**Bakke: A Historic Reversal**

In a devastating legal setback against the rights of minorities and women, the U.S. Supreme Court upheld the Bakke decision, a historic reversal which could roll back across the board many gains of the last two decades.

On June 28th, the Supreme Court declared “unconstitutional” the affirmative action program of the University of California, Davis, medical school— and ruled Allan Bakke must be admitted.

The Court’s decision slams the door of opportunity right in the face of minorities, for hundreds of thousands of blacks, Latins, Asians and women in education and jobs. By ruling that the program had illegally discriminated against Bakke because he was white, the highest court in the land legitimized the racist codewords of “reverse discrimination” upholding the monstrous lie that minorities had prevented Bakke from getting in.

Allan Bakke is the 38-year old white engineer who in 1973 sued the University of California, Davis medical school claiming he was rejected because “less qualified” minorities had been admitted through the school’s affirmative action program. The Bakke case quickly became a landmark test to challenge the legality of an entire range of genuine affirmative action programs won as a result of the tremendous mass struggle of the 60s.

Despite the fact that the Supreme Court’s decision in effect wipes out those gains, the decision is being hailed cynically as a victory for affirmative action. Jimmy “Human Rights” Carter and Attorney General Griffin Bell hailed it as a “great gain for affirmative action”.

Benjamin Hooks of the NAACP called it “a clear cut victory.” The Wall Street Journal headlines read “The Decision Everyone Won.”

Supreme Court Covers Attacks with Lies

Citing the 14th Amendment which is supposed to guarantee “equal protection under the law”, the Court stated that the Constitution is “color-blind” and cannot “mean one thing when applied to one individual and something else when applied to a person of another color.” So, the Court argues, Bakke was discriminated against because of his race.

But the learned arguments of the high justices amount to nothing more than turning reality upside down. The words “everyone equal before the law” sounds great—but they only cover up the reality that minorities never had equal opportunity, before the law or anywhere else. The phrase the “Constitution is color-blind” is only blind to the fact of the systemic, pervasive and persistent discrimination. It is only blind to the fact that being born black, Latin, Asian or other oppressed nationality means chances are you would earn 3/5 of the average person in the U.S., be twice as likely to be unemployed, have the worst jobs, the worst schools, the worst housing and the worst medical care. But it would mean you have the best chance of going to prison and the best chance for an early death.

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**Open Floodgate for Escalating Attacks**

**Bourgeoisie Stepping Up Union-Busting Nationwide**

**Baltimore Workers Beating Back Union-Busting**

Sonya Gerichowitz, despised slum lord, real estate speculator, and owner of a string of decaying, decrepit nursing homes in Baltimore, has a witched history of exploitation and union-busting. When she’s not wringing every penny from the sick and aged in her nursing homes, she’s trying to lay-off workers and bust the union.

On Saturday, June 3, with no prior notice, she laid off 13 more workers, including 11 union members from the Federal Hill Nursing Center, the latest move in her all-out effort to bust District 1199E out of her homes.

But this time the workers moved rapidly and boldly challenged her. On Monday, with the guidance and help of the Baltimore chapter of the Trade Union Educational League (TUEL), an informational picket line was set up and a successful press conference called. 5 days later, a second picket was organized which again drew local press and television coverage. Coupling this with the kickoff of a petition campaign in support of its demands, the newly formed and rapidly growing Nursing Home Action Coalition (NHAC) gathered over 250 signatures in the first two hours.

After 2 successful pickets, the NHAC was able to force the head of the state health department to conduct

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150,000 Chinese and Chinese-Vietnamese have fled Vietnam for China. Carrying little more than the clothes on their back, enduring harassment, taunts, and intimidation, over 10% of the entire Chinese population of 1.2 million in Vietnam have crossed the border into China. A small minority of the Chinese are merchants who stood to lose out in the nationalization program. But the vast majority, even the Vietnamese government now admits, are workers. Many fought side-by-side with the Vietnamese in the patriotic war against the Japanese, French and the U.S. imperialists over the decades.

Most of the Chinese in Vietnam are Chinese-Vietnamese, who migrated from China in the last 2,000 years, and especially in the last 200 years. Many are overseas Chinese. In 1961, China and Vietnam signed an agreement guaranteeing the rights of overseas Chinese, a fraternal way of dealing with problems. Yet this agreement is being trampled underfoot. Chinese national antagonsisms are running wild in Vietnam.

Though China-Vietnam relations have deteriorated in the last month, historically the two countries have been close. Under Chairman Mao and Ho Chi Minh, the two countries forged a bond which na.palm, B-52's, chemical warfare, Minh, the two countries forged a bond. During the height of the war, the two countries have been historically the two countries have been.

The theme of the conference will be Preparation for Black Liberation, the Right of Self-Determination in the Black Belt South, and Victory to the People's Struggle in southern Africa. Its purpose will be to consolidate the significant headway made in supporting the liberation movements in southern Africa in the last year, particularly the victory of African Liberation Day on both coasts. Lively discussion and debate on several burning questions will be held. The discussion will focus on superpower behavior in Africa, emphasizing the recent violation of Zaire's sovereignty by both superpowers. There will also be discussion of how to give correct leadership to the Afro-American national movement. There will be a major panel discussion, featuring presentations by Worker's Viewpoint Organization and ALS. Invitations have been extended to the All African People's Revolutionary Party (AAPRP) and the African People's Party (APP) to sharpen the question of the direction for the Black Liberation Movement. Concrete plans to continue the struggle to cut the diplomatic tie between the U.S. and South African government will be discussed.

Bakke

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The bourgeoisie always appeals to fine-sounding phrases, be they "equality" or "democracy" to cover up what is real. And the Supreme Court used that favorite trick of bourgeois apologists—formal equality, equality before and abstract principle.

That is why they would totally and hypocritically twist the meaning of the 14th Amendment which was supposed to protect minorities from discrimination and guarantee the rights of emancipated slaves after the Civil War. They totally distort the meaning of the Civil Rights Act of 1964 which was also to protect the rights of minorities, a law passed only in response to the revolutionary struggle and demand for genuine equality.

While the Supreme Court says "everyone is equal" to deny the existence of inequality and national oppression, it attempts to cover itself by stating "race can be one factor" in determining admissions. According to Justice Powell, speaking for the 5-4 Court majority, "rigid racial classifications"—that is, quotas like UC Davis are illegal, but "flexible" admissions programs where "race is one factor" among many and not a rigid quota—are acceptable.

But the court poses as defender of "flexible" affirmative action in order to really undermine it. Because left up to the administrators and employers of universities, government and corporations—the ones responsible for discriminating against minorities—their "flexible" affirmative action is a license under which to take back any real gains made by affirmative action.

Without any concrete and definite way to measure the minorities left up to the individual choice and interpretations of admissions officers—the real quotas will be what they have always been, quotas guaranteeing admissions to the sons and daughters of the bourgeoisie.

Bakke Signals Full-Scale Attack

On Affirmative Action

The Bakke decision is a historic reversal, a huge setback for the rights of minorities and women on the legal front. Its impact will be felt directly and indirectly on minorities and women not only in education, but also by law, and federally funded programs like bilingual education and manpower.

The bourgeoisie has now given the green light to 2,000 similar "reverse discrimination" cases, beginning to take back all the gains fought for in the last decades. Threatened are laws requiring federal government contractors to hire minorities and women not only in education, but also by law, and federally funded programs like bilingual education and manpower.

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The Bakke decision makes it harder for minorities to get into college, especially with competition for law and medical school so fierce.

Supreme Court Serves the Bourgeoisie

The Supreme Court is part of the bourgeois state machine. Tailing after the policies of the bourgeoisie, the court gives legal justification for them. Because the court is removed from the masses, it can also spearhead attacks on the working class and oppressed minorities and take "unpopular positions." The bloody history of the Supreme Court is filled with examples of how it carries out its task. In 1857, for example, a slave named Dred Scott filed suit for his liberty. But the court, upholding the murder of the slave system, ruled that blacks "have no rights which any white man is bound to respect." The judges who sit on the Court are some of the most trusted servants of the bourgeoisie. To make them look independent, judges are appointed for life by the President and have to get rid of any investments that could influence their decisions. But actually they have no responsibility to the masses and they are not affected by elections like the Congress or local officials.

And the judges get their jobs only after being tested over a long period of time by the ruling class. The present Chief Justice, W. Rehnquist, is a good example. Back in 1956 Rehnquist was an endowed wing Minnesota and the Kent conversion to Eisenhower who later became President. Eisenhower repaid him by appointing him Assistant Attorney General in charge of the Civil Division of the Justice Department where he was the government's chief prosecutor in all civil suits. Later in 1956 Burger was promoted to the Appellate Court for the District of Columbia Circuit. This is one of the most important circuits be...
BROOKLYN, N.Y.

On June 14th, scores of New York City police swarmed on and choked to death Arthur Miller, a 35 year old black businessman and Crown Heights (Brooklyn) community leader. The beating began when Miller protested as police arrested his brother for allegedly driving with a suspended license. Arthur Miller was well known and worked closely with city officials, and he was on a first name basis with local police. Hundreds of community people screamed for the police to stop beating Miller, but the police trained their guns on the crowd and yelled, "You niggers stay back!"

Two days later, Victor Rhodes, a 16 year old black youth, was walking home in Crown Heights when 50 organized vigilantes of Lubovitcher Jews (a reactionary-led religious sect) beat him nearly to death. Today, he's still in a coma.

On June 22nd, a Crown Heights traffic cop attacked a black liquor store owner, Charles King, over a parking violation. King suffered a broken knee and a head concussion.

Right after Miller's murder, soap-written slogans like "Organize against the cold-blooded murder of Arthur Miller" dominated the windows on the shops lining Crown Heights. Hundreds of large poster pictures of Arthur Miller stared you in the face up and down Norstrand Ave. Public School 289 overflowed as mass meetings were called there in response to Miller's murder. Rev. Daughtry, a community leader, voiced the demands: suspend all 15 cops identified in Miller's murder; 1st degree murder indictments for cops who beat him, stop swarming (flooding cops to the scene of an incident). Many demanded that the entire 77th police department be suspended.

From there, the community moved to set up community patrols for self-defense against the racist attacks of the fascist Lubovitcher police. Because Arthur Miller was a black businessman with a lot of ties in the community and the media, and because it also showed how national oppression affected not only the poor but also the petty bourgeoisie, the unity of the workers, the poor, and petty bourgeoisie was the reason why the public response was so strong.

The government has stonewalled the issue from the local to the state level. The police have denied any wrongdoing in the Miller case. Following Miller's murder, they told Mrs. Miller that her husband "died of a heart attack while in police custody." Mayor Koch claimed "there will be no whitewash," yet he refused to suspend any of the police involved in the murder. He even asked the semi-fascist Lubovitcher Crown Heights patrol to join the auxiliary police. Governor Carey failed to step in and authorize a state investigation of the Miller issue.

The Miller murder comes during an economic crisis causing intensified hardship for workers and the poor. With long unemployment lines, huge cutbacks in services and political attacks like the Bakke Decision, the Afro-American people are increasingly coming to the conclusion in the Democratic Party. The outright murder of an Afro-American community and business leader at this time has special significance. It has sparked off a broad wave of protest in the black community. Every since 1974, there have been mass protests against police murders in Brooklyn. But this year, not only workers and youth, but black businessmen and the media have joined in the protest. This time, the direction of the struggle is not only against the police, but increasingly aimed at various levels of government. The Miller murder has further exposed the U.S. government and its sham human rights policy worldwide. The Organization of African Unity issued a statement condemning Miller's murder, linking it to Jimmy Carter's sham human rights policy in Africa.

Rising on the tide of mass indignation with the Democratic Party, a new generation of Afro-American leaders with diverse political views are organizing a political movement independent of the Democratic Party. Rev. Daughter has been most visibly active in organizing an independent political movement in Brooklyn. Daughter has played a progressive role in fighting against police brutality and unemployment. However, he is channeling the mass indignation against the Democrats back onto the empty path of electoral politics. He claims that if there are blacks instead of whites in political office, it would solve police brutality and other problems blacks are facing. This is not a new argument.

The problem facing black people in the U.S. is not simply a black/white question. Los Angeles, Newark, Detroit, Atlanta, and Gary all have black mayors and elected officials, but the conditions of black people have not changed, and in fact is getting worse like in other cities.

Among the whites, it is only the small reactionary ruling circles, the Rockefeller's, DuPonts, etc., that exploit black people and are the enemy. These capitalists monopolize the entire economy and direct the government to protect and further their profits. The monopoly capitalists cannot represent the masses of white workers and the poor, who are also oppressed and exploited by the capitalists.

While we do not oppose electoral politics for the purposes of propaganda and exposure, and as a tactic to aid the work of organizing the masses, clearly electing blacks who will not solve national oppression under capitalism. Only the violent overthrow of the monopoly capitalist class and the creation of a socialist society governed by the working class and oppressed people can eliminate national oppression.

There will be many more Arthur Millers. While we unite with forces like Rev. Daughter to fight police brutality, unemployment, etc. we must in the course of organizing around these issues propagate socialism, win over the advanced, build up our Party, which is the only Party capable of leading the masses through thick and thin to a bright socialist society. ■

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cause it not only deals with local affairs of Washington, D.C., but also has jurisdiction over many federal agencies and departments located in the city. Bürger became the government's chief representative Jimmy Carter's sham human rights policy in Africa.

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NAZI'S PROVOKE ANGER OF U.S. PEOPLE AGAINST FASCISM
AIM FIRE AT THE MAIN DANGER OF FASCISM-THE U.S. BOURGEOISIE

On June 20 a Chicago judge ruled that the Nazis could march in Marquette Park, a white workers' community, without posting an insurance bond. The next day Collin, the Nazi leader, called off the Skokie march saying it was now "unnecessary."

The courts, by giving the Nazis Marquette Park exchange for Skokie gave the Nazis free rein to push fascist ideas. Marquette Park, which borders the black community, is an area in which the bourgeoisie has consistently pushed redlining and the forced housing plan designed to split white and black workers and provide fertile ground for the Nazis to organize.

Earlier, the Supreme Court had confirmed their right to march in Skokie, a predominantly Jewish suburb of Chicago where nearly one out of every three people is a survivor of Nazi death camps. The fascist Owners who yell "Death to Jews!" and "White People's Power!" have stirred the burning anger of the Jews and other people in the Chicago area. 3,000 rallied to oppose the Nazis who under the protection of 800 Chicago cops, appeared at the Federal Building in Chicago on June 24.

Bourkeville Plays Up the Nazis to Shore Up Bourgeoisie Democracy

Throughout the last 4 months of court battles, the bourgeoisie has promoted the Nazis with the monopoly capitalist courts consistently ruling that the Nazis must have "freedom of speech." They used the same First Amendment justification for racists Jensen and Shookley to spread their poison of "genetic inferiority" of non-white races.

What sort of "freedom of speech" is it when the bourgeoisie turns a deaf ear to the innocent voices of the Wilkinson Tree? What use is this kind of "freedom of speech" when millions of workers are unemployed, youths plead for jobs but are barred and the basic right to live, food and shelter are being denied? This is the capitalists' abstract, empty "freedom of speech" all right. What kind of equality is it when the Supreme Court would say in the Bakke case that equal rights means Afro-Americans, Latinos and Asians as well as poor whites have no equal chances?

"Freedom of speech" doesn't mean that the voice of the rich and the voice of the workers and poor are equally heard. There was a virtual total news blackout on the May 20th "Cut the diplomatic ties with South Africa" demonstration where 15,000 workers, the poor and students shouted their voices loud on both coasts. There was another virtual total news blackout on April 15 when 15,000 people demanded "Beat Buck Bakke" in Washington, D.C.

The Nazis, however, have gotten plenty of play on the mass media. "Human rights"Carter jumped to "defend" the Nazis. Chicago's Mayor Bilandic scrambled to denounce the Nazis to "realism the justice that America stands for." Even the chauvinist Trotskyites of all descriptions took it up as the news of the Skokie march was splashed all over the newspapers. Why is that? Because first of all the U.S. people have a strong anti-fascist tradition coming out of World War II. And also, the Zionists have used this issue to the maximum to sneak in their fascist line.

The next day Marquette Park where the Nazis were allowed to march, was a clear cut victory for affirmative action. Not only in education but also in other areas. Dr. Joseph Lowery, president of the American Committee on Leadership Conference, said that the ruling would permit schools to "continue to be aggressive in their recruitment and admissions of minorities."

But the bourgeoisie knows that these stooges can't fool the people long with this garbage. By coming out against quotas and for "race as one factor among others", the Court leaves it up to each individual school to carry out or not carry out affirmative action as it chooses. Not only is this a guarantee that gains will be cut out, this tactic diffuse the focus of the struggle for affirmative action into separate local struggles. It takes away a rallying point for the oppressed minorities and the anti-Bakke forces to unite around and form a powerful political movement.

Bourkeville Always Tries to Split the Working Class

With inflation and unemployment gone wild, the multinational working class and oppressed minorities along with the petty bourgeoisie are being squeezed dry. They are getting uptight and pushing out without clear direction like the Proposition 13 movement. So at this time competition for what's left will get fierce. The bourgeoisie is trying to egg on more infighting between minorities and whites, men and women.

The Supreme Court, by legalizing the lie of "reverse discrimination" in the Bakke decision is telling white workers and poor whites they are being squeezed out. They are telling oppressed minorities that whites like Bakke are the main enemy and that the racism of poor whites and not capitalism is the main problem.

But the vast majority of white workers and the poor don't own the industries and control the medical schools. It is the greedy monopoly capitalists who rule. They are the main enemy. It is because of capitalism that there aren't enough jobs and not enough schools. The meager 100 places at the Davis medical school is the capitalists' response to the crying need for doctors in all poor and working class communities. That is why Bakke hurts white workers as well as minorities, because it serves to divide and weaken the entire working class in its struggle for a better future.

FASCISM COMES IN NATIONALLY SPECIFIC FORMS

The world-renowned anti-fascist fighter, G. Dimitrov once pointed out a significant law—that fascism comes in different countries through different forms. Those nationally specific types of fascism are the forms that the people in that country are least aware of. In this country Nazis are anathema, instinctively hated by the U.S. people. In fact, it's the populist types like the Boston ROAR (Return Our Alienated Rights), and the Jarvis-Gann types who appeal to white workers, but also dangerously appeal to racism and national chauvinism which will help to usher in fascism.

Nazis are the scum on the earth, hated by the people. Today they try to appeal to chauvinism and develop a movement. But its chances of spreading are smaller than ROAR, the Young Americans for Freedom and even the more dangerous Jarvis-Gann Proposition 13 types.

The main enemy in this country is the U.S. monopoly capitalists, whether they wear the Rockefeller or Kennedy type masks. Part of our main enemy are the bourgeoisie's royalty servants in the Supreme Court. They are the ones who pass the Bakke Decisions and under the cover of "equal rights" and "freedom of speech," promote the spread of pornography and the Nazis.

The Nazis today are caricatures of yesterday's fascists. Most of them are sick exhibitionists, posing not nearly as much a threat of spreading as the American form of fascism such as ROAR.

Next to the building up of the American Nazis, probably the fascist group that got built the most was the "anti-Nazi" Jewish Defense League (JDL). Riding on the gut-level feeling of the people against fascism, the JDL spread and organized for their Zionism in the biggest way they were able to do in quite a few years.

AIM FIRE AT THE MAIN ENEMY: THE U.S. BOURGEOISIE

In fighting and beating the cause of the Nazis we must never lose sight of the main enemy, the system of U.S. bourgeois democracy, which is the form and tactics that the U.S. monopoly capitalists use to rule. We should never forget their tactics in using the Constitution to fool and keep the workers and the poor down. For example, already a bill has been proposed in the Illinois State Assembly to outlaw demonstrations by groups preaching hate and violence. Recently, Frank Walsh, a New York Jewish lawyer living in Chicago had his citizenship revoked under the cover of anti-fascism. The bourgeoisie is establishing these laws preparing to use them against the community. militant workers and oppressed nationalities and to deport foreign-born communists and advanced workers. This shows how the rise of fascism in the U.S. comes...