

# EDITORIAL / OPINION

## Add discretion, civil remedy

The present version of the Governor's racial harassment statute, while it may be a sincere attempt to solve a long-standing problem, is an attempt that will only symbolically solve the problem, and only solve it for white people. If the statute passes as drafted white Oregonians will pat themselves on the back for having passed a criminal statute which on its face is for the benefit of Blacks and other racial minorities in Oregon, but continues to leave the welfare of Black people to the benevolence or good faith of white people.

The present debate by legislators over whether the precise wording of the statute will pass constitutional muster is a smokescreen. There are competent attorneys in the State Attorney General's Office who can draft language which is not vague or overboard and which will survive judicial scrutiny. This smokescreen, intentional or not, draws attention away from the real issue which should be addressed - whether the statute has remedies which are readily available to Black people.

As with other criminal statutes, the racial harassment statute leaves discretion to prosecute in the hands of the county prosecutors. Traditionally, Black people in Oregon have not fared well when seeking vindication of their rights through county prosecutors in Oregon's criminal justice system. It is irrelevant whether this result is a function of apathy, insensitivity, lack of awareness, or just plain racism. The outcome is the same.

The statute should be amended to take discretion for prosecution out of the hands of county prosecutors. It can mandate that racial harassment complaints be presented to a Grand Jury and that the victim or victims be given an opportunity to appear. This procedure would relieve the county prosecutors (officials elected by a white majority) of the potential political liability for having supported criminal prosecutions initiated by Black people against white people, a posture never looked upon with favor by the white community. Giving the victims of racial harassment an opportunity to testify before the Grand Jury would insure that the victim's

side of the story would be heard behind the closed doors of the Grand Jury Room.

Another alternative, but one less acceptable, would be the mandate that all complaints involving racial harassment be referred directly to the State Attorney General's Office for investigation and prosecution. This alternative suffers some of the same infirmities as leaving discretion in the hands of county prosecutors.

The singular most important omission from the Governor's proposed statute is the absence of a civil remedies provision. As presently drafted, victims of racial harassment can only seek redress through criminal prosecution of the persons responsible, and only through county prosecutors. While it is true there are criminal and civil remedies available for violations of Federal civil rights laws, there are many situations where the specific acts complained of either do not violate Federal law or the vagaries of the Federal system do not allow prosecution. A state racial harassment statute with appropriate criminal and civil penalties will go a long way toward compensating victims of racist behavior which results in injury to persons or property.

Civil penalties would be a remedy directly available to the victims of racial harassment. The present draft of the statute should be amended to permit victims to sue the person or persons responsible for actual damages and punitive damages; and allow the civil suit to proceed whether or not criminal prosecution is instituted or successful. Last, but not least, there should be a provision providing for the payment of the victim's attorney fees if the civil suit is successful. This would provide the incentive necessary to bring the recalcitrant legal community into the area of civil rights litigation.

The Legislature can enact the Governor's racial harassment statute as drafted, pat itself on the back, and again do nothing to help insure safety and civil rights for minorities in Oregon. Or, it can take the bigoted bull by the horns and enact a racial harassment statute which has substance and provides meaningful remedies for minorities.

## Another point of view

### The White Paper

In America,  
Our beloved North America,  
The State Department has a document.  
The document is a white paper.  
A paper full of pictures for the press.  
Pictures of communist penetration  
In El Salvador.

However;

In El Salvador,  
30,000 bodies made of  
Doctors  
Journalists  
Teachers  
Students  
Peasants  
Indians  
Workers  
Poets  
Lie forever silent...

Murdered by a white paper  
From our State Department.

By: Francisco Serio -  
Feb. 26, 1981



Bruce Broussard  
Editor/Publisher



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The Portland Observer was founded in October of 1970 by Alfred Lee Henderson.

The Portland Observer is a champion of justice, equality and liberation; an alert guard against social evils; a thorough analyst and critic of discriminatory practices and policies; a sentinel to warn of impending and existing racist trends and practices; and a defender against persecution and oppression.

The real problems of the minority population will be viewed and presented from the perspective of their causality: unrestrained and chronically entrenched racism. National and international arrangements that prolong and increase the oppression of Third World peoples shall be considered in the context of their exploitation and manipulation by the colonial nations, including the United States, and their relationship to this nation's historical treatment of its Black population.

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## An encouraging word...

By Fungai Kumbula



An encouraging word from Uganda, the former Pearl of Africa, has been all too rare over the past decade. The legally elected government of former President Apollo Milton Obote was overthrown by one Idi Amin Dada with Western collusion. Then followed eight years during which the rule of law and order completely broke down.

The relief that greeted the ouster of Amin in 1979 quickly disintegrated as what followed, the two governments of the UNLA led first by Professor Yusufu K. Lule and then Godfrey Binaisa, failed to come to grips with Uganda's problems. Political in-fighting among the various factions that comprised the UNLA soon paralyzed the government. Uganda sank deeper and deeper into an abyss of despair and a morass of lawlessness and banditry.

Come the bitterly fought elections of last December 10 and former President Obote was returned to office. Amidst the jubilation, the celebrations, was the sobering realization that he would have to start rebuilding Uganda from ground zero, with an empty

treasury, a deeply divided people, no civil administration, of any sort, no police force, no national army and a crime wave that could have put Dodge City to shame.

All these problems notwithstanding, Dr. Obote plunged into the resuscitation of Uganda with boundless abandon. His choice of Cabinet Ministers reflects his electoral theme of Ugandan society. He has extended an olive branch to all former adversaries with the word: "Let us start afresh. Let us work together to rebuild Uganda. Together we can do it."

The response from the people has been almost phenomenal. Even Paul Ssemogerere, the leader of the conservative Democratic Party who so bitterly attacked Obote during the elections has pledged his unqualified support to the President's program of national reconciliation. Ssemogerere is the leader of the opposition in Uganda's parliamentary system. His support and trust have been secured by Obote's reaching out to consult with the opposition on any important business. Now, how many leaders anywhere in the

world would consult the opposition at all? Democracy has definitely returned to Uganda.

The same week that he was sworn into office, Obote hosted an East African conference attended by the Presidents Nyerere of Tanzania, Moi of Kenya and Kaunda of Zambia. This was the first time in more than ten years that the Heads of State of the four countries had sat down together to confer. This was the first time that Kenya and Tanzania had met face to face and the opportunity came about largely through the efforts of Obote who is a friend of both Nyerere and Moi. Prospects for the resuscitation of the East African Community have never looked brighter.

The Pearl of Africa may yet shine again. President Obote is the kind of far-sighted leader Uganda needs to get going again. He has started on a very positive note. Best of all, Ugandans are beginning to have a sense of national pride again. Uganda thus joins Zimbabwe (they were "allies" in agony only last year too!) as the Success Story of the Decade.

## Look ahead during Black History Month

By Congressman Ron Wyden



The contributions of Black Oregonians to the development of state and national leadership runs deep. During Black History Month, it is appropriate that we recognize the contributions of the Bill and Gladys McCoys, the Herb Cawthornes, the Manauel Scotts and the E. Shelton Hills.

It is also appropriate, however, that we look ahead to the work that remains - ensuring that all Blacks have a job, a decent place to live and the opportunity to put their creative talents to good use.

I am a member of three committees that can help make sure that this happen - the Small Business Committee, the Select Committee on Aging and the Energy and Commerce Committee.

As a member of the Small

Business Committee, I will work to eliminate unnecessary and burdensome regulations, locate sources of equity capital, institute tax incentives and expand export opportunities for Black men and women who are struggling to establish, maintain or expand their own businesses.

As a member of the Aging Committee, I will push for new senior housing in the Albina area and will work to reform Medicare and Medicaid so that they emphasize preventive health care rather than the more expensive hospital care. I will also work to reform the Social Security system so that it serves as a pension plan for minority elderly and other elderly persons - instead of a duplicative social welfare grab-bag. I will put particular emphasis on working with community groups

to bring a senior center to the Albina area.

As a member of the Energy and Commerce Committee, I will work toward a comprehensive national policy that encourages the development of renewable low-cost energy alternatives and places the cost of oil and other energy sources on the big oil companies instead of on Albina families and other east side families that heat with oil. I will also support efforts to attract new businesses to the east side - thus creating new jobs for Blacks and other Third District residents.

The needs of the Black community are not unlike those of the Third District as a whole - more jobs, better housing and a better business climate. During the 97th Congress, I will devote my energies to achieving these goals.

## Wacker: Asset or liability

(Continued from page 1 col. 6)  
to insure electrical and fire safety.

Wacker agreed to:

1. Acquire the site at \$14,000 per acre and develop an industrial plant at a cost of not less than \$40 million.
2. In the event Wacker wished to sell any unused portion of the land before 2008, PDC would have the right to purchase a \$14,000 per acre plus interest on 8 percent compounded annually.
3. In event the ad valorem property taxes on the site are less than \$800,000 annually beginning with 1981-1982 and additional funds are required to meet debt service to the bonds issued to finance the project, Wacker would pay the difference between the actual taxes and \$800,000 for not more than five years. The maximum Wacker would be obligated to pay in any year would not exceed \$250,000.

Any increase in taxes above that placed on the property before PDC acquisition, will go into a fund to pay off the bonds and/or further develop the Urban Renewal site. The City will receive no property tax income until the bonds have been paid off.

4. Wacker would enter into a Manpower Agreement to hire persons trained by the City under its CETA program.

Spokeman for Portland Development Commission told the *Observer* that \$14.5 million in Urban Renewal Bonds had been sold to undertake activities in the Northwest Front Avenue Industrial Renewal Project. The project covers 360 acres, including the 80 acres sold to Wacker.

Approximately \$8 million was spent on the Wacker site, the required easements and purchase of the quarry as required by the contract.

Improvements paid for by the bond sales included an extension of Front Avenue, work on St. Helens Road, the Linton Sewer Interceptor,

fencing the quarry and administration.

The remaining 1/2 million will be spent on the quarry to make it suitable for sale as an industrial site.

In addition to money provided by the bond sale, federal comprehensive Economic Development Strategies (CEDs) funds were spent for Northwest Front Avenue reconstruction. Although the PDC spokesman denied that CEDs money had been spent for the Wacker project, a letter from John Wight, former director of the City's Bureau of Economic Development, reports that the \$2,522,850 spent from the City's first year \$12 million grant "was part of the package to attract Wacker."

The "third year CEDs" report describes the project objectives: "To improve streets serving businesses in the industrial area and to permit development of the Wacker Siltronic site..." NW Front Avenue: \$1,828,091 EDA (CEDs); \$1,098,148 PDC land acquisition; street and sewer improvements: \$10,011,822 PDC.

Proposed for 1980-81 CEDs program was \$200,000 to convert the quarry site for industrial use.

The stated purpose of the City's interest in drawing the Wacker plant was employment for Portland residents. To this end, a manpower contract was signed between the City and Wacker - the City's original "First Source Agreement." Wacker planned to provide approximately 600 jobs by December of 1980.

Under the agreement Wacker promised to hire all personnel - except management, and special personnel such as engineers and designers - through the City. Wacker intended eventually to hire supervisors from the City trained work force.

The City agreed to:

- 1) Provide and pay for training

for personnel through Federal CETA funds.

2) Provide funds for two Wacker employers to travel from Germany to consult with Portland Community College on training design.

3) Install, at City expense, Wacker equipment for training employers in a City - provided facility

4) Provide training materials and equipment at City expense (except major equipment provided by Wacker)

5) Provide pre-screening of personnel based on criteria agreed to with Wacker

6) Send two educators to Germany to confer with Wacker personnel on training, and provide translator, at City expense

7) Hire Wacker personnel, if Wacker desired, to teach or participate in training program

Wacker agreed to:

1. Seek new employees covered by this contract through the City
2. Provide, at City expense, technical personnel as necessary to assist PCC.

3. Provide, at no cost to the City, machines essential to PCC training

4. Provide, at no charge, materials utilized by Wacker to determine employee competence

5. Provide testing prior to employment

6. Retain decisions on hiring, but draw from City - trained pool

In addition to covering Wacker's regional manpower needs, this contract covers Wacker's ongoing manpower needs for filling vacancies; manpower needs for the first major expansion; any subsequent expansion, if Wacker so desires.

Although touted as a unique venture in government - college - private enterprise cooperation to provide jobs for the unemployed, questions have arisen as to the true value of the project -- and the "First Source Agreements" it typifies -- to the City's disadvantaged.

(Next Week: The Trainees)