

Leaders rally against Supreme Court discrimination ruling

Decision could push approach to bias cases back to Reagan Era

By Raoul Dennis

Special to Sentinel-Voice

WASHINGTON—The Supreme Court's recent decision to nullify the notion that a policy or practice can have a discriminatory effect and therefore lead to discriminatory results was attacked by analysts interviewed by the NNPA, with one expert saying it was a pure example of how "ideology has taken over the court."

The ruling is "part of a pattern that is an assault on people of color and working families that this court and the federal government is making," explained David Ruffin, the AFL-CIO's deputy director of public affairs.

The court's 5-4 decision effectively eliminates one of the most potent legal weapons used by civil rights activists attempting to reveal institutional racism.

The decision will have widespread affect on other cases and issues related to the 1964 Civil Rights Act, employment and higher education.

The case came from a Mexican-American woman's claim that the Alabama's English-only driver's test had a discriminatory effect on her.

An example of how this ruling would be applied includes the thwarting of environmental justice activists' campaign to show environmental racism. It will now be more difficult to prove that hazardous industrial development placed solely in poor communities or communities of color is discrimination.

A second example would be the continued and strict use of college entrance exams that critics claim are culturally biased.

Ronald Walters, a University of Maryland political scientist and Black Press columnist, said the decision is reminiscent of Reagan era policies.

"You have to have a showing of intention discrimination which is very hard to prove and takes us all the way back to Reagan," Walters says of the ruling. "You have to

damn near have a statement from someone saying, 'I don't like Black people, and I'm going to do my best to mess with them.'"

In a more serious tone, the veteran political observer said he thought the court is using a more ideological approach than the high court embraces traditionally.

"We really are in an era where ideology has taken control of the court—as opposed to the use and study of law and precedent," Walters says. "It's amazing to me the way the Supreme Court is able to reinvent federal law. This is judicial activism at highest because they are reinterpreting federal law and precedent on the flimsiest and most whimsical basis—which really amounts to reinventing the law."

Ramona Edelin, executive director of the Congressional Black Caucus Foundation, suggested the court was being shortsighted.

"From the point of view of the African-American cultural offensive, an equality of results is what we are searching for, not

merely opportunity," said Edelin. "We want to avoid repeating the prophecy that the color line being the problem of the 20th century, might also be the problem of the 21st century. We had succeeded in shifting policy from intent to effect. That is the closest we have been able to get in law in our aspirations for equality in result not just opportunity."

Edelin said she is prepared to work to combat the results through legislation.

"We will want to impress very strongly upon the Congress that we want this to be clarified in law so that this (decision) is overridden in law," she said. "So that individuals and class actions suits can be successful."

Walters also says the public must be prepared to take the court to task.

"The court does respond to public pressure—even though people sometimes believe they don't. But right now the court perceives that we are in an era of political conservatism."

Abortion

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women. He will nominate an anti-choice zealot to lead the assault on Roe v. Wade," Nadler said.

Activists are disturbed by Bush's swift reimposition of the so-called global gag rule, which bans U.S. funding of any international health organizations that inform pregnant women about the option of legal abortion or legally lobby their governments on the issue—even if the organizations use their own funds for abortion-related activities.

Appointment of Anti-Choice Ashcroft Fuels Anxiety About Bush Agenda

But Ireland said she's been even more alarmed by some of Bush's cabinet appointments.

"To have people like Attorney General John Ashcroft, who not only opposes abortion but also opposes some of the most popular forms of birth control" is a negative message to pro-choice Americans, she said.

Planned Parenthood President Gloria Feldt introduced herself as a "grandmother for choice" and referred marchers to Planned Parenthood's new website ROEvBUSH.com for information about Bush's anti-choice record.

"This is about the young women of today and tomorrow,"

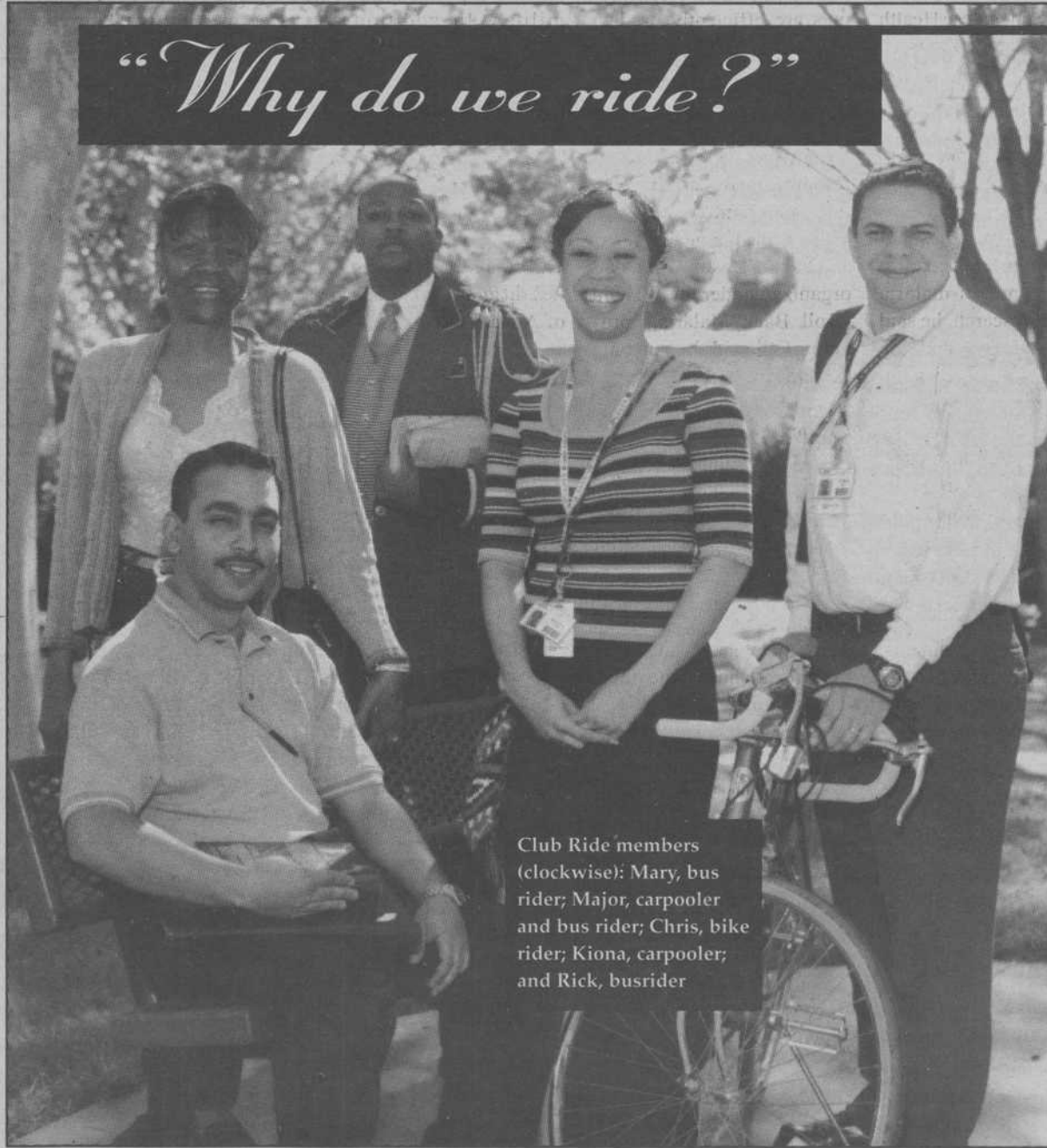
she said.

Indeed, there were numerous signs and T-shirts expressing anger about the outcome of the 2000 presidential election and activists said they want to channel that anger into action to ensure women's right to choose.

Ireland told the crowd that they were sending a message to all the pro-choice Americans who couldn't be at the march.

"There are people all around the country who believe as we do and who will join us," she said.

Sarah Stewart Taylor is a free-lance writer in Washington, D.C., also covering New England.



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