

One-Third Of A Nation

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Blacks And The Constitution

by David M. Maxfield
Smithsonian News Service

John Hope Franklin, Duke University's eminent professor of legal history, cannot forget the experience. In a recent talk at the Smithsonian Institution on "Race and the Constitution," the professor recalled a painful time in his life—a 1945 train trip during which he and 44 other blacks were "crammed into a half-coach designed for 20 passengers." Ahead was a full coach occupied by six German prisoners of war, who, he remembered, "took much delight in our discomfort."

Dismayed by "cake and ice cream" celebrations of the birth of the Constitution in light of the country's historic treatment of black people, Franklin and other noted legal scholars set off fireworks of their own at a national symposium called to examine the impact of the 201-year-old document on American minorities.

The symposium was jointly organized by the Smithsonian and the Joint Center for Political Studies, a Washington-based public policy organization concerned with black affairs. The two-day gathering of history and constitutional law scholars addressed issues of the highest importance to minorities—matters of civil rights, housing, employment, education and family life related to constitutional decisions.

Racism's Roots

Franklin, however, believes another factor is central to explain the lingering difficulties of his people. "I have come up with the proposition that it was racism, a

racism honed by white Americans, not with slaves, but with free black Americans." As the account of his train trip revealed, this treatment has been insidious for blacks.

In 1640, when three Virginia indentured servants—one black, two whites—ran away and then were caught, the local magistrate "set the stage for racial discrimination that would persist for more than three centuries," Franklin said. To punish the white servants, he added one year to their indenture. The black was indentured for life.



Franklin

Massachusetts, ironically, taxed free blacks but barred them from voting. And at the outset of the Revolutionary War, Gen. Washington preferred not to enlist blacks at all—until the going got tough from King George's firepower and 5,000 men were called.

Before the Civil War, Franklin continues, "one looks in vain" for any indication of national policies of citizenship and equality for free blacks. The first U.S. Congress that met in 1789 barred free blacks from becoming naturalized citizens; the next Congress restricted the militia to white men. That policy, Franklin noted, "not only lacked in grace but in gratitude" for blacks' contributions to independence.

The states' records were no better. From the admission of Maine in 1819 until the end of the Civil War, every new state wrote a constitution that barred blacks from voting, just when the vote was being extended to many whites. Tennessee, North Carolina, New Jersey, Pennsylvania and Connecticut actually disenfranchised blacks.

And after the Civil War, despite the promise of Reconstruction amendments, racial discrimination ruled the land. "Whites could not bring themselves to believe that blacks were entitled to the same rights they enjoyed," Franklin asserted. "This was the basis for the policy and practices that persisted" in the 19th and 20th centuries.

A fundamental question—"why blacks have had such difficulty rising to a status of equality" in the land that pledges allegiance "to liberty and justice for all"—was addressed by Franklin and Mary Frances Berry, a University of Pennsylvania history professor and member of the U.S. Civil Rights Commission.

The unemployment rate for Blacks in 1986 was 14.5 percent—more than twice the rate of 6.0 percent for whites. Among Hispanics, 10.6 percent were unemployed. As of April 1988, unemployment for whites had declined to 4.6 percent, while the rate for Blacks stood at 12.2 percent and for Hispanics at 9.3 percent.

Minority group members are far less likely to have a college education. In 1986, 20.1 percent of whites over 25 had completed four years of college or more. The rate for Blacks was 10.9 percent, and for Hispanics only 8.4 percent.

As of 1986, Black life expectancy at birth was 71.4 years—exactly four years less than for whites.

In 1985, the mortality rate among youngest Black infants (under 28 days) rose nationally for the first time in 20 years. By itself our black infant mortality rate would rank the U.S. 28th in the world in keeping babies alive in the first year of life.

The immunization status of nonwhite infants has grown substantially worse in recent years. The proportion not fully immunized against polio rose by 55 percent between 1980 and 1985. The percentage not fully immunized against diphtheria, pertussis, and tetanus (DPT) increased by 68 percent. In the same period, rates of immunization against various diseases among white infants either improved or worsened only slightly.

Of the 1.05 million high school seniors who took the Scholastic Aptitude Test (SAT) in 1985, just over 70,000 (9 percent) were Black and few more than 17,000 (3 percent) were Hispanic. Furthermore, of the black students, 73 percent scored below 400 on the verbal section and 64

percent scored below 400 on the math portion. Of the Hispanic students, 59 percent had verbal scores below 400 and 45 percent had math scores below that level. For whites, only 31 percent had verbal scores below 400 and only 22 percent had math scores that low.

Rapid progress in eliminating these disparities may prove more difficult for the disadvantaged among the new one-third of a nation than for many of whom President Roosevelt spoke. Minority Americans are burdened not by a sudden, universal, yet temporary economic calamity, but by a long

history of oppression and discrimination. They remain largely segregated in minority neighborhoods and minority schools. For many, full participation in the dominant culture imposes a painful choice: to dilute or abandon a rich and distinctive heritage. Above all, they are marked by the color of their skin as different, and therefore more vulnerable.

Yet, minority citizens are not separate. They are, in a real sense, the new America. In a few years they will comprise one-third of the nation's children; soon afterward they will be one-third of the nation's adults.

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OREGON: Status On Human Rights

Continued from Front Page

recruiting personnel reflect society in general. For example, there is a serious shortage of skilled Black personnel.

With regard to signals emanating from the White House on racial harmony, Mr. Phillips indicated much confusion has been generated. The executive mandate is the driving force that influences the interpretation of policies and court decisions in the area of civil rights. Recently the tendency has been directed toward a negative impact. Out of that dilemma has emerged challenges from white males who feel threatened by any activity that would enhance employment opportunities for Black people.



Dick Bogle

Kathleen Saadat heads up the state affirmative action program. In addition to that, the handicap initiative has also been added recently to her responsibility. Miss Saadat acknowledged that she gets a tremendous amount of cooperation from participating agencies. It is the function of her office to ensure that each activity complies with the laws of the State of Oregon regarding affirmative action. To this end she must maintain consistency in the overall guidelines and goals among the various departments. At the same time she must promote affirmative action with a zeal that gives it a prominent highlight in the functioning of all groups. She is concerned with the number of persons filling the

numerous career slots and also with their promotional opportunities. Miss Saadat and her small supporting staff of two other persons get involved with developing goals and programs for the various protected groups. Rather than wielding a big stick she assists the affected agencies to overcome those barriers which would interfere with their achievement of certain affirmative action goals. The numbers are impressive. About two per cent of the total state work force is Black. That statistic reflects a greater per centage of the state's Black population in general. Miss Saadat hastens to caution that those numbers are biased because they do not reflect the specifics of the distribution. She cites, for example that 31% of white females are clustered within the upper income bracket while at the same time the representation of Black women is less than one per cent. This is a disparity that has commanded a lot of attention from her office.

Further, Miss Saadat emphasized that there is an open door career tract for Black people at the state level. She is not in the recruiting business but urges interested parties to monitor offerings through the state employment offices and to submit applications for any position of interest.

No responsible survey would be complete without a look at the police department. I was curious to know what adjustments had been made since the days of "Don't choke them, Smoke them!" mentality. I talked at length with David Simpson, the public information officer. I was at first skeptical about a professional whose very livelihood depended upon how good the police department looked in the eyes of the public. I addressed those issues that could not be concealed. He was forthright and candid. Minority recruiting has been emphasized. Even with the freeze imposed on hiring since 1987, the numbers still look good. About 25 new officers will be hired in 1988, two of these will be Black.



Gladys McCoy

Recruiting will extend outside of the state in order to attract the kind of professional that Portland requires. Among the 700 police officers 22 are Black. There is only one lieutenant and one detective. The need for the dual recruiting system has diminished because of vigorous recruiting efforts. It will be abandoned in the future.

As far as the public sector is concerned, the state of the State is relatively optimistic, but everything is not a bed of roses.

Gregory Guder of the Municipal Human Relations Commission summed it up rather succinctly. "There is a lot of work to be done with regard to inter-group relations. Employment, housing and services continue to pose pressing problems with regard to our multi-racial society. We must learn to function effectively and to recognize that our bountiful resources, including people, are an asset rather than a detriment."

How far has Oregon come since the repressive territorial code of 1841? You decide! Next week we will take a look at the problem plagued private sector.

Continued Next Week

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