'Colorblindness' erodes equal protection

By Robert W. Simmons
SPECIAL TO THE POST

Recent court decisions, including Judge Potter's decision overturning Swann, have taken their impetus from the self-styled "colorblindness" movement. The movement's name arises from a literal misreading of the Civil War amendments to the Constitution.

EXECUTIVE SUMMARY

Members of the movement use this misreading to challenge the constitutionality of governmental actions undertaken to alleviate the lingering disadvantages suffered by black citizens for more that 200 years of slavery and 100 years of subsequent repression.

The "colorblindness" backlash erodes advances toward equal civil rights made during my lifetime and threatens to entrench for the lifetime of my children the privilege illegally seized by the white majority.

Simmons

Barely longer ago than my birth in 1958, our nation took its first steps toward enforcement of the equal protection prescribed by the Constitution. Within my memory, the Civil Rights Act finally banished "Jim Crow" laws. Fewer than 30 years ago, the Supreme Court affirmed Swann, driving out one of Jim Crow's last recalcitrant relatives – de facto school segregation.

During the last three decades, we have made steady progress away from three centuries of injustice, and we have begun to approach real equality.

But the remedy is not complete. As a result of justice delayed, justice is still denied. Power, wealth and their concomitant privileges remain disproportionately in the hands of the white majority. Relative poverty, homelessness, crime, and disease remain disproportionately on the shoulders of the black minority.

Contrary to the claims of the "colorblindness" movement, the Constitution requires that the law see color to assure that people of all colors enjoy equal protection. The Constitution does not allow us to choose to be blind either to the continuing disadvantages of people of color or to the historical sources of those disadvantages.

Many of the folks who promote such blindness exercise a conscious disregard for law and history. "I never owned slaves, so why should I suffer for what I didn't do?" they complain.

Of course, the majority does not "suffer" by the loss of unearned privilege that has been passed through generations of constitutional violations to modern heirs. Those in the vanguard of the backlash are people of my generation and my race who seek to preserve privilege for their children while both denying indebtedness to a sordid history and avoiding the responsibility to share their tainted inheritance with those from whom it was stolen.

The Constitution is the supreme law in a structure of laws that provides remedies for violations of law. The white majority violated the Constitution for more than the first 150 years of our nation through the passage and enforcement of unconstitutional laws. The violations damaged black citizens, and the damage was perpetuated in the institutions of society. Merely removing the violations from the law is not an adequate remedy. Payment of reparations is not a reasonable remedy for the institutional repression of generations.

The only adequate and reasonable remedy is the award of the legal right to require the institutions of society to prove that they are not perpetuating the illegal denial of equal protection.

The appointed Federal judges were the first to exercise the courage to begin the remedy by striking down unconstitutional laws. The executive and the legislature followed. Enforcement of the remedy still rests with a legislature, executive and judiciary controlled by the majority, and all three branches are now less likely to exercise the courage to stay the course against the bitter backlash.

Many in the "colorblindness" movement challenge the remedy under the guise of opposition to a "special right." They claim the remedy unconstitutionally recognizes color in the enforcement of the law. This "special right" is nothing other than the focus on race mandated by the Constitution to assure that equal protection is not denied based on race, and that the opposition to the remedy is merely the exhumation of Jim Crow's remains to deny equal protection under an assumed name.

In The Alamo, when Davey Crockett was asked why he had chosen to risk his life in a fight that was not his own, he said that a wrong can be opposed in two ways: risk little by speaking gentle words for what is right, or risk much by striking a blow against what is wrong.

In our battle, gentle words now go unheard. Folks must be willing to risk more by striking blows with strong words.

The nouveau segregationist hypocrites of the "colorblindness" backlash must be subjected to the shame that they are so quick to call down on others but so slow to accept for themselves. Their passive allies must be confronted with a mirror reflecting their complicity. Only by struggling against the "colorblind" denial of equal protection can we hope to reach the day when we will stand on the level field described in the Constitution and rejoice together in the many hues of the color that we see.

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Racism in the college sports industry

BERNICE POWELL JACKSON

I intentionally chose the headline for this column to include the words "college sports industry" because clearly college sports, particularly basketball and football in the largest, most sports-competitive universities in the nation, is an industry. It is also an entertainment industry, just like the professional sports are just as much about entertainment as they are about athletics.

Many of the young people playing college basketball or football are African American. Unfortunately, all too often the adults who work with them—the coaches, the trainers, the scouts — do not seem to mirror that. It seems that while college sports do provide an avenue for young African Americans to get an education, it may not provide a venue for employment afterwards.

Now, one young college coach is brave enough to raise the issue of employment of African Americans by college sports departments. His name is Sean Sheppard and he's a strength and conditioning coach at Ohio State University and he's written an open letter calling Ohio State, the National Collegiate Athletic Association, and the broadcasting industry into accountability.

Sean Sheppard has 14 plus years of experience as a college athlete himself and as a coach in Division I athletics. He has worked in small private colleges, in state universities and in huge athletic departments. He has coached elite football and basketball players and those who are below average.

I've never looked Sean Sheppard in the eye, but I have talked with him on the telephone and I have talked with those who have known him since childhood and I would say that I have never talked with a more sincere, more respectful, more caring young man. But he is one who must tell the truth as he sees it — something all too many of us are afraid to do too much of the time. So when he sent me a copy of a statement he recently made, I paid attention.

In it, he calls attention to the fact that of the 342 employees within the Ohio State University athletic department, there are only 19 African Americans (5 percent), despite the fact that most of the football and men's basketball teams are African Americans. There are only four black assistant coaches of the 70 assistant coaches. There is only 1 black female coach. There are only two head coaches in a department of 30 coaches. Indeed, in the 100 years of history of Ohio State basketball, there has been only one black head coach and there has never been an African American head football coach.

Sheppard raises the question of whether the message, conscious or unconscious, that is being delivered to the African American community is that while universities have no trouble awarding scholarships to black athletes because of the money these athletes will generate, they have a problem sharing that money with the African American community by hiring black coaches. It's a message, he says, that the African American community is getting loud and clear and they are talking about it in barber shops, black-owned restaurants and other places where informal conversation is held.

The need for more African Americans in college coaching is not just about sharing the wealth of college athletics either. It is about providing the role models, the counseling and the much-needed mentoring which African American athletes so desperately need. Who better understands a young athlete from the inner city than an adult who's been there himself or herself? Who can better recognize the signs of trouble which these young people often show?

Now, it is important to say that Ohio State probably is not the only university with such hiring records. I expect that most of the NCAA Division I athletic departments have comparable numbers. While I don't have statistics for all NCAA Division I schools, I do have the total numbers of NCAA athletic administrators, where nationally about 8 percent of them are African American. Which means that some of the larger NCAA universities probably have better hiring records than OSU's while some undoubtedly have worse.

Sean Sheppard is quick to point out that advances have been made in the college sports industry over the past generation. There are significantly more African American quarterbacks and more black head coaches now than 20 years ago. But, he asks, how far have we really come. And I would add, how far are we willing to go?

Sheppard's solution to this inequity is for the NCAA and its member schools to actively recruit and market themselves at job fairs on college campuses across the country with the sole purpose of recruiting talented people of color. Secondly, he calls upon the television broadcasting industry, which pays billions (with a "b") of dollars to televise NCAA basketball and football tournaments, to also put aside funds for this purpose. Thirdly, he calls for a new kind of Title IX program (the government program mandating equal sports for women in college) which would work like Title IX, but would ensure coaches of color as well as athletes.

Sean Sheppard has started the conversation. OSU Athletic Director Andy Geiger has responded that Sheppard is right and that he appreciates his taking the leadership on this. He calls for a reduction in the rhetoric and an increase in results. Let's hope he really means that and that he will not only take up the challenge himself, but invite his colleagues around the country to do the same.

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Health care industry is sick because of lawsuit threats

By Armstrong Williams
SPECIAL TO THE POST

A doctor has a way of reassuring. He exudes health and knowledge. On the golf course, he maintains a statuesque form. In the emergency room, we pray to him. When he restores health to our loved ones, we cry in joy and thankfulness.

Still, something about the doctor galls us. He fattens himself on our physical vulnerability. He has decorated his house with our checks. On the highway he swooshes past us in his candy-apple Porsche, the glint of sun tingling off the polished chrome. This makes us feel vulnerable all over again. And so, on some level, we wish to take from him, this medical demagogue who has the audacity to sit so high upon the pedestal we erected for him.

Given the slightest opportunity, we will drag him down.

Exhibit A: Doctors, who stopped to help victims of car accidents, violent assaults, etc., found their good deeds rewarded with astronomical malpractice lawsuits. Exhibit B: A Texas lady sued her nutritionist because her daughter failed to lose any significant amount of weight following repeated visits. The list goes on, endlessly, and senselessly. It is perhaps the definition of frivolousness that a Doctor's hard-earned professional reputation should end in the moment that it takes to facilitate a lawsuit that has no genuine merit.

Of course, medical malpractice is a serious issue, claiming the lives of an estimated 44,000 people a year nationally. Perhaps even more disconcerting though, is the tide of frivolous suits and the unburdened ease with which patients are crying victim. This fact has doctors on the defensive. After all, an innocent pat on the tummy while dislodging a blood sausage from a dinner companion's esophagus (ala the Heimlich maneuver) could mean hell to pay down the road in a malpractice suit.

"Many doctors have avoided the scene of an accident because every time he would help, out of that came a lawsuit," explains Dr. Ficcara, a former emeritus surgeon who practiced in New York. "That is injustice and it deprives a patient of the help that is necessary in the time of emergency."

Sadly, this tide of frivolous litigation is driving a wedge between patient and doctor. "A physician today will not take that extra step that is necessary to help patients, for fear of a lawsuit," said Dr. Ficcara.. "The doctor's now are practicing defensive medicine in every area. He has no choice but to become more self-protective in the matter because of malpractice."

This came clear to me recently while I grappled with an eye disease called Iritis, which causes inflammation and irritation so pervasive as to threaten blindness. While in South Carolina for some speaking engagements, my right eye flared up for the first time in months, sending flashes of pain throughout my body. The eye immediately swelled and watered. When I called McCloud Regional Hospital in Florence, S.C., I was told the opthamologist would only talk to patients or admittants to the emergency room. I stood there on the other side of the phone, dumbly wondering what to do. I pleaded with the answering service to speak with the doctor, at this point gasping in pain. The voice on the other end reiterated: the doctor will not see you unless you are a patient. The words danced around my head with horror.

Finally, I was able to convince the answering service to contact the doctor. Thankfully, one Dr. Hunter R Stokes Jr. showed empathy and compassion in agreeing to advise me as to what to do, before phoning in a prescription at a local pharmacy.

Upon my return to D.C., I relayed the story to my regular physician, Dr. Wicker. "That's a miracle," he exclaimed. "Because in this litigious society, it is unheard of for a doctor to prescribe medicine to someone who isn't their patient. And you could have suffered to the point where that right eye would have been jeopardized. ...it happens all the time."

What a sad state of affairs when a fear of lawsuits rents so much space in our doctor's heads. Plainly, if medicine is to offer patients the best care available, we must not only be able to trust doctors, they must be able to trust us. Otherwise, their sacred oath to heal will be subverted by the fear of frivolous lawsuits.

ARMSTRONG WILLIAMS is a syndicated columnist.

Parents care; kids can learn

By Emory Curtis
SPECIAL TO THE POST

Just after writing this piece I'll be attending the University of Southern California Neighborhood Academic Initiative annual ceremony, where achieving students (in their lexicon, "scholars") and parents, guardians and significant adults receive recognition for making the NAI program an unduplicated success in converting low achieving students into high-performing scholars.

I'm attending for two reasons. One, just seeing youngsters pulled off the public school system's economic dump road renews my belief that public schools can work – with the right leadership. Secondly, I want to see if, for once, a locally elected official will attend the ceremony.

In the NAI program, sixth grade "C" average students in low-performing (1 or 2 on a 10 scale) elementary schools surrounding USC in the Los Angeles Coliseum area are given a chance to get the equivalent of a good private prep school education. If the student and the adult(s) in the home will commit themselves to do the work, they will not only get a good prep school education but may also get a four-and-one-half year free ride at USC.

Commitment requires more than lip service by both the scholar, nee student, and the adults in the home.

For the student, it means being at USC for two hours each weekday morning for instructions from NAI teachers before going to their regular school for regular classes. For three days each week the NAI students go to USC for one-and-a-half to two hours for tutoring by USC students.

That's not all. Every school night, there is a three-hour homework session at home with no TV. And then on Saturday, NAI scholars spend four hours in a workshop that covers such topics as communications, mathematics, information technology, science, and SAT and ACT exam preparation.

The Family Development Institute, an NAI support program, runs a parallel four-hour program on Saturdays for the responsible adults in the homes of NAI scholars. That program keeps them in tune with their own scholars and offers parenting and home management workshops.

That's quite a load on scholars, nee students, and their parent(s), guardians or responsible adults. That load can only be carried if there is a complete change in focus and culture within the household. And that is exactly what happens.

It happens because the adults are committed to changing their own lives and paving the way for their child(ren) to do much better in life than they have; very few of those households had ever had any member attend a four-year college. Therefore, it is hard for the adults to have envisioned of an offspring of theirs attending USC under any circumstances.

Nevertheless, many have had that vision come true. In 1997, there were 46 graduates of the program. Twenty-four are now in USC on scholarships, five are in other four-year colleges and 12 are in community colleges. The total for the program for the past three years are 140 graduates, 63 of which are in USC, 12 in the California State University system, 36 of which are in community college, eight in the University of California system, three in other state college systems, four in other private colleges, three in Ivy League institutions and three in vocational school. The whereabouts of eight of the graduates are unknown.

Those figures show that USC's NAI program has taken 140 "C" average sixth graders who were potential gang members, drive-by shooters, shooting victims, or school dropouts and put them on the threshold of becoming real contributing and productive members of this society.

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