

# Lawyer argues for folks reporting gender bias

WASHINGTON (AP) — A landmark gender equity law should protect people who report complaints of discrimination, the Supreme Court was told Tuesday as it heard arguments in the case of an Alabama coach fired when he protested the unequal treatment of his girls' high school basketball team.

"This is vital to promoting the purposes of the act," said government attorney Irving L. Gornstein, referring to the Title IX law best known for promoting women's athletics.

The Bush administration is supporting the position of the coach, Roderick Jackson, who lost his job in 2001 after repeatedly asking the Birmingham Board of Education to provide his team a regulation-size gym with basketball rims that weren't bent — just like the boys' team had.

Jackson then sued to get his job back permanently along with lost wages under the Title IX law.

At issue is whether Congress intended to allow lawsuits by those who complain of gender bias — even if they are not direct victims — when it passed the 1972 law barring discrimination in any educational program receiving federal funds.

Justices appeared divided along ideological lines, with Ruth Bader Ginsburg and other liberal members expressing concern that barring suits like Jackson's would deter discrimination complaints. Justice Antonin Scalia and his more conservative colleagues suggested Congress never intended that.



Roderick Jackson, a Birmingham, Ala. women's basketball coach, center, talks to his attorneys, Walter Dellinger, left, and Marcia Greenberger, right, outside the Supreme Court on Tuesday after a hearing on Title IX, the law promoting equality in women's athletics.

Kenneth L. Thomas, a lawyer representing the Birmingham school board, argued that the word 'retaliation' is never mentioned in the statute. To allow whistleblowers, regardless of their sex, to sue would open school districts to a wave of lawsuits that lawmakers never intended.

"Don't we have to consider congressional intent?" he asked.

Marcia Greenberger, Jackson's attorney, said on ABC's "Good Morning America"

that he was trying to protect the rights of the girls to equal treatment with boys and should not have been punished for speaking out.

"What's at stake in this case — which affects everyone around the country in the area of athletics and in every type of educational arena — is, can somebody try to enforce Title IX by simply speaking out and bringing to the attention of school officials violations of the law without being punished?" she said.

The lower courts in the case ruled against Jackson, noting that Title IX is silent on the matter. But other federal courts have reached an opposite conclusion in similar cases, reasoning that coaches and teachers are better positioned to report discrimination than students.

Along with having access to information such as funding decisions, coaches are "more likely to have the courage and maturity necessary to make charges of discrimination and withstand the criticism that may follow," the Bush administration writes in a friend-of-the-court brief backing Jackson.

Jackson's case has drawn wide interest, with support from a coalition of 180 civil rights groups including the NAACP, the American Civil Liberties Union and the American Federation of Teachers, as well as dozens of women's advocacy groups.

Opposing Jackson are the National School Boards Association as well as Alabama and eight other states, who fear a wave of lawsuits claiming retaliation that they say Congress never intended.

The eight other states are Delaware, Hawaii, Nevada, Oregon, South Dakota, Tennessee, Utah and Virginia. They argue in part that Jackson could have sued under the First Amendment or other civil rights laws, but not Title IX.

"Litigation against school boards represents a diversion of scarce resources and a distraction from their mission of academic (See Whistleblower, Page 16)

## Congressional Black Caucus grows in numbers, not power

By Zenitha Prince

Special to Sentinel-Voice

WASHINGTON (NNPA)—With the world's fixation on the Republican victories in the recent U.S. elections a fact, possibly significant to no one outside the Black community, has been glossed over — there are four more African-Americans in Congress. The U.S. House now counts among its ranks Gwendolynne Moore (D-Wisc.), Al Green (D-Texas), and the Rev. Emanuel Cleaver (D-Mo.) and on the Senate side, Barack Obama (D-Ill.), now the only African-American in the Senate and only the third Black there since Reconstruction.

"It's the one shred of good news we have and we have to grab on to it," said Emira Woods, co-director of Foreign Policy in Focus at the Institute for Policy Studies.

The new additions raise the numbers within the Congressional Black Caucus (CBC) from 39 to 43, which CBC Chairman Rep. Elijah Cummings (D-Md.) has called a "tremendous achievement."



Gwendolynne Moore

"I think this is the largest the CBC has ever been," said CBC Vice Chairwoman Rep. Corrine Brown, D-Fla. "I'm excited about the future direction of the CBC."

"This is the body that is most attentive to domestic policy and foreign policy relating to the African-American community and the African world," Woods said. "Having additional members and having a U.S. senator in their ranks will do a lot to generate attention on key issues, especially from the media, but also to get greater congressional action on certain issues."

But other political analysts are not so optimistic, given the wider context of Republican control in the White House and Congress.

The GOP gained four seats in the Senate and three in the House, bolstering their dominance in Congress and making it the sixth Republican-majority term.

"The Democrats are in the minority and because they're in the minority, and the Republican leadership controls everything that happens in the House so closely, it doesn't give Democrats much say," said David Bositis, senior analyst at the Joint Center for Political and Economic Studies.

Because the CBC is comprised of Democrats, Bositis said, "The Republicans are going to do things the way they want to and the Congressional Black Caucus, even with their additional numbers, are not going to be able to do much about it."

"The Republican Party feels itself impervious to challenge" said Sherrilyn Ifill, associate professor of law at the University of Maryland School of Law, "(and) they will pretty much write their own ticket."

They have already begun to do so. Earlier this (See CBC, Page 6)

## Portland ministers campaign to cease genocide in Darfur

By Helen Silvis

Special to Sentinel-Voice

PORTLAND, OREGON (NNPA)—Faith leaders from Portland's African-American community joined with Sudanese Christians recently to call for action to end genocide in the Darfur region of Sudan. The group urged Portlanders to join their campaign by writing letters to U.S. legislators and to the U.S. Department of State, and by giving money to relief efforts.

Rev. Dr. LeRoy Haynes, president of North Portland Bible College, one of the sponsors of the campaign, said the United States and the international community should take stronger action against the Sudanese government.

"We're asking our State Department and congressional representatives to use political and economic pressure to end the genocide on the indigenous African population," the Rev. Haines said at a press conference to launch the campaign. "We believe that only by international intervention will these atrocities stop."

North Portland Bible College, Albina Ministerial Alliance and the Sudanese Chris-

tian Fellowship also are sponsoring a service to raise funds for Mercy Corps' relief efforts in Sudan Sunday.

The violence in Darfur began as competition over land, water and other resources between Arab herders and indigenous African farmers. In 2002, Arab militant groups — called "Janjaweed" — stepped up raids onto indigenous territory.

When some Africans rebelled, reportedly backed by neighboring country Eritrea, the Sudanese government hit back, by recruiting and arming Janjaweed militias and sending them into the area backed by government forces.

"We're so delighted that Albina Ministerial Alliance and the North Portland Bible College care about the suf-

fering of our people and want to help people get food and get relief," said Sam Dilla, a Sudanese-born engineer who works for Intel.

"The government sponsored the militia, called Janjaweed, to go out there and shoot and kill and rape and destroy the property of the Africans in Darfur.

"In Sudan we have Africans and Arabs, but in the Darfur region they are both Muslim — so it is more a matter of ethnic cleansing."

Since 2002 an estimated 1.5 million people — almost all indigenous Africans — have been forced to flee their homes. At least 50,000 men, women and children are believed to have died since the conflict began. More than 200,000 people fled across the border to Chad, where (See Ministers, Page 5)

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