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**COURT URGED TO HOLD ALL CIVIL RIGHTS
CLAIMANTS TO THE SAME STANDARD
(*Hopp v. City of Pittsburgh*)**

The Washington Legal Foundation (WLF) last week urged the U.S. Court of Appeals for the Third Circuit to decide that federal law gives the same protection from racial discrimination to everyone.

WLF filed its brief on behalf of itself, the Allied Educational Foundation, and Howard L. Fargo, a Member of the Pennsylvania House of Representatives.

Certain applicants for the Pittsburgh Police Department sued the City, charging that it rejected them because of their race. At trial they showed that the City had used an oral examination and executive discretion in ways that strongly implied racial discrimination. The City responded by claiming that its hiring practices were neutral with regards to race. A jury delivered a verdict in favor of the applicants. The City then appealed, arguing that the verdict should be reversed because the applicants should have met “a heightened standard” to establish a presumption of intentional discrimination, because they are white.

In a brief filed with the court, WLF argued that federal law gives every person the same opportunity to use indirect evidence as proof that an employer engaged in intentional racial discrimination. Neither the language of the law, its legislative history, nor Supreme Court precedent supports the notion that a person needs to show “something extra,” merely because of his race, when trying to establish a presumption of intentional racial discrimination. WLF also argued that reading federal law to impose an additional burden on white plaintiffs probably violates the Fourteenth Amendment’s guarantee of “equal protection of the laws.”

“Federal law gives every person the same protection from racial discrimination in the workplace,” said WLF’s Senior Counsel for Litigation Affairs, Shawn Gunnarson. “Congress passed civil rights laws to protect everyone, and those laws ought to be administered evenhandedly.”

The Washington Legal Foundation is a nonprofit public interest law and policy center with supporters nationwide. It devotes a significant portion of its resources to defending and promoting the principles of free enterprise and individual rights.

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For further information, contact WLF Senior Counsel for Litigation Affairs Shawn Gunnarson at (202) 588-0302.