

# Judge refuses to validate exam, quotas to continue

**Special to Sentinel-Voice**  
**BUFFALO, N.Y. (AP)** — A federal judge has refused to validate the city's civil service exam for firefighters, an action expected to continue court-ordered minority quotas for several more years.  
 Since 1990, city officials have spent thousands of dollars on developing an exam that would be fair to minority applicants.  
 The city also started a tutoring program for applicants worried about passing the exam.  
 U.S. District Judge John

Curtin, a longtime critic of the city's treatment of minority groups, said that is not enough.  
 Curtin noted that since 1995, almost 70 percent of the firefighters hired by the city have been white males. The existing exam, he said, has had an "adverse impact" on African-American and Hispanic applicants.  
 "It appears that the adverse impact from this examination, which the city seeks to validate, may be severe," Curtin wrote in a ruling cited Tuesday by The Buffalo News. "Where there is adverse impact, the

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city has the burden of investigating alternate procedures to lessen it as much as possible."  
 Richard Moore, an attorney who represents the interests of

minority applicants for city firefighter jobs, commended the ruling.  
 "The judge is sending the city back to the drawing board to come up with an exam that is fair to everyone," he said. "I don't think the city is intentionally discriminating against minorities, but I also think they could have explored more alternatives to come up with a more fair exam."  
 According to court papers, the existing exam was last given in 1995, to 3,900 candidates. The documents indicated 95 percent of white

candidates passed the written exam, 74 percent of African-Americans, 84 percent of Hispanics and 82 percent of women.  
 "It's very frustrating because the department has campaigned so hard to bring minorities in," Deputy Fire Commissioner Jack Sixt said. "We go out into the minority community and invite people to take the exam. We provide tutoring. What more can we do?"  
 The 869-member department is comprised of 601 (69 percent) whites, 225 (26

percent) African-Americans and 43 (5 percent) Hispanics. The 15 women firefighters represent less than 2 percent of the total.  
 Kathleen O'Hara, an assistant city corporation counsel, said the city may appeal Curtin's decision to a higher court.  
 Meanwhile, the city remains under court order to use "applicant flow" numbers to determine the racial makeup of firefighter hiring. The numbers hired are required to be close to the numbers of various racial groups that take the test.

## Army

*(Continued from Page 2)*  
 group to Camp Van Dorn in hopes of instilling discipline. In May 1943, a member of the 364th was shot to death by the Wilkinson County sheriff in Centerville, fueling a documented riot on base. Conditions were tense—but did a massacre occur?  
 According to legends which have persisted for decades, officers ordered white troops to surround anywhere from five to 1,200 members of the 364th, mow them down with machine guns, then ship the bodies out in the dead of night. Case requested Army records and discovered that morning reports for more than 1,000 members of the 364th were missing for the months in question.  
 He began running classified advertisements in the Enterprise-Journal as well as the Stars and Stripes, a U.S. military newspaper with worldwide distribution, asking for information about Camp Van Dorn.  
 "I started receiving letters from all over the United States, literally," he said. Letters included descriptions of a slaughter in which black troops were "shot down like dogs," the bodies "stacked like pulpwood."  
 Others, mostly people still connected to the military, denied the incident occurred. Case also received phone calls, including warnings to drop his investigation and middle-of-the-night death threats. But he persisted.  
 "I'm not an investigative reporter," said Case, who writes and paints on the side while working what he calls a day job. "I'm just a guy who heard the story and wanted to get to the truth."  
 In 1989, Case's house was burglarized. The only thing missing was his Camp Van Dorn files. At that point, "I basically kind of gave up on it," Case said.  
 Then, in 1994, he got a call from a historian who had come across some recently declassified documents, including complaints by black troops about brutal conditions at Camp Van Dorn. A May 31, 1943, letter from Cpl. Anthony J. Smirely Jr. of the 364th to a Philadelphia newspaper editor said: "I beg of you to please, from my heart, please do something for the fellows and myself who are among the unfortunate to be in this State of blood—Negro blood—that is constantly flowing in the streets."  
 There was also a lengthy June 8, 1943, memo from Inspector General Virgil L. Peterson who approved "a purging and disciplining of this unit."  
 Adding up the evidence—and the missing evidence—Case became convinced of massacre and cover-up. He said he decided to write the story as a novel for several reasons: No bodies had been found, so there was no conclusive proof; he didn't want to embarrass people still living; and he didn't want to write extensively about himself. Plus, "by putting it in as vehicle of fiction, it somehow makes it easier to face the truth," he noted in the book.  
 He spent two years writing the novel but couldn't sell it. Then Rusty Denman, formerly of Magnolia and now of Asheville, N.C., volunteered to serve as literary agent. "When I sent this off it got read by six of the top publishers in New York. They all said they felt like if this was based on a true story that it should be written as nonfiction," said Case.  
 He went back to work and wound up with a book containing a 54-page nonfiction section with copies of documents, followed by a 245-page novel about a modern-day investigative reporter trying to uncover the crime. Though the fiction portion was tailored for the thriller genre, Case said much of it is based on his experiences.  
 Said Case: "I'm glad the story's been told."

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