

CARTON 2:22

THE BLACK SCHOLAR

BAKKE DECISION, CLIPPINGS
RESEARCH

1977-1978

2017/193
c

Jet magazine 4/7/77

4,000 Protest Repeal Of U. Of Calif. Student Policy

Protesting the California State Supreme Court's repeal of the University of California's special admissions program for minorities, some 4,000 students, professors and others demonstrated at the university's Berkeley campus.

It was described as the largest militant gathering at the university since the late 1960s. Political activist Angela Davis, former Black Scholar magazine editor Robert Allen and Black Panther Party member Erika Huggins and 1968 Olympic boycott activist Harry Edwards were among those who addressed the crowd.

The controversial ruling, called the Bakke Decision, was handed down by the court last September, in response to a suit filed by Allen Bakke, a 36-year-old white.

The suit charged that the minority admissions policy at the UC Davis Medical School was "reverse discrimination," and unconstitutional, in that it reportedly reserved 16 out of 100 openings for minorities.

Ms. Davis pointed out how the Bakke decision is interrelated to similar problems on a community and nationwide scale, and called



Robert Allen



Angela Davis



Harry Edwards



Erika Huggins

NATIONAL REPORT

Franchise Boom Brings Blacks Into Business

The U. S. Commerce Dept. reports that more Blacks, Orientals and other minorities are finding it easier to enter business because of the nationwide boom in franchising.

The agency report said participation by minorities in franchising operations increased 11 percent in 1975 compared with 1974.

A total of 1,449 franchise outlets were operated by Blacks.

Among the most popular franchises, the agency said, are fast-food restaurants, convenience stores and automobile products and services.

for similar demonstrations throughout the state.

Edwards said the decision created a severe crisis in the U. S., and that "the racists who opposed civil rights in the 1950s and 1960s have come out of the closet to undermine the gains of the last two decades."

Allen and Huggins added that the existence of the Bakke decision is a threat to affirmative action in education, and employment on campus and in the community.

Guardian

5/10/78

Bay Area activists chant: 'The rich get richer...

The poor get Bakke'

By TOM LACEY
Guardian Bureau

San Francisco

"Supreme Court, listen to the nation, no such thing as reverse discrimination!"

The chant rang out, as a militant, multinational crowd of 2000 people gathered on the steps of the Federal Building here to demonstrate unified opposition against a possible pro-Bakke ruling by the U.S. Supreme Court.

The crowd, representing a broad cross-section of labor, clergy, students, women's and minority groups, swelled to around 3000 as the 20-block march wound through Black and Latino neighborhoods to its destination at Dolores Park, in San Francisco's Mission District.

The event was sponsored by the April 29th Coalition, which was initiated by the National Committee to Overturn the Bakke Decision (NCOBD). The Coalition was made up of over 200 anti-Bakke groups, organizations and individuals. Over 60 contingents, statewide, were represented in the demonstration, in-

cluding Third World Women's Alliance, Union of Democratic Filipinos (KDP), Northern California Alliance, Coalition of Black Trade Unionists, Oakland Black Firefighters and Black Women Organized for Action.

Some observers noted that the rally, while not as large as had been hoped for, was still the largest mass action in this area since last October when some 4000 people marched through the streets of nearby Oakland to protest the California Supreme Court decision in favor of Allan Bakke. (Bakke, a white applicant, was denied admission to the University of California at Davis Medical School. His "reverse discrimination" suit blamed the school's affirmative action program for minority applicants.)

"The national movement to overturn Bakke is now in its 11th hour—the decision on Bakke is expected within the next month," said Melinda Paras of KDP at a press conference called to publicize the march.

But, as many of the speakers at the rally noted, even if the Supreme Court were to make a favorable decision on the Bakke case, the fight for minority rights in education and employment would hardly be over. "Whatever the court decides, our future work is cut out for us," noted Miriam Louie of the NCOBD. "The conditions which gave rise to Bakke have intensified. Job competition and unemployment have risen in our minority communities...and we the victims of racial discrimination are being accused of being its perpetrators," she told a cheering crowd.

'WE WON'T GO BACK!'

The march and rally were high-spirited, resounding with chants of "The rich get richer—the poor get Bakke" and "We won't go back to Jim Crow!" The Mission Congueiros, a percussion band, and the Bay Area Progressive Musicians Association (BAPMA) provided lively rhythm and music during the march.

"Imperialism, the source of our oppression, Smash the Bakke decision" was the chant of one group, and Prosper Takawira, representative of the Zim-



Guardianphoto by Neal Cassidy

Bay Area protesters call for overturn of Bakke decision April 29.

babwe African National Union (ZANU) gave it substance in his remarks. "Zimbabwe," he said, "is a small country and very far away, yet the struggle in this country is the same struggle... The ghost of Bakke hangs over all of you just as it does over the people of Zimbabwe."

Speakers at the rally emphasized that Bakke must not be viewed as an isolated case involving one individual. "The root of the problem has nothing to do with Allan Bakke," declared Dan Silva, director of the Cambio Community Drug Treatment Program.

Instead the case must be seen as a reflection of new racist attacks against minority rights. Robert Allen, coeditor of Black Scholar magazine, warned that the current racist offensive is more sophisticated than past threats to minority rights. "Qualification" is now the code word for the new racism," he told the crowd, "and 'reverse discrimination' is its ideological camouflage. They're trying to push the clock back, we have no other alternative but to struggle...."

KDP's Paras, who is also national staff coordinator of NCOBD, spoke of the many years of oppression endured by Asian Americans. "We have been systematically deprived of our rights...despite our contributions to the building of this country," she said, warning against the assumption that Asian people have nothing to lose if the Supreme Court rules in Bakke's favor. "All Asian people in the U.S. do have a beef against Bakke. Minorities have historically played the

role of shock absorbers in an unstable economic system.

"As long as there is competition for jobs there will be discrimination," Paras added. "We say that anybody who wants to be able to work ought to have a job, anybody who wants to go to school ought to be able to go to school, and we are going to fight for a socialist system that will eliminate racism and national oppression from the face of this earth!"

Other speakers included Tyrone Netters of the NCOBD, Sid Welch of the American Indian Movement, Linda Ferguson of the National Conference of Black Lawyers and Antonio Rodrigues of CASA—General Brotherhood of Workers.

This was the latest in a series of nationwide demonstrations held to popularize the anti-Bakke campaign and place pressure on the Supreme Court. (The California-based Anti-Bakke Decision Coalition [ABDC] will stage an action May 13 in the San Francisco Bay Area.) During the last six months over 70,000 people have taken to the streets in opposition to the Bakke decision. During April, demonstrations and educational forums were held in 10 major cities by the NCOBD. An East Coast mobilization in Washington, D.C., April 15 brought out nearly 20,000 people.

"One individual is helpless," commented one participant in the march, 76-year-old Mario Hermosa. "Only when as a group we stand together, can we know how strong we really are."

Anti-Bakke protest.



Guardianphoto by Neal Cassidy

THOUSANDS HAIL WORKERS

Thousands Hear Issues At Anti-Bakke Rally

By Amelia A. Ashley

"Supreme Court, listen to the nation. No such thing as reverse discrimination."

That was the chant of more than 2,000 marchers as they approached Dolores Park, in San Francisco, the site of last Saturday's rally to contest the Bakke Decision.

The day's festivities began at the Federal Building at 10 a.m. Then the marchers, including 60 Bay Area community organizations, and people from the Bay Area, Sacramento, Los Angeles, and other parts of the state, joined to demonstrate in unified opposition to a possible pro-Bakke ruling by the U.S. Supreme Court.

Carrying signs that read "No More Jim Crow, Bakke Decision Must Go" and "Fight Racism, Overturn Bakke", and chanting "The rich get richer, and the poor get Bakked," the massive crowd of demonstrators came to the end of a two-mile march through Black and Latino neighborhoods.

By the start of the 1 p.m. rally, the crowd, which included people of all races, had expanded to 3,000.

Speakers addressed the topics of employment, education, and racism. Also speaking was distinguished actor Paul Winfield, star of the recent TV special "King."

Winfield told the crowd that he, too, is a product of affirmative action. "I was able to go to college because I filled a quota," he said. "There are a lot of people behind me who need help, who need a chance

to go to school." He said a pro-Bakke decision would mean that "all we fought for suddenly means nothing. We must make it known that we cannot let it pass." Winfield then concluded by reading a poem written by Langston Hughes, entitled "A Dream Deferred."

"We don't need white males applying to medical schools telling us about discrimination. We are the experts on discrimination," shouted Linda Ferguson, of the National Council of Black Lawyers.

"Reverse discrimination" is just one of the lies perpetrated by the same group of people who want to maintain their privileges at the expense of minorities, she noted.

"We won't listen to the Supreme Court. It's the same Supreme Court that Nixon appointed. The power lies within you and me," she urged. "We're gonna have the fire next time."

Robert Allen, co-editor of **Black Scholar**, told the audience that "qualification" has become the new word for "racism" in this country.

Allen said, "Reverse discrimination" amounts to "ideological camouflage." He offered some words of Frederick Douglass, who wrote, "Where there is no struggle, there is no progress."

"We have to struggle. We have no other alternative," Allen added.

All during the three-hour rally there were anti-Bakke chants

and songs; as the participants denounced Bakke's cry of "reverse discrimination," their theme was obvious. "We must continue to fight."

"The fight against racism will continue long after this day has passed," declared Grantland Johnson, co-coordinator of the National Committee to Overturn the Bakke Decision.

The National Committee sponsored Saturday's rally, the West Coast contingent of a nationwide anti-Bakke mobilization. Another such mobilization is being called for the week of May 6-13, billed as a "Week of Struggle" by the sponsoring organization, the Anti-Bakke Decision Coalition.

The major Bay Area event will be another march and rally, on Saturday, May 13. This time demonstrators will assemble at Garfield Park (25th and Harrison streets), in San Francisco, at 10 a.m. They will walk through the Mission District and Hayes Valley to the Federal Building, 450 Golden Gate Ave., where a rally is scheduled to start at 1 p.m.

Speakers at that event will include Robert F. Williams, one of the nation's first militant civil rights activists, who organized armed self-defense against Ku Klux Klan threats in North Carolina during the 1960s. He will be joined on the podium by Phillip Vera-cruz, a farm labor organizer, and others.

Cultural events and entertainment will also be presented.

2,000 rally in Berkeley

Calif. students defend minority admissions

By Ernie Mailhot

BERKELEY, Calif.—More than 2,000 students and activists from throughout the San Francisco Bay Area gathered at the University of California Berkeley campus February 25 to protest a September 1976 state supreme court ruling against minority admissions in the UC system.

Three days earlier, the U.S. Supreme Court agreed to review the decision. The case stems from a lawsuit against the UC Davis medical school by Allan Bakke, a thirty-six-year-old white engineer. Bakke claims that he was twice denied acceptance to the medical school in Davis because he is white and therefore suffered reverse discrimination.

nation.

The first speaker at the Berkeley rally was Harry Edwards, a noted Black sociology professor and author. He linked the university's recent denial of tenure for him to the Bakke case.

"Both are attacks on affirmative action, and both must be fought by all of us," he said. Edwards was originally hired at Berkeley six years ago because of affirmative-action programs there.

The next speaker, Antonio Velasco, from the Raza Medical Association at the UC Davis medical school, spoke of the need for extending minority-admissions programs and continuing the fight against Bakke.

The Bay Area Coalition Against the Bakke Decision, a group made up of a broad range of student and community groups and individuals, sponsored the protest. Reiko Obata, representing the coalition, referred to the complicity of the university administration with Allan Bakke (see article on this page).

Other speakers at the rally included Lee Brightman from United Native Americans; Angela Davis; Robert Allen, editor of the *Black Scholar*; Ericka Huggins of the Black Panther party; and Rev. Johnny Brown of the People's Temple.

As the outdoor rally ended, more than 1,000 of the participants moved to the student union building. There they heard messages of support from American Federation of State, County and Municipal Employees Local 1695; East

Bay National Organization for Women; Assemblyman Willie Brown; the National Student Coalition Against Racism; Associated Students at UC Berkeley; Julie Simon, Socialist Workers party candidate for Berkeley City Council; the Committee for Economic Democracy; and others.

A panel of speakers, including Harry Edwards, Lee Brightman, and Reiko Obata, answered questions from the audience.

L.A. protest

Seventy-five people, mostly Chicanos, protested the Bakke ruling with a noon picket line and rally at the Los Angeles federal building February 25.

Speakers included representatives from Sisters United at Cal State Los Angeles; Cal State Northridge MEChA (a Chicano student group); Student Coalition Against Racism chapters from Los Angeles and San Diego; and the Cal State Northridge Coalition to Reverse the Bakke Decision.

The action was sponsored by student governments in the Los Angeles and San Diego areas, as well as Black, Chicano, and women's student groups.



Robert Allen of 'Black Scholar' addresses protest rally

Militant/Eric Simpson

University official aided racist Bakke lawsuit

By Joanne Tortorici

LOS ANGELES—The University of California collaborated with Allan Bakke in a lawsuit that struck down minority admissions in the UC Davis medical school.

The *Los Angeles Times* brought the facts to light in a story published February 4.

The Davis campus special admissions program reserved 16 out of 100 first-year student slots for minorities.

Bakke, who is white, was turned down by the school when he applied in 1973 and again in 1974.

After the first rejection, Bakke wrote to the admissions office at Davis and proposed a legal strategy to end the special admissions program.

"Would Davis prefer not to be involved in any legal actions I might undertake, or would such involvement be welcomed as a means of clarifying the legal questions involved?" Bakke

asked.

Peter Storandt, then a Davis admissions officer, responded with an encouraging letter on August 15, 1973. The university official wrote, "... the eventual result of your next actions will be of significance to many present and future medical school applicants." Storandt also encouraged Bakke to pursue his legal actions.

In letters written on University of California letterheads, Storandt suggested the names of two experts in medical law. The dean also fed Bakke information on the academic performance of specially admitted minority students, the *Times* reported.

Storandt now claims he acted alone. But when Bakke indicated he would file his suit, Storandt informed his boss, John Tupper, that he had helped Bakke in his official capacity.

Tupper told Storandt he "shouldn't worry" because he had acted in "good

faith."

However, as the case heated up, Storandt was quietly told nobody at the school would object if he chose to look for work elsewhere, the *Times* said.

Bakke won a favorable verdict from the California Supreme Court. The case is now on appeal.

The university presented such a weak defense that many Black and Chicano groups argue that officials were deliberately trying to get a ruling in Bakke's favor.

For example, the courts would never have ruled the program unconstitutional if the university hadn't asked for a ruling on that issue. Bakke himself asked for no such opinion.

Further, the university didn't present any of the arguments or evidence necessary to prove the need for the special admissions programs. It ignored the issue of prior discrimination

by the UC system.

To have illuminated this point would have clearly demonstrated the need for special admissions. All UC graduate and professional schools were overwhelmingly white.

The special admissions programs weren't the university's idea at all. They were forced on the regents by struggles of students and their supporters in the Black and Chicano communities.

Every minority admissions program in the country is threatened by the Bakke decision. The universities will jump at the chance to cut their special admissions programs. There have already been cuts in Equal Opportunity Program funds.

The impact of the Bakke decision goes beyond the campus. For example, in the wake of the ruling, Los Angeles County decided to review its affirmative-action hiring guidelines.

Railroad worker enters Chicago mayoral race

By Pat Grogan

CHICAGO—The Socialist Workers party here announced February 24 that Dennis Brasky will be its candidate for mayor.

A twenty-six-year-old railroad worker, Brasky is waging a determined fight to make sure that working people in Chicago will have a chance to vote for the socialist alternative when they enter the voting booths June 7 to fill the seat left vacant by the death of Richard Daley.

His ballot fight is necessary, Brasky explained, because "the Chicago Board of Elections has set impossible ballot requirements for anyone independent of the Democrats and Republicans. We are going to fight tooth and nail to change these requirements."

The SWP launched this fight after the city council announced ballot requirements on January 13 that literally sought to freeze all opponents of the Democrats and Republicans out

of the mayoral race: The council set an April 4 deadline for the submission of 64,000 signatures that would have to be gathered during eighty-one days of the coldest winter in Chicago's history.

The SWP filed suit against this undemocratic attempt to exclude it from the ballot. As a result, on February 11 the board of elections reduced the signature requirement to 36,000.

The SWP is now fighting the new requirement in the courts. Brasky points out that "even though the board has reduced the requirements under the pressure of our suit, their stalling for one month means that we now have only fifty days to collect the 36,000 signatures. This is still impossible. Their new ruling still excludes us from the ballot."

A number of prominent figures here agree. Chicago city Aldermen Dick Simpson and Martin Oberman; former Alderman Leon Despres; Ron Dorfman, editor of *Chicago* magazine; and Ti-

muel Black, chairperson of the Black Independent Voters of Illinois and a member of the board of directors of the Illinois ACLU, have all signed a statement attacking the ballot requirements as prohibitive.

Robert Tucker, a former lawyer for Operation PUSH, a Chicago-based civil rights organization, has also signed the statement. Tucker briefly entered the mayor's race under the urging of Operation PUSH leader Jesse Jackson, Black newspaper publisher "Gus" Savage, and other Black Democrats who sought a Black primary challenger to the machine left behind by Daley. Tucker recently withdrew from the race, however, saying he did not feel he had enough support to wage an effective campaign.

Former corporate lawyer and Daley loyalist Michael Bilandic is the machine's choice to fill Daley's seat. Bilandic is now acting mayor. Although he is the odds-on favorite,

Bilandic is being challenged in the Democratic primary by Alderman Roman Pucinski; former Cook County State's Attorney Edward Hanrahan; and Black Democrats Ellis Reid and Harold Washington.

Alderman Edward Block and A. A. Rayner are vying for the Republican party nod.

Brasky says that none of these capitalist politicians have a program that can solve the problems burdening Chicago's working people.

Through its campaign the SWP plans to organize against growing attacks on the rights and standard of living of working people—including proposed new cutbacks in the Chicago school budget; efforts by the University of Illinois administration to push out Black, Chicano and Puerto Rican students; and attempts by the Illinois legislature to reinstitute the death penalty.

Dimensions of the Bakke Decision

From the Streets to the Courts



Angela Davis was one of many who spoke to more than 3000 people attending a recent rally to protest the Bakke decision.
Photo by Neal Cassidy

By David Harrington and Ellen Schaffer, CS Staff

The US Supreme Court is expected to reach a final decision on the Bakke case in October of this year. But the case is already undercutting affirmative action programs in California, while anti-racist forces are mobilizing to protect the hard-won programs.

A recent 3000-person rally that jammed Sproul Plaza in Berkeley on Feb. 25 to hear Angela Davis, Ericka Huggins, Robert Allen, Lee Brightman and Harry Edwards, has been the largest of these initial actions to overturn the Bakke decision.

The California Supreme Court, in September 1976, ruled in favor of Allan Bakke, an engineer who was twice rejected from UC Davis Medical School, and for that matter every medical school he applied to. Davis has a special admissions program allotting 16 out of 100 places to minorities. Bakke claimed that even though he was more qualified than the minority students, he was rejected because he was white, and was thus a victim of "reverse discrimination."

Bakke's claim that he is more qualified than minority applicants is based on such factors as grade point average and admission test scores. But many studies have shown that the culturally-biased test scores are used to weed out minority students and have no relation to how well students do either

in school or in professional practice, where minorities do as well as whites. Minority students are also more qualified to serve their own communities, which suffer severe shortages of legal and medical professionals.

WATCH OUT AFFIRMATIVE ACTION

The Bakke case is part of an attempt to undermine affirmative action programs nationwide. More and more courts are ruling that an institution's affirmative action policies can no longer be justified merely by showing that there are few minorities or women at a workplace. Grievants must also show a discriminatory motive on the employer's part.

Related cases include:

- A contractor employed by the Oakland public school system is challenging the federal affirmative action guidelines for employment.
- The US Supreme Court ruled that disability benefits paid to women when they are pregnant are discriminatory because they exclude men, therefore employers can drop these benefits from company disability programs.
- The California Supreme Court ruled that the State Department of Corrections could not give special preference to hiring minority guards and other personnel. The court used its own decision on Bakke as a precedent. The decision is expected to be appealed.

WIN IT IN THE STREETS LOSE IT IN THE COURTS

The struggle of the 60s for legal recognition of the basic democratic rights of minorities was won because of the mass movement behind it. After years of demonstrations and uprisings in the streets, the civil rights movement provided greater access to jobs for minorities. The student movement produced minority admissions programs at universities, and minority and women's studies emerged at all levels of the educational system.

But the grassroots activity of the 60s has not continued in the 70s, resulting in an increasing dependence on the courts to remedy discrimination. And the burden of absorbing the shockwaves of the recession-ridden economy falls on minorities, women and the poor. The rise of racism and its effect on minorities is the most volatile of these trends.

Twenty-two years after Rosa Parks refused to give up her seat on a Montgomery, Alabama bus to a white man, the income gap between the "average" Black family and that of the "average" white family has remained the same. Unemployment among minorities is twice that of whites and among minority women and youth, it is skyrocketing.

MINORITY ADMISSIONS SLICED

The Bakke case raises the question of the legality of affirmative action programs themselves. Title VII of the 1964 Civil Rights Act asserts that institutions cannot discriminate, and are responsible for remedying the effects of any past discrimination. The Bakke decision would severely restrict any effective methods for remedying past discrimination. Thus explicit racial quota systems and special programs such as UC Davis' would be outlawed. Effectively, the decision denies the historical discrimination faced by minorities in this country.

Schools with minority admissions programs are not required to change their policies while the case is still pending. But already many are undermining their own programs:

- Minority admissions goal for Boalt Hall, the UC Berkeley Law School, has been slashed from 30 per cent in 1972 to 22.5 per cent today.

- In SF the UC Med Center has raised the minimum grade point average required for consideration for admission from 2.0 to 2.4, which has already knocked out 16 minority applicants from this year's pool and have used other policy changes to effectively reduce the number of minority students admitted.

- UC Regents have adopted a policy of refusing fellowships with restrictions along racial lines, meaning there can be no special funds for minority students.

These measures combined with publicity around Bakke and economic hardship have discouraged many minority students from even applying to graduate and professional schools. While total applications to law school, for example, are down 13 per cent for 1977, among minorities they are down 50 per cent at UC Davis and 30 per cent at Berkeley.

PUT THE HEAT ON THE SUPREME COURT

The University of California has so far presented a half-hearted defense of a program it never wanted in the first place. It refused to admit to having discriminated against minorities in the past, an admission which would have legally justified its minority admissions programs, but would also leave UC liable to suits for discrimination from past minority applicants.

Two weeks after the Sproul Plaza demonstration, UC announced the appointment of Archibald Cox, formerly the special Watergate prosecutor, as a special counsel. Though UC is still refusing the demand to appoint a minority counsel to represent the interests of minority communities, the Cox appointment is perhaps an indication that UC at least will make a show of responding to public pressure.

Continued demands must be made of UC to strengthen their defense of special admissions programs. The Supreme Court, however, will make the final legal decision.

A nationwide movement putting pressure on the Supreme Court is crucial to overturn the Bakke decision and prevent the gains of the 60s from being reversed. □



Robert Allen spoke out against racist admissions policies. photo by Tom Ferrell

Support the Chilean Refugees

Dozens of Chilean refugees, victims of repression by the Chilean junta, are now arriving in San Francisco. The US State Department finally agreed to accept these exiles, but only on the condition that they do not receive official government aid. The Chileans want to get out from under their incredible daily survival needs in order to carry out their political work in support of the struggle in Chile and for people's issues here. To assist them contact the SF Chilean Refugee Committee, 1029 York St., SF 94110; 821-1389 [Spanish speaking] or 839-8589. The public is invited to their regular meetings on Mondays at 7:30 pm at St. John's Lutheran Church at 3126 22nd St. □