

[COMMENTARY]

Lawyers' Committee for
CIVIL RIGHTS
of the San Francisco Bay Area

Civil Rights And The Roberts Court

BY MARIA BLANCO, EXECUTIVE DIRECTOR, LAWYERS' COMMITTEE FOR CIVIL RIGHTS

When the U. S. Supreme Court opened its doors on October 3rd, it marked the beginning of a new era of our nation's highest judiciary – the era of the Roberts Court.

After a confirmation hearing in which the nominee revealed next to nothing about his political views, the Senate voted overwhelmingly to confirm John Roberts as Chief Justice, seeming to validate earlier speculation that the nominee was a "shoo-in." Yet local and national civil rights organizations had strongly opposed the nomination, finding much cause for concern in Roberts' judicial record. The positions that Roberts has expressed on a range of civil rights issues suggest that as Chief Justice, Roberts could preside over a court that significantly undermines civil rights and social justice, including the rights of people of color, immigrants, and poor people.

In the weeks leading up to his confirmation hearing, the civil rights community mounted vigorous efforts to keep Roberts out of the Supreme Court, writing to Senators and Assembly members, demanding that the White House release all documents related to the nominee, and publicly question Roberts' record on civil rights. Here at the Lawyers' Committee for Civil Rights, we sent a letter to Senator Dianne Feinstein asking her to oppose the nomination, and we found ourselves in good company in our opposition to Roberts. The list of organizations that came out against President Bush's nominee includes the nation's most prominent civil and women's rights groups – the National Association for the Advancement of Colored People (NAACP), the NAACP Legal Defense and Education Fund, the Mexican American Legal Defense Fund (MALDEF), the National Women's Law Center (NWLC), and the Urban League.

In explaining their opposition to Roberts, these organizations cited Roberts' dismal record on crucial civil rights issues such as educational access, voting rights and affirmative action. While serving as principal deputy solicitor general for President George H.W. Bush, Roberts's co-authored two briefs that supported the lifting court-ordered desegregation decrees. Regarding voting rights, Roberts is widely criticized by civil rights activists for his opposition to the "effects" test, which states that voting discrimination can occur even when there is no obvious "intent" to discriminate. And on several occasions, Roberts has expressed opposition to affirmative action. In 1981, in response to a report by the U.S. Commission on Civil Rights on the accomplishments of affirmative action, Roberts wrote, "There is no recognition of the obvious reason for failure: the affirmative action program required the recruiting of inadequately prepared candidates." More recently, in 1995, Roberts appeared on the MacNeil Lehrer News-Hour and applauded a recent Supreme Court case that invalidated a set-aside program, stating, "You don't overcome racism by engaging in it yourself."

The Congressional Black Caucus (CBC) also formally opposed the nomination of Judge Roberts as Chief Justice, and took the unprecedented step of submitting to the Senate Judiciary Committee questions for Roberts regarding racial discrimination. In an accompanying letter, the CBC stated that they submitted the questions in reaction to "the hostility to civil rights remedies and court decisions Judge Roberts' papers appear to reveal."

Though the activities of the Supreme Court often seem far removed from the daily lives of average citizens, the decisions of the high court affect the fundamental rights of all Americans. For minority groups, whose civil rights are often the most vulnerable, Supreme Court decisions are all the more significant. In a statement opposing the Roberts nomination, Theodore Shaw, President of the NAACP-LDEF stated, "For two decades the Court has decided civil rights cases involving issues of race by razor thin margins. The stakes in this appointment could not be higher." Already the Supreme Court is slated to hear cases that could affect gay rights, the rights of individuals with disabilities, and a woman's right to choose. How long will it be before issues such as affirmative action and school desegregation come before the Roberts Court?

The pending Supreme Court decisions are even more disquieting given that we now face a second Supreme Court vacancy, the all-important swing seat left open when Sandra Day O'Connor announced her retirement in July. At the time of this writing, we know almost nothing about Harriet Miers, the White House counsel that President Bush has nominated to fill the seat. Yet as a staunch conservative and close ally to the President, we anticipate that her stance on civil rights does not differ greatly from that of our new Chief Justice.



SPAAT Founders Russell Crew (left) and Harold Pearson (right)

SPAAT *Spearheading The Movement For Academic Achievement*



Dr. Rudy Crew, SPAAT
Associate Board Member

By KEVIN L. NICHOLS OAKLAND- Nationally, Oakland Unified School District is among the worst school districts regarding students' test scores, academic achievement, budget short falls, and mismanagement of funds. However, it is a breeding ground of athletic talent for the collegiate and professional sports arenas. Ironically, the nascency of the Student Program for Academic & Athletic Transitioning (SPAAT) could not have occurred at a more appropriate time. SPAAT is a newly formed non-profit organization conceived in Oakland, with a mission to educate and empower socially and economically disadvantaged high school student-athletes by providing them with support services in an effort to increase the number of students entering post-secondary institutions.

According to statistics gathered in 2003, a mere 41% of all students and only 19% of all African Americans in Alameda County were UC/CSU eligible. Theoretically, the student-athlete's percentage of this figure would have been significantly lower. Therefore, SPAAT strives to combat these statistics and give youth hope to pursue and accomplish their dreams both academically and professionally.

SPAAT joins students, teachers, coaches and counselors, to identify both the strengths and the opportunities for improvement within the student-athlete's academic, athletic, and personal life. Founders Russell Crew (Chief Educational Officer) and Harold Pearson (Chief Executive Officer) draw from their personal experiences as college graduates and college athletes to guide student-athletes through SAT preparation, the college admissions process, academic programs, and the pressures of campus life. Crew also works for a company called Scientific Learning located in Oakland, a neuroscience company that focuses on the 10 million plus struggling readers nationwide and suggest reading software to improve their standardized test scores. Pearson is a partner at a litigation outsourcing/document management firm called Digital One Legal Solutions in San Francisco as well.

Some of SPAAT's programs include: academic advising/planning, community self-development seminars, developing an involved parent network, recruitment advising, self-marketing strategies, physical training sessions, financial aid workshops, college entrance essay writing seminars and the like.

On September 24, 2005, the founders held SPAAT's first Annual Partner Orientation at Peralta Community College District's Boardroom. The purpose of the event was to introduce SPAAT's mission and programs to its board members and members of the community at large. The event was an enormous success. It had such dignified attendees as: the Chancellor of Peralta Community College and former Mayor of Oakland, Elihu Harris, Esq., Superintendent of Miami-Dade County Public Schools, world renowned educator, and SPAAT Associate Board Member, Dr. Rudy Crew, as well as members of the Stupski Foundation, and members of other non-profit organizations as well.

In response to the question of what the greatest needs that SPAAT can address in the local school districts, Dr. Crew stated, "We need greater numbers of young people that essentially have a plan. How they develop that plan? Who's helping them think it through? How do they get unstuck from the questions of money and placement, where can they go? How do they think of their career . . . so that they can blend their interests both in athletics and academics?" SPAAT can help answer these questions by taking these students' hands and walking with them so that they are not alone and give them hope. "This [is] developmentally, exactly the right step, the right touch and texture for . . . saving the world one child at a time," opined Dr. Crew. Founder Crew stated, "this is more than a program- it's a movement that requires our young generation to wake up and actually believe in a sense of 'hope.'"

For more information regarding the Student Program for Academic & Athletic Transitioning (SPAAT) please visit <http://www.SPAAT.org> or call 510.836.9999.