—Supreme Court

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with those rules no matter what deprivations you may have to suffer."

The racial situation at the Wards Cove Packing Company in Alaska is simply incredible. Jobs at the canneries are of two general types" "cannery jobs" on the cannery line, which are unskilled positions; and "noncannery jobs," which fall into a variety of classifications.

Most noncannery jobs are classified as skilled positions. Cannery jobs are filled predominantly by nonwhites, Filipinos and Alaska natives. The Filipinos are hired through and dispatched by Local 37 of the International Longshoremen Workers Union pursuant to a hiring hall agreement with the Local.

The Alaska natives primarily reside in villages near the remote cannery locations. Noncannery jobs are filled with predominantly white workers who are hired during the winter months from the companies' offices in Washington and Oregon. Virtually all of the noncannery jobs pay more than cannery positions.

The predominantly white noncannery workers and the predominantly nonwhite cannery employees live in separate dormitories and eat in separate mess halls. Is it any wonder that it is called "a plantation economy"?

The media has reported that the Court's decision has made it much more difficult to prove racial discrimination in employment. The decision, however went much further than that. It took several longstanding civil rights practices and procedures and virtually destroyed them.

Anthony Robinson, **Esquire**, has often pointed out that the equal protection clause in the Constitution was crafted to promote the integration of the newly freed slaves into all facets of the American society. However, beginning with the *Bakke* case and the *Defunis* case, the equal protection clause has been reinterpreted to mean safeguarding the status quo for whites in civil rights. Now, the Court in its decision has apparently completely abandoned equal protection under the law for blacks and other minorities.

In the past 18 years, the percentage of blacks and other minorities employed by a business compared to the number of whites in that work force, has been used as a tool to make determinations about racial discrimination. Now the present Court has determined that this tool was wrong. It holds that the comparison should be made between the racial composition in the work force and the racial composition of the **qualified** population in the work force and the relevant labor market.

This means, for example, if there are no black computer operators employed by a company and there are no **qualified** black computer operators in the relevant labor market, the absence of any blacks in the employment ranks does not mean that racial discrimination exists. The use of the word "qualified" has long been used to perpetuate racial discrimination. **HOW DOES ONE GET QUALIFIED IF DENIED OPPORTUNITY?**

The Court, earlier this year, made a similarly obtuse holding in the **J.A. Croson Company vs. City of Richmond**, holding that the justification for a minority business set-aside law should be a comparison between the number of city procurement contracts available and the number of **qualified** minority businesses in the Richmond area.

Two points: Who determines **qualified? IF PERSISTENTLY DENIED OPPORTUNITY TO BECOME QUALIFIED, THE NUMBER OF MINORITY BUSINESSES IN THE RICHMOND AREA COULD NOT REASONABLY EXPECT TO INCREASE.**

The Court has now shifted the burden of proof of discrimination to the victim of that discrimination. Indeed it has disincentivized the need to desegregate work forces whenever the absence of blacks alone has not motivated an employer to correct such a situation. Justice Stevens, joined in his dissent by Justices Marshall and Brennan, pointed out, "Fully 18 years ago, this Court unanimously held that Title VII of the Civil Rights act of 1984 prohibits employment practices that have discriminatory effects as well as those that are intended to discriminate ... Turning a blind eye to the meaning and purpose of Title VII, the majority's opinion perfunctorily rejects a longstanding rule of law and underestimates the probative value of a racially stratified work force. I cannot join this latest sojourn into judicial activism."

The conservatives on the Court have long and often condemned judicial activism but, in the area of civil rights, they blatantly, wantonly, and destructively practice judicial activism.

In his dissent, Justice Blackmun opined, "One wonders whether the majority still believes that race discrimination — or, more accurately, race discrimination against nonwhites — is a problem in our society or even remembers that it ever was."

In response to Justice Blackmun's query, we simply state that the majority of the Court knows full well that racial discrimination remains a scurrilous sore in the body of this nation. By disregarding this obvious situation they have surrendered their judicial role in the area of civil rights to become a sycophantic, slavish political tools for those groups and persons who find merit in racism, discrimination and prejudice.

The *Wards Cove* case unfortunately is a clear signal that our worst fears about this Reagan Court are indeed beginning to become a reality.

(See editorial, Page A-4, for comments on the third blow the Supreme Court has dealt to civil rights).

—AFRO ownership

(Continued from Page A1)

Murphy, Sr., and today over 98 percent of its stock in this closely held family business is held by the descendants of the founder or wives and spouses of members of the family.

The five products of the AFRO-AMERICAN Newspaper Co. of Baltimore City are the Baltimore AFRO-AMERICAN; the Washington AFRO-AMERICAN; the Richmond AFRO-AMERICAN; DAWN Magazine, a slick magazine inserted in 43 black newspapers throughout the country, with a circulation of 750,000; and EVERY WEDNESDAY, a tabloid distributed to 40,000 households in certain targeted areas in Prince George's and Baltimore counties and in some areas of Baltimore City.

According to the statement of ownership filed by the company as required by law, the owner is a Corporation: The AFRO-AMERICAN Company of Baltimore City, 628 N. Eutaw Street, Baltimore, Md.

The following Stockholders own one (1) percent or more of the total amount of stock:

Trustees of the Carl Murphy Estate, Elizabeth Murphy Moss, Frances L. Murphy, II and Carlita M. Jones; Trustees under the will of D. Arnett Murphy, Mae E. Dyson and George A. Lottier; John J. Oliver, Sr., A. Paul and Elizabeth M. Moss; Elizabeth M. Moss; John J. Oliver, Jr.; Madeline W. Murphy; Camay C. and John H. Murphy, III; George C. Lottier; Elinor Louise Gee Murphy; and Kenneth O. Wilson all of Baltimore;

James and Robin Wood of San Francisco, Ca.; Rebecca M. Young and Madeline M. Robb of Chicago, Ill.; Jeanne M. Queen of Philadelphia, Pa.; Carlita Murphy Jones of Buffalo, NY and Susan M. Barnes of Biloxi, Ms.

The Creed, established by the founder of the Afro-American Co. reads:

"A newspaper succeeds because its management believes in itself, in God and in the present generation."

The AFRO company is now managed by members of the fourth generation — the great grandchildren of the founder. They are John Oliver, Jr., Publisher and chairman of the board, and Frances Murphy Draper, president.

Other members of the management team but not members of the family are Charles K. Taylor, general manager; Thomas K. Goines, director of marketing, Deborah Dock, chief financial officer; Andre Draper, director of circulation and Robert W. Matthews, executive editor.

Frances L. Murphy, II is publisher of the Washington AFRO where Denise Yourse is editor; Gerry Harewood is editor of the Richmond AFRO; Pat Tatum of DAWN Magazine and Bonnie Butler, (also a descendant of John Murphy) of EVERY WEDNESDAY.

—Woods

(Continued from Page A1)

ducted to find the best qualified, and most knowledgeable individual to head such a crucial position in the city's administration.

Mayor Schmoke stated that normally candidates are sought outside the city to fill such positions.

But the mayor said, it was more advantageous to take on a candidate who has previous inside knowledge of how the system and it's people interconnect.

Other advantages include knowing the kinks that have developed in the system, and being able to take the quickest route to solve problems which need immediate attention.

Being a native Baltimorean, Woods has established outside connections to further bring together forces in the community to extend the power of "keeping the peace."

Woods takes over the position of City Police Commissioner at a time when the department has come under scrutiny from the NAACP concerning the hiring and promotion practices of minorities in the department.

Another crucial issue that Woods will need to address is the NAACP calling for a Grand Jury investigation into the circumstances surrounding the alleged use of excessive force by police.

The case involves last months shooting death of Booker Tony Jones. The request has been denied by the Attorney General's office.

With such a crowded list of priorities before him, Public Information Director Dennis Hill says that narcotics, is high on the list.

Also, the forming of an additional partnership with the community in combination with the police force to fight the city's rising crime rate.

Com. Woods is out of town at this time, and has promised the AFRO an in-depth interview on his return.

—Wilder

(Continued from Page A1)

movie "Rocky" as over 3,500 placard-waving delegates celebrated the historic moment. It was rejuvenation of the spirit of four years ago when, in 1985, "underdog" Wilder became the highest ranking black in America with his election to the Lt. Governorship.

He is poised to make history again.

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ATTENTION MTA BUS RIDERS

MTA SUMMER BUS SCHEDULES ARE NOW IN EFFECT.

The MTA summer schedule went into effect last Sunday, June 11. While none of the bus routes have changed, time schedules on some lines will vary slightly. The exception is the #19 line, which now, based on your requests, offers improved service.

If you would like a new schedule, please fill in the coupon, mail it to us and we will send one to you.

SPECIAL INFORMATION HOURS.

If you would like more information, please call our information agents at 539-5000. We will be available to answer your questions Monday through Friday from 6 a.m. to 9 p.m. and on Saturday from 9 a.m. to 5:30 p.m.

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Supreme Court backs whites in reverse bias case

WASHINGTON — The Supreme Court upheld the rights of whites Monday to challenge affirmative action plans in a reverse discrimination case from Birmingham, Ala., once known for its opposition to the civil rights movement.

In a 5-4 decision, the court affirmed a ruling by the 11th U.S. Circuit Court of Appeals that allows a suit by white firefighters seeking to block hiring and promotion quotas to go forward.

Writing for the majority, Chief Justice John Paul Stevens insisted the whites already had a chance to make their claims and the court-approved plan to address past discrimination should go forward.

"Just as white employees in the past were innocent beneficiaries of illegal discriminatory practices, so it is inevitable that some of the same white employees will be innocent victims who must share some of the burdens resulting from the redress of past wrongs," Stevens wrote.

The Birmingham ruling is the latest tangle in 14 years of federal discrimination suits filed by blacks, the NAACP and later the federal government charging the city had engaged in a pattern of discrimination against blacks and women.

In the 1950s, the city — known for vicious attacks on civil rights protesters by Birmingham police — advertised municipal jobs such as firefighters with a "white only" designation.

The city did not hire a black firefighter until 1968.

In July 1981, despite a nearly 50 percent black work force, only 79 of 480 police officers were black and only 3 out of 131 sergeants were black.

There were no blacks among the 40 police lieutenants and captains.

In the fire department, 42 of the 453 firefighters were black and there were no blacks among the 140 lieutenants, captains and battalion chiefs.

After two trials, the city entered into consent decrees in 1981 with those bringing the suits setting hiring and promotion quotas for blacks and calling for an end to discriminatory hiring and promotion practices.

The long-term goal of the court-approved decree was to have the racial mix of city employees match up with the makeup of the civilian labor force.

Part of the plan included a 50 percent annual minority hiring and promotional goal for firefighters and for fire lieutenants and a 25 percent goal in the city's engineering department.

After the plan was approved by the federal court, it was challenged by white male firefighters who claimed it violated the Civil Rights Act of 1964 and the Constitution by intentionally favoring blacks over whites and by promoting less qualified blacks ahead of whites.

The government, reversing its original position, sided with the white firefighters. Under the Reagan administration, the government repeatedly — but generally unsuccessfully — fought affirmative action plans on the ground they discriminate against whites.

The Court sent a discrimination case involving a $12.3 million damage award against the USX Corp. back to a federal appeals court for review based on the high court's decision on a similar case last week.

USX was found guilty of discriminating against black applicants at its steel mill in Fairless Hills, Pa., and appealed a ruling by the 3rd U.S. Circuit Court of Appeals that it violated federal job discrimination laws.

The case involves two black applicants who filed suit on behalf of 10,000 blacks who had unsuccessfully applied to work at USX, accusing the company of discriminating during the interviewing stage of the hiring process.

Trial evidence showed that black men and women submitted 26 percent of the 50,000 applications for laborer jobs at Fairless Hills from 1972 until 1982, but were hired for only 16 percent of the openings.

Both the trial court and the appeals court ruled that the company's subjective hiring practices violated Title 7, which prohibits job discrimination.

BATON ROUGE, LA. — Eddie Barnes (C) and members of his family survey the damage to their residence in Baton Rouge after it was struck by a tornado.

This Week in Black America

$1 MILLION FOR HISTORY

The Atlanta, Ga. School Board has approved a $1 million allocation to train teachers and purchase materials for an African-American curriculum in their 114 schools.

Bob Waymer, chairman of the school board's finance committee engineered the funding, the Atlanta Voice said. The $1 million is twice the amount asked for by school administrators.

ALABAMA CELEBRATION

Although celebration were held all over the country to mark Freedom Day festivities, one of the largest was held in Pittsview, Ala. where people came from all over the country to mark over 300 years of freedom from slavery.

In some parts of the country Juneteenth is the main day of celebration but in Pittsview May 28 is the special day "because it is the day blacks choose to celebrate their break from bondage,." the Columbus Times reported.

FIGHTS BLIGHT

Alderman Marvin Pratt in Milwaukee, Wis. is on the war path about the large number of boarded up properties.

Pratt said there are 147 buildings boarded up in his district which he wants either to have razed or rehabilitated. Pratt charges the houses are being used by drug dealers and that they contribute to "blight and fright," the Milwaukee Community Journal reported.

20,000 AT RODEO

Some 20,000 person attended the 29th annual Boley Rodeo and Barbecue Festival held recently, the Oklahoma Eagle reported. Boley, a National Historical Landmark, was established in 1903 by black people migrating from the south in search of freedom. They were called Freedmen of the Creek Nation.

JAZZ FESTIVAL

At the weekend Hampton, Va. Jazz Festival June 23-25 stars such as Sarah Vaughn, Ray Charles , Grover Washington, Jr. and Dianne Reeves are getting top billing. But jazz is not the only music on the agenda since gospel sensations BeBe and CeCe Winans are expected to appear.

HIGHER MED STANDARDS

The Oklahoma State Regents for Higher Education have recommended that by the fall of 1990 students entering the University of Oklahoma College of Medicine and the Oklahoma State University College of Osteopathic Medicine have either a college grade point average of 3.0 or a Medical College Admission Test score of seven. By the fall of 1991, students will have to have both a 3.0 grade point average and seven on the MEDCAT, the Oklahoma Eagle reported.

ARRESTS IN PHILLY

Some 40 members of the Philadelphia Alliance for Human Needs were arrested in Philadelphia when they lay down at the intersection of 15th and Market Sts. to protest drastic cuts in Mayor Wilson Goode's basic social service budget.

The cuts, the National Alliance reports, include a $17.5 million reduction for the homeless; $3.4 million reduction in AIDS services and education and $1 million for libraries.

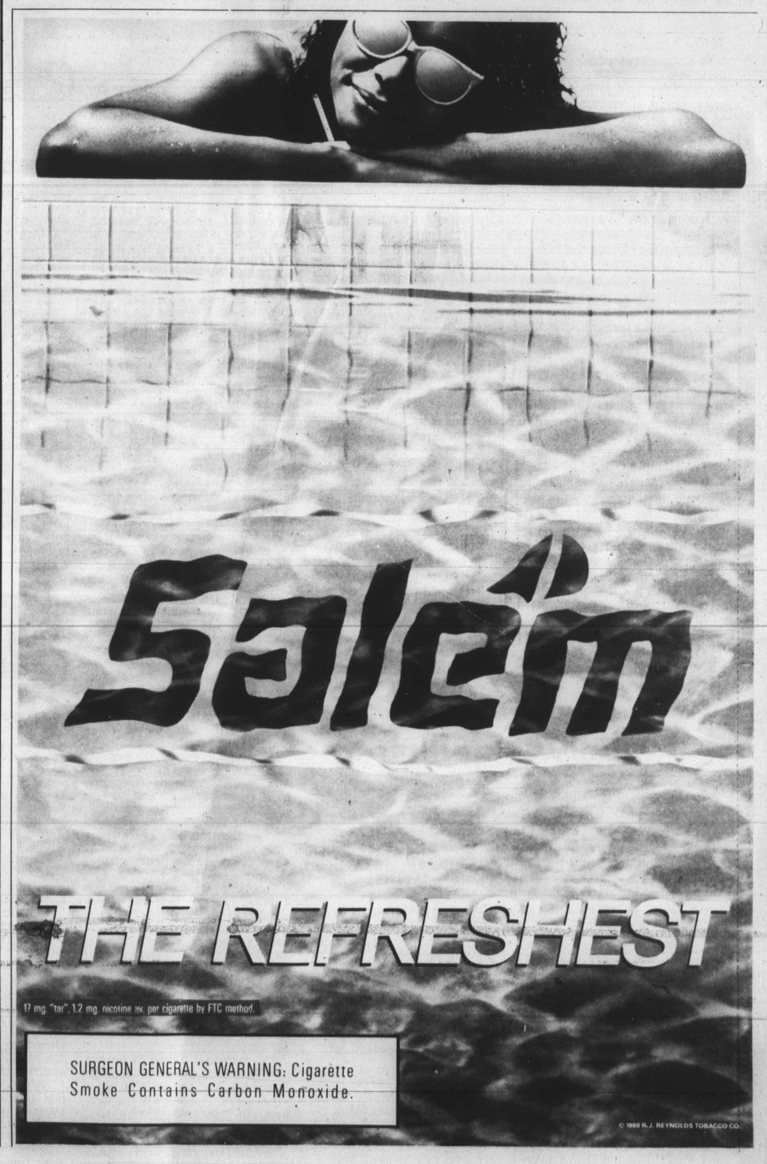
Only four of the Council's 16 members voted against the cuts. They were Augusta Clark, Angel Ortiz, George Burrell, Jr. and Marian Tasco.

TOP COMMENCEMENT SPEAKERS

Hottest commencement speakers on the dais this year have been Camille Cosby, whose husband Bill has been most generous in opening his pocketbook to colleges and causes, and talk show hostess Oprah Winfrey, who is just getting into the giving stage.

Also hot—but collecting, not giving cash—are Marion Wright Edelman of the Children's Defense Fund and Dr. Allan Boesak of South Africa.

ANNIVERSARY

In June 1958 Berry Gordy, Jr. founded Motown Records, a studio that had 100 No. 1 singles between 1961 and 1983 and such artists as Stevie Wonder, Smokey Robinson, Diana Ross and the Supremes.

Gordy sold Motown in 1988 to MCA for an estimated $61 million.