolina's civil forfeiture law allows police to confiscate money and property from people merely suspected of having committed a crime. This is often done without a trial, and in some instances, without even an

Oprah Winfrey and Her Mom's Strong Finish

A tender story of their last conversation

BY BARBARA COOMBS LEE

Oprah Winfrey's mother, Vernita Lee, died two months ago on Thanksgiving Day, and Oprah recently shared with People Magazine the tender story of their last conversation.

As usual, when Oprah shares a personal experience, her generous and insightful telling contains important lessons for us all in 2019. These lessons are about mustering the courage to admit the life of a loved one is nearing its end. They're about bringing that knowledge into the open and acting on it, so the things that need to be said, will be said. They're about creating an opening for words to come that will

ring in our ears forever, close a life story and heal our wounds.

Two crucial decisions enabled Oprah and her mother to have one of the most meaningful conversations of their lives. The first was to decline aggressive, invasive treatment regimens as bodily functions deteriorated. Three years earlier, when Vernita's kidneys began to fail, she put comfort and quality of life first, and declined dialysis. Recently, as other organs shut down,

the family chose hospice care in the home. Without this decision, we might have heard quite a different story, of desperate medical interventions, physical suffering and emotional trauma. Researchers have found these are a recipe for complicated and prolonged grief, haunting loved ones with unfinished business, lingering regrets or unresolved conflict.

So the first lesson here is that we'd best consider our specif-

ic end-of-life priorities before consenting to intensive medical treatments that usually diminish the quality of a waning life, but rarely prolong it. If Oprah had been visiting her mom in a hospital's intensive care unit instead of a very warm, small room in her own home, if her mom were riding a conveyor belt of tests and treatments, technology and misery, there would have been little space for their blessed and beautiful goodbye.

It probably wasn't easy for Oprah and her mom to create the setting for a loving truth to emerge, as it rarely is. Our culture sends constant messages that we must treat death as an enemy to be conquered, deploy every medical technology in the battle and reject the possibility of "defeat." It takes a lot of courage to resist incessant calls to battle. We need a new kind of heroism. We need more hero stories of people standing bravely, alert enough and informed

enough to discern the perfect timing for surrender and retreat. Thank you, Oprah, for telling us this heroic story.

Oprah's second crucial decision came when she recognized the opportunity for sacred conversation was now, and delay would squander the opportunity. She had left her mother's home, but felt compelled to return because their story was unfinished. Anyone who has lost someone close knows this truth: Just because a loved one dies does not mean our relationship with them ends. No, our bond will continue through all our days. But death does seal the story of that bond. The story can only grow and change while our loved one lives.

Oprah tells of returning to her mother's side, resolved to do what she could to craft a fitting farewell. She tells of patiently waiting hour after hour for the mood, the opening to appear. She becomes frustrated with the TV shows that preoccupy and dis-

tract her mother. On the second day of her intentional waiting, she turns to music, that it might break through to the deep places of the soul and dislodge the sacred words waiting to be spoken. Thankfully, the music accomplishes this goal.

As Oprah's story about her mother shows, it can take persistence and good timing to have sweet closure at the end. But only our words, and no one else's words, can recall a shared life, celebrate its joys or put its painful memories to rest. May we all have the opportunity to follow Oprah's wise and loving example to a blessedly strong finish.

Barbara Coombs Lee, a former ER and ICU nurse and physician assistant, is the author of the new book *Finish Strong: Putting Your Priorities First at Life's End*. She is President of *Compassion & Choices*, the nation's oldest and largest organization working to empower everyone to chart their end-of-life journey.

