Editorials & Comments

Capital Punishment! - Yes!

by Hoyle H. Martin, Sr.
Post Editorial Writer

On February 4, 1973, a man named Joseph Szymankiewicz was shot to death and bludgeoned with a hatchet in a Tallahassee, Florida, motel room. Who was this man - whose name most can't read or pronounce, much less spell? He was, at the time of his death, a 45-year-old hitchhiker and an Ohio parole violator with a long criminal record. He was a victim whose name and death merited not more than two lines in newspaper stories about his murder.

He was, what some have called a "loser" because he'd been victimized (murdered).

Szymankiewicz's murderer's name is John Spenkelink. He went to his death in the state of Florida's electric chair last Friday. After two postponements, and a final appeal denial on a 6-2 vote rejection by the U.S. Supreme Court, Spenkelink became the first prisoner executed unwillingly in 12 years and the first executed in Florida since 1964. (Gary Gilmore willingly died before a Utah firing squad in 1977.)

Szymankiewicz's murder points out a curious twist in the American criminal justice system. As a murder victim he was, as noted, relegated to a couple of lines of newscopy while his murderer gained banner headlines from desperate attempts by many to save his life. Those who opposed Spenkelink's execution, including former U.S. Attorney General Ramsey Clark, contend that his death may trigger a wave of executions among the nation's 527 men and women death row inmates. If this occurs, many believe, it will touch off a renewed national debate and protest about capital punishment.

The fact is, the debate has already begun as evidenced by recent action by the Legal Services of North Carolina (LSNC). On the date of Spenkelink's execution, the organization's Board of Directors passed a resolution asking the governors of all states where prisoners wait to die, to declare a suspension of all executions until the effect of a return to mass executions can be measured and evaluated.

William Geimer, an attorney and author of the LSNC Board's resolution is quoted in a news release as saying, "The death penalty is, and always has been, a means of punishment inflicted only upon the poor and underprivileged. Until such time as the death penalty can be applied equally to all social and economic classes of people in our country we are asking that such executions be suspended."

We certainly agree that the death penalty or any other criminal punishment should be dispensed without regard to social or economic status; however, we do not agree that this is sufficient grounds for suspending executions.

There are in fact at least four reasons why we oppose the blanket suspension of capital punishment. First, the National Crime Survey of 1975 (the latest national data) points out that blacks represent 47 percent of all murder victims, yet blacks comprise only 11 percent of the nation's population. Secondly, most of the murders of black people are committed by other blacks. Thirdly, in 1976 more than half of those arrested for murder were black. Furthermore, while race prejudice by white policemen undoubtedly accounts for the arrest of more blacks than whites for minor offenses, it is unlikely that such discriminatory behavior accounts for the disparity between black and white rates for murder. Lastly, there still exists a white judicial mentality in some parts of the nation that says if a black kills a black, so what, that's just one less black. This kind of thinking tends to encourage more black on black crimes.

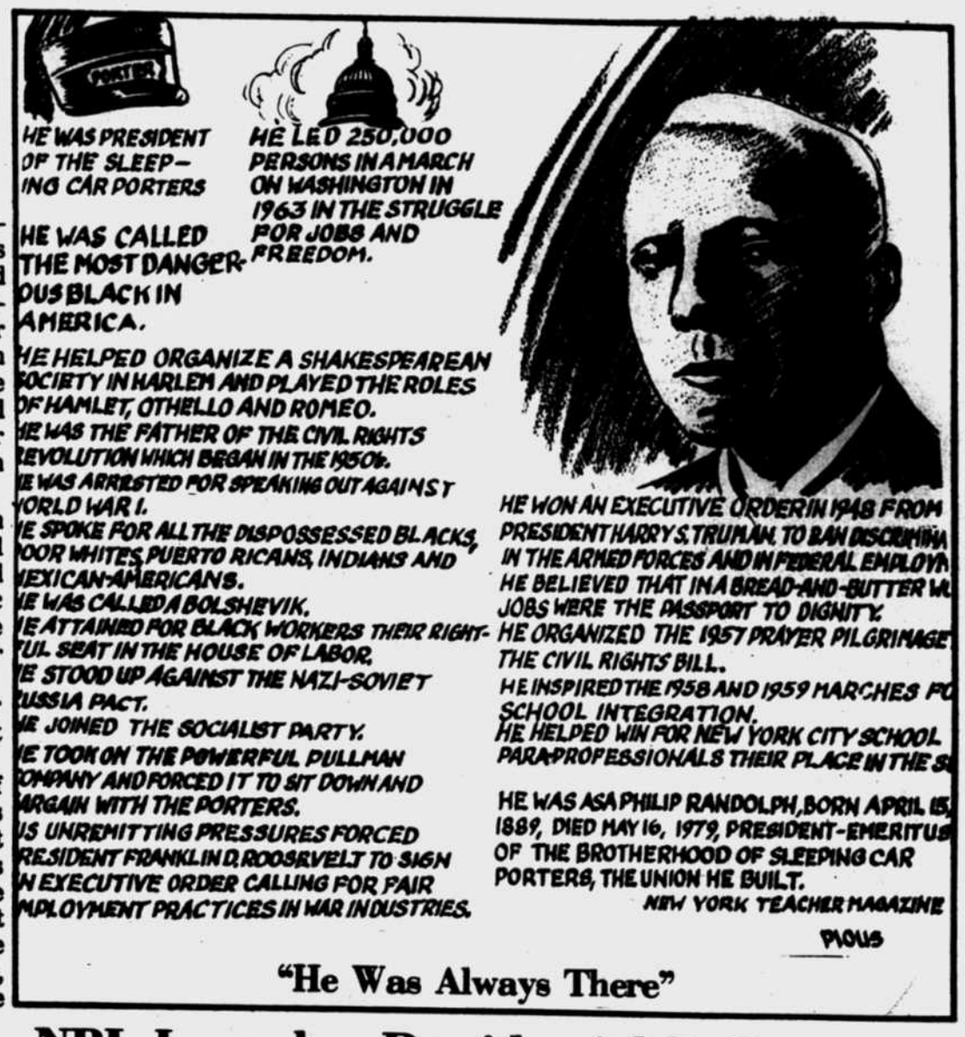
Thus, since blacks comprise a disproportionate percentage of all murder victims, it is difficult to support the idea of suspending executions or to contend that capital punishment serves no useful purpose. If nothing else, the surviving heirs of a murder victim should at least have that satisfaction of knowing that their loved one's life is equally as important as that of the murderer's. That is to say, as cruel as capital punishment is, it is no more cruel than what is imposed upon a murder victim.

You Are What You Choose To Be

Ironically, the first man to die against his will by execution in 12 years, John Spenkelink left an epitaph that should cause philosophers and laymen alike to re-think the questions of who we are, what we want and how we plan to achieve what we want.

Spenkelink jotted down a note and gave it to his minister that said, "Man is what he chooses to be. He chooses that for himself." In that statement Spenkelink appeared to be confirming his guilt, forgiving his executioners and reminding the rest of us that each man and woman can and does choose a life of good or evil, aggressiveness and laziness, pride and humility or any combination of these and similar qualities.

Basic to these and to a fuller understanding of the late John Spenkelink's comment, is a need to seek out one's self and ask the question, "Who am I?" That is, other than identification by your name, your occupation or your place of residence, just who are you? In seeking a beginning answer to that question you might start by looking in a mirror and asking the relevant questions, "Who are you, what do you want and how do you plan to get it?"



"He Was Always There"

NBL Launches Presidential Poll

by Dr. B. G. Burrell
Special to the Post

The National Business League today announced that the 79-year old organization will conduct a national poll of the minority private sector to determine its preference of candidates for the 1980 presidential elections. In undertaking this unprecedented effort, NBL President Dr. Berkeley G. Burrell said: "The League believes this poll is important because rarely has the minority private sector had the opportunity to raise the issues of concern to its constituents in national political debate. Usually the issues are raised on our behalf; and others have determined the framework in which they are discussed."

Underscoring the non-partisan nature of this venture, Burrell explained that the poll presents a framework in which minorities can ascertain which presidential candidate could best advance the cause of minority economic development in the 1980's. He added: "For once, the minority private sector will identify the economic issues of greatest concern to its well being. The poll will raise the question: which potential presidential candidate is most committed to ensuring that the minority private sector receives its fair share of the economic resources of this country."

It is believed that no previous national opinion poll has addressed itself to this specific issue. The Minority Private Sector (MPS) Presidential Preference Poll is designed in part to help eliminate the vagueness which candidates have often used to avoid a specific commitment to promote minority economic development. According to the NBL, it is unlikely that other national opinion polls will cover the economic aspects of the minority private sector. NBL is undertaking the MPS Presidential Preference Poll to fill that void.

Dr. Berkeley Burrell

In conducting the poll, the League will rely heavily on its national network, including constituents, the National Council for Policy Review (and its organizational constituents), the National Student Business League and other affiliated groups within the minority private sector. As with other polls, the release of NBL's findings in no way constitutes an endorsement of any potential candidate.

In launching its Presidential Preference Poll today, NBL expects to be able to announce the results of its findings at the League's 80th Annual Convention in September, 1980, in time for all presidential candidates to respond. Noting the obvious social implications of economic development, Burrell emphasized that this poll could be used to formulate an economic perspective on national issues. Moreover, such an undertaking is clearly consistent with the purpose and function of business and trade associations. According to Burrell: "The economic interests of the minority private sector are critically important, and must be included in the national debate of issues for the 1980's. Yet, if we do not raise the issue, it may never surface. By pursuing the MPS Preference Poll now, we help insure that our economic concerns will become part of the debate surrounding the 1980 elections."

Founded in 1900 by Booker T. Washington, the National Business League is dedicated to the development of commerce and industry in the minority community. Headquartered in Washington, D.C., the League's growing membership is found in 120 chartered chapters in 37 states and the District of Columbia. In addition, more than 50 national minority business, professional and trade associations are affiliated with the League through its National Council for Policy Review.

The 79 year old organization has a 35 member Board of Directors which includes the chief executive officers of some 10 national business, trade and professional organizations.

Red Cross Classes

The Carolinas Division of the American Red Cross invites interested persons to attend one of its aquatic, first aid and small craft schools to be held in late spring of this year. Of the more than 30 Red Cross Aquatic schools held throughout the United States this year, the closest to Charlotte is Camp Rockmount, near Black Mountain, N.C., said Mr. Rick Walter, Director of Safety Services for the Greater Carolinas Chapter.

By VERNON E. JORDAN, JR.

TO BE EQUAL

The Shadow Over Brown

If the nationwide celebrations of the twenty-fifth anniversary of the Brown decision were muted, there was good reason for it. That landmark Supreme Court ruling of 1954, which ended legal school segregation, promised more than our society has delivered.

The shadow cast over the Brown celebrations is the national withdrawal from the struggle for creating a more equal society. The Brown decision broke through the walls of segregation that entrapped black Americans, but the twenty-five years that have passed have not dismantled the walls of racial discrimination.

The anniversary itself of course, is worthy of celebration. It serves to remind America of its unfinished business.

And it serves to rightly honor the organizations and the people who made the breakthrough possible. The NAACP and the Legal Defense Fund, Thurgood Marshall, Robert Carter and their fellow attorneys and militants, and the nine justices of the Warren Court, all deserve the gratitude of a nation freed from the barbarism of legalized segregation.

But people who think that the Brown decision ended school segregation are sadly mistaken. The majority of black school children are still in racially isolated schools.

Most people think that, partly because of the Brown ruling, blacks have made tremendous gains in education. Again, they are wrong.

The black dropout rate is still double the white rate. Proportionately three times as many blacks as whites are behind grade level. Black and poor children are still short-changed in available school resources. Blacks still lag in four year college attendance.

Meanwhile, the Supreme Court itself has retreated from the full implications of the Brown decision. It has thrown up new barriers to segregation.

Increasingly the Court is insisting on positive proof of the intent to segregate. It no longer appears to be enough to produce statistics demonstrating racial isolation.

This new stance of the Court's places a staggering burden on the victims of racial discrimination. It replaces the factual test of discriminatory results with the vague test of intent to discriminate. And in many cases it is simply impossible to prove intent, since officials who break the law by encouraging discriminatory practices aren't likely to advertise that fact.

The Supreme Court also refuses to sanction metropolitan-wide desegregation plans without positive proof that both city and suburbs intentionally segregate black pupils.

Without cross-district desegregation it will be virtually impossible to desegregate several major city school systems. And cross-district desegregation is feasible. All-black Andrew Jackson High School in Queens is just 15 blocks away from a 90-percent-white Nassau County high school. That artificial county line keeps the two schools segregated.

Brown should have buried school segregation once and for all. Instead, it inagurated a shameful national controversy about measures to implement desegregation, especially busing. Every fall, the nation fought its school wars with white parents protesting busing.

THE CHARLOTTE POST
Second Class Postage No. 965500
"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
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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 New York, N.Y. 10036 (212) 489-1220
2400 S. Michigan Ave. Chicago, Ill. 60616 Calumet 5-0200

Background On Why Sears Should Be Supported

by
Dr. Nathaniel Wright, Jr.
Human Rights Activist
Special to the Post

Background On Why Sears Should Be Supported
Part 2 of 3 Parts)

Here are some important specifics. First, after introducing the customary legal preliminaries, Sears' suit importantly cited 110 facts relating to conflicting requirements in federal employment laws that would enable any improperly-motivated employer to discriminate almost openly (or with impunity) against blacks and other underrepresented groups. All of the facts provided a reasonable basis for action on the part of any group needing or wanting clear guidelines on what they are required to do to bring black Americans and others equitably into the workforce.

Second, Sears then lists 55 facts relating to the U.S. government's own involvement and-or complicity in failing to enable black Americans and other underrepresented groups to be properly prepared for reasonable representation in what is commonly called a "diverse workforce." This research by Sears includes citing the following as several of a long list of examples of how the U.S. government has worked to our detriment or harm.

. The Department of Housing and Urban Development (HUD) was cited by Sears for not enforcing the laws relating to housing that would have enabled black Americans and others to live in communities located in areas from which many employers have to draw their workforce. For instance, if no blacks are able to live in or near Cicero, Illinois and there is no convenient public transportation to bring them there from where they live, how can Sears or any employer in Cicero reasonably expect to have a large number of black Americans with varied or diverse skills from which to choose.

. The Department of Health, Education and Welfare (HEW) was cited by Sears for a whole range of unlawful and negligent acts. These range from being held guilty by the federal courts for not monitoring federal programs (Title 6) needed to make intelligent decisions on compliance targets for black Americans, to being guilty of concentrating on encouraging black (and other) women to concentrate mainly on home economics (cooking) and other non-business-oriented vocations. HEW also has been funding a wide range of other programs whereby teachers are enabled to promote our black youngsters from grade to grade on the basis of some classroom attendance alone, without any concern for teaching productive skills to our young black Americans.

. The Equal Employment Opportunity Commission (EEOC) was cited for abdication of its responsibility in conciliation. Sears noted that even the President of the U.S.A. acknowledged in his February 23, 1978 message to Congress that EEOC had "management problems." Sears brought out the fact that internal audits by EEOC have questioned its own agency regarding the destruction and falsification of files, employees performing work for which they were not properly trained, and friction between district and regional offices. Sears also set forth the fact that a 1977 study by the Subcommittee on Employment Opportunities of the House Education and Labor Committee concluded that the government's efforts to enforce employment laws had been "weak, uncoordinated, and largely ineffective."

. The federal government as a whole was cited for failure to enforce anti-discrimination provisions to the law that resulted in the inability of qualified black Americans and other "affected class" groups to gain employment and promotions within and without the federal government. Sears noted, as an example of the government's poor example of equitable employment, that although 14 percent of the total government workforce hold top level (GS-15) positions only 4 percent of black employees are in grades 13-15.

Third, the Sears suit goes on to set forth 30 facts regarding the inadequacy of statistical data needed for proper planning and administration of any affirmative action program. As an example of many statistical inadequacies for aiding in the proper measurement of black availability, Sears pointed out that the Bureau of Census acknowledged that while it undercounted all Americans, blacks were under-counted at a rate more than four times as high as that of white Americans.

Fourth, Sears then asked for some specific relief. Quite important to black Americans, one such request was that the government grant an order declaring Sears Mandatory Achievement of Goal (MAG) Plan comply with applicable statutory and constitutional provisions prohibiting employment discrimination. This plan calls for hiring one black male or other underrepresented group member for every white male hired until black males and other underrepresented group members equal or exceed that groups representation in the workforce as a whole. No employer anywhere has set forth a stronger commitment to the benefit of black Americans than this.

In Sears discussions of this provision in its MAG Plan with black civil rights leaders and others, it always has been brought out that over the period of the last fifteen years, the percentage of white female employment has risen over 14 percent while black male employment has decreased by the same amount during that same period. Of further importance to us as black Americans is the fact that whenever a white female with rising income expectations marries a white male, she automatically is sharing the wealth of America's long-favored class. When a black female marries a black male under present circumstances, she is percentage-wise worse off economically than she would have been 15 years or more ago.

Granting Sears' request for validating their MAG Plan not only would enable Sears to set an example for others that, collectively, could turn this black male employment decline around, but also would give Sears relief from scores of "harassment" suits now instituted against Sears by various white males and white females who contend Sears MAG Plan (that provides affirmative, or corrective, action for black Americans) discriminates against them. At this point, it is crucial to note also that of the three EEOC Commissioners to vote on the Sears compliance situation, one was a white female, another a white male and the third a black male. Most noteworthy is the fact that only the black male (our representative) voted for Sears.

Sears Suit Helpis America!

In its suit against the actions of the federal government, and by its many other of its own affirmative action, Sears has not contended that it merely wants to help black Americans. Sears has, in effect, maintained only that needless inequities in our society against any group which are harmful to Sears and all other Americans form a micro and macro point of view, cannot be corrected under the present maze of conflicting laws, regulations and actions of the federal government.

No corporation or institution in America ever has researched and compiled a document more complete and piercing than this "Sears Suit" in pointing to the harmful role that U.S. government policies and actions have played to the detriment of black Americans and other underrepresented groups. If any black-led civil rights group had researched and compiled a similar document, it surely would have been hailed as a brilliant and major charter for the routes we must take toward black progress.

So, with all the clamor regarding what some few black Americans cite as Sears' ill-timing in filing its suit, can we escape the fact that wrong is wrong any time? Under the circumstances, it is our civil rights groups which had the most to gain by filing such a long-overdue action to keep from being at the mercy of the goodwill of others in America. We need clearly defined rights. Sears, too, needs clear guidelines to help America to become what it ought to be. Thus, it has worked to our good that Sears had no choice other than filing its suit against injustice.