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Tribune photo by E. Jason Wambsgans

An attack left Billy Ray Johnson unable to take care of himself. He now lives in a nursing home.

Old South racism lives in Texas town



By Howard Witt
Tribune senior correspondent

LINDEN, Texas—They picked up Billy Ray Johnson outside a convenience store in this East Texas bayou town, a place where Confederate flags fly in some front yards and a mural of barefoot slaves picking cotton greets patrons inside the local post office.

On a cool September night in 2003, they drove the 42-year-old mentally retarded black man to a cow pasture where a crowd of white youths was having a party. They got Johnson drunk, they made him dance, they jeered at him with racial epithets.

Then, according to court testimony, one of Johnson's assailants punched him in the face, knocking him out cold. They tossed his unconscious body into the back of a pickup and dumped him by the side of a dirt road, on top of a mound of stinging fire ants.

Johnson, who family members say functioned at the level of a 12-year-old before the attack, was in a coma for a week. He suffered a brain hemorrhage that

PLEASE SEE RACISM, PAGE 18

Billy Ray Johnson was beaten and tossed on top of an ant mound. His four white attackers received a slap on the wrist.

Pork greased the way to state budget accord



Tribune photo by Abel Uribe

House Speaker Michael Madigan had last-minute talks with Springfield lawmakers that led to passage of the \$55 billion state budget bill. Democratic lawmakers claim to have gotten promises of millions for technology centers, anti-gang initiatives and schools.

While GOP squeals, Democrat leaders deal

By Ray Long and John Chase
Tribune staff reporters

SPRINGFIELD—As the end of the legislative session drew near, Democrats whose votes were needed to pass the state's

\$55 billion budget knew they had more leverage than ever.

It was time to deal. Sometimes alone, sometimes in groups, Democratic lawmakers huddled with their leaders—Gov. Rod Blagojevich, House Speaker Michael Madigan, Senate President Emil Jones.

One lawmaker wanted a commitment for \$300,000 for a student outreach center. Another

wanted \$75,000 released to pave a library parking lot. Yet others sought \$3 million for an anti-gang initiative.

As the clock ticked down toward Tuesday's 11:34 p.m. adjournment, they got what they wanted.

Republicans, largely cut out of the budget process, made sounds like squealing pigs. "More pork!" they hollered.

Some of the pork-barrel deals were sweeping in their scope, potentially worth hundreds of millions of dollars.

In high-level budget talks, Blagojevich quietly made a commitment to pay for pork-barrel projects first approved by Gov. George Ryan, a Republican, and frozen when Blagojev-

PLEASE SEE PORK, PAGE 17

GIs in Afghanistan wage 'forgotten' war

Troops battle tedium, but peril still lurks

By Kim Barker
Tribune foreign correspondent

NEAR ORGUN, Afghanistan — Sgt. Ben Crowley looks through the scope of his rifle at the suspicious white bag lying in the middle of the dusty road. He sees no wires poking out, nothing that screams bomb. He moves closer, his gun pointed at the bag. Four vehicles, filled with U.S. and Afghan soldiers, wait behind him.

But no one is nervous. The bag is what it seems—full of dirt and gravel and nothing else. It is a typical moment in a typical

day near a typical base in the middle of nowhere, Afghanistan. Little happens throughout this day. No bombs, no rockets, no gunfire. Just hordes of children demanding chocolate and pens.

Crowley walks back to his Humvee, which will break down within the hour, the third time in a week. As usual, his rifle has no bullet in the chamber. He is not locked and loaded. Crowley does not see the point, because most attacks here involve roadside bombs, not guerrilla ambushes.

"Iraq is like a war," said Crowley, 28, of Greensboro, N.C. "This is like a summer camp."

Sometimes war is not hell. It

PLEASE SEE AFGHAN, PAGE 19

Targeting marijuana saps anti-drug effort, critics say

By Stevenson Swanson
Tribune national correspondent

NEW YORK—A new government anti-marijuana campaign has reignited a long-smoldering debate over how dangerous the most widely used illegal drug in America really is and whether it should be the central focus of the nation's war on drugs.

Headlined "Marijuana and your teen's mental health," an advertisement appearing in newspapers and magazines nationwide cites scientific studies in the last seven years that have found that regular use of marijuana in the teenage years can put users at risk of depres-

sion, suicidal impulses and schizophrenia later in life.

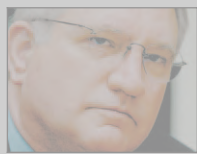
"Still think marijuana's no big deal?" the ad asks parents.

Yes, responds one leading advocate of decriminalizing marijuana.

"If you want to focus on problem drugs in the U.S., marijuana is the last drug you would focus on," said Ethan Nadelmann, executive director of the Drug Policy Alliance, which favors treating marijuana like alcohol: a legal product that is regulated, taxed and illegal for minors to use.

"We have methamphetamine

PLEASE SEE MARIJUANA, PAGE 12



Drug czar John Walters started ad campaign.



Tribune photo by Milbert O. Brown

Arthur Palos and magician Mike Walton enjoy a card trick in the boy's hospital room. Walton entertains hundreds of children in hospitals—and week after week, Arthur was on his list.

Nothing up sleeve but friendship

Card tricks conjure a special bond between a visiting magician and a sick teenager

By Kevin Pang
Tribune staff reporter

A wire snakes from the EKG monitor, swoops past the rolling cart with the chocolate milk and orange wedges, up

the bed, past the pink teddy bear and around Sarah's thumb.

Inside Room 504 at Rush Children's Hospital, the EKG monitor blips. Sarah's heart is beating normally, 88 times a minute.

"Hi, I'm Mike, the hospital magician. Would you like to see some close-up magic?"

Sure, Sarah says. She's 11, with sandy-blond hair and wire-rimmed glasses.

The heart monitor puls-

es—88, 88, 89.

Mike Walton hands her the four of hearts and asks her to hold the playing card between her palms. Walton is holding the jack of spades. Slowly, he waves his card in tiny circles—87.

Sarah turns over her card: the jack of spades. Walton is now holding her four of hearts.

"What the . . .," Sarah says.

PLEASE SEE MAGIC, PAGE 14

INSIDE

WORLD

Bush's UN pick linked to firing

John Bolton accused of orchestrating ouster of global arms-control agency chief. **PAGE 2**

METRO

U. of C. library to speak volumes

When completed in 2009, the school's research library will be the largest under one roof in the U.S.

SECTION 4

Emmett Till laid to rest

The teen slain 50 years ago is reburied Saturday in Alsip after an autopsy.

SECTION 4

Weather: T-storms; high 90, low 67. COMPLETE INDEX, PAGE 2.

Online at chicagotribune.com





Tribune photos by E. Jason Wambsgans

Lue Wilson, Billy Ray Johnson's cousin and legal guardian, stands at the site in Linden, Texas, where his mentally disabled cousin was left by his attackers in September 2003.

RACISM: The FBI said attack wasn't based on race

CONTINUED FROM PAGE 1

slurred his speech, weakened his legs and deprived him of his ability to take care of himself. His body was covered with hundreds of painful ant bites.

Today he lives on public assistance, confined to a nursing home in nearby Texarkana, where his family fears he will have to remain for the rest of his life.

The four young white men convicted of various charges in the incident are confined in the county jail, but not for long. A judge last month sentenced three of the four to terms of 30 days in jail, and the fourth to 60 days.

Even that, however, was more than the jurors who heard two of the cases thought appropriate: They acquitted the defendants of the most serious charges and recommended no jail time at all.

To many African-Americans in Linden, the impoverished county seat of Cass County hard by the Arkansas and Louisiana borders, what happened to Johnson was nothing less than a hate crime, frighteningly reminiscent of the worst racial attacks in the Old South.

"There's people down here doing things to dogs, and they get more than a year in prison," said Lue Wilson, 58, Johnson's cousin and legal guardian. "You'll never get a jury in Cass County to convict a white man for doing something to a black man."

But to many whites here, the incident was simply a story of some "good ole boys" drinking too much and getting out of hand.

"It was a very unfortunate and senseless thing," said Wilford Penny, 73, who last month completed a 6-year term as Linden's mayor. "But I don't think there was anything racial about it. These guys were drinking, and this guy [Johnson] liked to dance. I'm not surprised when they get to drinking and use the n-word. The black boy was somewhere he shouldn't have been, although they brought him out there."

Built on backs of slaves

History weighs heavily on this town founded in the mid-1850s whose long-ago agricultural prosperity was built on the backs of slaves floated up the nearby Red River from Shreveport and New Orleans.

The slave mural in the post office lobby was painted in the 1930s by Victor Arnautoff, a renowned artist of the social realism school, and despite periodic protests from black customers, postal officials say they have no plans to remove it.

Today the word "boy" still falls easily from the lips of some whites when they are referring to African-American men, an indignity that Wilson, a Vietnam veteran and retired steelworker,



A mural of barefoot slaves picking cotton that was painted in the 1930s by Victor Arnautoff greets patrons inside the Linden, Texas, post office. Despite periodic protests from black customers, postal officials say they have no plans to remove it.



John Wesley Owens (from left), Dallas Chadwick Stone, James Cory Hicks and Christopher Colt Amox got 30 days to 60 days in jail. The outcome has outraged civil rights officials.

said he long ago grew accustomed to.

And troubling incidents tinged by race still divide Linden's 2,256 residents, one-fifth of them black and four-fifths of them white.

There was the case in 1994 when a black man who had been dating a white woman was found dead from a gunshot to the groin. And another in 2001, when a black man who had been dating a white woman was found hanging from a tree. Local officials ruled the first case a hunting accident and the second a suicide, despite the persistent doubts of family members and civil rights officials.

"There are a few areas in Texas that have kind of bypassed the civil rights era," said Gary Bledsoe, president of the Texas branch of the NAACP. "Linden is one of those. It's an island of the '50s up there."

The Texarkana Gazette, the biggest newspaper in the region, wrote an editorial last month criticizing the light sentences imposed on Johnson's attackers.

"Sad to say," the paper wrote, "most of us agree that if the circumstances were reversed—if four blacks had perpetrated this crime on a white person—things would have turned out differently."

Others, however, see more shades of gray surrounding the Johnson case—and the state of

local race relations.

"I think it's unfair to the county to make it a total black-and-white issue," said Tina Richardson, the assistant district attorney who prosecuted the case and Cass County's only black lawyer. "I know the stigma at this point is that in Cass County it looks like whites are greatly prejudiced against blacks. But you have good and bad no matter what area of the country you're living in."

"There were just as many if not more whites who were displeased at the outcome" of the Johnson case as were content with it, Richardson added.

At the heart of the case

Whether Johnson was victimized because he is black or because he is mentally retarded lies at the heart of the conflicting readings of the case. Witnesses who attended the pasture party on Sept. 27, 2003, gave authorities evidence on both counts.

"Everybody knew [Johnson] was mentally challenged, that he wasn't quite right," said one 23-year-old white resident of Linden who attended the party but spoke on the condition that he not be identified. "He was having a good time, drinking. Then they started making fun of him a little bit, making him dance. It was kind of to have someone to amuse them, to make a monkey out of him."

At one point during the party,

Richardson said trial testimony showed, Johnson was directed to stick his hand into a bonfire to remove a burning log—evidence that he was being baited because of his mental disabilities.

But many other witnesses reported that Johnson was also subjected to "a lot of racial slurs," Richardson said.

"It was the n-word," she said, "and there were references made concerning the Ku Klux Klan, asking [Johnson] what he would do if the KKK had come out that night."

As the party wound down after midnight, evidence showed, Christopher Colt Amox, who was 20 at the time, punched Johnson in the mouth, toppling him to the ground. As Johnson lay unconscious, vomiting and gagging, Amox and three other young men—James Cory Hicks, then 24; Dallas Chadwick Stone, then 18; and John Wesley Owens, then 19—debated whether to call an ambulance, authorities said. Instead, they loaded Johnson into a pickup truck and drove him 2 miles down a little-used dirt road, tossing him next to a public dump, on top of the nest of fire ants.

Several hours later, Hicks, who at the time worked as a guard at the Cass County Jail, returned to the scene and called the local sheriff to report that he had found "a man passed out on the ground."

The FBI and local law-enforce-

ment officials investigated the case, and all came to the conclusion that what happened to Johnson was a crime based on his mental incapacity, not his race. Thus no state or federal hate crimes or civil rights charges were lodged.

'Mean-spirited and cruel'

"This was a bunch of guys who were mean-spirited and cruel, and they abused a black man who was retarded," said Malcolm Bales, chief of the criminal division in the U.S. attorney's office in Marshall, Texas, which covers Cass County. "That's terrible. But it doesn't give rise to a federal civil rights case."

Instead, the four attackers were charged with various counts of aggravated assault and injury to a disabled person by omission that could have sent them to prison for up to 10 years. Stone and Owens pleaded guilty to the injury by omission charges and agreed to testify against Amox and Hicks, who opted for jury trials.

The jurors in those cases, three of whom were black, acquitted Amox and Hicks of aggravated assault. Amox was convicted of misdemeanor assault, and Hicks was convicted of injury to a disabled person by omission.



In Linden, many blacks say what happened to Johnson is a hate crime. Many whites say it was drunk youths getting out of hand.

Both juries recommended suspended sentences and probation as punishment. But District Judge Ralph Burgess, using his authority to impose additional jail time, last month sentenced Owens, Stone and Amox to 30 days in jail, and sentenced Hicks to 60 days.

"They were trying to make it out to be like a felony, like they beat him up, and he [Amox] hit him one time," said Michael Spencer, the jury foreman in the Amox trial. "It wasn't like they sat there and kicked him and beat him."

"This wasn't just something where we're all biased and we were going to let these good ole boys go," Spencer added. "But the guy had a job, and we didn't feel he will be any more menace to society. ... We didn't deem it necessary to put him in the county jail for a year."

Family plans civil claims

But the outcome of the case and the refusal of the authorities to press hate crimes charges against Johnson's attackers have outraged civil rights officials. Johnson's family is planning to file civil claims against the four men, and the NAACP is pressing state and federal officials to assign a special prosecutor to take another look at filing additional charges.

"There's absolutely no question this was a racial case," said the NAACP's Bledsoe. "A bunch of folks got drunk and just happened to have a person of another race do bug dancing and ridicule him. It clearly should have been charged as a hate crime."

Most of the defendants' families declined requests for interviews about the case. But Martha Howell, Hicks' mother, said her son never touched Johnson and didn't deserve to be punished.

"These boys' names are ruined for life," Howell said. "And [Johnson] is better off today than he's ever been in his life. He roamed the streets, the family never knew where he was. Now in the nursing home he's got someone to take care of him."

That is not how Johnson sees it.

As he sat recently in the cramped, stuffy room he shares with another nursing home patient, idly thumbing some faded photos of old junk cars he'd like someday to restore, Johnson was asked how he's feeling these days.

"I want to go home," he said emphatically, in his only words intelligible to a visitor. "Home." hwitt@tribune.com

NATION

TRIBUNE UPDATE

\$9 million award in beating case

4 were spared harsh sentences for 2003 attack

By Howard Witt
Tribune senior correspondent

HOUSTON—Billy Ray Johnson was not in court Friday when a jury in the small east Texas town of Linden assessed \$9 million in civil damages against the four white men who beat him unconscious and left him for dead beside a garbage dump.

Instead, the 46-year-old mentally retarded black man was in the Texarkana nursing home where he has been confined since shortly after the September 2003 attack that left him with permanent brain damage and barely able to walk or speak. His attorneys doubt he will even be able to comprehend much about the jury's award, which will be placed in trust to cover his future medical needs.

But civil rights leaders say the verdict represents an overdue measure of justice in a case that provoked national outrage after a June 2005 Tribune story detailed how Johnson's assailants escaped serious punishment for the crime.

Evidence showed that Johnson's attackers lured him to a party in a cow pasture, made him dance and subjected him to racial insults, knocked him unconscious and then dropped him at a remote trash dump, after which they drove to a car wash to clean Johnson's blood and vomit from the back of a pickup truck.

Despite the severity of the attack, which looked to many black residents of Linden like a blatant hate crime, two of Johnson's assailants were cleared by local juries of felony charges and instead convicted of misde-



Billy Ray Johnson, shown in 2005, has lived in a Texarkana, Texas, nursing home since he was beaten unconscious in 2003. None of his four attackers served more than 60 days in prison.



Johnson's attackers, from left: Owens, Stone, Hicks and Amox.

meanors. The other two pleaded guilty to misdemeanors, and none of the attackers served more than 60 days in jail.

But the 12 jurors in the civil case, which was brought on Johnson's behalf by the Southern Poverty Law Center as a result of the Tribune story, needed

only three hours Friday to decide unanimously that the assault on Johnson merited more punishment.

Eleven whites and one black juror ordered two of the assailants, James Cory Hicks, 28, and Christopher Colt Amox, 24, to each pay Johnson \$3.6 million

for assault, negligence and the pain and suffering they caused him. Two other assailants, Dallas Chadwick Stone, 21, and John Wesley Owens, 22, were held liable for a total of \$1.8 million, but because each had agreed to settle their cases for undisclosed amounts before the trial began Tuesday, they will not be required to pay their portions of the jury award.

"The jurors came out and said they wanted to send a loud and clear message to all of Texas and all the country that no one deserved to be treated like Billy Ray Johnson was treated," said Richard Cohen, president of the Southern Poverty Law Center, based in Montgomery, Ala.

"Just hearing the jurors talk about that after the trial is the kind of thing that truly restores your faith in justice."

Added Morris Dees, co-founder of the law center and chief counsel in the lawsuit: "It was important to have a good morality play here about what happened in this case. Billy Ray Johnson finally got his day in court."

Whether Johnson, who functioned at the level of a 12-year-old before the attack, will ever receive significant payments from Amox and Hicks is unclear, as both men indicated in court that they had few assets. But Dees said the settlements with Owens and Stone, to be paid by their families' insurance companies, will be enough to enhance the care Johnson now receives as a Medicaid nursing home patient.

And the Southern Poverty Law Center, which has successfully sued—and bankrupted—a number of neo-Nazi and Ku Klux Klan groups in the past, is known for its relentless pursuit of damages.

"We are going to pursue all of the collection means that we can," Cohen said. "There are many cases where we have pursued defendants for 20 years."

Amox and Hicks declined to comment after the verdict. Owens and Stone could not be reached. Hicks, who acted as his own attorney, showed no remorse during the four-day trial.

His mother, Martha Howell, reflected the attitudes of many white residents of Linden when interviewed about the case in 2005.

"These boys' names are ruined for life," Howell said of her son and the other assailants. "And [Johnson] is better off today than he's ever been in his life. He roamed the streets, the family never knew where he was. Now in the nursing home he's got someone to take care of him."

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Political odds still against Gonzales

By David Espo
Associated Press

WASHINGTON — Desperate for support among fellow Republicans, Atty. Gen. Alberto Gonzales faced grim prospects Friday, a day after a Senate hearing that produced one outright call for his resignation and a fistful of invitations and hints to quit.

One GOP member of the Senate Judiciary Committee, John Cornyn of Texas, predicted Gonzales would weather the furor over the firings of eight federal prosecutors.

Alone among the nine Republicans on the committee, Sen. Tom Coburn of Oklahoma called for the attorney general to resign.

Gonzales gave no indication Friday that he was leaving. "Please know that as you continue your work, I am by your side," he told an audience of crime victims' rights supporters.

He also called several GOP senators, including Cornyn and Arlen Specter of Pennsylvania, the top Republican on the Judiciary Committee, an aide said. During their brief phone conversation, Cornyn told Gonzales that if nothing newly embarrassing comes out, the worst was behind him and he should stay, said Brian Walsh, the senator's press secretary.

White House spokeswoman Dana Perino said President Bush had spoken with Gonzales after Thursday's hearing. "The attorney general continues to have the president's full confidence," she said.

There were fresh calls from Democrats for Gonzales to step down. "The president should restore credibility to the office of the attorney general. Alberto Gonzales must resign," said House Speaker Nancy Pelosi of California.

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