

Ruling to come early '92

Race-based scholarships argued in court

By JEAN MCNAIR
Associated Press Writer

RICHMOND, Va. (AP) — The 4th U.S. Circuit Court of Appeals is expected to rule early next year whether scholarship programs available only to black students violate the U.S. Constitution and federal civil rights laws.

The decision will come in the case of a Hispanic student who sued the University of Maryland after being denied a scholarship given to blacks. "The University of Maryland is fully integrated," Richard Samp, the student's attorney, argued Thursday before the appeals court.

"There is simply no evidence in the record of continuing effects of past discrimination."

But the Maryland attorney general's office defended the scholarship program, contending it helps remedy the lingering effects of dis-

crimination at the university.

Blacks were barred from the university until the U.S. Supreme Court's landmark *Brown vs. Board of Education* ruling in 1954. "The state of Maryland is not advancing any illegitimate use of race. There is still an imbalance," said Andrew H. Baida, an assistant attorney general. "About 20 percent of high school graduates in Maryland are black, while about 15 percent of University of Maryland freshmen are black," he said.

In May, U.S. District Judge Frederick J. Motz of Baltimore dismissed the lawsuit filed by Daniel J. Podberesky, a 19-year-old University of Maryland student whose mother is Hispanic.

Podberesky said the race-based scholarships violate civil rights laws and the equal protection guarantees of the Constitution.

But the judge said the scholar-

ships are permissible because it is too soon to say the effects of discrimination are no longer felt at the university.

Podberesky was turned down for the school's Banneker Program, which offers full scholarships worth more than \$35,000 to black students based on merit, not financial need.

Thirty-eight Banneker Scholarships were awarded to freshmen when Podberesky enrolled in Fall 1990. Although Podberesky's academic credentials exceeded those required for Banneker scholars, he was rejected for the scholarship because he is not black.

The appeal comes as the U.S. Department of Education also reviews the legality of race-based scholarships. Last December, the department said most race-based scholarships violate the Civil Rights Act of 1964.

But the department withdrew

the policy in the face of opposition from civil rights groups and instead said it would conduct an in-depth review of the scholarship issue.

The appeals court judges asked Baida how he could say the school still discriminates against blacks when university officials testified that it does not. Baida said the school remains under orders from the U.S. Office of Civil Rights to remedy the effects of discrimination. "The Office of Civil Rights has been pressuring the state," he said.

Samp noted the University of Maryland has exceeded its goal of having a freshman class that is 14 percent black.

Asked by the panel whether the Banneker Program caused the school to reach that goal, Samp said it was "ludicrous" to think a few dozen scholarships had that much impact.

'Black Achievers' program

"They already have the potential to excel. Academic standards can be raised in any community, with any kids, coming from any environment, if you take the time to sit down with that kid and show them what is really out there and what their potentials are in life, and giving them something to believe in and something to want to work toward, something that they can say 'Ok, if you can do it, I can do it too.'"

Another aspect of the program will be academic tutoring for the students. Ragins stated, "The fact that as you go through high school, if you need help in your algebra, or your English, or what have you, we have kids from Wake Forest and Winston-Salem State who have volunteered their time to come in here and teach these kids the things that they want and the things that they need and what they're lacking in."

The YMCA Black Achievers Program was originally developed in 1971 by members of the Harlem Branch YMCA in New York City. Since its inception, several cities across the country have adopted the program.

This is the second year that the program has been started at the Winston Lake YMCA, however, Ragins stated that last year, the program did not fair as well as expect-

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ed. She expects that this year will be different, since she says over 150 kids have expressed interest in the program.

But she says in order for the program to continue, volunteers are needed to serve as tutors and mentors for the students.

For more information about the Black Achievers Program, contact Carole Ragins at the Winston Lake YMCA at 724-9205

Reduced funding

drawing to over 400 children in four housing districts as well as Greene Street United Methodist Church and St. Benedict Catholic Church.

A jazz sampler series was brought to town by Johnson's office. The next performance will be the John Scofield quartet this Saturday night in Wake Forest's Brendle Recital Hall. The month of December, the work of black artists will be on display at the Sawtooth Building for the seventh annual Holiday Expo.

"What is missing in Winston-Salem is black dance," declares Johnson. He's bringing the Cleo Parker Robinson Dance Ensemble to town for three days in February, bringing their non-traditional dance that fuses emotional power, outstanding technique and versatility. Sponsors of the dance ensemble visit are the Winston-Salem State Alumni Association, Wake Forest University Dance Department, Spirit of Life Community Choir and the Winston-Salem/Forsyth County school system.

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Administrative costs are paid by the Arts Council, says Johnson, "but any programs you see, I have begged, borrowed, or stolen the money for."

He is particularly saddened by the loss of Mayfest funds, noting that Mayfest was all about sharing histories and cultures of other countries.

While Johnson feels comfortable with the programming of the Arts Council, he feels strongly that Winston-Salem needs a black cultural arts center.

"There's something about instilling pride in your own. We need to be about developing our own, preserving our rich cultural heritage. We almost lost it. We were taught not to appreciate our cultural heritage. Now we are enjoying it, and we need to pass this on to our young people."

Black artists

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conduct an informal survey of local black artists to determine the need for a black artists group.

incorporated in the art community," said Hudson. Little spent the next ten months

"Many black artists fear they will not be accepted or their work will not be respected by other arts organizations and galleries. That is a hurdle we as black artists have to get over."

— Lee Cox, artist

"When I first came here, I felt that black visual artists were not

interviewing black artists. Her report to Hudson, delivered this

March, concluded that many black artists had given up attempts to be a part of the art community and that there was a need for a black artist organization — as well as a building for gallery and studio space.

"Even though the Arts Council is now trying to be inclusive, there is a distrust of them among black artists," said Wharton-Little. "Black artists feel that in Winston-Salem there is an unsaid opinion that their work is inferior to other art forms."

David Hudson agrees. "I think that's germane to the cultural bias of Winston-Salem. In Toledo, my former home, we had a smaller black community but more presence of black artists."

Black group?

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lem by incorporating more black board members.

Larry Leon Hamlin, founder of North Carolina Black Repertory Company, says that our segregated arts community is reflective of society. "When there are no no longer racial problems of great magnitude, you will find integrated artists. In 1979 when we created Black Rep, the only thing we saw on the white stage was the stereotypical image of blacks. Black theater had to evolve in this city to show a more humanistic perspective and to have a theater company that would reveal the true image of black people."

Of the 13 arts groups funded by the Arts Council, Black Rep is the only black organization. Hamlin notes that the challenge to black groups is to keep their autonomy and "still play with the major players. You don't have to lose your identity to be a part of the mainstream." He is excited about the inclusion of his National Black Theatre Festival in the city-county long range plan, Common Vision.

Artist Lee Cox wants to see

black artists work more in tandem with existing organizations. "We must learn to get into the mainstream and still maintain integrity in our work."

But Glenda Wharton-Little stresses the need for a separate black organization, noting that there is much education that needs to be done.

"Before 1920, African-American art was not looked at as art. It was not something that you took seriously, because you had to be intelligent to create art. Even though Egypt is clearly on the map of Africa, it has been separated, pulled out because it goes against theories of blacks being artistic."

Wharton-Little notes that the black community must feel they are allowed to play a major part in the art community.

"It's the difference between controlling and running an organization and simply being allowed to work in it."

Lee Cox doesn't blame the white establishment or the Arts Council for the lack of visibility of black art.

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