TESTIMONY OF RODERICK JACKSON
BEFORE THE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
ON THE NOMINATION OF JOHN ROBERTS TO CHIEF JUSTICE OF THE UNITED STATES

September 15, 2005

Good afternoon. My name is Roderick Jackson. It is a privilege and an honor to be here today.

It's hard for me to believe that I am here today – after all, I'm just a teacher and the Acting Head Coach of the girls' basketball team at Ensley High School in Birmingham, Alabama. But my story shows the impact the Supreme Court can have on the lives of regular citizens and how key a role the Court plays in making sure that our civil rights laws truly guarantee fair treatment for all.

I was born and raised in Birmingham, where I early on learned the value of hard work and of taking responsibility for myself, my family, and those in my charge. My father died when I was two, and I helped to support my family, working my way through high school, college, and, ultimately, graduate school. But for the six years I served in the Army Reserves, I have spent my life in the community where I grew up.

For two years, 1999 until May, 2001, I was the head coach of the girls' basketball team at Ensley High School. We had a good team. They played good ball, they worked hard, and they won many games. In fact, six of my seven seniors who graduated in 2001 received college scholarships.

But my team didn't have it easy, and the girls were treated worse than the boys in many ways. The girls were not allowed to practice in the new, regulation gym used by the boys' team; instead, the girls had to use the old gym with its wooden backboards, bent

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rims, and no heat. The girls couldn't get to the ice machine; on one occasion, I was forced to break into it with a screw driver to get ice for an injured player. And while the school bought basketball shoes for the boys, I had to buy shoes with my own money to enable my girls to play.

Money from the school was another major problem. The girls were routinely denied any share of the money given to the school athletics program by the City of Birmingham – of the $8,000 given one year, for example, the girls never saw a dime. While the boys' team was allowed to keep the money from admissions and from concession sales during their games, the girls were not. This caused serious problems. For one thing, the girls – unlike the boys -- couldn't afford to hire a bus to travel to away games, and had to make their own arrangements to travel by car unless the boys had a game at the same place and the same time. In addition, because teams had to pay for their own game officials, the lack of financial support for the girls' team meant that we were in a continuous hole.

To me, this was just unfair. Also, I had learned about Title IX as part of my teacher training and thought it was against the law for schools not to treat girls as well as boys. So I did what I thought was the right thing during my second year as coach – I went through the chain of command at my school and the school district to ask for equal treatment for my girls' team. The school was not merely indifferent to the unfairness – they were angry that I was trying to stand up for myself and my students, and told me just to "play ball." Instead of addressing the problems, they fired me from my coaching job.

Being fired was the beginning of a tough period for me. I not only lost the satisfaction of coaching; I also lost the extra income I earned and the higher retirement

benefits I would have gotten based on that money. I was labeled a trouble-maker and for two and one-half years was turned down for every coaching position I applied for at other schools. And the young ladies at Ensley lost the only person who was willing to speak up for them.

So I went to court to try to get my job back. I ended up representing myself before the court of appeals, which said that I couldn't sue because Congress hadn't included a specific reference to retaliation in Title IX. I was about ready to throw in the towel. I thought I'd just misunderstood the law – that it didn't, in fact, offer any protection for me or for my girls' team.

But then, with the help of the National Women's Law Center and the law firm of O'Melveny and Myers, I took my case to the Supreme Court. The Court, in a 5-4 decision written by Justice O'Connor, made clear that Title IX, and laws like it, do indeed provide effective protection against discrimination. I came to Washington for the argument, and it was a thrill; I felt like Justice O'Connor was looking right at me in the courtroom. In her opinion, she said that protesting discrimination, as I did, is a critical part of enforcement of Title IX and that prohibiting retaliation for these protests is essential to realizing the goals of the law.

This decision, and my involvement in this case, has had a significant impact on me – and, I hope, on others as well. The Supreme Court restored my faith that the laws of this country really do protect my rights and those of my students. The Court's decision sends the message that teachers and others like me can stand up for what we think is right without worrying that we will lose our jobs or otherwise be penalized as a result. In fact, people come up to me on the street in Birmingham to thank me for what I

did. So Justice O'Connor's opinion gives new hope that this great country will continue to move toward ensuring true equality of opportunity, and that the laws will be understood to protect the rights of those who continue to be disadvantaged.

But the decision could easily not have come out the way it did. A shift in even one vote would have left me without any remedy. That's why today's hearing, and the Supreme Court confirmation process, are so important to regular people like me. I urge you to confirm Justices who will understand their key role in protecting our civil rights, who will recognize the significant impact of their decisions on our everyday lives, and who will help to continue to make the promise of the law a reality.

Thank you.