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Effective  
May 1, 2010

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Pre-Spray Traffic Areas  
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Includes Pre-Spray Traffic Area  
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Heavily Soiled Area:  
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# OPINION

## Rekindling the Outrage on Big Bank Abuses

### Demanding justice for financial wrongs

BY FRAN TEPLITZ

The range of abuses and crimes committed by banks seems to grow without end. As soon as one predatory practice fades from the headlines, another appears moments later.

Remember bank payday loans, a kind of short-term lending with annual interest rates of up to 365 percent? Or how banks have steered customers into higher-cost subprime loans when they actually qualified for a regular loan? Or how banks have changed the order of customers' debit card transactions in order to drain their accounts and make it seem like overdraft fees have been legitimately applied?

How about mortgage fraud — falsifying mortgage applications, typically to obtain a larger loan than the borrower could handle? That prac-

tice contributed mightily to the housing crash that began seven years ago.

Even if banking misconduct no longer shocks you, a recent report on how the institutions charged with investigating and prosecuting these crimes are essentially protecting the banks ought to rekindle the outrage.

The Justice Department's Inspector General's Office issued a report in March documenting the failure of government authorities to make prosecuting those responsible for the massive mortgage fraud a major priority.

Given that the housing crisis helped tank the U.S. economy and sent shockwaves around the world, the American people need to expect more from the Justice Department in general and the FBI in particular. Millions of us continue to suffer the consequences of greed-driven and illegal banking practices that contributed to the worst economic crisis since the Great Depression while the bankers who started it all are getting off scot-free.

According to the report, the Justice Department "did not uniformly

ensure that mortgage fraud was prioritized at a level commensurate with its public statements. For example, the FBI Criminal Investigative Division ranked mortgage fraud as the lowest ranked criminal threat in its lowest crime category."

The belief that large banks are too big and too complex to sue helps explain why senior banking executives from a range of financial institutions aren't being prosecuted. Clearly, this is an ominous sign for both our financial system and our justice system.

There are two justice systems in our nation — one for average people, who can go to prison, and a separate one for bank executives. With extremely rare exceptions, they never go to prison.

In fact, just one banking executive is serving time — Kareem Serageldin. As The New York Times and ProPublica reported, prosecutors convicted Serageldin of hiding losses related to mortgage-backed securities. The incarceration of the Egyptian-born banker, formerly with Credit Suisse, doesn't constitute justice for the 4.9 million Americans who have lost their homes to foreclosure since

2007.

Senator Elizabeth Warren (D-Mass.), joined by Rep. Elijah Cummings (D-Md.) and Maxine Waters (D-Calif.) are seeking a meeting with the Justice Department to discuss the steps it will take to prosecute those responsible for mortgage fraud and the need to ensure those steps reflect the seriousness of the losses faced by their constituents.

Today, banks are much more likely to pay fines than face prosecution for wrongdoing. This arrangement undercuts accountability and any incentive to change policy and behavior. The initial sting of a penalty payment, even when hefty, eventually subsides. Given their vast profits, most fines are manageable for U.S. megabanks.

Our justice system must stop tolerating banking crimes out of fear of what prosecuting banks and bankers could do to our economy. The nation's true, long-term interests will be served best when white-collar crime stops paying.

Fran Teplitz is director of social investing and policy for Green America.

## Getting at the Root of the Problems at MLC

### We applaud the superintendent for her response

The recent uproar concerning Portland Public Schools Superintendent Carole Smith, and issues at the K-12 school Metropolitan Learning Center, have once again brought race into the forefront of public discourse.

As Socrates famously said, "the unexamined life is not worth living." If we are to acknowledge issues surrounding race, then we must not be afraid to examine them.

To state the issue clearly: race

matters. It matters in this city, our state, and in this country. However, it is the why and how, the outcomes of the fact that it does matter, that this conversation must address. Fear of examination does not make the issue disappear.

There is a reason why Oregon law requires culturally competent healthcare. There is a reason why state statute allows a legislator to request a racial equity impact statement for certain legislation. There is a reason why the city of Portland requires an equity impact assessment during its budget process. There is a reason why Multnomah County has an Equity Lens Tool.

Equity is about focusing on out-

comes, not intentions. Equity is a critical thinking exercise. Equity is about being willing to have difficult conversations because race matters.

Race matters, therefore culture matters, and race and culture impact outcomes. In this country, the dominant culture and voice is male, white, heterosexual, and able-bodied. This is not an indictment, it is not a criticism. It is not calling everyone a racist, sexist, homophobe, or assuming everyone's indifference as to the capabilities of people with disabilities. It is an observation based on examination.

Across the country and in Portland, children of color are disciplined, suspended and expelled at significantly higher rates than their white counterparts for similar behaviors. Race matters. Culture matters.

The discussion surrounding MLC is about race and culture. The history and culture of MLC were mentioned in previous Oregonian articles as important aspects to the school, and MLC was described as being founded on a philosophy and practice of "open-mindedness." It "invited white and black students to enroll." If that history is no longer the case, should it not be examined?

Black and white parents said that race is an issue at the school. Some

said that it is an issue, but not really a big issue. This statement implies a luxury of not being a parent worried about whether their child should wear an afro to school, of being a parent not worried about whether their child's English is good enough to participate, or not being assumed to be a relative of your child's principal of color just because you are the same race.

Race matters, and clearly is an issue at MLC. Superintendent Smith has shown the courage to say that it does matter, that it impacts our children, and it should be examined. We wholeheartedly concur.

Sharon Gary-Smith, executive director of the McKenzie River Gathering Foundation;

Avel Gordly, retired state senator;

Gloria Gostnell, retired Portland Public Schools principal; Michael "Chappie" Grice, board member, National Council on Educating Black Children, and retired public educator;

Dante James, director, Office of Equity and Human Rights, city of Portland;

Judith Mowry, senior policy advisor, Office of Equity and Human Rights, city of Portland; and Kathleen Saadat, retired city of Portland director and justice advocate.

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