

Panel: M/WBE goals should remain intact

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could prove they couldn't meet the requirements after "every feasible attempt has been made to comply," the plan permitted waivers. Because there were no geographic limits to the plan, any qualified MBE from anywhere in the country could participate in the 30 percent set-aside.

The J.A. Croson Company, a predominantly white contracting firm, was the only bidder on a project to provide and install plumbing fixtures in the city jail.

Under the guidelines of the MBE program, Croson was required to use a minority subcontractor to supply the fixtures. The company, however, submitted its bid of \$126,530 before securing a commitment from an MBE. When Croson could not find an MBE to supply fixtures at a price that would allow it to remain within its bidding price, it sought a waiver from the city. Its request was denied and the Richmond city attorney informed Croson officials that the job had been rebid.

Claiming that the MBE plan was unconstitutional under the Equal Protection Clause of the Fourteenth Amendment, Croson filed a lawsuit and the Fourth Circuit Court of Appeals held that Richmond's program was unconstitutional and the Supreme Court upheld that ruling.

"The ruling has sparked a flurry of concern over the future of many such programs across the state and nation," said Commissioner Clayton. "Indeed, while there is reason for alarm, it should be tempered by the fact that the court did not make an across-the-board ruling declaring all such set-asides unconstitutional."

A "strict scrutiny" clause is the main feature of the high court's ruling, explained the commissioner whose company, Technical Resources International Ltd., provided the NCIMED with an analysis of the impact that the Croson decision had in the Tar Heel state. The clause requires municipalities,

state and local governments when using racial or gender classifications to show "compelling interest" or a specific historical basis for the need for M/WBE programs.

"This means the city will have to go back into its records and say, 'What have we done? Have we discriminated against people?' said Ms. Sumter. "When municipalities look at developing M/WBE programs they need to look at the hard numbers to determine whether these people have received a fair shake. The positive aspect of that Supreme Court ruling is that the courts have told you what it wants."

The court has stipulated that M/WBE programs be "narrowly tailored" to address specific areas of documented discrimination in the city's history and that the chosen program is designed to remedy the present effects of past discrimination.

In "An Assessment of the Impact of Croson on North Carolina Municipalities' Affirmative Action

Programs," the study Ms. Clayton's company prepared, it points out that several officials have said the "danger" coming out of the Croson ruling comes more from misconceptions concerning its meaning rather than the ruling itself.

"It is believed that such officials may view the Croson case to be a signal that all M/WBE programs are unconstitutional and will therefore move to end such efforts," the study said.

Indeed, since the high court's ruling M/WBE programs were struck down in Michigan, the Wisconsin Department of Transportation, in Multnomah County, Ore., San Francisco and Atlanta - which previously had the oldest and most ambitious program in the country.

In addition, a study by the Minority Business Enterprise and Legal Defense Education Fund, Inc. (MBELDEF), has disclosed challenges to programs in Boston, Philadelphia, New Orleans, Wash-

ington, D.C., Lakeland City and Jacksonville, Fla., Wilmington, Del., and Dayton and Cincinnati, Ohio. The MBELDEF estimates that some 236 state and local programs across the country are in jeopardy.

North Carolina's earliest M/WBE programs were established in Charlotte and Fayetteville in 1981, the former being the largest in the state.

"Through surveys conducted by TRI of various municipal and county governments and interviews with state and local officials, it is clear that M/WBE programs are the exception rather than the rule in North Carolina," according to the impact assessment.

Out of 26 municipal and county governments surveyed, Ms. Clayton added, only nine had some form of goals which established target percentages or good faith efforts. None of them had quotas.

Only one casualty had been reported among the state's M/WBE

programs since the Croson decision - less than three months after it had established one, Guilford County's Commissioners voted to terminate its program before it had gone into effect. Between 1981 and 1986 local programs were established in Fayetteville, Mecklenburg County, Greensboro, Chapel Hill, Winston-Salem, Raleigh and Durham.

Ms. Clayton praised Winston-Salem's M/WBE program saying it, "probably did more than any other municipality before installing the program by having workshops, seminars and today has an advisory counsel in place to oversee its progress."

"It's good business to have minority participation for overall economic development," Ms. Clayton said. "Because we are expanding our economy when we include businesses that were not included before. That's just good business

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ArtsReach

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and Maria Howell & the 7th Street Band; Feb. 10, presenting the dazzling Eve Cornelius & Chip Crawford along with the Charlie Culbreath Quartet; and April 21, featuring Spex and The Ken Rhodes Trio, this year's series promises to be a delight for jazz lovers everywhere.

Performances are scheduled to be held at the Arts Council Theater at 610 Coliseum Drive and will begin at 8 p.m. This series is jointly supported by a grant from the North Carolina Arts Council and the National Endowment for the Arts in Washington, D.C., a federal agency. Appearing on Feb. 17 with

their performance of "Do Lord, Remember Me" is Jomandi Productions out of Atlanta. After receiving rave reviews from their appearance at the National Black Theater Festival, Urban Arts is bringing back Jomandi Productions due to popular demand. At this time, negotiations are presently underway to possibly include their Festival production of "Sisters" for their February appearance at the Arts Council Theater.

Visual artists will have an opportunity to exhibit their talent at two exhibitions. The annual Holiday Expo exhibit, open to artists who wish to display their works and

scheduled to open December 10, and an invitational exhibition planned for February 14 through March 16, will both be held in the Sawtooth Galleries.

Workshops are on the drawing board again due to their tremendous success and requests of last year. Technical Assistance Workshops are scheduled for arts organizations and nonprofit groups to cover such topics as Grantsmanship, Board Development, Marketing for Arts Organizations, Fundraising and others.

Projected plans for the Visual Arts Workshops include plans for a

series targeting visual artists who need information on preparing their work for exhibit, marketing themselves as artists, pulling together a resume, and other topics which will assist emerging artists in the sale of their artwork.

Also planned is a series of literary workshops to include readings, panel discussions and technical workshops. For further information about any of the above, please contact Urban Arts at 722-5293.

Reggie Johnson is executive director of Urban Arts of the Art's Council.

Delta Arts Center Corner

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then we become the forgotten.

To all my friends who read this column -- Shelby, Joe, Karen, Priscilla, Leon, John, Doc, Sharon, James,

Sandra, schoolmates from 14th St., Diggs, and Anderson, and those who know me from church, this program is for you and your friends. It's not for someone else. Make a difference in

your life and effect the lives of others. We don't know it all, let's continue to learn together.

Bring your children, your neigh-

bors and friends. This Sunday, at 3:30 p.m. Dr. Lenwood Davis of Winston-Salem State University will lead the discussion "From Slavery to Today: The Role of the Black Elderly."

Winston-Salem Chronicle Holiday Calendar

(published in Ebony Fashion Fair
Special Section, Nov. 2)

Please submit your Holiday Calendar entries
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When: _____ Time: _____
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