

EDITORIAL / OPINION

To Be Equal Court Backtracks On Bias

By John E. Jacob

In his eloquent dissent from the Supreme Court's decision in the Wards Cove Packing case, Justice Harry Blackmun wrote:

"On wonders whether the majority still believes that race discrimination -- or, more accurately, race discrimination against non-whites -- is a problem in our society, or even remembers that it was."

Justice Blackmun's words were written in sorrow tinged with anger, and rightly so, for the Supreme Court -- by the evidence of recent key decisions -- seems to be abandoning the constitutional rights of minority citizens.

Its latest blow came in the Wards Cove case. In what another dissenting Justice, John Paul Stevens, called its "latest sojourn into judicial activism," the Court ruled that victims of job discriminatory effect.

Instead, the Court ruled, employees must identify each specific practice in question and prove its discriminatory impact. Further, they still have the burden of proving that the employer's explanations have no reasonable business justification.

Talk about stacking the deck! The Court raised tremendous barriers to worker seeking redress in the courts against discriminatory employment patterns.

In the past, employers had to show that a job policy that had an unintended discriminatory effect was necessary. Now, it's up to the victim of discrimination to prove such policies were not necessary for business reasons.

Which gets us back to Justice Blackmun's comment -- what "business reasons" could justify discrimination in a society racked by inequality and unequal opportunities? Discrimination exists, and it was the clear intent of the Civil Rights Act to eliminate it.

Previous Supreme Courts recognized that and established common-sense standards, such as statistical evidence showing that minorities were underrepresented in a company's workforce or in its white collar jobs.

But this Court is different -- it has been hijacked by an activist conservative majority intent on rolling back the clock and undermining past decisions that furthered the goal of equal opportunity over the past two decades.

In effect, this Court represents the real triumph of Reaganism. High on the Reagan Administration's agenda was the goal of reshaping the federal courts to implement its social program, the cornerstone of which was reversing civil rights gains.

Since the current decision concerned interpretation of a federal statute -- Title VII of the Civil Rights Act -- congress can overrule the Court.

It should amend the law to explicitly make statistical imbalances in hiring and promotion evidence of illegal discrimination, and it should place the legal burden on employers to justify and alleviate practices that have discriminatory effects.

This is not something that should be a partisan issue. Leading Republicans, from President Bush and Party Chairman Atwater on down, have stated they want their party to attract African American votes.

This issue presents them with an opportunity to demonstrate their desire to combat discrimination in

employment. The Administration and Congressional Republicans should take the lead in formulating the necessary legislation and cooperate to get it passed.

And the President should instruct his Justice Department to immediately end its alliance with anti-civil rights interests and to support discrimination's victims in future cases that come before the courts.

CIVIL RIGHTS JOURNAL

Judge Alcee Hastings: Justice On Trial

By Benjamin F. Chavis, Jr.

Can an outspoken African American Federal Judge receive justice in the United States of America? Can the United States Senate provide a venue for a fair trial for Judge Hastings? Will the African American community as well as millions of others who believe in the pursuit of justice sit idly while another travesty and racial injustice occurs against Hastings?

These questions need honest answers. The truth is it will be very difficult for Judge Alcee Hastings to receive justice because of his race and because of his activism on behalf of the poor and downtrodden from his judicial bench. Ironically, the House of Representatives has accused Hastings of judicial impropriety arising out of the same circumstances that Hastings was found not guilty by a Florida jury.

On July 10, 1989 or shortly thereafter, the United States Senate has scheduled the Hastings trial. Interestingly, and in contradiction to established procedure, Hastings will not be tried before the full Senate but by a group of twelve Senators who will ultimately make a recommendation to the full Senate concerning Hastings' impeachment. Although, Judge Hastings has not been found guilty of any crime or wrong-doing, the Congress of the United States is proceeding to prosecute and persecute Hastings.

Are there racial overtones in this case? Yes, we believe that racism and political vengeance are the major determining factors in these proceedings. Judge Hastings was the first African American to be a United States District Judge in the state of Florida. He alone prevented the Reagan Administration from deporting thousands of Haitian refugees and Judge Hastings, as a Federal Judge, openly criticized U.S. domestic and foreign policies. There is a vendetta against Judge Hastings.

The civil rights community and the church community cannot afford to remain silent. When the Hastings' trial begins in Washington, the Senate chambers should be filled beyond capacity and every effort should be made to communicate to the Senate that justice should be done in this matter. In fact, a fair trial for Judge Hastings would be no trial at all because he has already been tried once and found not guilty.

It is reported that the government has spent between \$12-15 million in attempts to impeach Judge Hastings. Although the government has provided no resources to Hastings to defend himself against these renewed allegations, Hastings is being pressured to abide by an almost impossible schedule of trial dates. Thus, Hastings is being forced to defend himself in the context of a tremendous financial inequity. The vast resources of the government are now being stacked against a Judge who still believes in the cause of justice for everyone without racial discrimination. Yet, the economics of these proceedings also point to institutionalized racism.

Please write the following 12 United States Senators and let them know your support for Judge Hastings: Senators Jeff Bingaman, Patrick Leahy, David Pryor, Richard Bryan, Jay Robert Kerrey, Joseph Lieberman, Arlen Specter, Dave Durenberger, Warren Rudman, Christopher S. Bond, Flade Gorton, and Conrad Burns.

Judge Hastings is a fighter and even though the cards appear to be stacked against him, he has refused to surrender. The Hastings trial is a situation where the judicial system itself will be on trial in a situation where the judicial system itself will be on trial. Justice demands fairness and an end to the persecution of Alcee Hastings.

THE BLACK UNITED FRONT

As one travels around the country these days you can sense a definite upsurge of concern and interest about the future of African-Americans. There is a mood of crisis. But there is also a gathering resolve to renew or re-energize the "movement" for African-American liberation. This particularly true among young people.

Inspired by this new interest in the Black agenda, and the Black movement, I have decided to devote the next few weeks to writing about some basic institutions which I feel every African-American community in America should create in order to enhance our collective capacity to promote and defend our interests and development as a people. The five institutions are: (1) a Black United Front or Leadership Summit; (2) A Center for Community Organization and Development; (3) a Voter Mobilization Project; (4) an Independent Black Political Organization; and (5) a Black United Fund.

I first presented the idea of these five institutions in form of a Model Black Community Development Plan at a conference at Howard University in 1980. As we approach the decade of the 90's the crisis in the African-American community is such that these institutions and a model community development plan is as urgently needed today as in 1980. As young organizers, activists and leaders emerge to lead us into the future it is vitally important that they not totally reinvent every wheel. Hence my desire to restate the need for basic institutions for capacity-building and within the African-American community. Let us begin with the UNITED FRONT.

A united front is simply an umbrella organization or mechanism which seeks to harness the energies of diverse organizations within a nation or community around objectives, programs or projects that everyone can agree upon. Obviously one of the key problems which confronts us within the African-American community is the fact that we have numerous leaders and organizations and a wide spectrum of ideologies and ideas about strategy and methods to achieve our goals. Black unity therefore is often illusive and the quest to achieve it is often frustrating and paralyzing. A Black United Front can help to solve this problem.

A united front is based on principles that allow people or organizations that have different views to still function together by consciously seeking out areas of agreement. The major principle around which a united front is structured therefore is the principle of OPERATIONAL UNITY. The essence of operational unity is the search for issues, projects and programs which all parties can agree where there is agreement.

The united front recognizes the reality of diversity and differences. No organization or individual surrenders their organizational sovereignty or right to act independently on their own agenda. Operational unity provides for "unity without uniformity" within a united front. Hence our difference need not necessarily divide us and should certainly not paralyze or immobilize us in our effort to do some common work on behalf of our community. As a matter of strategy we should always seek to maximize and emphasize areas of agreement and minimize areas of disagreement within a united front.

There are several advantages that organizations which belongs to a united front should find mutually beneficial as they seek to work for the betterment of the African-American community.

- Organizations can SHARE their PERSPECTIVE AND ANALYSES of the conditions, problems and issues facing the African-American community. Needs assessment retreats or conferences can also be held to facilitate this process.
- Organizations can EXCHANGE INFORMATION about the various issues, projects, programs etc. which they are working on and solicit input and support from each other in order to make their work more effective.
- Within the framework of a united front, organizations can devise IMPLEMENTATION N which allow for the co-ordination of energies and resources and the formulation of task forces to execute strategies agreed upon. A kind of organizational specialization and division of labor can occur which could reduce duplication of effort and unnecessary organizational competition and conflict.

A Black United Front should include the broadest possible range of organizations including such groups as: civil-rights organizations, political clubs, grassroots community based organizations, civic groups, professional associations, union and labor representation, fraternities and sororities, community based agencies and of course African-American religious leaders and organizations. The Black United Front should meet at least once a month, without fail, to discuss the status and future of our people in every community in this country. The Black United Front can be a vital tool for the empowerment of African-Americans. So lets build Black United Fronts!

BLACK ACCEPTANCE OF REPRESSION

by Abdul Wali Muhammad

Is there a limit beyond which the Black community will not allow governmental agencies - federal, state, local, and municipal - to go in their alleged efforts to curb the plague of drug-related crime and violence?

Shocked at the brutal treatment of Chinese students, as well we should be, but unmoved by the mass eviction of entire families from public housing in Washington, D.C. who are suspected of involvement in drug activity, Black people have shut off our outrage meters, and have virtually acquiesced to techniques and stratagems that threaten our existence.

We have resigned ourselves to police force and repression due to intense fear of our own youth about the violent lifestyles they have chosen, or better stated forced into, because their elders have provided no better options.

What a strange perversion of Malcolm X's theme, "by any means necessary." Are we now prepared to see the menace of drugs - which of course is thoroughly intertwined with the plight of our youth - ended by "any means necessary?"

In Los Angeles, a mother arrested for her sons involvement in gang activity and her alleged acquiescence to his conduct. In Illinois, a mother arrested for the birth of her child who was addicted to crack. Are these credible efforts toward solving the problem of drugs in America? Of course not.

It is often noted that General Manuel Noriega of Panama was in-

dicted, not convicted remember, for drug selling. Yet, we forget that he worked for the CIA, and is linked to President George Bush, the former CIA director? If Noriega was selling drugs, and he worked for Bush, what was Bush doing.

And wasn't Colonel Oliver North tied to drug smuggling operations of the Contras who he worked closely with in Nicaragua? Where is the righteous indignation of the government when it comes to its own agents and officials involved in million dollar drug deals?

Is the menace of drugs accidental, or is it a program itself, a strategy targeted toward what white America, especially the government, perceives as the real menace: the young Black man?

Why aren't these questions being screamed at the top of our collective lungs? If we allow, even call for, the destruction of our future generations, isn't that mass suicide?

The institutions of America, education, social, criminal justice, are not serving the ends of preparing our youth for the present or the future. Can we then continue to support these institutions? Or should we tell America, "We won't pay one red penny in taxes until we are satisfied that all of the institutions that affect our community serve our interests and are managed by the people of our choice."

Extreme circumstance mandates extreme actions. As Minister Louis Farrakhan has said again and again, "Time dictates agenda."

New Struggles Ahead For Black Middle Class

In everything, it seems, members of the new Black middle class have to work just a little harder and be just a little better than their white peers. It's a subtle form of discrimination. And it's everywhere.

A corporate manager finds that some White job applicants lose interest when they discover they would be working for a boss who is Black. A real estate agent doesn't show a Black family homes for sale in certain areas. A bank loan officer turns down a home-improvement loan that would probably be approved if the applicant lived in a White area (as was recently exposed in the Atlanta Journal-Constitution).

Over such continuing obstacles, many Blacks have not only won equality, but career superiority. On the job, they are better paid and in positions of authority over Whites. Yet, in spite of this, they frequently feel alienated from the White majority with a sense that they still don't quite fit in. And such managers too often are judged not as successful achievers, but as "Black achievers."

One third of all Black households now have incomes over \$35,000. They are financially better off than a third of all White households. But that is far from the whole story.

The White middle class is on a decline. Using Census Bureau data, researchers found that between 1979 and 1987, job growth for those under 35 years of age amounted to a gain of

almost 3.6 million jobs paying below the poverty level of \$11,611 (for a family of 4). And during the same period more than 1.6 million positions were lost between the \$11,612 and \$46,444 bracket.

According to economist Frank Levey of the University of Maryland, men who worked full time earned a median income of \$26,000 in 1973. By 1984, this figure was down to \$23,218 despite inflation.

For children of the White middle class, a middle class living is no longer a near certainty. Downward mobility is the chronic condition for a growing number of Whites, even college graduates. And it is a situation some experts have called a social time bomb. The old are getting rich and the young are paying for it. "You're going to have a revolt of the young against the old," predicts conservative economist Milton Friedman.

For Blacks who get the higher paying jobs, White resentment is increased by the harsh economic climate.

At the same time, Blacks are somehow indirectly blamed for wanting to enjoy the fruits of their success. University of Chicago sociologist William Julius Wilson authored a theory suggesting that the worsening status of the Black poor, its social isolation and despair, is linked to the exodus of the new Black middle class from the ghettos. The

flight, Wilson argues, not only has deprived poor youngsters of successful role models (leaving the gangs to take up this function), but has also greatly weakened the churches, schools and other neighborhood institution.

But, even if it's true, who can be criticized for not wanting their children to be surrounded by high unemployment, hopeless schools, drugs, teenage pregnancy and welfare dependency?

Blacks, it is being said more and more, are the ones who must help other Blacks out of the despair and isolation of poverty. While a highly worthwhile purpose, this is nevertheless a short-sighted objective.

The middle class itself is in trouble. Its security has been eroded. While one can point to many real causes, the bottom line is that the success potential of its individual members. And when a society declines, that decline is a reflection of the state of its members.

"A race is as great as its individual members are self-determined," says L. Ron Hubbard in his best-seller Dianetics. One of the most acclaimed and widely read authors of all time, Hubbard made it clear through his Dianetics discoveries that the human mind has no race or color.

Blacks will only fully integrate into the middle class when they recognize that they have not just a responsibility to Blacks, but to Whites

as well. It's not just a question of having made it, but also a question of keeping those higher standards of living for generations to come. A shoulder-to-shoulder effort by Blacks, Whites and all races is sorely needed at this point to get our society again headed toward higher prosperity.

Discrimination may continue to exist, but it cannot successfully be met in the long-term with counter-discrimination, Blacks against Whites.

The abilities and prosperity of individuals need to be upgraded as L. Ron Hubbard indicated. There needs to be more material wealth to go around. New job opportunities and better wages are needed by Blacks and Whites now entering the job market. And those higher salaries are only going to be found through increased productivity.

The civil rights movement, in retrospect, was only the first step. Blacks now need to be part of a bigger movement -- the human rights movement. Inadequate educational systems for today's high-tech world, children whose intelligence is lowered by poor teaching, land economic strangle-holds that reduce opportunities are just some of the new evils that threaten human rights and the prosperity of future generations. If poverty engulfs to much of the White middle class, the new Black middle class will find its success short-lived.

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