

Together in Black and Brown

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African-American News&Issues

DALLAS- Steps are being made to fulfill the monumental task of Dr. Martin Luther King Jr.'s vision of unity and the dreams of many who still sing, "We Shall Overcome." The coming together in Black and Brown to discuss issues affecting Black and Hispanic groups is the beginning of understanding and a vital key many hope will lead to solving chronic problems affecting both communities. One of the greatest problems facing African American and Hispanic communities and the focus of the meetings is how to help the formerly incarcerated and those coming home from prison and reentering the community.

Members of the Congressional Black and Hispanic Caucuses, the national arms of LULAC, NAACP, Community Resource One Stop Systems (CROSS) Re-entry Program, Homeward Bound-Second Chance Education & Development, and Proactive Approaches to Community Supervision (PACS) have all come together to produce and support the National Black-Brown Summit on Re-entry and Recidivism. The meetings featured national and local figures including Illinois Congressman Danny K. Davis, LULAC National President Rosa Rosales; Interim President and Chief Executive Office for the National Association for the Advancement of Colored People (NAACP) Dennis Courtland Hayes; Mark Earley, President and CEO of Prison Fellowship Ministry; and Bishop Thomas L. Hoyt Jr. of the C.M.E. Church; and Dallas County District Attorney Craig Watkins. All are actively involved in changing the stereotypes and tide of negativity surrounding the formerly incarcerated.

Leaders believe the national summit is a beginning that brings together both African American and Hispanic leaders together in a united effort to jointly and positively affect the negative impact recidivism has in their community and its devastating effects on innocent victims of crime. It is especially important because of the statistics that reveal that the repeat crime rate and road back to the penitentiary is traveled by more African Americans and Hispanics when compared to Whites. One leading initiative, serving as a blueprint for change, is the Second Chance Act led by Davis.

He introduced the 2nd Chance Act, which is designed to rehabilitate and to prepare ex-offend-

ers for a healthy and positive reentry into normal society once they are released from correctional facilities and institutions and to reduce recidivism. "These men and women deserve a second chance.

Their families, spouses and children, deserve a second chance and their communities deserve a second chance," he said recently. "A second chance means an opportunity to turn a life around... a chance to break the grip of a drug habit. A chance to support a family, to pay taxes, to be self-sufficient."

According to Davis, the Second Chance Act will provide transitional assistance to assist ex-offenders in coping with the challenges of reentry and reduce recidivism. Locally, Dallas County District Attorney Craig Watkins promised to be tough on murderers and rapists but focus on rehabilitation programs for lesser offenders. Watkins is the county's first Black district attorney and is now working on fulfilling a similar goal with his plans for "correcting" or "fixing" defendants for the greater good of the community.

Much of that repeat criminal behavior is linked to the failure of society to give the formerly incarcerated a fair second chance at rebuilding a formerly broken life. The brick walls and closed doors associated with that, discourages formerly incarcerated men and women leading them to look back and return to a life of crime. The importance of the summit is highlighted by a quick glance at the current U.S. Census.

In 2000, there were 282,125,000 Americans, 228,548,000 White, 35,818,000 Black, 35,622,000 Hispanic. That translates into a 31% general minority (Black-Hispanic) population and 69% for the general majority (White) population. The numbers for the criminal justice system are a complete opposite of the general population.

Blacks and Browns make up 66% of those in the criminal justice system while Whites account for 33%. One third of all correction departments provide no services to released offenders, and most departments do not offer a transitional program, placing a heavy burden on families and communities. Considering the cost of incarceration (as much as \$40,000 per year) and all the social and economic costs of crime to the community, it's just common sense to act to help ex-offenders successfully reenter their communities and reduce recidivism.

Currently, many leave prison to return to the same environment where their first offenses started.

Adding to this problem is the fact that many return home often facing additional barriers to reentry such as: serious physical and mental health problems, no place to stay and lack of education or qualifications to hold a job. As a result, two out of three will be rearrested for new crimes within the first three years after their release.

The startling and disproportionate statistics are the reasons for the summit and the birth of the Second Chance Act. Blacks and Hispanics share many similarities in their communities including out of control crime that negatively impacts children, schools, property and other valuable assets in those communities. The summit also addressed topics that included gang intervention, housing issues, family and mentoring programs, civil rights and education challenges faced by the formerly incarcerated.

"Unless Blacks and Browns come together to jointly work on the serious issue of crime in their communities, crime rates will continue to rise and lower the quality of life for all law abiding citizens," one spokesman said in a special release. "African American and Hispanic communities must address this crime element in their own communities and provide job training and other support services, to these returning offenders, with empathy on cultural difference and awareness between Hispanic and African Americans." The National Black-Brown Summit on Re-entry & Recidivism is historic because its focus is on getting to the root of the problem and finding working solutions and helping the men and women in the judicial system, law enforcement and counseling circles understand the challenges for the formerly incarcerated.

Blacks and Browns are being used as a commodity to feed a multi-billion dollar criminal justice industry. Leaders believe more effort is needed to address that fact while also reviewing determinant sentencing, drug treatment, education, vocational training, employment, housing, medical, mental health options which are key factors that must be addressed to impact re-entry and recidivism rates in this country. Black and Brown unity is essential to the healthy development and economic and political survival of both groups.

Opening lines of communications and making joint commitments to make an impact on both communities is not only a fresh start, but also a giant step in the right direction. ✪



The campaign to halt the execution of Kenneth Foster is seen here at the Carver Cultural Center at a recent rally.

Class prejudice may play a role in Foster's execution

MARIO SALAS
African-American News&Issues

SAN ANTONIO- An emergency rally to halt the execution of a 30-year-old man named Kenneth Foster was recently held at the Carver Cultural Center. The only crime Foster seems to be guilty of is being at the wrong place and with the wrong crowd. This case speaks volumes about why we should keep up with our teenagers whereabouts.

According to the Free Kenneth Foster website, On August 15, 1996, Foster was arrested with three others for an alleged participation in a robbery and slaying of Michael LaHood. On May 5, 1997, Foster was convicted of capital murder and sentenced to die by lethal injection. He is scheduled to be put to death, on Thursday, August 30, 2007 barring any last minute moves by the Governor.

Evidence shows that Foster's guilt mainly came down to just being at the scene of the crime, for he was not the shooter. In 1996, Foster was driving around with two other men, Dwayne Dillard and Julius Steen. According to the campaign to halt the execution, Steen testified that they were "just goofing off" when they decided to pick up Maurice Brown.

According to court documents, Brown announced that because there was gun in the car, "they ought to 'jack' someone." The group committed several robberies of individuals that day, and all were certainly guilty of robbery. But it appears that only Brown was a killer.

Apparently, by all of the other men's testimonies, Brown decided to rob and kill Michael LaHood without informing the others what he was up to. Before the others in the car knew it, and apparently to prove some twisted form of manhood, Brown jumped from the car and went up to LaHood. Lawyers for Foster say that Foster and the others remained in the vehicle and waited for Brown to return not knowing that he had planned on killing LaHood.

It is hard to believe that Foster and the others did not know that Brown was going to rob someone especially since they had been doing just that all day. But the key is the fact that they had not killed anyone before Brown decided to cut down LaHood. However, no matter how you slice it, Foster did not pull the trigger.

Justice would be served if Foster's sentence would be commuted to prison time. Apparently, when Brown returned to the car, Foster and the others discovered that Brown had fatally shot LaHood. Susan Reed, the Bexar County DA, who prosecuted the case, has apparently dismissed later testimony and the possibility that Foster was unaware that Brown was going to

rob and kill LaHood.

Reed lays a legal claim upon Foster, in that under Texas law, even though he did not actually pull the trigger he is considered guilty of murder. Reed is quoted as saying, "He was guilty. He was driving that car, he helped set that up, he was reaping the rewards. It was all of them working together on it." Reed used the controversial "Law of Parties" to get a death sentence for Foster and Brown. Brown has already been executed.

The DA chose to tie the cases of the driver (Foster) and Brown together. Politics is always at work in criminal cases especially when the victim was the member of a prominent family and the alleged guilty party is of a "lower class." The Foster case was class prejudice at its best and the news media played the game with the rest. "It was on the news every day," attorney Cornelius Cox was quoted as saying. Michael LaHood Sr., a well-known attorney, and his son Michael were known in court house circles. Importantly, one of the convicted men has said that he was "pressured by the prosecutors to give the trial testimony and has signed an affidavit clarifying that he did not intend to imply that Foster was aware of what Brown was about to do." Brown, the actual killer, testified that Foster and the others did not know what he had planned on doing.

Federal District Judge Royce L. Furgerson, of San Antonio, overturned Foster's death sentence in 2005, saying: "There was no evidence before Foster's sentencing jury which would have supported a finding that Foster either actually killed LaHood or that Foster intended to kill LaHood or another person. Therein lays the fundamental constitutional defect in Foster's sentence Therefore, Foster's death sentence is not supported by the necessary factual finding mandated [by the U.S. Supreme Court] and, for that reason, cannot withstand Eighth Amendment scrutiny." The 5th U.S. Circuit Court of Appeals overturned Furgerson's decision. Last year the U.S. Supreme Court did not review Foster's appeal.

A request for commutation have been filed by attorneys in an effort to save Foster's life. His supporters have initiated a petition campaign to the governor and the pardons and paroles board, and they have held rallies across the state. Foster seemed very honest when he said, "I've never tried to portray myself as an angel," as he was quoted as saying from death row. "I take responsibility. I was a follower. I was a fool for being there." The "Law of Parties" should be reviewed by a future Supreme Court to test its constitutionality. The death sentence may eventually be declared unconstitutional again with a change in the Supreme Court. ✪



Bishop T. Hoyt, Jr.



Rosa Rosales



Craig Watkins



Mark Earley

NAACP leaders not satisfied with answers from DISD

DALLAS- In a meeting between NAACP leaders and Dallas Independent School District Superintendent Michael Hinojosa, Black leaders got the run around on their questions to the superintendent about the educational plight of Black children and equity with respect to hiring and maintaining more Blacks in administrative and leadership positions.

Hinojosa failed to address the district's policies that have not been adequate in terms of closing the achievement gaps between Blacks and now both their White and Hispanic counterparts and failed to address any plans to remedy the disparities. The superintendent was also moot on the failure of hiring more qualified Blacks to counseling jobs and other positions just because they did not speak Spanish. ✪



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