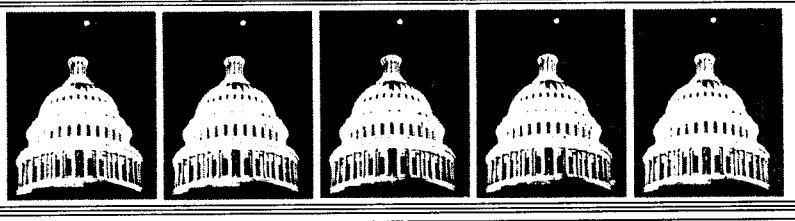
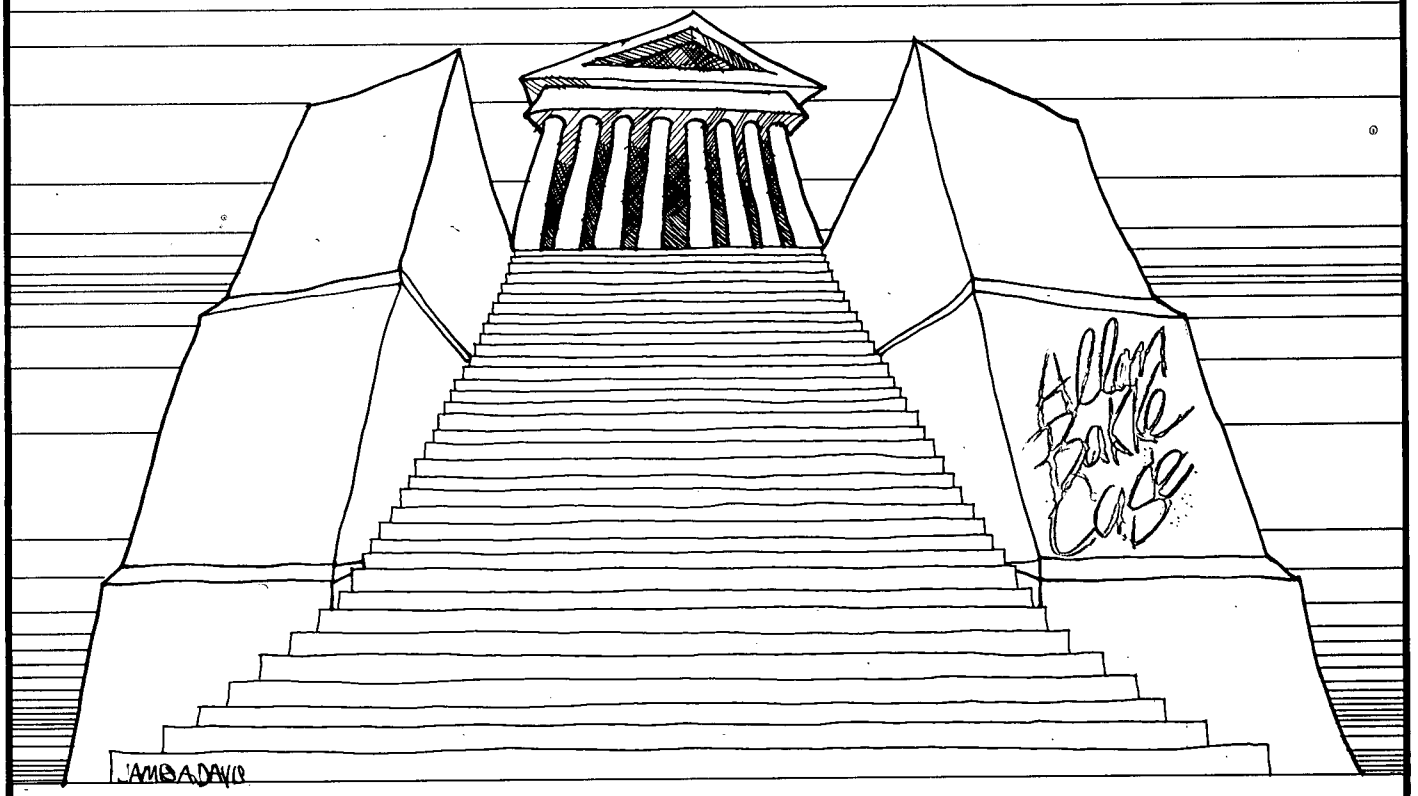
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FOCUS





THE REVERSAL OF DISCRIMINATION

Joint Center for Political Studies

Perspective

Editor's Note: The Joint Center for Political Studies joins the many organizations and individuals in paying tribute to Roy Wilkins. Wilkins, who has been a member of the national staff of the NAACP for 46 years and its executive director since 1955, resigned his position on July 28. Benjamin Hooks succeeds Wilkins as NAACP executive director. Under Wilkins' leadership, the NAACP has played a crucial role in the struggle for civil rights, in this nation. However, the struggle continues and some affirmative action programs that were designed to specifically aid members of minority groups are now under attack. The following remarks were made by NAACP officials at the 68th annual NAACP convention which was held in St. Louis, Missouri June 27-July 1.

Margaret Bush Wilson, NAACP chairperson of the board of directors:

"Now is the time for Americans of African descent to say to all those who would take from us the fruits of hard won gains and reverse our struggle, that we have confronted worse enemies. We did not flinch then, we will not falter now, and we shall be free.

"In this year of 1977, we can note with satisfaction that there are civil rights laws on the books covering most areas of significant social concern. To a considerable degree, these laws have worked not only to benefit us, that is, the traditional victims of racial discrimination, but also to the advantage of other minorities, women, and the aged and of others who lay claim to disadvantage.

"Despite our legal and legislative gains, however, far too many African-Americans are no nearer the long-sought grail of social and economic equality than they were 20 or 30 years ago."

Herbert Hill, NAACP national labor director:

"We must defend the principle of affirmative action even if it means that our fair-weather friends depart. A coalition that can only exist on the basis of sacrificing the most vital interests of the black community is not worth preserving. The opponents of affirmative action are ahead in presenting their case to the public, and we must be prepared to answer effectively all the lies about "quotas" and "reverse discrimination." The campaign against affirmative action is legitimizing new racist attacks and is stimulating anti-black attitudes. It is potentially most dangerous and must be effectively countered by the NAACP and other groups committed to advancing civil rights.

"We must continue to monitor the activities of federal agencies charged with equal employment responsibilities. The performance of these agencies, especially those charged with contract compliance responsibilities, has been derelict in the extreme. The campaign to weaken affirmative action requirements must be offset by our campaign to demonstrate the non-enforcement of these requirements. To do this effectively, it may be necessary to file an extensive series of lawsuits against the Labor Department and HEW, among others."

Clarence Mitchell, NAACP Washington bureau director:

"The irony of this is that this attack (anti-civil rights amendments) is coming from the North. The southern leaders, while they would like to have the vestiges of segregation and discrimination, for the most part have not been authors of these amendments. They are not the captains of these attacks. So what we have is the forces of segregation and discrimination being led by the northern members of Congress and, in some instances, some of the same members who helped put these civil rights statutes on the books."

Roy Wilkins:

"I retire from active leadership of the NAACP. But I shall not retire from active participation in the struggle for racial justice. I will continue to speak out, to write, and to make suggestions.

"As long as there is breath in my body I shall be with you in this fight. Let us use every tool at our disposal, and every hand on deck. Black and white, young and old. There is unfinished business for us to take care of."

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The truth about the Bakke Case

by Ralph R. Smith

Mr. Smith is an assistant professor of law at the University of Pennsylvania. As chairperson of the task force on legal education and bar admissions of the National Conference of Black Lawyers, he has served as one of the coordinators of the coalition formed to assure the continuation of affirmative action policies in general, and minority admissions in particular.

As the United States of America enters its third century, its landscape is still scarred by its legacy of slavery and history of racism. Blacks and other minorities continue to find their horizons artifically limited and their mobility constrained through poverty and powerlessness in this society of plenty. These minorities, denied access to the perquisites and benefits of American society, populate the lower rungs of the economic and social strata and are provided inferior education, confined to substandard housing and are discriminated against and victimized in every facet of American society.

After a decade of activity, there has been a visible and significant slackening of efforts to remove these vestiges of racism. Instead, American society now seems preoccupied with the question of whether the very modest efforts undertaken to alleviate the burden of racism in education and employment constitute "reverse discrimination" against whites.

The case styled *The Regents of the University of California v. Allan Bakke* is the current focal point of the debate about so-called "reverse discrimination."

Allan Paul Bakke is suing the University of California at Davis for twice denying him admission to its medical school because he is white. He won his case in the California Supreme Court, which ordered him to be admitted. The university appealed to the United States Supreme Court, which will hear the case in October.

Bakke claims that Davis' minority admissions program, using special criteria, selected 16 applicants (in a freshman class of 100) whose qualifications were lower than his. When filling out his application, Bakke had chosen not to be considered in the program, which was described on the application form as being for "applicants from economically and educationally disadvantaged backgrounds." Bakke charges that the minority admissions program is unconstitutional since it deprived him of equal protection under the 14th Amendment.

The following review of the record is intended to expose some of the myths currently being promulgated about the facts in the case of *The Regents of the University of California v. Allan Bakke.*

Myth: Allan Bakke was an exceptionally well-qualified student who would have gotten into the Davis Medical School had it not been for the task force (special) admission program being challenged in this case.

Reality: (1) Eleven medical schools, eleven separate committees, dozens of faculty members and medical students across the country obviously agreed with the assessment of the University of California Davis Medical School — Allan Bakke was a good student but was not so outstanding an applicant as to be considered clearly superior to the thousands of other students competing for a limited number of seats in the entering class. Allan Bakke had applied to eleven medical schools. He was rejected by all of them. He was rejected by his alma mater, the University of Minnesota — presumably this was the school which had reason to know Allan Bakke best and had the most sound basis on which to assess his record and potential.

(2) Allan Bakke would not have been admitted to the Davis Medical School even had there been no task force program. In 1973, Bakke had a combined numerical rating of 468, out of a possible 500. There were 15 students not selected who had scores of 469. Moreover, there were 20 students with the score 468 who were put on the alternate list. There were a total of 35 people who would have been considered ahead of Allan Bakke even if the 16 task force slots were not set aside.

In 1974, Allan Bakke's benchmark score was 549 out of a possible 600. There were 12 applicants with higher benchmark scores who were not admitted. Moreover, there were 20 applicants on the alternate list. Again, even had there been no task force program there would have been 32 applicants ahead of Allan Bakke for the 16 available places.

The trial court in California made specific findings on this matter: "Plaintiff would not have been accepted for admission . . . even if there had been no special program."

(3) If Allan Bakke was discriminated against, it was on account of his age, not his race.

In a letter dated September 13, 1971, Allan Bakke, then 31, wrote the admissions committee at the Davis Medical School to inquire about the impact of his age on the application process. On September 20, 1971, the associate dean for student affairs responded, "when an applicant is over thirty, his age is a serious factor which must be seriously considered. One of the major reasons for this is that an older applicant must be unusually highly qualified if he is to be seriously considered for one of the limited number of places in the entering class."

It is clear that so long as age was a factor and this standard was applied, Allan Bakke would not be accepted. He was just not "unusually highly qualified."

Myth: The program being challenged is one from which white students were arbitrarily excluded so that a rigid quota of racial minorities could be admitted, thus discriminating against whites on the basis of race.

Reality: (1) White students were never excluded from consideration under the task force program. The program was designed and identified as a program for the economically and educationally disadvantaged. While race-related, that category is not race-specific. White students applied and were, in fact, considered and interviewed under the auspices of the task force program in each year of its existence.

Emphasis on the fact that no Anglo student had ever been admitted under the program tends to ignore other important facts. The bulk (over 80 percent) of applications to the Davis Medical School come from residents of the

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The reversal of discrimination

by Rep. Louis Stokes (D Ohio)

The following speech was delivered by Rep. Stokes on behalf of the Congressional Black Caucus, at the Institute for the Study of Educational Policy's conference on "Affirmative Action: The Reversal of Discrimination", July 14, 1977, at the Sheraton-Carlton Hotel in Washington, D.C.

As a black member of the House of Representatives, I have been very concerned about the recent attacks on affirmative action by both the legislative and judicial branches of government. My colleagues in the Congressional Black Caucus share this concern. Yet, there has been a virtual silence on the implications of increased resistance to full civil rights and equal opportunities for all Americans.

Certainly, the issues are more complex than the days when we were not permitted to enter restaurants and the days when no blacks at all attended a large number of major universities. But I think it is time now to recognize that there is much opposition in this nation to policies designed to gain equality in our society for minorities and for women.

The opposition is largely political. It takes the form of creating in the body politic the sense and belief that minority groups have gained too much and have gone too far in their quest for equality. It takes the form of code words, such as "reverse discrimination" and movements like "anti-busing." Politicians, faced with a public response based on misimpression of the facts, fear in larger and larger numbers to support full protection of civil rights. Some former supporters even take the lead in setting forth legislation harmful to our goal.

Few Black Professionals

We must begin now to make a renewed effort to set the facts straight. We must begin by setting forth the facts about black participation in the professions. According to an article in the *Review of the Black Political Economy* (Fall 1975), the 1970 census indicated the following percentage of blacks in various professions: bank tellers, 4.2; electricians, 3.1; social scientists, 3.1; insurance brokers, 1.8; lawyers and judges, 1.3; stock and bond salespersons, 1.3; and engineers, 1.2. A recent survey by the American Institute of Architects showed only 400 of 45,000 licensed architects to be black, less than 1 percent of the total. Similarly, it is estimated that only 1.6 percent of physicians are black. This is hardly evidence for the prevailing belief that minority groups have gained too much.

These figures simply and effectively make the point that the issue is reversal of discrimination, and not reverse discrimination. Blacks, other minorities and women continue to be excluded, both intentionally and unintentionally, from full participation in the nation's economic, social and political life.

For one to argue that somehow affirmative action goes too far is to argue that there are only enough qualified blacks in the country to make up less than 1 percent of the architects, or less than 2 percent of the doctors. How is it that code words have been permitted to obscure the facts in the public mind? Is it because the public has not been informed through the political process and through the media of the state of civil rights and equal opportunity in the United States today?

To provide an effective remedy for this situation, we are told, is somehow to discriminate against white males, who have held these positions and gained these benefits in the past. In the first place, as the new NAACP head Ben Hooks so eloquently stated, when we start with an all white male group, an increase in the number of minorities is *per se* an incursion on a domain white males have had to themselves in the past. Without an expansion in the number of opportunities, sharing of existing opportunities by including those formerly excluded, will decrease some opportunity for the majority group.

The option of increasing the opportunities available — increasing the size of the pie — is a major political strategy which must be pursued in achieving equal opportunity. But even with this expanded pie approach special efforts would have to be made to ensure adequate inclusion of minorities and women.

Code Words

The political impact of this misunderstanding and misrepresentation of the facts regarding affirmative action is most directly seen in the rising number of amendments which have been offered in Congress during the past several years aimed at restricting civil rights.

Just last month, amendments were offered to the Labor-Health, Education and Welfare (HEW) Appropriations bill, both in the House and in the Senate, in opposition to school busing "quotas", numerical targets, abortions for poor women, and the collection of school desegregation data. In the House, we defeated only the amendment limiting collection of school data, but fortunately, the Senate defeated the "anti-quota" amendment.

This drumbeat of attacks on civil rights indicates a political climate unhealthy for the country and for the preservation of civil rights gains made to date. Most troubling is the manner in which members of the House of Representatives vote against code words without contemplation of the implications and without the resolve to protect rights that characterized passage of the civil rights laws of the mid '60's. Say "busing" or "quotas" or "abortion" and a large number of our political leaders in Congress run for cover and vote against it. So well did we recognize this during the debate on the Labor-HEW Appropriations bill that we decided not to ask for a roll-call vote on the amendment to prohibit the use by HEW of quotas or other numerical requirements in admissions and hiring.

We knew that even such a far-reaching proposal, one which had not been considered in hearings and was, in fact, being introduced as part of a money bill, and not as a bill addressing constitutional law, would be approved in knee-jerk fashion in "code word voting." We put our trust in the Senate's willingness to resist such drastic and harmful action. The Senate did soundly defeat a similar amendment and we go into conference with a good chance of removing this noxious provision from the final bill.

This action only builds on similar amendments offered over the past several years. We have, in law, the Byrd Amendment restricting HEW from enforcing school desegregation through busing, which was passed last year. We saw the Eshleman anti-quota amendment of last year; prohibitions on legal service program attorneys from handling certain civil rights cases; and even an attempt in 1975 to amend the Treasury Department appropriations bill to prohibit the Internal Revenue Service from enforcing civil rights laws — that is, by withholding tax exemptions from private segregationist academies.

The Bakke Case

Against this background, the *Bakke* case falls into place as a coordinated piece of the attack — the political attack — on civil rights for black Americans. The *Bakke* case has both stimulated the negative view of affirmative action and, if Mr. Bakke's effort is successful, stands to set back the legal tools for enforcing civil rights laws. That is, the *Bakke* case helps to create the political climate that makes legislation to restrict civil rights palatable.

I express this concern and have suggested the remedy — full public discussion of the issue. The press has a vital role to play in bringing about a full understanding of the civil rights issue in its current context. It is difficult to overestimate the political power of the media in shaping national policy on large and volatile issues. Attitudes, concepts and code words become deeply embedded in the public consciousness because of how they are reported, or even how they are headlined.

The media, finding "reverse discrimination" a handy phrase to describe a complex issue, use the phrase repeatedly.

What would be the effect of news reports showing the extent to which children of alumni, athletes, musicians and residents of distant states are given priority admission to universities?

Stories like this have been written, but far too infrequently. The press should be sensitized to the need to report the issue of minority admissions and affirmative action programs in the context of the civil rights movement and advances made and not made.

At the same time, we must pursue political — largely legislative — remedies for the problem. I agree with my colleague in the other body, Sen. Edward Brooke (R Mass.), who in his speech before the May meeting of the Ad Hoc Committee on *Bakke* at the Georgetown Law School, said that this is not the time for an omnibus civil rights bill on affirmative action. If we cannot beat the code word amendments, I have serious doubts that we can improve upon the law as now written. Should the *Bakke* decision turn against us, we should then consider whether legislation tailored to such a decision should be introduced.

A Congressional Strategy

I think it is important that we examine the legislation coming before the Congress in the coming months to find ways of providing special incentives and set-asides for minority group persons. Rep. Parren Mitchell (D Md.), the chairman of the Congressional Black Caucus, was extremely successful in pursuing this strategy when he recently offered an amendment to the Public Works bill to require that 10 percent of every contract under that legislation go to minority firms. That is some $400-million available for minorities. Most striking, from a political view point, is that Mitchell's amendment passed without significant opposition. This, in the day of attacks on civil rights and special aid for minorities.

Full Employment

The Congressional Black Caucus has been an outspoken supporter of the Full Employment and Balanced Growth Act, the Hawkins-Humphrey bill. That bill's purpose is to re-orient the economy toward expansion of job opportunities. Its thrust and purpose should be an integral part of the discussion of affirmative action. None of these additional remedies should deter us from the need for programs of special flexibility to bring minorities into society's mainstream.

This leads me into the economic implications of the *Bakke* case. Just as I would encourage widespread discussion of a reporting of the facts on minority participation in the professions and the educational process, I would encourage discussion of the facts regarding the economic position of blacks in our society. That position is characterized by an income level for blacks at 60 percent the level for whites. It is characterized by 31 percent of black families earning below the poverty level and by only 12 percent of black families earning over $14,000 per year.

Economic gains in our society, it goes without saying, are closely tied to the professional opportunities available to groups and individuals. It is the high-paying professions, dominated by white males, that provide economic mobility for minority group persons. How, if the *Bakke* case and new legislation restricts our access to those professions, is economic advancement to be achieved?

Affirmative Action

Fundamental societal change is a wrenching experience. It was such an experience during the civil rights era of the '50's and '60's. And it is a wrenching experience as we, in response to the experience of those years, find that benign rights are not sufficient to achieve equality against a background of centuries of discrimination and that affirmative, color-conscious steps must be taken to achieve equal participation of minorities in the nation's life.

The members of the Congressional Black Caucus recognize that it will take a tremendous educational and political effort to preserve and extend the civil rights gains of the past two decades. We must recognize the increased power of the black vote and the votes of other minorities formerly excluded from the political process. Despite efforts to explain away its impact in this past presidential election, and in many other federal, state and local races, the black vote will be decisive in many close races in the future. Our message must be heard, and it must be heard through the political process.

Inner city food distribution

by Ellen Scudder

Ms. Scudder is a research consultant for the Joint Center for Political Studies.

Getting food from the farm to the dinner table is a complex process that involves growers, processors, wholesalers, retailers and consumers. In the United States, this food distribution system is a multi-billion dollar industry which annually produces more food than Americans can consume. It is a disturbing irony, however, that inner city residents are finding it increasingly difficult to obtain food supplies.

Although this problem cuts across racial and economic lines, it presents a particular hardship to low-income, minority citizens who constitute a large percentage of the population in most inner city areas.

In an effort to address this critical problem, the Joint Center for Political Studies along with the National Center for Productivity and Quality of Working Life sponsored a "Conference on the Problems of Inner City Food Distribution." The three-day conference was held last April in Washington, D.C.

The principal purpose of the conference was to bring together a select group of black elected officials, food retailers, union officials, consumer activists, researchers, educators and federal officials to formulate a national agenda for dealing with the problems of inner city food distribution.

Although major food store chains have always had more outlets in upper income neighborhoods than in the inner city, the urban disorders of the late 1960's led to the closing of many of the outlets that were located in low income central city areas.

The pattern of supermarket distribution in Washington, D.C., between 1965 and 1977, is a good example of the problem confronting most major central cities in the nation. According to statistics compiled by the Joint Center, in 1965, there were 33 major supermarkets located in Washington neighborhoods where the annual median family income was under $10,000. Currently there are only 17 major supermarkets in these areas.

Responses to the Problem

Taking into consideration such factors as food prices, quality and selection, many conference participants concluded that the large supermarket chain is the most economical and efficient mode of distributing food to consumers. Those who expressed this view felt that in order to solve the problem of inner city food distribution large supermarket chains must be encouraged to remain or relocate in the central city.

On the other hand, there were those who argued that bringing supermarkets back into the inner city was not necessarily the best way to improve food delivery services to poor residents. A recent study conducted by the Congressional Joint Economic Committee shows that there is a monopoly overcharge when a few large chain stores control most of the retailing in any area. Moreover, those seeking an alternative to the large chains argued that large supermarkets are not geared for inner city consumption patterns. The discounts accruing to the "large economy size" products, or the savings achieved in quantity purchases of "specials" cannot be realized by people who do not own cars with which to haul purchases home, or freezers or other facilities in which to store them.

However, most of the food retailing experiments to date have retained the concept of the large supermarket. Programs designed to create and foster minority owned supermarkets have been initiated in some cities. In some cases minority entrepreneurs have moved in to take over facilities abandoned by the large chains.

The Joint Venture

One experiment called the joint venture appears to be gaining popularity in some communities. In a joint venture, a community based organization enters into a partnership with a large chain for the purpose of operating a store. The TWO-Hillman venture in Chicago has become the prototype for this sort of arrangement and has spawned similar ventures in Washington, D.C. and the Bedford-Stuyvesant area of New York City. The reason for the success of these ventures is generally seen to be the increased level of support given the enterprise by the local community. Local residents are often hired to work in the stores and the community organization realizes a share of the profits.

Government Commitment

There was general agreement among the conference participants that the federal government should establish a national commitment to the policy of improved food distribution. Participants felt that the problem required national attention and development of a coherent policy. They noted that local government must do its part to solve the problem and suggested various forms of incentives, such as tax breaks, low-interest long-term loans, and cost reductions in the sale or lease of property.

The participants also called for the development of a series of food distribution conferences to be held in major cities across the country. These discussions would serve to focus on the particular needs of these municipalities and would bring together all appropriate government and industry personnel as well as consumer representatives.

Gary Indiana Mayor Richard Hatcher suggested to the conference that food be viewed as a public utility. Hatcher said, "With this perspective, purveyors of food stuffs would be viewed as holders of a public franchise. By accepting this franchise, our giant supermarket chains would also accept the responsibility for providing a basic community service."

Hatcher added that local government task forces, comprising representatives of all relevant municipal agencies, should be established to assess the food needs of inner city residents and to develop comprehensive plans for improving the availability and quality of food.

Alternatives, such as farmer's markets, could be strictly local undertakings and would not necessarily involve participation by state and local governments, according to Hatcher.

Government has been singularly lacking in leadership in the area of inner city food distribution. It remains incumbent on local elected officials and representatives of local agencies to work within their various communities to improve the system of food delivery to inner city residents.

Telescope

JCPS Selects Two New Fellows

The Joint Center for Political Studies has selected two more candidates for fellowships in its Human Resources Fellowship program. Under the program, ten fellowships will be awarded each year to minority persons interested in pursuing careers as administrators of human resources programs. Those selected for the one-year fellowship term which began on July 1 are: Gloria Cousar of Washington, D.C. and Dorothy Jackson of Rockville, Maryland.

Ms. Cousar holds a Masters degree in Urban Planning from Princeton University. She has been with the Joint Center since 1975 as a special assistant to the director of research. Ms. Cousar's major concern is in the area of land use policy. She is assigned to the office of the Secretary of Housing and Urban Development (HUD), where she will work with the urban regional policy group and on HUD initiatives in rural housing development.

Ms. Jackson is a graduate of Carnegie-Mellon University in Pittsburgh, Pennsylvania. Since 1975 she has worked for the city of Rockville as the executive director of the Human Rights Commission. Ms. Jackson is interested in the management of housing and community development programs. She expects to concentrate on housing and urban development programs.

FEA Approves Weatherization Program

The Federal Energy Administration (FEA) will assist low income persons, especially the elderly and handicapped, in weatherizing their homes. The weatherization assistance program, authorized by the Energy Conservation and Production Act (ECPA), allows FEA to make grants to states to assist low-income people "in achieving a healthful dwelling environment and maximum practicable conservation opportunities in their homes." The ECPA authorizes up to $200-million for the program — $55-million in 1977, $65-million in 1978 and $80-million in 1979. The FEA expects to assist in the weatherization of 1.2-million homes. By 1980, national fuel savings from the weatherization program may be as much as 25,000 barrels per day, according to FEA. To be eligible for federal financial assistance, a state must submit an application to an FEA Regional Administrator before October 1, 1977. If a state fails to apply or its application is disapproved by the FEA, local governments become eligible to apply.

Senate Holds Hearings on Anti-busing Bill

The Senate has begun consideration of Sens. Joseph Biden (D Del.) and William Roth's (R Del.) anti-busing bill, S 1651.

After introducing the bill on June 9, Biden and Roth swiftly orchestrated two days of hearings before the Senate Judiciary Committee, chaired by Sen. James O. Eastland (D Miss.). Of the 12 witnesses who testified on June 15 and 16, only three clearly opposed the bill: Sen.Edward Brooke (D Mass.); Clarence Mitchell of the NAACP; and Barbara Crowell of the League of the Women Voters. Others who testified, including Biden, Roth, and Rep. Thomas Evans (R Del.) (who introduced the corresponding House bill, HR 7694) were either anti-busing advocates or "legal experts" who attempted to confirm the constitutionality of S 1651.

Biden stated that his bill conforms with recent Supreme Court busing decisions, but Brooke argued that S 1651 is more restrictive of court order busing. The bill requires that no court can issue a busing order unless it has determined that "a discriminatory purpose *in education* was a *principle* motivating factor in the Constitutional violation." Brooke pointed out that the Court has never held that discriminatory purpose must be shown to be a "principle" motivating factor. In addition, by limiting busing as a remedy only for constitutional violations "in education", the bill sets precedent in an area where the court has yet to rule.

"I believe it to be unconstitutional in purpose, substance and effect,"Brooke said.

Another section of S 1651 allows for a stay in the implementation of any court ordered busing plan until all appeals have been exhausted. Biden, Roth and Evans, all from Delaware, denied that this section of the bill is aimed at delaying the start of a court ordered busing plan in Wilmington, Del., scheduled to begin in September.

A number of major civil rights groups and labor organizations have called for additional hearings on the bill to express their opposition.

Rep. Mtchell Criticizes Recent House Votes

On June 17, Rep. Parren Mitchell (D Md.), Chairman of the Congressional Black Caucus, accused his House colleagues of "establishing a second post-reconstruction period for blacks in this country." Mitchell's remark came after the House adopted several anti-civil rights amendments to the Labor-Housing, Education and Welfare (HEW) appropriations bill. In that bill, the House voted to ban all federal funding for abortions. The Senate version of the same bill would permit funding in cases where the abortion was deemed "medically necessary" by the woman's physician. Low-income women who depend upon Medicaid for health services will be most affected by the abortion restriction. Last year, approximately 300,000 abortions were funded through Medicaid.

In addition, the House voted to restrict HEW's ability to implement school desegregation plans. The bill prohibits the use of any funds to require, directly or indirectly, the busing of any student beyond the school nearest to the student's home.

The House also approved an amendment barring HEW from enforcing quotas, ratios, or other numerical requirements in instituting affirmative action programs. Similar legislation failed in the Senate.

The Labor-HEW bill will soon be considered by a House-Senate conference committee. The most heated battle is expected to come during consideration of the "medically necessary" abortion clause contained in the bill.

Continued from Page 3

state of California. Over 90 percent of the students accepted in the class are California residents. Much the same is true for task force applicants. Therefore, the relevant geographic area on which to base a decision as to relative economic and educational disadvantage is California. The fact is that racial and ethnic groups comprise a disproportionate amount of the economically disadvantaged residents of California.

Further, there is no doubt that the people of California who are most educationally disadvantaged are those minorities who attend the inner city schools.

So, it should not be surprising that the overwhelming majority, if not all, of the admittees to any program for the economically and educationally disadvantaged would be minority.

(2) The 16 seats set aside for the task force program did not constitute a ceiling nor a floor on the number of minorities admitted into the Davis Medical School and, therefore, cannot be considered as being a "quota."

The task force allotment did not constitute a ceiling on the number of minority students in the class. In 1973 and 1974, a total of 56 minority students were admitted to the Davis Medical school: 25 of them were regular admittees.

The task force slots did not constitute a floor either. In at least one year, a "slot" was returned to the "regular" committee because the task force could not fill it with a qualified admittee.

Moreover, it should be noted that 16 was not the magic number designed to assure proportional representation. The minority population in California is far in excess of 16 percent.

(3) Contrary to popular belief, the students admitted into the Davis Medical School through the task force program were not all members of so-called racial minorities.

The record shows that Native Americans, Asian-Americans, American blacks and Chicanos were accepted into the program. An often overlooked point is while American blacks and Asian-Americans can be classified as racial minorities, such a classification is inappropriate for either Chicanos or Native Amerians. Chicanos are a cultural and ethnic minority group not a racial group. Native Americans are a political minority, indigenous to this country, not a racial minority.

This fact is important since it severely undercuts the notion that those Anglo students not admitted under the task force program to the Davis Medical School were discriminated against because of race.

Myth: The so-called "regular" admitted students had far better credentials and had consistently outperformed in every respect the task force admittees. (This impression is conveyed because reporters have chosen to focus on the disparity in mean scores. Such a focus is misleading since many people do not realize that the mean score is not an average.)

Reality: The record shows that many of the task force admittees had better undergraduate grade point averages than many of the so-called "regular" admittees. The two years in which Allan Bakke applied are illustrative. For the class admitted in 1973, regular admittees had overall grade point averages as low as 2.81 percent. Task force admittees had averages as high as 3.76 percent.

For the class admitted in 1974, regular admittees had compiled undergraduate grade point averages as low as 2.79, while task force admittees were as high as 3.45. In both years, the undergraduate performance of the task force admittees on the high side was markedly better than the majority of students admitted into class through the "regular admission" process.

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Joint Center for Political Studies

1426 H Street, N.W., Suite 926
Washington, D.C. 20005
(202) 638-4477

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