Volume 15, No. 1 January 1987

FOCUS

The monthly newsletter of the Joint Center for Political Studies

The King Within Us All

"Charismatic" Label Obscures His True Role and Legacy

Courts Battle Bias in Jury System

New Rulings May Ensure Fairer Trial for Criminal Defendants

New Law Sets DOD Contracting Goal

Minority Firms and Colleges to Get 5 Percent of All Awards

Political TrendLetter

1987 Mayoral Elections; Jesse Jackson Interview; Politics in Virginia; Across the Nation

Perspective

ISSN 0740-0195 PRICE $1.50

A Time to Celebrate and to Re-affirm our Mission

This month the nation celebrates the official birthday of the late Martin Luther King, Jr., and this year it celebrates the bicentennial of our Constitution. Both occasions are inextricably bound in a single garment which clothes the role of black Americans in expanding constitutional rights to all Americans.

The Joint Center will celebrate both of these historic occasions. Doing so underscores the role we play in the fields of research and public policy analysis, and pays due respect to our own founding in 1970 as an outgrowth of the long struggle by blacks to gain full access to political rights.

From the beginning our mission has remained the same: To enable black Americans to participate fully and effectively in the governance of our society.

This mission derives its vitality from several precepts central to a democratic society. One is that knowledge is power and that disciplined intelligence can serve strategic objectives. Another is that we can influence the society at large and policymakers in particular by providing them with timely and cogent information. A third is that one of the ways in which black Americans can help themselves best is through effective political action and public policy formulation.

Thus, our main objectives at the Joint Center are to conduct research and public policy analysis that will (a) improve the socioeconomic status of blacks, (b) increase their influence in all areas of governance, and (c) facilitate the building of coalitions across racial lines to reach consensus on major public policy issues.

These objectives become even more critical as we look ahead to a future in which racial differences will continue to dominate the public policy agenda and create tensions that will demand special attention. I need to cite only a few points: blacks will comprise a growing proportion of the nation's public school students and labor force entrants, and many of them will be poorly prepared to compete in an increasingly complex national and global economy; the overall economic condition of blacks will lag well behind that of whites; family disintegration, crime, and drug abuse will continue to haunt the black community; and, the polarization of a growing middle class and a growing poverty population has frightening implications. The search for solutions to these problems will be compounded by public policies which will be less race-specific. This will challenge blacks to search for consensus solutions, to adopt new strategies, and to form new coalitions.

As we face these problems and challenges that lie ahead, the Joint Center's long-range vision is to become a leader in both the public policy and intellectual communities: to become a place where new ideas surface and are tested; where scholars, politicians, and civil rights leaders mix comfortably; and, a place where blacks and whites do their best thinking about what is good for the nation. To celebrate Dr. King's birth and the bicentennial of our Constitution, we can do no better than to reaffirm our mission and pledge our commitment to excellence and productivity. ■

Eddie N. Williams

PRESIDENT

FOCUS

Copyright © 1987 Joint Center for Political Studies, Inc. The monthly newsletter of the **Joint Center for Political Studies,** 1301 Pa. Ave., N.W., Suite 400, Washington, D.C. 20004 (202) 626-3500. The Joint Center for Political Studies is a national, nonprofit, tax-exempt institution that conducts research on public policy issues of special concern to black Americans and promotes informed and effective involvement of blacks in the governmental process. Founded in 1970, the Joint Center provides independent and nonpartisan analyses through research, publication, and outreach programs. Opinions expressed in signed *Focus* articles are those of the authors and do not necessarily represent the views of the Joint Center for Political Studies. *Focus* is published monthly. $15.00 per year by JCPS, Inc.

PRESIDENT/Eddie N. Williams
VICE PRESIDENT/Eleanor Farrar
DIRECTOR OF PROGRAM DEVELOPMENT/Kathleen Vander Horst
DIRECTOR OF FINANCE/Brenda Watkins Noel
DIRECTOR OF INFORMATION RESOURCES/Auriel Pilgrim
DIRECTOR OF RESEARCH/Milton Morris
DIRECTOR OF NATIONAL POLICY INSTITUTE/Russell Owens
MANAGER OF ADMINISTRATIVE SERVICES/Patricia Roberson

EDITOR, *Focus*/Sherille Ismail
EDITORIAL ASSISTANT/Constance B. Toliver
CONTRIBUTING EDITOR/Linda F. Williams
TRENDLETTER RESEARCHER/Alfred Baltimore

BOARD OF GOVERNORS

Wendell Freeland/Attorney at Law, *Chairman*
William B. Boyd/Johnson Foundation, *Vice Chairman*
Louis E. Martin/Howard University, *Treasurer*
Bishop John Hurst Adams/Congress of National Black Churches
Robert McCormick Adams/Smithsonian Institution
Lucius Jefferson Barker/Washington University
Charles U. Daly/Joyce Foundation and Ireland Fund
Hortense Williams Dixon
Mervyn Dymally/U.S. House of Representatives
Marian Wright Edelman/Children's Defense Fund
Luther Hilton Foster/Moton Memorial Institute
Jayne Brumley Ikard
Robert C. Maynard/*Oakland Tribune*
Bernard Rapoport/American Income Life Insurance Co.
Eddie N. Williams/Joint Center for Political Studies
James D. Wolfensohn/James D. Wolfensohn, Inc.
Eleanor Farrar/Joint Center for Political Studies, *Secretary to the Board*

Courts Battle Bias In Jury System

New Rulings May Ensure Fairer Trial for Criminal Defendants

by John Charles Boger

One of the most regrettable legacies of America's racially divided past is the continuing influence of race in our criminal justice system. The country's courts long forbade blacks to sit as jurors or judges in criminal trials—or even to testify as witnesses—and those same all-white courts regularly meted out far harsher sentences against black defendants than against whites. (See generally L. Higginbotham, Jr. *In the Matter of Color: Race and the American Legal Process.)*

While laws sanctioning such overt discrimination have long been removed from the nation's statute books, many of these inequities have continued to be tolerated in practice. "We cannot deny," United States Supreme Court Justice Harry Blackmun wrote in 1979, "that, 114 years after the close of the War Between the States . . . racial and other forms of discrimination still remain a fact of life, in the administration of justice as in our society as a whole."

During the past year the Supreme Court has heard a number of important cases in which parties have urged the Court to eliminate various lingering influences of racial discrimination. One recent case, *Vasquez v. Hillary,* involved a charge by a black defendant that a California judge who was charged with the selection of grand jurors—those citizens who meet to hear a prosecutor's charges and decide whether or not to indict a defendant for a crime—had persistently discriminated against black citizens by refusing to name them to the county's grand jury. The state of California argued that this violation of law, even if proven, was irrelevant since the defendant was plainly guilty and his conviction had occurred years earlier. Justice Thurgood Marshall, writing for a majority of the Court, firmly disagreed:

> *"[I]ntentional discrimination in the selection of grand jurors is a grave trespass . . ."*

"[I]ntentional discrimination in the selection of grand jurors is a grave constitutional trespass, possible only under color of state authority and wholly within the power of the State to prevent . . . . Once having found discrimination in the selection of a grand jury, we simply cannot know that the need to indict would have been assessed in the same way by a jury properly constituted."

In a second recent victory for black participation in the jury system *(Batson v. Kentucky),* the Supreme Court overruled one of its earlier decisions and made it far more difficult for prosecutors in the future to exclude blacks from serving on trial juries. State and federal prosecutors (and defense attorneys as well) have long had the statutory power to strike a designated number of citizens from a trial jury without any explanation whatsoever. The grant of these "peremptory" challenges has widely been thought to provide each side with a fairer trial, by allowing them to remove jurors suspected of prejudice. Prior to the *Batson* decision, however, many prosecutors used this right as a license to strip trial juries of any black members. One recent study of jury selection practices found that Texas prosecutors routinely excluded 9 out of every 10 otherwise eligible black citizens from jury service (see Timms and McGonigle, "Race Bias Pervades Jury Selection," *Dallas Morning News,* March 9, 1986).

> *One study found that Texas prosecutors routinely excluded 9 out of every 10 eligible blacks from jury service.*

Batson represents an important break with that past. It requires trial courts to investigate defense charges of possible racial bias once there exists a basis for suspecting possible discrimination. Prosecutors must articulate legitimate, nonracial reasons to justify this exclusion of black citizens; mere suspicion that blacks might be more lenient to a black defendant, or similar racial assump-

John Charles Boger is an assistant counsel with the NAACP Legal Defense and Educational Fund, Inc. LDF is co-counsel for Warren McCleskey and filed *amici curiae* briefs in *Vasquez* and *Batson.*

Bias in Jury System

(Continued from page 3)

tions, will be insufficient.

A third Supreme Court case, decided in 1986, *Turner v. Murray,* raised a related but converse issue—whether a black defendant charged with interracial homicide is entitled to ask prospective white jurors about any possible racial prejudice they may harbor. The state of Virginia had insisted that absent "special circumstances" the fact that the crime was interracial did not justify such questioning. The Supreme Court disagreed, observing that there is "a unique opportunity for racial prejudice to operate but remain undetected" in capital sentencing proceedings, since the matter at issue—the defendant's guilt or innocence—is not a factual one but the far more subjective and imponderable judgment as to whether the defendant should live or die. The Court held, under such circumstances, that black defendants are entitled to probe for possible prejudice among prospective white jurors.

Having a white victim proves to be as influential in capital cases as whether a defendant had committed a prior murder.

Each of these recent decisions—*Vasquez, Batson, and Turner*—displays a commendable concern to shape state criminal procedures in such a way as to limit the illegitimate influence of race. In a case argued last October (and likely to be decided by July 1987), *McCleskey v. Kemp,* the Supreme Court must evaluate a strong claim that, despite careful *procedures,* Georgia's capital punishment law has proven racially discriminatory *in its results.* McCleskey's raw figures, drawn from a massive and meticulous study conducted by Professor David Baldus of the University of Iowa (see Baldus, Pulaski, and Woodworth, "Arbitrariness and Discrimination in the Administration of the Death Penalty: A Challenge to the State Supreme Courts" 15 *Stetson Law Review* 133 [1986]) reveal remarkable racial disparities: black and white criminal defendants whose victims are white in Georgia have been nearly *eleven* times more likely to receive death sentences than those whose victims are black; and, among those indicted for killing whites, black defendants receive death sentences three times as often as white defendants. Having a white victim, the McCleskey case showed, proves to be as influential in determining a capital sentence as whether a defendant has committed a prior murder.

These figures reflect old realities. Of the 455 persons executed for rape between 1930 and 1970 in the United States, 405 were black. The state of Georgia executed a total of 366 persons during this period, 298 of whom were black. Georgia has executed seven men since 1973; six have been blacks charged with crimes against whites. McCleskey's challenge nevertheless marks the first time that the Supreme Court has even agreed directly to address the issue of racial discrimination in a state's administration of its capital statutes.

The state of Georgia has defended its capital statutes against McCleskey's charges on narrow technical grounds: (1) that the data produced by McCleskey (gathered from the state's own official files) are not sufficiently accurate; (2) that other, unnamed but ostensibly legitimate factors actually explain what appear to be racial results; (3) that racial disparities, even if proven by McCleskey's evidence, are insufficiently large to violate the Constitution; and (4) that evidence of racial discrimination in the system as a whole does not suffice to show that race played a critical role in McCleskey's own case.

"We know that there's racial discrimination in the death penalty. What do you expect us to do about it?"

The lower federal court accepted the state's argument; one judge even stated frankly during oral argument, "We know that there's racial discrimination in the death penalty. What do you expect us to do about it?" Several members of the Supreme Court have, in earlier cases, indicated some reluctance to strike down capital statutes, even when racial influences seem apparent. Yet the present body of evidence is overwhelmingly one-sided. It will be difficult for the Supreme Court to dismiss its force without doing grave violation to constitutional proscriptions against racially biased enforcement of the criminal laws.

McCleskey's case has drawn wide support from leading groups in the black community, including the Congressional Black Caucus, the NAACP, and the Lawyers' Committee for Civil Rights Under Law, each of which has filed briefs in the Supreme Court urging reversal of McCleskey's death sentence. *McCleskey v. Kemp* will represent the most significant test in many years of the Court's willingness to intervene to root out racial discrimination that has actually managed to taint the results of criminal trials. All who have witnessed firsthand the insidious impact of racial prejudice at work in criminal sentencing decisions hope that the Court will act with courage and wisdom. ■

January 1987

JCPS

POLITICAL TRENDLETTER

Inside This Issue

- **Though political pundits have begun to look ahead to the 1988 presidential election, black voters cannot afford to overlook critical races in 1987 at the state and local level.**
- **Chicago's white Democratic leadership is again ganging up on incumbent Mayor Harold Washington, but polls show that three of five voters think Washington can win.**
- **In an exclusive TrendLetter interview, Jesse Jackson responds to former Congresswoman Barbara Jordan's suggestion that he stay out of the 1988 presidential race.**
- **A "good ole boy" tradition in Virginia excludes two of the state's highest elected officials—Lt. Governor Doug Wilder and Attorney General Mary Sue Terry.**
- **Across the nation, former California Lieutenant Governor Mervyn Dymally becomes the new chair of the Congressional Black Caucus; black elected officials in New York meet to assess their lack of power in state and city politics; and, in Dallas, an appointed city manager takes over as the most powerful official in the city.**

The 1987 Elections are Too Important to Overlook

With the 1986 mid-term elections now squarely behind us, most political observers and the major news media have turned their attention to the presidential campaign of 1988. **But black voters cannot afford to overlook 1987: at stake are gubernatorial and legislative elections in three states with large black populations (Mississippi, New Jersey, and Virginia) and mayoral elections in 93 cities with black incumbents.** The table below lists the races with black mayoral candidates for cities whose populations are 50,000 or more. In the coming months *TrendLetter* will analyze developments in these races. We begin this month with the Chicago mayoralty.

Black Mayoral Incumbents and Challengers Facing Elections in 1987

Candidate	City +	Primary Date
* **HAROLD WASHINGTON**	Chicago, Ill.	Feb. 24
* **CARL OFFICER**	East St. Louis, Ill.	Feb. 24
CLYDE C. JORDAN		
* **RICHARD HATCHER**	Gary, Ind.	May 5
* **WILSON GOODE**	Philadelphia, Penn.	May 19
* **JAMES A. SHARPE, Jr.**	Flint, Mich.	Aug. 4
* **LAWRENCE CRAWFORD**	Saginaw, Mich.	Aug. 4
* **THIRMAN MILNER**	Hartford, Conn.	Sept. 8
* **RONALD BLACKWOOD**	Mt. Vernon, N.Y.	Sept. 8
** **CLARENCE (DU) BURNS**	Baltimore, Md.	Sept. 15
KURT SCHMOKE		
* **HARVEY GANTT**	Charlotte, N.C.	Sept. 15
GERALD HARVEY	Macon, Ga.	Sept. 15
* **RICHARD ARRINGTON**	Birmingham, Ala.	Oct. 13

All of the above candidates are Democrats.

* Incumbents + Cities with populations of at least 50,000.

** Becomes interim mayor on January 21, 1987, when the current mayor, William Schaefer, becomes governor of Maryland.

All Against One: Chicago's White Democrats Are At It Again

A familiar cast of characters, some clad in new and strange party labels, is lining up in a concerted effort to oppose HAROLD WASHINGTON's reelection as mayor of Chicago in 1987. Despite Washington's stellar credentials as a Democrat (precinct captain, state senator, U.S. congressman, mayor), **his chief opposition in this election, as it has been throughout his mayoral reign, has come from Chicago's white Democratic leadership**....In the February 24 Democratic primary election, Mayor Washington will face former Mayor JANE BYRNE. His other declared opponents are arch foe, Alderman EDWARD VRYDOLYAK, who, though he is head of both the Cook County Democratic Party and the Chicago Democratic Party, is running on the Independent Solidarity Party ticket; Cook County Assessor THOMAS HYNES, a former Democrat running on the newly formed Chicago First Party ticket; Northwestern University professor DONALD HAIDER, a former Democrat now running as a Republican; and other, less-significant candidates....**The reason for this seemingly bizarre party-switching is to encourage white bloc voting in the general election. Thus, if Washington wins the primary, all but one of the others are expected to drop out of the race to ensure that the black incumbent mayor is pitted against a single white candidate.**

The question is: can Harold Washington foil his opponents' plot and use it to his advantage? Some pollsters say he can. **A late December *Chicago Tribune* poll analysis concluded that the three-year battle between Washington and Vrydolyak has solidified the mayor's support among blacks; and that a plurality of white voters blame Vrydolyak more than Washington for the "Council Wars."**...The *Tribune* poll also found that in two-way matchups with the other candidates Washington did very well: **the mayor led his closest challenger, Byrne, by 54 to 38 percent; and the poll found Vrydolyak so controversial among each of the major ethnic voting blocs that he does not appear to be a viable city-wide candidate. In sum, three of five respondents predicted that Washington would win.**

The image of all these candidates out to get Washington may inspire black voters to turn out in larger numbers than in 1983. To make sure that they do so, **Washington has taken two steps. First, he issued Executive Order 86-2, which enables city employees to become deputy registrars and conduct registration on city time.** Washington supporters claim he has 4,000 deputy registrars, and Vrydolyak and the others claim to have 3,000 deputy registrars....**Second, he has issued a friendly challenge to JESSE JACKSON (who has re-established his voting residency in Chicago) to register more voters than he, Washington, registers.** Jackson has taken up the challenge and, each Saturday, he travels to Chicago to register voters after meetings of Operation PUSH, an organization formerly led by Jackson. PUSH is also organizing college students, members of the armed forces, and others in an absentee ballot campaign aimed at 20,000 eligible voters temporarily living outside the city. All black elected officials, ministers, and disc jockeys have been asked to become voter registrars. One Chicago political observer says the registration contest is so fierce that black ministers are preaching from the pulpits that it is "anti-black and anti-religious" not to be registered to vote in the February primary.

So far, polls report that more blacks than whites are likely to vote. In the *Tribune* poll, 20 percent of white voters said they may not vote, and only 37 percent said they will definitely vote; **by comparison, 57 percent of blacks said they will definitely vote**....Still, there is clearly no smooth sailing ahead for Washington. **According to the *Tribune* poll, half of the city's Hispanic voters, an increasingly important voting bloc, had an unfavorable opinion of the mayor; and less than a third of white voters gave Washington a favorable rating.** About three-fourths of all interviewees said that race probably would be a factor in the election, although more than half claimed it would not affect the way they themselves voted....**All other factors being equal though, more than 40 percent conceded that they probably would consider a candidate's race in making their choice for mayor. The strength and unity of the black vote is more than likely to be the key here.**

Run, Jesse, Run? Barbara Jordan Says "No"

As the JCPS/Gallup poll showed (see *TrendLetter,* October 1986), the black rank and file still clearly supports JESSE JACKSON as its favorite for the 1988 presidential race. **A question of enduring interest to the press (and to Jackson), however, is whether black leaders will be more united behind a second Jesse Jackson candidacy for president in 1988 than they were in 1984. Former U.S. Rep. BARBARA JORDAN has issued the first public response**....At a recent meeting of the Democratic Leadership Council (DLC) in Williamsburg, Va., Jordan, one of only a few blacks invited to attend the meeting, **sent a warning to Jackson not to "frighten everybody off; don't be so volatile that people become afraid to associate with us."** Jordan, now a professor at the University of Texas at Austin, who did not support Jackson when he ran for the Democratic presidential nomination in 1984, told *Washington Post* reporter PAUL TAYLOR that her remarks were **intended to encourage**

Jackson to "make a realistic appraisal of what his presence in the [1988] race will do....He will see that it isn't in the best interests of the Democrats for him to get in."

In an exclusive interview with *TrendLetter,* Jackson, who was in Japan at the time of the DLC meeting, said he supported Jordan when she was in public office and continued to feel "some kinship with her attempt to make a difference," **but he also said, "if her concerns were genuine, she could have talked to me privately."...As for the implication that he is frightening people off, Jackson said he was not particularly concerned "since the forces for social justice at home and peace abroad have long been labeled as those who scare or disrupt."** Jackson pointed out that when he, along with Texas Secretary of Agriculture Jim Hightower, had addressed 80,000 family farmers in Austin on July 4th, "they were not frightened." **He added, "The Rainbow Coalition is growing while the architects of the DLC who support Star Wars, Gramm-Rudman-Hollings, Chief Justice REHNQUIST, the contras...and who are not real enemies of apartheid" scare his constituency....**According to Jackson, it is not the Rainbow Coalition of blacks, other minorities, and women, but the concentration of delegate control and money that is stifling the Democratic Party. **"What is needed," he said, "is not loose rhetorical statements but dialogue among the DLC, the Democratic National Committee and the Rainbow Coalition. It serves no good and useful function to use the platform of either of these groups to attack leaders of the others."**

Chitterlings and "Good Ole Boys:" It's Getting Wilder in Virginia

Lieutenant Governor DOUG WILDER and Attorney General MARY SUE TERRY may have shattered racial and gender barriers in Virginia when they won their respective offices in 1985, **but they still were barred from attending the annual breakfast of the Colon Club, a group of old-line political and economic movers and shakers in the state....**The event, begun in the early 1940s and now a charity affair held at the Commonwealth Club in Richmond, **traditionally has been an all-male, all-white affair noted for its menu of chitterlings and its off-color humor.** In past years, the governor, lieutenant governor, and attorney general have been invited, but this year although Governor GERALD BALILES, and former Governors LINWOOD HOLTON and CHARLES ROBB attended the event, Wilder and Terry were not invited....Baliles later told the event's organizers that he believed all three of the state's top officials should have been invited. Robb, who was presented a large photo of Wilder, dodged reporters by ducking out a side door. Summing up the meaning of the event, **SA'AD EL-AMIN, the president of the Crusade for Voters in Richmond, concluded that, "This kind of throwback to the antebellum south should not be tolerated."**

Wilder, a lieutenant governor with unusual prominence, also **landed on the front pages when former Governor Robb went public about a feud between the two men.** Though the spat could have resulted from past personal and political tensions between the two, **their respective ambitions for the future also probably were a factor. Robb is positioning himself as a centrist candidate or "kingmaker" for the Democrats in 1988 and Wilder, who has already scored a series of black political "firsts", has a chance to become the nation's first black governor if he runs and wins in Virginia in 1989.** If this scenario is valid, Robb's image as an opponent of "special interests" may be enhanced by putting some distance between himself and Wilder. On the other hand, **Wilder, who may have to force his way onto the Democratic ticket in 1989** (as he did in 1985), may have intended to show his willingnes to break with his former allies if they stood in his way. **Whatever their respective motivations, the public feuding has fizzled out and the two ex-Marines have announced a truce.**

Pragmatist Becomes New CBC Chair

At a December "retreat," the 23 members of the Congressional Black Caucus elected former California Lieutenant Governor MERVYN DYMALLY as its new chairman. In keeping with the CBC's public posture as a collegial body, **Congressman Dymally (D-Calif.) was elected "by acclamation" even though some members had sought to reelect the former chairman, MICKEY LELAND (D-Tex.) to an unprecedented second two-year term....**Dymally was reportedly drafted by budget committee chairman BILL GRAY (D-Pa.) and Congressman Walter Fauntroy (D-D.C.) who, among others, opposed changing the tradition that the CBC chairman serve just one term....A Trinidad-born, four-term congressman, Dymally represents the racially diverse 31st district whose population is 42 percent white, 34 percent black, 25 percent Hispanic, and 8 percent Asian....**Though Dymally is a liberal with strong sympathies towards Third World and Caribbean nations (he was in tears at a press con-**

ference denouncing the U.S. invasion of Grenada), he is known to be a pragmatist who looks out for his constituents' interests. In 1983, for example, he voted to fund research and testing on the MX missile—which was built by Northrop, the largest employer in his district. In subsequent votes in 1984 and 1985, however, for funding deployment of the missile he rejoined his liberal colleagues to oppose funding the MX. . . . **To cast his vote in 1985, Dymally broke off an interview with the Cuban leader, FIDEL CASTRO, to fly to Washington on a Monday and, after voting, returned to Havana on Thursday to continue interviewing Castro.** The 25 hours of taped interviews (by Dymally and political science professor Jeffrey M. Elliot) are published as *Fidel Castro: Nothing Can Stop the Course of History* (Pathfinder Press, 1986). . . . **Dymally is one of the few members of Congress to have earned a doctorate, which he did in 1978 from the U.S. International University in San Diego.** He has worked on education issues in Congress, especially issues relating to the future of math and science education for minorities. . . . While Dymally was being elevated by his peers, **former CBC chairman CHARLES RANGEL (D-N.Y.) was badly defeated in his attempt to become the Majority Whip, third in line after the Speaker in the leadership of the House of Representatives.** Rangel had campaigned for this post for almost two years but received only 78 votes from his colleagues; the winner was Democratic party "money man," TONY COELHO (D-Calif.), who received 167 votes.

State and Local Black Caucuses Elect New Officers

The newly elected officers of the National Black Caucus of State Legislators are: **Representative DAVID P. RICHARDSON, Jr. (Pennsylvania), President; Representative PATRICIA DAVIS (Alabama), Vice-President; Representative CALVIN SMYRE (Georgia), Secretary; Senator DAVID HOLMES (Michigan), Treasurer; and Representative WILLIE BROWN (New Jersey), Parliamentarian.**

The newly elected officers of the National Black Caucus of Local Elected Officials are: **Councilmember JOHN BARNES (Cleveland, Oh.), President; Councilmember RILLASTINE WILKINS (Muskegon Heights, Mich.), First Vice-President; Councilmember E.B. TURNER (Lumberton, N.C.), Second Vice-President; Alderman STEVEN ROBERTS (St. Louis, Mo.), Third Vice-President; Councilmember DANIEL TABOR (Englewood Calif.), Secretary; Councilmember CAROLYN LONG BANKS (Atlanta, Ga.), Treasurer; Councilmember NADINE WINTER (D.C.), Assistant Secretary; Councilmember DHARATHULA MILLENDER (Gary, Ind.), Historian.**

Across the Nation

ALABAMA: JOE DICKSON, general manager of a realty company, **was the first black named to the Republican administration of Gov. GUY HUNT.** Dickson, a Republican, said he hopes more blacks will flock to the GOP, which he believes "has always done more toward achieving real progress for blacks in America." Hunt, who attended the Alabama Conference of Black Mayors in mid-December, has received promises of support from the group.

CALIFORNIA: CHARLIE BYRD has been elected **the first black sheriff in California.** Byrd, who had been chief of police in Weed, became sheriff of Siskiyou County (in northern California) whose population is 42,800. The 1980 census showed that only 1.6 percent of its residents were black; and according to Byrd "race was never a factor" in his contest against a white sheriff's captain.

MISSISSIPPI: In October, *TrendLetter* reported that JOHNNY THOMAS won a special election to become the first black on the Tallachatie County Board of Supervisors. **Thomas's election, however, was later challenged in court by his white opponent, RAY HARDY, who argued that some of his votes from Tippo (one of three towns in the county) had been illegally deleted from the total count.** The court ruled that the votes from Tippo should be counted, and they provided Hardy a victory of 567 votes to Thomas's 443.

NEW YORK: Black political powerlessness in New York state was the main issue at a day-long convention in Brooklyn in late November. The convention was attended by over 200 black elected officials, community activists, and other interested persons. One of the speakers, Assemblyman ARTHUR EVE (D) of Buffalo, said no other city in America has "so many seats held by non-African-Americans in districts which should be held by them." His point is supported by the numbers: **Blacks are 13.1 percent of New York's voting-age population, but hold only one percent of the state's elected offices.** This is a lower ratio than that of most other states, including Mississippi, Louisiana, Illinois, and Michigan. However, one of the convention's organizers, Dr. VERNAL CAVE, former chairman of the Bedford-Stuyvesant Restoration Corporation, **told the convention that blacks could no longer simply blame racism for their lack of political influence in New York. "The primary reason for the lack of black political power in the city," he said "[is] the failure of blacks to work together."** An additional sad fact of black political life in New York is that of the 20 states with highest black proportions of the electorate, **New York ranked last in terms of reported black voter registration and turnout in 1984.**

OHIO: RICHARD CLAY DIXON, the only black commissioner for the city of Dayton, has been appointed mayor after the former mayor announced that he would leave his office to accept an appointment as lieutenant governor. **Dixon, who had served seven years on the Dayton Commission, was the top vote-getter in his last run for that seat. He will remain in the position of mayor for three years, which is the remainder of the former mayor's term.** Dixon is Dayton's second black mayor.

TEXAS: Assistant City Manager **RICHARD KNIGHT, Jr., became the surprise choice of the city council for the position of city manager of Dallas, a position which makes him by far the most powerful official in the city under Dallas's "weak mayor" system of government.** Knight takes over at a time when the city faces a growing demand for social services as homelessness and other problems grow in Texas, and when black leaders are criticizing the police department, over which he presides, for a recent series of killings of innocent people by police officers. **Knight, a nuts and bolts style administrator, is one of only 17 black city managers in the nation.**

New Law Sets DOD Contracting Goal

Minority Firms and Colleges to Get 5 Percent of All Awards

by Edwin Dorn

A new law enacted by Congress and signed by President Reagan on November 14, 1986, requires the Defense Department (DOD) to award 5 percent of its contracts to minority businesses and colleges over the next three years (see box on page 8 for details of the new law). The 5 percent goal for DOD contracts represents a major breakthrough for set-aside advocates, like the bill's sponsors, Representatives John Conyers (D-Mich.) and Gus Savage (D-Ill.), who estimate that up to $32 billion could be made available to minority businesses and colleges.

And the new law is a final, satisfying victory for the just-retired Congressman Parren Mitchell (D-Md.), a long-time supporter of minority business development and the past chair of the Small Business Committee in the U.S. House of Representatives. In the debate on this bill, Mitchell told his colleagues: "When I first started this business, minorities were receiving less than one-tenth of 1 percent of all government contracts. Now we have moved generally across the board to almost 4 percent. That does not sound like much but it is a steady increase." Mitchell also characterized the bill as "a commitment on the part of . . . the Congress to move [minorities] into the economic mainstream of this country."

Despite these commendable goals, there is considerable doubt among the experts that DOD will be able to fully achieve the goal it is now required to pursue. However, even if a lesser sum—say, $15-20 billion over the next three years—goes to minorities, it will be a significant boost that is sorely needed.

Dr. Dorn is deputy director for special programs at JCPS.

Capacity of Minority Firms

To meet the 5 percent goal DOD would have to more than double its current minority contracting, which amounted to $3.8 billion or 2.1 percent of all contracts in fiscal year 1985. This will not be easy for DOD, which, according to preliminary estimates, has awarded only $4.1 billion in contracts to minorities in FY 1986—far short of its self-imposed goal of $8.1 billion.

DOD experts insist that the problems in meeting minority contracting goals have at least as much to do with a lack of available minority firms as with a lack of demand from DOD. There is some merit to this contention. For instance, a 5 percent set-aside would mean an annual increase in minority business of about $11 billion—which is almost 25 percent of the total of business receipts of minority firms ($45 billion in 1982, according to the U.S. Census Bureau).

DOD also points out that their procurement procedures and technical requirements (even for routine products such as uniforms) are so daunting that few small businesses can meet them.

Moreover, few small businesses produce what the Defense Department buys. Most black-owned businesses, for example, are very, very small: a 1982 Census Bureau survey identified only 136 black-owned firms employing more than 100 people. Further, few black-owned businesses are in manufacturing, research and development, heavy construction, or high-tech products and services; but the lion's share of DOD contracts are in these areas.

However, one virtue of the contracting goal is that it may affect supply by encouraging more minority firms to start matching their products and services to DOD's needs. The law's technical assistance and advance payment provisions (see p. 8) may be particularly helpful in this regard. On the other hand, neither this law nor any other federal policy forcefully addresses the major problem confronting socially and economically disadvantaged individuals: the lack of the capital needed to start up a business.

Another obstacle to a larger minority contracting role is that a large proportion of the defense work done by small businesses comes through subcontracts with huge prime contractors. Some black entrepreneurs have complained that the prime contractors remain reluctant to deal with minority firms. The new law does not address this problem directly.

Program Implementation

Four issues are likely to provoke controversy during the program implementation process. One is whether the Defense Department will establish its own staff to provide technical assistance (see p. 8) to prospective minority contractors. If it does not, it must secure these services from outside firms.

Another issue concerns the law's requirement that DOD must collect data on the specific ethnic/racial identity of its minority contractors. This will require a major change in DOD's data acquisition practices. Some observers also worry that the information will spark politically divisive competition among the various groups seeking to benefit from the contracting goal.

(Continued on page 8)

The King Within Us All

"Charismatic" Label Obscures His True Role and Legacy

by Clayborne Carson

Dr. Martin Luther King has often been described as a charismatic leader, but the label does not adequately define his role in the civil rights movement.* Arguing that King was not a charismatic leader is somewhat akin to arguing that he was not a Christian, but emphasis on King's charisma obscures other important aspects of his role in the civil rights movement and conveys the misleading notion of a movement held together by spellbinding oratory and blind faith. Although, to be sure, many people saw King as a divinely-inspired leader, King did not always receive—and, I would argue, did not want—the kind of unquestioning support that is often associated with charismatic leaders. Movement activists instead saw him as the most prominent among many outstanding movement strategists, tacticians, ideologues, and institutional leaders.

King's True Role

King was certainly not the only significant leader of the civil rights movement, for sustained protest movements arose in many southern communities in which King had little or no direct involvement. If not as dominant a figure as he is sometimes portrayed, he was also a more complex and, I would add, more interesting, leader who acquired the respect and support of self-confident, grassroots leaders, some of whom possessed charismatic qualities of their own. In Montgomery, for example, local black leaders such as E.D. Nixon, Rosa Parks, and Jo Ann Robinson started the bus boycott before King became the leader of the Montgomery Improvement Association. Similarly, the black students who initiated the lunch-counter sit-in movement in 1960 admired King, but they did not wait for him to act before launching their own movement. King influenced the struggles that took place in the Black Belt regions of Mississippi, Alabama, and Georgia, but the struggles were guided by self-reliant local leaders who occasionally called upon King's oratorical skills to galvanize black protesters at mass meetings but who refused to become dependent upon his presence.

If King had never lived, the black struggle would have followed a course of development similar to the one it did. The Montgomery bus boycott would have occurred, because King did not initiate it. Black students probably would have rebelled even without King as a role model, for they had sources of tactical and ideological inspiration besides King. Mass activism in southern cities and voting rights efforts in the Deep South were outgrowths of large scale social and political forces rather than simply consequences of the actions of a single leader. Though perhaps not as quickly and certainly not as peacefully or with as much universal significance, the civil rights movement probably also would have achieved its major legislative victories without King's leadership, for the southern Jim Crow system was an anachronism, and forces that undermined it were inexorable. Directing attention to the other leaders who initiated and emerged from these struggles should not detract from our conception of King's singularly important contribution to the black struggle. Instead, it should enhance our regard for King as a leader who stood out in a forest of tall trees.

> ***If King had never lived, the black struggle would have followed a course of development similar to the one it did.***

Source of Ideas

The black movement required far more than charismatic leaders for its success, and King's importance in the movement was based on his ability to supply more than charisma. King's major public speeches have received much attention, but his greatness was also displayed in countless strategy sessions with other activists and in private meetings with government officials. Although King's success as a leader was partly based on the power of his oratory, it was also based on his skills as a conciliator and his effectiveness as a moderating force in a movement often torn by internal conflicts. King's unique qualities were best displayed through his relations with movement activists who were not simply Martin Luther King's followers and lieutenants; they were self-motivated individuals who acquired increasing con-

* Although the term civil rights movement is used in this article the term I prefer is "southern freedom struggle" or "black freedom struggle," for the reasons explained in my article "Civil Rights Reform and the Black Freedom Struggle," in Charles W. Eagles, Editor, *The Civil Rights Movement in America* (University Press of Mississippi, 1986).

Dr. Clayborne Carson is the director of the Martin Luther King Papers Project sponsored by the Martin Luther King, Jr., Center for Nonviolent Social Change, in association with Stanford University. The Stanford University historian aims to collect all of Dr. King's writings and public statements; 12 volumes are projected to be published over the next two decades. This article is a revised version of a longer paper originally prepared for a conference on *"Martin Luther King, Jr.: The Leader and the Legacy."*

fidence in their own abilities. Rather than merely accepting guidance from above, movement activists of the 1960s made a profound, though often ignored, contribution in the realm of political ideas.

My assessment of King's role in the black movement is one that encourages us to recognize our present-day responsibility to struggle for a more just and peaceful world.

King may have been born with rare potential, but his most significant leadership attributes were related to his immersion in and contribution to the intellectual ferment that has always been an essential part of Afro-American freedom struggles. Those who have written about King have too often assumed that his most important ideas were derived from outside the black struggle—from his academic training, his philosophical readings, or his acquaintance with Gandhian ideas. Scholars are only beginning to recognize the extent to which his attitudes and those of many other activists, white as well as black, were transformed through their involvement in a movement in which ideas emanated from the bottom up as well as from the top down.

King's Epitaph

Though charisma is a wonderful quality that many of us wish we had, it is also a quality that decisively separates those who are said to have it from the rest of us. Idolizing King lessens our feeling of responsibility to exhibit at least some of his best attributes. When King suggested his own epitaph, he asked not to be remembered for his exceptional achievements—his Nobel Prize and other awards, or his academic accomplishments; instead, he wanted to be remembered for giving his life to serve others, for trying to be right on the war question, for trying to feed the hungry and clothe those who were naked, for trying to love and serve humanity. These aspects of King's life did not require charisma or other exceptional kinds of abilities. We all have the ability to try to commit ourselves to advancing the causes of social justice and peace.

Thus, my assessment of King's role in the civil rights movement is one that encourages us to recognize our present-day responsibility to struggle for a more just and peaceful world. The movement prompted the passage of major civil rights legislation, but, more importantly, it prompted a major transformation of values and attitudes. Although black struggles of the 1950s and 1960s should be remembered as a setting for King's tremendous achievements, they should be remembered most of all as a setting that brought out the best in many of us. Rather than asking God why He has not sent us another leader like Martin Luther King, Jr., we might ask ourselves why we have not created new social movements in which other people with potential for greatness could exercise their talents to the fullest.

Charismatic leadership on the part of King and others was only one of the resources that made possible the black gains of the 1950s and 1960s, and it remains only one of the resources required for future struggles. The declining effectiveness of King's charisma at the end of his life contrasted sharply with the growth of black material and human resources during the period. Today, we have far more financial, institutional, and leadership resources in black communities than we did in 1955. Afro-Americans today do not lack resources, for we are the richest assemblage of black people on earth, but we do lack a common understanding of collective purposes for which these resources should be mobilized.

Unpopular Social Critic

If King were with us today, he could make good use of these resources, but much more than charisma would be required to put them at his disposal. If he were to return, many of those who now celebrate King's birth would discover that his oratory would be unsettling and intellectually challenging rather than innocuous and readily accepted. It is likely that he would be the unpopular social critic he was on the eve of the Poor People's campaign rather than the approved national hero he became after his death. His basic message would be the same as it was when he was alive, for he did not bend with the changing political winds. He would talk of ending poverty and war and of building a just social order that would avoid the pitfalls of competitive capitalism and repressive communism.

Waiting for the Messiah is a human weakness that is unlikely to be satisfied more than once in a millennium.

We mourn the loss of such a courageous advocate of peace and justice, but we can expect that struggles for human advancement will continue to arise and that other great leaders will emerge from these struggles. When the residents of Montgomery initiated their bus boycott, they could not have expected that their movement would give the world a great leader. Waiting for the Messiah is a human weakness that is unlikely to be satisfied more than once in a millennium. The legacy of the black struggle offers us the better alternative of looking within and around us to discover those god-like, King-like qualities that represent our best attributes. We honor King best by remembering that his greatness was most clearly displayed when other participants in the black movement displayed their best qualities and by recognizing that aspects of his greatness survive in ourselves and those around us. ■

Minority Firms to Get 5 Percent of All Awards

(Continued from page 5)

A third is the requirement that DOD assess the impact of the minority contracts on non-minority small businesses. The results could provoke the kinds of legal and political battles that already bedevil other minority contracting programs.

> ***Sponsors of the DOD set-aside . . . see this law as creating enormous benefits for minorities.***

The fourth issue is the ongoing congressional oversight of DOD's ability to attain the 5 percent goal. Though the law provides a potential escape hatch through the vaguely stated exemption for "compelling national security" reasons (see box on this page), the more relevant guidelines were set out by Congressman Savage, a sponsor of the bill, who said, "When you talk about a goal you are not talking about what you must do. The amendment is very specific, as it is an appeal, indicating that what is required is a good faith attempt. . . . [It] sets forth some [conditions], like technical assistance, like advance payments, to facilitate a maximum good faith effort."

New DOD Set-Aside Law

The National Defense Authorization Act for 1987 (Public Law 99-661) requires the Department of Defense to set a goal of giving 5 percent of its contracts to (a) "small business concerns, including mass-media, owned and controlled by socially and economically disadvantaged individuals," (b) "historically black colleges and universities," and (c) other colleges with a predominantly minority enrollment (i.e. those covered by the Minority Science Improvement Program). The goal of 5 percent—which differs from the 10 percent requirement of the Surface Transportation Act and the Public Works Employment Act—was a compromise to ensure that the bill would be acceptable to the Republican-controlled Senate.

The law also requires DOD to report to Congress bi-annually on DOD's efforts to meet the goal.

The law gives DOD a clear legal mandate to provide technical assistance, including advice about procurement procedures and instruction in the preparation of proposals. It also authorizes advance payments to contractors, a provision which will be especially helpful to firms that are short of operating capital.

The law also provides that the 5 percent goal need not be met if the Secretary of Defense notifies Congress "that compelling national security considerations require otherwise."

The key issue in congressional oversight is thus likely to be whether DOD has met its goal or shown the necessary "maximum good faith effort."

Advocates Have High Hopes

The *sponsors of the DOD set-aside,* by far the largest set-aside program enacted by Congress, *see this law as creating enormous benefits for minorities.* Representative Savage, for instance, asserts that "it will create a minimum of a quarter of a million jobs, directly, over the next five years." Representative Conyers has similarly stated his optimistic belief that "a 5 percent set-aside understates the true potential of minority businesses and historically black colleges to assist our nation in meeting its defense needs." However, given the scope of the problems outlined above, perhaps the last word on this subject should go to the widely acknowledged dean of minority business development, former Congressman Parren Mitchell, who suggested the following rationale for supporting the high set-aside goal:

"How did we achieve the growth from one-tenth of 1 percent to almost 4 percent? We did it by setting goals that were high and by incrementally moving towards those goals. . . . I simply respectfully suggest that the way to finally get to that full economic participation is by setting goals that are high goals and moving toward them." ■

FOCUS

Joint Center for Political Studies

1301 Pa. Ave., N.W., Suite 400
Washington, D.C. 20004
(202) 626-3500

NOTICE TO READERS: Please notify FOCUS of any change of address or title. YOU MUST ATTACH THE MAILING LABEL FROM THE BACK COVER when writing about service or change of address. No change can be made without this information. Allow 6 weeks for change of address to take effect. Thank you.

NON-PROFIT
U.S. POSTAGE
PAID
PERMIT No. 6958
Washington, D.C.

ADDRESS
CORRECTION
REQUESTED

Postmaster: Form 3547 requested