

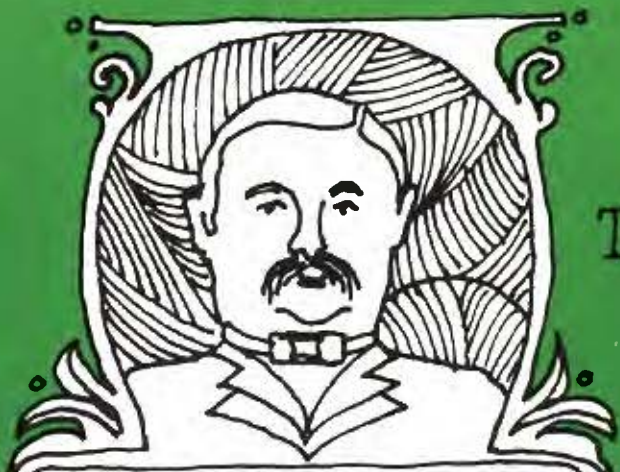
# CIVIL RIGHTS DIGEST

A Quarterly of the U.S. Commission on Civil Rights/Winter 1971

**Green Money only**

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THE UNITED STATES OF AMERICA



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1000

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1000

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FEDERAL RESERVE NOTE

THE UNITED STATES OF AMERICA



FIETY DOLLARS

FIFTY



50

50

50

50

TWENTY

# CIVIL RIGHTS DIGEST

Vol. 4, No. 1, Winter 1971

In this issue:

Media Myths on Violence 3  
by Terry Ann Knopf

Systems Approach to Equal Opportunity 10  
by D. Parke Gibson

An Approach to Minority Funding 17  
by Clarence M. Dunnville

Parochial Schools:  
A Delay in Desegregation 21  
by Rev. James D. Campbell, OP

The Joker in Private School Aid 28  
by Stephen Arons

Taking the "Mammy" Out of Housework 34  
by Darry A. Sragow

Reading & Viewing 39

Book Reviews 40

Commentary 44

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# On Corruption, War Loan Support Protest Their War

**Earth Day**  
 Expelled Diplomats  
 Thomsen Documents  
 Documents released yesterday by Judge Roszel C. Thomsen of the Court in Baltimore

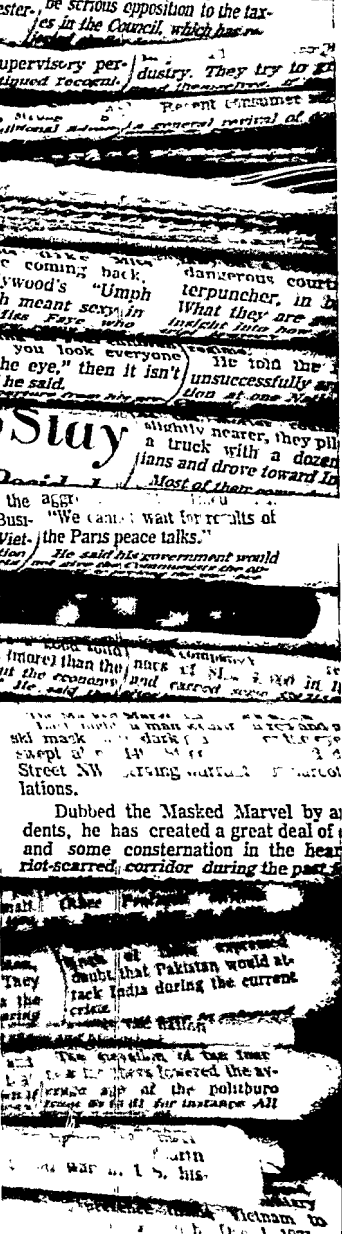
**Regime To Ease Regulations On**  
 conversations between Rep. John Dowdy (D-Tex.) and an FBI informant were recorded by federal investigators during an inquiry into the congressman's activities. Documents released by the Justice Department yesterday revealed that only about 12,000 of the "different" material from the Apollo samples. The Justice Department is striking the moon, which will presumably be those for the Fra Mauro rocks, which will presumably be those for the Fra Mauro rocks, which will presumably be those for the Fra Mauro rocks.

**U.S. Troops**  
**U.S. Players Visit China Wall**  
**Mandel Wins**

**Searthmore Informers**

Several years ago a resident of a small Northern town kept insisting to a local newspaper reporter that a policeman had been shot and killed during a racial disturbance there. The reporter checked and rechecked but was unable to substantiate the story. In fact a policeman had been killed, but in another city. The man simply had heard a garbled version of the story—not an unusual occurrence in the confusion that prevails during crises.

Crisis situations increase the need for news. During most serious disturbances, news media are bombarded with calls from anxious citizens wanting information, clarification, verification of what they have heard. So important is the flow of news through established channels that its continued absence can help precipi-



## MEDIA MYTHS ON VIOLENCE

A study of media performance reveals improvements and a healthy willingness to experiment with new procedures. But certain shortcomings persist.

tate a crisis. In 1968 in Detroit the absence of newspapers during a protracted strike helped create a panic: there were rumors in the white community that blacks were planning to blow up freeways, kill suburban white children, and destroy public buildings; in the black community, that white vigilantes were coming into the area to attack the residents. Gun clubs sprang up in the suburbs; black leaders urged preparation of survival kits. On March 7—nearly 4 months after the strike began—Detroit's Mayor Cavanagh had to go on TV to plead for calm.

As racial disorders have become a familiar part of the national scene, the media have demonstrated a growing awareness of their responsibilities and a healthy willingness to experiment with new policies

and procedures. Technical improvements also have been made. The city of Detroit, for example, has built a press room large enough for 150 people, with independent telephone lines. Operational techniques have been modernized. The Pittsburgh police, among others, have on occasion provided a helicopter for the press. And central headquarters or "press centrals" have been established to help eliminate conflicting reports. Moreover, a number of cities have adopted or revised guidelines for reporting. These guidelines—sometimes informal—urge that unnecessary interpretation be minimized, rumors be eliminated, unverified statements be avoided, and superlatives and adjectives in "scare" headlines be excluded. One set of guidelines put the matter simply: "Honest and dispassionate re-

porting is the best reporting.”

In accordance with these guidelines, newspapers have tended to move away from the “shotgun” approach—the front-page buildup, complete with splashy pictures and boxscores of the latest “riot” news. Dramatic but meaningless predictions have also largely disappeared. In May 1967, *U.S. News & World Report* declared that Newark was “not expecting trouble”, while Cleveland was voted the city “most likely to explode again”. Cleveland failed to erupt in 1967, but Newark experienced one of the most massive outbursts in our country’s history. This kind of journalism is much less common today.

There is also evidence of greater sympathy and sensitivity toward blacks. How far have we come? Consider the following comment from the *New York Times* on July 23, 1919, concerning the violent disorder in Washington, D.C.:

*The majority of the negroes (sic) in Washington before the great war were well behaved. . . . More of them admitted the superiority of the white race, and troubles between the two races were undreamed of. Now and then a negro intent on enforcing a civil rights law would force his way into a saloon or a theatre and demand to be treated the same as whites were, but if the manager objected he usually gave in without more than a protest.*

These changes represent considerable improvement. But serious problems remain. Glaring instances of inaccuracy, exaggeration, distortion, misinterpretation, and bias have continued at every level—in newspapers and newsmagazines large and small, Northern and Southern, liberal and conservative.

The wire services are probably the most underexamined segment of the media, although as much as 90 percent of the news in some newspapers on a given day may come from the wires. An error in a wire service report from one city may be repeated in hundreds of newspapers and newscasts. In York, Pa., in mid-July 1968, for instance, incidents of rock and bottle-throwing were reported. Toward the end of the disturbance UPI in Harrisburg asked a stringer to get something on the situation. A photographer took a picture of a motorcyclist with an ammunition belt around his waist and a rifle strapped across his back. A small object dangled from the rifle. On July 18, the picture reached the Nation’s press. The *Washington Post* said:

*Armed Rider—Unidentified motorcyclist drives through heart of York, Pa., Negro district, which was*

*quiet for the first time in six days of sporadic disorders.*

The *Baltimore Sun* used the same picture and a similar caption:

*Quiet, But . . . An unidentified motorcycle rider, armed with a rifle and carrying a belt of ammunition, was among those in the heart of York, Pa., Negro district last night. The area was quiet for the first time in six days.*

The implication of this photograph was clear: The “armed rider” was a sniper. But since when do snipers travel openly in daylight completely armed? Also, isn’t there something incongruous about photographing a sniper, presumably “on his way to work”, when according to the caption the city “was quiet”? Actually the “armed rider” was a 16-year old boy who happened to be fond of hunting groundhogs—a skill he had learned as a small boy from his father. On July 16, as was his custom, the young man had put on his ammo belt and strapped a rifle across his back, letting a hunting license dangle so that all would know he was hunting animals, not people. Off he went on his motorcycle headed for the woods, the fields, the groundhogs, and the place reserved for him in the Nation’s press.

More recently, an AP man in Dallas filed a story on a student takeover at Southern Methodist University. The Fort Worth *Star-Telegram* in its evening edition of May 2, 1969, put the story on the front page and gave it a banner headline.

*Dallas (AP)—Black students with some support from whites took over the office of the president of Southern Methodist University today and swore to remain until their demands are met. . . .*

*Reports from the scene said from thirty to thirty-five students were in control of [President] Tate’s office.*

*The takeover occurred during a meeting of Tate and a campus organization, the Black League of Afro-American and African College Students.*

The story had one major flaw—it wasn’t true. While about 35 students had met with the university president, they were not “in control” of his office; nor had they “swore to remain” until their demands were met. No such “takeover” had occurred. Glen Dromgoole, a staff writer for the *Star-Telegram*, later reported what really happened. The black students had met with the president for more than 5 hours discussing recent demands. The talks were more friendly than hostile (At one point hamburgers were brought in.) By the end of the meeting, agreement had been reached on most of the issues. Apparently the wire service reporter had accepted the many rumors of a student takeover.



Martin Hayden of the *Detroit News* has suggested “an almost mathematical relationship between the level of exaggeration and the distance of news transmission”. Edwin Guthman of the *Los Angeles Times* maintains that the early wire service report “is at the crux of the news media’s problem”. However, it is more likely that instances of misreporting remain a problem at every media level. The Lemberg Center for the Study of Violence, in investigating 25 incidents in which the news media had alleged sniping, found that, along with the wire services, local and nationally known newspapers bore a heavy responsibility for imprecise, distorted, and inaccurate reporting.

While treatment of racial disorders is generally more restrained today, the news media continue to overplay the more violent or sensational aspects of a story. The central media concern during the disorder at Cornell University in April 1969, for example, was the emergence of the blacks from the student union. A picture of the students carrying rifles and shotguns, splashed across the Nation, had a distorting effect on public opinion. The *New York Times* put the picture on page 1 and *Newsweek* used it on its cover the following week. Certain facts were largely ignored: Prior to the disorder a cross had been burned in front of a black women’s dormitory; the students had heard radio reports that carloads of armed whites were moving toward the campus; when the students emerged from the building their guns weren’t loaded. What was basically a defensive response by a group of frightened students came across in the media as a terrorist act by student guerrillas.

Aspects of the disorders are dramatic and do merit extensive coverage. But the media still tend to equate

bad news with big news and to confuse the obvious with the relevant. Thus when 65 students at Brandeis University took over a building in 1969, it rated a story on the front page of the *New York Times*. This was despite the fact that there was no violence, that classes continued, and that the university suffered only minor inconvenience. I was on campus then. My only recollection of anything unusual was that on the first day or two an attendant asked to see my identification, and for the next week and a half I noticed large numbers of reporters, press cars, cameras, and other equipment. I sometimes wondered if there weren’t more reporters outside than students inside the building.

The *Times*, along with most newspapers, missed the unusual climax at Brandeis. In a war of nerves with the students, President Morris Abram showed consummate skill in handling the situation, remaining flexible on the issues, mobilizing the support of the student body and faculty, and, above all, refusing to call the police. Eleven days after the crisis had begun the students quietly left the building—a dramatic victory for the Brandeis community. Yet the students’ departure merely merited a *Times* story about three inches long, well off the front page.

Disparities between the headlines and news stories are another problem. Often much less occurs in the story than the headline would indicate. In 1969, for example, some concerned parents in Jacksonville, Fla., removed their children from Kirby Smith Junior High School after a local radio station had broadcast an exaggerated report of a fight between black and white students. The school principal later indicated that “classes continued and there was no panic”. Nevertheless, the *Miami Herald* headlined its story on April 25: MOMS MOB SCHOOL AFTER RIOT ‘NEWS’. Sometimes no violence occurs in the story, dramatic headlines to the contrary. A story, appearing in the *Boston Globe* on May 10, 1969, told of a peaceful rally by a small group of students at a local theological seminary. According to the *Globe*, the rally was “brief and orderly”. But the headline above the story read NEWTON CAMPUS ERUPTS.

The use of the word “riot” presents another problem because it has no precise meaning in terms of current disorders. *Webster’s* defines a “riot” as a “tumultuous disturbance of the public peace by three or more persons assembled together and acting with a common intent”. The difficulty is that “riots” have become so frequent and come in so many sizes and shapes as to

render the word meaningless. There is something ludicrous about lumping together as "riots" Detroit, with 43 deaths, 7,000 arrests, and \$45 million in property damage, and an incident in which three people break a few store windows. Yet this is precisely what the news media still do. The continued use by the media of the term contributes to an emotionally charged climate in which the public tends to view every event as an "incident", every incident as a "disturbance", and every disturbance as a "riot". Journalists would do well to drop the word from their vocabulary altogether.

No law says the media have to interpret and not simply report the news, but having assumed this responsibility they have an obligation to make reasonable judgments based on careful analysis. Unfortunately, journalistic attempts in the direction of social science research have been rather amateurish, particularly where new trends and patterns are concerned. The case of the Cleveland "shoot-out" is a good example. On July 23, 1968, an intense gun battle broke out between the police and a group of black nationalists led by Ahmed Evans. Before the disorder was over 16,400 National Guardsmen had been mobilized, nine persons had been killed, and there was property damage estimated at \$2.6 million. The *Cleveland Press* on July 24, 1968, compared the violence to guerrilla activity in Vietnam:

*. . . it didn't seem to be a Watts, or a Detroit, or a Newark. Or even a Hough of two years ago. No, this tragic night seemed to be part of a plan.*

A reporter writing in the *New York Times* of July 28, 1968, stated:

*It marks perhaps the first documented case in recent history of black, armed, and organized violence against the police.*

More recent reports have revealed that the "shoot-out" was something less than a planned uprising and that the situation was considerably more complicated than indicated initially. Unfortunately, following the events in Cleveland, disorders in which shots may have been fired were immediately suspected by the press of being part of a "wave". A series of errors involving a handful of cities became the basis of a myth—that the pattern of violence in 1968 had changed from spontaneous to premeditated outbreaks. Few of the nationally known newspapers and newsmagazines attempted to verify sniping reports coming out of the cities and over the wire services; few were willing to undertake independent investigations; and far too many were

overly zealous in their assertions of a new "trend" based on limited and unconfirmed evidence. Unwittingly or not, the national media had constructed a scenario on armed uprisings.

Although having more time to check and verify reports than daily newspapers, the newsmagazines were even more vocal in their assertions of a "new pattern". On September 13, 1968, *Time* took note of an "ominous trend" and declared that the violence "appears to be changing from spontaneous combustion of a mob to the premeditated shootouts of a far-out few". The story went on to indicate that "many battles" had begun with "well planned sniping at police". Nearly a year later, on June 27, 1969—long after investigation by a task force of the National Commission on the Causes and Prevention of Violence, by the Lemberg Center, and by the *New York Times* (which reversed itself on the Cleveland question) had cast serious doubt about premeditated outbreaks in Cleveland and elsewhere—*Time* still was talking about the possibilities of a "guerrilla summer". It was also still reminding its readers of the time in Cleveland when "police were lured into an ambush". Once started, myths are difficult to extinguish.

Misreporting of sniping incidents has continued through 1970, involving two of the most dramatic disorders of the year: Augusta, Georgia, where six persons were killed and Jackson State College in Mississippi, where two students lost their lives. At the time of the shootings in Augusta, stories circulated to the effect that snipers had fired upon the police and firemen. Indeed, this became the justification for the unusually strong police response. In the aftermath of the violence, however, not one instance of sniper fire was documented, while the Augusta fire chief has since said that reports of sniper fire were "exaggerated". No policemen, firemen, State patrolmen, or National Guardsmen were struck by gunfire. Nevertheless, newspapers—both in and out of State—carried accounts of the violence that made it sound as if a full-scale war was going on.

In the case of Jackson State College, it is significant that the State's largest newspaper, the *Jackson Clarion-Ledger*, had its police reporter take charge of the coverage. Throughout the disturbance, the *Ledger's* lead stories became a central channel for the police point of view, to the exclusion of all others. Unconfirmed reports of sniper fire from the students—prominently cited in this newspaper—once again became the justification for excessive, brutal police actions. (In all



fairness, both AP and UPI handled the whole story much more objectively.) It is noteworthy that the President's Commission on Campus Unrest, while unable to determine positively who fired the first shots, cast doubt on the police version of events, and strongly condemned police actions as an "unreasonable, unjustified over-reaction".

The most recent myth created by the media involved an alleged "shift" in racial disturbances from large to small cities. July 25, 1969, a syndicated reporter for the News Enterprise Association (NEA) noted:

*The socially sizzling summer has begun—but unlike recent history, it seems to be the minor, not the major, cities which are sweltering.*

In an article entitled "Riots, 1969 Style", *Newsweek* declared on August 11:

*. . . the traditional riot scenario is still being played out this summer—with one major difference. This season the stage has shifted from the major population centers to such small and disparate communities as Kokomo, Ind., Santa Ana, Calif., Cairo, Ill., Middletown, Conn., and Farrell, Pa.*

September 9, 1969, the *New York Times* captioned a picture:

*New Riot Pattern: Rioting in Hartford, Conn., last week . . . underscored the fact that smaller cities this summer have had more racial trouble than the big ones.*

Similar stories appeared about the same time in scores of other newspapers, including the *Wall Street Journal*, the *Baltimore News American*, the *Woburn, Mass., Times*, and the *Pittsburgh Press*.

In fact, racial disorders occurring over the past few years—not just this past summer—have been concentrated in smaller cities. About 75 percent of all outbreaks recorded in 1968 by the Lemberg Center's Civil Disorder Clearinghouse occurred outside the 100 largest cities. For the first 6 months of 1969 and also for the summer no appreciable change in the percentage was noted. Furthermore, many of the cities cited as prototypes of this latest "new pattern"—Hartford and Middletown, Conn., and Cairo, Ill.—have had disorders in previous years. The difference is that such outbreaks were completely overshadowed by a few enormous outbreaks in large cities such as Newark and Detroit.

Discovering the origin of these and other myths would be useful—a faulty wire service report, an inept reporter, an unreliable source. But aside from the fact

that such a task would be almost impossible, it would miss a central point—that the system of reporting insures that errors of fact and interpretation may be repeated, compounded, and reformulated as myths. In recent years the various components of the media have become extremely intertwined and dependent upon one another.

The wire services, the nationally known newspapers, and the newsmagazines feed one another news and information. While the system undoubtedly speeds the flow of news to the public, it has encouraged a parrot-like character in which the various media segments tend to reproduce rather than examine one another's views.

In this respect the *New York Times*' caption proclaiming a NEW PATTERN assumes greater significance. Prior to its appearance in the *Times*, I talked with Jack Rosenthal, who had been working on a story about the relatively cool summer. When the subject of a new "shift" in violence came up I indicated that such allegations were false and misleading. Rosenthal wrote a thoughtful story, dwelling on police-community relations, civic programs, and the new community spirit among blacks. His story made no mention of a "new riot pattern". Apparently the caption writer had paid more attention to what *Newsweek* and the *Wall Street Journal* were saying than to his colleague at the *Times*.

The failure of the media to tell the complete story in the case of Cornell or the right story in the case of Cleveland goes beyond a lack of initiative or an inclination to sensationalize. It also indicates a bias—one which cuts across political and geographical lines. The media are no more aware of this bias than is the general public aware of its own. In part, we could call it a class bias in that those who comprise media staffs—reporters, editors, headline writers, etc.—are part of the vast American middle class and, as such, express its views, values, and standards.

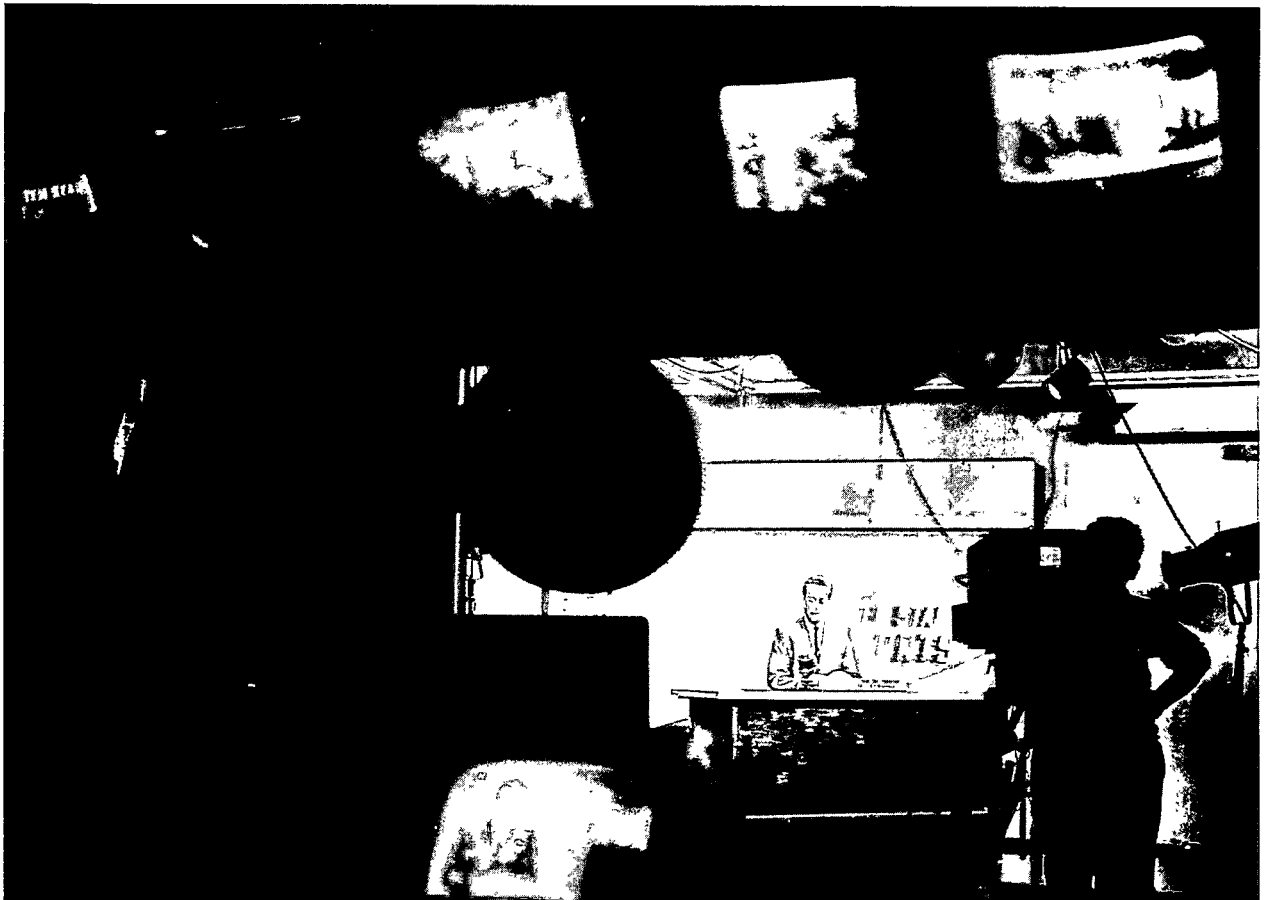
Both the general public and the media share the same dislike of protestors. Both are unable to understand violence as an expression of protest against oppressive conditions; both prefer the myth of orderly, peaceful change, extolling the virtues of private property and public decorum. People are expected to behave in a certain way; they just don't go around yelling and cursing or throwing rocks. Both will grant that it took a revolution to secure our independence and a civil war to end slavery (at least officially), but that was all long ago and somehow different. The bias

also has elements of racism in that color is never far from the surface. It is difficult to say where the class bias begins and racist bias ends. The elements are inseparable and reenforce each other, and both manifest themselves in the thinking of the public and media alike.

A growing body of research shows that racial disorders are a part of the social process. The process includes an accumulation of grievances, a series of tension-heightening incidents such as police harassment, and a precipitating event such as an arrest which crystallizes the tensions and grievances that have mounted—the “last straw” that triggers the violence. The “typical rioter” is young, better educated than the average inner-city black, and more dissatisfied. He wants a better job but feels that prospective employers will discriminate against him. He is likely to be a long-term resident of the city. (In a survey in Detroit, 90 percent of those arrested were from Detroit, 78 percent lived in the State.) He is extremely proud of his race and is politically conscious. He is

more interested in and informed about politics than blacks who are not involved in a disorder. He is also more inclined toward political activism. (In one survey, nearly 40 percent of the participants in the disorder, as compared to only about 25 percent of the nonparticipants, reported having been involved in civil rights activity.) Finally, he receives substantial support from the rest of his community, which does not participate but regards the violence as necessary and beneficial.

As important as the findings in these studies are, they have made virtually no impact on the vast majority of the public. Most Americans continue to believe that violence is caused by a tiny and insignificant minority; that “outside agitators” and “criminal elements” are mainly responsible for isolated outbursts that have little or no social significance. Intellectuals must share a portion of the blame for this situation. Having completed their studies, they have been notoriously reluctant to roll up their academic shirtsleeves and assume leadership in presenting their ideas to the



public. There is a trace of condescension in their assumption that good ideas from above will somehow trickle down to the "masses of asses", as one academic I know calls them.

Greater responsibility for the failure to confront the public's resistance rests with the news media. They have failed to commit their power and prestige on behalf of such studies. They have failed to place the ideas before the public and push for reform in an aggressive, effective manner—settling for a splash of headlines and stories initially, and little followup. Instead the media have opted for the status quo, reflecting, sustaining, and perpetuating outworn beliefs of their predominantly white audience.

Historically the notion of plots and conspiracies has always had great currency in this country—and in other countries, too. Prior to the Civil War, Southerners frequently viewed abolitionists as "outside agitators" trying to stir up the happy slaves. Violent interracial clashes during World War I were said to have been instigated by the Bolsheviks, and the outbreak in Detroit in 1913 was attributed to an "Axis plot". The current wave of disorders has been blamed on individuals such as Stokely Carmichael and H. Rap Brown or, for those who like a more international flavor, "Communist infiltrators". In a survey of six Northern cities by the Lemberg Center, 77 percent of all whites interviewed believed that "outside agitators" were a major contributing cause of disorders. When Los Angeles Mayor Sam Yorty blamed a rash of school disorders on a conspiracy of the Black Student Union, the Students for a Democratic Society, Communist sympathizers, and the National Council of Churches, he was following a long tradition.

Such allegations are usually made without a shred of evidence, except for an occasional "someone told me so". Nevertheless, the media have frequently taken their cues from the public in formulating and circulating such reports. Misinterpretations of the events in Cleveland, along with assertions of a "new pattern" of premeditated violence, are blatant examples of this form of bias. But more often the bias is expressed in more subtle ways. For example, when rumors circulated that "outside agitators" were involved in a disturbance in Omaha, Neb., a news story appearing in the *Arkansas Gazette* on June 27, 1969, made reference to the rumors but also mentioned that the mayor had no evidence to support such reports. Yet, the headline above the story read: 'OUTSIDERS' LINKED TO OMAHA RIOTING.

A look at the way in which the disorders are written up reveals, tragically, that the majority of the media and the public share essentially the same view of the violence as meaningless, purposeless, senseless, and irrational. Media treatment of the disorders following the assassination of Rev. Martin Luther King, Jr., illustrates the point. The sense of loss and injury among blacks at the time of the assassination was extremely great, far greater than among whites. The unprecedented wave of disorders—approximately 200—was expressive of the anger, bitterness, resentment, and frustration that black people everywhere felt.

How did the media handle the disorders? Stories in just two newspapers analyzed—the *Buffalo News* of April 9, 1968 (the day of Dr. King's funeral), and the *Trenton Times-Advertiser* one day later—are fairly typical. No attempt is made to place the violence in a social context. The reference to the assassination of Dr. King is perfunctory, with only a passing mention of his funeral and a few shouts about his death. Value-laden words receive unusual emphasis. The participants are "marauders"; not men; they "rove" instead of run; they move in "gangs", not groups; they engage in "vandalism", not simply violence.

We have all grown so used to viewing blacks as stereotyped criminals that it is difficult to picture them in any other role; hence such frequent press concoctions as "roving gangs", "roving vandals", "roving gangs of rampaging teenagers", or, for variety, "a window-smashing rampage of roving gangs of Negro youths". The *New York Times'* assertion on July 1, 1969, that "roving bands of ruffians" were involved in a disturbance in Middletown, Conn., seems somewhat feeble by comparison. The effect of such treatment by the media is to pander to the public's prejudice, reinforcing stereotypes, myths, and other outmoded beliefs. The media not only frighten the public but confuse it as well.

And let us not forget the effects on the news media. The proliferation of underground newspapers, radical publications, black journals, as well as underground radio stations on FM bands held by churches and universities, indicates that the media are failing to reach certain groups; that they still lack sensitivity, sophistication, and skepticism commensurate with their important and strategic position.

TERRY ANN KNOPF

*Terry Ann Knopf is a research associate at the Lemberg Center for the Study of Violence, Brandeis University. A slightly different version of this article first appeared in the Columbia Journalism Review, Spring 1970.*

# SYSTEMS APPROACH TO EQUAL OPPORTUNITY

Much has been said and written on where responsibility lies for helping solve domestic problems in race relations and making equal opportunity a reality. These problems have been studied, stated, restudied, and restated, and yet Government, corporations, organizations, and various individuals have not been able to develop long-range goals and plans that can be successfully implemented to insure equal opportunity. Clearly a new direction is required.

Conversely, massive efforts have been successfully undertaken to promote the economic growth and development of this country, and it seems reasonable to question whether we can afford to jeopardize such progress by failing to solve one of our most crucial problems, particularly when planned interracial communication and cooperation could lead the way toward alleviating its severity.

The danger for the future is that America is going to continue as a dual society—white and nonwhite. Therefore, it behooves us to realize that since this is unlikely to change in the immediate years ahead, interracial communication must become a primary goal. Separatism and polarization are eating away at the foundation of American society. Based on these factors, we are in need of understanding and communication now

more than at any other period in our history. Beyond understanding, active cooperation in solving problems is also a necessity. Consider the state of the Nation in the next decade.

By 1980, minorities will represent approximately 13 percent of the Nation's total population.

More than 90 percent of the non-white population will continue to be black and most of it will be young. The eight million children who were between 5 and 19 years of age in 1966 will comprise 34 percent of the 20 to 30 age group.

Minority groups will continue to occupy central cities of America or at best some of the close-in suburbs.

Continuing race pride and its various manifestations will be present, although violence will be more the exception than the rule.

Desegregation and what should be its counterpart, equal opportunity, will continue as a major goal, as opposed to seeking immediate integration on all levels—educational, social, economic.

The attitudes of the majority population toward minority and other persons will be based primarily on economic status rather than on race or ethnic background.

With this as the future, what then of the present? The picture is not encouraging as poor race relations and lack of communication have pre-

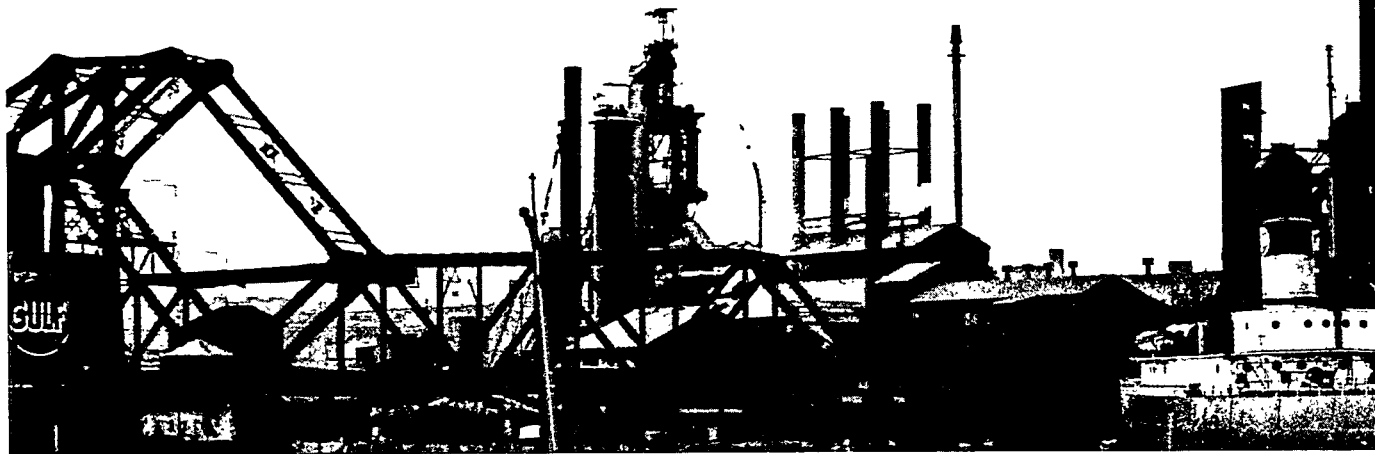
vented the most important entities of our society from effectively reaching and influencing the minority community. This is true for business as well as Federal and local governments, educational institutions, urban communities, in fact all aspects of American life. Therefore, the problem of interracial communication must be solved before full equality of opportunity can be extended to all persons, and it has to be solved quickly.

It is clear that there are only two institutions which can either separately or together carry this off. They are Government, because of its great enforcement powers, and business-industry, because of its financial resources, job opportunities, and efficiency.

Business-industry could lead the way if it chooses to do so. As a for instance, take a leaf from the General Electric (GE) Company's book on how it intends to proceed in the 1970's. In its "Our Future Business Environment" (April 1968), the first in a series of reports on major environmental trends, GE identified the urban minority as the "dominant one on the domestic social, political and economic scene for the next ten years".

GE then followed with "A Decade of Tensions and Decisions: The Minority Environment in the Seventies"





Photos: Robert D. Moeser, Department of Labor

(January 1970) which, like the first study, was based upon a review of available literature and extensive interviews with informed people—white and nonwhite—at the national and community levels. These studies represented one element in the systematic analysis, by the equal opportunity/minority relations component in GE's Corporate Industrial Relations, of minority relations problems and of the corporate role in their solutions.

Working with an executive-level policy panel and an advisory panel of key relations managers, this component has studied and produced recommendations for corporate action in six major areas: environmental trends; corporate rationale; management support; employee relations aspects; social problems; and business opportunities.

Following these studies, GE produced a 42-page booklet, *General Electric's Commitment to Progress in Equal Opportunity and Minority Relations—A Case Study in Systems Analysis Approach to Social Responsibility Programs*. In opening remarks, Fred J. Borch, Chairman of the Board and Chief Executive Officer of GE said:

*We can no longer delay action. We cannot—as a society—bear the cost of chaos in the lives of millions of our citizens. Let me make this unmistakably plain. General Electric, and the entire company, must face up to a new corporate responsibility. All employees should understand and cooperate with the company's efforts in accepting this responsibility. The successful manager of tomorrow will be the individual who can effectively manage the new work force in our changing environment. He will be the manager who can convince all employees and our community neighbors that our actions are in the long term best interests of all employees, the business and the country. Society will measure General Electric and all industry on this basis. . . .*

To play a role in social problem-solving, industry must first determine if it is in fact going to attack the total problem of inequality for minority America, and then proceed to act under what could be called a "Corporate Opportunity Plan".

The implementation of this plan will call for a new type of "Super-Sensitive Executive", with broad and clearly defined responsibilities, who

will be unlike some of the equal opportunity executives in business and industry today who only look upon their responsibilities as a temporary job assignment, confined to the specific area of job opportunities for minority groups. This corporate opportunity officer will have wider horizons than equal employment opportunity alone. He will be concerned with the racial makeup of the communities in which the company operates or proposes to operate; with the housing and transportation situations for minority group members; with the administration of justice for minorities; and with what the community is doing as a whole to combat racism and discrimination.

He sees his company not as a mere employer with no responsibility for its minority group employees other than to assure them a job, but rather as a positive force in the community to bring about the extensions of opportunity for all people in the areas of housing, education, etc.

If the man or woman is not from a minority group and is as most of those who administer programs (white, of course) today, he will have to undergo some intense "sensitizing" on race relations in America. Few



executives have had the benefit of this before undertaking assignments in the area of race relations.

With the responsibility of developing needed guidelines, this executive should have no other responsibilities than to determine how his corporation should respond with financial assistance and/or manpower to analyze current efforts, and to help create programs to meet the needs of minority groups in housing, employment opportunity, administration of justice, and the reduction of the level of racism.

The executive concerned with the *total approach* should be in a staff position answerable only to top management, with an *adequate staff and budget* to get the assignment done.

This corporate opportunity officer should have authorization to research, analyze, and plan programs in which the company can become involved in the priority areas.

With the information compiled, analyzed, and a plan approved, it should then be presented first to top management, then to middle management, and an adaptation then presented to all employees so that at all levels there is a clear understanding of what the program is all about.

The first step in the formulation of a plan is for the Corporate Opportunity Staff to take steps to obtain information on the types of communities in which the company is operating or will be operating. Such information will include the racial makeup of the community; the housing situation for minority groups; which minority group employment opportunity programs, if any, are working and which are not; how justice is administered to minority persons; and what the community is doing as a whole to combat racism and discrimination.

Inherent in this type of searching examination is the rationale that distinguishes the type of program being proposed from those that now operate to insure equal employment opportunity. The new type of program would be concerned not only with meaningful employment, but with the problems of adequate education, equal administration of justice, and the elimination of discrimination in all forms *at the same time*.

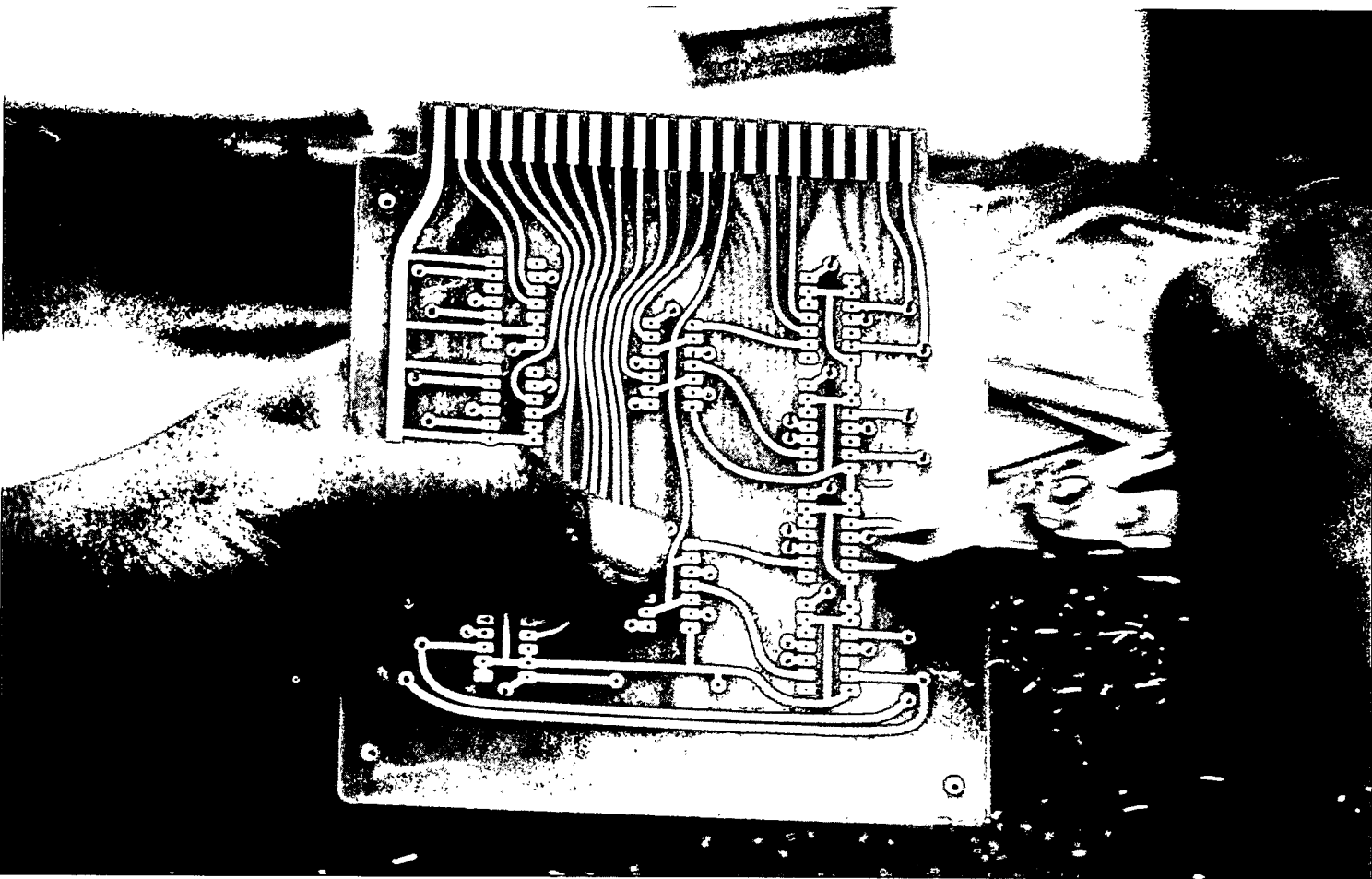
It must be explained that merely offering a few more jobs or monetary assistance for minority-owned enterprises is not enough, nor is it completely effective. A job in itself does not reduce the level of racism; nor does a new plant opening in the suburbs without plans for transportation bring cheer to inner-city and ghetto residents. There has to be a total program; a systems approach that deals with problems encountered by minority group members as related to one another, and hence, only solvable through a total program. When the program is developed, guidelines for a course of action must be established in concert with minority and other community leaders, whose support is vital.

Once this information is communi-

cated internally it then should be communicated first to leadership organizations in both the white and nonwhite communities. As part two of a two step flow of external communication, the second part should be the communication through media to reach the broad levels of the total community. It is important that both the minority and nonminority communities be made to feel that they will have an active role in bringing about racial harmony, cooperation, and opportunity for all.

The Corporate Opportunity Staff should also build into its master plan the means by which various departments and units within the company could participate in its implementation. For example, how the personnel department could improve its communication, recruitment, and related efforts among minority groups could be important in the light of current conditions. Many problems still remain in meaningful employment opportunities for minorities and the communication of success stories.

Every company of any size has its own internal training unit for sales, management, on-the-job, or other training. The "Executive" would have ultimate responsibility for taking a look at public educational problems and programs with the company's and community's needs in mind. Undoubtedly there are supplementary training techniques which could be built into public education programs in order to make them more relevant to business requirements. Through their own internal requirements and experiences, personnel of the employee training unit could conduct review and analysis of education and training offered minorities. Determination could be made and proposals formulated as to what changes are necessary in public training as well as the training units within the cor-



poration. Perhaps business can instruct educators on how to include the necessary pretraining in public education.

In addition, most large corporations have legal staffs which could be utilized to insure equal administration of justice in those communities which the company serves. This staff might participate in review and analysis of how minorities are treated at the hands of law enforcement agents and come up with suggestions and guidelines as to how equal justice might become more real.

A housing committee—comprised of executives concerned with plant locations, site selection, plant improvement, and so forth—could be cre-

ated, if it is not already in existence, to review housing conditions for minority persons. Their expertise, combined with that of others in the public and private sectors, could help make adequate housing available to minority group persons. In the first place, very few companies are making site selections with availability of low- and moderate-income housing for minorities taken into consideration. Actually, if this type of housing does not exist, these circumstances could be used to the advantage of the corporation *and* the community.

As of the end of 1969, in more than 50 cities more than half of all rental units were substandard; only 70 percent of black homes were rated

by the Government as “sound”. The market in housing has to be one of the biggest opportunities for companies not only to help solve some social problems, but also to make profits. This area offers unlimited potential.

In Camden, New Jersey, under what is called “partnership in housing”, Campbell Soup Company, in concert with the Department of Housing and Urban Development, has provided millions of dollars for the building of housing which will result in virtually rebuilding the city.

Another example, Construction for Progress, a company jointly owned by American Standard, Inc. and Celanese Corporation, erected low-in-



come housing in East Harlem last year. Picture this area made up of 60 percent Puerto Ricans and 35 percent blacks. Densely populated, 50 percent of the housing had been labeled as "deteriorating" and 14 percent as "dilapidated". Construction for Progress turned an old parking lot into a new apartment building which housed 66 families. This became known as New York's first turnkey public housing project. The company earned a 3.5 percent profit and expects to equal or exceed that figure on future projects. This success formula can work for other companies willing to take the challenge, and there are many other opportunities than housing.

The market department, if it is not doing so already, might be asked to explore ways in which the company could better utilize minority businesses for products and services. This department could certainly provide assistance to minority group businessmen to make them active and successful participants in the American business community. At the same time, the marketing department might determine if it is getting its full share of the consumer markets among minority groups.

Minority group retailers who are being encouraged by the menswear retail interests are getting credit, technical advice, and other services to encourage new channels of distribution in the ever increasing central cities of America. Central cities of America are minority group populated.

These new owners, with a piece of the action, are becoming symbols of what America is all about. There are still not enough of them, of course, but they are growing. Suits, shoes, shirts, accessories will find a new outlet for distribution, and the companies behind them will find a profit from the ghetto.

Singer Company has opened its first of 65 inner-city franchise stores that the company has planned. Singer is doing it for the business opportunity.

Control Data is helping to overcome its labor shortage and some of the employment problems in poor communities as well. It has built three plants—a pilot plant in Minneapolis; Washington, D.C.; Appalachia; and a fourth is planned for St. Paul. All are in poor areas, providing jobs. The interesting thing about the fourth plant is that it will only be staffed with part-time workers to meet the work needs of the community. Control Data will make a profit and fill a need as well.

P. Ballantine & Sons, Monsanto, and Pillsbury are all working, under Government grants, to develop enriched foods for the hungry of America through new products. Think what this can mean not only to the hungry of America, but of the world when these products are perfected. It has to result in a profit for those companies—not only the three mentioned—if they turn their hands to filling this need.

Rather than one small unit in a personnel department being asked to carry the burden of how a company expands job opportunities for minority groups, it is recommended that a multi-department systems approach be used through a highly sensitized staff coordinator.

The functions that are required by the Federal Government, such as reporting systems, could become one of the responsibilities of a new staff unit but it would have to function far beyond this reporting system to be effective in the total approach that is needed.

Minority groups have for the most part never been efficiently or sufficiently communicated with, particularly in matters of corporate and

Government interests that directly affect them. Minority group members will have to become convinced that there are solutions to problems; that the people who have helped make this Nation the technological leader in the world are also concerned about making equal opportunity a workable reality.

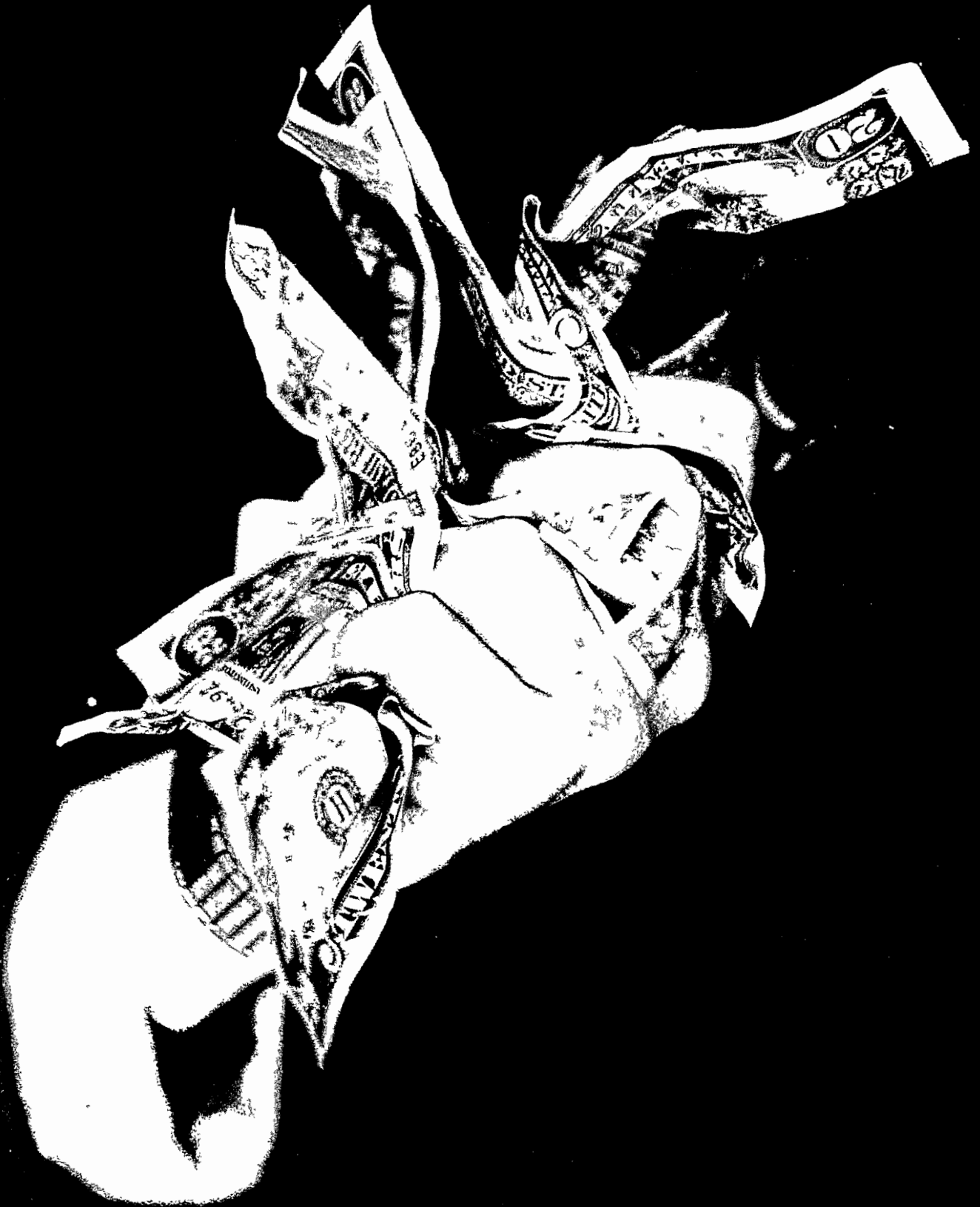
At the conclusion of the GE booklet on systems analysis approach to insuring equal opportunity, the following was printed:

*It is not unreasonable to assert that the decade of the Seventies will see a new testing of the American system. Just as our political system was tested and adjusted in the 1860's, and our economic system in the 1930's, so our social system will be tested in the 1970's for its ability to provide opportunities for all minorities to move into the mainstream of American life. Since there is no inevitability about the outcome of this test, leadership decisions will have a determinate effect on the future course of events. This is true leadership in both white and nonwhite communities, in government, education, labor and business. To reduce it to a single specific instance, General Electric's managerial decisions and actions can be effective in helping to shape the minority environment in which the Company will have to operate.*

This kind of thinking and commitment and its successful implementation, multiplied over and over again by business and industry, could make equality of opportunity for minority group persons, and a better America, a reality.

D. PARKE GIBSON

*Mr. Gibson has spent 20 years in problem-solving and interracial communications, the last ten as head of a national public relations and marketing consulting firm advising some of the Nation's largest corporations. He is author of the book The \$30 Billion Negro.*



## An approach to minority funding

*The need to provide financial encouragement for minority-owned enterprises has received wordy benediction from Government and banking leaders. The black capitalist has yet to see the word made cash. For too many black businessmen, the situation is one largely of plus a change plus c'est la même chose. In the following article, Clarence Dunnaville cites unsettling examples of the barriers against finding funds for black entrepreneurs. He also describes one organization's seven-point program for starting and keeping blacks in major business ventures.*

While there are more black entrepreneurs today than previously, little impact has been made on the total problem of black economic development. Most minority group entrepreneurs still operate small retail or service businesses. There are few newly-created black-owned businesses that employ more than 50 persons. There are still only a handful of black-owned radio stations, no black-owned television stations, and only a few black-owned newspapers of any size. No additional black-owned insurance companies have been created in recent years; there are still only a few black-owned banks; and there is no black-owned investment banking institution.

While there have been a few new ventures of substance such as *Essence* magazine, getting blacks into significant business ventures has by and large moved at a "snail-like" pace.

I believe that one of the reasons so little progress has been made in this area is that there is little commitment by Government or private resources to the concept that blacks should be senior partners in the American business community. The Office of Minority Business Enterprise of the Federal Government, for example, has devoted its attention primarily to secur-

ing black ownership of gas stations and franchises. While there are profitable gas stations and many very profitable franchises, it is my view that Government commitment should be to develop viable businesses of a more substantial nature.

Lack of commitment, of course, is not the sole reason for the lack of progress in this area. Shortage of capital, lack of management and technical skills, and lack of exposure to business remain a part of the problem.

Several months ago, I was discussing the needs of black entrepreneurs with a white official of a major New York bank. I was shocked when he turned to me and said candidly. "I am not at all interested in making some relatively well-off Negroes richer." While I do not believe that this is the prevailing attitude in most New York banks, there are nonetheless very real problems in finding capital to finance a significant minority-group-owned enterprise. This is particularly true in a start-up situation.

Several weeks ago, one of my associates approached a venture capital corporation affiliated with a major New York bank about obtaining equity capital for a "package" which we considered to be extremely attractive. The package was developed by a team of volunteers and assembled by the Harvard Business Alumni Club of New York. Working on the project were a partner of a major investment bank, a Certified Public Accountant (CPA) associated with a 'big eight' accounting firm, consultants from leading firms in the particular industry, and the Interracial Council for Business Opportunity staff. They had put together a proposal complete with feasibility study, potential customers, management background, and financial projections.

Financial requirements totaled

about \$200,000. The principals had invested \$40,000 of their own money and presented a balanced management team with substantial experience in the field. It was contemplated that additional equity money of approximately \$40,000 from a venture capital corporation would be needed, the balance being financed through bank loans and equipment financing. The official of the venture capital company we had approached inquired whether the venture would be minority controlled. When we advised that it would be, we were told that "they were not doing any more minority-owned deals" at the present time. The official further indicated that it would be a waste of time to submit the proposal for consideration.

Securing financing for existing businesses is equally difficult. Recently, a New York bank advanced \$30,000 to a black manufacturer for working capital. The loan was 90 percent guaranteed by the Small Business Administration (SBA). The projections upon which the manufacturer had based the request for funds were overly conservative, and after several months the manufacturer had received a greater number of orders than anticipated. As a result, more working capital was required. When she went back to the bank with firm orders and requested additional funds, the bank declined to make any further advances despite the potential of the enterprise.

Minority group construction contractors face myriad financial problems, the most serious of which is the lack of adequate working capital to "carry their jobs"—to pay for labor and materials while they are awaiting progress payments. New York banks have so far been reluctant to extend lines of credit to these businessmen, severely limiting the types of jobs

they can accept. For example, many contractors will not bid on Government jobs because payment is generally slow, and most black contractors do not have the financial strength to carry payroll and other expenses while awaiting payment from the city, State, or Federal agencies.

One of the chief problems facing minority group entrepreneurs is the inaccessibility of short-term funds. We have found it virtually impossible to obtain interim financing for new ventures and almost as difficult to obtain 30-to-90-day money. An entrepreneur looking for a small amount of money to meet an emergency situation will find that many banks move so slowly that, even if they are inclined to make the loan, the situation may deteriorate into a crisis while the entrepreneur waits for the loan to be approved.

There are a few nonprofit agencies that are devoting their attention to helping black entrepreneurs solve some of these problems, and the oldest of these organizations is the Interracial Council for Business Opportunity (ICBO).

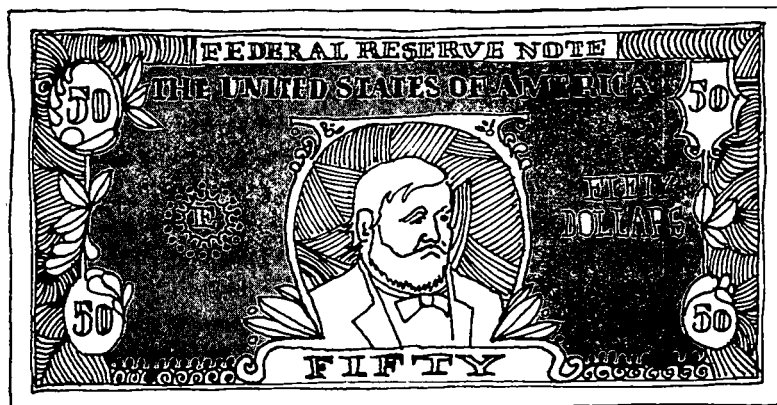
The ICBO was organized in New York City in 1963 by the American Jewish Congress and the National

Urban League. Today, 8 years after its founding, ICBO is a national nonprofit organization, with offices in New York, Los Angeles, Newark, New Orleans, Dallas, St. Louis, and Washington, D.C. It has a total budget of only approximately \$1.5 million used to assist minority group businessmen around the country. Financial support for ICBO comes primarily from foundations and private corporations. In addition, there are specific Government contracts which provide a small percentage of its operating budget.

There are seven principal programs fostered by the ICBO:

### 1. Small Business Development Program

ICBO was originally designed to assist the small minority proprietor who either owned or wanted to start his own business enterprise. Today, ICBO still services the neighborhood shopkeeper, the franchisee, and other small businessmen. ICBO councils help this segment of the business community enter business and, more importantly, to stay in business. It provides voluntary consultants to work with the businessman, and over the years ICBO has helped more



than 3,000 small business clients. It has used approximately 2,500 consultants and has generated over \$9,000,000 worth of loans.

## 2. Major Business Development Program

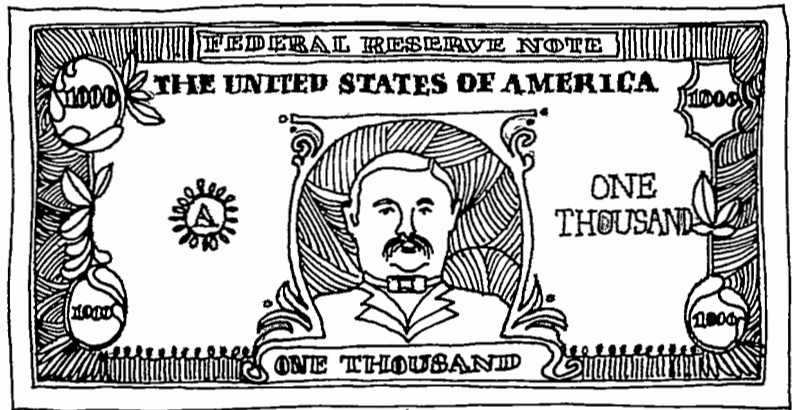
ICBO recognized during the early stages of its existence that, if minority groups are going to share in U.S. prosperity in a meaningful way, business development on a more important scale is absolutely essential, especially in the manufacturing, service, and construction areas. ICBO has established a major business development program to foster the formation of ventures with a capitalization of at least \$100,000 which also affords maximum opportunities for minority employment. However, if this program is to be meaningful, support is needed from banks, Government, and corporate organizations.

## 3. Corporate Services Program

This program is designed to provide information on black businesses to major firms throughout the country. These services range from identifying black manufacturers who can act as suppliers to setting up joint ventures, subsidiary companies, and Government-aided investment companies.

## 4. Government and Corporate Vendors Program

The ICBO vendors program was established out of recognition of the need for a nationwide organization to assist corporations, Government agencies, and other institutions which seek to utilize minority group suppliers. This program was set up in 1970 and has already begun to make some impact. We have found, however, that far too few corporations and Government agencies will give minority group vendors substantial



orders. Most corporations which say they are willing to buy from minorities appear willing to buy in token amounts only. Additional "set aside" legislation is needed to prod Federal, State, and local agencies into purchasing from minority suppliers.

## 5. Management Training and Development Services

A large percentage of minority group entrepreneurs lack business experience and background. To help alleviate this problem, ICBO has organized what is perhaps one of the best adult business management training schools in the country. The courses offered include general business principles, merchandising, new business development, profit planning, bookkeeping, accounting, and workshops for individual industries. Instructors are volunteer businessmen and corporate executives.

Clients who do not have a background in business management are encouraged to enroll in the management training courses. The courses, for which there are no charges, are open to all, not limited to ICBO clients. Students of all ages and educational backgrounds, in business or prospective businessmen, from highly specialized and technical to local one-man operations, have participated in ICBO Business Management Courses. One of the great strengths of ICBO

is its cadre of volunteer consultants. Virtually all ICBO clients are assigned consultants to provide managerial, technical, or financial advice on an ongoing basis.

## 6. Capital Resources Program

Through the capital resources committee of each local ICBO council, the organization helps arrange loans from commercial banks and other funding agencies. In 1968, the ICBO Fund was organized to guarantee a portion of client loans. The fund provides guarantees for high-risk loans which would otherwise not be granted. Recently, ICBO established a Minority Enterprise Small Business Investment Company (MESBIC) capitalized at \$1 million with funds provided by the Ford Foundation, Metropolitan Life Insurance Company, the Episcopal Church, and several private investors.

A MESBIC is formed when private investors put up a minimum of \$150,000 in capital, incorporate as an investment company, and obtain a license from SBA. After the MESBIC is in operation, it is eligible to borrow \$2,000 from SBA for every \$1,000 it has in private capital, from a minimum of \$300,000 to a maximum of \$7.5 million. These funds are to be used as seed money in businesses owned by minority group members. The investments are re-

quired to be long-term debt (5-to 20-year loans) or equity investments.

As of November 1970, there were only 19 licensed MESBIC's nationwide. Many have not as yet made any investments. We have gone to MESBIC's on a number of occasions with proposals, but have found their policies to be conservative. The ICBO MESBIC will offer a new tool to ICBO clients.

### 7. Project Transfer Program

Project Transfer is a specialized program for minority group men and women seeking to buy an existing business. ICBO assists the prospective buyer by supplying consultants who will evaluate the business in question, help negotiate the terms of sale, and help arrange for financing of the business. This program is particularly valuable to minority persons presently managing or working in a white-owned business whose owners may be considering selling out.

Through these seven programs ICBO offers the most extensive services of any organization aiding minority businessmen. It is limited, however, by the resources available to it. As I noted earlier, its entire operating budget nationwide is only \$1.5 million: we need many times this amount in order to do an effective job.

We have found that too many corporations and organizations are not sympathetic to putting minority group persons into significant businesses. They prefer to talk about the "hard core", rather than backing educated, middle class minority members who have the potential to make an impact on their group's economic development.

What, then, can be done?

Needed is a massive program for minority group economic development. Government—Federal, State, and local—must provide leadership

and establish this goal as a high national priority. A national minority group development bank on the order of the old Reconstruction Finance Corporation should be explored.

In addition, management training is essential. Major corporations should be training black executives who could then become entrepreneurs. A cadre of trained black managers is clearly a primary need.

The banks must do more. Some banks are now making loans to minority group persons, but they are certainly not doing what they should be doing, and some banks are doing nothing at all. A few banks have recently established special programs for minority group entrepreneurs, but they require guarantees automatically, even when the person has a strong background and a guarantee would not be required if the entrepreneur were white.

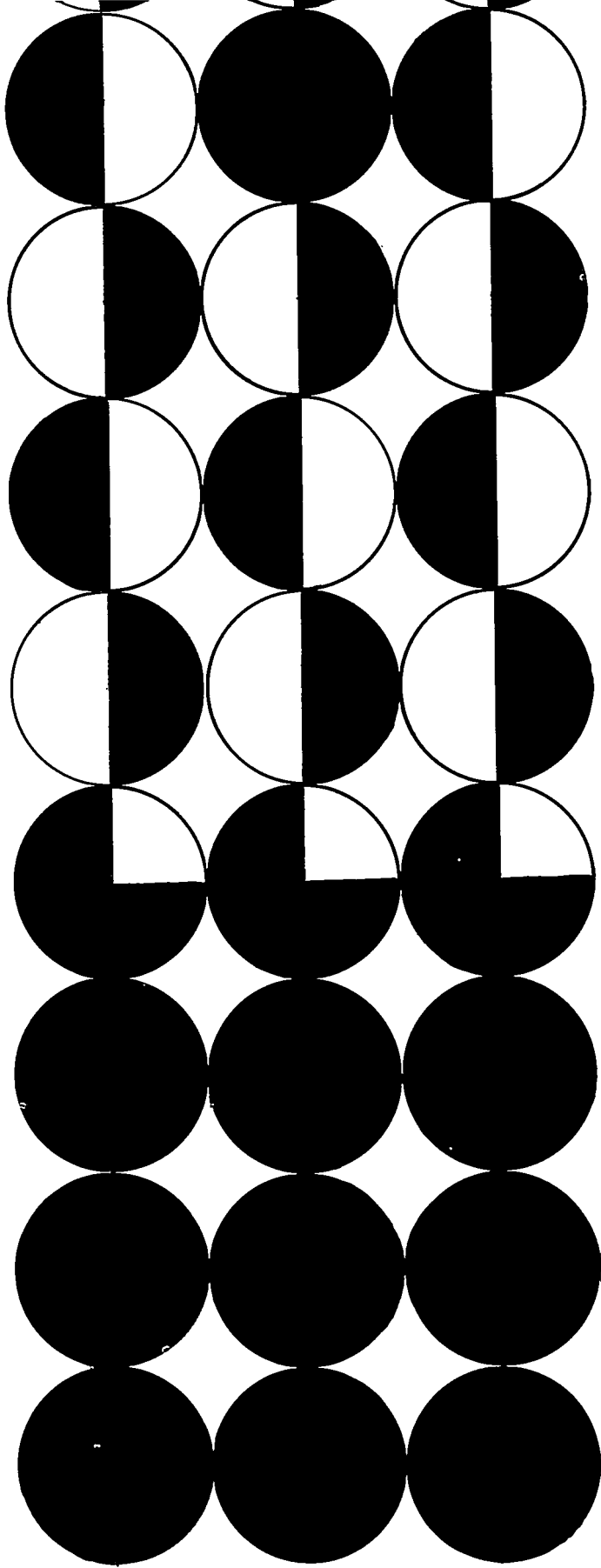
There should be a pool of funds available—short-term loans and emergency funds with minimum red tape. Contractors sorely need this type of assistance.

Private corporations must deal with minorities as suppliers and give them significant, not token, business.

Finally, ICBO and organizations with similar aims should be strengthened. These are the groups responding to the real challenge of the seventies—bringing blacks and other minorities into the economic mainstream. But this work cannot be done by them alone—leadership and support must come from Government at all levels, foundations, corporations, churches, and organizations.

CLARENCE M. DUNNAVILLE

*Mr. Dunnaville, an attorney for Western Electric, is presently on loan to the Interracial Council for Business Opportunity (ICBO) of New York as its Executive Director. This article is reprinted from The MBA, February 1971, by permission. Copyright © 1971 by MBA Enterprises, Inc.*



## **PAROCHIAL SCHOOLS: A delay in desegregation**

A civil lawsuit instituted by a group of black Catholic parents, requesting that the Federal court order desegregation of the Catholic schools of Opelousas, Louisiana, could set a precedent and be instrumental in desegregating the parochial schools in the South and perhaps in the North as well.

Integration of parochial schools is a sensitive topic. It became a public issue throughout the South after court rulings forced the integration of public schools. This action caused large numbers of parents to transfer their children from public to parochial schools. In one rural diocese the busing of former public school pupils to parochial schools outside the municipal boundaries in order to avoid the integrated public schools was sanctioned. Many parochial schools throughout the Nation have promoted, intentionally or unintentionally, racial isolation in the schools.

Historically, in the North and the South, the Catholic Church has operated nationally and racially identifiable Catholic schools. In certain Southern and border States, church schools had been racially segregated by law. In the North, particularly in the cities, church schools had been generally associated with immigrant groups and were easily identified as a national group by language. Such nationally identifiable schools are contrary to the law insofar as they discriminate on the basis of national origin. Because the number of national schools has dramatically decreased, this discussion is restricted to racial discrimination. In the cities

today church schools are predominantly white with the black enrollment concentrated in a few all-black schools located in the inner-city.

Although a federally financed survey is now being conducted, accurate nationwide statistics on the racial composition of individual private and parochial schools are not yet available because neither the Government nor private organizations has attempted to gather them. This is partly because of the private and religious character of such schools and the anticipated noncooperation of many administrators. Some information is presented in the table on page 25, but it should be understood that the public and ecclesiastical school systems are not coterminous. This table indicates that the racial composition of the public school systems is significantly different from the local parochial system.

Of the 4,672,510 parochial school enrollment in 1969-70, only 5.1 percent of the elementary and 3.7 percent of the secondary students were black. These figures are more significant because Catholic schools are often concentrated in certain States and cities which also have high black populations; e.g., the States of Louisiana and Maryland and the cities of Chicago, Philadelphia, New Orleans, Newark, Detroit, and St. Louis.

Parochial schools are becoming increasingly white for several reasons. A reduction in black student enrollment is caused by the fact that many schools have closed in the inner-city. Since 1967, the number of inner-city elementary schools has decreased by 73 and the secondary schools by 37. The rise in tuition rates also has had a negative influence on the enrollment of black students. The flow of students fleeing in the opposite direction from integrated public schools has increased white enrollment in many parochial schools. Large numbers of white students on the occasion of court-ordered integration of the public schools have been accepted into parochial schools. During the 1969-70 school year more than 6,700 white students seeking to avoid integration of the Louisiana public schools were accepted into Catholic schools causing them to become havens for segregationists. For example, 46 percent of the students now enrolled in one Louisiana school have transferred from the integrated public schools during the past 2 years.

Analyzing the enrollment figures for New Orleans Catholic schools of 9,341 black and 25,945 white students, the extent of the racial isolation can be well illustrated. During the current school year, the city

contains 12 all-black schools with an enrollment of 5,084 and three all-white schools with an enrollment of 1,621 students. Defining "predominantly" to mean 90 to 99.9 percent, there are also four predominantly black schools with enrollments totalling 1,336 [11 white students]; and also 35 schools predominantly white with a total enrollment of 20,019, of which only 625 were black. In summary, during the current school year in the Catholic schools of New Orleans, 6,409 black students and 21,015 white students are clearly in racially isolated situations.

The particular situation in Opelousas, Louisiana, which caused Catholic parents of students attending an all-black school to file a court case against three Catholic school boards and their members- (including two bishops), can add further descriptive aspects about the racial isolation. The plaintiffs seek a court order requiring the Lafayette Diocesan School Board and the school boards of the black school (Holy Ghost) and the white school (Academy of the Immaculate Conception) to use both facilities to serve one totally integrated student body.

The complaint states that the actions of the defendants violate the plaintiff's rights in four separate ways: (1) rights under the 14th Amendment to equal protection before the law; (2) rights under the Civil Rights Act of 1866 (42 U.S.C. § 1981) for equal contract treatment; (3) third party beneficiary rights under the contracts which defendants have made with the Federal Government; and (4) that the tax benefits to the schools and their benefactors support the defendants to the injury of the plaintiffs' constitutional rights.

### **Violation of 14th Amendment Rights**

There are several bases for finding 14th Amendment requirements regarding school desegregation applicable to parochial schools.

First, the educating function performed by the parochial schools is a State purpose. The education of children of the State is an obligation of the State. However, just as the local public schools perform constitutional duties and obligations of the State government on behalf of the State as far as education is concerned, so, too, do the parochial schools. The white Catholic school established in 1856 and the black Catholic school established in 1874 have educated thousands of Louisiana citizens. By a Special Act of the 1916 Session of the Louisiana State Legislature, the Academy of the Immaculate Conception in Opelousas was recognized and empowered to train teachers



and principals for work in the State public schools. Several acts of the Louisiana Legislature have stated that parochial schools are serving secular purposes. They do the work of the State because the pupils of Catholic schools would otherwise be enrolled in a public school.

Church organizations, such as the U.S. Catholic Conference, when proposing public aid to parochial schools, have insisted that nonpublic schools assist and serve the State in its educational function. Nonpublic educational institutions educate 15 percent of all elementary and secondary school students in Louisiana. The Department of Health, Education, and Welfare (HEW) statistics for the 1968-69 school year show that 87.2 percent of the nonpublic schools in the United States are Roman Catholic. The *rationale* for State aid to parochial schools is a public purpose argument—that very same *rationale* proves a State relationship which makes the 14th Amendment applicable.

The second basis for applying the 14th Amendment is that the acceptance of numerous controls and restrictions by the parochial schools in their administration reveals an agency relationship to the State in its educating function. The administration of the parochial schools in Louisiana is in accordance with State requirements regarding attendance, transportation, required courses of study, certification, certification of teachers, athletic events, distribution of books and materials free of costs, food preparation and service, safety regulations, sight and hearing examination, and others. Only by sifting facts and weighing circumstances can the non-obvious involvement of the State in private conduct be attributed its true significance.

The willing acknowledgment and acceptance by the parochial schools of the State regulations in the operation of their institutions reveals an agency relationship. Therefore, the agents of the State are subject to the constitutional restraints on Government action to the same extent as are private persons who govern a company or control a political party, or run a streetcar and bus service, or operate a train terminal. If the 14th Amendment is applicable to the principal, it is equally applicable to the agent of the principal.

The third basis upon which 14th Amendment jurisdiction can be founded is that when a State has a constitutional duty to prevent certain consequences in the performance of a particular State function, and when it allows a private entity to carry out that function in violation of that duty, the State, by its failure to prevent such intervention, violates the

equal protection clause. To allow a violation of the 14th Amendment to continue in private schools, while enforcing the same rights in public schools at the same time, would be to encourage private schools to deny constitutional rights. It would be incongruous for the State to demand recognition of lesser pupil rights, such as health and safety regulations by parochial schools, while not requiring recognition of the rights to an equal education free from racial discrimination.

The fourth basis for finding 14th Amendment jurisdiction is the amounts of monies received under the various programs sponsored by the local, State, and Federal governments. According to exhibits filed in the court by defendants, the 57 Lafayette diocesan schools received \$2,143,969 from governmental sources during the 1969-70 school year, thereby revealing the governmental involvement.

### **Violation of Third Party Rights Under Assurance Contract**

The parochial schools of the Lafayette Diocese have entered into contracts with State and Federal agencies; and have acknowledged in correspondence the applicability of the laws and regulations against racial discrimination in the schools. On March 1, 1965, the superintendent of the Lafayette Diocese signed and submitted Amendment No. 1 to the National School Lunch Program Agreement whereby the diocese gave assurances that it was in compliance and would comply with requirements of the Department of Agriculture (29 F.R. 16274). These requirements are that no person in the schools shall, on the grounds of race, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the program. Similar assurances were signed by the superintendent for the diocese on August 6, 1967; June 25, 1968; July 1, 1969; and October 27, 1970. Correspondence between the superintendent of the Lafayette Diocese and representatives of HEW regarding the applicability of the Title VI Guidelines was begun in 1965. On May 10, 1967, the diocese submitted a school desegregation plan which promised, among other things, that 2,000 black students would be enrolled in racially mixed schools by September 1970. On the basis of this desegregation plan and the representatives of the diocese, the Federal Government extended financial assistance to the schools. Harold Howe, II, then United States Commissioner of Education, wrote to the diocese on May 24, 1967:

*It is our understanding that you will implement those plans already submitted for further desegrega-*

tion of your school system and that you will continue to make and implement further plans directed toward the elimination of all vestiges of the dual school system.

The diocesan school board took no steps beyond “persuasion” and “encouragement” to remove the racial imbalance in the diocesan schools. Indeed, rather than increasing the number of black students in integrated diocesan schools, the results of the policy of persuasion were negative. Since 1967 the racial compositions of the schools shown by the diocesan school board’s records have been as follows:

	White Enrollment	Nonwhite Enrollment	Nonwhite Enrollment in Integrated schools
1967-68	16,188	5,185	336
1968-69	14,767	4,922	873
1969-70	16,500	4,958	556

All the schools were predominantly (90-100 percent) black or white except one school whose total enrollment was 260 students of whom 42 were black. The veto of the proposed faculty integration of the schools in Opelousas on May 1969 was the immediate cause of the lawsuit. By submitting the school desegregation plan to HEW in 1967 and signing the assurance contracts, the diocese freely accepted the obligation to bar racial discrimination in the school independent of being required to do so by another legal or moral source. The church school officials can hardly deny that the veto, as well as their own actions and inactions, has broken the 1967 contractual promise to have eliminated the dual schools.

### Violation of Civil Rights Action of 1866

Aside from rights under the 14th Amendment, defendants have deprived plaintiffs of their rights to contract without racial discrimination to attend the white Catholic school. The Civil Rights Act of 1866 (42 U.S.C. § 1981) provides that:

*All persons within the jurisdiction of the United States shall have the same right in every state and territory to make and enforce contracts—as is enjoyed by white citizens.*

This section has been construed by the courts in *Scott v. Young*, 421 F2f 1943 (1970) as section 1982 has been construed by the Court in *Jones v. Mayer*, 392 U.S. 409 (1968); *Sullivan v. Little Hunting Park*,

*Inc.*, 396 U.S. 229 (1969). In *Scott*, the court found the right of admission in return for a fee is “unquestionably a contract. . . . Refusal to extend the same contractual opportunity to blacks is, as the district court decided, a violation of 42 U.S.C. § 1981.” Payment of tuition creates a contract to receive an education: the policy and practice of the schools’ boards whereby white students attend one school and black students attend a separate school has limited the contractual opportunity of the plaintiffs.

### Tax Benefits To The Schools And Their Benefactors

Segregated schools do not serve the best interests of black or white pupils. The evils occasioned by segregated schools violate rights secured by the Constitution of the United States. The policy of the United States Government as enunciated by numerous cases and Presidential statements is to eradicate racial segregation in schools. It would be inconsistent with this public policy for the court to ignore schools which operate and promote a counter policy.

The Federal courts have recently enjoined the Internal Revenue Service from granting tax exemption status to schools which were established to become havens for students fleeing the integration of the public schools, on grounds that such action would frustrate the orders of the court requiring integration of the public schools. Just as the court does not allow violators of the law to deduct court fines from their tax returns because a tax deduction would be an indirect encouragement of further violations, allowing parochial schools to evade the applicability of the public policy for school integration also would be counter to the overall stated public policy.

Uncontested facts indicate that significant numbers of white students left the public schools when the court ordered integration of the public schools, and these students were allowed to enroll in the Catholic schools. The white Catholic school in Opelousas had a 22 percent increase in enrollment when the public schools were integrated in September 1969. This “white flight” from the integrated public schools to the all-white or predominantly white Catholic schools threatens the efficacy of the court imposed integration of the public schools. This same process has occurred throughout the State of Louisiana. When the public schools were integrated in September 1969, not only did the white Catholic school in Opelousas have a 22 percent in-

## Public School System\*

## Catholic School System

	#Black	Percent	#White	Percent	#Black	Percent	#White	Percent
Baltimore†	125,174	65	66,997	34.9				
Chicago†	308,260	52.9	219,478	37.7	28,000	9.36	271,000	90.6
New Orleans†	74,375	67.1	34,673	31.3	9,341	13	25,945	86.7
New York City†	334,641	31.5	467,365	43.9	31,000	4.5	655,000	95.5
Philadelphia†	166,083	58.8	109,512	38.7	16,500	4.8	326,500	95.1
Jersey City†	15,998		16,457		565		12,479	
Waterbury, Conn.†					304		6,841	

\*Percentages do not total 100 because Mexican American and Oriental statistics are omitted.

†Governmental and ecclesiastical boundaries are not coterminous.

SOURCES: *Directory of Public Elementary and Secondary Schools in Selected Districts; Enrollment and Staff by Racial/Ethnic Group* Fall 1968, U.S. Department of Health, Education, and Welfare.

crease in enrollment, but approximately 300 white students who live in Opelousas began attending schools operated by the diocesan school board outside the city of Opelousas, as far as the city of Lafayette, 20 miles away.

This description of the racial isolation in the Catholic schools of Louisiana reflects what has happened in many dioceses throughout the country. Although the original purpose of these schools was highly laudable and great work was accomplished, the present racial isolation in many church schools is the same as that produced by a segregated academy. The situation has remained unchanged partly because the church leadership was unwilling or unable to overcome the resistance of its members, and partly because the Federal Government has not adequately enforced Title VI of the Civil Rights Act of 1964. Both of these causes are beyond the purpose of this article, however.

Although it is essential to draw attention to a serious cause of racial segregation, it is equally necessary to congratulate the initiative of those citizens who have sought a court order to integrate the schools. That suit, although still in litigation, has already produced significant results.

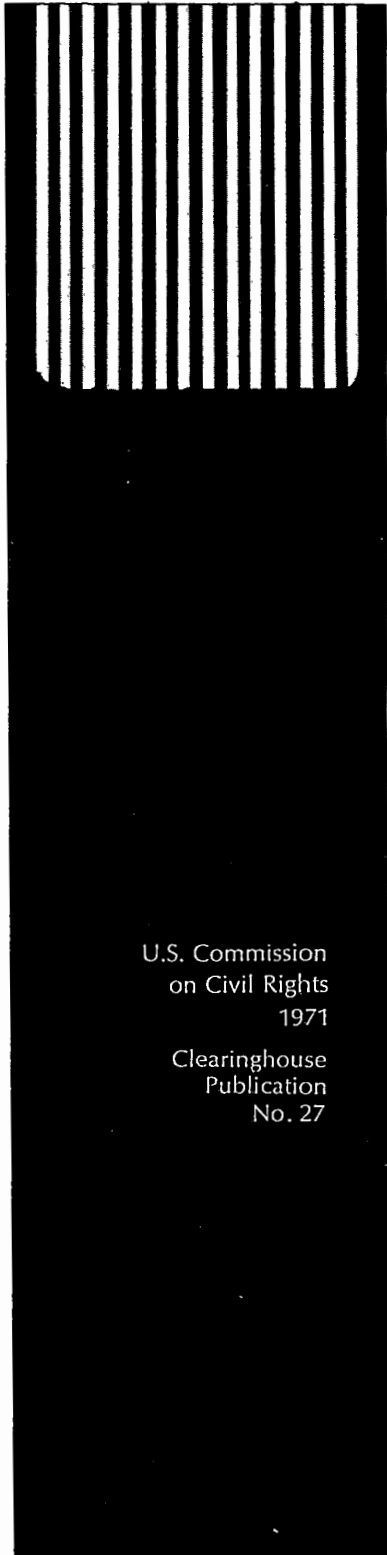
The diocesan school board had publicly ordered

integration of all schools by September 1971. Neighboring diocesan systems have begun to push for integration of the schools. Regretfully, in some cases the diocesan board has ordered the closing of the black Catholic schools although the facilities are good. Many of the local residents and those involved in the case hoped that abandonment of the black school, a familiar pattern in public school integration, would be avoided by the Catholic system because of its ability to marshal religious motives. They also hoped that a strong moral position would enable the administrators to side-step the snare. The pattern being set in this diocese will greatly influence other dioceses. Perhaps the school board will reconsider its action of merely closing the black schools and employ pairing of the schools, busing, and tuition subsidies as techniques to accomplish integration of the schools.

The Diocese of Lafayette has been called upon to witness to its belief in the Brotherhood of Man. The outcome is not yet certain.

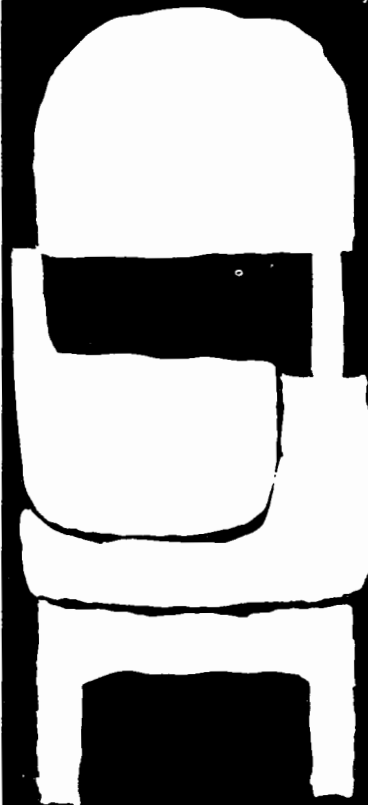
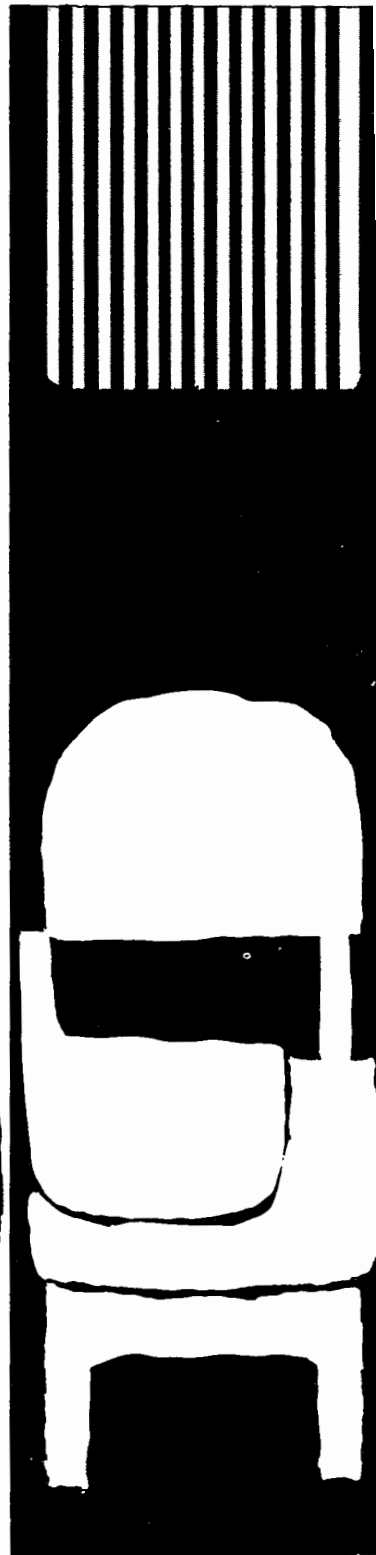
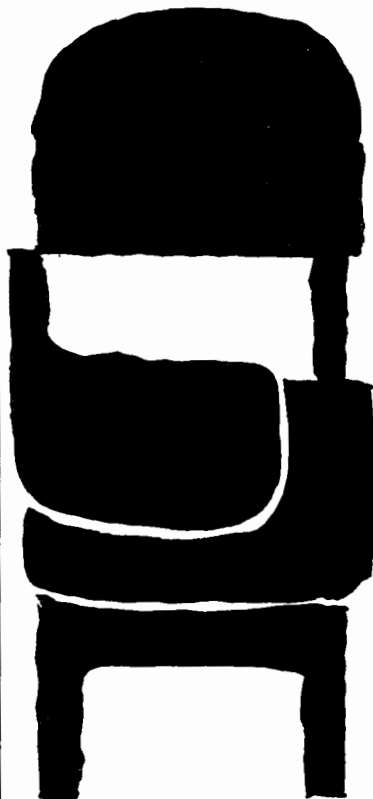
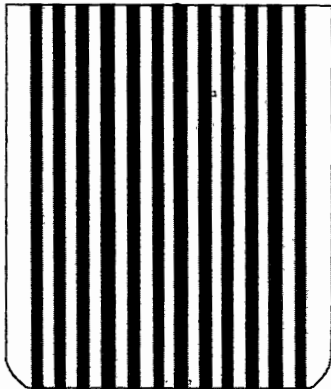
REV. JAMES D. CAMPBELL, OP

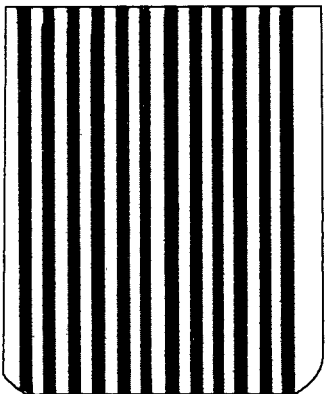
*Reverend Campbell, former director of the Theology Section of the Center for the Applied Research in the Apostolate (CARA), is a founder and treasurer of the Committee for Integrated Catholic Schools.*



U.S. Commission  
on Civil Rights  
1971

Clearinghouse  
Publication  
No. 27





# UNDER- STANDING SCHOOL DESEGREGATION

Seventeen years after the Supreme Court ruled that school segregation was unconstitutional, the educational system of this country is still engulfed in controversy, misunderstanding, and, to too great an extent, a dual school system.

Although the Nation has been awakened to the human and educational perils of a dual school system and certain improvements have become noticeable, there is still no widespread understanding of the nature and scope of the issues and public discussion has been more heated than enlightening.

In an effort to clarify the forms which school discrimination take, the damage it does, and the means of combating it, the U.S. Commission on Civil Rights has recently issued, as its Clearinghouse Publication No. 28, a brochure entitled **Understanding School Desegregation**.

"The Commission speaks out in the hope that it can shed light on the issues and, by so doing, contribute to their successful resolution. The issue of school desegregation, like other issues of national concern, has roots deep in our history. To understand fully where we are now and to form a sound basis for determining courses of action for the future, we first must understand what that history has been," the publication states.

Beginning with *Brown v. Board of Education of Topeka*, the brochure presents the developments which followed that historic Supreme Court decision. "The 1954 Supreme Court decision . . . is the landmark case from which modern developments in the law of school desegregation flow. For more than 50 years before that decision, public school systems were constitutionally permitted to operate under laws which provided for ra-

cially separate school systems so long as those systems also were equal. . . . In the South, this doctrine had resulted in the enactment of laws officially sanctioning racially separate or 'dual' school systems. . . . In the North and West as well, some States had enacted and maintained school segregation laws. . . .

"The effect on white children, while not as susceptible to objective measure, also is damaging. The system of school segregation presents them with a distorted view of society which ill-equips them to enter the world of reality. . . . Social science research increasingly suggests that racial integration is a key not only to equal educational opportunity, but also to equal educational achievement. . . . The school is the most important public institution bearing on the child's development as an informed, educated person and as a human being. It is essential that our children—black, brown, red, yellow, and white—receive the kind of training in integrated school environments that will equip them to thrive in the multiracial society they will enter. Integrated education also is of critical importance if we are to heal the dangerous divisions in our society and if America is to achieve its promise—one Nation indivisible.

"The techniques necessary to accomplish desegregation are at hand. What is needed is the will to bring these techniques to bear on the problem. . . . Funds alone are not enough. It also is necessary to generate the will to achieve desegregation. . . . As the President has said: 'Our national conscience is at stake' and it is that, above all, that we cannot afford to compromise at this point in our national history."

# THE JOKER IN PRIVATE SCHOOL AID

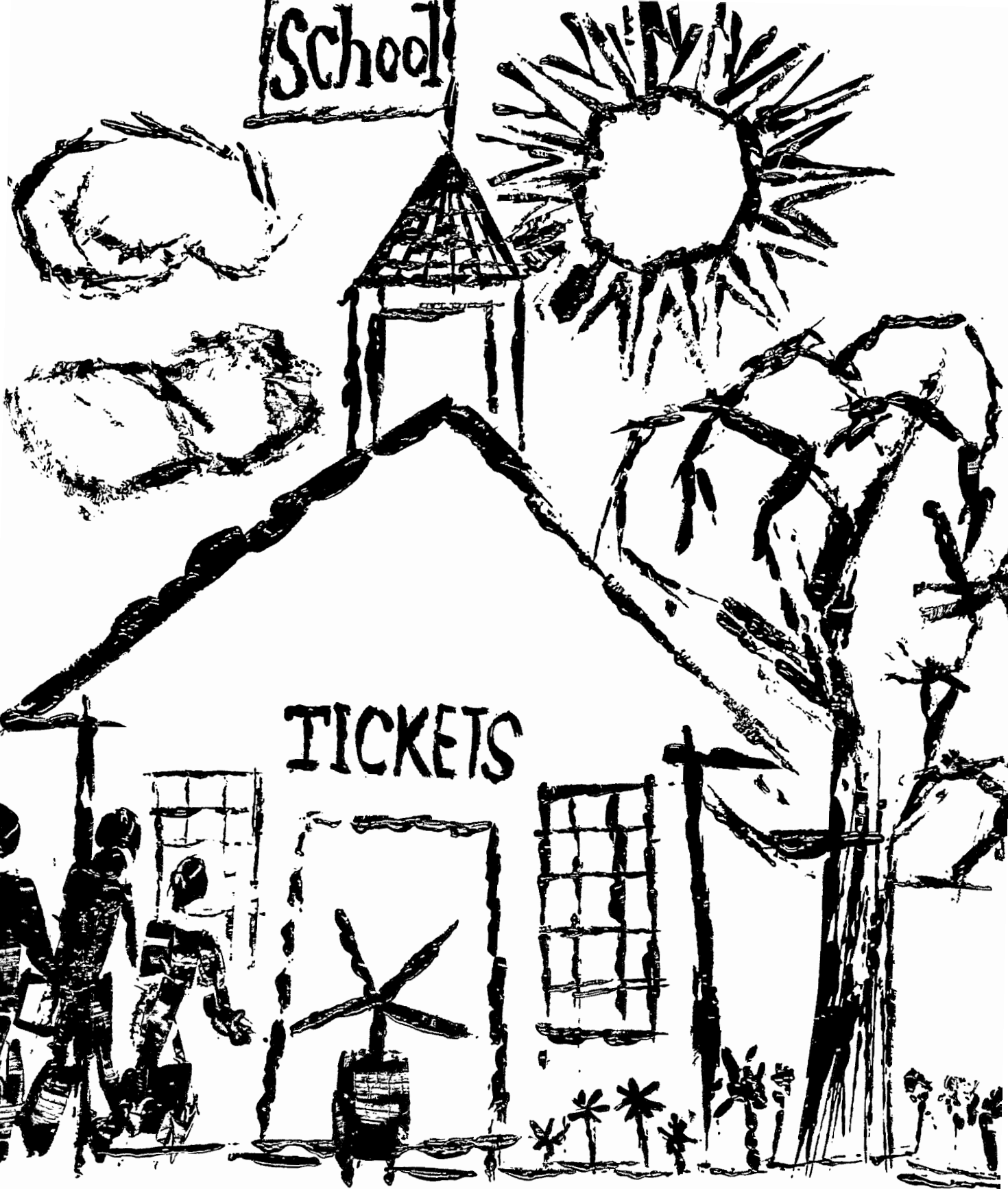
In the past 2 years—overnight as legislatures count time—at least six States have passed laws providing substantial general aid to private schools, and similar bills are pending in half a dozen other States. This new concern by State legislatures for non-public education is a response to a well-organized Catholic lobby and to simple arithmetic: By supporting in part the education of children in non-public schools, nine-tenths of which are operated by the Roman Catholic Church, they can avoid supporting in full the education of the same children in public schools. The Supreme Court this term will review two lower-court decisions on comprehensive State aid to nonpublic schools: *Lemon vs. Kurtzman* and *DiCenso vs. Robinson*. Both of the decisions are

being tested for their constitutionality on First Amendment grounds because they provide for the purchase by the State of “secular” educational services for children in private schools.

It is by no means clear how the Supreme Court will resolve these conflicting decisions. The financial impact its decision will have on the public school treasury is obvious. The impact of the Court’s views on separation of church and state is a subject of great speculation and abundant brief writing, but the profound effects that rejection or approval of these particular laws will have on the entire course of American education, and in particular on its desperately needed reform, has been almost totally ignored.



School



TICKETS

It isn't hard to see why many of the people opposed to these laws have focused so closely on the First Amendment issue and its underlying principle of insulating the political process from religious factionalism. It is, after all, the fact that this insulation has worn thin that has made the statutes possible. Preserving the "wall" between church and state is indeed a basic problem. But purchase-of-secular-services agreements have educational consequences that are perhaps even more important.

Ideally, these laws might prove a powerful force for equalization of educational opportunity, for stimulation of wide experimentation in both public and nonpublic schools, and for development of new schools that will provide greater diversity in education. But it appears that their effect will be just the opposite.

Under the scheme provided for in the Pennsylvania and Rhode Island legislation, the State purchases, by contract with a nonpublic school and its employees, secular education for students in such schools. The contract usually calls for payment of part of the salary of certain lay teachers and for texts and other teaching materials, as well as for the costs of standardized testing. The secularity and public purposes of these services is thought to be insured by limiting the instruction performed to that done by teachers of such courses as physical science, mathematics, or foreign languages. It is argued that these courses by their very nature cannot be tainted with religious doctrine.

In deriving this theory of what constitutes secular education from the church-state decisions of the past 25 years, it appears that questions of education policy were furthest from the minds of the drafters of these laws. In fact, one could take a much grimmer view, for aside from preserving the existing private schools, the effect

of these laws will likely be to preserve or make worse the already intolerable inequities and inadequacies of public schools, while restricting the capacity of the public, especially the poor and the minority groups, to find alternatives.

This conclusion is substantiated by a review not only of the Pennsylvania and Rhode Island laws being tested but also of those passed in Connecticut, Ohio, and Michigan, and of those pending in several other States. From the point of view of education reform, seven specific criteria are useful in evaluating this legislation: 1) the level of aid provided; 2) the degree to which the aid equalizes the purchasing power of rich and poor; 3) the degree to which the legislation would encourage uniformity rather than diversity of education programs; 4) the amount of due process available to recipients of aid who believe they have been unfairly treated; 5) the extent to which the parents would be made cognizant that they had a choice among schools; 6) the amount of information about these schools that would be available to parents; and 7) the restrictions on racial discrimination in school admissions.

No State under these new aid laws pays enough to cover the cost of operating a private school. Rhode Island's law pays 15 percent of a teacher's salary. Pennsylvania pays "reasonable cost" of certain teachers' salaries but reduces that amount to a prorata share in the inevitable event that legitimate requests exceed legislative appropriations. Michigan begins by paying "not more than 50 percent" of the salaries of certified lay teachers, and the story is basically the same in Ohio and Connecticut. The low level of aid is hardly an unexpected discovery, since it is the purpose of this aid to maintain but not replace current private expenditures

for education, and inasmuch as the secular education theory holds that the First Amendment can be satisfied if only part of the education in nonpublic schools is paid for.

The result of providing only incremental aid is that only a few existing alternatives to public education can survive—those with dependable access to private financing—which is to say those serving the wealthy and institutions supported by religious organizations. The poor and middle class who do not desire religious education and cannot afford to supplement the small amount of State aid must fall back on the public schools, which will consequently become more segregated. The black community schools and the free schools serving mixed socio-economic and racial groups will be squeezed out. The result is free choice for those with access to private wealth and compulsory miseducation for the rest.

Nor is there any prospect for the disappearance of this bias in the long run. The economic and political leverage of the affluent and the supporters of church schools, which led to the laws in the first place, will be maintained because the aid continues the existence of their schools. The poor and the middle class in general, lacking any basic economic or political franchise for education, find no place to take hold. State education budgets will be fought out between those who have a vested interest in increased expenditures for public schools and those who have a vested interest in limiting public school financing, while maintaining a modest level of aid to private schools.

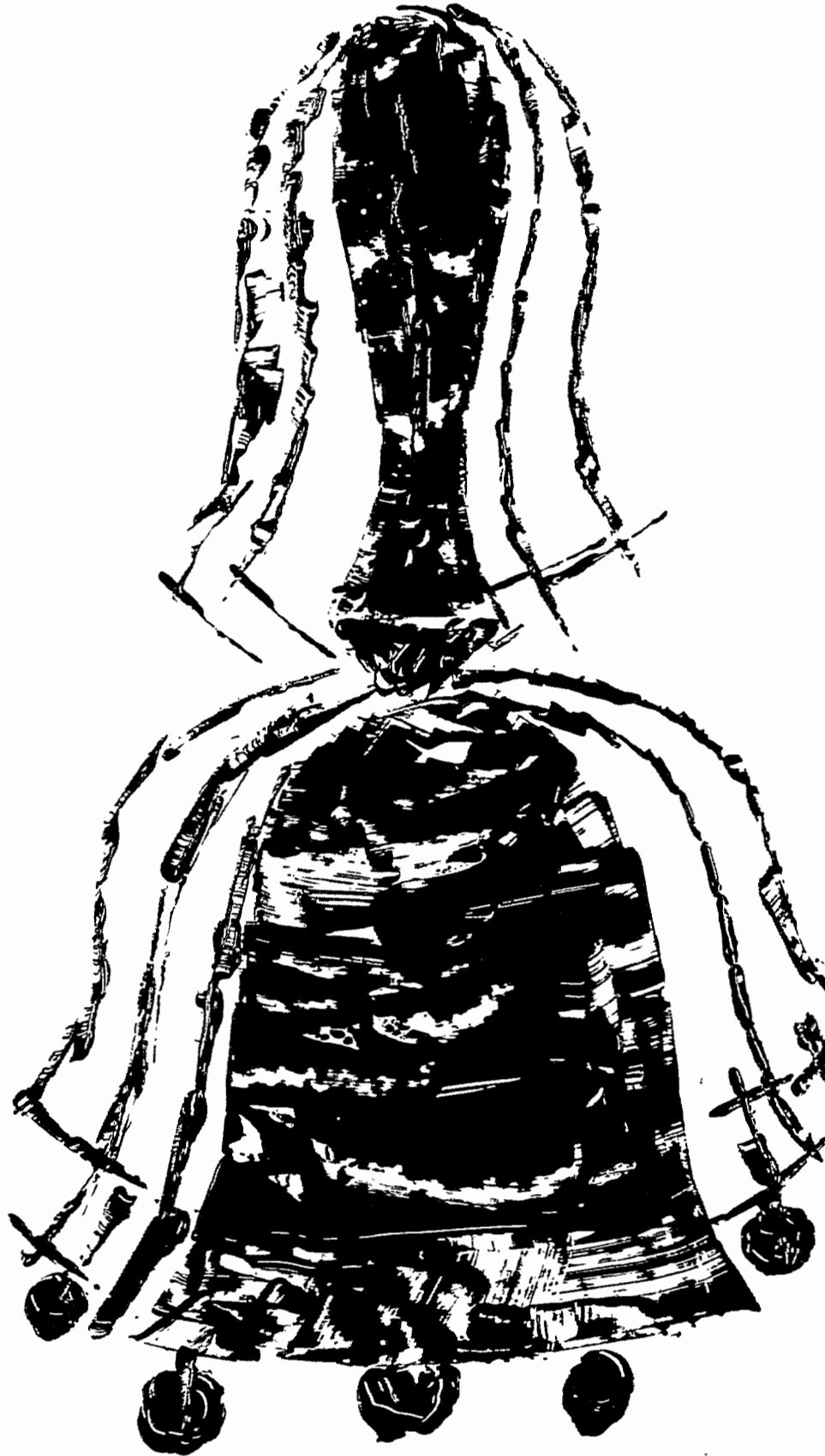
Some of the existing State laws attempt to minimize these problems by devising aid formulas designed to put the poor in a somewhat better bargaining position. Connecticut, for instance, increases its 20 percent contribution to a teacher's salary to 50



percent if the school enrolls one-third disadvantaged children, and to 60 percent if it enrolls two-thirds disadvantaged children. While this provides an inducement to private schools to include disadvantaged children, it does not change the fundamental bargaining position of poor parents, because they must still depend on money provided by either higher income parents or the church to subsidize their children's education.

Pennsylvania approaches the equalization of economic power for all parents by providing for payment of actual cost of teacher salaries. This does not prevent the private school from increasing tuition to the point where the poor are priced out of the market, but it does at least make it possible for the poor or middle class to go to a school without much outside financing. Nevertheless, this possibility is largely a chimera because the law's prorata sharing provision means that only a fraction of the actual cost of salaries will be paid. Thus, neither the Connecticut plan, which also honors first those claims based on the presence of disadvantaged children, nor Pennsylvania's, with its prorated half-promise to pay all instructional costs, really provides independence and effective choice to all parents. Rhode Island's statute, which provides a flat reimbursement of only 15 percent of teachers' salaries, is even worse on this score. Even those States, such as Illinois and Wisconsin, that are considering per capita grants instead of purchase of secular services fail to equalize substantially the bargaining power of all parents.

Diversity is also forestalled by State-imposed restrictions on how money can be spent. Some of these restrictions, of course, are designed to get around First Amendment problems by limiting the aid to subjects



thought to be free of religious content or over-tones. But such specific restrictions also apply to secular schools—though they needn't—with the result that the absolute minimum is done to encourage secular alternatives to existing systems. In fact, this merely hints at the legislature's policy of discouraging diversity wherever possible. Ohio is the most blatant example. There, the aid law 1) requires that private school teachers must hold State certificates; 2) permits the State superintendent to review courses, teacher and student evaluations, and test scores; 3) prohibits the use of services, materials, or programs not available in the public schools; and 4) states that education in nonpublic schools "shall not exceed in cost or *quality*" that offered in the public schools (emphasis added).

Not all the statutes are so considerate of the sensibilities of the public school bureaucracy or so overtly anticompetitive, but it is common to find provisions in the aid laws requiring teacher certification, satisfactory performance on standardized testing, State approval of texts and teaching materials, and general equivalency with the public school curriculum, not to mention compliance with building and health codes and narrowly conceived attendance requirements. The degree to which the States feel free to call the tune is already out of proportion to the amounts they are willing to pay the piper. While there is only enough aid to sustain established private schools, there is enough regulation to hamper the development of most experimental schools.

Although failure to comply with these requirements can result in termination or denial of aid, only the Connecticut statute provides for notice of such State action and hear-

ing procedures through which a school can argue its case. Nor do those States that set minimum standards guarantee that schools meeting those standards will receive a fair share of the available aid. Pennsylvania, in addition to several vague regulations, grants the State superintendent of public instruction authority to "establish rules and regulations pertaining" to payment. The opportunities for arbitrary treatment at the hands of State officials are apparent, particularly when one considers the heterodox and even radical stance taken by many alternative schools. The absence of significant procedural due process, in four of the five laws in other States, is not reassuring.

The formulas for the purchase of secular services dilute the effectiveness of parent choice even among private schools receiving aid. In most cases, the teacher or school receives the aid directly, regardless of the number or type of children in the school or class, and the money would continue to come in even if a large number of parents abandoned the school. The school would, of course, lose the tuition these parents were paying. While the connection between parent choice and economic survival is not severed, it is substantially weakened.

The new aid laws also deny parents the means to influence the policies of the schools they choose for their children, and none of the laws provides for informing parents of the nature of the alternatives open to them. Systematic dissemination of basic information is essential to a consumer or democratic political system, but, aside from the guarantee that schools meet dubious State standards, these laws have not seen fit to encourage informed choice. In addition to the other bars to diversity, none of the plans makes any provision for aiding or encouraging

the start of new schools, for instance, through technical assistance or low-cost loans. Indeed, the Connecticut purchase-of-services law requires that a school either be in operation prior to the passage of the act or file a statement of intent to operate as a school 3 years before applying for aid.

The consequences of these bills—their failure to support adequately secular, non-elitist schools, their failure to equalize the bargaining position of the poor and middle class, their failure to foster competition and diversity, and their failure to provide for significant influence by parents—tend simply to extend and reproduce all the failures of the public schools. They are indeed unfortunate consequences, but one further consequence of these laws is intolerable; the lack of effective barriers to prevent racial discrimination.

Almost all require a certificate of compliance with Title VI of the Civil Rights Act of 1964, but certificates are easy to sign, and only Connecticut provides for any enforcement procedure. It is reasonable to assume that at some point the Supreme Court will extend 14th Amendment safeguards against racial discrimination to schools receiving this comprehensive State aid. But this could mean nothing more than that the whole tedious process that started with the public schools in 1954 must be gone through again with private schools. In light of this and the obvious enforcement problems engendered by a large number of independent schools, it is quite likely that because of the absence of specific standards and grievance procedures, the overall effect of these bills will be the further segregation of public schools, an effect that might reasonably be considered *de jure* segregation because of the method of its accomplishment. During the recent trial of a Connecti-

cut suit challenging the State's purchase-of-services plan, considerable evidence of these segregation problems was presented.

These disastrous purchase-of-secular-services plans seem to have gained political support in part because no alternative way of aiding nonpublic schools has been regarded as feasible. However, a recent study commissioned by the Office of Economic Opportunity (OEO) demonstrates that an education voucher plan is not only a feasible alternative but that for the poor, for minority groups, for educational pluralism, and for the general health of American education vouchers would be preferable.

The report to OEO recommends an experiment of 5 to 8 years in duration. Parents of school-age children in the experimental area would receive vouchers approximately equal to the average per-pupil expenditures public schools had previously maintained. For parents of educationally disadvantaged children the value of the voucher would be increased, perhaps to as high as twice the basic amount. Students could attend any approved school, whether operated by a public or private authority. Regulations of approved schools would remain about as they are now, securing a minimum basic education but placing no premium on uniformity. Admissions to oversubscribed schools would be conducted by lot for 50 percent of the places, with the school choosing the other 50 percent, provided it did not discriminate on the basis of race. Systematic information about schools would be collected and published by a local Education Voucher Agency (EVA) that would administer the entire experiment.

The proposed experimental voucher plan seeks to meet each of the objections raised in discussing purchase of secular services. It does

not divide the electorate into those favoring increased public school funds and those seeking to divert public funds to private schools, because every child's education is paid for by voucher, regardless of which school he attends. The level of support is adequate to meet all operational costs of running a school, eliminating the need to rely upon private funding with its inherently discriminatory effects. Aid is delivered per capita and is skewed in favor of the poor and working classes, providing significant bargaining power to those in low-income brackets and incentives to schools to enroll disadvantaged children. Diversity is aided by relying for education standards on the State minimums that already govern a wide range of private schools. Furthermore, since the insulation of church and state is accomplished by creating a system that, similar to the one in the GI Bill, substitutes the individual for the State in deciding which schools receive aid, no complex of secularizing regulations is needed. The plan is carefully designed to provide school data sufficient to allow an informed choice by parents. Finally, the lottery provisions and the provision of free transportation for students provide a reliable protection against racial discrimination.

Although the Court will not be passing upon any form of vouchers in *Lemon* and *DiCenso*, the comparison is certainly instructive on educational, economic, and racial issues. The purchase-of-secular-services legislation that the Court will be testing this fall responds to two needs: saving the public treasury from the expense of educating erstwhile parochial school students; and avoiding the constraints of the First Amendment's church-state provisions. But this particular form of meeting these needs only creates further problems.

In order to save ourselves a few dollars, we will hamstring an incipient educational reform movement based on educational and cultural diversity and racial and economic equality. To prevent an entanglement of church and state, we will create a bureaucracy and a set of regulations that will hamper the education experiments we must have if we are to find out how best to dismantle the schooling monolith we are locked into. The narrowness of the concerns expressed by those who favor or oppose these bills will be partly to blame.

In this context, it makes little sense to rely, politically or constitutionally, solely on arguments based on separation of church and state. The most important question is not whether private schools should receive aid—it seems clear that one way or another they will—but whether a way can be found to provide that aid and simultaneously advance the reform of our whole system of education. The recent flurry of discussion about tuition vouchers at least represents an attempt to view these problems together and come up with a comprehensive solution to all of them. If the Court finds the purchase-of-services theory unconstitutional, it is likely that the energy behind those laws will be put into some form of voucher plan that makes the parent the determinant of which schools will be aided. If the Court finds the present aid plans acceptable, there will be a rush of State legislation duplicating these plans all over the country, and one promising means of converting the financial crisis in private education into a force for broad educational reform will have been lost.

STEPHEN ARONS

Mr. Arons is staff attorney at the Center for Law and Education at Harvard. This article is reprinted, with permission, from the January 16, 1971 issue of *Saturday Review*.

## Taking the MAMMY out of housework



In today's world, the term "household employment" has become synonymous with "degradation". It is not a new analogy but it has become the basis for demand for change—change which will permit the household worker to take her place beside trained and respected professionals in all other avenues of human endeavor.

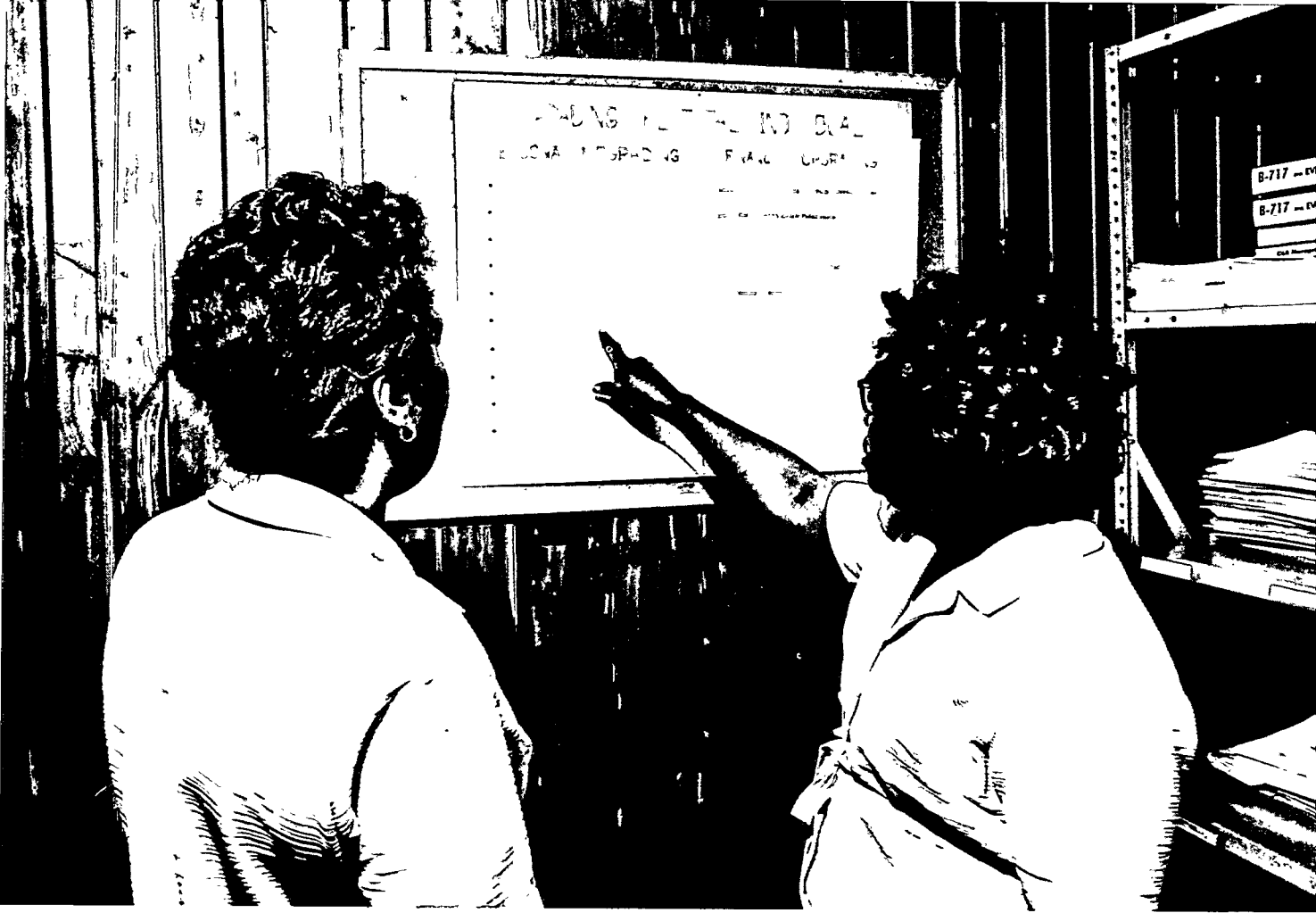
Prior to the Civil War, household work was traditionally performed by black women for white women. Since the Civil War, the situation has been essentially the same. The only difference is that, since 1865, the white woman has not held legal title to her worker.

According to U.S. Department of Labor figures, two-thirds of the female household workers are black with the remaining third listed as white, which includes American Indians, Mexican Americans, and other minorities.

It is still the rule, though, for the housewife to refer to her employee as her "girl" or "help". The worker is still known as a "maid", addressed by her first name, expected to address her employer and other white women as "ma'am" and subjected to a variety of personal and often patronizing questions.

In the experience of a middle-aged household worker from Philadelphia: "I have been on quite a few jobs where I have been called 'my girl', and this I resent very highly. If their children are home from school you call them 'Mister' or 'Miss'. But you're still 'my girl' and it's 'Mary Jane, come here and do this.'"

According to the Department of Labor, the number of women willing to clean other people's houses for a living is dwindling. During the 1960's, household workers in America declined by approximately 900,000 to 1.6 million.



At the very time that the supply has decreased, the demand for household workers has increased. America as a whole is becoming more affluent, and freedom from housework has long been both a benefit and symbol of wealth. In addition, the return to the labor force of many "liberated" middle and upper income housewives has created the need for more professional household services.

Statistics tell much of the story. The Department of Labor reports that the median wage for full-time, year-round female household workers in 1968 was \$1,523. Eighty-two percent had total cash incomes under \$2,000 per year. If there is any question about the inadequacy of these earnings, it should be noted that almost two-thirds of these women are single, widowed, divorced, or separated, and therefore at least partly self-supporting. Approximately 200,000 are the

head of a family, supporting children or other adults as well as themselves.

An adequate wage level is a prerequisite for attracting more women to household work. It is by no means, however, the entire solution. Household employees are exempt from most national and local protective labor legislation. Unemployment and workmen's compensation, as well as minimum wage protection, are virtually nonexistent. The fringe benefits long ago taken for granted by most other American workers are still denied household employees. Very few receive paid holidays, vacations, or sick leave, not to mention hospitalization benefits or retirement plans. A change in the laws affecting household workers would help, but this, too, is not the entire answer.

The solution lies in a complete restructuring and redefinition of hired housework. This is necessary be-



cause the manner in which household employer-employee relations are conducted today is one of the most dysfunctional and anachronistic practices in America.

Mechanization has eliminated many of the most difficult and unpleasant jobs in housework. Few women will deny that such work is physically exhausting and mentally unrewarding. Yet the mop and rag are still the basic tools of this trade.

In no other industry is the modern day worker so completely at the mercy of her employer. What can a worker do when the woman she normally works for once a week calls that morning and says it is not convenient to have her that day? She is stranded—without pay, of course! To whom can a worker appeal when her employer decides to “bargain down” the pay rate previously accepted? What can an employee do when each of the six housewives who employ her every week tells her to go about her job in a different manner?

A household worker from Canton, Ohio praised one of her exceptional employers: “I have one lady who paid me one vacation for that one particular day. She travelled across to the West Coast and she paid me for that day that I lost. The rest of them go to Europe, the Bahamas, any place they want to, and if you are off you are just off.” A worker from Youngstown, Ohio described her similar experiences: “Recently my little boy was sick, and I took a week off and told my employer that I wouldn’t be in until the following Monday. When I went back she didn’t like it so she didn’t pay me for a week. My little boy is more important to me than the job.”

The employer clearly has the upper hand. An employee usually works by herself and has no collective strength with which to bargain. Further, should the

worker lose her job or find a particular housewife intolerable, she stands to forfeit preciously needed income. The most the employer will suffer is a few more days of dusty furniture before she finds a replacement or does the work herself.

The household worker finds that she is treated as a third-class citizen not only on the job and in the legislatures, but merely on her way to and from work every day. Seventy-four percent of female household workers are employed in urban areas. Nine out of ten do “day work” rather than “live in”. These women often spend several hours a day commuting to and from work by public transportation. If the bus company fails to keep its schedule, a worker may lose an hour or a day of pay. She runs the risk of scheduling in foul weather, or of having her purse snatched on the way home from the bus stop at night.

A worker from the Midwest explained that the bus she rides out to the suburbs in the morning must cross the main railroad tracks. “Early in the morning when the big trains are coming there have been times when I had to wait. When I get to work my employer says, ‘How come you can’t get here?’ Well, I can’t get out of the bus and hop over a freight train to get to work by 8:30.”

There are indications that the drop in the number of household workers is partly due to the lack of young entrants into the field. Labor Department statistics show a median age of 46 for female household workers. Whites, who traditionally are more upwardly mobile, have a median age of 53. For blacks it is 43.

The young women who formerly had no choice but to become household workers are discovering more attractive alternatives. Other industries and occupations are opening their doors to the members of disadvantaged ethnic minorities. In addition, it is now possible in certain instances for a woman to stay home with her children and earn as much money as she would if she did housework at the prevailing rate.

There is a solution to this dilemma. Various approaches to solving the household problem have been tested for six years by the National Committee on Household Employment (NCHE). The Committee is a private nonprofit organization first funded by the Labor Department and now by a grant from the Ford Foundation. Initially it had as its goals: to improve working conditions for household workers; to improve and put the quality of services on a professional basis; and to increase the number of workers in this occupation. Today the emphasis is on wages and working conditions.

In cooperation with the Department of Labor, the Committee in its initial testing administered eight model projects which employed differing means of attracting more and better workers to the household service industry. Among the cities chosen for the projects were New York, Chicago, and Boston.

The most successful model has been the intermediary household service firm. This company employs household workers and in turn offers standardized services to the public.

From the housewife's point of view, the primary advantage of this increasingly popular arrangement is the firm's guarantee of satisfactory job performance. She is also relieved of her legal responsibilities as an employer, although laws requiring deductions and contributions by household employers are difficult to enforce and apparently rarely obeyed.

For the worker, improvements include all the fringe benefits not available in the traditional situation where the employer is a housewife or family. These include paid sick leaves, holidays, and vacations. Other advantages include a more consistent, predictable work schedule, pay which meets local requirements for a decent standard of living, and the possibility of promotion to supervisory positions.

Both parties benefit from the company's ability to act as a neutral third party, enforcing reasonable and uniform job standards. Further, these firms are the best equipped to increase worker productivity. This appears to be a key to higher earnings because the price most families will pay for a clean house is definitely limited. If, through the use of modern machinery and techniques, a woman can clean three houses a day at \$12 each, she will significantly increase her present income. Either way the customer gets a clean house.

There are two variations of the intermediary household firm. It can be owned by an individual or corporation composed of investors. Or it can be operated as a cooperative. Experience to date indicates that widespread use of the cooperative model would be premature. By definition the management of a co-op is more complex than a corporation or a proprietary business. At present the firms in this industry are encountering their share of ordinary business-related problems. Management by the employees might easily prove fatally cumbersome.

The NCHE, in testing the various approaches to solving the problems confronting those *now* employed as household workers, has conducted and participated in workshops and seminars in various parts of the

country. NCHE has assisted in the establishment of self-sustaining privately or cooperatively-owned enterprises which provide standardized household services to the public.

Among the booklets and pamphlets published by the Committee in developing various means by which communities can participate is "Improving the Status of Household Employment: A Handbook for Community Action."

In the NCHE's efforts to promote positive attitudes toward household workers on the part of employers and the community, it has set forth guidelines for sensitizing employers to the needs and the position of household workers. "Sensitizing" sessions have been held by community personnel dramatizing simulated situations of what is occurring between employee and employer. In addressing itself to employee-employer relationships, the National Committee on Household Employment established a "Code of Standards" to be adhered to by both parties.

The problems confronting household workers and their employers are long-term in nature. It is to be expected, then, that the solutions will require time and patience to implement. The traditional attitudes held about household employees by housewives, lawmakers, and other important segments of American society will change appreciably only when the household employees have become less dependent on the "charity" of their employers. It is this precise "personal" aspect of the existing relationship that must be eliminated if the industry is to develop potential for employees, both financially and psychologically. In principle the widespread establishment of household service firms provides an excellent solution. In practice the results are encouraging but still inconclusive due to the short duration of the experiments and the relatively small sample.

NCHE is continuing its experimental work and is currently implementing a program of financial and technical assistance to household service firms in Little Rock, Arkansas; Buffalo, New York; Alexandria, Virginia; and the District of Columbia. It is felt that experience with these and perhaps several additional firms, considered in light of what was learned by earlier projects, will provide a clear picture of whether household service firms are a solution, and, if so, under what conditions.

DARRY A. SRAGOW

*Mr. Sragow is Communications Officer for the National Committee on Household Employment.*

## NATIONAL COMMITTEE ON HOUSEHOLD EMPLOYMENT CODE OF STANDARDS IN HOUSEHOLD EMPLOYER-EMPLOYEE WORK

- Schedules should be agreed upon in advance of employment.
- If an employer does not require the services of a dayworker for the agreed upon time or times, the employee must be notified at least a week in advance or be compensated in full by the employer.
- The employee has the responsibility of notifying her employer as soon as possible if she is unable to report to work.
- A written agreement between employer and employee should clearly define the duties of the position, including specific tasks, frequency, and desired standards.
- Promptness, integrity, and courtesy should be observed by both parties.
- Efficient, safe, and workable appliances and cleaning aids should be provided and used carefully.
- Adequate provisions for maximum safety and health should be maintained at all times.
- Rest periods, meal times, telephone privileges, and time out for private activities (such as church attendance for live-in employees) should be agreed upon in advance of employment.
- Work and work relationships should be periodically discussed with the intent of improving efficiency and understanding. Constructive and helpful evaluations of work should be encouraged.
- Pleasant and private quarters should be provided for live-in employees.
- A professional working relationship should be maintained by both parties. This includes appropriate and courteous forms of address for both employee and employer and their respective families.

## FACTS AND FIGURES ON HOUSEHOLD EMPLOYMENT\*

As of 1968, women in household employment total almost 1,700,000.

Fifteen percent of private household workers head more than 250,000 families.

Household workers are not covered by the Federal minimum wage and hour law.

The following figures are for the 1.4 million women who reported their occupations as dayworkers, housekeepers, maids, and laundresses, but excluded babysitters, in 1960:

Median annual wage -----	\$1,297
Total cash income	
87 percent of household workers	under \$2,000
61 percent of household workers	under \$1,000
Marital status of household workers	
Single -----	36%
Married -----	34%
Widowed, divorced, or separated -----	30%
Educational attainment of household workers	
Less than five years -----	10.9%
High school completed -----	20.4%
Some college -----	3.8%
Geographical distribution	
Southern States -----	54%
Northeastern States -----	over 19%
North Central States -----	18%
Western States -----	9%
Urban areas -----	74%
Rural non-farm areas -----	21%
Rural farm areas -----	5%
Live-in workers -----	11%
Race	
Black -----	64%
White	
(including Mexican Americans) -----	35%
Other nonwhites -----	1%
Age of household workers	
45 and over -----	53%
Over 55 -----	29%
Over 65 -----	10%
Median age of all private household workers -----	46 years

\*The figures listed here were taken from "Women Private Household Workers Fact Sheet," July 1969, published by the Women's Bureau, U. S. Department of Labor.



# Reading & Viewing

## BOOKS

*The Campus and the Racial Crisis*, edited by David C. Nichols and Olive Mills. Washington, D.C.: American Council on Education, 1970. 309 pp.

A collection of 44 essays by faculty members, trustees, administrators, students, public officials, and others who affirm that there is a racial crisis on campus and it has come about as part of the crisis in the larger society. While the vantage points and perceptions of the contributors differ markedly, all of them share a sense of involvement and a desire to further the kinds of changes needed to effect improvements.

*The Economics of the Ghetto*, by Carolyn Shaw Bell. New York: Pegasus, 1970. 266 pp.

An introduction to the economics of the ghetto in which the author uses illustrative material about three cities in the United States and three neighborhoods within each to demonstrate how employment, wages, prices, rents, housing, and consumption differ inside the ghetto at every level of income. Describes the conditions which exist in the ghettos, their implications, and discusses what can be done about these conditions.

*Educating the Mexican American*, by Henry Sioux Johnson and William J. Hernández-M. Valley Forge, Pa.: Judson Press, 1970. 384 pp.

An introductory book of readings designed to provide a vast array of hitherto unpublished contemporary materials on the educational dilemma of Mexican Americans in the Southwest. In 34 articles, leading Mexican American educa-

tors present their diagnoses and theories for change in the schools' curricular offerings, with emphasis on bilingual and bicultural programs for all students in the public and private schools of the Southwest.

*Government Against Poverty*, by Joseph A. Kershaw with the assistance of Paul N. Courant. Washington, D.C.: Brookings Institution, 1970. 174 pp.

An account of Government efforts on behalf of the poor since the declaration of "unconditional war on poverty"—efforts made through the Office of Economic Opportunity and other programs. Examines the history and purposes of domestic antipoverty programs in an effort to explain why the problem of poverty in the Nation is still far from solved. The author concludes that despite some early success, antipoverty programs have been stymied by inadequate Federal support.

*¡Grito! Reyes Tijerina and the New Mexico Land Grant War of 1967*, by Richard Gardner. Indianapolis: Bobbs-Merrill Company, Inc., 1970. 292 pp.

An account of the courthouse raid in 1967 by a small group of Spanish Americans to publicize their claim that much of the land in the State had been stolen from their ancestors. Documents the history of the land-grant controversy and the role of Reyes Tijerina—an evangelical preacher and avowed leader of the Spanish Americans in the Southwest.

*The Negro and the City*, edited by Richard B. Sherman. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1970. 182 pp.

Describes the experience of black Americans—their hopes, their problems, their reactions—in the city from the late 19th century to the present day. Selections from the works of Booker T. Washington, W.E.B. DuBois, Kenneth B. Clark, etc. illustrate the exciting as well as the discouraging aspects of black urbanization.

*A Single Society: Alternatives to Urban Apartheid*, by Donald Canty. New York: Praeger Publishers, 1969. 181 pp.

Reviews the past decade in which civil disorders steadily escalated in spite of progressive programs. Traces the rise of black pride, white resistance, and the

continuing lag in national response to urban needs. The author proclaims the need for a national will to achieve the ultimate goal—a single society—diverse in its people, unified in spirit. The alternative is urban apartheid.

## Studies and Reports

*Campus Unrest*. The report of the President's Commission on Campus Unrest. Washington, D.C.: U.S. Government Printing Office, 1970. 537 pp.

*Civil Rights: Progress Report 1970*. Congressional Quarterly, Inc. Washington, D.C. 1971. 92 pp.

*The Education of the Minority Child: A Comprehensive Bibliography of 10,000 Selected Entries*, compiled by Meyer Weinberg. Chicago: Integrated Education Associates, 1970. 530 pp.

*Federal Agencies and Black Colleges, Fiscal Year 1969*. Revised January 1971. Federal Interagency Committee on Education. Washington, D.C.: U.S. Government Printing Office, 1971. 49 pp.

*A New Era: The Spanish Speaking People of the United States*. Cabinet Committee on Opportunities for Spanish Speaking People. Fall 1970. Washington, D.C.: U.S. Government Printing Office, 1970. 24 pp.

*Report to the President on Minority Business Enterprise*, from Maurice H. Stans, Secretary of Commerce. June 30, 1970. Washington, D.C.: U.S. Dept. of Commerce, 1970.

*The Social Consequences of Residential Segregation of the Urban American Negro*, by Stephen D. Berger. March 1970. New York: Metropolitan Applied Research Center, 1970. 68 pp.

*Study of Minority Group Employment in the Federal Government*. November 30, 1969. Prepared by U.S. Civil Service Commission. Washington, D.C.: U.S. Government Printing Office, 1970. 644 pp.

*Who Are the Urban Poor?*, by Anthony Downs. Revised edition. New York: Committee for Economic Development, 1970. 64 pp.

**Tom Wolfe**



**Radical Chic  
& Mau-Mauing  
the Flak  
Catchers**

# Book Reviews

## **RADICAL CHIC & MAU-MAUNG THE FLAK CATCHERS**

By Tom Wolfe

Farrar, Straus & Giroux. 153 pages. 1970.

*"I see white teeth in a black face.*

*I see black eyes in a white face.*

*Help us to see persons, Jesus—not a black person, or a white person, a red person or a yellow person, but human persons."*

(Malcolm Boyd)

That's a pretty simple, black-and-white type of poem, right? And it's good! I mean, what it says is boldly American, true to what this country stands for. "We hold these truths to be self evident . . . are created equal . . ." Right? Well, why the hell *does* it make any difference to some of us? For Christ's sake, why does it? Why do people still get their backs up about this color bit? That's partly what Tom Wolfe's new book is all about. Color. Not the TV kind or Technicolor but the kind that makes you different from me or Leonard Bernstein or Don Cox. The permanent, Coppertone type.

The subject matter of the book is serious, just like the Civil War was serious. But you will hardly be able to read a single page without laughing, because it's also an exceptionally funny book. And that's one of the reasons I think it's so important. Wolfe's treatment of today's racial seriousness is all

the more amusing and relevant because it humiliates and degrades everyone concerned, and his unusual but honest approach shows us the ludicrous, confused ditch we all sometimes find ourselves in.

The book consists of two long essays, closely related in theme and substance, both dealing with political stances and social styles in our status-minded world. The Leonard Bernsteins' "party" for the Panther 21 and the troubles of California anti-poverty offices play variations on a serious theme, the dynamics of confrontation between oppressed "colored" peoples and the well-intentioned white-America privileged.

"Radical Chic," the first and longest of the two essays, "describes" the bash that took place on the night of January 4, 1970 in the thirteen-room Park Avenue pad of Mr. and Mrs. Leonard Bernstein. The purpose of the gathering was so that some of New York's socially elite could meet spokesmen of the Black Panther Party, hear them out, and talk over ways of aiding their cause. Wolfe presents the psychodynamics of the black-white, oppressed-privileged confrontation and recreates the incongruous scene in an honest, unserious fashion, yet with just enough ugliness to make his point. Poor Leonard. He and all those other well-intentioned "Radical Chic" whose motives were undoubtedly as pure and guileless as those of *Candide*. They really wanted to understand. It was a "meeting," not a "party." There just happened to be gold, silk, booze, canapes and servants. But the servants were white; not black. That's important. At least the Park Avenue inhabitants thought it was. But that's what Wolfe believes is their whole problem. Their thinking, their reasoning. Their attempt to almost "be" black, and yet never for a second losing sight of their status. Why did they insist on concentrating their energies on this color difference in the first place? Does having a meeting in your Penthouse mean that sharing your comforts with the oppressed has now eliminated the incongruity that existed before the first guest arrived? No way! I think Wolfe is



*"Oh, dear me—it's my sister's party you want. I'm still a conservative."*

(Reproduced by special permission of PLAYBOY Magazine. Copyright © 1970 PLAYBOY)

saying that, if anything, the Panthers and groups like them are only demeaned by such occasions. While the Chic, having done their "good deed" for the night, go home feeling like Boy Scouts.

"Mau-Mauing the Flak Catchers," the shorter piece, asks the reader to survey another meeting-ground between militant minorities and the liberal white establishment. In this essay Wolfe suggests that antipoverty programs, which assume that assistance is productive only if funneled through existing ghetto power-structures (gangs), actually create fictitious power-structures. "Mau-Mauing" is the ethnic term for confrontation politics (the old arm-twisting hit), and the Flak Catchers are the Civil Services "lifers" who work in their local offices and try the best they can to cope with the everyday abuses of the poverty programs. Wolfe is objective, empathetic and witty. He describes in detail the techniques developed by young blacks, Chicanos, Filipinos, Chinese, Indians, and even Samoans in their relations with the bureaucracy that grew up in and around the poverty program. The points brought up are valid, and the reader will find himself laughing while at the same time cringing because it's all probably true. I don't think his description of this type of racial confrontation is as

effective as "Radical Chic," but the insights certainly are there.

As I mentioned before, I do believe one should expose himself to this new piece of literature. It is valuable because it forces you to ask, "Why?" And the seriousness isn't so painful to take, because Tom Wolfe is still one of the best satirists we have around. The topics are important, but that's where I, personally, ran into a hang-up. I guess I just really want to stop discussing colors and talk about persons. But what Wolfe is trying to say is that we're not at that stage yet. We still have people around who believe, and they really do, that they're better than others because of the color of their skin.

*"Better than other people." Sometimes he says: "That, at least, you are." But more often: "Why should you be? Either you are what you can be, or you are not—like other people."*

(Dag Hammarskjöld—"Markings")

DENNIS LEE SALVARYN

*Mr. Salvaryn is a Lieutenant (j.g.) in the Navy on a leave of absence from the world of drama. He has produced and directed theatrical productions in Southern California.*

## Mexican Americans in School: A History of Educational Neglect

by Thomas P. Carter

New York: College Entrance Examination Board, 1970. 235 pp.

There should be no question that withdrawal from school and low academic achievement aptly describe the school behavior of vast numbers of Mexican Americans. In the past, the stereotype of the Mexican American, in all its forms, has been used conveniently to explain such behavior. As Dr. Carter points out:

*The circular nature of arguments commonly presented is obvious: Mexican Americans do poorly in school because they are poor, speak Spanish, and carry a traditional folk culture because they do poorly in school.*

In the first two chapters the author is able to identify the real problem as being the "dire social and economic situation of this ethnic group." Furthermore he attacks the concept of cultural deprivation as being akin to racism for assuming that deviation from the middle class standard constitutes a disadvantage or a deprivation. While rejecting such a concept Dr. Carter proceeds to discuss the reality of the situation which indicates that the closer a child's home and experiences are to the middle class norm, the higher his chances for success in school. The school goes about its business of acculturating and assimilating on the premise that the differences that the child brings to school are liabilities rather than assets. Large sums of money are being spent on numerous programs to make "those children" more like what the school expects, and indeed, accepts.

The chapter on the *Default of the School* is of particular importance for those who are blind to the needs that exist in the education of Mexican Americans. It is a straight forward well documented description of the real world segregation, tracking and institutional bias in which the Mexican American student often exists.

In discussing the *Failure of the Culture* the author presents many examples of cultural myths that lead teachers to stereotype their students and thus provide explanations for low school achievement. This chapter would provide an excellent point of

departure for discussions by concerned educators who are interested in identifying some of the real problems—those within the institution itself.

The description of programs currently being conducted for Mexican American children and youth is candid and useful. The appraisal of the programs raises many questions which should be useful to administrators and other planners as they consider the educational needs of their children.

*Mexican Americans in School* is probably the most straight forward and comprehensive discussion of the conditions that surround the education of Mexican Americans. It should be of value to all educators and lay persons alike who realize that a great need exists and that action is imperative.

The one disappointing facet of an otherwise excellent book is its omission of a great force in the Mexican American's struggle for better education and for a better life in general. Perhaps Dr. Carter left out explicit reference to the Chicano movement for some good reason: however, it is imperative for educators, presumably the people for whom the book is intended, to understand that Chicano groups in their communities are probably the most important resource and force to help bring about needed change.

It has been largely through the efforts of young people that Chicano studies programs have been initiated in colleges, high schools, and even at lower levels. Schools that have such programs have become much different places for students who now see themselves as being worthy individuals *as they are*, not as the school prescribes they should be.

In many places throughout the Southwest there is a real difference in outlook and concern between those who prefer the label Mexican American or American of Mexican Descent and those who embrace Chicanismo. The latter are usually more forceful in seeking needed change in the educational system and view the qualities that the Chicano possesses as important enough to defy homogenization. By virtually omitting reference to Chicanos and contributions made by the movement, this book could provide solace for those who choose to listen to Mexican Americans but not to Chicanos.

ERNESTO F. GARCIA

*Mr. Garcia is a Professor of Education at California State College, San Bernadino.*

# Commentary

Gentlemen:

I was pleased to read . . . [excerpts of *From Children with Love*\* in the Summer 1970 *Civil Rights Digest*], for many [of the vignettes] demonstrated a sensitivity and an awareness which comes with a program of quality integrated education. Others manifested a maturity of which children are capable if they are encouraged.

I certainly understand and appreciate the contribution the program is making to those who take part. But beyond that, its success, as reflected in this small but revealing book, can be good example for our society of what can be achieved when people are committed to providing a positive learning experience for all, and together.

*Kenneth B. Clark*  
*President,*  
*Metropolitan Applied Research Center, Inc.*  
*60 East 86th Street*  
*New York, New York 10028*

Editor's note: To complement Dr. Clark's letter, we asked the resource teacher on black studies who directed the development of *From Children With Love* to tell us how the book came about.

## From Children With Love

WORDS—Words—words.

Words influence thoughts, alter actions, change lives. We know because recently we drew forth *word talent* from over 200 youngsters in 4th through 6th grades by means of a black studies program.

Poems based on history, poems concerned with famous black people, poems that borrowed titles from Langston Hughes, poems that discussed bused integration, and poems that expressed our children's dreams filled a 94-page anthology called *From Children With Love*. And one of the nicest things about it all was that until 2 weeks before press time the children never knew a poetry book was in the making. Every topic involved classroom teaching.

Writing came after children read teacher-constructed biographies. These stories included sentences to meet everyone's reading range. From these same dittoed sheets children learned about verbs, nouns, adjectives, and interpreted people and events in crayon and paint. They also discussed newspaper articles and the busing

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\*From *Children With Love*, by 200 children of Columbus Intermediate School, Berkeley Unified School District, Superior Press, Oakland, California, 1969-70. 94 pp.

# Make Friends



problems which were happening elsewhere.

Children listened to excerpts from the *Autobiography of Malcolm X* and acted out or sketched picture summaries of a favorite scene. His Halloween Eve prank and his years in jail were popular subjects. Malcolm X's childhood appealed to all youngsters. White children, awakened to how others may be forced to live, drew closer to other classmates. Black children listened in awed silence as another's life, perhaps similar to their own, unfolded.

The children also heard teacher renditions of 25 poems by Langston Hughes or listened to the poet's voice on record before trying their own hand at such titles as *Snail*, *Heaven*, and *Kid in the Park*.

A "Trick or Treat" bulletin board, timed for Halloween, started scurried action to source books—*Great Negroes: Past and Present*, *The Pictorial History of the American Negro*, and *Famous American Negroes*. Classes that turned in two to four line poems which correctly identified 30 personalities were "treated" to bags of candy. Children couldn't understand how all five classes won—but the contest never required complete class participation. If more than half had contributed to the assignment, everyone received a candy reward.

Berkeley, as a 2-year bused school community of over 100,000 people, is unique. And Columbus, as a school which listens to children, where hall wandering is undesirable but not a capital crime. However, at one point it whipped up a storm in a local paper and this, too, provided a useful teaching tool. Class after class talked over the controversy and *their own feelings* about living and working together. These poems we called *Walk Together Children*. Every savable scrap of writing that emerged from all activities was stored for later publishing use. Poems written in September brightened a young author's eyes in April.

Throughout the year children gained confidence from four hall bulletin boards which made their work visible. It was changed constantly, and students began to ask, "Who are you putting up now?"

For some, especially the listless wanderers, the book was a turning point. Questioned about person or subject, they saw their spoken words written down into lines of poetry. One poem is plagiarized but this tells an important story too. Apparently the young poet (whose work is already elsewhere in the book) felt his personal originality didn't measure up and in an indirect way, by submitting a copied poem, he was saying, "Please help me learn how to do it better."

Berkeley's school board made the book possible. In 1969 it released \$20,000 for mini-grants; money for special projects not provided for in the general budget. Any teacher could apply for a grant. Written requests were reviewed by a nine member teacher-administrator team and when our book was printed, the grant provided a free copy for every child, cook, custodian, playground supervisor, teacher, and teacher aide at a total cost of 33¢ per person!

Nicer yet, the day the book came out, every child was reading. Stumbling through halls, on playgrounds, in class, children clung to their copies. (In one class members shook the hands of those poets in the book.) Title and cover both came from contests; child-created, the winners were awarded artistic folktale books as prizes.

Wringing further drops of pride from the project, four teachers teamed together and presented a program called *Young and Beautiful in Berkeley*. Students recited selections for their parents and friends. We wasted no opportunity to put kids in a position to hear applause and praise.

Recognition for extended teacher efforts (which consisted only in reshaping lines and lots and lots of typing) has been gratifying. Unexpectedly there has been press and TV coverage. Five of our youngsters read poems on a Huntley-Brinkley broadcast and others appeared on a local morning show. The book is to be displayed in an educational exhibit in Rome and letters have come to us from more than half the States.

Another thousand copies are available at \$1 plus postage, and the money is being placed in a special fund that will send children to camp this year.

Teachers now have a natural teaching tool. Our kids know what a poem is and how a poetry line looks; the authors are their intimate friends and class copies are one more source of reading material. *From Children With Love* is tangible proof that in a school district that cares, children do grow. Eleven-year-old Deana Bradshaw summed it up well when she wrote:

***I have a dream***

***A wonderful dream***

***A dream that all***

***The Black and White will***

***Come together and be free***

***And no violence will make***

***This world a little better.***

It is the children who are showing the way!

Rinna Wolfe  
256 Fairlawn Drive  
Berkeley, California 94708

## What is a Frito Bandito, Jose?

### Editor's Note:

The power of the communications media to affect race relations has become increasingly apparent during the last decade. Much of the controversy over distortions of minority groups has centered about the black community but other minorities have been equally disquieted by the manner in which they, also, have been portrayed.

The "Frito Bandito" character featured in a commercial sponsored by Frito-Lay, Inc. has evoked the indignation of the Mexican American community. The Fall 1969 issue of the *Civil Rights Digest* carried an article by Thomas M. Martinez in which he cited the Frito Bandito caricature as an example of building a fallacious and harmful image of the Mexican American.

Martinez wrote: "Seldom a day goes by in the United States without at least one young Mexican American being called 'Frito Bandito'. Indeed, this cartoon caricature of a short, mustachioed, two-gunned thief is a very effective prejudicial form of anti-locution—effective in terms of making the out-group appear inferior and the in-group superior. The Mexican American children are paying the price in loss of self-esteem for the Frito-Lay Corporation's successful advertising attempt at product association. To understand how advertising can create such racial stereotypes and inflame racism, we need to examine the functions of advertising in American society."

The Spring 1970 issue of the *Digest* noted an article in the *Wall Street Journal* which reported that the Frito-Lay Company would retire the "Bandito". Although it has been modified, it has not been retired.

The National G.I. Forum, an independent organization of Mexican American veterans of this country's wars, conducted a 26-State survey during the summer of 1970 where its chapters are located and where large numbers of Mexican Americans live. Bernardo Sandoval, its executive secretary, reported the survey revealed an overwhelming disapproval of the "Bandito"



ad despite a past contention by Frito-Lay that its own survey showed reaction to the contrary.

In a conversation with John R. McCarty, Frito-Lay, Inc.'s vice president for public relations, a *Digest* representative received only background information and the intimation that anything said at this time might be prejudicial to the multimillion dollar suit which the Mexican-American Anti-Defamation League is threatening to bring against the company.

The editorial view of the matter, consistently taken by *Advertising Age* and two letters in response to its position, are reprinted here for further information and perspective.

## The Frito Bandito Hassle

For some time now a controversy has been swirling around the use of a little cartoon character named Frito Bandito in ads and commercials for Frito-Lay's corn chips. The Mexican-American Anti-Defamation Committee calls it degrading; the Frito-Lay people call the Bandito "cute and lovable."

It would seem obvious that what might be "cute and lovable" to some people could be far from that to others. And apparently to at least part of the Mexican American community Frito Bandito is an offensive stereotype of a Mexican, and they would like to see use of him in ads discontinued.

Three TV stations, one in Los Angeles and two in San Francisco—areas whose populations include a goodly percentage of Mexican Americans—have heeded the requests of their viewers and have taken commercials with Frito Bandito in them off the air. A fourth California station has indicated it may do likewise.

The Frito-Lay people have presented results of surveys among Mexican Americans which show that only 8% of the people queried objected to Frito Bandito. This, Frito-Lay maintains, is not enough of an objection, in its opinion, to remove the Bandito from their ads. Besides, the company points out, it has spent a lot of money developing the character, and it has been one of the company's most successful ad campaigns.

Aside from questioning the wisdom of following an ad policy that alienates 8% of the Mexican American community, one wonders if Frito-Lay doesn't have a social responsibility when it comes to its advertising campaigns. Frito-Lay says it "talked to some minority organizations, but not to Prof. Martinez" (director of

Mexican American seminars at Stanford University). Perhaps a talk with Prof. Martinez might prove enlightening.

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## Frito Bandito Is still Around

### The Editorial Viewpoint

Nearly two-and-a-half years have elapsed since a group named Involvement of the Mexican American in Gainful Endeavor wrote a letter to Frito-Lay, Inc. asking that company to remove from television commercials featuring a cartoon character named "Frito Bandito." In its letter the group raised the following objection to the commercials: "We feel they perpetuate the stereotyped Mexican image which is false and distorted and is an injustice to the person of Mexican descent."

Frito-Lay, when asked to comment on the letter, said, "Until we have time to properly study it and reply, we have no comment to make." But at the same time the company did announce that "because of the recent concern regarding violence in America" it was altering the commercials so that the Frito Bandito no longer would be seen firing a gun.

The original protesting group was joined in subsequent months by other Mexican American groups, and finally in November 1969, 15 months after the first protest was lodged, KNBC-TV in Los Angeles banned the Frito Bandito spots from its station. After that two San Francisco stations—KRON and KPIX—followed suit. But there still was no indication from Frito-Lay that it had any intention of removing from the air altogether the spots that the Mexican American groups maintained were demeaning and offensive.

Early in 1970 two U.S. Senators got into the act and wrote letters to several advertisers—including Frito-Lay—agencies and networks calling on them to eliminate demeaning characterizations of Mexicans from the airwaves.

When the news of the Senators' letters got out Frito-Lay finally was heard from; the company announced that Frito Bandito advertising would be replaced because of opposition to the cartoon character from "certain leaders of Mexican American organizations."

That was nearly a year ago—February 1970—and

yet just last week the Mexican-American Anti-Defamation Committee announced that the Frito Bandito commercials still are being aired on TV as often as before, or perhaps even oftener, and said that it plans to sue the creators of Frito Bandito for \$610,000,000.

What a sorry state of affairs. Whether or not you happen to feel—we do—that these commercials are indeed demeaning, it is the foot-dragging of Frito-Lay that is inexcusable. Admittedly the company did not say exactly when it was going to replace the offending commercials—but when such a statement is made in February 1970, and the commercials still are appearing ten months later, we don't think that speaks very well for the good faith of Frito-Lay.

The company already has let this situation go too far. It is high time it lived up to the statement made last February and sees that Frito Bandito is replaced—right now.

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## *The Voice of the Advertiser*

### **Finds Frito Bandito Innocuous as Heckle & Jeckle**

To the Editor: Regarding your editorial on the Frito-Lay Co. in the Jan. 11 issue of *Advertising Age*—I'm shocked that you would take the stand that you apparently have.

Seldom have I seen such a ridiculous piece of philosophy as that piece of copy and the cause it supports. Any group who would be offended by a clever cartoon character such as the Frito Bandito deserves to be left sitting on their hands for nearly a year. I can't imagine anyone taking personal offense at anything so obviously generalized and non-personal. I'm positive that not even the precocious youth of today believes for a minute that all Mexican Americans look and act like Pancho Villa, and I definitely oppose the action that these people are taking to deliberately conceal the facts of their colorful ancestry, as well as the truths of history.

Their protests are comparable to the Audubon Society protesting Heckle & Jeckle as national defamation of the magpie character (or *has* the Audubon Society gotten around to that already?). Or like my refusing

to acknowledge the legend of Davy Crockett—or protesting the Daniel Boone TV show on the grounds that it defamed my character as an American.

I'm disappointed in the American people for letting this sort of undemocratic creativity-stifling thing happen in a country that used to be free. And I'm unspeakably contemptuous of the Mexican Americans (as I never was before) for being not only narrow-minded, but ashamed of a proud heritage.

J. Philipps,

Bunn Winter Associates, St. Louis.

### **Backs AA, Says Chicanos Rightfully Resent 'Bandito'**

To the Editor: It appears that J. Philipps ("Voice," Feb. 1) is easily shocked. This is surprising, since his letter suggests he may be insensitive to, or perhaps unaware of how deeply Americans of Mexican ancestry—not members of some protest group—resent the Frito Bandito characterization that perpetuates a demeaning stereotype.

Here in St. Louis we are comfortably insulated from the Chicano "problem." Mr. Philipps would really be shocked to know how many Anglo-Americans in the Southwest, aside from precocious youths, believe that the *bandito* type is fairly representative of all Mexicans.

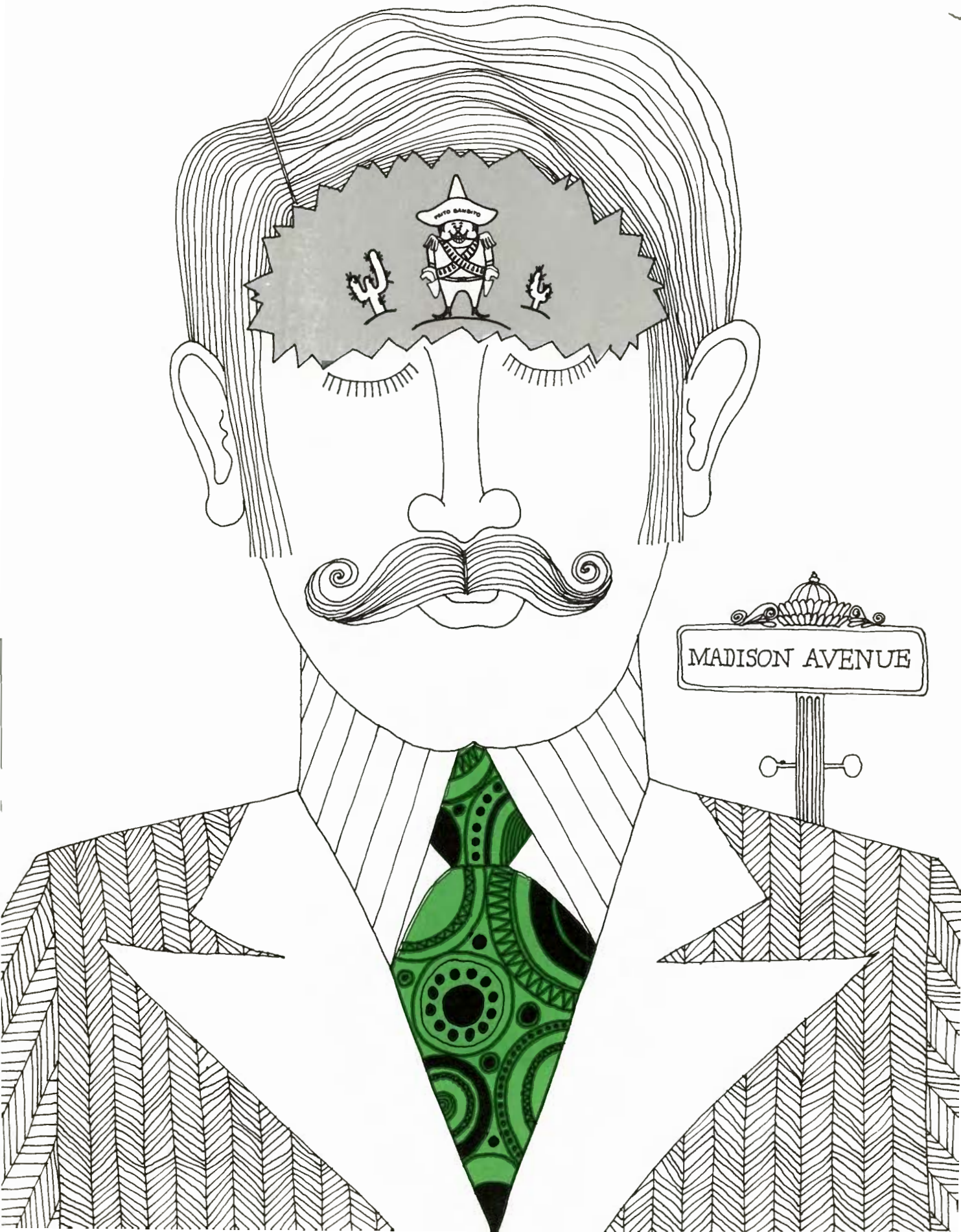
*Advertising Age's* position on this issue is absolutely right. A decent regard for the sensibilities of an offended segment of our population is not only good business, it is a humane obligation.

The charge that creativity is being stifled is ridiculous. The Heckle and Jeckle comparison is not valid; birds are neither audience nor consumers. Using Davy Crockett and Daniel Boone for comparison is grossly unfair. They are seldom depicted as less than heroic. How could such exemplary types defame my character?

The Mexican American is not ashamed of his *proud* heritage, he simply resents having his heritage distorted. Mr. Philipps would do better to save his contempt for those of us who do the distorting, or who accept distortion.

Blythe Baebler,

Art Director, Batz Hodgson  
Neuwoehner, St. Louis.

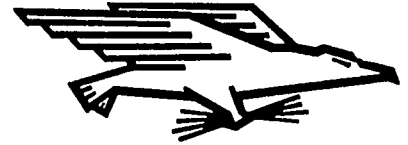


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