

Black Newspaper Wins Battle Against Advertising Discrimination

Written by

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Denise Rolark Barnes, Informer PublisherThe Office of the Chief Financial Officer in Washington, D.C. has agreed to recognize The Washington Informer as a newspaper of general circulation. The designation was spelled out in a settlement agreement that ends the Informer's legal challenge against the OCFO which disqualified the newspaper from bidding on the Unclaimed Properties advertisement because it "serves a certain ethnic group."

In an email to The Informer, Joseph Giddis, director of the D.C. Office of Contracts, said the newspaper was not qualified for the contract to publish ads for unclaimed property because it "serves a specific ethnic group" and therefore "does not meet the requirement of a newspaper of general circulation." D.C. Mayor Vincent Gray called the decision "ill-informed."

Washington Informer publisher Denise Rolark Barnes and Attorney Johnny Barnes made the announcement at a press conference held Monday, November 5, in front of One Judiciary Square in North West D.C. Supporters of The Washington Informer - many of whom had showed up to protest after the negative decision in August - returned to express their support for the settlement agreement that declares the Informer a general circulation newspaper and for costs related to preparing for the bid and appeal expenses.

"I am pleased with the OCFO's decision," said Washington Informer Publisher Denise Rolark Barnes, "but I am still baffled by the unwarranted decision which got us here in the first place and its negative implications. However, this settlement is not only a win for The Washington Informer, but it will apply to every DC-based newspaper that is a Certified Business Enterprise (CBE) or that serves a target market. That was our purpose for appealing this decision."

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Since 1981, The Washington Informer has published for the District of Columbia Government various advertisements including the Unclaimed Property Advertisements. It has also published the Tax Sale Advertisement. In September 2009, the Washington Informer published the Unclaimed Property Advertisement and as recently as June 2011, it published the Tax Sale Advertisement.

Attorney Johnny Barnes, who represented The Washington Informer in its protest against the District, called the earlier decision a “subjective judgment wholly inconsistent with the plain language of the governing statute.” At a press conference held three months ago with Washington Informer supporters, Barnes said, “In fact, because the decision has as its foundation the mistaken view that the Washington Informer Newspaper “serves a specific ethnic group,’ the decision could be regarded as discriminatory under the District of Columbia’s Human Rights Law.”

In June, the Office of the Chief Financial Officer, Office of Contracts issued a solicitation bid for the publication of the city’s unclaimed property listing to “a newspaper of general circulation” that is “widely distributed in the District of Columbia.” The Washington Informer responded along with The Washington Times, Washington Post and Washington Examiner.

The \$30,000 contract was awarded to The Washington Times.

Rolark-Barnes was informed by email that, “The Washington Informer was found non-responsive based on the fact that the Washington Informer serves a specific ethnic group. It is our view that targeting a specific ethnic group does not meet the requirement of a newspaper of general circulation,” wrote OCFO contractor Joseph Giddis.