

CIVIL RIGHTS DIGEST

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

1776 REVOLUTION EVOLUTION SOLUTION 1971-

When in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal station to which the Laws of Nature and of Nature's God

entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Crea-

IN CONGRESS, July 4, 1776.

A DECLARATION

**By the REPRESENTATIVES of the
UNITED STATES OF AMERICA,
In GENERAL CONGRESS assembled**

When in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shewn, that Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity which constrains them to alter their former Systems of Government. The History of the present King of Great-Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid World.

He has refused his Assent to Laws, the most wholesome and necessary for the public Good.

He has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their Operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and formidable to Tyrants only.

He has called together Legislative Bodies at Places unusual, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.

He has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People.

He has refused for a long Time, after such Dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remain-

ing in the mean time exposed to all the Dangers of Invasion from without, and Convulsions within.

He has endeavoured to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither, and raising the Conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

He has erected a Multitude of new Offices, and sent hither Swarms of Officers to harrass our People, and eat out their Substance.

He has kept among us, in Times of Peace, Standing Armies, without the consent of our Legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a Jurisdiction foreign to our Constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:

For quartering large Bodies of Armed Troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all Parts of the World:

For imposing Taxes on us without our Consent:

For depriving us, in many Cases, of the Benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended Offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an arbitrary Government, and enlarging its Boundaries, so as to render it at once an Example and fit Instrument for introducing the same absolute Rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all Cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our Seas, ravaged our Coasts, burn our Towns, and destroyed the Lives of our People.

He is, at this Time, transporting large Armies of foreign Mercenaries to compleat the Works of Death, Desolation, and Tyranny, already begun with circumstance of Cruelty and Perfidy, scarcely paralleled in the most barbarous Ages, and totally unworthy the Head of a civilized Nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the Executioners of their Friends and Brethren or to fall themselves by their Hands.

He has excited domestic Insurrections amongst us and has endeavoured to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare, is an undistinguished Destruction, of all Ages, Sexes and Conditions.

In every stage of these Oppressions we have Petitioned for Redress in the most humble Terms: Our r

CIVIL RIGHTS DIGEST

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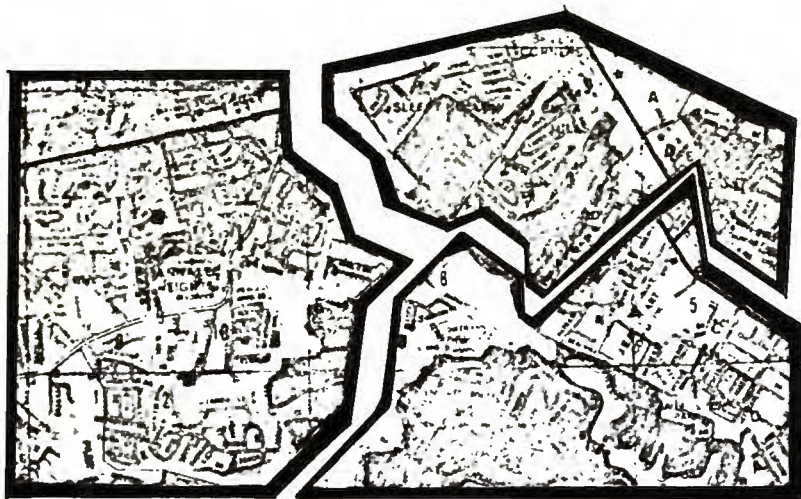
Reapportionment and Minority Political Power



The law has recently moved (or has been moved) to make eligibility to vote nearly universal. In just the past year, there have been legislative and judicial changes striking down literacy tests (which disfranchised more than 2 million people in 12 States *outside* the South), shortening residency requirements, lowering the voting age, and remitting the franchise to certain categories of former felons.

The U.S. Commission on Civil Rights' definitive 1968 report, *Political Participation*, made it clear, however, that the disfranchisement of blacks is not corrected simply by insuring the freedom to register and cast a ballot. The struggle of this Nation's minorities to secure the right to vote has been long, bitter, and bloody, and it is far from over. But in its broader dimensions the problem has always been more than making sure minorities can vote. The problem is how to make minority votes *count*.

This year—1971—presents a unique and very significant opportunity for blacks and other minorities to acquire real political power. The situation results from the coming together of the one-man-one-vote decisions of the U.S. Supreme Court, the 1970 Census,



which is more detailed than ever and now on computer tapes for the first time, and the fantastic capability of electronic computers to cope with and analyze the Census information. These factors add up to an unparalleled challenge and opportunity for minority politicians. However, like all opportunities, this one is fraught with considerable risk as well.

The opportunity lies in the ability to correct some of the gross under-representation of minority group interests in America. A few figures illustrate the problem: America's black population of over 25 million constitutes more than 12 percent of the total population, but only 3 percent of all United States Congressmen are black. In State legislatures the picture is even worse: of more than 7,000 elected representatives, fewer than 200 (just over 2 percent) are black.

The risk is that reapportionment plans—no matter how equal in population—may be drawn intentionally, so as to dilute existing or emerging minority political strongholds. The “jet-age gerrymander” will be difficult to detect and almost impossible to defeat after the fact; the smoke-filled room has yielded to a computer center, or at least to relatively sterile debates about “objective” or numerically “unbiased” plans. The expertise to

draw and evaluate these plans resides in a very small number of hands, and public accountability is almost totally lacking *because so few understand the mechanics of modern apportionment or have access to the means of preparing and presenting alternatives.* Typically, a legislature or county governing body will use a firm of experts to draw up redistricting proposals and the public will have no way of participating in the procedure.

A couple of simplistic examples will serve to illustrate how minority votes can be diluted by “objective” or “unbiased” plans:

Multi-member districts. In Virginia's proposed* reapportionment of its House of Delegates, five seats are assigned to Richmond. Richmond's population is 143,857 white and 104,766 black.** Candidates for all five seats will run at-large, so it is likely that all five delegates will be white as well. There are many ways by which Richmond's district lines could be

*The plan has been enacted and signed into law. At this writing, it has been submitted to the U.S. Attorney General for approval under Section 5 of the Voting Rights Act of 1965.

**Before Richmond annexed a nearly all-white portion of Chesterfield County, the city had a black majority. The annexation has also been submitted to the U.S. Attorney General for approval under Section 5.

drawn to insure equal population and still provide direct representation in the House of Delegates for the black majority areas in Richmond. It has been estimated that, if district lines were drawn in the city, at least two black delegates could be elected there.

Geometric gerrymanders. Politicians may find it convenient to redistrict an urban area by starting at the center of the city and then establishing pie-shaped districts that reach into surrounding areas. Such an action will result, of course, in the political fragmentation of any inner-city minority community: the minority community's voting power and political power will be lost in the numerical strength of predominantly white suburban areas. Or, the same result can be attained by completely changing a State's traditional redistricting scheme. For example, most of the heavily black Delta area of Mississippi (which runs north and south) has always been in one congressional district. But after large numbers of blacks registered to vote in the mid-60's, the State changed the election districts to run east and west: the Delta's black population was thereby submerged in the relatively whiter majorities of the counties to the east.

State legislatures and local governments throughout the Nation have already begun drawing new congressional district lines and reapportioning State legislatures and local elective bodies to satisfy the one-man-one-vote requirement based on the 1970 Census. Events are moving quickly: some States have already passed reapportionment plans. *Congressional Quarterly* reports that, as of March 15, 1971, 17 States had at least started the process. It is likely that within a year most States will have gone through the entire process of

enacting a reapportionment plan, submitting it for the Attorney General's approval under the Voting Rights Act (in the covered Southern States), and trying the inevitable lawsuits.

An idea of the stakes involved in reapportionment this year is this analysis of what could happen in seven of the congressional districts (CD's) represented by blacks in the 92d Congress:*

Missouri 1st: *St. Louis has lost nearly 20 percent of its population since 1960, and the current population could be redistributed among two or three new CD's in such a way as to eliminate Congressman William Clay.*

Maryland 7th: *It would be possible to redraw CD lines for the Baltimore metropolitan areas so as to eliminate Congressman Parren Mitchell.*

Pennsylvania 2nd: *Philadelphia stands to lose one of its five CD's (the State will lose two seats); new lines could be drawn so as to jeopardize Congressman Robert Nix.*

Michigan 1st and 13th: *As in most other major metropolitan areas, Detroit has lost population while adjacent suburbs have grown rapidly. Detroit stands to lose at least one, and probably two, of its five current seats, and this could be accomplished in part by throwing Congressmen John Conyers and Charles Diggs together in the same district.*

Ohio 21st: *Cleveland has lost 15.6 percent of its 1960 population, while adjacent suburban areas have shown rapid growth. A redistricting plan could be devised that*

*From "Proposal for Fair Redistricting by Computer," David L. Hackett Associates, Washington, D.C.

would split up the inner-city black wards among several districts with white majorities (Cuyahoga County is entitled to nearly four CD's), so as to jeopardize Congressman Louis Stokes.

California 7th: *The Bay Area will be extensively redistricted, possibly at the expense of Congressman Ron Dellums.*

By the same token (and the same analysis) there seems to be a significant opportunity to enhance minority representation in Congress. Possibilities seem to exist in Brooklyn, Chicago, Newark, Indianapolis, Atlanta, Richmond, Memphis, Phoenix, and Los Angeles.

How can a racially discriminatory gerrymander or other reapportionment scheme be distinguished from good, clean, old-fashioned political compromise? That, of course, is a genuine problem. The courts have never defined a neutral position against which other positions can be tested for discriminatory content. Courts have tended to look at gerrymandering as a political battle between interest groups, and have shied away.

The constitutional tools to prohibit racially discriminatory gerrymandering have remained largely theoretical, even though the 15th amendment "nullified sophisticated as well as simple-minded modes of discrimination," *Lane v. Wilson*, 307 U.S. 268, 275 (1939), and even though the courts say they know that "the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise," *Reynolds v. Sims*, 377 U.S. 533, 555 (1964). Only in the case of Tuskegee, Alabama, where a 28-sided city boundary was drawn to fence out black people, has the Supreme Court struck down a

gerrymandering scheme. *Gomillion v. Lightfoot*, 364 U.S. 339 (1961).

Nevertheless, there are signs that the courts are becoming more familiar with the problem and more ready to make judgments. The Supreme Court had said in 1965 that a multi-member, at-large district would be unconstitutional if it were shown that minorities were submerged, but subsequent challenges to at-large apportionments were uniformly rejected on the ground that the plaintiffs were relying on surmise, not proof. In a 1969 case from Indianapolis, however, plaintiffs presented a mass of evidence which led the three-judge Federal court to hold that the at-large districting scheme unconstitutionally buried the votes of black ghetto residents. That case, *Chavis v. Whitcomb*, 307 F. Supp. 1364 (S.D. Ind., 1969), has now been argued in the Supreme Court. A decision is expected soon on whether the evidence presented was enough.*

There have also been a number of cases from the South testing election laws of various kinds under the standards of the Voting Rights Act of 1965; these cases have helped build a body of judicial experience with the "political thicket" that will be useful in grappling with a racially discriminatory gerrymander. Moreover, there is a steady trend in judicial decisions away from insistence on proof of illegal purpose before a finding of racial discrimination. The trend is toward accepting evidence of the racial effect as sufficient, at least to throw the burden of proof upon the alleged discriminators.

All these factors suggest that

*Editor's note: The case was reversed by the Supreme Court in an opinion recorded June 7, 1971 as *Whitcomb v. Chavis*, 39 U.S.L.W. 4666.

minority interest, with the proper evidentiary record, can begin expecting success in cases testing discriminatory apportionments. The task of gathering and presenting the evidence, however, is mountainous and becomes increasingly difficult as the evidence presented in support of the official plans becomes more sophisticated.

The law in this area *should* be (it has not yet been so decided) that a legislature must choose—from among the available alternatives—that plan which best protects minorities against dilution of their voting power.

Thus, and this is absolutely critical, the time to analyze the facts and to demonstrate the possibility of more fairly representative election districts is during consideration of new apportionment schemes. It is much more likely that a court will reverse a racially gerrymandered apportionment plan if there is evidence that the legislative or apportionment commission had actual knowledge of an alternative that was as good as, or better than, the adopted plan from the standpoint of population equality, but less objectionable from the standpoint of diluting minority votes.

Fortunately, there are a number of institutions working to develop sophisticated techniques for presenting demographic evidence, both to challenge discriminatory apportionments and to defend alternative plans that maximize minority strength. A number of organizations have developed computer programs that take advantage of the goldmine of information collected by the Bureau of the Census last year and stored on computer tapes and maps available to the public (for a price). The Census provides comprehensive population data by age and race in units as small as 1000 persons or fewer, and the data

are susceptible of infinitely variable refinements formulating into alternative plans.

There are at least four sources of computer analysis. One is Stuart S. Nagel, a political scientist from the University of Illinois. He has a computer system designed to redistrict a legislative area into compact, contiguous districts having approximately equal population. This is accomplished by shifting and exchanging electoral units by computer in the same manner as would be done by hand—except incomparably faster, more systematically, and more accurately. A second is Ross Cope, a British systems expert, now doing graduate work at MIT. Mr. Cope, who was previously responsible for having the British home office formally adopt a revised version of Dr. Nagel's program, is now working with that program, attempting to improve its application to minority redistricting problems.

Another is Census Data Corporation, a minority-owned and operated business that has already completed computer analysis of Virginia and Maryland and will provide a similar service for other States or political subdivisions. The fourth is Becknell, Frank, Gross & Hess, a group of statisticians and political scientists at the Wharton School in Philadelphia who provided one of the first computer programs for redistricting, modified from a program originally used to draw the most efficient sales districts for business.

It is not the purpose of this article to provide a guide to computer services, but some information about their availability may be obtained through the Joint Center for Political Studies, a Washington-based, foundation-supported organization affiliated with Howard University and Metropolitan Applied

Research Center, Division of Research and Information, The Landmark Building, 1343 H Street, N.W., Suite 1200, Washington, D.C. 20005.

On the legal side, an Election Law Project has begun in the national office of the Lawyers' Committee for Civil Rights Under Law, Washington, D.C. The project is under the direction of Armand Derfner, an attorney with extensive experience in this field from his civil rights work in Mississippi. The Lawyers' Committee project focuses primarily upon racial discrimination in the administration of election laws in the Southern States, but it will provide assistance to the extent possible in cases arising elsewhere. Like many of the legal resources available in this field, the Lawyers' Committee is a tax exempt civil rights organization and is legally disabled from participating in partisan political activities. The Committee is committed to taking legal action against racial discrimination, however, and has a network of volunteer lawyers that may be available to help in given cases.

The reader should not infer from this article that computer technology or legal remedies are generally available and that increased minority political representation in America is assured. In fact, there are far too few legal or technological resources available. The purpose of this article has been to inform and to warn that the reapportionment situation today is a genuine crisis for minority political participation. Time is of the essence.

JAMES ROBERTSON

Mr. Robertson is Director of the Lawyers' Committee for Civil Rights Under Law, 520 Woodward Building, Washington, D.C. 20005. His article describes the status of events as of May 1971.

BROADCAST REGULATION BY PRIVATE CONTRACT SOME

OBSERVATIONS ON COMMUNITY
CONTROL OF BROADCASTING

As America enters the second year of the decade of the seventies, its most characteristic protest movement is no longer the Civil Rights Movement—or the Peace Movement—or the revolt of youth.

Instead, it is that combination of causes which has been summarized by the awkward word “consumerism.” Consumerism represents a growing insistence that there must be an improvement in the quality of American life. Its objective is to make society more responsive to the needs and wants of people generally, but particularly those who lack ready access to political or financial power. In doing so it hopes, through direct citizen action and by means of the adroit use of publicity and of legal and administrative procedures, to circumvent the technological and managerial infrastructure.

The consumerism movement is in many ways typically American. It is reformist in its objectives, populist in its rhetoric, intensely pragmatic in its methods.

It has won some signal victories, and may be on its way to winning more.

On issues ranging from the ecological impact of pesticides to the urgent need for automobile safety, and from thermal pollution to the SST, consumerism is persuading the

public to demand of Government that it reorder its priorities, and that it pay less attention to conventional notions of progress.

In all of these activities the aim of consumerism was to induce Government action, whether by the executive branch, by the Congress, or by regulatory agencies.

In broadcasting, consumerism has stimulated regulatory action in a number of areas, of which one of the most notable was in connection with the broadcast advertising of cigarettes.

Consumerism is responsible for another development in the broadcast field in which its role is quite different—in which it seeks not so much to encourage regulatory action as to substitute for Government regulation a novel kind of private regulation.

That development is a trend toward regulation of broadcasting through contracts entered into by broadcast licensees with private groups—contracts entered into in consideration of the settlement of license challenges. This form of regulation has been called the “community control” of broadcasting. It begins with the monitoring and surveillance of a broadcast station by the group. It ends with the group’s use of the license renewal process in

such a way as to achieve a greater or lesser degree of change in—and in some cases continuing supervision of—a broadcast station’s policies, personnel, and programming.

The idea of community control of broadcasting essentially got its start in Jackson, Mississippi. There, about 7 years ago, community groups filed an application to deny renewal of station WLBT. After extended litigation it was held that the groups had “standing” to do so. That is to say they had the legal right to raise the issue whether the station had performed in accordance with the promises made in its license application. In 1969 the Court of Appeals rendered a final decision. It reproved the Federal Communications Commission (FCC) for its willingness to renew the station’s license. In so doing, it held that the citizens’ group had made an ample showing that the station had failed to meet adequately the needs and aspirations of substantial portions of its audience—in particular, those of its audience who were black.

This decision gave great impetus to the movement for citizen activism in challenging the licenses of television and radio stations.

The leverage of power coalesced very quickly around this legal situation. A strategy was developed in

which a community group would, prior to the deadline for a station's renewal application, make demands for changes in a station's policies. If a station granted these demands they would be embodied in a contract and embodied, as well, in the station's renewal application. If a station refused to grant these demands the group would file a petition to deny renewal of the station's license. Such a petition, if alleging significant failures by the licensee to perform his obligations, can be expected to bring about a full-scale FCC hearing. As a result, there is obviously a powerful incentive in these situations, even for the best of stations, to try to avoid a lengthy, costly, and burdensome hearing by attempting to reach an agreement with such a group.

Strategies of this sort have varied from group to group and from city to city. Originally such challenges were mostly made in the South. They were typically made on behalf of black groups against stations which, it was claimed, had ignored the needs and interests of the substantial black populations of their communities.

More recently, however, the challenges are being made against stations everywhere, and on an almost blanket basis. Although the FCC has said it looks "with disapproval upon the lodging of a number of identical charges without factual detail against the licensees of a number of different and independent stations," in one recent instance community groups presented identical 25-page contracts, embodying their demands in carefully drafted legal language, to almost all of the television and radio stations in a major American city. Such demands are being made against stations where attention to community needs and interests is relatively marginal as well as against

stations which operate under policies, as to local public service programming, which have been praised by such keen critics of the media as Commissioner Johnson and by former Commissioner Cox. They are even being made against non-commercial public television stations.

In their present mode, therefore, these challenges do not so much raise a question of inadequacy in individual station performance as to challenge the adequacy of the entire American system of broadcasting.

The Question of "Relevancy"

Probably the most fundamental demand made in recent license challenges is that a large percentage of the station's weekly schedule be programmed with material defined as "relevant" to the particular community group—usually an ethnic group—making the demand.

No responsible broadcaster would quarrel with the need for local public service programming which is sensitive to the needs and interests of minority groups within its audience. But the demands I am referring to here go far beyond even what the most responsive broadcast stations have done in the way of local public service programming or what the FCC has expected of them. In one recent case it amounted to a demand that more than 40 percent of a station's total programming schedule must be programmed with material defined as "relevant" to the minority group. It is not uncommon for such a demand to add that the programming so scheduled must be an accurate reflection of the "lifestyle" of the particular minority group. To this is added the requirement that the leaders of the minority group shall be the judge both of the relevance of such programming and of its faithfulness in reflecting lifestyle.

Philosophically, this kind of demand raises a basic question as to the purpose of a mass medium in a democratic society. Should the broadcast medium be used as a way of binding its audience together through programming which cuts across racial and cultural lines? Or should it be used as a means of communicating separately with differentiated segments of its audience?

For ethnic minority groups the idea of "relevance" seems to mean that the programming must have a direct ethnic connection. That is to say it seems to be implied that programming is relevant to the needs of a black person, for example, only if that programming deals directly with the black experience.

It seems possible that there is a strong thread of racial separatism in the demand for relevance. Like the demand of some black college students for segregated dormitories, it may be regarded in large part as a demand for segregated programming.

There is also a strong thread of puritanism. One group, in filing with the FCC a petition urging it to reject a station's license, argued that nowhere in the station's ascertainment of community needs was it established that entertainment was a community need.

Connected with the notion of relevance is the interesting idea that programming done as part of a requirement of "relevance" must be an accurate reflection of the "lifestyle" of the particular minority community.

The director of a national organization whose purpose is to encourage license challenges by local groups recently spelled out what he meant by the idea of the truthful portrayal of a lifestyle. On his arrival in Dayton, Ohio, to organize li-

cense challenges by local groups there, *Variety* described his views as follows: "If one third of Dayton's population is black, then one third of radio and TV programming should be beamed to the black community. And this should be produced, directed and presented by blacks." Referring to *JULIA*, the NBC situation comedy, he was then quoted by *Variety* as saying: "How many black women really live like *JULIA*? I'd like to see her get pregnant—with no husband. That would be a real life situation."

Now, I think that was meant seriously, and it is worth taking seriously.

First of all, are leaders of minority groups genuinely representative of their constituents in putting forward that sort of position?

Only a small minority of black people, of course, are on welfare. Even as to those, is it true that they would wish to see the programming which he would prescribe for them? There is little evidence in any age or culture that this would be the case. One recalls that the movies of social realism, like "Shoe Shine", which came out of Italy at the close of World War II and depicted the misery of its people, were seen in considerable quantity by well-to-do Americans, but were rejected by destitute Italians. There is little evidence that I know of that poor black people in America feel any differently than poor white people in Italy or, for that matter, poor white people in America.

Social realism is rarely popular and almost never popular among the people it depicts. Perhaps that is because it is *not* relevant to their needs. Perhaps their own choices of entertainment are in fact more relevant. It is worth remembering that at the inception of television many were surprised that it was first em-

braced in large numbers not by the rich, but by the poor.

Considerations like these go directly to the heart of what a mass medium is, and how it should be used.

We live in an era in which the mass media have been dying off one by one. Theatrical motion pictures are no longer a mass medium and less and less a popular art form. They now reach relatively small and diverse social groups—not infrequently, I might add, with strong depictions of social realism. Magazines, once our most potent mass medium, are almost extinct as such. There are plenty of magazines, to be sure, but almost all serve narrow audiences. Radio likewise serves increasingly specialized audiences. Center-city newspapers, as suburbanization continues, find their ability to reach megalopolitan areas steadily decreasing.

Television can be said to be the only remaining mass medium which is capable of reaching most of the people most of the time. Is it important to preserve television as a mass medium? I think so. I think so particularly when I consider the racial problem in this country.

For the importance of television as a mass medium has not been in what has been communicated *to* minorities as such—or what has been communicated *between* minority group leaders and their followers—but in what has been communicated *about* minorities *to the general public*.

At CBS we are vitally concerned with presenting the problems—and in interpreting the lifestyle, if you please—of the black American. But we think it valuable to reach as many Americans as possible with that story.

Some of our efforts, for example, have ranged all the way from a

CBS News treatment of Armed Forces discrimination in Germany —"Red, White and Blue and Black"—to such primetime station presentations as the 90-minute drama, "Man in the Middle," presented on our New York station, written by a black author, and taped entirely on location in Harlem, dealing with the hopes and frustrations of a black welfare worker.

The point I am trying to make is that the impact of these and many other programs derives from the fact that they were produced for dissemination to a mass audience for the purpose of *uniting* that audience in the knowledge of a problem, or in the exposure to an experience, not for the purpose of fragmenting that audience by aiming only at what is deemed "relevant" by leaders of a single minority group.

There are a great many broadcasters who have done well in this area. Indeed, if there is any understanding in this Nation today about the plight of the black American, the Indian American, or the Spanish-speaking American, it is to a large extent because the racial problem in America over the course of the past several years has been a part of the agenda of television and radio broadcasters.

Entertainment Programming's Impact

But while many responsible broadcasters have made an important contribution in the area of news and informational programming, it may well be that the greatest impact of commercial television on the racial problem in America has been in the presentation of the so often derided network entertainment programming. The NAACP made this its first priority in tele-



vision when, in the early sixties, it initiated meetings in Hollywood with television film producers to urge the increasing depiction of blacks in integrated settings.

I referred earlier to the excoriation by some black leaders of NBC's JULIA, the first situation comedy to star a black woman. The question may well be asked whether the shift for the better in white American attitudes about black people is not more likely to have been caused by programs like JULIA—and by the startling increase in the number of black faces on other television entertainment programs which began in the mid-sixties—than it is to any other single cause.

Advances in the direction of an integrated society were made possible in part, I suggest, by a mass medium which, with all its faults, increasingly depicted an integrated society. In December of last year, the CBS Television Network, in its primetime programs issuing from Hollywood alone, presented over 539 separate appearances by minority performers, of which 305 were black performers. This season the three networks present no less than 21 primetime series featuring a total of 33 black performers in regular starring, co-starring, or featured roles. Americans who in their daily lives seldom or rarely deal on terms of social intimacy with black people have been seeing them on the television screen night after night for some years now.

If the influence of television entertainment, showing an integrated society, has been good on whites, as I believe it has, has its effect on blacks been bad? May not black youth identify proudly with Bill Cosby's pleasant urban school teacher, Chet, on THE BILL COSBY SHOW? with Lloyd Haynes'

capable Pete Dixon on ROOM 222? with Clarence Williams' angry young Link on MOD SQUAD? with young Dr. Barrin in THE INTERNS? and even with Greg Morris' suave, capable intelligence agent on MISSION: IMPOSSIBLE? May not black girls identify with Gail Fisher's pert, efficient secretary, Peggy, on MANNIX? Or, to return to JULIA, with Diahann Carroll's stunning black nurse? These characters may not depict the typical lifestyle of black Americans—just as most of the white characters do not depict the typical lifestyle of white Americans—but they are nevertheless not Toms and they are not toadies. They are depicted as upright, capable, outspoken black Americans.

Is the black nurse or secretary depicted by Diahann Carroll or Gail Fisher less typical of the American black woman than is the pregnant welfare recipient whom some would have us dramatize? In any event, whoever else rejects JULIA, most black Americans do not. They enjoy seeing a capable black woman who moves proudly in an integrated society. The fact that she is movie-star pretty and moves in handsome surroundings does not bother them. Research data on ethnic viewing habits is hard to come by. But what data there is indicates that black people watch JULIA in roughly twice the proportion of blacks in the population as a whole. It also indicates that for series featuring black performers, the black audience is about 36 percent higher than their proportion of the population would justify.

It is said that these characters are merely white people with black skin. If so, so is Willie Mays. Those who still believe in integration in this country may remember when men of good will believed that the

only difference between men of different races was in the color of their skin. I believe that idea is a good one, and will prevail, if only because the things that unite us are still stronger than those that divide us. As a humorous but illustrative aside, I remember that when CBS News prepared its series OF BLACK AMERICA, it took a group of black American youngsters on a trip to Ghana to see whether they would find a common tie to African culture and to photograph their reactions. One complaint of the youngsters was about the food. What was the problem? They could find no pizza in Africa, they said.

Many Minority Groups, Not One

Perhaps the clearest way in which I can put the question—"What is a mass medium for?"—is to ask why most groups which have demanded "relevant programming" have demanded it only on their own behalf, and not as a principle of general application. The reason, I suspect, is not only because these categories encompass their own makeup and power structure. It is because if they were to admit to the existence of other minorities—and were to attempt to deal rationally with other minority "rights" against the medium—the logic of their position would be weakened. So long as the minority problem can be perceived as primarily a black problem, or even as a black and Spanish-speaking problem—with Indians and Orientals sometimes added—one can devise an apparently rational method to obtain preferment for these minorities. But when the problem is perceived as the problem of taking care not of two, or five minority classifications, but of 20 or 100, the infeasibility of fragmenting station programming in accordance with the pro-

portions of minorities becomes clear.

After all, one only *begins* to define minorities when one defines them by ethnic background and nationality. There are also minorities defined by religion, by sex, by age, by occupation, by class, by political affiliation, by geographical location, and by state of health or disability. Minority groups who might demand special attention from a medium of communication must necessarily exceed 100 percent of the viewing audience, because most people are members of several minorities.

If audience fragmentation to meet the special requirements of minority groups would destroy television as a *local* mass medium, it would, by the same token, of course, make impossible the continuance of network television as a *national* mass medium. Again, some might welcome this. Some think it might happen anyway. John Tebbel, writing in *Saturday Review*, observed: "There is no reason to suppose that network television is immune from the forces that are gradually breaking up other national media." He does not, however, celebrate that possibility. "It is seldom realized," writes Tebbel, "how much network television binds the nation together. . . . To fragment television coverage into local interests might better serve the communities, as the egalitarians fashionably argue, but it would hardly serve the national interest which in the end is everyone's interest."

I have discussed what seems to me to be the basic objective of community group demands upon the media—the fragmentation of programming to serve what are perceived as ethnically relevant interests.

The *means* used by the community groups may have an even more

important impact on the nature of American broadcast regulation, and in particular upon the FCC. Commissioner Johnson often has provocative insights, and this instance is no exception. He has praised the idea of regulation by community groups and has called upon his colleagues on the Commission to, in his words, "set a powerful precedent to encourage local public interest groups to fight as 'private attorney generals' in forcing stations to do what the FCC is unable or unwilling to do: improve licensee performance."

This puts the question quite precisely. *Should* private groups be encouraged to do what official law enforcement bodies are "unable or unwilling to do"? In particular, should they police a licensee by means of exploiting the power of that very regulatory agency which is said to be "unable or unwilling" to do so?

It would seem that to ask the question is to answer it. Despite the trend of vigilantism in the Old West, it is not a theory of law enforcement which has found many supporters in recent times.

In the first place, private enforcement is unequal. Although Commissioner Johnson may refer to the role of these groups as that of "private attorney generals", they do not act as a *public* attorney general has to act; the demands they make on a television or radio station are rarely, if ever, concerned with any constituents other than their own.

In the second place, private law enforcement is hard to control. Whenever law enforcement depends on the action of private groups, the question of private power is apt to become all too important. A medium which can be coerced by threat of license contest into making such

concessions to black or Spanish-speaking groups can as readily be coerced by a coalition of white ethnic groups. More so, in fact, since in most American cities there is, and will continue to be for some time, a white majority. To expect a situation to exist for long in which tiny minority groups can coerce stations into providing special treatment, and not to expect the majority to seek the same power over the station, is to expect, in Jefferson's famous phrase, "what never was and never will be."

Regulation by Private Contract

Clearly, there is at the heart of this matter a broad question of public policy—namely, whether public control of licensee conduct should be supplemented by any form of private control. It is plain that the encouragement of "private attorney generals" will result to some degree in the evasion of the legal and constitutional restraints which have been placed upon the regulation of broadcasting in this country. This is precisely why many of those who attack commercial broadcasting and wish to reform it applaud this approach to the control of broadcasting.

For a weak broadcaster, if not a strong one, will doubtless be found agreeable to entering into a contract under which he will be required to do many things which the FCC itself either *cannot do*, *does not wish to do*, or *has not yet decided to do*.

Some community groups have demanded, for example, the right to prescribe certain specified programming for a station. The FCC has many times said *it cannot prescribe and define particular programming for a station and that this choice must remain within the licensee's discretion*. Yet regulation

by private contract can force a station to do so.

Some community groups have demanded that racial quotas be applied with respect to employment. Neither the Federal Communications Commission nor the other Federal and State agencies concerned with discrimination would or could impose upon the station an unlawful quota system. Yet a station might find itself bound by private contract to do so.

Some community groups have demanded that broadcasters eliminate commercials in children's programming. The FCC has not yet decided whether it would be in the public interest to take that step, but it is studying the matter. However, a station acceding to community group demands in that regard would be just as effectively regulated as if the Commission had done so.

All this might be questionable enough if community group leaders were clearly representative, under some democratically controlled process, of the individuals for whom they speak. However public spirited or *bona fide* their leadership, this is rarely the case. The groups making these challenges are loosely organized and tiny in membership. Not infrequently, the active members of a group seeking to contract with stations in a city of several million number scarcely more than a few dozen.

So far the effectiveness of community group strategy has rested upon the willingness of the FCC to tacitly support these groups and their objectives. Indeed, it might well be argued that where the groups are successful in obtaining concessions, they can really be called *Government action*.

Many of those who believe that the FCC is a "do-nothing" agency may not be concerned with where

regulation by private contract is likely to lead. Others may feel that to weaken duly constituted regulatory authority by condoning such private action is, in the long run, to make the performance of broadcast stations subject to undue local community pressures. These pressures may not always be exerted in socially desirable ways.

Not long ago the FCC held that it was wrong for a broadcast licensee to settle claims made against it by a community group by the payment of a sum of money to the group even for the group's legal expenses. The FCC felt that this would open the way to possibility of abuse, to the detriment of the public interest. But non-monetary considerations which flow from the station to a community group can be just as detrimental. Suppose, for example, a weak or unwise station were to give a community group special opportunities to influence the coverage of news. Is such a concession less damaging to the public interest than the payment of money?

I would not be one to wish to encourage additional FCC regulation. But if there is more that the Commission feels it should do that it is not doing, I suggest it would be far more in the public interest for the Commission to do these things than to permit them to be done covertly by private groups.

FCC Represents the Community

Heretofore, in this country when we have spoken about the community, we have generally meant the community as a whole, acting through democratic and representative processes. It is this community that is represented in broadcast regulation by the Federal Communications Commission. It may, if four of its seven members so decide, do anything that is within the mandate

which the Congress gave it. This does not mean that community groups have no proper role. There remains ample scope for community groups to press both broadcast licensees and the Commission for changes and improvements in American broadcasting, without turning over the job of regulation to such groups.

I mentioned earlier that the consumerism movement, at its best, is in many ways fully within the American tradition. This certainly is true of many manifestations of that movement as it applies to broadcasting.

But it must be added that the movement is also typically American in its excesses. It is sometimes puritanical, usually self-righteous, and often, in its concern with ends, careless about means.

The American system of broadcasting, while not perfect, has made real contributions to the public good and social unity. It has done this through the interaction of private licensees in their role as trustees of the public interest, and the authority of Government through an independent nonpartisan regulatory agency.

I suggest that those who are interested in the quality of life in this country—as it pertains to the preservation of a vigorous and independent broadcast press—should wish to see that private community groups do not supplant the role either of the broadcaster or of the Federal Communications Commission.

RICHARD W. JENCKS

Mr. Jencks is President of CBS/Broadcast Group which comprises CBS News, CBS Television and Radio Networks, and the CBS-Owned television and radio stations. This article is based on an address given by Mr. Jencks to the 1971 Broadcasting Industry Symposium in Washington, D.C., January 18.



AMERICANS FOR INDIAN OPPORTUNITY

Americans for Indian Opportunity (AIO) is an organization established to help American Indians, Eskimos, and Aleuts create and set up self-help programs at the local level, to improve communications among Native Americans and non-Indians, and to educate the general public about their achievements and needs today.

For too many Native Americans, the "American Dream" is far from a reality. Much has been done *to* and *for* American Indians throughout our country's history. However, there has been little opportunity for action *by* Native Americans to help improve their own situation.

Government action and public knowledge have been characterized by lack of information, paternalism, and disinterested, if not hostile, attitudes. It is now time for

Native Americans to claim the rights which are due every citizen of our country.

AIO is a national, non-profit, Indian organization, with headquarters in Washington, D.C. It is governed by a 32-member board of directors, made up of Indians and interested non-Indians.

Drawing upon a large bank of Indian expertise, AIO supports Indian action projects in the fields of education, health, housing, job development, training, and development of opportunities for Indian youth.

It is an organization which stands for self-determination. AIO believes that Native Americans are entitled to equality of opportunity while still retaining the right to be different—a fundamental American ideal—and that the real meaning of self-determination is expressed by



Indians operating their own programs and deciding their own options.

Opportunity in the Local Community

One of the principal goals of AIO is to assist local Indian organizations, tribes, and individuals in furthering their own projects and meeting their own needs. An example of this concept is Oklahomans for Indian Opportunity (OIO), a statewide organization established in 1965 under the leadership of AIO's president. It has been highly successful in improving conditions and attitudes in Oklahoma and is the prototype of what AIO hopes to achieve nationally. OIO is now entering its sixth year of operation. In addition to its programs of

community organization, youth, and rural development, it is developing leadership in the field of human rights. OIO is the co-owner of the first Indian-owned Minority Enterprise Small Business Investment Company (MESBIC) and is assisting in the establishment of similar organizations in other areas.

A large percentage of American Indians are moving into urban areas. The Indian people suffer the same problems of any minority people moving from the rural areas to the complicated and frightening urban scene. But the situation is further complicated by the fact that the Bureau of Indian Affairs services and its Division of Indian Health Services are not available to those who have left their traditional Indian communities. They are expected to use the services available to all people and

this is probably right. But right and reality are not always compatible and Indians are faced with the assurance from these agencies and institutions that "the Bureau of Indian Affairs takes care of you." Unwilling to suffer another rebuff, many times these Indians are reluctant to try again when they confront a complication. Education on how to use the services is needed but, more urgently, the agencies and institutions concerned must be educated to speak to the needs of Indians in the urban areas of our country. The Urban Indian Center of Dallas, Texas, where Indians are doing this job themselves, is a step in this direction.

As a result of hearings held by the author, under the auspices of the National Council on Indian Opportunity, in an attempt to focus attention on Indians living in urban America, the American Indian Center of Dallas was born. A group of Indian residents in Dallas saw the need for the 15,000 Indians in the Dallas-Ft. Worth area to be an effective voice in the community. Thus, the American Indian Center of Dallas came into being. AIO committed itself to funding the Center and seeking permanent funding. It is hopeful that this Center, which is governed by a 22-member board of directors, can be the model for a comprehensive Indian center. It has three paid staff members.

The Center has been successful in setting up projects such as a General Education Development (GED) Program for adults to receive the equivalency of a high school education; a Youth Program for youth ages 14 to 25; two Housewives Clubs; two Tutoring Programs for 1st through 6th graders; an Indian Center Dance Group; and a Pow Wow Club for youth. It also serves as a Sesame Street Viewing Center. The Center is working on Family Planning, Housing, and Legal Education projects.

In addition, the Dallas Urban Center is developing programs that can serve as a model for a viable pre-school center for Indian children. Plans are to hire a curriculum development specialist to develop "Indian studies" for the pre-school Indian child. To be included is a curriculum of Indian studies for pre-school children which can be useful in Head Start Programs and other federally funded pre-school programs. This project has great implications in the field of Indian education.

The Center is now being funded by the Zale Foundation of Texas and by the Lutheran Council of the National Indian Lutheran Board.

Education

AIO is also developing, coordinating, and compiling material generally termed "Indian studies" and is devoting time and effort to the research, development, and

compilation of ideas for Indian education in the urban areas of our country. The need in this untapped and complicated field is great and AIO regards it as a priority. The education arm of our organization continues to work with universities, colleges, and prep schools, particularly on the East Coast, to encourage and assist in the development of recruiting, financial aid, and supportive services for Indian students.

AIO assisted Indians of Western New York State in establishing an educational, counseling, and youth program. The youth program is designed for the peculiar educational problems of young people on the reservation and Indian youth in Buffalo and smaller off-reservation cities nearby. In New York, where there are no federally controlled reservations, land that is technically reservation land has, over the years, become interspersed with towns which have many non-Indian residents. This presents a unique problem for New York Indians. Their daily lives consist of both a superficial integration into the dominant society and separate tribal existence. They work, live, and go to school with non-Indians. However, the same prejudices exist against Indians here as elsewhere, albeit they are more subtle. They live in the depths of poverty, have fewer educational opportunities, and are in worse health than their fellow New Yorkers.

As part of this program, the formation of local boards is planned to represent parents and young people in the area. The program encourages students to stay in school and to go to college or some other post-secondary educational institution. Students are counseled on the social problems they face as members of a minority in the public school environment, on future plans, and advice given to those who wish to continue their education, including all phases of the process of gaining admission and obtaining financial aid. It also brings them together in Indian youth councils to help further their academic goals. Three Indian staff members operate the program.

Increasingly, AIO has found that there is a real need for educational material on the elementary level. In cooperation with Educational Challenges, Inc., an educational materials development firm, AIO will develop approximately eight books at the 4th grade reading level. This project serves two purposes. It will: (1) provide badly needed materials, and (2) give Indian authors a chance to write and publish their material. Manuscripts will be solicited from sources throughout the country under a development project funded by the National Endowment for the Humanities.

Economic Development Activities

In partnership with Oklahomans for Indian Oppor-

tunity, AIO is co-owner of American Indian Investment Opportunities, Inc. (AIIO). AIIO is the first and only Indian-owned Small Business Investment Company licensed under the MESBIC program. It is financed principally by funds made available through the Ford Foundation, the Ghetto Loan Committee of the Executive Council of the Episcopal Church, and AIO and OIO. The company will have its headquarters in Norman, Oklahoma. Its principal objective is to finance the acquisition or establishment of small business concerns owned and operated by Indian communities and individuals. While its operations will be centered primarily in the Southwest United States, AIIO is willing to invest in Indian-owned projects anywhere in the country if adequate technical assistance can be provided to the project.

Native American Legal Defense and Education Fund

AIO has established the Native American Legal Defense and Education Fund (NALDEF) to protect and advocate the rights of Indians, Eskimos, and Aleuts. For too long, the Native American has been the victim, rather than the beneficiary, of the laws and regulations supposedly promulgated on his behalf. American Indians are desperately in need of legal assistance, not only as individuals, but also as a special class of citizens whose lives are governed by more than 2,000 regulations, 389 treaties, 5,000 statutes, 2,000 Federal court decisions, 500 Attorney Generals' opinions, and 33 volumes of the *Indian Affairs Manual*.

A principal role of the NALDEF will be to monitor Government programs to insure that these programs and agencies are responsive to the needs of Indian people.

NALDEF hopes eventually to provide legal assistance to those with problems concerning all aspects of discrimination. Another role will be to educate Indian citizens concerning their legal rights under Federal, State, and local laws. Above all, NALDEF seeks to serve as a strong and articulate advocate on behalf of Indian rights in matters of law and social policy.

In its factfinding studies, the U.S. Commission on Civil Rights has discovered substantial evidence of discrimination in 25 States among representative groups of Indians. For example, the Commission found evidence of scarce job opportunities for Indians. Almost 60 percent of employment agencies surveyed in Minneapolis stated that the labor market discriminates against Indians.

AIO has found that Bureau of Indian Affairs policies in regard to the holding and disposal of property by Native Americans must be investigated and corrected. Too often in the name of "guardianship", BIA has used

its power to cause forced sales of Indian property and to declare wills and individuals incompetent. Usually the result is the transfer of property and assets from Indians to non-Indians. Regulations and policies which restrict an Indian in the free exercise of his rights as a citizen must be challenged. A national office is being staffed by AIO to begin this badly needed program.

AIO Action Council

The AIO Action Council is a separate corporation which operates on a non-profit basis to promote social welfare.

The role of the AIO Action Council is to study proposed legislation by the Congress that affects Indians. The Council supports or opposes such legislation and Legislative Alerts are prepared and sent to Indian groups, tribes, and other individuals who can be helpful.

AIO attempts to bridge the communications gap between Native Americans and the communities in which they reside. Reliable information concerning the Native American is scarce and difficult to find. Our school systems have made no attempt to correct the stereotypes and falsehoods which have been created with respect to the American Indian. There is a great need for special books, films, materials, and other aids to assist those working with Indians, particularly teachers. AIO hopes to secure funds to develop materials to fit these needs. It is time to recognize the artistic and cultural achievements of Native Americans, current and past, and the impact they have made on the development of American life.

An Advocate for Indians

In line with self-determination, AIO believes in assisting Native Americans to operate their own programs, evaluate them, and generally run their own affairs.

AIO seeks to serve as a national advocate in Washington for all Native Americans. It monitors Federal agencies to assure that Indian programs are fairly and properly administered and seeks to take advantage of Federal Government programs and grants which can be of benefit to Indians on a local or national scale.

AIO works with all other national organizations, groups, and tribes in the common cause, toward making that "American Dream" less a dream and more of a reality.

LaDONNA HARRIS

Mrs. Harris, a Comanche from Oklahoma and the wife of Senator Fred R. Harris, (D) Oklahoma, is President of Americans for Indian Opportunity.

Language Maintenance

The process of assimilation of various ethnic groups into the larger American society began in the United States long before the concept as it applies to human behavior was used by sociologists. Even in colonial times prominent national leaders including George Washington and Thomas Jefferson expressed concern about the amalgamation of immigrants and their descendants from variegated sources into a homogeneous American society. . . .

While the assimilation of people of diverse backgrounds into a broad American community has proceeded at a fairly rapid rate, there continue to exist certain ethnic groups which are viewed by some as an impediment to the development of a homogeneous American society. The largest of these groups is the Mexican Americans,* who are located largely in the Southwest. In this connection, Celia S. Heller, author of *Mexican-American Youth* (New York: Random House, 1966), states that "both in the rate and the degree of acculturation and assimilation Mexican Americans are

*The term, "Mexican American," as used in this paper, refers to persons with Spanish surnames who come from Spanish-speaking parentage. Various terms such as "Latin Americans," "Spanish people," "Mexican Americans," "Spanish-speaking Americans," and "Mexicans" are often used interchangeably to identify this group. There were approximately 3.5 million Mexican Americans residing in five Southwestern States—Arizona, California, Colorado, New Mexico, and Texas—in 1960. Their detailed characteristics are contained in U.S. Bureau of the Census, *U.S. Census of Population: 1960. Subject Reports. "Persons of Spanish Surname," Final Report PC (2)-1B*. U.S. Government Printing Office, Washington, D.C., 1963.



Among Mexican Americans

among the least 'Americanized' of all ethnic groups in the United States." One of the more important criteria of assimilation used by sociologists is the degree to which a group speaks English or a foreign tongue, and Mexican Americans have retained their native language to a relatively higher degree than most other ethnic groups.

Language maintenance has played an important role in the efforts of minority cultural groups to retain and develop their particular heritages as vibrant lifeways. Some persons have tended to take it for granted that the retention of a foreign language by Mexican Americans and other ethnic groups was evidence by implication of a kind of disloyalty to the basic principles of American life. For example, William Madsen, in his *The Mexican-Americans of South Texas* (New York: Holt, Rinehart, and Winston, 1964), attributes the following statement to a teacher in the Rio Grande Valley of Texas made in reference to Mexican Americans:

They are good people. . . . Their only handicap is the bag full of superstitions and silly notions they inherited from Mexico. When they get rid of these superstitions and silly notions they will be good Americans. . . . A lot depends on whether we can get them to switch from Spanish to English. When they speak Spanish, they think Mexican. When the day comes that they speak English at home like the rest of us they will be part of the American way of life. . . . I just don't understand why they are so insistent about using Spanish. They should



realize that it's not the American tongue.

On the other hand, sociologists have recognized that the retention of a foreign language may be necessary among ethnic groups for self-preservation and self-fulfillment. Within this frame of reference, sociologists have also become aware of the relatively narrow limits of our knowledge about language use in social interaction, and this recognition has led to the development of a comparatively new area of sociological specialization—the sociology of language.

Within the broader context of the sociology of language, most studies of language usage have been concerned with what Joshua A. Fishman, in *Language Loyalty in the United States* (The Hague: Morton and Company, 1966), describes as the “disappearance phenomenon,” i.e., the processes by which ethnic groups become assimilated into the larger American society and the rapidity with which they drop their ethnic language and become culturally indistinguishable.

Few empirical studies, however, have been conducted concerning the degree to which ethnic groups retain their native language and the processes involved in language maintenance. This paper, therefore, examines the question of language retention among a specific ethnic group—the Mexican Americans—and the factors involved in their language maintenance in the face of increasing exposure to a dominant American society which strongly supports use of the English language.

Method of Research

Data for this research were obtained from a broader study of Mexican Americans conducted cooperatively by the Human Resources Branch, Economic Research Service of the United States Department of Agriculture, and Texas A&M University.* Field interviews

*Major findings of the larger research project are published in R. L. Skrabanek and Avra Raption, *Occupational Change Among Spanish-Americans* (College Station: Texas Agricultural Experiment Station Bulletin 1061, 1966).

were conducted in two contiguous areas in South Texas—Atascosa County (the rural study group) and Bexar County in which the city of San Antonio (the urban study group) is located. In addition to the quantitative information obtained, depth interviews were held and field notes were used. Representative samples of Mexican American households were taken from both areas under study. Based upon a review of the most current literature, the two study areas are considered representative of the Mexican American situation in Southwestern United States.

Language usage patterns were obtained from 544 Mexican American households. Of this number, 268 households were located in Atascosa County and 276 in San Antonio. Mexican Americans comprise approximately 45 percent and 43 percent of the total populations of the two respective areas.

Language usage patterns were obtained for household heads and their children who resided in these same households. The children were divided into two age groups—those



18 through 24 years of age and those 10 to 17 years of age. Data were obtained on Spanish and English language usage in a variety of situations—in conversations with adults and with children in the home; while visiting friends; at work; at play; and at school; and the languages in which the newspapers they read were printed, language of radio programs to which they listened, television programs they watched, and motion pictures they attended. Based upon information obtained on the language usage patterns in these different situations by the household heads and their children, responses were evaluated and placed in one of three categories: (1) more Spanish than English; (2) equal amounts of Spanish and English; and (3) more English than Spanish.

Language Usage Patterns

That the Mexican American has been highly successful in retaining the Spanish language for well over a century in the midst of a dominant American culture is supported by several findings. Not one person living in a Mexican American home and old enough to talk was found who did not speak Spanish fluently, and an overwhelming majority speak Spanish more fluently than English.

In their everyday conversations, the household heads use Spanish with a much greater degree of frequency than they use English (Table 1). In both the rural and urban study groups, their conversations with other adults in the home, with children in the home, and while visiting with friends are predominantly in Spanish. Even while at work, English is the dominant language used by less than one half of the household heads. Only 8 percent of all of the household heads

in the study sample used English more than Spanish while talking with other adults in their homes; 15 percent used English more than Spanish while talking with other adults in their homes; 15 percent used English more than Spanish when talking with their children; and only 8 and 37 percent, respectively, used more English than Spanish while visiting with friends and while at work. As might be expected, the urban household heads use Spanish slightly less than the rural residents.

Although information was obtained on the use of Spanish and English in reading newspapers, listening to the radio, viewing television and motion pictures, it is not possible to draw definite conclusions based on this information for two major reasons. First, a relatively small number of the Mexican American household heads regularly participate in some of the specified activities. Secondly, some items such as Spanish language television programs are limited in their availability. Only about one out of every six household heads in the rural study group reads a daily newspaper, and only one out of three reads a weekly paper or attends a movie. The one item used by almost all of the Mexican American household heads is the radio, and programs in both Spanish and English are readily available in the study area. Only 27 percent of the rural and 40 percent of the urban household heads listen to radio programs mostly in English, while approximately one-third of each group listen to radio programs mostly in Spanish. Also, every household head having access to television programs in Spanish regularly viewed these particular programs.

Although the younger children

in the study households tend to use Spanish less than their older brothers and sisters and the older children, in turn, less than the parents, the Spanish language is nevertheless being retained to a relatively high degree even among the younger Mexican Americans (see table, p.22). Fewer than one half of either the younger or older children use mostly English when talking with adults or other children in their homes or when playing or visiting with friends. It is only when they are in school that a high proportion of the children use mostly English, and this is mainly because it is required of them by the school officials.

Like their parents, comparatively few Mexican American children read a daily or weekly newspaper. However, they watch television programs, listen to the radio, and attend movies to a considerably greater extent than the heads of households. Fewer than one-half of the rural youth listen to radio programs more frequently in English than in Spanish, but relatively high proportions of both rural and urban youngsters view television programs mostly in English and attend movies in English. It is interesting to note that more than one out of ten Mexican American youth in such a large city as San Antonio attend Spanish language movies more frequently than they do movies in the English language.

Factors Related to Language Maintenance Among Mexican Americans

It has been shown that Mexican Americans have managed to retain their native language to a relatively high degree over a long period of years in a dominant American society. The remainder of this paper is devoted to an examination of some of the major factors related to the

Factors Related to Language Maintenance Among Mexican Americans
Language Used by Mexican American Household Heads and Their Children
of Specified Ages Living In These Households
(Percentage Distribution)

<i>Conversational Situations</i>	<i>Atascosa County</i>				<i>San Antonio</i>			
	<i>Mostly Spanish</i>	<i>Equal Spanish and English</i>	<i>Mostly English</i>	<i>Total</i>	<i>Mostly Spanish</i>	<i>Equal Spanish and English</i>	<i>Mostly English</i>	<i>Total</i>
<i>Heads of Households</i>	(N = 268 households)				(N = 276 households)			
With Adults in the Home	73	21	6	100	61	31	9	100
With Children in the Home	64	24	12	100	53	31	16	100
At Work	46	26	28	100	32	21	47	100
Visiting Friends	68	26	6	100	58	33	9	100
<i>Children 18 to 24</i>	(N = 80 households)				(N = 43 households)			
With Adults in the Home	52	39	9	100	28	47	25	100
With Children in the Home	43	41	16	100	27	35	38	100
At School	23	36	41	100	16	22	62	100
With Peers	44	42	14	100	25	39	36	100
<i>Children 10 to 17</i>	(N = 145 households)				(N = 128 households)			
With Adults in the Home	44	32	24	100	28	39	33	100
With Children in the Home	35	35	30	100	20	40	40	100
At School	7	15	78	100	4	15	81	100
At Play	31	45	24	100	17	37	46	100

language maintenance process among this particular ethnic group. Some of these factors tend to work positively while others negatively in the Mexican American's maintenance of the Spanish language. Although for purposes of this paper they are identified separately as being either socioeconomic or ethnic in nature, it is recognized that all of the factors mentioned are inextricably bound together in the process of language maintenance.

Socioeconomic Factors—Five different items were selected for study in order to get a closer look at relationships that might exist between socioeconomic factors and Spanish language maintenance among Mexican Americans. These were age, nativity status, education, occupation, and income. Controls were established by grouping the household heads

into mutually exclusive categories and studying each factor separately in relation to their use of Spanish and English in conversations with adults and children in their homes, while visiting with friends, and at work.

Household heads 55 years of age and older made the most use of Spanish, while those between the ages of 35 and 54 used Spanish less frequently and those under 35 years of age used it the least. Although a direct relationship exists between age and use of Spanish, it should be pointed out that the differences are relatively small and also that the Spanish language is still retained to a high degree even among the youngest Mexican American heads of households. For example, English is the dominant language used in conversations with

adults and when visiting friends by only 11 percent of all household heads under 35 years of age, and only 17 percent of the younger heads of households speak English more than Spanish when talking with their children.

Heads of Mexican American households born in Mexico made considerably more use of Spanish in all four conversational situations studied than those born in Texas. However, it should also be noted that both legal and illegal immigration from Mexico to the section of the United States covered in this research continues to take place at a relatively rapid rate, thus providing a steady influx of persons who speak virtually no English. This situation undoubtedly exercises considerable influence on continued Spanish language maintenance.

The expected statistical relationships between language usage and education, occupations, and incomes were also confirmed. Those with the least amount of education, lesser incomes, and in lower status occupations tended to make more use of Spanish than those who had completed more years of school, had higher incomes, and were in higher status occupations. Here again, however, it should be pointed out that the differences in language usage between those with less and more education, lower and higher incomes, and in low and higher status occupations are comparatively small. This is probably related to the fact that a great deal of homogeneity exists in the socioeconomic status of Mexican Americans in general. That is, the amount of education obtained by them is generally low; their incomes are relatively low; and they are highly concentrated in low status occupations.

Data obtained in another part of the overall research project indicated that those Mexican American youngsters growing up in the study area who speak mostly English, attain the highest levels of education, possess the highest incomes, and are in the highest status occupations tend to move away from the area to large population centers where there are comparatively fewer Mexican Americans. This practice severely limits the chances of contact by local youngsters with the largely English-speaking, more economically and occupationally successful Mexican Americans in their daily associations. Furthermore, this situation suggests that Mexican Americans may be lacking in visible and tangible evidence that more use of the English language by them will result in substantially increasing their incomes, status positions, and general well-being and may be view-

ed as a factor indirectly contributing to the maintenance of the Spanish language.

Mexican-American Ethnic Factors—Although the statistical relationship between socioeconomic factors and language usage patterns discussed in the preceding section suggest that some change from Spanish to English might be expected among Mexican Americans in the future, certain palliating circumstances have also been pointed out which tend to slow down this process. Furthermore, the existence of certain strong and long-standing factors among Mexican Americans leads to the general conclusion that the Spanish language will continue to be maintained by this group in the Southwestern part of the United States far into the future. Because of space limitations, only those ethnic factors most closely related to future Spanish language maintenance will be discussed briefly.

Maintenance of the Spanish language may be viewed as both a cause and reflection of the strong persistence of a well-defined Mexican American subculture in the Southwestern part of the United States.

That much of the original culture and ethnic pride has been successfully retained has been demonstrated by numerous authors. Madsen, for example, points out that while Mexican Americans are undergoing some acculturation in the American melting pot, many seem to be well-insulated against the melting process because they cherish much of their Mexican cultural heritage as too precious and universally valid to be abandoned.

Close proximity to Mexico and the fact that Mexican Americans seldom venture beyond a geographic area which is recognized as

having a strong Spanish influence contributes strongly to maintenance of the Mexican American subculture and the Spanish language. Heller, for example, points out that unlike other ethnic groups, the twentieth century Mexican immigrants who came to the Southwestern part of the United States joined as indigenous Spanish-speaking population of long standing. Thus they did not create segregated immigrant colonies so much as they moved in among other Spanish-speaking persons. Furthermore, even today the Mexican American tends to be spatially isolated from the Anglo population, living largely in residential ghettos in the smaller towns or in separate neighborhoods in the larger cities, and even in rural areas. This spatial isolation has tended to isolate the Mexican Americans from the mainstream in the United States and has had an important influence on maintenance and retention of the Spanish language.

Numerous social scientists have attempted to study and describe the system of social solidarity among Mexican Americans. Their analyses usually include such items as kinship systems, familial ties, community, spatial isolation, and homogeneity in socioeconomic status, and, therefore, little conception of internal socioeconomic differences. Interrelated with and cutting through all of these separate systems of social structure, however, is what students of the Mexican American subculture consider to be the most important dimension of social solidarity, known throughout the Southwest as *La Raza*. Although the literal translation of *La Raza* is "the race", its full meaning is perhaps clearly understood only by Mexican Americans. Broadly defined, the term refers to a special kind of unity of

all Mexican Americans who are united by cultural and spiritual bonds derived from God, and the use of Spanish is the primary symbol among Mexican Americans of loyalty to *La Raza*.*

Conclusions

This paper has been an effort to assess the degree to which the Spanish language is being used among Mexican Americans located in Southwestern United States and the processes involved in Spanish language maintenance among this particular ethnic group.

Findings in a recent field study conducted by the author indicate that Spanish is being used to a very high degree even among the younger Mexican American heads of households and the younger children. An overwhelming majority of Mexican Americans consider Spanish as their first language and English to be of secondary importance; Spanish is learned first and English later; and Spanish is spoken more fluently than English.

A number of factors mentioned in this paper have played a major role in Spanish language maintenance by Mexican Americans in the midst of a dominant American culture for a period of years amounting to well over a century. Among these are their high degree of homogeneity in socioeconomic status; the steady influx of immigrants from Mexico and the freedom of movement between Mexico and the Southwestern section of the United States; the strong Mexican American subculture; the different value orientations of Mexican Americans

and the dominant American culture toward most basic human problems; Mexican American spatial isolation; and perhaps most important of all, the Mexican American system of *La Raza*.

On the basis of research findings reported in this paper and literature pertaining to Mexican Americans in the Southwest, what conclusions can be drawn about Spanish language maintenance among this particular ethnic group in future years? For the most part any conclusion must be speculative, but most of the evidence points to a high degree of maintenance of the Spanish language for a long time in the future. Even though they have nominally been American citizens for well over a century and have been dominated by Anglos both politically and economically, their language usage patterns have undergone comparatively little change over the long period of years. They have managed to maintain a strong sense of unity, social solidarity, and cultural and ethnic pride which has not weakened in the face of a dominant American culture which supports a different set of values in regard to the use of a foreign language.

There is considerable evidence that Mexican Americans are under increasing pressure to make more use of the English language. Youngsters are taught in the "Anglo" school that their social and economic well-being is somehow or other related to their use of the English language and that English language skills are beneficial in socioeconomic advancement. At the same time the strong system of *La Raza* in which the youngster is indoctrinated before he enters the "Anglo" school assures his continued use of Spanish.

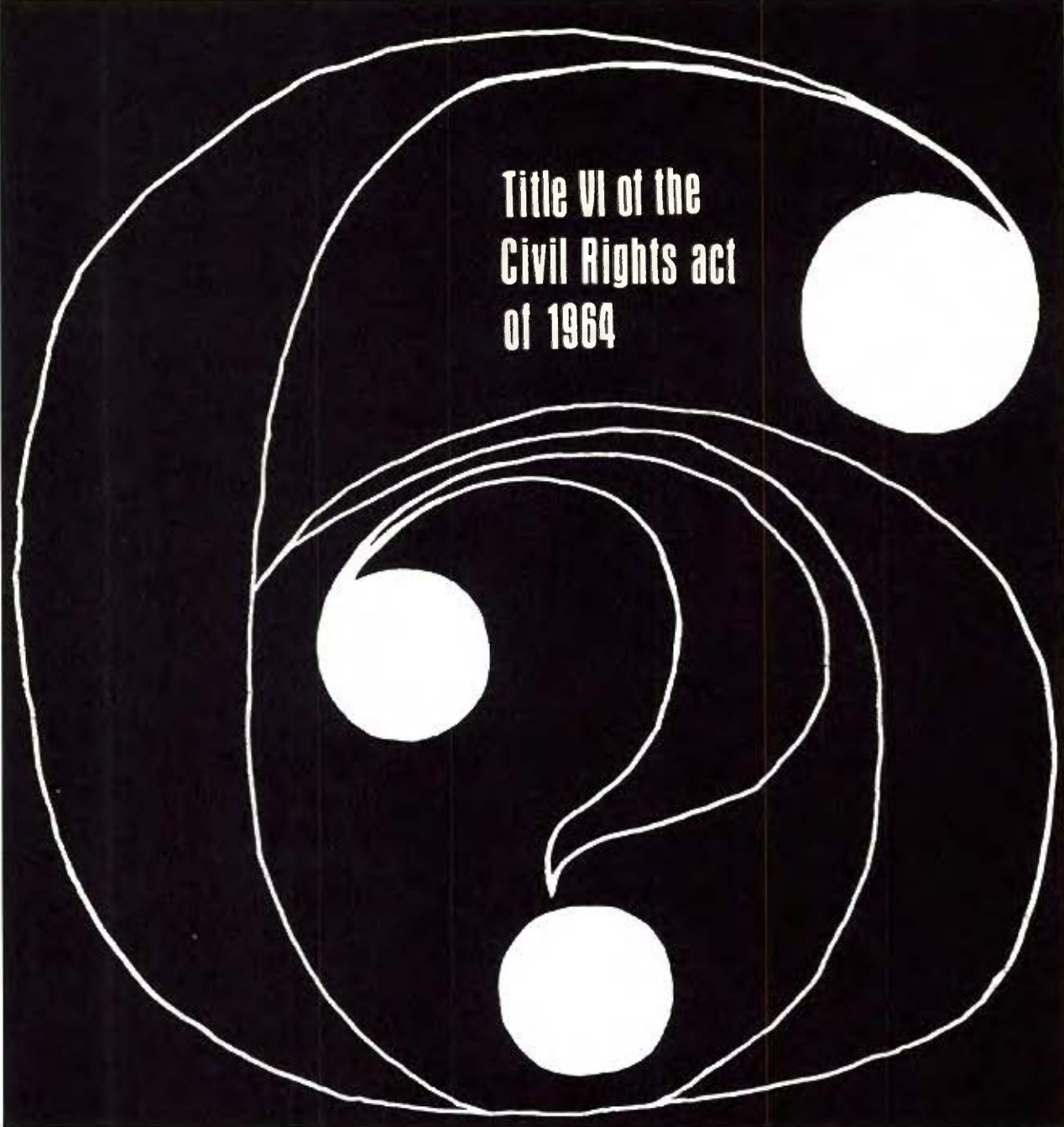
In the final analysis, the Mexican American subculture is still largely

an other-oriented system in which one does not evaluate himself on the basis of his own integrity but in the light of the opinions of his peers. Furthermore, congruent norms for rapid adoption of the English language do not presently exist. While such general assumptions as more education and more and better use of the English language result in higher socioeconomic status may hold true for a majority of the people in the United States, based on research findings reported in this paper a wide gap exists in the *degree* to which these assumptions are applicable to both Anglos and Mexican Americans in the Southwest. Thus, it may be hypothesized that until visible evidence can be produced in support of the thesis that increased use of English results in *substantial* status, income, and job improvement, Mexican Americans will be very reluctant to espouse the use of English over Spanish. Furthermore, any change from Spanish to English by this particular ethnic group can be expected to take place at a comparatively slow rate, because if a choice is to be made between *La Raza* and exchanging old ways for new the latter will be accomplished only if it appears to be more rewarding and meaningful. At this particular point in time, the system of *La Raza* appears to the author to have the distinct advantage if the question of language maintenance basically depends upon which of these two alternatives will be followed by Mexican Americans.

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*Mary Mahoney, *Spanish and English Language Usage by Spanish-American Families in Two South Texas Counties*. Unpublished Master of Science thesis. (College Station: Texas A&M University, January 1967).



**Title VI of the
Civil Rights act
of 1964**

**PROSPECTS FOR
ENFORCEMENT
THROUGH LITIGATION**

Within one week in October of 1970, two events occurred which may yet bring life to Title VI of the Civil Rights Act of 1964. One was the issuance of the U.S. Commission on Civil Rights' comprehensive report entitled "Federal Civil Rights Enforcement Effort" and the

other was the filing of the first major litigation challenging a Federal agency's non-enforcement of Title VI. This important provision forbids the grant of Federal aid to any recipients who discriminate on the grounds of race, color, or national origin. In a broad survey of Federal agency practices, the Commission documents the fact that Title VI is simply not being enforced. Title VI requires where voluntary compliance cannot be secured "termination of or refusal to grant or to continue assistance" to the segregating or discriminating entity.

One good indicator of an agency's enforcement of Title VI is the number of recipients whose funds the agency has terminated. It was therefore enlightening that the Commission finds more than 6 years after the passage of Title VI that numerous agencies—including the Departments of Housing and Urban Development, Commerce, Labor, Transportation, the Law Enforcement Assistance Administration, the Tennessee Valley Authority, and the Office of Emergency Preparedness—have neither terminated assistance under Title VI to *any* recipient of Federal aid nor even held any enforcement hearings.

A week after the publication of the Commission report, the case of *Adams v. Richardson* was filed against the Department of Health, Education, and Welfare (HEW) in the United States District Court for the District of Columbia. Students attending public schools and colleges and Federal taxpayers allege in *Adams* a "general and calculated default by HEW in enforcement of Title VI since its passage in 1964." Their complaint focuses on HEW's virtual abandonment of the weapon of fund cutoffs—the teeth of Title VI—in conformity with a July 3, 1969 policy announcement by Robert H. Finch, then HEW Secretary, and Attorney General John Mitchell to "minimize the number of cases in which it becomes necessary to employ" this remedy. In contrast to HEW's termination of funds of 46 segregated public school districts in the 12 months following August of 1968, HEW has terminated funds of only four districts in the nearly 2 years since August 1969. The Commission on Civil Rights, in another report issued in September 1969, aptly characterizes the Mitchell-Finch statement and other Administration delaying actions as "a major retreat in the struggle to achieve meaningful school desegregation".

In the *Adams* case, an executive agency is being required for the first time to defend in court its *overall* failure to enforce Title VI. The student plaintiffs from nine school districts, two colleges, and one vocational school allege specific violations of their Title VI rights

by HEW, but their claims are representative of a *general default* by the agency with respect to hundreds of school districts and colleges.

1. *The Key Issues in Adams v. Richardson.* The complaint in *Adams* alleges HEW defaults in several important and discrete education-assistance areas. One of the claims relates to public higher education in which HEW's policies are truly indefensible. Long ago HEW itself found that 10 States are operating segregated systems of higher education. Many of these States have black and white "sister" colleges in the same city offering similar and overlapping courses and services. Although each of these States annually receives millions of dollars of Federal assistance for higher education, no termination of funds proceeding has ever been commenced against any State even though no desegregation plan has been approved or implemented.

Between January 1969 and February 1970 HEW mailed letters to each of the 10 States directing the submission of an "outline" desegregation plan within 120 days and a "final" plan within 90 days of HEW's comments on the outline plan. Louisiana, Mississippi, Oklahoma, and Florida totally ignored the agency's demand. None of the other six States (Arkansas, Virginia, North Carolina, Maryland, Pennsylvania, and Georgia) submitted a desegregation plan acceptable to HEW. Obviously, as long as HEW refuses to notice a termination hearing even in States which have totally flouted the law by refusing to submit *any* desegregation plan, the remaining six States have little incentive to undertake serious desegregation efforts in compliance with Title VI.

The total capitulation by HEW in the area of higher education is but one of plaintiffs' causes of action; the general focus of the *Adams* complaint is in the area of elementary and secondary education. Thus, for example, plaintiffs from elementary and secondary schools in Rankin County, Mississippi complain of segregated classrooms and demotions of black principals. Rankin County is subject to a court order requiring the desegregation of schools, and the students complain both of the violation of that order and its inadequacy. Their challenge is to the policy of HEW which generally exempts from its Title VI supervision and enforcement all school districts subject to court orders—over 500 in number and many of the largest in the South.

While Title VI does permit such exemption where the school district is actually complying with a valid court order, HEW does nothing even in districts such as Rankin County which are disobeying the court order. If plaintiffs prevail, HEW's enforcement resources would be made available to monitor the hundreds of school

districts subject to court desegregation orders and to move against those which continue to resist compliance.

The segregated classrooms and black principal demotions in Rankin County are illustrative of the discrimination continuing in newly "desegregated" school systems. Recent reports and hearings have documented the widespread continuing segregation and discrimination against blacks in southern and border school systems. "The Status of School Desegregation in the South 1970," issued by six civil rights organizations in December 1970, describes example after example of classroom segregation, segregated buses, dismissal and demotion of black principals and teachers, discrimination against blacks in extracurricular activities, and the like. Further documentation of the continuing discrimination appears in reports of the Race Relations Information Center and the National Education Association and the extensive hearings before the Senate Select Committee on Equal Educational Opportunity [the Mondale Committee].

Indeed, in affidavits filed in the *Adams* case, HEW admits that its own investigations reveal "varying degrees of non-compliance" in 81 school districts "plus a number of others" during the 1970-71 year. This information is relevant to another of plaintiffs' claims involving "reneege" districts. These are districts which have come into compliance by agreeing to desegregation plans and which have then dishonored their commitments. HEW's past action (and lack of action) with respect to such districts is a sorry story indeed. During the two school years prior to 1970-71, HEW's Washington office was informed by its regional offices that at least 99 school districts had defaulted on their promises to HEW. In 10 of these cases the Justice Department secured temporary restraining orders requiring the districts to come back into compliance; but in most of the remaining 89 cases, the defaulting districts continued their violations with impunity during the ensuing school year. Unless plaintiffs prevail in *Adams*, it appears likely that the many current reneeges will continue to defy HEW while receiving their Federal funds.

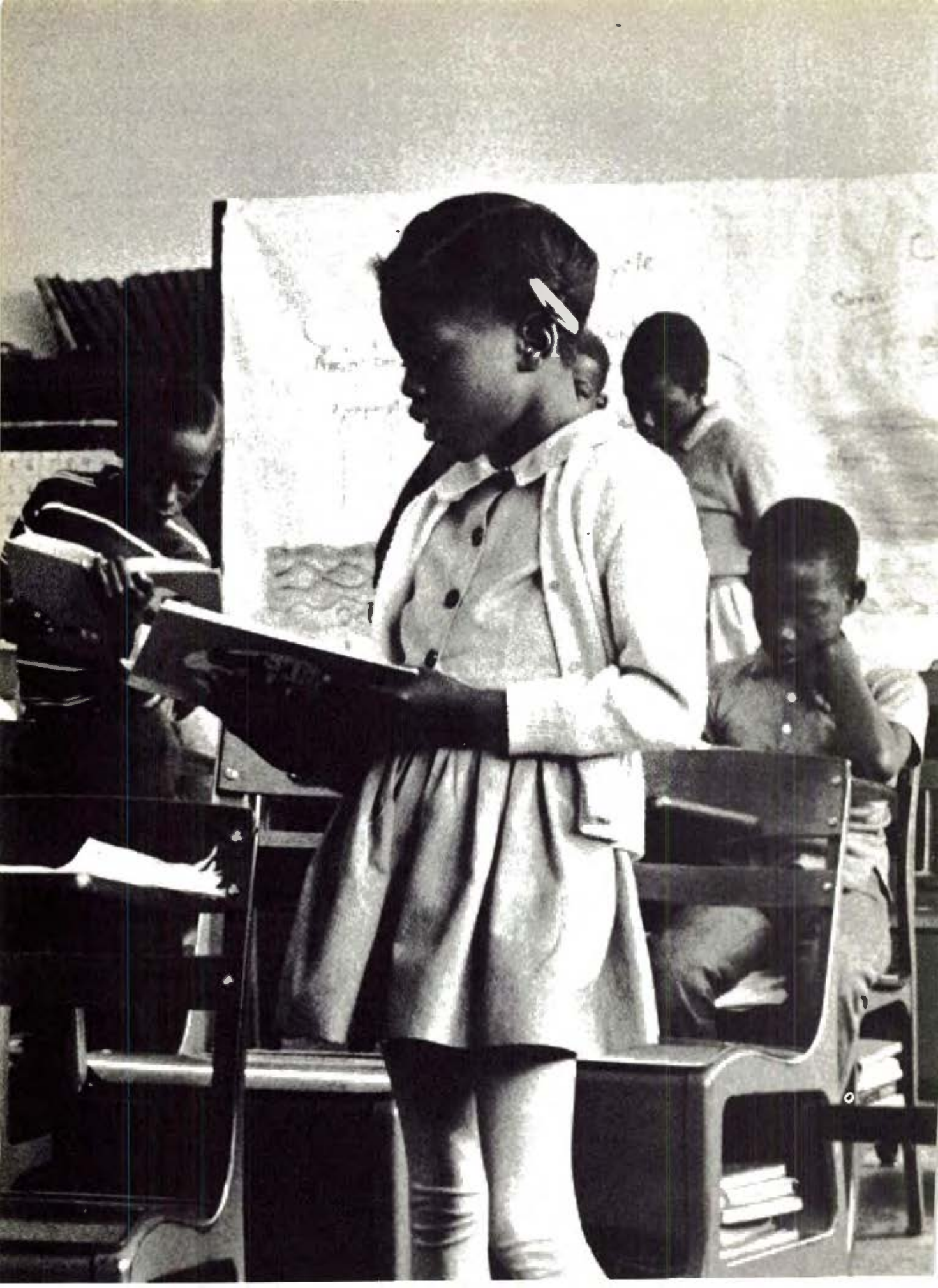
The *Adams* plaintiffs raise another fundamental issue applicable to HEW's treatment of reneeges and other districts. They contend that Title VI—and indeed the Federal Constitution—requires HEW to suspend immediately, and to place in escrow, all Federal funds to a school district upon a "probable cause" determination of a Title VI violation. In contrast, HEW's present policy is to continue the payment of some, and sometimes all, Federal payments to such school districts during months and even years of negotiations and administrative proceedings. Unless a more peremptory use of the suspension power is forthcoming upon a decision favorable to

plaintiffs in *Adams*, these districts will continue to have little incentive to comply until the completion of these protracted proceedings.

The *Adams* suit also faults HEW for total inaction regarding State departments of education which receive each year millions of Federal aid dollars. The Louisiana State Department of Education, for example, uses this money to operate 32 segregated vocational schools, of which seven are overwhelmingly black and 25 overwhelmingly white. With respect to these State departments, HEW has accepted mere paper assurances of compliance without reporting, supervision, or other safeguards to protect against violation of the Federal statute.

2. *Judicial Power to Enforce Title VI Compliance by Federal Agencies.* In the absence of express authorization from the Congress, courts have often refused to intervene in administrative implementation of a Federal statute. Since Title VI has no express language authorizing courts to review HEW's failure to act, counsel for *Adams* had assumed that a major initial problem would be to convince the court to hear the case. However, a number of landmark decisions in the last year or two have substantially changed this area of the law and have greatly increased the answerability of agencies to judicial review: e.g., *Barlow v. Collins*, 397 U.S. 159 (1970); *Citizens to Preserve Overton Park, Inc., v. Volpe*, 401 U.S. 402 (1971); *Environmental Defense Fund, Inc., v. Hardin*, 428 F. 2d 1093 (C.A.D.C. 1970), 439 F. 2d 584 (1971); *Shannon v. HUD*, 436 F. 2d 809 (C.A. 3, 1970). The Federal law is now clear that agency action or inaction is judicially reviewable unless the Government can show a clear congressional purpose to prohibit review by the courts.

Accordingly, when HEW filed its normal "Motion to Dismiss" in the *Adams* case, it was reduced to arguing that HEW has "complete discretion" in its enforcement of Title VI; in other words, the Government can do as much or as little as it wants to enforce Title VI and cannot be subject to review by the courts. In reply, *Adams*' counsel pointed to the plain mandatory language of Title VI and the clear legislative history showing HEW's duty to enforce. Indeed they emphasized that if the statute permits HEW to continue to grant huge Federal aid funds to segregating and discriminating public schools, Title VI would be unconstitutional under the Fifth Amendment. Much as the Internal Revenue Service was recently enjoined from granting tax exemption to white academies in Mississippi, the Court was requested to stop HEW from continuing its aid to segregated public schools. Just prior to the publication of this article, the District Court denied the Govern-



ment's motion to dismiss the case. Plaintiffs are now deposing witnesses and securing production of documents for submission to the Court of all facts relevant to HEW's inaction in the Title VI education area.

3. *Impact of the Adams Litigation.* No one can assess at this time the potential impact of *Adams* on enforcement of Title VI by HEW and other Federal agencies. It is apparent, however, that even the pendency of the suit is having an effect. This was illustrated by a flurry of HEW moves on February 19, 1971, the day on which its officials signed affidavits for submission to the Federal Court in the *Adams* case. Included in the materials presented to the Court was a letter sent on that day from Office for Civil Rights Director J. Stanley Pottinger to the Louisiana State Board of Education "reviving" (as a *Washington Post* article put it) "the almost-dormant college issue". Louisiana, it will be recalled, was one of the States asked by HEW as early as January of 1969 to submit within 120 days a plan to integrate its admittedly segregated college system. Louisiana had totally ignored HEW's requests. While the letter only suggested another meeting between Louisiana officials and Pottinger, it did at least threaten "formal steps for the enforcement of Title VI" if this further effort proved unsuccessful.

On February 19 HEW also mailed a letter notifying the superintendent of the Osceola, Arkansas School District that the district's failure to desegregate its public schools was being referred for legal action to the Department of Justice. Among the *Adams* plaintiffs are students from Osceola, who are complaining of HEW's approval of a desegregation plan which—in blatant violation of the Supreme Court's *Alexander* mandate of desegregation "at once"—postponed desegregation until as late as September 1971. While referral to the Department of Justice is the least effective step, it is one which has apparently resulted from the filing of the *Adams* suit. It is also noteworthy that in February the Department of Justice filed motions in Mississippi Federal courts in cases involving the Rankin County and Humphreys County school districts included in *Adams* as examples of HEW defaults. Justice's allegations of demotions and firing of black principals and teachers and of segregated classrooms parallel plaintiffs' allegations in *Adams*.

With respect to schools administered by State departments of education—which had almost totally escaped the scrutiny of HEW—HEW told the Court 5 months after the filing of the complaint:

HEW is currently expanding its enforcement efforts with regard to State vocational education agencies, and the Department intends forthwith to institute enforcement procedures including reporting requirements and

on-site compliance reviews of vocational educational facilities operated by State agencies.

Finally, the very recent attempts by HEW to enforce the Supreme Court's landmark decision in *Swann v. Charlotte-Mecklenburg* in 50 to 100 districts followed quickly upon the heels of the Court's denial in *Adams* of HEW's motion to dismiss and may have stemmed in some part from the Court's decision requiring HEW to defend against the substance of plaintiffs' allegations.

Thus it is clear that the filing of a Title VI law suit at least forces Federal agencies to reexamine their courses of action. The pendency of a suit may act to counteract political pressures for inaction or delay in enforcement of Title VI. Of course, if plaintiffs prevail in *Adams* and secure a court order requiring HEW genuinely to exercise its Title VI responsibility in the education area, the ultimate positive impact could be very substantial. For Title VI can be a potent force if administered by Federal officials determined to discontinue massive Federal aid programs wherever segregation and discrimination practices continue.

As broad as the scope of the *Adams* litigation is, the case is necessarily confined to the non-enforcement of Title VI by one Federal agency in one subject area. The recent report of the Commission on Civil Rights highlights numerous other areas which are equally vulnerable. That is the premise of a new project recently undertaken by the Center for National Policy Review at Catholic University Law School whose director, William L. Taylor, was previously Staff Director of the U.S. Commission on Civil Rights. The center, along with the Leadership Conference on Civil Rights and other organizations, has created task forces in housing, regulated industries, and other areas delineated by the Commission's report. Assisted by staff members of the Center for National Policy Review, these task forces will attempt to negotiate agency enforcement of civil rights statutes including Title VI. If negotiations fail, formal administrative action and/or litigation may follow.

Title VI is a magnificent weapon for human decency. Apart from the area of education, where Title VI has been used lackadaisically, in many other areas the statute has not been enforced at all. Litigation may be one effective way to breathe life into an important civil rights law which has never been given a fair chance to do the job for which it was enacted.

ELLIOTT C. LICHTMAN

Mr. Lichtman is with Rauh and Silard, a law firm in Washington, D.C., whose members are cooperating attorneys for the NAACP Legal Defense Fund in Adams v. Richardson.

The No Doubt Revolution

A double revolution is ripping the world with each part acting and reacting on the other. One, global wide among the Have-Not nations and in the Have-Not sectors of the Have nations, is the finale of all the revolutions of the past, of the world of the past, the long struggle for physical life, shelter, safety, or security.

Materialistic objectives have been and are basic to

every revolution of the Have-Nots, such as the dialectical materialism of Marxism. Materialistic ends are concrete, specific, and readily communicated and understood. To the Have-Nots, goals, values, and truths are fixed, definite, and "self-evident." There is nothing relative about starvation, sickness, or cremation by napalm. They believe, as did we in the great depression of the



30's, that full employment and economic security would carry with it everything else to make up the good life.

So we got the "good life". It came with an unprecedented technological revolution ushering in a new world of automation, the computer, cybernetics, mass media, nuclear power, the jet, and other undreamt of miracles of production. In the United States nearly 80

percent of our people, or "the masses", are middle class; here the poor are the minority. Here, most of our people are dieting while the Have-Nots are dying. This is the "affluent society" which beckons on to an economic paradise beyond suburbia, split level ranch houses, color television, two-car families, a burgeoning corporate economy, and, seemingly, the good life. Now that we

have it, why are we so unhappy? Why has all this triggered off the second revolution; the revolution of the middle class reaching out, striking out, spinning in a whirl of desperation as though it were in a death agony.

Why with this economic floor is America tearing itself apart with violence, campus rebellions, racial upheavals, a war which revives Talleyrand's classic comment, "This is worse than a sin; it is stupid." Inflation and recession all combine to where we are confused, depersonalized, disunited,—not only from each other but the society around us—alienated and fractured with "gaps" of every kind, everywhere from generation to credibility to communication and everything else.

We are in times as different from the past as the computer is from the abacus. We see a frantic searching for reasons for our fears, our unhappiness, for some meaning to our lives. We see a turning away inward into a social schizophrenia where, in a flight from frustration, fear, and bewilderment, people seek not to be "involved"—a turning away from life itself, for life is being involved. Not being "involved" means dropping out. This is the real gap, the one between the people and the new world they live in. This and other gaps create huge political vacuums which bode ill for an open-society future.

We have seen the shadows of possible things to come in the campaign speeches which read like this:

The streets of our country are in turmoil. The universities are filled with students rebelling and rioting. Communists are seeking to destroy our country. Russia is threatening us with her might and the Republic is in danger. Yes, danger from within and from without. We need law and order. Yes, without law and order our nation cannot survive. Elect us and we shall restore law and order.

(Adolph Hitler, Hamburg, Germany, 1932)

All this and more spells out the forces now loose in our middle classes.

We must begin to try to make sense of the whys and wherefores of our confusion. Until we have an idea of what is happening, know where we are, we cannot choose a direction, a way, or any meaningful action for the future. We must cut to the core of what this revolution of the middle class is about. It is a new kind of revolution, as new as the whole new technological world of today. The clues are to be found in the plaintive cry of "Where have the old values gone?" All of the values of the past were fixed, definite, and final; good was good and evil was evil. We see it in the revolt of the Have-Nots with their fixed definite values of

economic security, good housing, success, status, and the faith that these will bring them happiness.

It is when we begin to understand that we are now living in a world in which everything is changing and relative, that we can begin to dimly perceive and try to move with these relative and changing values. It means that programs, plans, and systems of ethics cannot be rigid and structured but fluid and flexible, going with and shaping themselves with the action. Space here does not permit more than these brief comments on the fountainhead of the middle class revolution. Suffice it to say that if the founding fathers were writing the Declaration of Independence today it would read, "We hold these truths to be relative and self-evident," for it is today undeniably self-evident that all truths are relative.

The beauty of this generation is that the big majority of our activists are very rapidly becoming politically educated and starting to get into organization—to building power and recognizing that there is no shortcut. They have accepted what is the hardest lesson for youth: that you can't have instant change and that you must begin from where you are.

They are recognizing that communication is basic to organization. It is paradoxical in these days of mass media that we are experiencing an unprecedented breakdown in communication. Everywhere we are confronted with gaps, generation, credibility, communication. It is not only the collapse of communication between the younger and older generations in the middle class or between the lower middle class and the middle middle class, but also in the areas of race and politics. It seems that all channels of communication are constipated.

In the field of race we have no communication. We have the kind of present situation in which, if a white person makes a statement so outrageous that other whites' response would be, "You should go to Bellevue for a spinal test," the same statement made by a black would evoke the same whites' response as, "Well, that's an interesting approach."

Or the kind of episode such as the head of a leading real estate agency in the city of Chicago who has devoted years to the battle for residential racially integrated housing being attacked over the air by a well-known black spokesman in Chicago with the irresponsible and false charge that his real estate agency had engaged in panic peddling. This equal rights real estate maverick was stunned but did not respond to the attack. I asked him whether he would have remained silent if his accuser had been white? His reply was an angry, "Answer him? I'd have sued the hell out of



him—for libel, slander, and everything else and exposed him for a lying. . . . I pushed with, "Then why don't you? Is it because he's black?" There was a silence and then his words came slow and tired, "Yes, and of course I suppose my being white automatically makes me a liar to anyone who is black."

So long as this condition prevails, so long will there

not be any meaningful communication or constructive positive changes for a world of equality. Many whites have become terrified of even raising a question with blacks for fear of having it branded as a race issue. Unless whites overcome their own hangups so that they can both listen and speak to blacks in the same way that they would be listening and speaking to whites, and vice

versa, we are faced with an imminent period whereby a combination of black charlatans and white neurotics will sow a scene of disillusionment and bitterness, a scene which will provide a comforting rationale for all racial bigots, both black and white. . . .

As realists we must see and work with the world as it is and not as we would like it to be. This means that we begin from where we are and begin working for those changes that can come from *revolution* not *revelation*.

This includes shedding romantic views glorifying the poor and the blacks, browns, yellows, or whites. Poverty is ugly, evil; it is survival by sufferance, but the fact that the Have-Nots exist in rot, degradation, discrimination, deprivation, and despair does NOT endow them with any special qualities of charity, justice, wisdom, mercy, or nobility. They are people with all the faults of man.

It means understanding that in the world as it is, where the right thing is invariably done for the wrong reasons, morality is the process by which the right reasons are dredged up to justify the action.

Morality is to a major degree a rationalization of one's position on the power pattern at a particular time. If he is a Have-Not and out to get what he doesn't have, he appeals to a law higher than man-made law and argues that the establishment made the laws to protect and preserve the status quo. If he is a Have and out to keep what he has, he believes in law, order, and responsibility.* It is what I have often called the MPI Formula wherein the Money Principal Investments = Moral Principle Interests.

In the world as it is, organization is based upon self-interest: specific, immediate, and realizable. The ultimate goal is the learning of the interdependence of man upon man and that our self-interest ultimately lies in the area of the general social interest. This has been generally described as "enlightened self-interest." In the past my experience has been that this educational process only functions when self-interests of various groups are mutually dependent upon each other at particular times or when the achievement of a particular self-interest necessitates concern for others. One example would be a community organized to eliminate a contagious disease within its area which soon discovers it must work for the same purpose in its neighboring community, since germs are illiterate and don't know that they're not supposed to cross over boundaries into communities organized to keep them out.

Experience and political realism question the validity of the potentials of self-interest developing and expanding into "enlightened self-interest". This assumes that

*Defined, like all words, by where you stand.

through experience one inevitably realizes that his personal welfare is inextricably tied to the welfare of his fellow man. Ordinarily one would be compelled to concede that from past experience the acceptance of the idea that self-interest would lead to the "enlightened" stage just hasn't worked.

However, the unprecedented pace of the cascading changes of the times and the immediacy of information have created a condition which is collapsing the time factor—where the future is increasingly intruding upon the present so that the time factor as we know it will soon be part of the old world. The feedback of the consequences of your acts is so immediate that the future is now. We have stepped up the time future, as well as pushed up the understanding of the power of the past so that they are all simultaneously functioning in the fleeting instant of what we call the present. It is a new world.

Today we hear the perennial question. Is there time? Can we do anything as the world seems to be hopelessly heading for extinction? Why keep getting into the arena? Why keep fighting? Part of the answer is in the words of W. B. Yeats' *On Tragic Joy*:

*We begin to live when we
conceive of life as
tragedy and understand it to
be truly and persistently
tragic. The fortunate ones
are those who recognize
with a strange joy the terror
of existence. With a gaiety
transfiguring all that dread,
they learn to love life because
it is life.*

We must believe in man's struggle for an ever better world; that man is moving toward a world of more beauty, love, laughter, and creation. That is the vision of man.

*Logic and faith go together as the opposite sides of the same shield. We know by our intelligence the greatness and desirability of a free and open society over all other alternatives. Logic tells us, 'We'll believe it when we see it.' But there is also the converse, faith. Faith, or belief in people, tells us, 'We'll see it when we believe it.'***

***Revelle for Radicals*, Saul D. Alinsky, Random House Vintage Press, New York City, 1969. p. 235.

SAUL D. ALINSKY

Mr. Alinsky is Executive Director of Industrial Areas Foundation in Chicago. The above is excerpted from an address presented at the Smithsonian Institution Fourth International Symposium in Washington, D.C., with permission.

HOMESEEKERS' GUIDE:

TOWARD EQUAL ACCESS

Housing for blacks and the poor suffers from a "white doughnut" syndrome in metropolitan America. The tax- and service-starved and increasingly black center-city has been encircled by the more recent and substantial homes of the affluent, largely white emigrants. Home loan criteria, restrictive covenants, societal neglect and discrimination, real estate channeling of minorities, and Federal policy have all contributed to a centrifuge effect which has created and perpetuated this geographic separation of class and race.

Title VIII of the Civil Rights Act of 1968 [Federal Fair Housing Act] and a 1968 Supreme Court reinterpretation of the 1866 Civil Rights Act changed the rules by which the real estate game is played—at least in regard to race. It is now a violation of Federal law to "refuse to sell or rent . . . or otherwise to make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin." It is still necessary to make the full meaning of this law—and the improved housing options which it provides—known to *all* citizens.

The *Homesekers' Guide* is a new concept which has been developed as a tool for combating this problem. The Guide describes a suburban community's housing stock and promotes it to all citizens, but particularly blacks and other minorities previously denied equal access to suburban housing. One such guide, the "Homesekers' Guide to Fairfax County," has been developed for Fairfax County, Virginia, one of the most attractive and fastest growing suburbs of Washington, D.C.

Valuable information for the homeseeker is presented

in two ways. On one side of the fold-out publication, 36 by 48 inches in size, price ranges represented by various colors are overlaid on a map showing streets, parks, streams, and symbols for schools and shopping centers. Apartment developments appear in gray. On the reverse side are tables of data, arranged by price intervals of ten thousand dollars (five thousand for the two lowest price intervals starting at under \$20,000). These tables show average prices, price ranges, lot sizes, architectural styles, and community distances to downtown. They also give the larger community designations of each subdivision, townhouse, and apartment community represented in color on the map side.

A "locator" system, employing the use of grid coordinates plus an identifying number or letter, ties together the two sides of the map and makes it possible to pinpoint each subdivision or apartment complex.

The "Homesekers' Guide to Fairfax County" is the result of a happy circumstance—the teaming of information developed by the author as a personal hobby with the resources and technical assistance of The Washington Center for Metropolitan Studies. This organization was in the process of developing a computerized information system on housing supply for the Washington, D.C. area.

The Metropolitan Washington Housing Opportunities Project is a cooperative effort of the Housing Opportunities Council of Metropolitan Washington (the action component) and The Washington Center for Metropolitan Studies (the research and development component). The project's efforts have been directed toward institutional changes which would make the normal housing market channels and mechanisms serve blacks and other minorities as effectively as they have white Americans.

It was mutually agreed that the development of a tool which would give homeseekers comprehensive information on suburban housing would be a worthwhile undertaking. In addition to the general educational benefits, the Guide strips certain "exclusive" and "prestigious" neighborhoods of their invisibility to nonwhites and throws off balance real estate practices which steer blacks and other minorities only to established enclaves or "integrated areas" that have been tacitly "earmarked" for resegregation.

The Washington Center for Metropolitan Studies provided the technical backing necessary to design and publish the Guide. The Center and the Housing Opportunities Council shared printing costs, and the Housing Opportunities Council assumed responsibility for promoting the guide to the black homeseeking public.

The Guide is a synthesis of the various kinds of official and unofficial records and information that are very useful to the homeseeker, but often unknown to





him. Basically, the research entailed culling an entire year's real estate transfers and sorting the data by subdivisions, which are the atoms of the larger community. Price averages and ranges were obtained for the 600 subdivisions and 50 townhouse communities, and rental data were compiled for the 150 apartment complexes of Fairfax County. Then the distances to downtown, lot sizes, community designations, and relative size of the subdivision were gathered and recorded. Assignment of architectural style was largely achieved through personal familiarity with the county. School locations were obtained from the phone book, and shopping centers were added, again from a working knowledge of the community.

Although knowledge of a community, extensive and intensive, is an asset in preparing a housing guide, publications of the local government (like Fairfax County's list of its apartment developments) are frequently available. Written materials, a good map (with permission to use it), publishing skills, volunteers to gather and synchronize data, and several thousand dollars for printing (for a major population center) are the basic ingredients for a comprehensive survey of local housing. If a computerized data program is developed, as is now being done at The Washington Center for Metropolitan Studies, updated housing guides can be produced on a regular basis. Volatile real estate prices make this almost a necessity.

A more detailed manual for preparing similar guides is being developed and will be made available to interested agencies, groups, and individuals. Housing guides are helpful to everyone, but especially to those who have been denied equal housing opportunities. The text portion of the Fairfax Guide concludes:

If you're black or another minority member, be determined in your efforts if you like and want to buy a house, or even if you just want additional information. If an owner tells you the house was just sold though the 'For Sale' sign is still outside, ask to see the signed contract. If a broker tells you he has no house fitting your specifications though the guide tells you there should be a selection, challenge him. The right to equal housing of your choice is protected by Federal and local laws.

JOEL C. MILLER

Mr. Miller is a Social Science Analyst with the Governments Division of the Bureau of the Census. He began working on the "Homeseekers' Guide to Fairfax County" in 1967 and linked it with the desegregation project of The Washington Center for Metropolitan Studies in 1969. He plans to develop more guides for the Washington D.C. Metropolitan area.



THE NEW EXODUS

At the height of the Civil Rights Movement in 1966 the National Congress of American Indians printed a little business card with the simple inscription "We Shall Overrun". It took a certain amount of courage in those days to suggest that perhaps minority groups would not all integrate immediately upon crossing the bridge at Selma, Alabama. Even more, the thought that American society was on the verge of breaking into a number of competing and conflicting ethnic groups struggling for a new sense of identity had hardly been suggested. Yet the past 4 years have shown such a startling reversal of the integrationist philosophy that many minority group spokesmen vehemently deny ever supporting integration.

The rapid change came about, of course, by the promulgation of the concept of power and its accept-

ance and popularization by young people within the respective minority communities. Dr. Martin Luther King, Jr. and the Southern Christian Leadership Conference used the technique of street demonstrations as a symbolic method of conveying the constitutional issue of equality before the law. He did this to a society that understood little of legal issues but could instantly involve itself, via the communications media, with the bombing of Sunday schools and the murder of innocent people. Intergration was cloaked in negative terms and the desire of the large majority of the American people was to fulfill the promises made nearly a century before of full citizenship for the American black community.

Not so with the concept of power, however, since power spoke of an aggressive movement to push ahead into unknown areas in racial relations. Power spoke of the ability, necessity, and desirability of groups to exclude nongroup members to preserve their own integrity. Thus social movement became a matter of addressing two communities that were as separate and distinct as two communities have ever been. The fight for equality had essentially been one of the excluded black community addressing the white community with the plea that, should equality be granted, the black community would dissolve itself and become one with the white community. Inherent in this ideology was the shame unconsciously accepted by the divergent minority groups of the differences which they recognized between themselves and the Anglo-Saxon oriented white majority. Integration was group suicide in the truest sense of the term.

The concept of power split the audience of observers into two groups—the white majority from whom the particular minority group was declaring its independence and the minority community itself which badly needed to define its new relationship both to itself and its former white allies. This dilemma was not seen in its fullest logical implications and confrontation tactics continued to be the symbolism by which ideologies were expressed. This caused the social movement to split into a number of defensive groupings that appeared to be aligned according to economic status rather than racial or ethnic backgrounds. In turn this development appeared to threaten the economic interests which each segment of American society had previously sought to relate. The white community had suddenly been thrown into a defensive position for the first time in its American experience.

Then, after the determination of the Federal court system that the constitutional guarantees of equality before the law be enforced, there began the current interest in enforcing the desegregation decrees against

Southern schools. We have witnessed, therefore, in the past 4 years 180 degree turns by representatives of what had been the old right and left but a decade and a half ago. While the disorientation is tremendous, it is overshadowed by the task of finding our way out of the wilderness of social conflict, if not to the Promised Land of equal opportunity, at least to a plateau upon which we can rest and gather our bearings before we embark on our tedious journey forward.

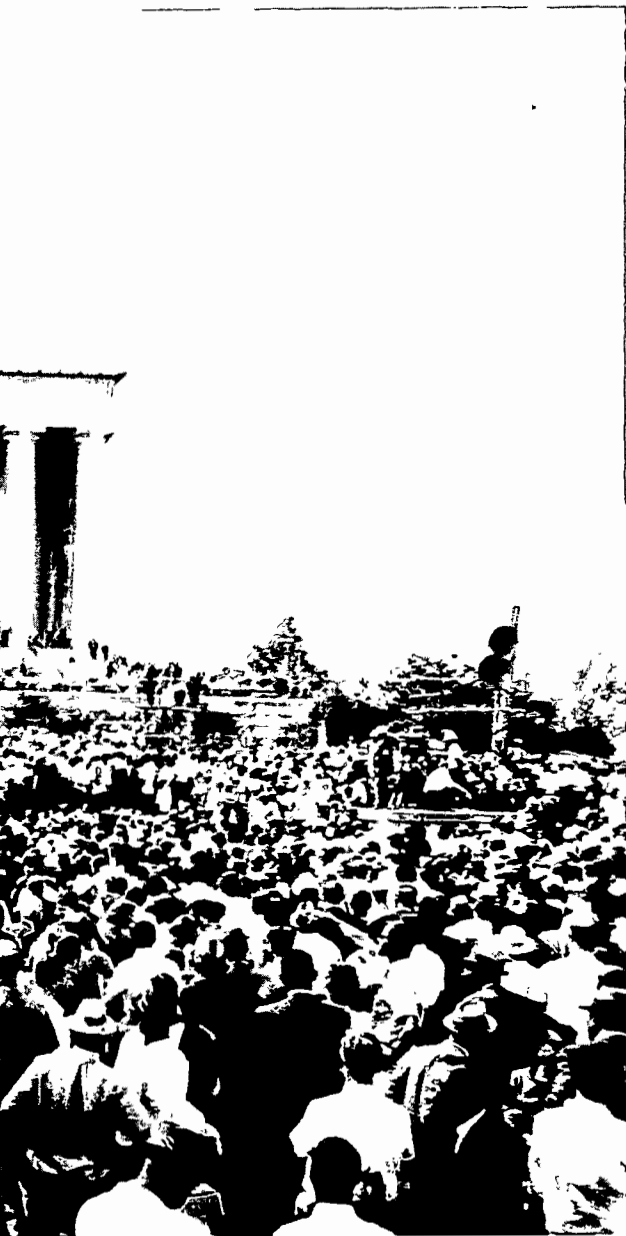
In short, we have left the comfortable land of assimilation and have been thrust into the outer darkness of ethnicity, for every tool we have to gather information for finding our way has been designed for a world of assimilation and integration. Our Government, our economic system, our educational system, and the basic documents of our society are built on other premises than those which we are coming to recognize today. Our Constitution is built upon the integration of faceless individuals who band together in search of law and order for the protection of their property. It neither recognizes the uniqueness of man's social and cultural background nor the changes which take place when that individual is asked to place his allegiance in a specific group of people, all sharing with him peculiar and unique characteristics, language, and world views, and, in many cases, economic impotence.

We meet the arena of social movements today with shouts of repression and revolution hammering at us from all sides. The very media by which we receive our information concerning the world is attacked and credibility has become the watchword when any pronouncement is made on any subject. And if we take Marshall McLuhan's assertions seriously we come to understand that we are only at the beginning of the era.

I would suggest that we are in much better shape than anyone could hope to realize. We may be at the new era of the most significant type of civilization the world has ever seen. But we had better give some serious thought to the realities that face us. We must give up the cherished myths that have blinded us to the reality of American history. And we must be willing to accept the cosmopolitan existence which our technology has given us or we may not see the end of the decade.

For something less than two centuries we have blithely accepted the idea of the melting pot as the epitome of civilized existence but we have acted exactly opposite to our alleged beliefs. Almost from the start settlement on this continent has been the systematic invasion by groups of people from particular European Nations augmented at times with Africans and Asians. The latter provided the needed slave labor to develop the great economic movements of land settlement and





railroad building, development of the continental land mass, and construction of the distribution system by which the economic exploitation of the continent could be achieved.

However, if we understand that the desire for change, opportunity, and identity moving through the societies of Western European Nations was transferred to this continent intact, we can understand a number of things about American history and our present situation that have not been immediately apparent. Our fierce competitiveness, for example, may well be a negative value, a desperate thrashing about in search of self rather than an expression of manhood and Christian virtue. Our concern with celebrities and glamor may be compensatory for the royalty that we never allowed for fear of falling into the European past and, in effect, betraying the revolution that had been created by immigration.

The important point in examining American society in this light is that minority groups have never been involved in this process in any significant way. Black athletes were able to intrude into the process at certain points and Indian chiefs have always had both an aspect of celebrity and royalty, but other than those isolated phenomena minority groups have been almost completely shut out of the social marathon. They have, in fact, been treated like minority groups, like groups so different in kind and with such twisted potential that they should not even be allowed to start the race, let alone be accorded the opportunity to finish the race.

But, then, never have any other groups really been accorded this opportunity. From the start there has been continual differentiation between groups and this phenomenon has been adequately discussed by countless expositors of the American faith. This has appeared to have been the history of groups in America—disappearance into the melting pot. But in fact it has not happened. The opposite has been true. Elections in the Nation are carefully built upon piling the correct coalitions of ethnic voters into the proper States and cities to compile the necessary electoral votes to win.

Instead, therefore, of successive groups merging into an anomalous mass, there has been a succession of conquests by different national ethnic groups within the American political system. Because each group was Western European it appeared that little change had taken place each time a group moved into a position of power. It was only when the black community pushed into the area of voting rights that a distinction was made. So fast have things moved in the last 4 years that the American Indian and Mexican American communities have not had an opportunity to either get organized or to establish a tradition of political combat as a group.

In large part the present impasse in social movements comes from an inability of any spokesmen of minority groups to relate movements within their group to comparable movements on the contemporary scene or in a historical perspective. Thus the field of race relations is adrift without a technical vocabulary by which it can affix itself to the experiences of a majority of the American populace. The very words which, it appears, can be used have been used so often and in so many contexts that they make bad publicity releases and communicate little besides the hopeless stereotypes of a bygone era.

One example is the concept of black capitalism. The Congress of Racial Equality (CORE) proposed the Community Self-Determination Act introduced in Congress in 1968. Under this concept, black capitalism was a plan by which ownership of community facilities, including employment and schools, could be created within various black neighborhoods. But the use of the term was unfortunate. Shortly after its introduction people derided black capitalism as an effort to make a few black millionaires at the expense of the poverty-stricken millions in the ghettos. The same historical experience of the white community with its robber-baron past was foisted upon the conceptual innovation of black capitalism to interpret the term.

Here, again, the essence of the CORE idea never reached a significant number of people so that its easy label and "sloganesque" neatness doomed it from the start. In rejecting black capitalism vocal activists called for socialism, and recently Huey Newton announced that civil rights laws produced no change for blacks and called for a socialist takeover. Such a declaration overlooked the fundamental premise of black power and community self-determination upon which it was built. Whether Newton advocated socialism as an economic alternative or political alternative to what we have is difficult to understand. The important thing to note is that the message, ill-defined as it was, served primarily to increase the fears of the white community and its component ethnic groups that the movement for independence by the black community was directly opposed to its vested interests.

Minority groups have not faced, nor have they brought it to the attention of the white populace they purport to be facing, the artificiality of the present structure. Instead they have largely reacted against the structure as if it were set in a permanence that would forever remain beyond the possibility of change. In so doing they have largely accepted the mythology of early colonial America without challenging any of the basic philosophical concepts of those ancient times. The call

for revolution, therefore, has a hollow ring because it does not take into account the unconscious movements of history which, by and large, refused to recognize the boundaries and concepts that were objectively articulated and created developments in fact built around the land and resources.

Within our present political framework there is but one political status which has remained in a supra-constitutional condition. That is the undefined and perhaps undefinable position of the Indian tribe. Political doctrines of the status of the Indian tribe vary radically from one extreme to another. A tribe is at once an entity "higher than a state" (*Native American Church v. Navajo Tribal Council*) and an abject ward of the Government.

Minority groups and their liberal allies have missed another important point. The Civil Rights Movement with its ensuing legislation was ostensibly a movement to guarantee to all Americans certain inalienable rights. In fact it was class legislation or group legislation designed to accelerate the economic development of a certain group—the black community. It provided for it certain safeguards by which its members could achieve a status within the American system to enjoy that development.

Almost coincident with the rise of the power movements came a flowering of ethnic developments of tremendous variety. For example, people of German descent had an October Fest and the Scandinavians celebrated Leif Ericson Day. Unconsciously or consciously, segments within the white community had recognized the necessity to assert their group sovereignty as a defensive measure against the successes of the black community. Coming with the apparent racial backlash the movement toward group integrity was largely overlooked or casually passed off as a normal and periodic assertion of the uniqueness of what each group had "contributed" to American society.

The present scene is therefore characterized more by the reawakenings of numerous groups of particular peoples than by the widening split between black and white as the Kerner Report had envisioned. Assertion of the black community that it had power and integrity unto itself and would be greatly weakened by integration in fact freed the white man from his burden of maintaining an undefinable status as "American". It allowed him to prefix his Americanism by his particular European national background. The denial of specific identity, the denial of community which each immigrant had suffered on his entry into the American political system and which he had partially regained at election time, was ended. In a real sense a substantial number of



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citizens had left the desert of despair while an even greater number had been forced into the same desert.

Our legal system, as it has sought to regulate the relationships between individuals, has been based upon the right of two individuals to contract one with another. Any infringement of that contract or the contracting power has been stricken down as an action irreconcilable with our Constitution. While the simplistic contracting relationship may continue to hold between individuals it cannot hold between groups. Groups have a supra-individual aspect to them that speaks of nationhood and Nations sign treaties, not contracts. In that they differ, contracts define the letter of the agreement while treaties define the general moral relationship between peoples. Only the individual signing a contract may break his own contract but certain members of a group can break the treaty of a group even though the vast majority of that group faithfully maintained its part of the agreement. It is the moral integrity of the group itself that maintains a treaty and only the apparent intent of the contracting parties that they are held to.

We cannot approach intergroup or interracial problems on a contractual basis. In a sense, that was already attempted after the Civil War. A century later a substantial number of white citizens felt compelled, on moral grounds, to fulfill the promise of citizenship given at that time. For a hundred years the black community had appealed for its rights on a contractual basis without any significant satisfaction. It was only when the peoplehood of the blacks cried out to the white community that response was possible. The great discovery of the Civil Rights Movement was that blacks continued to be black even though the legislation promised that they would be the same as whites. It was at that point that Stokely Carmichael and others discovered the strength of the black community which had been denied since the people had arrived from Africa.

If we are to relate group to group, people to people, then we are on the threshold of a new era of our existence. We are like wandering tribes of pre-history discovering for the first time that other groups of our species live just beyond the mountain. We are like the early colonies discovering Indian tribes inhabiting the wilderness. We are like Europe developing from the ruins of the Roman Empire. We can use the American political arena to allow one group to oppress another or we can use it as a forum, an arena in which the problems of our society and perhaps the world can finally be resolved.

The Constitution, as it has come down to us through two centuries of hardship and pain, can be the tested ground rules of the redefinition of our society according

to the uniqueness and integrity of our respective constituent groups. In this sense it shows every promise of being comparable to the laws of Moses delivered in the wilderness to the tribes of Israel which provided the framework for the Judeo-Christian tradition for five thousand years. In that context the smallest tribe was equal with the largest and most powerful. In the present context, Indian treaties, the only existing documents by which two peoples are related within the American constitutional framework, are regarded as the weather-vane of trends. These treaties require a willingness to go beyond words and formulas to the intent of the two treaty-making parties—to live in peace and friendship forever.

There is no force except a sense of morality and integrity that can make the American Government keep its Indian treaties. By the same token no promise implicit or explicit made to any other group can really be enforced or fulfilled except by the willingness of people to keep the promise their hearts made and not to rely solely upon the words their lips uttered or their hands put on paper.

It was paraphrases of the Exodus situation that dominated Dr. Martin Luther King, Jr.'s historic speech before his death. It is this exact situation that confronts us on the domestic scene. The future will tell. At least the youth have declared their independence. What we see in the United States we see in most of the industrial countries of the world. At a certain point in technological development the Nation outgrows in many ways its original premises and political orientations.

I believe we have the best opportunity to solve our problems. Better than any other country on earth. We have defined the political guidelines and groundrules. We have only to expand our vision of what man can be and how he conceives of his immediate group, the group that calls to his real self. We have a system that is basically neutral. It is up to us to fill it with content in which further economic and religious growth can occur for those groups who have not yet had the opportunity to do so. We can achieve a balance and with our ecologists telling us that mankind has only a generation left, it would be nice if we could have peace before the end of the world.

VINE DELORIA, JR.

Mr. Deloria is a lecturer in the College of Ethnic Studies at Western Washington State College and is recognized as an authority on American Indian affairs. He is author of We Talk, You Listen: New Tribes, New Turf, published by Macmillan Co. The above is excerpted from a speech given by Mr. Deloria during the Smithsonian Institution's Fourth International Symposium, with permission.

Reading & Viewing

BOOKS

Awakening Minorities: American Indians, Mexican Americans, Puerto Ricans, edited by John R. Howard. Chicago: Aldine Publishing Company, 1970. 189 pp.

A collection of articles on American Indians, Mexican Americans, and Puerto Ricans which were originally published in *Trans-action* magazine. They present a sociological analysis of the position of the "partial minority groups", including the historical development of the three groups as well as a description of their contemporary problems and status.

The Black Panthers Speak, edited by Philip S. Foner. Philadelphia: J.B. Lippincott Company, 1970. 274 pp. A collection of representative writings from *The Black Panther* and other sources which include the works of Huey P. Newton, Bobby Seale, Eldridge Cleaver, Kathleen Cleaver, David Hilliard, and others. Discusses the Black Panther Party position on black separatism, white radicals, communism, the power structure, the police, etc.

Congress and Urban Problems: A Casebook on the Legislative Process, by Frederic N. Cleveland and others. Washington: Brookings Institution, 1969. 405 pp.

A collection of seven legislative studies which illustrate the acute and perplexing problems associated with urban living and the efforts of the Congress to deal with them. Each study analyzes the sources of legislative initiative in dealing with urban

problems, how Congressmen view urban affairs legislation and patterns, and influences which dominate congressional voting behavior on urban issues.

Crisis in the Classroom: The Remaking of American Education, by Charles E. Silberman. New York: Random House, 1970. 553 pp.

A controversial description and analysis of the American system of education—its purposes, problems, and practices. The author proposes a major overhaul of the entire system from kindergarten through graduate school, elucidating concrete recommendations for how the schools should be improved and how they can be improved.

The Los Angeles Riots: A Sociopsychological Study, edited by Nathan Cohen. New York: Praeger Publishers, 1970. 742 pp.

A comprehensive research of the riots which occurred in the South Central Area of Los Angeles in 1965. Examines the socioeconomic conditions of the area and analyses the data obtained through interviews with more than 2,000 blacks, whites, and Mexican Americans of the greater Los Angeles area regarding their attitudes toward the riots, activity in the riots, general social and political attitudes, and background information.

The Presidency and Black Civil Rights: Eisenhower to Nixon, by Allan Wolk. Rutherford, N. J.: Fairleigh Dickinson University Press, 1971. 276 pp.

Examines and analyzes the efforts made by the executive branch of the Federal Government to effectuate compliance with the civil rights laws. The author asserts that from the time of the Eisenhower Administration to the Nixon Administration there have been only qualified and partial attempts to bring about compliance, with enforcement of civil rights laws never designated a "must" action. Strong presidential leadership plus the creation of a permanent bipartisan ombudsmen-like commission, which would be given statutory power to investigate all executive branch compliance efforts,—below the White House—are proposed as means of bringing about greater implementation of civil rights.

Racial Integration in American Neighborhoods: A Comparative Survey, by Norman M. Bradburn, Seymour Sudman, and Galen L. Gockel. Chicago: National Opinion Research Center, 1970. 599 pp.

Reports the results of a national study conducted in the spring of 1967 in which the authors investigated the characteristics of racially integrated neighborhoods and their residents. Statistical estimates of the extent of integrated housing in the United States, demographic characteristics of residents in the various types of neighborhoods, the characteristics of housing in integrated neighborhoods, including such factors as size, age, value or rent, and ownership, and the attitudes of the residents toward integration are ex-

amined in detail. While the authors expect a modest gain in the proportion of blacks in open and moderately integrated neighborhoods during the next decade, they contend that a majority of the neighborhoods in the country will continue to be segregated for the foreseeable future.

The States and the Urban Crisis, edited by Alan K. Campbell. Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1970. 215 pp.

Prominent urban scholars, journalists, and urban affairs experts examine the inadequate response of State governments to metropolitan needs. The contributors describe the urban problems requiring attention; examine the obstacles, real and imagined, to State governments finding and adopting solutions; and discuss the political potential States possess for more vigorous action.

Studies and Reports

Directory for Reaching Minority Groups. U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training. Washington, D.C., U.S. Government Printing Office, 1970. 255 pp.

Education for the Urban Disadvantaged: From Preschool to Employment. A statement on National policy by the Research and Policy Committee of the Committee for Economic Development. March 1971. New York: Committee for Economic Development, 1971. 86 pp.

An Even Chance. A report on Federal funds for Indian children in public school districts, by the NAACP Legal Defense and Educational Fund, Inc., with the cooperation of The Center for Law and Education, Harvard University. New York: NAACP Legal Defense and Educational Fund, Inc., 1971. 80 pp.

Federal and State Indian Reservations: an EDA Handbook. January 1971. U.S. Department of Commerce, Economic Development Administration. Washington, D.C.: U.S. Government Printing Office, 1971. 416 pp.

Laws on Sex Discrimination in Employment. Federal Civil Rights Act,

Title VII; State Fair Employment Practices Laws; Executive Orders. U.S. Department of Labor, Wage and Labor Standards Administration, Women's Bureau. Washington, D.C.: U.S. Government Printing Office, 1970. 20 pp.

A Mexican American Source Book, by Feliciano Rivera. Menlo Park, California: Educational Consulting Associates, 1970. 196 pp.

Minority Business Opportunities: A Manual on Opportunities for Small and Minority Group Businessmen and Professionals in HUD Programs. Prepared by the Nonprofit Housing Center of The National Urban Coalition, Washington, D.C., under contract to HUD. Washington, D.C.: U.S. Government Printing Office, 1970. 398 pp.

National Black Business Directory 1971. Minneapolis, Minnesota: National Buy-Black Campaign, 1970. 60 pp.

National Roster of Black Elected Officials: compiled by The Joint Center for Political Studies. March. 1971. Washington, D.C., 1971. 125 pp.

Operating Costs in Public Housing: A Financial Crisis, by Frank deLeeuw assisted by Eleanor Littman Tarutis. Washington, D.C., The Urban Institute [1970]. 64 pp.

The South and Her Children: School Desegregation 1970-1971. March, 1971. Atlanta, Georgia: Southern Regional Council Inc., 1971. 87 pp.

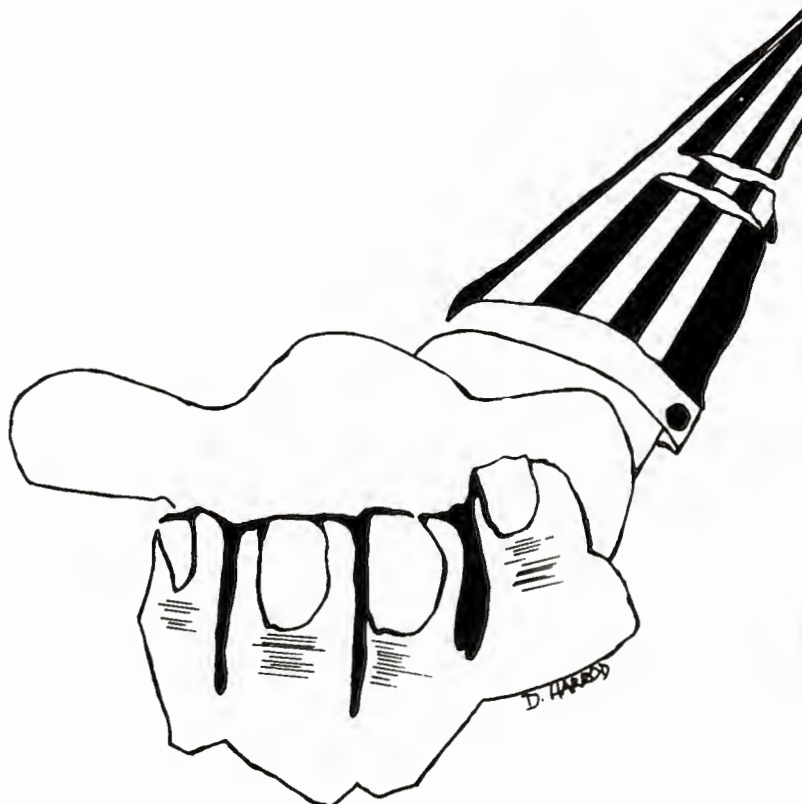
FILMS

Shake Up the Echoes. A film produced by NBC-TV News and shown on the network's magazine-format documentary program, "First Tuesday", December 1, 1970. It is a 16mm, color film which runs for 30 minutes. NBC is solely responsible for its content which depicts the changes taking place on the campus of the 129-year-old University of Notre Dame. There are interviews with Rev. Theodore M. Hesburgh, CSC, President of the university, who discusses the new rules and policies

made on the basis of suggestions from faculty, students, and alumni. We are shown scenes of coeds participating in dorm activities, such as watching TV or relaxing; counseling sessions conducted by young priests out of traditional garb; and various minority students intermingled in discussion groups. Father Hesburgh outlines the efforts being made to recruit more Spanish-surnamed and black students and the involvement of the university in activities of the surrounding community. NBC says that the University of Notre Dame was virtually unique among American institutions of higher learning in changing many of the old traditions without violence or destruction. The university transferred the film from videotape without editing—even the commercials are left intact. It can be obtained by writing to the Director of Special Projects, University of Notre Dame, Notre Dame, Indiana 46556.

Oh Freedom. Narrated by Rev. Andrew Young, former aid to the late Dr. Martin Luther King, Jr., a 16mm, color film highlighting key events of this Nation's civil rights movement. Beginning with the words, thoughts, and deeds of such prominent black persons as Harriet Tubman, W.E. DuBois, and A. Philip Randolph, it traces the development of the fight for equal rights up to the cry for "black power". Scenes include still photographs of early sit-ins and demonstrations; the emergence of Dr. King as the leader of non-violent resistance; the brutal acts inflicted upon marchers and supporters of equal rights; and the long battle for voting rights in the South. Only after frustration and disappointment, do we see a new kind of leadership growing in the person of Stokely Carmichael, whose words forewarn of a more militant strain and a move for black solidarity. At this point the film ends, the point at which what Reverend Young calls "the struggle to redeem the soul of America" takes a new turn. A valuable source of background information on the civil rights movement, the film is approximately 30 minutes long. Contact the New York Times/Arno Press, 229 West 43rd St., New York, N.Y. 10036.

Book Reviews



RICH MAN, POOR MAN, by Herman P. Miller,
1971, Thomas Y. Crowell, Inc., 298 pp.

This examination of income distribution in the U.S. is not likely to join Irwin Shaw's novel of the same name on the bestseller lists. Books fat with statistics and tables are not the stuff of which bestsellers are made.

Nonetheless, Miller's work is a smoothly written and often informative examination of who shares how much of the Nation's affluence. The author, Chief of the Population Division at the Bureau of the Census, has put together a comprehensive statistical

look at the distribution of wealth by race, sex, age, occupation, and level of education.

Unfortunately, much of the data are unremarkable and Miller's understanding of the poor and nonwhite is scarcely as enlightened as his newborn concern for the environment.

Reflecting the changing priorities of the 60's, this updated version of an edition originally published in 1964 includes new chapters on the costs of affluence and the growth of anti-poverty programs, as well as expanded discussions of minorities, women, and the poor.

A strong new introductory chapter, "Riches for What?", contends that . . . "the increase in our private wealth is matched by the growth in public misery—crime, pollution, and congestion." Miller argues that "What we need is a national commitment to use our growing affluence to attack our domestic problems." He acknowledges that some of the cost may come in the form of higher prices and higher taxes.

Subsequent chapters which document the nature of our affluence reveal that:

- * In 1968, families from the lowest fifth of the income scale (under \$4,600 per year) received 6 percent of the *income* while those from the highest fifth (over \$13,500 per year) received 41 percent;
- * Two percent of the consumer units (individuals and families) in this country own 43 percent of the *wealth*;
- * From 1962 to 1969, the number of millionaires increased by more than 200 percent, from 67,000 to 200,000. Almost half are women;
- * Between 1964 and 1969, Federal aid to the poor rose from \$11.9 to 24.4 billion; and
- * Median income of nonwhite families as a percentage of white family income increased from 54 to 63 percent between 1950 and 1968.

Miller casually acknowledges that racial discrimination might account for some of the differences in incomes and occupational status between white and nonwhite Americans, but he gives more attention to factors such as "poorer family backgrounds", broken homes, and lack of skills among nonwhite citizens.

He then proceeds to demonstrate that lack of skills results from lower levels of educational achievement and, not surprisingly, his data support that thesis.

Where income and occupational differences have been narrowed, the author credits "efforts that have been made in recent years to improve their [blacks'] education, training, and job opportunities."

Miller argues that the cash value of education should be stressed "to convince our poor, whose children are badly in need of schooling, that it may help them out of their present dilemma. . . . There are still many in our society who have had little experience with education and they do not see its value."

Such a statement betrays a major and most disturbing weakness of "*Rich Man, Poor Man*". Mr. Miller continually confuses the symptoms with the sources of poverty.

The thrust of much of his discussion is that we must show *them* the value of education . . . of job training . . . of stable families. We must make *them* more like *us*.

The poor know very well that education is important. They want to succeed just as much as you want them to.

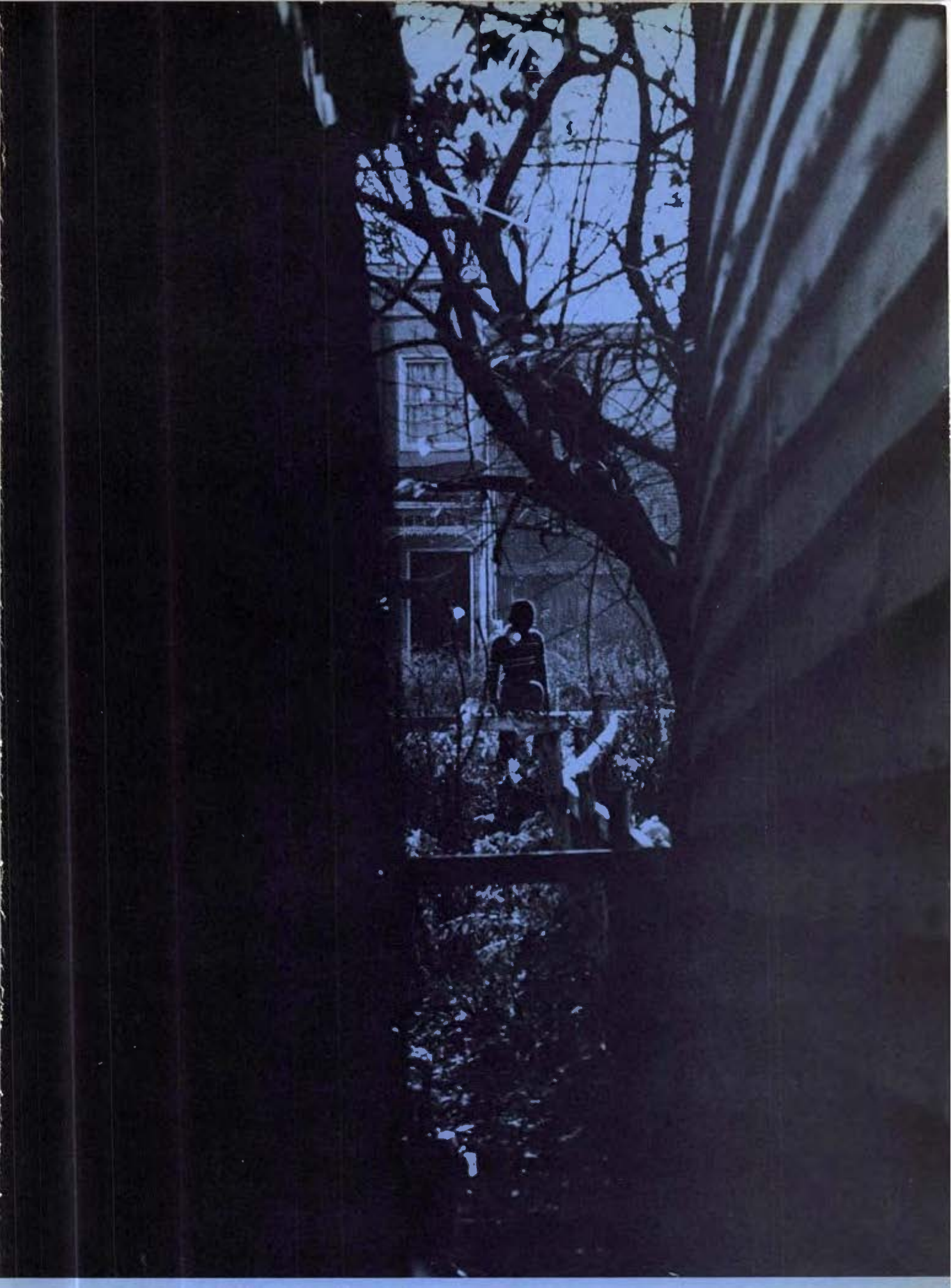
There are, however, some institutions that get in the way. Institutions which have failed to serve them for years. School systems dominated by the white and affluent who know and care little about the "underprivileged". Labor unions which have systematically excluded even qualified men for skilled trades because they are nonwhite. Corporations which make only token efforts to hire, train, and promote those at the bottom of the economic ladder. Government agencies which fail to enforce laws already on the books.

The sicknesses of racism and poverty infest virtually every institution on which our society rests. Government programs can help to fight the diseases but only institutional change can insure their elimination.

Conditions have indeed improved for many of those heretofore considered "less fortunate", as Mr. Miller amply documents, but if one measures what has been done against what can be done to open America to all its citizens, it becomes difficult to stand tall with the author and pat ourselves on the back.

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