

Forum

Court rulings bring new challenges

NEW YORK -- The attacks on affirmative action continue to be sustained by the Supreme Court of the United States. These attacks were first forecast 10 years ago when it was evident that right-wing political forces were not only preparing to seize the White House, but also were preparing to fundamentally reshape the character of the highest court in the nation.

Affirmative action had developed historically as a systemic remedy to generations of past discrimination. In particular, Afro-Americans and Hispanic Americans have benefited in the job market from effective affirmative action programs and litigation. In addition, white women, recognized as another group which has suffered from discrimination in the job market, have been able to achieve remarkable advancement because of affirmative action. Yet, at a time when the vast majority of racial and ethnic persons, both male and female, are still facing high unemployment rates and racist employment practices, to legally dismantle the basis for affirmative action is morally reprehensible.

The recent 5-to-4 decision by the Supreme Court giving sanction to legal challenges by white male workers against affirmative action was a devastating blow to the cause of justice. This decision came only a week after another ruling by the Supreme Court that made it easier for employers to implement discriminatory promotion practices. Linda Greenhouse, writing in *The New York Times*, stated, "The

actions show that former President Ronald Reagan has largely accomplished his goal of creating a conservative Supreme Court majority willing to reverse the Court's direction on civil rights."

issues of race and empowerment. For example, the Congress is now very nervous about legislating comprehensive economic sanctions against South Africa at a time when the whole world knows apartheid is



CIVIL RIGHTS JOURNAL

By BENJAMIN CHAVIS JR.

Specifically, the Supreme Court ruled that white firefighters in Birmingham, Ala., are permitted to challenge a previously court-approved affirmative action agreement which was intended to increase the number of Afro-Americans hired and promoted in the local fire department. This now opens the door for all prior affirmative action "consent decrees" between courts and employers to be challenged and overturned.

We are clear that the attacks on affirmative action are attacks on the progress of the civil rights movement. The rights of Afro-Americans and other racial and ethnic communities have been hard fought. We must not allow these gains to be decimated by the continuing racist backlash that is subtly blowing throughout the nation.

Some legal strategists are now saying that the only alternative now is to go back to Congress and to clarify more explicitly legislative intentions concerning affirmative action. The problem is that the present Congress itself is in disarray on

getting its strength from United States and other overseas investments. Therefore, it is unlikely that the Congress has the present will to enact legislation re-establishing the grounds for affirmative action.

We believe that progress on affirmative action can only be made if there is a mass outcry in opposition to these Supreme Court rulings. Yet, our outcry must be coupled with grassroots organizing throughout the nation. History teaches us that in the absence of the movement, i.e., the mobilizing and organizing of millions of justice-seeking persons around this and other civil rights issues, even in the 1990s, there will be no progress. Thus, the rulings of the Supreme Court serve as a challenge and as an opportunity to stand up and get involved once again in a manner that can make a difference.

Benjamin F. Chavis Jr. is executive director of the Commission for Racial Justice of the United Church of Christ.

Desecration of civil rights is real issue

As the 25th anniversary of the signing of the Civil Rights Act came and went, President Bush was capitalizing on the always popular theme of patriotism and pushing for a constitutional amendment that would make it illegal to desecrate the American flag.

The Civil Rights Act could not eliminate segregation and discrimination; it simply made them illegal. But with that stroke of the pen on July 2, 1964, President Lyndon B. Johnson gave Afro-Americans, and others, tools with which to begin chipping away at those two cornerstones of inequality in this country, whose foundation was built on our strong backs and still rests on our blood, sweat and tears.

With those tools and leaders like the Rev. Martin Luther King Jr., we challenged the "system" legally and slowly began to break down some of the barriers of inequality and injustice. But not without a price - the ultimate price for some.

Today, many of us seem to have forgotten. We are either unaware of what's happening, caught up in the "I've got mine, you get yours" trap of false security, or we are afraid to challenge the system.

But what about those civil rights trailblazers? Were they afraid? Certainly, the Rev. King was not.

They were like Ernest Greene, one of the "Little Rock Nine" Afro-American children who integrated Little Rock High School. Mr. Greene said recently, "We did not focus on fear. We felt we were doing the right thing."

The Supreme Court did the right thing when it ruled that burning the American flag is not illegal. But that body - the same

Court that ruled it legal to execute children and mentally retarded people - has been steadily taking back every right the Civil Rights Act guaranteed.

still struggling to be free under the Constitution as it is. We certainly should not sit still while the Constitution is amended to abridge freedom. Ironically, in Little Rock



AGAINST THE GRAIN

By ROOSEVELT WILSON

Mr. Greene said, "25 years ago was just the beginning. This is the hard part now."

Today, except for a few voices, we Afro-Americans are silent while under the guise of patriotism, this country is about to set the most dangerous precedent in its history.

We are about to amend the Constitution of the United States to take away a freedom guaranteed under the First Amendment.

I cannot envision myself burning an American flag, but for some it is a means of expression, and the First Amendment says that Congress shall pass no law abridging such freedom.

President Bush is well aware of this and that is why he is leading the movement to have the Constitution amended rather than get Congress to deal with flag desecration laws.

Freedom, at least America's concept of it, is what makes ours different from any other country in the world, and the Constitution is the sacred document that guarantees it. Interpreting the Constitution is one thing; amending it another.

If the Constitution is amended to take away one freedom today, which freedom will be taken tomorrow?

As Afro-Americans we are

on July 4, an Afro-American man attempted to burn a flag as a means of protest and was attacked and prevented from doing so by a group of whites.

We should be wise enough to recognize the danger of tampering with our Constitution and we should be strong enough to stand tall and fight this amendment for those to follow us, as the civil rights pioneers fought the system for us.

As the Rev. Jesse Jackson said, something is terribly wrong when we will protect one's freedom to burn a cross, yet take away one's freedom to burn a flag.

Taking a cue from Mr. Greene, we must not focus on fear. We must do the right thing.

We must call and write letters to our lawmakers. We must take to the streets, if necessary, to combat this movement.

This one is too important to sit out. Either we take action to stop this atrocity, or by our inaction we help to heap it upon ourselves.

Desecration of the flag is not the issue. The real issue is the desecration of our civil rights.

Roosevelt Wilson is working with the Chronicle this summer as the T. Thomas Fortune fellow.

Pastor's rebuttal

been offered money to sell this property. This is not true. No proposal is on the table in this regard. We are planning to relocate in the distant future, but those plans are not to have moved before the construction of a jail according to the present timetable of the commis-

sioners. We ask the support of the entire community in our efforts to protect the heritage, tradition, integrity and values of the Liberty-Patterson community.

The Rev. James A. French is the pastor of Goler Memorial AME

Zion Church on Patterson Avenue.

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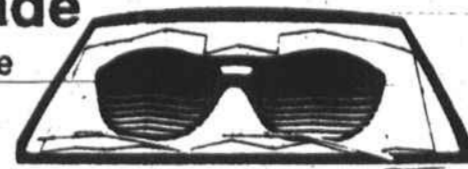


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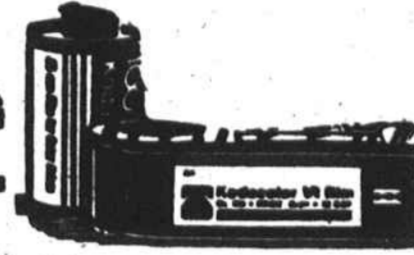
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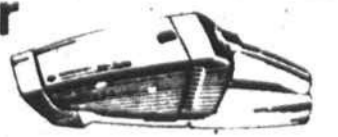
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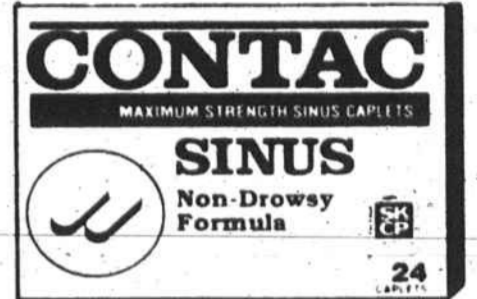
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