



# Pizza Hut settles hate crime lawsuit

By MARTHA IRVINE  
THE ASSOCIATED PRESS

**CHICAGO** - Pizza Hut of America, Inc. has settled a civil lawsuit following a federal judge's precedent-setting ruling earlier this year that corporations can be held liable if their employees commit hate crimes.

In the lawsuit, members of a black family claimed they were harassed, threatened with a mop handle and called racial slurs by white employees at one of the company's restaurants near St. Louis. "You can hate someone privately and it's your own business," Mary Ann Burton, one of the family members, said after a news conference in Chicago on Tuesday. "When you hate someone publicly, it becomes everyone's business."

Pizza Hut paid the family an undisclosed amount of money in the settlement, but admitted to no wrongdoing.

In a statement, Pizza Hut said it trains employees to treat customers and employees fairly and does not tolerate harassment.

"We concluded there was absolutely no racial or discriminatory behavior involved, but our employees should have provided better customer service," the statement said, calling the matter an "isolated incident."

But Edward Voci, the family's attorney, said a ruling by U.S. District Judge William Hart last July - a rejection of Pizza Hut's motion to dismiss the case - could have ramifications for corporations nationwide.

At least one legal expert agrees. "This potentially has a lot of applications because a lot of people do their hating at work," said Saul Levmore, a law professor at the University of Chicago.

The lawsuit was filed last year on behalf of Burton and 16 family members from Illinois, Missouri and South Carolina who had gathered for a family dinner during the Fourth of July weekend in 1995 in Burton's hometown of Godfrey, a predominately white southwestern Illinois town about 20 miles north of St. Louis.

In his opinion, Hart noted family members' claims that they called in an order for six pizzas about an hour before closing time and were told they could eat at the restaurant.

After being met with racial slurs, they said they were not provided plates or utensils and were told that no drinks could be ordered because the beverage machine had been turned off - even though white customers had received drinks minutes before the request, according to the opinion.

Employees also ran the sweeper near their table, blasted the jukebox and turned the lights on and off, the opinion said.

Family members said they felt particularly threatened when employees allegedly followed them into the parking lot with one of them slapping the mop handle into his hand. They said more than one employee called them "niggers," among other things.

"Those words hurt me because my son had to ask me what they meant," said Adrian Burton, Mary Ann Burton's son who lives in Arlington, Texas.

In his opinion, Hart said the details of the case were enough to convince him that the actions were racially motivated.

Hart also rejected the Pizza Hut lawyers' contention that the Illinois hate crimes law applies to individuals, not corporations.

"Nothing in the statute indicates that 'person' ... should be limited to natural persons, and (the) defendant does not point to any legislative history indicating such a construction was intended," the judge wrote.

Dallas-based Pizza Hut was owned by PepsiCo in 1995. It is now owned by Tricon Global Restaurants, a Louisville, Ky.-based company that also owns KFC and Taco Bell.

# Area artists to perform at 14th annual MLK birthday celebration

Special to THE CHRONICLE

The North Carolina Black Repertory Company has selected an array of talented artists to perform during the company's 14th annual Dr. Martin Luther King Jr. Birthday Celebration. The event will be held Jan. 15 at 7 p.m. in the Arts Council Theatre, 610 Coliseum Dr. in Winston-Salem.

The event is free. Because of the enormous turnout of past celebrations, reservations are recommended. Call the Black Rep's office at (336) 723-2266.

Jan. 15 is the actual birthday of Dr. King although the national holiday is celebrated on the third Monday of January. For at least 10 years, the Black Rep has been the only organization in Winston-Salem celebrating Dr. King's actual birthday on the 15th. NCBRC founder and director Larry Leon Hamlin and other artists decided to show their appreciation for Dr. King by using their artistic talents in celebration of the profound contributions of such a great member of humanity.

The celebration is especially designed for the youth of the community to be shared with their family. The event has something for everyone. Youth performances for this year's celebration include gospel vocalist Bethany Heath who will perform a duo with her father, the Rev. John Heath, a national recording artist and actor; actor Todd Nelson who will present a dramatic presentation by Langston Hughes; dancers from the Artistic Studio; Boss Drummers of the Winston Lake YMCA and Travia, a local rap group.

Featured performers for the evening include jazz trumpeter Joe Robinson; jazz vocalist Janice Price; vocalists/actors the Rev. John Heath, Randy Johnson, Sharon Frazier and Elliott Lowery; poet/rapper Bill Jackson; and Hamlin.



Dr. King



Hamlin

# 6 of 7 octuplets breathing on their own

BY TERRI LANGFORD  
THE ASSOCIATED PRESS

**HOUSTON** - In the dim light of the neonatal intensive care unit at Texas Children's Hospital, Gorom Louis' hushed world is one of whispering nurses and the beep of a nearby monitor.

Tiny Gorom, the last of the Houston octuplets born last month, lies with her eyes squeezed tightly shut and takes delicate sips through a tube taped to her mouth.

Two Beanie Baby puppies stand guard in her electronically warmed Plexiglas bassinet. One of her paper clip-sized feet stabs reflexively at the soft fabric pad that surrounds her.

Still recovering from abdominal surgery, Gorom, who now weighs just over a pound (450 grams), is the last of the seven surviving babies to need the assistance of a ventilator.

Her two brothers and four sisters - all dressed alike in pastel-knitted caps and diapers the size of thank-you notes - have graduated to oxygen piped into their tiny noses.

Gorom's brother Jioke ranks as the biggest - just under 2 pounds (900 grams). Monday's weigh-in showed that all the babies are either holding their own or are starting to gain weight, a very positive beginning, doctors say.

If everything continues to go well, Gorom should soon be taken off the ventilator and the seven siblings could go home as early as March, Dr. Leonard Weisman told The Associated Press during a tour of the unit.

For the next few months, however, all seven will remain within the 120-bed Neonatal Intensive Care Unit, the nation's largest.

"We still have a way to go," said



Nkem Chukwu and her husband Iyke Louis Udobi are the proud parents of seven. Six of the seven tiny babies are breathing on their own. An eighth baby, Odera, died of heart and lung failure two weeks ago.

Weisman, checking the monitors over Gorom's warming bed.

The babies' mother, Nkem Chukwu, 27, delivered her first child, Ebuka, on Dec. 8 and her seven siblings on Dec. 20. The tiniest, Odera, died of heart and lung failure Dec. 27.

The neonatal unit is more nursery than sterile laboratory, with nurses buzzing around to make sure babies are receiving enough "skin" time - crucial contact with parents and volunteers who cuddle them.

A pair of Christmas trees stand

a few feet from the pods that contain groups of four to six premature or critically ill babies. Newborn warming beds are decorated with cheery name tags and volunteers donate handmade blankets and, for the tiniest charges, canopies to cover their incubators so they can sleep better.

Nutrition specialists are also on hand to map out individual growth plans and a neonatologist, a doctor who specializes in the health of newborns, is on call steps away

from the nursery 24 hours a day.

Mothers use electronic key cards to access soothing private rooms for breast feeding. The unit is also one of the first to use nitric oxide to treat pulmonary high blood pressure in infants.

"The high tech stuff is to keep them alive," said Weisman. "But the thing that makes the difference is nutrition and development. That's really what this is all about."

# Execution of black man spurs controversy

By HERBERT L. WHITE  
CONSOLIDATED MEDIA GROUP

There was a time in North Carolina's history when executing someone like Dawud Abdullah Muhammad was routine.

Now it requires appeals and a public relations battle to combat the notion that sentencing African Americans to death isn't state-sponsored genocide.



Muhammad

Muhammad, who is also known as David Junior Brown, is scheduled to be executed Jan. 22 for the 1980 stabbing death of Shelly Diane Chalfinch, 36, and her 9-year-old daughter Christine in Pinehurst. Muhammad, 50, would be the first African American executed in North Carolina since the Supreme Court reinstated the death penalty in 1976. His victims were white.

Originally, Muhammad's execution was slated for Jan. 15 - the birthday of slain civil rights leader Martin Luther King Jr. Public outcry forced officials to push the date back a week.

In 1990, the U.S. General Accounting Office reviewed 28 existing studies on race and the death penalty, and concluded that there was a "pattern of evidence indicating racial disparities in the charging, sentencing and imposition of the death penalty."

Of the 187 people on North Carolina's death row, 102, or 54 percent, are black, although blacks make up only 22 percent of the state's population.

Five are African Americans from Mecklenburg County.

Since 1910, 76 percent of inmates executed have been black.

There's a lingering undercurrent that the state has been reluctant to execute black convicts because of the heightened sense of persecution among African Americans. The theory is this: If more blacks are sentenced and put to death than whites, anti-capital punishment advocates could point to a racial double standard.

Not so, says John Hood, president of the John Locke Foundation, a conservative public policy think tank in Raleigh. There are numerous factors that contribute to carrying out death sentences which preclude race, such as the nature of the crime. Shelly Chalfinch was disemboweled with a knife; Christine was stabbed to death. A signet ring identified as Muhammad's was removed from

Shelly Chalfinch's body, and a knife similar to those he used as a preparation chef was found at the murder scene.

"It's not so much if capital punishment is racist because a disproportionate number of black people have been executed," Hood said. "It isn't about the race of the defendant, it's about the race of the victim."

Race plays a role in capital cases, especially that of the victim. In a 1987 Supreme Court case, McCleskey v. Kemp, a national study of prisoners on death row in the U.S. determined that 82 percent of them were condemned for murdering a white person. Civil rights advocates and death-penalty opponents have long maintained that the judicial system is less likely to condemn suspects for killing blacks. In North Carolina, only one white is on death row for murdering an African American.

"Since most homicides are intraracial, those statistics would suggest most killers of whites are more likely to get a death sentence," said Duke Law School Professor Robert Mosteller. "I don't think they expected to find that. If you put the raw statistics together, you're going to have more white defendants get death. It's clear the race of the victim makes a heck of a lot of difference."

So does the skill of a defendant's lawyer. Most death row inmates couldn't afford their own attorney, relying on often inexperienced and under-funded public defenders who are paid as little as \$2,000 in some states.

One study concluded that a lawyer needs up to 600 hours in pre-trial preparations, 600 court hours and 700 hours on direct appeal, which is all but impossible for a public defender.

"Most of those people had a public defender or a court-appointed lawyer as their counsel," said Deborah Ross, executive director of the N.C. American Civil Liberties Union in Raleigh. "You don't have as much time or experience at your disposal to do your cases. There are more African Americans who can't afford their own lawyers."

With some states paying just \$20 an hour for public defenders, indigent defendants' chances of avoiding a death sentence - much less conviction - are slim. Public defenders are also less likely to be experienced in handling capital cases. A survey conducted by the National Law Journal found that over half of the death row inmates in six southern states have been represented by lawyers who had never handled a death penalty

See Death Row on A4

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