The PSC held a forum to examine the Brown v. Board of Education school desegregation decision, its meaning for CUNY and the persistence of racism today.

HEALTH & SAFETY

HEOs get out of the deep freeze

They were sick of wearing coats and scarves during a New York City summer. So HEOs at the Grad Center pushed to fix a serious health problem – and got results.

ORGANIZING

NYC higher ed unions move into high gear

Academic workers city-wide pressed demands for equity and against corporatization. At Pace, a vote for an adjunct union; a graduate student strike at Columbia; and at NYU, an adjunct contract.

RACE

Challenges 50 years after Brown

The PSC held a forum to examine the Brown v. Board of Education school desegregation decision, its meaning for CUNY and the persistence of racism today.

About 1,000 people rallied outside the CUNY Board of Trustees meeting on May 24, the largest PSC protest in memory. They chanted and marched to demand a fair PSC contract: one that provides real salary increases, more support for the PSC-CUNY Welfare Fund, and improvements in working conditions, equity and support for family life.
Empowering, not risky

On June 17, the PSC held a labor-management meeting at Baruch College in an attempt to straighten out a wide range of problems with the Continuing and Professional Studies program. Our concerns with payroll malfunctions, training, evaluations, communication and management were all discussed.

The PSC brought three teachers from the program as observers, including myself. Some of my colleagues were a bit nervous about participating in this meeting because they felt that doing so might jeopardize their relationship with the administration. But the tone of the meeting was collegial, and the President’s office promised to make inquiries and report back to the PSC.

Taking a seat at the table and voicing our concerns was empowering rather than risky, and I would encourage other faculty and staff to call on the PSC to take this kind of action if and when needed.

Jeremy Borenstein
Baruch

A day off to vote

Most PSC members recognize the importance of participating in elections. We encourage registration, and many of us talk about it in the classroom. Yet we work on what should be a day of “most sacred” duty – Election Day.

I think the PSC should negotiate to “swap” another holiday for a day off on Election Day. I know that we gave this day up, as well as Veterans Day, so that the Fall semester can “fit” within the months of September through December. Neither students nor faculty want to have exams last December 24th, and certainly not into January.

I am not suggesting we change this. I suggest that we swap Columbus Day for Election Day. We could then teach about the legacy of Columbus in class on October 12 (or the second Monday in October), and “teach elections” in the months and weeks before Election Day.

An Election Day holiday would allow all faculty, staff and students to take the time to go to their polling place, with little or no distractions to voting. Those among our large immigrant student body who are not yet eligible to vote could be encouraged to get involved in the process in other ways, through campaigning and other activities.

Paul Sheridan
Brooklyn College

Protect CLT tenure

@ College Laboratory Technicians are the stepchildren of the PSC. Are we also the stepchildren of the University? This was a topic of discussion at the PSC meeting.

Statistically, CLTs are often lumped with HRDs. But CLTs are an entity unto ourselves as members of the instructional staff in tenure-bearing lines. Extension of our tenure to six or seven years is not new for CLTs, as we are often first hired on substitute lines for one or two years. So, very few of us receive tenure in five years, in spite of the fact that there is no research requirement toward CLT tenure.

Would management’s proposal to change the time to tenure to seven years mean a practical extension to nine years before tenure is achieved for CLTs? Will we be devalued in any rewriting of the tenure law? Will the PSC support us in maintaining this important right to tenure?

Faculty, please remember: CLTs are instructional staff on tenure-bearing lines. Just as the only real protection we have is the tenure law, so is ours. Let’s all work together to protect our rights.

Ellen Steinberg, Vice Chair
CLT Chapter

Clarion local, national awards

By Peter Hoganess

In the past year, Clarion has been named as the best labor newspaper in its circulation class by the Metro New York Labor Communications Council (Metro), the New York State United Teachers (NYSUT) and the American Federation of Teachers (AFT).

An article about the last PSC contract settlement was named as the best article about collective bargaining among all local union papers in the AFL-CIO. This article was also named best in its class.

Metro

In New York City, at Metro’s annual convention in May, Clarion won first place for general excellence in its circulation class. In addition to praising the paper’s writing and design, judges said, “The letters column provides a true exchange of views between members, and between members and the union administration.”

Clarion also received Metro’s top awards for news writing and for graphic design. The latter, for a feature on the history of political repression at CUNY, was cited for its use of “fascinating graphics in a class project photos and cartoons, cleverly juxtaposed with narrative.” These images were made available by PSC member Carol Smith from an exhibit she curated at City College, “Challenges to Academic Freedom, 1931-1942.” The exhibit was shown again at the Graduate Center next spring, and will be put online by the American Social History Project later this year.

In NYSUT’s journalism awards, Clarion won first place awards for general excellence, best news story, best feature, best editorial and best front page in its circulation class. Assistant Editor Tomio Gerón’s reporting on the police detention of LaGuardia College honors student Yasser Hussain (because he was taking photos of storefronts on Main Street in Flushing, for a class project in urban sociolagy) was described by judges as a story “of national importance.”

Stanley Arnowitz’s essay, “Caring for my Mother” was described as “powerfully written” and a “great essay”; judges were glad to see a union paper willing to be critical of labor’s current approach to elder issues.

“Caring for My Mother” was also named as best editorial by the AFT Communications Association. The AFT also gave Clarion first place for general excellence among the union’s largest locals.

The PSC’s Web site, on which the petition for extension of BMCC has labored for countless hours, won its first top award this year when the paper named it as best in its class. The award was to be presented at the AFT convention in mid-July.

Last November, the International Labor Communications Association (which encompasses all union publications in the AFL-CIO and the Canadian Labor Congress) named Clarion as having published the best article on collective bargaining of any local union paper during 2002.

“Poetry of a Facility” from the last PSC-CUNY contract settlement, was cited as “a very forthright discussion of the major issues...minus the hype that is common in pre- ratification contract presentations.”

To read the complete list of awards, write to: Clarion/PSC, 25 W. 43rd Street, Fifth Floor, New York, NY 10036, Fax: 212-302-7815.

Poetry

Occasional Sonnet: NYT A12 5.8.04

by Tony

From a report, Saturday, from San Diego, TX, outside Corpus Christi, pop 4800 max, largely Latino with more than its fair share enlisting – not for a free Iraq but a future outside trailer parks and decaying bungalows –

I cite the death of army Specialist José Amancio, in the words of his grandfather, a retired welder:

You can put this in your newspaper, I’m an old man and I don’t care.

I’m humble and poor but I want to be heard:

Amancio’s – none of the deaths – in that place were necessary.

Okay, students and critics: this is not poetry.

But it is war. And as long as I can make a fist for my pen – the poor will be heard first.

Kimiko Hahn
Kimiko Hahn, the author of six books of poetry, is professor of English at Queens College and Clarion’s poetry editor.

Race in Michigan

A ballot proposal to end affirmative action at Michigan public universities and other agencies was put back on track by an appeals court in June. A lower court had earlier ruled that the use of a “point system” that gave points to factors including race in UM undergraduate admissions was illegal.

A special advisory to Mayor Ed Koch. Most recently a senior fellow at the Urban Institute, he received his law degree from NYU.

The CUNY Board of Trustees approved three new presidents in May: Russell Hotzler at CUNY’s Technology; Regina Peruggi at Kingsborough Community College; and Jeremy Travis at John Jay. Later (NYC has been interim president of York and Queens Colleges, was most recent- ly CUNY’s vice chancellor for aca- demic program planning. He joined CUNY as a faculty member at Queensborough in 1971. He re- ceived his Ph.D. from the Polytechnic Institute, Peruggi, a former ele- mentary and college level teacher, was president of Marymount Manhattan College from 1990-2001. She previously worked as associ- ate dean for adult programs and continuing education at CUNY. Most recently the president of the Central Park Conservancy, she re- ceived an Ed.D. from Teachers College, Travis, former director of the National Institute of Justice, the research arm of the Department of Justice, under President Clinton, has served as deputy commission- er for legal matters of the NYPD and a special adviser to Mayor Ed Koch. Most recently a senior fellow at the Urban Institute, he received his law degree from NYU.

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Fausted on lack of support for faculty & staff

CUNY Master Plan approved

By TOMIO GERON

On May 24 the CUNY Board of Trustees unanimously approved a new Master Plan for City University. The document now goes to the NY State Board of Regents, which will vote on it in the fall.

“The Master Plan is extremely important,” said Anne Friedman of the PSC’s Executive Council. “It is the blueprint for the central administration’s priorities for the next four years, and it will affect everyone at CUNY.”

The plan approved by the Trustees devotes more resources to CUNY-wide initiatives, and emphasizes the hiring of new full-time faculty. It declares that ending remediation in CUNY’s senior colleges has been a success, and pledges to continue the separation of basic skills courses from the regular curriculum.

A Graduate School of Journalism is slated to open in Fall 2005, and expanded planning is called for CUNY’s new School of Professional Studies. The Master Plan gives increased emphasis to CUNY’s teacher-training programs, and continues the University’s recent stress on closer collaboration with the NY public schools.

The plan calls for a $178 million Advanced Science Research Center that would focus on research in biosensing. Located at City College, the center would “consolidate core resources from all CUNY campuses,” according to CUNY central administration.

FACULTY CLUSTERS
Cluster hiring initiatives in the fields of photonics, molecular biosciences, the urban environment, digital media, visual arts, art history and foreign languages are all continued from the 2000-04 Master Plan, and new hiring is also envisioned under a US History Initiative.

All of these are described as part of creating a “flagship environment” within CUNY, as is further development of the University-wide Honors College.

The PSC criticized the plan on three main points (see p. 11):

- its failure to target resources for improvements in faculty and staff compensation and working conditions;
- its lack of effective measures to expand college access for disadvantaged and black and Latino students;
- its diversion of funding from the campuses toward new structures that are centrally controlled by 80th St.

In mid-May the Hunter College Senate unanimously passed a resolution stating its “severe displeasure” with the lack of broad discussion.

The University Faculty Senate held focus group meetings in October and November 2003 to discuss possible ideas for the plan, and ideas were also solicited from the heads of campus governance bodies. However, the draft text of the Master Plan was not made public until a month before the BoT vote, leaving no time for campus senates to discuss it.

Union leaders said the PSC was not consulted about the plan.

PRAISE

At the trustees’ meeting on May 24, Goldstein paid tribute to Vice Chancellor Louise Mirrer, who is resigning to become head of the New York Historical Society, for leading the development of the plan. UPS Chair Susan O’Malley thanked Mirrer for being receptive to suggestions from the UPS leadership on points such as the hiring of more full-time faculty and increased access for students who have disabilities.

PSC representatives laid out the union’s critique of the plan at the BoT’s public hearing on May 17 (see p. 11). “The writers of the current draft Plan haven’t been afraid to think freely about other kinds of initiatives,” said PSC President Barbara Bowen. “But there has been no visionary thinking on the support for faculty and staff.”

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UAPC workers press for fair deal

One-day strike is held

By TOMIO GERON

Workers at CUNY’s University Applications Processing Center (UAPC) are still fighting for fair treatment. After weeks of little progress in negotiations, management improved its offer on the eve of a one-day strike – but the two sides have not yet reached agreement.

The UAPC, which has been funded via the CUNY Research Foundation (RF), handles all of CUNY’s undergraduate applications. In January the RF announced that it had lost a major grant from the NYC Department of Education and would have to lay off all employees. After workers organized a petition to management (see p. 9), CUNY announced that it would take over application processing and move about two-thirds of UAPC workers from RF to CUNY lines; the rest of the workers would be laid off. The grant is expected to end in September.

SAME NAME

When CUNY takes over, the UAPC will still have the same name, operate in the same building, and most workers will be doing the same jobs. Yet CUNY wants to bring UAPC staff onto its payroll as new workers, despite years of experience, which will affect workers’ benefits. In talks with the RF, loss of health coverage, inadequate severance pay and potential loss of accrued sick and annual leave were issues for both UAPC workers being laid off and those with job offers from CUNY. As “new” employees, many going to CUNY would have to wait up to three months for health insurance.

PRESSURE

There was no significant movement in negotiations with the RF so workers decided to organize for a one-day strike on May 27. On the eve of the strike, RF management made major changes in its proposals. “It was really the first serious negotiations,” said bargaining team member Stefan Trimes. The RF offered to cover health insurance for the workers transferred to CUNY until their new health insurance kicks in, and to cover those who will lose their jobs and have no other coverage until December 31. The RF also proposed to give one week of severance pay for each year of service to workers losing their jobs who stay until the layoff date, with no cap and a minimum payment of two weeks – a big increase from their previous offer. For many workers, this means a couple of months of pay.

But workers felt that management’s offer was inadequate on pay for sick leave and vacation time that employees had accumulated – in some cases for decades. So after bargaining that went into the night, they decided to go forward with the strike.

Workers walked a spirited picket line, with chants and music and a huge inflated rat. The UAPC strike was the first in the PSC’s history. The union has taken strike votes before – such as one that resulted in the first PSC-CUNY contract – but this was the first time that PSC members actually walked out. The energetic picket line even included one UAPC worker who took time off from his vacation to join his colleagues. A Teamsters member driving for UPS honored the picket line, and turned his truck around without delivering packages. Media coverage included an article in the Daily News.

LAID OFF

While he walked the line, Eddie Holder recalled how he had been told he would be laid off: “When the call came – I call it ‘the death call’ – they said, ‘Eddie, I’m sorry,’” said Holder, who has worked at UAPC for three and a half years. “I said, ‘You can’t feel my pain.’ I just bought a house. I’ve got a 13-year-old boy, I’m a single parent. I’ve got a degree, but it still hits you hard.”

Pat Sanpietro told Clarion that she is about to retire and had never before been involved in any kind of protest. So why was she walking a picket line? “Because it’s not just about me,” she said. “That’s what a union is – it’s not just about you, it’s about all the people you work with.”

THE PEOPLE

After the strike, RF management declared that bargaining was an impasse, but the PSC has continued to seek a settlement. “The union has been able to negotiate some gains, and continues to press for a solution,” said PSC President Barbara Bowen.

After pressure from the union, CUNY has agreed that workers moving from RF to CUNY lines can bring one-third of the sick leave they accrued at the RF to CUNY, and they will be paid out up to 20 days of accrued annual leave by the RF. In late June, the union met with management about problems at UAPC in scheduling accrued annual leave.
CUNY-wide meeting

Library faculty demand equity

By DONNIE NELSON
John Jay

CUNY library faculty, angry about years of second-class treatment, are organizing to demand equity in the new contract.

Although library faculty are identical to other CUNY faculty in rank, title, and salary, they have vastly different workweeks and annual leave. Library faculty must work a contractual 35-hour week, and receive only 20-30 days of annual leave. Yet research is also a necessity for library faculty – to be tenured and promoted, to contribute new knowledge, and to be able to advance student learning and the research agenda of the colleges.

New library faculty are particularly hard hit. Because of givebacks in the 1986 contract, new hires get only 20 days of annual leave, with one day added each year for ten years. In the most recent contract, library faculty were shocked that management insisted on specifically excluding library and counseling titles from the 12 credit-hours of reassigned time for scholarly work for an otherwise newly hired faculty.

“Library faculty can apply for up to four weeks of professional reassignment” to work on a project, said Linda Roccos, an associate professor in the College of Staten Island Library department and president of LA-CUNY, the Library Association of CUNY. “But some chief librarians discourage their library faculty from applying. Some librarians hesitate to apply because they feel that their libraries are so short-staffed that their colleagues will be unfairly burdened.”

“Library faculty are increasingly being asked to teach credit-bearing courses. Some are paid for this as an overload; others are given reassigned time. Simpson argued that this needs to be clearly addressed in the contract, and that library faculty who teach a 3-credit course should receive reassigned time equivalent to 1/3 of their annual work time.”

By TOMIO GERON

Every summer, Maria-Helena Reis used to start her day at work by slipping into her sweater, coat, and hat to fight off the bitter cold. While the thermometer climbed outside, her air-conditioned office was gripped by “the big chill.”

Reis, who works at the CUNY Graduate Center (GC), was getting sick of this routine – and sometimes got sick from it. This summer, she decided something had to change.

RAISING THE ISSUE

Like many HEOs who work in CUNY offices during the summer, Reis had already brought up the problem a number of times.

“I called the Facilities office and asked them to make my office warmer,” said Reis. “We have to wear sweaters and scarves, and still we get sore throats. Every time [Facilities personnel] came, they measured the temperature and said, ‘No, it’s within the guidelines.’ Nothing had changed in the nearly four years that she had worked there.

Reis decided to raise the issue at an open meeting that was being planned by GC President Frances Horowitz. She got support from co-workers and from PSC Health and Safety Officer Joan Greenbaum – but the meeting was cancelled. “So I e-mailed the president saying I [had] planned on bringing this to the meeting,” Reis said.

“My body was really hurting that day from being tense from the cold.” Reis was pleased that Horowitz responded right away.

But when Facilities workers returned, they measured the temperature and again said the temperature was within acceptable limits. So Reis decided to push the temperature issue.

“Not only was it too cold for me – my hands were freezing – but showed them around the floor where people were wearing coats, sweaters, and so on. When everyone also complained of being cold, they finally understood the situation.”

The Facilities workers explained that there is a way to adjust the temperature of each room, but that it would take some time and a lot of work on their part. “I said, ‘I’m sorry but you have to take the time and effort,’” Reis told Clarion. “People have to put their hands in hot water so they can type because they’re cold and they hurt.” She added that her co-workers would be very grateful if the problem was fixed.

“Library faculty at Nassau Community College have had summers off for years,” Killoran said. “And the new LIU contract gives library faculty three calendar months, or 66 days, of annual leave plus Christmas and spring recess.”

ANNUAL LEAVE

Extended annual leave would make it easier for CUNY library faculty to do research, write, and still have the time to study. Without it, you cripple the whole research endeavor.”

THE CORPORATION

The corporatization of CUNY is depriving scholars of the support they need to do research and publish, and to be able to organize and the urGENCY of their demands.”

RESTORATION

“People have a right to go to work and not get severe headaches, “People keep coming back and, as promised, in roughly a week, Facilities workers showed them around the floor where everyone was wearing coats, sweaters, and so on. When everyone also complained of being cold, they finally understood the situation.”

“Library faculty made their presence felt at the May 24 PSC rally at Baruch College.”

HEOs stop the deep freeze

Summer action at Grad Center

By TOMIO GERON

Over the next few days, Facilities staff worked on the problem and gradually fixed it.

“At first it was still cold and they told us to be patient,” Reis recalled. “They kept coming back and, as promised, in little while we started to feel more comfortable.”

TO TAKE SERIOUSLY

According to Greenbaum, excessive air conditioning is a health issue that CUNY must take seriously. “People have a right to go to work and not get severe headaches, breathing difficulties, or eye problems,” said Greenbaum. “Particularly for HEOs and staff who sit at desks for long periods of time, extreme fluctuations in temperature can cause chronic and acute health issues.”

Problems should be reported in writing to campus Facilities or Building and Grounds departments, Greenbaum said, with a copy to the PSC chapter chair and a local PSC campus Health and Safety Watchdog (see www.psc-cuny.org for names).
The first full year of the CPE

By TOMIO GERON

The CUNY Proficiency Exam (CPE) is now required across CUNY – but its effects on CUNY’s future are on-

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Council rejects cuts to CUNY budget

The CUNY cuts had been proposed by Mayor Michael Bloomberg for the upcoming fiscal year but were opposed by the City Council. In a compromise deal, Bloomberg agreed to approve a total of $315 million for public services to the City’s $469-billion budget, in exchange for Council approval of the Mayor’s proposed $400 tax rebate for homeowners. The tax rebate will be delayed because it requires State approval, and the New York Legislature adjourned until August just as the City budget deal came together. Legislators went home despite their failure to pass a budget, after missing the April 1 deadline for the twentieth straight year. Twenty-two demonstrators, including two state senators, were arrested in Albany on June 22 at a protest against the inaction by both the Legislature and Governor George Pataki.

NYU adjuncts win first contract

The NYU contract was negotiated by Adjuncts at Pace University voted to unionize as part of New York State United Teachers in May in a 65% vote, 308 – 165. There were also 630 adjuncts in the bargaining unit, representing over half of the faculty at Pace. Adjuncts at Pace are seeking increased wages, more job security, and health and pension benefits. They are now starting to put together a bargaining team to negotiate their first contract.

SUNY students’ hunger strike backs union

Six students at SUNY Purchase went on a hunger strike in May to support unionization efforts by the college’s cafeteria workers. The workers, who are employed by Chartwells, want to form a union to file several unfair labor practice charges, alleging threats, surveillance and harassment of a worker on the organizing committee. Fourteen students were previously arrested on March 31 for demonstrating in support of the workers.

Gains in salary & benefits follow strike threat

Meanwhile, Columbia University graduate students represented by GSEU-UAW Local 2110 waged a month-long strike but failed to win union recognition from the university. After walking out on April 15, the union voted to end the strike on May 14 in response to a request from City Council Speaker Gifford Miller and State Senate Minority Leader David Paterson, who asked that they end the job action and allow politicians to mediate the dispute. The teaching and research assistants had voted on the question of unionization in March 2002 – over 80% of 1,900 eligible voters are estimated to have cast ballots. But Columbia challenged the election with the National Labor Relations Board, and the ballots have still not been counted. The GSEU then held its own vote, overseen by Paterson, in which a majority of voting graduate employees favored unionization.

RALLIES

The strike was punctuated by spirited pickets, rallies and marches, some with hundreds of demonstrators. A number of PSC members attended the rallies in support. As the semester came to an end, GSEU refrained from picking up graduation activities and called on Columbia to meet with the union.
CUNY settlement with Welfare Fund

By TOMIO GERON

An ongoing financial dispute between CUNY and the PSC-CUNY Welfare Fund was settled in May, when CUNY agreed to pay the Welfare Fund $2.7 million to make up for past underpayments. The dispute revolved around the amount that CUNY owed the Welfare Fund (WF) for active employees from 1998 to 2003.

The WF is funded entirely by CUNY, through per capita payments negotiated by a city-wide labor coalition and contributions negotiated directly in the PSC contract. Once this per capita rate is set, CUNY makes monthly payments to the Welfare Fund based on the number of active employees.

Though the number of CUNY employees fluctuates, CUNY’s practice was to make monthly payments based on a fixed number of employees. This number was adjusted periodically; however, the last adjustment was made in January 1998. While CUNY agreed that it owed money to the WF for 2002 and 2003, University management contended that any underpayments from the 1998-2001 period had been resolved in previous contract negotiations.

The Welfare Fund’s Board of Trustees disagreed. After almost a year of negotiations failed to resolve the issue, the trustees voted last December to file a lawsuit to recover all funds that were owed. All WF trustees except the two representatives of CUNY management voted to authorize the suit. Negotiations intensified after the vote was taken, and several months later CUNY agreed to settle the issue by paying $2.7 million: $1.7 million for 2002-2003, and $1 million for the disputed period of 1998-2001.

DIFFICULT DECISION

Steve London, WF Executive Officer and PSC First Vice President, praised the WF’s Board for working through the long negotiations and the difficult decision to authorize the lawsuit. “It was a very courageous action to take,” said London, who oversaw the negotiations for the union. “The trustees acted in their fiduciary responsibility to ensure the financial viability of the fund.”

The settlement included a new system for counting CUNY faculty and staff that will mean increased annual payments to the Welfare Fund. “This is a longstanding problem that has finally been resolved,” London noted. “Both the $2.7 million and the additional annual income are important to the Fund to help maintain its financial stability.”

Under the new procedure, CUNY and the PSC have agreed on a list of active members that CUNY will update monthly. An annual audit will ensure accuracy. “It will be on a more businesslike basis now,” said WF Treasurer Bob Cermele.

MORE FUNDS NEEDED

“We still need more resources in the next contract. If we are going to restore and enhance our benefits,” London agreed. “This message was delivered loud and clear by the 1,000 PSC members who demonstrated at the May meeting of CUNY’s Board of Trustees.”

Why there’s always a Social Security “crisis” by Tom Tomorrow

Okay, let me get this straight...in 1983, you urged Congress to raise the payroll tax, in order to build up a surplus and ensure the stability of Social Security.

The payroll tax disproportionately affects low and mid-level earners...so after they spent the next two decades paying higher rates--

-You then endorsed Bush’s plan to use the surplus they’ve created—to pay for tax cuts for the wealthy!

And now that those tax cuts have wiped out the surplus and left us with record deficits--your solution is--

**Chairman Greenspan**

-I am in awe of your evil genius.

-Could somebody please call security?

---To cut Social Security benefits?!!

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**BENEFITS 9**

**CUNY settlement with Welfare Fund**

**By TOMIO GERON**

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Persistence of racism after Brown

To mark the 50th anniversary of the Brown v. Board of Education school desegregation decision, the FSC sponsored a May 21 forum on the decision and its meaning for CUNY. Leith Mullings, presidential professor at the Graduate Center, served as moderator. Excerpts from the presentations follow below.

Derrick Bell:

Derrick Bell is a noted civil rights litigator and visiting professor of law at NYU.

The long-awaited, much-publicized 50th anniversary of the 1954 decision in Brown v. Board of Education has come and gone. My friend and mentor of over 40 years, Robert L. Carter, who was really the brains behind the litigation that led to Brown, said, “You know, I’ve been traveling around the country receiving awards – but as I look about, in the schools and elsewhere, very little has changed.”

The 50th anniversary provides a wonderful opportunity, certainly, to commemorate the skill and perseverance of the civil-rights lawyers who, after two decades, convinced the court to withdraw legal legitimacy from racial segregation. It also provides an opportunity to honor the black parents and children who faced all manner of opposition, including intimidation, threats and violence, to attend formerly all-white schools.

LESSONS

But it seems to me that we shouldn’t stop there. There are lessons to be taught that the Brown decision did not intend to teach.

Lesson number one, Brown was not a revolution. The civil rights decision of 1954 was probably the definitive example of a decision reflecting the fact that the interest of blacks in achieving racial justice is accommodated only when the Court gets involved. The interest of whites (who are in policy-making positions) Black people had been challenging segregation in the public schools since 1850, basically without success. So, why Brown? What happened in 1954? If you look back at the amicus briefs that the government filed in those cases, they are filled with the fact that segregation was hampering our cold-war effort with communist nations. Russia and its satellites were having a field day with this [issue]. Third World peoples were just emerging from colonialism, and most of those people were not white. They were affected adversely by all the news coming from the United States about instances of discrimination and lynching, and the government was urging the Court to do something about that. The evidence of this influence is gathered and presented in convincing fashion in Professor Mary Dudaż’s book, Cold War Civil Rights.

This convergence of interest is far more important to gaining relief from racial injustices than the degree of harm caused by the blacks. Consider the efforts over many years prior to World War II – prior to World War I, for that matter – to get Congress to enact an anti-lynching law. It never happened, despite the thousands of black people killed in horrible ways over several decades.

Even when interest convergence results in a potentially effective racial remedy, that remedy is abrogated at the point that policymakers fear the remedial policy is threatening the superior status of whites, particularly those in the middle and upper classes. So, when Southerners responded to the first Brown decision in 1954 with the massive resistance campaign that politicians organized, neither Congress nor the White House showed any interest in becoming involved.

When the courts were fed up with Southern state and school-board shenanigans that avoided any real compliance with desegregation orders, beginning in the middle 1960s, the boards responded to really strong orders by closing black schools and dismissing or demoting black teachers and administrators. [When] desegregation orders were complied with, black children were assigned to white schools – where some were accepted, but most were not. And even when curricula and course texts and all school policies were set to give whites priority, many, many white parents removed their children from the public schools, moved them to the suburbs or enrolled them in private schools.

OPPOSITION

It’s popular to say, “Integration failed, because it really wasn’t tried.” But actually, integration of the schools failed because white America opposed it – and we need to make that clear.

Georgetown law professor Michael Seidman explains how Brown brought about a transformation without real change. He reminds us that the Court in Brown faced the massive contradiction between the nation’s oft-cited commitment to equality and the great value whites placed on the racial preferences and priorities that were given facet approval by the court in Plyler v. Ferguson. The Court, Seidman claims, resolved the contradiction by definitive fiat. That is, separate facilities were now officially proclaimed to be inherently unequal.

Now, the flip side of this aphorism was that once white society was willing to make facilities legally non-separate, the demand for equality had been satisfied; blacks no longer had any cause for complaint. The mere existence of Brown thus served to legitimate current arrangements. True, many blacks remained poor, disempowered, the victims of segregation, but their status was no longer a result of the denial of equality upheld by the Court. Instead it marked the personal failure to take advantage of one’s demonstrable legal status. So Brown served to reinforce the fiction that by the decision’s rejection of racial barriers in law, the path of progress would be clear. Everyone should make it through on individual ability and effort, without relying on the state or anyone else.

Charles Barron:

Charles Barron is chair of the City Council’s Higher Education Committee.

There is a difference between desegregation and integration. Our people weren’t thinking that [it was] inherently going to help us progress just by sitting next to white folk in a classroom or eating at the same counters. It’s not like we were lonely and needed company. Or didn’t have enough people in our classrooms. Or that we thought you were superior and if we rubbed shoulders with you we’d get smarter. We were already smart – we just were trying to get equal access to resources.

That’s why we said desegregation and not so much integration. I’m all right in East New York – just bring me in some computers. If that’s what you mean. If you mean to give me some qualified teachers, fix up the swimming pool. It was a battle for equitable distribution of resources, so that everybody could have a fair shot and close this gap.

POWER VS. INFLUENCE

There is a difference between power and influence. When we’ve got to continually try to persuade people in power to make decisions in your best interest, that’s influence. It’s not a question of integration or segregation, it’s a question of power. Who is going to have access to power to deliver the goods, the services, so that our issues get [on] the front burner in this city?

When I look at the state structure, it’s really ridiculous. Pataki, white man; Joseph Bruno, head of the Senate, white man; Sheldon Silver, head of the Assembly, white man; Robert Bennett, head of the State Board of Regents, white man; Mayor Bloomberg, white man; SUNY head, white man; CUNY head, white man. [Council Speaker] Gilfillen Miller, white man. You know, you pick the police commissioner, white man; the fire commissioner – you all got time? ‘Cause I’ll be here all night! White men have too much power.

We need to get more women and people of color, we have to have a more racially balanced administration and power structure if we are going to affect real and lasting change in New York City.

Time for “an ideological sit-in”?

Kimberlé Crenshaw:

Kimberlé Crenshaw is a professor of law at UCLA and Columbia University.

The Brown decision was the result of a three-decade struggle, and it was a three-decade struggle that primarily involved the wisdom, the savvy, the creativity of black lawyers, of black intellectual and political talent. And I think we should pause to think about this a minute, because all of the people thought [to have] the bottom-line understanding about what the law could and could not do, up at Harvard or Yale, these were the people that said it couldn’t be done. And in fact half of them said it shouldn’t be done. And those who thought it should be done didn’t think that we could figure out a path to break down Plessy v. Ferguson.

Now, if Thurgood Marshall or Bill Hasile or even Bob Carter had to find their way into law school and the top of their profession through the kinds of barriers that we did today, if they had to take the LSAT, God knows whether we’d be sitting here right now. It shows that those people who are going to transcend the barriers, who are going to create a new way of imagining what American citizenship is all about, those people who, today, are sitting in this audience and might do the same thing that Thurgood Marshall and Bob Carter did in the 1950s – those might not be the ones the LSAT predicts. So we have to be really attentive to the artificial barriers that distribute educational opportunity, the barriers that tell us who are going to be our leaders.

WHITE SUPREMACY

Obviously people didn’t anticipate how deep white supremacy really is. A metaphor that I use for thinking about it sometimes is that white supremacy is like an onion – so you peel out the outer layer, right? That was the legal segregation, but even when you put black kids in white schools, the onion is still there. There’s the onion of what gets taught, there’s the onion of what values held, there’s the onion of what gets to sit in what tracks. When I went to high school, there were four tracks: I was placed in the third track, and number one was the top. I was just above vocational, basically because of who I was and what neighborhood I was coming from. So there’s the white supremacy in the tracking, and all of these things were not fully anticipated.

The struggle [today] means doing an ideological sit-in. We need to do sit-ins at the site of our exclusion. Now the site of our exclusion is ideological, and that means we have to resist the terms of the debate that legitimizes and confirms our exclusion from the institutions that determine who gets what in society. And we have to resist the underfunding and de-funding of public institutions, because those have been the gateways to success for millions of people in this country.
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OPINION

CUNY MASTER PLAN

What’s missing

By BARBARA BOWEN
PSC President

I want to concentrate not on what’s included in the proposed Master Plan, but on what’s left out. The omission is a symptom of the rushed and undemocratic process by which this proposal was produced. Although I am aware that several focus groups were held to discuss the proposed plan, and that many of my colleagues on the University Faculty Senate made much-needed improvements to preliminary drafts, the proposal has not been discussed in a plenary meeting of the USPS, has not been presented in campus governance meetings, and was never shown to the union representing the faculty and staff.

The failure to involve the real stakeholders in the University – the faculty, staff, students and community – has resulted in one of the plan’s most glaring omissions. There is not one proposal in the plan’s 121 pages for comprehensively improving faculty and staff compensation, for creating a reasonable workload or for enhancing the conditions in which we work. All are essential if CUNY is to be competitive with other research universities.

NOT ONE DOLLAR

Despite the plan’s fine words about a commitment to building the faculty and offering us support, not one dollar of the $201.7 million commitment to building the faculty and offering support services, we had support services, we had special services, we had programs – and they were successful. You do not have to do a national search, as you state in the plan, to find best practices in developmental skills. Some of the pioneers, the experts in this field, are still at CUNY and willing to showcase their skills – if only they are asked.

In this Master Plan, it seems that everything old is new again, particularly the intent to have SEEK and CD partner with academic departments. That, in fact, is how developmental programs began. Baruch College was notable for this, but has since become notable for the retreat of the academic departments from partnering with SEEK.

POLITICAL WILL

There has been little political will to implement equal education for black people in this country. You have to step over the bodies of homeless and jobless black men in the subways and on the streets. There is a fifty percent jobless rate among black men in NYC. Many do not have a high school diploma. Had the promise of Brown v. Board of Education become a reality, they might be on their way to a job instead of to a prison.

Here’s the challenge. Put CUNY’s business incubators to work to solve this issue. Use the Master Plan’s Initiative on the Black Male in Education for this purpose. But the Plan is not enough. We need a task force from members of this university, scholars and educators from across the country, and, as well, policy makers, economists and the public sector to develop a holistic and, if you will, a seamless program for the education of black people.

We need a Marshall Plan – a Thurgood Marshall Plan.

OLD PROMISES

We don’t need any more promises, speeches about dreams, good intentions. We must have commitment and implementation. I have not sunk into the despair that affluent more notable African-Americans who have published volumes about the failure of Brown v. Board of Education, but I am as outraged. This University does not have to look far beyond its doors to embrace this mission and make a real contribution to the city and country.

A Thurgood Marshall Plan is needed.
Urgent to beat Bush, says PSC

DA votes to endorse Kerry

By PETER HOGNESS

Members of the PSC Delegate Assembly have different positions about American politics and the presidential campaign – but there is overwhelming agreement on one key point.

George W. Bush has got to go.

“Bush is dangerous,” says union delegate Miriam Thompson of Queens College. “It’s not just him – it’s his whole administration.” Irwin Yellowitz, chair of the PSC Retirees Chapter, said that “another Bush presidency would have disastrous effects for the nation and the members of the PSC.”

MANY REASONS

Delegates tell Clarion they wanted Bush out of the White House because of his assaults on civil liberties and on the separation of church and state. They point to his attacks on academic freedom; political litmus tests for scientists on study panels; secret inquiries in college libraries; the ban on editing scholarly articles from countries like Iran or Cuba. They cite Bush’s rush to war in Iraq, which they say has increased the danger of terrorism.

They criticize Bush’s tax breaks for the rich and his efforts to privatize Medicare. They object to his anti-labor policies, such as banning union membership for many federal workers. They cite Bush’s hostility to affirmative action, to gay rights and the right to choose. And they warn of Bush’s impact on CUNY’s budget, if he is allowed to gut the Perkins Act or the federal Higher Education Act.

For all these reasons and more, the PSC Delegate Assembly voted to endorse John Kerry on June 17, after a panel discussion and debate on the endorsement of Kerry by the AFT, the PSC’s national affiliate.

Delegates clearly don’t think Kerry is a perfect candidate. They also passed a resolution urging the APT to push Kerry to speak out clearly against the US war in Iraq, to strengthen his support for well-funded public higher education, and to reverse his support for NAFTA and similar trade deals.

In the panel discussion, delegate Tony O’Brien argued that labor must be independent of all pro-business parties, both Democrats and Republicans. Kerry’s faults were so severe, O’Brien said, that the PSC should not back him. But this view drew little support, with 84% of PSC delegates voting to endorse Kerry.

The other two panelists, Eileen Moran of the PSC Legislative Committee and Bill Lipton of the Working Families Party, argued that the urgency of defeating Bush outweighed Kerry’s flaws. Several delegates said that while they had supported third-party alternatives at other times, this year Bush simply posed too great a threat. Lipton urged a vote for Kerry on the WFP’s ballot line.

The resolution criticizing Kerry also passed by a large margin.

If you want to volunteer directly with the John Kerry campaign, sign up online at www.johnkerry.com or call 212-764-7104. NYC-area Kerry campaign events are focused on house parties for grassroots fundraising, and the Web site provides materials on how to do this. The campaign has set July 29 as a “National House Party Day,” to coincide with Kerry’s speech accepting the Democratic nomination.

The AFT is mobilizing a strong effort on Kerry’s behalf, concentrating on the battleground states.

Many ways to affect the presidential race

By PETER HOGNESS

This summer, there are many different choices for PSC members who want to help beat Bush. Voter registration, house parties, phone banks and public protests are all part of the mix.

Many New York groups are emphasizing outreach to “swing states” like Pennsylvania or New Hampshire – and you can join their efforts without traveling beyond NYC.

SWING STATES

While John Kerry is expected to carry New York by a comfortable margin, several neighboring states are up for grabs. Since the presidential election is decided by the Electoral College system, these “swing state” results will be decisive. As Al Gore found out in 2000, getting the most popular votes nationwide may give you bragging rights – but it won’t make you president.

Most groups doing swing state organizing are organized separately from the Kerry campaign. Some are strictly nonpartisan voter registration efforts, while others have an explicit “anti-Bush” focus and seek to educate voters on the issues.

America Coming Together (ACT) is one such group, chaired by former AFL-CIO Political Director Steve Rosenthal and Ellen Malcolm of the feminist group EMILY’s List. From New York, ACT has organized weekend bus trips to Ohio and other trips to Pennsylvania, for voter registration and door-to-door canvassing to convince the undecided. In Manhattan and Brooklyn, they run phone banks to call voters in swing states.

Go to www.activemanet.com; or contact Matt Tomey at ACT-NewYork@hotmail.com; or call Bonnie Nuzum at 718-622-6878.

Volunteer2004 is a similar effort, a project of Citizen Action of New York and New Jersey. It is working to activate 1,000 volunteers from these two states. To sign up, go to www.volunteer2004.org, or contact Jesse Dixon at jdxion@citizenactionny.org, or at 212-525-0180, x43.

Drivingvotes.org believes that “registering voters in swing states is the single most effective way to defeat Bush.” Its Web site lists local partner groups in different states, so you can join their efforts. Or you can work on your own, registering voters at a shopping mall or a music festival or elsewhere. www.drivingvotes.org provides everything you’ll need.

In just one afternoon in May, the political group MoveOn.org organized 1,000 phone bank parties that made over 300,000 calls to swing state voters. Sign up at www.moveon.org/pledge.

Bus trips, house parties, or phone calls

For information on PSC contingent protests, check the PSC Web site (www.psc-cuny.org) later in the summer.

So whether you’d rather make phone calls, take a bus trip, have friends over for a party, or protest in the streets, there are many ways to make a difference. If you want a new president, it’s up to you.