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Advertisers' neglect starts to add up

By Linn Washington Jr.
NATIONAL NEWSPAPER PUBLISHERS ASSOCIATION

The American Psychological Association voted in 1991 to stop accepting military advertisements in its magazine.

Association members voted to approve this advertising ban because of the U.S. military's policy of barring the admission of homosexuals.

While the APA voted to oppose a policy it considered discriminatory, the fact that its members-only magazine had military advertisements in the first place exposes an insidious form of institutional racism called advertising apartheid.

You generally don't see military ads in black-owned newspapers like those belonging to the National Newspaper Publishers Association member papers. The NNPA represents the historically black press and reaches over 12 million readers weekly.

You don't have to be an expert on the intricacies of advertising to readily understand that among the 12 million readers reached weekly by NNPA papers are a sizable percentage of persons who are in the target market for military recruiting ads.

Surely there are more potential military recruits among NNPA readers than those scanning the pages of the American Psychological Association's members-only magazine.

In September 1992, then-Philadelphia Congressman Thomas Foglietta responded to a request from NNPA member Hugo Warren, publisher of the Philadelphia New Observer, confirming Warren's suspicion that the black press was being systematically shafted by advertising apartheid.

The U.S. Department of Defense, Foglietta's letter stated, "is ignoring the law" by refusing to "award five percent of its advertising contracts to minority-owned media outlets."

In fiscal year 1992, according to the Congressman's letter, only "3.6 percent of all magazine ads were published in African American magazines" while "almost no" ads were sold to minority-owned radio. The black press was blacked out.

Although not mentioned in Foglietta's letter to Warren, the U.S. military's recruitment advertising budget during fiscal year 1992 totaled $129.1 million. You don't need a Ph.D. in economics to understand the insulting slice minority media received from the military's megabucks advertising budget.

Recently NNPA and the nation's Hispanic newspaper publishers announced the formation of a joint campaign to fight the advertising apartheid that left them with less than 1 percent of the $670 million the federal government spent in 1996 to promote government agencies.

Asian-American publishers have also announced their intention to join this unique coalition that seeks to crack the apartheid practiced by the U.S. government and its contracted ad agencies.

Ad revenue is the economic life's blood of all media.

Black and other minority-owned media are ravaged by advertising apartheid that deliberately excludes them from the billions spent annually on advertising by public agencies and private corporations.

Excluding minority media from federal advertising dollars is a form of taxation without compensation.

Further, big ad agencies are fleecing the federal government by exclusively placing federal ads with white-oriented media. Studies show that minorities in urban areas are not reached by ads placed in mainstream media that is desperately concentrating on serving the suburban market.

The irrefutable evidence of advertising apartheid explodes the claim that institutional racism is dead.

Those self-proclaimed supporters of a "color-blind society" should eliminate advertising apartheid instead of dismantling affirmative actions programs designed to end institutional racism.

LINN WASHINGTON is a professor of journalism at Temple University in Philadelphia.

Taxman settlement needed

By Yvonne Scruggs-Leftwich
NATIONAL NEWSPAPER PUBLISHERS ASSOCIATION

WASHINGTON – The Black Leadership Forum Inc. welcomed the Dec. 2 action by the Supreme Court, which dismissed the appeal in the Board of Education of the Piscataway Township v. Taxman case.

BLF's leadership believes that the dismissal benefits both the nation as a whole as well as all minorities and women who seek guarantees of opportunity, access, fairness and equity from systems and institutions which systematically and historically have excluded them. These guarantees are the true characteristics of affirmative action. The Piscataway case was not.

From the outset, BLF was deeply concerned that this case had become identified as an important test of affirmative action. The Piscataway case involved a layoff decision based on race alone, rather than the more typical circumstances such as hiring or promotion, where taking race into account along with other relevant factors promotes diversity and inclusiveness. In making the 1989 decision of whom to terminate, the superintendent and school board said that they could not distinguish between a White teacher and an African American teacher who were hired on the very same day.

Both were described as equal in every respect, in spite of the fact that they had different teaching histories and, in fact, the African American teacher, Debra Williams, had a master's degree. The white teacher, Sharon Taxman, did not. The board said it was unable to choose between these "equally qualified" employees but announced that it was laying off the white teacher because of its "affirmative action" policy.

Taxman

The white teacher sued to get her job back. She won in both the lower court and the Court of Appeals. Although Williams felt that her master's degree made her better qualified, and Taxman felt that the school board had intentionally created a contest between her and a black teacher, this evidence was never aired in court. Instead, the school board used race as the "tie-breaker." In the initial suit and on appeal, the school board supported its actions based on broadly stated principles of affirmative action and diversity.

In the judgment of most civil rights lawyers and activists, these features of the case made it a poor vehicle for testing the legitimacy of true affirmative action. In 1994, the Appeals Court issued a broad opinion announcing that Title VII of the 1964 Civil Rights Act did not allow race to be taken into account in making any employment decision except to remedy proven past discrimination. However, by then Ms. Taxman had been rehired and all that was at issue was her back pay, seniority and pension benefits.

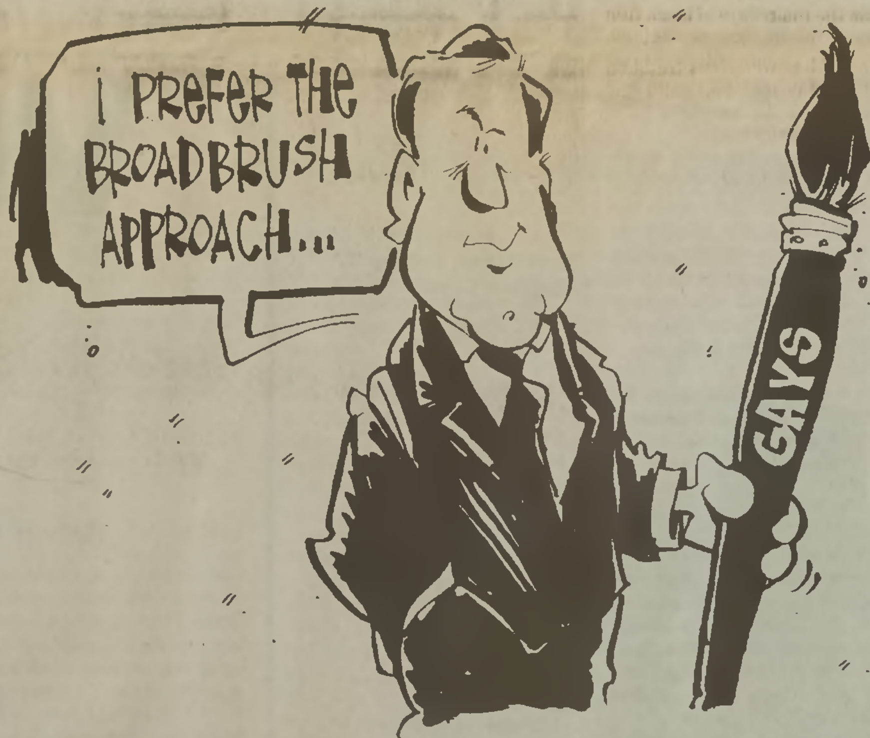
Williams

Inasmuch as the Supreme Court had rejected similar arguments about taking race into account in making layoffs, the School Board's decision to appeal to the Supreme Court was considered by many as ill advised. Moreover, lawyers fees and payments to Ms. Taxman would only increase if the Board pursued an unsuccessful Supreme Court appeal. And, of great importance to BLF and the civil rights community was that a Supreme Court ruling on this inappropriate case, like that of the Appeals Court, almost surely would condemn all affirmative action programs.

BLF was joined in its concern by others. Current School Board President Jerry T. Mahoney indicated to BLF that the nine-member board, eight of whom were elected since the 1989 decision, considered settling the case. However, they could not justify doing so to constituents, without monetary assistance with the liability for Ms. Taxman's judgment and her large attorneys' fees. BLF then sought contributions to assist the School Board, an action strongly preferable to the almost certain termination of proper and legitimate affirmative action in education and employment. Based on a widely shared concern for a more rational review of Affirmative Action, BLF ultimately received a large number of donations, earmarked for Piscataway, from across the country. With this help, the School Board concluded negotiations, resulting in a ratified settlement on November 20, 1997.

These are the facts. The Black Leadership Forum did not settle this case. The case was settled by negotiations between the plaintiff's lawyer and the School Board's lawyer. The BLF, however, ultimately contributed $308,500 in addition to the School Board's contribution of $125,000, to pay the $433,500 settlement cost. BLF's actions in this affair were not based on fear, but on a common sense concern that this case simply was a distraction and actually distorted the constructive and effective affirmative action efforts being made all across this country today.

YVONNE SCRUGGS-LEFTWICH is executive director and chief operating officer of the Black Leadership Forum Inc.



Career politicians have no right to multiple terms

By Adam Bromberg
SPECIAL TO THE POST

Throughout our nation's history, we have seen leaders fight with everything they had in the defense of fundamental rights.

Washington, Jefferson, Lincoln and others have been ever vigilant in the fight for liberty and freedom. Today's statesman is also willing to fight, but for a different fundamental right: "the right to hold office." The right to hold office? There is no such right. One is elected by the voters to serve at their discretion. But two former state legislators in Washington disagree – and they've got a lawyer.

David Plombon and Michael Wilder, two former Democratic state legislators, are suing Wisconsin Manufactures & Commerce for running radio and television ads which criticized their records during the last election, possibly leading to their defeat. Their attorney filed a lawsuit claiming that these ads interfered with the lawmakers' "right to hold office." The attorney even links this new right to the concept of "property rights." When you get elected to office, he argues, it becomes your property and nobody has a right to do anything to deprive you of it. Hmmmm.

Perhaps Plombon, Wilder and their allies believe we should do away with elections altogether. After all, elections do interfere with the "right to hold office." Perhaps current public office holders should hold office as they please until they are ready to retire, then simply annoint their successors. If they were to die unexpectedly, they could leave their office to someone in their will. Certainly, these are the types of things we do with property.

These two Wisconsin legislators are only following in the footsteps of others on this issue. In 1994, U.S. Term Limits ran ads in three districts informing voters that one candidate had signed a term limits pledge and the other one did not. The voters chose to support all three candidates who signed the pledge and voted against the three who didn't, including powerful incumbent Rep. Mike Synar (D-Okla.) who lost to a virtually unknown primary opponent he outspent almost 20 to 1. These ads fall under the protection of First Amendment rights, but apparently violated the "right to hold office" for three individuals, because the Democratic Congressional Campaign Committee filed a complaint against U.S. Term Limits with the Federal Election Commission.

The basis behind this bizarre Wisconsin lawsuit is less far-fetched when you look at the lengths to which career politicians and their allies go to make certain that they can stay in office for life. Nothing demonstrates this like their reaction to term limits – like vampires to sunlight. Virtually every time voters have passed term limits, career politicians have done everything possible to lengthen and weaken these limits, with the ultimate goal of killing them altogether. They have used every weapon at their disposal – passed legislation, sued their own constituents, and put phony initiatives on the ballot. Politicians simply believe term limits interfere with their "right to hold office." Even when voters go to the polls and term limit their elected officials, these politicians believe they just have no right to do so.

Throughout the nation, career politicians have been very aggressive and imaginative in upholding their newfound right. In 1996, New York City Council Speaker Peter Vallone and his cronies, who vigorously opposed a term limit initiative in 1993, tried to pull a fast one on the voters. They placed an initiative on the ballot lengthening the limits the people already voted for, but worded to seem like a vote for term limits. The people weren't fooled. In Wyoming, the state legislature voted to double the term limits the people had passed by a 77 percent margin. Former House Speaker Tom Foley sued his own constituents when they voted to term limit him along with the rest of the congressional delegation. Foley was even so brazen as to ask the taxpayers to reimburse his legal costs.

Career politicians' and their new fundamental right have allies in the judiciary too. Recently, Judge Stephen Reinhardt, writing for a three-judge panel of the 9th Circuit Court of Appeals, threw out California's term limits claiming the voters did not know what they were voting on. Reinhardt overturned a democratic vote of the people, and a California State Supreme Court decision, on the condescending premise that he knew the minds of the voters better than they did. Following on the heels of the decision in California, career politicians in other states are getting in line to sue on these, and other clever, grounds.

These two former Wisconsin legislators claim of a "right to hold office" is silly, but it may not be as much of a joke as we think. After all, claiming that this right exists is simply a logical extension of the actions that career politicians take in making sure that they can stay in office as long as they want – no matter what voters, or anyone else, have to say about it. We must let them know that elected offices are our property, not theirs - the people do have the right to vote them out, to criticize their records, run ads against them, and even term limit them.

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