CIVIL RIGHTS DIGEST

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The articles in the Digest do not necessarily represent Commission policy but are offered to stimulate ideas and interest on the various current issues concerning civil rights.

INTRODUCTION

Members of the United States Commission on Civil Rights, staff members of that Agency, and others concerned with its program have long felt the need for an annual report on civil rights. In 1959 and in 1961 the Commission issued statutory reports which summarized the status of civil rights in the country at those points in history. But during the intervening years, civil rights milestones have been passed. Each of these has been recorded by individual reports on the relevant subject. Now, however, it is the consensus that an overall review be made available and that the time to inaugurate an annual report is the present.

Introduced as a special issue of the Commission's quarterly magazine, the *Civil Rights Digest*, this report seeks to document the mobility of the civil rights movement in each of its major areas of responsibility. Its contents, which treat substantive matters of education, employment, housing, and voting, were written by Commission staff members whose day-to-day work lies in these fields.

The two articles concerned with the specific problems of Mexican Americans and Puerto Ricans are indicative of the Commission's enlarged scope of interest which goes beyond the needs of the black community. It attempts to give its attention to all deprived groups such as the Spanish speaking, the American Indians including the Alaska Natives, and the Oriental Americans.

The concluding article summarizes the recommendations made by the Commission during its 14-year history and indicates legislative action taken on them. Although, in the totality, the Commission's recommendations have been reasonably well accepted and have resulted in some basic civil rights gains, the long freedom march is far from over. Much remains to be done before this Nation redeems its promise to provide equality for all Americans.

Staff members have been permitted, indeed encouraged, to be analytical as they review events in their special fields. While their views generally represent those of the Commission, it should be pointed out that their analyses may not be precisely those of the Commission itself in each instance.

SCHOOL DESEGREGATION

Federal courts have moved vigorously the past year and a half to accelerate the pace of school desegregation. Tactics designed to delay elimination of the dual school system have been systematically struck down. The Supreme Court gave support to a wide variety of desegregation techniques, including transportation, in the important *Swann v. Charlotte-Mecklenburg Board of Education* case decided unanimously in April 1971. In that decision, neighborhood schools lost their sanctity when busing was recognized as a viable means of achieving desegregation.

Decision of courts in areas as widely separated as Pasadena, California and Pontiac, Michigan have acknowledged that segregation is a national rather than a regional problem and requires remedial action by individual school districts wherever it exists.

In another step toward eliminating inequality of educational opportunity, a Federal court denied tax exemptions to private educational institutions, as well as tax deductions to individuals contributing to these institutions, if the schools discriminate on the basis of race. Racially discriminatory private schools support segregation by diminishing the number of white students who otherwise would attend desegregated public schools.

In fall 1970, Southern school districts which previously had escaped desegregation were required to implement final desegregation plans. This action followed pressure from the Department of Health, Education, and Welfare and from Supreme Court rulings requiring that desegregation take place "at once". Although there was large-scale implementation of desegregation plans, most of the plans continued to permit numerous black, majority black, or predominantly white schools. Strategies adopted to avoid a completely desegregated system included adherence to neighborhood schools where residential segregation would preclude integration; rejection of noncontiguous zoning or school pairing; and rejection of transportation plans for desegregation purposes. Hence, many school systems technically desegregated and "in compliance" with court-ordered plans or HEW voluntary plans still were educating minority and majority group children in segregated schools or segregated classrooms.

Nevertheless, the number of minority group children attending desegregated schools continued to increase in

States where segregation once had been required under law. In fall 1968, 78 percent of all black school children were in schools with 80 percent or more minority enrollment in the 11 Southern States. By fall 1970, the figure had dropped to 39 percent.

However, these statistics reflect only physical desegregation of schools. The figures fail to take into account other serious, but often more subtle, aspects of segregation and discrimination. These include segregation of activities and facilities within schools; unequal discipline based upon race; and demotions and/or dismissals of minority faculty and school administrators. These problems represent forms of discrimination which almost inevitably will become the focus of legal and administrative action in the seventies.

Even without looking at discriminatory tactics, the discouraging fact is that, despite minimal gains in desegregation, more than 3.3 million black children remain in schools 80 percent or more minority in the continental United States, 1.2 million of whom are in the South.[1] In addition, more than 750,000 Spanish surnamed children, 468,000 of whom are in five Southwestern States, remain in ethnically imbalanced schools.[2] In the North and West, where legally segregated education has been infrequent, the extent of segregation is substantial and, in many communities, growing.[3]

NATIONAL STANDARDS

During 1970 and 1971 an increasing debate has been heard about the need for national standards for school desegregation, applicable nationwide in *de jure* as well as *de facto* situations. A leading Northern exponent for a national approach to school desegregation is Senator Abraham A. Ribicoff of Connecticut who, in 1970 and 1971, introduced legislation which would require metropolitanwide desegregation of schools. Under the Ribicoff proposal, all schools within a metropolitan area would be required to have a proportion of minority group students equal to at least one-half the minority group proportion of the enrollment in the metropolitan area as a whole. Ten years would be allowed to accomplish this integration, but school districts would be expected to show substantial progress toward established goals each year or face the loss of all Federal education aid. The Senate rejected the bills both years.

Senator John Stennis of Mississippi also pressed for equal emphasis on desegregation in all sections of the country. Senator Stennis introduced an amendment to the 1970 Education Appropriations bill requiring uniform application of HEW school desegregation policies and practices throughout the country. After Senator Ribicoff added the phrase "regardless of the origin or cause of the segregation", the perfected amendment was adopted.

Neighborhood schools and the use of busing to achieve desegregation have caused widespread debate during the past 2 years. In March 1970, the President issued a special statement on school desegregation in which he emphasized the distinction between *de facto* and *de jure* segregation, expressed support for the neighborhood school, and opposed busing to achieve desegregation.

The United States Commission on Civil Rights responded to the President's message. While commending the President for his strong support of the constitutional principle of the 1954 Supreme Court decision in *Brown v. Board of Education*, the Commission took exception to the arguments against busing, maintaining that the emphasis on busing was misplaced. "As most Americans would agree," the Commission said, "it is the kind of education that awaits our children at the end of the bus ride that is really important."

The Commission also took issue with the President's statement of *de facto* segregation. It observed that often what appears to be *de facto* segregation actually is the result, in whole or substantial part, of an accumulation of governmental actions. Such segregation, the Commission argued, therefore is *de jure*.

For example, in a recent Northern school case, *Davis v. School District of the City of Pontiac, Inc.*, the school board contended that *de facto* segregation existed in certain Pontiac elementary schools but that it could not be required to undo that which it had not caused.[4] The court found that the Pontiac Board of Education intentionally utilized the power at its disposal to perpetuate the pattern of segregation, deliberately preventing integration despite its pronouncements favoring integration. The court concluded that the Pontiac Board of Education did "a great deal to create the patterns existing within that school district" and therefore was responsible for eliminating the patterns. The decision

[1] *National Survey of Racial and Ethnic Enrollment in the Public Schools, Table 2-A, HEW Press Release, Washington, D.C., June 18, 1971.*

[2] *National Survey of Racial and Ethnic Enrollment in the Public Schools, Table 2-B, HEW Press Release, Washington, D.C., June 18, 1971.*

[3] *National Survey of Racial and Ethnic Enrollment in the Public Schools, Table 2-A, HEW Press Release, Washington, D.C., June 18, 1971.*

[4] *309 F. Supp. 734 (E.D. Mich. 1970).*

NEGROES ATTENDING SCHOOL AT INCREASING LEVELS OF ISOLATION
FALL 1968 AND FALL 1970 ELEMENTARY AND SECONDARY SCHOOL SURVEY

				NEGROES ATTENDING:					
AREA	TOTAL PUPILS	NEGRO NUM.	NEGRO PCT	0–49.9% MINORITY SCHOOLS NUMBER	PCT	50–100% MINORITY SCHOOLS NUMBER	PCT	80–100% MINORITY SCHOOLS NUMBER	PCT
CONTINENTAL U.S.									
'68	43353568	6282173	14.5	1467291	23.4	4814881	76.6	4274461	68.0
'70	44877547	6707411	14.9	2223506	33.1	4483905	66.9	3311372	49.4
(1) 32 NORTHERN AND WESTERN									
'68	28579766	2703056	9.5	746030	27.6	1957025	72.4	1550440	57.4
'70	29451976	2889858	9.8	793979	27.5	2095879	72.5	1665926	57.6
(2) 6 BORDER AND D.C.									
'68	3730317	636157	17.1	180569	28.4	455588	71.6	406171	63.8
'70	3855221	667362	17.3	198659	29.8	468703	70.2	404396	60.6
(3) 11 SOUTHERN									
'68	11043485	2942960	26.6	540692	18.4	2402268	81.6	2317850	78.8
'70	11570351	3150192	27.2	1230868	39.1	1919323	60.9	1241050	39.4

AREA	90–100% MINORITY SCHOOLS NUMBER	PCT	95–100% MINORITY SCHOOLS NUMBER	PCT	99–100% MINORITY SCHOOLS NUMBER	PCT	100% MINORITY SCHOOLS NUMBER
CONTINENTAL U.S.							
'68	4041593	64.3	3832843	61.0	3331404	53.0	2493398
'70	2907084	43.3	2563327	38.2	1876767	28.0	941111
(1) 32 NORTHERN AND WESTERN							
'68	1369965	50.7	1198052	44.3	834898	30.9	332408
'70	1475689	51.1	1288221	44.6	878357	30.4	343629
(2) 6 BORDER AND D.C.							
'68	383059	60.2	368149	57.9	294844	46.3	160504
'70	380185	57.0	355512	53.3	294104	44.1	154409
(3) 11 SOUTHERN							
'68	2288570	77.8	2266642	77.0	2201662	74.8	2000486
'70	1051210	33.4	919594	29.2	704306	22.4	443073

Source; National Survey of Racial and Ethnic Enrollment in the Public Schools, Table 2-A, HEW Press Release, Washington, D.C., June 18, 1971.

was affirmed on appeal. [5]

The Commission's position on busing was supported by the United States Supreme Court in its April 20, 1971 decision in *Swann v. Charlotte-Mecklenburg Board of Education.* [6] The case involved an appeal from a court-ordered integration plan which called for extensive busing of about 23,000 students. The plan called for a white-black enrollment in each school approximating the overall enrollment ratio in the district. In affirming the lower court's earlier order, the Supreme Court held:

1) Limited use of mathematical ratios in fashioning a desegregation decree is permissible.
2) Where black-white enrollments in individual schools do not reflect generally the black-white ratio in the district as a whole, the burden is upon the school board to show that desegregation has nevertheless been achieved to the greatest degree possible.
3) Rearrangement of school districts and geographic zones and the development of noncontiguous zoning is within the power of the courts in eliminating the dual system.
4) Bus transportation is a viable technique for accomplishing school desegregation and courts may require its use.

Because busing had been utilized sparingly under HEW administrative rules, numerous desegregation plans perpetuating all-black, majority black, or majority-minority schools had received the Department's sanction. Following the *Swann* decision, HEW's Office for Civil Rights began to review previously accepted plans to secure changes where all-black schools continued to exist. However, few changes in plans have been made which adequately reflect the rulings in *Swann.*

LEGISLATION

Despite frequent changes in policy regarding school desegregation during the past 2 years, Federal financial assistance for implementing desegregation has been increased. Under the Emergency School Assistance Program, an initial $75 million was appropriated in August 1970 to help Southern school districts carry out their desegregation plans by resolving problems arising "incident to desegregation". Legislation calling for an additional $1.5 billion was introduced later in 1970 by the Administration, but it was not approved. Some

[5] *443 F. 2d 573 (1971).*

[6] *399 U.S. 926 (1971).*

Congressmen felt there were insufficient safeguards for assuring that funds would be spent properly. Two evaluations of the $75 million program—one by several private civil rights groups and another by the General Accounting Office—cited numerous examples of improper use of funds and improper program administration. Other opponents felt the funds would support busing, of which they disapproved.

The Emergency School Aid legislation was reintroduced by the Administration and merged with a similar bill introduced by Senator Walter F. Mondale of Minnesota. The new bill, entitled the Emergency School Assistance and Quality Integrated Education Act, would require a school district receiving Federal aid for desegregation to have "at least one stable quality integrated school". An integrated school is defined as one "in which a substantial portion of the children are from educationally advantaged backgrounds and which is substantially representative of the minority group enrollment of the local educational agency in which it is located". The faculty also must be representative of the minority and majority populations.

The revised legislation required districts to adopt plans for eliminating racial isolation "to the maximum extent possible". This phrase, however, is undefined and could provide a loophole for recalcitrant districts and judges unsympathetic to desegregation. The bill also would provide funds for two experimental educational parks and for planning integrated programs to involve entire metropolitan areas. Further, it would provide money for "special programs", including educational television, bilingual education, and programs to involve parents in the educational process. Funds also would be provided for human relations activities designed to foster understanding between majority and minority groups and for a variety of school-community relations activities. The bill has passed the Senate but now is in the House Committee on Education and Labor. The President has indicated that he will ask that the bill be amended to forbid use of the funds for transportation purposes.

The Education Revenue Sharing Act of 1971 (ERS) is another major piece of proposed education legislation. ERS would replace categorical programs of Federal assistance to elementary and secondary education with a revenue sharing system designed to meet the broad needs of State and local school systems. Passage of the bill in the current legislative session now seems unlikely.

SEGREGATED PRIVATE SCHOOLS

A most disturbing development in education in recent years has been the proliferation of segregated private schools in the South as a means of avoiding school desegregation. The growth of these schools has been facilitated by the tax-exempt status granted them by the Internal Revenue Service and the tax deductions allowed to taxpayers who make financial contributions to these schools. In the midst of the *Green v. Connally* litigation, IRS modified its policy regarding segregated private schools. On July 10, 1970 [7] and July 19, 1970,[8] IRS issued press releases stating it would no longer grant tax-exempt status to segregated private schools.

Nevertheless, on June 30, 1971, in *Green v. Connally*, a three-judge Federal district court held that the Internal Revenue Code does not permit Federal tax exemptions to racially discriminatory private schools in Mississippi, nor does it permit individual tax-payer deductions where contributions are made to such schools. The court held that IRS, before granting tax-exempt status to private schools, must require the schools to document publication of their nondiscriminatory admission policy; to provide data on the racial composition of the student body, faculty, staff, applicants for admission, and recipients of scholarships and loan awards; to list the incorporators, founders, board members, and donors of lands and buildings; and to provide a statement as to whether they have an announced identification with organizations created to maintain segregated education as a primary objective.

Segregated private schools have become havens for white students fleeing integrated public schools and have thereby jeopardized the viability of plans to integrate public schools. With effective monitoring by IRS the court decision and policy change therefore can have major implications for strengthening public education.

UNFINISHED TASK

The 1970's will be busy years for school desegregation activities. The agenda will include completing physical desegregation and removing remaining discriminatory elements in systems which have desegregated. These activities undoubtedly will focus on eliminating artificial distinctions between *de facto* and *de jure* segregation. In working to end discrimination and segregation, North and South, the Nation will have to move with greater vigor and decisiveness toward the goal of providing equality of educational opportunity for all of its children.

[7] *Announcement of Position on Private Schools, IRS Press Release, Washington, D.C., July 19, 1970.*

[8] *Announcement of Position on Private Schools, IRS Press Release, Washington, D.C., July 19, 1970.*

CIVIL RIGHTS AND EDUCATION FOR THE SPANISH SPEAKING

Within the last few years, concern has been rising among Mexican Americans, Puerto Ricans, and other Spanish speaking groups over inequality of educational opportunity available to their children. For Mexican Americans and other Spanish speaking groups, the quest for equal educational opportunity involves more than desegregation and equalization of resources, important as these issues are. It also involves reversing programs and policies which work to make the native language and culture of Spanish speaking people an educational handicap.

Practices which have limited the ability of Spanish speaking students to progress educationally include: prohibition of the use of Spanish; placement of minority children in Educable Mentally Retarded (EMR) classes, not because they belong there but because they have an insufficient knowledge of English; the lack of language programs to prepare the Spanish speaking child to participate fully in the present English educational program; and failure to include Mexican, Mexican American, and Puerto Rican history and culture in the school curriculum.

Practices such as these have, in varying degrees, characterized the schools which Mexican Americans and Puerto Ricans attend. Some educators have argued that the culturally and linguistically different child must give up his native language and culture in order to succeed in life. They have reasoned that the best way to teach English language skills, and to inculcate Anglo middle class values in the Spanish speaking child, is to place him in a regular school program designed for the English speaking child. In this way, they argue, Chicano youngsters would be "forced" to learn English and "become American".

The failure of this approach is reflected in the achievement record for Spanish speaking students. The 1969 Mexican American Education Study of the United States Commission on Civil Rights shows that Chicano students are far behind Anglos in reading achievement and drop out of school at a rate about three times that of Anglo students.

During the last year and a half, this failure has also resulted in a series of confrontations between various school systems and Mexican American communities. In schools in a number of cities in the Southwest thousands of Mexican American students have walked out of classes, charging that they were victims of discrimination. Their demands fall into four major categories:

1. The implementation of bilingual and bicultural programs.
2. The hiring of more Mexican American teachers and counselors.
3. The right to speak Spanish on school grounds.
4. The right to select students for such positions as class representative, student body president, and cheerleader, through popular elections rather than faculty appointments.

Spanish speaking persons and

segments of the Anglo community have begun to attack aspects of American education which threaten to destroy the cultural heritage of Spanish speaking people and prevent them from becoming productive members of this society. Significant steps have been taken to end discriminatory treatment based on language and cultural differences and to develop effective bilingual and bicultural programs. Encouraging developments also have been noted in school desegregation and in migrant education.

NUMBER AND PERCENTAGE OF SPANISH SPEAKING AMERICANS ATTENDING SCHOOL AT INCREASING LEVELS OF ISOLATION FALL 1968 AND FALL 1970 ELEMENTARY AND SECONDARY SCHOOL SURVEY

For the Five Southwestern States -- Arizona, California, Colorado, New Mexico, & Texas

	Total Students	Spanish American Students	PCT	0-49.9% Minority Schools Number	PCT	50-100% Minority Schools Number	PCT	80-100% Minority Schools Number	PCT	90-100% Minority Schools Number	PCT	95-100% Minority Schools Number	PCT	99-100% Minority Schools Number	PCT	100% Minority Schools Number	PCT
'68	8,144,330	1,397,586	17.3	640,943	45.9	756,643	54.1	414,689	29.7	292,737	20.9	215,688	15.4	77,292	5.5	31,159	2.2
'70	8,434,863	1,545,068	18.3	701,112	45.4*	843,956	54.6*	467,903	30.3*	307,208	19.9	223,102	14.4	57,751	3.7	18,714	1.2

**Denotes decrease in ratio of desegregation*

HEW GUIDELINES

In May 1970, the U.S. Department of Health, Education, and Welfare took the first official step toward prohibiting discriminatory treatment of children with language and cultural differences. A memorandum was issued to all school districts having five percent or more national-origin minority children, clarifying responsibilities for providing equal educational opportunity. The four points in the memorandum:

(1) Whenever language excludes national-origin children from effective participation, school districts must take steps to rectify the language deficiency.

(2) School districts must not assign pupils to Educable Mentally Retarded classes on the basis of criteria which essentially measure English language skills; nor may they deny students access to college preparatory courses on the basis of the school's failure to teach language skills.

(3) Any ability grouping or tracking system must be designed to meet these needs as soon as possible, so as not to operate as a dead end

educational track.

(4) School districts are responsible for notifying the parents of national-origin students of school activities called to the attention of other parents, even if it must be done in a language other than English.

Since this memorandum HEW's Office for Civil Rights has worked with community groups in developing guidelines for district compliance relative to EMR placement. As of June 1971, these specifications were in the final stages of development before becoming official HEW policy, at which time districts must be in compliance in order to receive Federal aid. The Office is now drawing up the guidelines for compliance with other points of the memorandum.

LEGAL ACTION

A number of suits have been filed to seek to end the practice of placing children in Educable Mentally Retarded classes based on language criteria. One suit, *Diana v. California State Board of Education*, was settled out of court after the State agreed to accept bilingual and bicultural testing standards and other changes in EMR placement procedures. The State also agreed to adopt a permanent system of retesting to define guidelines for transitional EMR programs and to gather statistics on EMR enrollment. The State must justify any unreasonable ratio of minority children in EMR classes. Another California suit, *Arreola v. Santa Ana School Unified District*, is in litigation.

A third suit, *Covarrubias v. San Diego Unified School District*, concerned incorrect assignment of Mexican American and black students to EMR classes. The plaintiffs have asked the school district to pay $10,000 minimum damages and $10,000 punitive damages for each child incorrectly assigned to classes for the mentally retarded.

A similar suit was filed last winter against the Boston School System on behalf of both black and Puerto Rican students. Like the San Diego suit, it seeks damages for students incorrectly assigned to classes for the educable mentally retarded. Although the suit is still pending, pressure from Spanish speaking parents and community leaders has been so great that the Boston schools have stopped placing black and Puerto Rican students in EMR classes.

As a result of the various court cases, the California Legislature enacted a bill last May to regulate procedures for EMR placement. This provides for a modification of EMR placement procedures and requires parental approval. The bill also requires that *all* school districts provide specific guidelines concerning EMR classes, including the quality of educational instruction and qualifications of teachers in EMR programs.

BILINGUAL EDUCATION PROGRAMS

Equal educational opportunity for Spanish speaking children will not be achieved solely through prevention of discriminatory practices. Effective language programs also are needed. One of the guidelines in the HEW memorandum was directed at this problem. It asserted that "school districts must take steps to rectify the language deficiency" whenever language excludes children from effective participation.

Passage of Title VII of the Elementary and Secondary Education Act in 1968 was a distinct help. It authorized funding of bilingual education programs for children from low-income families who have limited English speaking ability. The basic goal is to enable children from a non-English speaking environment to progress through school at the same rate and level as children from an English speaking environment.

The ideal bilingual education program is conducted both in the mother tongue and English and includes instruction in all subjects. Since an important objective is the development of the child's self-esteem and cultural pride, study of history and culture associated with the mother tongue should become an integral part of the program. There are few true bilingual programs, but most of them contain at least some parts of the ideal program.

Title VII appropriations have risen from $21.5 million in Fiscal Year 1970 to $25 million in 1971. The number of bilingual programs also has grown. During Fiscal Year 1971, 131 bilingual programs were funded, most of which were for Mexican American and Puerto Rican children.

Although many children have been reached, their number is a very small percentage of those who need bilingual education. The Commission on Civil Rights' Mexican American Education Study found that although nearly half of Mexican American first-graders do not speak English as well as their Anglo peers, only a minute percentage are in some type of bilingual education or English-as-a-second-language program.

Title VII appropriations are not meeting the needs. However, additional funds for bilingual education may be made available through a proposal now before Congress to earmark a portion of the $1.5 billion Emergency School Aid funds for these programs.

DESEGREGATION

Information from HEW's Office for Civil Rights and the Mexican American Education Study of the Civil Rights Commission has described for the first time the extent to which Mexican American students in the Southwest are segregated both by district and by school. About 30 percent of all Chicano pupils attend school in predominantly (over 50 percent) Mexican American districts. The geographic concentration of the Mexican American population in certain areas of the Southwest partly explains this. Nevertheless many students are isolated in predominantly Chicano districts bordering on predominantly Anglo districts.

Approximately 45 percent of Mexican American pupils attend predominantly Chicano schools, and 20 percent are in schools 80-100 percent Chicano. Some of these youngsters live in heavily populated Chicano districts and automatically attend such schools. Many others are isolated in schools whose Mexican American composition is substantially greater than that of the district as a whole. Large city school districts account for a disproportionately high percentage of Chicanos in ethnically imbalanced schools.

Several recent court cases have dealt with this problem. One of special significance, *U. S. v. State of Texas,* involved segregation of Chicanos and Anglos in two neighboring districts in Del Rio, Texas.* Isolation by district is a key desegregation issue in Texas. Nearly 60 percent of Chicano students are concentrated in predominantly Mexican American districts. Most of the districts are located in 27 counties along or near the Mexican border. San Felipe, with an enrollment 95 percent Chicano, is located in this area. It borders on Del Rio School District, in which half of the students are Anglo.

Since 1956, school children from an Air Force base in San Felipe, most of whom are Anglo, have been bused to schools in Del Rio. Among the several rulings handed down in *U. S. v. State of Texas* was one forbidding the Texas Education Agency from approving interdistrict transfers that would "reduce or impede desegregation" on the grounds of national origin as well as race. After Del Rio school district was informed that transfer of base children must be discontinued, it filed a motion to intervene in the case. The motion requested the court to allow the transfers to continue for one more year or to order immediate consolidation of the two districts. The court ordered the districts to consolidate.

Numerous other suits have involved school desegregation for Mexican Americans within individual districts. *Crawford v. Board of Education of the City of Los Angeles* is one of the more notable.

California is the only Southwestern State that has taken regulatory action to eliminate ethnic imbalance. Furthermore, Los Angeles City School District, the largest in the Southwest, contains about 20 percent of California's Chicano students and 45 percent of those attending imbalanced schools. While maintenance of separate schools for Chicanos has never been sanctioned by any State Statute,

** These were two of 19 districts directly affected by the court rulings in the case. The other 17 were segregated black and Anglo districts that were ordered to consolidate.*

Judge Alfred Gitelson of the Superior Court of Los Angeles County *ruled* that the district had practiced *de jure* segregation. School boards are agents of the State and their decisions constitute State action, he argued. He found that the Los Angeles school board knowingly built schools and established attendance zones to create and perpetuate separation of Chicanos and blacks from Anglos.*

In another important case, *Cisneros v. Corpus Christi Independent School District*, a decision was handed down by a Southern district court judge that Mexican Americans are an identifiable ethnic minority, have been subject to discrimination, and are therefore entitled to the protections of the 1954 *Brown* decision. The opinion also stated that school board practices regarding attendance boundaries and school construction were calculated to maintain and promote segregation and the district was operating a *de jure* school system.

The Fifth Circuit Court chose to ignore the *Cisneros* decision when, in *Ross v. Eckels*, it ordered the pairing of 27 Chicano and black schools in Houston. The court stated that the United States includes Spanish Surnamed Americans** in white enumeration figures, yet cited HEW statistics listing this group separately from whites and other minorities. HEW data for Houston show that the proportion of Mexican Americans in predominantly minority schools increased from about 65 percent to more than 70 percent between 1968 and 1970.

In another significant school case, *Perez v. Sonora Independent School District*, the Department of Justice has intervened on behalf of Mexican American plaintiffs. The plaintiffs sought to eliminate two elementary schools on the basis that they were created to segregate Mexican American students.

These court cases, others in progress, and the number of compliance investigations made by the HEW Office for Civil Rights indicate a growing awareness of the need for change. Nevertheless, little tangible progress toward desegregation has been made. Recent figures gathered by HEW show that the proportion of Chicanos in predominantly minority schools has climbed slightly from 66 percent in 1968 to 68 percent in 1970. Most of the increase has occurred in large school districts.

MIGRANT EDUCATION

Because migrant children suffer from frequent movement from place to place, it has been difficult to keep a record both of their whereabouts and their educational levels. To help cope with these problems, the U. S. Office of Education has developed a computerized program, *Interstate Uniform Migrant Student Record Transfer System (MSRTS)*, which will enable any school to receive background information about the enrolling migrant child within 24 hours. The information profile includes data on the family, including its pattern of mobility. In addition, MSRTS provides information on the child's attendance history, health status, test scores, special interests, abilities, needs, and teacher evaluations. The data center began operation at the Arkansas Department of Education in July 1971. It will eventually become a national network.

CONCLUSION

Desegregation, incorrect placement in Educable Mentally Retarded classes, discriminatory treatment based on language and cultural differences, and migrant education are issues bearing on equal educational opportunity for Mexican Americans and Puerto Ricans. These issues have sharpened during the last 18 months. Other educational issues are emerging. Lawsuits have been filed or are being prepared alleging that predominantly Mexican American districts receive less State aid per pupil than Anglo districts. Students have demanded better school facilities. Participants in *Teatros Campesinos* [theatrical groups composed of Chicano students] have depicted the discriminatory treatment of Chicanos by teachers in some classrooms. Future reports of the Commission's Mexican American Education Study and the Commission's Puerto Rican Project will present findings on these and other practices. To illustrate the impact of the school environment on student performance, relationships between student development and various school practices and conditions also will be examined.

Exceedingly high dropout rates, low achievement scores, inability to integrate into the larger society, and subsequent low participation in higher education all attest to the fact that education for Mexican Americans, Puerto Ricans, and others of Hispanic origin is decidedly deficient. Unless it can become, in every way, equal to the best educational opportunities offered in this country, it will diminish the potential of the individual and the total fabric of American life.

* *A California statute did permit segregation of Indians and Mongolians. Some school officials interpreted this to include Chicanos.*

** *Approximately 95 percent of Spanish surnamed Americans in the Southwest are Mexican Americans.*

THE PUERTO RICANS

When Puerto Ricans began moving to the Mainland after the Second World War, they settled primarily in the large cities of the Northeast and Midwest. There they soon found their hopes of golden opportunity on the continent thwarted by their dark skin and Latin characteristics, their limited ability to speak English, their lack of education, and off-the-cuff judgments by other Americans that Puerto Ricans could not be taught or employed. Puerto Ricans hence were relegated to unemployment or the lowest paying jobs, to bad housing, insufficient health care, and—worst of all—to the sight of education opportunities closed to their children.

Thus began for Puerto Ricans a cycle of poverty that has never ended. Puerto Ricans on the Mainland are unemployed or underemployed at a rate exceeding that for whites or blacks. In terms of income, they rank last. As Congressman Herman Badillo (D-N.Y.) said on the floor of the House of Representatives:

While exact figures are unavailable it is well known that Puerto Ricans have a higher unemployment rate than blacks and a lower median income.

Puerto Ricans who are employed are, more than any other group, concentrated in occupations with the lowest pay and status. In 1960, for example, 70.6 percent of employed Puerto Rican males were in low-income occupations.

More than a decade later, the picture has not basically brightened. A recent study by the New York Regional Office of the Bureau of Labor Statistics showed that poverty-area Puerto Rican families had a median income of $5,054–$752 less than the $5,806 for poverty-area black families. Relatively low female participation in the work force and a high dropout rate in the schools were given as the principal factors in keeping Puerto Ricans in poverty.

EMPLOYMENT

The language barrier automatically excludes Puerto Ricans from many job opportunities. Most companies do not provide application forms in Spanish or employ personnel officers who speak Spanish. Many jobs require an entrance examination in English and there is usually no Spanish equivalent given. Having a background that is usually agrarian or service-related, most Puerto Ricans possess no skills with which to qualify for the highly automated factory work that usually pays higher wages. Puerto Ricans depend upon training programs, and unless these are available, the Puerto Rican finds high-skill jobs closed to him.

Training programs have been developed to some extent, and they have helped. The Bureau of Labor Statistics reports that Puerto Ricans who had completed some type of training have an unemployment rate of 5.2 percent, compared with an unemployment rate of 10.3 percent for those without training. Despite the improvement this indicates, it also shows the inadequacies of most training programs, of which the foremost is the lack of solid training in the English language.

EDUCATION

School systems have traditionally classified Puerto Ricans either as "black" or "white". As a result, statistics and general data on the Puerto Rican child in school are nonexistent, deficient, or inaccurate.

However, findings from such studies as the 1966 Coleman Report on Equality of Educational Opportunity indicate that Puerto Rican children in the United States lag behind both urban whites and blacks in verbal ability, reading comprehension, and mathematics. In test scores of sixth grade students, for instance, the average Puerto Rican child places about 3 years behind the average white child in each category and about a year behind the average black child. Although the gap narrows between blacks and Puerto Ricans in the higher grades, it widens between the whites and the two minority groups.

Most Puerto Ricans, however, drop out before reaching high school. In the Boston public schools, for example, there is a 90 percent dropout rate among Puerto Rican junior high school students. The dropout rate of Puerto Rican students has a direct effect on the number of Puerto Ricans entering college. In 1970, seven Puerto Rican students graduated from high schools in Boston, and two went to

college. As a result, few Puerto Ricans will be qualified for higher paying, professional jobs, and the cycle of poverty will continue.

Bilingual education is seen by eminent educators as the solution to many of the schooling problems of the Puerto Rican child. Content areas are taught in Spanish while the student receives intensive language training in English. In this way, the student does not fall behind his English speaking peers in achievement while he is acquiring proficiency in the English language.

Nevertheless, despite the overwhelming proof of its success, many school systems have failed to allocate funds for bilingual education. Thus, bilingual education is still unavailable for the majority of Puerto Rican children in our country.

VOTING

The island of Puerto Rico's first love is politics. The island holds the world record for the highest voting turnout. It is surprising, therefore, that upon arrival on the Mainland, these political afficionados fall politically silent.

This change in behavior can be partly explained by two factors: the language barrier and unfamiliarity with voting procedures. Because of his inability to speak English, the Puerto Rican is relatively isolated from the larger community which is politically active. Moreover, his linguistic isolation from the mainstream of society dampens his enthusiasm to participate in something of which he is not fully a part.

With the possible exception of New York, no city provides information on voting procedures in Spanish. Few attempts have been made to educate Puerto Ricans on the use of voting machines. Since voting machines are not used on the island, they are unfamiliar to Puerto Ricans.

HOUSING

The housing problems of Puerto Ricans are commonly the same as those of most slum dwellers, except that they are more acute. The housing is generally substandard and dilapidated, often containing inadequate plumbing facilities. Because of their large families, eligible Puerto Ricans are excluded from low-rent public housing. They are forced to seek private housing and pay exorbitant rents which often result in overcrowded conditions. Many Puerto Ricans, unable to pay the rent from their meager incomes, have no choice but to share an apartment with relatives or friends. A May 1971 survey conducted by the U.S. Bureau of the Census in New York City showed that 2.3 percent of whites, 7.7 percent of nonwhites, and 15.8 percent of Puerto Ricans live in rented substandard housing.

Housing directly affects the daily lives of all who live in poor neighborhoods. Food prices are higher because chain stores are not usually found in these areas. The quality of education is poor. Frequently, such public services as garbage collection and police protection are inadequate.

But perhaps the most serious problem is employment. The job opportunities in or near low-income areas where most Puerto Ricans live have rapidly decreased in the last few years because employment sources have relocated in the suburbs where they are inaccessible to many residents of the central city.

HEALTH

The language barrier deprives the Puerto Rican of health care services to an extraordinary degree. The language barrier is the culprit which accounts for broken medical appointments, late registration for prenatal care, interruption of immunization series, misunderstanding of clinic and treatment instructions, and extreme psychical suffering of both parents and children when separation occurs because of hospitalization. Hospitals have done little to reach out to the community, either through the hiring of Spanish speaking professionals and paraprofessionals or through programs to meet the Puerto Rican's special needs.

Many Mainland hospitals are not equipped to deal with the tropical diseases which afflict Puerto Ricans, and American doctors are not trained to diagnose them. On the average, it takes a month to obtain the proper medicines for these diseases from Puerto Rico.

In 1969, a target population of 1,500 Puerto Ricans in the Boston, Massachusetts area was studied to identify their health-care needs. The study, conducted by Dr. Gerald Hess, Chief Pediatrician of the Ambulatory Services, Out-Patient Division of Boston City Hospital, found:

a. Infant mortality among Puerto Ricans in the South End of Boston is six times as high as in the affluent suburb of Milton, Massachusetts.

b. Premature births were 12.5 percent among the group studied, as opposed to 7.5 percent for Boston as a whole.

c. Nearly 100 percent of the Puerto Rican families operate on a less than minimal level of health, compared with ordinary American health standards.

d. There is literally no home health care given to the Puerto Rican in Boston; hospital emergency clinics are the only sources of health care for any but hospitalized in-patients.

The Boston statistics probably represent the general level of health care for Puerto Ricans on the Mainland.

WELFARE

A 1970 study on "Puerto Rican Welfare Recipients in Massachusetts," prepared by students of the Florence Heller Graduate School for Advanced Studies in Social Welfare at Brandeis University, revealed that:

The Welfare Department has not been taking the initiative in helping Puerto Rican families cope with a multiplicity of interlocking problems....

The study delineated the fear which kept some clients from going to the welfare department because of the degrading treatment they received from social workers.

This absence of trust between the caseworker and the client has been aggravated by caseworkers' inability to communicate with their Puerto Rican clients. Out of a total staff of 500 social workers, according to the department of welfare statistics, Boston does not employ a single Puerto Rican social worker and employs only 22 persons who speak any Spanish at all. The number of Spanish speaking persons on Aid to Families with Dependent Children, most of whom are Puerto Rican, is 4,500, or approximately 20 percent of the total.

Again, Boston is only one example of a nationwide situation. In spite of the dangers engendered by this state of affairs, little active effort has been made by welfare departments anywhere on the Mainland to recruit personnel capable of communicating effectively with Puerto Ricans.

NEW AREAS

Profoundly concerned with the crisis facing Puerto Ricans in this country, the Commission on Civil Rights, in August 1970, began a four-phase study. This marked the first comprehensive effort on the part of any Federal Agency to document the conditions of Puerto Ricans on the Mainland.

Phase I of the project took the form of a series of workshops which brought together interested members of the community to explain Title VII (Federal funds for bilingual-bicultural programs under the Elementary and Secondary Education Act of 1965) and other Federal, State, and city funding available for bilingual-bicultural programs. Information was also disseminated on Title I of ESEA, which provides financial assistance to school systems with high concentrations of low-income children.

Workshops have been held in Bridgeport, Connecticut; Newark, New Jersey; East Chicago, Indiana; Philadelphia, Pennsylvania (two); and Chicago, Illinois (four). In the Chicago and East Chicago workshops, a special effort was made to recruit participants from both the Puerto Rican and the Mexican American communities. Surprisingly enough, although the two communities face very similar problems, they had never before joined forces. Improvement in education was a banner behind which both groups could rally. For the first time, the two groups are working together in Chicago.

Phase II of the Puerto Rican Project consists of a series of open meetings by State Advisory Committees to the Commission. These open meetings are to be held in seven States on a variety of problems affecting Puerto Ricans and other Spanish speaking citizens. The States are New York, New Jersey, Connecticut, Massachusetts, Pennsylvania, Delaware, and Illinois.

After a 4- to 5-day Commission hearing, the project will culminate in the publication of a report on the problems of Puerto Ricans, with specific emphasis on the Northeastern States. The report will be an analysis of all the information collected from the project's bilingual-bicultural workshops, the SAC Open Meetings and their respective reports, and the Commission hearing.

PUERTO RICANS AND MEXICAN AMERICANS

Because they are poor, racially mixed, and culturally different from the mainstream of American society, Puerto Ricans and Mexican Americans have suffered common problems. In the past, however, the two groups have not combined forces. Recently, there has been increased movement in the direction of working together for mutually beneficial changes.

In July, the Puertorrican Association for National Affairs (PANA) approved a plan to join the Boricua-Chicano National Coalition in a project to strengthen the staff, services, and funding of the Cabinet Committee on Opportunities for the Spanish Speaking. Although both Puerto Ricans and Mexican Americans have specific interests, the coalition may well be an important step toward unity of action on common causes.

The scene is still grim. Overt discrimination is still evident. But in the midst of poverty—with its attendant evils of substandard housing, underemployment, inadequate schooling, and neglected health—new movement is being felt, a new hope is being inspired. The road to equal rights as American citizens is still filled with obstacles for the Puerto Rican. But the first steps have been taken.

OPEN HOUSING

In 1959 the United States Commission on Civil Rights issued its first report and found that "housing... seems to be the one commodity in the American market that is not freely available on equal terms to everyone who can afford to pay." During the 1960's, numerous steps were taken to eliminate legal barriers to a free housing choice for minority families. In

1962, President Kennedy issued an Executive order prohibiting Federal Departments and Agencies from discriminating in federally assisted housing. Two years later, Congress passed the Civil Rights Act of 1964 prohibiting discrimination in programs or activities receiving Federal financial assistance, including such Federal housing programs as urban renewal and low-rent public housing.

In 1968, Congress passed the first national fair housing law, Title VIII of the Civil Rights Act of 1968, prohibiting discrimination in the advertising, financing, sale, and rental of nearly all housing in the United States. Two months after Title VIII was passed, the Supreme Court decided in a St. Louis case, *Jones* v. *Mayer*, that an 1866 civil rights law barred all discrimination in the sale or rental of property.

Title VIII took effect in three stages. Upon passage of the act, it became illegal to discrimnate in the advertising and financing of housing and in the sale or rental of federally assisted housing. In 1969 coverage extended to apartment houses. In 1970 coverage broadened to all dwellings with the exception of (1) single-family houses sold by the owner without the help of a real estate broker or the use of discriminatory advertising; (2) small apartment houses occupied by the owners; and (3) noncommercial units connected with private clubs or nonprofit organizations. The gradual extension of nondiscriminatory requirements to nearly all housing in the Nation leads one to conclude that Congress believed that Title VIII would prove effective in its aim: "to provide, within constitutional limitations, for fair

housing throughout the United States."

Such, however, has not been the case. Census figures for 1970 now have documented what racial minorities already knew—that the new laws have had little impact on the housing conditions of black families. Census data are not yet available for other minority groups, but the available data indicate that black families are still or increasingly crowded into central cities, ghettos, and older substandard rental housing.

With residential segregation increasing despite the elimination of legal barriers to equal housing opportunity, fair housing organizations have ceased pressing for legislation and have begun to look elsewhere for answers to minority housing problems. Recent months have seen the development of several different approaches to putting an end to separate and unequal housing conditions.

Major attention has focused on methods of reversing the racial polarization of central cities and suburbs. During the last decade, the number of black families in central cities has increased dramatically, while the number of white families simultaneously increased in the suburbs. This has meant that more black families now are separated from the areas in which new housing is being built. According to 1970 census data, more than half of the 10.4 million houses, apartments, and mobile homes produced in the 1960's were built in the suburbs. At the same time, existing housing in the inner-cities is being abandoned.

In their exploration of the barriers which combine to deny minority families access to suburban housing, advocates of fair housing have identified three primary obstacles: restrictive suburban land use policies; discriminatory use of Government housing programs; and the existence of two separate, racially segregated housing markets.

RESTRICTIVE LAND USE PRACTICES

In his Third Annual National Housing Goals Report, President Nixon deplored the growing gap between the median cost of new housing and median family income. He mentioned the connection betweeen rising land costs, rising housing costs, and restrictive land use practices.

Civil rights groups are challenging discriminatory land use practices. They argue that since a disproportionate number of minority families are poor, the shortage of subsidized suburban housing and rising housing costs combine to deny minority families an opportunity to improve their housing conditions. These civil rights groups are disputing the legal barriers to equal access to housing for *low-income* families in much the same way as the legal racial barriers formerly were attacked. Since racial zoning was once found unconstitutional (*Buchanan v. Warley*, 1917), it is hoped that economic or "snob" zoning also will be found unconstitutional as a denial of the right of low-income families to live near their jobs or in communities of their choice.

These efforts have met with partial success, but only where the complainants have been able to persuade the courts that the restrictive land use practices in question were designed to exclude racial minorities, rather than low-income families in general. In 1970, the 10th Circuit Court of Appeals ordered the city of Lawton, Oklahoma (*Dailey v. City of Lawton, Okla.*) to rezone land in a white neighborhood to permit a multifamily development. The decision was based on the finding that the complainants had established racial prejudice as the reason for the zoning denial, while the city had been unable to prove nondiscriminatory motives.

In 1970 also, the 2nd Circuit Court of Appeals ruled that the city of Lackawanna, New York (*Kennedy Park Homes, Inc. v. City of Lackawanna, N.Y.*) must grant building permits for a low-income housing project to be constructed in a white area. This decision was based on a finding that the real motivation behind the building permit denial was the desire to exclude minority families from a white neighborhood.

A third important decision was issued in 1970. the 9th Circuit Court of Appeals found that while plaintiffs would not inquire into the motives of Union City, California residents who voted against construction of a low-income housing project in a white area (*SASSO v. City of Union City, California*), if the *effect* of the referendum were to deny decent housing in an integrated environment to Union City residents, the city had a responsibility to accommodate the needs of its low-income minority residents. Subsequently, on April 22, 1971, Union City agreed to provide half of the subsidized housing requested at the original site and to provide public and other low-income housing in other areas of the city.

Attempts to find economic exclusion unconstitutional on its face received a major setback in April 1971. The Supreme Court upheld (*Valtierra v. Housing Authority*) a provision of the California constitution requiring a referendum before a local government could construct or acquire public housing units. The Court drew a clear line between racial exclusion and economic exclusion, stating that the record did not support a claim that the California law was aimed at a racial minority.

In the statement on Federal Policies Relative to Equal Housing Opportunity, issued on June 11, 1971, President Nixon drew a line between "economic

segregation" and "racial segregation". He said that the terms "black" and "poor" are not interchangeable and pointed out that there are more poor whites in America than there are poor blacks. Civil rights groups have taken issue with the President's statement. Land use policies leading to economic segregation are actually a tool for racial segregation, these civil rights groups claim. They point out that in the Nation's metropolitan areas substantially more than half of the poor who are confined to the inner-city poverty areas are members of minority groups; that in large metropolitan areas the major impact of exclusionary zoning ordinances is upon black, Puerto Rican, and Mexican American citizens; and that if the *effect* of exclusionary zoning practices is racial, the purpose is irrelevant.

In his June 11th statement, President Nixon promised to oppose restrictive land use regulations which are "made for what turns out to be a racially discriminatory purpose". Shortly after the President's statement, the Department of Justice sued Black Jack, Missouri, a St. Louis suburb, charging that Black Jack was illegally blocking construction of a low-income housing project because the project was intended to be racially integrated.

Civil rights groups are urging more positive action in this direction. The chairman of the National Association for the Advancement of Colored People, in the keynote address before that organization's national convention in July, stated: "We intend to press until the Federal Government recognizes that in 99.44 percent of the cases, when local governments use zoning restrictions to bar low-income housing, the reason is racial, not economic."

GOVERNMENT HOUSING PROGRAMS

The debate over the distinction between "economic" and "racial" discrimination is occurring at a time of unprecedented Federal involvement in housing production. During 1970, the Federal Government subsidized nearly 470,000 housing starts, more than double the number of subsidized units produced in 1969. Meanwhile, production of nonsubsidized units dropped 16 percent in 1970 to 1.4 million units. In his annual housing goals report, President Nixon estimated that the gap between income and housing cost makes 40 percent of the total population eligible for the major Federal housing subsidy programs. The growing reliance on Federal housing programs has given added importance to the responsibility of the Government to administer its housing programs affirmatively to promote open housing.

One of the most important new housing subsidy programs is a lower-income ownership program known as the Section 235 program. Section 235 originated as part of the 1968 Housing and Urban Development Act. It is an interest subsidy program, authorizing the Government to pay up to the difference between the monthly payment under the mortgage and what the monthly payment would be if the mortgage were at a 1 percent interest rate. The 235 program has not produced much housing in the Northeastern area of the Nation, where large portions of the minority population live, because high construction costs and restrictive zoning prevent housing from being constructed within the cost limits. Futhermore, most of the 235 housing which has been produced across the country has been constructed in the suburbs. The United States Commission on Civil Rights in 1970 made a study to determine the extent to which the 235 program was opening up new housing opportunities for minority families and, especially, to determine if it were enabling these families to move to the suburbs.

The Commission found that even in the absence of restrictive land use practices, minority families still were being excluded and still were being confined to old, sometimes dilapidated, housing in the central-city. Beyond the barrier of economic discrimination lay the still higher barrier of racial and ethnic discrimination.

The continuing existence of dual, racially segregated housing markets was found to be responsible for the segregated and unequal patterns of Section 235 use. The dual housing markets—controlled by the builders, real estate brokers, and lenders who participated in the program—left minority 235 buyers with little, if any, choice in the selection of their houses or their neighborhoods. The Commission found that, because the Federal Housing Administration (FHA) had little regard for the interest of lower-income families benefiting from the Section 235 program, minority buyers were completely at the mercy of racially discriminatory real estate practices. FHA was administering the 235 program as if there were no civil rights housing laws, as if the legal progress in the 1960's had never taken place.

The Commission's findings in the 235 report duplicated the situations it was uncovering in a number of hearings and open meetings being held around the country. In January 1970, the Agency held a hearing in St. Louis, Missouri which revealed that Government housing programs had played an important part in creating a racially segregated St. Louis metropolitan area. In August 1970, a similar hearing was held in Baltimore, Maryland which disclosed that Federal housing, urban development programs, and Federal

highway programs were contributing to serious racial polarization in the Baltimore area.

In December 1970, the courts began to clarify the responsibility of the Federal Government to use its programs to prevent rather than to encourage racial segregation. The Third Circuit Court of Appeals found that the Department of Housing and Urban Development (HUD) had a responsibility to consider whether it was perpetuating racial segregation before approving federally assisted housing projects *(Shannon v. HUD).* According to the court: "Increase or maintenance of racial concentration is prima facie likely to lead to urban blight. . . ." The court held that HUD "must utilize some institutionalized method whereby, in considering site selection or type selection, it has before it the relevant racial and socio-economic information necessary for compliance with its duties under the 1964 and 1968 Civil Rights Acts." HUD, however, limited its implementation of this decision to cities and localities within the Third Circuit.

SEGREGATED HOUSING MARKETS

In June 1971 the Commission held a third hearing on the problem of suburban access for minority families. Secretary George W. Romney of HUD testified that "We've got dual housing markets in practically every metropolitan area in the country. . . . " He added that ". . . . most minority citizens, when they go into a real estate office, are shown the book for blacks instead of the book for whites." Throughout 1970, fair housing organizations continued to attack minority housing problems by attempting to change the discriminatory habits of builders, brokers, and apartment managers.

One local group made a study of real estate practices in the Tri-State New York Metropolitan Region. The findings showed that the dual housing market was still flourishing, despite the existence of Title VIII, and that real estate brokers had become more subtle in their methods. Real estate brokers no longer told black applicants they wouldn't rent or sell to them. Instead they: (1) showed blacks a more limited selection of houses; (2) told blacks they had no housing meeting their specifications; (3) only showed blacks housing in black or "changing" neighborhoods; (4) failed to assist blacks in obtaining financing; (5) told blacks the apartment was already rented or the manager was out; (6) delayed processing or lost the application; (7) applied double standards regarding financial criteria; (8) and used other tactics of subterfuge. To combat such practices, local groups in Maryland and Pennsylvania were successful in convincing local real estate commissions to revoke the licenses of two real estate brokers.

The Department of Justice also brought a number of suits against members of the real estate industry in 1970. Most of these suits were settled by consent decree whereby the defendants agreed to take affirmative action in bringing about racial integration. For example, on January 28, 1971, the Department of Justice announced the settlement of a Title VIII case involving 21,000 apartments in Brooklyn and Queens, New York. The consent order requires the rental agencies to post a weekly list of vacancies and to rent on a first-come, first-served basis.

IMPROVING HOUSING CONDITIONS

In view of the many obstacles to open housing, some concerned groups are ignoring the issue of expanding housing choice in the suburbs and are seeking immediate relief for minority families. One group, the National Tenants Organization, has been particularly active in this area.

In February 1971, HUD announced the release of model lease and grievance procedures based on required minimum standards to be adopted by local public housing authorities. The National Tenants Organization helped draft these procedures, which include many new protections for public housing tenants. They require management to maintain public housing in compliance with local housing codes and to give tenants the right to rent abatement if needed repairs are not made. The procedures also guarantee a fair administrative hearing to all tenants in any dispute with a local housing authority.

In April 1971, the Fifth Circuit Court of Appeals ruled that Shaw, Mississippi *(Hawkins v. Town of Shaw, et al)* must provide equal streets, sewers, and other municipal services for blacks and whites. Nearly 98 percent of all houses fronting on unpaved streets in Shaw are occupied by blacks, and 97 percent of the houses not served by sanitary sewers are located in black neighborhoods. The court ruled that it was not necessary to prove discriminatory intent in this case "since no compelling State interests can possibly justify the discriminatory results of Shaw's administration of municipal services".

The passage of a uniform relocation act in December 1970 was another important development with great potential for improving minority housing conditions. The act gives all Federal and federally funded State agencies which displace people the responsibility for assuring that decent, safe, and sanitary replacement housing will be available at comparable prices. They also are authorized, as a last resort, to provide funds for construction of suitable new housing.

ENFORCEMENT OF THE FAIR HOUSING LAW

Throughout 1970 and early 1971, lack of enforcement of Title VIII has been a crucial fair housing issue. Title VIII provides two tools for eliminating discriminatory housing practices. One is the complaint process by which violations of the fair housing law are investigated on a case-by-case basis; the second is program administration. Title VIII directs all executive departments and agencies to administer programs and activities relating to housing and urban development in a way that will further the purposes of fair housing. Until recently, HUD chose to rely on the first tool and to ignore the second.

In December 1968, the Assistant Secretary for Equal Opportunity at HUD estimated that 10,000 complaints of housing discrimination would be received by the end of 1969. In fact, in February 1971, the present Assistant Secretary for Equal Opportunity announced that HUD had received only 2,000 complaints over the 2-year period, 1969-1970. More than one-third of these complaints were dismissed by HUD, 53 percent of these dismissals coming without investigation. Conciliation is HUD's only source of relief for complainants under the act. Of the remaining two-thirds of all complaints, less than half were conciliated and only half of these were conciliated "successfully". The complaint process is clearly a tortuous and never-ending method of bringing about open housing.

HUD officials sometimes have agreed that the complaint process is not an effective way to enforce Title VIII. Throughout 1970, HUD officials periodically announced that new procedures for implementing the affirmative action requirements of Title VIII would soon be released. These were to take the form of new program standards in site selection; tenant selection; affirmative marketing; citizen participation; relocation; and project boundary selection. They were to accomplish a HUD goal of open communities, providing low-income and minority families housing opportunities within a reasonable distance of jobs and activities.

Although the new policies were scheduled for release in the spring of 1970, the first step was not taken until May 1971 when HUD released proposed guidelines for fair housing advertising. The guidelines were designed to assist newspapers and real estate advertisers in complying with the nondiscriminatory advertising requirements of Title VIII. They included a listing of unacceptable words, phrases, sentences, and illustrations, as well as suggestions for slogans and symbols indicating an open housing policy.

These were followed in June by a shower of proposed new fair housing policies which included Affirmative Marketing requirements for FHA sponsors; new project site selection criteria for HUD federally assisted housing; and a Memorandum of Understanding between the Department of Housing and Urban Development and General Services Administration, designed to promote the availability of low- and moderate-income housing on a nondiscriminatory basis in areas surrounding Federal installations. In addition, a new priority system was announced for selection of recipients under HUD's Water and Sewer program.

The proposed new policies fall far short of what civil rights groups feel is necessary to begin to eliminate racial discrimination in housing in this Nation. With the exception of the Water and Sewer priority system, the policies are still in a tentative stage and, as proposed, are inadequate. They are vague, confusing, and internally contradictory. The project site selection criteria can be interpreted to favor continued location of federally subsidized housing in inner-city racially concentrated areas, and the affirmative marketing requirements are designed *not* to apply to the typical FHA subdivision, to the practices of brokers, and to all rental housing already built with Federal assistance.

While it is yet too soon to know if the new policies will be adopted and carried out to promote the aim of Title VIII, it is encouraging to have a clear acknowledgment by the President of the importance of ending discrimination in housing. In his June 11th statement, President Nixon said that: "Denial of equal housing opportunity to a person because of race is wrong, and will not be tolerated." He also said that Title VIII "and the other laws make abundantly clear that the Federal Government has an active, affirmative role to play in eliminating racial discrimination in either the sale or rental of housing." And he promised that "it will be the firm purpose of the Administration to carry out all the requirements of the law fully and fairly."

EXPECTATIONS

If the 1960's were years of progress in fair housing legislation, it is hoped that the 1970's will be years of progress in fair housing achievement. In any event, fair housing, long neglected as a crucial focus of civil rights attention, has finally been recognized as a point of primary importance in attaining equality of opportunity for all American citizens. And in every part of the country fair housing advocates now are seeking new and valid approaches to ending unequal minority housing conditions. The demand for fair housing legislation has at last been supplemented by a demand for fair housing.

VOTING RIGHTS

During the past year voting rights has been an area of significant controversy involving all three branches of the Federal Government, as well as a number of States and localities.

The focus of this controversy has been the Voting Rights Act of 1965, which has been termed the most successful piece of civil rights legislation ever enacted by Congress. As a result of the act, vast numbers of disfranchised minority citizens have become franchised citizens for the first time. In 1962, only 1.5 million black voters were registered in the 11 States of the South. Now more than 3.3 million black persons are registered in these same 11 States. Prior to the act, 80 black persons held political office in the South. Today approximately 700 black persons hold elective offices in the same area.

The Voting Rights Act of 1965 was due to expire on August 6, 1970 and a major legislative battle was fought over the issue of its extension and the form of that extension. The 1965 act:

1) suspended any test or device used as a prerequisite for voting in the affected States;
2) authorized the Attorney General, under specified circumstances, to use Federal voting examiners to list voters;
3) authorized the Attorney General to send Federal observers to watch polling places and the counting of ballots in political subdivisions designated for examiners; and
4) prevented States and political subdivisions covered by the act from denying or abridging the right to vote by changing voting qualifications, standards, practices, or procedures which were in force prior to 1964.

This latter provision, contained in Section 5 of the act, says that before a State or political subdivision can change its voting laws or procedures, it must submit the proposed change to the Attorney General or to the U.S. District Court for the District of Columbia for a determination that the change does not have the purpose or effect of denying or abridging the right to vote on account of race or color. Simply put, this means that the changes are presumed to be invalid until the jurisdiction shows that the change would not result in a denial of the right to vote.

Although the current Administration supported extension of the act, it recommended the deletion of Section 5 and a return to the process of litigation concerning changes in State and local laws and practices affecting voting. Major civil rights organizations fought to retain Section 5 in its original form. They argued that returning to the litigation process would have meant returning to the days of endless court suits, followed by new local laws designed to circumvent each court action. Litigation has achieved very little in the fight for voting rights for black citizens. The Department of Justice, speaking for the Administration, complained of the difficulties of administering Section 5 and the Attorney General's difficulty in carrying out a judicial function vis-a-vis the covered States.

Congress rejected the Administration's proposed deletion of Section 5 and extended the Voting Rights Act until August 1975. The extension also provided for a nationwide suspension of literacy tests until August 1975; the updating of the triggering formula of Section

4, under which it is determined which States and counties are covered by the act*; the establishment of the maximum 30-day residency for voting in presidential elections; and the lowering of the voting age to 18 in all elections.

Following the extension of the Voting Rights Act, the efficacy of Section 5 was put into question by the Department of Justice's administrative interpretations in several situations.

On April 6, 1970, Mississippi enacted a law known as the "Open Primary Law", which would have significantly altered the Mississippi electoral process. Pursuant to Section 5, the new law was submitted to the Department of Justice. On September 21, 1970, Jerris Leonard, then Assistant Attorney General, informed Mississippi that the Department of Justice could not decide whether the Open Primary Law had the purpose or effect of discrimination, and the Department therefore would not object. Mr. Leonard stated:

[T]he facts presently available to us do not conclusively establish that the present acts are afflicted with a racial purpose or that there is no other compelling reason for the State to have adopted them. Moreover, we have been unable to reach the conclusion that the projected effect would be to deprive Negro voters of rights under the Voting Rights Act.

This standard of review was considered by the United States Commission on Civil Rights to be completely contrary to the Voting Rights Act. The Justice Department took upon itself to determine whether or not the submitted law had a discriminatory racial purpose or effect. The appropriate standard, according to the Commission, would be for the Justice Department to object when the State has not demonstrated the absence of such a purpose or effect.

The correct standard was clearly pointed to by Congressman William N. McCulloch (R. Ohio) during the Voting Rights Act extension hearings when he stated:

There are particular advantages in Section 5 that I wish to underscore. The first is that the burden of proof is placed upon the jurisdiction to show that the new voting law procedure does not have the purpose or effect of discrimination. . . . Section 5 strips away the presumption of the legality that so often cloaked imaginative and clever schemes, and because Section 5 requires the jurisdiction to explain, the existence of Section 5 serves to prevent multiplication of such schemes.

The Department of Justice notified the Mississippi counties that they were required to submit reregistration plans for review pursuant to Section 5. Since this notification, most counties have either submitted their reregistration plans or have indicated that they will submit them. Two counties, however, have indicated that they will not submit reregistration plans to the Department of Justice or to the district court. The Department of Justice has not indicated what steps it intends to take against the two counties that have refused to submit reregistration plans. The Department has the power under the act to go into Federal court to seek an injunction prohibiting the enforcement of reregistration in those counties until a submission has been made and approved. Section 12(b) of the Voting Rights Act also provides criminal penalties for persons who knowingly deprive anyone of rights protected by the act. This might apply to county officials who fail to carry out their responsibilities under Section 5.

The Department of Justice has approved reregistration in some counties. The United States Commission on Civil Rights, which has been monitoring reregistration, takes the position that reregistration poses a substantial threat to black voters and that any county which is planning to reregister voters must demonstrate that the registration does not have the purpose or effect of discriminating against black voters. The Commission has been critical of the Department of Justice for not adequately considering whether reregistration in Mississippi is necessary to facilitate redistricting.

A further complication involving reregistration in Mississippi is that voters registered by Federal examiners are being required to reregister in direct violation of the Voting Rights Act of 1965. The act specified the situations in which federally registered voters can be removed from voting polls, and reregistration is not a permissible cause for removal. At present it is not clear what the Department of Justice will do to protect voters registered by Federal examiners from the reregistration process.

Several Section 5 issues have arisen in the last year in Virginia. In late 1968, the city of Richmond annexed part of a contiguous county. As a result, 43,000 residents, most of whom were white, became citizens of Richmond. Prior to the annexation, Richmond's black

* *The following States were covered by the Voting Rights Act of 1965: Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and 26 counties of North Carolina. Under the Voting Rights Act Amendments of 1970 the following areas were covered: nine counties in Arizona, two counties in California, one county in Idaho, three counties in New York, one county in Wyoming, and four election districts in Alaska.*

VOTER REGISTRATION IN THE SOUTH

1960

State	1960 Voting Age Population		Pre-Act Registration		Post-Act Registration	
			Percentage		Percentage	
	White	Nonwhite	White	Nonwhite	White	Nonwhite
Alabama	1,353,122	481,220	69.2	19.3	89.6	51.6
Arkansas	848,393	192,629	65.5	40.4	72.4	62.8
Florida	2,617,438	470,261	74.8	51.2	81.4	63.6
Georgia	1,796,963	612,875	62.6	27.4	80.3	52.6
Louisiana	1,289,216	514,589	80.5	31.6	93.1	58.9
Mississippi	751,266	422,273	69.9	6.7	91.5	59.8
North Carolina	2,005,955	550,929	96.8	46.8	83.0	51.3
South Carolina	895,147	371,104	75.7	37.3	81.7	51.2
Tennessee	1,779,018	313,873	72.9	69.5	80.6	71.7
Texas	4,884,765	649,512			53.3	61.6
Virginia	1,876,167	436,718	61.1	38.3	63.4	55.6
Total	20,097,450	5,015,933	73.4	35.5	76.5	57.2

Source: Political Participation, a report of the U.S. Commission on Civil Rights, 1968.

community represented half of the city's total population. After annexation, a municipal election was held and several black candidates running for municipal office were defeated.

Thirteen months after the annexation, and one week after the Supreme Court's *Perkins* decision which specifically held that annexations were subject to Section 5, Richmond submitted the annexation to the Attorney General. Subsequently, the Department of Justice objected to the Richmond annexation. The delay in the submission and the subsequent election, however, brings into question the monitoring capabilities of the Department of Justice in identifying changes and requiring their submission.

In another Virginia situation, the Department of Justice initially objected to Virginia's reapportionment plan which provided for multimember districts in urban areas with concentrations of black voters. After the Supreme Court's decision in *Whitcomb v. Chavis*, the Department of Justice withdrew its objection to some of the districts.

Whitcomb and another recent Supreme Court decision have somewhat clouded the enforcement of the Voting Rights Act.

In a *per curiam* order in *Connor v. Johnson* (June 8, 1971), the Supreme Court stayed an order of a three-judge district court in Mississippi allowing Hinds County to hold at-large elections for State senators and representatives under court-imposed reapportionment. In the course of the stay order, the Supreme Court stated that a decree involving reapportionment by a U.S. district court is not subject to review under Section 5 of the Voting Rights Act. Part of the appellant's argument on appeal, however, had been that the redistricting plan imposed by the district court was a change affecting voting which would dilute black voting strength in Hinds County and, therefore, should have been submitted pursuant to Section 5. Had the same redistricting plan been developed by Hinds County itself, clearly it would have been covered by Section 5.

The Supreme Court's holding, that voting changes imposed by lower courts are not subject to Section 5 review, opens a possible new loophole in the Voting Rights Act. This loophole would involve "sweetheart", or collusive, suits. These suits involving local governments and judges are not new. In such suits, citizen plaintiffs and local government defendants are only technically adversaries; in actuality they are in agreement on the desired outcome (changes in voting laws and procedures) and seek to achieve that end with the official sanction of a court.

In *Whitcomb v. Chavis*, the Supreme Court reversed the decision of a three-judge district court. The lower

VOTER REGISTRATION IN THE SOUTH

SPRING-SUMMER 1970

State	White Voting Age Population*	Black Voting Age Population*	Percent White VAP* Registered	Percent Black VAP* Registered
Alabama	1,353,058	481,320	96.1	64.0
Arkansas	850,643	192,626	80.3	71.6
Florida	2,617,438	470,261	94.2	67.0
Georgia	1,797,062	612,910	89.6	63.6
Louisiana	1,289,216	514,589	88.2	61.8
Mississippi	748,266	422,256	86.9	67.5
North Carolina	2,005,955	550,929	79.6	54.8
South Carolina	895,147	371,873	73.3	57.3
Tennessee	1,779,018	313,873	88.3	76.5
Texas	4,884,765	649,512	73.7	84.7
Virginia	1,876,167	436,720	78.4	60.7
Totals	20,096,735	5,016,100	83.3	66.3

**VAP - Voting Age Population, 1960 Census*

Source: Voter Education Project, Inc.

court had overturned a State statute establishing Marion County, Indiana [Indianapolis] as a multimember district for the election of State senators and representatives. The appellees had successfully argued in the district court that the system of multimember districts diluted black voting strength in Indianapolis. This district court had struck down the multimember districts, specifically holding that the black ghetto in Indianapolis had particular legislative interests and that the use of a multimember district tended to minimize and cancel out the voting strength of the black minority. In reversing the lower court, the Supreme Court found that the actual—as distinguished from the theoretical—impact of the multimember district had not been sufficiently demonstrated to warrant the lower court's decision.

In the past several years the volume of Section 5 submissions has risen significantly and many changes may have occurred which have not even been submitted. It seems clear that more vigorous enforcement of Section 5 is required. First, the Department of Justice should, by individual mailing, put all covered jurisdictions on notice of what Section 5 requires from them. The Department then should establish a system for effective monitoring of changes in election laws and procedures. The new Justice Department guidelines for administering Section 5 is a positive step in this direction.

If any jurisdiction refuses to submit, the Department should move to enjoin the enforcement of the voting change. The Department should stringently apply the burden-of-proof standard, now incorporated in the guidelines, and object to any situation in which the jurisdiction does not meet the burden. This would force the submitting jurisdictions into court where the issues are close or complicated, as was the intention of the Voting Rights Act.

In addition, the Department of Justice should designate jurisdictions for Federal registrars and use them to register voters as it did in the 1960's, particularly in situations such as the Mississippi reregistration controversy.

The Voting Rights Act is a unique, harsh piece of legislation. It was directed at a fierce and unbending refusal on the part of political jurisdictions to allow minority citizens to participate in the political process. Federal administration of the act cannot assume innocence of purpose or effect on the part of covered jurisdictions; it must stringently apply the act in order to achieve the goal of the 15th amendment—the rights of citizens not to be denied their full and valid vote because of race or color.

EQUAL EMPLOYMENT

A pivotal aspect of equal opportunity that so far has not been resolved by this country is its inability to provide adequate and equitable employment for all Americans. In simplest terms this means the provision of jobs that will enable all citizens to live with dignity, feed their children nutritionally, and protect their futures against the dangers of urban and rural slums.

The Civil Rights Act of 1964 provided the legal framework for equal employment opportunity for everyone. This act gave minorities the hope that changes for the better would come, that they would be able to find jobs and rise in them. That hope, so happily conceived, has dwindled until it is now merely forlorn.

Historically, minority unemployment has been high, especially among teenagers. A comparison of unemployment rates, by sex, age, and percent of change, for 1960-70 shows this in Table I.

This indicates a tragic waste both of the human spirit and the economic resources of a great Nation, a waste that a Nation concerned by disorders in its streets and, especially, the social plight of minority teenagers, can ill afford.

Unemployment, however, is only one aspect of the tragedy of manpower waste. Underemployment is another threat to the security of the minority member. It means part-time workers who desire full-time jobs but cannot get them and workers who are holding jobs below their skill levels. Trapped in chronic, dead end, often part-time work, mainly service and low skilled jobs, they are victims of a shortage of suitable employment opportunities or of discriminatory hiring practices.

Persons who want to work but do not actively seek jobs contribute substantially to wasted manpower. The explanations are patent: ill health, spotty school attendance, lack of educational background, heavy family responsibilities, and the consistently reenforced belief that they could not find a job even if they looked. Better health services, day-care centers, suitable job referral, and, above all, adequate training opportunities would significantly help to remedy this.

Table II documents barriers to minority employment.

Despite the laws and declared good intentions, inadequate pay continues to be a major cause of poverty. For example, in 1970, 18 percent of the Nation's minority poor families with male heads were full-time employees earning inadequate wages.

The present turmoil in urban ghettos reflects, in part, resentment over unequal incomes. Although, obviously, the Nation's first concern must be to eliminate unemployment, it is absolutely essential that minority group members be given a chance to earn pay commensurate with that of all other workers.

Table III shows the disparities between minority employment levels and white employment levels during the 1960's and the percentage of persons below the low-income level from 1966-70.

The educational background of the worker shows a direct relationship to skill utilization and upward mobility. Compared with their white counterparts, minority

Table I

	Minorities*		Percent Change	Whites		Percent Change
	1960	1970		1960	1970	
Adult men	9.6	5.6	-4.0	4.2	3.2	-1.0
Adult women	8.3	6.9	-1.4	4.6	4.4	-0.2
Teenagers	24.4	29.1	+4.7	13.4	13.5	+0.1

Source: U.S. Department of Labor, Bureau of Labor Statistics.

**In this context, the word "minorities" refers to all ethnic groups other than the majority group.*

Table II

Age	Unable to Work Attending School	Unable to Work Health Reasons	Unable to Work* Other Reasons
16-19			
Minorities	78%	2%	21%
Whites	82%	1%	17%
20-24			
Minorities	59%	6%	35%
Whites	75%	2%	23%
25-54			
Minorities	10%	40%	49%
Whites	16%	34%	50%
55-64			
Minorities	-	34%	65%
Whites	-	28%	72%
65 and over			
Minorities	-	20%	80%
Whites	-	9%	91%

**Percentages by region are not available.*

Source: U.S. Department of Labor, Bureau of Labor Statistics.

Table III

Low-Income Level*

1960

	Minorities	White
Under $3,000	38%	14%
$10,000 to $14,000	7%	18%
$15,000 and over	2%	9%

1969

	Minorities	White
Under $3,000	20%	8%
$10,000 to $14,000	16%	28%
$15,000 and over	8%	21%

Below Low-Income Level

	Minorities	Whites
1966	40%	11%
1967	37%	11%
1968	33%	10%
1969	31%	10%
1970	34%	10%

**The low-income level ranged from about $2,500 for a family of two to $6,400 for families of seven or more persons.*

Source: U.S. Department of Agriculture.

groups receive a poorer quality of formal education.*

Despite the differing qualities of education for minorities and whites, employment qualifications remain the same which places an additional burden on the minority worker. But even when educational attainment is equal, wages are not. Black men with a high school education earn less than white men who have had only an elementary education. See Table IV.

Gains in annual earnings have been on the rise for white workers since before the Second World War. In almost three decades they have nearly tripled their median annual wage [from $2,600 to $6,500] and white women have nearly doubled their income [from $1,580 to $3,100]. The percentage gain for minority men was approximately the same [from $1,050 to $3,850] and minority women [from $575 to $2,000]. However, the income differential between minority workers and white workers was not significantly narrowed in any occupational category according to the Bureau of Labor Statistics.

Table IV

Men 25 to 54 Years Old
Median Income, 1969

Years of School Completed:	Black	White
Elementary:		
Less than 8 years	$3,922	$5,509
8 years	4,472	7,018
High School:		
1 to 3 years	5,327	7,812
4 years	6,192	8,829
College:		
1 to 3 years	7,427	9,831
4 years or more	8,669	12,354

**"Racial Isolation in the Public Schools," a report of the U.S. Commission on Civil Rights, 1967.*

A large number of full-time workers still make less than $3,000 a year. Steps to reduce poverty for minorities must go beyond provision of jobs, beyond reduction of part-time work, and even beyond making jobs in higher paying occupations available. Discriminatory pay scales and hiring practices must be eliminated. The worker's earning potential must be increased through better training, greater promotion opportunities, firmer job security, and concrete wage incentives.

Geographic concentration is a major factor in the quality of minority employment. Although half of the country's black population lives in the South, many have migrated to other areas in search of jobs. Mexican Americans are primarily concentrated in the Southwest and Oriental Americans are generally centered on the West Coast. These geographic concentrations subject minorities to the industrial and occupational peculiarities of those areas.

Available jobs in the South and Southwest are usually low skilled and low paying. Organized labor unions are not as strong nor as extensive there as in other parts of the country nor is protection of workers by State legislatures as comprehensive as elsewhere in the Nation. Thus, proportionately, more minorities are competing for relatively fewer higher paying jobs with less worker protection.

Minorities have been making a steady penetration into white-collar and other higher paying positions. In Table V, the most dramatic changes are highlighted.

However, it is important to note that while more than half the whites were white-collar workers, only a quarter of the minorities were white-collar workers. The bulk of the minorities still labored in lower paid, less desirable blue-collar and service jobs. For example, in 1958, 73.7 percent minority workers were in these categories and in 1970, 68.2 percent still worked in them. Taking blue-collar jobs separately, the percentage of minorities actually increased from 40 percent in 1958 to 42.2 percent in 1970. However, the overall data prove that minorities have not greatly improved their employment status over the 12-year period.

Minority employment in the different industrial sectors of the economy shows some shift from low paying industries to higher paying and more technologically oriented industries. However, most minorities are still filling low skilled jobs in industry.

The Department of Labor has developed a number of training programs designed to accelerate minority transition from low skilled to higher skilled jobs. In Fiscal Year 1970, institutional and on-the-job manpower training programs enrolled 221,000 persons and recorded 147,000 training completions. Of these, 115,000 persons obtained jobs. This marked a decisive drop from the 153,000 who had found jobs in Fiscal Year 1967, the peak year.

In both the institutional and on-the-job manpower programs, the percentage of blacks and other minorities enrolled has declined. The institutional figure went from 49.2 percent in 1968 to 40.8 percent in 1970. The on-the-job training percentage went from 38.9 percent in 1969 to 33.3 percent in 1970. This decline in minority participation in manpower training may be offset by JOBS, a more recent federally financed training program, which has a 77.8 percent minority enrollment.

However, Federal Government training programs have not yet reversed high minority unemployment rates. They have proved to be an uncoordinated response to minority unemployment but are, by structure and result, incapable of solving it.

The construction industry is one of the hubs of the equal employment effort. Skilled craft unions maintain strong control over construction employment and minimize minority participation. This highly visible industry plays a

Table V

OCCUPATION DISTRIBUTION

	1958	1970	Percentage Change
White-Collar			
Minorities	13.8%	17.9%	+14.1
Whites	45.8%	50.8%	+ 5.0
Professional			
Minorities	4.1%	9.1%	+ 5.0
Whites	11.8%	14.8%	+ 3.0
Clerical			
Minorities	6.1%	13.2%	+ 7.1
Whites	15.4%	18.0%	+ 2.6

Source: U.S. Department of Labor, Manpower Report of the President. Table A-10, p. 217, 1971.

crucial role in equal employment opportunity, not only because of its high wages but because of the large amount of construction that is supported by Federal, State, or local taxes.

State Advisory Committees to the United States Commission on Civil Rights in the Northeast have been giving particular attention to the construction industry in their area. Several of the Committees, working with the Commission's Northeast Field Office, held open meetings in 1969 and 1970 to attempt either to secure Philadelphia-type plans for their States, evaluate already adopted Hometown Plans, or to provide guidance where Hometown Plans were in the process of development. The Massachusetts State Advisory Committee secured adoption of a Philadelphia-type plan following an open meeting June 25-26, 1969 and subsequent followup.

The Philadelphia Plan was first used in that city in 1969 to increase minority employment in six trades: the ironworkers, plumbers and pipefitters, steamfitters, sheetmetal workers, electrical workers, and elevator construction workers. In Philadelphia, minority participation in these trades was approximately 1 percent. Under the plan, bidders on Federal contracts exceeding $500,000 were required to submit, with their bids, an *affirmative action program* which included a timetable for achieving equal employment. The plan gave employers 4 years in which to bring minority employment to a level equal with community minority representation. In March 1971, the plan was extended to cover all projects in which a Federal contractor was involved.

Violation of the plan is widespread and several firms have been ordered to answer violation charges. The plan places the burden of achieving set goals entirely on the contractors without the cooperation of the unions. It is limited to specific trades while other trades continue on their respective discriminatory ways.

In October 1969, the Department of Labor announced a new approach devised to get minorities into the mainstream of the construction industry. In a policy statement, the Department called the Hometown solution the "best solution" to the problem.

Hometown Plans are basically agreements between three parties, contactors, unions, and the minority community, to increase minority employment in skilled construction trades. They allow 5 years for minority employment to equal minority population in the area and cover all construction in the area whether it is Federal, State, or local.

In February 1970, George P. Shultz, then Secretary of Labor, announced that the Department would enforce minority group employment requirements on Federal construction jobs unless voluntary Hometown Plans were developed in 19 major cities. Although no timetable was set, a Department of Labor spokesman said this would be accomplished "well within a year". However, only 11 cities have developed plans approved by the Office of Federal Contract Compliance (OFCC) of the Department of Labor.

In July 1970, Secretary of Labor James D. Hodgson announced that 73 additional metropolitan areas would be given an opportunity to develop voluntary Hometown Plans to promote equal employment opportunity in the construction industry. To date, Hometown Plans have been developed in 14 of these areas.

OFCC is supporting the Hometown concept aggressively because it would provide coverage for all construction work in a given area rather than merely covering employment on Federal and federally assisted construction contracts. But the results of the Hometown concept have been disappointing. Only 25 of the 92 designated areas have developed plans approved by the Department of Labor. Plans in St. Louis, Atlanta, and San Francisco have not produced the desired results and OFCC has imposed Federal plans in these areas. The Agency is reviewing the situation in Chicago and Seattle to determine if the situations there warrant imposition of Federal plans.

State Advisory Committees to the Commission have found many weaknesses in these plans. For example, the use of such phrases as "hope to achieve" and "if general business conditions permit" weaken enforcement provisions and do not reflect firm commitments. Lack of evaluation criteria and procedures in some plans, absence of detailed training programs, ambiguous affirmative action requirements, and absence of provisions for compliance reviews continue to hinder the effectiveness of Hometown Plans.

Despite these efforts by the Federal Government to assure equal employment for minorities, jobs are still intangible hopes for an overwhelming number of the Nation's poor. The unemployed have become skeptical of programs and plans filled with noble words which bring no results. It is essential that the United States Government translate its good intentions into constructive actions which will guarantee all American citizens the right to adequate jobs at decent and equal pay.

FEDERAL CIVIL RIGHTS ENFORCEMENT EFFORT

The purpose of Government, according to the Preamble to the U.S. Constitution, is to establish *justice*, insure *domestic tranquillity*, promote the *general welfare*, and secure the blessings of *liberty* for all citizens. These terms embody the civil rights of all people. But a distinction must be made between rhetoric and facts. True equality of opportunity does not yet exist as a civil right in this country.

The Federal Government, as established under the Constitution and as it has developed in the last 185 years, is the single institution of our society that has not only the responsibility, but the authority and the resources to turn national civil rights goals into reality. How well it has prepared itself to carry out this responsibility through the majority of areas its programs affect was the subject of a report last fall by the United States Commission on Civil Rights. Entitled *The Federal Civil Rights Enforcement Effort*, the report examined virtually the entire structure of the Federal Government's civil rights enforcement effort.

From the White House to the Regulatory Agencies, from the Extension Service of the Department of Agriculture to the Department of Housing and Urban Development (HUD), and from the Civil Service Commission (CSC) to the Office of

Federal Contract Compliance (OFCC), the Commission found that the distance between the law's demand and the Agencies' performance was one of light years. Although many reasons were given, they actually came down to just three: lack of adequate leadership; lack of clearly stated goals and policies; and lack of adequate mechanisms.

In the spring of 1971 the Commission followed up its earlier report by issuing a statement indicating the progress made by Federal Agencies during the preceding 7 months. In general, while there were signs of change in some Agencies, the Commission concluded that they were at best only tentative and that much stronger programs were needed from Government before it could be said that civil rights was receiving the priority attention it deserved. In short, the gap between "what is" and "what ought to be" is still distressingly wide, and time for getting serious about civil rights in this country is running out. Fortu-

nately, the Federal Government has shown some signs of movement—enough for one Commissioner to observe: "It's as though the dinosaur has opened one eye."

Both the Enforcement Report and the statement that followed it 7 months later covered the gamut of Federal Agencies and activities, including housing, employment, Regulatory Agencies, Federal assistance programs, and the work of the various Government coordinating bodies such as the White House, the Office of Management and Budget, and the Department of Justice. The findings:

HOUSING

Federal Agencies responsible for administering housing assistance programs and for insuring equal opportunity in housing include Federal Financial Regulatory Agencies, the Department of Housing and Urban Development, The Veterans Administration (VA), the General Services Administration (GSA), and the Department of Justice. In examining their enforcement efforts, the Commission found that, generally, they had not yet established the mechanisms which would enable them to determine the status of civil rights compliance within their programs or even applied the sanctions available to them for enforcing civil rights requirements. By the following May, it had become apparent that the Department of Housing and Urban Development was retreating from its responsibilities, going backward rather than forward. Whereas that Agency had earlier indicated to the Commission that it considered its mandate as that of promoting "open communities", HUD denied 7 months later that it had any responsibility or interest in "promoting economic integration of the suburbs". Such a position was reiterated by the President in a special statement in June.

EMPLOYMENT

While minority group members have made noticeable gains in employment opportunities as employees of the Federal Government, they are still vastly underrepresented in the higher paying categories. Major blame falls upon the Civil Service Commission's zeal in supporting the merit system.

A system that fails to compensate for the effects of prior discrimination can never expect to bring about true equality of opportunity. Recognizing this, the United States Commission on Civil Rights, in criticizing the failure of the Civil Service Commission to enforce equal employment opportunity aggressively, suggested that civil rights goals and timetables be applied at once. While the Civil Service Commission did not enthusiastically endorse this concept, it did not forbid other Agencies to adopt such a policy, and by the time of the followup statement in May, two Agencies had announced their intention to apply goals and timetables to their employment policies. Shortly thereafter the Civil Service Commission indicated that it would encourage all Federal Agencies to do likewise. The effects of this approach are yet to be determined. As of November 1970, civilian minority group employment in the Federal Government stood at 19.6 percent of all employment, although in the top positions, GS-16 thru GS-18, it was only 2.3 percent.*

The Enforcement Report also examined equal opportunity mechanisms of two other Federal Agencies with responsibilities in the employment field. The Office of Federal Contract Compliance (OFCC) (employment by concerns having Federal contracts) of the Department of Labor and the Equal Employment Opportunity Commission (EEOC) (employment in private concerns with 25 or more employees) were both found to be hampered by the enormity of their respective tasks and insufficient staffs. Nevertheless, the Agencies were criticized for failing to use the authority at their disposal. OFCC had never exercised its powers of debarment of a Federal contractor or terminated a Federal contract, although it is apparent that employment discrimination among Federal contractors abounds. It was clear, both in the fall of 1970 and the spring of 1971, that OFCC had come a long way toward establishing mechanisms that promised to promote equal employment opportunity among these contractors. Not only were "Hometown Plans" for equal employment opportunity being developed in several major cities at the urging of OFCC, but the adoption of goals and timetables governmentwide, for which the Commission was pressing, was clearly being accepted by OFCC.

EEOC has never been effective in fighting private employment discrimination because it has never had an effective mechanism for correcting discrimination once it had been proved. As a result, many thousands of employment discrimination complaints have piled up at EEOC. The United States Commission on Civil Rights has supported legislation that would give EEOC cease-and-desist powers, and such legislation was pending in

**Press Release of U.S. Civil Service Commission, July 28, 1971.*

Congress in late summer of 1971.

REGULATORY AGENCIES

The Federal Government has established a number of independent Agencies to supervise certain practices of specific industries. Thus, such industries as radio and television, railroads, airlines, and gas and electric power companies are subject to regulation in the public interest. The Commission, for probably the first time in the history of these Agencies, questioned their civil rights stance and found that they had generally failed to interpret their power or responsibility as extending to equal opportunity. Only one of the Agencies, the Federal Communications Commission, had even issued rules prohibiting employment discrimination, and even that Agency was not following through on its own rules.

Seven months after the Commission's initial findings concerning the Regulatory Agencies, nothing substantive had changed, although some of the Agencies indicated they were "looking into" Commission recommendations.

FEDERAL PROGRAMS

The Federal Government, through programs of financial assistance administered by more than 20 Agencies, provides billions of dollars of aid to State and local governments each year. Racial discrimination in Federal assistance programs is prohibited by Title VI of the Civil Rights Act of 1964. Studies by the Commission of ways in which the Federal Agencies were carrying out their responsibilities under Title VI revealed that many of them had neither the staff, the mechanisms, nor the desire.

Some had not made an attempt to determine whether discrimination was occurring in their programs. Methods for measuring minority participation in Federal programs were not being employed. Where discrimination was found, many Agencies were not applying the sanctions available to them. Few Agencies had introduced goals and timetables for achieving equal opportunity.

By May 1971, when the Commission issued its followup statement, little significant change had taken place in the Title VI enforcement programs of the various Regulatory Agencies. This failure was one of the most disappointing of the followup study.

The Federal Government also provides direct assistance to individuals through such programs as Social Security, Veterans benefits, and farm subsidies. These benefits, while not subject to Title VI, are subject to the nondiscriminatory prohibitions of the fifth amendment. In looking at these programs, the Commission found that the least effort to monitor equal opportunity had been made in the direct assistance programs. Most of the Agencies responsible for administering these programs did not even collect racial and ethnic data on program participation and thus were unable to tell whether discrimination existed.

A third category of Federal aid—credit and lending—was also examined. The Federal Government, while not dispensing the aid directly, annually insures or guarantees more than $50 billion of credit provided by lending institutions. The Commission found that the Government was doing little to ascertain whether discrimination was creeping into the activities of these institutions. Yet discriminatory lending practices may well be one of the chief institutional forms of racism responsible for social and economic inequalities in this country.

COORDINATING BODIES

The effectiveness of civil rights enforcement depends on the Central Agencies of the Federal Government: the White House; the Office of Management and Budget; and the Department of Justice.

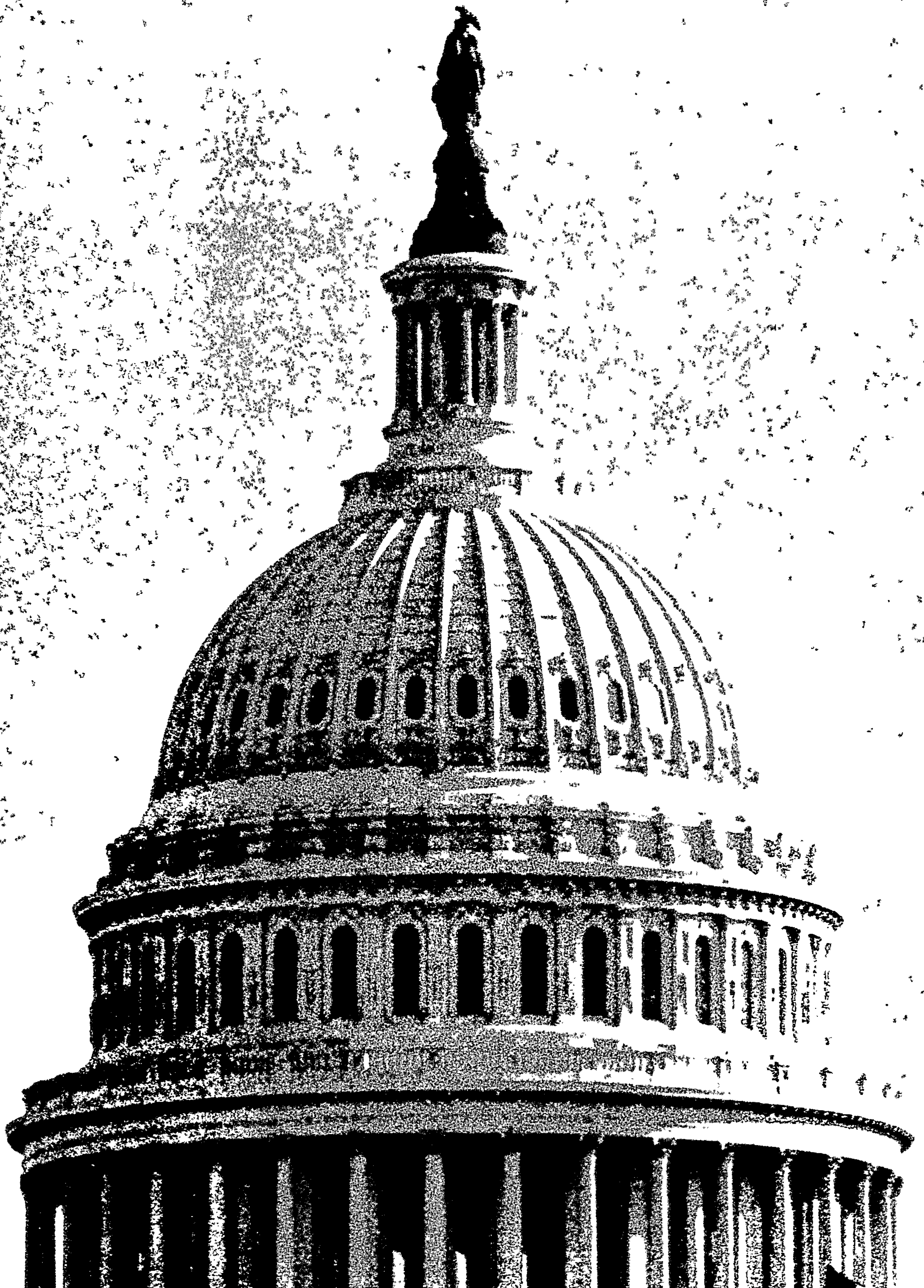
The Commission found that prior to fall 1970 neither the White House nor the Office of Management and Budget had made any systematic attempts to provide overall coordination and direction to the Federal Government's civil rights enforcement effort. The Department of Justice was cited for its lack of sufficient staff assigned to assist Federal Agencies in their civil rights responsibilities and for its failure to match its civil rights litigative efforts with the necessary coordinating assistance. Much of the failure of the Government's civil rights enforcement effort was thus accounted for: the Federal Agencies were not receiving overall guidance, direction, and coordination.

One of the most promising developments during the 7-month period was the evidence that the coordinating bodies were beginning to act. The White House indicated that it would establish a permanent Civil Rights Committee on its Council on Domestic Affairs. The Office of Management and Budget, in one of the more significant moves, promised to incorporate equal opportunity considerations into the budget review process. This will have the effect of requiring every Federal Agency to consider the civil rights impact of their programs before submitting budget requests. Finally, the Department of Justice unit responsible for helping Federal Agencies coordinate their civil rights policies was doubled in size.

In the fall of 1970, the United States Commission on Civil Rights concluded that the principal barrier to more effective civil rights enforcement in the Federal Government was the failure to establish adequate mechanisms. The Commission called for more effective and committed leadership within all levels of Government, the establishment of clearly stated civil rights goals and policies within the framework of Government programs, and the creation of the necessary tools to translate such policies into reality.

In the spring of 1971, when the Commission sought to measure the change that had taken place in response to its findings and recommendations, the civil rights posture of the Federal Government had hardly stirred, although certain promising gestures indicated that civil rights might yet receive more attention. But the only conclusion that could be reached was stated in the May followup:

/M/ajor inadequacies remain and the Federal Government is not yet in a position to claim that it is enforcing the letter, let alone the spirit, of civil rights law. . . ./T/hese delays raise serious doubts about the degree of commitment of some Federal Agencies to take the steps necessary to assure equal rights for all. . . ./M/any have lost faith that Government has the will or the capacity to redeem its pledge as contained in the laws it has enacted to fulfill the provisions of our Constitution and Bill of Rights. For the future well-being of this Nation, it is essential that this faith be restored, the pledge of equality be redeemed. It is too late for promises. What is needed is action.



IMPLEMENTATION OF COMMISSION RECOMMENDATIONS

The United States Commission on Civil Rights fulfills its mandate under unique and difficult circumstances. Its staff of 150 has no enforcement authority. The Commission cannot prosecute or cut off funds. It cannot file suits or remove officeholders. Its power, in short, is essentially the power of persuasion. The Commission can investigate, make findings, and draw conclusions. Whatever strength the Commission has lies, by and large, in the strength of its recommendations.

It is against this backdrop that the Commission's effectiveness can be gauged. The Commission speaks through documented facts and recommendations, and the success of its recommendations is a measurement of the Commission's success. By this yardstick, the Commission's Chairman, Rev. Theodore M. Hesburgh, told the Senate Subcommittee on Administrative Practices and Procedures in June of 1971 that the Commission was "doing pretty well, but not well enough."

The Commission has been making recommendations, in various official reports, since 1959. Of 185 formal recommendations made, action in some form has been taken on 118. Thus, 63.8 percent of the Commission's recommendations has been acted upon.

This figure does not include the Commission's massive 1970 study, *The Federal Civil Rights Enforcement Effort.* Recommendations in that landmark issue were recapitulated last May in a followup study which is described elsewhere in this issue.

The figure also does not include dozens of recommendations made over the years in Commission statements, congressional testimony, letters, press conferences, and the like. Nor does the scorecard reflect hundreds of recommendations, formal and informal, made by Commission staff members over the years to public and private parties at all levels. Many of these recommendations have been carried out, but it would be impossible to say how many. Likewise, the Commission's official recommendations undoubtedly have been implemented quietly on occasion, without public announcement, by sensitive public and private individuals acting on their own. Also not included are hundreds of recommendations made over the years by the Commission's State Advisory Committees.

Aside from these gaps, there is another reason why measuring the Commission's effectiveness in the manner of a baseball batting average is over simplification. Like a batting average, this approach does not distinguish between singles and home runs. Major recommendations are given the same weight as minor recommendations. Some important Commission recommendations have become reality, but some important ones have not.

Nevertheless, it seems safe to say, in the words of Chairman Hesburgh's testimony, that the Commission's record is "a fairly good one".

Many of the Commission's recommendations have been acted on only in part. Moreover, some have been adopted in forms somewhat different from that suggested by the Commission. Where the partial or related action has been sufficiently significant, the recommendation has been tabulated as acted upon. Where recommendations have been reiterated, the repeated recommendation has been counted each time it has been made.

While most of the Commission's reports—particularly its earlier ones—dealt with discrimination against blacks, recent studies have addressed themselves to the problems of other minorities. Notable among these is the study of Mexican American education, which is described elsewhere in this publication

and which soon will be producing recommendations. Another such study is the Puerto Rican project, which began only recently. It should be noted that many Commission recommendations, although written to deal with discrimination against blacks, apply with equal force to discrimination against other minorities.

A summary of Commission recommendations, by subject matter, follows:

VOTING

Many Commission recommendations in the field of voting, particularly those advanced in the 1968 *Political Participation* report, remain unadopted. Nevertheless, some important Commission suggestions became realities in the 1965 Voting Rights Act and in the 1970 extension of that act.

In 1959 the Commission recommended appointment of Federal examiners in areas where minority citizens were having difficulty registering and this procedure became a key provision of the 1965 act. The Commission also urged in several reports that literacy tests be abolished, and this step was taken in the 1970 Voting Rights Amendments. A provision for Federal poll observers also was incorporated into the 1965 act.

Proposals not implemented include: (1) national survey, by race, of registered voters; (2) a reduction of U.S. House seats in States using voter qualifications to discriminate; (3) automatic assignment of Federal examiners in areas where black registration is disproportionately low; (4) appointment of election officials broadly representative of the community; (5) instructions to Federal observers to intervene when election irregularities are occurring; and (6) creation of affirmative Federal programs to encourage Americans to register and vote.

Of 29 voting recommendations, counting some that were advanced several times, 19 have been acted on in some way. Supreme Court decisions took care of recommendations calling for reapportionment and abolition of poll taxes.

EDUCATION

The United States Commission on Civil Rights has made extensive recommendations in the field of education. Recommendations advanced in the Commission's early days set the stage for Title VI of the Civil Rights Act of 1964. Three Commissioners suggested in 1959 that Federal funds be withheld from colleges practicing discrimination. Two years later the Commission again made this recommendation and also urged that grants be based on the extent to which school districts within a State had desegregated. The Commission also recommended that Federal funds be withheld from States with segregated libraries. The series of recommendations eventually resulted in Title VI, which provides for cutting off Federal assistance to discriminating educational institutions.

Another 1961 recommendation—that desegregating school districts receive technical and financial aid—was enacted in Title IV of the Civil Rights Act of 1964. The Emergency School Assistance Program later was aimed at the same general goal.

In 1963 the Commission recommended that the President call a White House conference on equal educational opportunity. This was one of the subjects on the agenda at the 1966 White House Conference, "To Fulfill These Rights".

The Commission has called several times for collection of comprehensive and usable data on school desegregation. This recommendation has been only partly met.

The most important education recommendation which remains unadopted was advanced in the Commission's 1967 report on *Racial Isolation in the Public Schools*. The report urged Congress to establish a uniform integration standard for eliminating racial isolation in the schools.

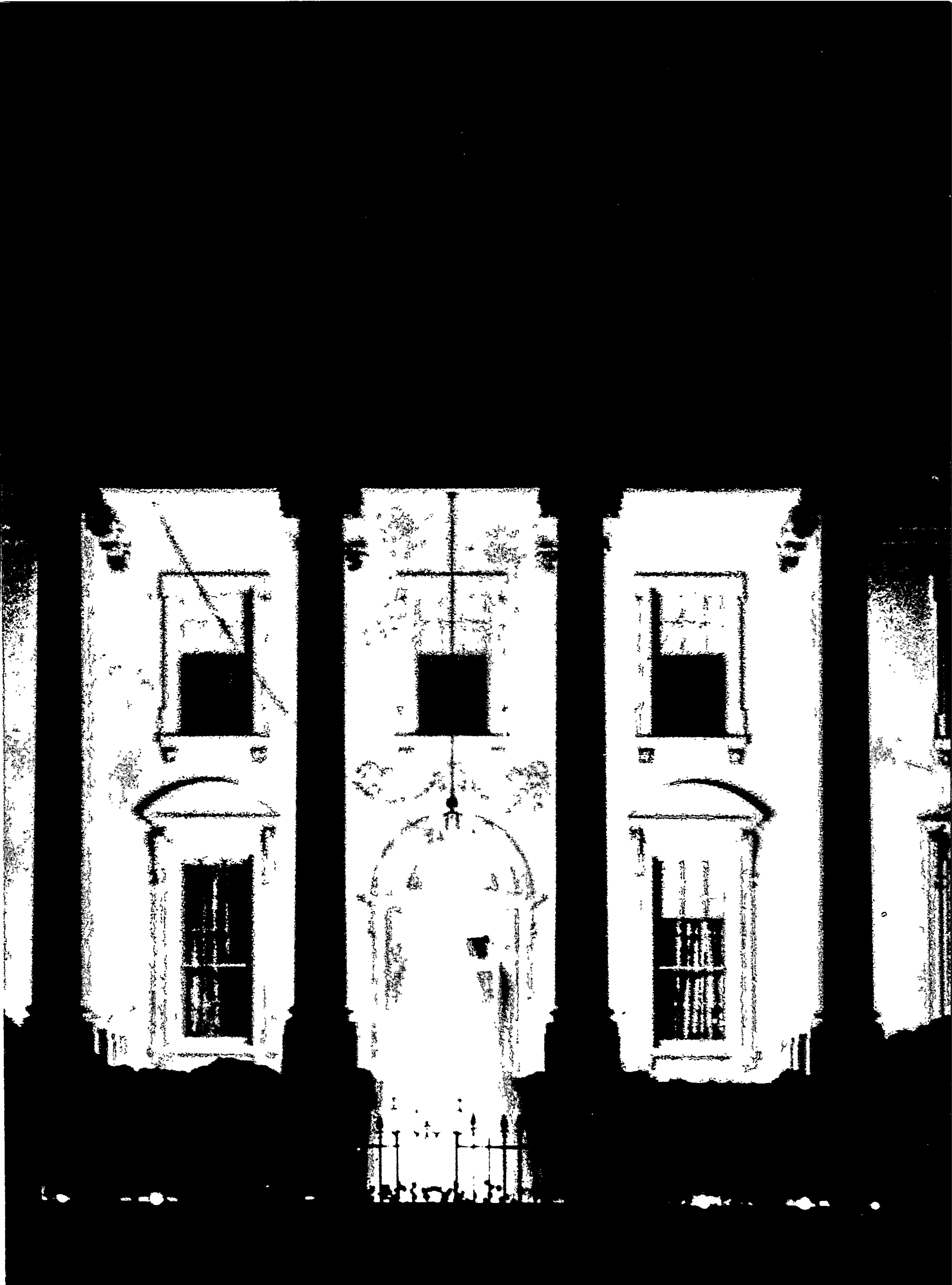
Of 40 education recommendations, all but 10 have been adopted.

HOUSING

In the field of housing, some of the Commission's more important recommendations have been carried out. An antidiscrimination Executive order, recommended in 1961, was issued in 1962 and covered housing built under Federal programs. Other housing recommendations were met by the Civil Rights Act of 1968, which covered housing not federally assisted as well as housing covered by the 1962 order.

Action was taken in 1967 and 1971 to accomplish a 1959 recommendation that public housing be located outside centers of racial concentration. The Department of Housing and Urban Development and the General Services Administration have moved to carry out Commission recommendations to locate Government installations at sites where low- and moderate-income housing is available on a nondiscriminatory basis. Steps also have been taken to assure decent housing for those displaced by urban renewal and highway construction.

Of 36 housing recommendations, 23 have been adopted at least in part, and one has been rendered moot by the 1968 act.



EMPLOYMENT

Most of the Commission's recommendations regarding employment have been carried out in some form.

In 1961 the Commission recommended equal employment requirements for Federal Agencies and contractors, equal opportunity in the Armed Forces Reserves and National Guard, and nondiscrimination in employment supported by Federal grants. Executive orders and regulations subsequently carried out these recommendations. Titles VI and VII of the Civil Rights Act of 1964 implemented other Commission recommendations.

Four 1970 recommendations, however, have not been realized. One urged State and local governments to adopt hiring practices that would undo the effects of past discrimination. Another would give the Equal Employment Opportunity Commission cease-and-desist authority and place State and local governments under Title VII's equal employment provisions. Other recommendations had to do with discontinuing Federal grants to State and local governments with discriminatory hiring practices.

Of 19 employment recommendations, 15 have been acted on in some degree. Of nine recommendations pertaining to equal treatment in various facets of the Armed Forces, all have been met by legislation, regulation, or directive.

ADMINISTRATION OF JUSTICE

In no other field have the Commission's recommendations gone so unheeded as in the field of justice. Counting suggestions made in the 1970 study of justice for Mexican Americans, 34 recommendations pertaining to administration of justice have been made. Only seven proposals—almost all of them made in the Commission's early years—have been enacted in some fashion.

The Commission's first recommendation regarding administration of justice was that Federal funds be appropriated to upgrade State and local police forces. Action was taken on this proposal in 1965 and again in 1968.

A 1963 recommendation that the Attorney General be authorized to intervene in civil proceedings involving denial of constitutional rights became a reality in Title IX of the Civil Rights Act of 1964. A 1965 recommendation for protecting Federal rights was incorporated in Title I of the Civil Rights Act of 1968.

Important recommendations upon which no action has been taken include: (1) that Congress authorize injunctions against State prosecution of persons exercising first amendment rights in behalf of getting equal treatment, regardless of race; (2) that local governmental units be jointly liable with their employees for depriving a citizen of his constitutional rights; (3) that Federal law enforcement officers be authorized to make on-the-scene arrests for violations of Federal law; and (4) that legislation be enacted to make it easier to prosecute violations of a citizen's constitutional rights.

Many of the recommendations in the study of Mexican Americans and justice were directed at State and local governments. As a result, it is difficult to say to what degree the suggestions have been followed. It is known, however, that some of the recommendations—for example, opening law enforcement jobs to Mexican Americans—have been carried out to some extent in some communities.

WELFARE, AGRICULTURE, AND MISCELLANEOUS

Twice—in 1961 and again in 1968—the Commission recommended that the Federal Government take steps to reduce the economic dependency of black citizens, so that black persons would be able to participate fully in the political process without fear of economic reprisal. While a number of Federal programs—welfare, food stamps, health care, and the like—move in that direction, it cannot yet be said that the 1961 and 1968 recommendations, both made in connection with voting, have been carried out.

Also unimplemented is a 1966 recommendation calling for a national minimum standard for welfare payments. The proposed Family Assistance Plan would take this step, but this has not been enacted by Congress.

Two 1963 suggestions were covered by Title VI of the Civil Rights Act of 1964, which provided for withdrawing Federal assistance. One recommendation called for withholding Federal funds that would be used to construct segregated hospitals, and the other urged that the President consider cutting off Federal assistance for Mississippi.

In 1965, the Commission urged an end to discrimination in agriculture programs and advocated full and equal participation in Department of Agriculture programs, without regard to race. Steps have been taken toward meeting both recommendations.

Of 18 welfare, agriculture, and miscellaneous recommendations. substantial action has been taken to carry out 12.

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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 developments 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.