

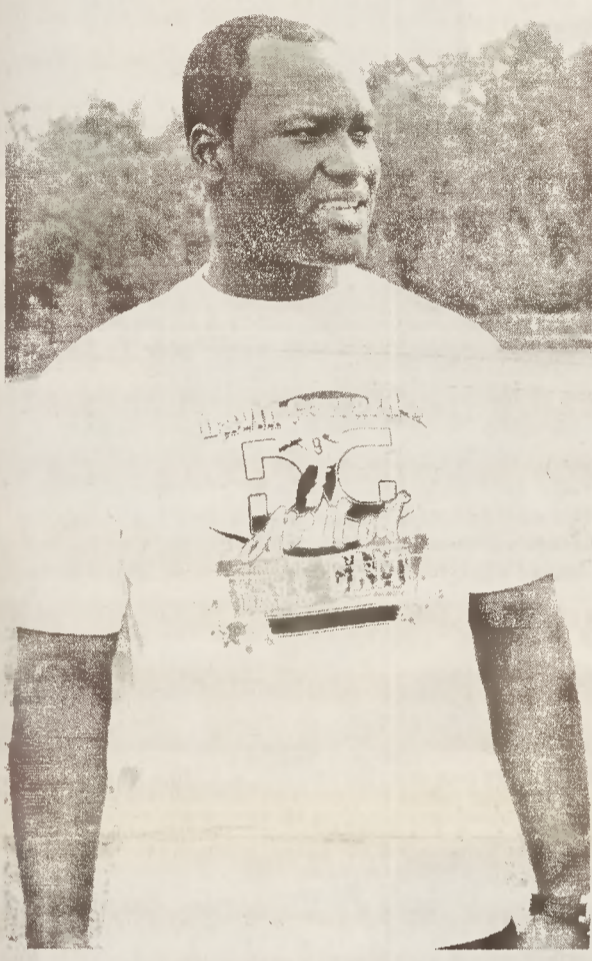
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THE TRUTH UNBRIDED

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Former Southern High School stand-out David Garrard, now quarter-back of the Jacksonville Jaguars of the National Football League came home to operate a football and cheerleading camp at Southern High School, promote his work with Crohn's disease and receive the key to the City of Durham from Mayor William V. "Bill" Bell. See story and pictures on page 5. (Photo By Lawson)

High court says convicts lack right to DNA testing

By Mark Sherman
WASHINGTON (AP) - The Supreme Court said June 18 that a convicted rapist has no constitutional right to test biological evidence used at his trial in Alaska years earlier, leaving it to the states to decide when prisoners get access to genetic evidence that might prove their innocence.

In a 5-4 vote, with the conservative justices in the majority, the court said it would not second-guess states or force them routinely to look again at criminal convictions.

William Osborne, convicted in a brutal assault on a prostitute in Alaska 16 years ago, sued for the right to test the contents of a blue condom the victim says was used by her attacker. A federal appeals court said he had a right to conduct the test.

Alaska is one of only three states without a law that gives convicts access to genetic evidence. The others are Massachusetts and Oklahoma.

Testing so far has led to the exoneration of 240 people who had been found guilty of murder, rape and other violent crimes, according to the Innocence Project, which works to free people who were wrongly convicted.

But Chief Justice John Roberts, in his majority opinion, said the states have moved quickly to grapple with the challenges and opportunities presented by advances in genetic testing.

"To suddenly constitutionalize this area would short-circuit what looks to be a prompt and considered legislative response," Roberts said.

The chief justice said that new technology that was not available at trial should not throw fairly won convictions into doubt. "The dilemma is how to harness DNA's power to prove innocence without unnecessarily overthrowing the established system of criminal justice," he said.

Dissenting liberal justices and advocates for prisoners who seek genetic testing complained that the court is penalizing a small group of inmates who lack access to a simple test that would conclusively show their innocence, or reaffirm their guilt.

"The fact that nearly all the states have now recognized some post-conviction right to DNA evidence makes it more, not less, appropriate to recognize a limited federal right to such evidence in cases where litigants are unfairly barred from obtaining relief in state court," Justice John Paul Stevens said.

Peter Neufeld, a co-founder of The Innocence Project who argued Osborne's case at the Supreme Court, said the ruling probably would not affect the vast majority of inmates seeking DNA testing.

But, Neufeld said, "There is no question that a small group of innocent people - and it is a small group - will languish in prison because they can't get access to the evidence."

The Obama administration, picking up the argument first made by the Bush administration, urged the court to reject the appeals court ruling and insist that inmates at least swear under oath to their innocence before being given access to the evidence. The federal DNA testing law has such a requirement.

In some states, laws limit testing to capital crimes or rule out after-the-fact tests for people who confess.

The woman in Alaska was raped, beaten with an ax handle, shot in the head and left for dead in a snow bank near Anchorage International Airport. The condom that was found nearby was used in the assault, she said.

The woman, who is white, identified Osborne, who is black, as one of her attackers. Another man also convicted in the attack has repeatedly

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High court rules narrowly in voting rights case

By Mark Sherman
WASHINGTON (AP) - The Voting Rights Act, the government's chief weapon against racial discrimination at polling places since the 1960s, survived a Supreme Court challenge June 22 in a ruling that nevertheless warned of serious constitutional questions posed by part of the law.

Major civil rights groups and other defenders of the landmark law breathed a sigh of relief when the court ruled narrowly in favor of a small Texas governing authority while sidestepping the larger constitutional issue.

After argument in late April, it appeared the court's conservatives could have a majority to strike down part of the law as unnecessary in an era marked by the election of the first African-American president.

But with only one justice in dissent, the court avoided the major questions raised over the section of the voting law that requires all or parts of 16 states - mainly in the South and with a history of discrimination in voting - to get Justice Department approval before making changes in the way elections are conducted.

The court said that the Northwest Austin Municipal Utility District No. 1 in Austin, Texas, could apply to opt out of the advance approval requirement, reversing a lower federal court that ruled it could not. The district appears to meet the requirements to bail out, although the high court did not pass judgment June 22 on that point.

Five months after Barack Obama became president, Chief Justice John Roberts said the justices decided not to determine whether dramatic civil rights gains means the advance approval requirement is no longer necessary. That larger issue, Roberts said, "is a difficult constitutional question we do not answer today."

Attorney General Eric Holder called the decision a victory for voting rights and said the court "ensured that this law will continue to protect free and fair access to the voting booth."

Debo Adebile, the NAACP Legal Defense and Educational Fund lawyer who argued for the preservation of the law at the high court, said, "The fact is, the case was filed to tear the heart out of the

preclearance provision of the Voting Rights Act and that effort failed today."

But critics of the law said the court made clear that it may not take such a restrained approach the next time a voting rights challenge comes its way.

"It leaves the courts wide open to another challenge. If someone files a new lawsuit, I think there's a very good chance that down the line they might find it unconstitutional," said Hans von Spakovsky, a legal

scholar at the conservative-oriented Heritage Foundation.

Rep. Lynn Westmoreland, R-Ga., one of only 33 lawmakers who opposed renewal of the law in 2006, said, "I'm disappointed that the justices laid out the case for why the law is unconstitutional and then stopped short of tossing it. I do feel optimistic, however, that the court's dim view ... means the law will not survive for the full length of its 25-year renewal."

The court's avoidance of the constitutional question explains the consensus among justices in the case rendered June 22, where they otherwise likely would have split along conservative-liberal lines.

Justice Clarence Thomas, alone among his colleagues, said he would have resolved the case and held that the provision, known as Section 5, is unconstitutional. "The violence, intimidation and subterfuge that led Congress to pass Section 5 and this court to uphold it no longer remains," Thomas said.

Roberts himself noted that blacks and whites now register and turn out to vote in similar numbers and that "blatantly discriminatory evasions of federal decrees are rare."

He attributed a significant share of the progress to the law itself. "Past success alone, however, is not adequate justification to retain the preclearance requirement," Roberts said.

Still, the court did not decide that question in what Justice Ruth Bader Ginsburg recently described as "perhaps the most important case of the term."

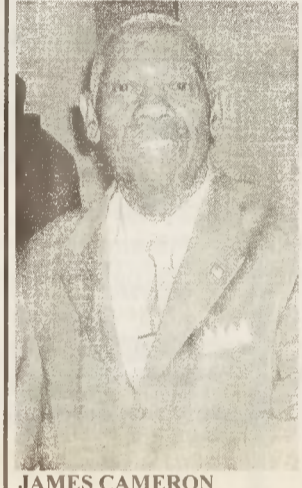
The Voting Rights Act, first enacted in 1965, opened the polls to millions of black Americans. In 2006, the Republican-controlled Congress overwhelmingly renewed the part of the law which provided for the advance approval requirement for 25 years and President George W. Bush signed it.

The Austin utility district, backed by a conservative group opposed to the law, brought the court challenge. It said that either the district should be allowed to opt out or the entire provision should be declared unconstitutional.

Based on the tone of the questions when the case was argued in late April, many civil rights and election law experts predicted the Roberts-led court would indeed

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St. Augustine College's Falcon Foundation Honors The Cameron Twins



JAMES CAMERON CHARLES CAMERON

James Howard Cameron and Charles Broadie Cameron were once identified in a 2003 Falcon Spirit publication as Soaring Twin Falcons. They continue to soar as faithful alumni and loyal Saint Augustine's College Falcon Foundation, Inc members. Their dedication prompted the Foundation to honor them along with Mabel B. Wright at a recent Hall of Fame Old School Dance.

The Cameron twins hail from a small town near Pinehurst, ironically named Cameron. And their lives parallel each other to the degree that when you speak about one you can practically say the same about the other. After completing high school, James and Charles stepped out on faith and with little money came to Saint Augustine. They were able to enroll with the help of then president, Dr. Harold L. Trigg and by receiving work study aid for expenses. James excelled in boxing and wrestling, and both lettered in Track. The twins earned Bachelor of Arts degrees in Physical Education and went on to work in education for approximately three years. They also attended graduate school at North Carolina Central University.

Charles and James are US Army veterans having served tours of duty in Korea. Both are members of Weaver/McLean American Legion Post 175. They are long time members of Union Baptist Church and have served on the Deacon Board for 25 years. They are also "dedicated members" of the Durham Chapter Alumni, Saint Augustine College. The brothers continue to work in retirement and have been employed by Durham Public School System for the past 15 years as bus monitors. James and his wife Mrs. Margaret Cameron have one daughter; Charles and his wife Mrs. Ollie Cameron are parents to one son.

Black Press of America to Convene in Minneapolis This Week

By Hazel Trice Edney
NNPA Editor-in-Chief

WASHINGTON (NNPA) - Boxing promoter and black publisher Don King, actor/comedian Bill Cosby, members of the Congressional Black Caucus and top black publishers from around the nation are among the big names to highlight the 2009 National Convention of the National Newspaper Publishers Association in Minnesota this week.

"NNPA continues to be the much-needed voice for issues of concern that affect the ongoing development and success within the African American community," John B. Smith Sr., chair of the federation of the more than 200 black-owned newspapers and publisher of the Atlanta Inquirer, says in a statement. "2009 marks another milestone for NNPA because it represents 182 years of news gathering, awareness building and providing vitally needed services to our communities. Through journalistic leadership and devotion to efficiently promote community progress, our mission is to empower minorities through the Black Press."

Publishers Al McFarlane of Insight News and Tracey L. Williams of the Minnesota Spokesman-Recorder are co-hosting the annual summer event. "Their respective reputations in the community are outstanding with impressive records as advocates to empower the minority community," says Smith.

Among the highlights, boxing promoter Don King, owner of the Cleveland and Columbus Call & Post newspapers, is slated to attend the annual Merit Awards Gala on Friday night as a sports writing award is named for him. The Merit Awards, an event of the NNPA Foundation, chaired by Dorothy Leavell, recognizes publishers and writers for their journalist excellence and service over the past year.

Leavell applauds King as "the only contemporary publisher to have a Merit Awards category named for him. It will now be known as the Don King Best Sports Section Award. The award was voted to be named for him by the NNPA Foundation board of directors," she says. "He joins a long list of luminaries and distinguished publishers, staff members and outstanding musical artists in having categories named for them, including Robert S. Abbott, Carl Murphy, Ida B. Wells, Frank L. Stanley, Robert L. Vann, Leon H. Washington, John H. Sengstacke, Ada S. Franklin, Duke Ellington and Louis Armstrong."

King is being honored as much for his community contributions as for his publishing career. "He revolutionized boxing as we know it today and has made significant contributions to African-Americans and African-American causes," says Leavell.

She also credits him for taking over and reviving the Call & Posts after the death of William O. Walker.

"Don King revived the Call and Post newspapers by hiring a professional staff that has maintained the high journalistic standards that was the mission set out by Mr. Walker."

This year's Merit Awards will also feature a new HIV/AIDS Education Award, sponsored by the Center for Disease Control and Prevention and the California-based Black AIDS Institute, headed by HIV/AIDS activist Phill Wilson.

Also, Members of the Congressional Black Caucus, including CBC Chairwoman Barbara Lee (D-Calif.); Keith Ellison (D-Minn.); and Donna Christensen (D-V.I.) are among those confirmed to lead a Saturday morning health workshop. U. S. Sen. Roland Burris (D-Ill.), the only black member of the U. S. Senate, in the throws of a re-election campaign, is also expected to address the publishers.

NNPA, among the most powerful and most respected coalitions of journalists and publishers in the nation, will also hold an election of a new chair as Smith completes four years of leadership.

The summer conference is the largest of four annual gatherings of the NNPA publishers. The other three are the annual winter conference, the September board meetings during the Congressional Black Caucus Annual Legislative Conference, and Black Press Week in March.

As the Black Press of America is nearly two centuries old, the annual summer conference illustrates the vitality and vibrancy of black newspapers even as many of them are struggling during the historic economic downturn.

"Corporations will have the opportunity to gain further insight about the significance of the Black Press of America, the high trust level of its readership, and how to be effective partners," says Smith.

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