

CIVIL RIGHTS DIGEST

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CIVIL RIGHTS DIGEST

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The Black Vote in Danger



In August 1965, the first certificate issued under the Voting Rights Act was given to a black woman from Selma, Alabama—Mrs. Ardies Mauldin. There was much appropriate about this event.

First of all, it was Selma and the violence there in the spring of 1965 that led to the Voting Rights Act. Secondly, it was fitting that Mrs. Mauldin lead the way. Her teen-age son was a local youth leader in the civil rights movement. He was a part of the generation that assaulted racial injustice with such vigor in the early sixties. Thirdly, it was fitting that Mrs. Mauldin be the first because she is probably typical of the thousands of black people across the Deep South who have registered with the assistance of Federal examiners since 1961. She herself is neither a civil rights leader nor a “militant.” She is not an “activist” in today’s meaning of that word. She is simply an Alabama woman who feels that she is entitled to the right to vote the same as anyone else. That is probably characteristic of the 158,000 blacks who have registered through Federal examiners since August 1965.

Last December, Mrs. Mauldin got into the national news when several hundred Negro leaders gave Presi-

dent Johnson a gold-plated replica of her voting certificate. The occasion was a farewell reception for Mr. Johnson. A few weeks thereafter, a research assistant from the Voter Education Project went to Selma to interview Mrs. Mauldin. During the interview, the research assistant happened to mention the scheduled expiration of important provisions of the Voting Rights Act in 1970. Mrs. Mauldin was surprised to hear this and a bit troubled. Thinking back to all that Selma Negroes had to go through to get on the voting books, she declared: “It really would be bad to have to go back.”

Mrs. Mauldin, in saying this, again is probably typical of the thousands of black people who have registered under the Voting Rights Act. The vast majority of black people registered under the Act undoubtedly share her feeling that one trip to the registrar’s office, Federal or local, should be enough. The vast majority, like Mrs. Mauldin, no doubt are unaware that important sanctions of the Voting Rights Act are up for expiration next year. The vast majority, again like Mrs. Mauldin undoubtedly would be dismayed at the thought of having “to go back.”

But that is the prospect faced by Mrs. Mauldin and thousands of other black people in the South as 1969 spins past and as 1970 approaches. That is the prospect faced by those of us who have labored in the field of voter registration in the South, trying to help Mrs. Mauldin and others like her get on the voting books. That is the prospect faced by a promising new crop of black elected officeholders in the South—whose ranks now number nearly 400—as they contemplate the possible loss of thousands of black voters from the registration lists.

There seems to be an impression, in Washington and in the Nation, that the Voting Rights Act has solved all the problems of voter discrimination in the South. We know that such an impression exists because we hear it repeatedly from otherwise well-informed visitors who come to our office from other regions and other countries. Indeed, a highly regarded national newspaper noted in a front-page article as recently as last October that “federal registrars have been signing up *millions* of black voters in the South.” We wish it were so. But the actual figure, as I already have mentioned, is in the neighborhood of 158,000.

True, Negro voter registration *has* increased dramatically in the South. In the election of last November there was an increase of nearly one million in Negro registration in the South over the previous presidential election. And most of this increase has come in the States covered in full by the Voting Rights Act—Alabama, Mississippi, Georgia, Louisiana, South Carolina, and Virginia. In fact, black registration in these six States has increased 740,000 since August of 1965, when the Voting Rights Act went into effect.

Now, at first glance this seems a remarkable accomplishment. Black registration in the six States fully covered has almost doubled in three and a half years. The number of black elected officials in the region has gone from about 70 in 1965 to 400 today. No question about it, this is progress—significant progress. But that is only one side of the picture.

In the South, there are more than five million Negroes of voting age. Yet, black registration is just above three million. Thus, even with the help of the Voting Rights Act, nearly two million Negroes of voting age in the South remain unregistered. Only 62 percent of voting-age Negroes are registered in the Southland. Among whites in the region, however, 78 percent of the voting-age population is registered to vote. So, despite the boost given by the Voting Rights Act, much remains to be done before it can be said

that black people are full partners in the Southern political process.

Although much of the increase in black registration has come in the six States covered in full by the Voting Rights Act, the situation in these six States still is a bit worse than the situation in the region as a whole. In these six States, only 57 percent of the voting-age blacks are registered. White registration in these six States, however, stands at 79 percent of the adult white population.

This is the situation *with* the Voting Rights Act. Before the Voting Rights Act was adopted only 31 percent of the voting-age blacks in the six States—less than one-third—were registered to vote. So without question, the Voting Rights Act has made a difference. Much has been accomplished with only moderate and partial enforcement of the Voting Rights Act. How much more might have been accomplished if the Act had been fully enforced.

Of 517 counties in the six States fully covered by the Voting Rights Act, Federal examiners have been sent to only 58. Make no mistake about it, black people in the South very much prefer going before a Federal examiner to going before a local registrar. There is a difference in attitude. There is a difference in setting: for many black people fear and dread the local county

Percentage of Voting Age Negroes Registered in Southern States Covered in Whole or in Part by the Voting Rights Act of 1965

	Before the Passage of the Voting Rights Act of 1965 ^a	Spring 1968 ^b
Alabama	19.3	53.0
Georgia	27.4	55.1
Louisiana	31.6	60.1
Mississippi	6.7	44.0
North Carolina	46.8	—
South Carolina	37.3	46.5
Virginia	38.3	—

Source: ^aU.S. Commission on Civil Rights, *Political Participation*, 1968. ^b*The Annual Report of the Attorney General of the United States, Fiscal Year 1968*. Although 39 counties in North Carolina and all of Virginia are covered by the Act, the Department of Justice does not have statistics on either State. 1968 Voter Education Project figures for North Carolina and Virginia are 55.3 and 58.4 percent respectively.

courthouse, which is for many of them a symbol of injustice and oppression. There is a difference, too, in procedure. As Mrs. Mauldin points out, "It didn't take but a few minutes. I don't know why it couldn't have been like that in the first place."

No Federal examiners have been assigned in Virginia, which is wholly covered by the Act, or in North Carolina, which is partly covered. Federal examiners have been assigned in only three Georgia counties and only two in South Carolina. All the rest have been assigned in Mississippi, Alabama, and Louisiana.

Federal examiners are not constantly available to register black people, even in the counties to which they are assigned. Federal examiners are available to register people only at intervals. They come and go. For example, there were no Federal registration activities in the South during the final quarter of 1968, despite the approach of important municipal elections in Mississippi.

Finally, in surveying the present scene, I might mention the problem of enforcement resources in Washington. When he came to Atlanta in December to address our historic Southwide Conference of Black Elected Officials just before leaving office, the distinguished former Attorney General, Ramsey Clark, pointed out that the Civil Rights Division of the Justice Department had fewer than 100 lawyers to enforce not only the Voting Rights Act, but school desegregation, open accommodation, and all the other civil rights laws as well. As Mr. Clark asserted, this force is woefully inadequate for enforcing a single law, or for enforcing Federal civil rights laws in a single State.

Only this month the U.S. Supreme Court upheld an important provision of the Voting Rights Act. But such decisions, as well as the Act itself, cannot be fully meaningful unless the Federal Government is prepared to supply adequate resources for enforcement. No one realizes this better than the black people of the South, who all too often have called upon Washington for help that either was slow in arriving or did not arrive at all.

I personally hope that Congress and the Administration will see that the resources for civil rights enforcement are increased rather than decreased. I know only too well that certain forces for retrogression in the South are sensitive to the slightest relaxation in this area. Whenever and wherever these forces feel the slightest sponginess from the Washington level, you may be sure that they will take advantage of it.

Having discussed the past and present aspects of the Voting Rights Act, let us now turn to the future. Unless Congress acts this year or next year, the sanctions of the Voting Rights Act will go out of existence in August 1970. What then?

Once Southern States are freed from the bonds of the Voting Rights Act, it is highly likely that they will want to do something about their 740,000 new black voters, whose presence on the voting lists is profoundly affecting Southern politics. It is highly likely that these

Education & Literacy Tests

"It would be incongruous to allow a state or county to disenfranchise people for an inability to pass a literacy test, when that ability was denied them as a result of discriminatory state action." Judge J. Skelly Wright, *Gaston County v. United States*.

As a result of the segregated and inferior education provided to Negroes throughout the South, the educational attainment and literacy level of blacks is lower than that of whites throughout the South. This inequality could not be corrected in a five year period but will continue throughout the lifetimes of the persons affected. Moreover, segregated unequal education still continues in the South. Only 20 percent of the 2.5 million black elementary and high school students in the South attend schools with white children.

Aside from the racially segregated character of public schools, the quality of education offered in Negro schools is markedly inferior to that offered in white schools. By almost any measure—value of school property, per pupil expenditures for instructional materials, number of library books per child, number of schools accredited, variety of elective course offerings, length of time for instruction—Negro schools rate well below white schools.

Partly because of these disparities, black sixth graders in the rural South are 1.8 grade levels behind their white counterparts; there is a 2.9 grade level difference in the ninth grade, and a 3.7 grade level difference in the twelfth grade. Thus, the time is not yet in sight when literacy requirements for voter registration will not discriminate against Negroes in the South.

States will require—as South Carolina did in 1967—that all voters re-register. A number of localities in the South—West Feliciana Parish in Louisiana being prominent among them—already have procedures requiring re-registration.

As black leaders in West Feliciana Parish have pointed out, re-registration can be a considerable burden for Negroes who were fearful and reluctant about going to the courthouse in the first place. But once the prohibitions of the Voting Rights Act are removed, re-registration would be a means of reviewing the registration status of those blacks who have registered under the Act. In fact, several States have retained literacy tests in their election codes and thus stand in a position to reactivate these tests once the restraints of the Voting Rights Act are out of the way.

The election of nearly 400 black officials is only one way in which newly registered Negro voters are affecting the politics of the South. These new voters also are changing some of the faces and attitudes of white officeholders. This is occurring in quiet and barely noticeable ways (although sometimes it is quite noticeable) in scores of cities and counties across the South.

It is occurring even in such places as Selma and Dallas County, Alabama. As Mrs. Mauldin puts it, the white officeholders “have kind of been pushed up to it since they got so many colored votes.”

There are many white politicians in the South who resent being “pushed up to it” by newly registered black voters. There are, of course, some white politicians in the South who have learned to deal comfortably with large groups of black voters. But for every one of them, there are dozens of other Southern politicians who would like to go back to the “good old days” when large numbers of black voters didn’t have to be taken into account. Life was simpler when one had to fashion an appeal and a record aimed at white voters only.

It might be argued that the South is changing and that black people need no longer fear white-written election codes and white-run registration offices. To be sure, there have been some slight changes—thanks in large part to the Voting Rights Act and the ever-present threat of having Federal examiners sent in and the influence of newly registered voters. Some registrars (though by no means all) have learned to pronounce the word “Negro.” Some have learned to use courtesy



titles when Negroes present themselves for registration. But despite all this, old attitudes and hostilities persist in the atmosphere at many registration offices across the South.

The Voter Education Project from its beginning in 1962 has had the requirement that the registration programs funded by us send us periodic progress reports. At first, of course, the reports were dramatic documents, replete with stories of violence, confrontation, and direct action. The struggle for the ballot made headlines across the country.

There are fewer such headlines today, but the struggle is far from won. Our reports still tell us of registrars maintaining short or irregular hours, of registrars arbitrarily closing their offices without notice, of chicanery being used to keep Negroes from voting, of Negroes being treated discourteously by registrars. We hear over and over, from the 100 or more registration programs that we support each year, that blacks fear economic reprisals if they register—such as being fired or evicted, of losing lines of credit, or being put off the welfare rolls.

This is an excerpt from a report on a program in Alabama: "The local Board of Registrars did attempt to hinder the registering of Negro voters during the drive. When a Negro sought to register they made a point of delaying him, often taking the application of whites ahead of the Negro, even though the whites entered the office after the Negro. If the names and addresses of the two witnesses submitted by a Negro were not listed in the telephone directory, the registrar refused to accept them as witnesses, forcing the Negro voter to return to the registrar's office another time.

"In the case of elderly voters, who might be easily confused, the registrars would ask for proof of age. For those receiving pensions the registrar advised them to obtain this necessary proof from the Department of Pensions and Security office, also located in the courthouse. However, this office would tell the Negroes that they no longer had this proof of age or that the proof-of-age document had been mailed to them just that morning. Thus, the Negro was prevented from registering, with the blame being shifted from the Board of Registrars to the Department of Pensions and Security. This occurred repeatedly, an apparent device to limit the registering of Negro voters."

A report from Mississippi tells of 169 people who had been approached by canvassers but had given one excuse or another for refusing to register. The report continues: "They still have beliefs of what the white man told them in the beginning. They didn't need to register, or if they did he would make them move off his plantation and cut their credit off."

Voter registration can still touch off violence in the South, despite the existence of the Voting Rights Act. Last fall one home was bombed and a shot was fired into another in Leake County, Mississippi. The violence, part of a series of such incidents stretching back to 1961, was aimed at people engaged in voter registration and voter education work. Recently, a report from north Louisiana noted that some of the 55 people who refused to register told canvassers: "You people are trying to get us killed." Although voter registration may be as American as apple pie, it still can be hazardous in much of the Deep South.

Federal presence, or the threat of Federal presence, still is needed also to protect ballots cast by blacks.

Black Elected Officials in the Southern States

	Ala.	Ark.	Fla.	Ga.	La.	Miss.	N.C.	S.C.	Tenn.	Texas	Va.	TOTALS
U.S. Congress	0	0	0	0	0	0	0	0	0	0	0	0
Statewide Offices	0	0	0	0	0	0	0	0	0	0	0	0
State Senate	0	0	0	2	0	0	0	0	2	1	0	5
State House	0	0	1	12	1	1	1	0	6	2	1	25
Local Offices	70	55	22	18	62	50	17	27	22	18	23	384
TOTALS	70	55	23	32	63	51	18	27	30	21	24	414

Voter Education Project of the Southern Regional Council, Inc., April 21, 1969.

The VEP office continues to receive reports of election irregularities of all types. One tells of whole ballots about to be thrown out in a Mississippi county because of a few incorrect markings on them, until a Federal observer intervened. A report from another Mississippi county tells of black voters seeking assistance and being misinstructed by white "helpers" to vote for George Wallace. Still another says: "If the new voters were not actually abused at the polling places, they were thoroughly confused and made to feel ignorant and inferior. This kind of thing spread into the community and many more prospective voters are convinced that politics is a white man's game." And I can report that black leaders in Hancock County, Georgia, are convinced that not the first one of their four black officials could have been elected if their county had not been the first in Georgia to which Federal observers were sent.

It should be kept in mind that these are reports on *post-Act* conditions. We are talking, for the most part, about matters that have been reported in recent months. If conditions can be, and are, this difficult *with* the Voting Rights Act, then we can imagine how difficult they will be if the coverage of the Act is allowed to expire.

So the Act must be extended. But I personally do not wish to settle for that. Enforcement of the Act should be strengthened.

Southern States make the argument that they should not be singled out for coverage in the Act. Their argument is partly valid, partly invalid. Certainly, there is reason to apply the Act in those States which have been most flagrant in denying the ballot to black people. But certainly there is logic also to extending Federal protection to minority groups anywhere in the country who face discrimination in attempting to exercise their right to vote.

Certainly, more effective and widespread use should be made of Federal examiners and observers because of the continuing practices described, both in counties to which examiners and observers have been sent and those to which they have not been sent.

Perhaps the burden of designating counties for coverage should be lifted from the Attorney General. Perhaps designation could be made automatic when non-white registration is below, say, two-thirds of the eligible number. This would remove the designation of counties from the pressures and cross-currents of Washington politics. It would spare the Attorney General the burden of deciding where to move in and



where to stay out.

At present the Act permits political subdivisions to petition for withdrawal of examiners when more than 50 percent of the non-white voting-age population is registered. Many counties that have, or should have, Federal examiners have moved past that point since 1965. Among these counties are some of the worst in the South and they should remain designated for Federal examiners and observers. Accordingly, this 50 per-

Changing State Voting Laws

Under Section 5 of the Voting Rights Act of 1965, when a State or political subdivision covered by the Act seeks to change its voting qualifications or procedures, it must either obtain the approval of the U.S. Attorney General or initiate a suit in the U.S. District Court for the District of Columbia. If the Attorney General objects to the changes, they may not be enforced until the court rules that they do not have the purpose and will not have the effect of denying to any person the right to vote because of his race or color. If the Attorney General does not object, the new qualifications or procedures may be enforced 60 days after their submission.

The Mississippi Legislature in 1966, in reaction to the increased Negro vote brought about by the Voting Rights Act, passed 12 bills and resolutions which altered substantially the State's election laws. Despite the requirements of Section 5, the State made no submission to the Attorney General and the new laws were enforced. The 1966 legislation, among other things, changed from district to at-large the voting for county supervisors, made the selection of an important county officer in certain counties appointive instead of elective, and increased the difficulty for an independent candidate to gain a position on the general election ballot.

It was not until March 3, 1969, that the U.S. Supreme Court in *Allen v. State Board of Elections* determined that the Mississippi legislation was covered by Section 5 and could not be enforced until after its submission to the Attorney General. Thus, Mississippi Negroes have been deprived of almost four years of Section 5 protection, which now has begun when the Act is a year away from expiration.

cent figure should be raised to, perhaps, two-thirds.

There are many other recommendations that could be made to strengthen the Act and its enforcement. For example, the Federal Government should make announcements well in advance and seek to publicize the announcements heavily when Federal examiners and observers are being assigned. Blacks deserve to know when examiners are being sent in to provide them a chance to register. They also deserve to know in advance that there is less chance that an approaching election will be rendered meaningless by irregularities. Moreover, Federal observers should be clearly identified so that whites and blacks alike will know of their presence. The Justice Department should have at all times staff and resources to review changes in State election laws aimed at weakening the ballots of black people.

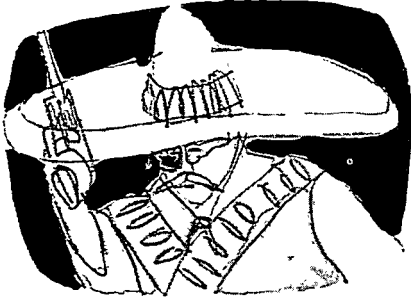
A case can be made for extension of the Voting Rights Act, or for some law like it, for strengthening of existing voting-rights legislation, and for stronger enforcement of existing legislation. Certain steps are necessary to guarantee the rights of black people in the South to participate fully in the American political process.

We also can demonstrate that there is no decline of interest on our part, or on the part of Southern Negroes generally, in getting people registered to vote. Indeed, we have sponsored, or helped to sponsor, over 400 programs in 11 Southern States during the last three years, the vast majority of which involve voter registration. We intend to keep at the task until we feel that it has been finished. And like Mrs. Mauldin, we hope that we don't have "to go back" and retrace our efforts of the last three years because Congress and the Administration feel that enough has been done to protect the voting rights of black people in the South.

Most of the problems of the ghettos in the North and West have their roots in remote areas of the South. For many years Negroes in the South have been oppressed, starved, disfranchised, and dehumanized. Voting-rights legislation holds out at least the hope of correcting these wrongs within the democratic system. If this Federal support is lost, either through expiration or non-enforcement, no amount of persuasion will ever "bring us together again."

VERNON E. JORDAN, JR.
Mr. Jordan is the Director of the Southern Regional Council's Voter Education Project. This article is based on his remarks to the National Civil Liberties Clearinghouse in March 1969.

THE FALSE IMAGE MAKERS



The use of minority group stereotypes in the communications media has waned in recent years in regard to Negroes, the largest minority segment of the Nation. But there is evidence that a prominent blindspot exists in regard to the Mexican American and the American Indian.

It would seem that the advertising media must have recourse to the minority stereotype to sell some of its clients' products. Having been deprived of one group to exploit for its allegedly inferior traits, advertisers in television, magazine and newspaper ads, and on billboards seem to have found an easy outlet for thwarted creativity in formerly silent minorities.

In recent months a National Mexican American Anti-Defamation Committee, Inc. (NMAAC) has been founded, and a nationwide campaign to promote a positive and accurate Indian image has been launched by the National Congress of American Indians (NCAI).

NMAAC's primary target, according to founder and executive director Domingo Nick Reyes of Washington, D.C., is commercial advertising which depends on two general misconceptions: the first of the Mexican American as a shiftless ne'er-do-well (shades of Stepin Fetchit), the second of the

Mexican as a bandit. NMAAC has filed letters of complaint with at least five prime time users of advertising: Liggit & Myers, which produces a TV ad featuring a "Latin" type who never finishes anything; Frito-Lay, creator of the Frito Bandito; American Telephone and Telegraph, which utilizes the Bill Dana character of Jose Jiminez on TV, billboards, and telephone directories; American Motors, which portrays a desert bandito in a Javelin ad; and Granny Goose Potato Chips, which uses another version of the bandit theme.

In one letter, Armando Rodriguez, head of the Mexican American Unit of the U.S. Office of Education, who has helped spearhead NMAAC's efforts, asserted: "The U.S. Office of Education along with many other Federal, State, and private institutions, is now making a concerted effort to improve the portrait of the Mexican American to provide a symbol which the young Mexican American can be proud to inherit.

"May I suggest that advertising of the type you are sponsoring does not help the efforts of educators, nor does it improve the image of the Mexican American. Some of the advertisements you are using are misleading because they are based on a stereotype which is the result of ignorance and obliterates the many valuable contributions made by the U.S.' second largest minority group, the Mexican American," he said.

The NMAAC points out the following facts about the employment of Spanish surname people by the three major networks, ABC, CBS, and NBC (based on a recent Equal Employment Opportunity Commission study):

Only 76 Spanish surname out of 3,500 employees;

Of the 76, 36 were clerical and 17 blue collar;

Only three Spanish surname out of 504 managers;

Only three Spanish surname professionals in all three networks.

At a recent symposium on "The Indian Image" sponsored by California State College, Jay Silverheels, former Tonto of the Lone Ranger series, said that the motion pictures "made the Indian a foreigner in his own land." He added that the Indians "are still seen as plunderers and savages."

The NCAI campaign will strive to rid television, newspaper, and magazine ads of the "bloodthirsty savage" and "slovenly lazy drunk" Indian stereotypes. "Nothing violent, nothing pressure-group, just a polite mention of what we regard as offensive," said John Belindo, NCAI executive director, of the group's strategy.

The campaign will promote the slogan, "The American Indian—A New Awareness and Readiness." TV and billboard notices will be used to counteract stereotypes on the same media. Earl Old Person of the Blackfeet, Marshall Thom of the Navajos, and Roger Jourdain of the Minnesota Chippewas comprise the policy making committee.

If the Mexican American and Indian efforts are successful in opening advertisers' minds to the harm that stereotyping inflicts on whole groups of people, banditos and savages will no longer be seen on the media. However, the next step should be to depict these people in a positive manner and with respect in advertising and in programs as well. A.R.



New Ways of Giving Non-Whites the Business?

People who work on race relations in the U.S. are essentially reformers. That's another way of saying that people who seriously work on race relations do not want things to stay as they are. And reformers—all reformers—have faith. They have at least the faith that reform is possible. Since I spend a great deal of my life working on race relations, I am, by definition, a reformer. And while I still have faith that we can change the Nation's racial situation for the better, my faith is spread thinner than at any time in the last 15 years.

I allocated a pretty hefty amount of faith to legal solutions, especially around 1954. I bought a large piece of civil disobedience during the early days of the student movement, even lent some to love and Martin Luther King. I parcelled out plenty to youthful, interracial cooperation during the "Freedom Summer" of 1964, and invested no small amount in the political challenges at Atlantic City and in the 89th Congress. I've bought reams of legislation since 1964 and even paid my due to last-ditch riots. I've dipped into reserves for Community Action and coughed up for Urban Coalition. My last major investment—and probably the best one yet—was Black Power, not the newspapers' brand, but the real stuff. I was prepared to

spend the rest on Bobby Kennedy, but when that account closed suddenly, I decided I had better take stock of the little remaining. I've been holding tight ever since.

I'm getting some enticing brochures these days from students, 2nd and 3rd class stuff from demagogues, and huge amounts of brightly packaged material about "Ghetto Economic Development."

The problem is that since a reformer has to have faith and I have already spent so much, deploying what's left becomes, in certain respects, like a desperate gamble. Can I afford to invest? Can I afford not to?

The Thing These Days

"Ghetto Economic Development" seems to be on everybody's lips. The White House is for it, Roy Innis is for it, Ford, at least two Rockefellers, and General Motors are for it. More than once I have heard it described as the "solution" to the problems of minorities in this country. During the last weekend in April, at least two major conferences on Black Economic Development were in session: the very "establishment" American Assembly at Arden House in New York, and the quasi-revolutionary "National Black Economic Develop-

ment Conference" in Detroit, which generated a scheme for massive reparations to be paid black folks by the major institutions of our society such as the churches. The ideological spread between the two groups of conferees is clear indication of the broad support emerging behind this concept. Further, late in the last session of the 90th Congress, the Community Self-Determination bill was introduced by more than 30 legislators to provide a catalyst for economic development in the ghetto. While that bill will never see the light of day in its original form, it does indicate Congressional interest in the issue.

Bleak History

Studying the history of capitalism and economic development in the black community is a sobering experience. One does not emerge from such a study with great cause for enthusiasm. Although Booker T. Washington and others founded the National Negro Business League early in the Twentieth Century, there has never been much black capitalism in this country. For example:

Only 6 black banks still survive today of those formed before 1922 and, while there were 49 black-owned banks in 38 cities in 1929, there are only 20 in 19 cities at the present time. Two black insurance companies function nationally—Supreme Life and North Carolina Mutual. Combined assets of the country's 50-odd Negro life insurance companies is 0.2 percent of the industry's total. Between 1950 and 1960, the total number of black businessmen dwindled by 20 percent under the impact of integration. Of the 17,500 authorized automobile dealers in the country, 7 are black (7 times as many as in 1966). Of more than 6,000 radio stations, 108 beam directly to blacks; only eight are black-owned. While blacks are very prominent in music and sports, there is only one major black record company and no professional sports franchise controlled by blacks, not even The Harlem Globetrotters.

Black businesses traditionally have been segregated businesses. They have not in the main been able, or even tried, to compete against whites. They have tended to cluster around the production of those goods



and services which blacks could not get elsewhere—restaurants, barber and beauty shops, hotels, funeral parlors, and cosmetics. And now, even this trade is threatened by integration and white competition.

As usual, almost all data related to the status of capitalism and economic activity among non-whites speaks of blacks. Except for an occasional newspaper article, very little information is available on Mexican Americans, Puerto Ricans, and Indians. One can only assume that, with few differences, the story for America's other non-white minorities parallels the black man's experience.

The generally bleak message of history, as one would expect, is overwhelmingly replete with instances of discrimination and antagonism directed against the ambitions of non-whites by the white majority. At the end of the Civil War, the skilled and artisan class in the Southern States was largely black. Throughout the latter part of the Nineteenth Century and during the first couple of decades of the present century, black men registered a number of the important mechanical and industrial patents of the period. The expression "the real McCoy" refers to the lubricating devices for railroad cars invented by black Elijah McCoy. Between 1872 and 1920 McCoy received over 57 patents for automatic lubricating appliances and for other inventions pertaining to telegraphy and electricity. The "McCoy" mark was an assurance of quality. Other blacks invented everything from traffic lights, to modern shoe lasts, to power hammers, to lawnmowers and fountain pens.

For 50 years following the Civil War, the black man was systematically stripped of his skilled and artisan status. Used to train white workers, he was denied any but menial employment and, eventually, was denied skills training itself. Although Thomas Edison was assisted in his inventions by a black man and—according to popular tradition—the formula for Coca Cola was a black man's recipe, the giant corporations founded on these endeavors are wholly white-controlled and white-owned.

Consciously and effectively contained on plantations and reservations and in ghettos and barrios, the non-white minorities in America have provided cheap labor for a virtually all-white economy. What is more, whites still own the plantations, ghettos, and barrios and nearly all of the businesses which serve their inhabitants. To quote John Z. DeLorean, vice-president of General Motors and general manager of Chevrolet Motor Division:

For the Negro, the ghetto (also read "barrio") was no gateway to America as it had traditionally been for earlier arrivals; it was simply one more colony. The Negro owned none of its meager assets. He worked outside the ghetto in menial jobs, acquiring no management or entrepreneurial skills to bring back with him. What little capital he accumulated, he expended outside the ghetto. For what little purchases he made within the ghetto, he paid higher prices, because of the relatively small volume of purchases and the high credit risk he carried. What little ability he had to pay rent and buy commodities was exploited by absentee white landlords and shopowners at the same time that they allowed his physical environment to decline to the point of ruin. Lenders and investors shunned him, and even his city government gave him the last and least of its services."

The Legacy

Historians color the past with their attitudes and choice of words. My capsuled "history," outlined above, is valid for me even though a part-Indian is Chairman of the Board of Phillips Petroleum, and even though there are some few scattered millionaires and successful businessmen among the Mexican American, Puerto Rican, and black millions in this country. What is the real message when the combined assets of all black-owned banks wouldn't even constitute the largest account in any one of several banks in New York City? When blacks control less than 2 percent of construction in this country? When less than 1 percent of manufacturing is minority-owned? When 73 percent of black businesses are centered in low-income ghettos and, even so, have declined in the last two decades?

We must keep in mind that the major issue in all the present concern with economic development is centered in its promise for changing the condition of minorities generally. The discussion, with its current adherents, dates from the last couple of years—since the riots,



since the final debunking of the debilitating welfare system, since the exposure of tokenism in our myriad manpower development schemes, since the widespread giving up on Chuck (Mr. Charlie) and his "good intentions." The condition of minorities generally is in some respects like multiplying the state of black capitalism many times over—subsistence and below for 40 percent, marginality and frustratingly slow advancement for most of the remaining, and conspicuous opportunity for a relative few.

The Tug of Separatism

Conditions remain so largely second rate or worse for minorities that a lot of earnest folks have given up on the "American dream," that mythological articulation which non-whites have taken seriously for so long. Separation is the only course for many nowadays. Liberation. Self-determination. Indeed, specific forms of separation are currently being designed all over the country: New Mexico, Texas, and other parts of the Southwest would go to Mexican Americans; some blacks want three Southern States, others want five; Roy Innis would settle for central cities, while the Seminoles are suing for a slice of Florida.

A number of these moves are openly revolutionary, with shoot-outs to prove it. But not all, however. Roy Innis argues his case in major corporate board rooms: *In short, black people must seek liberation from the dominance and control of white society. Nothing less than this liberation will allow black people to determine their own destinies. . .*

There is always a controversy as to whether our tactics, our objectives, are reformist or revolutionary. In my own view, black people at this state of their development are not and should not be talking about some romantic thing called revolution, but rather a more pragmatic and necessary step called liberation. . .

We black nationalists. . . must speak of separating ourselves. We live in a setting where one group—not our own—controls the institutions, and the flow of goods and services. We can change our condition by liberating ourselves and placing these vital instruments of social and economic destiny in our own hands. This is what we mean by separation—quite a different matter from segregation, which is the condition that now exists, in fact, throughout the United States.

Separation is a more equitable way of organizing the society. The important distinction is that in such a society the controls of goods and services flowing through a distinct geographical area inhabited by a

distinct population group would be in the hands of those indigenous to the area. In other words, if we have a clearly defined sociological unit called Harlem, New York City, the people of Harlem will control the flow of goods and services there. The same would hold true for the white areas of New York City: the whites would control their own "action."

On the above basis, Mr. Innis then makes the case for a kind of white-black coexistence, with blacks having full political, social, and economic autonomy on their turf. He draws the parallels between ghettos and underdeveloped countries, pointing out that present black communities lack only "sovereignty" to make the parallel complete. If blacks controlled all the public and private institutions within their communities, including the distribution, management, and contracting of all tax funds, together with certain favorable trade arrangements, then, according to Mr. Innis, they would be "liberated" and viable.

His case is, of course, compelling: we are presently segregated residentially; whites do dominate the institutions serving blacks, imposing their own rather than the community's priorities and styles; there are parallels with post-colonial, underdeveloped countries, and there is, as he has also stated, "a fundamental conflict of interest between our communities—the so-called ghettos—and the urban centers in which they are situated."

But I have doubts about Mr. Innis' case. The arguments advanced by Mr. Innis and by other separatists demand more faith than I can muster. We had a long period of "separate but equal" in this country and black people didn't fare too well in that system. I am not automatically persuaded by Mr. Innis' distinction between the "romanticism" of revolution versus the "pragmatism" of liberation as he conceives it. For I wholeheartedly agree with Mr. Innis about the "fundamental conflict of interest" between existing black communities and white communities in this country. But central city populations (mostly black) constitute only approximately 6 percent of the Nation's population; "one man-one vote" is giving us increasingly suburban-dominated state legislatures. This in turn brings to mind the paucity of home rule and autonomy presently characteristic of most cities and the vulnerability of these cities to state constitutional and state agency interference. I am further conscious of the ultimate powers of the Federal Constitution and of Federal legislation. With all this in mind—while also remembering that "fundamental conflict of interest"—then I

remark at the magnitude of Mr. Innis' faith, at his expectation of sudden benevolence and enlightenment in the white majority population. Apparently Mr. Innis does not anticipate acrimonious reaction on the part of the majority population when black interests impinge fundamentally and negatively upon white interests.

Economic development schemes which are based upon the need for separate black and white societies in this country seem to me to be either wildly romantic and dangerously simplistic, or to stop short of going the whole way in admitting that blacks and whites cannot make it together on this continent. When I become fully persuaded that the historical and continuing hostilities between blacks and whites in this country require separation, then I have no desire to share boundaries with that enemy. I want some water,



and if possible, deserts and mountains between us. I'll figure out later how to deal with planes and missiles.

At any rate, economic development schemes based on unsubstantiated premises of massive and expensive white assistance do not appear, in my view, to have sufficient foundation in reality. While I would support some formula for making reparation to blacks for the several centuries of equity in this Nation's wealth stolen from them first by slavery, and then by discrimination, schemes like Mr. Innis' seem somehow undignified and—in their non-revolutionary cast—unduly hee-seeching.

The "Loosening" Process

If present trends continue, within a decade and a half nearly 75 percent of all non-whites will live in central cities, seven or eight percent in the suburbs, and the rest chiefly in poor rural communities. Even should public policy and economic factors combine to substantially alter present trends (and some of us still can believe that the sheer logic of such a necessity will help to bring it about), we can expect the *fact* of large, racial concentrations to continue throughout the rest of this century. It is obvious, then, that realistic planning must be based on such a fact; to some considerable degree black communities must receive community development assistance *as* communities, and the persisting white exodus must inexorably bring increasing black political and bureaucratic control in central cities.

White Americans in increasing numbers seem to be grasping this insight, especially businessmen smart enough to begin to mistrust the traditional formula of containment, denial of individual opportunity, and repressive police power by which—intentionally and, to some extent, inadvertently—blacks have been "kept in their place" since 1619. Thus, we see President Nixon and the Urban Coalition thumping for minority entrepreneurship, public agencies making provision for citizen participation, and New York City experimenting with community control of schools.

This loosening process on the part of white, establishment America, this willingness to let go some of the usual controls produces another kind of formula for economic development than the separatist framework of the black nationalists. It relies heavily on "black capitalism" as a concept, as one might expect of white capitalists. "Basically, this envisages," adds DeLorean, "the development of black entrepreneurs on a major scale through a variety of approaches:

Locating branch operations of big industry in the inner city;

Indigenous inner-city industries assisted by partnership arrangements or by technical and managerial supports from outside corporations;

Individually operated inner-city enterprises made possible through compensatory devices such as Small Business Administration loans, managerial and technical training programs, sheltered markets, etc.; and

Community-owned corporation financing local enterprise and social service.

Mr. DeLorean goes on to indicate a number of the "hangups" about this approach. Several are obvious: it implies considerable cradle-to-grave panacea psychology; it is predicated on a closer white-black partnership than the times probably permit; it could generate a whole new style of colonialism; and, alas, outside investors would inevitably "drain off profits, exploit indigenous labor and skills, while creating little capability in the community itself."

In addition, the black capitalism approach does not sufficiently challenge existing patterns of racial discrimination practised by whites; it seems to accept the continued exclusion of non-whites from the "main economic action." It could, in that sense, also be classified as "benignly" separatist. A further difficulty is, of course, the prospect that capitalism transcends race; the poor, non-white masses could very possibly see their exploiters change color without changing practices.

There is considerable debate, chiefly among the young and avowedly revolutionary blacks, about new styles of ownership and non-capitalistic patterns of economic activity. Without necessarily subscribing to any existing socialist system, these proponents are earnestly seeking economic development approaches which would better the lot of the masses. Some are now at work in both rural and urban areas forming cooperatives and nonprofit corporations for the production, distribution, and purchasing of needed goods and services. This approach seems entirely appropriate for many aspects of capital-poor, job-hungry, low-income minority communities.

A number of cooperatives and nonprofit corporations seem to me to deserve wide support. However, while the concept says much as a political and economic philosophy, its proponents—except for the relatively few who are actually operating such entities—appear largely indifferent to many pragmatic questions. How one is to get sufficient operating capital,

relationships to the surrounding capitalistic system, and apathy toward the idea by the large majority of non-whites receive little attention among supporters of the approach.

Summing Up

This discussion seems to have flailed out on all sides. Chiefly stressed have been the negative aspects of a couple of highly touted but disturbing schemes. Perhaps this leaves the impression of my being opposed to "ghetto economic development." Nothing could be further from the truth.

The difficulty is that of being asked to buy too much in the various packages of economic development now passing around. In the final analysis, I don't believe in "total solutions," tend to look for that which is left out of comprehensive approaches, and return always to a belief in the inevitability of incrementalism.

Not that I am a proponent of incrementalism. On the contrary, like everybody else I long for immediate perfection. I just don't believe things ever happen that way. I used to believe it. But maybe that's the way it is when you go from being a young Turk to an aging one.

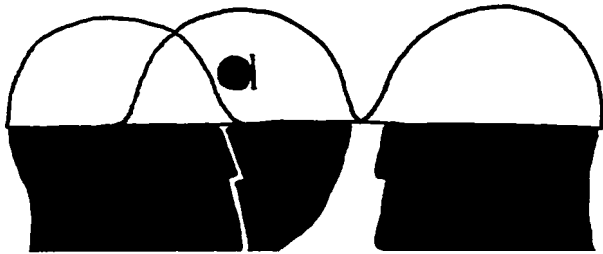
I will make my investment of faith in ghetto economic development. I will work for it. I may even help to design some of it. But all the while I will see it as merely one more tool for providing options and choices to people regardless of race and in spite of present economic class differences. Other tools will include anti-discrimination measures, higher minimum wages, income maintenance, new approaches to financing and building low-income housing, universal medical care, full employment, and an enlightened foreign policy.

For non-whites in this country the past has been appalling and the present is still painful. Disturbing questions exist regarding the future. Indeed, I believe the question of whether we shall be one Nation, black and white, indivisible, et cetera, is not yet fully resolved. But one belief is firm: if we cannot make ours one society and one market place, we will not be able to erect two.

JAMES GIBSON

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**PORTLAND
BLACKS
GET
THEIR
COMPANY
THING
TOGETHER**



"It's been said black people can't do anything right," the short, bulky man in brown overalls said. "I felt if I got a job here at Albina it would be a step in the right direction."

A step in the right direction is Willie Garrett's appraisal—and perhaps the best one at the moment—of Albina Corporation, the Portland, Oregon, company for which he now works but which in time he may come to own with his fellow workers.

Garrett, an Alabama emigre, and some 30 other black on-the-job trainees, together with black owners and black managers are the human factor in a radical economic equation being tested in the Portland mini-ghetto of Albina.

The venture is unique: the black enterprise incorporates the traditional forms and principles of business and industry but with an added measure—employee ownership and eventual employee control of the company.

The Albina Corporation, named after the ghetto district in which it is located, is a metal, plastics, and fiberglass manufacturing firm which has already processed a number of Government and commercial or private contracts. Albina is involved in negotiations and research for the fabrication of its own line of products. A top-flight black managerial team has been assembled and a black work force drawn from the nearby community is being trained to handle a broad range of manufacturing programs. By mid-year, gross capitalization (buildings, equipment) will be about \$2 million, and its payroll about \$3 to \$3.5 million.

At a time when national attention is turning to the economic development of the ghetto from within, a primary focus is on black entrepreneurship. The Albina Corporation is spearheading a most forward looking venture which will extend to all employees the potential to earn incomes not only on the basis of their toil, but on the essential resource by which affluence is achieved in America—capital ownership, which entails a personal investment in the firm and a share in the community-wide enterprise.

The company is not yet a year old and still must prove itself—an achievement which may not be reached in terms of stabilized annual corporate growth for two or more years. Toward this goal, a \$1.2 million contract awarded Albina by the Department of Defense in February (to paint ammunition boxes by an electro-coating process) represents a major breakthrough and Albina's greatest challenge to date. As a trainee put it, "The ammo container job is the test; if we don't complete it, that may be it." Almost half a million dollars worth of new equipment and revamping of plant facilities are being expended to accommodate the Defense contract. Production force will be increased from the present 38 to 107 due to the Defense contract's manpower needs.

In another area, the company's efforts to develop its own products either through creating new lines—for example, in its fiberglass operation, or buying out already existing firms with established names and markets—indicate that managerial skills and production force capacity will be tested to the fullest. By the same token, new product development would increase the work force and in turn uplift the Albina community from which the company draws the majority of its employees.

Such is the potential for growth and the kind of odds facing Albina, a company which literally started from a bare concrete floor. The plant building at 3810 N. Mississippi Avenue is a former bowling alley whose high, cross-peaked roof contrasts with the one or two story woodframe buildings and homes which characterize the district. Creditors had foreclosed on the bowling establishment and had stripped all equipment from it, leaving only wall to wall concrete.

The prospects for the black firm are wide open; the pitfalls, also that such a business starting from scratch faces are numerous, crop up unexpectedly, and can, at any given time, wipe out months of progress. The man most conscious of the promise that Albina holds as well as the problems it presents, is Mayfield K. Webb,



Ron Green/Intermedia

A stylized African mask and spear symbolize in logos form the Albina Corporation's main features, black ownership, black management, and black control.

president and chairman of its Board of Directors. Born in Baltimore, Md., and a graduate of Morgan State College there, Webb moved to Portland after service as an Infantry Officer in Korea, earning a law degree in 1960 at Portland's Northwestern College of Law. He practiced law in the Albina ghetto until 1965 when he became director of the Albina Neighborhood Service Center, a project of the Office of Economic Opportunity. Two years later he was hired as executive director of the multi-million dollar Portland Metropolitan Steering Committee, the local Community Action Agency.

Silhouetted by the incandescence of a welding torch behind him, the 42-year-old Webb stated:

"Albina is a form of institutional change, change of the normal corporate structure based on the concept of employee ownership. Many companies have bonus plans or stock programs for employees, but I don't believe there is another company, and certainly not a black one, committed to 100 percent ownership by its employees.

"The concept of capital ownership is also being tried to determine if it will serve as a motivating factor," Webb continued, "whether it will be meaningful to personnel to have a stake in the company. Frankly, it is too early to tell whether this will be an effect of the Albina plan," Webb admits. "Thirdly, the Albina Investment Trust is designed to provide a second income to employees. Actually, this is a retirement plan at this point. If the company is successful, employees could receive dividends.

"Through the second income plan," Webb said, "we hope to demonstrate that it is also an effective vehicle for a steady and measured system of corporate growth and that we can rely on the use of pre-tax dollars for continued growth each year."

Here is how the employee trust plan operates:

The Albina Investment Trust, a deferred-compensation trust, has been established in behalf of the employees of the Albina Corporation. The Office of Economic Opportunity made two outright grants totaling \$586,000 to finance the creation of the trust and demonstrate the feasibility of employee ownership. The Investment Trust owns majority interest in the Corporation and is responsible for educating employees in capital ownership.

The employee trust program (or Second Income Plan, SIP) is administered by both the Corporation and the Trust, each of which entails a board broadly representative of the company and the community.

At the end of each year of employment, the individual employee is vested or assigned by the Trust 15 percent of his total annual income in shares—his regular income is not touched: the 15 percent is over and above what he ordinarily earns.

Under the Albina plan, after the first three years with the company, an employee will own outright 30 percent of the total shares he has built up. He is vested with an additional 10 percent each successive year until in 10 years he will have 100 percent ownership and control of his shares.

At anytime he can retire his shares, that is, sell them to anyone he wishes to the percentage of shares he owns.

The Corporation's Board of Directors is comprised of four representatives of the Albina Citizens' War on Poverty Committee; one each from the ADC Mothers, the Citizens' Improvement Association, Model Cities Planning Board and Eastern Star (the Masonic Lodge women's auxiliary); and five others representing the Corporation's management. The Trust's Board of Trustees consists of three persons from the Albina Citizens' War on Poverty Committee; one each from the Elks Club, the Masonic Lodge, and Model Cities; and three selected by corporate management.

On July 30, one of the three management representatives who now include Webb, Ben L. Berry, and David M. Nero, Jr., will be replaced by an employee representative. The Trust committee instructs the holder of the trust, the First National Bank in Portland, how to vote shares in the event of a stockholders' meeting. Along with built-in community involvement, the addition of an employee representative will also provide a voice and the initial sense of ownership control to the employees.

Not until the first week in April did Albina secure the Internal Revenue Service's approval to establish the employee trust. Because of the possibility that approval might be withheld, fulfilling the responsibility of fully instructing employees in depth about the trust plan has been delayed. With the IRS approval of the trust, the company can now introduce a formal program of instruction for employees and management, as well as directors and trustees according to Webb, since some of the intricacies of the plan must still be clarified for many people.

Providing a most articulate expression of his understanding of what Albina meant to him and particularly of the employee trust plan was Marion Blackburn, who left a job as a salesman for a bread company at the

end of last September, started as a trainee in sales and marketing, and in March was named acting sales manager, "a big jump," his boss Mayfield Webb called it. Born in Huntsville, Alabama, Blackburn says of Albina:

"Albina was my first opportunity to move into management. I saw a chance for advancement in it and, frankly, I was tired of constantly dealing with Caucasians, didn't have a sense of confidence. It was a grin and bear it thing; the world isn't real to you: the conversations, the things they like to do, I didn't like. I was always subject to criticism, or worse, loss of my job, so I had to be reserved about my activities for my people. Albina is a chance to work with my own people.

"An important factor in my coming to Albina," Blackburn added, "was the ownership program. All we have to do is make the company go. To me the stock program will provide a substantial amount of reserves to borrow on. In 10 years I'll have a kid ready for college. I haven't even entertained the idea of going any place else." The young executive concluded, "I'd rather be here than any place I know, like W.C. Handy said."

Blackburn is an individual, personal success story. Albina is making it possible, but the overall effect of a successful Albina Corporation (failure isn't even contemplated—verbally—by most Albina staff) is that a ghetto-owned and controlled operation would have an impact far beyond its setting and far beyond its immediate beneficiaries.

Ron Green/Intermedia



Willie Garrett, working for Albina Corporation since it was formed, operates controls of a metal finishing system recently installed.

Albina is also a testing ground to resolve other issues: the pooling of Government, private, and local funds in ghetto enterprise; the training of those usually considered "unemployable" or "hardcore"; and the functioning of white consultants among black entrepreneurs and workers.

These problem areas result directly from the ghetto and minority group foundation of the company and in turn generate conflicts or problems which the usual business or factory would not encounter. Albina and other black companies like it must handle not only the ordinary difficulties of private enterprise but face other unusual and often unique obstacles. It means that a black company starts with strikes against it.

One of the most immediate problems which Albina alone must resolve is how to make the ownership program meaningful. Webb and the brain trust of consultants and lawyers behind Albina are deliberating the establishment of a credit union or a yearly bonus plan, or some other means of putting that extra income into workers' pockets. The bonus idea, Webb points out, would be a concrete means, but that money would come out of profits and be taxable, whereas money kept in the employees' trust would not be taxed, would support the company's corporate growth, and simultaneously build up the stockholder's own capital base for future use. (Income on stock, or capital gains, derived in later years by the employee is taxable only to 25 percent of the total.) The value of the deferred-compensation trust is difficult to communicate to most people, Webb says, but much more so to an individual with little or no experience in saving, budgeting, or investing money.

That particular point of Webb's is especially relevant to Albina. Most of Albina's employees at the trainee level have been drawn from the ranks of the underemployed or unemployed. Under the Department of Labor Manpower training contract with Albina, the company must recruit its workers from the Model Cities area which includes the Albina district and other neighboring areas. The trainees also must meet certain limits of income, family size, and education or skills to qualify as trainees.

Because of the nature of the Albina commitment, the Labor Department has waived its regulation limiting the percentage of trainees in a company workforce to 50 percent. Albina can now have 100 percent of its employees under training, which is very nearly the case. However, the reimbursement that Albina receives from Department of Labor MA-3 programs for its

training component is still at the level for 50 percent of workforce training. This means that Albina must accomplish twice as much in its training aspects for half the money. In terms of job costs, as Webb described it, "Labor is usually the factor that runs up the costs; if we figured in all labor costs, we would never be able to low bid on contracts."

Because of the nature of the trainee, not only do labor costs mount, but the difficulty of getting maximum output is seriously affected. Absenteeism is the gravest shortcoming among the workforce, a factor which management, from foremen to the president indicate would be overcome as the worker gains industrial experience and as long as management is willing to persevere through the period of worker development.

Although the company does "bend over backwards" to keep some workers on the job, it could hardly be accused of being patronizing or soft in the face of the sheer reality of overcoming the workers' lack of industrial experience. Besides, the Albina president forecast, as production force increases, coupled with the demands and importance of the Defense contract, the company may have to become more selective in its hiring and maintenance of workers.

Aware, also, of the effects of the ghetto upon motivation and desire among its employees, a group of trainees have been enrolled in a Success Motivation Institute course sponsored by the Concentrated Employment Program (CEP), a training arm of the Department of Labor. Employees requiring further training or retraining could be remitted to the Port-



Ron Green/Intermedia

Mayfield K. Webb, left, and Linus J. Niedermeyer, in front of the Albina Corporation offices in the Albina ghetto of Portland, Oregon.

land CEP or the local Opportunities Industrialization Center.

Texas-born Matt Lockett, at 25 the shop foreman and an instructor for Albina, proudly relates that he was the first black man to complete the four year apprenticeship welding course in Portland. A 1961 graduate of Benton Technical High School, Lockett was an apprentice at Willamette Iron and Steel Company but moonlighted for six weeks helping Albina finish its first contract before joining the black firm permanently last October. Exuding a self-confidence built up by his experience and knowledge of the trade, Lockett recalls: "When I first came to Albina I thought I was taking a chance, but I think the company will get on its feet. If you know your business," he stated, "you don't take a chance." Recalling his efforts in learning his trade, Lockett said something applicable to Albina's status: "Being the only Negro, you've gotta be a little bit better. I can go anywhere now and get a job. If we can get the thing together, the company will do fine." The youthful shop leader, by the way, also holds a part-time job as a city policeman.

Albina Corporation hardly had its office set up last year when Willie Garrett came in looking for a job. He had been a waiter at a restaurant in the North Center area of Portland, although he and his wife and five children live in the Albina ghetto. Still, he had to wait two weeks to be approved as "hardcore." The 27 year-old Garrett quit his former job, which meant, he relates, a cut in pay. But, he explains, "I want to learn a trade like welding or machine tools. I feel I'm progressing; everyday I learn something new." Garrett has had two pay increases since last May, worked on every contract in some way, and was recently made lead man on a small project for Western Electric which involves a number of stamping processes in producing brackets for wall telephones.

Garrett summed up for most of his fellow workers when he said his main reason for coming was that Albina was to be a "real black organization." "It's been said black people can't do anything right. I felt if I got a job at Albina, it would be a step in the right direction." Of the employee trust plan, he asserted that it would come in handy and that a "person will work harder if it's for himself."

Already apparent is the broad role of Government agencies in the formation of Albina. The Labor Department has various manpower training branches at work; the Internal Revenue Service and U.S. Treasury Department have carefully scrutinized the economic

underpinnings of the corporation.

Two agencies which have had substantive roles to play this past year and a half are the Small Business Administration and the Office of Economic Opportunity. The SBA guaranteed a \$350,000 loan through a Portland bank to Albina Corporation, which means that SBA can be counted upon to maintain close surveillance of the black company's progress. The SBA can also have continued effect because, as Webb pointed out, the agency has the legislative authority to negotiate with any Federal agency, declare these contracts "no bid," and award them to small businesses. In fact, Webb suggested that major contracts, for example, from the Defense Department, reach down into the smaller businesses through the granting of subcontracts. SBA could also extend its backing through negotiated contracts for two or three years instead of one as is now the case.

The most unique Government role has been undertaken by the Office of Economic Opportunity which in less than a year granted outright to Albina two grants totaling \$586,000 to establish the trust. There was a slim possibility for a while because of the working of Government regulations that had the IRS not qualified Albina under Section 401 of the IRS Code governing "charitable trusts," OEO would have in effect become owner of the manufacturing firm since it would have owned all the shares of stock.

A contingency which Albina developers did not foresee but apparently was in the making due to those same regulations again was the IRS Code requirement that all funds placed in a trust must be allocated the same year: the \$586,000 from OEO, in other words, must be divided among the shareholders in the first year. This could mean that an individual shareholder, an employee, would be credited with an amount of shares which would otherwise have taken him 10 years to build. For example, if the OEO grant money were divided, a worker might be allocated \$7,500 worth of shares after only one year of work, or more than he might earn over 10 years. He would be entitled to cash in the stock to whatever percentage of value he was vested. The concept of creating long-term loyalty and long-term gains is jeopardized. Webb is sure that the complexity can be untangled by a special ruling from IRS either waiving the requirement to allocate all funds the first year or by establishing a special category of funds. Its qualification under Section 401 of the IRS Code at any rate is in no danger of being rescinded.

The money received through the OEO grants and the SBA guaranteed loan represented the capitalization with which the Corporation was able to buy a plant, equipment, and supplies, establish a payroll, and revamp facilities. In fact, without this "unusual example of cooperation," as one Federal official described the OEO-SBA collaboration, Albina Corporation may never have developed. (Albina's directors are still seeking other sources of funds, including a sizable loan application to the Presbyterian Economic Development Corporation located in New York City.)

Dependence on Government agencies will continue for a time although the OEO grants will probably not be renewed but simply expire when the money is used up. Severance of such ties is part of the overall goal of the Albina innovators. It will come more quickly the sooner Albina pays off its loans and develops its own product lines, stabilizes its workforce, and is assured of more contracts.

The development of Albina products—that is, items of which Albina alone would be the producer or resource, for example, a new design of fiberglass boat or an electro-mechanical assembly—is severely cramped by a limited budget, reports Ben L. Berry, vice president and chief engineer. Formerly with the consultant firm of TRW Systems in Redondo Beach, Calif., Berry insists that development of new product lines is "a necessary goal if we are to become a major company." A volunteer consultant and training director for Operation Bootstrap and other ghetto self-help projects in the Los Angeles area, Berry explains that "under a contract, the company has to meet competition by cut-

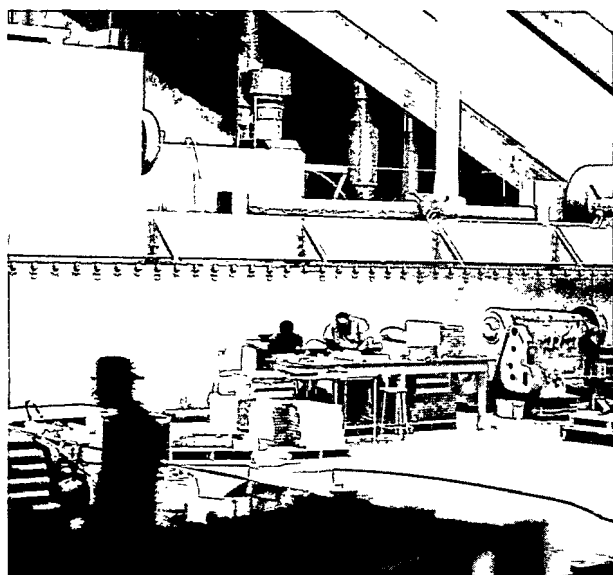
ting into its profits to keep down costs, but if we have a patented product we can demand more profit; only a competitor's similar product could limit the price we could set."

Perhaps the most problematic internal concern in the company is the relationship between the black workforce and the white consultant—every white man in the Albina Corporation at present is a consultant: he operates as a function of management but he cannot participate in the employee trust plan. Other companies attempting similar programs have experienced friction between black and white personnel. On the basis of interviews with employees at every level, the situation at Albina in this regard has been exceptional.

Among trainees the criticism most often voiced is based on the hiring of four white welders to complete one of the early contracts; some of the black workers believe that Negro welders should and could have been recruited to do the job. It didn't help, the dissenting employees indicated, that the white welders demanded and obtained a dollar above scale for their work.

The role of the white consultant at this phase in the development of the Albina firm and for its duplication anywhere else is considered "mandatory" by the corporation's innovator, Linus J. Niedermeyer, a successful Portland businessman and executive consultant to Albina. Ability and a degree of empathy with the black man were prerequisites in the consultants he recruited for the firm. Niedermeyer points out that white consultants had to accept two major limitations: within a minimum of one year and no more than three years, they would no longer work for Albina—a black counterpart was to be found or trained within that time—and they could not share in the employee stock plan. Higher salaries than previous were offered as an incentive and compensation for exclusion from the trust program, Niedermeyer added.

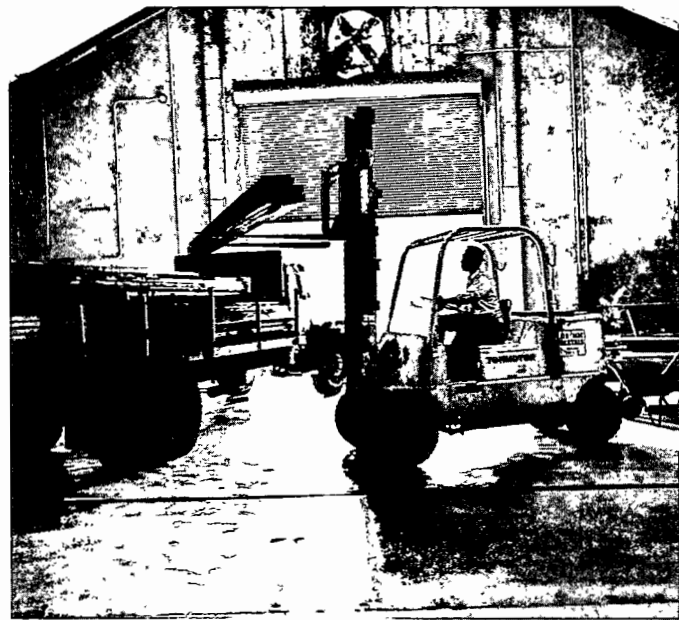
Highly optimistic of Albina's own future, Niedermeyer also is confident that a team of Albina personnel could duplicate the firm in its basic conceptual framework in any city in America within 60 days. But Government and private business and industry, he asserted, will watch Albina for the time being as a pilot program before further commitments are made. The Portland lumber executive credits the State's U.S. Senators and Portland area Congressmen in particular for supporting the Albina project within the State and in Washington, D.C. According to Niedermeyer, "Without the Oregon legislators to overcome the reluctance among some Government officials to back an idea





Ron Green/Intermedia





which is truly unique and innovative, Albina would not be in existence," he stresses. "After all, Albina is the first instance in which the Federal Government has funded a profit-making organization!"

Niedermeyer initiated his personal efforts to develop a ghetto enterprise along the lines of the Watts Manufacturing Company in 1967, but expanded the idea to include complete black ownership and operation as a necessary element. The concept of the Second Income Plan originated with Louis O. Kelso, of a San Francisco corporate law firm with whom Niedermeyer also conferred in developing the economic structure for Albina. Kelso has advanced the Two-Factor Theory, which is a concept of economics he has proposed to create a system of "universal capitalism" in the United States, by which all persons will have the equal economic opportunity to own capital. His firm has established a number of SIP trusts which enable corporations to finance growth on the pretax dollar and build equity quickly among its employees and executives.

The idea of establishing a black firm in Portland began to germinate more than three years ago. James Woods, president and general manager of Watts Manufacturing Company in Los Angeles, a subsidiary of Aerojet General Corporation, but black-managed, originally suggested the venture to Niedermeyer. But Niedermeyer rejected the subsidiary aspect of developing such a firm and moved toward the creation of a black-owned company. Conferences toward drawing up an OEO proposal started in February 1967 between Niedermeyer, Woods, and a Portland resident, Clifford J. Campbell, Sr., a longtime leader in the Negro civil rights movement and at present a senior consultant to the Ford Foundation. To elicit community support Niedermeyer, Campbell, and national and regional OEO officials presented the idea before the Albina Citizens' War on Poverty in July 1967. The final proposal went to OEO in Washington in October 1967 with the support of every black organization of size and importance in Portland.

The necessary boards were organized, a thousand details worked out, and on July 1, 1968, the converted bowling alley's doors were reopened. Campbell was elected interim president until Webb succeeded him as permanent head of Albina Corporation in September.

Campbell is often quoted for having said in regard to the city where Albina is being tested: "Portland is small enough to be manageable, but big enough to be meaningful." Niedermeyer fully agrees with Camp-

bell's view, adding that "we whites, who feel a portion of the collective guilt for the black man's situation, believe this is an honest approach and not one that will perpetuate the system of dependence."

Campbell's assessment of Portland's potential is remarkably salient. The State of Oregon contains nearly 1.9 million people of whom 1.2 percent, or 23,000 people, are Negro. In the City of Portland, about 5 percent of the population is Negro, totaling about 20,000 persons, all but a tenth of the black people in the State. Most of the black Portlandites reside within the 20 square block region of Albina. Clearly, then, Albina Corporation represents the firmest hope for escape from the ghetto for Oregon's black people. Its future is also Oregon's future in black-white relations.

From the business side, Webb states, the burden is on local businesses to support Albina's effort. In fact, he has told a meeting of the Portland City Club, "This corporation demands profitable business from our local industrialists. We can make anything in the steel or fiberglass line and we are entitled to a share of the local business. Frankly, it is embarrassing to tell an Eastern customer that we only have one order from a commercial establishment in our own local area. . . Are you willing to share the responsibility which should be that of the total community by taking a first step to provide a last chance to those who still have hope?" he challenged.

The lack of local response of which he spoke in that February speech persists today, the Albina president reports. "We have to convince local industry that we can do the job," Webb says, adding that he believes companies with Defense contracts should subcontract with Albina for items they may now be getting from out of State. It doesn't help business, he admits, that the region itself is not a major manufacturing area. "Although we find sympathy from the community, when it comes to the nitty-gritty, we have to cut the mustard like everyone else. Well," Webb corrected himself, "maybe we have to do it more so." He does hope that despite the obstacles more black manufacturing companies will develop but sees little sign of any upsurge.

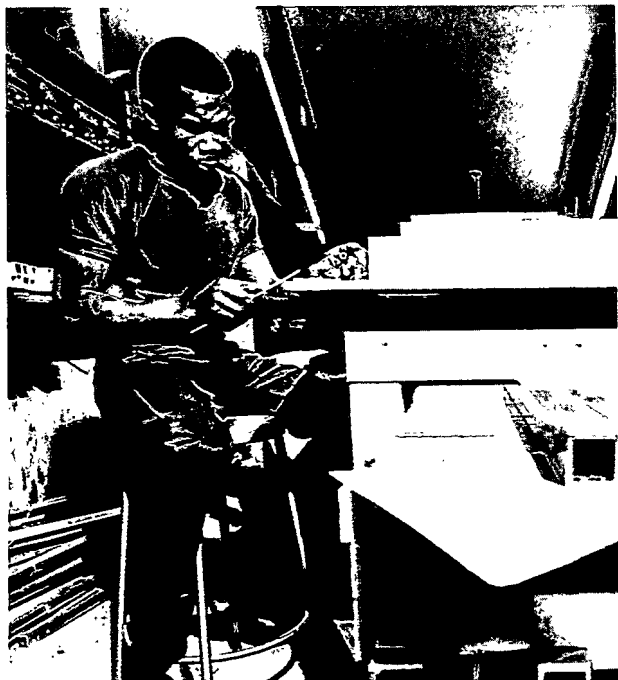
David Nero, formerly head of Procurement and Contract Administration for the Battelle-Northwest Project of the Atomic Energy Commission and now Albina's vice president and marketing director, views the quality of Albina contracts to date with much reserve. An Army Captain until 1955, Nero calls most of the private contracts awarded Albina "teasers."

"I recognize in the experience so far that people are victims of the stereotype Negro. I assure you, most of the contractors are imbued with the stereotype—that we can't deliver on time, for example—and it has to be overcome. How? We were given a stiff schedule by Texas Instruments (a contract for brass castings), but we beat the schedule by a week! When I flew down to the Texas office, I learned we could have had twice the order but the company had kept back half the order thinking they could at least depend on having half as many assured."

The stereotype has to be overcome within another of its victims—Government, Nero continued. If a contractor can show feasibility of his proposal, he believes that a Government agency should take another check among bidders to be sure that a company such as Albina isn't being overlooked. SBA should also lower its loan qualifications from 500 to less employees down to 100 or less or establish categories such as for a poverty pocket concern which might otherwise have the production capability but miss out because of its smaller size. "Under SBA regulations," Nero added, "subsidiaries of large companies have certain advantages which should not be denied companies such as Albina because of their independence."

"That's the nigger company," is the grossest instance of prejudice against Albina which Jack Perkins, consultant in charge of purchasing, traffic, and shipping,

Ron Green/Intermedia



has experienced since joining Albina in its first months. The company represented by the voice on the phone has not been rung up again. Other than this one case, Perkins, previously administrative assistant at a local steel fabrication firm, reports "as good or better" service and terms from local firms in a number of brackets: discounting, training films, delivery, credit buying. A company representative had asked Perkins last year, "What can we do to help?" We need about a ton of scrap metal for trainees to practice on, he was told. A few days later, a truck drove onto the site and dumped a pile of scrap metal that seemed to mount up, Perkins recalled, to just about a ton.

Of the 24 active contracts that Perkins services, about half have been won on low bid. The rest have been negotiated; that is, the price was set with Albina the only company considered because of its specific nature as a ghetto enterprise. A contract was lost on the latter basis, Perkins related, to an Indian tribe in Montana, indicating a certain amount of competition even among ventures established to rehabilitate poverty areas.

Nothing will come easy for Albina Corporation during the next couple of years. Webb speaks of "turning corners everyday" on the road to moving ahead in the profit margin, paying off its loans, establishing its independence from outright grant support, forming a cohesive workforce. As an observer remarked, Albina must move through the entire industrial revolution. Having done so, it will have shown that people with no previous ownership can build economic power through ownership of capital and their human input.

The success of the employee trust program will develop gradually. Its greatest significance will be established if the black employees actually assume control of the company. They have the legal powers open to them. In assuming control of the firm, Albina will have achieved a status of momentous political and economic consequence. This will be its key contribution to minority people. Not the only way out as Webb, Niedermeyer, and others admit, but another way of achieving independence for minority peoples.

That's what Albina is really all about, getting to the point where it can "cut the mustard" on its own. It will have proven something to a lot of people, or to pick up where Willie Garrett left off, that "black people *can* do anything right."

ARMANDO RENDON

1 in 4,000 or a federal farm agency makes progress

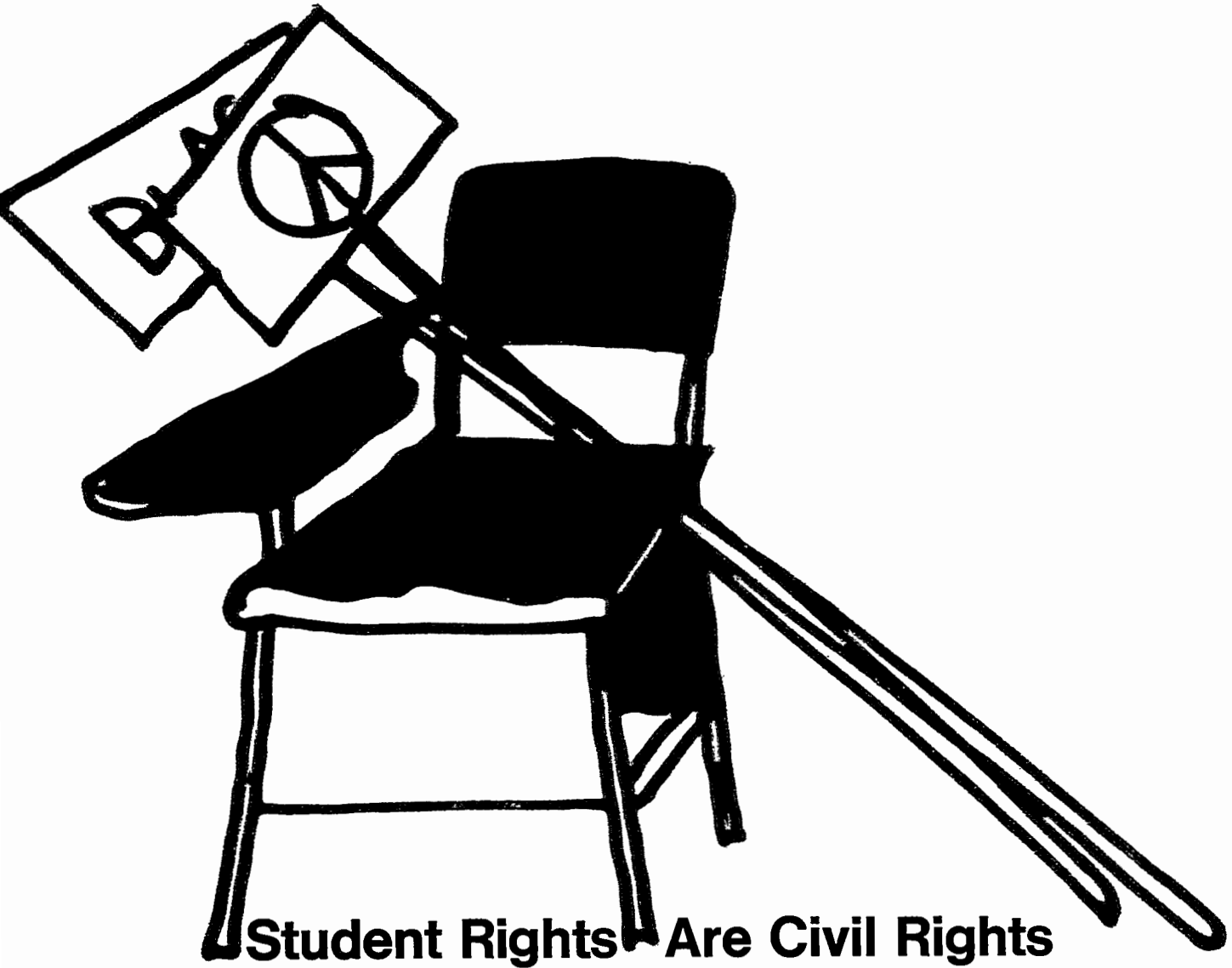
The election of Otis Pinkard as a member of the Macon County, Alabama, Agricultural Stabilization and Conservation Service Committee last September was a historic first. Pinkard became the first Negro to ever serve on a county ASCS committee in the South. Although Negroes comprise only 13 percent of the farm operators in the South (and 20 percent or more in Alabama, Louisiana, Mississippi, North Carolina, and South Carolina), no Negro had ever held one of the approximately 4,150 county committeemen positions in that region since the committee system was begun in 1933.

The absence of Negroes from these all-important committees is but one of the continuing examples of how members of that race are being excluded from the process of decision making in Federal agricultural programs. ASCS county committees determine the amount of certain crops that can be planted each year and collectively administer programs which amount to almost \$4 billion annually. The fact that Negroes do

not have any control over such decisions may account in part for the continuing migration of Negroes from rural areas. (The number of Negro farm operators in 11 Southern States declined 32 percent between 1959 and 1964 while white operators declined only 14 percent during the same period. Negro operators numbered over 950,000 throughout the country in 1920 but now number less than 200,000, a drop of 79 percent. In the same period, white operators declined from 5,500,000 in 1920 to less than 3,000,000 in 1964 for a 46 percent decline.)

Figures recently made available covering 14 Southern States show that Negroes now account for one regular county committeeman and 116 of approximately 26,400 regular community committeemen. (Each county has several community committeemen whose function is to elect the county committee and to encourage community participation in ASCS programs.) There are also eight Negro alternate county committeemen, out of a total of 2,648 such positions, as well as 380 Negro alternate community committeemen out of approximately 17,600 such positions. Alternates have little if any impact on decision making, however, since they do not vote in committee deliberations.

Although ASCS has made several changes in election procedures in recent years, white farmers remain firmly in control of ASCS operations. In 1965 there were no Negro regular county committeemen and only 85 Negro regular community committeemen in the 14 Southern States. Today's figures of one and 116 respectively account for less than 2 percent of the total positions combined.



"I'm damned sick and tired of this kind of thing," Governor Louie B. Nunn of Kentucky said when he heard of the seizure by black students of the office of the President of the University of Kentucky, Louisville. The Governor's reaction is increasingly representative of widespread condemnation of the student demonstrations which reached their peak by striking tradition-bound Harvard University.

Public reaction has been swift. The press joined university administrators in condemning student activists. A recent Gallup Poll showed student unrest to be a political issue of more concern to the American public

than the war in Vietnam. Our legislators, both Federal and State, have devised a complex network of laws aimed at curbing student unrest. Amid the public clamor, we tend to forget or overlook that the college student is a "citizen" with certain rights.

The development of the idea of student civil rights is relatively recent. Meaningful protection came only in 1961 and then as part of a national movement for Negro civil rights. The early 1960's saw a concentrated co-effort by northern white college students and blacks to wipe out legal and de facto segregation in the South. Freedom rides, pickets, and lunch counter sit-ins

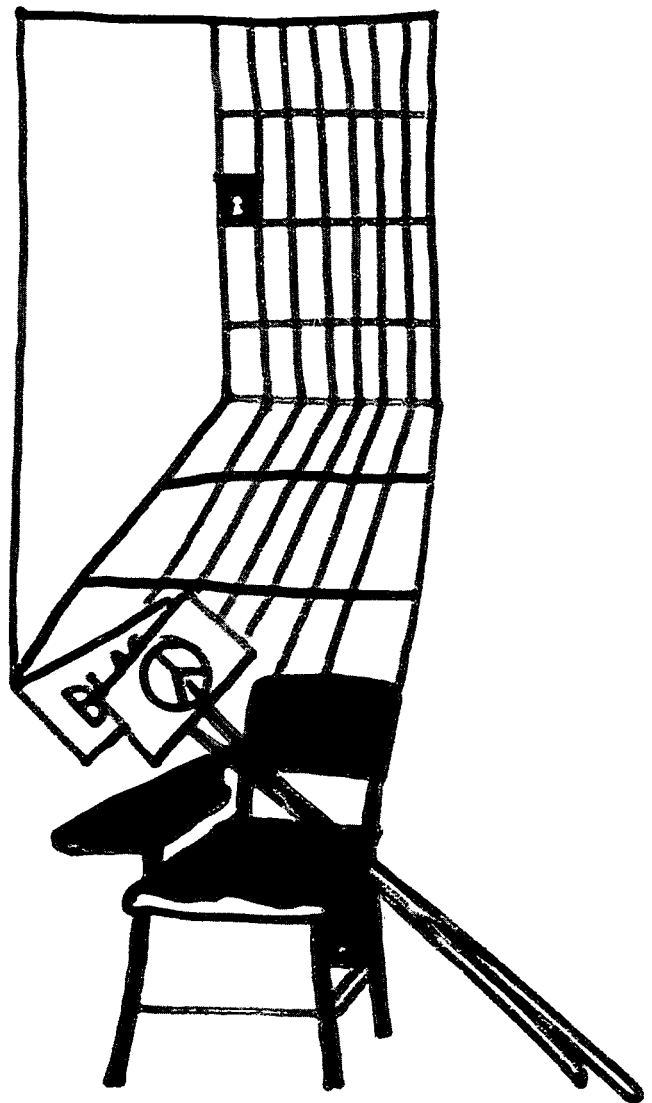
became commonplace. For the first time, black college students in the South took to the streets to demonstrate in support of civil rights. The movement marked the end of a decade of student silence, referred to by one commentator as the "silent fifties."

Some college students soon found that their civil rights activity jeopardized their education. When Alabama State College summarily expelled a group of black students for participating in a sit-in at a local eating establishment, the students took the case to Court. Federal Judge Frank M. Johnson, now a leading champion of student legal rights, upheld the expulsions. The United States Court of Appeals for the Fifth Circuit disagreed and became the first Court to decide that a student could not be expelled from a *tax-supported* college or university without notice of the charges against him and a fair opportunity to state his case at a hearing. Three years later the Fifth Circuit, in the case of *Wood vs. Wright*, accorded similar rights to grade school students suspended for participating in a civil rights march.

These cases went largely unnoticed by the public as only a minor aspect of the civil rights battle being waged in Federal courts throughout the South. With the approach of the mid-sixties, students turned their attention away from traditional civil rights toward the goals of educational reform, freedom of speech, and increased participation in institutional decisions. Showing various degrees of tolerance to these activities, college and university administrations moved to discipline offending students. As these cases came before the courts, the earlier civil rights decisions served as a foundation for establishing firmly that the Constitution protected the *procedural rights* of students at tax-supported institutions.

At the same time, students began to move against "speaker bans" prevalent at many colleges and universities. These bans found their source either in State legislation or in college rules and regulations which authorized institutions to keep off the campus speakers with unpopular political views or associations. Showing little sympathy for such restrictions on speech, the judiciary gave the students one spectacular victory after another, and held unconstitutional speaker bans at the University of North Carolina, the University of Illinois, and Auburn University, among others.

Censorship of college news media fared no better than the speaker bans. When Troy State College summarily expelled the editor of its newspaper, Judge



Johnson ordered the College to reinstate him. The editor's mistake had been to write an editorial critical of Governor Wallace. When the newspaper faculty "adviser" ordered the editorial shelved in favor of an article on dog raising in North Carolina the editor left the newspaper column blank except for the word "censored." Upon the editor's reinstatement, Troy State again expelled him, based upon a finding that he had been guilty of "insubordination" for failing to print the article on dog raising. The Court again granted reinstatement, stating that the College could not punish the legitimate exercise of freedom of the press under the guise of "insubordination."

A student's right to freedom of assembly at a tax-supported institution received recognition in 1967, when a Federal court overruled the expulsion of a group of students at South Carolina State College who had demonstrated on the campus without prior approval from the administration. While generally critical of the demonstrators' conduct, the Court made it clear that a tax-supported college has no right to prohibit all peaceful campus demonstrations.

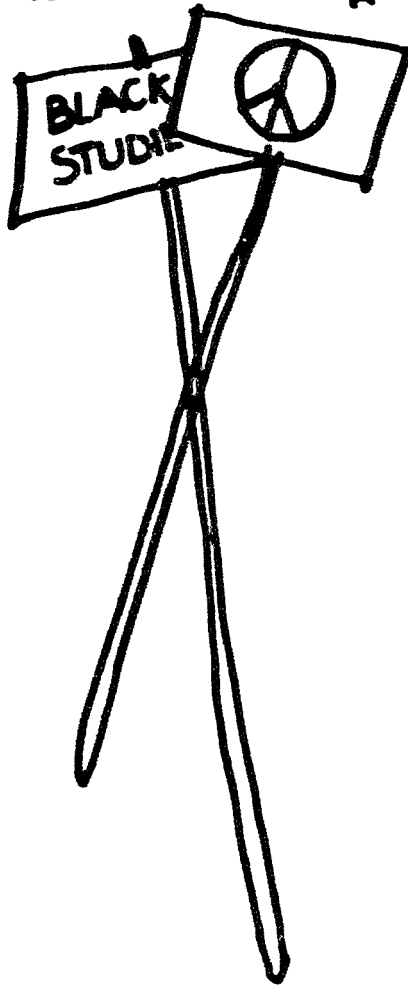
There is evidence of decreasing judicial tolerance for student rights as student activism has become increasingly political. The war in Vietnam, the close connection between the defense establishment and some universities, and a Selective Service System of questionable fairness, have prompted strong reactions on the campus. The result on student civil rights cannot yet be fully evaluated, but some trends are apparent. Of particular significance are two recent cases before the United States Supreme Court. In *Tinker v. Des Moines Independent Community School District*, the Court considered the validity of a regulation prohibiting the wearing of black armbands by students while on school facilities. The armbands had been worn by a small group of students to show their support for a truce in the Vietnamese war. The principals of the Des Moines School system adopted a policy that any student wearing an armband to school would be asked to remove it, and if he refused he would be suspended until he returned without the armband. On February 24, 1969, a majority of the Supreme Court declared the policy unconstitutional.

It was the High Court's first pronouncement on student rights in more than 25 years and, not surprisingly, the opinion of the Justices attracted wide public attention. Civil libertarians hailed the decision as firmly establishing that constitutional rights need not be shed at the schoolhouse gates. Others saw the

decision as giving students a wholesale license to run the schools. They found comfort in a sharply worded dissent by Justice Hugo Black, who noted that "the original idea of schools, which I do not believe is yet abandoned as worthless or out of date, was that children had not yet reached the point of experience and wisdom which enabled them to teach all of their elders." The press generally agreed with Justice Black.

Even before the public debate was over, the Supreme Court, on March 10, 1969, spoke again in a highly unusual fashion. In declining to review the expulsion of students from West Virginia's Bluefield State College, Justice Abe Fortas took the occasion to clarify his opinion in *Tinker* by distinguishing between "peaceful, non-disruptive expression, such as was involved in the wearing of black armbands, and "aggressive and violent demonstration," such as was involved at Bluefield State College. The extraordinary statement by Justice Fortas gave clear warning that students involved in disruptive behavior would not be likely to receive much sympathy from the courts. Whether the courts take away some of the civil rights students have gained in the past remains to be seen.

Judicial disapproval of the new kind of student activism has been out-distanced by legislative disapproval. Reacting to college unrest generally, and more particularly to the situation at Columbia University last spring, Congress recently enacted several laws withdrawing financial aid from college students (and some instructors) who demonstrate. Some of the legislation, such as Section 504(a) of the Higher Education Act Amendments of 1968, cuts off aid only after a student has been convicted of an offense involving disruptive campus behavior. Section 504(b) of the same Act, however, cuts off aid even without a conviction if the college at a hearing makes certain findings of fact. This kind of legislation has come under heavy criticism, particularly because it appears to impose severe punishment on the financially needy student whose education may be discontinued if financial support is withdrawn while the more affluent student may consider the withdrawal of financial aid as an inconvenience only. Additionally, black students understandably fear that the legislation is aimed at curbing the growing number of Black Student Unions at campuses throughout the country. The legislation, which potentially affects some 1.5 million students receiving Federal benefits under a multitude of programs, is generally not regarded as a solution to campus unrest. Secretary of Health, Education, and Welfare, Robert H.



Finch, the Federal official primarily responsible for administering the legislation, has questioned its wisdom, stating that, "We want to solve the problem, not to wield an indiscriminate bludgeon."

A congressional subcommittee has been holding hearings on student unrest. Chairman Edith Green has introduced legislation for a Federal mediation service for campus conflicts modeled on the National Labor Relations Board. Another bill, at this writing pending in her subcommittee, would have the effect of denying aid to colleges and universities which do not adopt and file with the Government regulations setting permissible limits on campus demonstrations. This legislation would cut off or deny aid to students for up to five years for taking part in campus demonstrations which result in a criminal conviction or violation of a valid college regulation. Specific provisions cut off aid to protesting students receiving survivors' social security benefits or studying under the GI Bill. All students seeking Federal aid would have to certify that they have not engaged in prohibited activities.

Other bills would cancel automatically a student's draft deferment upon conviction of a campus offense and cut off aid to colleges and universities that fail to restore order promptly in the face of a demonstration. These proposals symbolize congressional hostility to student demonstrators and "weak" college administrations. Also, at least two State legislatures are investigating campus disruption. At least seven State legislatures have adopted laws to curb campus disorders and such bills are pending in the legislatures of 16 other States.

While the legislatures are understandably concerned about violence and the forceable takeover of buildings, they have shown little regard for students' civil rights. There are still many colleges and universities operating without rules, regulations, or guidelines to aid students and administrators in differentiating between acceptable and unacceptable behavior. Most anti-student legislation ignores such shortcomings. New York is an exception. Its legislature recently passed a bill cutting off State financial aid to colleges and universities chartered by the State unless they file with the Board of Regents a set of written rules governing the campus conduct of students.

The judicial and legislative response to student unrest may change the course of the evolving relationship between student and college. Until recently, this relationship was described as *in loco parentis*, meaning that the college stood in the place of a student's parents

and had the same inherent right to mete out discipline. With rare exceptions, this permitted the college to deal with students without regard to procedural or substantive rights. Largely as a result of court decisions, the *in loco parentis* theory has now lost its vitality.

In place of *in loco parentis*, the student-college relationship is now generally regarded as contractual in nature. The contract consists of the admissions application, the catalogue, written rules and regulations, and other documents brought to the student's attention by the institution. Even in the absence of such documents, it is sometimes thought that there is an "implied contract" between student and college whereby the college promises to afford an education and a degree, and the student promises to abide by the college's rules and regulations. The difference between *in loco parentis* and "contract" may be more apparent than real. Many universities provide in their admissions application or catalogue that the college may ask the student to leave at any time for any reason, thereby giving the college virtually absolute discretion to discipline the student. The courts have consistently upheld such "contracts," notwithstanding that in many cases the student was a minor and the contract could hardly be considered a voluntary one.

Apart from *in loco parentis* and contract, a third basis for the relationship may be found in the Constitution. The Constitution, at least in part, requires "governmental bodies" to be fair in their dealings with individuals. Like other government agencies, the State or tax-supported educational institution is a "governmental body" which cannot ignore the Constitution. This third basis for defining the student-college relationship has been the touchstone for most of the cases granting civil rights to students. Indeed, virtually all of the cases recognizing student rights as civil rights have involved tax-supported institutions.

Within the last year, students have pressed the argument that governmental support and involvement in higher education have transformed today's private university into a governmental body bound by the Constitution. The argument has been used unsuccessfully in challenging expulsions from Columbia University and used with partial success in challenging expulsions from Alfred University in New York. In a case involving Howard University, the issue is awaiting decision by the United States Court of Appeals for the District of Columbia.

A satisfactory theory to regulate the relationship between student and college has yet to be developed. Neither the *in loco parentis* nor the contract theory is

adequate to protect the civil rights of students. Reliance upon the Constitution to define the relationship ignores students at private institutions. Moreover, even where the Constitution protects student civil rights, that protection is markedly less than other citizens enjoy, the narrower protection being generally premised upon the assumption that there exists a legitimate need for an educational institution to maintain discipline in order to meet its particular objectives.

If the civil rights of students are to be protected and if the needs of our educational institutions are to be met, we must develop a meaningful basis for defining the relationship between student and college. Such an attempt was recently undertaken by a number of Federal judges in Missouri who published a lengthy list of rules to be applied to college discipline cases. The rules go far to guarantee the procedural right to a notice of charges and a hearing, but still leave the student subject to *in loco parentis* treatment. A more equitable basis for defining the relationship may be found in the treatment given members of voluntary associations, such as hospitals, churches, and labor unions. Persons associated with such institutions are receiving increasing protection against arbitrary action. The civil rights of a student deserve no less protection.

Alternatively, the time may be ripe to establish a special set of rules governing the student-college relationship. Such rules would embrace both tax-supported and private institutions and would hopefully anticipate a number of serious problems which the courts have not yet broached.

Consider for a moment the significant power an educational institution holds over its students. This power does not appear only in time of student unrest, but is ever present in many areas. One example is the compilation and maintenance of student files. In one recent case, a dean placed a confidential memorandum in a student's file implying that the student's father was a member of the Communist Party. The student had no knowledge of this entry, which was uncovered only in response to a subpoena in the course of litigation. Yet, this comment might have kept the student from working for the Government in a sensitive position. There still remain widely divergent practices in placing adverse information in a student's file and in prohibiting the student from inspecting and confronting such material. Neither courts nor legislatures have yet considered this problem. It would be prudent to find a peaceable solution which protects the student from such arbitrary prejudice.

In the area of social rules and regulations, the power

of the institution remains virtually unlimited. Adults may be unaware of the pressures such rules and regulations can place upon the college student. In understanding present campus unrest, it may be well to remember that not so many years ago Syracuse University was permitted to expel a co-ed, giving as its sole reason that she was not a "typical Syracuse girl." A New York State Court considered this reason sufficient ground for dismissal and expressed a reluctance to interfere in college affairs. It may be that such judicial reluctance will eventually provide protection for student civil rights, as illustrated by a recent case involving Vassar College. The President of Vassar recently agreed to accept a student referendum making drastic changes in social rules, including unlimited male visitation hours in Vassar dormitories. The irate mother of a Vassar girl sought to enjoin the President from permitting the students to make the rules, alleging in her complaint that the system would "open the door to fornication on a high class educated level." After a vigorous defense by Vassar, the Court refused to substitute its judgment for that of the College's president, and permitted the rules to stand.

The civil right to privacy of a college student has yet to be satisfactorily determined. Searches of college dormitory rooms and lockers are widespread. Federal courts in Alabama and New York have recently barred "unreasonable searches," but the parameters of the right to privacy of a college student remain obscure.

A particularly delicate and unresolved problem is the relationship between an educational institution and the local community. In its starkest form, this problem involves the relationship between a college disciplinary proceeding and a formal criminal charge where conduct allegedly violates both the college's regulations and an ordinance or statute. Some institutions have solved this problem by reaching informal agreements with local law enforcement officials providing that an off-campus criminal violation, such as shoplifting or the use of drugs, will be dealt with by the college, with the student receiving immunity from criminal prosecution. Some students welcome this kind of protection which may (but need not) work to their benefit. Other students prefer the same treatment the law would give to a non-student of the same age, arguing that special college protection derives from an *in loco parentis* approach. Some colleges insist on disciplining a student before he faces a trial on criminal charges involving the same conduct. This may work substantial hardship on the student who feels he cannot make statements to the college without jeopardizing his position with the

court.

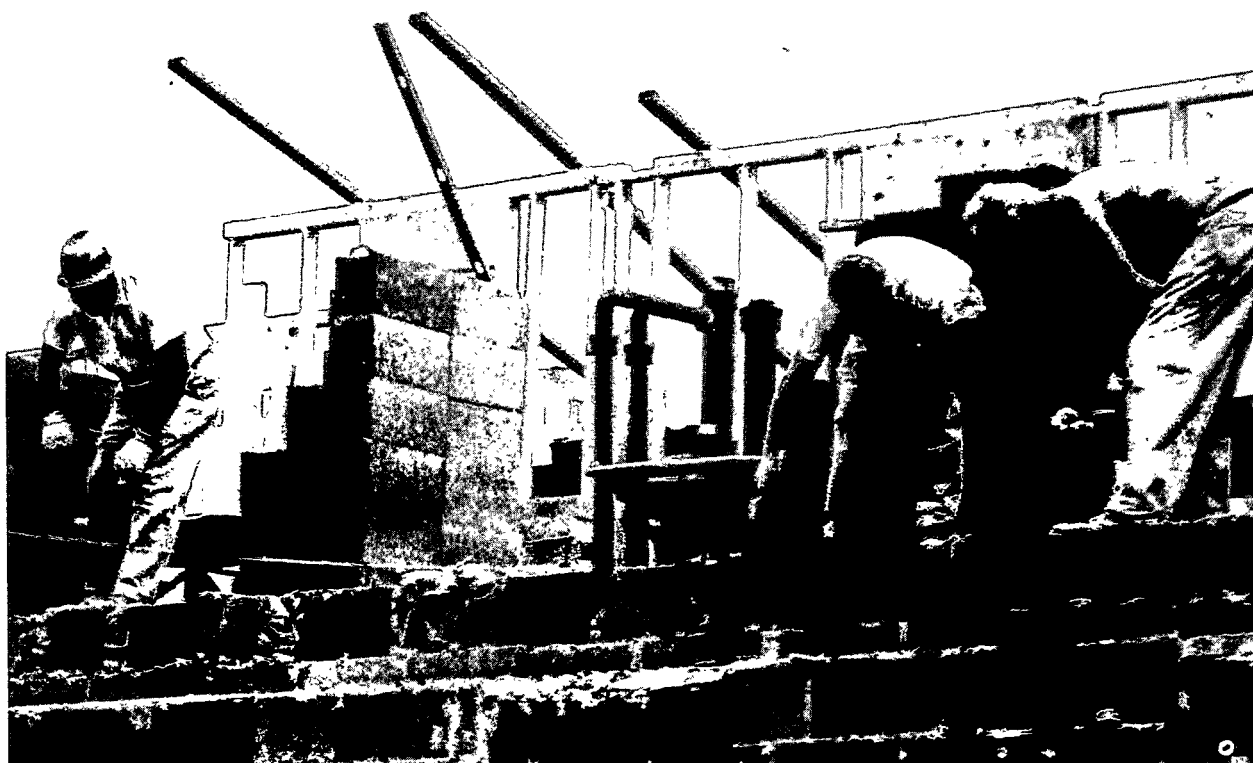
Finally, we must develop effective means to redress arbitrary action by college and university administrators. This problem has received insufficient attention by the public and by the courts. Until recently, there was a general assumption that college administrators could not act unreasonably. The fact is otherwise, and students know it. Recently, a student at Northeastern University was the victim of a mixup of computer cards at registration, causing him to lose credits and his student draft deferment. He was consistently rebuffed by the administration and the matter was resolved only after an attorney's intervention. At Grambling College, a black institution in Louisiana, some 27 students were expelled for participating in a demonstration. It took three separate court orders to obtain reinstatement for eight of the students. Within weeks after the final order, seven of the eight reinstated students received failing grades and were dismissed for "academic reasons." At Dunbarton College in Washington, D.C., a number of girls received identical letters from the administration charging them with writing a racist and obscene note. The College refused to inform them as to the source of the information and refused to show them the note or divulge its contents. After outside intervention, the charges were dropped. Many examples could be added. The important point is that educational administrators are capable of acting arbitrarily to deprive students of their civil rights. Some means for redressing these legitimate grievances must be found.

The troublesome problems noted (and they are by no means exclusive) have potential impact upon every college student, whether activist or not. The problems may become a crisis with students who are poor or members of racial minority groups, or both. For these students, a college degree may represent the only chance for social and economic mobility. Yet, they are the ones least able to defend themselves against arbitrary action by the institution. A legal challenge to expulsion usually involves the expenditure of considerable time and money. Additionally, many students feel a psychological inhibition against taking on the system.

If we are to maintain peace on the campus, it is essential that we promptly work out a fair method of protecting the rights of our student citizens.

MICHAEL NUSSBAUM
Mr. Nussbaum, a partner in a law firm in Washington, D.C., serves as General Counsel for the U.S. National Student Association.

EQUALITY AND ORGANIZED LABOR



Labor unions, like other American institutions, have a varied—even contradictory—record in the struggle for equal rights and racial justice in this country. Of non-civil rights organizations, labor unions are unquestionably the most consistent supporters of civil rights legislation. Union money is contributed to civil rights organizations. Unions support financially minority workers' campaigns such as those of the Mexican American farm workers in the Southwest and Negro hospital employees in Charleston, S.C. Of all major American institutions, labor unions exhibit a level of integration most consistent with minority proportions in the entire population: about 13 percent of

union members are Negro; around 4 percent are Mexican American, Oriental, or other minority group members.

Yet at the same time, unions are accused of violating some of the very laws they officially support. Thousands of complaints of discrimination by unions have been filed with the Equal Employment Opportunity Commission. There are about 150 union locals in the AFL-CIO still all-Negro. It is charged that union leaders don't take a stand on discrimination in their own unions consistent with their public statements. If some unions show a relatively high proportion of integration, many others are virtually all-white. And the great number of minority

workers in unions are concentrated in the least desirable jobs—low-paying, semiskilled, menial, or service occupations.

These apparent contradictions between philosophy and practice are aggravated by increasing black militancy and impatience and growing racial tensions, both within and outside unions. As the Nation's perception of its racial troubles changes, blame shifts. Attention is increasingly focused on institutions and traditions throughout our society, and the charge of institutional racism is heard more and more often. Probably more than at any other time in our history, the last few years have consisted of a colloquy of guilt and blame, charge and coun-

ter-charge, chauvinism and fear. To talk of white racism and the implicit racism of our principal institutions is disconcerting, most particularly for white men "of good will" and similarly characterized organizations. Americans have scarcely begun even to listen to charges of white racism, much less understand the implications of that phrase.

The contradictions on civil rights exhibited by labor unions are not unique; the same inconsistencies are true in virtually all American institutions. The dilemma of labor unions is in many ways the dilemma of the Nation: words don't match deeds; pronouncements by leaders are ignored or even opposed by large numbers of citizenry; the sham of tokenism is revealed by continuing injustice and prejudice. The basic contradiction of this society is the clash of the principles of human equality which are so often repeated and the reality of racial injustice which is so pervasive and obvious.

In an authoritarian structure, the eradication of such deeply rooted and pervasive social and cultural habits and traditions would be difficult enough. In a Nation founded on democratic principles, the problem seems insurmountable. How does a predominately white society, with a history of white supremacy, with a tradition of white privilege, through institutions which perpetuate white advantage, go about changing itself?

Labor unions are democratic organizations. Leaders are elected by membership. If members disapprove of a leader's action, they can elect someone else. Elected leaders must keep these demo-

cratic considerations in mind when they take a public position or when they make a decision which affects the membership. On civil rights issues, leaders must be aware that their membership, the rank and file, are, as characterized by John Hutchinson in *Employment, Race, and Poverty*, "ordinary citizens—limited in their expectations, but insistent on results; conditional in their loyalty to private institutions; fearful of their security; and very often quite prejudiced. Armed with voting power, more now than ever before, they restrain both good and evil. In the field of civil rights, like most of their compatriots, they are a conservative force."

So union leadership, if it is committed to civil rights, must accomplish change in its own institution in the face of a less than committed constituency. Officials must ask themselves how far they can go and what they can attempt and still be able to retain rank and file support. It may be possible for union leadership to speak out on civil rights and give formal support to civil rights legislation, but changing traditions and practices in individual locals and the attitudes of individual union members is another problem altogether.

The "official" civil rights policy of trade unions is well-known. Union spokesmen have been prominent in the equal rights struggle. Officials of individual unions have demonstrated at least formal commitment to equality. Yet discrimination occurs in some degree in virtually every trade union in the country. Some are more flagrant than others, and even though discrimination is officially opposed in policy, it is at some level practiced

in fact. Individual unions have varying records, depending on where they are located, what type of union they may be, and even when they may have been organized. In the AFL-CIO, the equal opportunity picture is almost as varied as the 60,000 union locals in the federation.

Labor unions, like other institutions, are bound up in the history and habits of the country. The American Federation of Labor (AFL) came to maturity in a time of virtually universal discrimination. Some unions in the Federation had good race records, but the white crafts dominated the organization. In spite of the fact that some union leaders were progressive on racial matters, their efforts met with indifference.

The Congress of Industrial Organizations (CIO) had a better record. Formed under the leadership of John L. Lewis, president of the United Mine Workers (which admitted Negroes on an equal basis with whites), the CIO broke with the traditional racial practices of the AFL. To organize unions in mass-production industries—in which great numbers of Negroes were concentrated—it was necessary to reject racial segregation and discrimination. The record is admirable; even in the South, many unions were successfully integrated.

When the AFL and CIO merged in 1955, resolutions were adopted to eliminate racial discrimination and segregation within labor unions. It was optimistically predicted that a new era would ensue. In less than five years, however, union blacks registered their disappointment with the federation's civil rights progress by forming the Negro American Labor

Council under the leadership of A. Philip Randolph. The move was bitterly denounced by white officials, but during the next few years, the leadership rift seems to have been healed: the main speaker at the Council's third convention was the president of AFL-CIO. Presently, the principal evidence of racial disunity within labor is the increasing number of black caucuses being organized at the local level.

Progress in equal opportunity, particularly at the local level, has been slow, although probably no slower than progress throughout the Nation. And perhaps because so much was expected of organized labor, it has received more than its share of criticism. Labor officials, who privately admit that prejudice among union members is a continuing problem, tend to be extremely defensive about public charges that unions discriminate.

Labor leaders have tried to foster change—change reaching down to membership levels—in a number of ways. Besides consistently campaigning for civil rights legislation, union officials recommend fair employment legislation which would affect their own organization. Support of employment laws was an admission of the limits of leadership power. As AFL-CIO president George Meany stated candidly before a Senate sub-committee: "We want strong Federal legislation, legislation putting the muscle of Federal law behind the goal of equal opportunity. We need the power of the Federal Government to do what we are not fully able to do."

Title VII of the 1964 Civil Rights Act, which unions had advocated, prohibits discrimination on grounds of race by both unions and employers. In support of the Act, the federation announced that it would conduct a nationwide ed-

ucation campaign on civil rights among its members, encourage political alliances with Negro organizations, participate in community integration programs, provide assistance to nonunion workers in filing complaints under the Act, lobby for sufficient funds to administer the law, and monitor progress under the Act. The federation recommended that its 139 affiliates assign top staff people to civil rights posts, establish civil rights committees at all levels of the organization, and conduct their own civil rights education and action programs.

The federation and individual affiliates publish a broad range of civil rights materials—pamphlets, brochures, posters. Articles on civil rights issues are printed in a variety of labor periodicals and newspapers. The federation also makes an effort to respond to special situations which have civil rights implications. An example is the anti-George Wallace drive during the 1968 election campaign. Opinion polls showed that a sizable percentage of blue-collar union members throughout the Nation supported Wallace's anti-civil rights position and planned to vote for him. The AFL-CIO printed and distributed hundreds of thousands of pamphlets and leaflets attacking Wallace and appealing to the white worker primarily in terms of his own economic self-interest. Wallace's labor record was the principal issue of the materials, but the race question was not ignored. Wallace's ties to the Ku Klux Klan, White Citizen Councils, and other white supremacist organizations were emphasized.

Pre-election predictions did not materialize. They were probably



exaggerated in the first place because of a wide-spread assumption in this country that racial bias is tied to economic-social class. Based on such an assumption, working class prejudice is frequently overestimated. But whatever the accuracy of estimates, the union anti-Wallace efforts paid off. Wallace carried only five States, all in the South, and captured 13.6 percent of the nationwide popular vote. Estimates of northern working class voting vary, but no one contends that the percentage of union members voting for Wallace was even half the Wallace proportion nationally. In areas of blue-collar concentration, Wallace did poorly; his strongest "class" vote came from rural farm whites.

Civil rights resolutions proposed and voted on at labor conventions are also disseminated throughout the union structure. Civil rights issues are raised at union conferences. And conferences specifically on civil rights are sponsored by unions. For example, the United Steel Workers recently held a conference on Civil and Human Rights, and this spring the International Union of Electrical, Radio, and Machine Workers (IUE) sponsored a three-day session for its members entitled "The Impact of the Civil Rights Revolution on the White Union Member."

Planned by IUE's Social Action Department, the conference studied the white worker's racial attitudes and the effect of the minority quest for job equality upon the white unionist's feelings of job security. Black power was examined as it is related to unions and workers. The conferees—mostly officials and human relations committee chairmen from IUE locals

—discussed how to handle racial tension on the job, how to establish clear-cut official union positions on racial matters, and how to change attitudes. The method or approach to attitudinal change most frequently alluded to at the IUE conference was that of evoking the white workingman's own sense of self-interest in the common causes which black and white people share, embodying a concept of interracial unity within the traditional principle of union solidarity. (When a conference speaker was late one morning, the conferees—an interracial gathering—extemporaneously sang the old union song, "Solidarity Forever," and then "We Shall Overcome.")

"We know the companies can defeat us only when they divide us," IUE president Paul Jennings told the conference. Speaking of racial division, he said, "We know the importance of unity, and we must put an end to this business of separatism." The theme of mutual interest was reiterated in a variety of ways by conferees: "We've got to make union membership understand and sell them on the fact that it is in their self-interest to align themselves with the poor and the black in this country. We're all striving for the same thing." "The black and white need to get together. The white worker needs to see that as long as black people are kept as a cheap labor pool, *all* wages are kept down." "Our struggle, the black struggle is not with white people, but with white institutions; and that is the struggle for white people, too. The white masses in this country are among the most oppressed group in the world—and they don't even know it."

As the conference ended, both delegates and officials wondered how to take the sense of the meeting home, how to implement programs, how to reach the unconcerned. In his closing statement, President Jennings touched on the subtle and difficult problem of changing an institution from within. He urged delegates to "go home and needle ourselves, our locals, and our communities to do what needs to be done."

What must be done is to resolve the basic contradictions of American society and its institutions, including labor unions. The racial crisis of our time is that we are only beginning to understand the extent to which racist attitudes are implicit in our society, culture, and institutions. We should have learned that laws are worthless without vigorous enforcement, that probes into minority group conditions can be subtle forms of prejudice, that charitable or paternalistic efforts tend to perpetuate the very situation they propose to remedy.

We do not yet fully recognize the difficulties of institutional reform. Labor unions have made some of the most drastic efforts to erase discrimination within an institution. The degree of their success is revealed in the stark inconsistencies which unions, continue to exhibit.

Paul Jennings' admonition to his union membership can be appropriately directed to all citizens. We can no longer avoid the central issue: how does a democratic society rid itself of the racism which pervades its own history, traditions, culture, governmental structure, and all its principal institutions?

ERBIN CROWELL, JR.

MEXICAN AMERICAN FARMERS



VICTIMS OF NEGLECT

Mexican American farm operators in South Texas average less than one fourth the income from farm production as do their Anglo counterparts. This is one of the major findings of a study by Dr. Edward J. Smith of the Economic Development Division of the Economic Research Service, an agency of the U.S. Department of Agriculture.

This fact has been hidden among Census of Agriculture figures and the plight of Mexican American farm owners and operators ignored for generations.

The study, "Spanish Surnamed Farm Operators in Southern Texas," looks at the characteristics of farms and farm households in 14 South Texas counties as re-

corded in the 1964 Census of Agriculture. It was suggested by the U.S. Commission on Civil Rights and is the first such compilation of characteristics of Mexican American farmers. The regular Census of Agriculture which is conducted every five years records information only on white and nonwhite farmers, but does not treat Mexican Americans as a specific group. For this study, the Economic Research Service asked the Bureau of the Census to extract data from the census sheets in the 14 counties for Spanish surnamed farmers.

There were approximately 11,200 farms enumerated in the 14 counties, of which nearly 3,700 or 33 percent were operated by Mexican Americans. Mexican Americans operated only one-fifth of the total land in farms, however.

The average size of farms operated by Mexican Americans was 588 acres or only approximately half the average size of Anglo farms, which was 1,147 acres. The range of farm size differed: 37 percent of the Mexican American farms but only 30 percent of the Anglo farms were of 50 acres or less. In contrast, 22 percent of the Anglo farms but only 16 percent of the Mexican American farms were of 500 acres or more. There were several farms, therefore, operated by both Mexican Americans and Anglos which consisted of several thousands of acres.

The average value of farms operated by Mexican Americans was \$34,100, approximately 40 percent of the average value of Anglo farms, which was \$83,700; 36 percent of the Mexican American farms, but only 11 percent of the Anglo farms, were valued at less

than \$10,000. In contrast, 26 percent of the Anglo farms, but only 9 percent of the Mexican American farms were valued at over \$100,000.

The average value of farm products sold from farms operated by Mexican Americans was \$4,900, less than one-fourth the average value of farm products sold from Anglo farms, which was \$21,700. Only 12 percent of the Mexican American farms, but 33 percent of the Anglo farms sold more than \$10,000 in farm products. The U.S. Department of Agriculture classifies farms selling less than \$10,000 in farm products as "inadequate," reasoning that a farmer must gross \$10,000 in order to net \$3,000 after expenditures. The net value of production after expenditures for Mexican American farms was \$2,538, or approximately one-fourth of the net value of production for Anglo farms, which was \$10,285.

Most farms in the 14-county area derive their major farm income from cotton and livestock production: 37 percent of the Mexican American farms and 32 percent of the Anglo farms received their major income from cotton farming; 37 percent of the Mexican American farms and 30 percent of the Anglo farms received their major income from livestock or dairying. There were noticeable differences in other sources of income, however. Eight times the number of Anglo farms, 5.9 percent, received their major income from fruit production as did Mexican American farms, .7 percent. Three times the number of Anglo farms, 1.7 percent, received their major income from poultry production as did Mexican American farms, .5 percent.

Nearly twice the number of Anglo farms, 9.3 percent, received their major income from cash grain and other field crop production as did Mexican American farms, 4.7 percent. On the other hand, nearly twice the number of Mexican American farms, 7.6 percent, received their major income from vegetable production as did Anglo farms, 4.0 percent.

The average size of Mexican American farm households in the 14 counties is 4.4 persons as compared to only 3.2 persons for Anglo farm households. The age structure of Mexican American households is also considerably younger than for Anglo households: 45 percent of the members of Mexican American households, but only 36 percent of the members of Anglo households, are under 20 years of age. Conversely, 26 percent of the members of Anglo households, but only 17 percent of the members of Mexican American households are over 55 years of age.

The educational level of Mexican American farmers is much lower than that of Anglo farmers: 68 percent of the Mexican American farmers, but only 37 percent of the Anglo farmers, have 8 years or less of formal education. Conversely, 22 percent of the Anglo farmers, but only 7 percent of the Mexican American farmers have one or more years of college education. Similarly, 12 percent of the Anglo farmers, but only 4 percent of the Mexican American farmers, have four or more years of college education. An obvious relation exists between education and income. Nearly 15 percent of the Mexican American farmers and 27 percent of the Anglo farmers operating farms with sales of over

\$10,000 in farm products have at least one year of college education.

Mexican American farms also have less conveniences than Anglo farms. Although seven out of 10 Anglo farms have telephones and refrigerators with freezers, less than one out of three Mexican American farms have telephones (29 percent) or freezers (27 percent). Also, 83 percent of the Anglo farms, but only 61 percent of the Mexican American farms have a television set.

As indicated earlier, farms operated by Mexican American farmers earned approximately only one-fourth the net income from sale of farm products as those operated by Anglos. There are similar disparities in the amount of income received from nonfarm sources. Half of the Mexican American farmers and over 40 percent of the Anglo farmers received more of their income from nonfarm than from farm sources. The average income from wages and salaries of off-farm employment was \$1,747 for each farm operated by Mexican Americans, but \$2,370 for each farm operated by Anglos. Similarly, net income from nonfarm businesses averaged \$444 for each Mexican American farm, but \$788 for each Anglo farm. Income from social security, pensions, and welfare payments averaged \$142 for each Mexican American farm, but \$290 for each Anglo farm. Net income from rents, dividends, and interest, including government farm program payments, averaged \$413 for each Mexican American farm, but \$1,070 for each Anglo farm. The total net income from both farm and nonfarm sources averaged approximately \$5,284 for

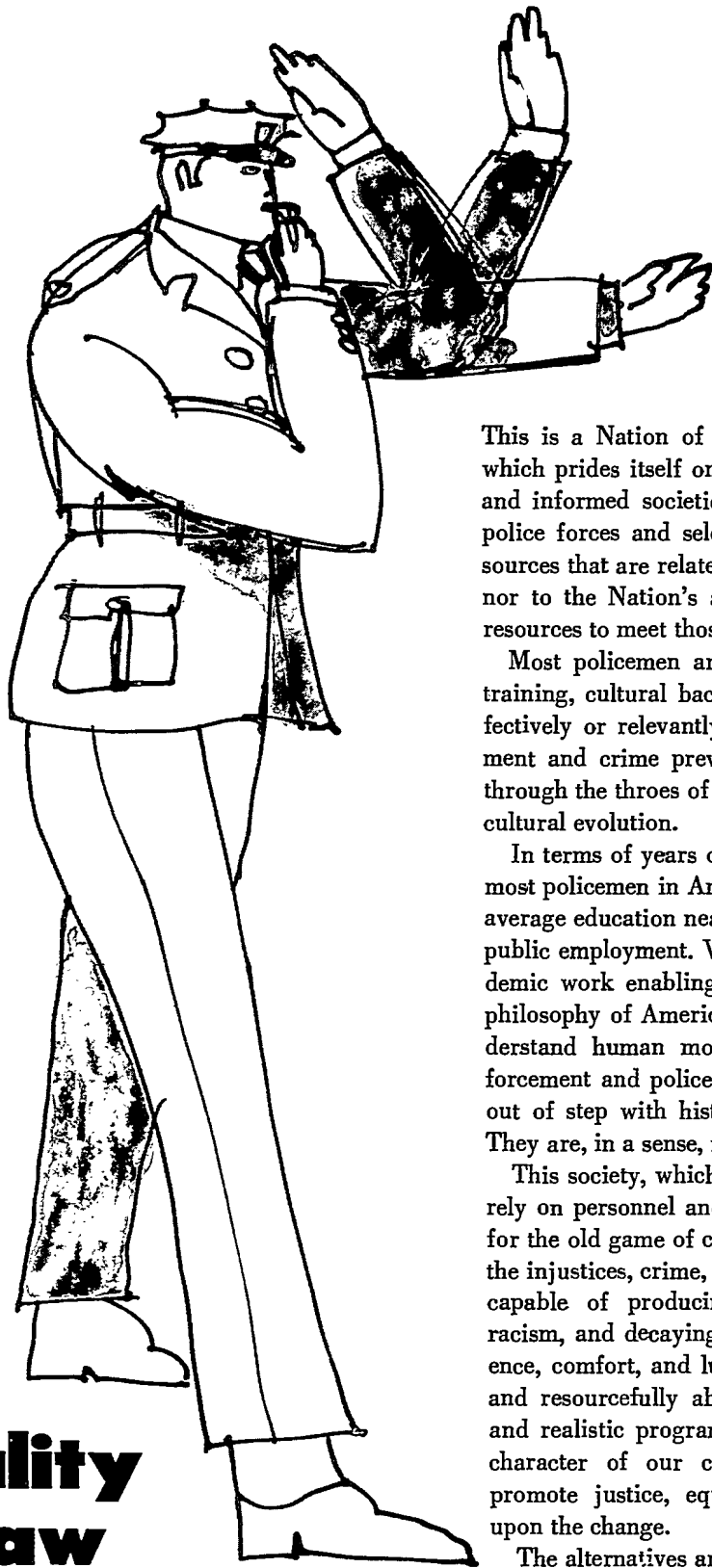
Mexican American farms, or approximately one-third the net income for Anglo farms, which was approximately \$14,803. (The term "approximately" is used because the figures do not include certain minor expenditures. The average net income would be slightly lower than the figures used here.)

Since Mexican American farm households are on the average one-third larger than Anglo households (4.4 persons to 3.2 persons), the average per capita income of Mexican American farm households is approximately \$1,200 or only one-fourth the average per capita income of Anglo farm households, which is \$4,625.

As the figures indicate, Mexican American farmers are severely disadvantaged in comparison with Anglo farmers. They have less education, operate farms which are on the average only half the size and only 40 percent the value, and average only one-fourth the net income from sale of farm products and only one-third the total income from both farm and non-farm sources. In addition, Mexican American farm household families are on the average one-third larger, considerably younger in age structure, and they live on farms with significantly less conveniences. Such findings suggest a serious failure of public farm agencies and indicate that agricultural programs and policies must turn greater attention to Mexican American farmers so as to reverse the inequities confronting them.

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the quality of law enforcement

This is a Nation of great efficiency and pragmatism which prides itself on being one of the most educated and informed societies in the world. Yet we operate police forces and select policemen in ways and from sources that are related neither to the needs of the time nor to the Nation's ability, knowledge, and financial resources to meet those needs.

Most policemen are not suited by their education, training, cultural background, or attitude to cope, effectively or relevantly, with the complex law enforcement and crime prevention needs of a society going through the throes of broad, fast-moving, and dramatic cultural evolution.

In terms of years of quality of schooling completed, most policemen in America's tumultuous cities have an average education near the lowest levels for all types of public employment. Very few policemen have had academic work enabling them either to comprehend the philosophy of American institutions and law or to understand human motivation and behavior. Law enforcement and police policies throughout America are out of step with history and history's future course. They are, in a sense, functional anachronisms.

This society, which is facing turbulent change, must rely on personnel and police programs designed more for the old game of cops and robbers than to deal with the injustices, crime, and unrest of a perplexing society capable of producing poverty, hunger, inequality, racism, and decaying cities alongside of wealth, affluence, comfort, and luxury. This country is financially and resourcefully able to change to more intelligent and realistic programs of law enforcement. The very character of our constitutional society, created to promote justice, equality, and liberty, may depend upon the change.

The alternatives are limited.

We can produce a revolution in police theory and practices and upgrade the quality of police personnel.

We can add gimmickry and palliative techniques to lessen the effects of law enforcement's great weaknesses.

We can continue to do what we have been doing except on more massive scales, with greater numbers of police and with more sophisticated techniques, equipment, and arms.

Most police chiefs, mayors, legislators, and other leaders across the land support the third approach. It would be an exercise in futility. Continuing to meet the increasing crime shown by statistics merely by doing more of the same things in law enforcement with more of the same kind of police will not bring order or reduce crime any more in the future than it has to this day.

The ears of public authorities in positions to lead or at least stimulate action seem generally insensitive to the real message of the unrest in the cities, in the schools and universities, and upon the streets. It is difficult to surrender the false conclusions of a racist culture and rigid institutional patterns.

The trend of the past should tell much about what the future will be. The effective future of law enforcement will depend upon our ability and willingness to understand the past and to make the bold and innovative modifications called for. In the absence of major change, constitutional order will become an impossible myth.

Substantial change for equal justice across the board will have to occur soon. If it does not, the form of black and brown vs. white confrontation will inevitably become more intense, more broadly based, and more determined toward action. To this day, in dealing with the injustices of white racism, we have been mincing forward in all that we have tried with a soft shoe shuffle that has led us nowhere. The country has reached the point where giant positive strides in nine league boots are the least it dares take.

For reasons not always consistent with America's historical and constitutional heritage, police agencies and officers seem to be omnipresent in times of social confrontations between those who seek and those who resist change. As the Kerner Commission pointed out, the police have been an immediate catalytic factor in most of the violent social outbursts that have occurred in American cities. They have also been involved in many of the major incidences of violence on the school campuses and in political and anti-war demonstrations. The most significant aspect of this police role is not that police and law enforcement agencies are present,

attempting to establish and maintain order, but that they themselves frequently become a substantial part of the disorder. It is further significant that where demands for change meet intransigent resistance to change, the forces of "law and order" consistently appear in the vanguard of those resisting change.

It is a basic police theory that there must be unquestioned respect for police and public authority. Dissent against authority, though that dissent may not be illegal within the meaning of the Constitution, is still equated with lawlessness. This approach demands that a person acquiesce to the policeman's interpretation of the law or face the consequences of police action.

Police also tend to demand acquiescence in standards of morality, mores, and customs which have never been codified into the law itself. Lengthy hair, a bearded face, unique style of dress, the music played, sung, or enjoyed, bare feet, ragged and unclean appearance, and many other different personal practices become objects of moral and legal judgment by many, including those with the power of daily decision over the lives of other men.

This tendency is not limited to police aspects of law enforcement. It may be the straw that weighs the district attorney's decision in favor of prosecution on otherwise doubtful evidence. Getting a haircut or shaving a beard to satisfy the judge's taste or predilections has too often been a frequent condition to avoiding jail or juvenile detention.

Virtually all of our present customs, mores, and institutions face challenges. These challenges are meeting with bitter and fearful resistance to change. Where confrontations erupt into open conflict it is predictable that the police, as the guardians of tradition, will be there supporting the forces of resistance.

Institutions for the administration of justice, from the lowest to the highest court in the land, are under vigorous, often vicious attack. Where the black, the Mexican American, the poor, the ignorant, and the human derelict are concerned, attacks directed at the trial court and the institutions of correction, rehabilitation, and detention have great validity. For racial and national minorities, racism is the essential cause of inequality in the processes of American law enforcement which determines who shall be brought before the courts and the quality of the procedures and practices of the trial courts after they get there.

The force of racism makes non-white Americans most frequently the objects of rigid, oppressive police action;

more frequently arrested than their white fellow citizens for comparable offenses;

more frequently facing the courts and juries without adequate or with borderline legal representation;

most frequently held in jail before trial because of the inability to afford bail too often set beyond their financial means;

most frequently convicted of crime by both judges and juries;

most frequently required to serve prison terms after conviction;

most likely to serve longer terms in prison;

least likely to receive probation without prison sentence;

least likely to receive favorable consideration from parole authorities;

most likely to have their children brought before the Juvenile Court;

most likely to have their children held in detention pending juvenile hearing and declared wards of the court;

least likely to be provided available facilities within the community for their children's necessary care and rehabilitation;

most likely to have their children removed from the home and placed in detention and rehabilitation facilities;

least likely to be successful in trials on the civil courts;

least likely to receive adequate compensation awards in personal injury and other damage litigation where they are successful;

most likely to be disbelieved as witnesses upon the witness stand;

least likely to serve upon the juries of America that sit in judgment upon their fellow man;

and most likely to wonder why courts are called courts of justice.

Those who have suffered deprivation, assaults to their personal and racial dignity, and have been denied their constitutional and human birthright to justice will no longer acquiesce in denial and suffering. The centuries of apathetic resignation are behind them. They know that humane morality, the trend of civilization's course, and the Constitution are in their favor. They also know that they will have to face the forces of institutionalized racism in government, education, employment, law enforcement, housing practices, and all other sectors of community life with every step taken

up from a life of unequal justice to one of realistic equality.

"Law and order" and the frantic anti-crime, "there's-a-rapist-under-every-bed-and-a-host-of-thugs-in-all-the-streets" crusade are seen by the non-white minorities as racist sophistry. These phrases do not mean what the white man says. To the black and the brown men they do mean a lot in a negative sense, however, and when he hears them he knows they are talking about him. "Law and order" doesn't mean a fair and peaceful society to him. It means that he must not dissent too strongly against injustices or he will be brought in line. It means that he is expected to trust and to wait patiently for the white man's grace to be bestowed with "all deliberate speed." He has learned that deliberate speed has been much more deliberate than speedy.

To the student on the campus, respect for law, order, and authority means that the young, especially racial minority young, are expected to accept the educational system as their elders have devised it for them, no matter how inadequate and inapplicable it is to the life they see ahead. They know that when they complain too effectively, the minions of the law will appear and, fortified by their prejudices against racial minorities and the young, they will bring order, using the force they feel necessary.

America has failed to establish justice and the blessings of liberty for the black man, the Mexican American, the poverty stricken, the hungry, the derelict, the educationally deprived, the enforced ghetto resident, and the non-conformists of all colors and walks of life. When, therefore, white, comfortable, liberty-loving America cries for "law and order," to the minorities and to those oppressed by inequality, its wail has a hollow sound.

The American policeman is lost in a sea of forces he finds unfathomable. The significance of the Constitution and its legal purpose are concepts he may not perceive because he probably has not been properly educated or trained to do so. When the Constitution's provisions protect individual liberty, the policeman complains that he is inhibited in *his* important work of enforcing the law in the street. In this he is right. The Constitution does inhibit and limit the action of the police. What he does not understand, and what the majority of American people have either forgotten or never learned, is that the tyranny of authority, often expressed in the form of police action, inspired the necessity to write a Constitution that did indeed limit

that kind of authority and that kind of police action.

Police could easily maintain a society of orderliness if left to their own devices. That order would, however, shortly lose its savor, even for those who now seek it to protect their status. There is no such thing as a little legal tyranny any more than there is any such thing as a little legal anarchy.

The majority of white Americans and a still larger majority of white policemen equate poverty and human misery, and in some peculiar way even skin color, with sin and evil. Public attitude also fortifies the policeman in his fixation on the maintenance of tradition as the highest morality. Though most moralists do not themselves live by their creed of morality, they talk it well and are at their best as they seek to require it of others. Police cannot be blamed alone, therefore, when they over-control and keep a heavy mailed fist upon restive minorities and upon students. It is also the mailed fist of a rigid, puritan, anti-intellectual, racist nation.

There are some variables, however, which set the policeman apart. He is a public servant, and we expect our public servants to attend to the needs of all the people, not just the majority. He is also different in certain observable ways. The policeman tends not only to be a functional conservative, as are the majority of the people; he tends to be more so. Not only does he reflect America's racist thinking, but he tends to be even more racist, with more opportunities to express it, and is more forceful and openly debasing in the ways he displays his racism in his daily work. Not only does he support the public's general tendency to place more faith in the maintenance of order and security than in the expression of liberty, but he considers order and maintenance of security as the absolute and ultimate goal of society.

Since the police are armed with tools of power, force, and death, and are frequently willing to use them, the frightening dimensions of the police authoritative role are multiplied. The possible results of the misuse of police power under the assumption that it is right and that it will be supported by the people are disturbing and frightening.

When black people rebel in their own ghetto against the cruel injustice of an almost total violation of all their basic rights, the horrible fact is that when the smoke of fire and guns clears away, it is the dead bodies of black men, women, and children that make up the statistics of the so-called riot's deadly effects. The Kerner Commission, the McCone Commission,

and every reliable study made of the black rebellions have reported that the overwhelming majority of the persons killed or injured in all the disorders were Negro civilians.

One can understand that the policeman may fear for his own safety when he finds himself in the midst of such violent disorder. Fear by police for their own safety and the necessities of actual emergency, however, cannot by any rational logic explain deaths from bullet holes in the back of a black body or the killings of those having no actual or apparent weapons to use against the police. Nor can one justify the killing or injuring of young children, even though they were shot while committing an act of crime. They could not possibly have harmed the police and death as a penalty would not have been a remote possibility if the accused had been convicted after a fair trial. There may also have been some insulting taunts directed at "honkey" or "whitey" police in addition to the alleged law violations. How cheap must black life be when it can be blasted into eternity by the law enforcer for a stolen garment or a taunt, and then have the act of killing receive public support or acquiescence in the name of "law and order."

Roland Freeman



The real danger of the role of the policeman in an era of struggle against the effects of racism, and of social change based on constitutional rights is that policemen not only do not understand the nature of the struggle for equal justice, but they themselves are too often a vital part of the need for that struggle.

The police are the great single irritating force confronting the upward struggling minority with daily indignity. In and out of the ghetto, minorities find the police treating them with disrespect and contempt at every turn. The dissenters of America—black, brown, or white—can be expected to pursue their petitions before the people or before their representatives through over-forceful or violent means until police practices are changed. The propensity to over-react, to over-control, to insult, and to denigrate must end, and reliance on massive power and exorbitant numbers of policemen must be abandoned.

It is time to build police forces and programs with men capable of understanding the dynamics of society, its historical and constitutional background, the bases of individual liberty provided for in the Constitution, the validity of the human longing for dignity and equal justice, and the invalidity and cruelty of racism which continues to deny that dignity.

Several months ago the Chief of Police of San Diego, California, made a plea for more money to increase the size of the city's police force and to add more sophisticated weaponry to its arsenal. It was needed, the argument went, to protect the city's security and to maintain order in the face of potential massive disorder. Since San Diego was having no problems of any proportions upon its several college campuses, the argument meant only one thing: the police wanted to be able to keep the city's Southeast ghetto under secure control. They wanted to be prepared and able, quickly and massively, to occupy and subdue the area, should a breakout occur. It was obviously a plea to strengthen the number and power of police because of racial fear. This is not unique to San Diego. It has been the pattern throughout the country. And the effect of such an approach only further antagonizes non-white minorities.

The general argument to legislative bodies holding the purse strings is that the control of increasing crime, as disclosed by Federal crime statistical reports, requires more police. The same pattern of increased budget requests because of increased crime statistics has been going on for years. There is a certain illogic if not sophistry to this kind of reliance on crime statis-

tics: Why do crime statistics not go down as police numbers go up, as sophistication of weaponry improves, and as training in police science is made more widely available to police agencies over the country? Why, as the F.B.I. budget and police budget grow, do F.B.I. crime statistics also grow?

There may be several explanations. One, suggested by Robert M. Cipes in his recent book, *The Crime War, The Manufactured Crusade*, is that the crime statistics can be a most effective bureaucratic tool to sustain the expansion of police function. That would be a classic example of Parkinson's law in operation. Another theory holds that it isn't crime itself that is increasing so much but that it is being more inclusively reported in official crime statistics. More crime goes unreported than is reported. It would be easy by this technique to double the apparent growth of crime without a single additional incidence of crime, merely by reporting that which had previously gone unreported. Statistics are a remarkably facile tool. What is the real answer to the increase in crime statistics? It may be just that—an increase in statistics rather than in crime.

There are intelligent, informed, and objective experts who do not accept the argument that crime is the growing menace we generally assume. Dr. Karl Menninger is one. In fact, he suggests that we are not only not becoming more criminal but are much less criminally inclined than in years past. He also states that violence is on the wane. If so, the public is being frightened for the wrong reasons.

What constitutes a crime is a transient, changing phenomenon. Yesterday's crime may be legal today. Crime is probably increased more by passing new laws making new crimes than by human conduct. The plethora of new laws for riot control, for regulating forms of dissent, and for expanding legal sanctions against conduct—conduct defined as immoral by those who pass the laws—will be reflected in years to come in further increases in crime statistics. The fact remains however, that, statistically speaking, whatever the true facts of crime are, the increase in the number of police has not in the past and will not in the future result in the reduction of crime statistics. Where the forces of law rest almost entirely upon a philosophy of crime detection and apprehension rather than on a theory of crime prevention and assault upon the causes of crime, crime statistics will forever inflate.

At the time of requests for budget increases for police forces there should be more concern for quality

than for the quantity of policemen and size of police programs for which the money will be spent. If the cities are not going to continue to flail at windmills, *quality control* is the direction that crime control and the police role must take.

The political power of law enforcement establishments and the police of America is much greater than most realize. They are the domestic analogy to the military. It is patriotism to rally to their support, and those who attack their sanctity may and indeed are widely accused of committing domestic treason. The tremendous effect of police agencies and leaders on the character of society and the frightening consequences of their growing assertion of independence from other constituted authority should sound an alert to the imminence of a possible police state. Last year, several police leaders in different parts of the country brazenly said they would enforce the law as they saw it despite directives from their mayors and other civil government leaders who have legal authority to set policy.

The future of the American dream may depend on dramatic reassessments of police policy and practice by those in public life. There must be a more realistic appraisal of the total role of law enforcement in the context of today's society. That appraisal in turn must be shaped in large part by those outside the police function itself if we are to avoid the burden of its institutionalized concepts. There are those in the fields of education, constitutional law, the sciences, and human behavior who are perceptive and qualified enough to do the job *now* if society were ready and willing.

Higher quality of police officers and programs will require different and better education and selection standards. Education, of course, is no panacea. It does offer, however, the opportunity for intelligent and objective improvement and professionalization of tomorrow's policeman. It would be a false assumption to conclude that effective education may be accurately measured by the number of classes taken, the number of years attended, and the earning of a degree. Four years of college and a degree will not automatically make a good policeman or a wise graduate. Expanded programs of police education through educational institutions have consistently failed. Failure resulted because they educated the wrong people in the wrong areas, with the wrong subjects and for the wrong reasons.

One of the weakest aspects of America's police, one which most urgently needs change, is that of police

attitude toward the public and public attitude toward police. Education in police science will not improve the situation. Cities and police departments in the past, in order to professionalize their departments, sent their officers to college to make them better policemen. But many of these men were ill-fitted in the first place to meet today's needs, and the training program merely tended to emphasize efficiency of administration, investigation, and enforcement techniques.

While police attitudes may be no worse than those of a substantial part of the people in the community they represent, it is not the function of police to represent majority attitudes. One of the basic designs of the Constitution was to create a government, as Alexander Hamilton said, that would also protect the minorities of the country from the ill humors of the day and the oppressions of the majority. Thus, professionalized policemen must have in-depth education in our political and constitutional history, our political institutions, the development of our law and its philosophy, and the nature and function of our judicial process.

Emphasis should be in subject areas concerned with the social and political sciences, human relations, the understanding of man and his behavior in relation to other people, and training should include an intense exposure to the development of human culture. Technology, at least for those training at the college level to become professionalized police officers, should occupy a minor part of the curriculum at most. This kind of training in police science becomes important after the man becomes a policeman when he can receive it at the in-service level. Educated policemen must first be educated men.

Recruitment and selection of new officers for this kind of professionalized police function requires high qualification standards. Recruitment on the basis of military experience or physique should be abandoned. As recruitment it seeks the least common denominator. Those whose personalities, prejudices, and cultural background will interfere with their working properly and intelligently with all kinds of citizens—of all cultures, of all colors, of all nationalities—can and should be identified and eliminated from the selection process. There are scientifically reliable psychological human behavior tests already designed and available to identify the sadist, the authoritarian, the hostile, and the prejudiced. These tests should be used as a matter of course in selection of new police. They should also be used without delay to learn more about the attitudes of those now in police work.



NO MORE

PISTOL
BEATINGS



Recruitment and entry must also be possible at any level in the service. The present military-like practice of starting all new policemen, irrespective of qualifications, at the bottom rung can and must be abandoned. The military hierarchy pyramid with its broad base, where all must start as privates, has driven qualified men, who might have chosen police work, into other fields.

Professional salaries are required to command the attention of those who meet the higher standards of education, training, experience, and background. This does not mean costs necessarily have to rise dramatically. The total cost of law enforcement might well decrease when the relevancy and effectiveness of such a program became apparent to those now in almost hopeless conflict with law authority. Many of the cities' costly riots might not have occurred had law enforcement been recognized and practiced as a highly professionalized pursuit.

There have been some recommendations for professionalization and educational upgrading of police operations and personnel through the establishment of a national police academy comparable to the Naval Academy and West Point. There are few approaches as potentially dangerous. One of the worst aspects of modern police personnel and organizational structure is the military mentality applied to domestic law enforcement. This approach should be eliminated, not institutionalized. A quasi-military institution would not for long be a mere supplement to assist local police in becoming more effective. It would be *the* force that would mold the nature and direction of the future policeman and the programs of law enforcement in the

Roland Freeman

cities of America. It would inevitably evolve into education for police work along military and technological lines and would probably cause police functions to evolve into a supreme national police force. It would be a high class vocational school at best.

Education for police work should be carried on within the existing educational structure of America's universities without vocational training aspects. It would be useful to have some centralized agency at the Federal level assist in financing and conducting local training programs. But a national police academy based on a military model is a dangerous concept, and its implications are frightening. There are problems enough, as the late President Eisenhower warned, with the military-industrial complex. He warned against its potential hold upon the whole course of the Nation's economy and culture. Experience has proved him to have been perceptive and prophetic.

It is apparent from a practical standpoint that it will not be possible to completely renovate police departments merely by eliminating those now on the force who do not meet the required standards. A dramatic upgrading in the attitudes of existing police—toward minorities, the young, the poor, the non-conforming, and the former law violator—is essential. Some police forces throughout the Nation have undertaken programs of sensitivity training in racial attitudes in an attempt to give police a better understanding of the black man, the Mexican American, and other minorities and their cultures, and in turn to assist these groups in better understanding the difficult police role. Existing programs, though they may use highly qualified people as instructors, are still grossly inadequate.



Four to eight hours in a classroom studying race and human relations, the common practice of most of these programs, is an inadequate exposure. It may be necessary to exacerbate a lifetime of belief and attitudes which have become a part of the officer's total makeup. His own culture itself may have to be changed. Classroom work alone for any period of time cannot do this.

Some police departments have programs of intensive exposure in the form of group therapy sessions and confrontation dialogues involving police officers and members of the minority community. These can be highly effective, but unless it is apparent to the police who are asked to take a part in the programs that the programs are taken seriously by the effective and authoritative community leaders—including the Chief of Police, the Police Commissioners, the City Manager, the City Council, the Mayor, or whomever else has authority over the police department—the probabilities of their success are limited.

In this area, as in every other area involving the need to meet the challenges of change in a racist, moralist society, vigorous, intelligent, innovative leadership by responsible public officials is absolutely essential.

If police are ever expected to succeed in their functions of law enforcement, law protection, law prevention, and the maintenance of order in the areas of community unrest, it will be necessary to create a better image of the police with the minority community and with the young. Some police departments have undertaken what they call programs of public relations designed to achieve that image. The direction of these programs will determine their effectiveness.

Public relations efforts will be effective if police are going into the community to meet and work with the people, to attempt to understand from the people why they feel as they do, why they may distrust law enforcement, and what they want from law enforcement, and if this is done with a good-faith intent to provide a helpful service of law enforcement. If, however, programs of public relations mean going out to the community to sell the community on the job that is already being done, and if they are designed to get support from the community to continue existing practices without substantial change, then the programs are self-defeating.

One of the widely discussed problems of police-community relations is the need to have unfair police conduct and practices effectively and fairly reviewed. We

are forever dealing with effects and ignoring causes. Police review boards are badly needed now, primarily because we have poor police concepts and unqualified policemen. Correct these basic abuses by upgrading the quality of police work and we will hit closer to causes. Review boards have little effect in producing long range improvement. The review technique may delude us into living with the kind of police establishment we have.

Attacking injustice through improving the character and function of police work does not imply that better police will solve the ills of society; they will not. The kind of police forces we have merely reflect society itself. The denigrating, unjust, cruel, and racist practices are symptomatic of the evils of society and of the ineffective and insensitive quality and public leadership. But action on police problems cannot wait upon the purification of white America's racist attitudes.

The ultimate result of continuing down the path in the direction we are now going, whether it be in law enforcement, in the processes of justice, in business, in education, or in employment, means one thing and one thing only: This society, theoretically based upon freedom for all, will end up a society with freedom for none.

We have two ways to go: The way of law and order by the control of force or the way of domestic tranquility through a society of law and justice.

BYRON F. LINDSLEY

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Book reviews

Moynihan's "Maximum Feasible Misunderstanding"

Daniel Patrick Moynihan, the President's Assistant for Urban Affairs, published a book dealing with the War on Poverty community action program late last year. Since then the entire anti-poverty legislation has undergone major review by Congress and renewed scrutiny by the public.

Head Start is headed for inclusion under the Office of Education and the Job Corps is being drastically cut back and shifted to the Department of Labor. Community action remains the primary responsibility of the Office of Economic Opportunity.

A study of 51 poverty programs in 12 cities, to be published soon by the Metropolitan Applied Research Center, Inc., also takes the community action phase of OEO to task not only for having failed the struggle against poverty but also for having "contributed significantly to the fuel of urban conflagration." Of 400 projects studied, MARC president Dr. Kenneth B. Clark said, three-fourths had become service-oriented and had failed to risk "serious confrontation" with basic causes of poverty.

The following reviews reflect the varying viewpoints of persons intimately involved in the War on Poverty. Although they both utilize Moynihan's book as a starting point, they speak primarily about the concept of community action.

The title of the book, of course, is a play on words of the statute which established the community action program in 1964. (A community action program, according to the Act, "means a program. . . which is developed, conducted, and

administered with the maximum feasible participation of residents of the areas and members of the groups served."

As a member of the task force which drafted the Economic Opportunity Act of 1964, Mr. Moynihan relates that the task force drafted a statute which incorporated both views of opposing schools of thought: one which advocated jobs and job training programs for youth and the other which argued for programs of local community action. This argument, according to him, also raised a question of whether the poor themselves were suited, or able, to devise plans and programs for the delivery of services or whether existing governmental agencies could do the job better.

"Maximum feasible participation" is related closely to the issue of community control of schools and other neighborhood services current in our cities today. Both maximum participation and community control are based, in part, on an acknowledgement that the governing power structures of cities as well as rural communities had not served the needs of the people, particularly the poor, the black, or the Spanish-speaking. In a key paragraph, Mr. Moynihan traces the birth of maximum feasible participation to a concern over denials of equal opportunity to blacks in the South, which in turn was transmuted into a belief that participation means control by the poor. He writes:

What about Negroes in the South? Federal regulations could easily enough ensure that they would have their share, or something approaching it, of the categorical programs such as those of Title I. But what of community action, where local option would decide how to spend the new Federal money? Inasmuch as the local white power structure would control the allocation of community action money, how could it be ensured that impoverished Negroes would get something like a proportionate share?

. . . A simple idea occurred to someone present: Why not include language that would require the poor to participate, much as it was provided that other entities should do so? Then, later, if in a given locale it became clear that Negroes were not sharing—that is, participating—in the benefits of the new program, Washington could intervene on grounds that the requirements of the legislation were not being met. The drafting committee came up with a solution, the

community action title, which established the one portion of the program that would not be directly monitored from Washington, should provide for the "maximum feasible participation of the residents of the areas and the members of the groups" (author's emphasis) involved in the local programs.

... Subsequently this phrase was taken to sanction a specific theory of social change, and there were those present in Washington at that time who would have drafted just such language with precisely that object. But the record, such as can be had, and recollection indicates that it was intended to do no more than ensure that persons excluded from the political process in the South and elsewhere would nonetheless participate in the benefits of the community action programs of the new legislation. It was taken as a matter beneath notice that such programs would be dominated by the local political structure.

Daniel P. Moynihan has written a relevant and important book. He has much to tell us about what is wrong with our social policy and with those liberals who have conceived and executed it. His book is particularly worthwhile today as an antidote to views which seem to have gained in popularity in proportion to the havoc they have wreaked. But *Maximum Feasible Misunderstanding* is ultimately a dissatisfying work for the ironic reason that Moynihan has much in common with the people he is criticizing.

Community action is, as Moynihan suggests, very much a middle class notion. It is popular among people who are affluent, well-educated, and highly sensitive to questions concerning the quality of culture, and in particular to the problem of personal and community identity in an urban society. Moynihan is most perceptive in his analysis of the origins of the community action concept as well as of the uses to which it has been put by middle class reformers. He traces its roots to Emile Durkheim's concept of *anomie* which manifested itself in the twentieth century in various theories of alienation that were used to explain socially deviant behavior. Richard Cloward and Lloyd Ohlin carried this concept into the 1950's by interpreting juvenile delinquency in terms of the alienation of youth by a society which did not provide them with opportunities equivalent to their aspirations. As a result of

such ideas social scientists and liberal reformers (the former, to Moynihan's chagrin, are often also the latter) identified our central social problem as that of alienation and loss of community, and the proposal for community action evolved as a means to overcome these perceived difficulties.

Relating this proposal and these difficulties to the burdens of America's poor was a remarkable intellectual feat accomplished by members of the middle class. In a classic case of elitist condescension and the perversion of democracy by some of its most vocal advocates, the middle class decided that what the lower class needed was participation, and the maximum feasible amount of it to boot. They needed not money, but identity; not jobs, but self-respect; not decent homes, but a sense of community; and finally, not better schools with more funds to make education effective, but control over their destiny.

My cynicism is not meant to imply that I believe matters of identity and community are not important. Indeed they are, to poor people as well as to wealthy ones. Nor do I feel that the liberal reformers who advocated community action were not also aware of the importance of economic measures. They were, but their emphasis was on less tangible matters because their vision was constricted by a preoccupation with their *own* problems of alienation and anomie. And it is emphasis—a system of priorities—that influences the direction policy will take.

Moynihan quotes Michael Harrington's remark that community action was useful as a "long-range" objective, but that jobs should be a more immediate goal. I agree here, and so it seems does Moynihan who opposed the rejection of a proposal from the Department of Labor for a 5 percent cigarette tax that would yield \$11.25 billion per year to be used for employment programs. He writes that participation may be "more an effect than a cause, and that until there have been fundamental economic changes in the life of poor populations, these and other qualities can only be achieved at great costs in civility." And it is possible, as he points out, that there are also great costs in community which have resulted from the conflict created by community action programs. "The power of the weak," according to Moynihan, is "the power to disrupt."

It is the specter of conflict and social disorder that most distresses Moynihan. Certainly the violence of the past five years has provided ample reason for distress, though it would be wrong (and I think he would agree here) to lay the entire blame on community action programs. The difficulty with Moynihan is that he offers no program for solving our social problems non-violently. He concludes a volume on vital political issues with the dubious and somewhat peripheral judgment that "The role of social science lies not in the formulation of social policy, but in the measurement of its results." One is left with the feeling that all would be well if only social scientists would stop meddling, but it is more than likely that we would have violence with or without their improprieties. To paraphrase Moynihan, the role of social science should be to clarify and not to confuse, and the failure of some social scientists—and some liberals—lies in their formulation of the *wrong* policy, as well as in their inability to understand the political preconditions that are needed for genuine social change.

Their errors derive from their elitism, as Moynihan correctly observes, and from their isolation from the political movements of the poor, and here I am talking primarily about the civil rights and the labor movements. But these are qualities that Moynihan also shares. For example, he is of the opinion that the War on Poverty—and not only community action programs—was a top-down reform that owed its existence to the efforts of professionals within the government. While it is true that the *kind* of war on poverty that passed into legislation sprang from the minds of middle class professionals, it is equally true that the civil rights movement awakened the conscience of the Nation, as Martin Luther King would say, and created the political environment that made possible a major social reform. Professionals may conceive the most brilliant ideas, but the enactment of those ideas depends on political factors that are largely beyond their control—unless, of course, they choose to involve themselves in political struggle.

But Moynihan does not so choose to involve himself. He is essentially a sociologist who is concerned with the social characteristics of groups and not with their political mobilization. And in like manner, he explains the behavior of groups in terms

of these characteristics and not in terms of underlying political and economic forces. Thus, he has some marvelous things to say about the elitist contempt of the white upper-middle class for the white lower-middle class, but his analysis of the roots of social conflict is superficial at best. I will grant that this conflict derives in part from community action programs which, in turn, were based on the ideas of social scientists, but these ideas became programs primarily because there was nothing else available. Community action was inexpensive (it gave people the right to manage their own poverty), and the political movement which might have demanded more substantive changes was in the process of splintering. Without the vast resources that were needed to provide enough jobs for everybody, those most in need of economic uplift—the black poor and the white lower-middle class—were forced into competition and conflict with each other. What one would get the other would not. The origin of community action, therefore, and of community conflict, was economic scarcity, and while the "misunderstanding" of social scientists is an interesting factor in itself, it is hardly central to the problem.

But it remains central to Moynihan's analysis of the failure of the poverty program, and as such it indicates a failure on his own part. As a sociologist and as a professional. Moynihan is primarily concerned with problems of conception, method, and execution, all of which demand intellectual comprehension and an orderly environment. At the same time, however, he is not deeply sensitive to the requirements of constituency and of building a movement for democratic social change. His concern for order and efficiency is fundamentally conservative, which would not be a tragic flaw were it balanced by political obligations to a progressive movement which, alas, it is not. During a period of disorder, therefore, his conservative nature will impel (as it has done) a move to the right in violation of his liberal beliefs which lack the ballast of political involvement.

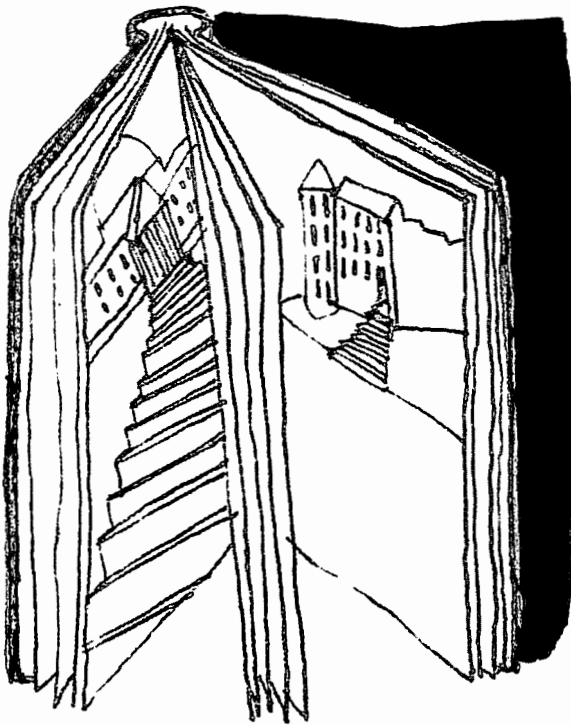
Maximum Feasible Misunderstanding, therefore, strikes me as an excellent, if not entirely intended, commentary on the contemporary crisis in American liberalism. On the one hand, there is Moynihan's incisive critique of those liberal reformers who now find themselves the political bedfellows of con-

servative Republicans in their common assertion of individuality and in "a certain coming together in opposition to, in distaste for, bigness, impersonality, bureaucratized benevolence, prescribed surveillance." And on the other hand, there is also Moynihan's own coalition with conservatives which grows out of his preoccupation with disorder and his isolation from political constituencies.

We are, indeed, living in a time of confusion when the differences between left and right have been reduced, in many cases, to stylistic, as opposed to substantive, considerations. What is needed to restore political sanity, I think, is an honest assessment by liberals—not biased, that is to say, by their social or psychological needs—of the problem of economic inequality in America. Such an assessment, it can only be hoped, will lead to their involvement with the poor in a genuinely liberal coalition of forces which can, in effect, become a majority movement for social justice. It is even possible that out of such a movement we shall see emerge a new and lasting sense of community.

NORMAN HILL

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People do not seek change until they know what is possible. People cannot bring about change without a channel. Since 1964 in large areas of the rural South, community action has provided this channel. It made blacks and the poor aware that they could and should become involved in decision-making about how public money was spent in their communities. It provided jobs for many who would have otherwise remained unemployed or underemployed. The community action program also forced blacks and whites to sit down together for the first time in many communities and carried further the start made by the civil rights movement.

What real participation of the poor could mean was reflected in a few but important single-purpose programs like the Child Development Group of Mississippi, Friends of the Children of Mississippi, Associated Communities of Bolivar County, and Associated Communities of Sunflower County (all in rural Mississippi), which for the first time taught thousands of poor Negroes that they could run, and run effectively, their own multimillion dollar programs. They worked hard (and I think often succeeded) to have a better preschool educational program than State agencies and, in turn, forced these public agencies to compete for funds and community support. They learned that new and creative work possibilities existed at a living wage and hundreds of sharecroppers and maids became preschool teachers and involved in the educational process with their children. This prompted them to look at other institutions which affected them and their children and to ask questions: Why is my five-year old in Head Start so much more alert and enthusiastic about learning than my six and seven-year olds in public schools? Why don't the public school teachers visit us as the Head Start teachers do? Why cannot we participate in the life of the public school, as in the Head Start school? How can we make the school system better? By running for the school board! And they did, and some of them won in God-forsaken Mississippi towns like Woodville (2 members), Lexington, Port Gibson, and Lorman. And so it went in health and welfare.

OEO helped develop a group of independently employed people who then challenged other institutions in the society and who are now seeking political power through regular channels. Within the

past two years 50 blacks have been elected to public office and in the whole South, about 390. This is a crucial accomplishment. Some poor people have gained a sense of dignity, pride, worth, and determination to affect their own and their children's lives. They have learned how to fight for their programs (like everybody else who has anything in America) and now realize that Federal and local institutions are neither infallible nor unbeatable. Public officials no longer feel as free to run bad programs because of the likelihood of community response. This is no mean gain. It represented the best of what OEO could offer and what Federal and local programs must continue to offer if we are serious about the elimination of poverty through self-help.

To be sure, the poor made mistakes and wasted some money. But not half as many or so much as the old line grant-in-aid programs. And the shortcomings of the community action program were many; seriously inadequate funding in rural areas, confusion about and gaps in the implementation of guidelines regarding participation of the poor; and political weakness in funding decisions which resulted in many unrepresentative CAP boards being funded over and against indigenous community groups. In many areas, a strong argument can be made that anti-poverty money was simply additional oil for established political machines to continue and strengthen control over poor and minority communities. OEO also often acted on certain erroneous assumptions, particularly in the South (a) that there were broad-based elements in the community dedicated to the eradication of poverty (patently untrue in most of the rural South where existing political structures are based on the continuation of poverty, racism and thus dependence); (b) that segregationists would, without policing, have fair selection procedures and create a structure where meaningful participation by the poor and minorities would be permitted; (c) that real community action could result from participation on a CAP board of people without power and people with power, without the former being ineffective.

Many CAP boards tended to be unrepresentative and often degenerated into mere dispensers of social services rather than provide the leadership and encouragement to the target communities to help

themselves. As one who took "as more than a slogan" maximum feasible participation of the poor, I strongly opposed these CAPs. The public officials who often controlled them were the same public officials who were daily engaged in running inadequate and discriminatory school systems for black children, and the same public officials who were daily engaged in running inadequate and discriminatory welfare and training programs. Such officials were unlikely to bring original perspectives to Head Start or any other poverty program. And they did not.

These facts, both good and bad, are what one who was associated with community action in the South saw. I wonder how much of this Mr. Moynihan was actually aware of when he wrote his book which purports to examine "the origin, nature and internal contradictions of a great national effort at social change." As one seriously interested in understanding the underlying events of the past four years, I found his book a disappointment. Instead of careful documentation, we get, rather, in Murray Kempton's words, "a compilation of old newspaper articles." Instead of a careful analysis of the weaknesses and strengths of community action, where it failed and what it accomplished, where and why, we get instead a series of poorly documented or undocumented assertions and personal judgments. Instead of an indicator for future action, where it failed and what it accomplished, where and why, we get instead a series of poorly documented or undocumented assertions and personal judgments. Instead of an indicator for future action I sense a vacillating neutrality about whether community action should continue and how much.

Mr. Moynihan strikes me somewhat like the suitor who professes to like a girl very much but cannot quite bring himself to take on the responsibility of marriage. At one point he lauds community action as "the most notable effort to date to mount a systematic social response to the problem" of integration of the poor and the black and "as a perceptive and timely initiative." But he then chides the poor for rude noisemaking and loud demands. He blames social scientists, "professional reformers" and "intellectuals" for undermining political support for the program through abrasive tactics and hardly touches upon the politicians who undercut

the program from the outset. He nakedly asserts in his introduction that community action has failed, but later say "it began to appear that community action has survived: a new institution of sorts had been added to the system of American local government." One wishes he would clearly state his intentions toward the girl.

Confusion did shroud the design and implementation of community action, and it was badly administered on the whole. But this does not distinguish it from most old or new Federal programs. Try to get a clear or consistent answer about what the school desegregation enforcement policy is under Title VI of the 1964 Civil Rights Act from Federal and regional HEW officials, local school boards, and civil rights leaders and parents. Mr. Moynihan is right in wanting more planning and thinking about the consequences of Federal action, and I welcome his steps to rationalize this process through an improved social accounting system by establishing an office of legislative evaluation in the General Accounting Office. One can only hope that this won't be used as a deterrent to needed action. Uncertainties will always remain and governmental inaction can sometimes be as damaging as confused governmental action.

Mr. Moynihan's feelings about the failure of community action appear to stem in large part from its alleged disruptive quality and its alienation of political support. This ignores history. Moynihan seems to assume that social change can be achieved by politeness and niceness on all sides. Yet, the Civil Rights Movement shows the opposite. Frederick Douglass, the black abolitionist, said in 1857 that

The whole history of progress of human liberty shows that all concessions yet made to her august claims, have been born of earnest struggle...If there is no struggle, there is no progress, and those who profess to favor freedom and yet deprecate agitation are men who want crops without ploughing up the grounds, they want rain without thunder and lightning. They want the ocean without the awful roar of its many waters. This struggle may be a moral one, or it may be a physical one, or it may be both moral and physical, but it must be a struggle. Power concedes nothing without a demand. It never did and it never will...Men may not get all they pay

for in the world, but they must certainly pay for what they get.

Decades of negotiation and litigation before 1960 only scratched the wall of segregated and discriminatory institutions in America. Major change required the era of massive street protests. It was the Montgomery bus boycott and the freedom rides, coupled with litigation that brought an end to segregated intrastate and interstate transportation. Student sit-ins and the March on Washington provoked the Civil Rights Act of 1964. The ugly confrontations of Birmingham and Selma forced Congress to pass the Voting Rights Law of 1965. Sadly, it took the riots of the last four years to provoke recognition of the underlying racism in America.

And even as to Moynihan's major promise—that the major priority was jobs and that was lost by the emphasis on community action—the fact is that it is the very existence of the community action program which has brought public understanding of the importance of jobs. Wholly apart from the effect of the Vietnam war in draining resources away from a possible job program—a problem Moynihan fails to face—a massive job program would not have been conceivable without community action to lay the groundwork. It has been the persistent and loud demands of the poor through community action and other organized public protest that have pushed the country towards understanding the depths of poverty and unemployment. Unemployment among blacks is now largely recognized by the American public as shown by a recent Gallup poll showing a majority favor a guaranteed jobs program. Now is the time to seize the initiative and use the seeming broad support for an adequate employment program. We look to Mr. Moynihan and the new administration for leadership in this direction.

But instead of seeing that community action has perhaps given more practical political reality to his own priority—a massive jobs program—he sees it only in terms of having stirred up dissent and encouraged community control, which he says opposes the established system of electoral representation and which assumes that established systems were somehow not meeting the needs of the people. Even as to the question of community control, Mr. Moynihan misses the point. How much evidence do we need of the failure of our schools to educate our

children, especially poor ones, of our training and job programs to eradicate unemployment or of our welfare programs to help people achieve decent and dignified lives?

He says, further, that community control "took the form of denying the legitimacy of those institutions of electoral representation that had developed over the years—indeed the centuries—and which nominally did provide community control." The real question, though, is which community really exercised control? Millions of southern blacks have had no control whatsoever over their lives and their Congressional representatives still persist in acting against their interest, as do the many local public officials who daily run discriminatory school, welfare, health, and jobs programs. Even with the newly acquired right to vote, the encrusted traditions of most institutions, coupled with the continuing minority status of the blacks, will not bring major changes in their life prospects for a long long time to come absent some possibilities not dependent on traditional "institutions of electoral representation." Those of us who are black are not willing to stay tied to the old ways of doing things which have palpably shown they aren't going to work. As a black professional, I still cannot walk into my Congressman's office (I vote in Jackson, Mississippi) and find a responsive ear to the social needs of black people in that community. Nor can we vote him out alone. We are clearly, therefore, going to seek other ways to help ourselves. While community control may not be the answer, it cannot be any worse than the present system, and at least it forces thinking about new approaches to old and unmet problems.

Mr. Moynihan's book is valuable in that it provokes public discussion on the issues of participation and community control which "are the issues of the moment." One only wishes he would have grappled more seriously with the problems that have given rise to these issues and their political implications for solving some of the problems that have given rise to these issues and their political implications for solving some of the crying social problems dividing us. Finally, one wishes that Mr. Moynihan had been a little more restrained and balanced (and clear) in his judgment about community action. It is doubtful that its impact is yet

subject to measurement or will be for some time to come. And premature and generalized judgements may well lend force to its enemies. It should be given a chance, as many old, bumbling programs have been given. The poor and their social reformer allies should not be expected to do so much better than the politicians and bureaucrats have done all of these years. Its form may change, but I have a feeling community action is going to stick around. The job before all of us is how we can preserve and build upon its good features. If it has stirred up things as much as Mr. Moynihan seems to say it has, it is not going to die easily, for something has been deeply planted in the minds of the poor.

A group of parents who had for months been denied funding for their Head Start program began to make constant visits to the OEO office in Jackson, Mississippi, to ask when OEO was going to refund CDGM (The Child Development Group of Mississippi). OEO had decided not to refund the group some months earlier and had funded an opposing group. But CDGM parents had continued their own preschools on a volunteer basis and refused to recognize the finality of OEO's decision. Finally, in exasperation one day after repeated visits and "Mr.----, when are you going to fund CDGM?," the harassed OEO official replied angrily. "CDGM is dead, do you understand that? CDGM is dead." To which the parents rejoined, "Mr.----, what do you mean, CDGM is dead? CDGM ain't dead. We CDGM and we here and we don't intend to die." And they didn't. Some of us hope that they won't ever.

MARIAN WRIGHT EDELMAN

Mrs. Edelman, an attorney with the Washington Research Project of the Clark College Center of Public Policy, speaks from four years' experience as a black lawyer working through the NAACP Legal Defense Fund with poverty organizations in Mississippi.

Reading list

Booklist

The Agony of the American Left, by Christopher Lasch. New York: Alfred A. Knopf, 1969. 212 pp.

A study of 20th century radicalism in which the author appraises the militants—black and white—of today's New Left. He suggests that a prevailing image of romantic anarchy has prevented them from developing political programs which might achieve mass support.

Black Political Power in America, Chuck Stone. Indianapolis: The Bobbs-Merrill Company, 1968. 261 pp.

Examines the history of the Negro in American politics from the Civil War through the 1968 elections; defines where and how black people are making political progress, and outlines the potential for the future.

Blind Man With a Pistol, by Chester Himes. New York: William Morrow & Co., Inc., 1969. 240 pp.

The author of *If He Hollers Let Him Go* authentically and compassionately narrates 24 hours of the anger, agony, and love that so well describe the struggle for life in the black and white world of Harlem.

Business Leadership and the Negro Crisis, edited by Eli Ginzberg. New York: McGraw-Hill Book Company, 1969. 175 pp.

A collection of statements by businessmen, Negro leaders, government officials, and social scientists of the

major causes of the Negro crisis with recommendations to help resolve it.

Die Nigger Die! by H. Rap Brown. New York: Dial Press, Inc., 1969. 145 pp.

The past head of SNCC and a spokesman for today's Black protest movement records the ideas, attitudes, and experiences that go into the making of an intensely alienated Black activist.

Eldridge Cleaver, by Eldridge Cleaver. New York: Random House, 1969. 211 pp.

The author of *Soul on Ice* writes about black, white, freedom, violence and confrontation with American life.

El Espejo. Anthology edited by Octavio Romano—V. Berkeley, Calif.: Quinto Sol Publications, 1969. 200 pp.

A collection of literary works, essays, poetry, short stories, reflecting the broad range of thought and personal experience of Mexican Americans.

The Example of Richard Wright, by San McCall. New York: Harcourt, Brace & World, Inc., 1969. 202 pp.

Presents an intensive analysis of Richard Wright's major and most representative achievements, a historical study of Wright's position as a left-wing polemicist and black spokesman, and an appraisal of Wright's influence on subsequent black writers and of the continuing importance of his work.

The Ghetto and Beyond: Essays on Jewish Life in America, by Peter I. Rose. New York: Random House, 1969.

A collection of essays written by critics, sociologists, novelists, and religious leaders which explore the Jewish experience. How the American Dream affects Jewish life and culture and why Jewish people often choose assimilation over tradition are among the subjects discussed.

Means and Ends in American Abolitionism: Garrison and His Critics on Strategy and Tactics, 1834-1850, by Aileen S. Kraditor, New York: Pantheon Books, 1969.

A study of the development of aboli-

tionist thinking on goals, strategy, and tactics from the consolidation of a National movement in 1834 to 1850. The author discusses the debates that took place over religion, political activism, the place of women in the anti-slavery movement, and the tactics of William Lloyd Garrison.

The Negro in Third Party Politics, by Hanes Walton, Jr., Ph.D. Philadelphia: Dorrance & Co., 1969. 123 pp.

A scholarly and detailed analysis of how minority group parties have used Negroes and been used by them as tools for social, political, and economic change.

Negroes for Medicine: Report of a Macy Conference, by Lee Cogan. Baltimore, Md.: The Johns Hopkins Press, 1968.

Reports on the problems faced by Negroes who wish to enter the medical field, as well as those who, because of economic deprivation, limited educational opportunities, or inadequate career counseling, never seriously consider a medical career.

Oakland's Not for Burning, by Amory Bradford. New York: David McKay Company, Inc., 1968. 248 pp.

A firsthand report of a dynamic experiment in urban development which serves as a guide to Federal and local action in similar cities that seek understanding and help in dealing with one of America's most paralyzing problems.

One Year Later, by Donald Canty. Washington: Urban America, Inc., and the Urban Coalition, 1969. 122 pp.

An assessment of Nation's response to the crisis described by the National Advisory Commission on Civil Disorders.

Pioneers in Protest, by Lerone Bennett Jr. Chicago: Johnson Publishing, Company, Inc., 1968. 267 pp.

A collection of seventeen biographies which tells the story of twenty men and women, black and white, who have pioneered in the field of black protest.

Snaps, by Victor Cruz. New York: Random House, 1969.

A collection of poems of people, the city, oppression, love, New York, and Spanish Harlem. The author writes from the life and experience of the ghetto and with lyric power.

The Teachers Strike: New York, 1968, by Martin Mayer. New York: Harper & Row, 1969. 122 pp.

Through personal interviews with virtually everyone who became involved in the crisis the author presents the first complete and comprehensive story of a series of strikes that will affect the future of urban education everywhere.

They Came in Chains, by Saunders Redding. Philadelphia: J. B. Lippincott Company, 1950. 320 pp.

Traces in detail the changing circumstances under which Negroes have lived in this country from the day in 1619 when the first twenty Africans were put ashore at Jamestown, Virginia to the period immediately preceding the Supreme Court's memorable decision on school integration.

Three-Fifths of a Man, by Floyd McKissick. New York: The MacMillan Company, 1969. 223 pp.

A powerful and constructive proposal for solving our nation's racial crisis through honest application of the United States Constitution and through Black Economic Power.

Violence in the Streets, edited with an introduction by Shalom Endleman. Chicago: Quadrangle Books, 1968. 471 pp.

A collection of papers by a wide variety of experts and sensitive social observers on the origins and forms of violence, its dissemination by the mass media, criminal and racial violence, and the role of the police.

Pamphlets

Answers to Your Questions About American Indians, by the U. S. Department of the Interior. Washington, D. C.: U. S. Government Printing Office, 1968. 42 pp.

The Blacklist, compiled by Helen Y. Harris et al. Baltimore: Enoch Pratt Free Library, 400 Cathedral Street, 1969. 16 pp.

Annotated bibliography of literature by, or about black people. The Enoch Pratt Library also has available reading lists on the inner city, *Dynamic Black Africa*, *The Black Man's Past in America*, and a com-

prehensive listing of *The Black Man in Films*. Pamphlets cost from 5 to 15 cents each and may be ordered in bulk at reduced prices.

Negro History and Literature: A Selected Annotated Bibliography. New York: American Jewish Committee, 1968. 29 pp.

Reports

A Decent Home. The report of the President's Committee on Urban Housing. Washington, D. C.: U. S. Government Printing Office, 1969. 252 pp.

The final report of the President's Committee on Urban Housing and recommendations made concerning the ways in which costs can be reduced, production increased, and decent housing built for citizens with low incomes.

People of Rural America. Washington, D. C.: U. S. Bureau of the Census, 289 pp. Available through U. S. Government Printing Office.

Attempts a new definition of rurality as distance from metropolitan area plus density of population. Contains sections on rural nonwhite populations, birthrate differentials, educational status, employment, and income. Uses 1960 Census figures.

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- Schools CAN Be Desegregated
- Education Parks
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- Process of Change: School Desegregation in Syracuse, N.Y.
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