

# Editorials & Comments

## Towards Limited Equality

by Hoyle H. Martin, Sr.  
Post Editorial Writer

In 1972 Allan Bakke applied for admission to the University of California's Medical School on the Davis campus. On two occasions Bakke was rejected in spite of the fact that his college grades and aptitude test scores ranked him above many of the students who had been admitted.

Bakke learned too that among the reasons for his denied admission was that 16 of the 100 student places in the entering medical program had been reserved for minority candidates selected by a special admissions committee.

These facts led Bakke to file a lawsuit charging that the University had discriminated against him because he was white and thus, in violation of the equal-protection clause of the 14th Amendment to the U.S. Constitution. In the final analysis, Bakke's suit to gain admission to the medical school was a significant test of whether—and, if so, how—an educational institution's admissions policies may give preference to blacks or other minority applicants.

Significantly, when the Bakke case reached the U.S. Supreme Court in 1978, eight of the Justices split 4 to 4 on two major issues in the case. To break the tie on the two issues and at the same time provide the Court with an overall split decision, Justice Powell—as the swing vote—supported each of the two factions on one of the two key issues:

—Declared the University's quota policy to be illegal and ordered the admission of Bakke.

—Upheld the University's policy and affirmative action programs to promote the enrollment of minority students.

## Affirmation Action

"The Bakke case shows," wrote Thomas Sowell in The Wall Street Journal, "that it is possible for a Supreme Court decision to be highly controversial without really deciding anything. The 5 to 4 vote, the partial concurrence, and the different individuals forming majorities on different sections of the decision all add to the uncertainty as to what it will mean as the court's thinking on 'affirmation action' unfolds in subsequent cases."

Dr. Sowell, who is black, a native of Gastonia, N.C. and a professor of economics at UCLA, appears to have offered a note of prophecy when considering two recent Supreme Court decisions and possibly a third.

One of these cases involves 12 blacks who won a discrimination suit against their employer Ryder Truck Lines in Charlotte in 1975 for locking them out of higher paying jobs as over-the-road or long-distance truck drivers. U.S. District Judge James McMillan had ruled in

favor of the black employees and the Appeals Court upheld his decision. However, in 1977 the U.S. Supreme Court ruled differently in a similar case—the Teamsters Union. Therefore, the 4th Circuit Court ordered the Ryder case back to McMillan for a decision with consideration given to the Teamsters Union ruling. On Monday the U.S. Supreme Court upheld the Circuit Court's decision.

The effect of all this after four years is that the black employees will have to stay in lower-paying jobs such as loading-dock workers and in-town drivers or give up their seniority in order to become long-distance drivers. In the meantime too, their lawyers can renew the legal battle as Judge McMillan reconsiders the case as ordered.

In another ruling on Monday the Supreme Court refused to hear a dispute over alleged racial discrimination by J.P. Stevens and Co. at Roanoke Rapids, N.C. The suit represented all black employees and unsuccessful black applicants for jobs at Stevens' eight plants in Roanoke Rapids. They charged they were discriminated against in worker promotions, the recalling of laid-off employees and in the hiring of new employees.

## Civil Right Laws

The high Court's action left intact the 4th Circuit of Appeals decision to uphold U.S. District Judge F. T. Dupree, Jr.'s 1975 ruling that J.P. Stevens and Co. had in fact violated the civil rights laws passed in 1866 and 1864. However, Dupree ruled that there was no evidence showing Stevens had engaged in "specific, overt, racially discriminatory practices."

In effect, the Supreme Court upheld Judge Dupree's finding on discrimination but reversed the racial hiring and promotion quotas he had ordered.

In a third case yet to be ruled upon by the Supreme Court, Brian Weber, a 31-year old white Kaiser Aluminum and Chemical Corp. worker has filed suit charging a job training program calling for at least 50 percent black and female participation is reverse discrimination.

The significance of the Weber case is that it will set a precedent for nearly all industrial affirmative-action programs and speculation has it that the Justices are as equally divided as they were on the Bakke case. Furthermore, there is reason to believe that a ruling against Kaiser could destroy affirmative action as an industry practice.

This uncertainty as to how to correct past injustices while protecting the individual rights of all citizens is leading to more partial decisions and this limited or partial equality for minorities seeking full participation in our democratic society. We think that is not enough and we need a better way.



## Reasons Why We Have This Calamity?

by Dr. Maggie Nicholson  
Special to the Post

I shall not comment on each individual that spoke Tuesday night concerning the competency test, because each person was saying the same thing in his own way as he saw it. They were saying that they wanted traditional schools. They want children to learn at their own pace, but they fail to say the most important reason why we have this calamity or how to avoid another one. Moreover, all of us know that these students are those who were cross-bused at the outset, as well as those who were disturbed because we were fighting for what we thought was best at the time. Almost all of the near schools were being closed and even those who meant well had no idea that everyone was going to sit down and try to do nothing else to bring about equal opportunity for all its students. They were bent on stable assignments which never will be and closed their minds to any and every one who did not say what they wanted them to say or do. So this is a blessing in disguise. They didn't realize that they were saying they were against cross-bussing, quotas, stereotyping and ethnic purity...Sitting beside someone does not make both persons geniuses. Slow children have been known to become geniuses. Many did not get beyond the seventh or even the third grades, but they were persons who wanted to go places and do things. Trade schools, ambition and a tenacious spirit made them press on to the goals that they had set for themselves. It can be done, you know. These persons are our most productive citizens sometimes. Testing is good and more the better to make one receptive to the evils of



Dr. Nicholson

this competitive mechanical and electronic age. With the many hypothetical illusions and diagnostic adjustments, one has to read to be able to hold the job once he or she gets it. All students are not college material but all can be self-sustaining if the right approach is made and the right attitude is maintained in a pleasant atmosphere. That has to come from both you and the other person. I believe in changes. If one shoe doesn't fit try another one as soon as you realize that a corn is coming. Specialization is old but new. No one stopped to think how narrow they were with no regard to other students of other races. They could have said the same thing about the speakers. They were what they were accusing others of.

Turner, a former professor of education at Fayetteville State University and Technical Advisor to Columbia College, states in a local paper, "I could not promote ignorance nor can I believe I would live long enough to see any one in any race do so." Paul Copperman, head of the California based Institute of Reading Development, states, "Bussing mandated to end racial segregation in schools is driving a wedge between parents

and their schools." He also adds that bussing drives the middle class out of the big city schools. He further states that there is no evidence to support the idea that bussing improves the achievement level of students, and that "court-ordered bussing has combined with other Federal Government actions in the schools to undermine local influence in school policies. These factors have caused test scores to plummet."

Phyllis Falcone in her article, "School's Policy Hurts Students," states, "Charlotte-Mecklenburg has been a pace setter in discriminating against the very children it is trying to help." In fighting for anything, it becomes their duty to think both ways to be sure that they are taking the right fight. The crowd is not always the right way. Ms. Maggie Lamb Nicholson said in her campaigning and still feels that cross-bussing, quotas, stereotyping and ethnic purity is the downfall of education for all poor peoples regardless of race. One must teach love for themselves as well as love for others as a key to open many doors. Charlotte can and should "about face" and do as Jean Albuquerque states, "Parents, put your child first." To bus children from one neighborhood to another neighborhood to be with the same race that predominates is punishing the child and produces no good, all in the name of desegregation. Over the years there has been a small amount of desegregation. The horse (educational) is out of the stable. Is it a racer, pacer, riding horse or a work-horse?

## Wash Vegetables

It's important to wash vegetables thoroughly before cooking. Use plenty of water for leafy greens.

By Vernon E. Jordan, Jr.

## TO BE EQUAL



## Cities Still In Trouble

Somewhat, the idea is gaining currency that the urban crisis is over and that the cities are climbing back to economic and fiscal health. It would be nice if that were true — but it isn't.

Sure, some cities are doing well. But they are generally Sunbelt cities in stages of rapid growth and never were considered part of the "urban crisis." The older, larger cities that constituted the core of the urban problem however, are still in bad shape.

To counter the myth of the end of the urban crisis, the Department of Housing and Urban Development has issued a study that proves the 1970's were devastating for big cities. They lost population, income, and jobs. The recession knocked them down, and in this recovery period they've been slow to come back.

The gap between central cities and their suburbs is widening. In every region of the country, job growth in the suburbs is faster than in the central cities. And central cities in the northeast and midwest are losing jobs.

At the start of the decade central city incomes were, on average, higher than the national median. Now they lag behind the national averages and the income gap between cities and their suburbs is widening.

Some cities have had enormous job losses. New York lost 14 percent of its jobs in the seventies, Chicago, 18 percent, Philadelphia and St. Louis, 20 percent. Some cities have been forced to cut their municipal work forces — New York and Cleveland both laid off 20 percent of their employees — and that means fewer services.

Part of the myth of the urban revival states that private investment is pouring into the cities. But that cannot be substantiated. Some central cities are experiencing a building boom in their downtown business districts, but much of this is limited and represents more intensive development of small sections rather than the broad rebuilding many cities need.

HUD says urban property values are increasing slower in the distressed cities than elsewhere, and that the gap may be growing. The value of construction in slow-growing cities is for less than their share of the population and is increasing at a slower rate than in the pre-recession period.

The study cites a Treasury report that says of the 48 largest cities in the country, 10 face "high fiscal strain" and 28 face "moderate fiscal strain." And part of that strain is due to the continued movement of affluent families out of the city.

HUD suggests cities lost \$17 billion in family income from 1975 to 1977 because of this exodus of the affluent. All the while, central city poverty rates climbed. Despite signs of increased black movement to the suburbs, blacks are still less than six percent of the suburban population and nearly a fourth of the central city population.

Part of the myth of the urban revival is that the cities have received huge amounts of federal aid. But the HUD report shows the aid is huge only because the mythmakers include all federal grants to all levels of government and transfer payments to all people eligible for them, whether they live in central cities or not.

The truth is that the federal flow of funds to cities and their citizens is relatively modest, not nearly enough to solve the problems they face.

## A. Phillip Randolph: An Appreciation

by Bayard Rustin  
Special to the Post

As a young man, I spent a considerable amount of time discussing and debating the great political and social questions of the day. My friends and I were, for the most part, radicals of one sort or another, and we all had glorious visions of things to come. We dreamed of equality and the end of racism; we looked toward the day when war would be outlawed; and we envisioned a society free of poverty and economic injustice. But, like so many other idealistic youngsters, we had difficulty translating our dreams into solid, workable programs.

This inability to link vision with political reality has caused the downfall of many idealistic movements and leaders. But of the few true idealists that survived and flourished, I can think of none more important or inspiring than A. Phillip Randolph, a man who demonstrated that radical ideas and values have a place and function in the everyday politics of this sometimes overly cautious world.

By fusing radicalism and realism, Mr. Randolph—who, incidentally, will be 90 on Easter Sunday—provided the civil rights movement with some indispensable insights



Bayard Rustin

about our society and racism. Drawing upon his careful study of democratic socialist theory, he became the first black leader of any importance to emphasize the economic aspects of American racism. Early in his life, he realized that the liberation of black people could never be won alone. He recognized that blacks were overwhelmingly a working people, and that trade unions, even those with long histories of racial exclusion, offered the best hope for securing economic justice for black workers.

All this, of course, was a neat, compact, and highly logical theory. But Mr. Randolph, always an eager activist, believed that theory had

little value except in its application. Thus, he tested his ideas in the laboratory of experience, and set out in 1925 to organize black Pullman porters across the country.

Working against tremendous odds, and against virtually everyone's expectations, Mr. Randolph succeeded, and in 1937 the Pullman Company finally recognized the Brotherhood of Sleeping Car Porters as the sole representative of its black porters.

After that impressive victory, Mr. Randolph could have justifiably rested on his laurels, withdrawing into the day-to-day business of the brotherhood. Instead, he broadened his involvement in the rapidly expanding civil rights movement. Because of his broad social vision, he understood that the new-found dignity and modest prosperity of the Pullman porters would never be secure in a society where the vast majority of black people still lived in poverty and fear. So, quite naturally, Mr. Randolph and the Brotherhood became stalwarts of the great civil rights crusades of the last 40 years. Together they fought for an end to discrimination in the armed services, for the elimination of "color bars" in trade unions, and for every piece of civil rights

legislation brought before Congress.

And while Mr. Randolph always adopted a pragmatic course, he never once recoiled from tough, well-reasoned militancy. I remember well his speech at the 1963 March on Washington for Jobs and Freedom. "All who deplore our militancy," Mr. Randolph declared, "who exhort patience in the name of false peace, are in fact supporting segregation and exploitation. They would have social peace at the expense of social and racial

## President Assures Continued Aid To Minority Businesses

The President has directed that the federal government continue to give preference to small and minority-owned businesses when it buys supplies. President Carter responded to the concerns of black business owners and of congressional leaders after hearing that the preference might be ended by tentative agreements reached between trade negotiators of the United States and foreign governments.

Congressmen Parren Mitchell of Maryland praised the President's decision. "I'm delighted with the development," he said. "It shows a responsiveness by Mr. Strauss and will facilitate passage of the trade

justice. They are more concerned with easing racial tensions than enforcing racial democracy."

Just as Mr. Randolph so admirably integrated his radicalism with the realities and immediate problems of his time, he also harmonized his deeply radical and humanistic values with his own personal lifestyle.

I say this based on my long years of friendship with Mr. Randolph, a friendship which I have always regarded as a singular blessing and privilege.

## Ambassador Robert Strauss is the President's negotiator for trade matters. Mitchell is a member of the House Small Business Subcommittee and is a leader of the Congressional Black Caucus.

Mitchell was one of those who had expressed concern. Others were Congressmen Joseph Addabbo and John LaFalce, both of New York. The federal government buys

about \$18-billion of goods and services each year from minority-owned and small businesses. President Carter's action this past week safeguards several hundred million dollars that might have been reduced from that amount.

## Air Grills

Keep return heating air grills and warm air ducts clean. Dust and lint can keep a room from receiving sufficient heat.



**THE CHARLOTTE POST**  
"THE PEOPLES NEWSPAPER"  
Established 1918  
Published Every Thursday  
By The Charlotte Post Publishing Co., Inc.  
1524 West Blvd., Charlotte, N.C. 28208  
Telephones (704) 376-0496-376-0497  
Circulation, 9,915

---

60 YEARS OF CONTINUOUS SERVICE

---

BILL JOHNSON...Editor Publisher  
BERNARD REEVES...General Manager  
SHIRLEY HARVEY...Advertising Director

---

Second Class Postage No. 965500 Paid At  
Charlotte, N.C. under the Act of March 3, 1878

---

Member National Newspaper Publishers  
Association

---

North Carolina Black Publishers Association

---

Deadline for all news copy and photos is 5 p.m.  
Monday. All photos and copy submitted becomes  
the property of the POST, and will not be returned.

---

National Advertising  
Representative  
Amalgamated Publishers, Inc.  
45 W. 5th Suite 1403 2400 S. Michigan Ave.  
New York, N.Y. 10036 Chicago, Ill. 60616  
(212) 489-1220 Calumet 5-0200