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Gerald O. Johnson CEO/PUBLISHER
Robert L. Johnson CO-PUBLISHER/GENERAL MANAGER
Herbert L. White EDITOR IN CHIEF

OPINION

Women benefit when suspected rapists are exonerated

By Maddy deLone
THE INNOCENCE PROJECT

Last month, Alan Newton walked out of a Bronx courtroom a free man. Twenty-two years after he was convicted for a brutal rape that he didn't commit, he was finally exonerated. For the first time since 1984, he decided what he would wear and what he would do.

One of the first things he did was approach several dozen reporters to talk about the rape survivor who mistakenly identified him as the perpetrator, leading to his conviction. Before addressing his own wrongful conviction and his new freedom, he said his thoughts were with the rape survivor. His voice choked with emotion, he expressed compassion and sympathy for her.

To date, 182 people nationwide have been exonerated with DNA testing. The Innocence Project represented many of them, just as we represented Alan Newton. Because we only take cases where DNA can yield conclusive proof of innocence, many of our clients are men who were wrongly convicted of sexual assault. Ninety percent of the 182 exonerations involved sexual assault (sometimes in combination with murder and other crimes). While the criminal justice system began using DNA testing two decades ago to help identify the guilty and exonerate the innocent, it has become more prevalent and more sophisticated in recent years.

Since our clients are primarily men convicted of heinous crimes against women, some people wonder whether our work serves the interests of rape survivors and women generally. I strongly believe that it does in very specific, individual ways, and also more broadly and profoundly.

When the wrong man is convicted of assaulting a woman, nobody sees justice. The true perpetrator can remain at large, unpunished for a horrible crime and able to rape again. In one-third of the 182 DNA exonerations, we haven't just proved someone's innocence; the DNA has been used to help identify the true perpetrator.

As Alan Newton recognized earlier this month, wrongful convictions—once they're finally overturned—reopen crime victims' wounds and prevent them from moving forward, often decades after a crime. Once DNA proves that the wrong man was convicted, rape survivors are often brought right back to the night of the crime. Many are left questioning how they identified the wrong man, and wondering whether they will have to endure another trial, years later. The pain survivors experience at such times could be avoided if wrongful convictions were prevented in the first place.

Beyond the substantial consequences for the wrongly accused and individual rape survivors, wrongful convictions concern many of us because people of color and poor people are disproportionately targeted by our criminal justice system. That's troubling enough, but when it's done in the name of protecting the public and punishing violence against women, we cannot stand by.

Among the 182 exoneration cases, where the race of wrongly convicted people is known, nearly 75 percent are men of color. No two cases are alike, but in many of them, police focused on an African-American man immediately and ignored information that might have led to other suspects. In some of them, police coerced confessions, prosecutors concealed evidence and defense attorneys for poor defendants failed to challenge faulty evidence and law enforcement tactics.

The leading cause of wrongful convictions—playing a factor in about 75 percent of the exoneration cases—is eyewitness misidentification. The day after Alan Newton was exonerated in the Bronx, a member of a "men's advocacy" group called our office. He wasn't calling to help Newton find a job or offering other support to him, as many others have. He wanted to know why the Innocence Project doesn't pursue perjury charges against rape survivors who identify the wrong man.

Aside from the patently offensive notion of putting rape survivors on trial, the truth is that eyewitness misidentification is often the result of flawed law enforcement techniques that lead crime victims to identify a suspect who police already presume is guilty. The Innocence Project pursues policy reforms to improve identification techniques nationwide so crime victims aren't led to misidentify innocent people. These include specific changes to police lineup procedures, which have already been adopted by a number of cities, states and counties.

A number of rape survivors and crime victims work with the Innocence Project to remedy the deeply embedded problems in our criminal justice system that cause wrongful convictions in the first place. They are all incredibly strong, powerful and amazing women. A particularly inspiring partner in our work is Christy Sheppard of Oklahoma.

Her cousin, Debra Sue Carter, was brutally raped and murdered in 1982. Six years later, Dennis Fritz and Ron Williamson were convicted; Fritz was sentenced to life in prison, while Williamson received the death penalty and came within five days of being executed. In 1999, both men were exonerated with DNA testing, which indicated that the state's main witness against them was actually the perpetrator.

In very different ways, Christy Sheppard and Alan Newton remind us why working to free the wrongly convicted and prevent wrongful convictions is critical for everyone involved. They show us not just what's at stake, but that all of us can—and must—do our part to correct injustice.

MADDY deLONE is executive director of The Innocence Project, which is affiliated with the Benjamin N. Cardozo School of Law at Yeshiva University in New York.



One-sided reporting on the Middle East

Until Sunday, when Israeli bombers leveled a three-story building in the tiny Lebanese village of Oana, killing at least 55 people, most of them children, the U.S. media has been anything but even-handed in covering Israel's three-week assault on southern Lebanon, a stronghold of Hezbollah.

Israel initiated a 48-hour pause in the aerial attacks, in the face of international condemnation, and later resumed its effort to cripple the military capability of rebel groups intent on destroying Israel. If the past is any indicator, the U.S. media—after it's Sunday pause—will return to its mission of blaming Hezbollah and Hamas for all the strife in the Middle East.

Of course, both groups have blood on their hands, but they are not alone.

Fair and Accuracy in Reporting, the media watchdog group, reported prior to Sunday's fatal assault: "The portrayal of Israel as the innocent victim in the Gaza conflict is hard to square with the death toll in the months leading up to the current crisis; between September 2005 and June 2006, 144 Palestinians in Gaza were killed by Israeli forces, according to a list compiled by the Israeli human rights group B'tselem; 29 of those killed were children.

During the same period, no Israelis were killed as a result of violence from Gaza."

But you'd never know it by reading U.S. newspapers. "On July 24, the day before Hamas' cross-border raid, Israel made an incursion of its own, capturing two Palestinians that it said were members of Hamas (something Hamas denied—L.A. Times, July 25). This incident received far less coverage in the U.S. media than the subsequent seizure of the Israeli soldier; the few papers that covered it mostly dismissed it in a one-paragraph brief (e.g., Chicago Tribune, 7/25/06), while the Israeli taken prisoner got front-page headlines all over the world."

The nation's three leading dailies published one-sided, overly simplistic comments on the Middle East violence. "In the wake of the most serious outbreak of Israeli/Arab violence in years, three U.S. papers—the Washington Post, New York Times and Los Angeles Times—have each strongly editorialized that Hamas in Gaza and Hezbollah in Lebanon were solely responsible for sparking violence, and that the Israeli military response was predictable and unavoidable. These editorials ignored recent events that indicate a much more complicated situation," FAIR observed.

Under the headline, "Hamas Provokes a Fight," (6/29/06), the New York Times editorialized that "the responsibility for this latest escalation rests squarely

with Hamas" and that "Israeli military response was inevitable." In another editorial two weeks later (7/15/06), the Times said: "It is important to be clear about not only who is responsible for the latest outbreak, but who stands to gain most from its continued escalation. Both questions have the same answer: Hamas and Hezbollah."

The media monitoring group suggests that the fighting did not begin with the capture of two Israeli soldiers.

"A major incident fueling the latest cycle of violence was a May 26, 2006 car bombing in Sidon, Lebanon, that killed a senior official of Islamic Jihad, a Palestinian group allied with Hezbollah. Lebanon later arrested a suspect, Mahmoud Rafeh, whom Lebanese authorities claimed had confessed to carrying out the assassination on behalf of Mossad (London Times, June 17). Israel denied involvement with the bombing, but even some Israelis are skeptical."

But that wasn't the only precursor to the current conflict. In a July 21 column, FAIR's Alexander Cockburn pointed out:

• On June 20, an Israeli aircraft fired at least one missile at a car in an attempted extrajudicial assassination attempt. The missile missed the car and killed three Palestinian children and wounded 15.

• One June 13, 2005 Israeli aircraft fired missiles at a

van in another extrajudicial assassination attempt, nine innocent Palestinians were killed and

• Israel shelled a beach in Beit Lahiya on June 9, 2006, killing eight civilians and injuring 32.

FAIR says, "While Hezbollah's capture of two Israeli soldiers may have reignited the smoldering conflict, the Israeli air campaign that followed was not a spontaneous reaction to aggression but a well-planned operation that was years in the making."

"Of all of Israel's wars since 1984, this was the one for which Israel was most prepared," Gerald Steinberg, a political science professor at Israel's Bar-Ilan University, told the San Francisco Chronicle (7/21/05). By 2004, the military campaigned scheduled to last about three weeks that we're seeing now had already been blocked out and, in the last year or two, it's been simulated and rehearsed across the board."

FAIR posed a sobering question: If journalists have been told by Israel for more than a year that a war was coming, why are they all pretending that it all started on July 12?

That's a good question. I wish we had some good answers.

GEORGE E. CURRY is editor-in-chief of the National Newspaper Publishers Association News Service and BlackPressUSA.com. His website is www.georgecurry.com.

More to gas price shock than crude spike

By Jeff Dorn
THE ASSOCIATED PRESS

While U.S. oil companies blame the global oil market for high gasoline prices, a close analysis of pricing suggests it's not so simple: The run-up at the pump also comes from domestic refining, which is largely controlled by Big Oil.

In consultation with several economists, The Associated Press examined pricing trends since 1999, which was the starting bell for the modern era of pricier gasoline. It found evidence that:

• The portion of gas prices tied to refining has ballooned all on its own, apart from oil.

• The suspicion of frustrated drivers is correct: After upward spikes, the price of gasoline drops back more slowly than the price of oil—and someone pockets the difference.

The country's average price for self-serve regular gas climbed to a record high at just over \$3 a gallon in July, according to the Lundberg Survey research firm. The petroleum industry knows that many drivers are steamed about both its record prices and profits.

In a recent television commercial by the industry's American Petroleum Institute, a driver wonders

"why world demand for crude oil determines what I pay at the pump." The industry wants Americans to know that the price of gas tracks the price of its chief ingredient, crude oil. Why? Oil prices are set on a world market, often beyond direct control of American petroleum companies.

The group has a point. Crude oil does account for just under half the price of gasoline, the government says. And oil prices are subject partly to supply decisions of foreign oil powers and stiff demand in Europe and Asia.

However, many Americans remain dubious, even contemptuous, of industry claims.

"It's a bunch of bull. It's just to cover their behinds," said Fernando Reas, of Hartford, Conn., who was saving on gas this summer by vacationing nearer home at a trailer park at Falmouth, Mass., on Cape Cod.

Consumers like Reas are right, at least, to suspect there's more to the story.

A big chunk of gas prices—almost a fifth—pays refiners who make gasoline from oil, and America's refineries have been hiking their prices, too.

Charges of refineries can be detected in what's known as their "margin"—the difference between what they pay for

crude oil and what they collect for the gas they refine. Service station costs and taxes add to the final retail price of gas.

In a competitive market, when raw material gets more expensive, margins typically shrink, economists say. Not so in the oil business these days. Refiners have somehow managed to fatten their margins through years of rising oil costs.

Since 1999, their average margin has jumped by 85 percent, reaching 43 cents for June, according to AP's analysis of daily data from the New York Mercantile Exchange. That margin increased by just 20 percent in the seven preceding years.

Rayola Dougher, who oversees market issues for the American Petroleum Institute, says today's margins are helping refiners bounce back from leaner times of the 1990s. "They're still as a sector struggling, but certainly the last few years have been looking good," she acknowledges.

Refining groups say they are doing their best to bolster supplies, which would ease price pressure. The industry has announced plans to expand domestic refining capacity by at least 8 percent in the next several years.

In fairness, the margin rise

hasn't been all gravy for refiners. Refining costs have escalated from environmental mandates, such as special gas blends mandated in particular places. Wild price fluctuations have added risk—and thus financing cost—to business projects. Last summer's hurricanes also temporarily took out some operations.

But refining margins also reflect profit. Some economists and consumer advocates suspect that refiners have intentionally bottled up supply to buoy prices, margins and ultimately profits.

A 2002 congressional study found some evidence it happens, but that doesn't necessarily mean refiners huddled in a back room somewhere, hatching conspiracies. They don't need to. They can each simply decide to crimp output or hoard supply. Such margin goosing is a permissible bid "to maximize their profits," federal trade investigators said in a 2001 report.

"It's simple economics," says Severin Borenstein, director of the University of California Energy Institute. "They understand that putting more supply on the market drives the price down."

JEFF DORN covers the economy for The Associated Press.