

DAVI7 12/01/17
UNC-CH SERIALS DEPARTMENT **CHILL
DAVIS LIBRARY CB# 3938
P O BOX 8890
CHAPEL HILL NC 27599-0001

0071 0298

The Carolina Times

THE TRUTH UNBRIDLED

VOLUME 98 - NUMBER 7

DURHAM, NORTH CAROLINA - SATURDAY, FEBRUARY 23, 2019

TELEPHONE 919-682-2913

PRICE 50

Court: Constitutional ban on high fines applies to states

By Mark Sherman

WASHINGTON (AP) - The Supreme Court ruled unanimously that the Constitution's ban on excessive fines applies to the states, an outcome that could help efforts to rein in police seizure of property from criminal suspects.

Justice Ruth Bader Ginsburg wrote the court's opinion in favor of Tyson Timbs, of Marion, Indiana. Police seized Timbs' \$40,000 Land Rover when they arrested him for selling about \$400 worth of heroin.



Jaki Shelton Green to be inducted as NC poet laureate

RALEIGH (AP) - North Carolina's first African-American poet laureate will be inducted at a ceremony led by Gov. Roy Cooper.

Cooper will induct Jaki Shelton Green at the state Capitol in Raleigh. The previous state poet laureate, Shelby Stephenson, also will attend.

Green has been active in the state's literary and teaching community for more than 40 years. She has written eight books of poetry, co-edited two poetry anthologies and written one play.

She is a 2014 North Carolina Literary Hall of Fame inductee and was the recipient of the North Carolina Award for Literature in 2003.

Reading a summary of her opinion in the courtroom, Ginsburg noted that governments employ fines "out of accord with the penal goals of retribution and deterrence" because fines are a source of revenue. The 85-year-old justice missed arguments last month following lung cancer surgery, but returned to the bench.

Timbs pleaded guilty, but faced no prison time. The biggest loss was the Land Rover he bought with some of the life insurance money he received after his father died.

Timbs still has to win one more round in court before he gets his vehicle back, but that seems to be a formality. A judge ruled that taking the car was disproportionate to the severity of the crime, which carries a maximum fine of \$10,000. But Indiana's top court said the justices had never ruled that the Eighth Amendment's ban on excessive fines - like much of the rest of the Bill of Rights - applies to states as well as the federal government.

The case drew interest from liberal groups concerned about police abuses and conservative organizations opposed to excessive regulation. Timbs was represented by the libertarian public interest law firm Institute for Justice.

"The decision is an important first step for curtailing the potential for abuse that we see in civil forfeiture nationwide," said Sam Gedge, a lawyer with the Institute for Justice.

Law enforcement authorities have dramatically increased their use of civil forfeiture in recent decades. When law enforcement seizes the property of people accused of crimes, the proceeds from its sale often go directly to the agency that took it, the law firm said in written arguments in support of Timbs.

As it did in earlier cases applying parts of the Bill of Rights to the states, the court based its decision on the part of the 14th Amendment that says "no state shall deprive any person of life, liberty or property without due process of law." That same provision, the due process clause, also was used in cases that established a woman's right to an abortion and knocked down state laws against interracial marriage and gay sex.

The 14th Amendment was passed after the Civil War to ensure the rights of newly freed slaves.

Justice Clarence Thomas wrote separately to say he would have used a different part of the 14th amendment to achieve the same result. Thomas has long been a critic of the court's application of the due process clause, which also is found in the Fifth Amendment. He wrote that cases that employ the provision "are some of the court's most notoriously incorrect decisions," including the abortion rights landmark case *Roe v. Wade* and the 1857 *Dred Scott* case that held that African-Americans were not citizens.

Thomas said he would have relied on the Constitution's language forbidding states from making or enforcing "any law which shall abridge the privileges or immunities of citizens of the United States."



Now, the real question becomes, will the NFL allow Kaepernick to come back and play the game he loves without further collusion?

COMMENTARY: Standing on the Right Side of History

Blackballed NFL QB Colin Kaepernick Settles Major Grievance Claim against NFL

By Jeffrey L. Boney, NNPA Newswire Contributor

One of the best skits that ever appeared on comedian Dave Chappelle's hit television show, the Chappelle Show, was one called "When Keeping it Real Goes Wrong." Each skit would highlight the outcome of what would happen to individuals who made the choice to 'keep it real.' In every skit, it showed how a person's decision to 'keep it real' led to a negative outcome for them doing so. In other words, when you decide to 'keep it real' there are consequences for your actions, which could backfire on you.

Former NFL quarterback Colin Kaepernick decided to 'keep it real', but in his case, he came out on top.

In spite of receiving pushback from those who disagreed with his stance. In spite of being blackballed from playing the game he loved. In spite of being vilified by countless people, including NFL owners — and even the President of the United States. In spite of everything that was thrown his way, Kaepernick proved that when you stand up for what you believe in, even if you have to stand alone, you can win.

More importantly, Kaepernick showed that you can motivate and inspire at least one other person to stand with you when the odds are stacked against you and make a major statement and significant impact.

This past week, it was reported that Kaepernick, who filed a grievance against the National Football League (NFL) back in October of 2017, had reached a settlement with the NFL for a substantial amount of money. Kaepernick had not played a game in the NFL since early 2017. Kaepernick filed the grievance and accused NFL owners of working in collusion to deliberately keep him from playing quarterback in the league, because of his much-publicized stance of pointing out racial injustice and police brutality by protesting and taking a knee during the national anthem of each game during the 2016 NFL season.

It was also reported that his former San Francisco 49ers teammate, safety Eric Reid, who was one of the only other players to consistently stand with Kaepernick from the beginning of his initial protest, has settled his collusion grievance against the NFL for a significant amount of money.

While the details of both settlement agreements are undisclosed due to a confidentially agreement between all parties, it has been reported that Kaepernick's settlement amount alone is somewhere in the ballpark of \$60 to \$80 million. Reid's settlement is reported to be significantly less, but he still received a settlement, which means that both he and Kaepernick proved, over these past two years, that the NFL was wrong and did not want the truth to come out.

If the NFL was innocent of these charges, and had the evidence to prove their innocence, they would have fought tooth and nail to crush Kaepernick and Reid. But Kaepernick and Reid stood together and came out victorious, not just because they received a financial settlement, but because they were able to stand up against the Goliath known as the NFL and show that you can't silence the voice of Black people.

There were several NFL players who joined in with Kaepernick at the start of his protests in 2016, but the majority of those NFL players fell by the wayside. Reid, not only stood with Kaepernick when he was his 49ers teammate, he has also stood with Kaepernick after he got blackballed from the league. Reid could have abandoned Kaepernick and abandoned the cause, but he stood his ground and stayed true.

Things got so bad for Reid, that when he became a safety for the Carolina Panthers during the 2018 NFL season, he claimed that he was being targeted by the NFL via their performance-enhancing drug testing program. After his December 17 game against the New Orleans Saints, Reid claimed that he had been 'randomly' selected to take a drug test for the seventh time since joining the Panthers the year prior. Reid strongly argued that there was nothing 'random' about the drug tests he was being selected for and that he was being targeted simply because he joined in with Kaepernick to file a collusion grievance of his own against the league.

The NFL and the NFL Players Association (NFLPA) issued statements last month, stating that there was "no evidence of targeting or any other impropriety with respect to his selection for testing."

Reid may not have proven that these drug tests were far from 'random', but he and Kaepernick were able to prove that the NFL was guilty of trying to bully them into submission, sought to silence their voices and make them compliant with their demands to stop their protests. It didn't work and the NFL had to pay for it dearly.

This is a huge win for Kaepernick and Reid, and a prime example of how at least one person can influence others, as well as how a small number of people - in this case, Kaepernick and Reid - can change the game of football and change the game of life in a major way.

The NFLPA released a statement regarding the news of the settlement, stating:

"We continuously supported Colin and Eric from the start of their protests, participated with their lawyers throughout their legal proceedings and were prepared to participate in the upcoming trial in pursuit of both truth and justice for what we believe the NFL and its clubs did to them. We are glad that Eric has earned a job and a new contract, and we continue to hope that Colin gets his opportunity as well."

If we look at the course of American history, we see that grassroots advocacy, like protests, have been around for a long time and have been used to bring about significant change in this country.

If you look at Black historical figures like Harriet Tubman, Frederick Douglass, Ida B. Wells, Dr. Martin Luther King Jr., Muhammad Ali and several others who have led protests to speak out against injustice, it is clear that those civil rights champions used their platforms and influence to address the myriad issues that have negatively impacted Black people in America during their time. And sadly, those civil rights advocates who we highlight and talk about every year during Black History Month did not have the type of support we are afforded today. As a matter of fact, many of them had just a handful of supporters getting behind their cause during their era, with some of them having little to no support at all, even from those that looked like them.

Kaepernick isn't the first Black person to have been vilified in this country for going against the grain, challenging the status quo or taking a controversial stance on issues.

Both, Dr. Martin Luther King, Jr. and Muhammad Ali, spoke out against the Vietnam War and were deemed traitors to their country and were even called communists while they were alive.

After Dr. King's speech in New York, criticizing the Vietnam War, other civil rights leaders who once stood with him, began to distance themselves from him and he was heavily castigated in local and national newspapers. Very few people stood with him.