

## Black educator dies

**Washington**—Eva B. Dykes, America's first Black woman to earn a Ph.D. degree died, October 29, in Huntsville, Alabama, at 93.

Funeral services were held, November 2, in the Oakwood College Campus Church in Huntsville.

Born in Washington, only 30 years after slavery, Eva B. Dykes graduated from Howard University in Washington in 1914 with highest academic distinction, *Summa Cum Laude*.

However, Radcliffe College at Harvard University in Cambridge, Massachusetts, required that Miss Dykes earn another bachelor of arts degree at Radcliffe before granting her a master's degree and a doctorate in English in 1921.

The second child in a family of three girls, Dr. Dykes was part of a family that had already made a mark in the academic world—father, mother, uncles and sisters all graduated from Howard and entered professions.

Dr. Dykes taught at Dunbar High School in the District of Columbia, at



Eva B. Dykes

Howard University, at the former Waldon University in Tennessee and at Oakwood College in Huntsville where she had taught since 1944.

Dr. Dykes's writing was widely published in both educational and religious journals. Her monthly column in *Message* magazine ran for 50 years, 1934-1984.

She directed nationally acclaimed

choirs and accompanied some of the greatest artists in Washington.

Although Dr. Dykes retired from teaching while at Oakwood in 1968, she was called back to the classroom in 1970. She taught full time for three years and then two more years on a part-time basis. The 1,400-member Oakwood student body dedicated their library to Dr. Dykes in 1973.

In 1976, she was honored by the National Association of Black Professional Women in Higher Education. On that occasion, Geraldine Rickman, president of the association, read the following citation:

"We have in our midst a pioneer. Pioneers are special people. 'Firsts' are always difficult. We don't know that things can be done, that dreams can be fulfilled, that great accomplishments can be realized until somebody takes that first step and shows the way.

"Black women had never realized their full intellectual development and potential until this pioneer, Dr. Eva B. Dykes, 55 years ago dared to take the first step and show the way. We honor here the spirit of her dreams."

## Federal court rules for church in publishing case

**Washington**—A federal court in Chicago has ruled in favor of the Seventh-day Adventist Church on all points in the case of *Derrick Proctor v. General Conference of Seventh-day Adventists*.

Mr. Proctor is a wholesaler of religious literature who operates the Library and Educational Services in Berrien Springs, Michigan. He alleged violation of antitrust laws and other illegal interference with his business and asked for damages of more than \$2 million.

In his 57-page decision, Judge William T. Hart of the U.S. District Court for the Northern District of Illinois noted that "[Mr.] Proctor's antitrust claims against the Church defendants are that he is being boycotted and foreclosed from the Adventist religious market by vertical, territorial, price, and market restraints, monopolization and tortious interference with his contracts."

The judge concluded, however, that Mr. Proctor's claims fail (1) because the federal antitrust law "does not

apply to the colporteur ministry or to the distribution systems established for the purpose of evangelism," (2) because, even if the antitrust laws apply, Mr. Proctor "failed to establish the elements of any claim," and (3) because Mr. Proctor "failed to prove an antitrust injury or damages."

Judge Hart held that key sections of the Sherman Act "apply only to 'trade or commerce.' Colporteurs and systems established to support them are not involved in 'trade or commerce' in the sense that those terms are ordinarily used in commercial profit-making activity.

"Neither the statute nor legislative history contains any indication of its application to religious activities or church organizations. Senator Sherman stated that the act would not apply to churches."

As for Mr. Proctor's allegation that the church had conspired to fix retail prices and refused to deal with him, Judge Hart found "that the Seventh-day Adventist Church is a single unified body" and thus, as a matter of law, "is incapable of conspiring in violation . . . of the Sherman Act."

The judge also rejected Mr. Proc-

tor's charge of monopoly: "The Adventist Church does not possess significant market power with respect to religious literature. . . . At most, Adventist literature accounts for less than 10% of the religious literature distributed in the United States. This is not a predominate share of the market from which a monopoly can be inferred."

The judge termed Adventist literature a "product," not a "relevant market or submarket. . . . This is the result of the Church's natural, lawful monopoly of its own product. . . ."

"The distribution of Adventist literature is in competition with other denominations and religions in its ultimate goal to win converts. To achieve this the Church is entitled to distribute its literature through its own systems. A firm with a lawful monopoly has no duty to help its competitors."

Again citing the "single entity" nature of the church, Judge Hart rejected Mr. Proctor's allegation of tortious interference with his business relationships. He said, "A party cannot be liable in tort for interfering with its own business," Judge Hart ruled.