



Minority report: Justice task force confirms disparities

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BY MARGARET REIST / Lincoln Journal Star

Ben Salazar, publisher of Omaha's bilingual newspaper *Nuestro Mundo*, isn't surprised that a comprehensive two-year study shows racial and ethnic disparities in Nebraska's judicial system.

"The results you're indicating are not shocking to me or many people," said Salazar during a Friday news conference on the two-year study. "You're telling us something we've suspected and have known for years."

The findings in the 206-page final report are the result of a comprehensive study by the Minority and Justice Task Force, a group of 40 lawyers, judges, agency directors and members of the public who looked at the Nebraska court system and legal profession. Among the findings:

-- Black Nebraskans are 5.5 times more likely to be arrested than white Nebraskans. Natives in Nebraska are 3.4 times more likely to be arrested than whites. Moreover, blacks and Natives in Nebraska are between 1.2 and 1.8 times more likely to be arrested than those minorities in Colorado, Iowa, Kansas, Missouri, South Dakota and Wyoming.

-- Blacks and Natives are incarcerated at higher rates than whites, but those percentages are not significantly different from the national average or neighboring states. As a group, minorities in Nebraska are 5.8 times more likely to be incarcerated than whites.

-- Minorities are significantly under-represented in the legal and judicial profession, including judges, attorneys and court personnel. For instance, four of Nebraska's 144 judges are minorities. None of the state's court reporters are minorities.

-- Interpreter services are "close to woeful," according to Nebraska Supreme Court Judge John Gerrard, who co-led the task force with Dan Harris, an Omaha attorney. There are six certified interpreters in the state, although noncertified interpreters are used by the courts.

-- The makeup of juries are not reflective of the ethnic diversity in the state. Nebraska Supreme Court Chief Justice Jon Hendry said the report was a "call to action," and Gerrard said the study is only a beginning.

"If there is one institution in this society that should be completely free of bias it must be the courts," Hendry said.

The task force made a series of recommendations, including one that will be acted on immediately: Naming a standing committee to prioritize and implement the report's recommendations.

On Friday, the Nebraska State Bar Association's House of Delegates unanimously accepted the report for review, as the Supreme Court did on Wednesday. The Supreme Court will soon appoint the implementation committee, Hendry said.

Gerrard and Hendry said two findings in the report require immediate action: updating and expanding juror lists to better reflect the ethnic makeup of the state; and improving training and education of interpreters. Judges and lawyers also need to be educated on when to use interpreters.

The study revealed that many jury pools, which are now drawn from driver's licenses and voter registrations, haven't been updated in years despite the influx of minorities into many of Nebraska's communities. The state also should expand the resources from which the jury pool is drawn, Hendry said. For instance, tax rolls, utility customer lists or city directories could be used in addition to voter

