



## MDCR/MCRC E-newsletter for August 6, 2010

### **Senate confirms Kagan as 112<sup>th</sup> Justice**

From the Washington Post, 8/6/10

<http://www.washingtonpost.com/wp-dyn/content/article/2010/08/05/AR2010080500672.html>

WASHINGTON – “The Senate confirmed Elena Kagan Thursday as the Supreme Court's 112th justice and the fourth woman in its history, granting a lifetime term to a lawyer and academic with a reputation for brilliance, a dry sense of humor and a liberal bent...”

### **Despite name on ad, Request Foods says it didn't sponsor controversial 'Is Homosexuality a Civil Rights Issue?' advertisement**

From the Grand Rapids Press, 8/5/10

[http://www.mlive.com/news/grand-rapids/index.ssf/2010/08/despite\\_name\\_on\\_ad\\_request\\_foo.html](http://www.mlive.com/news/grand-rapids/index.ssf/2010/08/despite_name_on_ad_request_foo.html)

HOLLAND – “In the wake of calls to boycott Campbell's Soup Co., one of its contractors -- Request Foods of Holland Township -- has backed away from a controversial newspaper ad that asked: Is Homosexuality a Civil Rights Issue?...”

### **Michigan chapter of Council on American-Islamic Relations sues police over probe of slain imam**

From the AP, 8/5/10

[http://www.mlive.com/news/detroit/index.ssf/2010/08/michigan\\_chapter\\_of\\_council\\_on.html](http://www.mlive.com/news/detroit/index.ssf/2010/08/michigan_chapter_of_council_on.html)

“A Muslim civil rights group has sued the Michigan State Police for failing to release information related to the killing of a Detroit mosque leader during a shootout with the FBI...”

### **Exhibit planned in Lansing on women's suffrage**

From the Free Press, 8/5/10

<http://www.freep.com/article/20100805/NEWS06/100805008/1322/Exhibit-planned-in-Lansing-on-womens-suffrage>

“A history exhibit on women's suffrage is opening this fall at the Michigan Women's Historical Center...”

### **Federal judge overturns Calif. gay marriage ban, Proposition 8**

From the AP, Wednesday, 8/4/10

[http://www.mlive.com/news/us-world/index.ssf/2010/08/federal\\_judge\\_overturns\\_calif.html](http://www.mlive.com/news/us-world/index.ssf/2010/08/federal_judge_overturns_calif.html)

SAN FRANCISCO — “A federal judge overturned California's same-sex marriage ban Wednesday in a landmark case that could eventually land before the U.S. Supreme Court to decide if gays have a constitutional right to marry in America...”

### **Marriage is a Constitutional Right**

Here is the New York Times editorial on same (8/4/10):

[http://www.nytimes.com/2010/08/05/opinion/05thu1.html?\\_r=1&th&emc=th](http://www.nytimes.com/2010/08/05/opinion/05thu1.html?_r=1&th&emc=th)

"Until Wednesday, the thousands of same-sex couples who have married did so because a state judge or Legislature allowed them to. The nation's most fundamental guarantees of freedom, set out in the Constitution, were not part of the equation. That has changed with the historic decision by a federal judge in California, Vaughn Walker, that said his state's ban on same-sex marriage violated the 14th Amendment's rights to equal protection and due process of law..."

### **Editorial: We all have benefited from 20 years of Americans with Disabilities Act**

Editorial from the Grand Rapids Press, 8/4/10

[http://www.mlive.com/opinion/grand-rapids/index.ssf/2010/08/editorial\\_the\\_ada\\_at\\_20\\_years.html](http://www.mlive.com/opinion/grand-rapids/index.ssf/2010/08/editorial_the_ada_at_20_years.html)

"When he signed the landmark Americans with Disabilities Act (ADA) 20 years ago, then-President George H.W. Bush declared: "Let the shameful walls of exclusion finally come tumbling down..."

### **Washtenaw County Commissioner Ronnie Peterson denies wrongdoing in sexual harassment case**

From AnnArbor.com, 8/3/10

<http://www.annarbor.com/news/washtenaw-county-commissioner-ronnie-peterson-denies-wrongdoing-in-wrongdoing-in-sexual-harassment-c/>

DETROIT –"On a day better suited for last-minute campaigning, Washtenaw County Commissioner Ronnie Peterson was instead on the witness stand defending his reputation in federal court..."

Here is the jury finding (8/6/10 from the Detroit News)

### **Jury finds against Washtenaw Co. commissioner in harassment suit**

<http://www.detnews.com/article/20100806/METRO/8060412/1361/Jury-finds-against-Washtenaw-Co.-commissioner-in-harassment-suit#ixzz0vquPYcEs>

"A federal jury today found Washtenaw County Commissioner Ronnie Peterson let an employee sexually harass women who were behind in rent at properties owned by Peterson..."

### **Lawyers for dismissed EMU student who wouldn't counsel gay client vow to carry fight to Supreme Court if necessary**

From AnnArbor.com, 8/1/10

<http://www.annarbor.com/news/lawyers-for-eastern-michigan-university-student-booted-from-counseling-program-say-appeal-is-imminent/>

"Eastern Michigan University won a court battle last week, but the losing side has since declared war..."

### **Authors bring tales of racial healing road trip**

From the Free Press, 8/1/10

<http://www.freep.com/article/20100802/NEWS06/8020362/1322/Authors-bring-tales-of-racial-healing-road-trip>

"Gene and Phyllis Unterschuetz know they are an unlikely pair to be touting the importance of racial unity. The white couple have even been asked, "What could you possibly know about racism?"...

### **White supremacist rally in Midland draws strong opinions, small crowds**

From MLive/Booth Mid-Michigan, 7/31/10

[http://www.mlive.com/midland/index.ssf/2010/07/white\\_supremacist\\_rally\\_in\\_midland\\_draws\\_strong\\_opinions\\_small\\_crowds.html](http://www.mlive.com/midland/index.ssf/2010/07/white_supremacist_rally_in_midland_draws_strong_opinions_small_crowds.html)

MIDLAND — "Randy G. Gray II has a bone to pick with American citizens, and he let the citizens of Midland know about it on Saturday afternoon..."

### **U.S. Justice Department sues Dalton Township over handling of group home for alcohol, drug users**

From the Muskegon Chronicle, 7/31/10

[http://www.mlive.com/news/muskegon/index.ssf/2010/07/us\\_justice\\_department\\_sues\\_dal.html](http://www.mlive.com/news/muskegon/index.ssf/2010/07/us_justice_department_sues_dal.html)

"The U.S. Department of Justice has sued Dalton Township, saying it violated federal disability law by ordering a group home serving recovering drug and alcohol users to close..."

### **Detention and the Disabled**

From the New York Times, 7/31/10

<http://www.nytimes.com/2010/07/31/opinion/31sat3.html?th&emc=th>

"The Department of Homeland Security has been working to clean up the immigration-justice system it inherited from the Bush administration, a sprawling detention-and-deportation operation plagued by overcrowding, mistreatment and shocking medical neglect. Ongoing scrutiny from legal experts and human-rights advocates shows how much work remains..."

From Gongwer, 7/30/2010 (no link available)

### **Workplace Sets Venue In Alleged Civil Rights Violations**

In order to determine the proper venue for a case alleging wrongful termination under the Civil Rights Act, a court must decide where the person worked, not where the news of a termination was communicated, the Supreme Court said on Friday.

In *Brightwell v. Fifth Third Bank* ([SC docket No. 138920](#)), the high court overturned a Court of Appeals decision that would have hinged venue on where the plaintiffs were told they were fired.

Justice Michael Cavanagh, joined by Justice Stephen Markman and Justice Diane Hathaway, said the plaintiffs worked in Wayne County, so that is where the alleged injury occurred and that is the proper venue to determine if the firing was a violation of civil rights. That the defendants called from Oakland County to fire the plaintiffs has no bearing on venue, he said.

Chief Justice Marilyn Kelly signed a separate concurring opinion.

Basing venue on the actions of the employer, such as where they make the call to fire the employee or where they do termination paperwork, would give the employer too much control over venue, Mr. Cavanagh said.

"(U)nder this approach, defendants could unilaterally control venue by completing administrative tasks related to terminating a plaintiff's employment in their choice of locales," he said. "Or they could order an employee to report to a location in the venue they desire and fire the employee there. We believe these are not results that the

Legislature intended in enacting the CRA."

Justice Robert Young Jr., in a dissenting opinion signed by Justice Maura Corrigan, said he would decide venue based on where the dismissal took place, because the communication of dismissal is actually the alleged violation of the CRA.

He said the majority's decision would hold that the proper venue for wrongful termination is always the workplace and never where the act of firing was committed, which is inconsistent with case law and legislative intent.

"The majority's position is further undermined by the fact that the CRA explicitly makes the defendant's place of business a proper venue, while at the same time it says nothing about plaintiff's place of employment," Mr. Young said. "(T)he majority essentially creates a new venue provision that is contrary or in addition to the statutory language regarding where a violation occurs, as well as the structure and specific language chosen by the Legislature."

Justice Elizabeth Weaver also wrote a short dissent saying she wouldn't reverse the Court of Appeals decision but she wasn't convinced it had erred.

### **More diversity might have served USDA well in Sherrod fiasco**

From the Washington Post, 7/30/10

<http://www.washingtonpost.com/wp-dyn/content/article/2010/07/29/AR2010072906069.html?hpid=news-col-blog&sub=AR>

"When President Obama spoke Thursday to the National Urban League meeting in Washington about the unjustified firing of Shirley Sherrod, he had these words of wisdom:

"We should all make more of an effort to discuss with one another, in a truthful and mature and responsible way, the divides that still exist -- the discrimination that's still out there, the prejudices that still hold us back."...

### **Deaf Cancer Patient Wins Fight**

From the Flint Journal, 7/29/10

[http://www.mlive.com/news/flint/index.ssf/2010/07/deaf\\_cancer\\_patient\\_wins\\_fight.html](http://www.mlive.com/news/flint/index.ssf/2010/07/deaf_cancer_patient_wins_fight.html)

Flint—"A deaf woman who struggled for two weeks to communicate with doctors and nurses as she underwent tests and was diagnosed with kidney cancer now is being provided with sign language interpreters 24 hours a day, according to family members who fought for the service..."

### **Ousted USDA employee Sherrod plans to sue blogger**

From The Detroit News, 7/29/10

<http://www.detroitnews.com/article/20100729/NATION/7290444/1361/Ousted-USDA-employee-Sherrod-plans-to-sue-blogger#ixzz0vqyNVQup>

*San Diego* – “Ousted Agriculture Department employee Shirley Sherrod said Thursday she will sue a conservative blogger who posted a video edited in a way that made her appear racist...”

### **Some American Indians No Longer Qualify For Michigan's Tuition Waiver**

From Interlochen Public Radio, 7/29/10

<http://ipr.interlochen.org/ipr-news-features/episode/9217>

“Only some American Indians in Michigan will qualify for a college tuition waiver this fall...”

### **Detroit settles lawsuit over treatment of pregnant cops**

From the Detroit News, 7/28/10

<http://www.detroitnews.com/article/20100728/METRO/7280412/Detroit-settles-lawsuit-over-treatment-of-pregnant-cops>

“The city of Detroit has settled a federal lawsuit brought on behalf of female Detroit police officers forced to go on unpaid leave when they became pregnant, the ACLU of Michigan said today...”

### **First statewide advocate for LGBT Public Safety Criminal Justice Professionals Launches**

From Ann Arbor.com, 7/26/10

<http://www.annarbor.com/news/first-state-wide-advocate-for-lgbt-public-safety-criminal-justice-professionals-launches/>

“University of Michigan Police Sgt. Janet Connors is the only openly gay officer on the campus police force and is now advocating on behalf of the LGBT law enforcement community statewide...”

### **MI PROP 2-06: NEW, STRICT REQUIREMENTS FOR MI INDIAN TUITION WAIVER (sic)**

From the Saginaw Chippewa Tribe News, 7/23/10

<http://www.sagchip.org/education/higher-ed/2010-0723-MITW-RestrictionsGoInPlace.htm>

“Only Tribal Members of US Federally recognized tribes will be eligible for Michigan Indian Tuition Waiver. All Native American Students who are Descendants, Historical or First Nations of the North American Tribes will no longer be eligible...”

### **Americans with Disabilities Act hits 20 Today**

From the Free Press, 7/26/10

<http://www.freep.com/article/20100726/NEWS06/7260316/1320/Americans-with-Disabilities-Act-hits-20-today>

“Marva Ways remembers peering longingly through restaurant windows at the diners enjoying their meals...”.

### **Disabilities Act turned a page in work relations**

From the Lansing State Journal, 7/26/10

<http://www.lansingstatejournal.com/article/20100726/NEWS03/7260314/Disabilities-Act-turned-a-page-in-work-relations>

"Today marks the 20th anniversary of the signing of the Americans with Disabilities Act..."

**Americans with Disabilities Act turns 20: 'A reminder that we're not done, and there's still so much to do'**

From the Grand Rapids Press, 7/26/10

[http://www.mlive.com/news/grand-rapids/index.ssf/2010/07/americans\\_with\\_disabilities\\_ac.html](http://www.mlive.com/news/grand-rapids/index.ssf/2010/07/americans_with_disabilities_ac.html)

KENTWOOD – "Clark Goodrich was able to board and exit a public bus en route to a picnic last week marking the 20th anniversary of the Americans with Disabilities Act. In addition, the sidewalk had a curb cut that enabled him to cross the street in his wheelchair and get to the park where the party was held..."

**Americans with Disabilities Act has been providing protection for 20 years; some officials say challenges remain**

From the Jackson Citizen Patriot, 7/26/10

[http://www.mlive.com/news/jackson/index.ssf/2010/07/americans\\_with\\_disabilities\\_ac.html](http://www.mlive.com/news/jackson/index.ssf/2010/07/americans_with_disabilities_ac.html)

"Monica Moser knows firsthand what it is like to see a loved one be held back by a disability.

Her brother Stephen — who had muscular dystrophy — attended community college in the late 1980s to pursue an associate's degree..."