

EDITORIAL

More favors

Dismissal of charge against official despite plea another stain on Valley

We can add Cameron County attorney Douglas Wright's name to those of Rudy Delgado, Irma de la Garza and Rebecca Cruz. Dismissal of charges against Wright only adds to Cameron County's reputation as a place where people with connections might get special treatment and could be allowed to feel they can ignore the law.

Delgado is a state district judge in Hidalgo County who faced charges of driving under the influence of alcohol until they were dismissed in February. De la Garza is a county jail clerk who got reduced charges and probation after her third DWI arrest. Cruz is a Harlingen police detective who was acquitted of driving drunk.

All this in just the past couple of months — these are hardly the first Rio Grande Valley officials who might have received special treatment after they were charged with drunk driving.

The most egregious case seems to be that of Wright, who wasn't even contesting the charges against him. Nevertheless, County Court at Law No. 3 Judge Dan Robles dismissed the charges. He did impose deferred adjudication on the minor charge of striking a fixed object.

Robles is the same judge who dismissed the DWI charge against Judge Delgado.

Wright pleaded no contest to charges stemming from his Nov. 20 arrest on charges of DWI and unlawfully carrying a weapon, as well as a charge of duty for striking a fixed object. According to court records, Wright was arrested after he drove into a street sign at the entrance to the Queen Isabella Memorial Causeway in the early morning hours.

District Attorney Armando Villalobos said he would appeal the dismissal.

We would hope so. And we agree with Ana Verley of the local Mothers Against Drunk Drivers chapter, who recently expressed concern that public officials appear to be getting special treatment.

"The law should be applied equally across the board," Verley told *The Brownsville Herald* last month.

More disturbing is that this special treatment is being offered to our judges and law enforcement officers — those who enforce these same laws and should feel some obligation to set a public example.

"When you're a law enforcement officer, you have a duty to obey the laws you're charged with enforcing," Verley told a *Herald* reporter. "It would be hard for the average citizen to go to court and take their licks, while a police officer does the same thing and could be getting (special) treatment."

These are people who undoubtedly know the law, and recognize the reason for their existence. Driving under the influence of substances that impair reactions and motor skills put other people at risk. Someone who has been deemed worthy of defending the law should be trusted to act more responsibly.

Most importantly, however, judges should recognize that one of our country's founding principles is that all people are created equal. As such, they are entitled to equal treatment under the law. The Constitution that governs all other laws of this country makes that explicitly clear.

It could be argued that each of these cases is unique, and that is merely coincidental that judges deemed every one of them to merit dismissal or reduction. But when the defendant himself chooses not to contest the charges, dismissal can only raise eyebrows.

Area voters should take note of those judges who appear to apply the law capriciously, and not based solely on the facts and merits of the cases. Judicial power is a great and mighty gift. If a judge is abusing or misusing that gift, voters should recognize that fact, and take that power away.

The Brownsville Herald

The Brownsville Herald

Born on the Fourth of July 1892

An independent Freedom Newspaper published by Freedom Communications Inc.
1135 East Van Buren Street
Brownsville, Texas 78520-0351
956-542-4301

R. Daniel Cavazos
Publisher
Becky Solis
Director of Advertising



Rachel Benavidez
Editor
Carlos Rodriguez
Opinion Editor

This newspaper is dedicated to furnishing information to its readers so they can better promote and preserve their own freedom and encourage others to see its blessing. For only when man understands freedom and is free to control himself and all he produces can he develop to his utmost capabilities.

We believe that all men are equally endowed by their Creator and not by a government, with the right to take moral action to preserve their life and property and secure more freedom and keep it for themselves and others. Freedom is self-control; no more, no less.

To discharge this responsibility, free men, to the best of their ability, must understand and apply to daily living the great moral guide expressed in the coveting commandment.



MEANWHILE, SOMEWHERE IN KANSAS...



Mike Keefe THE DENVER POST 2004 www.caglecartoons.com

Age discrimination decision was important

SAN DIEGO — It was easy to miss with so much else happening in the world, but there was a hugely

RUBEN NAVARRETTE



The San Diego Union-Tribune

important decision last week by the Supreme Court involving older workers and how they're treated on the job. The justices made it easier for workers age 40 and older to sue employers for age discrimination, even if the workers can't prove that the employer deliberately intended to discriminate. All that is needed for proof, the court said, is that a given policy, requirement or practice in the workplace has an "adverse impact" on older workers.

That includes layoffs that seem to target higher-salaried employees or those soon eligible for retirement benefits. Or an employment test that measures computer skills — something older workers tend to have less of — when the position at hand doesn't require using a computer.

It's an important decision because, with 75.8 million

Americans now 40 and older, more than half of the nation's work force is affected.

The court's ruling stems from a case in which older police officers in Jackson, Miss., sued the city after the police department began giving larger pay raises to younger officers who had less experience. The senior officers didn't prove that the city intended to discriminate against them.

There was no "smoking gun" — no memo, e-mail or statements from city officials — showing that the city wanted to harm older officers. But, the officers argued, that was the logical consequence of the policy.

The city insisted that it meant no offense. It claimed that the policy was necessary to make salaries more competitive and make it easier to recruit new officers.

In the end, the Supreme Court delivered an opinion loaded with nuance. It bought into the city's argument that the two-tiered policy for pay raises was a "business necessity" that should be preserved. And so the court dismissed the case brought by the senior officers.

But, in what legal experts say is the more important part of the decision, the court also made clear that under the Age Discrimination in Employment Act of 1967 —

which bars employers from hiring and firing people based on age — workers could sue employers even if they couldn't prove an intent to discriminate. Under the new standard, it is sufficient to show that a given policy has a disparate impact on older workers.

This is new ground because, for more than a generation, the courts have held that showing disparate impact was not enough to sue under ADEA and that older workers had to prove intent in order to file a claim. As a result, lawsuits alleging age discrimination have been tough to litigate and even tougher to win. In fact, the conventional wisdom is that a lot of these cases never even get filed because the intent requirement makes them so difficult to try.

It might also be that people don't think to complain about age discrimination as readily as they do other types of alleged mistreatment.

According to the Equal Employment Opportunity Commission, the government agency that investigates discrimination claims, allegations of age discrimination formed the basis of 22.5 percent of complaints received by the agency. Thirty-five percent had to do with race, and 30 percent involved gender.

Of course, it also didn't help that the legal system has had a curious double standard with regard to different types of discrimination. In cases that involve race, gender or religion, plaintiffs have — since the 1970s — had to demonstrate only that a given policy in the workplace had a "disparate impact" in order to file a lawsuit. But that wasn't the case with claims of age discrimination, at least not until last week's decision.

According to Vincent Blackwood, assistant general counsel for the EEOC, the problem might be that judges have been more skeptical of age-based claims. Or maybe the problem is with the rest of society and what we're willing to tolerate.

"It may be that there is this sense that age discrimination is less morally repugnant than discrimination based on race or gender," Blackwood said.

If Americans ever believed that — even for a second — then shame on us. Even as a 37-year-old who is not impacted by this ruling, I have to say we couldn't have been more wrong. And thank goodness, the Supreme Court reminded us of what is right.

Ruben Navarrette's e-mail address is ruben.navarrette@uniontrib.com.

YOUR VOICES

Requiem for pope

Editor:

I join the world in mourning one of the greatest spiritual leaders in history. He will forever be remembered as the strongest of advocates for the oppressed and the poor throughout the world. Pope John Paul II stood firm on his messages of peace and reconciliation despite the turbulent times he lived in.

As a Roman Catholic myself, I took comfort in his inspirational messages, which condemned communism and excesses in capitalism. As an elected official, I have derived courage from his selfless conviction to rendering service. One of his most striking messages that resonated around the world was forgiveness of others. As long as I live, I will never forget that the pontiff went to the prison that was holding the man who had shot him, and offered the man his utter

forgiveness and unconditional love.

A highly educated man, Pope John Paul II held two doctorates, and was once a professor of ethics. He fully accepted the mission God put forth before him, becoming the third-longest serving pope in history. No adversity he faced, including old age and Parkinson's disease, prevented him from reaching out to every nation on the globe, offering prayers of comfort and hope.

Truly, he was a holy man. May his soul now rest in the place he already seemed to know so well.

State Sen. Eddie Lucio Jr.
Austin
Via the Internet

Should we fear own government?

Editor:

I am quite alarmed over the direction this administration is going regarding torture. Do I need to be afraid of my own government?

I certainly have little

JOIN THE DEBATE

The Brownsville Herald welcomes letters. Letters must be signed and give the writer's address and daytime telephone number for verification. Letters of 200 words or less will be given preference. Letters may be edited for length, grammar and clarity. Mail letters to The Herald at 1135 E. Van Buren St., Brownsville TX 78520. Fax us at 956-542-0840. E-mail us at tbhletters@brownsvilleherald.com.

regard for terrorists, but what about the innocent people who are falsely accused and, most important of all, what about American values?

My gracious! We have Guantanamo, where people are kept for years without legal representation; we have Abu Ghraib, where we are documented on video torturing prisoners; now we have outsourcing terrorism to other countries; we have people disappearing and put into prison without documentation; we have

pictures of prisoners who have been killed by boiling them. It sounds like the Middle Ages.

Everyone knows that a person under torture will admit to anything, so how reliable is the information we are getting from that process? What happens if someone accuses an innocent person, who is then snaggled and dragged? Are they also kept for years without representation? What if that someone is a member of your family?

Ordinarily, I would not have believed the accusations by the leftist Italian reporter that Americans tried to kill her. However, now, I really wonder if it might not be the truth.

I realize the war on terror is extremely complex and difficult, but I do not want to be so protected that we torture people. This is America and I cannot be proud of it if we continue upon this course.

Marjorie Franks
Brownsville
Via the Internet