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* **Congress should restore workers' rights to fight discrimination** **tool name**

**By JANE DOLKART AND KIM HAYES** October 12, 2012

By JANE DOLKART AND KIM HAYES

Congress needs to pass legislation to restore workers' rights to combat widespread discrimination. Last year, the U.S. Supreme Court decimated this right to file class-action suits in its infamous Walmart decision. In Wal-Mart v. Dukes, the Supreme Court dismissed a class-action lawsuit brought by a group of female Walmart employees, despite strong evidence of discrimination. Women comprise 70 percent of Walmart's hourly workers but only 33 percent of managers. There are even fewer women in higher-level and better-paid management jobs, and women are paid less in every region.

In its decision, the Supreme Court placed significant hurdles for any group of employees to join together to fight discrimination in the workplace. As a result, courts have refused to certify class actions alleging sex or race discrimination against such employers as Costco, Family Dollar Stores, Nucor and Lockheed Martin. To mark the anniversary of that decision, Rep. Rosa DeLauro, D-Conn., Sen. Al Franken, D-Minn., and 40 other lawmakers introduced the Equal Employment Opportunity Restoration Act of 2012, which would restore workers' rights to band together to fight systemic workplace discrimination.

Supporters of the Walmart decision may say that the Supreme Court ruling protects employers and the legal system from frivolous lawsuits that bog down the legal system. However, class actions can actually increase the efficiency of the legal process by avoiding the necessity of repeating witnesses, exhibits and issues in multiple trials. What's more, without group actions, many employees would find it difficult to finance an individual case or hire an attorney to take such a case.

For more than 40 years, class actions have played a crucial role in achieving racial and gender justice. When employers have systemwide policies, the only meaningful way to bring about change is through court-ordered relief applicable to a whole class of workers. The Equal Employment Opportunity Restoration Act of 2012 would ensure that employees have the tools to come together to combat continuing workplace discrimination through group actions. If Congress wants to restore its credibility with the American people and show that it truly is a body that represents all citizens, then we urge it to stand up for American workers to ensure that they have the ability to band together to fight for their rights - and against discrimination.

<http://www.mcclatchydc.com/2012/10/12/171319/congress-should-restore-workers.html#storylink=cpy>

**Have the food police taken over?**

**E. Thomas McClanahan | The Kansas City Star** Oct. 06, 2012

When does a movement that once seemed reasonable begin to slip its moorings? When first lady Michelle Obama began her anti-obesity campaign, I thought, Yeah, seems like a good idea. Get the kids outside and by all means, limit their intake of sugar water, er, soda. But worrisome signs were there from the beginning, evident in the campaign against cigarettes.

The health reasons were valid, no denying. But the effort was freighted with an extraordinarily high snottiness quotient. Anti-smoking neurotics would stage phony coughing fits if a guy across the street lit up. The world is full of people who Know How You Should Live, and they’re always looking for excuses to advise you on your errors. All that self-righteous preaching about the evil weed almost made me want to start smoking again. The anti-tobacco movement largely succeeded and it showed how the same approach can be applied to other behaviors. Soon, you had New York Mayor Michael Bloomberg ranting about trans fats and sodas, and yeah, the health reasons are there but, c’mon. This is the government, telling you how to live right down to ounces of consumption.

Anybody see a problem here? Slippery slope, anyone?

Bloomberg’s latest obsession is sweets in the hospitals. The other day he announced a campaign to have sugary and fatty foods eliminated from all hospitals, public and private. It’s supposedly “voluntary,” but this bandwagon has momentum and hospitals are signing on. So if you’re in New York and you’re stuck in the waiting room, sorry, no candy bar.

“If there’s any place that should not allow smoking or try to make you eat healthy, you would think it’d be the hospitals,” Bloomberg said. Notice the choice of words. Mayor Mike wants to make you.

Now the harvest of Michelle Obama’s work is being rolled out in the form of federally acceptable menus under the Healthy Foods Act. The kids and the moms are not amused.

In Greeley, Colo., the school district has outlawed all sweets, including cupcakes, candy bars and yes, birthday cakes. Ah, there’s an exception. The kids can have cake in school if mom follows a district-approved recipe. But school fundraisers, even those off-campus, may not include sweets. For fundraisers on school grounds, no food items of any kind are allowed. Think about that. We’ve gotten to the point of government-approved cake recipes.

At Wallace County High in Sharon Springs, Kan., teacher Brenda Kirkham posted a Facebook photo of a school lunch, the same fare served to students: one cheese-stuffed bread stick, a small dollop of marina sauce, three apple slices and some raw spinach. According to The Wichita Eagle, Kirkham supplemented with a few cubes of ham, bacon bits and dressing from the faculty-only line.

Kirkham’s photo prompted students and teachers to create a YouTube parody entitled “We Are Hungry” that tells the story of a famished 16-year-old football player who daydreams about his mom’s cooking. Students hide food in their lockers. Members of the volleyball team faint from hunger. Students sing, “Give me some seconds, I/ I need some food today/ My friends are at the corner store/ Getting junk so they don’t waste away.”

The feds, in their wisdom, have decreed calorie maximums for school lunches — 650 for elementary school students, 700 for middle-schoolers and 850 for kids in high school — a standard Kirkham called “ridiculous” for student athletes who work out three times a day and do farm chores. Supporters of this crusade tell me not to worry. The slippery-slope risk is exaggerated. Besides, the nation faces an obesity crisis and all these government functionaries with their one-size-fits-all rules have our best interests at heart.

But in a matter as personal as what we eat, how much trust should we put in people who don’t trust us?

<http://www.mcclatchydc.com/2012/10/06/170222/commentary-have-the-food-police.html>

**War on 21st-century Jim Crow**

**Leonard Pitts Jr. | The Miami Herald** *October 09, 2012*

Kemba Smith Pradia went to Tallahassee, Fla., last week to demand the right to vote. Back in the '90s, when she was just Kemba Smith, she became a poster child for the excesses and inanities of the so-called War on Drugs. Pradia, then a college student in Virginia, became involved with, and terrorized by, a man who choked and punched her regularly and viciously. By the impenetrable logic of battered women, she thought it was her fault.

The boyfriend was a drug dealer. Pradia never handled drugs, never used drugs, never sold drugs. But she sometimes carried his gun in her purse. She flew to New York with drug money strapped to her body. Eventually, she was busted. And this good girl from a good home, who had never been in trouble before, was sentenced to more than 24 years.

In the 12 years since President Bill Clinton commuted her sentence, Pradia has theoretically been a free woman. Except that she cannot vote. Having returned home to Virginia after living awhile in Indiana, she had to apply for the restoration of her voting rights. She is still waiting. So last week, Pradia, along with actor Charles S. Dutton, joined NAACP President Benjamin Todd Jealous at Florida's old state capitol building to launch a campaign demanding restoration of voting rights to former felons.

CNN reports that Florida, Virginia and nine other states embrace what might be called polices of "eternal damnation," i.e., laws that continue to punish former felons and deny them the vote long after they have done their time, finished their parole, rejoined society. The state's former governor, Charlie Crist, had streamlined the process, making voting rights restoration automatic for non-violent felons. His successor, Rick Scott, reversed that. In Florida, an ex-felon is now required to wait up to seven years before even applying to have his or her voting rights returned.

"Welcome back, Jim Crow" said the headline on a Miami Herald editorial. Ain't that the truth. Between policies like these, new restrictions on Sunday and early voting and, of course, Voter ID laws, the NAACP estimates that 23 million Americans stand to be disenfranchised - a disproportionate number of them African-American. We have seen these shenanigans before: grandfather clauses; poll taxes, literacy tests. Yet African-Americans - heck, Americans in general - seem remarkably quiescent about seeing it all come around again, same old garbage in a different can.

"If you want to vote, show it," trilled a TV commercial in support of Pennsylvania's Voter ID law before a judge blocked its implementation. The tenor of the ad was telling, though, implicitly suggesting that voting is a privilege for which one should be happy to jump through arbitrary hoops. But voting is emphatically not a privilege. It is a right. By definition, then, it must be broadly accessible. These laws ensure that it is not.

We are indebted to the NAACP for bringing attention and leadership to this. Five years ago, a newspaper columnist - a guy named Pitts, actually - raked the organization for being "stagnant, static and marginal to today's struggle." But that was then. In fighting to restore the voting rights of ex-felons, in calling last year for an end to the failed "War on Drugs," the NAACP has done more than energize itself.

It has also challenged us to recognize that the brutish goals of Jim Crow America never died, but simply reshaped themselves to the sensibilities of the 21st century, learned to hide themselves in the bloodless and opaque language of officially race-neutral policy. It would be a critical mistake not to understand this. Indeed, the advice of the late Teddy Pendergrass seems freshly apropos: Wake up, everybody. And realize:

Garbage is garbage, no matter how pristine the can.

<http://www.mcclatchydc.com/2012/10/07/v-print/170800/leonard-pitts-jr-war-on-21st-century.html>

**Death penalty deters murders? Evidence doesn't bear that out**

**The Sacramento Bee**

The Sacramento Bee

Ever since California added the death penalty to its penal code in the 1870s, supporters have argued that the threat of executions would make potential murderers think twice before committing heinous crimes. The Bee made that argument numerous times in its early years, and many politicians and prosecutors have offered it since. But does the evidence show that capital punishment deters murders, even when applied frequently and expeditiously? Research suggests it does not.

One obvious way to look at the problem is to compare the murder rates in states with executions and those without. For example, compare the homicide rates in California, New York and Texas, as the National Research Council has done. From 1974 to 2009, the homicide rates in those three states tracked virtually identically – going up at the same time in the late 1970s and late 1980s and all declining dramatically since then. Yet during that time Texas had 447 executions and New York had none; California had 13. Clearly, something other than executions has had an effect on declining murder rates. And that clearly is what we should focus on.

That pattern holds up in comparisons of Canada and the United States, too. Murder rates in Canada have gone up and down in virtual lockstep with U.S. rates over the years. Yet Canada has had no executions since 1962. In fact, during the period just after the United States reinstated the death penalty in 1976, murder rates remained high in the United States while declining in Canada.

Murder rates in the United States began a real decline in the 1990s, and research suggests multiple factors are involved. For example, crime experts attribute the steep decline in violent crime that began in 1993 to new police strategies such as targeted police patrols of gun-crime hot spots and effective enforcement of gun laws. The waning of the crack epidemic and the decline of the percentage of 18- to 24-year-olds in the population also played a role.

In all the states, life imprisonment is used more often than death sentences in murder cases. That in itself may be a reason for the decline in murder rates – keeping the most dangerous killers out of society.

Is it really rational from a policy perspective to assume that the most heinous killers in American society respond to any punishment threat at all – whether execution or life in prison – as a deterrent? Would increasing the frequency of executions – or speeding up executions – make one iota of difference with these stone-cold killers? Highly unlikely.

The National Research Council conducted a review of more than three decades of research on the deterrence effect of the death penalty, releasing its 144-page report, "Deterrence and the Death Penalty" in April (see www.nap.edu). Its conclusion: The research to date is flawed and "not informative" about whether the death penalty has an effect on murder rates. Therefore, the National Research Council concludes, "these studies should not be used to inform deliberations requiring judgments about the effect of the death penalty on homicide." Further, these studies "should not influence policy judgments about capital punishment."

The Bee in the early 1900s called for state-sanctioned public hangings, in part, because it believed that the death penalty would deter not only would-be murderers but the citizenry taking law into its own hands through lynchings. With the death penalty, the logic went, the call to vigilantism would disappear. The same logic, however, should apply to life sentences that take killers permanently out of society, where they no longer pose a danger to society and are punished for their crime. They die in prison. That won't satisfy those who want an "eye for an eye," retribution or revenge. But it does ensure a society based on law and order – as opposed to "hellish deeds rampant everywhere," in the words of The Bee in 1912, or vigilantism.

Those who support the death penalty and those who oppose it will hew to their positions regardless of the evidence on deterrence. In the end, it is our values that will have to decide the matter.

<http://www.mcclatchydc.com/2012/09/14/168495/commentary-death-penalty-deters.html#storylink=cpy>

[The New Blacklist](http://www.nationalreview.com/articles/330097/new-blacklist-john-fund)  By [John Fund](http://www.nationalreview.com/author/277787) [October 12, 2012](http://www.nationalreview.com/articles/330097/new-blacklist-john-fund)

Angela McCaskill was the first African-American woman to earn a Ph.D. at Gallaudet University in Washington, D.C., a school for the deaf and hard of hearing. She has now worked at Gallaudet for over 20 years, and in January 2011 she was named its chief diversity officer. Last year, she helped open a resource center for sexual minorities on campus. But she has now been placed on leave because of pressure from some students and faculty. Her job is on the line.

McCaskill’s sin? She was one of 200,000 people to sign a petition demanding a referendum on a law recognizing gay marriage, which was signed by Maryland’s Democratic governor, Martin O’Malley, in March. The referendum will be on the ballot next month, and the vote is expected to be close. McCaskill’s signature became public when the *Washington Blade* posted a database online “outing” all those who had signed the petition. Even though her signature indicated only that she wanted the decision on gay marriage to be made by the people and not by the legislature and the governor, her critics declared that it demonstrated “bias.”

Gallaudet University’s president, T. Alan Hurwitz, announced that he was putting McCaskill on paid leave because “some feel it is inappropriate for an individual serving as chief diversity officer” to have signed such a petition. “I will use the extended time while she is on administrative leave to determine the appropriate next steps,” said Hurwitz, “taking into consideration the duties of this position at the university.” Just last year, Hurwitz had praised McCaskill as “a longtime devoted advocate of social justice and equity causes.” But she is apparently not allowed to have private political views.

Hollywood has spent more than half a century railing against the anti-Communist blacklists of the Forties and Fifties that prevented some people from working in the movie industry. Woody Allen, George Clooney, and countless other celebrities have produced films purporting to show how evil the blacklist was and upbraiding those who were silent while it was imposed.

Well, a blacklist is being imposed in Maryland right now, and few are questioning it. The same thing happened in California four years ago, after that state’s voters approved Proposition 8, defining marriage as the union of a man and a woman. Many activists hounded anyone who had supported the measure.

Scott Eckern, artistic director of the California Musical Theater in Sacramento, the state’s largest nonprofit performing-arts company, donated $1,000 to the “Yes on 8” campaign. Protests from the composer of the Broadway musical *Hairspray* and many other show-business people soon forced him to resign.

Similarly, Los Angeles Film Festival director Richard Raddon was forced to step down after it was revealed that he had donated $1,500 to “Yes on 8.” The festival’s organizer put out a statement saying, “Our organization does not police the personal, religious or political choices of any employee, member or filmmaker.” Behind the scenes, however, many of the festival’s board members pressured Mr. Raddon to resign. “From now on, no one in entertainment will feel safe making a donation as measly as $100 to a conservative defense-of-marriage campaign,” mourned Brent Bozell, head of the conservative Media Research Center.

Nor is the modern-day blacklist confined to the entertainment industry. Marjorie Christoffersen, manager of the famous Los Angeles restaurant El Coyote, resigned after El Coyote was subjected to a month of boycotts and demonstrations because she had contributed $100 to the campaign against gay marriage. Christoffersen, who had been with El Coyote for 26 years, insisted her stance had nothing to do with prejudice against gays, but rather was rooted in her Mormon faith. That didn’t impress the blacklisters. Fellow employees at El Coyote vouched for her kindness to gay employees, including personally paying for the mother of an employee who had died of AIDS to fly to Los Angeles to attend his funeral. That didn’t matter either. And neither did the fact that El Coyote sent $10,000 to gay groups to “make up” for Ms. Christoffersen’s contribution. The boycott continued, and the slowdown in business forced Ms. Christoffersen to leave.

The hysteria prompted some gays to speak out. Charles Karel Bouley, a former columnist for the gay publication *The Advocate*, pointed out to fellow gays in 2008 that “Barack Obama said marriage was between a man and a woman at a time when we needed his voice on our side about equality. He let us down, too, remember, and many of you still gave him a job.”

At least the old Hollywood blacklist targeted those who either professed Communist sympathies or refused to sign loyalty oaths. As columnist Maggie Gallagher pointed out during the furor over Proposition 8, “Targeting an entire business because one person associated with it made (in their personal capacity) a donation to a cause is brand new.” Some gay activists are one step away from claiming that if someone disagrees with them, they shouldn’t be allowed to work anywhere. The original Hollywood blacklist never went that far, but you won’t see any movies made about the current intolerance of supporters of traditional marriage.

Some favoring change claim to favor open and honest debate in the democratic process, but when it comes to gay marriage it appears some proponents would rather intimidate their critics. In 2009, writing about Proposition 8, I talked with Bruce Chapman, a former director of the U.S. Census Bureau who is now with the Discovery Institute. He told me the publication of the names of people who sign petitions in support of traditional marriage could “chill democracy.” “We don’t make the votes of people public, we don’t make how jurors vote public, and we keep Census data private for 70 years,” he said. “Maybe the initiative and referendum petitions from now on should have a ‘warning’ label on them that says, ‘Signing this list is a political activity and can result in publication of your name.’ After all, ordinary people are now advised that their privacy is to be set aside in the same way that politicians’ privacy was set aside years ago.”

<http://www.nationalreview.com/articles/330097/new-blacklist-john-fund>