

Judge Alito has record of civil wrongs

By George Curry
Special to Sentinel-Voice

As the Senate Judiciary Committee examines the fitness of U.S. Appeals Court Judge Samuel A. Alito Jr. to replace Sandra Day O'Connor on the Supreme Court, it would be easy to presume that civil rights groups are opposing Alito's nomination simply because he is a conservative.

However, a careful reading of special reports compiled by the NAACP Legal Defense and Educational Fund (LDF), the Leadership Conference on Civil Rights (LCCR) and the Alliance for Justice shows that they have legitimate concerns about Alito's staunch opposition to civil rights and his eagerness to limit the power Congress has to remedy racial discrimination.

"Judge Alito's 1985 application to be the Reagan administration's Deputy Assistant Attorney General in the Office of Legal Counsel reveals the beginnings of his ideology and subsequent judicial philosophy," the LCCR report observes. "In that application, he strongly embraces the conservative ideology of the Reagan administration, singling out his work to restrict affirmative action and limit the remedies available to victims of discrimination as areas that he was 'particularly proud.'"

The LDF report quotes Alito's comments in more detail: "Most recently, it has been an honor and source of personal satisfaction for me to serve in the office of the Solicitor Gen-

eral during President Reagan's administration and to help advance legal positions in which I personally believe very strongly. I am particularly proud of my contributions in recent cases in which the government has argued in the Supreme Court that racial and ethnic quotas should not be allowed."

His opponents were not seeking quotas, which had been forbidden by the executive order creating affirmative action.

LDF discovered that, "As a lawyer in the Solicitor General's office, Alito participated in three major affirmative action cases before the Supreme Court. ...he argued against court-ordered affirmative action as a remedy for violations of Title VII of the Civil Rights Act of 1964 ...against voluntary affirmative action under Title VII ...and against voluntary affirmative action under the Constitution..."

In his 1985 application, LCCR noted, Alito wrote: "In college, I developed a deep interest in constitutional law, motivated in large part by disagreement with Warren Court decisions, particularly in the areas of criminal procedure, the Establishment Clause and reapportionment."

LCCR observes, "At the time of his statement, nearly everyone accepted the legiti-



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macy of the Warren Court's 20-year old rulings on reapportionment — Baker v. Carr, which said for the first time, that the federal courts had a role to play in making sure that all Americans have a right to equal representation; Wesberry v. Sanders, in which the Court ruled that Congressional districts have to be roughly equal in population; and Reynolds v. Sims, in which the Court held that state legislative districts had to be equal in population, according to the principle of 'one person, one vote.'"

On the bench, Alito dissented from the majority's decision that a Black employee had supplied enough information for her racial discrimination case to be heard by a jury. In Bray v. Marriott Hotels, Alito favored a very narrow reading of Title VII of the Civil Rights Act of 1964, the section barring employment discrimination.

The majority said that if Alito's interpretation of the law had been accepted, "Title VII would be eviscerated" and that his view would "immunize an employer from the reach of Title VII" in certain circumstances.

The majority also took Alito to task for his dissent in Riley v. Taylor, a case about whether the prosecutor had used racially-motivated peremptory strikes to exclude African-Americans from a jury. LDF said Alito

equated that action to the statistical oddity of five of the last six U.S. presidents being left-handed.

The judges in the majority rebuked Alito, accusing him of minimizing "the history of discrimination against potential Black jurors and Black defendants."

The Alliance for Justice Report noted, "University of Chicago law professor Cas Sunstein examined Judge Alito's approximately 65 dissents on the theory that 'when a judge bothers to dissent from a majority is a good clue to what the judge cares most about.' What Sunstein found was 'stunning. Nine-one percent of Alito's dissents take positions more conservative than his colleagues on the appeals court, including colleagues appointed by Presidents Bush and Reagan...'"

Clearly, Alito is to the right of right-wingers.

"Based on his history, philosophy, and performance on the bench, LCCR, along with many in the civil rights community, has concluded that Judge Samuel Alito will not bring a balanced conservatism in the mold of Sandra Day O'Connor to the Supreme Court. Instead he would bring a more hardened ideology that is outside of the judicial mainstream on a number of critical civil rights issues and that is well to the right of where most Americans stand."

George E. Curry is editor-in-chief of the NNPA News Service and BlackPressUSA.com.

Should Blacks have a plan to leave America?

By James Clingman
Special to Sentinel-Voice

Ever since we arrived in this country, there have been conversations about our leaving. Movements, threats, cajoling, incentives and every manner of effort by Blacks and Whites alike, from Paul Cuffee to Marcus Garvey, and from James Monroe to Abe Lincoln, have been discussed and, in some cases, implemented to get Black people out of this country. While there have been several prominent Black people who have left, there has been no mass exodus by Black people since Liberia, the 1967 move to Africa by the African Hebrew Israelites notwithstanding.

In light of all that has happened to Black people in this country, in addition to what is occurring now in the new millennium, should Black people seriously consider leaving America? We have been here since the beginning, contributed more than anyone else to the foundational wealth of this country, sacrificed more than anyone else for this country, and yet, we are still treated like the "three-fifths" they called us when they wrote their Constitution. Should we now walk away?

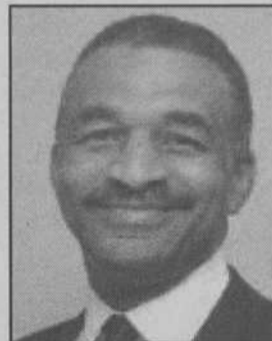
There comes a time in the lives of most

people when they can no longer take seeing their people being left out, marginalized, mistreated, abused and murdered. They simply throw their hands up, pack up and leave.

Although many have followed the examples of Black musicians, artists and other brothers and sisters who simply yearned to "breathe free," as the inscription on the Statue of Liberty says. Let's look at two Black men. Those men are W.E.B. DuBois and Randall Robinson.

"After ninety-five years of the most courageous unflagging devotion to Black freedom witnessed in the 20th Century, W.E.B. DuBois not only left America for Africa but concluded: 'I cannot take anymore of this country's treatment. We leave for Ghana October 5th and I set no date for return... Chin up, and fight on, but realize that American Negroes can't win.'" (An excerpt from "The Future of the Race," by Louis Gates and Cornell West.)

In Amitabh Pal's recent interview of Randall Robinson, an eerie similarity to



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DuBois' words and thoughts came forth from Robinson as he explained his reasons for "Quitting America," also the title of his latest book. "I was really worn down by an American society that is racist, smugly blind to it, and hugely self-satisfied. I wanted to live in a place where that wasn't always a distorting weight. Black people in

America have to, for their own protection, develop a defense mechanism, and I just grew terribly tired of it. When you sustain that kind of affront, and sustain it and sustain it and sustain it, something happens to you. You try to steer a course in American society that's not self-destructive. But America is a country that inflicts injury. It does not like to see anything that comes in response, and accuses one of anger, as if it were an unnatural response. For anyone who is not White in America, the affronts are virtually across the board."

Looks like these two brothers just got fed up with the nonsense and the "struggle," as we love to call it. Looks like they just made up their minds to pursue something better than the American status quo. Looks like they decided that life was too precious to spend any more time waiting for White folks to change this corrupt, disparate, one-sided system in which we live. Looks like these brothers finally got the message. Have we gotten the message?

Before you attribute this article as a call for Black people to move out of the U.S., let me make it clear that I am not advocating such an action, but I certainly understand why it occurs. One day, I may leave this country for good, but I am not saying all Black people should do so, nor am I saying we should stay

here. I just want to use history, both old and recent, to stimulate thinking around what is happening to Black people in this country.

It's not so much that DuBois left for Ghana; it's what he said when he departed. It's not so important that Robinson quit this country; it's what caused him to quit. The rest of us who remain in this country must, first, see what is happening to our people, and then make up our minds, both individually and collectively, to do something about it. Those who choose to do nothing must keep in mind that acquiescing to mistreatment is really doing something. The latest cuts in initiatives that assist poor people, the elderly, veterans and college students, juxtaposed against continued tax cuts for millionaires, should serve as a very clear indication of how the majority of Black people are viewed. While we play the political game, and that's exactly what it is, others run off with the economic spoils. By the way, don't be surprised if there is another catastrophe in this country soon. If you know the history of America, you know that's the best way to get "the people" back on the president's bandwagon.

So, what's it going to be, Black folks? Fight or flight? Right now, it looks like we are unwilling to do either, which is unconscionable when you consider our collective condition and the continuous assault on our people by our local, state and federal government. Was DuBois correct? Is Robinson's life, and his family's, far better off now?

If you choose to leave, no one can blame you. If you choose to stay, you had better prepare yourself for battle. The battlefield is the marketplace; the weapons are our pockets and purses; and the bullets are our dollars. Fire at will! That is, if you have the will.

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brings so many people from different cultural backgrounds together in such a vibrant spirit of brotherhood and sisterhood. So, if you truly believe in the teachings and philosophy of Dr. King, then pledge to serve humanity; promote his teachings, especially to young people, and carry forward his legacy.

The Dr. Martin Luther King Jr. Committee of Las Vegas is honoring Dr. King by providing the following activities this weekend.

Friday: Interfaith Service, Holy Trinity

A.M.E., 700 Lola Street, 6:30 p.m.

Saturday: King Parade, Downtown Las Vegas, 10:00 a.m.

Saturday: King Banquet, Rio All Suite Hotel and Casino, 6:00 p.m., No host cocktails, 7:00 p.m., Dinner

On Monday, the annual Directions Breakfast will be held from 9:00 a.m. to 11:00 a.m. at Nevada Partners Culinary Training Events Center, 710 W. Lake Mead Blvd in North Las Vegas. For more information, please call 327-6780 or 648-8440.