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September 10 2015 19:32

Table of contents

| | |
|---|---|
| 1. Judge Assails High Court Again Law: 9th Circuit's Reinhardt says justices do not care about minorities. He says the federal system stands `as a symbol of white power.'..... | 1 |
|---|---|

Judge Assails High Court Again Law: 9th Circuit's Reinhardt says justices do not care about minorities. He says the federal system stands `as a symbol of white power.'

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Abstract (Abstract): "It was the United States Supreme Court that acted to end segregation in this country when neither the executive nor legislative branch had the will or the courage to do what common sense and the Constitution demanded. . . . The federal courts, led by Chief Justice Earl Warren, expanded the rights of all citizens, helped transform this nation into a land in which African-Americans for the first time were afforded the full rights of citizenship, a land in which our Constitution flourished," [Stephen Reinhardt] said.

In April, Reinhardt was one of 10 9th Circuit judges who tried to stay the execution of murderer Robert Alton Harris. After the Supreme Court knocked out four stays and permitted the execution to proceed, Reinhardt, in an address at Yale Law School, lambasted the high court for denying Harris his constitutional rights.

In his San Francisco speech Saturday, Reinhardt said there were several other factors that undermined the faith of minorities in the judicial system, including the fact that sentences involving crack cocaine, a substance used primarily by minorities, are considerably stiffer than the sentences for powder cocaine, "a favorite of wealthy Caucasians."

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Full text: Federal Appellate Judge Stephen Reinhardt attacked the U.S. Supreme Court for the second time in a month Saturday, declaring that the court has shown it no longer cares about the needs and concerns of minorities and consequently has sowed disrespect for the law.

"The message the new Supreme Court has delivered to the minority communities is clear: We no longer care. . . . Look elsewhere for help," Reinhardt said in a graduation speech at Golden Gate University Law School in San Francisco.

The nation's federal courts have become "a bastion of white America," Reinhardt said. "They stand as a symbol of white power."

The judge linked the recent rioting in Los Angeles to a growing disrespect for the law, and said that the Supreme Court under Chief Justice William H. Rehnquist has helped engender that lack of respect. He noted a recent poll showing that 84% of African-Americans believe that they do not receive fair or equal treatment in U.S. courts. The poll was taken shortly after the verdicts in the Rodney G. King beating case.

"What is most disturbing about this distrust of the judicial system is that only a few years ago it was the federal courts-and particularly the Supreme Court of the United States-that offered the greatest hope to our minorities," the judge said.

"It was the United States Supreme Court that acted to end segregation in this country when neither the executive nor legislative branch had the will or the courage to do what common sense and the Constitution demanded. . . . The federal courts, led by Chief Justice Earl Warren, expanded the rights of all citizens, helped transform this nation into a land in which African-Americans for the first time were afforded the full rights of citizenship, a land in which our Constitution flourished," Reinhardt said.

"All that has changed. A judicial revolution has occurred-a revolution that will not be easily reversed."

He cited a series of recent Supreme Court decisions that made it more difficult for minorities to win discrimination suits or protect other rights.

"With the Rehnquist court in full sway," minorities no longer believe that the law is on their side, Reinhardt said.

"Their current belief leads only to despair-and to disrespect for the law."

Reinhardt also said Presidents Ronald Reagan and Bush, through their appointments of federal judges during the past 11 years, have ensured that the federal courts will not be representative, reversing a trend of judicial integration started by President Jimmy Carter.

He noted that when Carter took office in 1977, there were only two black federal appellate judges. Carter named nine blacks to federal appeals courts among the 56 appointments he made during his one term.

Reagan reversed that course. Of his 83 federal appeals court appointments, Reagan found "only one black he deemed worthy," Reinhardt said.

"George Bush, with 32 appointments thus far, has also been able to locate only one African-American he thought qualified to serve-in his case, guess who-Clarence Thomas," Reinhardt said, referring to the high court's newest justice, who was barely confirmed by the U.S. Senate last year after a bitter battle.

The 61-year-old judge said the growing distrust of the legal system has clear practical consequences.

"Respect for the courts is essential to the survival of a peaceful and democratic society. Without that respect only brute force can command obedience. Practically, we cannot, in this nation, enforce law by might. There are simply not enough policemen, not enough National Guardsmen, not enough regular troops to perform the job adequately."

Reinhardt was appointed to the U.S. 9th Circuit Court of Appeals in Los Angeles by Carter in 1980. He had been a prominent labor lawyer, Democratic party activist, an adviser to Mayor Tom Bradley and president of the Los Angeles Police Commission. He is generally considered one of the most liberal federal appellate judges in the country and one of the most outspoken.

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He added: "While the large majority of African-Americans are strongly opposed to criminal conduct of any kind, they know that most of the minority youth who turn to crime have never had the opportunities or the advantages enjoyed by the average white American."

Referring to the recent upheaval in Los Angeles, Reinhardt said he fears that the twin dangers of poverty and racism will destroy America. "We have been shown a glimpse of the future-of events to come-riots, racial hatred, armed warfare and the military occupation of our cities."

Reinhardt told the graduates that the nation is presented with a stark choice-to prevent "the ugly dissolution of our society," or to "await the inevitable-the separation by race of our people into armed camps."

Reinhardt said he did not mean to suggest that the courts were the principal cause of all the nation's problems or the recent Los Angeles uprising.

But, he said, although lawyers cannot remedy the problems of racism and poverty by themselves, they can alleviate those problems by speaking out against injustices, insisting that laws be administered fairly and filing lawsuits.

"You must remember at all times," he told the young lawyers, "that you are part of a profession with a particular responsibility, a responsibility to see that fairness and justice (are) done, that equal treatment under law prevails. You more than anyone can ensure that young African-Americans have reason to regain confidence in our legal system, in our laws, our courts and our judges."

Illustration

PHOTO: Judge Stephen Reinhardt / Associated Press

Publication title: Los Angeles Times (pre-1997 Fulltext)

Pages: 3

Number of pages: 0

Publication year: 1992

Publication date: May 17, 1992

Year: 1992

Section: PART-A; Metro Desk

Publisher: Tribune Publishing Company LLC

Place of publication: Los Angeles, Calif.

Country of publication: United States

Publication subject: General Interest Periodicals--United States

ISSN: 04583035

Source type: Newspapers

Language of publication: English

Document type: NEWSPAPER

ProQuest document ID: 281669181

Document URL: <http://search.proquest.com/docview/281669181?accountid=14509>

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Last updated: 2011-09-28

Database: Los Angeles Times

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