



**February 22, 2010**

**NAACP Legal Defense Fund Argues Chicago Firefighter  
Discrimination Case Before Supreme Court**

*LDF defends job applicant rights under Title VII of the Civil Rights Act*

(New York, NY) — John Payton, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF) presented oral argument today before the United States Supreme Court on behalf of a class of six thousand African Americans who were denied jobs as firefighters. The City of Chicago now admits that its engaged in unlawful hiring discrimination. The only issue in the case, *Lewis v. Chicago*, is whether or not the plaintiffs filed their claims of discrimination in a timely manner as required by Title VII of the Civil Rights Act.

“The City of Chicago acknowledges it used a discriminatory hiring practice. The plain language of federal anti-discrimination law requires, and common sense dictates, that victims of discrimination have a right to seek justice,” said Payton.

Between 1996 and 2002, the City of Chicago hired over 1000 firefighters using the results of a test in a manner that caused an unjustified disparate impact on African American applicants. Although the City knew this from the outset, it nevertheless proceeded to use the test results to hire eleven disproportionately white firefighter classes. The City did not appeal a federal district court’s finding that the City’s hiring practice violated Title VII of the Civil Rights Act. Rather, the City argued that it should escape liability based on a procedural technicality. According to the City, the African American applicants filed their discrimination claims too late. The Court of Appeals for the Seventh Circuit agreed. It held that the black applicants should have filed their claims within 300 days after the City announced its planned hiring practice based on the test results. LDF disagrees and believes that discrimination occurred each time the discriminatory practice was used to hire firefighters.

“Title VII holds employers accountable each and every time they use a discriminatory hiring practice. Each time the City excluded black applicants from firefighter jobs, it reset the clock for timely filing claims,” argued Payton.

The test was designed so that anyone who scored above a 65 was qualified for a firefighter job. But the City invented an arbitrary cut-off score of 89 and hired only applicants who scored above, even though, as the district court found, the cut-off score was statistically meaningless and bore no relationship to job performance as a firefighter. By hiring from the falsely named “well qualified” pool, which was mostly white, African American applicants were disparately and unjustifiably denied employment opportunities.

 [Read Transcript](#) (152 KB)

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#### ABOUT LDF

*The NAACP Legal Defense and Educational Fund (LDF) is America's legal counsel on issues of race. Through advocacy and litigation, LDF focuses on issues of education, voter protection, economic justice and criminal justice. We encourage students to embark on careers in the public interest through scholarships and internship programs. LDF pursues racial justice to move our nation toward a society that fulfills the promise of equality for all.*

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