

defeat the bakke decision



WHAT IS THE BAKKE DECISION?

The Bakke decision is a recent California Supreme Court ruling that is intended to eliminate minority education and job training programs.

The decision itself deals with the special admissions program for Blacks, Chicanos, Latinos, Native Americans, and Asian Americans at the University of California Davis medical school. The program was first instituted in 1969 after a decade of furious civil rights struggles. As a result, sixteen minority students (out of a total of 100 admitted each year) were to be admitted. This program was not even a proportional representation of minorities as they constitute 32% of California's population. Now, this program has been ruled unconstitutional as it allegedly discriminates against whites. The U.S. Supreme Court will hear the case in the fall of 1977 and depending upon its ruling this decision could have wide sweeping influence upon education and employment nationwide.

Allan Bakke, a 37-year old white engineer who had been rejected from the Davis medical school twice, filed the original suit against the U.C. Regents. Charging "reverse discrimination", he blamed the special admissions program for his rejection. The California State Supreme Court enthusiastically agreed with Bakke. They said that programs designed to help minorities by setting up guaranteed minimum percentages of admissions discriminated against whites. The Court demanded the program be shut down because Bakke's rights as an individual under the Fourteenth Amendment had been violated. The consequences of this decision would mean that minorities would be admitted only through entrance exam scores and grade point averages--figures that do not take into consideration the minorities' social-economic conditions.

In 1968, the year prior to implementation of affirmative action, less than half of 1% of all students on all U.C. campuses were Chicano. At U.C. Davis, only two Blacks and one Chicano were admitted during the years 1967 to 1968. At U.C.L.A. in 1968, only 300 Chicanos were enrolled out of 25,000 students. As late as 1971, there was only one tenured Chicano professor in the entire U.C. system. This low enrollment indicates that the Chicano communities were not being adequately represented in training for medical and other advanced professions. Looking at the statistics we find that there are only about 250 Chicano or Raza physicians nationwide as estimated by the National Chicano Health Organization. "Even if all 250 Latino doctors were practicing in California, there would still be only one Latino doctor for every 16,000 Latino residents. By comparison, the ratio of Anglo doctors to Anglo residents in California is approximately one to 658." (El Tecolote, Nov., 1976)

The U.C. Regents' past record of shallow minority admissions clearly shows that the Regents never wanted affirmative action programs on the campuses. In fact there is evidence that the Regents actually encouraged Bakke to attack the Davis program. Peter Storandt, Assistant to the Dean at the U.C. medical school, secretly persuaded Bakke to sue specifically the minority program. In reality, the case is a sham as Bakke and the U.C. are actually on the same side!

While in court, the U.C. Regents revealed themselves further. While giving Bakke's lawyers all the evidence needed for his case, the Regents did not put on one witness to defend the Davis program. They only submitted one statement from the Dean of U.C. Davis saying, "Without the special admissions program in U.C. Davis the cam-

pus would literally be wiped out of minority representation and it would return to its all-white status". The U.C. also did not submit one shred of evidence of its past discrimination and why its special program was needed. In fact, this "defense" was so phony that civil rights organizations like the NAACP and the Mexican-American Legal Defense Foundation (MALDEF) did not want to appeal the decision for fear it would surely lose at the U.S. Supreme Court level and liquidate affirmative action nationwide.



THE ROLE OF THE SUPREME COURT

The U.S. Supreme Court has the image of being a benevolent and impartial council of wise men who impart justice for all. In reality, the Supreme Court, as all courts, represents and serves the interests of the rich. It is a tool to suppress minority and working people. The Court accomplishes this by two means: 1) it hands down verdicts that appear popular, but is in reality used to passify the people or 2) it hands down verdicts to punish the people.

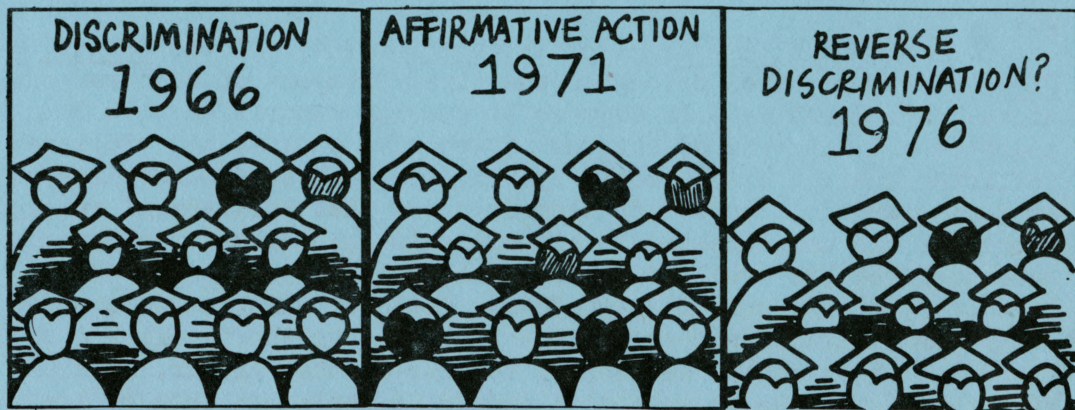
The Brown vs. The Board of Education (1954) and the Lau vs. Nichols (1974) cases belong to the first category of such verdicts. The Brown case is suppose to provide minorities with integrated and improved education. However, a look at the violence inflicted against Black people by white supremists and fascists at Boston and East Palo Alto clearly shows that the federal authorities are uninterested in minorities' well-being. The Lau case declared bilingual education a right. However, Asian and Raza children are only furnished with skeletal underfunded programs run by staffs who are unable to relate to the minority's problems. Thus, these decisions, popular as they appear, have no meaning as those in authority refuse to implement them or implement them poorly.

On the other hand, cases like Bakke and Taft Harley belong to the second category. The Taft Harley law has historically been used and today is still being used by corporations to break strikes by obtaining court injunctions. In a similar way, the Bakke case has begun to revoke education and job opportunities for minorities and women and will continue to do so if not overturned. Thus, such decisions are blatant attacks upon minorities and workers and are implemented by the authorities without hesitation.

WHO ARE THE U.C. REGENTS?

Economically and socially the U.C. Regents belong to the upper layer of wealth in this country. Several Regents are listed in the Social Register, ten of them being millionaires. The median income for all the Regents is \$75,000 yearly which comes from the profits of giant corporations. Almost all the Regents sit on various boards of directors of these corporations: Del Monte, Union Oil, Tenneco, Southern California Edison, Watson Navigation Lines, Crown Zellerbach, United California Bank, Crocker Bank, etc. These corporations, like the U.C. system, have resisted affirmative action historically.

In our efforts to overturn the Bakke decision, we must build a mass movement among workers and students of all nationalities aimed at those responsible for racism and economic oppression: the corporations and the U.C. Regents. In the course of this struggle we must also expose the role of the courts and demand implementation of those rulings that are favorable to the interests of working and poor people.





MORE ON THE U.C. REGENTS

Twenty of the twenty-five Regents sit on a total of 60 corporate boards-- about three per Regent. Here are some individual profiles...

Norton Simon sits on the boards of directory of Hunt and Wesson Foods, the McCall Corporation, Canada Dry, and Norton Simon Inc. The latter company makes more than \$1 billion annually and is the 120th largest in the U.S.

Edward Carter is on the board of Broadway-Hale Stores, Del Monte, United California Bank, and the Irvine Foundation, which controls real estate in Orange County, California. Broadway-Hale Stores make \$650 million annually.

Dean Watkins is Chairman and co-owner of Watkins-Johnson Co., an electronics firm which supplied the U.S. with war materials during the Vietnam War, and makes \$32 million annually.

Joseph Moore is director of Edward Carter's Emporium-Capwell Stores, a subsidiary of Broadway-Hale and Crocker Bank.

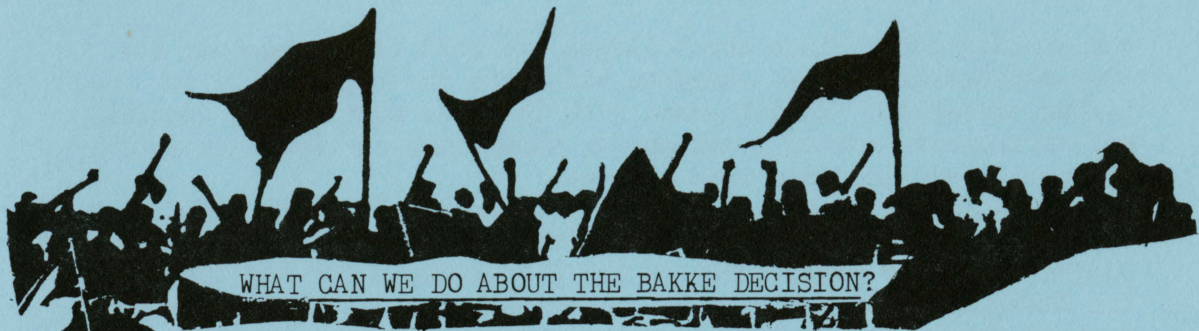
William F. Smith is another Director of Crocker Bank. Also, he is a director of Pacific Telephone and Telegraph, Pacific Lighting Corp., Pacific Mutual Life Insurance, and Norton Simon, Inc.

THE IMPLICATIONS OF THE BAKKE DECISION

As was stated earlier, the Bakke decision could wipe out all affirmative action programs nationwide. In a survey recently made by a committee of the Association of American Law Schools, the deans of the country's 160 law schools were asked how many minority students they would have if they were not allowed to use race as a special criterion in admissions. About half the deans responded and said the figure would be only one or two per school. In fact, the Bakke decision has already discouraged minorities from applying to colleges and universities as many are afraid they would not have a chance at admission under the new ruling. At U.C.'s three law schools, for example, applications by minorities dropped between 13 and 22% from last year.


Cases similar to Bakke are already beginning to appear. If the Bakke decision is not overturned by the U.S. Supreme Court, it will set a precedent for many other rulings. For example, in the California State Department of Corrections, there was a law suit filed against it which is still pending on the charge of "reverse discrimination". The suit was filed because some minority guards were hired due to demands put forth by prisoners at San Quentin and Soledad. In Sunnyvale a white worker filed a suit against the U.S. Post Office charging "reverse discrimination". Also, according to the California Lawyer's Guild there are currently six suits of "reverse discrimination" being contested in four different superior courts and two lower courts in California. These suits all deal with employment. Many employers of big companies are stalling on the hiring and promotion of minorities and women until they see the final outcome of the Bakke case.

Thus, for minority Vietnam veterans striving to get into college and job training programs, the Bakke decision could mean the end of their hopes and dreams. For women who are striving to become machinists, welders, mechanical assemblers, and bus drivers, the Bakke case can eliminate these aspirations on the grounds that programs or promotions for women constitute "reverse discrimination" against men. As Viran Canson, NAACP West Coast Regional Director, said, the State Supreme Court ruling has "created a climate of confusion and negativism where the enemies of affirmative action in employment and special admissions programs in education have pounced on these programs like hungry wolves."

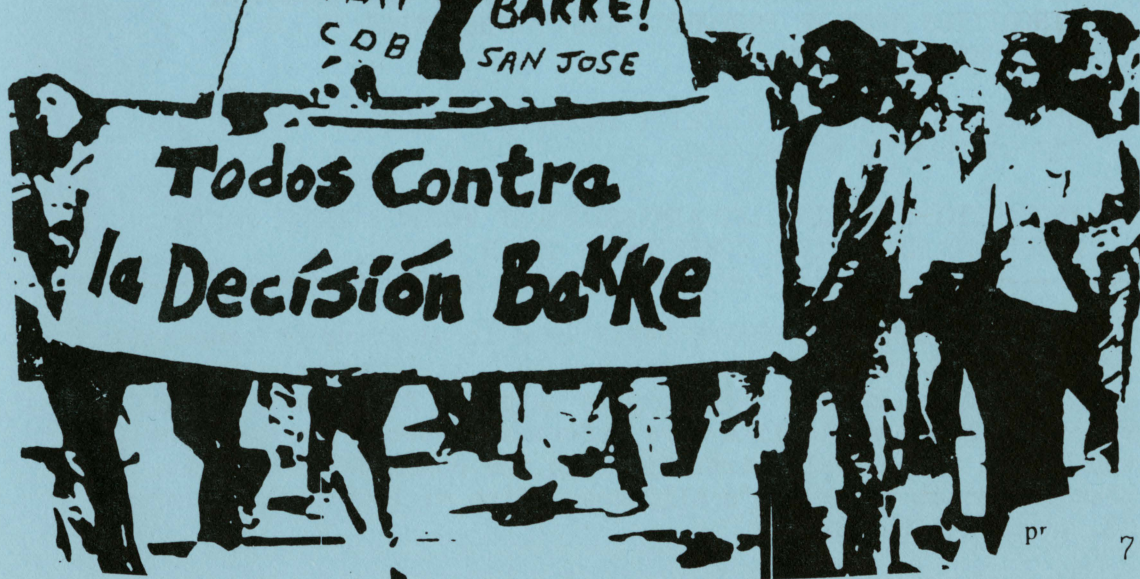


WHAT CAN WE DO ABOUT THE BAKKE DECISION?

If the Bakke ruling stands, there will be legal justification to return the colleges and corporations to "all-white" institutions and to revert women workers back into the home. The handful of people who run the universities and corporations hope they can fool white workers into helping them wiping out special admissions and affirmative action programs. We cannot be fooled. In the first place, even Allan Bakke is being used. It is in the interests of all working people to wipe out the real discrimination in education, jobs, housing and all sectors of society. Instead of minorities and whites fighting for one or two slots in medical schools or positions in a training program we must fight together for quality education, jobs, and better housing. Instead of 16 slots in a medical program of only 100 positions, we must fight to open up the medical schools so that all working people can get the kind of health care we need. Rather than decrease the admission of poor

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and working people into the colleges, we must fight together for open admissions so that everyone will have the opportunity to higher education. Hand-in-hand with this, we must demand special and affirmative action programs for minorities so that they would be guaranteed admission into college.

From this discussion, we cannot expect the U.S. Supreme Court to be anymore favorable to affirmative action than the State Court judges were. We cannot rely on the U.C. Regents for any "defense". The Bakke decision can only be overturned by a unified mass movement of many peoples--Blacks, Asians, Chicanos, Native Americans, whites, and women. The special admissions programs, affirmative action programs, and many community programs that are now under attack were only won with hard struggle. Many of us participated in the mass demonstrations, sit-ins, pickets, and strikes that won these programs for us in the first place. To defend these programs today we will need the same type of efforts. We must call on all of our friends to help us by signing petitions, passing leaflets, attending our rallies, and take the struggle against Bakke to their own communities. The Bakke decision will be overturned only if we pin the U.C. Regents and the Supreme Court to the wall.

We must make the following demands...

OVERTURN THE BAKKE DECISION !

SUPPORT OPEN ADMISSIONS WITHOUT TUITION. AS A MINIMUM, MINORITIES MUST BE PROPORTIONALLY REPRESENTED IN ADMISSIONS AND HIRING.

NO MORE CUTBACKS IN MINORITY PROGRAMS--INCREASE FUNDING AND ITS CONTROL TO MINORITIES.

PROPORTIONAL HIRING AND ADMISSIONS OF WOMEN WITHOUT MAKING WOMEN AND MINORITIES COMPETE FOR THEIR RIGHTS.

The COMMITTEE TO DEFEAT BAKKE is a local group of concerned workers, students, and community people. It is working to educate the public of the necessity to have the Bakke decision overturned. If you would like more information about the decision or would like to actively participate in the committee's efforts, please contact the Women's Alliance office at 1509 E. Santa Clara St. or call 251-5522.