

## COMMENTS

### *ABOLITION OF CAPITAL PUNISHMENT: The Implications of People v. Anderson.*

On February 18, 1972, the California Supreme Court decreed that California was to become the tenth state to outlaw capital punishment. The decision was handed down at a propitious moment, for two reasons.

The first is that today, there is a movement afoot to emasculate the judicial branch of our government. The President himself has been a party to attempts to render the courts useless and ineffective.

The California Supreme Court, one of the best courts in the land, demonstrated, in the case of *People v. Anderson* that our court system remains viable and strong, and will resist incursions by the other two branches of government. The justices delineated, in no uncertain terms, the separate roles of the judiciary and the legislatures in the area of retribution. They wrote:

The Legislature is . . . accorded the broadest discretion possible in enacting penal statutes and in specifying punishment for a crime, but the final judgment as to whether the punishment it decrees exceeds constitutional limits is a judicial function.

It was important, at this time, for a court to flex its muscles. When it chooses to reveal its strength in connection with

an issue like capital punishment, the impact is doubled.

The second reason for the propitiousness of the California decision is that it comes at a moment when the concept of human worth has suffered a devaluation. The Vietnam conflict continues; children's educations are suffering because of their parents' politics; and the violence in the streets, and as reflected in public officials' pronouncements, appears worse than ever.

The California court's decision was an important reaffirmation of human worth and dignity. Indeed, a significant element of the ruling was that capital punishment is out of accord with "contemporary standards of decency." The justices, in their closing statement, noted that, "Our conclusion that the death penalty may no longer be exacted in California . . . is not grounded in sympathy for those who would commit crimes of violence, but in concern for the society that diminishes itself whenever it takes the life of one of its members."

I am hopeful that the United States Supreme Court, which is still deliberating the question of capital punishment, will take note of these two segments of the California judgement.

It is incumbent upon the Supreme Court to show us that it is still alive and well and that human life is still worth something in this country, by declaring capital punishment a violation of the United States Constitution.

HONORABLE LOUIS STOKES

*In Service to the Law Profession*

## LEGAL EDITORS

Well established lawbook publisher offers intellectually challenging jobs to attorneys who have a bent for legal research and writing. (Top half of graduating class from an American university affiliated law school preferred.) Library, writing and legal experience helpful. Outstanding benefits and working environment. Write or call for our brochure, "In Service to Law/Business/Society," and an employment application.

**Tom Levernier**  
**Director of Personnel**  
**Tele. 415 · 986-4410**

**BANCROFT-WHITNEY CO.**  
 301 Brannan Street  
 San Francisco, California 94107



**We Are an Equal Opportunity Employer**

# ***Black Law Journal*** **PRISONERS FUND**

You can help at least one prisoner. The information in the Black Law Journal must reach black prisoners. HELP US. HELP HIM. Each \$10.00 contribution by you will buy one black prisoner a subscription to Volume One of the Journal.

**HELP BLACK PRISONERS SO THAT  
 THEY MIGHT HELP THEMSELVES**


3107 Campbell Hall

UCLA

Los Angeles, Calif. 90024

FEBRUARY 1972 \$1.75

**THE BLACKSCHOLAR**




PAN-AFRICANISM I

COLEMAN  
DU BOIS  
JONES  
NYERERE  
OBATALA  
PASCHAL  
STANFORD  
TAPLIN

MARCH 1972 \$1.75

**THE BLACKSCHOLAR**




BLACK  
PSYCHOLOGY

FORSYTHE  
JONES  
POUSSAINT  
SAUNDERS  
SUNDIATA  
WALTON  
WHITE

APRIL/MAY 1972 \$1.75

**THE BLACKSCHOLAR**




THE BLACK PRISONER

FEATURING  
THE WRITINGS OF  
BLACK PRISONERS

AHMAD AL ASHWADI  
LINDSEY CALDWELL  
ROBERT CHRISMAN  
JAMES COMPTON  
LE ATRIQUE DALE  
ARTHUR J. DAVIES  
ANGELA DAVIS  
FLEETA DRUMGO  
MEL MALLORY  
CLIFFORD ROLLINS  
MICHAEL THOMAS  
WENDELL WADE  
PRESTON WELCH  
MARVIN X.  
YUSUF

DECEMBER 1971 \$1.75

**THE BLACKSCHOLAR**



THE BLACK WOMAN

FEATURING A NEW ESSAY BY  
ANGELA DAVIS

SHIRLEY CHISHOLM  
ROBERT CHRISMAN  
KATHLEEN CLEAVER  
JOHNIEA B. COLE  
ANGELA DAVIS  
JACQUELYNE J. JACKSON  
JOYCE LADNER

# ARE YOU READY?

THE BLACK SCHOLAR is ready for you.

THE BLACK SCHOLAR is the thinking man's journal. In its pages, college intellectuals, brothers from the street, and Movement leaders come to grips with the basic issues of black America.



NATHAN HARE, author of *The Black Anglo-Saxons*, was the first coordinator of black studies program in the U.S.A. Dr. Hare has taught at Howard University and San Francisco State College.

Publisher, NATHAN HARE  
Editor, ROBERT CHRISMAN

Sékou Touré, LeRoi Jones, Bobby Seale, Julian Bond, Max Stanford, Floyd McKissick, Shirley Graham Du Bois, Stokely Carmichael, John O. Killens, C. L. R. James, James Boggs, Robert Williams and a host of young writers have all printed in our pages.

Every issue of THE BLACK SCHOLAR focuses on a subject of major concern to black America today; the black soldier, black studies, the black church, black psychology, black politics, black labor, are a few of our most recent topics.

If you don't get THE BLACK SCHOLAR, you are missing an important black experience.

So get ready. Get THE BLACK SCHOLAR. A year's subscription (\$10 for 10 issues) will provide you with this valuable resource. Subscribe now!

**THE BLACKSCHOLAR**  
Box 908 · Sausalito · Calif. 94965

**RIGHT ON!** Please enroll me as a subscriber.  
Here is my check for \$.....

- 1 yr. \$10.00
- 3 yrs. \$25.00
- 1 yr. \$8.00 (student)

Name .....  
 Street .....  
 City .....  
 State ..... Zip .....