



April 2013 Issue 7  
Academic Year 2012-2013

# Retirees Newsletter

Professional Staff Congress  
Jack Judd, Editor

## I. MAY CHAPTER MEETING.

The May 6 chapter meeting will be held at 61 Broadway, 16th floor, in the PSC union hall from 1-3 PM. The topic for the meeting is: **Immigration Legislation and the Dream Act.**

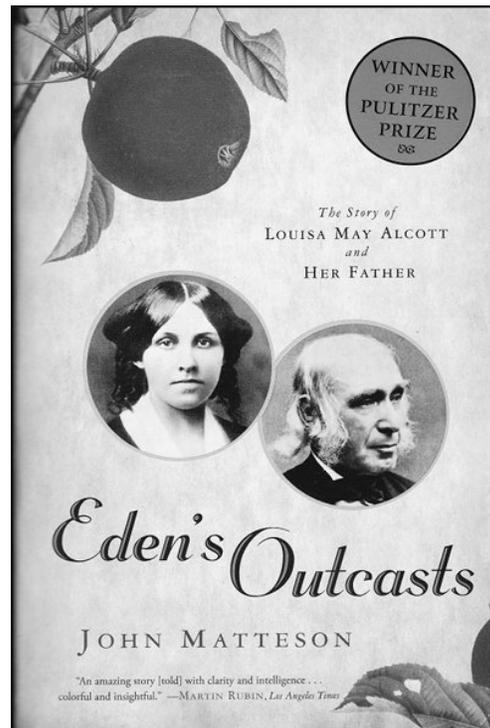
The Executive Committee will meet at 61 Broadway from 10:30 AM - 12:00 PM in the Justice Room on the 15<sup>th</sup> floor. Anyone interested is invited to attend.

**II. THE JUNE LUNCHEON:** There's still time to make a reservation for the June 3 Luncheon to be held at John Jay College.

The meeting and luncheon will take place on June 3 in the Faculty Dining Hall at John Jay College of Criminal Justice (2<sup>nd</sup> floor, 524 West 59th St.). The day will start with a continental breakfast at 10:30 AM followed immediately by the annual business meeting. Lunch will be served at 12:30 PM.

**The invitation and reservation form is attached at the end of this newsletter.** Please fill out the reservation form and mail it to the PSC office along with a check payable to the Professional Staff

Congress (\$25 per attendee) by May 15. The return address is on the form.



*Pulitzer prize winner John Matteson will be the featured speaker at the June luncheon.*

**III. KEEP THIS TAX INFORMATION FOR FUTURE REFERENCE.** For information on the taxability of Social Security benefits, see IRS Publication 915, Social Security and Equivalent Railroad Retirement

Benefits. This publication is available at [tinyurl.com/SocialSecurityTax](http://tinyurl.com/SocialSecurityTax) on the IRS website ([www.irs.gov](http://www.irs.gov)) or by calling [800-829-1040](tel:800-829-1040).

#### IV. REPORT ON THE APRIL

**CHAPTER MEETING.** Again we thank Joel Berger for this excellent summary of remarks made by our guest speaker at the April meeting.

#### **Prof. Frank Deale on the Supreme Court: Advances and Retreats from Social Justice**

The historical evolution of civil rights decisions of the US Supreme Court from its beginnings to its current conservative majority was the theme of an entertainingly provocative talk presented to the chapter by Professor Frank Deale of the CUNY Law School at the April meeting.

Professor Deale was first attracted to the law as a teenager after hearing about the civil rights case, *Jones v. Albert Mayer Co.*, of 1968. In that case, the Court held, by a vote of 7-2, that it is illegal to discriminate against any person on the basis of color, race, religion, or national origin in the sale or rental of housing. It was the first time that the Court ruled that private homeowners could be sued for damages after a case of discrimination was proven.

Professor Deale traced the trajectory of the Court from its days as a "non-actor" in the cause of social justice, to its heyday under Chief Justice Earl Warren. Chief Justice Warren led a "judicial revolution," according to Professor Deale, by "breaking down barriers to discrimination in the

areas of voting, education and employment." "Now," Professor Deale lamented, "we see [the Warren Court's work] getting, essentially, rolled back every day."

In the early days of the Supreme Court, its role was in "carving out federalism," enabling both the sovereign states and the federal government to have defined powers.

"In the 1850s, the Court made its first dramatic intervention in the area of social justice with its infamous Dred Scott decision," professor Deale told the chapter. Holding that since African-Americans are not citizens of the United States they could not sue in a federal court. With a 7-2 majority vote, it also ruled that Scott was still a slave, and as such he was property protected by the Constitution of the United States. (The 13<sup>th</sup> and 14<sup>th</sup> Amendments subsequently overturned the Dred Scott decision.)



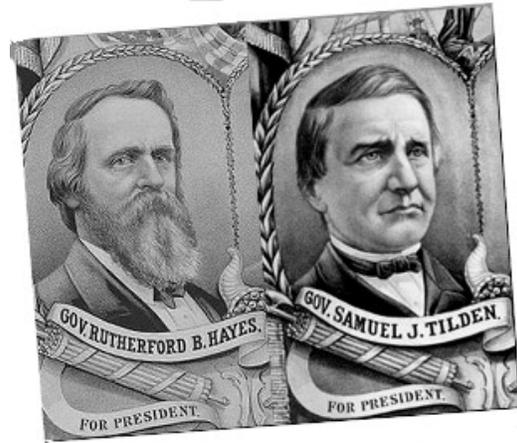
DRED SCOTT, *Contemporary*

After the Civil War a radical, Reconstruction Congress came into power. That Congress enacted a number of laws enforcing the provisions embodied in the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments. It also passed "a package of civil rights legislation," namely Title 42 of the United States Code Sections 1981 through 1985 (42 US Code § 1981 - § 1985). These laws gave African-Americans the rights to sue in court, to enter into contracts, and to obtain private damage remedies. They also outlawed discrimination according to race. "Most of the cases you read about, from *Brown v. Board of Education* to the cases now being litigated down in the federal court house at this very moment, even those concerning Stop and Frisk regulations, are being litigated under 42 US Code § 1983," according to Professor Deale.

Another law passed by the Reconstruction Congress allowed individuals to bring lawsuits against "conspirators acting in disguise to take away the constitutional rights of other individuals." (This was a law specifically targeting the Ku Klux Klan.) That same Congress also enacted two laws carrying criminal penalties: Title 18 US Code § 241 and § 242. Under these new laws, the federal government could prosecute any private person who took away the constitutional rights of any individual; and the government had the right to bring prosecutions against officers operating under the "color of state law" when there were violations of constitutional rights.

Unfortunately, the civil remedies

established by the Reconstruction Congress were rarely enforced, because there were no civil rights lawyers to bring the cases. The federal government did prosecute some criminal cases, but after the Hayes-Tilden Compromise of 1876, federal troops enforcing the laws were withdrawn from the former Confederate states. Then, "we had a reign of terror throughout the south."



The 1877 Hayes-Tilden Compromise effectively ended radical reconstruction.

The Supreme Court subsequently restricted the meaning of the Civil War amendments by deciding a group of civil rights cases in the late 19<sup>th</sup> century. It declared the Civil Rights Act of 1875 unconstitutional, asserting that Congress could not pass legislation making it unlawful for private individuals to discriminate. The Slaughter House Cases gave "a devastatingly narrow interpretation to the 14<sup>th</sup> Amendment," according to Professor Deale. In 1896, the infamous *Plessy v. Ferguson* ruling ratified the doctrine of "separate but equal." "In a short period of time, after the Hayes-Tilden Compromise, the Supreme Court jettisoned the work of the radical Reconstruction Congress."

It took fifty more years for the Supreme Court to become "very attuned" to the civil rights movement and to what was "happening in the streets." In addition to *Brown v. Board of Education*, the Warren Court created what Deale called "a second reconstruction."

Legislation emerged from the Congress expanding voting rights, and by making discrimination unlawful gave the reconstruction laws "a new life." In 1960, the Court held in *Monroe v. Pape* that individuals could bring suit under 42 US Code § 1983, a Reconstruction law passed close to 100 years prior. The Court "opened up the doors to the federal courts to the US Code 1983, and all of a sudden, we see discrimination cases filling the dockets of judges throughout the United States." Citing cases such as *Runyon v. McCrary*, and *Jones v. Albert Mayer Co.*, Professor Deale demonstrated how the Warren Court upheld the laws of the reconstruction congress so as to advance civil rights.

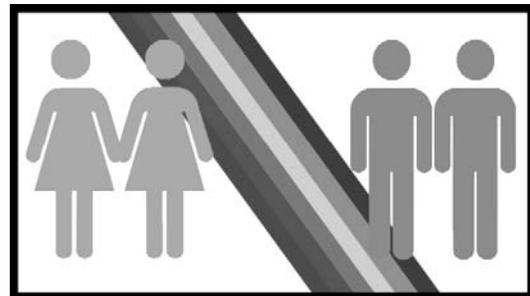
The Supreme Court's march toward social justice was slowed down, and was eventually halted as Republican presidents filled court vacancies. Now, "every time there is a vacancy on the Supreme Court we have a tremendous battle," with Republicans urging the appointment of "strict constructionists."

Today's Supreme Court is very different from the Warren Court, where the Chief Justice made every effort to make decisions unanimous. Evolution from Warren's court to the

John Robert's court was very slow. But the Court's term is now characterized by "a whole host of so-called 5-4 decisions." "Some of them are good, some of them are bad, but the scope and direction of the court is pretty clear: if the right wing ever gets that fifth justice, we are going to see an extraordinary turnaround."

Professor Deale outlined how the conservative lawyers of the Federalist Society came to dominate right-wing thinking. He pointed out that four sitting justices are aligned with that society.

In terms of current cases before the Court, Professor Deale is not optimistic that the cause of social justice will be advanced in the areas of affirmative action and voting rights. He fears that cases involving state restrictions on a woman's right to choose an abortion, which are "blatantly unconstitutional," will find "friends at the top."



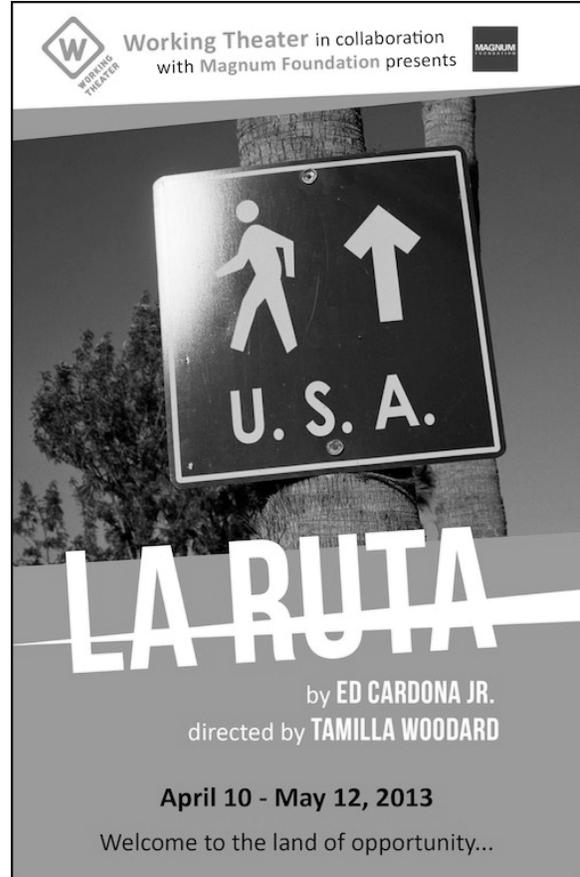
The current court will decide cases involving gay rights and the Defense of Marriage Act.

After discussing the Defense of Marriage case, Professor Deale concluded by stating that the current outlook for affirmative action "doesn't look very good," and "if it gets worse, a piece of me says there has to be some means of defiance." With the Congress obstructed, "all we have is

what we had during the 1960's, primarily a people's struggle."

**V. THE WORKING THEATER PRESENTS: LA RUTA**

**Apr 10 – May 12:** The Working Theater presents La Ruta, a play which follows the journey of several undocumented immigrants as they cross the border into the United States. The play is staged in the back of a truck and is an immersive experience for the audience members. The Working Theater will be staging the play in several communities throughout the city. For more info and to purchase tickets, please go to [theworkingtheater.org/](http://theworkingtheater.org/)



## OFFICERS OF RETIREES CHAPTER

March 2013

Chairman:	James Perlstein
Vice Chairperson:	Joel Berger
Secretary:	
PSC Executive Council:	William Friedheim Eileen Moran
Officers-at-Large:	Francine Brewer Judith Bronfman Martin L. Kaplan Eileen Moran
Delegate Assembly:	John Hyland David Kotelchuck Steve Leberstein Cecelia McCall Ezra Seltzer
Alternate Delegates:	Miriam Balmuth Joel Berger Peter Jonas Robert Wurman
Chairmen Emeriti:	Jacob Judd Lawrence J. Kaplan Irwin Yellowitz
Coordinator, Pension & Health Benefits:	Jared Herst

## LUNCHEON COORDINATORS

Judith Bronfman  
Robert Wurman

## DIRECTIONS

John Jay's New Building

Best entrance for the Luncheon:  
11th Ave. between 58th & 59th

Also accessible from:  
899 Tenth Ave.

Bus: M57 to 11<sup>th</sup> Avenue  
Transfer from any subway line  
with a 57<sup>th</sup> or 59<sup>th</sup> St. stop.

## RETIREES CHAPTER

of the

PROFESSIONAL STAFF CONGRESS

Cordially invites you

to attend its

Twentieth Annual  
Spring Luncheon  
and  
Annual Business Meeting

**Monday, June 3, 2013**

10:30 AM  
Continental Breakfast  
Annual Business Meeting

Faculty Dining Room, 2nd floor

12:30 PM  
Luncheon

Dining Hall, 2<sup>nd</sup> Level  
John Jay College of Criminal Justice  
New Building  
524 West 59<sup>th</sup> St.  
New York, NY

## PROGRAM

Award to  
Peter Jonas

Speaker

John Matteson  
Distinguished Professor of English  
John Jay College of Criminal Justice

Author of the Pulitzer Prize winning work  
*Eden's Outcasts: The Story of Louisa  
May Alcott and Her Father (2008)* and  
*The Lives of Margaret Fuller (2012)*

Giving a talk entitled:

"The Fullers and the Alcotts:  
Two Visions of Nineteenth-Century  
Education"

## MENU

Tossed Salad  
Hot Rolls

Choice of:  
Chicken Francese  
Tropical Salad  
Tuna Salad  
Vegetable Lasagna  
Poached Salmon  
Pepper Steak

Vegetables  
Dessert  
Beverages

## RESERVATION FORM

I/We plan to attend. Enclosed is my  
reservation for \_\_\_\_\_ luncheon(s)  
at \$25.00 each.

My choice of main course is  
(check one for each person who will attend):

\_\_\_\_\_ Chicken Francese  
\_\_\_\_\_ Tropical Salad  
\_\_\_\_\_ Tuna Salad  
\_\_\_\_\_ Vegetable Lasagna  
\_\_\_\_\_ Poached Salmon  
\_\_\_\_\_ Pepper Steak

Name(s) \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Please send your reservation form with a  
check payable to:

**Professional Staff Congress**

by

May 15, 2013

Retirees Chapter  
Professional Staff Congress  
61 Broadway, 15<sup>th</sup> floor  
New York, NY 10006