

AFTER ROBERTS CONFIRMATION

Battle brews over nominee

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thyroid cancer. He hopes the Senate will confirm Roberts by Oct. 3, the beginning of the Supreme Court session.

Meanwhile, the president, who has expressed his admiration for ultra conservatives Antonin Scalia and Clarence Thomas, is preparing to appoint another justice to succeed O'Connor. Bush met this week with Senate leaders to discuss O'Connor's replacement.

While Senate Democratic leader Harry Reid of Nevada issued a statement asking Bush to nominate another justice like O'Connor, whom he described as having "a voice of reason and moderation," some rights leaders are doubtful that will happen.

"This is the first time in 11 years that we've had a Supreme Court vacancy, the longest time since 1823," says Ralph Neas, president of the People for the American Way. He says while PFAW has adamantly opposed Roberts and many federal judges over the past decade, the organization's researchers have constantly been on the offensive, stockpiling a database of judicial records of judges that

Bush may nominate in order to be ready to educate and mobilize the public.

While civil rights leaders have asked Reid to hold Democrats together the best he can, Neas says Democrats should also use the filibuster if necessary. "The filibuster is still alive. I think they're reserving that right."

After a group of 14 Democrats cut a deal with Republicans to allow three Far Right judges to be confirmed for federal courts last spring, Mary Frances Berry, former chair of the U.S. Commission on Civil Rights, says the Democrats have given up their chance to filibuster by allowing ultra-conservatives to be confirmed unchallenged.

"When they caved in on the filibuster, they lost the opportunity to stop Roberts or to stop anybody because no matter how bad any nominee is, some of the Democrats who were in that filibuster deal said they didn't think where a nominee stood on the issue should be a reason to filibuster," says Berry, a constitutional scholar. "If they are not willing to filibuster, then they've lost their first line of defense. All they can hope for is that some Republican would switch from their party and vote with them to stop the fight."

That's not likely to happen. Conservatives applauded the Roberts nomination. Therefore, Berry says, the only strategy left is for civil rights leaders and Democrats to clearly state the weakness-

es of the nominees so when they make decisions adverse to civil rights, "Then we can say at least the civil rights community tried to alert you."

Setting a standard for fair judges before they are nominated is a strategy in and of itself, says Ted Shaw, director-counsel of the NAACP Legal Defense and Educational Fund. "We are not saying just because someone is conservative, we will oppose them. We are against people who are anti-civil rights, who are closed-minded and mission driven. There are people who are intellectually or distinctively conservative, but who are open-minded and who will review the facts and the law and will make determinations based upon the merits," Shaw says.

But Shaw insists that civil rights leaders must not relax their opposition to Roberts while waiting on the next nominee no matter how sure the Roberts confirmation seems.

"We don't know who is the next nominee for the seat ... In terms of strategizing, we don't even know whether we will have to take a position or not," Shaw says.

Meanwhile, civil rights leaders - in a strategy of their own - took the front lines before the Senate Judiciary Committee to oppose Roberts.

"The stakes are higher than ever. We cannot afford to elevate an individual to such a powerful, life-time position, whose record demonstrates such a strong desire to reverse the hard-won civil rights

gains that so many sacrificed so much to achieve," said U. S. Rep. John Lewis (D-Ga.) before the committee. "We cannot afford to go back. We must go forward to the creation of one America."

Wade Henderson, executive director of the Leadership Conference on Civil Rights, a coalition of more than 180 socially active groups, said: "The test is whether Judge Roberts has demonstrated [that] he is committed to the fundamental principles on which our country was founded and whether his vision of America matches the expectations of mainstream Americans. Judge Roberts has failed this test."

LDF Senior Staff Attorney Leslie Proll says fighting is the key strategy. She noted how Senate Democrats stopped two consecutive Nixon nominees to the high court, Harold Carswell and Clement Haynsworth.

"They were both defeated because the civil rights community rose up," says Proll, who lobbies on Capitol Hill.

But this case is different. Some Democrats may support Roberts. Even liberal Democratic Sens. Dianne Feinstein (Calif.) and Charles E. Schumer (N. Y.) have said they are undecided about their Roberts vote.

"It's going to be impossible to defeat him unless he turns out to be an ax murderer and there's been no evidence of that presented," Berry scoffs. "It's up to the civil rights groups to make the best case they can make."

Gay men at risk

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HIV between the ages of 20 and 24."

As bleak as those numbers are, they are even bleaker for young gay men.

"In a shocking study the CDC released in June 2005, 46 percent of black men of all ages who have sex with men in five major cities tested positive for HIV," the report observed.

"While the threat of HIV must be understood as a danger to the lives of all African-American young people, the numbers are especially troubling for certain groups in black communities, specifically young black men who have sex with men and young African-American women," said Cathy Cohen, a University of Chicago professor and co-author of the report with Alexandria Bell and Mosi Ifatunji.

Patterson, a recent Payne College graduate, joined Leaders in the Fight to Eradicate AIDS, or L.I.F.E. AIDS, a student-run organization that recently kicked off its second annual Student Teach-in and Town Hall meeting at Howard University.

"It's not helping our community when we have individuals who are not walking with integrity by being honest with themselves and with sisters," said Patterson, referring to the increased concern involving Black men who have sex secretly with men and women, commonly known as "the down low."

"As a black gay man I would not want to have relations with a brother who was secretly going behind my back and then going back to his wife, knocking her up and possibly infecting them and putting them at risk," said Patterson. "You are not doing yourself any good and particularly not doing the gay and Black community as a whole any good by you living a double life. It's all about loving each other and being responsible because that's how we're going to end this."

Not only does accountability and responsibility need to increase in the black homosexual community, Patterson said, but also among heterosexuals.

Shauna Cooper, a Langston University student, agrees.

She said that an "air of invincibility" among young African-Americans often serves as a conduit for contracting HIV



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