viewpoints

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Look at the Big Picture

The NAACP's push towards greater equity in city government will miss the beat unless it begins to address the major cause of the "double standard," which local president Patrick Hairston has so aptly termed the situation.

The flip side of favorable treatment accorded whites is the almost inhumane way in which black employees are treated.

Black holders of master's degrees in public adminstration sit underutilized in minor jobs, while whites they helped break in have risen to the top levels of city government.

Opportunities for advancement are not open to the vast majority of black city employes, many of whom can retire in the same job they began in.

For two years, the excuse has been that "we've got a budget crunch, and we're not hiring anybody." This year, when finances are better, we have seen a lot of "Well, we had a minority in our final group of candidates."

The result is that, in a quiet way, the responsibilities and the numbers of black administrators have been whittled away as those few who remain are shunted out of the mainstream of city government in what might be termed the "NCNB Plaza Ghetto."

However, it is not too late to reverse the trend. Many of the best and brightest people in city government have left because of a pervasive buddy system which has many wondering why the city goes to the trouble of publishing employee regulations.

However, there are still a number of top posts yet to be filled such as director of the convention center/coliseum, ABC board administrator, economic development director, personnel director and other lower level positions.

Despite the effort to push them out, there are still blacks in city government capable of handling such positions.

Their only fault is that they do not belong to the right clique.

A major demand of the campaign for equity in city government should be a drastic change in this state of affairs. There is probably not a need for a flashy affirmative action training and recruitment process, for enough people have already paid their dues, gotten the correct training and job evaluations and are waiting for what they have earned.

They should get it, while they are still in the prime of their careers. Otherwise, city government is wasting its most precious resource.

Erosion, shown here under the new bridge leading to the Winston Lake pavillion, is one of the problems which can be addressed through planning for East Winston.

The Face of East Winston

Streets get torn up, a development goes up here, a restaurant goes up there, some apartments over there and the change in the face of black Winston-Salem goes on.

The disturbing reality is that no one has really had much input in deciding the way things are shaping up. Would the current residents like more apartments, or more single-family houses? More grocery stores or more variety stores? Should traffic lights be placed at certain streets?

Planning of all these various aspects has gone on in a vacuum, far removed from the people whose lives will be most affected.

Since the adoption of the General Development and Urban Renewal plans some years ago, the development has taken place on a piecemeal basis.

It is time to pull back and look at where we are going. Signs are that a period of substantial growth is about to take place in east Winston-Salem. However, that growth could cause more problems than it solves.

A comprehensive study of the development of our section of the city needs to begin without delay. To expedite the process, the Board of Aldermen should appoint an official committee with representatives from affected neighborhoods and assign staff support from the Planning Board and Community Development staffs.

Such issues as soil conservations and erosion, air quality, transportation, plus the more heralded problems of housing and employment, should be the concerns of this commission.

The goal should be a comprehensive plan which comes up with a mix of industrial, business and commercial opportunities to provide nearby jobs, a variety of housing, both multi-family and single-family, safe and efficient transportation and protection for the natural beauty of that section of the city.

A major objective has to be the providing of shopping opportunities for the population, many of whom are unable to drive or who will be unable to afford to drive long distances.

Priority should be placed on promoting entrepreneurship from nearby communities.

Key to the acceptance of the completed report is the extent to which neighborhoods and their residents are poled on their concerns and preferences. Door to door surveys and questionnaries should be utilized.

Drafts of the report should be reviewed at a series of public hearings before final submission to the city. The final plan should be taken as not just a report, but an impetus to action.

The panel created could be given a continuing role in monitoring the progress of the plan and advising the city in land use matters.

Chronicle Letters

Students Support Faculty Pay Raise

Dear Editor:

The University of North Carolina at Chapel Hill Student Government is supporting the proposed pay increase for public employees. Student Government is especially sensitive to the financial situation of our UNC professors. Moreover, we believe this pay increase is necessary in order to retain the high quality faculty members the UNC system currently employs.

For example, the magical land of Chapel Hill may be attractive to a professor, but this in itself is not enough, his or her financial needs must be met.

Support for this pay increase from students is growing. On June 7, the University of North Carolina Association of Student Governments, which is composed of the 16 student governments of the constituent campuses of the UNC system, passed a resolution supporting this proposed pay increase for public employees.

Since we rarely have the opportunity to commend the high standards of quality with which the faculty members enrich the University system, a more appropriate measure could not be found.

Bob Saunders
Student Body President
UNC-Chapel Hill

William Raspberry

How Could the Court Intrude?

WASHINGTON--All of us, at one time or another, have been astonished at some judicial decree that seemed to serve no logical purpose.

At such times, we find ourselves wondering how the court decided to intrude itself into the matter in the first place and, the second, how it could have delivered itself of such an outrageous order.

Sometimes, of course, the answer has to do with judicial incompetence; sometimes with excessive judicial activism.

And sometimes it just happens. I understand that last possibility a good deal better after participating in a fascinating exercise at a judicial conference here last week.

The mock case we were to consider involved a woman whose grandchild attends an old, dilapidated school in a district that has no money to make the needed improvements.

The grandmother calls on the school board and the superintendent for relief, only to be told that it is beyond their power to grant. School funds in the state are derived from real-estate taxes, and it happens that the property in this particular district, already taxed at a higher rate than in most others, isn't worth very much.

She appeals to the governor, who tells her that as much as he'd like to help, it really is a legislative matter. Her assemblyman is interested, but, in a election year, he isn't about to propose a property-tax increase. The alternative--introducing legislation to equalize district-by-district school outlays--is equally unattractive. For while the grandmother's district would get more money, other richer, most influential districts would get less.

The grandmother, frustrated at every turn, decides to sue.

The case is fictitious, but the participants in the discussion aren't. They include eight or ten lawyers, three or four judges, a state legislator, a governor's aide, a city council member, a school superintendent, a couple of law professors and even two journalists.

Their responses, which guide the courses of the case, represent their best judgment as to how they would respond in an actual situation.

The law suit, they agree, was virtually inevitable.

It is clear (we agree) that it would have been better if the education and legislative officials of the state had discharged their duties. But they hadn't, and the court had become the grandmother's last resort.

Moreover, it is the consensus of the lawyers and judges that she has a very good chance of winning. A good chance of winning what?

Clearly the state is in violation of the requirements of its constitution that it (a) maintain and support a system of free public education, and (b) see to the equal protection of the law. By no stretch is the grandchild's school the equal, in facilities, in fiscal outlays or in educational outcomes, of other districts in the state.

The court, we agree, would have to order an end to the disparity.

But should it simply mandate equalization and leave the details to the tender mercies of the state board of education and the legislature, which have already demonstrated their unwillingness to act? Should it order the raising of additional revenues to bring the lower-ranking districts up to snuff (in effect preempting the tax-levying authority of the legislature)?

Should it order a redistribution of existing resources (in effect reducing the funding for some of the richer school districts but also of some inner-city districts which happen to include heavily taxed factories and other businesses)?

Most of the participants are uncomfortable with the notion of the court ordering specific revenue measures, a role the state constitution reserves to the legislature.

Courts, we agree, are on much firmer ground ordering the cessation of unlawful practices. So we wind up with a ruling that the state has to stop discriminating against the plaintiff's grandchild.

The legislature ignores the order, and the judge closes down all the schools.

The grandmother has won.

Court Ruling Slows Black Political Progress

(Editor's note: On April 22, 1980, the U.S. Supreme Court in the case of City of Mobile et. al. v. Bolden et. al. ruled that the system of at-large elections did not violate the U.S. Constitution. The following commentary by Joint Center President Eddie N. Williams was released in response to that decision.)

The drive by blacks and other minorities to increase their numbers in local elective offices has clearly suffered a set back, even if not a fatal one, by the U.S. Supreme Court's April 22 decision in City of Mobile et. al. v. Bolden et al.

The case, which challenged the at-large election system was brought as a class action suit on behalf of the black citizens of Mobile, who comprise about 35 percent of total population, but have no black representative on that city's three-member governing commission.

A Federal District Court had ruled that Mobile's at-large election system "violated the 15th Amendment and invidiously discriminated against Negroes in violation of the 14th Amendment." As a result, two blacks were chosen to represent predominantly black districts on the Mobile school board. It was this ruling that was overturned by the Supreme Court.

The Supreme Court declared that the disproportionate (or discriminatory) effects of an at-large system were not sufficient to establish a claim to unconstitutional dilution of the black vote and that "intent" to discriminate would have to be proved.

The requirement to prove discriminatory intent is extremely difficult (some say impossible) to meet. Local governments can hardly be expected to articulate unambigiously any intent they may have to dilute black votes. Moreover, it is not clear at this time what kind of evidence the courts will accept as proof of intent to discriminate. Consequently, blacks and other minorities face the prospect of continued exclusion from thousands of local governmental bodies which are elected at-large.

Those familiar with the history of resistance to black political participation will readily recognize the effectiveness of at-large elections in preventing blacks from being elected to public office in localities where they are a large segment of the electorate but not a majority. In such localities, the abolition of at-large or multi-member election systems has been crucial to efforts to increase the number of blacks elected to office.

Since enactment of the Voting Rights Act of 1965, the number of black elected officials in the United States has grown significantly, from about 600 to over 4,600 today. However, blacks still constitute less than one percent of all elected officials in the country, although they are about 11 percent of the total population.

Moreover, the annual rate of increase in the number of black elected officials has been declining steadily since 1975; between 1978 and 1979 the net increase was only two percent. Joint Center research shows that even in localities where blacks exceed 40 percent of the total population, they remain excluded from governing bodies, often because of at-large or multimember election systems.

The Supreme Court's decision will undoubtedly slow the drive to correct this inequity.

Within two weeks of the Supreme Court decision, the Mobile school board, the subject of the litigation, dismissed its two black members who had been chosen to represent predominantly black districts under an earlier ruling by a Federal District Court. Immediately, the city reverted to the at-large system of elections, thereby denyng representation to its heavy black population.

Similar reversals are expected throughout the South where, according to the New York Times, "a movement to institute district elections has been halted in its tracks by the (Supreme Court) ruling. The widespread trend away from at-large voting for city, county, school board and state legislative offices has been proceeding under the pressures of a series of previous Supreme Court rulings."

Although the Supreme Court decision is cause for grave concern, its adverse effects may be somewhat softened by the fact that it was issued by a divided Court. Two of the six Justices who supported the decision concurred for reasons different from those of the other four.

Thus, Justice Blackmun, in his separate concurring opinion, criticized the lower court for being too extreme in requiring the City of Mobile to convert its government to a mayor-council form. Blackmun concluded that the District Court was "perhaps overly concerned with the elimination of at-large elections per se, rather than with structuring an electoral system that provided an opportunity for black voters in Mobile to participate inthe city's government on an equal basis."

Implicit in Blackmun's opinion is the suggestion that a milder remedy might have won his approval. It is possible, therefore, that future legal challenges to at-large elections, which take a different approach, might produce a different result.

It is important to note also that the Supreme Court's decision does not apply to election systems adopted since 1965 in areas, mainly in the South, covered by the Voting Rights Act. (Alabama is covered by the Voting Rights Act, but Mobile's at-large system was adopted in 1911.)

In several cases the U.S. Department of Justice has disallowed use of at-large or multimember districts in states or localities covered by the Voting Rights Act because of their discriminatory intent or discriminatory effect.

Aside from myriad legal issues which attorneys and the courts must sort out, the most important and immediate effect of the Supreme Court's decision is the signal it transmits about the continuing erosion of black gains, including gains in the political arena.

Thus, the Supreme Court's decision is seen by some as an extension of its *DeFunis* and *Bakke* decision and as an ominous harbinger of difficult times ahead. The Voting Rights Act, which will be up for renewal in 1982, may itself be imperiled.

Regardless of what legal remedies it might stimulate, the Court's ruling challenges blacks to become even more assertive and sophisticated in the political arena. This will require increasing their voter participating rates and developing coalitions, all with a view to enhancing their political potential, especially in at-large or multimember jurisdictions.