

DEALING WITH THE DOUBLE STANDARD!

Written by Jeffrey L. Boney, Associate Editor
Wednesday, 06 March 2013 00:00

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WHY PAST MISTAKES HAUNT
BLACK PEOPLE AND IMPACTS THEIR
ABILITY TO MAKE AN HONEST
LIVING IN THIS COUNTRY



Growing up in Port Arthur, Texas, Dominic Hardie was a rising basketball star headed for greatness.

In 1995, Hardie helped lead his powerhouse Lincoln High School basketball team to the Class 4A State Championship, where he was named the Most Valuable Player (MVP) of the championship game. Along with his Lincoln High teammate and cousin, current NBA superstar Stephen Jackson, both Hardie and Jackson were a force to be reckoned with in the basketball world.

Jackson, who is currently an NBA player for the San Antonio Spurs, went on to experience professional basketball success. Hardie, on the other hand, made a mistake that caused his professional basketball career to hit a serious roadblock. Now, his current coaching career is being impacted by that same mistake years later and he is doing everything he can to fight for it.

NCAA LAWSUIT FILED

Last month, Hardie was notified that he was being barred from coaching in a high-profile tournament in San Diego, prompting him to sue the National Collegiate Athletic Association (NCAA) for the rights to coach in that event, as well as challenge their new policy that bars felons from coaching at NCAA-sanctioned events.

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Hardie, who received probation for a nonviolent felony drug conviction in 2000, is a coach and trainer with Triple D Hoops, an Amateur Athletic Union (AAU) travel team based out of Houston, Texas, that competes in tournaments all around the country.

Since that incident Hardie has cleaned up his act, returned to college and got his degree.

The lawsuit, filed in U.S. District Court in San Diego, claims that the new NCAA rule violates the Civil Rights Act and disproportionately affects minority coaches.

“He’s done everything to lead a good life, and yet he is being penalized,” said Jane Dolkart, senior counsel with the Lawyers’ Committee for Civil Rights Under Law, a nonprofit legal group that filed suit in San Diego on behalf of Hardie.

For many of the girls, that San Diego tournament and many similar NCAA-sanctioned events like it, serve as key events for college recruiters and are looked at as a chance for players to get scholarships and go on to college.

In 2009, Hardie became certified to coach in NCAA-sanctioned events. However, during the two-year certification timeframe before having to renew, the NCAA changed the law, making Hardie ineligible to renew his certification with them.

Previously, the NCAA allowed coaches, like Hardie, who had a nonviolent felony conviction older than seven years to coach at its certified basketball tournaments. The rule was changed in 2011 to prohibit all ex-felons from coaching.

“It rejects any notion of rehabilitation,” said Dolkart.

Hardie’s attorneys say higher arrest rates for minorities means the NCAA ban unfairly impacts

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minority coaches and the athletes they are coaching.

The conviction that Hardie received was his first and only offense. He was charged and convicted for having less than one gram of drugs in his possession.

“I was young and I made a mistake when I came back home to Port Arthur,” said Hardie. “I will never make any excuses for what I did. My dad wasn’t in my life and I didn’t have any role models at the time, so I ended up hanging with the wrong people. I made a regrettable mistake, but I paid the price for it and learned my lesson.”

In a statement, the NCAA said it stands by its policy.

“Our policy has been unsuccessfully challenged in court previously. We continue to believe convicted felons should not have access to youth at events where NCAA coaches are participating, and we will vigorously defend this lawsuit,” Bob Williams, NCAA vice president of communications, said in a statement.

Dolkart states that the example the NCAA is using to justify their position is completely different than that of her client.

“No court has ever made a decision on the merits of the NCAA policy,” said Dolkart. “The merits of the NCAA policy and the violation of a person’s civil rights, as a result of that policy, have never been ruled on.”

Dolkart says that the case the NCAA is using involved a Caucasian male and was never presented as a civil rights issue to the court.

HARDIE BACKGROUND

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In order to see just how bright Hardie's future was you would have to take a look at his overall resume and body of work.

As a player at Lincoln High, Hardie was named first team all-state and first team all-district. He was coached by the legendary Andre Boutte who has produced countless Division I and professional basketball players such as Jackson and Kendrick Perkins, who is currently playing with the Oklahoma City Thunder. Both Jackson and Perkins went on to play basketball in the NBA directly from high school.

Hardie went on to attend the University of Houston (U of H) his freshman year, helping the Cougars finish second in their final year in the Southwest Conference and upsetting the Memphis Tigers, who were the #3 team in the nation at the time. While at U of H, Hardie was the teammate and roommate of former NBA sharp-shooter Damon Jones.

Hardie later transferred to Frank Phillips College where he was a Junior College All-American; battling future NBA stars such as Steve Francis (San Jacinto Junior College). Hardie ended his college career at the University Of North Texas and then went on to play professionally in Europe for a small stint.

Hardie eventually returned home to Port Arthur, Texas, where he ended up making that life-altering choice that has led to his being barred from coaching in NCAA-sanctioned events. Hardie, however, believes that he should be afforded a new lease on life and receive a second-chance to better his overall life like so many other people have been given.

DOUBLE STANDARD?

Recently, former Harris County Commissioner Jerry Eversole was hired as a lobbyist by the Harris County Department of Education. Lobbyists are hired by companies and institutions on a regular basis, but what makes this hire unique is the fact that Eversole is a convicted felon.

Eversole, who resigned in 2011 as a part of a plea deal in a federal corruption trial, was sentenced to three years' probation, after being accused of taking id="mce_marker"00,000 in

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cash and gifts from friend and real estate developer Mike Surface in exchange for steering county contracts and appointments to Surface and his companies, pled guilty to lying to FBI agents; a felony.

According to the Houston Chronicle, when responding to questions surrounding the controversial hire, Eversole said, "I have the right to work and make a living."

Statistically, African Americans get charged and receive felony convictions for drug offenses at a higher rate than any other cultural group in America.

According to the 2010 census from the US Census Bureau, Blacks comprised 13.6% of the U.S. population and were incarcerated at the rate of 4,347 inmates per 100,000 U.S. residents of the same race and gender. White males were incarcerated at the rate of 678 inmates per 100,000 U.S. residents.

Felony convictions contribute to a high recidivism rate and make it extremely difficult for Blacks to overcome the baggage of having a conviction. Many Blacks find it extremely difficult to earn a decent living or obtain gainful employment. However, there are instances where laws and rules appear to apply to Blacks differently than other groups.

LESSON LEARNED

When it comes to the NCAA rule concerning felony convictions, there is no gray area; either you have one or you don't.

While there are many people who find the treatment of felons in this country acceptable, many advocates believe that felons should be treated differently and questions continue to swirl about whether society should treat all felons the same.

Many felony advocates believe that a period of time should elapse following a felony conviction,

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as well as there being a felony distinction between violent and nonviolent felons.

There are many notable individuals who have made similar mistakes as Hardie, yet they went on to do great things.

On September 4, 1976, at age 30, George W. Bush was arrested for driving under the influence of alcohol near his family's summer home in Kennebunkport, Maine. He admitted his guilt, was fined `id="mce_marker"50`, and had his driving license in the state suspended. He went on to become President of the United States.

In his 1996 autobiography, "Dreams from My Father," Barack Obama admitted using alcohol and drugs while in high school. He went on to become President of the United States.

Hardie believes that people can change and that he is living proof of it.

"I went back and got my degree," said Hardie. "I did everything to prove that my life has been rehabilitated and that I was determined to give back to society and make an honest living. I am being denied the opportunity to make a living and I don't believe it is right."

Hardie and his attorneys hope that the NCAA revises their policy and plans to aggressively challenge that policy in court.