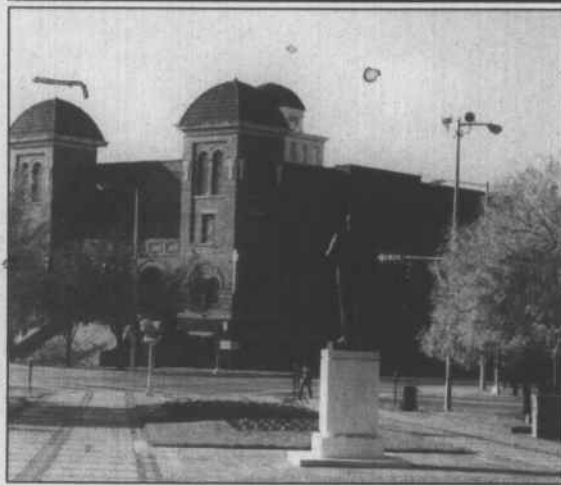
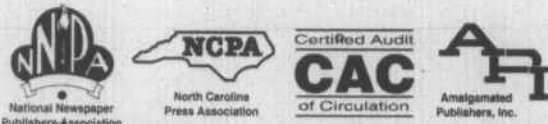


OPINION

THE CHRONICLE

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A statue of MLK now faces 16th Street Baptist Church. Four little girls died at the church in the '60s after it was bombed.

More prosecutions needed

BY EARL OFARI HUTCHINSON
 GUEST COLUMNIST

In the recent cable TV movie "Sins of the Father," Tom Cherry comes to the shocking realization that his father, ex-Klansmen Bobby Frank Cherry, may have taken part in the bombing of the 16th Street Baptist Church in Birmingham in 1963. The blast killed four black girls. It was the most grotesque murder of the civil rights era and gave impetus to passage of the 1964 Civil Rights bill.

The same week the movie aired, Alabama Circuit Court Judge James Garrett ruled that Cherry is competent to stand trial for the murders. Last May, Thomas E. Blanton Jr. was convicted of first-degree murder in the church bombing and slapped with a life sentence. If Cherry is convicted, prosecutors see this as a giant step toward closing the book on the wave of racial murders that rocked the South during the civil rights protest era in the 1960s.

State prosecutors in Mississippi convicted Byron de la Beckwith in 1994 for the 1963 murder of civil rights leader Medgar Evers, and former-Klan Imperial Wizard Sam Bowers in 1998 for the 1965 firebomb murder of Mississippi NAACP official Vernon Dahmer. For years the murdered men's relatives pressed prosecutors to bring charges against the killers.

But since there is no statute of limitation on murder, state and federal prosecutors should also prosecute other cases of racial murder that are still on the books. According to FBI reports, the White Knights of the Ku Klux Klan, a para-military terror squad in Mississippi, committed nine murders, 75 church burnings, and at least 300 bombings and assaults between 1960 and 1965. The victims were not solely victims of Klan terrorists, hostile local sheriffs and state officials, but also of a racially indifferent federal government.

Presidents John F. Kennedy and Lyndon Johnson cautiously and reluctantly pushed the FBI to make arrests and the Justice Department to bring indictments in the murders of the three civil rights workers in Mississippi in 1964, Army Major Lemeul Penn in Georgia in 1964 and civil rights worker Viola Liuzzo in Alabama in 1965. But these were murders that triggered national outrage, and state officials were defiant in their refusal to take action. When pressed for more prosecutions, federal officials claimed that the states were solely responsible for prosecuting these crimes, and if they wouldn't there was little they could do about it. This was blatant legal evasion.

Two federal statutes gave the Justice Department the power to prosecute public officials and law enforcement officers who committed or conspired with others to commit acts of racial violence. The statutes were enacted by Congress immediately after the Civil War and were aimed at specifically punishing racial attacks against blacks. In many of the racial killings, local sheriffs and police officers directly participated in the attacks, or aided and abetted the killers. Federal officials also could have prosecuted many of the killers under the Lindbergh Act, passed in 1934, which made kidnapping a federal offense.

Many of the victims of the Klan hit squads were abducted at gunpoint, and later killed. Some of the assailants were known, and some even openly boasted of their acts. Blanton's case was a textbook example of this legal indifference. Within days after the church bombing, the FBI, through wiretaps and informants, had identified Blanton, as well as other probable church bombers, but blocked state action for a decade. The bombing case is not the only example of an unsolved or unprosecuted case in which law enforcement or state officials were complicit in the murders of blacks, or the victims were kidnapped and transported across state lines, and the FBI and state officials knew or had strong suspicion who the killers were.

In 1959, Mack Charles Parker was seized from a Mississippi jail by a group of armed white men. Parker was accused of raping a white woman. Ten days later Parker's mutilated body was fished out of a river in Louisiana. Within three weeks of the killing, FBI agents identified his killers. They had solid evidence that the murderers had crossed state lines and that law enforcement officers had conspired with the killers. No state or federal charges were ever brought.

In 1965, Jimmy Lee Jackson, a black church deacon, was gunned down by an Alabama state trooper following a voting rights protest march and rally in Marion, Ala. Eyewitnesses insisted that Jackson was unarmed and did not threaten the officer. No state or federal charges were ever brought.

In 1961, Herbert Lee, an NAACP worker, was murdered by a white Mississippi state representative on an open highway during a traffic dispute. He was unarmed. No state or federal charges were ever brought. The conviction of Blanton, and the possible conviction of Cherry, again tosses an ugly glare on the period in the South when blacks were beaten, murdered, and their churches burned and bombed with the tacit approval of Southern state officials, and the blind eye of the federal government. These cases also demand closure. State and federal prosecutors should see that they are closed.

Earl Ofari Hutchinson is an author and columnist. Visit his news and opinion Web site: www.thehutchinsonreport.com. He is the author of "The Crisis in Black and Black" (Middle Passage Press).

Letter(s) to the Editor

No big deal

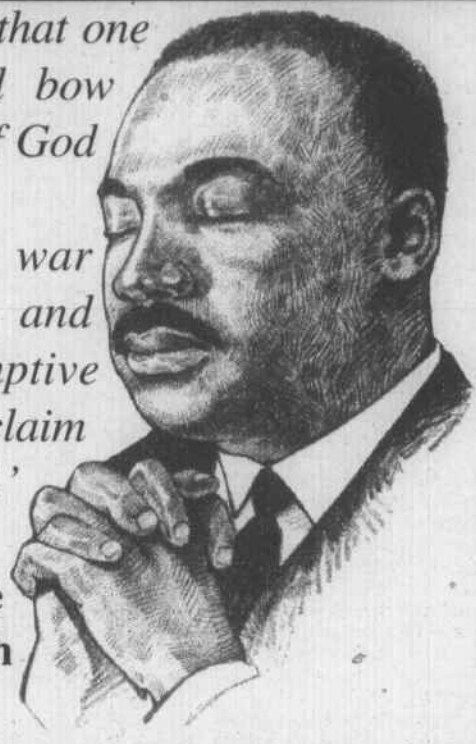
To the Editor:
 On Dec. 28, 2001, at 10 a.m., the city of Winston-Salem's Sanitation Division's garbage collection personnel failed to collect my garbage from my residence. I kindly reported the "missed" collection by calling 727-2638 (I know the number by heart now). The person answering the phone kindly stated that my garbage would be collected later that day. I thought no more about the neatly packed garbage enclosed in carefully tied plastic bags that were inserted into my garbage bins. I wondered why the garbage was missed and analyzed the area - totally flat land, corner house, no dogs. I waited. No one showed up to collect my garbage that day. I decided that the two bags of garbage could wait until the next scheduled pick-up day. Besides, I have two garbage bins, and a bag of trash can be enclosed in each bin, and two more bags from the upcoming week's garbage would not be a big deal.

Jan. 4 came, and to my "luck," or to the "luck" of the persons obviously not wanting to retrieve my garbage, the city was coated in snow. I noted the message on the television screen informing me that garbage pick-up will occur the following Monday, Jan. 7. Again I added two more neatly bagged bags of trash to my trash bins. I could just barely put the tops of the bins over each container, with two bags now in each bin, but I concluded that since I was promised that the garbage would be collected in a "couple" of days, the very full garbage bins would be fine.

Jan. 7 came and at 10 a.m. all was clear and again, my garbage had not been picked up. I politely dialed 727-2638 and upon reporting the miss for the second time, I was referred to the supervisor (no name was given). After waiting five minutes (which is a

'I still believe that one day mankind will bow before the altars of God and be crowned triumphant over war and bloodshed, and nonviolent redemptive goodwill will proclaim the rule of the land.'

—Nobel Prize Acceptance Speech (Dec. 1964)



very long time, by the way, when you've got a phone stuck to your ear), I hung up. I assumed that my second complaint was logged and that speaking to the supervisor would be going just a little too far, so I waited.

Jan. 8, 10 a.m. ... no garbage pickup!! By now, either one of the local dogs or wind had somehow turned one of the garbage bins over, so I went outside, cleaned up the mess, rebagged the trash, and dialed - that's right - 727-2638! A haunting reminder resurfaced of the city of Winston-Salem's threat to charge me \$25 for cleaning up trash that had been ravaged by dogs one time in the past. So I was adamant about speaking with the supervisor this time.

Again, no name was given ...

and no one came to the phone. I began to suspect that maybe the city was now in on property tax collections, and that since I was late on paying my \$400 annual property tax, that my service would be interrupted. I was later informed that that was not the case.

Jan. 9 came around ... 10 a.m. ... no trash collected!! I felt almost helpless ... two MORE bags of trash ... and the next thing you know, I'll be threatened with a \$25 trash clean-up fee. I dialed "the number" again, and this time I was referred to a supervisor of my section of the city whose name I will not yet reveal because I still feel that there may be a problem in internal communication; besides, up to this point, I was still a "nice guy. The person that answered

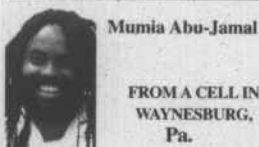
the phone came back to me after only about 15 seconds and informed me that the supervisor was "out in the field." "Doing what?" I thought to myself. "COLLECTING GARBAGE!!!" I doubt it. Anyway, I was transferred to the supervisor's "voice box," and I left a polite message.

It's Jan. 10, 7 a.m., and I'm composing this article. It's been three weeks now and no trash has been collected from my yard! Ahhhh, tomorrow is the regular scheduled pick-up day! Do I wait? Do I call?

Perhaps the city of Winston-Salem's Sanitation Department is a little light on help. I have a resume and references.

Bob! - Boykin Jr.
 Laid-off machinist

Military courts and Congress



Mumia Abu-Jamal
 FROM A CELL IN WAYNESBURG, Pa.
 In the aftermath of 9/11/01, the Bush administration has announced plans to form, staff and adjudicate military tribunals to try anyone the United States deems a "terrorist." These courts will be presided over by military officers, as will any appeals process, with the final arbiter, either the Defense secretary or the president, ending the case.

No civil judge, of any division or rank of the federal judiciary, will ever hear any syllable of appeal from anyone tried before such a tribunal.

So frenzied is the American mood, so supine the liberal elite, and so prostrate the nation's legal community to power, that barely a murmur is heard in protest to this gross, naked power grab by the administration.

It is not enough that the institution of such courts is the very antithesis to the grand American claim to "due process." Nor is it sufficient to argue that such war measures are inappropriate in the absence of a formal, congressional declaration of war (this Congress would have no real trouble doing so). This Congress, already jittery in light of reports of anthrax contamination of some offices, rushed through in record speed (with little debate, no public hearing, and neither a committee report nor a conference) the unprecedented, complex and radically repressive USA Patriot Act.

The presidential decree ordering military tribunals is, on its face, unconstitutional. Indeed, the very provision that grants the president commander-in-chief powers also limits his powers over judicial matters. Here's what it says:

(Article II, Section 2, Constitution of the United States)
 "The President shall be Commander in Chief of the Army and Navy of the United



These Afghan prisoners were captured during the ongoing war against terrorism.

States. ... He shall have Power, by and with the Advice and Consent of the Senate ... and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint ... Judges of the Supreme Court. ..."

And from Article III, Section 1, of the Constitution:

"The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

There it is. The president, acting in concert with the Senate, nominates and appoints Supreme Court judges, and Congress ordains and establishes new courts.

Congress can't abdicate this duty to the executive.

The president's order establishes a court, one which has all of its officers under his direct control and command. This is a classic kangaroo court, of the very kind that Americans condemned when the Fujimori regime established them in Peru (interestingly, to fight "terrorism").

Nor is this meant to heap false praise on U.S. civil courts,

which are fundamentally political institutions. Have we all forgotten the trial of Tim McVeigh, the domestic terrorist, where it was later learned that the FBI withheld thousands of pages of documents, until days before his execution? Civil courts merely winked at this violation, as a minor irritant.

And while the government had its way (by executing McVeigh) it was embarrassed by reports of the handling of the case. That won't happen now, will it?

Under the Bush administration, military tribunals serve as an instrument of administrative whim.

Under the command structure of the military, each judge, each jury, each prosecutor and each court officer is a sworn officer of the military, in the sworn service of the commander in chief. If they want to further their careers in the armed services, they follow their administrative cues. What do you think they would do to a foreign national, who is already tagged as "the enemy"?

With either Bush, the secretary of Defense, or even another

military panel serving as a Supreme Court of Appeals, what would be the result?

But, after all, the accused are (to use the term of popular appeal) "sand niggers" (the Brits would call them "wogs"), Arabs, Pakistanis, a few Afghans - so, why care?

The same was said in the '20s when Russian Jews were exiled from the United States after the Palmer Raids, or in the '40s when Japanese were thrown into concentration camps; they're just "commie Jews," or "slants" - right?

Such events were said to be separate, involving "others," yet they tainted the judicial process and U.S. claims of fair play, up to the present generation.

Let us fight this madness, or it will return to haunt us all.

The case of Mumia Abu-Jamal, 47, on death row for the killing of a white Philadelphia police officer 20 years ago last December, has caused international outrage. His official Web site is www.mumia.org. He can be reached by mailing to: Mumia Abu-Jamal, AM 8335, SCI-Greene, 175 Progress Drive, Waynesburg, Pa. 15370.