



CBC Annual Legislative Conference Highlights

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By The NorthStar News Staff

Issues Forums Tackle a Myriad of Issues

Reparations: Honoring the Debt

This panel focused on the issue of slavery and legalized segregation in the United States and their continuing economic implications. The session specifically focused on the call for reparations in the struggle for justice and equity in the nation. The panelists included New York City Councilman **Charles Barron**, former Massachusetts State Senator **William Owens**, Chicago Alderwoman **Dorothy Tillman**, attorney **Ken Fealing**, **Dr. Iva Carruther**, and **Ms. DeBorah Bilbert White** of the United Church of Christ.

All of the panelists recognized the work of Alderwoman Dorothy Tillman who championed the passage of a resolution calling for reparations in the Chicago City Council.

Councilman Charles Barron suggested that Blacks have exercised extreme patience in waiting to receive just compensation for wrongs committed during the trans-Atlantic slave trade and the period of Jim Crow. He recounted the history of slavery in New York City, noting that it existed from 1625 to 1827. The longtime community activist asked rhetorically, "Who should pay? The same people you lynched. The same people you called out of their name!" Barron also highlighted the fact that he has a resolution in the New York City Council supporting reparations, named in honor of community icon Queen Mother Moore, that is one vote away from being released out of committee.

Attorney Rose Toure focused on the need for grassroots support to make reparations resonate as an issue in the larger society, making the case that "if we don't do something about it, it's our fault." Former Massachusetts State Senator Bill Owens echoed that sentiment. He challenged Black leadership to take the initiative to establish a commission since Congress has been slow to act. Owens suggested that Blacks should think about what the next steps should be once reparations are received. He posed the question, "What do we do the day after reparations are received? Do we negotiate for money or land or something other? Where do we put the money or land once received?" The former legislator also announced that there would be a National Black Agenda Convention on March 17, 2004 in Boston.

DeBorah Gilbert White of the United Church of Christ recounted the role of the Christian church in slavery, specifically suggesting that her denomination believed that they had a responsibility to address the issue of reparations. White noted, "Reparations is not just about money. It's about righting relationships within our communities and righting relationships within our congregations."

Shopping While Black: An Examination of Renewed Discrimination in America's Retail Industry

The panel focused on the emerging issue of racial profiling in the retail industry. The session was chaired by **Rep. Edolphus Towns** of New York and included syndicated columnist and economist **Dr. Julianne Malveaux**, attorney **Kenneth Thompson**, **Reed Colfax** of the Washington Lawyers Committee, and **Kimberly Chandler** of the NAACP.

In recent years a number of court cases have been filed detailing the incidence of "**Shopping While Black**" in retail stores throughout the country. These cases include:

Williams v. Staples: A 40 year old African American music teacher from Maryland was told that the Staples stores where he was attempting to make a purchase did not accept out-of-state checks. A white acquaintance told the claimant that she had made a purchase at the same Staple store the same day and they accepted her out-of-state check. A complaint was filed with

the Equal Employment Opportunity Commission (EEOC) and they sent testers of different races to the Staple stores. The result was the same as that experienced by the claimant – the Black customer’s check was rejected.

Pugh v. Avis Rent-A-Car Systems: An African American woman attempted to reserve two mini-vans at an Avis Rent-A-Car franchise and was told that she would not be permitted to rent the vehicles. After contacting the Avis corporate office she was told that the particular franchise had several complaints of racial discrimination lodged against it. The complainant filed a federal lawsuit alleging that Avis Corporation knew about the practices of the franchise and did nothing to halt it. The class-action lawsuit was settled in 1998 for \$5.4 million.

Eddie Bauer Case: In 1995 a 16 year-old Black male purchased a shirt from and Eddie Bauer outlet store. The next day he returned to the store with two friends wearing the shirt he had purchased. Store security told him to remove the shirt and produce a receipt. His friends were detained. The young man attempted to explain to store security that he did not have a receipt because he had purchased the shirt the prior day. He was told to leave the shirt and go home and get a receipt. The young man complied but sued the retail outlet. A jury awarded the complainant \$1 million and the company appealed the verdict. Eddie Bauer withdrew the complaint after tremendous public outcry and settled the case for an undisclosed sum of money.

Hampton v. Dillard’s Department Store: A Black female went to a Dillard’s Department Store in a mall in Kansas in 1996 and was accused, along with a niece, of shoplifting and detained. A jury awarded her \$1 million in December 1997 after finding that the security officer had wrongly accused the plaintiff and her niece of shoplifting.

Congressman Ed Towns spoke to **The NorthStar Network** following the panel and offered his perspective on the current dilemma faced by Black consumers who encounter discriminatory treatment in retail outlets.

NS: *Is there a federal remedy for what we are seeing occur in the retail industry?*

ET: *That’s the whole problem in terms of right now. The courts are not favorable in terms of decisions and also in terms of the burden of proof. So I think we have to come back and do some legislation that’s going to make it a little easier in terms of the courts. That’s a big issue here because people will come and they will have documentation but the court feels that you have not really demonstrated the fact that you have been discriminated against. So we have to take another look at the laws and make certain that we have a situation where the burden of proof is not as great because if they’re losing then people know there is a problem. Anybody who’s been around for any bit of time knows that there is a problem in terms of discrimination.*

NS: *Can we look to see any congressional hearings, maybe the Caucus taking the lead in looking at this issue?*

ET: *I think there will be some forums, no question about it where we will get additional information. I’ve been amazed listening to talk radio in terms of how many people have been victims and of course now we’re trying to find a way to centralize this and let people see, there’s been fifty cases against Sears, forty cases against K-Mart. We have to find a way to let people know this. And then of course we might even have to do some legislation to change some of the laws we have.*

Note: Background on the litigation outlined was provided by the office of Rep. Edolphus Towns (D-NY).

From the Field to the Front Office: Diversity in the Sports Industry

An All Star panel of athletes, attorneys and activists discussed the status of diversity in professional sports on a panel chaired by Rep. **John Conyers** (D-MI). Headlined by well-known former athletes NFL great **Jim Brown** and NBA superstar **Bob Lanier**, as well as Rev. **Jesse Jackson** and civil rights attorney **Cyrus Mehri**, twelve panelists talked about efforts being made to address the lack of diversity in the front offices of America’s professional sports franchises.

Brown sounded what was to be a common theme for the panel; that Black athletes must be less concerned about themselves and more concerned about advancing the cause of diversity in professional athletics. “It’s not just about any one person”, Brown told the audience of nearly 200 men and women. “It’s about all of us”.

Rev. Jesse Jackson told the audience that there were parallels between Dred Scott and today’s professional athletes, noting that when athletes stray from the field and begin to challenge historical roles, the majority community gets disturbed. “These young men are told to stay away from issues”, said Jackson. He also compared the present day role of athletes historically to a slavery paradigm. In those times, “you could bale cotton but you could not sell it”. He went on to suggest that like cotton,

Black athletes are the commodity, but cannot fully participate in the overseeing or ownership of their own commodity. Jackson also praised Brown for his courage saying, "Jim Brown was one of the few athletes that supported Dr. King while he was alive. It was very easy to support him after April 4, 1968."

Also on the panel was Washington civil rights attorney Cyrus Mehri. Mehri, along with attorney Johnnie Cochran, lobbied the National Football League owners to take positive, concrete steps to hire African American coaches. In a sport where the number of African American players is nearly 65%, there is presently only one current head coach - Herman Edwards of the New York Jets. Mehri painted an optimistic picture for the future of Black NFL coaches. "We discussed several options with litigation being the final one. Fortunately, we didn't have to go that route." Mehri helped prepare an in-depth report on the NFL's hiring practices, concluding that Black coaches have superior win-loss records, yet are repeatedly overlooked for head coaching and front office positions.

Mehri noted that for the first time, he and Cochran were able to establish a blueprint for how the leagues owners will interview coaches. This is especially important in the wake of the Detroit Lions head coach debacle. It was alleged that Detroit's front office had already determined that they were going to hire a white coach, but simply went through the motions of interviewing African Americans. Further, when several African American candidates were contacted regarding the position, it was suggested to them that their interview would be little more than a showcase since a backdoor decision had already been made. As a result, several Black coaches refused to participate in what they considered to be a sham.

Lanier, a basketball All-Star with the Detroit Pistons, who has served as a player coach in the past, believed that African Americans have made great strides in the battle to integrate the hierarchy of sports. Still, he related, there is a long way to go. "I talk to people who are white and some don't seem to understand that all we want is an opportunity."

The Colorline, Education, and the Need To Build A More Perfect Union

Rep. Jesse Jackson, Jr. (D-IL) opened the session by placing the struggle for educational opportunity in the context of a historical continuum. The Chicago congressman noted that the failure to define education as a "right" in the U.S. Constitution made the provision of education principally a responsibility of individual states by default. Rep. Jackson suggested that the consequence of this historical artifact was a system of "*separate and unequal*" education. In response to this structural defect in the Constitution Rep. Jackson has introduced a resolution **H.J. Res. 29** in the 108th Congress that seeks to establish the "right of all citizens of the United States to a public education of high quality." The resolution has several CBC members as cosponsors and has been referred to the House Judiciary Committee for consideration.

The moderator for the panel was **Roland Martin**, formerly the editor of BlackAmericaWeb.com. Panelists included **Mr. Michael Casserly**, Executive Director of the Great City Schools, **Mr. Len Elmore**, former NBA player and President of TestU, author **Jonathan Kozol**, **Mr. Arnold Fege**, Director of Constituency Building-Public Education Network, **Mr. Ted Shaw**, Counsel, NAACP Legal Defense and Educational Fund, Inc., and **Ms. Barbara Eason-Watkins**, CEO, Chicago Public Schools.

The panelists agreed that currently public education is principally a function of the states and that the Black community is challenged by the trend toward standardized testing and mandates forced upon the states by President Bush's "No Child Left Behind" education initiative. The use of standardized testing was viewed as problematic given scholarly studies that have identified such tests as culturally biased and the unfairness of comparing students who are not competing on a level playing field.

Likewise, calls for higher expectations of students and improved student performance were deemed hypocritical given the practice of limiting resources to school districts with predominantly Black populations. The persistence of inequities in funding at the state level was seen as a contributing factor to the "achievement gap", a phenomena that transcends class boundaries for Blacks.

Panelists also expressed dismay over the re-segregation of public schools and the prevalence of *de facto* segregation forty years after *Brown v. Board of Education of Topeka, Kansas*. Census data clearly indicates that public school districts in large metropolitan areas are becoming more polarized based upon race, with Black children consigned to failing schools with inadequate resources.

President Bush's "No Child Left Behind" initiative was regarded as antithetical to our nation's purported commitment to children and intrusive on efforts being made in some states to improve the quality of education. Conference attendees were told that sufficient outrage must be directed toward elected officials to pressure them to counter these trends and advocate on behalf of Black children.

NorthStar Network correspondent Solange Sheridan and Legal Analyst Rob Tarver contributed to this recap of panel discussions at the Congressional Black Caucus 33rd Annual Legislative Conference.

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