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Description

The Supreme Court rules that affirmative action programs cannot be used to disturb traditional seniority programs in public employment.

Keywords

Supreme Court Rules in Seniority Hiring Affirmative Action Case

TOM BROKAW, anchor:
The phrase, last hired, first fired, describes one of the most controversial and emotional situations in the American workplace. The last to be hired are generally minorities and women, and they are often the first to be fired when hard times hit. But then a court ruled that affirmative action programs change that. Affirmative action, when minorities must be hired for public jobs in cities and so on. The lower courts said in effect that affirmative action is more important than seniority. Well today the US Supreme Court said no its not, it is an explosive decision and Carl Stern has details.

CARL STERN, reporting:
The dispute began when a judge ordered Memphis to lay off white fire fighters during a budget squeeze, in order to keep the more recently hired minority fire fighters on the job.

MICHAEL MAXWELL, fireman: If you don’t have seniority, a workingman don’t have nothing.

KUHRON HUDDLESTON, Firefighter’s Union: Well I believe in affirmative action, but I’m not for discriminating against one individual to appease another individual.

STERN: A law suite to assure more jobs for blacks and other minorities had been brought by Carl Stotts.

CARL STOTTS, District Fire Chief: Well they just want their fair share of the pie, their fair share… fairness.

STERN: But today in a six-three decision the Supreme Court disagreed, claiming seniority agreements cannot be overridden to make more room for minorities generally. Justice White who wrote the decision said job security is important to workers. Then he went one step forward in suggesting that any preference
for minorities might be invalid, except for specific victims of discrimination. In Memphis where all the laid off firefighters are now back at work, blacks denounce today’s ruling.

ULYSSES JONES, Fireman: I believe that today’s decision is going to set affirmative action back some fifty years.

STERN: In Washington civil rights lawyers said the decision-opened questions, which were thought to have been settled.

BARRY GOLDSTEIN, NAACP Legal Defense Fund: I think the immediate thing that we can say is confusion… confusion, conflict, and more litigation.

WILLIAM TAYLOR, Center for National Policy Review: Obviously there will be some people who will argue that this is a decision with broad ramification that goes beyond firing to all kinds of affirmative action.

STERN: The three descending Justices said it seemed clear to them that the court was not abandoning all efforts to correct past imbalances but that wording suggested they weren’t really sure. For the first time in many years the court has sounded a retreat on civil rights, it didn’t say how far. Carl Stern, NBC News at the Supreme Court.

BROKAW: With this decision the question is, now what? After all the Supreme Court ruling goes well beyond the Memphis case. Robert Hager has been looking into the consequences.

ROBERT HAGER, reporting:

Today’s decision may have a profound effect on the use of court ordered affirmative action plans or racial quotas to make up for past discrimination. The Memphis case involved black workers but the courts decision will impact on others including women and Hispanics. Memphis fire department is a public agency but the decision is likely to impact on private industries as well. And most important while the court specifically struck down a plan to protect minorities from lay-offs, the same reasoning could be used in the future to strike down minority hiring or promotion plans. What will not be directly effected are most voluntary plans, ones not ordered by a judge. The Supreme Court appeared to be redefining affirmative action saying courts can order remedies only for those minority workers individually identified as victims of discrimination and can’t order broader programs to help minorities generally. The Reagan administration has argued against affirmative action programs, Clarence Pendleton, Chairman of the Civil Rights Commission.

CLARENCE PENDLETON, Chairman of the Civil Rights Commission: I would applaud the Supreme Court Decision today and it’s a mighty blow for civil rights, not a mighty blow against civil rights.

HAGER: The losers are those who have sought special treatment for minorities, the NAACP’s Benjamin Hooks…

BENJAMIN HOOKS, NAACP: Its not simply a step back, it’s a leap back, it’s a jump backward, it’s an awfully bad decision.

HAGER: The National Organization for Women, Judy Goldsmith…

JUDY GOLDSMITH, National Organization for Women: Its impact is going to be negative for women and for minorities who have counted on affirmative action to open some of the doors that had been closed to women and minorities because of discrimination.
HAGER: There are more than 300 court ordered affirmative action programs already in effect at work places around the country. Today’s decision will place some of those programs in jeopardy and discourage new ones. Robert Hager, NBC News, Washington.