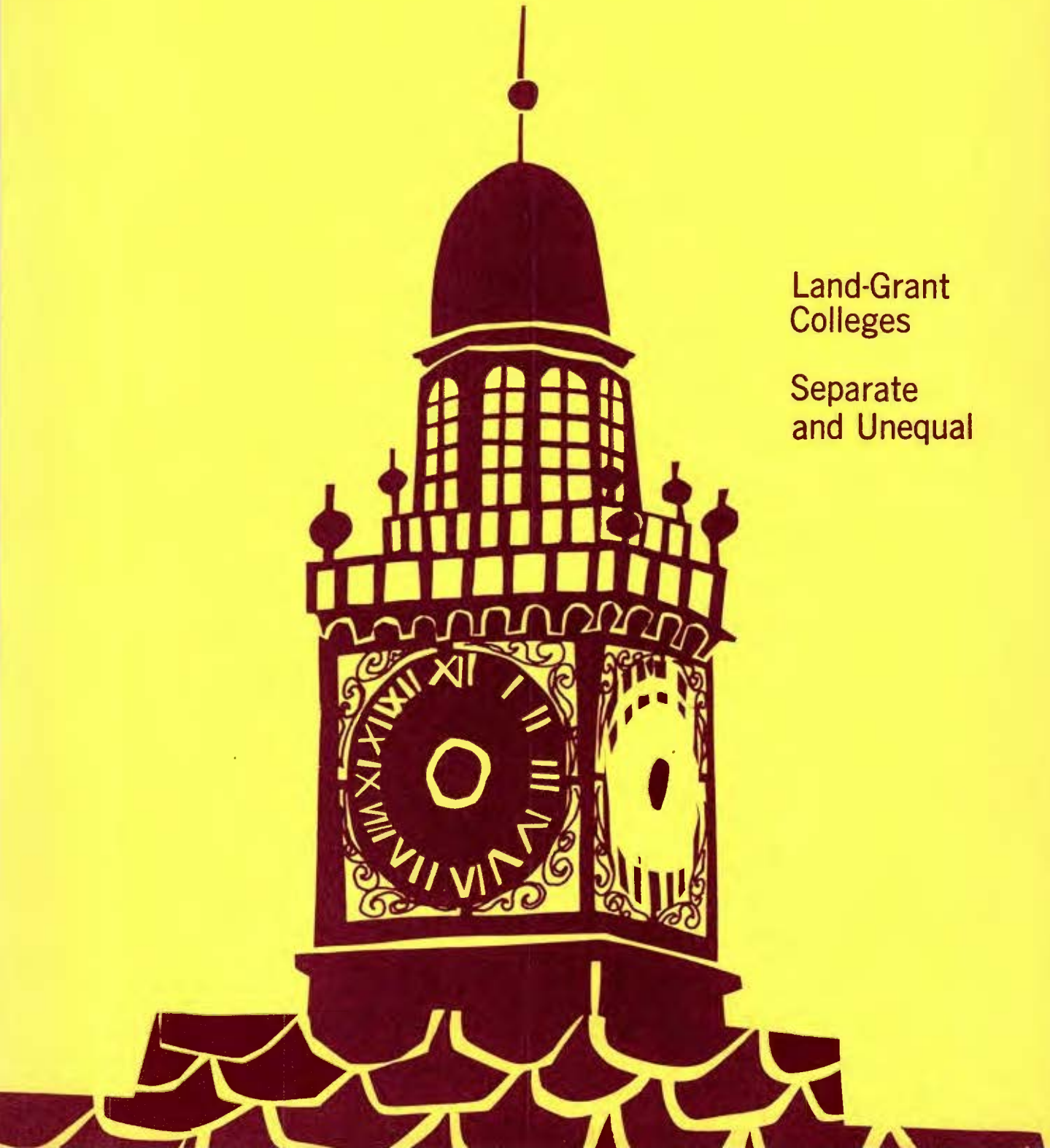


CIVIL RIGHTS DIGEST

A Quarterly of the U.S. Commission on Civil Rights/Spring 1970

Land-Grant
Colleges

Separate
and Unequal



CIVIL RIGHTS DIGEST

Vol. 3, No. 2, Spring 1970

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YOUTH PATROLS: AN EXPERIMENT IN COMMUNITY PARTICIPATION

The emphasis on young black people as participants in civil disorders, an emphasis noticeable in data collected by the Lemberg Center's* Civil Disorder Clearinghouse (CDC), has called attention to a deepening national crisis—a crisis characterized by increasing polarization of the races and a growing sense of alienation in the young.

Seen in this context, one of the more interesting enterprises recently undertaken by a number of cities involves the use of security or youth patrols. The young people in these groups, operating within their own neighborhoods, work in association with, or have the official (sometimes unofficial) sanction of, civil authorities. In general, they act as liaison or buffer between their community and the civil authorities. Their primary function has been to aid in the maintenance of security or in the restoration of order in their community, especially during civil disorders. They do this by performing such tasks as calming crowds, observing and monitoring incidents, and, in a few instances, actually policing their community.

Youth patrols have differed in title and function. In Tampa, Fla., members of the group were called "White Hats"; in New Rochelle, N.Y., they were referred to as "police partners"; in Grand Rapids, Mich., they bore the more dignified title of the "Task Force"; while in Providence, R.I., they

were simply dubbed the "soul patrol." Nevertheless, despite the differences, each of these groups has been characterized by the use of persuasion instead of force in its activities.

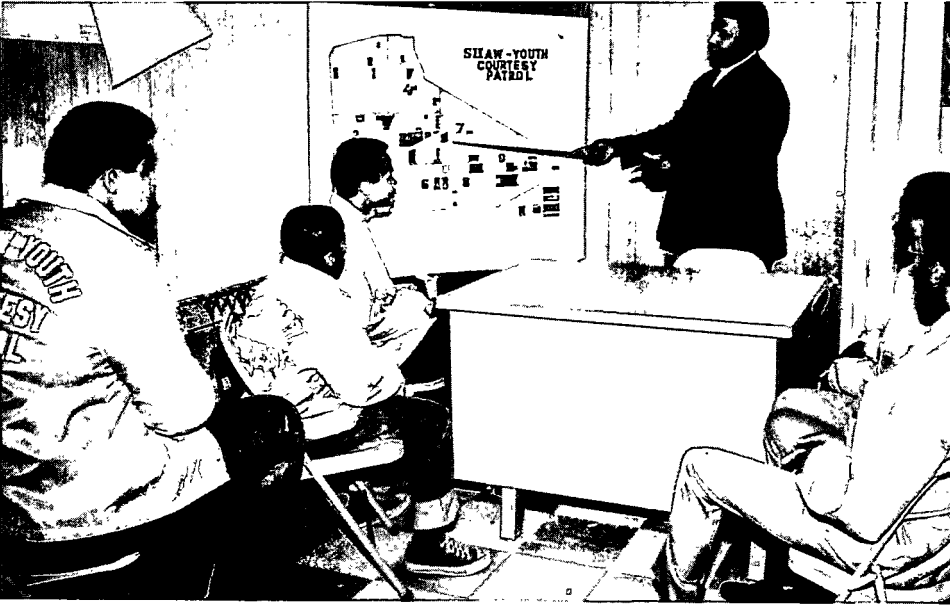
The use of these groups has resulted in a considerable amount of national attention and discussion on the part of the news media. In addition, many local officials in cities with youth patrols have paid them glowing tributes on television, at news conferences, and at formal ceremonies.

Still, a certain amount of doubt has lingered in the minds of some public officials as to how helpful youth patrols actually have been. In their view the patrols were used only *after* the worst violence had occurred or *after* the police and other law enforcement officials had taken certain steps. Moreover, officials privately (and sometimes publicly) voice fears that these groups may try to supersede or usurp the functions of the local police. Taking note of this controversy, the Kerner Commission reported it "still lacks conclusive evidence on whether youth groups like the 'White Hats' can be effectively utilized in all instances to help control disorders."

The issues raised by the existence of youth patrols suggest three central questions:

1. *Why and how are the patrols formed?*
2. *Are they instrumental in restoring or maintaining order?*
3. *What effect do they have on community relations and development?*

To answer these questions, sev-
*The Lemberg Center for the Study of Violence at Brandeis University, Waltham, Massachusetts, has been established to serve as a source for research and education on the causes and effects of violence.



eral methods of investigation have been adopted. The Lemberg Center employs a national news clipping service which monitors a large number of newspapers across the country. Newsclips, numbering in the hundreds, were the initial source of information. Official reports and documents were another valuable source. Finally, telephone interviews were held with local officials and other persons connected with youth patrols. Those interviewed included mayors, chiefs of police and other law enforcement agents, human relations and anti-poverty officials, as well as black leaders and other organizers of youth patrols.

For purposes of data collection, 12 cities which used youth patrols in 1967 or 1968 were selected as case studies *:

1. Tampa, Fla.;
2. Dayton, Ohio;
3. Atlanta, Ga.;
4. Des Moines, Iowa;
5. Grand Rapids, Mich.;
6. New Rochelle, N.Y.;
7. Saginaw, Mich.;
8. East Palo Alto, Calif.;
9. Providence, R.I.;
10. Pittsburgh, Pa.;
11. Boston, Mass.;
12. Newark, N.J.

Immediate Origin

In 10 of the 12 cases under discussion here, youth patrols were

established *during* an outbreak of violence. Only two were organized prior to disorders—in Des Moines (although it is not clear when) and in Grand Rapids (a month or two before).

The initial impetus to organize these patrols invariably came from the black community, while the planning and implementation were usually subsequently worked out with local officials. In Saginaw, the creation of a youth patrol followed a meeting between a black mayor [Henry Marsh] and black leaders. The real initiative for the patrol there appears to have been taken by Black Power advocates. In Pittsburgh, a "trial program" originated with a group of youthful volunteers who met with Safety Director David Craig and four white and two black policemen. A youth patrol in Boston operated out of Youth Alliance, a self-help organization. In Dayton and At-

* *The selection of security patrols for the period of 1967-68 was deliberate insofar as more information concerning their activities was available. However, it should be noted that such patrols have operated more recently in cities such as Detroit, Chicago, and Minneapolis.*

lanta, the prime mover for a youth patrol was, in each case, a black State legislator.

In two cases the formation of a youth patrol involved a special agreement between black leaders and civil authorities. In Tampa, a serious disorder first erupted on June 11, 1967. Two days later, while the violence continued, a meeting was held between city officials and members of the black community. The proceedings of the meeting were recorded in a report by the Tampa Police Department as follows:

Mayor [Nick] Nuccio and party . . . arrived at College Hill Elementary School for meeting with negro [sic] group. Gist of conference was Negroes expressing grievances. Negroes wanted police removed from area and stated they could and would police their own area. Sheriff [Malcolm] Beard, Mayor Nuccio, and party agreed, with the Sheriff stating he would have or show faith in them by restoring normal police patrol to the riot areas, with the understanding at the first sign of organized disorder the additional police patrols and soldiers would be put back into the area and rigid law enforcement maintained. Sheriff stated this would have to include entire city. Jim Hammond [Director of the Commission of Human Relations] and his staff, Robert Gilder [President of the Tampa NAACP] and his staff spread out looking for youthful leaders throughout the City.

Thus the creation of the Nation's best known youth patrol was spearheaded by an agreement between the black and white communities in which blacks would bear a major share of responsibility for stabilizing the situation. A

similar set of circumstances surrounded the formation of a youth patrol in East Palo Alto on July 31, 1967.

Composition

With the exception of Newark, where a number of Puerto Rican youths participated, virtually all the youth patrols were comprised of blacks, most of whom came from the ghetto. Patrol members were usually young people ranging from 15 to about 24 years of age. Some were employed by local anti-poverty agencies. At least one-third of all the youth patrols surveyed contained young men with records of arrest. Evidence of school dropouts participating in the patrols was found in two cases, although the actual number was probably much higher.

The number of persons participating in youth patrols varied considerably. Pittsburgh, Providence, and Des Moines had the smallest patrols, with only about 20 members, and Newark's patrol of 500 was the largest. Six out of our 12 cases had fewer than 50 members, while the other six had 100 or more.

It is intriguing to note that in a large number of cases some youth patrolmen had previously participated in disorders. In at least five youth patrols some of the young men who were throwing Molotov cocktails one night walked the streets the next night trying to restore order. One can only speculate on the reasons for this seemingly contradictory behavior.

Interviews and informal talks by Lemberg Center staff members with black youths have revealed that the latter's attitude toward violence and participation in civil disorders is both romantic and ambivalent. The romantic note

may derive from the image of dying in defense of one's community like a freedom fighter or patriot in any age or country. The image of dying is reinforced by a streak of hopelessness born of fear and resentment of the white community.

Nevertheless, this pessimistic attitude may well be a surface phenomenon. Probably underneath the pessimism exists an intense yearning for life, for hope, and for creative participation in the social processes of the community. A look at some of the statements of youth patrol members reveals not only feelings of bitterness, frustration, and resentment against the white community, especially the police, but also reveals a feeling of pride, a sense of involvement, and a desire for recognition—in other words, aspiration to contribute in a constructive way to the community. Witness the following remarks by youth patrolmen at the time of civil disorders in their cities:

We're not do-gooders or cop-lovers. We just wanted to keep kids from getting shot. We knew the police were going to come down here, determined to stop the trouble the only way they knew how, so some of us decided that the fewer people there were on the street the less chance the cops'd have to shoot it out. [Providence]

I thought I could do more than the police in a better way. I know most of these people and I'd have a better response than a policeman with a stick. [Dayton]

This is my city, and I'd hate to see it burned down. ...I just hate to see children trampled and stomped and shot at. [Newark]

We want to show this neighborhood and also the people Downtown that we don't need the Army

or the police to take care of a neighborhood. We're saying we can if you will let us live with dignity. [Pittsburgh]

Effectiveness

In any event, the youth patrols were highly successful in discharging their responsibilities during racial disorders. In many cases, they were called upon to deal with angry, hostile crowds in a highly excited state. In most instances the patrols demonstrated their ability to contain and disperse crowds, to cool tempers, to get people off the streets, and to convince active participants to stop engaging in the violence. Angry young men listened to the youth patrol's message to "cool it" and responded in an affirmative way as these examples indicate:

In Boston, April 5, 1968, late in the afternoon, a two-alarm fire at 333 Blue Hill Ave. destroyed part of a block of three stores containing a furniture store, real estate office, and dry cleaning establishment.

When firemen responded, they were pelted with rocks, but a group of teenagers, wearing white armbands, circulated through the area. Using loudspeakers, they convinced the youths to stop the rock-throwing and then passed out mimeographed sheets that said: "Cool it". [Boston Globe April 6, 1968]

Tampa deserves special mention, for the White Hats there assumed patrolling functions in the unusual context of severely reduced police activity. On June 14, about 1 hour after the youth patrol was in the field, a knifing incident and crowd buildup in the area were reported. Sheriff Beard was inclined to send

troops into the area. Jim Hammond, one of the principal organizers of the patrol, felt that police already cruising in the area were responsible for the buildup of crowds. He opposed sending in more troops. The Tampa police report later outlined the tense situation:

Hammond appealed and said reason for buildup [of crowds] was due to numerous patrol cars still in the area. . . . This proved to be true and was corrected. . . . A TPD [Tampa Police Department] Sergeant had sent cars into the area by error. The cars were removed and crowds were dispersed by the white helmets.

The police report went on to stress: "This was the most tense moment after the first night's rioting. A wrong or hasty decision would have created more trouble and additional bloodshed."

The evidence is clear. Youth patrols were extremely effective in handling crowds and reducing tensions in given situations. In general, their performance under trying circumstances was impressive.

Relations with the White Community

Despite the previously mentioned ambivalence of these young men, their peacekeeping activities necessarily involved a measure of coordination with the white community. On the whole, relations between the youth patrols and the civil authorities were cooperative and, in fact, youth patrols served to create new "channels of communication" between local officials and the younger elements of the black community. In a few cities which had experienced disorders on previous occasions, youth pa-

trols appear to have been a factor in bolstering other local peacekeeping efforts and in contributing to generally improved communication between blacks and whites. Hence the influence of youth patrols on the community went far beyond their mere numbers and specific activities.

Because of the nature of their activities, youth patrols necessarily had the most contact with local police officials among all civil authorities. From the beginning, most patrol objectives were in some way linked to the police department or other local law enforcement agency. In five out of 12 cases, youth patrols were set up in direct connection with local law enforcement officials. In New Rochelle, the youth patrol went through the streets with civil rights workers as well as policemen. In Dayton, the police moved the teams of young men around into areas in which crowds were gathering. In Tampa, headquarters for the White Hats were designated in five areas of the city and black policemen were assigned to each as advisors. These activities were carried out in a spirit of mutual concern and cooperation.

Additional evidence attests to a general willingness on the part of the police to work with the young men who volunteered their services. At times this was seen in small ways. In Dayton, the police provided dinner for the tired members of the youth patrol. In Providence and Tampa, the police department and sheriff's office supplied the white helmets to be worn by the members. This willingness to cooperate was seen in more important ways as well. In no case did youth patrolmen have powers beyond those of an ordinary citizen. They could not carry arms or make ar-

rests. Nevertheless, in many instances, the police agreed to a certain amount of additional latitude so that youth patrols could function more effectively. In Boston, for example, youth patrolmen were allowed to cross police lines. In Providence, the police department granted them permission to stay out after the 9 p.m. curfew. And in East Palo Alto and Tampa, the police severely reduced their own numbers and activities as part of an agreement with the young volunteers.

This is not to say that relations between police officials and youth patrols were completely amicable, for clearly they were not. The ambivalence on the part of youth patrol members toward police was in large measure reciprocated by the police. Relations between the two groups were always characterized by a certain amount of mutual fear, resentment, and mistrust. These feelings on the part of the police were manifested in a variety of ways, ranging from an initial reluctance in some cases to help organize youth patrols to resistance by the rank and file in having to work with these groups. For example, in Newark, there was some friction between members of the United Community Corporation (UCC) and police after policemen were ordered to let the UCC try to calm one area of the city following the assassination of Dr. Martin Luther King, Jr. Police radios reportedly crackled with sharp remarks about the UCC.

But given the amount of mutual dissatisfaction and distrust between the police and youth patrols, it is not surprising that this kind of incident occurred. What is surprising, if not remarkable, is how few incidents there were and how they failed to alter the

basically cooperative relations between the two groups at the time. Therein lies the central point regarding communications: the joint efforts of the police and youth patrols during civil disorders in all probability did little to change the basic attitudes and assumptions of those involved. However, such efforts did show that it *was at least possible* for both to work side by side in given situations. Sam Bell, one of the leaders of the Youth Alliance Security Patrol, made the point very well when he was quoted as saying: "Our attitude toward the police hasn't changed. However, last night, I think they were very restrained."

The glowing tributes to youth patrols issued by city officials at the time of disorders further underscore the point: that opposing groups with different, probably conflicting, points of view share some common concerns which can serve as the basis for agreement on specific issues. In at least two-thirds of our cases, youth patrols were praised by chiefs of police, mayors, or other high-ranking city officials. In press conferences, television appearances, and special citations, these officials showed their appreciation of the young volunteers with superlatives such as "fantastic" and "great."

The Role of Young People

It is a fact that a general improvement in communication in some cities coincided with the use of youth patrols at the time of the disorders. But the question arises: Were youth patrols a cause or merely a symptom of improved communication? While recognizing the limitations on drawing such a conclusion, it is still possible to suggest that youth patrols were at least one important factor in the



pattern of citywide communication.

This conclusion rests on the importance of young people in the community. With increasing frequency, observers of the national scene have drawn attention to a new generation—more articulate, more militant, more politically aware—a generation which seeks to confront the central issues of its time and to increase the social and political consciousness of its society. It may be a mistake to credit a whole generation with activism, but certainly the present younger generation includes some notable activists, and certainly their style influences others. This is true of both the young white radical and the young black militant.

A second, if not more important, point regarding young people concerns their role during times of intense social conflict. There is abundant historical evidence to show that certain groups in society which are deprived of position and power under normal conditions play a leading role during periods of social turmoil. The Hungarian Revolution provides a recent example, as P. Kecskemeti notes in his book *The Unexpected Revolution*:

To a very considerable extent, the street battles were fought by the young: students, apprentices, school children. A good many older people participated too, but it seems certain that the struggle would not have been sustained as

long as it was if it had not been for the death-defying, desperate determination of the very young.

In civil disorders in the United States two sources of unrest appear to have converged: youth and race. The Kerner Report says that the "typical rioter" is a Negro male between the ages of 15 and 24. But the significance of young black participants in violent outbreaks goes beyond mere numbers. Theirs has been a vanguard role: leadership as well as initiation. To the extent that older people do participate in disorders, their participation tends to come in the later stages of the violence.

Evidence exists that young people in the community helped lead the peacekeeping efforts as well. In Newark, for example, the *News* noted on April 6, 1968: "Teenagers moved in last night where adults had failed before. Whether the credit was theirs or not, Newark had a quiet night." On April 11 the same newspaper again took note of the efforts of the young people trying to restore peace: "There were signs that the forces mobilized in the community—particularly among the youth and the poor—were succeeding in keeping the city from erupting into violence."

In Boston, the Youth Alliance Security Patrol was expanded to include other residents of the community, many of them older people with families who had never before participated in the community's affairs. Scores of residents from Roxbury, North Dorchester, and the South End, each wearing a white armband, walked and drove through the streets, helping to restore order. The *Globe* on April 6, 1968, indirectly underscored the importance of their role by speaking of the ordinary agencies of

social control as working in the background: "Behind their efforts was the coordinated action of state and local officials, hospitals and neighborhood organizations, police and civilian administrators. On April 7 the *Globe* also noted there were dozens of self-help agencies "supporting the work of the youths."

Thus, in an immediate sense, young people seemingly took the lead both in initiating violence and in restoring peace. And at times it was the *same* young people. In almost half our cases, youth patrols contained individuals who had participated in the violence.

Leadership in the perpetration of violence—as documented by the Kerner Commission—and leadership in the restoration of peace—as documented in this article—constitute two facets of the same phenomenon: young people seizing upon the opportunities of a conflict situation to exercise the influence and power denied them under normal social conditions. Their influence—in helping to restore order, working with civil authorities, and spurring other local peacekeeping efforts—was considerable. There is a great deal of truth in the statement issued by the Youth Alliance Security Patrol in 1967: "It is the youth who are reacting. It is the youth who will move Black communities; one way or the other." In this sense, youth patrols may be seen as an important factor in the total social communications pattern of the cities."

CONCLUSIONS

The final comments given here are not limited strictly to the findings of this article or to youth patrols as an isolated phenomenon. Far from being isolated, youth patrols are part of the broad discon-

tent and turmoil sweeping American cities. In this context, the following conclusions seem reasonable:

1. The initiatives taken by black communities—in proposing, planning, and participating in youth patrols—are consistent with numerous other community enterprises in many areas of the country. Hundreds of self-help organizations, new groups to establish and encourage black businesses, and national amalgamations of local groups attest to the growing resolve of Negroes to assume responsibility for their affairs. These efforts in mobilizing local resources can help to further vitalize the Nation's black communities.

2. Cities must become more innovative in dealing with their problems. To the extent that cities have been willing to experiment with new ideas and programs, their efforts have centered upon the containment of civil disorders—new types of weapons, new methods of police training, and new plans for crowd control. Few would object to making the containment of violence more humane and effective. But these approaches, in the absence of more positive measures, will do little to forestall further outbreaks. Greater priority must be given to preventive measures which deal with the source of unrest. It is significant that three-fourths of the youth patrols described here were created during outbreaks of racial violence and that most were disbanded not long after order was restored. Following the violence, city officials, regrettably, showed little inclination to explore any preventive role that some form of citizens' patrol might play under normal conditions.

3. A vast reservoir of untapped

talent and energy exist among the younger elements of black communities. The leadership role of young people both in initiating and in helping to quell violence suggests that this energy can be used for either constructive or destructive purposes. Communities have an opportunity as well as an obligation to involve young people in creative enterprises. The success of youth patrols—in helping to restore order, working with civil authorities, spurring other local peacekeeping efforts, and facilitating communication—indicates that more cities would benefit from youth patrol programs.

Because of local variations, no attempt will be made here to present a definitive blueprint for the "perfect" patrol. In some situations, it may be advisable to emphasize the patrolling aspects in high tension areas or at special events such as dances and concerts. Patrols might also be used effectively in tense school situations. In the last 2 years, schools have become major centers of overt racial conflict. Some communities have responded by stationing police units in schools, which creates a strong feeling of resentment among the black students and their parents. In these situations, local officials might consider using youth patrols either to supplement or replace the police.

Schools might do well to use students in other nonracial situations as well. For example, last February New York's Fordham University, in response to numerous thefts and assaults on campus, created a student patrol to supplement the regular security force on campus. Patterned after another student patrol at Seton Hall University in New Jersey, the Fordham patrol is comprised of 35

students, mostly white, who patrol the campus nightly.

Still another alternative might involve tenant patrols in housing projects where residents have often been plagued by acts of vandalism and inadequate police protection. Adults as well as young people might be used in such patrols. Boston has experimented with just such a patrol in its Orchard Park housing development. Despite a notable lack of attention to this kind of patrol in the press, the New York City Housing Authority currently sanctions and encourages patrols in 90 of its 165 housing projects. Some 8,500 volunteers—an incredible number of people—comprising tenants of all ages are currently participating in this community venture.

4. Regardless of which approach to security patrols is tried, adequate planning and funding are essential. The disappearance of most patrols after a wave of violence subsides underscores the need for comprehensive planning and coordination. The size of the groups, provisions for some sort of headquarters, and, most important, definition of functions in relation to the city government are the kinds of concerns which should be dealt with before the groups have been formed. The support of key segments of both the black and white communities, such as the police and the black militants, is also essential.

There are a number of sources available for funding the patrols. On May 14, 1968, for example, the United States Senate passed an amendment to the Omnibus Crime Control and Safe Streets Bill sponsored by Senator Charles H. Percy. This amendment provided Federal funds for youth patrols. The plan authorized Federal aid

up to 60 percent of the cost of special youth units established as a link between police departments and black communities. The final act, which Congress passed in June 1968, omitted this amendment but provided block grants to the States for comprehensive plans for crime control. The Law Enforcement Assistance Administration of the Department of Justice now awards such grants to the States which distribute them to various communities. Funds for security patrols can be included in these plans. Cities can also receive money for security patrols through the Federal Government's Model Cities Program. Boston's ambitious plan for a "network of security patrols" was initiated under a model cities proposal. Funds might be raised on the local level as well. In particular, businessmen can make a valuable contribution in this area.

Security patrols *alone* will not prevent civil disorders any more than they *alone* can stop them once they occur. It is likely that the United States will continue to experience difficult and painful confrontations, sometimes verbal, sometimes violent. The real significance of youth patrols lies in demonstrating that opposing groups with different, even outright conflicting, points of view share common concerns which can serve as a basis for constructive agreement and action.

TERRY ANN KNOPF

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EQUAL ADMINISTRATION OF JUSTICE:

REFLECTIONS OF A

Editor's Note:

The acute shortage of court interpreters in the Southwest for Spanish-speaking people of the region, numbering in excess of 3.5 million, is documented in the Commission's report "Mexican Americans and the Administration of Justice in the Southwest". The writer of the following article is a court interpreter and translator for and in the courts of Nueces County, Texas with 35 years of professional service. In a community of about a quarter of a million residents, he represents a task force of one in his profession. The writer affords a glimpse at his role as a court interpreter and reflects on the profession's importance in the administration of justice.

My name is Tony Abarca. I am the interpreter for the court and I have been asked to come here and interpret for you.

A witness in a civil matter is about to be heard in a court of law. He is beginning an involvement that is personally awe inspiring. My first words and what is to follow represent the only link of communication between a man who cannot speak the language of the court nor know or understand its proceedings—the witness cannot

fluently speak or understand English—he is one of thousands of Spanish-speaking citizens in the Southwest who knows little or no English.

In my layman's interpretation of the Constitution, a person has the right to confront and question witnesses against him especially in criminal cases. To many Spanish-speaking people, however, this confrontation cannot be done—in English. I help resolve the language difference. I ask the reader

to identify with the role of a Spanish-speaking witness and allow me to interpret the role of the professional court interpreter.

They [judge and lawyers] are going to ask you some questions about the case for which you are testifying now—things that have happened in your personal life—your personal background—and other things.

For many Spanish-speaking citizens, the administration of justice is a bewilderment. Often these citizens are uncomfortable in the austere surroundings and are burdened by past rumors of what is about to take place.

Look at me! I want to tell you this and it's very important—listen to me! If you do not understand the questions be sure and tell me and I will tell the lawyer or judge and he will put it [the question] in different phrases and words.

Mr. Garcia [a name I'll give you, the reader] I am here so that you can understand all that is said.—I am going to translate all the

SPANISH-SPEAKING INTERPRETER

questions they ask in English—I will ask them of you in Spanish. All of the questions have to be asked in English because this gentleman here is a court reporter—that is to say, this gentleman is going to take notes on all the questions and the answers.

At this point I have simply begun to establish the lines of communication.

There is a mistaken idea by authorities that just because a man speaks English and Spanish he can be an interpreter. All too often authorities draw individuals from secretarial pools, the maintenance force, or the police force to act as temporary interpreters and surmise they are qualified court interpreters because of their bilingual capabilities. This is not so! The role of the interpreter is an important requirement for Government in hearing and representing the Spanish-speaking citizens of the country.

In the case of the law enforcement officer who substitutes for a court interpreter, you have a situa-

tion where in many small communities the same officer also has been involved in the investigation of the case in which an accused is defending himself. While not intentional, there is the potential subconscious bias present in the law officer's role as an interpreter when he also will be acting as a witness for the prosecutor. In my opinion the services of a separate and professional court interpreter would negate this potential bias.

To be an interpreter you have to know the fine points of the profession which far exceed fluency in languages. A qualified court interpreter must first have a working knowledge of the court, followed by knowing the environmental characteristics of the people. He must have an ability to understand the thought processes of the people and, most important, the vernacular of the time and place. He must be familiar with many terminologies specific and unique to a witness' occupation. He must be able to communicate at the educational level of an individual's under-

standing.

Nueces County, Texas is unique in having a professional court interpreter as an officer of the county staff. Unfortunately, most authorities elsewhere in the Southwest have not seen the need nor acted in filling the requirement. Instead, Government officials often substitute and rely on bilingual individuals, "who happen to be available", to serve as temporary so-called interpreters. Their sole professional criterion is a reasonable knowledge of both languages. While administratively convenient, the use of these untrained individuals by Government agencies places the rights of Spanish-speaking citizens in jeopardy.

I started in my present job 24 years ago, replacing an Anglo court interpreter who had picked up "ranch Spanish" for his bilingual credential. I would like to think I have helped bring the role of the court interpreter to the level of professionalism it requires. The services of the profession are urgently needed and blatant.

While my first loyalty and responsibility are to the courts of Nueces County, Texas, I also provide services to numerous local, State, and Federal agencies in addition to private business. This can only help reflect the need, unfortunately not the unfulfilled demand. What I am deeply concerned about is the apparent lack of concern in acquiring young, educated individuals and preparing them to be professional court interpreters.

The language barrier is far from being resolved. In recent years matters have worsened and I have observed young people from the Spanish-speaking population of South Texas evolve into a segment of the community which cannot make itself really understood coherently or fluently in either language.

All of this is further complicated by the small number of bilingual lawyers familiar with the environmental characteristics of the Mexican American. Lawyers not familiar with our ethnic group have difficult times in and out of court with Spanish-speaking clients.

In speaking before legal organizations, especially with a marked membership of new attorneys, a key point I always make in the way of a suggestion is the use of simple and small words in the questioning of a Spanish-speaking witness:

Fellas, you have several years of college behind you and a vocabulary representative of the legal profession. This vocabulary was partly acquired in law school and there is a definite need and place for its use. But don't use it with a poor Mexican American witness who is half-scared to death and has but a sixth grade education.

MEXICAN AMERICANS AND THE ADMINISTRATION OF JUSTICE IN THE SOUTHWEST

The inability to communicate between Spanish-speaking American citizens and English-speaking officials has complicated the problem of administering justice equitably. On the subject of court interpreters, the U.S. Commission on Civil Rights report "Mexican Americans and the Administration of Justice in the Southwest", released in April 1970, found:

"Interpreters are not readily available in many southwestern courtrooms:

(a) in the lower courts, when interpreters were made available, they are often untrained and unqualified;

(b) in the higher courts, where qualified interpreters were more readily available, there has been criticism of the standards of their selection and training and skills."

Among the recommendations in the Commission's report on rectifying the language disability and inequality before the law was that:

"The States in the Southwest should establish programs for the recruitment, training, and employment of court interpreters to be used in areas where there are large concentrations of Mexican Americans."

In justifying the recommendation, the Commission's report said:

"A serious problem in the Southwest is the absence of qualified interpreters in courtrooms handling large numbers of Mexican Americans who have difficulty communicating in the English language. A minimum of fairness requires that all persons concerned be able to understand what is being said. In some communities, however, the courts do not have interpreters or merely rely on untrained citizens or on regular court or law enforcement personnel to act as official interpreters. Comparable problems arise in other parts of the United States for primarily Spanish-speaking Puerto Ricans and Cubans. In areas with large concentrations of such groups similar steps should be taken to overcome the problems of language disability."

Make it simple. Use words of one syllable.

Don't ask him, 'Where are you employed?'—ask him, 'Where do you work?' Don't ask him to give the court his marital status—ask him, 'Are you married?'

Don't ask, 'Will you please state for the record your place of residence?' The witness often doesn't even know what record is—what state is—within the context of the question. Place of residence doesn't mean anything to him. Instead, just plain ask, 'Where do you live?—What is your address?'

A recent and typical exchange between a lawyer and Mexican American witness exemplifies what I mean. The witness was a 58 year old man who had a second grade education and had been a laborer all of his life in a rural community. The lawyer had previously posed questions on the events at the time the man was injured. In summarizing, the lawyer turned to the witness and said, "To be sure that I have your story straight, please give me a *chronological narrative* of the events as they occurred." I looked at the lawyer in amazement and calmly told him he was crazy and to please ask the question again, in a simpler way. In most instances I will address questions to witnesses even when I know they won't understand them. However, this attorney's question was just unreasonable. The witness simply would not have known what was meant and the lawyer should have known better.

I'm not a judge or jury. Professionally I call them as I see and hear them and let the chips fly where they may. I'm required by law to interpret all that is asked—on occasion I recommend the question be rephrased in the interest of clarifying the meaning for

the witness.

A smart lawyer will not take a chance on a bilingual witness if he is weak or marginal in understanding or expressing himself in English. Such a witness will often say he did not understand the [English] question. The question will then be rephrased and asked again. Everybody hates to admit his ignorance—it's embarrassing. Such a witness is not going to say, "I don't understand English." Instead he'll say, "Well, I don't know". The witness means I don't know what you're trying to ask in English rather than to the question itself.

As an example, lawyers, in expediting reconstruction of the events of a situation, in the initial meeting with their clients often ask and furnish the answers to Mexican Americans who cannot adequately express themselves in English.

The conversation at the meeting would go something like the following:

[The lawyer] Now, let's see, you were going, ah—what street was that—Leopard Street? Reply from the client: 'Yes'. Now you were going West—that's towards the sun? Reply: 'Yes'. And now you were going along you say about 10 or 15 miles an hour? Reply: An affirmative nod of the client's head. Fine—and then this car suddenly darted in front of you? Reply: 'Yes'.

Okay, then the client appears in court and the same lawyer now asks:

Will you please tell us in which direction you were proceeding at the time of the accident?

BINGO! Now the witness can't tell him. A lawyer can't lead the witness in court. So now the witness replies:

'I was going that way.' The law-

yer responds, Which way is that way? The witness, 'You know, that way towards the baking company.'

Of course the lawyer knows where he means but it doesn't establish it for the court's record. When it comes time for these bilingual individuals to tell it in court they can't because they are not proficient in English.

I've provided a brief look at a significant issue for the courts and the Spanish-speaking community of the Southwest. There are any number of dramatic situations that I could recount towards justifying the need for court interpreters. Unfortunately, many communities in the Southwest have yet to resolve their multicultural heritage involving Spanish and English languages. Debate is still present within local school boards on the desirable or negative aspect of early bilingual education. However, our courts are receiving a portion of the end product of the educational system in a predominately Spanish-speaking citizen with about a 7th grade education whose rights are in jeopardy because of language differences.

It is difficult for the courts to see the need of interpreters in view of the undecided positions in the value of bilingual, fluently educated citizenry.

The courts and all governmental bodies cannot wait for the debate on bilingual schooling to resolve itself. I would submit that differences in languages must not jeopardize the equality of justice for the citizenry of our country.

TONY ABARCA

Mr. Abarca is Spanish Interpreter and Translator for the courts of Nueces County, Texas.

Forgotten...

but not gone

THE NEGRO LAND-GRANT COLLEGES

Fort Valley . . . Alcorn . . . Prairie View . . . Langston —not exactly household words in the lexicon of higher education. Few people recognize them as the Negro land-grant colleges of Georgia, Mississippi, Texas, and Oklahoma, respectively. There are in fact 16 Negro land-grant colleges in the United States—sad reminders that the day of “separate and unequal” is still very much with us. What has happened and what is happening to these colleges is a story which requires telling and which should be of great concern to all people who believe in equal protection of the laws.

The notion of land-grant colleges began with Justin Smith Morrill, a Whig member of Congress, whose own formal education ended when he was 14. He sponsored legislation, first vetoed in 1859 by President Buchanan but subsequently signed into law in 1862 by President Lincoln, that provided for

... the endowment, support, and maintenance of at least one college where the leading object shall be... to teach such branches of learning as are related to agriculture and the mechanic arts . . . in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.

By authorizing legislation granting 30,000 acres of Federal land for each State's member in Congress, the

proceeds from the sale of which were to be used as a permanent endowment for what were soon to be called the land-grant colleges, the First Morrill Act was the initial step in democratizing higher education in America. Prior to this time, higher education in this country was the exclusive province of the elite, the rich, or the professional classes. The First Morrill Act came at a time when more than 80 percent of the labor force in the country was engaged either in agriculture [59 percent] or industry [24 percent]. It also came at a time when 90 percent of the Negroes in America were slaves.

Almost 30 years later, in 1890, the Second Morrill Act was passed which authorized the establishment of separate land-grant colleges for Negroes. Seventeen Southern and border States chose to do so, either by designating existing private Negro schools as the second land-grant institution in the State; designating existing State-supported Negro institutions; assigning funds to existing private Negro schools and subsequently taking them over as State institutions; or by establishing new land-grant colleges for Negroes under State control. Sixteen of the Negro land-grant colleges established under the 1890 law remain today. West Virginia discontinued the separate Negro land-grant college status of West Virginia State in 1957.

At the outset, the Negro land-grant colleges were little more than secondary schools offering the equivalent of a high school education. Although every one of the 17 States, except Tennessee,* had established a separate Negro land-grant college by 1900, none of the colleges offered college-level courses until 1916. A survey that year revealed that only three predominantly Negro colleges in the United States offered programs of standard collegiate grade and all three were private institutions. In the same year, there were only 64 public high schools for Negroes in the Southern States and only 45 of them offered a full high school curriculum. Enrollment in public Negro high schools was only 8,700. Even as late as 1928 Negro land-grant colleges enrolled more students in sub-college work than in college work. Arkansas AM&N, for example, only became a 4-year college in 1929 and Fort Valley State (Georgia) did not graduate its first 4-year college class until 1941.

**Tennessee did not establish a separate Negro land-grant college until 1912. All other Negro land-grant colleges were founded in the 19th century, between 1871 and 1897, although their current land-grant status was accorded as early as 1878 and as late as 1958.*



Thus it can be seen that today's Negro college student represents possibly only the second, and in some cases the first, generation of college-educated Negroes in the United States. The 1960 census showed, for example, that of Southern Negroes born in 1890, the year the Second Morrill Act was passed, the median school years completed was less than 4 years. Even of those who were born in 1930, the median school years completed varied between 5 and 9 years, depending upon place of residence (rural or urban).

Despite the tremendous handicaps they have faced and are still facing today, the Negro land-grant colleges, which enroll approximately 50,000 students or about 20 percent of all the Negro students in college today, have made significant contributions to higher education in this country. In 1969, the Negro land-grant colleges graduated nearly 8,000 students. Approximately 450 alumni have gone on to obtain Ph.D.'s. Some of the graduates are leading public figures: Whitney Young, Executive Director of the National Urban League, is a graduate of Kentucky State, for example; Howard E. Lee, Mayor of Chapel Hill, North Carolina, is a graduate of Fort Valley State; Ercell Watson, Superintendent of Schools in Trenton, New Jersey, graduated from Delaware State; The Honorable Damon J. Keith, District Court Judge in the Sixth Circuit, is a graduate of West Virginia State; The Honorable Russell Frye, first Negro to serve in the North Carolina State Legislature since Reconstruction, is a graduate of North Carolina A&T. It might also be added that the Negro land-grant colleges are the primary source for Negro officers in the Armed Services.

Some of the Negro land-grant colleges are among those with top curriculums. Alabama A&M has a 4-year program in computer science and Lincoln University (Missouri) was among the first institutions in the State to install a computer (1960). In addition, four colleges have degree programs in engineering, five have nursing programs, and one has a law school.

Even during the years that the Negro colleges were struggling to achieve collegiate status, they were controlled by white boards of governors. As late as 1940, only three of the Negro land-grant colleges had Negro board members with voting powers. Although legal segregation applied to elementary and secondary schools in the South prior to 1900, ironically it did not apply to colleges and universities. Nonetheless, a pattern of segregation was in fact created in such institutions and this was shortly confirmed by various State legislation. Thus, when one speaks of a predominantly white or Negro institution even today, it must be re-

membered that they are rooted in a history of segregation.

Segregation, in an informal though not legal sense, exists in the white and Negro land-grant colleges today. A survey by the Department of Health, Education, and Welfare of undergraduate enrollment in public institutions of higher learning in 1968 revealed that none of the predominantly white land-grant institutions have more than a 2 percent Negro undergraduate enrollment. Of approximately 330,000 students enrolled in predominantly white land-grant institutions in States where there is also a Negro land-grant college less than 1.5 percent are Negro. Ten of these institutions have less than 1 percent Negro enrollment.

Negro land-grant colleges have a somewhat larger percentage of white students. Of the more than 50,000 students enrolled at predominantly Negro land-grant institutions, approximately 5 percent are white. Eight of the colleges have more than 99 percent Negro enrollment and two colleges have only Negroes enrolled as undergraduates. With the exception of the Negro land-grant colleges in four border States, Maryland, Delaware, Missouri, and Kentucky, none of the remaining colleges has less than 96 percent enrollment of Negroes. In addition, West Virginia State, which was formerly all-Negro, is now predominantly white, having a Negro undergraduate enrollment of 26.7 percent.

The Second Morrill Act contained a "separate but equal" clause:

No money shall be paid . . . for the support or maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges for white and colored students shall be held to be a compliance . . . if the funds received in such State or Territory be equitably divided . . .

It is notable that the act called for an *equitable* division of funds but not necessarily an *equal* or *proportionate* division.

Testimony by then Deputy Attorney General Nicholas DeB. Katzenbach, during congressional consideration of the Civil Rights Act of 1964 with respect to Title VI of the act, forbidding discrimination in programs receiving Federal assistance, describes the effects of that title on this portion of the Morrill Act:

In addition, Title VI will override those provisions of existing Federal law which contemplate financial assistance to 'separate but equal' facilities. Assistance to such facilities appears to be contemplated under . . . the Second Morrill Act. . . . Title VI would override

all such 'separate but equal' provisions without the need for further litigation, and would give, to the Federal agencies administering laws which contain such provisions, a clear directive to take action to effectuate the provisions of Title VI.

A survey of the distribution of both Federal and State aid to predominantly white and Negro land-grant colleges shows that Negro colleges are discriminated against in terms of a fair share of such funds. A report by the National Science Foundation reveals that in Fiscal Year 1968, the predominantly white land-grant colleges in States where there is also a Negro land-grant college received \$200 million from various agencies of the Federal Government—*11 times* the amount of just over \$18 million which went to the predominantly Negro land-grant colleges. (Although Federal aid constitutes nearly 20 percent of income for all public institutions of higher learning, it amounts to only 10 percent of the income for predominantly Negro public colleges.) Just to cite a few examples (note chart on page 16): in 1968 the Federal Government gave \$5.8 million to Clemson, the predominantly white land-grant institution in South Carolina, but the same year the Federal Government gave only \$490,000 to South Carolina State, the predominantly Negro land-grant college in the State. Thus, although Clemson, the smallest of all the predominantly white land-grant institutions, has an enrollment only slightly more than three times that of South Carolina State, it received *almost 12 times* as much Federal money.

Similarly, in the same year the Federal Government gave almost \$9 million to Mississippi State but only \$650,000 to Alcorn A&M. Thus, although Mississippi State enrolls less than $4\frac{1}{2}$ times as many students as Alcorn A&M, it received *almost 14 times* as much in Federal aid. And so on down the list.

The University of Georgia, with 10 times the enrollment of Fort Valley, received *nearly 24 times* as much Federal aid. The University of Florida, with less than five times the enrollment of Florida A&M, received *24 times* as much in Federal aid. Virginia Polytechnic Institute, with only $1\frac{1}{2}$ times the enrollment of Virginia State, received *five times* as much Federal aid. North Carolina State, with less than $3\frac{1}{2}$ times the enrollment of North Carolina A&T, received *nearly nine times* as much Federal aid.

Federal funds are derived from two sources: so-called "formula" funds and specific grants or aid from individual Federal agencies. The formula funds are administered by the Department of Health, Education,

and Welfare (for resident teaching assistance) and the Department of Agriculture (for research and extension). One of the chief sources of the Federal aid imbalance is the Department of Agriculture. In Fiscal Year 1968, it gave nearly \$60 million to the predominantly white land-grant colleges—*150 times* the figure of less than \$400,000 it gave to the predominantly Negro land-grant colleges in the same States. The complaints of the Negro land-grant colleges against the Department of Agriculture are not new. Historically the most neglected functions of the Negro land-grant colleges have been research and extension and the Department of Agriculture is the chief Federal source for such funding. In 1939 the President's Advisory Committee on Education commented:

The most liberal interpretation that can be made of the situation indicates that the Negro has been discriminated against in the administration of the Smith-Lever Act in the South and that this discrimination has occurred in spite of the fact that there was sufficient basis in the legislation for the Department of Agriculture to have prevented it.

Not only are the Negro land-grant colleges discriminated against in terms of Federal aid, but in terms of State aid as well. (This is especially a critical problem because the predominantly Negro public colleges traditionally have received a greater portion of their income from State aid than from any other source—about 50 percent as compared to only 40 percent for all other public institutions.) A report of the National Association of State Universities and Land-Grant Colleges shows that 16 predominantly white land-grant institutions receive \$450 million in State appropriations—*almost nine times* the figure of \$52.3 million received by the Negro land-grant colleges in the same States. It must be remembered that enrollment in the predominantly white land-grant institutions is only about $5\frac{1}{2}$ times that of the predominantly Negro land-grant institutions.

Reflecting the above, a few examples include: The Texas State Legislature appropriated \$37.2 million for the operation of Texas A&M, the predominantly white land-grant institution in the State. The appropriation for Prairie View A&M was only \$4.5 million. Thus, although Texas A&M has an enrollment of only slightly more than three times that of Prairie View A&M, it received *more than eight times* as much in State aid. And so, just as in the case of Federal aid, the list of cases where State aid favors the white institutions continues.

FEDERAL AND STATE AIDS TO PREDOMINANTLY WHITE AND NEGRO LAND-GRANT COLLEGES

INSTITUTIONS	1968 Enrollment	Ratio of White to Negro	Fiscal Year 1968 Federal Aid (thousands)	Ratio of White to Negro	1969-70 State Aid (thousands)	Ratio of White to Negro
Auburn U.	14,422		\$ 8,945		\$ 18,161	
<i>Alabama A&M</i>	2,076	6.9:1	851	10.5:1	2,339	7.8:1
U. of Arkansas	11,620		10,804		17,850	
<i>Arkansas AM&N</i>	3,445	3.4:1	1,454	7.4:1	2,690	6.6:1
U. of Delaware	12,810		4,527		11,977	
<i>Delaware State</i>	909	14.1:1	524	8.6:1	1,998	6.0:1
U. of Florida	21,389		21,737		60,708	
<i>Florida A&M</i>	4,508	4.7:1	902	24.1:1	6,693	9.1:1
U. of Georgia	21,182		19,831		41,808	
<i>Ft. Valley State</i>	2,102	10.1:1	830	23.9:1	2,079	20.1:1
U. of Kentucky	24,331		17,922		47,287	
<i>Kentucky State</i>	1,606	15.2:1	390	45.9:1	2,170	21.8:1
Louisiana State U.	31,902		9,374		48,252	
<i>Southern U.</i>	9,978	3.2:1	3,177	2.9:1	9,172	5.3:1
<i>Maryland</i>	*		*		*	
Mississippi State	9,786		8,841		10,501	
<i>Alcorn A&M</i>	2,305	4.4:1	651	13.6:1	1,626	6.5:1
U. of Missouri	44,482		21,933		45,611	
<i>Lincoln U.</i>	2,094	21.2:1	266	82.5:1	2,588	17.6:1
North Carolina State	12,758		13,916		32,183	
<i>North Carolina A&T</i>	3,781	3.4:1	1,569	8:9:1	4,087	7.9:1
Oklahoma State	17,381		9,829		19,004	
<i>Langston U.</i>	1,324	13.1:1	610	16.1:1	849	22.4:1
Clemson U.	6,839		5,759		11,154	
<i>South Carolina State</i>	2,081	3.3:1	490	11.8:1	3,944	2.8:1
U. of Tennessee	30,771		23,616		29,561	
<i>Tennessee A&I</i>	4,536	6.8:1	2,082	11.3:1	4,198	7.0:1
Texas A&M	12,867		14,711		37,189	
<i>Prairie View A&M</i>	4,028	3.2:1	2,860	5.1:1	4,536	8.2:1
VPI	10,289		7,597		18,693	
<i>Virginia State</i>	6,894	1.5:1	1,508	5.0:1	3,348	5.6:1
TOTALS	282,829		\$199,342		\$449,939	
	51,667	5.5:1	\$ 18,164	8.4:1	\$ 52,317	10.4:1

*Separate figures not available.

(Italics indicate predominantly Negro land-grant colleges)

North Carolina State, which has less than 3½ times the enrollment of North Carolina A&T, received *almost eight times* as much State aid. Virginia Polytechnic, with only 1½ times the enrollment of Virginia State, received *more than 5½ times* State aid. The University of Arkansas, with less than 3½ times the enrollment of Arkansas AM&N, received *more than 6½ times* as much State aid. The University of Georgia, with 10 times the enrollment of Fort Valley, received *20 times* as much State aid. Louisiana State University, with slightly more than three times the enrollment of Southern University, received *more than five times* as much State aid. The University of Florida, with less than five times the enrollment of Florida A&M, received *more than nine times* as much State aid.

When totaled, Federal and State aid to the predominantly white land-grant institutions runs approximately \$650 million a year. Aid to the predominantly Negro land-grant colleges in the same States is only slightly more than \$70 million. Thus, although the predominantly white land-grant colleges enroll only about 5½ times as many students, combined Federal-State aid equals *more than nine times* as much. Federal aid is 11 times as much and State aid is more than 8½ times as much.

Total Federal aid would be considerably more disproportionate if it were not for the grants and contracts of agencies other than those who administer so-called "formula" funds (Morrill-Nelson, Hatch, Smith-Lever, Bankhead-Jones, etc.). Formula funds to white land-grant institutions in Fiscal Year 1967 amounted to \$59.3 million as compared to only \$1.4 million to the Negro land-grant colleges—a ratio of 43 to 1.

Looked at another way, total Federal-State aid equals almost \$2,300 per student in the predominantly white land-grant institutions but less than \$1,365 in the predominantly Negro ones—less than 60 percent the per capita aid to students in the white institutions. While shocking enough in these terms, the total dollar gap is one of almost \$580 million. By source, the per capita Federal and State aids are \$705 and \$1,591 respectively for the student in the predominantly white land-grant college but only \$352 and \$1,013 for the student in the predominantly Negro land-grant college—only 50 and 64 percent, Federal and State respectively, of the per capita in the white schools.

Discriminated against by both Federal and State governments, the Negro land-grant colleges are in deep financial trouble. Their most pressing needs, by the estimation of their presidents, are for student aid (\$3.6

million); fellowships for faculty members (\$1.3 million); research funds (\$1.8 million); new facilities (\$84.8 million); renovation of existing buildings (\$30.6 million); and increased operating funds (\$1.3 million), primarily for upgrading of staff. Especially is the need critical for student aid, faculty, and facilities. The majority of students come from families where the average income is less than \$4,000 a year. The average salary for faculty at Negro land-grant colleges is less than 95 percent of that of faculty at white land-grant colleges. Moreover, the lack of sufficient faculty members and adequate facilities accounts for having to deny admittance to many otherwise qualified students. Last year, of nearly 14,800 students who applied, only 6,800 were admitted.

By conservative estimate, it would take approximately \$125 million just to "catch up" in the above areas. Even at that, the needs may be understated. Earl J. McGrath, in his book, *The Predominantly Negro Colleges and Universities in Transition* (New York: Columbia University, 1965), states:

... anyone who thinks that a significant percentage of [Negro colleges] can be substantially helped by an expenditure of a few million dollars sadly deludes himself. The presently predominantly Negro colleges will need several hundred million dollars in the next five or ten years merely to keep step with the growing needs of their potential student bodies and the unprecedented advancements in higher education. . . . Anything less than such efforts will result in continuing restrictions nearly as demeaning and privational as segregation itself.

In today's world, in which the role of quality education for all men has come to be recognized as the foundation on which our national future lies, the time is at hand for a first hard look at one of the Nation's most neglected resources—its Negro land-grant colleges. In whatever form and on whatever ethnic basis they function in the future, their immense potential for enrichment of the country must be brought to fruition. Understaffed, underfinanced, overlooked for far too long, Negro land-grant colleges must become a national priority among educational and social goals. Their renaissance is a necessity to the country; it must be expedited with every ability at our command.

WILLIAM PAYNE

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National Association For Equal Opportunity in Higher Education: **Crusader For The Black College**



Black colleges, long accustomed to being treated as the neglected children of the higher education system in this country, have been counted out of the picture time and time again, but somehow they have always managed to survive and continue to produce 79 percent of the Nation's black college graduates each year. While white institutions talk about building programs running into the millions, black colleges and universities limp along on budgets that force them to concentrate on more practical matters such as attracting and retaining competent instructors and providing the complex equipment that will enable their students to keep in step with changing educational concepts.

More and more white colleges and universities are increasing their efforts to recruit and retain blacks, both as teachers and students, while the black colleges and their contributions to higher education and the Nation are being ignored. This new interest in blacks has caused a number of educators, Government officials, private citizens, and organizations to become concerned over the future of black institutions, to the point where they are actively involved in efforts to prevent them from crumbling and dying.

One such organization is the National Association for Equal Opportunity in Higher Education, established by a group of black college presidents last October. This association is stressing the inadequacy of current public and private financial and moral support

on behalf of the black colleges. It is also seeking to inform those who plan and create programs for the so-called disadvantaged that they cannot ignore the counsel of black educators while seriously working in the best interests of the poor.

Based on these aims, some priorities of the association include:

**Providing a unified framework representing predominantly Negro colleges and similarly situated institutions in their attempt to continue as viable forces in American society.*

**Building the case for securing increased support from Federal agencies, philanthropic foundations, and other sources.*

**Increasing the active participation of blacks in the leadership of educational organizations together with memberships on Federal boards and commissions relating to education.*

For those who may have doubts and fears that the new organization marks a move toward separation, Dr. Martin Jenkins, retiring President of Morgan State College and leader of the committee that led to the formation of the association, has made it clear that this new effort does not mean withdrawal from existing higher education organizations such as the American Council on Education. However, the association in-



tends to make its spokesmen in these organizations more effective. "We seek their support, but they must be willing to accept our leadership on issues directly and immediately affecting our institutions. These colleges are committed to integration and still are the major forces in America for integrating black youth into all levels of American life."

The beginning for black colleges dates back to before the Civil War. Through the years these colleges have provided educational opportunity for thousands of young people who otherwise would not have been able to attain higher education.

The picture of the black college today and its future, however, is of great concern to many educators. Although new construction has taken place at some of these institutions, many still have buildings ill equipped to handle the increasing influx of students or to accommodate the innovations in higher education. New facilities, new design, and extensive renovation are badly needed before current and additional programs can adequately serve student enrollment.

Another area in which these colleges are handicapped is faculty. Because of discrimination, coupled with poor elementary and secondary education, many black students entering college are inadequately prepared for future study. Therefore, educators have been and still are required to devise and implement pro-

grams to increase those students' educability, sometimes cramming 5 or 6 years into 4. Not only are many hours with each student necessary for this purpose, but counseling and guidance services are also handled by teachers at many black colleges. Granted this creates a close relationship between student and faculty; nevertheless, these students who have been culturally and educationally deprived can best be provided for by professional counselors. Very few black colleges can afford an adequate professional counseling staff.

The salary of an instructor at a black college is usually more than \$1,000 below that of an instructor at a white institution. Although the shortage of teachers in all levels of education is felt by American schools, traditional black colleges are being affected more adversely. With present budgets, they cannot always compete in recruiting qualified teachers. Also, they are in danger of losing many of those already teaching at these colleges even when salaries are competitive because of the recruiting of major white institutions under pressure from black students to acquire black faculty members.

Library facilities and research materials for students and faculty at most black colleges need considerable and extensive expansions. Some of the most extensive library collections in the world on black Americans and on blacks in the Caribbean are at a half-dozen of

these colleges. Even such valuable collections have just recently begun to attract needed support to make them of maximum usefulness to the academic community.

The inability to expand in the above areas (many are having difficulty keeping present programs going) restricts predominantly black colleges and forces them to continue emphasizing courses in their curriculums which in some instances do not serve the needs of many students, particularly when demands in new and varied professions are becoming greater. In order for black graduates to fully participate in the American economy, many more varied degree courses must be made available, especially those leading to graduate degrees.

For insight into the difficult role traditional black colleges are performing, one cannot fail to mention the financial plight of most black students who attend these colleges. The average black student cannot afford college fees. Therefore, fellowships, scholarships, loans, part-time employment, or other monetary relief is a must. This circumstance immediately places an additional burden on the college, as well as the student, and also limits the number of students that can be enrolled. Even with the large amount of students now being processed by the black colleges, every year thousands are turned away because of lack of funds alone.

Of course, all black college students are not disadvantaged—educationally or economically. Some are advantaged in all areas. However, the general picture of enrollment in these colleges and universities is a portrait of what equal opportunity is supposed to mean. Of the more than 20,000 college graduates produced by black colleges each year, 65 percent are from families with an income below \$5,200. Thirty-four percent of these families are in an income bracket below \$3,000, making the mean income for this group \$3,900. On the average, the 34 percent having less than a \$3,000 income are from homes where 31 percent of the mothers are domestics and 31 percent of the fathers are laborers.

As an idea of the importance of these institutions to the total society, statistics show that these 20,000 students who graduate every year will earn approximately \$7,000 as starting salaries, representing a potential \$140 million going into the Nation's economy each year.

Nationally, very few young people from all American families in the \$5,000 and below income group will attend college. The Carnegie Commission estimates only 7 percent of this income group, which also includes Mexican Americans, Indians, Puerto Ricans,

and poor whites, will be able to attain higher education.

Thus, we are seeing white colleges dealing with an essentially middle class population and black colleges dealing with an essentially low-income population.

In looking at the contributions of these black colleges, it is clear that they have and will be in the foreseeable future a major vehicle for the mobility of black people into all levels of American life. The black institutions, despite handicaps created by neglect and malicious intent, have enabled hundreds of thousands of students shackled by poverty and racism to break free. Therefore, these institutions have earned the right to be of continuing service to the Nation.

Graduates from the traditional black colleges have and are contributing in various levels of American life. Some include:

- Seven of the 14 black United Nations appointments;*
- Four of the eight most recent black ambassadors;*
- Three-fourths of the commissioned black Army officers;*
- Three of the top commissioned naval officers;*
- Sixty-four percent of a sample of 80 black Federal officials serving in the Executive Branch of the Government from GS 14 up to Cabinet level;*
- Three of the nine black representatives and the lone Senator in the Congress;*
- Sixty-four percent of the black State legislators who attended college;*
- Eighty-three percent of all black physicians graduating from two black colleges of medicine (These schools still enroll 68 percent of all black medical students in the country.)*

The National Association for Equal Opportunity in Higher Education raises by implication three questions, the answers to which will determine the future of the black colleges and universities:

What role will the public sector [Government] play in the future of these institutions?

What role will the private sector [nongovernmental] play in their future?

What is the real commitment toward equal opportunity in higher education?

Since its beginning, the association has gained a certain amount of visibility in the above areas. As a result of the association's efforts, the Federal Intergovernmental Committee on Education has been working with

the black colleges in an attempt to survey the past actions taken on behalf of these institutions and to project future directions.

On February 25, members of the association testified before the Special Subcommittee on Education of which Representative Edith Green (D-Ore.) is chairman. Testimony was reinforced by a background paper on the traditional black colleges, prepared by Dr. Elias Blake, Jr., a prominent educator. This paper also contained association proposals for the future of these colleges. One of the most far-reaching proposals was that a National Foundation on Higher Education be established to develop new and experimental programs in the promotion of equal opportunity in higher education. The association recommended that this organization give priority to those institutions already producing a majority of their graduates from among low-income and minority groups, and that their advice and counsel be sought in developing these programs.

In answer to those educators who are proposing that junior colleges be considered as *the* major approach to post-secondary education of blacks, the association warned that it is an unacceptable solution that a disproportionate number of minority youth should enroll in junior colleges versus 4-year colleges. A study by Robert Berls on higher education opportunity, done for the Joint Economic Committee of the Congress, indicated that two out of three freshmen who enter 2-year colleges in California do not return for the second year.

The same proportion of black youth should be enrolling in 4-year institutions as white youth. To say that students who graduate from inferior high schools in good standing are not "qualified" for college is to make equal opportunity a hollow slogan. Black colleges, for example, have had such a job for more than a century. If they had turned away so-called "unqualified" students, America's black community would be woefully lacking in competent leadership.

In his background paper, Dr. Blake made the following observation:

It is clear that in the next decade, if these institutions are not strengthened to better perform their tasks, enrollment and graduation figures could begin to level off and decline for black youth when the enrollment curve should be climbing sharply. Any sharp reversal in the fortunes and functionings of these institutions will be immediately reflected in national figures

for black Americans in college. . . . As we look for new ways and new patterns, we cannot afford to overlook the fact that under handicaps of neglect and under capitalization, these schools have done and are doing a remarkable job.

Recently members of the board of directors of the association held a conference with James E. Allen, Jr., then U.S. Commissioner of Education, for the purpose of discussing the President's Higher Education Bill of 1970. Although cautious about the results of this meeting, the board members indicated that they were "encouraged by the emphasis on the poor and minority group youth"

It is estimated, however, that in 1968 less than half as many black freshmen as should *have* entered college—84,000 versus 180,000—and there *should* have been 811,000 in the entire college population. Actual 1969 enrollment in courses leading to a degree were estimated to be from 300,000 to 352,000 which is a 500,000 deficit, a deficit that will never be recovered.

By 1975, 1.3 million black students should be enrolled in colleges in this country. In order to meet this demand, present spaces available in black and white institutions must be expanded. Unless there is a genuine commitment to eliminate anything adversely affecting the performance of the traditional black colleges, enrollment and graduations will decline, thus prolonging inequities in this society.

The traditional black colleges represent an existing mechanism that can be improved and used to intensify the positive efforts to equalize opportunity. Operational programs for the black college today are for all of higher education tomorrow.

At the initial announcement of the association's creation, Dr. Herman Long, President of Talladega College, expressed this view:

Such institutions ought to be declared a national resource. Their educational and instructional services need to be superior to deal with the kind of disadvantaged students that American higher education generally excludes on the basis of inferior secondary education, particularly since no other institutions are doing that kind of production. . . . Such institutions' advice ought to be sought and their programs supported in the interests of the country. The association intends to see that this happens.

MILES MARK FISHER, IV

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SOUL RADIO: BROADCASTING'S TIN LIZZIE

Black-oriented, Negro, or "soul" radio is much like Volkswagen's beetle. Over the last quarter century, its outward appearance has changed very little and most of its inner refinements have been so subtle, they would elude all but the trained expert. But while Volkswagen's promoters claim numerous engineering advances — whether true or not—few "soul" broadcasters can make any such claim.

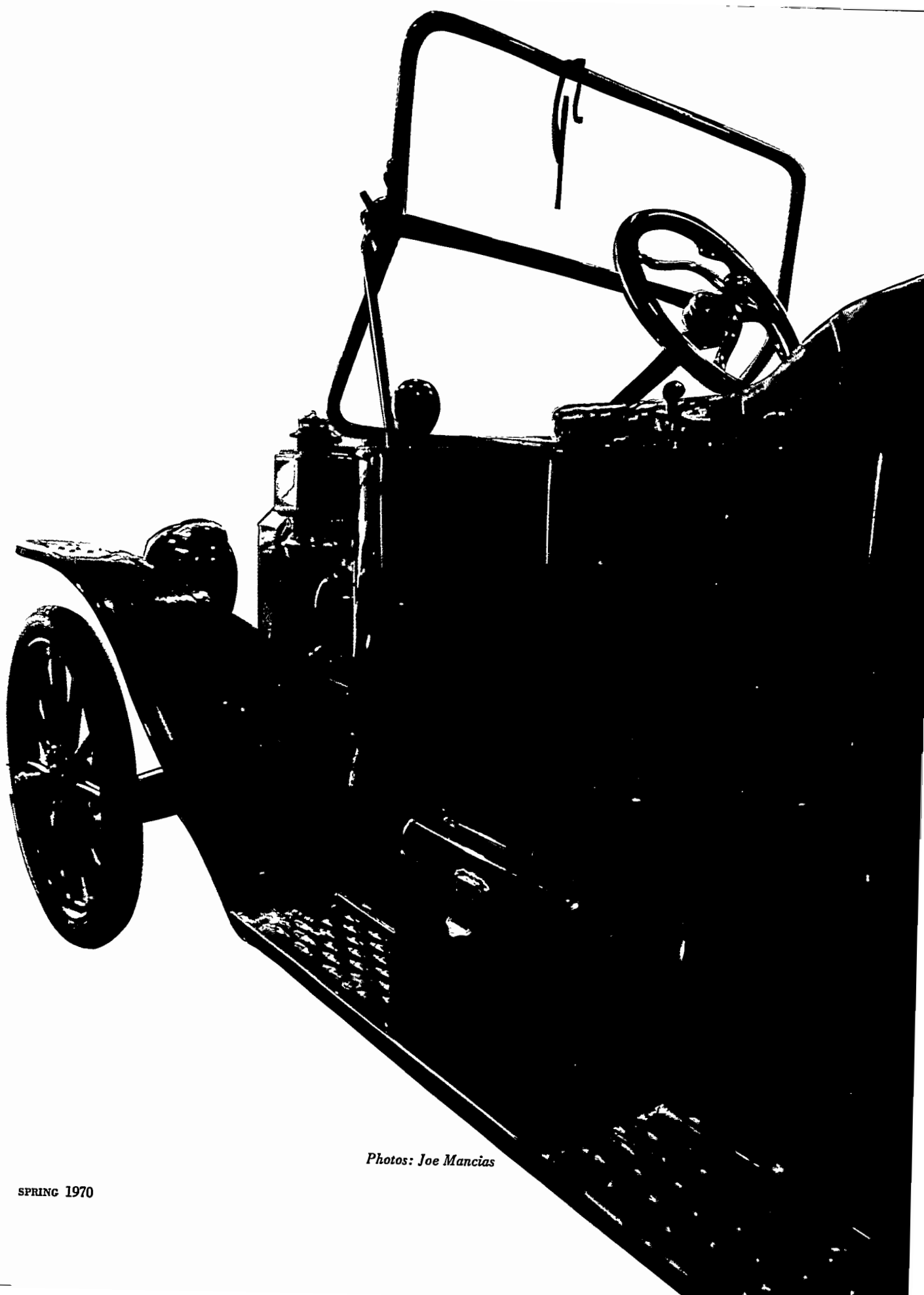
Since the first outlet geared exclusively to black audiences was established in 1947, "soul" radio, by and large, has remained a medium for promoting "colored" records and the wares of unscrupulous merchants. (Today's artists may be Aretha Franklin or Sly and the Family Stone, rather than Dinah Washington or The Orioles, but the game's the same.)

Except at a handful of stations, news still is something torn off a teletype machine and read once or twice every hour (maybe with an audio service added), rather than an effort to keep the black community abreast of vital current

events. "Public Service" still is more a statement of promotion than a statement of fact. Though black station executives and managers are more in evidence than they were 3 years ago (when *Newsweek* reported that at many outlets only the disc jockeys and janitors were black), they still comprise a minuscule minority. Creativity still is more nonexistent on "soul" radio.

"Soul" radio has come a long way since 1960, especially in public affairs, advertising, news, and equal opportunity. Today, station identification jingles espousing *Soul Power* and collective "can-you-dig-it?" titles for disc jockeys (such as "Soul Brothers" or "Soul Rangers") reflect a new awareness of the black community. But, overall, the medium still is no more than a black version of the Top Forty (or "bubble gum") radio aimed at white adolescents.

A small minority of the executives of black-oriented facilities honestly attempt to satisfy the best interests of the communities they



Photos: Joe Mancias

serve. Most of these pay top dollar for the best black personnel available, heed most of their black employees' suggestions, and slicken their entire formats, in an effort to "outblack" their competitors.

But these few conscientious broadcasters are far outnumbered by those who progress at a snail's pace (and then only under tremendous pressure) and those who spend most of their time seeking ways to dodge critics and the Federal Communications Commission (FCC).

For four principal reasons, it actually may be incorrect to label "soul" radio a truly Negro or black-oriented medium. It is tuned out by a large segment of the black over-30 population, Rhythm-n-Blues music is overstressed (at the expense of black contributions to other music forms), news and public affairs broadcasts very seldom probe the inner feelings of the black community, and both young and old object to the traditional "jive-talking" disc jockey.

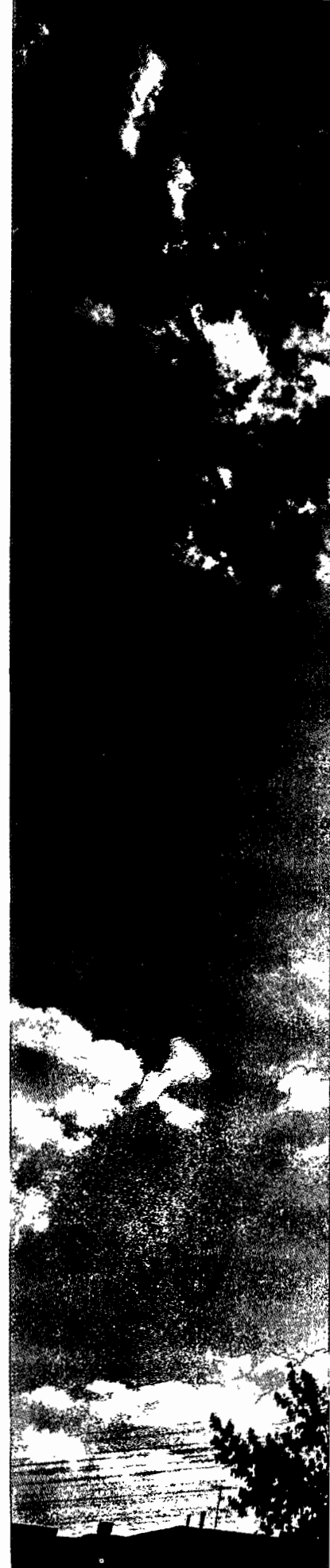
A survey of black adults over 30 (and, perhaps, a large percentage under 30) undoubtedly would reveal an enormous market for other than constant Rhythm-n-Blues programming. Many blacks actually detest what is generally known as "soul" radio. To them, "Soul Brother Number One" is not James Brown, but bandleader Duke Ellington or crooner Billy Eckstine. They prefer Ella Fitzgerald to Aretha Franklin. They may enjoy watching The Temptations' television appearances, but their favorite male vocal group may be the Mills Brothers. This potential audience is all but ignored by "soul" radio.

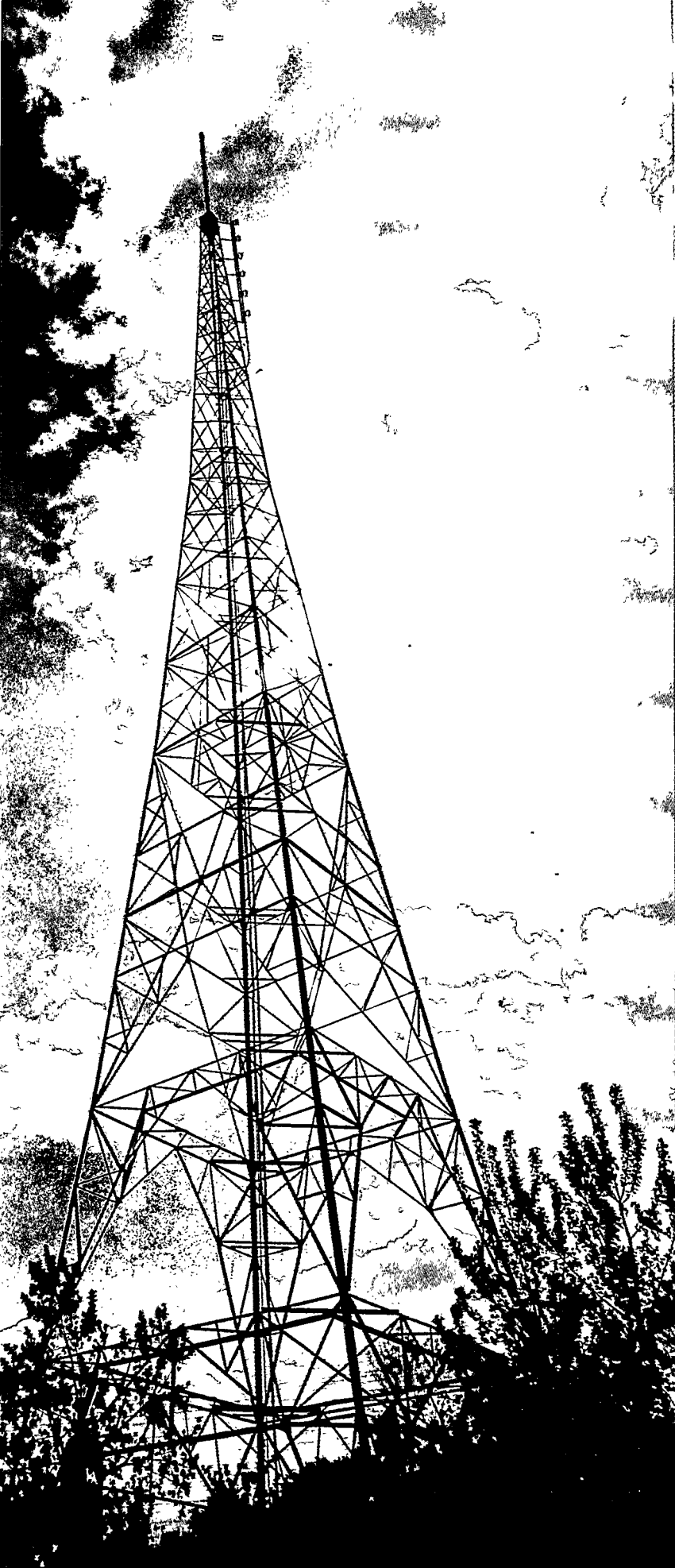
Even black critics who favor "soul" score the lack of attention given other black music. Former

National Association of Television and Radio Artists (NATRA, a black professional group) executive director, Del Shields, once asked: "How can you talk about 'soul' music and ignore such beautiful people as Harry Belafonte and Miriam Makeba?" William Wright, director of Unity House in Washington, D.C., and an engineer of last fall's challenge of the WMAL-TV (Washington) broadcasting license by the Black United Front, has accused black-oriented radio operators of creating "a 'soul music' mentality" by broadcasting "24 hours of James Brown".

Not only does "soul" radio usually overemphasize R-n-B; even that music form is promoted in a manner that many black radiophiles find demeaning. Commonly, a "jive-talking" or "Down Home" disc jockey, known by his skill with rhyme-and-rhythm ramblings ("I'll make your liver quiver and your knees freeze," or similar incantations), ushers recordings to the "hit" column while projecting the image of a fun-loving "coon". In an article critical of all media, "Watch for the Trick," University of California at Berkeley black journalism instructor Valena Minor Williams scored "Down Home" announcers thus: *And black deejays took the street-talk from the city corners and the loving sounds from the bedroom and put it all on the air. Oooo, Lawd.*

Fortunately, the "jive-talking" deejay has fallen out of favor among black activists and among many station executives, as well as a number of his peers. Though there still are too many outlets where he can peddle his "nigger" wares, the growing trend is toward "personality" announcers who can





offer "entertainment with a message." To shout, "Can you dig it?" is all right, provided your listeners feel you are preaching the beauty of blackness and not perpetuating your white boss' myths.

Even still, few black disc jockeys show any preparedness to become *de facto* curators of a modern black art form. Few show evidence of any professional training beyond a 6-week course in some hole-in-the-wall "broadcasting school." Mispronunciations of common words are frequent. Several years ago, for instance, after playing a record titled, "Chihuahua," one East Coast DJ informed his listeners that they'd just heard, "Chi-hoo-wah-hoo-wah."

Often, it is the white employee of the Top Forty station who plays black R-n-B and "rock" music of the 1950's and the early sixties (which helped shape the "today" sound), while his black counterpart seldom researches (if he researches at all) beyond the past 3 years for his so-called "Oldies, But Goodies."

Recently, Warren Lanier, president of a newly organized black recording executives' association with headquarters in Hollywood (Fraternity of Recording Executives), lamented:

Black deejays will break their necks to promote new records by established stars, and then boast, after the song becomes a hit, of how they were the first to play it. But few will make an effort to help a starving cat get a break, until his bandwagon has already started.

In this atmosphere, when today's "good-rocking soul sound" becomes tomorrow's "old hat," it most likely will meet the same fate of past black musicians' endeavors. Black DJ's will ignore it completely for whatever is "commer-

cial" at the time.

(One aspect of "soul" radio entertainment that has not been degraded is gospel music. Though religious program directors—usually ministers and active church women—often lack professional broadcasting skill, they exhibit a "feel" for their art that R-n-B promoters might do well to emulate.)

Until the late sixties, only a handful of "soul" stations employed staffs of trained newsmen. Usually, disc jockeys doubled as journalists, gathering stories solely from teletype clippings (hence the term, rip-n-read).

Today, more and more outlets are developing their own local news staffs but, except in rare instances, these staffs consist of only one-to-three reporters (including part-timers), hardly enough to prepare and report significant developments several times each day. Furthermore, some of these enlarged staffs have included, not journalists trained to gather on-the-scene reports, but additional rip-n-read specialists.

More than ever before, "soul" broadcasters are turning to the networks for national and international news. And why not? These newscasts usually are offered in convenient, commercially sponsored packages. (These packages also are designed for Top Forty and Country-n-Western radio. Thus, they seldom report the black angle.) Since last year, a few broadcasters have begun subscribing to special black audio services. And for years, Sonderling Broadcasting Corporation's four "soul" stations have capitalized on audio feed services, free-lancers, and news exchanges with stations across the country to give their listeners timely black-interest reports. By

and large, however, the attitude is: Invest as little as possible.

Despite black radio's usually pitiful showing in entertainment and news programming, the medium actually is at its worst in the field of public affairs. Officials at few outlets bothered to program public affairs or information broadcasts until a few years ago. Then many scheduled spot community activity or job opportunity announcements and black history vignettes—and began congratulating themselves for their "outstanding" work in the community.

Some black-oriented stations have followed their general market counterparts into the talk show area, but with marked differences. Generally, talk programs geared to predominantly white audiences show evidence of elaborate backstage preparation. Conversations are lively and informative; controversy not only is welcomed, but exploited for its audience appeal.

Boring is the best word to describe many "soul" radio talk shows. Topics and the persons discussing them often seem to be skirting issues pressing in a particular community. Program moderators and their guests often appear so anxious to stress the "positive" aspects of a situation (instead of at least letting the facts speak for themselves) that they spend entire programs saying nothing. The few listeners they manage to attract—by slating their public affairs programs for time slots inconvenient to most listeners and then promoting them inadequately, if at all—may or may not tune in for the next broadcast.

"Soul" radio broadcasters ask for all sides of various issues, but a number of talk shows have been canceled in the wake of vehement

denunciations of the Establishment. Usually, the station chiefs claim they were pressured by balky sponsors. But station employees have been known to refute these claims in private conversations. Also, many of the same allegedly balky sponsors apparently show no unhappiness with the controversy aired over general market media.

An indictment of the entire commercial broadcasting industry—levelled by Ben Kubasik, director of the National Citizens Committee for Broadcasting, one of the Nation's leading broadcast reform organizations—may apply particularly to most operators of "soul" radio. "They take caution not to give their listeners much of value," Kubasik charged. "The name of their game is: Stay ahead of the FCC."

A principal problem with reforming black radio may be the ease in "staying ahead" of the FCC. Most of the regulatory agency's directives to the industry are somewhat vague, obviously in light of the broadcasters' constitutional rights. The performances of most "soul" entrepreneurs have not been in the best interests of the black community, but finding many in *technical* violation of FCC statutes may require an amazing feat in communications law. The broadcasters—even with their baby-step improvements—are provided with enough loopholes to keep them in business without serving the public, forever. FCC must find ways of toughening its rules without violating the broadcasters' constitutional privileges.

An unprecedented number of broadcast license challenges (reflecting new community awareness) since the mid-1960's has cre-

ated a backlog of FCC cases. Despite the fact that few license contestants have won their challenges, the current trend has prompted FCC to watch more closely how broadcasters discern the public interest. The timing of "soul" radio's new found awareness of public affairs and news coincides with both the rise in community action and the FCC's willingness to weigh all grievances. Promotion of blacks to responsible posts began occurring on a large scale only after the regulatory agency's fair promotions directive of 1968.

Clearly then, the FCC must not relax its vigilance on the industry, as many reformers fear it is beginning to do.

In 1967, Del Shields took the mantle of NATRA director. He found what he later termed "a social club of process-wearing niggers, who met once a year at a luxury hotel, for annual social and record-promotion activities." Since then, according to Shields, NATRA has been actively concerned with its 500 active and 250 associate members' working conditions and promotion opportunities, as well as their respective employers' responsiveness to the black community. Shields also unveiled plans for broadcasting workshops at several colleges to aid both NATRA-ites and aspiring black radio and TV men.

But in many ways, NATRA members' individual efforts to improve "soul" radio could stand improvement, even within the framework of recalcitrant employers' policies. For example, some disc jockeys have learned to wrap musical variety, R-n-B, and information into unique, commercial packages, while others simply poll-parrot everything they've heard from

their colleagues. Some announcers are afraid to offer constructive suggestions, even when ideas are welcomed by their bosses. Many blacks in broadcasting are only too willing to catalog the faults of *other* blacks in the industry, but when confronted with criticisms of themselves, they repeat the white conservative line: "Don't listen to him; he represents only a small segment of the community."

Of the 310 stations that regularly devote some portion of their broadcasting time to black interests, only about a dozen are black-controlled. It is true that white station owners have difficulty viewing the world today from a black perspective and responding adequately to black community needs. This can be exemplified by comparing broadcaster's performances with those of black newspaper publishers.

Even those newsmen criticized most by today's black militants have for years reflected more awareness of the total black community than their white counterparts in radio. Black publishers have turned away needed revenue to expose crooked business practices, while white broadcasters have accepted ads from guilty merchants with no questions asked. The black newspaperman has often jeopardized his chances to solicit ads from even the biggest reputable dealers, rather than compromise on editorial policy. Undoubtedly, more black radio station ownership would serve to close a credibility gap that seldom has been bridged in the 50 years of commercial broadcasting.

Meanwhile, the responsiveness of a precious few white "soul" radio operators proves that white-controlled media *can* serve black

interests, if the chiefs will only cooperate. Management can heed the black employees' suggestions that they now dismiss as absurd. Instead of trying to succeed with bargain-basement black radio, they can begin paying their staffers competitive wages, hiring additional needed personnel, and providing the training and expertise that lead to excellence in all broadcasting departments. They can grant their black executives and managers the responsibilities and salaries commensurate with their titles, rather than reduce them to mere figureheads.

Many types of motor vehicles are available today, but only because manufacturers had the daring to advance beyond the Model "T" stage. They could have argued that people like the Model "T", and we'd still be riding in Tin Lizzies. They may balk about Federal safety regulations and all the fuss over ecology, but because they love profits, they will find ways to build safe, pollution-free cars and continue to net millions.

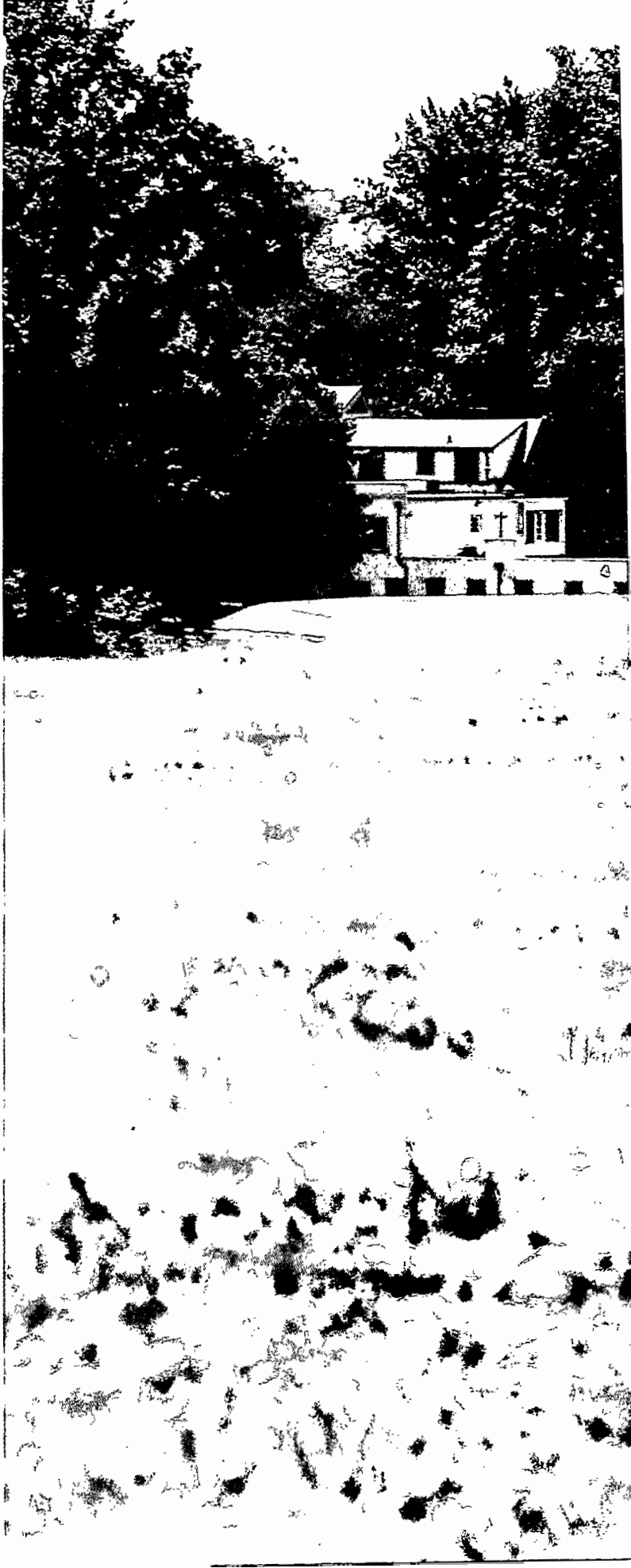
"Soul" radio has not advanced far beyond the Tin Lizzie stage, despite the broadcasters' wild infatuation with money. When it does, it will boast a "funkiness" pleasing to the total black community—young and old, moderate and militant, learned and illiterate.

BERNARD E. GARNETT

Mr. Garnett is a staff writer for the Race Relations Information Center in Nashville, Tennessee, and is a former reporter for the Washington Afro-American and Johnson Publications. The opinions expressed in this article are those of Mr. Garnett and do not necessarily reflect the position of the Center.

*Private
Club
Discrimination
and the
Law*

Photos: Joe Mancias





Groucho Marx once remarked that any club which would have him as a member he wouldn't join. Quite apart from his clever jest, there are a good many people around, including some members of restricted clubs, who are not amused by the situation which exists today. These people feel that there is something seriously wrong with the exclusionary practices of many clubs, when would-be members are kept out solely on the basis of their religious or racial extraction, irrespective of their personal compatibility or incompatibility.

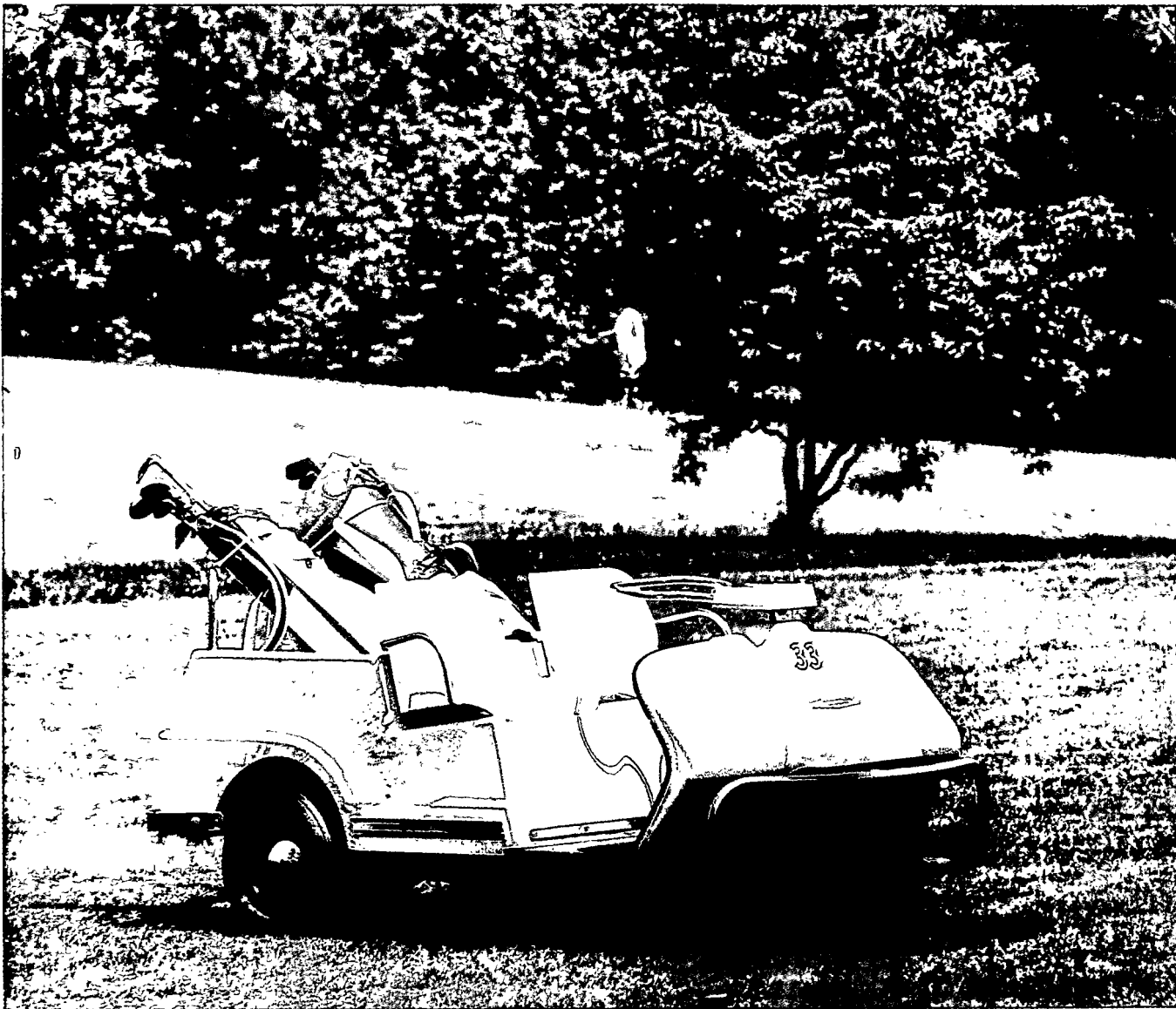
Such sentiments have been expressed many times in the past; there is nothing really novel about them. But it seems that they have acquired a new intensity, as well as a new respectability, as a direct outgrowth of the contemporary civil rights movement, with the drive to gain equal opportunity for minorities in jobs, housing, education, and public accommodations spilling over into the domain of private clubs, too. Evidence has accumulated, for example, that there is a positive correlation between advancement prospects of corporation executives and their acceptability for membership in prestigious city and country clubs. This was the focus of a recent study by Dr. Reed M. Powell, dean of the School of Business at Ohio State University, entitled "The Social Milieu as a Force in Executive Promotion." Some people feel that certain private clubs are actually quasi-public in nature because they are so frequently the setting in which important business and political decisions are arrived at, decisions which may

well affect the entire community. Last fall, Sam Massell, Jr., the recently elected Jewish Mayor of Atlanta, had charged while campaigning, "The same men who don't want me to sit in their clubs don't want me to sit in the Mayor's seat."

On the other hand, there are also those who, while they personally may question the wisdom or even the justice of discriminatory admission policies, nevertheless uphold the legal right of clubs to discriminate on the basis of freedom of association. What they are saying is that in an increasingly congested and intrusive society, human beings are entitled to create (or find) a sanctuary sealed off at least psychologically

from the outside world, where they may socialize only with those whom they choose. And *how* they choose is nobody else's business. To deny this right, it is argued, would constitute an invasion of privacy. In the dictum of U.S. Supreme Court Justice Arthur Goldberg, in his concurring opinion in 1964 in the case of *Bell v. Maryland*:

Prejudice and bigotry in any form are regrettable but it is the constitutional right of every person to close his home or club to any person or to choose his social intimates and business partners solely on the basis of personal prejudices including race. These and other



rights pertaining to privacy and private association are themselves constitutionally protected liberties.

It should be stressed, however, that some members of restricted clubs would in fact *choose* to socialize at their clubs with some who are excluded, but are effectively barred from doing so by the blanket restrictions. Theoretically, of course, such people could form or join a different club but, as a practical matter, this may not always be feasible.

Title II of the Federal Civil Rights Act of 1964, which prohibits discrimination in places of public accommodation, explicitly exempts private clubs. But,

increasingly, voices are being raised which question, not necessarily the right of private clubs to be discriminatory if they so elect (though some question this too), but rather the right of Government to condone and support this policy by granting such privileges as liquor licenses, zoning variances, or preferential tax treatment to discriminatory clubs. In the eyes of these critics, their collateral attack is justified on the ground that these governmental benefits are tantamount to official complicity in the private practice of bigotry, which is abhorrent to vast numbers of American citizens today.

It should be borne in mind that a good many authentic private clubs may take on at least a quasi-“public accommodation” coloration when they rent out their facilities on a commercial basis to various groups of nonmembers. In fact, this very point has been raised in a suit which began last spring in Federal court in Maryland. Ten members of the Kenwood Country Club in Bethesda, including U.S. Senators Frank Church of Idaho and Robert Griffin of Michigan, have been seeking to compel this club to allow its members to bring in Negro guests. Among other grounds, these member plaintiffs have contended that the fact that the restaurant and meeting rooms of the Kenwood Club are rented out regularly to outside civic and business groups places the club within the ambit of the “public accommodations” provisions of the 1964 Civil Rights Act. On May 13, the court ruled that the Kenwood Country Club is not within the exemption provided by the act.

On December 15, 1969, the U.S. Supreme Court ruled in the case of *Sullivan v. Little Hunting Park, Inc.* that a community recreation and swimming club in Virginia, whose membership is open to all whites living in its vicinity, cannot exclude a Negro who had acquired a share in the club along with the house he had rented. The Court majority held that the club had violated the Civil Rights Act of 1866 which bars discrimination based on race in the lease of real property. While the trial court had dismissed the case on the ground that the club was a private one which was entitled to restrict its membership on the basis of race if it so desired, the Supreme Court rejected this contention, finding that the club had no “purpose of exclusiveness . . ., there being no selective element other than race.” The Court thus did not tackle the problem of discrimination by a club which it would consider to be a *bona fide* private club.

Another litigative challenge to discriminatory practices by private clubs is now before a U.S. District



Court in Seattle, Washington. In this case parties plaintiff of diverse extractions (Negro, Jewish, Japanese, Chinese, Filipino, and American Indian) are claiming that the granting of liquor licenses which, in legal terms, are privileges rather than rights, by the Washington State Liquor Control Board to discriminatory private clubs constitutes state action in aid of discrimination in violation of the Equal Protection Clause of the 14th amendment. The guiding spirits in organizing and initiating this law suit were Kenneth G. MacDonald, former chairman of the Washington State Board Against Discrimination, and Carl Maxey, a Negro attorney, who is also Chairman of the Washington State Advisory Committee to the U.S. Commission on Civil Rights. The Elks, the Eagles, and the Moose have been permitted to intervene in the action on the side of the defendants. After preliminary motions are disposed of, the case will be tried before a three-judge Federal court, from the decision of which an appeal will lie directly to the U.S. Supreme Court.

What are the chances that the plaintiffs in this law suit will ultimately prevail? As recently as 20 years ago, their challenge would have been quixotic, to put it kindly. But today, in the wake of a series of U.S. Supreme Court decisions which have steadily expanded the concept of "state action," the prognosis must be a guarded one, particularly so in the light of the changing composition of the Supreme Court bench. While it would be foolhardy to venture a firm prediction as to its final outcome, victory for the State seems more likely than for the plaintiffs. The only member of the present Supreme Court bench who may be said to support unequivocally the position that licensing is a "state action" in the constitutional sense is Mr. Justice Douglas.

Still another law suit attacking club discrimination was filed in U.S. District Court in Milwaukee in May 1969 by attorneys for the American Civil Liberties Union. One of the plaintiffs, Orville E. Pitts, a Negro city alderman, charged that he had applied for membership in the Fraternal Order of Eagles and was rejected solely because of his race. The Eagles do have a clause in their constitution explicitly restricting membership to whites. But they claim that Pitts would have been turned down, regardless of his color, because he is widely disliked. Whereas three "blackballs" are enough to veto an applicant, the Eagles say that Pitts received 496 "blackballs". The legal action was brought against the Wisconsin Department of Revenue, which has granted tax-exempt status to the Eagles, on the theory that the exemption serves to encourage ra-

cially exclusionary practices, and therefore is "state action" in aid of discrimination in violation of the Equal Protection Clause of the 14th amendment.

In the legislative arena, perhaps the most startling recent development was the enactment last June by the State of Maine of a law which prohibits any corporation which holds a license to dispense food or liquor from withholding its membership from any person on account of race, religion, or national origin, excepting only such organizations as are religious or ethnic in character. The penalty for violation of this statute, after an administrative hearing, is license revocation, with a right of appeal to the Superior Court. This is the first bill of its kind ever to become law in any State. Similar proposals have been introduced in the legislatures in California and Pennsylvania, but thus far have gotten nowhere.

Moreover, a different type of bill also was introduced in California which would have deprived organizations "which require discrimination on the grounds of race, color or national ancestry" of their currently enjoyed exemptions from property taxation, as well as inheritance and gift tax exemptions for transfer to such "charitable" organizations. Excepted from the reach of this legislation were *bona fide* religious or national cultural groups. The bill passed the assembly, but "died" in committee in the senate. The targets of this measure were fraternal groups such as the Eagles, Elks, and Moose which are expressly exclusionary.

In the Virgin Islands' civil rights law there has been a provision since 1961 to the effect that any private club which sells food or drink to members or nonmembers, or charges members or nonmembers for the use of any beach or club facility, cannot use the license issued to it to operate on a discriminatory basis. The rationale for this limitation is that a private club which sells any commodity or service, whether to members or guests, has entered the field of commerce and therefore should be deemed to be a "public accommodation".

Two years ago the city of Miami passed an ordinance forbidding the leasing of public property to clubs which discriminate. This enactment stemmed from charges that certain clubs which leased city property, such as the Miami Yacht Club and the Coconut Grove Sailing Club, excluded Jews or Negroes or both. There was a fairly widespread feeling among influential people in Miami that public land should not be permitted to be used on a racially or religiously discriminatory basis.

Also in 1968, in New York City, leases were signed with two beach clubs, the Breezy Point Surf Club and

the Silver Gull Club, which for the first time directed private clubs leasing municipally-owned property to take affirmative action to end their allegedly discriminatory admission practices. An inquiry by the City Commission on Human Rights had revealed that there were no Negroes or Puerto Ricans on their membership rolls. The new leases required that the two clubs make at least 5 percent of their memberships available for new enrollments, remove the former requirement that all new applicants must be sponsored by a member, and solicit new applications by inserting advertisements in metropolitan newspapers. To insure enforcement of these conditions, the leases specified that the clubs permit access to their records by the Human Rights Commission.

Last year Detroit followed the examples set by Miami and New York. The Detroit Yacht Club and the Detroit Boat Club, both located on city property, have a total of 3,500 members, all of them white. Despite their nautical names, they serve as social clubs for many members who do not even own boats. They have been told by city officials to either take in some Negroes or else face eviction for violating a city rule which forbids discrimination on city-owned land. The clubs recently obtained a temporary injunction restraining the city from carrying out its threat. While conceding that they are selective, club officials assert that, as of the time of the city's warning to them in January of 1969, they had never received a single formal membership application from a Negro. In rebuttal, the city points out that the stringent membership rules of both clubs require five active members to sign a membership petition, with any two board members empowered to veto any applicant, procedures which, in the eyes of the city, are practically discrimination *per se*. The matter is still pending.

What do all of these variegated litigative and legislative developments add up to? The reality is that while some private clubs in recent years have disavowed their traditional policies of blanket exclusion of certain minority groups, most of them have not. In certain circles, unfortunately, bigotry is still quite chic. The utterly absurd lengths to which this bigotry can and does extend is illustrated by an episode which occurred in New Orleans, during a Mardi Gras celebration, when the King of Comus refused to greet the Queen of Rex because one of her grandmothers was Jewish. And it wasn't long ago that a young Episcopalian named Michael Hernstadt was rejected as an escort for a young lady at the Scarsdale Gold Club's Holly Ball because his father was Jewish. Yet among those who

belong to this club are people who are veritable pillars of our society—doctors, lawyers, bankers, advertising executives—the taste makers and opinion molders who give discrimination respectability.

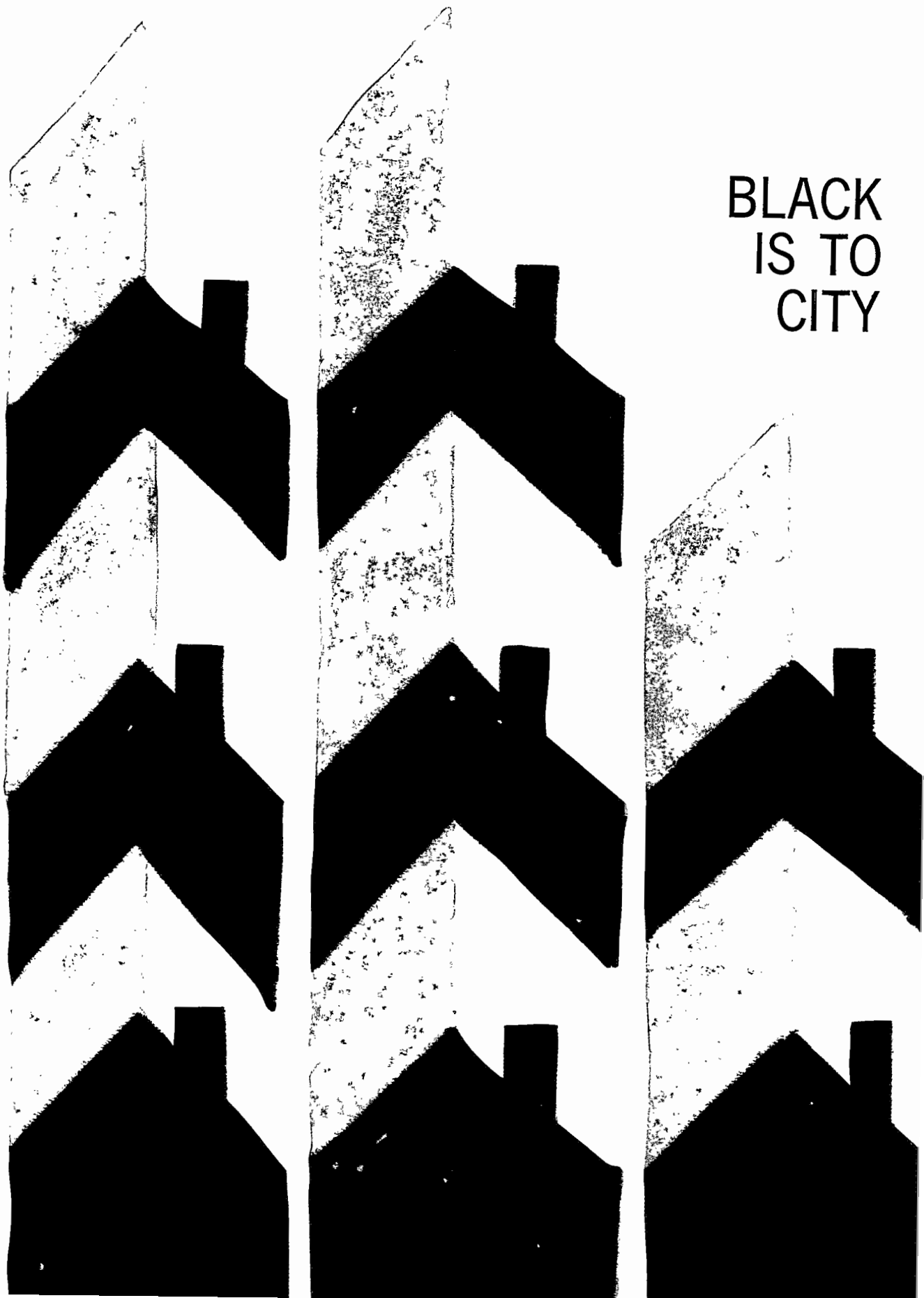
Just as there are gentile clubs which shun Jews, there are also Jewish clubs which scarcely invite gentile applicants for membership. Not that Jewish clubs are swamped with applications from non-Jews—there is no visible status gain for a gentile in joining a Jewish club. These *de facto* religiously segregated Jewish clubs developed, not out of Jewish “clannishness,” but rather as a pragmatic response to the rejection of Jews by gentile clubs. If Jews wished to play golf at private clubs, they simply had to form their own. Yet today while many Jews are still profoundly indignant over their forced exclusion by gentile clubs, others feel a certain ambivalence about it. They resent the exclusion, to be sure, but they can live with the existing situation and, in fact, may sense that there are some compensations in having separate clubs. For one thing, they may feel that they can relax more completely among their co-religionists and not feel constrained to impress favorably other members whose cultural style or life experience may differ somewhat from their own. For another, there seems to be a growing concern among Jewish parents over the prospects for preserving Jewish group cohesiveness in years to come in our free and open American society. At clubs which are all-Jewish, Jewish young people will be more apt to socialize with other Jewish young people, and perhaps will be less likely to date and marry outside the fold than would be the case in a religiously integrated social milieu similar to a college campus.

Clubs, of course, whether gentile or Jewish, maintain that they have an absolute right, on the basis of freedom of association, to be every bit as arbitrary or capricious or prejudiced as they may wish—though sometimes they are not quite so candid. But their argument increasingly is falling upon deaf ears. More and more people are becoming impatient with and offended by these embarrassing vestiges of bigotry and are determined to do something about them, through whatever legal means may be required, because they feel that the voluntary, diplomatic approach, on balance, has been of little avail. It remains to be seen what the outcome will be.

SAMUEL RABINOVE

Mr. Rabinove is Director of the Legal Division of the American Jewish Committee. This article does not necessarily reflect the opinions of the Committee.

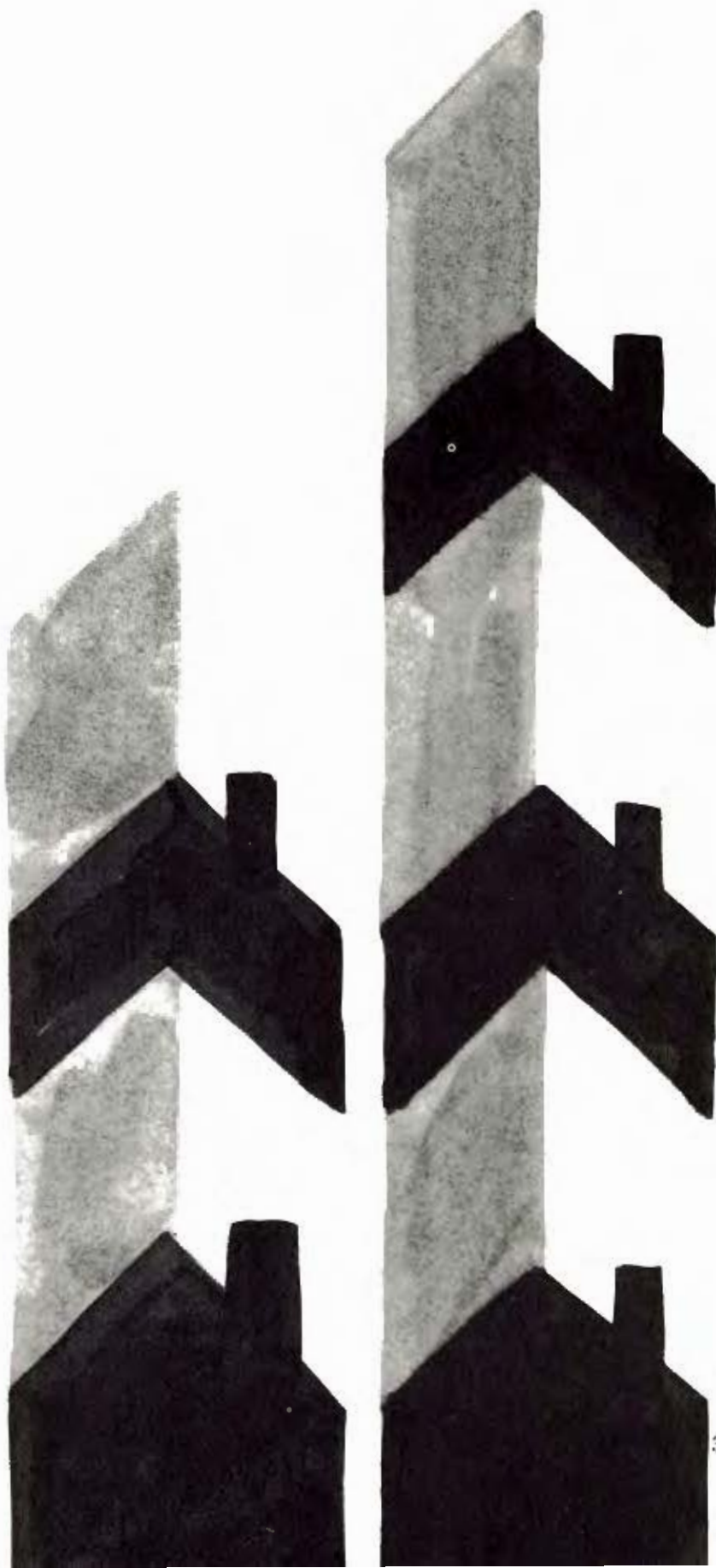
BLACK
IS TO
CITY



AS WHITE IS TO SUBURBS

In January 1970, the Commission conducted a hearing in St. Louis to examine the relationship of the inner-city to the suburbs and its effects on city dwellers, mainly black persons. The following article is based on testimony given at the hearing by Dr. Chester W. Hartman, Assistant Professor of City Planning at Harvard University. His testimony on the denial of equal opportunity for blacks in housing and employment in the suburban areas is not limited to St. Louis, but is reflective of many other metropolitan areas in this country.

It is evident that the St. Louis metropolitan area, in many respects, is representative of the two societies that we have been warned is the Nation's destiny. The central city is nearly half-black and the surrounding suburban county is nearly all-white; within the city, two societies exist, one black and the other white; and what black population there is in the suburbs is located in small enclaves.



The county itself is not a single entity, but a multitude of governmental units—nearly 100 of them. Each of these small governmental units has its own separate policies with regard to zoning and subdivision regulations, as well as more subtle, private actions, all of which serve to maintain what has been described here and elsewhere as “the white noose around the black neck”.

The city and county are very different living places with respect to what they offer in the way of access to jobs, community facilities, housing, and public services. The level of expenditure for schools is much higher in the county; public services, such as garbage disposal, snow removal, and street paving are much better in the county; jobs are shrinking in the city and growing in the county.

City housing, which means the housing available to the black population, is primarily rental units in multifamily buildings in poor condition, old and crowded. On the other hand, the county housing—white housing—is primarily single-family owned units, in good condition, with adequate space both indoors and outdoors. New construction has been almost exclusively in the county.

The low rent public housing program is concentrated in the city and, I might add, is a model of how to create new, expensive, planned slums, in many cases worse than the old slums from which the new residents came. In the county area where there is much more space, lower land costs, and better community facilities, there is virtually no public housing.

The other major government program in the housing field,

urban renewal, is used extensively in the county, but primarily to move black families within the county from more desirable to less desirable locations, or to move them out of the area altogether.

The tragedy is that this situation we have described in St. Louis is hardly different from any of several dozen major metropolitan areas in the United States. The figures might differ slightly, but essentially this same picture of urban America would be found. In any of the large metropolitan areas of this country one would find what could be called the principal “actors” in the dual-housing system, those who serve to make the racist system function.

As in St. Louis, these “actors” include real estate brokers and developers, who build and trade in residential properties and play a critical role in maintaining two separate housing markets—another big step towards two separate societies. Typical also are local and Federal housing and urban development officials who employ or allow public programs to further this system of two markets, with unequal benefits to blacks and to whites.

Those who run our financial institutions, which are so critical to the housing market, should also be credited with creating and sustaining these dual-housing conditions.

Housing is an area in which the Government has done a lot less and now has a lot less potential than is true in the area of employment. Basically, recommendations for Government action would consist of refraining from certain current practices and increasing programs in other areas.

The urban renewal program is clearly being used as a means of redistributing the black popula-

tion. This is beyond doubt a violation of the law and public policy. Although the program was introduced as part of the Housing Act of 1949, which stated in its preamble the national housing goal of “a decent home and suitable living environment for every American family”, as far as many black families have been concerned, urban renewal has meant not only worse housing conditions but an involuntary reshuffling from one city to another or from one part of the city to another. This is done as local renewal officials decide how they want land used on which black families reside and where they want black families to live.

There is nothing to be said about this pattern other than it must be ended at once. Local renewal authorities may propose programs of this sort but it is up to the U.S. Department of Housing and Urban Development (HUD)—and there is no question but that it has the power—to enjoin localities from blatantly pursuing such racist urban renewal projects. This is something that must be demanded of the U.S. Department of Housing and Urban Development.

The housing field is more complex because the issue is only partly one of housing discrimination, although there is no doubt that such practices exist in great quantity. The more fundamental issue is that tens of thousands of persons in large metropolitan areas—white as well as black—are living in substandard or overcrowded conditions with respect to their homes as well as their neighborhoods. Given the high and rising cost of providing decent housing, they are only going to be able to live decently if Government subsidies are made available.



Photo: Lawrence Glick

The problem is, in part, one of totally inadequate resources at the Federal level. What we spend nationally on low rent housing would just barely meet the needs of the St. Louis area, much less other large metropolitan areas which need such services. With regard to this issue, we would do well to support the recommendations of the Douglas Commission, the National

Commission on Urban Problems. Its report provided a first-rate analysis of the Nation's housing problems and needs. But in the shuffles of politics, it has been virtually ignored. The recent housing goals for the Nation, set forth in the 1968 Housing Act, while still inadequate, at least provide the first serious attempt at quantifying our national needs. It is clear that,

2 years after the passage of this act, we already are well behind the goal and will continue to be behind unless we keep reminding the Nation of its commitments and its inadequate performance.

The second part of the need, the delivery system, is a more complex matter, although no less important. Generally, it is my view that unless we have the right kind of housing

and the right kind of housing conditions, it is useless and perhaps worse than useless to spend a lot of Government money in this area.

There is no reason why we have to build large sterile housing projects. Voices should be raised demanding that Government housing subsidies be spent for such programs as leased public housing, scattered site developments, rent supplements, home-ownership subsidies, rehabilitation, and other methods which guarantee that the housing produced will be decent and satisfactory to its occupants and to the community. It should be built in all parts of the metropolitan area and not concentrated in the central city. The idea of separating and segregating the poor into easily identified compounds of their own is simply unworkable as well as immoral. The key issue that has been raised about this is the reluctance of local agencies outside the central city to provide housing for low-income families.

Federal low rent housing programs, at present, rely totally on local housing authorities. In the St. Louis area, only one municipality in the county, the all-Negro town of Kinloch, has a housing authority. The county housing authority has done but little and presently can operate only in unincorporated areas of the county. Thus, low rent housing and, therefore, low-income people—i.e., a majority of the black population—are virtually excluded from the incorporated areas of the county.

If there is to be an impact in this area, a delivery system must be created which can insure that low rent housing will be built throughout the metropolitan area. This will require relaxation of some of the traditional exclusion-





*Photos: Lawrence Glick
Michael Woodlon*



ary powers of zoning and subdivision regulations which have been given to local governments.

In this regard, my own State of Massachusetts recently passed some legislation which might be of interest. It calls for exclusion of a certain percentage of a municipality's undeveloped land area from prevailing zoning restrictions if the purpose is to build low-income or moderate-income housing. But for the system to work it will also require a more positive means of providing sponsors and builders of such housing.

Non-profit community groups might be given the right to contract directly with HUD for low rent public housing annual contributions, in the event there is no local housing authority, or if the local housing authority refuses to build adequate amounts of housing. Cities and towns could be required to build a certain amount of low- and moderate-income housing under any of a variety of programs, as a precondition for receipt of some types of Federal aid for highways, urban renewal, public facilities, planning grants, and the like.

As to the relation of housing to jobs, perhaps we should think in terms of greater public influence over the location of jobs, rather than merely observing trends and trying to catch up with them.

Large employers with their location and relocation decisions and their actions and inactions, in the field of hiring, promotion, and job conditions, help to maintain the present situation with respect to unemployment, underemployment, and unequal job distribution.

I would recommend serious consideration of Government regulation of plant location and relocation so as to avert the social costs

of plants moving out of the central city. At present, such regulations exist under our labor relations laws to forbid plants from relocating, if the purpose and effect of this move is to escape labor unions. Under a similar principle, considerations of the economic impact on the black population of the central city might provide justification for some controls of a plant relocation out of central cities.

There is no doubt that the big corporations are where the action is in the employment field. There is hardly a major corporation in the United States that is not deeply involved in Federal contracts. Suppliers and subcontractors to these major corporations also are fully aware that the impact of Government contracts is enormous.

Thus, if we are to make a breakthrough with respect to minority and group employment, the key "actor" is the Federal Government. It is the one "actor" that has the power, the ideological and legal commitment, and the distance (by that, I mean the lack of direct interest involvement on the local level to bring about changes).

I think it is safe to say that those who run our big corporations are interested primarily in maximizing profits. Those at the top who make the big decisions do not care too much whether their skilled workers, their technicians, their foremen, their assistant foremen, and their professionals are black or white, just as long as they get the job done. They are satisfied as long as they get the contracts and make their money and satisfy their customers, their stockholders, and their superiors.

On the other hand, they have no particular interest in solving racial problems either, except when

racial problems cause disruptions and violence or threaten the stability of the system and their ability to carry on business as usual.

We must make it in the corporations' interest to provide adequate jobs at all levels for black workers as a precondition for getting Government contracts. The Federal Government must realize that solving the country's social, economic, and racial problems is as important a product as airplanes, uniforms, and paper clips, or any of the hundreds of other products needed to make the Government and country run. And the two products, so to speak, can, and must, be produced simultaneously.

There must be two phases to this process. Once we accept the principle that equal job opportunities for black workers is a goal as important as the material product itself, initial awards of Government contracts should be based in part on the progress the company has made *at the point of submitting its bid* in providing equal job opportunities for black workers.

Just as the price of the bid and quality of the product are now critical factors in deciding who gets what contracts, so should absence of discrimination in hiring, promotion policies, and working conditions be equally important factors in determining contract awards. This will encourage companies to act in this area *immediately* in order to improve their competitive positions in bidding for contracts.

This procedure also makes it in the interest of present workers who are predominantly white to accept these conditions of equal opportunity. Their own continued job advancement and security, which are related to the company's well being, will also be related to the

conditions of black workers. I don't know if we can ever expect to put a complete end to what has been called racist restroom poetry on the factory walls. However, I believe it is possible to change the structure of self-interest and, thus, the behavior of white workers.

The second phase, in addition to the threshold qualifying conditions I have just described for getting contracts, must be a plan, very carefully monitored, as to how the contract itself will be used to increase black employment. A detailed description of how many jobs will be provided for black workers, at what levels, and how this is to be done should be required.

This job development plan could be incorporated *as part of the contract* and failure to fulfill these requirements would lead to penalties and the removal of the job order itself, just as failure to produce the product according to predetermined specifications might lead to such measures. In short, the product and the process by which the product comes into being—the economic, social, and racial factors that are involved in employment—must be seen as equally important to the Federal Government, with equal stress laid on monitoring both aspects and equal sanctions imposed for failure to meet stated goals.

Whether legislation, Executive order, administrative orders, or any formal methods to institute this plan are the most appropriate, I am not qualified to say. I do know, however, that what I am advocating is essentially a political question, in the broadest sense of the word, values, interests, and power. No matter what the formal means chosen, such a policy

cannot be effective unless and until those who make and carry out Government policies at the highest levels embrace this new approach with sincerity and dedication and impart this urgency to subordinates. We have seen in the employment and housing fields quite clearly how evasion and footdragging can make a mockery out of laws and Executive orders. Reports from Federal agencies in the field of contract compliance indicate currently an unwillingness and/or inability to enforce compliance, and present practices are allowed to continue. Clearly, it is the will behind the policy and not the form that counts.

To make a more general, sociological observation, everyone seems to deny responsibility for the problem; deny playing a personal role in this system of racism; deny having personal attitudes and behavior that are discriminatory. Everyone places great stress on presumed changes that have been made rather than on the problems that remain. Everyone asserts that there is discrimination, but by somebody else, rather than by themselves or in the institutions they service.

Rather than admit that there is any racism in the hiring practices of one's own firm, for example, the only black worker, a building janitor, is described as "having important responsibility for the welfare of a number of commercial buildings". In a hearing I attended two years ago, a similar employee, a janitor, was described as a "custodial engineer".

There is really no doubt what the truth is and the documentation of evidences of racism is important but it is not necessary to attain 100 percent of irrefutable

proof and universal acknowledgement. I say this because there is a danger, it seems to me, of spending too much time on documentation and persuasion and not enough time on acting to change present conditions.

In fact, as we review some of the various actions and "actors" discussed above, there is no one person or group of persons who can be described as responsible for the situation we have named. The fact is that all of the "actors" have had a role in that elaborate and destructive system called racism.

Because of this, no one person feels sufficiently responsible for having created and maintained the system. No one feels that he, by changing his own actions, could do much to break the chain. Everyone seems to feel unjustly charged with ultimate responsibility. Everyone seems to feel, with a great deal of justification, that it will be against his own self-interests, as he narrowly conceives them, to change his own behavior. And, in fact, all of the participants in this racist system are behaving in a rather normal and rational manner: they are following their self-interests as they perceive them.

The path to change then, and the only way to bring change about, is to change the structure of self-interest and, therefore, to change individual and institutional behavioral priorities. Attitudes are secondary. They are more difficult to change and less important ultimately. If we can change institutions and behavior, attitudes will eventually change to accord with behavior.

CHESTER W. HARTMAN

Dr. Hartman is Assistant Professor of City Planning at Harvard University.

Book Reviews

The Guardian of Boston, William Monroe Trotter, By Stephen R. Fox, New York. Atheneum, 1970. 307 pp.

At the close of the 19th century, an age of fresh despair was beginning for blacks in America. Reconstruction had been abandoned; the Federal Government had turned its back on the former slaves; the North was weary of hearing about the plight of the Freedmen; and 90 percent of the descendants of uprooted Africans lived in the South where they were without defense or friends against night riders, lynchers, and economic peonage.

It was the winter of small hopes and tiny expectations and the only black voice heard in the land was

that of Booker T. Washington, an obscure Alabama teacher catapulted to prominence on the contents of a single speech in Atlanta in 1895 in which he assured whites of the docility of his people and their unconcern for such extraneous matters as political and social equality. No words could have been more welcome to the ears of the North, which could now, in easy conscience, wash its hand of the racial problem and leave its resolution to the South, which in turn was delighted with such supine acquiescence to its plea for the right to implement a thoroughgoing system of racial superiority.

The choice of Washington to speak for blacks was a deliberate one. He offered to blunt demands for political and social equality, until blacks proved themselves "worthy" of such equality. Such an accommodation found wide acceptance among whites who viewed it as indicative of the way that the mass of blacks felt. Washington offered no threat to continued white dominance. As one of his contemporaries, Kelly Miller, described him: "Washington is lamb like, meek and submissive".

With financial and political support from whites, Washington was virtually unassailable as the black leader of his time, but his philosophy was not as widely accepted as whites believed, and there were voices raised among his own people against him. They saw his philosophy as a long step away from the type of educational and political development that would enable blacks to advance past a point of serfdom. One of these dissenters was William Monroe Trotter, the subject of this helpful biography which does much to clarify the role of this proper Bostonian and his newspaper, *The Guardian*.

A more likely candidate for the role of dissenter than Trotter would have been difficult to discover in the late 1800's. The son of well-to-do free parents, a graduate of Harvard, and owner of a Phi Beta Kappa key, Trotter, in the context of his being a black man, could have eased into a comfortable and well ordered life. He chose instead to struggle against the Washington philosophy of accommodation, with a passion whose sheer intensity threatened more than once to consume him in its flames.

The differences between Washington and Trotter involved not only philosophies, but style as well. Washington stressed the dignity of manual labor as a method of establishing a black man's right to equality, while Trotter argued that intelligent political activity would force progress in other areas. Washington came from the masses; Trotter was the elitist, and yet the latter

seemed to have more pride in his race than Washington, who was not loath to ridicule his people for the purpose of making some point and seemed to accept their supposed inferiority as a divine fact.

Trotter began his opposition to Washington as something of a dilettante engaging in discussions with his peers, while making no real commitment to an active role. By 1901, the decision to devote the rest of his life to the racial struggle had been made and he began the publication of *The Guardian*, a newspaper that was never to be profitable but for the next 30 years was to loudly demand equality for blacks.

The intensity of the attacks Trotter leveled against Washington often spilled over into vicious name-calling on the part of the editor, making it difficult to determine exactly what Trotter was opposed to—the ideas of the man or the man himself. Whatever his principal target, Trotter did succeed in calling the country's attention to the anti-Washington sentiment among blacks by disrupting one of the leader's speeches in Boston in 1903 and getting himself arrested in the process.

His subsequent jailing had a catalytic effect on the developing philosophy of one man, whose recruitment to the anti-Washington standard, in and of itself, would have assured Trotter of at least some place in history. W.E.B. DuBois, then teaching at Atlanta University, had published in the spring of 1903 *The Souls of Black Folks*, which contained an essay, "Of Booker T. Washington and Others", that, without mentioning Washington by name in the text, was critical of his public position on education, voting, and civil rights. DuBois was not yet at the point where he was willing to make a complete break, but his radicalization came when Trotter was jailed. To a prominent white philanthropist, he wrote:

As between him and Mr. Washington, I unhesitatingly believe Mr. Trotter to be far nearer the right in his contentions and I only pray for such restraint and judgment on Mr. Trotter's part as will save to our cause his sincerity and unpurchasable soul, in these days when every energy is being used to put black men back into slavery and when Mr. Washington is leading the way backward.

Trotter and DuBois were wed in thought but their collaboration was to be short lived. Both possessed tremendous egos, both were firmly convinced that his way was right, and men cannot work in tandem like this. Together, Trotter and DuBois wrote the Declaration of Principles for the first Niagara Conference that in time led to the establishment of the National

Association for the Advancement of Colored People. For a moment they were fixed together in time, star-crossed associates, and then the separation: DuBois to spend a lifetime in creative work and to leave behind a substantial legacy of ideas and concepts; Trotter to expend himself in tilts at specific issues that left him exhausted, penniless, and toward the last, almost unnoticed.

The book pulls back the curtain on a time in American history that is just now, with the growth of black awareness, commanding the attention it deserves. The fascinating glimpses it offers of the machinations of that age, the struggle for power that often eclipsed the primary goal, set the age in a perspective from which comparisons with today cannot help but be drawn.

Trotter is a tragic figure. He was obscured by greater men, and yet he had an impact upon them that was not inconsiderable. His failing lay in his inability to develop a coherent philosophy that could exist outside of himself. He would crusade, but when the crusade was over, little remained but the memory, and then there came another crusade and the same pattern was repeated.

As Washington's influence began to erode in the latter years of his life, Trotter's attacks became more subdued, and when Washington died in 1915, the editor found room for compassion in the pages of his newspaper. Trotter turned to fresh causes—a battle to prevent the showing of "Birth of a Nation", efforts to halt the spread of segregation in Government agencies under President Wilson, and a plea, unheeded, for attendees at the Versailles Peace Conference to consider the plight of America's blacks.

His Negro American Political League, later the National Independent Political League and then the National Equal Rights League, was eclipsed by the NAACP, with whom he found it impossible to work except on a sporadic basis. In the latter years of his life, time passed him by. In the early morning hours of April 7, 1934, on his 65th birthday, he either fell or jumped to his death from the roof of his home.

Trotter has been almost forgotten, except perhaps by students of the black press. This book should help restore him to his rightful place in history. The author has succeeded in projecting the complexity of the man, and his age as well, to the point where history of that period is brought into very human terms. It is a valuable work that should provide profitable insights for scholars and laymen alike.

JAMES D. WILLIAMS



Nisei: The Quiet Americans, by Bill Hosokawa, New York. William Morrow and Company, Inc., 1969. 522 pp.

Bill Hosokawa believes that of all the histories of minorities in this country, that of Japanese Americans is the most "unique" and the least known or "appreciated". It is for this reason he has put their story in writing. Everything is there, including a prologue, an epilogue, and even a guide to the pronunciation of Japanese words. And it is essential that the reader becomes immediately familiar with two of these words

used throughout the book, i.e., *Issei*, meaning Japanese immigrants or "first generation", and *Nisei* which refers to the American born children of Japanese parents or "second generation".

The first *Issei* arrived in the United States around 1870. By 1910 there were 72,157 here and by 1940, 126,947, most of them concentrated in California and along other parts of the West Coast. Except for a few students, they came and were welcomed here primarily for monetary reasons: the Japanese to make their fortunes and then return home; the Americans because they needed laborers to work the farms and, later, on railroads, in mines, and in canneries.

The author discusses the early relationship between Japan and the United States and the circumstances leading to Japanese immigration to this land. Once here, the Japanese excelled in agriculture and other working endeavors as indicated by the Immigration Commission around 1920:

The Japanese commonly work longer hours than either the East Indians or the Mexicans. The Japanese, moreover, are quicker workmen and capable of closer and more continuous application than the other races. Their greater desire to adopt American standards of life and especially their greater eagerness to become independent farmers and businessmen go far toward explaining their greater industry.

Yet it was for these very same reasons that the *Issei* incurred the wrath of white Americans—beside the fact that they were Japanese. Exploitation of the Japanese in this country was rampant as was racial and legal discrimination. It was even worse for those who dared to step out of their "place". Hosokawa points out that:

As late as 1950 there were more than 500 federal, state and local laws and ordinances aimed directly or indirectly against resident Japanese. Most of these restrictions had as their basis the phrase, "ineligible to citizenship". Persons ineligible to citizenship . . . were denied the right to own land or buy homes. . . .

In 1925, hostility was so great, a Federal act was passed prohibiting further immigration of those "ineli-

gible to citizenship”.

Despite these handicaps, the achievements of the *Issei* were remarkable. Two chapters are devoted to accounts of successes and contributions made by these Japanese Americans to this country. Among them were: an *Issei*, Masaharu Kondo, who conquered yellow fever; Dr. Hideo Noguchi, referred to as the father of Southern California's fishing industry; and Dr. Jokichi Takamine, said to have discovered adrenalin. Numerous advances also occurred in the theater, railroading, banking, and other areas in which the *Issei* “made their mark”.

By 1930, the *Nisei* had increased and were beginning to have an impact on their parents' and other American lives. Bill Hosokawa devotes the latter section of Part One of his book to the “second generation's” search for identity and the emergence of the Japanese American Citizen's League (JACL), an organization which still exists and which has played an important role in the lives of Japanese Americans.

Caught between two cultures and languages, the *Nisei* were faced with the problem of whether to assimilate or to maintain ties with their Japanese heritage. Very few of the parents, *Issei*, spoke fluent English and even if they did, Japanese was usually spoken at home. At the same time the *Nisei* had become accustomed to American ways. However, American society rejected them and they really had little in common with Japan:

The Nisei sought to show that they could indeed be assimilated culturally, and in their zeal many made it a point of rejecting their Japanese heritage, asserting with pride that they spoke no Japanese and knew nothing about Japan.

This is the same story of course for many minorities in the United States but the difference for the *Nisei*, as well as their parents, was that the relationship between Japan and this country was becoming more and more strained, and this circumstance would affect their lives in a manner no other minority has experienced.

It is Part Two of Hosokawa's book that I find most intriguing, for it opens with the bombing of Pearl Harbor, and the events which follow indicate the lengths that racism and fear can drive the people of this Nation. The Japanese Americans were to suffer many hardships as a result of Japan's actions.

Americans feared the worst from Japan and they looked upon all Japanese as a threat to this country, Japanese Americans included. Harassment and terrorism against these people grew:

There were whites who honestly believed they were helping to win the war by throwing a brick through the window of a Japanese grocery store or firing a shot from a speeding car . . . their mentality was little different from the sheeted and hooded night riders in the Deep South.

Although many *Nisei* demonstrated their loyalty to the United States by volunteering for military service (indeed many already were serving), 3 days after the bombing of Pearl Harbor, plans were under way to evacuate all Japanese Americans from the San Francisco Bay area. On February 19, 1942, President Franklin D. Roosevelt signed the Executive order which resulted in the uprooting of more than 100,000 persons with Japanese ancestry from their homes into “concentration” camps, an exile that for some did not end until 1945.

The remainder of Hosokawa's book deals with the life in these camps; the ultimate release of the Japanese Americans; the efforts of the JACL and others in obtaining more legal rights for the *Issei* and *Nisei*; and their own efforts to rebuild anew. The author indicates that in an effort to right the many wrongs done to Japanese Americans, social, employment, housing, and other barriers disappeared and before long they were accepted and scattered in various parts of the United States.

Why has Hosokawa called the *Nisei* “Quiet Americans”? Perhaps it is because throughout the ordeals suffered they remained loyal to this country and always considered themselves Americans first and foremost. Perhaps it is because many of their successes have won a place for them in America. How they gradually and *quietly* won this place is well worth reading about.

Hosokawa says that many Americans no longer expect complete assimilation for acceptance and that, retaining its identity, a minority group can contribute much to this Nation, as the Japanese Americans have done. One cannot help but wonder, however, what would happen if conditions between Japan and the United States became perilous again.

WALLIS W. JOHNSON

Reading & Viewing

BOOKS

Black in Blue: A Study of the Negro Policeman, by Nicholas Alex. New York: Appleton-Century-Crofts, 1969. 210 pp.

A study based on intensive interviews with 41 black New York City policemen describes and analyzes the special problems and difficulties that black policemen face and the precarious nature of their relations in regard to their colleagues, the department, white civilians, and the black community.

Economic Opportunity in the Ghetto, by Sar A. Levitan, Garth L. Mangum, and Robert Taggart III. Baltimore: The Johns Hopkins Press, 1970. 84 pp.

An analysis of government-business efforts to open existing central city jobs to ghetto residents, to create new private sector jobs in or near the ghetto, and to promote local ownership of ghetto businesses.

The Future South and Higher Education, by the Southern Regional Education Board. Atlanta: Southern Regional Education Board, 1968. 157 pp.

Predicts that, by 1988, the South will have narrowed the gap in quality and quantity of education between itself and other regions of the Nation. Also foresees increased enrollment of the South's college-age black and white population and a rapid acceleration of the number and quality of graduate education programs.

King: A Critical Biography, by David L. Lewis. New York: Praeger, 1970. 460 pp.

An objective and balanced biography of Dr. Martin Luther King, Jr. in which his failures (in Albany, Georgia, Selma, Alabama, and Chicago) as well as his many triumphs (from the Montgomery bus boycott to the Nobel Prize) are analyzed for their effects on the man himself and on the course of events in the Nation.

Mexican-Americans in the Southwest, by Ernesto Galarza, Herman Gallegos, and Julian Samora. Santa Barbara, Calif.: McNally & Loftin, Publishers, 1969. 90 pp.

A brief study and assessment of the current economic, political, cultural, and educational status of the Spanish-speaking people of the Southwest who constitute the second largest disadvantaged group in the United States.

Race and Poverty: The Economics of Discrimination, edited by John F. Kain. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1969. 186 pp.

A collection of essays including the works of President Richard M. Nixon, the late Robert F. Kennedy, Herbert Hill, Andrew Brimmer, and others which reveals the economic effects of racial discrimination in the labor market, in housing, and in education, and examines the attitudes of blacks and whites toward civil rights and integration.

Racial Violence in the United States, edited by Allen D. Grimshaw. Chicago: Aldine Publishing Company, 1969. 553 pp.

A collection of reports and studies of racial violence from the 17th century to contemporary urban disturbances, showing these events in

their historical context as well as providing suggestive analyses of their social, psychological, and political causes and implications.

Revenue-Sharing: Crutch or Catalyst for State and Local Governments?, by Henry S. Reuss. New York: Praeger, 1970. 170 pp.

Explores the myths and realities of local government and its State-Federal relationships and proposes a revenue-sharing plan which would use Federal grants as incentives to local and State governments to improve education, housing, transportation, police, health, and other essential services.

The Supreme Court and the Idea of Progress, by Alexander M. Bickel. New York: Harper & Row, 1970. 210 pp.

Reviews the history of the Supreme Court, particularly the record of the Warren Court with which the author frequently dissents, and explores the limitations on the role of the Court in stimulating social progress and the different legal philosophies that have motivated Supreme Court Justices at significant periods.

Textbooks and the American Indian, by the American Indian Historical Society, Rupert Costo, Editor. Indian Historian Press, Inc., 1970. 269 pp. Thirty-two Indian scholars, native historians, and Indian students examined more than 300 textbooks which are used in elementary and secondary schools and found not a single book which could be approved as a dependable source of knowledge about the history and culture of the Indian people in America.

White Ethics and Black Power: The Emergence of the West Side Organization, 1969. Chicago: Aldine Publishing Company, 199 pp.

Examines the careers and philosophies of the leadership of the West Side Organization—an independent black community organization based in the Near West Side in the heart of Metropolitan Chicago, illuminating the complex relationship between white America and the new

Black Power movements, between America and its interpretation of itself on the one hand, and the experience of black and oppressed people in America on the other.

STUDIES AND REPORTS

A Chance to Learn: An Action Agenda for Equal Opportunity in Higher Education. A special report and recommendations by The Carnegie Commission on Higher Education. March 1970. New York: McGraw-Hill Book Company, 1970. 31 pp.

1st Annual Report of the Law Enforcement Assistance Administration, Fiscal Year 1969. U.S. Department of Justice. Washington: U.S. Government Printing Office, 1969. 66 pp.

HEW and Title VI: A Report on the Development of the Organization, Policies, and Compliance Procedures of the Department of Health, Education, and Welfare under Title VI of the Civil Rights Act of 1964. U.S. Commission on Civil Rights Clearinghouse Publication No. 22. Washington, D.C.: U.S. Government Printing Office, 1970. 73 pp.

Manpower Report of the President: A Report on Manpower Requirements, Resources, Utilization, and Training . . . transmitted to the Congress March 1970. U.S. Department of Labor. Washington, D.C.: U.S. Government Printing Office, 1970. 329 pp.

Poverty in the United States, 1959 to 1968. U.S. Bureau of the Census. Washington, D.C.: U.S. Government Printing Office, 1969. 118 pp. (Current Population Reports, Series P-60, No. 68).

Racism in America and How to Combat It. Prepared for the U.S. Commission on Civil Rights by Anthony Downs, a former consultant to the National Advisory Committee on Civil Disorders. Clearinghouse Publication, Urban Series No. 1, January 1970. Washington, D.C.: U.S. Government Printing Office, 43 pp.

T.W.O.'s Model Cities Plan. U.S. Commission on Civil Rights Clearinghouse Publication, Urban Series No. 2. December 1969. Washington, D.C.: U.S. Government Printing Office, 1969. 28 pp.

Reshaping Government in Metropolitan Areas. A Statement by The Research and Policy Committee. February 1970. New York: Committee For Economic Development. 1970. 83 pp.

The Social and Economic Status of Negroes in the United States, 1969. U.S. Bureau of Labor Statistics. Washington, D.C.: U.S. Government Printing Office, 1970. 96 pp. (U.S. Bureau of the Census. Current Population Reports, Series P-23, No. 29).

FILMS

Police and the Community: Respect For Each Other. This 24-minute, 16mm film won the Chris Award at the Columbia Film Festival in 1969. Sequences demonstrate how potentially explosive situations can either result in confrontations or better police-community relations, depending upon the actions of parties involved. It also depicts the varied responsibilities of law enforcement officers and ways in which members of the community can participate in these activities. Dibble-Dash Productions, 4949 Hollywood Blvd. (Suite 208), Hollywood, Calif. 90027.

Slavery and Slave Resistance. A welcome addition for those interested in a complete history of black Americans. This 16mm color film documents the story of the hardships endured by blacks in bondage, how owners purchased and traded their "property", and the significant efforts of many of those in servitude to escape to freedom. Included are accounts of successful and unsuccessful attempts as well as information concerning runaway slaves who became influential and famous. The film runs for 26 minutes. New York/Arno Press, 229 West 43rd Street, New York, N.Y. 10036.

COMMUNICATIONS

Gentlemen:

It has come to my attention that you have cited Philco-Ford Corporation as contributing to racist thinking through the stereotype portrayal of Mexicans and Mexican Americans in our advertising.

I note that one objectionable television commercial, depicting a Mexican sleeping at a TV set, is attributed to Philco-Ford in an article. . . for the Civil Rights Digest. . . .

That commercial again is attributed to us in the February and March issues of Advertising Age and another, showing Mexican bandits at a refrigerator, is identified as perhaps by Philco-Ford.

I want to assure you that neither commercial was by Philco-Ford. None of our advertising has depicted Mexican Americans or Mexicans in any manner, nor has any advertising theme approached the subject.

Indeed, we subscribe fully to your position and the call by Senators Cranston of California and Montoya of New Mexico for an industry-wide effort against intolerance and discrimination.

We have no record of receiving a letter from the Senators based on complaints from the Council to Advance and Restore the Image of the Spanish Speaking and Mexican American, as reported in Advertising Age, but we are making our position known to them. That we should be identified as a contributor to racist thinking is especially disturbing considering the ethnic policies of Philco-Ford and our parent, Ford Motor Company, whose contributions toward racial understanding are unsurpassed in business and industry.

I am sure you are aware that President Johnson, a champion of Mexican American understanding, chose Henry Ford II, chairman of Ford Motor Company, to provide the leadership by pioneering the National Alliance of Businessmen when it was created to restore the self-respect of demeaned and underprivileged Americans of all races and creeds through meaningful employment.

Some of our efforts in behalf of Mexican Americans and the communities where they live may be of interest to you. In San Jose, where your chart of advertisers was compiled, the YMCA operates youth centers made possible in part by a \$73,000 grant by Ford Motor Company Fund. There, too, youth programs are offered by the Police Athletic League, supported in part by a \$15,000 grant by the Ford Fund.

Mexican Americans comprise a large percentage of the employment at Ford's San Jose and Pico Rivera assembly plants and earn wages that help them to achieve just participation in the American way of life. In fact, the Pico Rivera plant has received the Golden Aztec Award from the Mexican American Opportunity Foundation in Los Angeles as its foremost referral agency for employment.

Our Bay Area Community Relations Committee, composed of Philco-Ford and Ford Motor Company executives, is dedicated in its civic responsibilities to all people there and recently presented a \$33,000 Ford Fund gift to the Santa Clara County United Fund.

At the Guthrie Job Corps Center for Women in Oklahoma, Philco-Ford teaches business and vocational trades to underprivileged and unskilled girls then, with government and volunteer agencies, helps them find meaningful employment and adjust to society. In each of the past three years, some 75 Mexican American girls were among 600 graduates.

At the Tongue Point Job Corps Center in Oregon, 610 Mexican Americans have been graduated in the past three years. At the Madera Employment Training Center in California, 17 Mexican Americans are among the staff of 120.

These are but a few of our efforts toward racial equality, but I believe they serve to illustrate that we have a goal in common with you, Senators Cranston and Montoya, CARISSMA and other dedicated groups opposing intolerance and discrimination.

Leo C. Beebe

*Executive Vice President and General Manager
Domestic Consumer Products Division
Philco-Ford Corporation
Philadelphia, Pennsylvania*

Editor's Note: *The article referred to, "How Advertisers Promote Racism", appeared in the fall 1969 issue of the Civil Rights Digest. Recently, an article in the Wall Street Journal reported that the Frito-Lay Company decided to retire the Frito Bandito. The company instructed its advertising agency to find another advertising campaign.*

* * * *

Gentlemen:

Your letter . . . enclosing a copy of *Civil Rights Digest* volume 3 No. 1, has come to my desk and I have taken the time to read it all the way through. I was very happy to do so and found it very interesting.

Eustace Gay, President

THE PHILADELPHIA TRIBUNE



POSTAGE AND FEES PAID BY
U.S. COMMISSION ON CIVIL RIGHTS

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The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 and directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, or national origin, or by reason of fraudulent practices:
- Study and collect information concerning legal de-

velopments constituting a denial of equal protection of the laws under the Constitution;

- Appraise Federal laws and policies with respect to equal protection of the laws;
- Submit reports, findings, and recommendations to the President and the Congress; and,
- Serve as a national clearinghouse for civil rights information.