

# Example of deception in affirmative action

By Harry C. Alford

NATIONAL NEWSPAPER PUBLISHERS ASSOCIATION

Many of the astute must wonder why after 25 years of special procurement programs "implemented by major corporations," many still only do about one percent of all purchases done with minority businesses.

When you dissect the portion going to black-owned business it is even far worse. How can that be? With companies "participating in these programs" and getting the experience, growth and expertise we should be at the point of no longer needing such programs. If the programs were genuine and actual we probably would be at that crossroads. Unfortunately, what we have been going through for the last two and a half decades has been a major orchestrated ruse.

Most major corporations join white managed/minority theme associations like the National Minority Supplier Development Council. This provides cover when the federal government or other entities question their Title VI (Civil Rights Act of 1964) compliance or wonder if they have a minority vendor procurement program. All they have to do is send dues to the Council, put up booths at their conferences and keep their public relations office busy with press releases. In essence, what we have is a globe of social activity and public relations pizzazz. In the end, that's all we have - pizzazz - no business.

Federal Express offers a very typical example of how

corporations deceive the public and make promises to black businesses who seek to improve their client base by participating in these "programs." FedEx began the procurement known as the PowerShip program. The PowerShip procurement is supposed to amount to over \$75 million in billables for the winning firm. Every major firm in the nation probably bid on it and, allegedly, FedEx required the winning team to subcontract a minimum of 10 percent to a certified and approved minority vendor.

This \$7.5 million publicized opportunity caught the attention of Jannifer Johnson, president and owner of Professional Computer Services, Inc. based in Nashville, Tenn. Johnson contacted FedEx and began going through the screening process. She became certified and approved for subcontracting by FedEx. This being done, she was given a list of the major bidders on this procurement and was encouraged to find one to partner with (subcontracting). The following companies were competing and needed minority subcontractors: Access Technologies, Bell Atlantic, Dataflex Corporation, Data Processing Equipment, EDS, Flytech, IBM, NEB Technologies, Packard Bell, Unisys Corporation, Vanstar and Win Laboratories.

After numerous phone calls, trips, faxes, mail and interviews, Johnson landed a slot with Vanstar. This partnership arrangement was presented to FedEx and

approved. In order to "carry her weight" (10 percent of the contract), Johnson had to invest an enormous amount of resources into her company. Credit lines, equipment, the building, etc. had to be ready, if they won the procurement. In all, Johnson spent over \$100,000 of her life savings investing in this opportunity publicized by FedEx. After a year of preparation and sacrificing, "BINGO!" Vanstar won the contract and Johnson was now on her way, or so she thought.

Almost immediately after Vanstar was awarded the contract it began "dissing" Johnson and renegeing on every arrangement made. Johnson was "out the door" and FedEx offered no help in the matter when she approached the company. Vanstar continues performing the contract with no minority subcontractor and that appears to be just fine with FedEx. In sum, it was all a charade. FedEx got good publicity and Vanstar keeps all the money.

Johnson is out over \$100,000 in up front expenses and is denied \$7.5 million in business. Jannifer Johnson is a member of the National Black Chamber of Commerce. We are going to assist her in the needed fight against FedEx. This example is only a microcosm of the deceit that goes on in corporate America. It is up to us to expose such examples and fight them effectively.

HARRY C. ALFORD is president and CEO of the National Black Chamber of Commerce.

## Letters To The Post

### Fairness for incarcerated

Why does our justice system fail the incarcerated is not consistent with citizens, and portrays a tunnel vision mentality for our children?

People incarcerated are innocent until proven guilty. A minimal amount of these people fall through the cracks. Society tends to believe if incarcerated, one is guilty. Why can we not as a society evaluate the complete situation and not allow ourselves to accept explanations given just because the persons are policemen, teachers, district attorneys, doctors, social workers, judges or police chief or any other person with a job in the public eye. We all know corruption is in our justice system and other areas also.

We citizens tend to believe without question things reported to us by the justice system and newspapers. Corruption is everywhere.

Young people, mainly black males, need to realize the system works against them, but at times be for them. The system can destroy your life on allegations. If one is accused, we, the public, should demand conclusive evidence and not rely on bargain basement information from police in protective uniforms.

Myrtle Sloan  
Charlotte

### Post e-mail

At issue: Do you think Oakland, Calif.'s attempt to get *Ebonics* approved as a teaching tool is a good idea? Why?

Name Katrina  
Age: 31  
E-mail address:  
comcme@aol.com

Response: No  
Ebonics has no place in public school. If anything I think they should try and teach our kids the African language as a second language. also I think the teachers and the whole African American population ought to protest the history books in our schools today. throw all the old books out and make new one to include all our history in more details such as all the inventions we have made that's a part of all our lives today. Also include other ethnic groups instead of the civil war and all the presidents of the United States. Ebonics is street slang and it should stay in the streets.

Ebonics is not our culture

Name: Eugene Butler Jr.  
Age: 31  
E-mail address:  
EugeneBJ@aol.com

Response: No  
I am an administrator in Miami, Florida, and I strongly oppose this initiative.

This movement basically states that African American children cannot compete with non-blacks unless we lower our expectations for them. This is total nonsense. All children will achieve to the level of expectation. I neglected to mention that I am also an African American male that grew up on the mean streets of Philadelphia, Pennsylvania and Wilmington, Delaware. It would be easy for me to agree that lower-income blacks speak and listen to ungrammatical phrases and sentences on a daily basis, therefore, that speech pattern must be legitimized in the mainstream population. However, if I did that, it

### What's on your mind?

Send your comments to The Charlotte Post, P.O. Box 30144, Charlotte, N.C. 28230 or fax (704) 342-2160. You can also use E-mail - charpost@clt.mindspring.com. All correspondence must include a daytime telephone number for verification.

# Why Simpson is liable for wrongful death

By Earl Ofari Hutchinson  
NATIONAL NEWSPAPER  
PUBLISHERS ASSOCIATION

The moment the jury found O.J. Simpson "not guilty" of the murders of Nicole Brown and Ron Goldman, the Goldman and Brown families announced that they would quickly move ahead with their wrongful death suits against him.

Many Americans, especially African Americans, were puzzled and confused then and they still are. They ask, How can O.J. be tried again? Doesn't this violate the due process and double jeopardy provisions of the Constitution? There are the compelling reasons why in Simpson's case the answer is no.

Criminal trial Acquittal: When a defendant is acquitted in a criminal court, civil suits are rarely brought. The defendant has few assets for a victim or their family to recover and the time and the expense of a civil trial aren't worth it. But there are two glaring exceptions. The first is when the defendant is wealthy or a celebrity. In 1976, T. Cullen

Davis, reputedly one of the world's richest men, was accused of shooting four people, two fatally, at his Fort Worth, Texas mansion. One of the victims was his estranged wife and one of the fatalities was his 12-year-old step-daughter.

The prosecutors tried to prove that Davis tried to kill his wife to avoid a messy and costly divorce settlement. They didn't succeed: Davis was acquitted. A decade later his ex-wife sued him for the death of her daughter. The jury hung in her favor. Rather than risk another civil trial, a bankrupt Davis agreed to pay her a \$5 million settlement.

When social gadabout Claus Von Bulow was acquitted of the attempted murder of his wife, his two step children sued him. It never went to court. The suit was dropped when Von Bulow agreed to give up any claims to his wife's fortune.

The other exception in which a civil suit is filed against a defendant acquitted in criminal court is if it's a highly publicized case, and the acquittal sparks legal outrage. When Louisiana butcher

er Rodney Peairs was acquitted in the mistaken shooting of a Japanese exchange student Yoshihiro Hattori, his family sued and won a \$653,000 judgment against Peairs.

But with Simpson there are differences. There was no dispute that Peairs shot Hattori. If Simpson is found liable in the wrongful death suit this will be the first known case (at least to the general public) where a defendant was acquitted of murder in criminal court and found liable for the same crime in civil court.

Double jeopardy: An individual cannot be criminally prosecuted twice for the same offense. The Supreme Court has ruled that double jeopardy applies to a defendant in a civil case only if the lawsuit is being brought not for the purpose of compensating the victim or their family for their pain and suffering, but to punish the defendant. The civil sanction is so severe that in effect it becomes a criminal sanction against the defendant for the same offense. Simpson's attorneys may well argue this point if he's found liable and

nailed with a massive punitive and compensatory judgment.

Litigious nation: America is the most litigious nation on the planet. In New York City more than a million lawsuits are filed annually for every imaginable type of criminal and civil misconduct. California leads the states in numbers of lawsuits. Tort reform has been a hot item in Congress and state legislatures, but the going has been slow. There's simply too much vested interest against it from the legal and medical establishment.

Victim empowerment: Millions of angry Americans cheered Kim Goldman, Ron's sister, when she insisted that "we have only one goal and that is that Simpson be held responsible for what he did." For the Goldmans the civil suit against O.J. is not just for money. It's just as well. There's probably not much there to get anyway. Between attorney's bills, an IRS tax lien on his house, and zero opportunities for him to make money from commercial endorsement or deals. If he loses he'll probably declare

bankruptcy.

Yet more and more people are using civil courts to get a mix of justice, revenge, and recompense for the violent death or suffering of a loved one. According to the National Victim Center, several thousand lawsuits are filed annually by the victims or their families against criminal defendants. This is a ten-fold increase over the last decade.

The criminal trial was a hard fought battle that raised social and legal issues that bitterly divided millions of Americans. The verdict in the criminal trial didn't resolve them. The civil trial has carefully skirted many of those thorny social issues. But it has created a new set of doubts and confusion among many Americans, particularly African Americans, about the legal system. This is perhaps one of the biggest liabilities of all of the Simpson case.

EARL OFARI HUTCHINSON is the author of "The Assassination of the Black Male Image" and "Beyond O.J.: Race, Sex, and Class Lessons for America."

# A writing race we can't win

By Marion Boykin  
NATIONAL NEWSPAPER  
PUBLISHERS ASSOCIATION

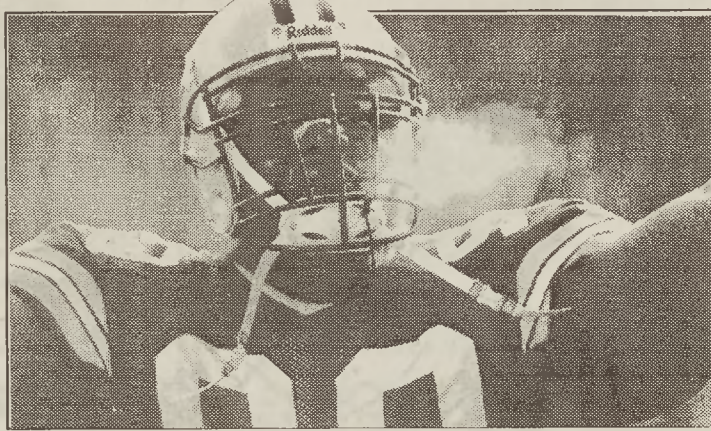
Since attending a recent sports forum on "Race and Racism in the Sports Media," held at HBO, I've been a little more bothered than usual.

The forum included some biggies, like Jesse Jackson, Al Sharpton, Spike Lee, New York Knicks forward Buck Williams and an impressive contingent of sports columnists, editors, and sociologists, black and white from everywhere. They were all there to discuss the most important problem in our society today and yesterday: Racism. The topic was sports coverage and the very noticeable lack of black writers and editors at major publications.

After opening statements by Jesse Jackson, we began to kick the science, starting off with the issue that seemed to have initiated the whole event; that is Spike Lee's take on the baseball player, Albert Belle and Daily News sports columnist, Mark Kriegel's response to what he thought was race-baiting by Lee. It was a good starting point and did indeed open the playing field for a larger, louder discussion.

I enjoyed the give and take, but in fact was not there for answers from all those that look like me - we all got horror stories to tell. Instead, I wanted to hear solutions by all those that didn't look like me, that don't think like me, and don't feel about me what I feel about us.

As Kenneth Shropshire, author of "In Black and White: Race and Sports in America," eloquently wrote in a recent guest column in the Sunday edition of the NY Daily News,



PHOTO/WADE NASH

Black athletes are a major force in sports. Black sports reporters are still rare.

[the]... "forum was proclaimed by a few speakers as a historic dialogue. Most of what was in the room, in deference to Rev. Jackson, was the choir. The power brokers - the sinners - chose not to come. Bottom line, it don't make much sense preaching to the choir (can I get an Amen)."

I made them aware of what I thought about the matter, as I am one of those that experience the problems first hand as a front line foot soldier. Consider this: Out of nearly 2,000 major daily papers, there are only 10 African American sports columnists.

A question was put to Williams (the only athlete to show up and play with us) about why black athletes, like many of the Knicks, don't get together and refuse interviews to papers that don't have black writers? It seemed like an effective approach to me, but Williams said it would never happen because of player fear and apathy.

Perhaps what would work is a variation of this approach, one that could involve the fans for

added pressure. Maybe Williams could call for such a boycott of a paper like the N.Y. Post for its insensitivity toward hiring black sports writers and editors. Let's see which players decide not to understand the bigger picture, and take no active part in helping to alleviate this problem. Perhaps our cheering (if we cheer) should be for them as strong men first, and then as strong athletes. We could also find out who's who by watching to see which players give direct interviews and quotes to white writers in their stories. We should then talk to these brothers and make sure that they understand the situation.

If the response is not positive, then we should add them to our boycott list. They must be made to understand that they remain responsible to our people as a group, despite any arguments put forth by all those outside the group (and some inside) that aim more candidly at the separation of the black athlete from the community.

MARION BOYKIN is a New York-based writer.

# Despite setbacks, keep positive outlook

By Jervay Vanderhorst  
SPECIAL TO THE POST

I am a senior student at Garinger High School. I recently transferred to Garinger on Nov. 12, 1996 in order to try out for the basketball program. I had previously attended Independence High School on a board transfer. I was selected to be a member of AAU/Junior Olympics team when I was 11 years old, and have played each summer since that time.

I was selected as MVP of the junior varsity squad and Defensive Player of the Year. As an 11th grader, I experienced less playing time. Some of this was due to my ill health.

In 1994 I was diagnosed with a chronic severe liver condition. This school year, because I had experienced a good summer with the Charlotte Royals AAU team in a national tournament and played in Cocoa Beach Fla., and I'm physically healthy, I was looking forward to a successful basketball season as one of Independence High School's point guards. However, I was subsequently cut from the team. This exclusion had nothing to do with my athletic skills, for I hold the leading assist average in Mecklenburg County as a point guard. It had nothing to do with my academic performance as I have a 3.0 grade point. The cutting had nothing to do with my behavior as I have never been referred to the administrative

staff during my primary or secondary school years for unacceptable behavior. Rather, I was cut, I believe, as a result of a grievance that the coach had with my parents.

The purpose of this letter is not to discuss the reaction of the coach to this grievance, but rather to help other students successfully live through a potentially esteem-damaging situation that can be brought on by adults in a position of authority.

I recommend that:

•Students communicate openly and honestly with their parents.

•Share with your parents your successes and hurts. They will provide that emotional support and be there for you when you need them most.

•Always perform to the "best" of your ability.

•Be honest and perceptive of your own strengths and weaknesses.

•Believe in yourself and always maintain a can-do attitude.

•Be accepting of others, regardless of their human frailties.

•Adverse situations result in victory. I am a living witness.

My final advice to you is:

Do not allow adults in authority to negatively impact the manner in which you view yourself or infringe upon any positive goal which you seek!

JERVAY VANDERHORST is a senior at Garinger High