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Toward Open Adequate Housing

CIVIL RIGHTS
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In this issue . . .

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the housing act of 1968

best yet but is it enough?

Today,
we are going to put on the books
of American law
what I genuinely believe
is the most farsighted,
the most comprehensive,
the most massive housing program
in all American
history.

With these words, the President signed into law the Housing and Urban Development Act of 1968. The Act not only is significant in itself, but its passage culminated the most remarkable burst of government activity ever taken in the field of housing.

Between April and August of 1968, the Federal Government took three far-reaching actions with great potential impact on the nature of urban society. On April 11, Congress passed a comprehensive fair housing law. On June 17, the United States Supreme Court held in Jones v. Mayer Co., that an 1866 law, passed under the authority of the Thirteenth amendment, "bars *all* racial discrimination, private as well as public, in the sale or rental of property." And on August 1, the Housing and Urban Development Act, authorizing a massive new effort to meet the housing needs of lower-income families, was signed into law.

Thus, in the space of less than four months, the Federal Government undertook the most comprehensive attack in our history against the two factors principally responsible for the growing trend toward what the Commission on Civil Disorders characterized as "two societies, one black, one white—separate and unequal." The factors are race and economics.

Of the three governmental actions, passage of the Housing and Urban Development Act well may prove to be the most significant. The broad Fair Housing Law embodied in the Civil Rights Act of 1968 and the Jones v. Mayer decision can be of substantial value to minority group families who, for no reason other than their race, have been confined to designated areas within central cities—

usually slum areas—isolated from the mainstream of the community. The Fair Housing Law, in effect, establishes choice and ability to pay, rather than race, as the factors that determine where people will live.

Race, however, has been only one of the obstacles to an open housing market. The harsh facts of housing economics are at least equally important. Despite the development of a substantial nonwhite middle class over the past decade and a half—and these are the families for whom the Fair Housing Law can represent a charter of freedom—the great majority of nonwhite families still have incomes too low to purchase or rent housing provided through the ordinary channels of the housing market.

For example, at the end of 1966, the median sales price for all new one-family houses in non-farm areas was more than $21,000. For conventionally financed houses, the median price was $25,000. New housing at these prices is out of the question for most Negroes and other minority group members.

According to an FHA estimate, fewer than one in seven of all non-farm one-family housing units sold for less than $15,000 during that year. Even at this comparatively low price nonwhites are at a distinct competitive disadvantage. For example, the annual income necessary to afford a $15,000 home is estimated to be about $7,000. In 1966, almost 60 percent of the Nation's non-farm white families earned $7,000 a year or more. For nonwhites, fewer than one-third were at or above that income level.

Thus while the Fair Housing Law is necessary to enable those who have the means to purchase or rent market priced housing to do so, it can provide, in and of itself, little immediate benefit to the millions of families—white and nonwhite—who now, on the basis of income as well as race, have no alternative but to live in substandard housing and in ghettos. The Housing and Urban Development Act, through its emphasis on providing housing for lower-income families, can be an effective instrument in establishing free choice in housing as a real as well as theoretical right.

When viewed against the inadequacies of past governmental efforts to provide decent housing for lower-income families, the potential value of the new housing law becomes apparent. The experience under past programs, however, also is a sober reminder of the many problems that must be overcome if this potential is to be realized.

Past Low-Income Housing Programs

The need for a form of Government subsidy to enable the poor to acquire decent housing long has been recognized. Two years before the 1934 National Housing Act was passed, legislation in the form of the Emergency Relief and Construction Act of 1932 had been enacted specifically to provide housing for families of low-income. In 1933, the National Industrial Recovery Act also addressed itself to the problem of providing low cost housing. The Public Works Administration, established in the same year, provided assistance for the construction of 50 low-income housing projects in 37 cities. And in 1937, the United States Housing Act established the program of low-rent public housing which remains the principal instrument for meeting the housing needs of low-income families.

There has been an enormous gap, however, between our recognition of the problems of low-income housing and the substantive efforts we have made to meet them. The three principal programs aimed at meeting the housing needs of low- and moderate-income families—public housing, FHA 221(d)(3), and rent supplements—have suffered from two overall weaknesses that have severely impaired their effectiveness.

Housing Volume

First, they have been unable to produce a volume of housing that even begins to approach the enormous need that exists. The Commission on Civil Disorders estimated earlier this year that some six million substandard housing units are occupied in the United States, and that well over that number of families lack sufficient income to rent or buy standard housing, without spending more than 25 percent of their income and thus sacrificing other essential needs.

When measured against this estimate of housing need, past Federal efforts at meeting it appear almost trivial. The public housing program, for example, has provided fewer than 700,000 units in its more than 30 years of existence—barely more

than 1 percent of the national housing inventory. The 221(d)(3) program has provided fewer than 50,000 units since its enactment in 1961. And the rent supplement program, for which there have been so many high hopes, has been funded at so low a level (of the total authorization of $150 million for the first four years of the program, less than half has been appropriated) that it has been unable to produce more than a handful of units.

Thus, fewer than 800,000 low-income housing units have been produced through governmental programs, while the need exceeds six million. Looking at it in another way, we have provided over 30 years far fewer units for the Nation's poor than the home building industry provides in a single year for the affluent.

Isolation of the Poor

The failure, however, does not lie in inadequate volume alone. Perhaps of even greater importance is the fact that these programs have been insufficiently concerned with the problem of eliminating the barriers that prevent the disadvantaged from participating fully in community life. Indeed, the programs have tended to fence in the poor, and especially the nonwhite poor, within areas of existing racial and poverty concentrations in central cities, isolated from the mainstream of community life.

Suburban Veto

To some extent, this failure can be traced to the laws under which low-income housing programs operate. If the housing is to be built in metropolitan areas, the laws virtually assure that it will be built only in the central city.

For example, under the public housing program, although State enabling legislation frequently permits the construction of public housing projects without regard to local boundary lines, Federal law requires that the consent of the governing body of the community in which the public housing is to be built always must be obtained. Thus, central city housing authorities which by law may be authorized to operate in suburban areas are nonetheless prevented from doing so unless the suburb's governing body consents. Such consent rarely is given.

The U.S. Commission on Civil Rights found last year that of the quarter of a million low-rent housing units that have been built by city public housing authorities in the Nation's 24 largest metropolitan areas, in only one—Cincinnati—has the city housing authority been permitted to build outside the central city. There, the authority has provided a total of 76 low-rent units in a Negro enclave in the suburbs.

The FHA 221(d)(3) program operates under a similar disability. The law governing the program provides that projects may be constructed only in communities which have adopted a "workable program for community improvement," a requirement attached with some logic to the urban renewal program but having little rational connection to 221(d)(3). Since most cities have "workable programs" and few suburbs do, the great majority of units built in metropolitan areas under the program has been confined to central cities.

Here, unlike the public housing program, which is almost entirely governmental in nature, we are dealing largely with private enterprise which in other federally assisted programs—those involving housing for the affluent—is free to build without regard to whether the community maintains a "workable program." The 221(d)(3) program, however, is different. It involves housing for low- and moderate-income families. Congress, by imposing the "workable program" requirement, has given suburban governments the power to prevent the building of projects within their boundaries.

". . . racial and economic separation has become firmly entrenched as operating housing practice."

The rent supplement program also is subject to provisions which prevent its operation in the suburbs of metropolitan areas. Although the authorizing legislation for the program permits sponsors to build where they choose, appropriations acts providing funds for the program have given suburban communities a veto power over these projects. Here, too, we are dealing with housing that is privately owned, privately built, and privately financed through the ordinary channel of the housing market. Nonetheless, if the program is to operate in the suburbs of metropolitan areas it may do so only if the local governing body desires it. Almost none do. As of June 1968, not a single rent supplement unit had been built in a suburban area since the program's inception.

Income Limits

In addition to excluding lower-income housing from the suburbs, the laws under which low-income housing programs operate also have the effect of creating islands of poverty in which the poor are confined, isolated from direct contact with more affluent members of the community. The principal way in which the laws have this effect is through the establishment of income limits for eligibility which are so low as to nullify the possibility of an economic cross-section within projects. Added to this is the fact that the emphasis of these programs has been on new construction. Thus, instead of taking advantage of the existing housing inventory and permitting a low-income family to choose an existing standard housing unit outside areas of racial and poverty concentrations, the programs have concentrated on establishing new projects consisting of units exclusively for the poor.

To some extent, the problem of income limits is inherent in the nature of the programs. For example, under low-rent public housing, where each unit is heavily subsidized, it is necessary to provide strict income limits for eligibility to assure that the subsidy goes only to families who need it. Further, to assure that public housing, almost entirely a governmental program, does not compete with the private housing industry, the law under which the program operates also provides that generally there must be a 20 percent gap between the income of families who can afford housing on the private market and the income limit for eligibility in public housing.

Strict income limits for eligibility, however, are not invariably required by the nature of the program. Nonetheless, they are invariably provided. Under the rent supplement program, for example, the subsidy is a flexible one which varies depending upon the family's ability to pay. The subsidy is in the form of assistance payments on behalf of low-income families which make up the difference between the amount the family can pay with 25 percent of its income and the market rent. Thus if the market rent for a two-bedroom unit is $120 a month and a family earns $280 a month, then the family would pay $70 toward the rent and the government would make up the difference of $50 with a rent supplement payment. If a family earned $400 a month, it would pay $100 toward the rent and the Government would pay $20 in rent supplement payments.

The point here is that there is no inherent reason why income limits for eligibility under the rent supplement program should not be made a function of the rent supplement formula. It would cost the Government comparatively little to provide rent supplements for families whose incomes approach the amount needed to afford the market rent. By permitting these families to receive rent supplement payments, the program could stimulate a fairly broad economic mix within rent supplement projects. Instead, the program operates under an income ceiling identical to that for public housing.

What this has meant is that the income gap between those families eligible for *any* assistance under the program and those families who can afford to pay the market rent is so wide as to render economic integration a practical, if not a legal impossibility. In fact, all of the units already built and occupied under the non-experimental part of the rent supplement program house only families who are receiving rent supplements.

Other Forces

The isolation of the poor and the nonwhite cannot be attributed entirely to the laws under which low-income housing programs operate. Even if these laws were revised so that suburban governments no longer had a power of veto, there are other forces at work which tend to keep the suburbs

lily-white and exclude low-income housing from their borders. There are, for example, a variety of apparently neutral exercises of local government authority, such as decisions on building codes, building inspection standards, and the location of sewer and water facilities, which have been used by suburban communities to exclude nonwhites and discourage builders who practice open occupancy from operating within their borders. Further, suburban zoning and land use requirements, as well as other restrictive zoning policies, such as minimum lot size requirements, often have had the effect of keeping all but the relatively affluent out of the suburbs.

Perhaps of greatest importance is that racial and economic separation has become firmly entrenched as operating housing practice. It is accepted as being in the natural order of things. The process has developed a massive momentum of its own which no longer can be reversed through a posture of neutrality. Low-income minority group families will not be found in large numbers in suburban areas unless the suburbs find that it is in their own self-interest to attract them. Deep-seated and institutionalized practices of the housing industry with respect to the location of lower-income housing and its racial composition will not change unless the programs under which the housing is built require it. Past Federal programs at best, however, have been neutral on these matters, and the process of racial and economic separation has proceeded and intensified.

The Housing and Urban Development Act of 1968

When the new housing law is measured against the inadequacies of past programs, its superiority is evident. The new law, however, has by no means eliminated all past inadequacies. Further, it has some weaknesses of its own. And, finally, there are obstacles that lie ahead which well may blunt the potential effectiveness of the new Housing and Urban Development Act.

Housing Volume

Perhaps the most obvious improvement over past programs made by the 1968 Housing Act is in the volume of lower-income housing that it can produce. For example, the new law authorizes $400 million in public housing contracts over a three-year period. During the first 31 years of the public housing program, a total of $550 million was authorized. For rent supplements, $140 million is authorized over a two-year period—this compared with a $150 million authorization for the first four years of the program.

In addition to expanding existing lower-income housing programs, the Act establishes two new programs: first, a program of home ownership for lower-income families, and, second, a program of rental housing for lower-income families. The home ownership program will work as follows:

The home owner will be required to pay 20 percent of his monthly income for the monthly payment due under the mortgage. The difference between this amount and the total monthly payment will be made up by assistance payments paid by the Federal Government to the mortgagee. The maximum that can be paid by the Government will be the difference between the actual monthly payment under the mortgage and the amount that would be required if the interest rate were one percent.

The rental housing program will operate somewhat differently:

Federal assistance will be in the form of interest reduction payments to reduce payments on the project mortgage from what is required on a market interest rate mortgage to what would be required on a mortgage bearing an interest rate of one percent. The interest reduction payments will reduce rents to a basic charge, and the tenant either will pay the basic charge or a greater amount as represented by 25 percent of his income.

For each of the two new programs, Congress has authorized $300 million over a three-year period.

Compared with past programs, the potential volume of housing that the new Act can generate is impressive. By other standards, however, the Act falls short of meeting the housing needs of lower-income families.

For example, the Commission on Civil Disorders estimated the immediate housing need at something in excess of six million housing units and called for their production within five years. The housing bill, as introduced by the Administration, called for the provision of six million low-income housing units over a ten-year period. Thus the goal of the bill, even in its original form, lacked the sense of

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urgency which the Kerner Commission warned was necessary.

Congress, in turn, substantially altered the Administration's proposals by reducing the dollar authorizations for the programs through which the housing goal was to be achieved. For example, the Administration's bill provided a five-year authorization for public housing amounting to $800 million. Congress reduced this to a three-year authorization of $400 million. The Administration proposed a five-year authorization of $600 million each for the new home ownership and rental housing programs. Congress reduced these programs to three-year authorizations of $300 million each.

The impact of the new programs was further reduced by Congressional action on appropriations. Of the $75 million authorized for each of the programs during their first year of operation, only $25 million—one-third—was actually appropriated. According to FHA Commissioner Philip Brownstein, this means that instead of generating some 200,000 housing units for lower-income families the new home ownership and rental housing programs, in combination, will be able to provide only about 67,000 units during the first year.

Disappointing as this cut in appropriations is, it should hardly come as a surprise. Other lower-income housing programs have been treated with a similar lack of generosity by Congress. Earlier this year, for example, in the face of an Administration request for $65 million in funds for the Rent Supplement Program, Congress appropriated $30 million, less than half.

Thus, although the new Housing Act has the capability of making a substantial contribution toward resolving the problem of inadequate housing volume for lower-income housing families, its real impact cannot yet be calculated. Much will depend on the generosity with which future Congresses are willing to fund the programs provided in the law.

Suburban Veto Power

Past lower-income housing programs all have operated under laws which, in effect, give suburban communities the power to prevent the provision of low-income housing within their borders. The new housing law provides partial relief from this restriction. No change is made in existing lower-income housing programs. Thus, public housing and 221(d)(3) housing may be built in suburban communities only if these communities so desire. The new home ownership and rental housing programs, however, do not carry this restriction in the authorizing legislation. If no further action is taken, builders and sponsors, at least theoretically, may operate under these programs anywhere in metropolitan areas.

The rent supplement experience, however, is a sobering one. Under that program, the authorizing legislation similarly is silent on suburban veto power. But suburban veto power has been written into appropriations acts each year since the program was established in 1965. A significant victory has been achieved for the new home ownership and rental housing programs. Congress, in appropriating funds for the new programs for their first year of operation, has not provided suburban jurisdictions with a veto power. Thus, builders and sponsors may operate throughout metropolitan areas free from the restraint of suburban veto imposed in connection with other lower-income housing programs—at least for this year. Appropriations, it must be remembered, are an annual affair, and the victory may only be a temporary one. Further, it should be understood that less obvious restraints, such as suburban zoning laws and building codes, which may be equally effective obstacles to metropolitan-wide operation of the new programs, are untouched by the 1968 legislation.

Income Limits for Eligibility

This proved to be the point of greatest controversy in the course of Congress's deliberations over the new home ownership and rental housing programs. Under existing programs, income limits for eligibility typically are set at so low a figure as to preclude any degree of economic integration and to have the effect of establishing isolated islands of poverty.

Under the Administration's bill, income limits for eligibility for the new home ownership and rental housing programs were left to the discretion of the Secretary of Housing and Urban Development (HUD). As passed by Congress however, statutory income limits were established under a complex formula to assure that the programs would serve primarily families at the lowest end of the income scale.

Under the Act, 80 percent of the funds for the new programs will have to be used for families whose income does not exceed 135 percent of the income limits for initial occupancy in public housing in the area. The remaining 20 percent of the funds may be used for families whose incomes exceed this limit, but do not exceed 90 percent of the income limit for 221(d)(3) in the area. In addition, for purposes of determining income for eligibility, a deduction of $300 for every minor child is provided.

Perhaps the only way to understand what this formula really means is through examples in particular cities.

In Boston, Massachusetts, a family with three children may have an income of $8,800 a year and be within the limit of 135 percent of the income ceiling for initial occupancy in public housing in the area. A similar Boston family with an income of $9,400 a year is within the limit of 90 percent of the income ceiling for 221(d)(3). In Philadelphia, for a three-child family, 135 percent of the public housing income ceiling works out to $6,300 a year. To fall within 90 percent of the income limits for 221(d)(3), the Philadelphia family may earn no more than $8,730. In Austin, Texas, the two eligibility limits respectively are $6,840 and $8,055, in Detroit, $8,190 and $9,630.

Thus the formula for the new programs provides a degree of flexibility which was lacking in past lower-income housing programs. This offers some hope that the programs, while making decent housing available to the poor, will not also serve to isolate them in pockets of poverty.

Use of Existing Housing

Past lower-income housing programs have placed almost total emphasis on new construction or substantial rehabilitation as the means of providing housing for lower-income families. As introduced by the Administration, the new programs also were confined almost entirely to new construction and substantial rehabilitation. As passed, however, substantial use of the existing housing market is authorized. The Secretary of HUD is permitted to use 25 percent of the funds for existing housing during the first year of the program, 15 percent during the second year, and 10 percent during the third year.

The importance of this provision is twofold. First, it offers some assurance that the new programs can have an immediate impact after funds are appropriated, and that the expectations of thousands of families in need of decent housing will not be frustrated by the delays involved in sole reliance on new construction.

Secondly, it can have the effect of broadening the range of housing choice for lower-income families. That is, instead of being confined in their choice to specific locations where new housing under the program is being built, lower-income families may make their choice on the basis of their own individual needs and desires within certain overall standards relating to such factors as cost and design.

Is It Enough?

The new Housing Act clearly represents a substantial forward step over past efforts in meeting the housing needs of lower-income families. Of special significance is the fact that the new housing programs established by the Act, in contrast to past low-income housing programs, are concerned not only with the problem of inadequate housing volume, but also with the human needs of lower-income families.

While past programs, by providing suburban jurisdictions with a veto power, have tended to confine the poor to central cities of metropolitan areas, the new law makes it possible for the poor to escape the ghetto.

While past programs, have isolated the poor by establishing rigid income limits for eligibility, the new law, by establishing flexible income limits, makes economic integration within projects a distinct possibility.

While past programs, by concentrating almost entirely on new construction, have confined the poor to designated areas where low-income housing projects are being constructed, the new law, by authorizing substantial use of existing housing, provides the poor with a choice of housing.

What the new law does not do, however, is offer an articulate and comprehensive program under which low-and-moderate-income housing can become an effective instrument to unify American society. To be sure, the new law tends to depart from past provisions which have had the in-

evitable effect of promoting racial and economic stratification. The pattern of separation, however, has become too firmly entrenched to be reversed by anything less than a major and conscious effort to erase it. Thus, if we wish to eliminate racial and economic separation in the Nation's metropolitan areas, our housing laws must say so and provide the tools necessary to do it. The 1968 Housing Act breaks no new ground here. National housing policy still is articulated in the limited terms of housing production, and the tools by which residential segregation of the poor and the nonwhite can be eliminated still are lacking.

In comparison with past housing legislation, the 1968 Act is indeed "the most farsighted, the most comprehensive, the most massive housing program in all American history." And in comparison with the Nation's total housing effort over past years, 1968 is indeed an "Anno Mirabilis." In terms of the variety of housing problems facing the Nation, however, it cannot yet be said that the 1968 Act provides a major breakthrough, nor that the combination of actions taken during 1968 represents more than a move in the right direction—an open and adequate housing market. □

MARTIN E. SLOANE

Mr. Sloane, an attorney, is Special Assistant to the Staff Director of the U.S. Commission on Civil Rights.

FAIR HOUSING COMPROMISE

The Department of Housing and Urban Development (HUD) is responsible for enforcement of the fair housing provision of the Civil Rights Act of 1968. President Johnson requested $11 million to implement and staff the administrative machinery.

The Senate appropriated $9 million to administer fair housing. The House provided no funds whatsoever. Members of the Senate and the House met in conference to negotiate the difference and reached a compromise: $0.

Then, in supplemental appropriations bills passed before Congress adjourned, the House voted $1 million to administer the fair housing law, the Senate $7 million. Again, a Senate-House conference committee met.

The final appropriation: $2 million.

This is the year of jubilee,
The Lord will set his people free.

From an old Negro spiritual.

STILL NO YEAR OF JUBILEE

The Thirteenth amendment to the United States Constitution, ratified in 1865, outlawed slavery. On June 17, 1968, the United States Supreme Court, in the case of Jones v. Mayer, overruled earlier Supreme Court authority and held that Congress in the Civil Rights Act of 1866 had intended to forbid private citizens from discriminating against Negroes in the sale or rental of property and that this was a valid exercise of its power to enforce the Thirteenth amendment.

Together with the Fair Housing Act of 1968, Jones v. Mayer will be of practical assistance in the fight against housing discrimination. But the case has a broader historical significance for relations between white and black in this country.

The question that goes pretty well to the heart of the matter is whether in this country, today, whites owe blacks anything different than what blacks owe whites?

One voice has suggested not. The United States Supreme Court, writing in 1906, said:

One thing more: At the close of the civil war, when the problem of the emancipated slaves was before the Nation, it might have left them in a condition of alienage, or established them as wards of the Government like the Indian tribes . . . or it might, as it did, give them citizenship . . . It is for us to accept the decision, which declined to constitute them wards of the Nation . . . but gave them citizenship, doubtless believing that thereby in the long run their best interests would be subserved, they taking their chances *with other citizens in the States where they should make their homes.* (Emphasis added).

The phrase "taking their chances" is not a stylistic quirk. No principle is more intrinsic to the traditional American ideal than that of rugged individualism, or, less colloquially, of individualistic liberty. Judge Loren Miller observed in *The Law of the Poor* (1966) that,

Deep in their hearts, a majority of Americans believe that any man can find a job if he has a mind to do so, that with a job he can save money, buy a home, and ultimately become a middle-class member of the affluent society.

And, in the language of the political scientist, John H. Schaar, in a 1967 book, *Equality:*

We are easily inclined to think that a man gets what he deserves, that rewards are primarily products of one's talents and industry, secondarily the consequences of luck, and only in small part the function of properties of the social-cultural structure.

Never mind that when blacks "take their chances" with the social-cultural structure of the United States they either bear the disabilities brought about by generations of subjugation, or experience an equivalent handicap in the racial expectations and perceptions of white society. This hard truth becomes submerged in the doctrine of equal opportunity.

The Fourteenth amendment was ratified on July 9, 1868, in the aftermath of the Civil War, following the abolition of slavery and the enactment by Congress of legislation intended to help secure the rights of freed men. This amendment decrees that no State shall deny to any person within its jurisdiction the equal protection of the laws, and empowers Congress to enforce the requirement by appropriate legislation.

This "equal protection" clause of the Fourteenth amendment became the keystone of the Federal effort to secure equal rights for Negroes.

But, throughout, there was always this limitation—the Fourteenth amendment applies only to actions by States, and not to private conduct.

When viewed as the sole constitutional guarantor of racial equality, the amendment seemed to say merely that when we "take our chances" in society, let the game not be rigged against us by State. *Society* may segregate and subjugate, but that is not rigging the game, that is the game itself.

Three years earlier, in 1865, the country had ratified the Thirteenth amendment to the Constitution, which in its two brief sections decrees that slavery shall not exist within the United States, and, like the Fourteenth amendment, empowers Congress to enforce its requirements by appropriate legislation.

Early decisions of the United States Supreme Court interpreting the Thirteenth amendment turned it virtually into a dead letter by restricting its coverage to the acts of States, much as in the case of the Fourteenth amendment. (With the one difference under the Thirteenth amendment that one *private* citizen could not enslave another.) Thus, the social concomitants of slavery—segregation and subjugation of blacks by white society—were reached by neither the Thirteenth amendment nor the Fourteenth.

The United States Supreme Court did not depart significantly from this view of the Thirteenth amendment until its decision in Jones v. Mayer.

In September 1965, Joseph Lee Jones, a Negro, and his wife filed suit in Federal District Court against Alfred H. Mayer Company and others engaged in the business of building homes for sale to the public. The complaint alleged that the defendants had refused to sell Mr. Jones a lot in a new housing subdivision solely because of his race.

Among the principal legal theories advanced by the plaintiffs was that the Civil Rights Act of 1866, in guaranteeing to Negroes a right equal to that of whites "to inherit, purchase, lease, sell, hold, and convey real and personal property" [42 U.S.C. § 1982], prohibits any person from refusing to sell property to a Negro on the basis of race. The District Court rejected this theory, citing Supreme Court decisions stating that the Act could constitutionally apply only to governmental action; it dismissed the suit. The Court of Appeals affirmed.

The Supreme Court, in its historic Jones v. Mayer decision, overruled its own precedent and reversed the lower court.

We hold that § 1982 bars all *racial discrimination, private, as well as public, in the sale or rental of property, and that the statute, thus construed, is a valid exercise of the power of Congress to enforce the Thirteenth amendment.*

The pivot on which the Court's view of the Thirteenth amendment, and hence of Section 1982, had turned was its reading of the term "badge" or "incident" of slavery.

In 1883 the Supreme Court had been called upon to decide whether Congress, pursuant to the Thirteenth amendment, could constitutionally enact a statute forbidding discrimination in the enjoyment of public accommodations on the basis of race or color. The Court acknowledged that the Thirteenth amendment gives Congress power to pass all laws necessary and proper for abolishing "all badges and incidents of slavery" in the United States. But then came its crucial judgment—

Can the act of a mere individual, the owner of the inn, the public conveyance or place of amusement, refusing the accommodation, be justly regarded as imposing any badge of slavery or servitude upon the applicant . . .?

After giving to these questions all the consideration which their importance demands, we are forced to the conclusion that such an act of refusal has nothing to do with slavery or involuntary servitude . . .

Eighty-five years later, the Court in Jones v. Mayer reached a different conclusion on this same crucial question.

And when racial discrimination herds men into ghettos and makes their ability to buy property turn on the color of their skin, then it too is a relic of slavery.

The change of attitude reflected here is in many ways similar to the change which took the Court from Plessy v. Ferguson, where it held in 1896 that racial segregation was permissible when "equal" facilities are afforded blacks, to its reversal of this rule in 1954 in Brown v. Board of Education, where it held that segregation of blacks is segregation of blacks *out of* white society, and accordingly is unconstitutional.

In Jones v. Mayer as in Brown v. Board of Education, the Court was following an evolution of the Nation's conscience. This maturation of conscience can be viewed in three ways.

First, an abstract theory of equality and justice has given way progressively to a concern for the *reality* of the case. The reality of racial segregation is exclusion of blacks from the dominant social-cultural structure; once having seen this reality, for example in the context of schools, it seems incredible that the Court and the Nation could ever have been blind to it. Similarly, in Jones v. Mayer, the Court rejects a "right to buy" which is a mere paper guarantee; theory is not enough:

Negro citizens North and South, who saw in the Thirteenth amendment a promise of freedom—freedom to 'go and come at pleasure' and to 'buy and sell when they please'—would be left with 'a mere paper guarantee' if Congress were powerless to assure that a dollar in the hands of a Negro will purchase the same thing as a dollar in the hands of a white man . . . If Congress cannot say that being a free man means at least this much, then the Thirteenth amendment made a promise the Nation cannot keep.

While the Supreme Court in 1883 was willing to say that the Thirteenth amendment was not intended "to adjust . . . the social rights of men and races" in 1968, the Court refused to ignore the overwhelming reality of "social rights."

Second, it is not merely a question of seeing inequality and indignity, it is also a question of caring, a question of "social policy." There is progress here, too, though it is slow and sporadic. One measure of the lag is seen, for example, in the fact that on December 10, 1948, the General Assembly of the United Nations approved a document, the Universal Declaration of Human Rights, which sets forth as one of the basic rights of every man,

The right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old-age or other lack of livelihood in circumstances beyond his control.

Finally, there is also a question of capability to deal with problems of social inequality. When society is relatively simple, and the impact of government correspondingly slight, we think of *laissez-faire* as the natural order. When society becomes compacted and complex and we find our-

selves grappling by governmental means with the widest range of problems, we come to understand that by the very fact of acting we must make decisions, decisions of value and priority. The impact of taxation, of urban renewal, of the selective service system, cannot be "neutral" in matters of race or of social policy. This development, as it affects the relations of black and white, can be charted in terms of the developing interpretation of the equal protection clause of the Fourteenth amendment. It is generally agreed that the Fourteenth amendment reaches, by its terms, only governmental action (while enabling legislation reaching private acts is held valid on the basis of its impact on relations between citizen and government). But there has been a growing recognition, reflected in the Supreme Court decisions, that governmental action is increasingly pervasive, and that the Constitution must extend the reach of equal protection commensurately. C. L. Black, Jr., Professor of Jurisprudence at Yale Law School, in an article last year in the Harvard Law Review, stated:

When, then, is the anticipable reach of the 'denial' of 'equal protection of the laws,' to one race as such? I believe that, in the end, there will be found no principled stopping place short of this: If one race is, identifiably as such, substantially worse off than others with respect to anything with which law commonly deals, the 'equal protection of the laws,' is not being extended to that race unless and until every prudent affirmative use of law is being made toward remedying the inequality.

This growth of conscience and this growth of government have taken our Nation a distance from the day when the Supreme Court could relegate freed men to "taking their chances" in a white society. This approach is no longer morally or pragmatically viable.

The real significance of Jones v. Mayer is that it reminds the Nation that emancipation under the Thirteenth amendment is not a completed act but a current process. We asked at the outset, whether, in this country, whites owe blacks anything different from what blacks owe whites? Jones v. Mayer reminds us that the answer is yes, emancipation . . . still.

There is good reason to keep hold of this truth. It reminds us that as long as emancipation is incomplete a fundamental injustice persists, and that the continued existence of this injustice is to be tolerated only because—as in the case of segregated schools—such a massive wrong cannot be undone overnight. It reminds us that compromises which divert efforts and resources from emancipation obstruct the course of justice. Finally, it reminds us that justice is on the side of the impatient. □

PETER W. GROSS

Mr. Gross is a Staff Attorney in the Office of General Counsel of the U.S. Commission on Civil Rights.

Job opportunity for farm agents

A Negro county agent in Dallas County, Alabama, with an M.S. degree, has eight years' experience as an extension worker; he earns $8,580 a year. His white counterpart with only a B.S. degree and one year service earns more—$8,760 a year.

Until this past September, there was no way to correct this kind of gross differential along color lines between white and Negro employees of Cooperative Extension Services (CES). While the Federal Government, no less than any other employer in the country, is not supposed to discriminate in its employment practices, federally financed but non-Federal governmental agencies like CES have been found to discriminate and segregate between its black and white employees.

In fact, there are many gaps in employment opportunity and equality among federally assisted State and other governmental bodies. Most Federal grants to States do not contain Federal nondiscrimination requirements to protect employees of the recipient State agencies —only welfare, health, employment services, and unemployment compensation programs are covered, although indirectly under a prohibition of discrimination by the State personnel system.

New Department of Agriculture regulations which became effective September 28 closed by a slight margin one of these many gaps in assuring non-Federal jobholders in programs aided by Federal money a measure of equality in getting jobs and promotions on a par with any worker. Under the regulations, land grant universities operating Cooperative Extension Services were required to develop affirmative action programs of equal employment opportunity for about 15,000 State and county employees.

The new regulation covers discrimination based on race, color, national origin, sex, and religion and applies to all positions in all units of the Cooperative Extension Service, including those employees provided by county and other political subdivisions in support of extension programs.

University-developed programs to effectuate the regulation must be developed by the end of this year. Guidelines to assist universities are being provided by the Department of Agriculture.

The regulation specifies that equal employment opportunity programs must contain the following elements:

- a policy statement prohibiting discrimination in employment;
- an administrative procedure to enforce the policy;
- an affirmative action plan to assure equal employment opportunity;
- a procedure for identifying and eliminating practices which tend to create or continue employment discrimination;
- a procedure for evaluating the program;
- a method of adequately informing all those covered by the regulation;
- a procedure for the prompt processing of complaints;
- guaranteed protections for complainants, employees, witnesses, and representatives from interference, harassment, intimidation or reprisal;
- a procedure for the informal resolution of complaints; and
- a procedure for recording the receipt and disposition of all complaints with a report on all formal complaints to be forwarded to the Secretary of Agriculture.

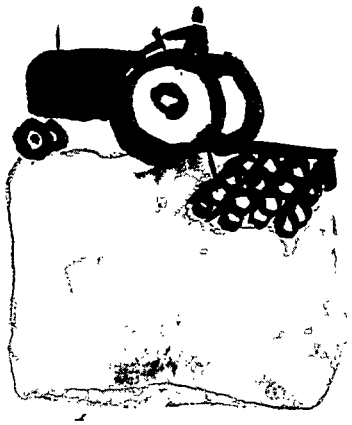
Any extension employee, former employee, or applicant for employment may file a complaint alleging discrimination within 90 days of the conduct giving rise to the complaint. In addition, an organization may file a complaint alleging general discrimination if it lists names of persons adversely affected. Complaints may be filed with a university or the Secretary of Agriculture although all complaints will be referred to the university for initial action. Complainants may have the right of representation if they choose and may also request a hearing. Complainants may also request a review of university findings by the Secretary of Agriculture.

Universities will be considered in noncompliance if they:

(1) fail to file an equal employment opportunity program with which the Secretary of Agriculture concurs;
(2) fail to administer the program in accordance with its terms;
(3) fail to take appropriate action on a complaint reviewed by the Secretary of Agriculture; or,
(4) are found to have intimidated, coerced, or improperly pressured a complainant, employee, representative or witness who was exercising his rights under the program.

Sanctions against universities found in noncompliance may include action to withhold Federal funds for the Cooperative Extension Service or other appropriate action provided by law. The regulation does not preclude other remedies available to affected persons under law.

Cooperative extension work, which is authorized under the Smith-Lever Act of 1914, provides out-of-school education to farmers and rural families seeking practical knowledge and information that will assist them in improving farm, home, and community life. The work is carried out through a system of approximately 11,000 farm and home agents located in almost every county of the United States and another 4,000 specialists in the various land grant colleges and universities which operate a CES program. These agents and specialists are joint representatives of the Department of Agriculture and the land grant institutions. The work is cooperatively funded by Federal, State, and county sources. Of the $200 million spent each year for extension work, $80 million, or approximately 37 percent, is supplied by the Federal Government. In the Southern States, the Federal portion is slightly higher.



The new regulations are seen as a particularly encouraging development for the approximately 850 Negro extension workers located in 420 Southern counties. To date, no Negro extension worker holds the top extension position in any county of the United States although Negroes comprise a majority of the rural population in more than 60 Southern counties. Studies have indicated that although many Negro extension workers have served longer and have comparable or even superior educational attainments, they generally receive lower salaries and are universally subordinated to the white extension workers.

Negro extension workers historically have been the victims of racial discrimination in training, facilities, salaries, and assignments. When land grant colleges were first founded, 17 Southern and border States established separate institutions for Negroes. Invariably the Negro colleges were funded below the levels of white colleges, and the quality of training received by Negro extension workers was inferior to that provided whites. As late as 1964, Negro State extension staffs were located in separate institutions in 10 Southern States. Until that year, many Negro county workers were located in separate offices where the space, furnishings, supplies, and supportive services were inadequate and lower in quality and quantity than those provided whites.

A 1966 study by the Georgia State Advisory Committee to the U.S. Commission on Civil Rights, *Equal Opportunity in Federally Assisted Agricultural Programs in Georgia,* indicated that in 33 counties where both Negro and white male extension workers were assigned, 22 of the Negro workers had longer records of service but received lower salaries. Six of the Negro workers had superior academic degrees and 14 had equal academic degrees. As stated in the study, it was "abundantly clear that, insofar as Negro agents are concerned, educational achievement and length of service are not the decisive factors in the designation of county agents."

Negro-white differentials in salary ranged from an average of $455 per year for assistant agents to $1,130 for associate

agents even though the range of services was from 9 to 18 years for Negro assistant agents as compared to from 1 to 7 years for whites, and from 12 to 34 years for Negro associate agents as compared to from 6 to 12 years for whites. Data on the Mississippi Cooperative Extension Service for 1967 indicate the existence of a similar situation in that State. In nine of the 38 counties where both Negro and white extension workers are assigned, Negro workers have both longer terms of service and higher educational attainment than whites but receive less salary.

In a staff report prepared for the U.S. Commission on a Civil Rights hearing in Montgomery, Alabama, in the spring of this year, it was noted that only 68, or 17.4 percent, of the State's 397 extension workers were Negro although the rural population of Alabama is 30 percent Negro and 16 Alabama counties have majority Negro populations. Thirty of the Negro workers, 43.5 percent, had master's degrees while only 66 of the white workers, 20.1 percent, had master's degrees yet Negro workers were universally subordinated to the white workers. The report also showed that in a 12-county survey, where 73 percent of the rural population was Negro, there were 46 white workers as compared to only 26 Negro workers; 97 percent of the services of the Negro workers were limited to Negroes and 91 percent of the services of the white workers were limited to whites. In view of such segregation and by virtue of the fewer number of Negro extension workers than whites, it was obvious that rural Negroes had significantly less chance of receiving extension services and, if served, significantly less chance of receiving service equal to that of whites.

Such discrimination, accompanied by the fact that even today the majority of extension services are still provided on a separate and unequal basis, accounts in part for the vast differentials in socioeconomic standing between Negroes and whites in rural areas and undoubtedly is a factor in the outmigration of rural Negroes to urban areas. Thus, the Cooperative Extension Services and the Department of Agriculture, by acquiescing to local patterns of prejudice and discrimination and by failing to assume responsibility for the social consequences of their actions, have had a share in the rise of urban Negro unrest which had rural roots and for continuing poverty among rural Negroes. The new regulations, because they are not retroactive, will not erase the effects of past discrimination in the extension services but, if properly enforced, will bring current discrimination to a halt and provide the basis for real equal opportunity in employment and services. □

WILLIAM PAYNE

Mr. Payne is a Program Analyst for the Office of Federal Programs of the U.S. Commission on Civil Rights.

Why the Poor Leave the Land For the City

Outmigration of the rural poor is deeply rooted in the disparities between the white and black communities in the rural areas of the United States. The following summary of conditions in various problem areas indicates the scope of the situation facing the rural poor, particularly the black landless people:

Housing—In 1960, more than 83 percent of nonwhite dwellings were deteriorating, dilapidated, lacked indoor plumbing or contained a combination of these conditions. Only 28 percent of white housing fit that description.

Health—In 1964, infant mortality rates for nonwhites was twice as high as whites, 46.9 deaths per 1,000 births to 22.4.

Education—In 1960, the median school years completed for nonwhite males was 6.0 years to 8.9 years for whites. Almost half, 45.1 percent, of 15 year-old black youths were below grade-age level in school, while only one in five white youths, 20.0 percent, were behind in grade.

Income—In 1960, 43.5 percent of nonwhite families earned less than $1,000 annually in contrast to only 14.2 percent of white families. This means that 75.4 percent of nonwhite rural farm residents in non-metropolitan areas existed in poverty in 1964 compared to 26.4 percent of whites.

HOPE in HOUSTON

A year and a half ago, several young black men sought a vacant building in the ghetto of Houston that they could use rent-free. They had all recently lost or left their jobs and had no money, but they did have a "program" and an organization in mind.

They found a building. And in the months that followed they and their organization were attacked before a Senate investigation subcommittee, credited by some with almost single-handedly averting a major riot in the South's largest city, and accused by others of inciting the city's Negroes to violence. The program's leaders have been labeled "hard-core ultra-militant black power advocates" and "Communist influenced." But they have also been called the most

dedicated, sincere, and wholesome influence the city of Houston has known for years.

The organization is Human Organizational Political and Economic Development, Inc. To many segments of Houston, including the "establishment"—what blacks call the white power structure—the organization is anathema; to a growing number of residents of the black ghetto and concerned white citizens, it is known in name and in substance as HOPE.

HOPE is a small operation with relatively little money to finance its programs of community organization, job placement, recreation, vocational training, health and welfare referral in the ghetto. Yet the impact of its zeal has been felt by the whole city. The mixed reaction to HOPE results not from what it is doing as much as how it is doing it.

HOPE's prime objective is to spawn black-created, black-operated solutions to the crushing problems faced by the urban black poor, based upon a philosophy that is black and a style that is black. For HOPE's detractors, that philosophy and style are a major objection, but HOPE considers its blackness as the very heart of its efforts and its effectiveness. Even in its short history, HOPE is demonstrating a method and manner of social change that minorities might well consider, white society respect, and all citizens recognize.

Not that HOPE is a panacea or its approach a guarantee of change without strife. The nature of its task plunges it into a morass of aborted dreams, repressed anger, extreme reactions, and enraged impatience. HOPE is not dealing in the niceties of parlor protocol. At times it may appear quixotic, but it is not tilting at windmills. Rather it is confronting the results of centuries of human injustice and prejudice with dedication and hard realism.

HOPE's history and techniques reflect the experiences and abilities of a relatively few young men whose ideas and commitment have given the organization its stature. HOPE is largely identified with one of its founders, Rev. Earl Allen, a Methodist minister who serves as the organization's principal spokesman. Allen, a powerful and articulate orator, realizes that HOPE is strongly identified with him, but he contends that the organization is now a solid entity and stable enough to continue without him or his principal assistants, Robert Bechnel, and Larry Thomas. (Kelton Sams, a co-founder, left HOPE to pursue "similar activities" elsewhere after less than a year with the organization. Roosevelt Huffpower, another founder, recently moved to a nearby Texas city. Several other activists have been in and out of HOPE during its first year-and-a-half of operation.)

Earl Allen was born in Houston 34 years ago. As an undergraduate at Texas Southern University in Houston, he became an activist in the civil rights movement. At a time when most activists were highly critical of the civil rights record of the church, Allen decided to enter the ministry. While he recognized that the church had too often "ignored the earthly bondage of the black man with promises of freedom in the sweet by and by," he still believed the ministry could be used effectively for social change.

He attended Southern Methodist University in Dallas, founded the Dallas chapter of the Congress of Racial Equality, organized and was pastor of a church in that city, and returned to Houston as chaplain of Texas Southern. He tried to expose the university students to the issues of the day, particularly the civil rights struggle.

Meanwhile, the poverty program—which inadvertently brought together the people who later formed the nucleus of HOPE—had come to Houston. One of the guiding lights of the poverty program was William V. Ballew, an attorney with a leading Houston law firm. Ballew headed a Community Council task force intended to secure Federal poverty funds for the city. The poverty program was funded by the Office of Economic Opportunity after a number of poor people—mostly Negroes and Mexican Americans —were added to a governing board which originally had mainly included representatives responsible to county and city political leaders and downtown business interests.

Ballew, who served as vice-chairman and then as chairman of the local community action board, began an intensive study of the literature of poverty and social action. He became convinced that the program could only be effective if the deprived minorities "did it for themselves" and organized to acquire political and economic power. "We didn't want simply to extend health and welfare services," says Ballew. "I became convinced that only community organization, similar to what Saul Alinsky was doing, would be effective."

"And I don't think we were really getting close to our job until we hired Earl Allen," Ballew recalls. "I hadn't known him before, but we needed a Negro who had credibility in the black ghetto and who had

organizing and administrative abilities. We got those with Allen; he made it clear to us from the very beginning that he was not going to run a Christmas-basket operation. He talked about power from the first, and he upset and, I guess, scared some people from the first."

"They had no idea what community action was all about," says Allen, "And I was naive in another way: I thought they were really serious. I didn't intend to disturb anybody; I simply wanted to assure them that I would do a good job. But I got quite a mixed reaction, to say the least."

"The 'establishment,' if you want to call it that, began to feel threatened," relates Ballew, "and even more so when the effects of Allen and his organizers began to be felt. Politicians were getting worried, our downtown business friends were drawing back. My own feeling was that while we had some militant organizers, they were disciplined and the best we had; I thought we should give them a little running room. But every time we adjusted to our operating problems, we were accused of surrendering."

Allen and his organizers began to feel increased pressure to curtail their activities, but they continued to do their job as they saw it. Then city officials became enraged by a demonstration of ghetto residents which the organizers had assisted. Allen contends that the protesters were headed for county offices and that the group stopped by city hall as a gesture to gain moral support from the mayor. But when demonstrators interrupted a meeting the mayor was conducting, he took it as a protest against himself. After that a series of restrictions, which Allen found too confining, led him to resign from the poverty program.

It was not, for Allen, a solely personal action. He and a few poverty employees close to him had become convinced that the program, which depended on Government regulations and Government finances, could not function in the optimum interests of the poor. As one of them put it, "Government poverty efforts are responsible mainly to the very institutions, the very folk, who have allowed discrimination and oppression and who stand to lose if things are done differently."

Several members of Allen's staff subsequently resigned or were fired following their participation in a demonstration at local poverty program offices. Then they began searching for a building in the ghetto. "They left these cushy jobs," recounts Ballew, who had also left his position on the local board, "and they went nickle and diming it so they could do it their own way." Houston's poverty program, under increasing pressure from local and national political leaders, began to revert toward a social service orientation.

The concept of HOPE had already been discussed by Allen and a few of his close associates in the poverty program. The talents and experiences of that few seemed to complement each other perfectly for the purposes of the program that was taking shape in their minds. Besides, Allen, the spokesman, there was Robert Bechnel. "The brains of the organization, the theorist, the scholar," says Rev. William Lawson, a local Baptist minister and civil rights activist, "Bechnel goes quickly to the core of ideas and theories, conceptualizes them, and articulates them into programs and projects." Bechnel, now in his late 20's, was born in New Orleans and attended Roosevelt University, the University of Houston, and Texas Southern. He also studied international relations at the University of Paris under a Woodrow Wilson Fellowship. The intense and introspective Bechnel became director of program and research and was principally responsible for putting the HOPE idea on paper.

Larry Thomas, born in Galveston, Texas, attended Prairie View College, where he became involved in civil rights activities. In Houston, he held a series of odd jobs—mover, postal clerk, porter, substitute teacher, bartender, and dairy worker. He attended law school briefly, was a group worker with a social service agency, and in 1966 joined Houston's poverty program staff. With HOPE, Thomas is a job-training expert and jack-of-all-trades. He has been everything from editor of HOPE's official newspaper to coordinator of community staff.

Roosevelt Huffpower, 29, is a Houston native who attended Texas Southern, then transferred to a college in California but "left for the movement before graduation." He worked in a program aimed at combating juvenile delinquency in Los Angeles, spent a year in a New York City youth program, and returned to California where he worked in community organization in Watts. He finally returned to Houston where he worked for a printing firm while he participated in volunteer efforts to improve the ghetto. Credited with a sidewalk oratory which has squelched several minor disorders and prevented full-scale riots, Huffpower is also charged with delivering dangerously inflammatory speeches. He brushes off the latter

opinion as a misunderstanding of an effective technique: "Out in the street, man, you *got* to come on like a wild radical. These young cats were ready to burn *every*thing down, so I talk right back to them—with some loud burn-talk, with some hip humor—I was just getting the folk with me."

Huffpower did a major portion of HOPE's initial field organization—"public relations in the bars and on the streets." And the message he imparted is the basis of the HOPE idea. He and his colleagues talked about black pride and black awareness—first as a matter of self-respect and dignity, then as a matter of self-interest, finally as a matter of community interest. Everywhere he went, Huffpower talked self-respect, self-help, pride in being black, unity of black people, and the organization called HOPE. People began to call the office and ask for jobs. "We succeded in getting some," says Huffpower, "and we began to develop a constituency on the street." Street corner rallies started, usually with Huffpower—as he puts it—"telling them about the lies of the government; telling them conditions were bad partly because no one complained."

There was radical talk which many considered irresponsible. "That kind of talk may be a threat to the big cats," explains Huffpower, "but it's hope for the little man." More ghettos residents began to affiliate with HOPE, not only because HOPE was helping some people get jobs, but also because HOPE was telling it like it was, "putting awareness on people." It was all based on black pride. As Huffpower puts it: "It was becoming fashionable, you see, to be black. There was a new-found pride. The street guys coming in with us began to dress and groom differently. People, individuals were changing; the idea of black pride was spreading."

During these first months, HOPE operated without money. No salaries were paid, not even to top staff. A campaign for donations from local businessmen brought insinuations of extortion, although no charges were lodged. "Everyone was out to get them," says Ballew, "either by buying them off, by getting them in the system, by putting them in jail, running them out of town, or by starving them." Finally, after almost six months of operation, HOPE was granted initial funding by the Inter-Religious Foundation for Community Organization in New York City. Each member of the administrative staff—which sets salaries—received $60 a week. Later, with full funding from the foundation, top staff salaries ranged from about $350 to $600 a month.

Despite inadequate finances, HOPE's short history has been one of encouraging achievements. Within days after the organization had a name, its founders helped avert a potentially explosive situation created when a white service station manager shot a Negro. The crowd which gathered did not accept the owner's allegation that the Negro had attempted robbery. Rocks were thrown, the people began to mill about, a fire bomb exploded. HOPE workers were on the scene in minutes, pleading with police officials to refrain from a menacing display of force until HOPE's people had a chance to calm the crowd. They shouted for the group to "cool it," talked about "positive action" as against the futility of destruction and violence. A riot was prevented.

Among the positive activities of HOPE in the following weeks, the organization assisted Negro employees of a ghetto supermarket in a strike for higher wages and fringe benefits. The employees obtained agreement to all their demands after a few days of picketing.

When a concentrated employment program, financed by a Department of Labor grant of more than $5 million, lay virtually dormant during the first three months after funding, HOPE organized more than 80 unemployed people and accompanied them to the employment program offices. When they refused to leave until the program enrolled them for training and jobs, most were accepted. "The officials thought that was enough, that they were off the hook," says Robert Bechnel. "But we kept referring unemployed people to them and eventually got many more into the program."

HOPE has organized a youth program of supervised recreation, boxing and other sports, field trips, movies, and a sewing class for girls. In addition, black culture is emphasized in its history and arts and crafts classes. A work pool dispatches adult-supervised youngsters to do odd-jobs in the community. The children themselves, ranging in age from 6 to 13, run the program with nominal supervision from an adult advisory committee.

HOPE has developed a $56,000 computer training program which is housed in a building donated by the local Catholic diocese and is taught by volunteer computer experts. Job interviews were arranged for the first class of 25 who have completed the training. The course is continuing, and future classes are being recruited. HOPE has also developed a keypunch

operator project which is training about 50 students at a time.

A ghetto-based investment corporation is being formed under HOPE auspices. Professionals will teach investment principles to an initial group of 15 to 20 persons who will invest their money in ghetto projects. When the enterprise is off the ground, public shares in the corporation will be sold to ghetto residents. Investments will include housing, new businesses, and other ventures which will not only improve the ghetto but will also keep the profits in the community. HOPE is studying other possible ventures such as housing and consumer cooperatives.

HOPE cooperated with the city health department in a polio innoculation campaign and is developing new health services for black people. When a group of medical students from the Baylor University Medical School approached the organization and asked what they could do to help in the slums, HOPE framed plans for a complete health clinic which will open soon in the heart of the ghetto.

Recently a group of Negro employees of a drive-in restaurant asked HOPE to assist them in a protest over wages, unsanitary conditions, high prices, and alleged discriminatory treatment of customers. The owner won a court injunction to stop employee picketing, but an injunction against HOPE, alleging extortion and conspiracy, was denied. (The Houston Legal Foundation, a federally funded neighborhood legal program, was persuaded to defend the employees, and it is carrying their appeal. It is the first time the Foundation has entered an action of this nature.)

The HOPE Development Association, a membership organization of black ghetto residents, now numbers more than 2,500. The parent organization, HOPE, Inc., provides professional assistance, organizational expertise, and services.

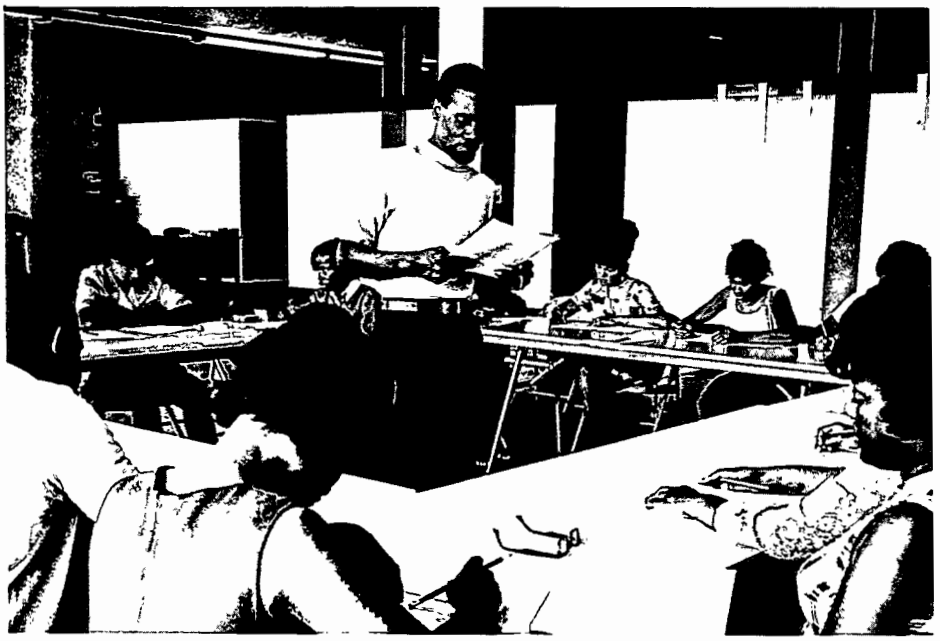
Another group, HOPE Supporters, is made up of concerned whites who live outside the ghetto. With a membership of more than 300 persons, Supporters contribute money, time, and materials to HOPE, Inc. While Supporters is admittedly not a very large group, it does represent a broad range of white society. William Ballew supports HOPE; so does Harry Bobcoff, a white cab driver who intends "to devote my full time working with those guys when I retire on my union pension soon."

The organization is growing and becoming more well-known and stable as a part of the community. A recent series of events help illustrate HOPE's techniques and goals as well as the growing confidence it is gaining among ghetto residents. In recent months, residents of an area near HOPE's headquarters were becoming increasingly disturbed over what they considered mounting police brutality and harassment. HOPE detected a crisis building as complaints against police actions flooded its office. Then a week of an unusually large number of arrests and alleged beatings by police ended with the death of a Negro in jail. Many in the community doubted the official explanation that the death resulted from natural causes, and the crisis was ready to explode. HOPE was able to avert violence by suggesting orderly, legal means of protest which the people accepted. Not only was the imminent disorder avoided; something further was accomplished.

"You see, all this took place in a part of the ghetto known as Pearl Harbor," explains Robert Bechnel. "It's considered the end of the line, populated by people in surroundings so hopeless that they are considered absolutely unreachable. We didn't agree.

"What is most significant and encouraging is that the residents came to us, asked for our help, and followed our suggestions. Now these are people from the very worst ghetto area in the city, people who see themselves as being on the bottom. They did everything themselves; they passed around protest petitions and very soon had over 1,200 signatures—and most of these people have police records of some sort and would understandably hesitate to put their names on such a petition. They took the petition themselves to city hall. They'd never been there before in their lives, but they went right in and presented their statement and their petition to the mayor and city council and were a credit to themselves and their cause.

"But here's the great thing. After they accomplished their immediate goal of taking action on this alternative to violent protest, a group of about 20 from this area are continuing to meet together, and they are discussing further projects. They're going to involve themselves in our youth program; they're talking about trying to get traffic lights and stop signs for busy intersections and doing other things to better their community. The enthusiasm didn't dissipate. They've stayed together and are working for themselves and their community. HOPE is continuing to receive complaints of police brutality, and we forward them to the FBI, but beyond that, the people are doing it themselves, acting in their own behalf.



Larry Thomas talks to a key punch operator's class.

Rev. Earl Allen, HOPE's director.

HOPE volunteers help dispense polio vaccine.

The 'unreachables' have been reached."

Reaching the unreachables, providing nonviolent methods of social change, teaching the techniques of organization and concerted action—these are what HOPE is all about. But all these endeavors are based on a foundation of black pride, black awareness, black community spirit. Without accepting these concepts, HOPE believes, black people are not able to endure the frustrations of powerlessness or act on their own behalf with confidence.

"Black people," HOPE's newspaper, The Voice of HOPE, admonishes, "believe in your worth as human beings, your dignity, your ability, and your beauty. Throughout our lives, we have been told that black means everything ugly, ignorant, criminal, dirty, and shameful . . . that anything that is associated with black has no value. THIS IS A LIE. . . . The mere fact that we have and are continuing to survive the brutality and inhumanity of a racist society should tell us something about our worth, our ability, our pride, our dignity, and our strength."

Rev. Lawson approves of HOPE's approach to community organization, which he describes as "speaking in the language of the streets the philosophical concepts of human dignity and pride, based on a full awareness of the racial rape that has been perpetrated on the black people of this Nation." This alone, he is quick to add, is not enough, and he emphasizes the experience, ability, and resourcefulness of the group. "And remember," Lawson concludes, "we're talking about a pitifully small organization when we consider the size of the problem. All we can really say is that HOPE's motives and aims and techniques are absolutely valid and superior to those of any other operation around."

Rev. Lawson's opinion is met with violent disagreement in Houston. Many attempts have been made to discredit the organization. The testimony of Samuel Price before the investigating subcommittee of the Senate Committee on Government Operations a little over a year ago is an example. Price, an official of the Harris County Community Action Association, the local poverty program, furnished the subcommittee a list of names with the founders of HOPE, along with a few others, labeled "hardcore" or "Friends of SNCC." When questioned for more specific definitions, he replied that the labels referred to "ultramilitants . . . really outspoken people, people who don't care who they are and what they think. . . . It is my assumption that they believe in black power."

Such labels are not the only epithets. HOPE and its founders have been denounced for alleged extortion, inciting to riot, preaching racial hatred, and threatening arson. And the name-calling has even included red-baiting. Recently the Wall Street Journal reported that a member of Houston's police intelligence unit described Earl Allen as "definitely Communist-influenced," based on the assertion that Allen has "been seen with known Communists." The Journal recorded another Houston patrolman as saying that any talk of "social change" is a tipoff that Communist influence is involved.

Allen realizes the problem of labels and definition. "I am a militant," he has stated. "The tragedy of that admission is that I may be characterized as violent, destructive, in favor of riots, and bent on organizing guerrilla warfare against my country—a country of which I am proud to be a citizen. There is no truth in such a description of me, or of HOPE Development, Inc. I define militancy as the aggressive, positive assertion of the rights of all people." Allen fears that an absolute rejection by the white community of this kind of militancy "will create new problems which neither I nor anyone else can control." This last statement is not a veiled threat; Allen is resolutely nonviolent and believes that riots and violence in the ghetto would injure his cause more than any other. "I believe that you must recognize that responsible 'militants' can avert the violence which we all deplore, only if we have a responsible position which is recognized and endorsed by the community."

"The black community needs a black organization that can tell it like it is," says Bert English, who worked in the poverty program with Allen, later with VISTA, and who is now a community organizer with HOPE. "And what worries the white community—call it militancy, black power, whatever—is nothing more than black consciousness and black pride. And these are necessary ingredients to any kind of effective organization in the black community."

"We point out the inequities in the system," adds Larry Thomas, "and are accused of preaching hate and violence. We're just trying to get the folk together. Too many are so brainwashed that they have blocked out the inequities and even the very reason those inequities exist. Blacks must be aware, responsible, dedicated, and unified. And as for anyone advocating or inciting riots, that's nonsense; we know who gets killed and hurt in riots—blacks. We're providing a viable alternative to riots."

A public official in Houston confided: "HOPE may be the only chance we have. I'm what those young militants call a white liberal, and they don't mean that as a compliment. See, I and my Negro friends have been through the war against prejudice and discrimination around here over the last 20-30 years; now we're white liberals and Uncle Toms in the eyes of these young fellows. We don't understand what they're saying, but I tell my friends who are a little scared—look, we just have to trust Allen and his organization. He's certainly no wild man, as some have tried to portray him."

Father Emile Farge, coordinator of the Catholic Council of Community Relations of the Houston-Galveston Diocese, is white and a "liberal." He doesn't hesitate to support HOPE: "Allen's philosophy exudes the premise that social change must be based on instilling confidence in those who have it not. He articulates for the inarticulate the genuine issues of concern and frustration among the poor blacks of Houston." Father Farge would like to see a closer alliance between official, established social services and HOPE's militant approach. So far, there is mostly mistrust, charges of harassment and counter-purpose, and attempts to discredit. "One thing is certain," says Father Farge, "the charge that Allen or HOPE incites riots is insipid, superficial, and false."

"HOPE is preventing disorder," says Felo Mack, a young graduate student and instructor at Texas Southern who recently joined HOPE's staff. "Violence comes as a result of absolute despair. HOPE is wiping out despair. We're changing things, and the white community's fears of this change result from a combination of guilt and misunderstanding." As Mack tours the black ghetto of Houston, he talks about the potential there—potential which is difficult to conceive among the dusty streets, leaning shacks,

Ghetto housing in the center of the South's largest city . . . "potential that is difficult to conceive . . ."

Computer program trainees take a break in front of the HOPE training center.

wrecked cars. "In addition to the land in the ghetto, there is so much human talent to be tapped for rebuilding. What we're doing cannot but affect the larger white society also. For one thing, a black with full citizenship is a new concept; that black becomes a new being which the white community must come to recognize and accept. So we're attempting a revolution in thinking in the black community which should—which must—cause a revolution in thinking in the white community."

"Our basic idea," says Robert Bechnel, "is that minorities have been subjugated and deprived of even a sense of their own worth. They must have their sense of pride, dignity, and self-confidence restored in order for them to approach and improve their living situation. And this concept is valid for other minorities. Our attempts to unify the black community are not necessarily a separatist action. We are pro-black—not anti-white." Bechnel believes that white racism is prevalent, "and since white racists are not capable of assuring equal rights for all Americans, blacks must assume the initiative for their own self-interest."

The name-calling, the charges and counter-charges, the alienation and distrust which characterize race relations in Houston are not unique to that city. Recognition of mutual problems could diminish the racial hostility which exists there and throughout the country. "Allen has had to spend too much time not only putting out brush-fires, but also explaining to whites what he's about," says William Ballew. "It's obvious to many of us that HOPE is essential to the health of this whole community. It won't be healthy for my children until and unless it is healthy for the children in the ghetto."

Speaking for his own organization, Earl Allen says, "There must be a spirit of cooperation in the white community and there must be a willingness to assist the black community in programs that are intended to serve the mutual best interest of all concerned." He advises whites that "positive and constructive alternatives to the American dilemma that are offered by blacks must be accepted and given a chance to work."

Insisting that paternalism must end, Allen advocates what he calls "white militancy," whites working under black leadership to end poverty and inequality in recognition that "black folk and only black folk can speak with authority on the needs of the black community."

Allen and HOPE realize that the job has only begun. As he told a crowd in Houston's Emancipation Park on Easter Sunday, following the assassination of Martin Luther King, Jr., "It now becomes our mission, collectively and individually, to spread the word to our black brothers and to the white community that black unity is here to stay, that equality is as close as our ability to work constructively toward that end, and that economic and political power are as realistically feasible as the quality and character of our leaders." □

ERBIN CROWELL, JR.

federal boost for segregation

The proliferation of private all-white schools in the South, created to avoid desegregation, may have been accelerated by a recent policy decision of the Internal Revenue Service.

Since the 1954 Supreme Court decision outlawed public school segregation, more than 200 privately funded, all-white schools have been established to circumvent the law. In apparent contradiction to national policy on school desegregation, IRS may have provided the impetus which could increase the number of racially isolated schools and resegregate Southern school systems.

Ruling that such schools were organized—in the words of the Internal Revenue Code—"exclusively for . . . charitable . . or educational purposes," IRS exempted privately funded segregated schools from the payment of Federal income tax. In addition, the Code provides that any contributions to these institutions, within certain percentage limits, may be deducted from the donor's taxable income, and estate tax and gift tax benefits may be allowed.

The full implications of segregated private education can be seen in the effects these schools have had upon local communities and public school systems. In some instances, the formation of private schools has enabled white students and teachers to boycott the public schools entirely. The

result has been all-Negro public schools and all-white private schools. For example, prior to 1963 the Surry County, Virginia, school system had three schools, two all-Negro and one all-white. In September 1963, the white school was to be desegregated, but the school board closed it, because all the county's students and teachers transferred to a newly created private school. By January 1967, the school board members, the superintendent, and two clerical employees were the only whites remaining in the school system.

Besides resegregation, the withdrawal of white students from the public school system also affects the amount of State funds available to the district. Most Southern States apportion funds to school districts on the basis of average daily attendance figures or some equivalent. When the average daily attendance declines, the State contribution is reduced. Even if a small number of students leave a system for segregated private schools, the decrease in revenue could be a serious matter because many Southern systems operate on tight budgets consisting primarily of fixed expenses for building maintenance and teachers' salaries.

The growth of all-white private schools also contributes to the decline of citizen interest in maintaining a first-class public school system. School officials in Nottoway County, Virginia, reportedly had difficulty encouraging voter approval of a $1.6 million bond issue in 1967 to finance public school development. White citizens had virtually no interest in the public system; more than 300 white children had escaped impending desegregation of the public schools by enrolling in private schools. In a statewide private school fund drive, however, the same county topped all other Virginia counties in raising money.

Private contributions have constituted an important source of revenue for all-white nonpublic schools. For example, Council School No. 1 was founded in 1964 by the White Citizens Council in Jackson, Mississippi. For the school year 1964-65, the school had a total budget of $46,666 and utilized a building and equipment which cost almost $16,000. An analysis of the school's receipts for that period, made public by the Department of Justice, indicates that the school had received more than $50,000 in cash contributions from private individuals and more than $13,000 in non-cash contributions.

Private schools created for the same purpose as Council School No. 1 were enjoying tax exempt and tax deductible status when 42 more segregated private schools applied for exemptions during 1964 and 1965, apparently in reaction to the increase in public school desegregation during that period. Because of the volume of new applications, IRS did not immediately approve them. In addition, the U.S. Commission on Civil Rights, noting that so many private schools were seeking to obstruct the course of school desegregation through a tax advantage, questioned IRS's policy.

After conducting a full review, the Commission recommended that the Secretary of the Treasury seek an opinion of the Attorney General whether Federal law required that tax benefits be denied such schools. The Commission's interpretation of Federal law, set out in a staff paper (later included in a report, *Southern School Desegregation 1966-67)*, asserted that to allow such tax benefits violated Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination "under any program or activity receiving Federal financial assistance." The granting of these benefits, it was argued, differed only in method from an actual disbursement of Government funds.

The Commission contended further that the charitable benefits provisions of the Internal Revenue Code contain a requirement that the beneficiaries of Federal tax policies must promote the general public welfare. Racially segregated private schools are contrary to the public interest, it was argued, and the racial isolation which results does more harm than good.

Finally, it was argued that the constitutional requirement of guaranteeing equal protection of the laws, applied to the States through the Fourteenth amendment, has also been applied to the Federal Government through the Fifth amendment. Therefore, decisions forbidding States to support or participate in private, segregated education "through any agreement, management, funds, or property" also apply to the Federal Government. Thus, tax exemption and tax deductibility policies constitute a form of Federal financial aid and contravene those decisions.

The Civil Rights Division of the Department of Justice, in a memorandum written on the eve of the Internal Revenue Service announcement (August 2), took a similar position. In its statement, the Civil Rights Division stressed the view that private segregated educational institutions cannot properly be classified as eligible

charities because their racial policies conflict with a well-defined national policy against discrimination. In support of its contention, the Division cited the Brown v. Board of Education decision voiding State-maintained school segregation, Title VI of the Civil Rights Act of 1964 prohibiting Federal aid to segregated schools, and Executive Order 10925 concerning racial discrimination in employment.

Nevertheless, officials of the Internal Revenue Service, in discussions with Commission on Civil Rights staff prior to the public announcement, maintained that the traditional law of charities tolerated racial restrictions upon educational charities. With regard to the prohibition of Federal financial aid for segregation contained in Title VI, IRS officials took the view that approving applications for tax benefits under the Internal Revenue Code could not be considered a "grant" of Federal financial assistance within the meaning of Title VI.

In explaining its ruling, IRS indicated that a segregated private school would be entitled to Federal tax benefits if the State money it received through tuition grants to students—which in most cases had been enacted for the purposes of frustrating public school desegregation—was less than half of the school's financial support. All 42 schools whose applications had precipitated the analysis of the IRS policy met these criteria. All applications were approved.

The impact of the policy is evident in the case of the Nansemond-Suffolk Academy, a segregated private school in Suffolk, Virginia. The Academy, established soon after the beginning of public school desegregation, offers 12 grades of education to the white children of the area. Under a Virginia tuition grant statute, which has been under legal attack but which has not been voided, its students may be allotted $125 to $150 per year. Last year students attending the school received and paid to the school $76,177 in State tuition grants, constituting approximately 46 percent of the institution's income.

As a result of the IRS ruling, this school is the beneficiary of a Federal tax advantage. Without such a policy, it is unlikely that the school could continue to operate.

It is difficult to assess the full impact of such Federal tax exemptions to segregated private schools each year. But one thing is clear: the most important tax benefits, the deductions given for contributions are equivalent in their effect to direct expenditures of Federal funds. To illustrate, when a taxpayer in a 50 percent tax bracket contributes $2 to a segregated private school, the Federal Government relinquishes to that school a dollar it would otherwise have received in taxes.

In allowing Federal tax advantages to schools receiving less than 50 percent governmental funding, the Service placed primary reliance upon a 1965 decision of a three-judge Federal District Court in Virginia. In Griffin v. State Board of Education, Judge Albert V. Bryan wrote that the operation of segregated private schools supported by State tuition grants was unconstitutional "if the private school is the creature of, or is preponderantly maintained by, the grants."

By the time Judge Bryan's criterion had been adopted by the Internal Revenue Service, two other Federal District Courts in Alabama and Louisiana had set out much broader standards of government responsibility. Subsequently, decisions of these courts were affirmed by the U.S. Supreme Court, thus providing the most authoritative repudiation of the standard adopted by IRS. As stated by one of the courts: ". . . decisions on the constitutionality of State involvement in private discrimination do not turn on whether the State aid adds up to 51 percent or adds up only to 49 percent of the support of the segregated institution."

Last spring, the Supreme Court abolished another means of avoiding integration—the freedom of choice desegregation plan—unless such a plan, in the Court's words, "promises realistically to work, and promises realistically to work now." As other means of avoiding the national policy of school integration are struck down, IRS policy encourages the advocates of segregated education to establish private all-white schools.

In short, a Federal tax policy encourages the growth of and helps finance segregated private schools to the detriment in some places of the quality of public education. At the same time, Federal policy as enunciated by the Supreme Court and in Federal legislation favors the establishment of the highest quality of public school instruction on an equal basis for all students, white or black.

The inconsistency of Federal policy raises grave legal and constitutional implications. □

FRANK R. PARKER

Mr. Parker is a Staff Attorney in the Office of General Counsel of the U.S. Commission on Civil Rights.

EL PUERTORRIQUEÑO: NO MORE, NO LESS

"I'm not black; I'm not white; I'm not in-between. I'm Puerto Rican."

Few other words strike more powerfully to the core of the peculiar situation of the mainland puertorriqueño. The words of the "Newyorican," a current phrase for the New York Puerto Rican, can tell America many things about the political and philosophical aberrations stemming from its color blindspot.

The Newyorican was saying that race and color don't matter, that personal identity does—at least for him. On the basis of being puertorriqueño, no more, no less, there is developing slowly, sometimes dramatically, a special vision among Puerto Ricans of what they stand for on the U.S. mainland.

Caught in the middle of the white and black extremes of society, the Puerto Rican strives to maintain his personal equilibrium based on cultural or ethnic identity which accepts the diversity of skin color or other features among his own people. He is aware of other factors of class and wealth which create formidable barriers within the group. But he must insist on his own personality, on his peculiar identity, which he considers not only unique but essential to his existence.

The Puerto Rican, it must be realized from the outset, does not derive from a single-purpose, one-minded community either in terms of motivation or methods. There is a true community of thought as to objectives, better jobs, quality education, a better life in general. There is more than one kind of puertorriqueño, though, in relation to birthplace and social orientation: some are born and reared on the mainland, some have come here within recent years; others come fresh from the island daily; one generation abhors the other; methods and viewpoints are hotly disputed; some Puerto Ricans become "dropouts" having cut ties with their past; others return to "el barrio" which is as much a state of mind as it is a few dozen square blocks called Spanish Harlem.

In many ways, the Puerto Rican is an up-to-the-minute version of the many past waves of immigrants to America. But he is not really an immigrant; rather he is a migrant, fully an American citizen, who relocates, seeking a better job and better life opportunities in the States. Most Puerto Ricans have come to the mainland within the past 15 years. More than half are under 21 years of age. Of the more than one million on the mainland, a great number have already served in the armed forces—many have died serving their country. For years, puertorriqueños have handpicked the fruit and vegetable crops in the farm areas of the eastern seaboard.

Yet Americans still make the same judgments and reach the same conclusions that were made in the late 19th and early 20th centuries. Any newcomer is considered a threat to the job market, to housing, to civil order. The slum dweller is blamed for the conditions in which he is forced to live, where he may well be the fifth generation tenant.

Much of the Puerto Ricans' problems stem, then, from the fact that they have literally been last in line for the jobs, the school desks, the tenements. But there is also an apparently self-perpetuating cycle of distrust and rejection by Americans of anyone who is foreign-sounding, or foreign-looking. By and large, it seems evident that Americans tend to depreciate the value of culturally different groups in their midst. This fact has been painfully demonstrated in regard to racially different groups, particularly the black man. Yet, it is only within recent years, because of the growing militancy of American Indians, Mexican Americans, and Puerto Ricans, that the white American majority has been made aware of groups other than blacks who are projecting a particular personality and view of life into the Nation's consciousness.

It is also part of the total social conflict that white Americans generally resent and cannot understand anyone not wanting to be or talk like the majority. One of the most articulate spokesmen among Puerto Ricans is New York-born Joseph Monserrat, director of the Commonwealth of Puerto Rico office in Manhattan. Puerto Ricans, he observes, are a continuation of the struggle each new group has had to wage to achieve freedom. Most immigrants have become carbon copies of something they're not, he says, because Americans already here have tended to negate anything foreign —to be foreign has meant to be less. In this sense, the Puerto Rican is an irritant because, as it is becoming more and more evident, he wants to be accepted and respected for what he is, not for what others may want him to be. When all the rhetoric is cleared away, this is essentially what his struggle is all about.

In early September, about 2,000 Puerto Rican people demonstrated before City Hall in New York City demanding that a manpower program of the Puerto Rican Community Development Project be maintained at the proposed funding level of $815,000. The Manpower Commission had been contemplating a cut of $215,000 but as a result of the puertorriqueño showing, the PRCDP program was given a respite. The project director, Mrs. Amalia Betanzos, and its board chairman, Rev. Ruben Dario Colon, and other board members met with Cyril Tyson, director of the Manpower Commission, who assured the group that the program funding would be reconsidered. However, only a few days later, the Commission announced that a $155,000 cutback had been ordered.

In no small way, such a demonstration illustrates the practical aspects of a growing activism and militancy among Puerto Rican individuals and organizations. Among the placard carriers were State Senator Robert Garcia and Assemblyman Armando Montano of South Bronx, the Puerto Rican community's sole representatives in the State legislature. Puerto Ricans themselves give ample reasons for their mounting concern and personal involvement. Many suggest that little is being done to offset the kind of street confrontation with city hall which

took place in September; that, in fact, more overt acts of frustration and dissatisfaction can be expected. In at least four Puerto Rican neighborhoods last summer, tense encounters with police took place.

Puerto Ricans are acutely aware that on every count—housing, education, employment, income, welfare—the puertorriqueño ranks last in comparison to other groups comparable or larger in size in New York City. Scattered about the five New York boroughs are 841,000 Puerto Ricans, or *boricuas* (a term of self-identification that recalls very early Indian roots on the island of Puerto Rico). The figure increases daily. New York City's Puerto Rican population, in fact, is twice that of San Juan, the largest city in Puerto Rico. Commonwealth office estimates indicate a net migration annually for the past two years of about 30,000.

Despite the size of the Puerto Rican population of New York City as well as of other colonies found in cities along the east coast, in the midwest, and on the west coast, not a great deal is known about educational achievement, employment patterns, mobility trends, nor of the peculiar dynamics of the migration flow to and from the island. Only recently have statistics begun to develop about this minority portion of one of the largest cities in the world.

In some cases, Puerto Ricans are made invisible by bureaucratic terminology. The residency makeup in public housing projects for example, is classified into "white," "Negro," "Asian," and "other." This "other" is mainly but apparently not entirely Puerto Rican. It may include a number of other national groupings, particularly South American immigrants, a semantical shortcut which only adds to the complexity of problems generally related to Spanish-speaking groups. In effect, persons of Spanish descent are lumped together under a rather vague and depersonalizing title. The extent of the difficulties caused by such generalizing may be difficult to assess but one can imagine that anyone reading or hearing a statistic about "other" with no explanation would tend to discount it as unimportant and never realize that "other" distinguished a large group of people having their own special problems and needs.

Some data are available which lend credence to the arguments and demands of Puerto Rican leaders. A recent study by Leonard S. Kogan and Morey J. Wantman of City University of New York reported that Puerto Rican family income was lowest among the three major groups in the city: $3,949 compared to $4,754 for nonwhites and $7,635 for whites. Puerto Ricans had made a gain of only $49 in the past two years in contrast to white gains of more than $900. Other studies by the Puerto Rican Forum, a young issue-oriented organization, indicate that Puerto Ricans on relief had risen in percentages more rapidly than any other group, from 29.5 percent in 1959 to 33 percent last year—a figure which is all out of proportion to the percentage of Puerto Rican population in New York—about 10 percent. But the percentage of Puerto Ricans on welfare rolls may now be even higher according to statements from officials in the city Department of Social Services, who suggest that as many as 40 percent of Newyoricans receive some public aid.

Employment trends among Puerto Ricans showed a decrease from 17 to 12 percent in white-collar fields while women's employment increased from 18.7 to 24.9 percent between 1960 and 1965. Unemployment rates in three densely puertorriqueño districts, East Harlem, South Bronx, and South Brooklyn, reached 12 percent, three times the national rate. Puerto Ricans made up 22.1 percent of the city's public school population, 244,458 out of 1,109,664. Academically, they fared badly: little more than 1 percent of Puerto Rican high school graduates in the last two years have received academic diplomas, about 8 percent received vocational certificates, but the rest, 90 percent, were given only general diplomas, which merely attest in effect to a student's class attendance. The Puerto Rican Forum estimated that half of Puerto Ricans in the city over 25 years of age have less than an eighth grade education and those reaching ninth grade read at a fifth grade level.

But even these figures and statistics cannot begin to tell the story of "el barrio." "There is only one 'el barrio,' " a young boricua explained as he leaned against a car parked not far from the subway entrance at Lexington Avenue and 103rd Street. Coming out of the subway into the streets of "el barrio" after being in downtown Manhattan is like stepping into another world. A senses-offending squalor is first apparent after the tall, glass and steel cityscape, a contrast suddenly sprawling before the eyes of squat three and four story tenements

littering the streets. It is hard to judge which is more disturbing—the suddenness of the climb up the subway stairs or the abruptness of East 96th Street which runs like an invisible Berlin Wall between affluent Manhattanites and East Harlem puertorriquenos and Harlem blacks.

This might be the initial impression of "el barrio" or of most of the other slum neighborhoods in which thousands of human beings are compressed. Beyond that first jar, however, one can begin to sense the living that is going on there, to feel that very little goes on in those streets with which everyone is not familiar or involved. Life during the summer, of course, is conducted as much on the streets as possible. Poorly ventilated apartments are extremely close; the smell of the sweat and refuse of generations is stifling. Most of the dwellings are privately owned (few by Puerto Ricans themselves), and in final stages of dilapidation; most of the buildings, which house many times the occupants they were meant to house, were built before the First World War.

A middle-aged Puerto Rican, greatly interested in his community, told the story, perhaps only a story but vivid in its recounting, of a visit he had made recently to an apartment of three rooms in which eight people lived. The father, out of work, had just finished a plate of *cuchifritos*, a Puerto Rican dish, and was placing his plate in the sink. Distracted by the conversation he grabbed at what he thought was a piece of meat he had missed, recoiled with a curse when the thing he was about to put in his mouth turned out to be the slum's ever-present uninvited guest. a mouse, trapped to death in the yellowed porcelain basin.

A young boricua signs up for a summer job in one the barrio community development offices.

Living conditions constitute the most easily measurable factor of the wide range of problems facing the slum dweller. The person can see the extent of the deprivation; touch and smell the inhumanity of it. Spanish Harlem. South Bronx, Brownsville in Brooklyn, other densely puertorriqueño areas are byproducts just as other slum ghettos in New York or any other city in America, of governmental neglect, landlord absentism, poverty, ignorance, in short. of public rejection of the poor and disregard for their true needs.

In 1962, representatives from a number of Puerto Rican organizations formed the Puerto Rican Citizens Committee on Housing to investigate the effects of housing and city planning in the Latin community. Their report cited a "conscious effort to remove the Puerto Rican from the so-called prime real estate in Manhattan," that urban renewal programs had "uprooted and destroyed established Puerto Rican communities," and called for a voice in the housing and planning agencies of the city.

The particular area studied by the committee was West Side Manhattan, a ghetto romanticized in the Broadway musical, *West Side Story*, above 79th Street to 125th Street. According to residents and community workers in the area. things haven't changed much since the citizens' group study. In fact, the decision of the Housing and Development Administration to construct two middle-income projects as part of the West Side Urban Renewal Area (87th-97th between Central Park West and Amsterdam Avenue) has been vigorously disputed by community groups and leaders who consider it a threat to some 6,000 present tenants who might not be adequately relocated and regard it as an act of economic discrimination: monthly rents in the 325 apartments to be built will run between $48.61 and $50.64 per room.

One aspect of the kinds of housing problems which plague the poor is evident in the West Side Manhattan region, a heavily puertorriqueño populated neighborhood. On the outside, dilapidation is not obvious. Reconstruction and renovation of row brick homes is a common sight; multi-story apartments rub elbows with three story apartment houses; there's a new school at 84th Street near Columbus Avenue; other redevelopment projects

are planned. Yet, just as the 1961 study indicated, the Puerto Rican, the black, the poor white, are being slowly squeezed out. The overriding issue for minority groups such as the Puerto Ricans is the maintenance of community life which requires low-income housing, adequate relocation during construction phases, and adequate space and facilities for small to large families. For city officials, there is the dilemma of providing enough low-income housing while integrating the city at least economically by building middle-income housing and, as a byproduct, achieving racial and ethnic integration.

The solutions to such a complex issue will not come easily. In el barrio, the concept of private, minority group control of low-income housing is being tested by the East Harlem Redevelopment Corp., in a project codenamed "Pilot Block." The objective of Pilot Block, which evolved from the groundwork of the East Harlem Redevelopment Council, itself the offspring of a tenants' council, is to place the ownership and management of housing in the hands of former tenants. The block selected for the project, 122nd-123rd Streets between 2nd and 3rd Avenues, consists of several family residences, a handful of single occupant rooming houses, and, the source of greatest local resistance to the project, according to Pilot Block staff people, long established furniture and clothing stores.

There has been one major obstacle in the more than a year and a half negotiations in which Pilot Block promoters have been engaged: the city has not condemned the site for clearance and transferral to the East Harlem citizens' group. During the past six months, there have been at least two major confrontations with "city hall," a demonstration in front of Gracie Mansion, the Mayor's residence, and a presentation before a city housing commission meeting of six demands made by the Tenants Council. The project was approved by the Department of Housing and Urban Development more than 20 months ago but still awaits city action on condemnation.

A much-repeated theme among recognized Puerto Rican spokesmen and young activists was evident in the comments of the tenants' council and Pilot Block staff such as Rene Rodriguez, Tony Santos, and Bobby Azevedo. They conceived of their work as stemming essentially from the need for social change. "The Pilot Block means political power; it means that the politicians would have to give up some of their control over people," one of them said. Tenants—and first chance would be given to those people already living on the pilot location —would elect their own representatives to the management board of the four-building complex of high-rise apartments, medical, educational, and recreational facilities to be provided on the site. "It is also a social thing," another said, referring to the obstacles barring the progress of Pilot Block. "People on the outside don't want to give us middle class, material things."

Local community control is not an issue solely in the area of housing. Long-standing disputes between local school officials and community leaders erupted on the scheduled first day of school in a major teachers' strike which closed down all but one district, the Ocean Hill-Brownsville School District, an area about two-thirds black and one-third Puerto Rican. The district is an experimental one, testing the decentralization concept under Ford Foundation funding. The district's governing board demanded that it have the right to choose its teachers without interference from the central Board of Education. (It was earlier this year that the first Puerto Rican, Hector I. Vasquez, head of the Puerto Rican Forum, was named to the Board of Education.)

An important facet of this issue is the fact that although the eventual capitulation to the city school board by the local governing board seemed inevitable, the coalition of black and Puerto Rican parents managed to keep the school doors open. In so doing, the parents proved something to the city and to themselves. The struggle in the cities has always been between those who have power and those who don't. Blacks and Puerto Ricans clearly demonstrated that alliances have a greater impact on a recalcitrant opposition, whether it is a city administration or a 40-thousand member teachers' union.

Fundamental to the stance adopted by the Ocean Hill-Brownsville area residents toward the entreaties and pressures from the central school board and the teachers' union is a widely divergent understanding of equal education opportunity with its dualities of integration and segregation. The down in the ghetto or barrio view of integration is that it means breakup of established communities, another

parallel to the housing issue. The Puerto Rican community, again reverting back to a strong sense of cultural and historical precedent, does not conceive of segregation as a problem in the same way that civil right leaders and educators have viewed it. Segregation is not something to be eradicated solely because it means allocation of teachers and students to schools on a racial basis—an all-Puerto Rican school may differ widely in the skin color of its student body, and thus be "racially integrated." When segregation entails educational deprivation based primarily on the location of the school—in the barrio or ghetto—or on the racist or anti-poor attitudes of some official, that is to be fought. Ocean Hill-Brownsville demonstrates this principle clearly. Whereas the black community rejected and withstood the pressures of city officials and teachers on the basis of black pride, Puerto Ricans stood firm on the basis of cultural pride. Faced with a confused tangle of principles stemming from the unionizing efforts of teachers and from school officialdom, the black and Puerto Rican parents of Ocean Hill-Brownsville decided to rely on themselves and their concept of what was right for their children and their community. As a result, they gained a great deal of ground on the principle of local control over local schools and programs.

To a great degree, the confrontation between the Puerto Rican Community Development Project supporters and the city administration presents another aspect of the problems facing the Puerto Rican because he is the last minority to enter New York. Mrs. Betanzos, PRCDP director, frames the issue in this way:

"The blacks want us to be black and the whites want us to be white because they both want to use us. In terms of issues, I would have to side with the blacks—but I'm a Puerto Rican and no one has the right to tell me or want me to be black or white.

"In the poverty program, black organizations have not wanted Puerto Rican groups funded. This is unfortunate because they have been using the same arguments that the whites have," she contends. "They say that the Puerto Ricans cannot run their own programs." She points out that the scattering of the Puerto Rican population has led several groups to seek anti-poverty funding on an at-large basis, that is, taking in an entire borough or even all five boroughs. This conflicts with the concept of geographic representation inherent in the makeup of the poverty program governing board, which consists of representatives of 26 geographic areas.

Mrs. Betanzos, a native New Yorker, notes that under this system Puerto Ricans control only one area, the Hunts Point district in South Bronx, while the black community, which is much more "homogeneous" in the various geographic regions, virtually controls the poverty board. "The Puerto Ricans must have citywide programs," insists the Project director, who is also chairman of the National Association for Puerto Rican Civil Rights. At present, the Project and three other groups, ASPIRA, an education-oriented program, the Puerto Rican Forum, a young activist business development group of professionals, and the Puerto Rican Family Institute, concerned with family social services, operate citywide programs.

A Puerto Rican who can observe the difficulties of the puertorriqueño community from two angles, as a member of the community and as a city official, is Manny Diaz, deputy commissioner in charge of the Manpower and Career Development Agency. His agency coordinates Neighborhood Youth Corps, Concentrated Employment Programs, and other manpower and training contracts with community groups.

Generalizing on the employment problems among Puerto Ricans, Diaz approached the subject from the perspective of the need for more Puerto Rican-owned businesses. "There are probably 2,000 small businesses owned by Puerto Ricans, mostly bodegas (grocery stores) or service type businesses. The Puerto Rican needs to turn to developing goods-producing companies." This new dimension, which would have a great effect on job opportunities, "is moving rapidly," he believes, "and will outstrip the Negro's efforts in 10 years." Still, he added, the present picture of jobs for Puerto Ricans is critical: about 14 percent of those 21-24 years old are unemployed, of those 25 to 30, 9 percent—two to three times the national rate.

A study of three areas, Harlem, East Harlem, and Bedford-Stuyvesant in Brooklyn, released in late September by the regional office of the Bureau of Labor Statistics, disclosed that: Puerto Ricans were unemployed or underemployed (working less than full time or earning no more than the mini-

mum wage) at a rate higher than the overall rate in two of the three areas—36.0 percent to 33.1 percent in East Harlem and 29.7 percent to 27.6 percent in Bedford-Stuyvesant. The data indicate that one out of every three Puerto Ricans has a serious job problem and that Puerto Ricans in general fare worse than Negroes in the job market.

Employment was just one of many areas which Diaz cited as critical to the general wellbeing of the Puerto Rican community. "Puerto Ricans are far behind in voting, 20 percent behind the blacks in voter registration, worse off in terms of housing and in education," he said. "The Puerto Rican should relate himself to issues; he has to look for alliances, work with anybody else. If the school system is failing, both black kids and Puerto Rican kids are losing out; if we don't have enough housing, we have to cooperate with other groups who lack housing; if the police are misusing their authority, not only we but blacks as well are victims of it."

Hundreds of puertorriqueños participated in the Solidarity Day March on June 19 which culminated the Poor People's Campaign in Washington, D.C. A Puerto Rican flag is unfurled as Gilberto Gerena-Valentin addresses the throng in front of Lincoln Memorial.

But what is most crucial to the present status of the Puerto Rican, Diaz and many others asserted, is involvement in the political process. There has been a gradual development since the early 1940s of different levels of organizations, from the first services or social oriented groups such as hometown clubs through the mid-1950s when the first wave of young, second generation puertorriqueños began to develop issue oriented organizations. Now in the 1960s, organizations have taken entirely new forms as tenants' councils, Pilot Blocks, community development agencies, professional and youth activist groups, coalescing various groups into single bodies, and developing coalitions around basic problems of the poor. The objective is political muscle. With the election of Mayor Robert Wagner in 1960, the patronage of jobs in city administration and other areas, which had passed by the Puerto Ricans, began to fall to el barrio as the Puerto Ricans started to make their ethnic vote count. And because, as observers of New York have pointed out, at least five general ethnic or racial groups vie for political attention—the Irish, the Italians, the Jews, the Negroes, and the Puerto Ricans—the latter is last not only alphabetically; he is literally the fifth community, the last minority.

The shape and scope of the Puerto Rican's coming to terms with the necessity for political push and pull, for "clout," is in great flux.

The problem basic to the Puerto Rican's future political life and of course to every other phase of his existence is again twofold: he must develop a personal and group awareness built on self-identity as a Puerto Rican, yet he must also adjust to political realities which demand certain compromises or rationales for coalition in order to achieve certain goals. As to the latter, the Ocean Hill-Brownsville issue comes to mind and, not as recently, the participation of 2,000 Newyoricans in the March on Washington in 1963, and of 5,000 puertorriqueños in a weekend march on Washington to support the Poor People's Campaign.

Gilberto Gerena-Valentin, director of the Puerto Rican-Hispanic Division of the city Commission on Human Rights, offered this view of the problem: "New York like any big city is a close-ended city.

Politically, the machines have worked out the deals and will not give anything to the Puerto Rican. If we had a ghetto, we could elect our own representatives, but we have only one Assemblyman (of 68) from the five boroughs. Where we are densely concentrated, we're not registered because of the literacy test. (New York State requires a person to write and speak English or have a 6th grade education.) This situation will be hard to change because the political powers want to keep the status quo."

Reflecting a very common view, Gerena-Valentin, who has sought election as councilman-at-large, added, "Many answers to the problems of the Puerto Ricans lie in gaining political strength. But in terms of political participation, the Puerto Rican has a different concept of the social dynamics involved. He identifies with the desire of black people for self-determination. But," in relation to the racial attitudes of America, "he comes in between the black and white, but he is neither. He experiences a psychological impact because he is the majority in Puerto Rico but here a minority." The racism in American society, he stresses, divides the Puerto Rican family because in its economic and social struggles, white society favors certain of the children on the basis of their skin color.

He abhors the idea of a fight between blacks and Puerto Ricans, Gerena-Valentin says, because, "Both are impoverished. We should join our power and demand more. The Puerto Rican is beginning to learn the value of direct action. If the white power structure doesn't want to give up some power," he said, "we are learning to take power another way. We are going beyond getting political appointments in terms of solving any problems. As long as we are lowest on the totem pole, none of us is safe."

Monserrat, a member of the New York State Advisory Committee to the U.S. Commission on Civil Rights, points out that Puerto Rican reaction to civil rights issues is not the same as for other groups. "We do not accept the color value of either the black or majority group. Thus we are way ahead of both on this—to accept either would be to create a racism in us and that would be a tremendous step back. This is a major contribution which we as a people, from our history, our experience, our conditioning, can make.

"The Puerto Rican has always possessed basic civil rights. He has always seen himself as the whole and as part of the whole in Puerto Rico." His experience in the United States, Monserrat describes, has been generally negative, tending to cause rejection of the Puerto Rican identity (dropping out or passing into white society) or immersing oneself in the culture, to escape from the reality of a sometimes perverse environment. "The most significant aspect of our struggle," he believes, "is also one of our biggest problems: whether we will be able to make the contribution which we can make by being and remaining Puerto Rican. There is a great gap between third and fourth generation groups and ours which hardly has a second generation. We have upward mobility but the rate and spread depends on what is happening now, and what is happening doesn't promise much for the great number of the people."

A former director of the PRCDP, Jose Morales, brought up a significant new factor in the political thinking of puertorriqueños. A great many Puerto Ricans, he believes, have withdrawn from "politics" because of the assassination of Robert F. Kennedy. They have given up on political involvement, he says, but the full effect may only appear following the November elections.

Morales views the present status of Puerto Ricans in terms of organizational progress: "There is a widespread concern that we're not moving as fast as the blacks, but I think it's a matter of Puerto Ricans still moving at a different phase of the cycle of development. We should next develop citywide organizations taking in the five boroughs."

Direct confrontation and organizational skill are the two sides of a double edged sword being honed by young activists such as Jack Agueros, currently working for a private firm concerned with business development and chairman of a new group called Puerto Rican Institute for Democratic Education. Last June 30, Agueros began a five-day fast in his office when he was deputy commissioner of the city Community Development Agency. He sought a number of specific changes by his fast, that a Puerto Rican be named to the Board of Education, that city colleges and universities alter their policies toward minority students, and, his major objective, that Puerto Ricans be included at the decision-making levels throughout the city administration.

"I want a better economic situation for the Puerto Rican," he says, "I want for him to come out of an invisible category, to be considered and consulted with in city, State, and Federal programs. The answer to our problems is political—when we

can sit on the policy-making bodies, everything else will fall into place."

Agueros continues, "I'm disturbed that many my age removed themselves from the barrio, but some have returned through the poverty program. I am concerned with creating a mentality in the Puerto Rican community that a voice in government is owed them and due now, so why doesn't the power structure give us that voice?" A self-proclaimed militant, Agueros also noted a withdrawal syndrome following the Kennedy assassination and that no candidate seemed in view who could arouse enthusiasm among the puertorriqueños, at least for a while.

Political withdrawal, growing group identity, overwhelming social problems, new organizations and coalitions, devastating physical needs—a complex and perplexing picture of el barrio. And what of the threat of violence in this picture? No one denied that violence could occur. When asked about the prospect of barrio violence, most persons suggested that the points most in question were the time and place of street disorders. The subject usually evoked cautiously phrased responses.

Mrs. Betanzos remarked that Puerto Ricans "have tried to resolve problems in a law-abiding way, but they're getting the impression that the only way they will be resolved will be by militant, non-law abiding action."

Monserrat of the Commonwealth office foresees a greater trend toward aggressive action as Puerto Ricans "develop methods within the reality of our present status to keep from being swallowed up." A case in point, he cited, was a confrontation a few days earlier (in mid-July) between barrio residents and Tactical Police Force units which was touched off by a gang incident. The appearance of TPF united the opposed groups and other local people against the police: several officers were injured, many barrio residents arrested. A quickly-formed council of Puerto Rican leaders persuaded police officials to withdraw the TPF; relative calm ensued. Stressing the role of police as a key element in preventing disorder, the Commonwealth official observed, "Most police and governmental agencies have not become sophisticated in handling riots and disorders. Police in general," he said, "do not defend the civil rights but property rights—they're not geared to the maintenance of civil rights and civil liberties."

Few if any Puerto Ricans talk of riot as inevitable or desirable. Among the youth, there was always talk of working out answers some way, of aggressively strengthening the sense of unity by building on the fact of being puertorriqueño. A young community organizer hopes to institute television and radio programs aimed at developing cultural and group awareness among boricua youth. Or, a few young Puerto Ricans block traffic at a bridge entrance to get funds for a poverty program, and succeed. The trend is to reject "the racist bag." Besides, one young puertorriqueño said, "There's always the temptation to cut out of the barrio but luckily someone will ask you, are you Spanish—with that sickly smile—they won't let you forget."

It seemed obvious that Puerto Rican activists were optimistic in seeking solutions through political, democratic methods and that all other alternatives to violence simply have not been eliminated. Also, goals are generally short-range so they seem more attainable. No one plans more than 15 years ahead, a young community leader in his mid-20s commented, because "that's all anyone can see ahead."

Finally, the Newyorican has less of a history or experience either of oppression, or, even less, of viloent action. In fact, he has a vastly different life style in which violence and disorder for its own sake, are out of tune. If violence erupts in the barrio, it will be in reaction, one can be sure, to tremendous pressure, in effect, of surrender to the larger elements of our society.

Still, the future is bleak. With a touch of cynicism, a barrio community leader remarked: "I figure by 35 I'll either have made it on my own terms, or I'll have sold out to the highest bidder, or I'll be dead."

The Puerto Rican people are also struggling to "make it" on their own terms. They are striving to resist the pressures of the dominant elements of the society which threaten to suppress or disperse them. For they realize that only by being and remaining Puerto Ricans can they truly enhance the quality of life in the Nation. Indeed, if they and their way of life were to be disintegrated, the loss in the end would be America's. □

ARMANDO RENDON

special education classes, Barrier to Mexican Americans?

Why are Mexican American school children relegated to classes for the Educable Mentally Retarded (EMR) at rates often more than double their numbers in California schools? The disproportionate placement of the Mexican American school child in such classes is a major finding—and concern—in recent studies of the educational problems of this minority group.

Based on data collected by the California Department of Education in 1967, Dr. Jane R. Mercer, a research sociologist at the University of California, Riverside, reports that in the 35 California counties with significant Spanish surname populations, Mexican American children were overrepresented in EMR and other "special education" classes by as much as three to one.

In fact, the existence of such a pattern in the Santa Ana (California) Independent School District is the basis of a suit entered in the Superior Court of Orange County in behalf of 11 Mexican American students

by the Western Center of Law and Poverty, a legal aid agency at the University of Southern California. Supporting the action are local branches of the Mexican American Political Association, the National Association for the Advancement of Colored People, and the League of United Latin American Citizens. The suit charges that Section 6908 of the California Education Code is unconstitutional in that the statute denies the 11 Santa Ana students and others like them who have been placed in "special education" classes "due process of law." The attorneys for the Mexican American plaintiffs argue that unless the Santa Ana ISD is ordered to stop its EMR program until the students have been granted a hearing to contest their placement, the children would suffer "great and irreparable injury."

Whereas Spanish surname pupils made up 26.8 percent of the Santa Ana school district population in the 1967-68 enrollment lists, they accounted for 62.0 percent of the students in special education classes. Minority group members added up to 35.1 percent of the district students but represented 74.0 percent of the EMR enrollment. Anglo students, 64.9 percent of the enrollment, made up only 26 percent of children in EMR classes.

In California, placement of a student in an EMR class depends upon the recommendation of the school district psychologist following referral by the child's teacher and/or principal. The psychologist makes his judgment on placement after examining the records of the student, evaluating the student's achievements test scores, and administering an intelligence test, usually the Stanford-Binet or the Wechsler Intelligence Scale for Children.

The psychologist may notify and confer with the parents of the students only after making his evaluation. But this is not required in the State Code. Thus, the legal procedure does not provide for a hearing at which the parents might counteract the decision. It is on this point that the Santa Ana parents' suit is based. Often even parents who are contacted do not understand the implications of their child being classified as mentally retarded. They understand only that he is being placed in some kind of a special class. Often, too, language is a barrier if the parents speak little or no English.

Before the student reaches the psychologist's office a number of steps have occurred which have determined his fate. First, the teacher has decided that the student has a learning difficulty. This may mean that the student has encountered problems in reading or oral expression. Or it may mean that the student presents a disciplinary problem with which the teacher cannot cope. Whatever the difficulty, it is judged serious enough to interfere with the student's orderly progress through school. Here the teacher is faced with a decision: to overlook this problem and promote the student along with his peers; to advise against promotion and have the student repeat the class next year; or to refer the case to the principal for his evaluation and decision.

If the student is promoted despite his learning difficulty, he *may* overcome his shortcomings and begin to learn at the normal rate. However, the next teacher may be faced with the same problems and the same decisions. If the child is held back, with additional time he may solve his problems, perhaps not. Some teachers may feel that to make a referral to the principal would be admitting to failure and instead merely hold back or promote the student. When the principal receives the case, he faces the same set of alternatives as the teacher, but may in the end decide to turn the matter over to the psychologist for evaluation.

The evaluation of the student by the psychologist is critical. If the student is found to be "mentally retarded," he is removed from his regular class progression and is placed in a special, nongraded class which seeks to give students the basic skills necessary to cope with society, but which does not develop academic and intellectual skills to attain upward social advancement.

Now the question is, why are Mexican American children disproportionately represented in EMR classes?

Recent medical research indicates that often because of dietary deficiences, poor health conditions, and inadequate prenatal care, mental retardation

is found relatively more often among the poor. Although this might account for the presence of some Mexican Americans in EMR classes, particularly in the Southwest barrios where poverty is everywhere, there is evidence that this factor alone cannot explain the disproportionate number of Mexican Americans in "special education" classes.

A primary obstacle which the non-English-speaking student encounters is that all of the standardized intelligence tests currently used in the schools are available only in English and have been based and validated on middle class English-speaking students. These tests are not only linguistically biased but many also contain Anglo American cultural biases. It has long been recognized in the professional literature of Educational Testing and Guidance Counseling that the uncritical use of such tests in evaluating the true achievement capabilities and intelligence of minority group members often provides inaccurate assessments and can lead to the faulty placement of such students. Despite this knowledge these tests are still in everyday use in American schools.

This point is of major relevance to the number of Mexican American students referred to psychological testing. The Mexican American child may experience learning difficulties or disciplinary problems for no other reason than that he is socially or culturally different. Thus, what is construed as a failure on the part of the child is in fact a failure in the educational system compounded by social and economic disparities which have blighted the child's development. Mexican American children who fall victim to this combination of factors will then be referred to further testing which will corroborate the teacher's or principal's decision. Finally, the child will be classified mentally retarded and assigned to a class where he does not belong.

Drs. Uvaldo H. Palomares and Laverne C. Johnson, educational psychologists in San Diego, California, reported recently in the California State Department of Education Journal that the evaluator's experience in working with Mexican American students was another major factor in placement of Mexican American children in EMR classes. In their research they compared the referral rates of two certified school psychologists in evaluating a sample of 68 Mexican American students, divided between the two experimenters. They found that the psychologist who had experience in working with Mexican American students and who spoke Spanish referred 26 percent of his cases for EMR placement while the psychologist not accustomed to dealing with Mexican American students and who did not speak Spanish referred 73 percent of his cases.

Dr. Palomares himself had re-evaluated seven students referred to EMR placement in Santa Ana. His findings that five of the youngsters had been improperly diagnosed as mentally retarded led to the filing of the present litigation before the Orange County Superior Court.

From this research it seems clear that understanding of the cultural traits of Mexican Americans allows the psychologist familiar with the group to distinguish between true mental retardation and factors of a social and physical derivation which inhibit the child's learning ability.

A contributing factor to the higher rate of EMR placement is that a child may come from a home environment where English is seldom heard, such as in the barrios of the Southwest, It is quite logical that the child might encounter communication difficulties, particularly when nothing is done to help him bridge the gap.

Often the Mexican American child enters a hostile school system where he is not only dissuaded from using Spanish but also may be ridiculed or punished for accidentally using this forbidden language on the school grounds. There are some documented reports of Mexican American children having been punished for such infractions, particularly in Texas where State law prohibiting use of a language other than English in instruction, is often carried over by local school district policy to the entire period a child is at school.

Placement of a Mexican American student who is handicapped by a language difficulty and not necessarily mental retardation, therefore, is indefensible. That such placement does occur with high frequency

brings into doubt the reliability of current assignment criteria and practices.

What would seem a more efficient remedy for students with a language deficiency would be part-time placement in classes where English is taught as a second language. Another alternative, which has recently been suggested, is to provide instruction in the mother tongue in subject matter areas until such time as the students have developed a sufficient command of English to be able to profitably undertake instruction in English. This would allow the child to develop intellectually while learning English without stunting his school career. The recent passage of the Bilingual Education Act should aid in the establishment of programs to assist students with language handicaps. However, legislation will be necessary in several States to allow instruction in a language other than English under provisions of this Act.

A final factor which must be considered in dealing with Mexican American students is the effect of EMR placement on the child's quest for a personal identity. EMR placement serves to intensify a child's feelings of inadequacy. This has even deeper implications for the personal self-image of the Mexican American student. The Mexican American child is led to believe that speaking Spanish is "bad" and that persons who do so are somehow inferior. Negative responses from his teacher lead him to assume that he should not speak Spanish nor exhibit other characteristics which emphasize his Mexican American origin.

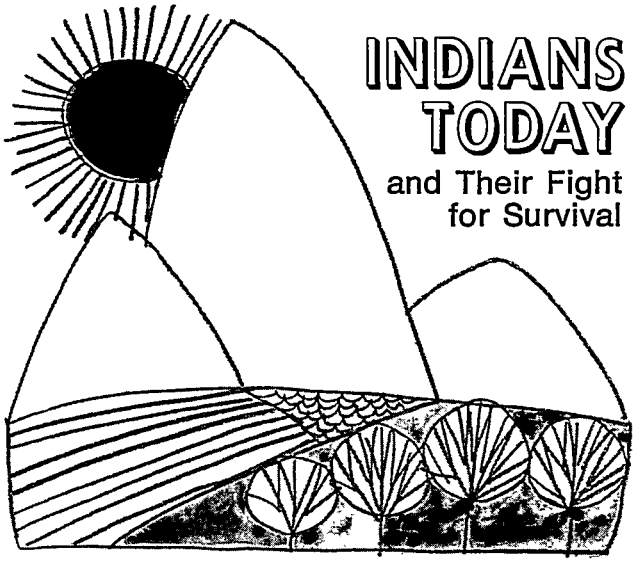
In this quest for personal identity, the content of the curriculum now being used in Southwestern classrooms is of great relevance. Recently there has been public debate over the adoption of the history textbook, *Land of the Free*, by the State of California. This textbook attempts to present Negro historical contributions, but its index provides only two references to contributions by Mexican Americans. Although the bulk of the Western third of the United States was originally settled under either the Spanish or Mexican flags, no mention is made of the contributions of Spanish-speaking peoples.

In addition, EMR placement puts the child in a school situation from which he finds it difficult to escape. Once a child is placed in a class for the retarded, his chances of returning to a normal class are greatly diminished. Since he has been classified as retarded, the instructional level is greatly reduced so that his intellectual development is slowed. Thus, when he gets out of school he is prepared only for marginal employment which perpetuates his poverty. This is what the attorneys for the Mexican American parents in the Santa Ana case meant when they spoke of "great and irreparable injury."

The process of placement of Mexican American and other minority children in EMR or "special" classes, which is being seriously questioned in Santa Ana, should be examined wherever this unique form of discrimination may be in practice. Otherwise, children who actually suffer from the deficiencies of the school system or from the effects of social and economic deprivation, may continue to be falsely and harmfully classified as mentally retarded. □

RICHARD LEIVA

Mr. Leiva, a former staff member of the U.S. Commission on Civil Rights, is now director of research for the Mexican American Studies Program at California State College in Los Angeles.



INDIANS TODAY

and Their Fight for Survival

In early days we were close to nature. We judged time, weather conditions, and many things by the elements—the good earth, the blue sky, the flying of geese, and the changing winds. We looked to these for guidance and answers. Our prayers and thanksgiving were said to the four winds—to the East, from whence the new day was born; to the South, which sent the warm breeze which gave a feeling of comfort; to the West, which ended the day and brought rest; and to the North, the Mother of winter whose sharp air awakened a time of preparation for the long days ahead. We lived by God's hand through nature and evaluated the changing winds to tell us or warn us of what was ahead.

Today we are again evaluating the changing winds. May we be strong in spirit and equal to our Fathers of another day in reading the signs accurately and interpreting them wisely. May Wah-Kon-Tah, the Great Spirit, look down upon us, guide us, inspire us, and give us courage and wisdom. Above all, may He look down upon us and be pleased.

The speaker, an Indian leader, addressing a convention in the mid-1960's of the National Congress of American Indians, composed of delegates from many tribes in the United States, was pointing out an old story: the Indians faced new challenges to their survival. At the same time, his words were testimony to one of the most miraculous facts of the mid-twentieth century. Despite almost five hundred years of a history marked generally by attempts to exterminate American Indians or force them, by one means or another, to adopt the cultures of their conquerors, they—and their attachment to their Indian heritage—are far from extinct.

Since 1492, Indians have been uninterruptedly on the defensive, fighting for their lives, their homes, their means of sustenance, their societies, and their religions. During that time, on both continents, many of them were assimilated into the white men's civilizations. Some of them ceased entirely to be Indians, but others, through blood, pride, and continued association with Indian groups, retained Indian identification. Almost everywhere, to be sure, acculturation—the adoption of elements of European culture—occurred and, save among the few remaining "wild" tribes, Indian life today is totally different from what it was prior to the arrival of the white man. Most tribes adopted numerous elements of the white men's ways which they found useful and worth retaining, in frequent instances blending the old with the new.

Many Indians in Middle and South America possess communal or privately owned sewing machines, radio sets, and other manufactured goods, but they also live in pre-Columbian-style dwellings and favor the same foods their ancestors ate hundreds of years ago. Pueblo Indians of the Southwest have added glass windows, wooden doors, and factory-made furniture to their traditional adobe and stone houses; and their youths, wearing the latest teen-age hair and clothing styles, enjoy rock-and-roll music, but also participate devoutly in ancient Pueblo ceremonial dances and rituals. The garb of some Indians includes ponchos, parkas, moccasins, cushmas, or other elements of pre-Columbian clothing together with European-influenced "Panama" hats and manufactured wool and cotton shirts, blue jeans, dresses, and shoes. Digging sticks and other centuries-old tools and methods of farming are often combined with the use of oxen, steel-edged plows, packaged fertilizers, and newly learned soil-testing techniques. Many highland Indians in Peru tile their roofs in Spanish style; Eskimos and tribes of river fishermen drive their boats and dugouts with outboard engines; and shamans, wearing sunglasses to help their trachoma-troubled eyes, travel to curing ceremonies in automobiles.

In addition, Indian societies, social and political systems, and religious beliefs and rituals have all, to a greater or lesser degree, changed under the impact of the white man, although in most places they have been modified or combined with new concepts rather than abandoned entirely. Especially in Latin America, Indian culture as a whole has been generally intermixed with European and, in some places, where large numbers of Negro slaves were introduced, with African culture.

Nevertheless, the Indian has survived, still posing to the white conqueror a challenge that not all non-Indians, particularly in the United States, wish happily to tolerate, even, indeed, if they understand it: acceptance of the right to be Indian. That right suggests, at heart, the right to be different, which in the United States runs counter to a traditional drive of the dominant society.

Ideally, the American Dream in the United States offers equal opportunities to all persons; but in practice the opportunities imply a goal of sameness, and the Indians, clinging to what seems right and best for them, have instinctively resisted imposed measures by non-Indians designed to make them give up what they want to keep and adopt what they have no desire to acquire. That has been—and continues to be—the core of the so-called "Indian problem" in the United States, which many Indians characteristically refer to as "the white man's problem."

Essentially, the Indian recognizes the problem better than the white man. The best-meant aim of the non-Indian is to get the Indian thoroughly assimilated into white society. As years go by, and the Indian is still not assimilated (and, like the white man, enjoying the fruits of the white man's society), the non-Indian loses patience, first with the office-holders who are supposedly charged with getting the Indians assimilated, and then with the Indians themselves. Altruism falls away, and tolerance disappears for the Indians "who don't want to be like everyone the United States, implies being inferior, and most else." Moreover, difference, to most non-Indians in people with a guilt complex about Indians wish they would stop being inferior so the guilt complex would go away! To the Indian, the concept that being different means being inferior remains—as it has been for almost five hundred years—one of the principal obstacles to his survival. But, ironically, he now views it increasingly—with one eye on the rest of the world—as a concept which the white man must soon shed if he, the white man, expects to survive.

There are other facets to the Indians' resistance to assimilation. To many of them, the argument that

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they should assimilate (implying detribalization, loss of cultural heritage, and dispersion) is not alone an appeal for them to give up their identity as Indians, but an excuse for the taking of the rest of their lands from them and the ending of their treaty rights and guarantees. The white man may insist that he has other motives that can only be achieved by assimilation: he wants to raise the Indians' standards of living; he wants to give them education, technological know-how, managerial ability, and purchasing power with which to share the white man's affluence. To such arguments, Indians remain deaf: assimilation still means dispossession.

Moreover, while most Indians want also to raise their standards of living, they do not see that assimilation is required to do so. More real to them is the need for a new point of view by white men which accepts the right of Indians to manage their own affairs in communities (i.e., reservations) of their own. It is not a new concept. Indians have pleaded in its behalf for years. But they have had little or no response from the non-Indian population, in or out of government, which has failed to recognize the inhibitions, deadening of initiative, and lack of motivation that exist inevitably when an individual or an institution is not vested with responsibility for success or failure.

In contrast to what most Indians would consider a realistic appraisal of the roots of their stagnation, non-Indians generally have made no change for almost a century in their basic point of view concerning the nature of "the Indian problem," but still endorse a national policy founded on the maxims that reservations are intolerable enclaves of different peoples within the nation's boundaries, and that Indians who choose to remain unassimilated on the reservations are incapable of managing their own affairs.

As a result of adherence, ultimately, to these ideas, the history of federal-Indian relations, since the final pacification of the Plains tribes, reflects a self-defeating, zigzag course of constantly altering programs, all of them designed to lead to Indian assimilation, rather than to the establishment of viable economic bases for the growth of healthy, self- governing, self-sustaining Indian communities within the body politic of the American nation. That history, one of vexation to the American government and degradation and demoralization to tribes, underscores the failure of the American Dream of equal opportunities to all, as it applies to Indians. Vivid in the memories of most tribes (although it is little known to most non-Indians), it portrays an unrelieved series of frustrations and provides insights into present-day Indian resistance to suggestions of assimilation. . . .

The harsh facts of present-day Indian life, made ever more difficult to cope with because of rapidly increasing Indian populations on reservations, often demand measures that are little more than emergency in nature. Most Indians are still among the poorest of all American people. A few tribes at one time enjoyed financial windfalls and received spectacular publicity: oil leases in Oklahoma enriched some of the Osages, and land rights in the California desert resort of Palm Springs brought wealth to some Cahuilla Indians. But they are the exceptions. Oil, gas, helium, uranium, and vanadium have all been found in the Navahos' country in the Southwest and have provided the tribal council with large amounts of capital, which has been invested in corporate enterprises and other projects to benefit the entire tribe. But the plight of the Navahos, resulting from a rapidly increasing population that cannot sustain itself on the barren land of the reservation, continues to hover close to the critical point; and despite the efforts of able and visionary Navaho leaders, great problems remain to be solved.

Almost everywhere else, tribes have an economic standard well below that of surrounding white communities, and in some areas, conditions of extreme poverty, near-starvation at certain seasons, and political helplessness demand the best efforts of the government and tribal leaders. Some statistics of 1967 make the situation graphic: The average Indian family income in the United States was $1500. Unemployment on reservations ranged from 45 percent up, reaching 80 percent on some reservations at certain seasons. Some 90 percent of Indian housing on reservations was unacceptable by any standards. Some 70 percent of the people on reservations still hauled their water one mile or more from its source. Average schooling of Indian children was five years. The average school drop-out rate was 50 percent, compared with a national average of 29 percent.

Today the Indian population of the United States, including Eskimos, is approximately 600,000, with some 380,000 of them living on or near reservations and eligible to participate in programs of the Bureau of Indian Affairs. By treaty and other obligations, the Bureau's jurisdiction includes 284 separate Indian

land units (reservations, colonies, rancherias, and communities) and 35 groups of scattered public-domain allotments and other off-reservation lands. In addition, the Bureau has some service relationship with 147 Alaskan Native communities and many scattered, Native-owned town lots in Alaska.

The largest centers of Indian population in the United States today are Arizona with more than 85,000; Oklahoma with more than 65,000; New Mexico with some 57,000; Alaska with approximately 50,000; California and North Carolina, each with about 40,000; South Dakota with about 30,000; and Montana and Washington, each with about 22,000. Since the Reorganization Act of 1934, some tribes have been able to increase their land holdings, and tribal lands now total almost 40 million acres, with nearly 12 million more acres in allotted land. Individual reservations range in size from small settlements, or rancherias, of a few acres in California (California's Strawberry Valley Rancheria in Yuba County, with one acre, is the smallest) to the Navaho reservation of more than 15 million acres (about the size of West Virginia) in Arizona, New Mexico, and Utah. In the eastern states, particularly, are many small communities of Indians, like Pequots in Connecticut, Shinnecocks on Long Island, and Mattaponys in Virginia, who have almost blended into the surrounding white society, but still maintain their unity and their own cohesive settlements and, in some cases, enjoy recognition as Indians by the governments of the states in which they live. Many other persons, also, count themselves Indians by blood and cultural heritage, although their tribes are almost extinct, they have no reservations, and they live entirely like white men in urban or rural areas.

Despite acculturation, numerous Indian ways of life survive in the United States, especially in the larger centers of Indian population. The Hopis and many other Pueblo peoples of the Southwest maintain their priesthoods, dances, and religious, social, and political organizations and customs with remarkably little change, and one group of Hopis gives determined leadership to Indians of many different tribes who seek the strengthening of traditional Indian values and ways of life. These Hopis, following the customs of their ancestors in seeking peace and harmony with the cosmos, urge Indians to avoid the non-Indian world of turmoil and competitiveness, and have opposed moves of their own people to grant oil leases on their lands or allow factories to be built in Hopi country.

Among the Navahos, who have been torn between progressive and traditionalist factions over how far to go in accepting the white man's civilization, healing ceremonies that make use of sand, or dry paintings, and traditional prayers, are still in common use. Non-Christian Iroquois Indians of New York, some of whom work regularly on structural steel building projects in urban centers, still follow the precepts of Handsome Lake, who more than a century ago revised the ancient Iroquois faith. An example of change is the Native American Church, a widespread religion that incorporates Indian beliefs and Christianity. An important rite of this religion, presided over by native priests, is the eating of peyote, a non-addiction drug that produces hallucinations. Peyote is made by cutting off and drying the tip of the mescal cactus. The members of the Native American Church eat it to induce contact with the supernatural. The pantheon of the religion includes both Indian and Christian spiritual beings, and the rituals make use of eagle-bone whistles, water drums, gourd rattles, and other Indian elements.

Many Indians, including the Ojibwas (now generally known as the Chippewas) and certain Plains and Plateau tribes, still prefer to live in wigwams and tepees, at least during the summer months. Elements of Indian garb are still used in dress; sweat baths are still taken; and hunting and fishing in seasonal round are still pursued by many tribes, sometimes over the objections of non-Indian sportsmen whose hunting and fishing seasons are limited by state laws to periods of shorter duration. In addition, almost all tribes have shown a renewed interest in their dances, songs, and stories, and some have revived long-abandoned crafts and arts and set up classes in their own languages for young and old. . . .

In a rapidly diminishing world, the future of the Indians on both continents is one of accelerating acculturation. But complete and final assimilation is still so remote a prospect as to make certain the Indians' own pronouncement: "We are here, and we will be here for many generations yet to come." □

ALVIN M. JOSEPHY, JR.

Mr. Josephy is editor of General Books for American Heritage and is responsible for the adult American Heritage and Horizon book program. In 1966, he was appointed a Commissioner of the Indian Arts and Crafts Board of the Department of the Interior.

New Strategies for School Equality

Protagonists in the battle for racial equality in American education have usually been Negro parents and local school officials. North and South, civil rights lawyers have abetted the parents' cause by initiating court suits against local school boards which would enable Negro children to attend desegregated schools. Parents pressed their cases on the basis of the simple principle that a segregated school is "inherently unequal".

The concept of equal educational opportunity is expanding. The trend of litigation is focusing increasingly on the States. The disparity of economic resources more and more is the focus of recent litigation seeking equality of educational opportunity.

Three recent cases signal a changing strategy and an expanding concept of equal educational opportunity. They are: (1) Federal District Judge Julius Hoffman's decision in United States v. School District 151 of Cook County, Illinois (popularly known as the South Holland case), (2) the petition brought by the National Association for the Advancement of Colored People (NAACP) in the case of the Wyandanch (Long Island) school district, McCoy v. Wheaton, and (3) the suit of the Detroit Board of Education against the State of Michigan.

The Supreme Court's 1954 school desegregation decision in Brown v. Board of Education of Topeka, Kansas, is the genesis of the legal, political, and educational debate on racial equality in education. The Court then spoke of segregated schools as "inherently unequal":

Segregation of white and colored children in public schools has a detrimental effect upon colored children. . . . A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system.

Thereupon ensued years of litigation, chiefly in Southern States where State laws had required racially separate schools. In a few

instances, courts found segregation "with the sanction of law" in Northern school systems. One such school system was New Rochelle, New York, where in 1961 a Federal District Court judge found that the New Rochelle Board of Education had purposefully gerrymandered the Lincoln School attendance zone by extending the boundary lines each year to contain the expanding Negro population.

The decision this year by Federal District Judge Julius Hoffman in the South Holland case is similar to the New Rochelle case in that *de jure* segregation existed there also. Judge Hoffman found that the purpose of the school district's policies with respect to student and faculty assignment, site selection, and bus transportation was to segregate students on the basis of race. The school district, located in a Chicago suburb, had an enrollment of 2,649 school children in the spring of 1968 of whom approximately 30 percent were Negro. There were four all-white schools and two all-Negro schools. The racial segregation of students and teachers at all six schools was virtually complete until the opening of school in September of 1968.

The court found that the site for the two new schools had been selected "to promote and preserve the racial segregation of students." The attendance zones of the two Negro schools adopted by the school board included the entire village of Phoenix where virtually all the Negro population of the school district resided. White children who lived closer to the Negro school were bused to the white school. The court concluded that the purpose and effect of school bus transportation had been to segregate students on the basis of race. Similarly, the court found that the racial composition of teaching staffs was the result of assignment on the basis of race. With few exceptions, white teachers had been assigned to white schools, and generally Negro teachers had been assigned to Negro schools. Judge Hoffman ordered the school board to take affirmative action to overcome these patterns of segregation, and in September 1968, students were assigned to schools for the first time on a desegregated basis.

The South Holland case was the first school desegregation suit brought by the U.S. Department of Justice in the North. As in the New Rochelle case, the court found *de jure* segregation, and local school authorities were required to provide desegregated education for Negro children. The decisions in both cases are in the tradition of Brown: equal educational opportunity means a desegregated education.

While there may be a number of districts like South Holland and New Rochelle in the North where *de jure* school segregation exists, the much larger problem in Northern and urban areas is one of *de facto* segregation which results from a combination of neighborhood school policy superimposed upon large-scale residential segregation. Action to reduce extensive segregation in the urban areas will depend on whether Federal courts rule that *de facto* school segregation is unconstitutional. There is increasing recognition, however, that racial segregation by itself is not the only cause of the educational inequities suffered by Negro children.

The Wyandanch and Detroit cases deal with equal educational opportunity in a broader context. Both cases suggest that Negro children may be denied equal educational opportunity, not only because of their race, but also because of their place of residence. Negro and poor children in metropolitan areas frequently reside within school districts in central cities and Negro suburban enclaves which spend less per pupil for education than do wealthier suburban, middle class, and largely white districts.

The Wyandanch School District is not unlike a number of school districts North and South. It encompasses a predominantly Negro and poor community surrounded by predominantly white and wealthier communities. The district's 1966-67 enrollment of 2,300 was 80 percent Negro; there are only three schools. The four surrounding districts' student enrollments ranged from approximately 7,300 to 9,500, and all but one had a student body that was more than 90 percent white. The number of schools in each district ranged

from 7 to 11. Economic disparities exist among the districts. Wyandanch's tax base is less than $6.5 million and sustains a tax rate of $14.20 per $100 assessed property valuation. The more affluent districts surrounding Wyandanch have tax bases ranging from $10.7 million to $24.7 million and therefore can maintain lower tax rates ranging from $8.75 to $12.80 per $100 assessed property valuation.

The NAACP petitioned the District Superintendent and the State Education Commissioner to dissolve Wyandanch and to merge it with surrounding districts. Because of its size, financial handicaps, and racially imbalanced student population, it was argued, the Wyandanch School District was incapable of providing "proper educational and recreational facilities to its students." With this standard of equal educational opportunity, the NAACP hoped to set a precedent which would serve to break down the fiscal inequalities among school districts as well as to move the State to dissolve the educational "bantustans" in America's metropolitan areas. The NAACP also hoped to establish the precedent that equal educational opportunity could only be provided in larger, racially balanced and financially sound school districts and that the State was the governmental unit that had the authority to provide the relief sought.

New York State Commissioner of Education, Dr. James E. Allen, Jr., nevertheless rejected the NAACP's petition. In his decision, the Commissioner found it "impracticable" to dissolve the district in view of the "serious obstacles" under existing New York law. The Commissioner noted that the scores of Wyandanch pupils on standardized tests were substantially below statewide norms, that there were serious instructional deficiencies, and that racial imbalance did exist in the district and was continually increasing. Despite these findings, the Commissioner did not order the merger of Wyandanch with the surrounding districts, nor did he require that State and local authorities provide additional money in an effort to upgrade the quality of education for the children of Wyandanch. The Commissioner's decision simply ordered the District Superintendent to "explore all feasible means of improving the quality of education in the Wyandanch District."

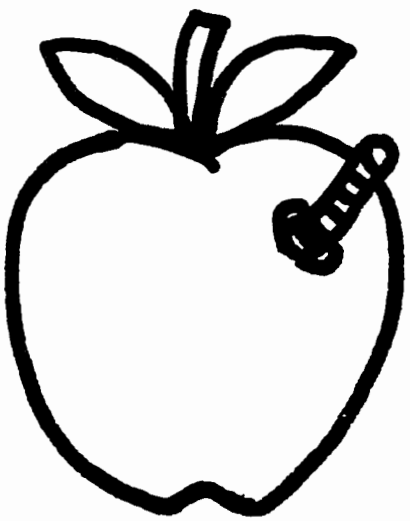
The suit by the Detroit Board of Education against the State of Michigan also seeks remedies for fiscal disparities among school districts. The Detroit school district argued that under existing State laws, it is at a fiscal disadvantage with respect to other districts. The State aid formula in Michigan, as in most other States, apportions State money to local districts on the basis of at least two criteria—the number of students in attendance and the valuation of property within the school district. The aid formula, the Detroit Board argues, does not compensate for losses of tax revenue, nor does it take into consideration differing educational needs of various school districts. The Detroit complaint does not specify what kind of State aid formula would equalize existing disparities between the city of Detroit and surrounding suburban communities. The relief sought by the Board is a finding that the State aid formula is unconstitutional and that State funds be reapportioned on a more equitable basis.

But the Detroit and Wyandanch cases raise fundamental constitutional and educational questions which State Governments, local school boards, and State legislatures are facing. Should, for example, the State legislature compensate for a city's decline of taxable property? Should it apportion more funds to city districts to enable them to match the per pupil expenditures of suburban districts? Even if expenditures per child were equal in all districts, is equal educational opportunity thereby automatically provided?

Some argue that for equal educational opportunity to be obtained, more dollars must be spent on under-achieving children in order to compensate for past deprivation. Should per pupil expenditures for educationally handicapped children be higher than for other children, as is generally true for physically handicapped pupils? If this standard is accepted, on what basis will educational need be defined?

The Wyandanch and Detroit suits point to an expanding definition of equal educational opportunity. Equality in education depends on more than racial equality as defined by a desegregated school. Under present patterns of residential segregation and school district organization, the resources devoted to a child's education depend on where he lives. A child may be denied equal educational opportunity by virtue of his residence as well as his race.

These suits in New York and Michigan indicate a change in strategy designed to seek legal remedies for the educational deprivation suffered by all ghetto children. Both suits were directed against the State rather than individual school districts, because the States have the power and authority to effect basic remedies for educational inequalities. State legislatures have virtually unlimited authority over every aspect of education. State laws control financing of education, creation and dissolution of school districts, certification of teachers, and content of curriculum, to name the most significant. State courts have generally upheld State authority over local authority in educational matters. In fact, State courts have typically considered school districts as local administrative units of the State subject to its powers.



Reforms in State administration of education and in State laws will be necessary to bring about solutions to the most pressing educational problems. One such reform, advanced by Dr. James B. Conant and Dr. James E. Allen, Jr, is a proposal that schools be financed entirely by State revenue and that local authority to levy taxes for education be eliminated. Such a proposal would facilitate equalizing per pupil expenditure, establishing statewide teachers' salaries, and re-drawing school district boundaries to achieve racial integration. While such reforms may be years away, it has become clear that local districts are unable to cope with modern educational problems and especially those problems created by society's neglect of the poor and racial minorities.

Efforts to assert State control over education are developing at the same time as grassroots demands for local control. Both black and white communities perceive that local control, including financial control, will enable them to determine what happens educationally in each community. The conflict between local control and State authority over education erupted in Wyandanch following the NAACP's petition to dissolve the district. NAACP General Counsel Robert Carter stated that the merger of Wyandanch with the surrounding districts would establish "the obligation of the State to provide equal educational opportunities for all children within the State, without taking refuge behind the fiction of district lines." The local and national offices of CORE attacked the NAACP's petition; the Wyandanch school board and chief school official opposed the merger. Said the local CORE director: "We have to come to the time when black people will have to do this thing for themselves. . . . Whatever has to be done for those schools, let them do it themselves. And if we don't have the money and the experts, then let's get them. . . ."

The constitutional and educational issues posed in these divergent positions are not as clear and sharp as one would suppose. The problem is that there is no agreement or understanding of what constitutes "equal educational opportunity." The Wyandanch and Detroit suits point to new directions and issues in the continuing battle for racial equality. □

PHYLLIS MCCLURE

Mrs. McClure, of the Field Services Division of the U.S. Commission on Civil Rights, formerly served in the Commission's Race and Education Unit. Prior to that, she served with the Civil Rights Compliance Unit of the U.S. Office of Education.

Book reviews

Black Rage, by William H. Grier and Price M. Cobbs. New York: Basic Books, Inc., 1968. 213 pp.

Many warnings of the possibility of a racial Armageddon have been sounded in the Nation during the past few decades, but none so concisely and uniquely as that of two black psychiatrists, William H. Grier and Price M. Cobbs in *Black Rage.* Assistant Professors of Psychiatry at the University of California Medical Center in San Francisco and psychiatrists in private practice, they convey this message through their book, but save their personal warning for the final chapter where they write that, "As a sapling bent low stores energy for a violent backswing, blacks bent double by oppression have stored energy which will be released in the form of rage—black rage, apocalyptic and final."

For nine chapters, the doctors outline the reasoning for their belief that a cataclysmic eruption is about to occur by presenting case studies which expose some of the incalculable harm white racism has inflicted upon black Americans. The authors do not attempt to give answers to the enormous social problems of inadequate schooling, unemployment and underemployment, dilapidated housing, and openly hostile law enforcers, which daily plague many blacks, but endeavor to describe the psychological consequences of centuries of bigotry and discrimination. The hatred of blacks by whites in America, they write, is absolutely a part of being an American—a part of the national heritage. It is the first thing immigrants to these shores learn, and the last thing forgotten by any white American, they say.

While the suggestion that racism is common and institutionalized in the United States is hardly unique, it is an unusual approach for psychiatrists to detail the unique effects of racism on the black psyche (which they call the Black Norm). In order to survive, we are told, the black person in America has had to develop a pervading suspicion of his total environment. Every white, then, can be considered suspect until proven otherwise, as well as any system set up by whites. In addition, owing to an intimacy with misery and despair, most black Americans, the authors tell us, also develop a cultural depression. And, because he cannot respect laws and institutions which do not respect him, the black American has evolved a cultural antisocialism which allows him to break and ignore the white man's laws with no greater moral consequence than the inconvenience of being caught and punished. The Black Norm, in other words, is a series of protective devices which have evolved in response to the hostile environment within which all black Americans live.

From the time of birth, we read, the black child learns that he and his parents and/or guardians are more often than not subject to the whims of white-oriented institutions and whites themselves. Much has been written recently about the "failure" of the black family, and the authors point out that if the black family does fail, it is because it cannot carry out its primary purpose—protection.

"Nowhere in the United States," the psychiatrists state, "can the black family extend an umbrella of protection over its members in the way that a white family can." How can a strong family unit be built, the authors ask, when the society around it makes it impossible to fulfill that primary function? Moreover, there are many historical reasons for a weak family structure among blacks. Marriage was a farce among the slaves. The husband could not protect his wife from the physical or sexual abuse of the master, nor could either parent protect their children, and there was always the chance that the family members would be sold away from each other.

Historically, black women have been exploited by white society as sexual objects and breeders of workers for the fields. Drs. Grier and Cobbs assert that the feminine narcissism of the black woman in the United States—where blonde, blue-eyed fairness is the standard of beauty—has been impaired and has resulted in harmful self-depreciation. The book

claims that black women, beset by a cruel society which judges her relatively worthless, turn away from youth and beauty to take up the essential feminine function of mothering, nurturing, and, where possible, of protecting her children. An example of this is the mother in *Raisin in the Sun* who stands ". . . as a rampart of reason between her family and a capricious society and reflects the perception by black women of that essential female function of mothering and its triumph in a world which robs her of other joys."

The legacy of slavery also casts a heavy shadow on the black male who throughout his childhood is taught to subvert and camouflage his natural assertiveness if he is to survive. The male slave could not be aggressive nor hostile nor independent without jeopardizing his life. In the years since slavery, the black male has learned to hide his feelings, to "play-it-cool," and not to give voice to thoughts or manners which might be construed as threatening to the white men. White men can only imagine the depth of latent hostility which many black men must feel.

Education has been the traditional key to success in America, and black parents always have urged their children to become educated. ("What you put in your head, no one can take away from you," is the axiom which my parents employed.) Also, in the South where danger of physical abuse was greatest, school often became a refuge for the young children and girls. However, not only was winning an education a remarkable feat for a black child considering the caliber of schools open to him, but once educated, he might find himself separated by his education from the larger black community and regarded only as something peculiar by his white countrymen. Finally, education has never been and is not now an assurance for the black American since many professional, technical, and vocational doors have been closed and are still only slightly ajar. "It is a wonder," the authors declare, "that black children choose to learn at all."

Many of the characteristics and cultural traits presented in the book's vignettes and conclusions can be said to be generalizations, and, true, they would not all apply to all black Americans. In spite of this, these findings are qualitatively legitimate. Black Americans, like their white counterparts, cannot all be placed into one category. We are not all alike and we vary despite our common experience. We come from different social classes and regions of the Nation. Largely a result of the sexual exploitation of black women, we are different colors and have a variety of facial features and hair textures. We have different parents, different levels of intelligence, and different motivations. These certainly have a bearing on our reaction to the society and its standards and institutions, but we are all touched by racism in some form to some degree.

I suggest that there are many variations, but variations on a single theme. The United States is infused with the doctrine of white supremacy and all of us grow to maturity and live under its influence. There is much hatred and depreciation of blacks by white Americans and some self-hatred and self-depreciation by blacks. And, as the psychiatrists claim, the damage is probably beyond reckoning. However, *Black Rage* states that what is important for us today is to realize that blacks are now awakening to the causes of the evils which beset them and are rejecting the society and its institutions. More importantly, upon recognizing the ramifications of this racist system, black Americans are becoming enraged.

In the final chapter, the authors admit they have deliberately made the book mournful, painful, and desolate in order to help the reader feel the endless cruelties inflicted upon the black and to show how this racism has perverted the black man's character so that, in some cases, he believes in his own inferiority and hatefulness. They succeed brilliantly in doing this. Like the black men and women described in the book, this reviewer experienced depression which turned to grief and then to an all-enveloping rage. This, the authors claim, is a sign of health, and all blacks should take this step toward a healthier being. Certainly, white Americans should read *Black Rage* if they are to understand racism, the racism inherent in many white institutions, and the indignation of black Americans. In reading the book, perhaps whites can gain some insights into the hatred and fury which is being redirected by the black man from himself and his brothers back to them—his tormentors. Every American should realize, as the authors point out, that clearly the indignation and fury of black Americans will never again be swallowed or contained no matter what repressive measures are employed. Our only hope

is to see white racism, to face it, and to attempt openly to eradicate it. Otherwise, the Biblical warning, "You have been weighed in the balances and have been found wanting. Your kingdom will be divided between the Medes and the Persians" may be more than timely. It may be upon us. □

EDITH BARKSDALE

Miss Barksdale, a former Peace Corps teacher in the Philippines, is an Information Specialist for the U.S. Commission on Civil Rights.

Native Sons (A Critical Study of Twentieth Century Negro American Authors), by Edward Margolies. Philadelphia and New York: J. B. Lippincott Company, 1968. 210 pp.

Concerning the Negro writers examined in this work, Professor Margolies says: "There must be no condescension here. The successes and failures of these authors have been the successes and failures of American writing generally, and there have been no more significant recent works in American literature than some of those described in this book." In short, he is telling us that he will treat these Negro writers like any other American writers, "largely from the standpoint of their art." This approach has not always been used by American critics in dealing with Negro works. It is refreshing to find it so bluntly stated here.

Native Sons is a revealing study of some sixteen or more twentieth century Negro authors picked to cover the various movements in Negro writing from the post-Reconstruction era of accommodation down to the Black Nationalist tendencies of the present day. His choice of representatives for these various segments of Negro writing has been excellent, and in several cases he has written brilliant interpretations of the work concerned. In my opinion the best of these analyses is that of Ellison's *Invisible Man* ("History as Blues"). Professor Margolies has also given new insights into the works of Attaway, Chester Himes, Malcolm X, and Richard Wright. His balanced and objective treatment of LeRoi Jones, the most difficult of all Negro writers to understand, is impressive.

Like all other critics, Margolies has his blind spots. For example, his Christian-Freudian explanation of Baldwin's emphasis on homesexualism seems far-fetched. One may also argue with his treatment of DuBois and Chesnutt. Moreover, he is seemingly more at home with the later writers than with the earlier, but this is to be expected. In the main, however, he looks at Negro writing steadily and sees it whole. He has a profound knowledge and understanding of twentieth century Negro literature.

Native Sons is refreshing in another respect: it is eminently sane and eminently readable. (This is not always true of modern criticism.) Without footnotes and without excessive use of critical jargon, Professor Margolies has written a scholarly study skillfully hiding his scholarship. For this reason *Native Sons* should be an ideal book for the general reader interested in the Negro. It should also make an excellent supplementary volume for courses in both Negro literature *and* twentieth century American literature. Whatever its use, *Native Sons* is a valuable contribution to that growing body of scholarship on the Negro. □

ARTHUR P. DAVIS

Dr. Davis is a professor of English at Howard University, Washington, D.C., and a co-editor of the Negro Caravan, *an anthology of Negro poetry and prose.*

Reading list

The Algiers Motel Incident, by John Hersey. New York: Alfred A. Knopf, 1968. 397 pp.

The author's reconstruction of events at the motel in which three Negro men were killed during the Detroit riot of 1967 which subsequently led to the indictment of three police officers. Through detailed investigation, examination of police and court records, as well as personal interviews, he discloses a number of generally unknown facts.

The American Indian: Perspectives For The Study of Social Change, by Fred Eggan. Chicage: Aldine Publishing Company, 1966. 193 pp.

An exploration into the social organization of American Indian tribes east of the Mississippi; outlines the present social systems under situations of occulturation and adaptation to new ecological conditions, and presents a prospectus for the future.

The American Negro Revolution, by Benjamin Muse. Bloomington: Indiana University Press, 1968. 345 pp.

A comprehensive account by the former Virginia State Senator, author of many magazine and newspaper articles and other books, of the period between 1963 and 1967 during which the civil rights movement experienced a wide range of events, from the nonviolent efforts of 1963 and 1964 to the nationwide rioting of 1967.

Black Power and Urban Unrest: Creative Possibilities, by Nathan Wright, Jr. New York: Hawthorn Books, Inc., 1967.

The author expresses his belief that the thrust of Black Power is not destructive, but a thrust towards freeing the latent power of the Negro to enrich the life of the whole Nation.

Black Victory: Carl Stokes and The Winning of Cleveland, by Kenneth G. Weinberg. Chicago: Quadrangle Books, 1968. 250 pp.

The story of Negro Mayor Carl B. Stokes, who was elected (1967) in Cleveland, Ohio where white voters outnumbered Negroes by almost two to one in a confrontation between the great-grandson of a slave and the grandson of a President.

Danger in Washington: The Story Of My Twenty Years in the Public Schools in the Nation's Capital, by Carl F. Hansen. West Nyack, N.Y.: Parker Publishing Company, 1968. 237 pp.

A detailed rebuttal by Dr. Hansen, former superintendent of public schools in Washington, D.C., to critics of his educational policies and principles with much emphasis on the Skelly Wright decision related to the issue of de facto school segregation.

Delano, by John G. Dunne. New York: Farrar, Straus & Ciroux, 1967. 176 pp.

Narrates the story of the ongoing grape strike of San Joaquin Valley farm workers, mostly Mexican Americans, against the large grape growers in the region.

The Disadvantaged: Challenge to Education, by Mario D. Fantini and Gerald Weinstein. New York: Harper & Row Publishers, 1968. 455 pp.

The authors are greatly concerned, not only about the education of the disadvantaged who belong to the impoverished, racial or ethnic minority group, but also about the middle-class suburbanite students who are leaving school unknowingly shortchanged in their preparation to face today's society.

From Ghetto to Glory, by Bob Gibson with Phil Pepe. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1968. 200 pp.

Blends some inside information about masterful pitching techniques with the life story of the St. Louis Cardinals' mound star who climbed from the ghetto to prominence in the sports world.

A Guide to Negro History in America, by Phillip T. Drotning. Garden City, N.Y.: Doubleday & Company, Inc., 1968. 247 pp.

State by State, the author presents the Negro role in America's progress by associating each event with a specific historic site.

A History of Negro Education In The South: From 1619 To The Present, by Henry A. Bullock. Cambridge: Harvard University Press, 1967. 339 pp.

Presents the historical development of educational opportunities of southern Negroes from slavery until the present; includes the philanthropic endeavors of Northerners to educate the freedman, and how the "separate but equal" educational system was perpetuated.

The Indian Heritage of America, by Alvin M. Josephy, Jr. New York: Alfred A. Knopf, Inc. 1968. 384 pp.

Encompasses the historical and cultural development of Indian life from prehistoric to modern times, debunks the Indian sterotype of American folklore, replaces it with a true portrait of the Indian, and examines his impact in early American days and the status and stature of the Indian today.

NAACP: A History of the National Association for the Advancement of Colored People. Vol. I, 1909-1920, by Charles F. Kellogg. Baltimore, Md.: The Johns Hopkins Press, 1968. 332 pp.

An important contribution through the telling of the early history of the

ing of Negro history and the civil rights movement; the first of two volumes.

The Negro In Federal Employment: The Quest For Equal Opportunity, by Samuel Krislov. Minneapolis: University of Minnesota Press, 1967. 157 pp.

A particularly timely study of the status of the Negro in the Federal civil service the effects of World War I and II on opening opportunities to him and an assessment of his progress.

Something To Build On: The Future of Self-Help Housing In The Struggle Against Poverty, by Richard J. Margolis. Washington, D.C.: International Self-Help Housing Assoc., 1967. 84 pp.

An attempt to interpret the complexities of self-help housing—its history, its current uses and abuses in the war against poverty.

These Liberties, by Rocco J. Tresolini. Philadelphia and New York: J. B. Lippincott Company, 1968. 306 pp.

Presents, in nontechnical terms, a review and analysis of Supreme Court cases that have been decisive in the interpretation of modern American law, each dealing with a major area of civil rights of Negroes, legal rights of criminals, freedom of expression and religion, the right to vote, and the right to privacy.

To Be Equal, by Whitney M. Young, Jr. New York: McGraw-Hill Book Co., 1964.

This volume, written the year after celebrating the Negro Centennial, confronts the reader with the many injustices of race relations in America and points out that although progress has been made we are far from our creed of equal opportunity and justice for all.

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