

# Supreme Court issues setback for affirmative action

By JAMES H. RUBIN  
Associated Press Writer

WASHINGTON -- The Supreme Court, in a major setback for affirmative action, has expanded the ability of white men to challenge court-approved plans giving preferential treatment to minorities and women in government jobs.

By a 5-4 vote, the justices handed civil rights advocates their latest defeat in the case of white Birmingham, Ala., firefighters who say they are victims of reverse discrimination.

The justices said an affirmative action plan agreed to by public officials and approved in court may be attacked even years later in a new suit by workers who took no part in the case leading to the original agreement.

The ruling marks the third time this year a newly solidified high court conservative majority has dealt a significant blow to efforts aimed at helping minorities and women overcome bias.

The court in January ruled that state and local governments generally may not impose racial quotas for public works projects. On June 5, the justices erected new barriers for minorities seeking to prove with statistics that they are relegated to lower paying, less desirable jobs.

Chief Justice William H. Rehnquist, writing for the court, dismissed arguments that the ruling threatens voluntary settlement of minority employment discrimination claims.

"A voluntary settlement in the form of a (court) consent decree between one group of employees and their employer cannot possibly settle, voluntarily or otherwise, the conflicting claims of another group of employees who do not join in the agreement," he said.

## FCC conditionally renews licenses of South Carolina radio stations

By The Associated Press

WASHINGTON -- The Federal Communications Commission has conditionally renewed the licenses of four radio stations owned by Beasley Broadcast Group of Kinston, N.C., but said the company must improve its affirmative action program.

The commission said there were no objections filed against WLIT-AM and WYAV-FM in Conway, S.C., or WFIC-AM and WRNS-FM in Kinston, but said the stations for the next three years must report the number of minority workers employed and improve its efforts to recruit minority workers.

The company also is liable for a \$3,000 forfeiture unless it can show why few minorities were hired at the S.C. stations.

"While our review of your renewal applications and response to our letter of inquiry reveals no evidence of discrimination, it does reveal a record of inadequate (equal employment opportunity) efforts," the FCC said in a June 8 letter to company president George Beasley.

The FCC said the company contacted minority groups and organizations in filling vacancies at the stations, but does not say how many referrals were obtained from the groups contacted.

## Low-income people find banking difficult in Charlotte

By The Associated Press

CHARLOTTE -- Low- and modest-income residents say banks make them feel unwelcome, but bank and savings and loan officials insist they don't discriminate against neighborhoods or against blacks or poor people.

"It is the policy of NCNB ... to be aware of and sensitive to the various needs of all the communities and individuals which we serve," NCNB Corp. Chairman Hugh McColl Jr. said in an April letter to his board.

T.V. Adams, First Union senior vice president and deputy general counsel, told The Charlotte Observer: "Going back years and years, programs benefiting low-income people and minorities have been very substantial and far exceeded what's required."

But Congress, federal regulators and community groups are pressing U.S. banks and S&Ls to do more.

Geraldine Beckham wanted to start saving for her preschool children's future, but the bank wouldn't take her money. The \$80 she had set aside from her \$5.50-an-hour nursing home job wasn't enough to start a savings account at NCNB.

When Bill Covington, a black retired police officer who owns two homes, sought a \$10,000 loan to buy the \$17,000 boat of his dreams, a bank loan officer told him to go to a black lending company.

And Arlene McCullough can't cash her paycheck at Wachovia -- the bank it's written on -- because she has no bank account or driver's license. Instead, she pays \$2 of each paycheck to a check cashing service.

"You have so much hassle everywhere else," said Ms. McCullough, 37, who supports a mentally ill son with his \$363-a-month government check and her \$5.50-an-hour earnings. "...It's worth the money just not to get the hassle."

In making their point, poor people note that:

-- Bank and savings and loan branches are sparse in the low- and moderate-income areas north and west of uptown Charlotte.

Those areas hold 61 percent of the city's blacks and 27 percent of the total population -- but only 14 percent of branch banks and S&Ls outside of uptown.

-- While most banks and S&Ls offer low-cost checking accounts for people without much money, the accounts are rarely promoted. And sometimes bank workers don't tell customers about those accounts, even when they ask.

-- Charlotte banks and S&Ls no longer cash Social Security and other government checks if you have no account. Some won't accept a federal tax refund check as an opening deposit.

There have been new efforts to enforce the 1977 federal Community Reinvestment Act, a law requiring the institutions to serve all parts of the community.

Originally aimed at "redlining," a practice of denying housing loans in neighborhoods considered bad risks, the law is increasingly being applied to day-to-day banking services that benefit minorities and lower-income people.

Theft, money orders costing up to \$1 apiece, check-cashing fees of up to 3 percent -- all are facts of life for thousands who get government checks but don't have bank accounts.

"Down the long run, if you don't have a bank account, you can't get credit," said Mary Clarke, president of the NAACP's Charlotte-Mecklenburg chapter. "People need the bank; they need to be with the bank."

A common belief, Ms. Clarke said, is: "If you don't have a lot of money, the banks probably don't want to be bothered."

"A judgment or decree among parties to a lawsuit resolves issues as among them, but it does not conclude the rights of strangers to those proceedings," he said.

In a dissenting opinion, Justice John Paul Stevens said the ruling could have serious consequences for affirmative action plans agreed to by employers.

The decision "would subject large employers who seek to comply with the law by remedying past discrimination to a never-ending stream of litigation and potential liability," Stevens said.

He said the ruling threatens to undo efforts by Birmingham which "has made a substantial step toward the eradication of the long history of pervasive racial discrimination that has plagued its fire department."

Stevens was joined by Justices William J. Brennan, Harry A. Blackmun and Thurgood Marshall.

Joining Rehnquist were Justices Byron R. White, Sandra Day O'Connor, Antonin Scalia and Anthony M. Kennedy.

In other action, the court:

-- Ruled that a jury choosing between the death penalty and a life prison term for a convicted murderer generally may not be told about the victim's personal characteristics.

By a 5-4 vote, the justices ruled that a South Carolina murderer unfairly was sentenced to death after a prosecutor told jurors that the victim was a religious, community-minded person.

-- Agreed to decide whether manufacturers legally may give some discounts to wholesalers but not retailers.

The court said it will hear an appeal by Texaco Inc., ordered to pay \$1.38 million in antitrust damages to 12 service stations in the Spokane, Wash., area.

-- Turned down an appeal by companies involved in treating hazardous waste aimed at forcing the govern-

ment to adopt tougher environmental rules.

The court, without comment, refused to let the firms sue for stricter standards that could increase their business volume or give them a competitive advantage over other waste-treatment companies.

-- Rejected an appeal by an aspirin manufacturer being sued for \$10 million by the parents of a child who contracted Reyes Syndrome.

The court, without comment, let stand a Wisconsin judge's order that the maker of Bayer aspirin reveal numerous company records.

-- Made it easier to recover lawyers' fees for people who win disputes with the government over Social Security benefits.

By a 5-4 vote, the court said the government must reimburse legal fees incurred during administrative proceedings that a federal court has ordered the Department of Health and Human Services to conduct.

-- Refused to let Montana sheep owners kill grizzly bears threatening their herds.

The court, over one dissenting vote, rejected arguments that the owners have a constitutional right to protect their property -- even if it means killing animals designated an endangered species.

-- Turned away the case of a Marine who died after his wisdom tooth was pulled, and left intact a legal doctrine barring members of the military from suing over injuries suffered "incident to service."

The court, without comment, refused to reinstate lawsuits against the government by the widow of Marine Sgt. Timothy Adkins, whose death in 1985 sparked three separate investigations by the Marines and Navy.

The Birmingham case began in 1974 when city officials and the Jefferson County Personnel Board were sued by the National Association for the Advancement of Colored People and blacks charging racial bias in the

city fire department.

Eventually both sides reached agreement on an extensive plan that includes long-term and interim goals for hiring blacks as firefighters and promoting blacks to higher ranks. The plan also included provisions to help women advance.

The Birmingham Firefighters Association opposed the plan. But its objections were rejected by a federal judge who issued consent decrees in 1981 approving the agreement.

At the time, the city's 453 firefighters included 42 blacks. None of the department's 140 lieutenants, captains or battalion chiefs was black.

Seven white firefighters then challenged the promotion plan, saying less-qualified blacks were being promoted ahead of them.

A federal judge ruled that the white firefighters were bound by the court consent decree and dismissed their suit.

But the 11th U.S. Circuit Court of Appeals in late 1987 reinstated the suit, sparking an appeal to the Supreme Court by the city and county officials and those who filed the 1974 suit.

In a similar case last year, the justices split 4-4 in upholding a New York City affirmative action plan for promoting more blacks and Hispanics in the city.

Kennedy, the court's newest member, did not participate in that case.

The former Reagan administration sided with the white Birmingham firefighters even though the Justice Department had joined in the 1974 suit on the side of those alleging bias against minorities. The government's position was staked out prior to the Bush administration taking office.

The case is *Martin vs. Wilks*, 87-1614.

## Speakers, workshops to highlight Black Caucus Weekend

From Chronicle Staff Reports

Prominent Afro-American politicians, workshops and a banquet will highlight the annual North Carolina Legislative Black Caucus Weekend set for June 16-17 at the Marriott Hotel in Raleigh.

Congressman Edolphus Towns, D-New York, is scheduled to speak 7 p.m. Friday at the function's banquet. Congressman Towns is a North Carolina native who became Brooklyn's first Afro-American deputy borough president. He is a graduate of North Carolina A&T State University and currently serves on the Board of Trustees of Shaw University. Mr. Towns holds honorary doctorate degrees from both institutions. He has taught in the New York City public school system and at Medgar Evers College and Fordham University in New York.

Julius Chambers, director/counsel of the NAACP Legal Defense and Educational Fund, will speak at the caucus luncheon 12:30 Saturday.

Also a North Carolina native, Mr. Chambers received his undergraduate degree from North Carolina Central University in Durham. After completing law school at the University of North Carolina at Chapel Hill, he practiced law in Charlotte and has worked primarily with civil rights cases. Mr. Chambers has served as director/counsel of the Legal Defense and Educational Fund since 1984. He also lectures at the University of Pennsylvania and Columbia University schools of law.

Other activities scheduled for the weekend include an elected officials forum, 2-5 p.m., and a corporate reception, 6-7 p.m., both on Friday.

Breakfast will be served at 8 a.m. Saturday and Rep. C.R. Edwards will preside. Remarks will be made by Sen. Henson P. Barnes, president pro tempore of the North Carolina Senate and Rep. Josephus Lyman Mavretic, speaker of the N.C. House of Representatives.

Workshops on health and environment, education, social services and political empowerment will follow the breakfast.

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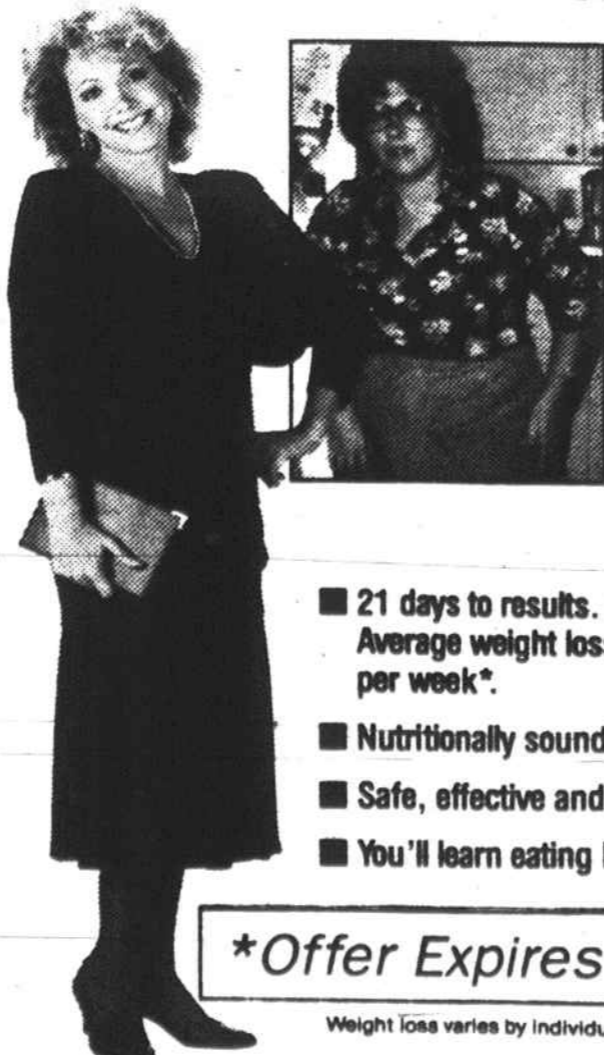
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