



Written by [Selwyn Duke](#) on March 4, 2011

Obama's America: Bureaucracy Fines Theater \$80,000 for Racism

Its manager asked patrons to refrain from cellphone use during a Tyler Perry movie.

Seriously.

The ruling against the theater was made by the Delaware "Human Relations Commission" (HRC) in 2007 and was just overturned by the state's Supreme Court, but it should serve as a shot across the bow to all of us: Human-rights-commission tyranny has come to America.

It was just about a month ago that [I warned of this](#) in a piece about overseas human-rights-commission abuse. I cited the case of a Canadian woman who was fined \$36,000 and ordered into sensitivity training for complaining about a Muslim hire's smelly lunch, and other examples in which people were punished for criticizing homosexuality or Islam. I then pointed out that the mechanisms for such tyranny — "human-rights commissions," or some variation thereof — are already present in most states and major localities.



Also present is the same degree of bureaucratic lunacy. Just consider, for instance, the finding of the Delaware HRC. It ruled, [writes](#) Sean O'Sullivan at DelawareOnline.com, "that the manager of [the] Dover cinema was racist when he used a 'condescending tone' in telling a crowd of largely black patrons viewing a Tyler Perry movie to silence their cell phones and remain quiet." The commission claimed that the announcement was not usually made in that way and was therefore, get this, a violation of the Delaware Equal Accommodations Law. It explained that manager David Stewart, who is white, "'insulted, humiliated and demeaned' patrons ... [and] had singled out a black audience at a 'minority-themed' movie," writes O'Sullivan.

Left unexplained is why a business bent on not accommodating blacks would show a "minority-themed" movie in the first place.

But the explanation is found in one Juana Fuentes-Bowles, director of the Delaware HRC at the time. You see, she just happened to be in the Carmike 14 theater on the day in question — and she made sure to instigate trouble. Writes the [Daily Mail](#):

Juana Fuentes-Bowles ... stood up and told the crowd that his [the manager's] remarks were racist.



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She did not announce her title but afterwards she collected names and phone numbers of patrons who were offended.

An employee of her department then called patrons and organised a meeting, after which a complaint was drafted.

Not surprisingly, while Fuentes-Bowles had signed the initial complaint with 33 other patrons, she had her name removed, claiming it was “a distraction.” I’ll bet. Conflict-of-interest accusations can be mighty distracting. And what happened here was like being a defendant in court and learning that the plaintiff is also the judge.

Yet departure from the accepted rules of jurisprudence is par for the course for what actually are human-slights commissions. First, all that is often necessary to justify an investigation is that a member of a “protected class” *feels* offended. Then, the accused may be guilty until proven innocent. As the Delaware Supreme Court noted in the Carmike 14 case, the state’s HRC was forcing David Stewart to prove that he was not a bigot instead of forcing the plaintiffs to prove that he was.

And, in reality, if bigotry were on display in the movie theater, was it not likely on the part of Fuentes-Bowles? After all, had the theater manager not been white, would she have read such malicious intentions into an innocuous announcement? And, as we often learn from our personal relationships, it’s only when you’re biased against a person (or group) that you’ll view him/it through such colored glasses.

Yet all this is secondary. The real issue is that injustice will only become more common as long as we give rabble-rousing grievance mongers the power to sit in judgment over others. And who do you think work at human-slights commissions? The entities are nothing but welfare programs for people who’ve taken one too many courses in women’s, multicultural or afro-centric studies, collectively known as Grievance Politics 101. As long as these bureaucracies exist, justice will be a casualty.

And this is precisely what it was in the Delaware case. Oh, Carmike 14 ultimately “won,” you say? Think again. It had to spend time, thousands of dollars, and endure the heartache of, defending itself in court. Public interest lost out, too, as the cinema has said that it will no longer announce that theatergoers should refrain from cell-phone use (yeah, let the problem be settled via fisticuffs). As for Fuentes-Bowles, she hasn’t had to answer for her apparent conflict of interest. And while the complainants won’t be getting the \$1,500 each that was awarded them after all, they also emerge free and clear.

This is, by the way, why we need the tort reform of a “loser pays” law. It’s only fair. After all, part of the fine assessed by the Delaware HRC was \$20,000 for the plaintiffs’ legal fees. But what about Carmike 14’s legal fees? Why should opportunists be able to persecute fellow citizens via the legal system with impunity? And remember that such tactics are often used by the powerful to squash the little guy. If you’re a tax-dollar-fed bureaucracy or big corporation with a legal department, litigation means nothing to you. But if you’re an average citizen placed in court crosshairs, the best you can usually hope for is a Pyrrhic victory. And the Fuentes-Bowleses of the world know this — they know that the process is the punishment.

Looking even deeper, we should recognize that human-slights commissions are empowered by general misunderstandings about rights. While we may criticize foreign nations’ lack of respect for freedom of speech when they prohibit criticism of Islam, we overlook our own lack of respect for an important right: freedom of association. That is to say, why should any privately owned business be forced to provide “equal accommodation” for anyone?



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“Whoa, Duke,” some will say, “What are you talking about?” Okay, consider this: You would certainly agree that I have a right to include in, or exclude from, my home anyone I please. Well, why should I lose that right simply because I decide to show movies for money or erect some extra tables and sell food? It’s still my property, earned by the sweat of my own brow. And if I discriminate unjustly, sure, I should be subject to scorn and social ostracism. But the idea that such behavior should be the domain of Big Brother is as un-American as it gets.

There is a lot of talk today about shrinking Big Brother and solving budget woes, and I can think of some bureaucracies that certainly deserve to get the axe. The only downside is that a few more people with Grievance Politics 101 degrees will find themselves on the unemployment line.



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