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EDITORIAL

Justice served

Detroit juries bring forth just convictions

There will be no justice in Detroit as long as Malice Green is dead, according to Green's sister.

Green was killed Nov. 5 on a street corner in a poor neighborhood in Detroit. Two policemen were convicted Monday of his murder.

While convicting the policemen cannot bring Green back to life, the juries in the trials of the policemen did their best to make sure justice was served.

An autopsy showed Green died of at least 14 blows to the head, and part of his scalp was torn off. Witnesses said the policemen beat Green with their metal flashlights.

The beating of Green began when he would not show the policemen what he was holding in his hand. It's now believed he was holding either cocaine, keys or a piece of paper.

Even if he were holding cocaine, that alone is not worth killing a man.

While nothing indicated the beating was racially motivated, the racial aspect of the case had raised tensions in Detroit. The policemen are white; Green was black.

One of the policeman's ex-wife said the guilty verdict was used just to pacify the people of Detroit, which is 75 percent black. Before the verdict was handed down, many feared that if the policemen were acquitted, rioting and violence, as what happened in Los Angeles, would occur.

But reports are that Detroit is rather quiet. Possibly the people of Detroit and those around the country realize justice has been served.

The victim's 14 or more head injuries, sustained primarily from policemen's flashlights, show the excessive violence in this country. Society is in a sad and desperate situation when policemen think they can get away with beating a man this severely. Especially when they only believed Green was holding cocaine.

One of the policemen told a Detroit newspaper, "I honestly . . . thought this jury would put aside all the pressures . . . and listen to the facts. But obviously, they didn't."

But the facts were in the gruesome photos of Green's bloody head. While Green's death cannot be reversed, the judicial system has performed its duty with the policemen's conviction.

What's the point?

U.S. forces need tangible goal in Somalia

The 400 additional U.S. troops President Clinton is sending to Somalia this week can serve only one purpose — target practice for Somali warlords.

A defense official quoted by The Associated Press said the troops were being sent to help deal with "the level of violence in Mogadishu" after three separate attacks on U.S. soldiers this month.

The most recent attack came Sunday when a mine exploded beneath a truck carrying American soldiers. None of the six Americans in the truck were injured.

But four Americans have been killed while on duty in Somalia along with at least 35 other U.N. soldiers. In addition, more than 165 others in the multinational force have been wounded there in peace-keeping duty.

There will be 5,600 American soldiers in Somalia after this week. The troops have no clear role or mission other than to hunt down fugitive Somali warlord Mohamed Farrah Aidid, who is being pursued by U.S. and U.N. forces in the country.

President Clinton needs to clearly define the role of U.S. forces in Somalia or remove them from danger. Leaving U.S. forces indefinitely in the country can only lead to more deaths with no tangible results.

EDITORIAL POLICY

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SAM KEPFIELD

Court ruling may breed chaos

Price-winning photos of the week to the contrary, I'm going to go out on a limb here and say the court in the Baby Jessica (alias Anna Schmidt) case probably did the right thing. They applied the law, which clearly allows for a biological father to file for custody within two years of the child's birth. That same body of law also presumes in favor of biological parents in custody disputes.

In the case of Kimberly Mays (or Arlena Twigg, depending on which side you were rooting for), the court may have done the right thing, but it set the legal system up for a challenge to basic assumptions in family law.

What these cases represent is the sorry and inevitable result of advocacy groups in collision. Children's "rights" run up against fathers' "rights," and both jostle against birth parents' "rights." As new "rights" are minted, they are bound to clash and cause trouble for everyone — except the lawyers. In the end, the children end up getting treated as property.

There is a legal maxim that "hard cases make bad law." The DeBoer/Schmidt custody battle and the Mays/Twigg termination proceeding are prime examples. The facts in the Mays case are not likely to repeat themselves with any great frequency.

The facts giving rise to the Baby Jessica fight are more common, though. Private adoptions are a big business in this country as infertile couples seek a quicker way to bring home a baby. As more couples take this avenue, and as more lawyers buy more Porsches and need to make payments, more "rights" will be discovered and more lawsuits scared up.

Why should this be troubling, other than for the seeming injustice of tearing a child away from her psychological parents (and making for a great tear-jerker on the five o'clock news or the morning edition)?



The Schmidts and the Twiggs are the biological parents, and as such under the law they have paramount interests in their children.

The Schmidts and the Twiggs are the biological parents, and as such under the law they have paramount interests in their children. The law protects them because it aims to preserve and promote stability in families by presuming those parents who genetically contribute to a child will be most adamant about its welfare. Absent any gross physical abuse or neglect, or criminal misbehavior such as drug use, courts routinely uphold biological parents' rights against all others.

It's easy to look at the shady background of Dan Schmidt or see Regina Twigg as one step from going off the deep end, and proudly proclaim that they should have nothing to do with their children. The next case, though, might not be so black and white, and therein lies the danger. Not all foster parents are model citizens, and not all biological fathers, lied to by biological mothers, are support-skipping cads.

Are we then to do what conservatives are often accused of: measuring everyone against a culturally stereotyped "ideal" parent (usually those personifications of evil to liberals, Ozzie and Harriet Nelson), with those who do not measure up losing custody? Not everyone can be young, upscale and enlightened. And everyone will admit that no parent is perfect — especially the parents themselves.

The dangerous thing about setting all these precedents, even if they're confined to a small circuit court in Florida, is that we are doing away

with a standard, time-worn and imperfect though it is, and replacing it with chaos. Allowing the "best interests of the child" maxim to rule in place of the presumption in favor of biology is to turn such hearings into battles of experts, consuming ever-increasing amounts of time, energy and money to little avail. Hiring guns can be found to support even the most outrageous proposition.

The question at the heart of this matter is twofold. How much adult-like autonomy should a child receive? Children are not fully-formed adults capable of logical decision-making — as is evident when the subject of drivers licenses comes up. Parents often have to protect children from themselves as well as the outside world.

And, more importantly, should courts do away with the legal presumption in favor of biological parents, further weakening families? Biology is not always destiny, as psychologists will tell you, but it is a good standard to run on in a world increasingly devoid of them. What we saw in the Schmidt and Mays cases was an attempt to whip the public into a self-righteous frenzy, directed at less-than-perfect birth parents, the better to fling away centuries of legal tradition.

Kepfield is a graduate student in history, an alumnus of the UNL College of Law and a Daily Nebraskan columnist.

P.S. Write Back



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