

# Controversial judge get seat on bench

By James Wright

Special to Sentinel-Voice

WASHINGTON (NNPA) — Despite opposition of civil rights groups, Jerome A. Holmes — an Oklahoma City attorney with controversial views on affirmative action, the death penalty and Black leadership — has been confirmed by the U.S. Senate as the newest judge on the U.S. Court of Appeals, 10th Circuit, in Denver.

Holmes, who was born in the District, has been called "Clarence Thomas 2" by critics. The vote to confirm Holmes was 67-30, with Sen. Barack Obama (D-Ill.), the only Black senator, voting against him. Holmes is the only Black on the 10th Circuit Court. Holmes was thankful for the chance to be a federal appeals court judge.

"I am very gratified by the vote of the United States Senate," said Holmes. "I am grateful to President Bush for giving me the opportunity to serve my country in such an

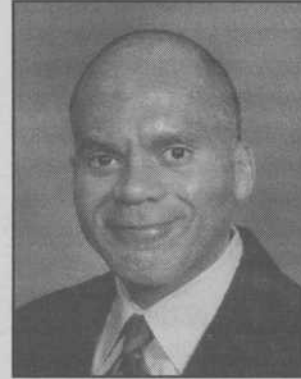
important position and thankful for the tremendous support that I have received from Sen. Coburn and Sen. Inhofe."

Holmes' views had drawn the opposition of the Leadership Conference on Civil Rights. In a letter to Senate Judiciary Committee Chairman Arlen Specter (R-Pa.) and the ranking Democrat on the committee, Patrick Leahy (Vt.), the LCCR stated: "We write to express our grave concern regarding the nomination of Jerome Holmes to serve on the Court of Appeals for the Tenth Circuit. Mr. Holmes has been a longstanding and outspoken critic of affirmative action."

"His criticism of affirmative action raises serious questions about whether litigants could expect him to rule impartially and fairly on claims that turn on legal principles of affirmative action, and about Mr. Holmes' approach to anti-discrimination laws more broadly, if he is

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— Judge Jerome Holmes  
U.S. Court of Appeals,  
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confirmed," the letter continued.

The letter was signed by organizations that included the NAACP Legal Defense and Educational Fund, NAACP, National Urban League, Alliance for Justice and the American Association for Affirmative Action. The letter cited Holmes' criticism of the Supreme Court decision, *Grutter v. Bollinger*, which upheld using race as a factor in law school admissions, stating "the court did not go far enough... the court upheld the

affirmative action policy of the university's law school.

"And in so doing, it missed an important opportunity to drive the nail in the coffin of affirmative action." Holmes, in other writings, has also criticized Black leaders such as the Rev. Jesse Jackson and the Rev. Al Sharpton "and their ilk for disseminating a misguided and dangerous message of victimization for financial gain."

He also wrote: "...As long as Mr. Jackson and company can successfully portray Af-

rican-Americans as victims to the public at-large, they will be able to wring monetary concessions out of corporate America."

Holmes has stated publicly that he supports school vouchers and favors the death penalty. LCCR Executive Director Wade Henderson said in reference to Holmes: "If Mr. Holmes truly believes that race and racism in America are only an 'accident of birth', then he would do well to recognize that turning a blind eye does far more to 'maintain a socially-constructed color line' than do the affirmative action resources he would like to destroy."

Holmes received a bachelor's degree from Wake Forest University in 1983 and a juris doctorate from Georgetown University Law Center in 1988. In 2000, he earned a master's in public administration from Harvard University's John F. Kennedy School of Govern-

ment and Public Affairs.

Holmes is noted for his work as an assistant U.S. attorney in the prosecution of Timothy McVeigh and Terry Nichols, the convicted bombers of the federal building in Oklahoma City. Before and after that job, he worked in private practice. Holmes specialized in white-collar criminal defense, corporate internal investigations, civil litigation and employment law.

As a director for the Oklahoma City law firm of Crowe & Dunleavy and a vice president of the Oklahoma Bar Association, Holmes is the first Black to hold an executive level position with that organization.

In addition to Oklahoma, the 10th Circuit covers Colorado, Kansas, New Mexico, Utah, and Wyoming, and has jurisdiction over Yellowstone National Park that covers Montana and Idaho.

James Wright writes for *Afro Newspapers*.

## 'Ban the box' movement helps ex-felons

By Gene C. Johnson Jr.

Special to Sentinel-Voice

LOS ANGELES (NNPA) — In the aftermath of serving time in prison on drug convictions, Susan Burton found it so difficult to get a job that she decided to start her own business to ensure that previously incarcerated women could find support and guidance in the community.

"I've watched the discrimination and experienced it firsthand when you have to check the box," said Burton, the 54-year-old founder of a New Way of Life, a South Los Angeles home for formerly imprisoned women looking to re-establish themselves in the workforce.

The "box" she referred to is the question on job applications for prospective city employees in which they are asked to check "yes" or "no" if they have ever been convicted of a crime. Those who check "yes" are asked to explain the circumstances.

"It's not only [on] job [applications]," Burton said. "It's on housing. It's on a school application. It's on welfare applications. It's everywhere you turn."

The Manual Arts High graduate said she began a downward spiral into alcohol and drug use after losing her 5-year-old son in an accidental shooting by a police officer in 1982.

She began her "Ban the Box" movement here last year.

"When you have to check a box that application comes under an immediate grouping," Burton said. "It's from our experience that you don't get called in for an interview."

The movement hit a wall in March, when Burton sent several letters to members of the city council asking for a meeting.

"I was stonewalled," she said. "I couldn't get a conversation out of them. In March and in April, I was trying to get a meeting with them and I couldn't."

Enter Tim Watkins, president and CEO of the Watts Labor Community Action Committee, a grassroots organization.

"Everybody that has been convicted, falsely or not, pays a price," Watkins said. "The price is supposed to be zeroed out upon their release from parole. What happens is that they come out to the workforce and they get rejected everywhere they turn," she continued.

"About seven or eight months ago, [Burton] sent out requests to council people to consider a motion to remove that box. There wasn't much of a response. So, I arranged a sit-down-and-meet with various

elected officials and their chiefs of staff."

Council members Jan Perry and Bill Rosendahl introduced a motion in May that would no longer require potential city employees to list prior convictions on job applications.

"Our system relies on the belief that people can be rehabilitated," Perry said. "We must do everything in our power to assist formerly incarcerated people and support them in their efforts to create a better life themselves and their families. This effects our entire community."

Los Angeles County and the cities of Boston, Chicago and San Francisco do not require job applicants to list prior convictions, according to a Personnel Department report.

Under the motion, a background check would still be conducted prior to employment for city positions. The investigation would be limited to the specific job-related convictions defined and advertised in job announcements.

"A lot of the individuals that we service are ex-offenders," Perry said, referring to some of her constituents. "We've been trying to create a better pathway for them in the last five years."

The motion also directs the city's personnel depart-

ment, with the assistance of the city attorney, to report with recommendations to have the city comply with state and federal laws requiring that only job related, sexual and domestic violence related convictions be considered by potential employers.

"Penalizing ex-offenders for past felony convictions creates a revolving door within our prison system," Rosendahl said. "Ex-offenders are forced back into a life of crime because of unsuccessful attempts to gain employment and continue the rehabilitation process."

On Aug. 2, the City Council's Personnel Committee instructed city staff to study the legal implications of a plan that would no

longer require potential city employees to list prior convictions on job applications.

Councilman Dennis Zine, a former Los Angeles police officer, was skeptical about the measure. He asked the Personnel Department to report back in 90 days detailing how other cities deal with similar policies and a list of crimes that would keep a person from being hired.

"First of all, the city conducts a background on every applicant regardless of what their past is," Watkins said. "In the case of someone who has been formerly imprisoned, it sets them apart by asking them to identify themselves early in the process."

"We have to trust that the Personnel Department is going to do the right thing and

keep them in the pool. There are just hundreds of stories about candidates being rejected. That means that box being checked creates a potential for discrimination."

In 2003, Burton said, 40 ex-prisoners — men and women — gathered at the Center of Third World Development, a grassroots organization in Oakland.

"We all begin to talk about the different problems that we had in our communities," she said. "We began to compare what was happening to each other and found that we have similar problems."

From there, on a state level, the "Ban the Box" movement began.

Gene C. Johnson Jr. writes for *WAVE Newspapers*.

## Crime

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The police and the Harris County sheriff's department said they have no figures on how many Katrina evacuees have been arrested. Houston police said misdemeanor and felony arrests overall actually dropped last fall from the same period a year earlier. But the sheriff's department reported a 41 percent increase in felony arrests in November from the year before.

"I think some saw (Katrina) as an opportunity," Martin's bounty-hunting partner, Michael Wright, said of evacuees who fled New Orleans with criminal records. "No one knows who they are over here."

Katrina evacuees received fair warning when they arrived in Houston. Days after the

storm, Mayor Bill White went on television, flanked by Houston police, and welcomed Katrina's bedraggled survivors with a stern warning that a jail cell was waiting for anyone who crossed the line.

Evacuee Vincent Wilson, a leader of the Katrina Survivors Association, was impressed. He said that in New Orleans before Katrina, "everyone knows that if the jail's crowded, you get a slap on the hand and get released."

Eckels predicted the county's worst guests will go home once their federal assistance dries up. And if many choose to stick around, the county will be ready: "We don't put up with it here. If you break the law, you're going to be prosecuted."