

EDITORIAL

Civil Rights Journal A Tribute To Fallen Warriors

BY BERNICE POWELL JACKSON

Maybe it's just a sign of my own aging, but it seems that we are losing warriors for justice at a very fast pace these days.

In just the last few days, we have lost Cleveland Robinson, leader of District 65 of the United Auto Workers in New York City and William Kunstler, famed attorney and defender of the unjustly accused and society's outcasts. No one could attend Cleveland Robinson's funeral, held at the Cathedral of St. John the Divine in New York City, and not be awed. There was the grandeur of the church, the power of the African drummers leading the procession and there was the procession itself. In it were Jesse Jackson, Andrew Young, Coretta Scott King, David Dinkins and Harry Belafonte. In it were labor leaders like Bill Lucy and Owen Bieber and union members whom Cleveland Robinson had spent a lifetime representing. In it were church

leaders and civic leaders and Robinson family members. In it were the Consul General and Ambassador from Robinson's native Jamaica. It was an awesome moment.

Cleveland Robinson's name is not a household word. Yet, he was a man whose unswerving commitment to the working people of our country led to the improvement of the lives of the 30,000 mostly black and Hispanic workers in small shops and department stores whom he represented. He was a man whose dedication to fighting injustice, especially racial injustice, led him to be a loyal and fearless supporter of the civil rights movement in the United States and the anti-apartheid movement in South Africa.

It was Cleveland Robinson who served as the administrator chairman of the 1963 March on Washington. In her remarks at this funeral, Mrs. King remembered his long-time support of Dr. King and the civil rights movement, dating back to the 1956

Montgomery bus boycott. Indeed, many in the movement knew that you always could count on Cleveland Robinson for moral and financial support and "troops" when you confronted racism.

It was the same in the anti-apartheid movement, where Cleveland Robinson played a key role in getting labor support of anti-apartheid activities. He helped to organize the 1986 anti-apartheid rally in New York City where nearly a million marched and let our national leaders know they no longer had public support for U.S. backing of a racist regime. For that reason President Nelson Mandela sent a personal message to Robinson's funeral.

William Kunstler is a name that many know for his tireless and fearless efforts on behalf of many who challenged racism in this country. He was Dr. King's lawyer and represented Adam Clayton Powell, Jr. and Stokely Carmichael. More recently, he defended Malcolm X's daughter,

who was accused by the Justice Department of plotting to kill Louis Farrakhan. He took on the cases of many of the prisoners charged following the Attica Prison uprising. He took on unpopular cases, like that of Wayne Williams, who was convicted of killing young boys in Atlanta and Colin Ferguson, who was recently convicted of killing people on the Long Island railroad.

William Kunstler was a man who challenged our legal system to be the best and the fairest it could be. Cleveland Robinson was a man of great integrity and energy who believed in the dignity and rights of the working poor, fearlessly challenging injustice wherever he saw it. Both were warriors for justice.

In his homily at Cleveland Robinson's funeral, Andrew Young reminded us that the struggle continues. May we be inspired by Cleveland Robinson and William Kunstler so that we may not let the baton drop.

Civil Rights Enforcement System Gets Needed Overhaul

BY JACK ROBERTS,

OREGON LABOR COMMISSIONER

While affirmative action is the subject of much discussion and controversy today, no one seems to disagree with the notion that our laws against discrimination must be enforced.

Unfortunately, that is becoming more and more difficult given the growing disparity between the number of complaints being filed and the investigative resources available to pursue them. As a result, we are in danger of undermining the credibility of our enforcement effort at the very time that the continuing availability of other means of ensuring fairness and diversity is being called into question.

During the last five years, the number of civil rights complaints filed with the Oregon Bureau of Labor & Industries (BOLI) has increased by more than 60%. Over the same period, staffing in the civil rights division has declined by 15%. While we believe that productivity and efficiency have improved during this time, it would be hard to argue that we have been able to maintain the quality of our investigations in the face of so dramatic an increase in workload.

The bottom line is that we somehow need to do a better job of enforcing our laws against discrimination. People who believe they have been discriminated against, as well as those who are accused of discriminating, should be assured that their claims will be fairly and quickly resolved.

Increasingly, it has not been possible to give people that assurance.

The problem, all across the country, is the same: By a ratio of about 4-to-1, civil rights complaints filed with enforcement agencies, such as BOLI, are found to be without merit or without adequate evidence to justify pursuing the complaint. Yet these cases take valuable time away from investigation of the good cases for which greater investigative resources are needed and are clearly justified.

In a way, Oregonians are lucky. Cases filed with BOLI must, by law, be resolved within 12 months. Cases filed with the federal Equal Employment Opportunity Commission (EEOC), by comparison, have no time restriction and in the past have often been held up for years.

But Oregon's 12-month deadline can also present a downside, requiring quick results at the expense of thorough and satisfactory results. With approximately the same number of investigators, BOLI receives around 2,500 complaints a year, while the Seattle EEOC office handles 1,500. Their multi-year backlog of cases translates, in our case, into tremendous caseloads for our investigators, with correspondingly greater pressure to get the cases off their desks, often at the expense of the thoroughness of our investigation.

That's why, last spring, I appointed a task force consisting of BOLI investigators, complainant and respondent attorneys, and representatives from civil rights groups and employers to develop a set of criteria that could be used to determine, dur-

ing the first 30 to 45 days after a complaint is filed, which cases we will investigate and which we will not. Those cases that are not investigated are dismissed, with the complainant still having the right to pursue a private legal action at his or her own expense.

While the task force was underway, we learned that the EEOC was experimenting with a similar process, placing claims in an "A," "B" or "C" category, with "A" cases being the solid claims, "C" being claims that should be dismissed, and "B" cases being those that require additional investigation to determine if they should be treated as an "A" or "C" case. After discussing this procedure with the Seattle EEOC office, we decided to adopt the same categorization process, but using the criteria established by our task force to determine the appropriate classification for the claims we receive.

Our criteria do not distinguish between the type of discrimination being claimed. For example we do not prioritize gender-based discrimination cases over race-based discrimination cases, for example, or vice versa. Instead, the criteria we use includes such factors as the existence of witnesses or of comparable situations within the business or firm.

We don't expect this system to be universally accepted without controversy. Not everyone whose claim we decide not to investigate will accept that determination graciously. We can't expect them to. After all, the absence of strong evidence to proceed does not always mean that

discrimination didn't occur. It just means we can't justify the continued expenditure of limited public resources to investigate every claim.

To help ensure fairness and consistency, we will require review by, and the concurrence of, a second investigator before a claim is placed in the "C" category and dismissed. We are also instituting quality control measures and a tracking system not only to monitor implementation, but also to identify ways to continually improve the system.

Some will no doubt complain that this new system is a cop-out, that what we really need is more staff so that every claim can be thoroughly investigated. There are people at BOLI who believe that. I believe, however, that even if we doubled our investigative staff, we'd never have time to track down all of the evidence on every claim that comes through the door. Nor should we, since the burden imposed upon individuals and businesses wrongly accused of discrimination cannot be justified where evidence of wrongdoing is lacking from the beginning.

I am committed to the effective enforcement of our civil rights laws. I am also committed to resolving every claim as quickly and fairly as possible, given the resources available to us. My hope is to see the day when employers no longer feel obliged to pay nuisance settlements on frivolous claims, and complainants no longer feel obliged to accept token payments on legitimate claims. I'm convinced this new system will move us closer to that day.



Letter To The Editor

Send your letters to the Editor to:
Editor, PO Box 3137, Portland, OR 97208

House Bill 249

The failure of House Bill 2493 to pass the Oregon Legislature may have left the impression that some or all state regulatory boards operate outside of public view.

The State Board of Clinical Social Workers would like to emphasize that its proceedings, including much of the disciplinary process, is open to the public.

The Board's primary responsibility is to protect the consumer. This is accomplished through appropriate regulations, licensure of clinical social workers and the investigation of consumer complaints against Licensed clinical social workers.

All formal disciplinary hearings are open to the public. Additionally, the public has access to information regarding the nature of

pending or past complaints against Licensed Clinical Social Workers.

The Board does protect the identity of a complainant during part of the process, both to protect the complainant's privacy and to create an environment that encourages the identification of questionable practices.

The Board takes its role of consumer protection seriously and believes that the regulatory authority it exercises protects the consumer and helps ensure high standards of practice by Licensed Clinical Social Workers.

The Board already complies with most of the provisions included in HB 2493 and is supportive of legislative efforts to strengthen consumer protection provisions of all professional licensing Boards.

Sincerely, Mark F. Oldham,
LCSW, Chairman

Hope For Teachers

I want to offer hope and encouragement to teachers who are feeling discouraged as they face another tough year.

Many must cope with administrators demanding them to accept the unacceptable; abandoning their traditional professional teaching skills to strange unproven models; jettisoning textbooks; adopting bogus "national standards" such as the much criticized national history standards that demeans George Washington while elevating obscure politically correct activists; evaluating students on State Outcomes that attempt to manipulate student's personalities, behaviors, and beliefs; etc.

Classroom teachers lose professionalism when forced to use techniques not of their choosing. The public understands that it is not the teacher's fault, but it is the classroom teacher who takes the heat from par-

ents who keep asking hard questions such as, "Where have these supposed reforms worked? Is my child being hurt while the schools experiment with unproven teaching techniques? Will my child will be accepted to college? etc."

All across Oregon there are waiting lists in private schools and homeschooling is becoming commonplace. This year is sure to bring more pullouts as parents are put off with glib retorts of, "It's the law" and "Give it a chance". Good news for all, we're circulating a statewide petition to repeal the law. Once repealed, administrators are sure to listen to teachers and parents and go forward with only the positive aspects of school reforms and trash the rest. Until then, we're all stuck. Call Citizens for Academic Excellence, PAC for information and/or petitions at 745-3016.

Gayna Flake, Chief Petitioner

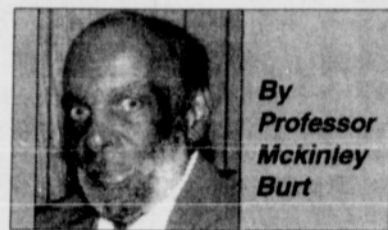
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perspectives

Education For Year 2000: Who Said It Would Be Easy?

A reader, who for the past few weeks has been following my education series in this column and a companion series in another part of this newspaper [Minority Business For Year 2000], says it is becoming increasingly difficult to decide what to learn and how to learn it.

However, your style of presenting your subject matter makes the process a lot easier, they conclude.



By
Professor
McKinley
Burt

Well, thank you for the kind words but, moving right along, let me address a couple of pertinent points other readers have made. In respect to those non-readers at the early grades I was griping about, I've been advised that Vernon Elementary School begs for scrutiny. No sooner received was this sad advice than a teenager at the next restaurant table begged our pardon for the interruption, but submitted that if we thought that was bad we would have cried at the illiteracy at K4 & K5 encountered during a special program at Vernon this past summer.

This exchange prompted a participant in our informal noon hour gathering to comment on an article I wrote here about ten years ago. The exciting headline was "African American Elementary School Scores Highest In City of Los Angeles I.Q. Tests". This was the "Windsor Hills Elementary School" in West Los Angeles (Baldwin Hills), and the time was 1969-1970. The parents and guardians of the 400-plus, 95% black student body were upper economic class professionals and business persons.

From a rocky beginning in the early 1960's when the area first began what was to become a complete change in ethnicity (white to black), the school became living proof of what was reiterated in a notable po-

lemic by a parent of the time, "Those African American genes will match up with the world's best when the children are given the proper nurturing, motivation and support." And this is just what happened during the early, turbulent years at the school; a battle ground in fact, which, of current significance, is what a really caring community should expect if real change is to be effected.

I made an early morning call to the school last week and was referred to a retired principal. Between the two of us, we recalled the principal factors of contention which undelay the years of struggle to gain excellence. There were bitter fights between parent-community organizations and the school district/union to oust lazy, incompetent teachers. These misfits had been dumped into Windsor Hills it became "cullud". A practice found in other cities.

Because over half of the parent associations were heavily loaded with lawyers, C.P.A., administrators, educators and civil servants at all levels, the school district and other obstacles to educational excellence were best at every turn. Those of you who read my other article in this issue (Minority Business For Year 2000) will note the similarity in "weight" and resource of this parent group to that of the successful black group that won out for better education with the Washington, D.C. Board of Education (Hobson vs Board of Education, circa 1969-70).

Well, we began this article with commentary on learning - modes, presentation of materials, etc.

Next week we're going to explore some specific approaches both receiving and disseminating information that will make the learning and communication process a breeze. I promise!

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