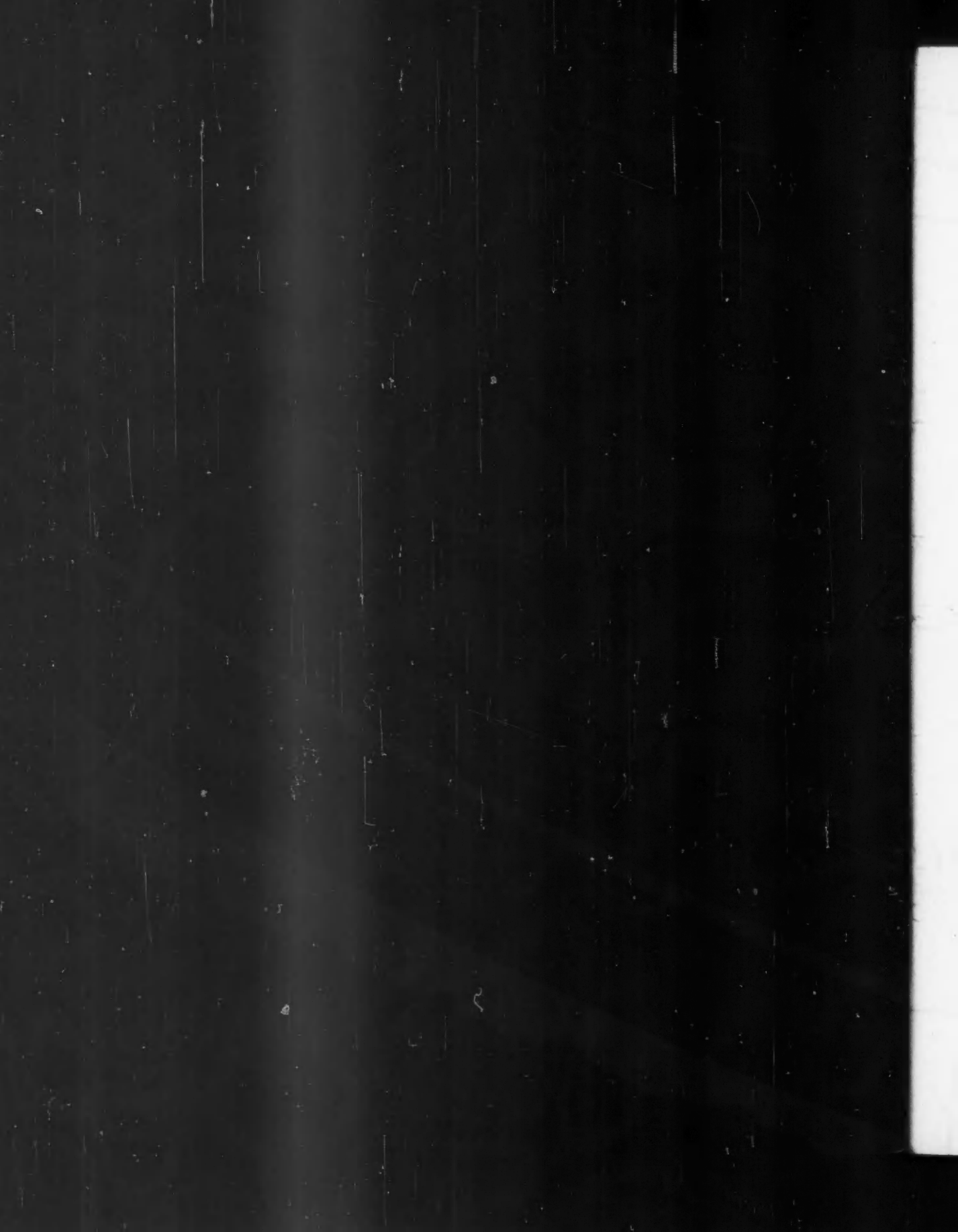


CIVIL RIGHTS DIGEST

A Quarterly of the U.S. Commission on Civil Rights/Spring 1973

EXCLUSIONARY ZONING IN THE SUBURBS:
THE CASE OF NEW CANAAN, CONNECTICUT



CIVIL RIGHTS DIGEST

Spring 1973

Vol. 5, No. 4

- 2 EXCLUSIONARY ZONING IN THE SUBURBS:
THE CASE OF NEW CANAAN, CONNECTICUT
Will moderate and low income housing be admitted
to the suburbs? This case may foretell a
breakthrough in the Seventies
by Ellen Szita
- 15 INTEGRATION—IS IT A NO-WIN POLICY
FOR BLACKS?
Its merits in the area of education are
highly controversial
by Derrick A. Bell, Jr.
- 24 "IN THE NAME OF HUMANITY"
The plight of Soviet Jews parallels minority
plight in the U.S.
by Frankie M. Freeman
- 30 UNEQUAL OPPORTUNITY AND THE CHICANA
A discussion of the unique role of the Mexican
American woman
by Linda Aquilar
- 34 Ms.—TODAY AND TOMORROW
Two points of view—one black, one white
by Margaret Sloan and Gloria Steinem
- 43 "MERE WORDS OF THE CONSTITUTION
unless there are lawyers who will fight for them"
by the Honorable Earl Warren
- 47 READING & VIEWING
- 48 BOOK REVIEWS
How does education cope with color?
by Miles Fisher

U.S. Commission on Civil Rights

Stephen Horn, *Vice Chairman*
Frankie M. Freeman
Maurice B. Mitchell
Robert S. Rankin
Manuel Ruiz, Jr.

John A. Buggs, *Staff Director*

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

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;
- Appraise Federal laws and policies with respect to equal protection of the laws;
- Submit reports, findings, and recommendations to the President and the Congress; and,
- Serve as a national clearinghouse for civil rights information.

*Director of
Information and Publications*
Bernard Morris

Editors
Wallis W. Johnson
Kay Koplovitz

Art Direction
Joseph W. Swanson
Del Harrod

The *Civil Rights Digest* is published quarterly by the U.S. Commission on Civil Rights as part of its clearinghouse responsibilities. Funds for printing the *Digest* were approved by the Director of Bureau of the Budget on January 29, 1968. Correspondence related to the *Digest* should be addressed to Editor, *Civil Rights Digest*, U.S. Commission on Civil Rights, Washington, D.C. 20425.

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



Del Harrod

Exclusionary Zoning In the Suburbs: The Case of New Canaan, Connecticut

Will moderate and low income housing be admitted to the suburbs? This case may foretell a breakthrough in the Seventies.

By Ellen Szita

In a short history titled *About the Neighborhood*, New Canaan, Connecticut, resident H. B. Thayer wrote in 1934: "There is a pleasure in the possession of land which there is not in the possession of anything else. It is entirely apart from the practical features connected with possessions . . . some years back someone asked a neighbor of mine why I was buying all this worthless land in the Huckleberry Hills. He said it was because I liked to walk in the woods and feel like I owned them. I could not have said it better myself."

One would be hard pressed to find a single person in Fairfield County, or any of the wealthier suburban counties in the New York Metropolitan Region, who would ask a neighbor to defend "worthless" land today. The simple pleasure of land possession expressed by the author 38 years ago stands out in sharp contrast to the present defensive attitude, often bordering on anger, of the

suburban landowner. And for good reason.

Land within a 50-mile radius of New York City and other large, urban centers in America is prize territory in 1973. Virgin woods are not so plentiful now and the suburbanite finds himself choosing sides in a battle being waged on his front doorstep.

The growing protest movement, which came to be labeled "The Battle of the Suburbs" at the beginning of this decade, involves a more diversified group of Americans than did the Freedom Marches and anti-war protests of the 1960's. Its central theme is housing and job opportunities—and that involves everybody.

Such recognized suburban critics of past decades as William Whyte, John Cheever, and Lewis Mumford have been bolstered in the 1970's by a more formidable group of civil rights activists, advocate planners, legislators, judges, and that whole group of middle and low income Americans left behind in the flight to the suburbs. The current critics no

Ellen Szita is an associate with Warner Consultants Inc., in Washington, D.C.

longer make a simple mockery of the bedroom communities which surround this country's urban centers; they charge that the very maintenance of such communities discriminates against the 70 to 90 percent of the population who are excluded from them.

It is estimated that nearly all of the 100 million additional persons who will live in the United States in the year 2000 will live in suburban areas. Between 1960 and 1966, 10.1 million whites moved to the suburbs. During approximately the same time period in one wealthy New York suburban county, northern Westchester, the white population increased by 20,000 and the nonwhite population by one.

The 1970 Census reveals 36 percent of America's population already lives in suburban sections of metropolitan areas. Sometime in the current decade, more people will be employed in the suburbs than in either the cities or rural areas.

The wealthy suburbs in the New York Metropolitan Region, and throughout the country, have been able to put up their walls and fences largely with the help of local zoning ordinances. And that, one writer with foresight noted some years ago, "is zoning with a capital Z."

The power granted local communities to zone through State Enabling Acts gives them the right to regulate housing patterns which, in turn, regulate educational opportunities, living environment, and job accessibility. More importantly, Theodore M. Hesburgh, former chairman of the U.S. Commission on Civil Rights, points out, "... housing patterns have a permanent impact in de-

termining whether racial alienation and unrest will continue to grow or whether it will be reversed."

The State Zoning Enabling Acts, many of them modeled after the one written by the Department of Commerce under the guidance of Herbert Hoover in 1921, were enacted "for the purpose of promoting the health, safety, morals, or general welfare of the community . . ."

It was perhaps the vague wording of that Act which led to the present suburban battle. What does the term "general welfare" mean anyway? Who's health, safety, morals, or general welfare were to be protected?

Edward M. Bassett, one of the framers of New York City's Zoning Ordinance of 1916, suggests why "general welfare" was never defined:

We did not know what general welfare meant, or at least how it could help us in defining zoning principles. We know the dark rooms, dark streets, dust, noise, flies, vermin, vibration, all those things have some affect on safety, or health or morals, and our code was built up with great trepidation on these bases.

That was America's first zoning law.

Modern zoning had its foundation in the sanitary, tenement, and fire zone codes known as "Nuisance Laws" of the 1800's. These laws were, for the most part, preventive codes.

In *Zoned American*, author Seymour Toll suggests both the "Nuisance Laws" and the original zoning law of 1916 were not so innocently conceived. From Toll's observations, one is able to draw some parallels with the current

zoning dilemma.

"The immigrant is the fiber of zoning," Toll writes. "He appeared first as an Oriental in the early 20th Century. In New York he is seen as a Southeastern European—the lower East side garment worker whose presence in midtown Manhattan created one of the decisive moments in the history of zoning."

Immigrants of the Seventies

The 1973 version of the "immigrant" is the moderate and low income wage earner of American society. Exclusionary zoning practices, which have increased in the suburban ring surrounding urban centers in recent years, encompasses large-lot or "fiscal" zoning, minimal provision for multi-family dwellings and what one advocate planner calls "vasectomy" zoning — apartment size restrictions which insure their occupants will have few, if any, children. Such land use regulations, lumped together in one suburban community, effectively eliminate middle and low income persons from living there.

Those who are leading the fight against such zoning practices—the National Association for the Advancement of Colored People (NAACP), the National Committee Against Discrimination in Housing (NCDH), and such advocate planners as Linda and Paul Davidoff of the Suburban Action Institute—claim the practices are in direct violation of the "inclusionary" concept of "general welfare."

Furthermore, the suburban battlefront opens at a time when the corporate move to the suburbs is accelerating at an unprecedented pace, rising construction costs are severely limiting the profitability

of building moderate or low cost housing in the suburbs, and the Department of Housing and Urban Development (HUD) is reluctant to fund projects which will help maintain patterns of racial segregation.

The cities, formed to take on the suburban "rejects," find their housing waiting lists increased and their financial resources, which in some cases have not yet been able to meet the needs of urban renewal projects of the previous decade, further drained.

New Canaan, Connecticut, is a town which has been experiencing such an urban-suburban struggle for the past year and a half. "Who ever said poverty, welfare and housing were the city's problem?" ex-Mayor Frank Zullo of neighboring Norwalk asks in despair. "But we left the cities to get away from the crime, the filth and the poor housing," comes the chorus from wealthier New Canaan. "Now you're telling us we must open up our fine community to the problems we left behind. We don't discriminate here, anyone who can afford to live in our community is welcome."

A suburb which has long had the reputation of being "New York's best address," New Canaan is located 66 minutes by train from Grand Central Station and is easily accessible to the Merritt Parkway and the Connecticut Turnpike. Bordering her are the wealthy communities of Darien and Wilton, and not so wealthy Stamford and Norwalk. Nestled behind lush greenery and old New England stone walls running along its hilly terrain, New Canaan offers what one resident called "country living with city thinking."

Even with a steadily expanding population which grew from 13,000 in 1960 to an estimated 20,000 in 1972, New Canaanites still like to think of their town as a village. Expensive boutiques and food specialty shops line her two main streets in the small business center which has steered clear of industry, large department stores, bowling alleys, and discount drug stores. Such business establishments have no place in a town which has won praise for the design of its gas stations.

The small homes, condominiums, townhouses, and apartments near the downtown center are quickly forgotten as the visitor drives past the shops and railroad station into the residential district where 80 percent of the land is zoned for two and four acres. One is not so overwhelmed by the tree-lined roads and colonial architecture of many of the homes as by the space between those homes. Here, one thinks, a man's home is really his castle.

Exclusionary Zoning?

"Exclusionary zoning?" asks the voice on the other end of the telephone belonging to an inquisitive, then noticeably irritated, and finally, defensive member of local town government. "We don't exclude anyone here. I don't know what you're talking about!"

Her response is typical of those anyone investigating New Canaan's zoning regulations may expect. It is not a view held by all but it can be safely said it is a majority view. Another variation is, "People in New Canaan are a minority too. They have worked hard to be able to afford to live here. You know, I'd like to live on Park Avenue but I can't afford that. Why should we have any

obligation to house those who can't afford to live here?"

The answer to that question will be fought out in the courtroom sometime in the next two years. The plaintiffs: 16 persons of moderate to low income, all black or Spanish-speaking, who now live in New Canaan, Stamford, and Norwalk. The defendants: 31 officials involved in "making, executing and/or administering the housing and land-use laws and policies of the town of New Canaan," and one John Bucciarelli, former landlord of 31 apartment units deemed "substandard."

Suing the town is the Suburban Action Institute (SAI), a non-profit advocacy planning agency directed by Paul Davidoff, a former New Canaan town planner. The suit, filed in June 1971, charges that New Canaan's land-use regulations are discriminatory and thus in violation of the 13th and 14th Amendments of the Constitution and the 1968 Civil Rights Act. The Institute asked the U.S. District Court in Bridgeport to repeal the present zoning regulations and require the town to set aside no fewer than five parcels of land for the construction of moderate and low cost housing.

Davidoff has forced New Canaan into a very uncomfortable role in carrying out his Institute's goal set in 1969 "to focus public attention on the role of the suburbs in solving the metropolitan problems of race and poverty."

Such ugly charges of discrimination and questionable town planning are repugnant to a community whose nickname is "The Next Station to Heaven" and which has always prided itself on being one of the finest suburban communities in the Nation

Suburban Action Institute

The Suburban Action Institute (SAI) was initiated by two young urban planners in May 1969 with funds from the Stern Family Fund and the Taconic Foundation. At that time, the first scholarly works linking suburban land-use restrictions with the social and economic problems of those living in poverty in the inner city had just been published. The National Association for the Advancement of Colored People (NAACP) had announced suburbia would be "the new civil rights battleground."

The Institute had modest beginnings in an office in White Plains, New York. From there its co-directors, Paul Davidoff and Neil Gold, announced the Institute's goal of opening up suburban land to low, moderate, and middle income housing with full access to the expanding suburban job market. In 1973 it has expanded to a larger central office in Tarrytown, New York, and a second office in East Orange, New Jersey. It has also formed the Garden Cities Development Corporation to build the housing.

Davidoff and Gold both brought several years of experience in the fields of housing and planning to SAI. Davidoff, 43, had most recently served as Chairman of the Urban Planning Program at Hunter College and has degrees in both planning and law. He had also served on the New York City, New Canaan and Delaware County Planning Commissions and had

been a consultant to a variety of urban planning groups including the National Commission on Urban Problems. He and his wife Linda, also a planner, currently serve on the editorial board of the American Institute of Planners Journal and have written for national publications.

Gold, 36, had served as a planning and housing consultant before coming to SAI. He also served as Program Director for the National Committee Against Discrimination in Housing (NCDH) and as a Special Consultant on Tax Problems to Mayor John Lindsay. Also having published in national journals, Gold has served as a consultant to Percy Sutton, Manhattan Borough President, the National Commission on Urban Problems and the President's Committee on Equal Opportunity in Housing (1967).

The Institute now has a seven-member legal staff and a National Advisory Board headed by Sutton. By the end of 1972, SAI had initiated or taken part in litigation against restrictive suburban land-use at the Federal and state levels. In addition SAI has filed complaints with the Equal Employment Opportunity Commission (EEOC) against large corporations planning to relocate their headquarters out of the inner city and into suburban areas where inadequate supplies of moderate and low income housing are available for other than executive employees.

In addition to filing suits and drawing up plans for new, balanced communities through its Development Corporation affiliate, SAI initiates research projects which focus on problems affecting metropolitan areas. This year, for example, SAI is planning to publish a study of the taxation of industrial and commercial property in New Jersey and a study of the income distribution in the New York Metropolitan area.

Plans for new communities in Mahwah, New Jersey and Lewisboro, New York have already been drawn up by SAI and the Institute plans to challenge both towns in the courts if their planning and zoning commissions do not agree to rezone land to accommodate the plans.

This month, the SAI plans to begin publishing "citizens' handbooks" on such subjects as suburban zoning and Planned Urban Development (PUD). In addition, the Institute has already published a variety of reprints and original articles on related subjects such as "corporate responsibility"—some of them based on the three annual conferences SAI has sponsored to date. The most recent one, held in New York City in January 1973 and entitled "The Environment of the Open Society," was attended by more than 800 persons and featured such keynote speakers as Margaret Mead, Ralph Nader, Lawrence Halprin, James Ridgeway and Herbert Gans.

—aesthetically, intellectually, and socially. Perhaps most repugnant of all is a former town planner's initiation of the suit—the act of a traitor, according to several New Canaanites.

Suddenly, New Canaan is associated with national magazine articles on snob zoning. A Westinghouse Broadcast Documentary, "The Suburban Wall," records the town's highest official saying, "We have many blacks in New Canaan. We have some very fine people. Some of them are friends of mine." (In 1970, New Canaan had 17,455 residents, of whom 393 were black.) That documentary, termed "vicious" and "biased" by several residents, captured the 1972 Robert F. Kennedy Journalism Award for excellence in broadcasting.

In short, past months have thrust this master bedroom community into a period of uneasy re-evaluation, requiring it to defend community planning which was always assumed to promote, to the fullest, "the general health, safety and welfare" of all its residents at nobody's expense but their own. It has now been estimated the town will spend \$200,000 in court costs before the SAI suit is settled.

New Canaan's large-lot, single-family zoning has worked well for the majority of its residents because the median income per family is \$25,000, and many of the public officials responsible for planning and zoning are long-time residents who purchased their homes at reasonable prices 20 or 30 years ago and have seen their values double and triple since. The "artificial" land shortage created in New Canaan, through fiscal or large-lot zoning, increases

the average assessment per house and limits population by zoning 80 percent of the land at two and four acres. A disproportionately small amount of land is left for multi-family, small-lot, and commercial zoning.

Neighborhood opposition has prevented moderate cost housing from being built in New Canaan in past years, and has also been largely responsible for rezoning of town land from one to two and finally four acres. Opposition was successfully wielded against the ugly developer who residents were convinced would turn their town into Levittown overnight—a desperate plea to save the "countryside" and keep the schools from being overcrowded and property values from declining.

In 1947, rumors that developers were planning to build 50 to 60 homes on one-acre subdivisions led to the first two-acre zone. Later, in 1953, more land was rezoned from one to two acres when another group of developers wanted to build split-level homes valued at \$35,000 to \$40,000, on 60 acres of land.

Strengthened by previous victories in rezoning, residents in the northern section of town, then zoned for two acres, began pressuring for the four-acre zone in 1956. At that time the Planning Commission stood separately from the Zoning Commission and was merely serving in an advisory capacity.

The Zoning Commission responded rapidly to pressure for upgraded zoning in 1956 after it learned that the single largest property owner in town, John L. Senior, Jr., was negotiating to sell 460 acres of his land to a developer. Within 13 days of the

public announcement in New Canaan's *Advertiser* that Senior was selling his land, the first public hearing was held on upgraded zoning. The proposal to rezone some 4,000 acres of the town's land included Senior's property.

The four-acre proposal evoked mixed reaction among residents. A Citizen's Action Committee, which never identified itself individually, criticized the Zoning Commission which drew up its four-acre proposal without consulting the general public. The Committee ran full-page ads in the local paper asking for further explanations of the proposal, and finally calling for new municipal management.

On the Zoning Commission's side were residents who wanted to maintain New Canaan's "semi-rural atmosphere" and were worried about their property values. Senior's lawyer noted at a public hearing, "Three hundred years ago there were a few Indians and homes in New Canaan. It's a good thing the settlers didn't decide to limit the growth of the town then."

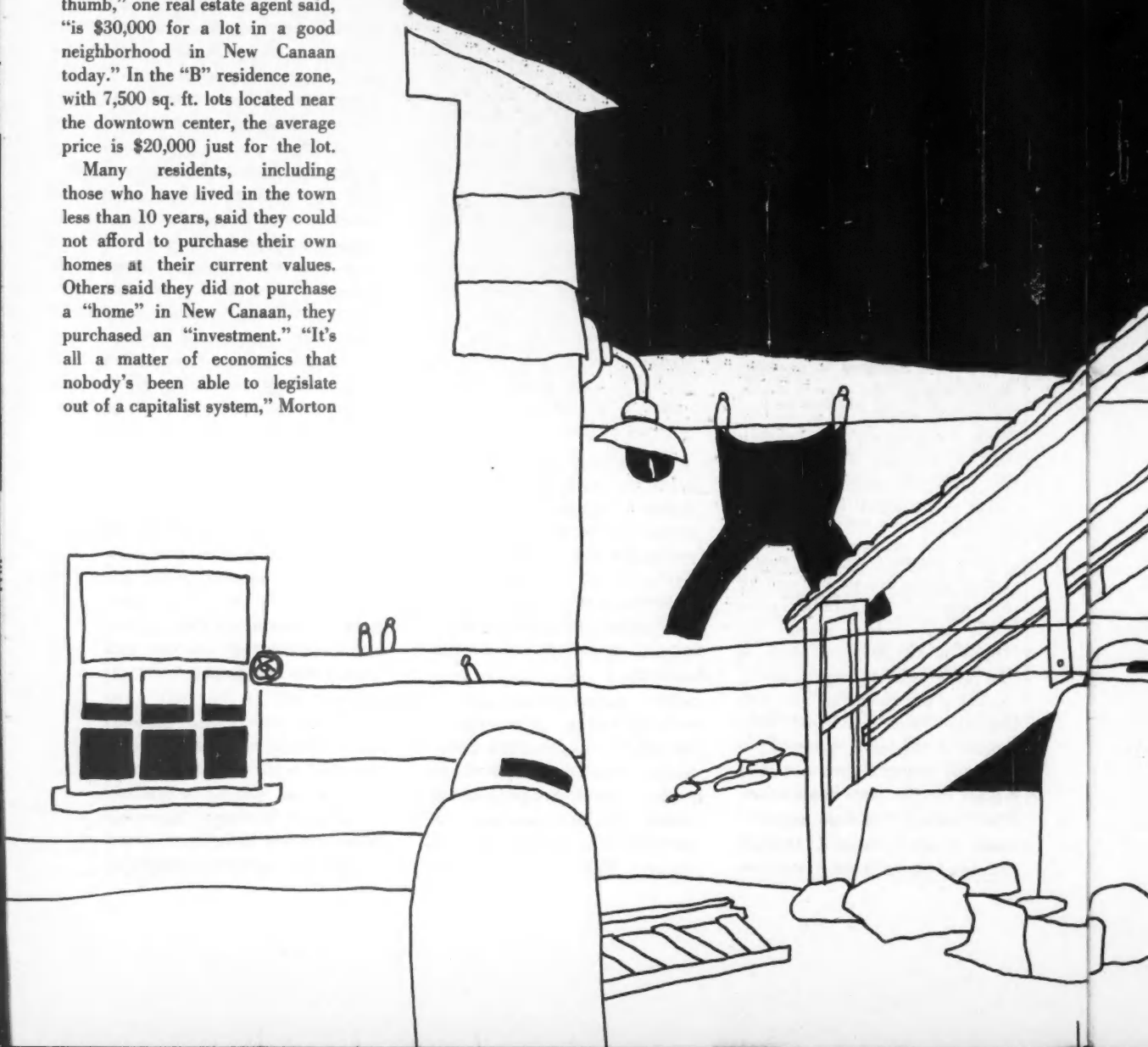
After soliciting help from engineers to back up "environmental" arguments, the Zoning Commission unanimously approved the four-acre zone in November 1956. A year later, the approval was rejected by the Bridgeport Superior Court which called the upgrading so substantially at odds with reason that the matter is not debatable."

However, the Zoning Commission challenged the lower court decision in the Connecticut Supreme Court, winning its case two years later. Declaring "the maximum possible enrichment of developers is not a controlling pur-

pose of zoning," the Connecticut Supreme Court upheld the four-acre zone in July 1959.

In 1837, New Canaan was the third leading shoe manufacturing center in the United States. Today her principle industry is real estate, with approximately 100 real estate agents selling homes whose average value is \$80,000. Charles Morton, the Town Tax Assessor, says land values have increased 200 percent in the past five years. "A general rule of thumb," one real estate agent said, "is \$30,000 for a lot in a good neighborhood in New Canaan today." In the "B" residence zone, with 7,500 sq. ft. lots located near the downtown center, the average price is \$20,000 just for the lot.

Many residents, including those who have lived in the town less than 10 years, said they could not afford to purchase their own homes at their current values. Others said they did not purchase a "home" in New Canaan, they purchased an "investment." "It's all a matter of economics that nobody's been able to legislate out of a capitalist system," Morton





claimed. "Zoning in no way affects minority groups coming here; economics affect them."

Although New Canaan's first zoning regulations, approved in 1932, were not intended to discriminate against the poor or minorities but rather to maintain "a beautiful New England town," their effect has clearly been to create an unbalanced community. Housewives can be seen daily picking up or dropping off their black domestics at the railroad station. The few black families who can afford to live in town, one black resident said, "reside within a three block radius of each other." When residents talk about their community, they speak of two economic groups—the "ridge-runners," many of them commuters who live in the two- and four-acre zones, and the "townies," including many Italians and a few blacks who live near the business center.

Schools Attract Residents

Interviews with residents and the results of a public opinion survey conducted by town government in 1965 reveal the majority of New Canaanites moved to the town because of the excellent reputation of its public schools. New Canaan students rank well on national tests scores and for years 70 to 90 percent of its high school graduates have entered colleges and universities.

At the high school, principal Alan Haas says adding minority teachers to his staff is in his "long range" plans but when he begins such a recruitment program he'll keep close-mouthed about it. Asked why, he admitted "It's a volatile issue." He said his students are not getting the well-

rounded education they could if the schools were fully integrated, but on the housing issue he's remaining neutral because he's "a public official."

Several teachers at the high school also voiced concern over the sheltered education their students are receiving, noting there was tremendous overreaction on the part of white students during the school's first racial flare-up last year. One teacher, who emphasized that his concern about his students' segregated education is not a majority viewpoint, characterized his fellow teaching staff as "60 percent Archie Bunkers and 40 percent Flip Wilsons."

"I'll give you an example of how isolated these kids are," one of the high school teachers offered. "A couple of years ago one of my students was writing a story about a slum in New York City. She was writing about a family that was very, very poor. In fact, the family was so poor the father couldn't afford a car and he had to take a taxi to work everyday."

While there has been a long standing concern in New Canaan that housing patterns be maintained which will not overcrowd the schools and put undue burden on the taxpayer, there has not been similar concern shown for housing the teachers who must pass stiff requirements to be able to teach in those schools. With apartments renting at an average of \$265 a month and most of the homes on the market selling at \$60,000 and over, two thirds of the teachers in the system live outside of New Canaan, some, admittedly, by choice. Of the 104 teachers at the High School, 24 live in town.

Most of the teachers interviewed agreed it would be a better school

system if more teachers could live in town, not only to get better acquainted with their students and their students' parents, but to get involved in community affairs.

The rulings by the California Supreme Court last August in *Serrano vs. Priest*, declaring the State's school finances unconstitutional because they discriminate against children from poor areas, may one day affect New Canaan if the U.S. Supreme Court upholds that ruling. Should State financing replace local property tax financing of public education, New Canaan will no longer be able to reject moderate and low income housing on the grounds it will raise school taxes. Busing has been whispered about in the town but has yet to come up for public debate. "When that happens," one teacher commented, "all hell will break loose."

Although teachers don't like to be classified in the same group with firemen and policemen because they have more education, the need for moderate to low income housing in New Canaan is most often talked about in terms of these three groups. Up until a few years ago, the Police Department required all of its policemen to be local residents. That worked for the old timers on the force who might have been able to buy their homes for \$5,000 33 years ago, but with rising property values, the rule had to be changed.

Thirty-one of the thirty-eight officers on the police force live in town and the others are encouraged to live in Stamford or Norwalk to cut down on commuting time in case of an emergency.

Reluctance on the part of local town officials to "make a big deal" out of the housing issue has made

it more difficult for local residents with humanitarian instincts to get proposals for moderate and low cost housing accepted.

What is available to the moderate to low income person who wants to live in New Canaan includes six recently completed two- and three-bedroom apartments renting at \$225 and \$250 a month and 16 units of Federally-subsidized housing built in 1952 for World War II and Korean veterans. Until last fall when they were sold to local real estate agents, 31 apartments of 1895 vintage with no central heating, were available.

The six new units were the first to be approved by the Planning and Zoning Commission in New Canaan since 1952. Several New Canaan sources indicated both the proposal for the six new units and the Zoning Board's approval were based on pragmatic politics. The units were approved about the same time John Bucciarelli was attempting to sell his 31 apartment units of 1895 vintage because they were no longer profitable for him to keep. Many of the apartments were badly in need of repair and only one of them had central heat. It was hoped, residents said, that the six new units would help stem the tide of criticism which was bound to come when Bucciarelli's tenants, many of them black, would be asked to leave because the apartments had been sold. Earlier, Bucciarelli had appealed to the town's Zoning Board of Appeals to tear down the apartments and build new ones. His request was turned down on grounds new units would be too expensive for his current tenants and the land on which they had originally been built had since been zoned for business.

Bucciarelli was named in the SAI suit for maintaining substandard housing. All of the New Canaan plaintiffs named in the suit lived in his apartments at the time the suit was filed, although some have moved out since.

The Federally-subsidized Millport Project, a group of low, red brick buildings located within walking distance of the downtown shopping district, was only built after four long years of debate centered on the reluctance to accept Federal money for fear of losing local autonomy. Additional units originally planned have never been built because, according to Housing Authority Chairman Homer Bernier, "the State had no money." He added if he went to the town to get money to build the units there would have to be a public referendum on the proposal and "it wouldn't pass."

The Millport units rent at \$81 a month for a two-bedroom apartment and \$90 a month for a three-bedroom. Residents are screened according to income and Bernier said a tenant could earn up to \$7,800 a year and qualify. If a tenant should get a salary raise, within reason, while living in Millport, he is able to keep his apartment by paying an extra surcharge, figured on a sliding scale.

Between 1963 and May 1972, the Planning and Zoning Commission has approved the construction of 500 multi-family units, most of which have been built as high-priced condominiums and town houses. Expensive townhouses now occupy land originally proposed for 95 units of housing for the elderly which led one resident to remark, "There are elderly people living there now, but they are the right kind of old people."

When Davidoff's class action against New Canaan finally gets to court, a proceeding which may begin as early as this spring according to SAI, 1956 will probably be considered a crucial year by lawyers on both sides. That was the year Davidoff was a town planner in New Canaan and the year a large section of the town on the north, bordering New York, was rezoned from two to four acres.

Some town officials like to think Davidoff will hang himself in court because, according to Zoning Commission minutes, he proposed an additional 144 acres be added to the four-acre zone when the proposal was first made. He also drew up a report for the Commission on the long-range effects of such a proposal, which was never released publicly. The advocate planner said he opposed the four-acre upgrading and said so in a memo to the Zoning Commission which they also never released publicly. "I was a lot younger then," he said, "and not willing to put up the real fight."

What Davidoff did release publicly, when he resigned in the spring of 1957 to join a rezoning project in New York City, was a strongly-worded report on the future of planning and zoning in New Canaan. He suggested among other things that the two concepts cannot and should not be separated. The overall tone of his lengthy memo was that "crisis" zoning which is the "cheap way out" should be replaced by solid, long-range planning.

Pressure Grows for Moderate and Low Cost Housing

Although it is clear that the pressure will be constant on the greenbelt suburbs to open them-



selves up to middle and low income wage earners for the rest of this decade and into the next, changes may be painfully slow in coming from legislators if the Massachusetts Legislature provides any basis for comparison.

Recognizing the need for more moderate and low cost housing in Massachusetts suburbs, especially in the wealthier communities where local zoning had prevented it from being built for so long, the legislature passed the now-famous Anti-Snob Zoning Law in 1969. This law established a formal appeals procedure for developers trying to crack zoning board dictates. Although the passage of the Act was hailed by advocate planners and housing experts from Boston to California, not a single unit of moderate cost housing has resulted from the Act's passage to date.

Hopelessly caught up in loopholes, the Anti-Snob Zoning Act backfired on the legislators who discovered its passage added impetus to community opposition and did not encourage developers to fight the local zoning boards.

Under the Act, communities are not automatically required to provide the housing, rather the burden falls on the developer. He is required to come forth with comprehensive building plans for suburbs which have zoned less than 1.5 percent of their land for moderate and low cost housing or where less than 10 percent of the community's housing units are of this type.

Drawing up such plans is time consuming and expensive for developers who are understandably reluctant to be the first to test an Act which many suburbanites still think is unconstitutional. Two test

cases are presently in litigation, but even if they are decided in favor of the developer, each case will constitute an individual ruling rather than an all-encompassing ruling on moderate and low cost housing.

Donald Barr of Boston's Department of Community Affairs, which oversees the appeals procedure, spoke harshly of the inaction on the Act. "Now it is a question of principle versus relative success," he said. "Legislators don't have to look as seriously at technical changes that would make the law work better. To some legislators it is an advantage to have something on the books as a demonstration of faith—whether it works or not."

In 1971 Senator Abraham Ribicoff of Connecticut forced debate on integrating the suburbs by forbidding government agencies from locating in communities without sufficient stock of moderate and low income housing to accommodate employees. He lost.

Housing has also entered the debate over executive office complexes since advocate planners, including Davidoff, have begun to file complaints with the Equal Employment Opportunity Commission (EEOC) against corporations planning such moves on the ground their employees will not be able to find housing in exclusive suburbs.

The Radio Corporation of America (RCA) quietly negotiated for the purchase of 300 acres of land in New Canaan in 1971 and then applied to the Planning and Zoning Commission for a rezone permit to build an executive office complex. The land is currently zoned for residential use. Three months after the sale was com-

pleted, SAI filed a complaint with the EEOC which said, in relocating, RCA would be moving at least 600 employees who would not be able to find housing they could afford in New Canaan. It is interesting to note that when RCA executives were confronted with the EEOC complaint, they said, "That should be taken up with New Canaan officials, not with RCA."

After the complaint was filed, RCA withdrew its rezoning application from New Canaan's Planning and Zoning Commission. Many residents now fear RCA will sell its 300 acres to a developer and build its executive office complex elsewhere. It is a kind of schizophrenic position many residents find themselves in today. Would it be worse to have an executive office complex on those 300 acres and be faced with possibly having to build housing for employees, or, would it be worse to have 200 to 300 new homes built on the land with the subsequent added burden on the schools and town facilities?

A group of some 1,600 families belonging to the Citizen's Continuing Committee on Conservation offers this helpful advice in one of their brochures:

By not permitting these installations in the first place, New Canaan has a substantial probability of avoiding attack on its zoning code by this particular argument.

Since the nature of the housing question today is so controversial and its mere mention can create instant hysteria, the latest group of New Canaan's Inter-Church Service Group, New Neighborhoods, has been formulating plans

for some 100 units of moderate rental housing to be built on a beautiful sight overlooking a pond near the Millport Project. New Neighborhoods may apply to the New Canaan Planning and Zoning Commission this spring for project approval.

Today New Canaan stands on the threshold of change which will either be self-imposed or imposed from the courtroom bench or through State and Federal legislation. Every local planning decision hinges on the pending SAI suit as well as various other events unfolding daily elsewhere in the United States on the question of zoning. There is need for a re-evaluation of the local property tax (pinpointed so well by the current school tax cases in several States), suburban zoning suits which have been filed in unprecedented numbers since the beginning of this decade, the corporate move to the comfort of suburbia and its relation to job opportunities and housing for both blue- and white-collar workers. All will affect the future of America's upper-middle class, white suburbs.

In Connecticut alone, a Commission on an "Optimum Living Environment and New Planned Communities" found in the spring of 1971 that the three-bedroom \$30,000 house is beyond the financial means of three-fourths of the State's families, and "almost half of the State's population occupies housing, both public and private, which is in some respect inadequate to their needs."

Speaking to a group of social work students at Columbia University last year, Davidoff predicted all exclusionary zoning will be overturned in three to five years. While few people inter-

viewed over the past few months share his optimism, Davidoff's Institute did win an impressive zoning suit in Madison Township, New Jersey, in the fall of 1971. The ruling, which is currently being appealed, struck down all local zoning on the grounds it ignored "the desperate housing needs of urban New Jersey."

Circumstances in the Madison Township case differ from those in New Canaan's suit, but the two share similar charges of discrimination against moderate and low income persons, primarily the blacks and Spanish speaking. "Our lawyers tell us if we can win in Madison Township, we can win anywhere," Davidoff told New Canaanites.

The Suburban Action Institute recently formed a Garden Cities Development Corporation which has bought up thousands of acres of land in New Jersey for the construction of moderate and low income housing at a density of eight to ten an acre. The land, purchased through cooperation with local property owners, can be bought at cheaper prices under current large-lot zoning. Davidoff says SAI will present housing proposals to zoning boards in the communities in which the land was purchased and if a rezone permit is denied, the local zoning boards will be taken to court.

In New Canaan, if moderate and low income housing is to be built on the scale Davidoff suggests, it appears the courts will have to be the vehicle of achievement. The density in New Canaan today is one person per acre. But the courts alone will not provide all the support needed to successfully balance the community. The problems are so varied and com-

plex that such an undertaking will require the support, both material and moral, of every resident in New Canaan. The frightfully broad implication of where a person lives and in what environment necessitates such an effort.

Alvin Toffler describes what millions of Americans have been experiencing for the past decade: future shock. We live in a time when it is no longer possible to look back on past successes or failures in the housing business; it is time for new solutions and commitments. This will not only require full cooperation from planners and legislators, but the re-education of those Americans who for too long have taken the free enterprise system to mean a man's home is his status symbol and those who don't have the opportunity to reach a level of status must simply suffer in silence.

In New Canaan, long entrenched with ideals of local autonomy and status, the road to change will not be a smooth one. The "ridge-runners" in New Canaan are going to have to take a hard look at the housing conditions where the "townies" live and the "townies" are going to have to encourage the construction of housing for other people in their income brackets. But mostly, there needs to be a realization that to be middle class or poor is not an unforgivable sin.

A woman sitting in the back of the Congregational Church during the meeting with Davidoff was quiet until the very end of the question-answer period when she said, "Doesn't it basically come down to a sense of values in a community? We love New Canaan and it's beautiful but we've got to look at the larger picture."

Integration--Is It A No Win Policy For Blacks?

Whether successful or not, the right to choose is essential in the quest for equal opportunity.

Derrick A. Bell, Jr.

*Well, son, I'll tell you:
Life for me ain't been no crystal stair.
It's had tacks in it
And splinters,
And boards torn up,
And places with no carpet on the floor—
Bare. . . .*

Langston Hughes

The opening lines of Hughes' famous poem, "Mother to Son," convey a sense of the deep weariness that those of us sincerely concerned about providing quality schooling for black children feel as we read, almost two decades after *Brown v. Board of Education*, that while two-thirds of Americans support the concept of desegregated public schools, 69 percent oppose busing as a means of achieving that long-sought goal.

The seemingly contradictory findings pose less a paradox than a problem. Despite the growing racial isolation in the country's housing patterns which render effective school desegregation impossible without busing, there is no paradox in the survey conclusions. To the contrary, those findings reflect only the most recent manifestation of a predictable pattern of white America's racial behavior, for which the historical formula is: a public posture in harmony with the Nation's traditional democratic ideals, while continuing actual racial policies that maintain blacks in a subordinate and oppressed status.

The phenomenon is not limited to schools, but there is perhaps no other area in which it is more apparent, or where it has more consistently served to frustrate the hopes and ambitions of black parents seeking to obtain for their children what has been called, since the *Brown* decision, an "equal educational opportunity."

It may provide some perspective, if little comfort, to those embroiled in staving off today's anti-busing crusade to recall that white resistance to integrated

Derrick Bell is a law professor at Harvard University Law School. This article first appeared in the March 1972 issue of *Inequality in Education*, published by the Harvard Center for Law and Education. Footnotes have been deleted from this reprinting with the author's permission.

schools did not begin in 1954, but 175 years earlier. In 1787, the Massachusetts legislature, which was then establishing the first public schools to insure the education of the poor, ignored a petition submitted by Prince Hall and others seeking schools for black children.

A century later in 1899, The U.S. Supreme Court refused to honor the "equal" portion of its barely 3-year-old "separate but equal" doctrine of *Plessy v. Ferguson*; it upheld the decision of a Georgia school board to close its black high school while continuing to offer a high school education to white students. The court later affirmed the "separateness" by approving a Kentucky statute forbidding a private school from operating on an integrated basis. Both decisions asserted concern for the educational welfare of black children.

Throughout the 19th century, black parents filed dozens of lawsuits to obtain public schooling for their children on any basis, then petitioned, litigated, and

protested to equalize or integrate their local schools. Suits to provide schools for blacks where none existed were often successful; those seeking integration generally were not.

Thus, by the start of World War II, nearly half the States still either required (as did all Southern States) or expressly permitted segregation in their public schools. That these schools were inferior as well as separate states a truth that blacks well knew, but which the Supreme Court did not acknowledge fully until 1954. The confession did not lead to immediate penitence. Resistance took new forms to the same old ends. Racist passwords have evolved from "never," to "freedom-of-choice," to "neighborhood schools," and "busing," but the basic unwillingness to accept black children into public schools designated, officially or unofficially, for whites remains unchanged.

If there is little solace in history, there may be some reassurance in the fact that much of the current clamor in opposition to meaningful school desegrega-



tion is in reaction to the growing number of Federal court orders requiring just that. Despite its new personnel specifically chosen to reflect the President's conservative view of the judicial function, the Supreme Court albeit with some wavering that bodes ill for the future, has protected and enhanced the Warren Court legacy in *Brown*. Lower Federal courts, under the never-ceasing prodding of civil rights lawyers, have enjoined one evasive scheme after another in a slow but steady stream of decisions requiring redrawing of school zone lines and busing to effectively integrate school systems in compliance with *Swann*.

Several courts have become sensitive to the need to balance the burden of school desegregation and have prevented districts from closing formerly black schools where these facilities could be used in the integrated system. Others have voided policies that would make school assignments on the basis of standardized achievement tests. Formerly white schools have been required to discard "Dixie" and confederate flags as schools symbols, arbitrary expulsions and suspensions of black teachers have been reversed.

In the most dramatic decision of the year, a Federal district judge, as anticipated by Judge J. Skelly Wright in *Hobson v. Hanson* several years ago, has sought to neutralize the flight of whites to the suburbs by ordering the consolidation of the Richmond, Virginia school district with those of two adjoining counties. The case is on appeal and will likely reach the Supreme Court this year. The support for anti-busing forces it has generated is apparent now. Even though the Supreme Court has carefully avoided ruling on the oft-presented issue of whether *Brown* could be applied to *de facto* segregation, in the North scores of cities have been ordered to desegregate their schools.

These decisions have excited passions in the North where school desegregation had been thought a "Southern problem." They have also brought renewed hope to a South almost beaten down in its decades-long effort to avoid compliance with the *Brown* mandate. Now with nationwide support . . . integration opponents seek nothing less than a constitutional amendment which, while nominally aimed at "forced busing," could serve to repeal that aspect of the 14th amendment upon which the validity of black claims to equality are mainly based.

The threat seems preposterous coming as it does at the end of almost two decades of often turbulent racial crisis through most of which blacks have made

progress. But it was in 1876 that Rutherford B. Hayes (a Republican) secured the presidency by promising Democrats that, if elected, he would remove Federal troops from the South, thereby insuring that the bloody disenfranchisement of blacks—already well underway—could be completed without Federal interference. Certainly, much has changed since 1877, but the essence of white racism that underlays the betrayal of black hopes (a century ago is all too evident in the public hysteria and political posturing around the busing issue today.

The danger is real. Continued pressure for school integration not only risks the progress in this area made during the last two decades, but threatens as well the still precarious gains made by blacks in employment, voting, housing, and the other major areas of our lifelong efforts.

Is the risk worth it? If we were to base our answer solely on the improvement in the quality of education obtained by black children, it would be a close question with an increasing number of black parents and their school-aged children answering with a resounding "No." Whatever the difficulties of desegregating the public schools, it has hardly compared to the hardships endured by those black students who have actually obtained "their rights." The physical, mental, and emotional abuse heaped on black children enrolled in desegregated schools may have begun but certainly did not end with the Little Rock Nine.

Black children are harrassed unmercifully by white students, suspended or expelled for little or no cause (when they are not simply ignored) by white teachers, are taunted and insulted, segregated within classes, excluded from extracurricular activities, shunted off into useless courses, and daily faced with a veritable battleground of racial hostility, much of which is beyond the ability or willingness of courts to rectify. None of this bares the least resemblance to "equal educational opportunity."

Not surprisingly, the educational achievement level of black children attending such desegregated schools has not improved noticeably. Even in those settings like Berkeley which are generally held out as the models of school integration, black achievement levels have been disappointing.

Thus, considering the racial crisis it has caused, the endangering of gains made by blacks in other civil rights areas, the lack of real proof of educational advantage to blacks required to go to school with hostile whites, there is an overwhelming temptation—

not to quit—but to alter strategy. Perhaps we should seek a compromise on the “forced busing” issue, accept the reality of all-black schools, and trade away the possibility of their integration in return for additional funds. Then they might be able to do now what they were unable to do during “separate but equal” days: serve effectively the educational needs of black children.

Despite the findings in *Brown* and later that integrated surroundings would enhance the education of black children, it was not simply to go to school with white children that the desegregation cases were brought. It was because from bitter experience with “separate but equal,” black parents and their lawyers knew that only by placing black children in white schools could they hope to obtain the same quality of education that white children received.

The quality of schooling received by blacks is far from perfect, but it is also far better than it was back in 1954. Should we not consolidate our gains rather than risk the passage of statutes or even a constitutional amendment that might erase them? Should blacks not compromise on the school integration issue while whites seem so anxious to spend substantial sums of money as “educational ransom” for their children?

There are at least two factors that must be discussed before an answer can be given: (1) Is it racially mixed schools that provide the basis for contemporary white resistance or integration-with-busing plans? (2) Are there alternatives to school integration that offer a brighter hope of quality education to black children?

The first question is easy enough to answer. White resistance to integrated schools is little different in effect than that to fair employment opportunities for blacks, or to their proper representation on school boards, or jury panels, or their residence in the house next door. The principle is supported, but the practice is avoided and, when necessary, opposed. The North favored school desegregation as long as it was taking place in the South. Decent housing for blacks is a worthwhile goal, but not in the suburbs where its presence may threaten the decent living environment of whites. The examples are endless. The message is the same.

✓ The relatively inferior social, economic, or political status of blacks in this country did not happen by accident. It was dictated and enforced by the relative advantage it provided to whites. ✓

✓ The status of blacks cannot be substantively upgraded without threatening and sometimes causing whites to surrender their superior social, economic, and political status. Most whites are simply unwilling to make or even risk making what they deem an unfair sacrifice. It is the manifestation of this unwillingness, expressed in overt or institutional actions tending to perpetuate the subjugation of blacks, that we currently define as “racism.” It is this characteristic of American racial behavior which gives continued validity to Reinhold Niebuhr’s oft-quoted statement made 32 years ago:

It is hopeless for the Negro to expect complete emancipation from the menial social and economic position into which the white man has forced him, merely by trusting in the moral sense of the white race . . . However large the number of individual white men who do and will identify themselves completely with the Negro cause, the white race in America will not admit the Negro to equal rights if it is not forced to do so. Upon that point one may speak with a dogmatism which all history justifies.

Blacks have long known that whites were not going to eliminate racial bias because of their “moral sense,” but the history Niebuhr refers to is instructive as to the dangers of attempted compromise on the “busing issue” or indeed on any aspect of full equality for blacks.

By the 1890’s, blacks had lost most of their Reconstruction rights. They had been stripped of their voting power, most were in dire economic straits, the Federal civil rights statutes had been either voided or negated by nonenforcement, and with the Federal troops withdrawn, they were at the mercy of “Southern Justice.”

One black leader sought to gain some benefit from what he viewed as unchangeable political realities. Booker T. Washington in his famous “Atlanta Compromise” speech in 1895 called for black men to stop seeking social equality with whites.

“Cast down your buckets where you are,” he urged.

“In all things that are purely social,” Washington said, “we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress.” “The wisest among my race,” Washington continued, “understand that the agitation of questions of social equality is the extremest folly, and that progress in the enjoyment of all the privileges that will come to

us must be the result of severe and constant struggle rather than of artificial forcing."

When Washington finished the audience went wild with glee. They were on their feet yelling. Waves and waves of applause dashed against the building. But blacks in the audience are reported to have wept.

Scholars tell us that Washington hoped to gain support for education, economic development, and a curbing of killings and maiming of blacks in return for renunciation of social and political equality. As we know, he obtained none of these. Lynchings and murders reached new heights. Segregation and discrimination increased. The effort to compromise was interpreted by whites as an open invitation to further aggression. Perhaps coincidentally, the next year the Supreme Court issued its decision in *Plessy v. Ferguson*.

I thought of the Washington speech while reading of a black man who spoke recently at a national anti-busing conference in Detroit. The report described him as the "star" of the meeting. He stated his opposition to busing and complained to the group that:

I'm being used by white Federal judges. Some people don't understand that the hearts of black mothers and fathers bleed, too.

He was given a standing ovation, punctuated by yells of "Right On!" The story is said. Reading it, one understands why sensitive black men who witnessed the Booker T. Washington speech might weep.

The conclusion is clear. If blacks decide to cease their pursuit of integrated schools, it must be in favor of a more viable educational alternative, and not in expectation that whites out of appreciation will reward the surrender with other concessions that they are not forced to make.

But whether or not on the basis of compromise, abandoning school desegregation assumes the availability of a more attractive alternative. And there are alternatives, although experience has shown that initial hope for some of them was too optimistic.

Brighter Hope of Quality Education to Blacks?

A few years ago, it was felt that programs of compensatory education would prove suitable substitutes for integration, particularly in large urban areas where meaningful integration would be difficult even without the massive opposition that has developed. The plans call for injecting special programs in ghetto schools, hiring extra teachers, utilizing the latest teaching aids, and generally committing addi-

tional resources to the target schools.

Some of these programs have been financed under Title I of the Elementary and Secondary Education Act of 1965, but there have been serious problems with the administration of this act. Civil rights groups have charged that incompetent and corrupt administration of Title I has led to misuse, waste, and diversion of a substantial percentage of the billions of dollars appropriated under the act. There is also evidence that school systems have not supplemented target schools already receiving an equal share of State funds, but have used ESEA money to reduce the disparity that exists between have and have-not schools. Money has often been spent to spruce-up black schools so as to discourage integration, rather than improve the quality of education being provided.

But even if efficient and honest administration of the program could be accomplished, there is serious doubt that there would be enough money to insure real and sustained effectiveness of compensatory education programs. A society willing to deny black children a decent education in order to preserve segregation is not likely to spend three or four times the cost of educating white children to improve the quality of schooling offered blacks, even if such programs kept black children out of white schools.

Tuition Grants

There is a similar problem threatening the future of tuition grants. A few years ago educators were excited by the possibility that the quality of education provided the poor could be improved by stimulating competition between existing public schools and private schools. Parents would receive "tuition vouchers" which could be cashed at the school where they decided to enroll their child. The parent would become the customer in a real sense, and schools would theoretically become more sensitive to satisfying the educational needs of the children enrolled there.

For the plan to be effective, the poor ghetto parent must receive a substantially larger grant than well-to-do parents, to entice schools to undertake the more difficult education challenge presented by the ghetto child and to offset the more affluent parent's ability to supplement his grant. A program providing a sufficiently disparate grant to poor parents would likely be difficult to enact for political reasons. A program providing equal grants to all parents would provide an open invitation for the middle class to supplement their grants with private funds and to set up superior schools that would simply perpetuate

present inequalities.

For years educators have been futilely urging State legislators to eliminate serious disparities in funding between school districts by amending school funding formulas that discriminate against poor districts. After a shaky start, a number of court decisions have invalidated present plans and required State legislatures to restructure funding laws without regard to the relative wealth of the districts.

However, even with the successes obtained thus far, litigation is expected to drag on for years. Meaningful implementation will require even more years of legislative debate, manipulation, circumvention, and delay. It is likely that ghetto schools will need more than equal dollars to even approach the quality of suburban schools. No court has yet recognized a legal right to any such entitlement, while the Title I experience indicates that poorer schools will be short-changed.

Finally, there is no proof that school input (dollars) had any relationship to school output (student achievement), nor is there a standard for defining, much less measuring, "achievement." School funding reform is needed and appears on the way, but it doesn't represent a suitable substitute for school integration as a means of insuring a better education for black children.

Community Control

As white resistance to integration grew, black parents and their leaders, many of whom never enthusiastically embraced the idea of sending their children to white schools, changed strategy and sought decentralization and increased local control over the public schools as a means of obtaining equal educational opportunity for their children. Spokesmen for the movement believe that if the black community could select school boards that would be genuinely concerned about their responsibilities, they in turn would hire administrators and teachers who would create atmospheres of mutual respect and pride in which learning could take place. Emphasizing black history, art, and culture, teachers, selected for their sensitivity to the special needs of black children, would build pride and counteract the low self-esteem that sap achievement potential among black students.

Some experiments in community control have produced impressive results. But the obstacles are overwhelming. In addition to the challenges of efficiently administering such a project, gaining parental support, hiring effective teachers, securing adequate financing,

there is the serious (some would say fanatical) opposition of teachers unions and other groups with strong interests in the educational status quo. Mere mention of the New York P.S. 201 and Ocean Hill-Brownsville experiments should suffice to make this point.

Because community control projects seem to represent a voluntary return to "separate but equal" education, they are likely to receive little judicial assistance from the courts, including those most unwilling to require elimination of *de facto* school segregation.

In short, the white resistance to any potentially threatening change in racial policy that retards school desegregation will also prove a barrier to blacks seeking meaningful control over ghetto schools.

Moreover, community control seems more a result than a program, a means of describing a status already achieved more than a means of acquiring it. The essence of community control is the parental sense that they can and are influencing policymaking in their children's schools in ways that are beneficial to the children. Parents in highly regarded suburban school communities have this sense, and in varying degree, teachers and administrators in those schools convey an understanding that their job success depends on satisfying the parents whose children are enrolled in the school, not the school board or the teacher union.

Achieving this parental outlook in urban ghetto areas, where parents lack the sense of power that education and socioeconomic status provide their suburban counterparts, will be extremely difficult, even in the growing number of urban areas where the percentage of black residents is steadily rising.

Free Schools

The real pioneers in the community control movement have given up on the public schools entirely and in recent years have established small private schools in ghetto areas. Moving one of these schools from idea to reality requires great dedication. Sponsors must overcome a myriad of problems including State and local educational requirements, health and safety standards, teacher certifications, and, of course, ongoing financial problems. A number of these projects have moved beyond the experimental stage and have not merely survived, but have achieved impressive academic success. Perhaps significantly, many of these schools begun deep in black communities for black children have waiting lists of white children whose parents are more than willing to pay to have their children share in the innovative, integrated educational programs that often characterize free school projects.

posi-
ong
ion
ille

ore-
nca-
nce
to

ally
ool
eek-

sult
ady
es-
that
their
chil-
om-
ach-
an
isfy-
the

etto
edu-
bur-
n in
per-

rove-
and
ools
idea
must
and
afety
on-
jects
have
ssive
these
black
hose
their
ional
jects.

But again, almost by definition, free schools are small and require a degree of commitment, competence, and courage which would be difficult to mass produce for the millions of black children whose schooling continues to reflect a separate and highly unequal character.

These are the major alternatives to integrated public schools for black children. How viable are they now that many blacks are expressing their disenchantment with integrated schools and are seeking means to provide quality in separate, black schools?

The answer, of course, is that for relatively small numbers of black children there are alternatives to integrated public schools which are both available and quite attractive. But none of them are attainable by the masses of blacks. Indeed, functioning alternative programs often owe some credit for their existence to the pressure for school desegregation.

Clearly the mixing of black and white children in a school does not guarantee a quality education for either racial group. In some situations, the degree of racial hostility is such as to render even the suggestion a farce.

What Can Integration Provide?

One may ask, if integration is not a guarantee of quality education, what is it? In summary, the right to an integrated education makes possible a legal and political climate in which the potential for quality education for black children can exist and grow. This potential is not lessened and may increase in the face of white opposition and hostility.

This is not to say that we should not be concerned about the racial fears, violence, and harassment that frequently mar public school integration efforts. But it would be a surprise if these schools did not mirror the racial antagonism of their communities. Sociologist Nathan Glazer suggests in a recent article that racial clashes among students in integrated schools, and the tendency of black and white students to remain separated in nonclassroom activity, is an indication that school integration has failed or at least is not worth pursuing.

But while school officials must do more to cope with racial harassment, and courts could certainly be more explicit about responsibilities in this area when writing integration orders, it is not necessary that blacks and whites attending integrated schools love one another, or even get along very well. Given the status of race relations in our society, this would take a miracle. Indeed, it is little short of miraculous that there are

as many interracial friendships as exist, to say nothing of the presence of a few of the greatly feared interracial romances.

Education is more than achievement outputs on standardized test results./Education should prepare students for living. In the integrated school setting, whatever the academic value of blacks learning with whites or vice versa, the two groups are forced to cope with the very real problem of racial hostility, fear, and ignorance imposed on them by the society in which they so soon will have to take their places/One might even say that to the extent that no racial conflicts exist, to that extent there is no worthwhile preparation for living in America as it is, and as it is likely to be for a long time.

The damage that can be done to children in these encounters, particularly black children who cannot flee to the suburbs, should not be underestimated. Often, for example, the harm resulting from suspension or expulsion for some racial indiscretion—real or imagined—is permanent. But is this risk of harm any worse than that experienced by so many black students over so many years in segregated institutions administered by men like Dr. Bledsoe, the classic example of this genre portrayed so memorably and accurately in Ralph Ellison's novel, *Invisible Man*?

Honest men who experienced the dictatorial atmosphere that so frequently prevailed the old segregated schools and colleges will agree that life in even a hostile integrated school cannot be worse. The conflict in desegregated schools may itself serve as a catalyst for student growth and racial maturity. This growth is hard to measure on standardized achievement tests, and it doesn't make the wire services, but it can be a crucial educational experience for black and white students who all too soon inherit society's racial problems.

A black school board member in South Carolina recently reported an experience at an open, student forum in the assembly hall of a formerly all-black high school. The school was experiencing problems of racial distrust and resentment after complying with desegregation orders that resulted in a 50-50 racial balance in two years. The board member's report of the meeting is worth quoting at some length:

The principal opened the meeting with a few well-chosen words about *getting along*. He told them all very bluntly that the time was past for arguing the whys and wherefores of school attendance lines, government regulations, busing, and the rest of it. The

job now was to get on with the business of education—to learn to live with the situation as it was. Again, like prizefighters, the students began to feel each other out. Members of the bi-racial committee brought out some of the sore points on both sides, and the students began to say what they felt—many for the first time.

A tall, strong black boy said, 'The whites act like they're too good to associate with us.'

A small, earnest white girl said, 'I'm actually afraid to pass by a group of black boys in the hall. I don't want to be, but I am.'

A sullen white boy with long hair said, 'Why should we take part in anything at this school? The government is making us come here against our will.'

An equally sullen black girl said, 'I remember the things I had to put up with when I went to a predominately white school, and I'm not going to make a big deal out of being nice to them when they're in my territory.'

And so it went. Tension was there, and it could have been explosive except for two things: the principal is a tough-minded man who managed to keep down any uproars that got started, and the other thing was that I began to feel that the children themselves didn't want any trouble to happen.

Almost as it was building, the tension seemed to be easing—as if the children realized that the things they were thinking, the prejudices and fears they had lived with all of their lives, sounded hollow when said out loud.

Then it happened. A white boy about halfway back stood up and complained, 'How can we get along with the black kids when we don't know them? They stay to themselves. You always see them at lunch or recess standing together in groups.'

A black child jumped up and said, 'Well, man, you whites act like we're going to jump on you with a knife every time we start to say something.'

The white boy said, 'Well, how do you expect us to act? You stay together in groups and talk and laugh, and the only way we could join in would be to walk up and join the group. I'd feel funny being the only white in a big group of black kids.'

Then down in front where at least 50 or 60 black children were sitting, a little tiny white girl stood up and turned to the boy and said, 'Here I am, and I don't feel funny. If I can sit down here with my friends, why can't you?'

And somewhere else, a black child stood up to show

she was sitting with a group of whites.

Of course, there was a lot of applause and excitement throughout the auditorium; and the first thing you knew, the white boy and his girl friend moved from their seats and came down front to sit with some of the black children. That started the ball rolling, and all over the room black children and white children were shifting to sit with each other. Introducing themselves. Sharing the one excitement of a new experience as only young people can.

A small thing, but when you think about the hundreds of years of distrust that have driven people apart, it doesn't seem small at all. White kids and black kids beginning to think of each other as *individuals* rather than as members of an opposing group.

Integration Necessary to Black Survival

At the beginning, this article recalled that opposition to school desegregation is neither new nor novel. Because of its pathological components, this opposition is likely to continue. Because white resistance to integrated schools is symbolic and represents the core of the philosophy that America is a white man's country, it must be fought by even those blacks convinced that the educational merits of integrated schools are overstated, misconceived, or simply untrue. For quite literally the right—whether exercised or not—of black children to attend integrated public schools is a right that is crucial not only to black success, but to black survival in this country. /

Anyone doubting this need only re-read the proposed constitutional amendments designed, to curb "forced busing." With so much at stake, we cannot afford to surrender and dare not risk compromise. Our efforts may or may not be successful, but fighting for survival is never a "no-win" policy. It is much more a "for better or worst" situation in which, for all our weariness and frustrations, we can only "keep on keeping on." But Langston Hughes said it better as he concluded his "Mother to Son" poem, capturing in his lines what is the apparent heritage and inheritance of black America:

*So boy, don't you turn back,
Don't you set down on the steps
'Cause you finds it's kinder hard.
Don't you fall now—
For I'se still goin, honey,
I'se still climbin',
And life for me ain't been no crystal stair.*

**SOVIET
JEWRY**



"IN THE NAME OF HUMANITY"

The oppressive experiences of Soviet Jews has many parallels in the lives of blacks, Puerto Ricans, Chicanos, Orientals, Women, and other minorities in America.

By Frankle M. Freeman

As a black woman and as a member of the U.S. Commission on Civil Rights, the Women's Plea for the Soviet Jewish Prisoners of Conscience has special significance for me, because it is a plea for the recognition of the basic human and civil rights of an oppressed minority.

It is vitally important that we each understand that our plea for the Soviet Jewish Prisoners of Conscience is far more than the 40 prisoners of conscience jailed

Mrs. Freeman, a lawyer from St. Louis, Missouri, is one of six Commissioners of the U.S. Commission on Civil Rights. This article is based on remarks given before The Women's Plea for Soviet Jewish Prisoners of Conscience in Louisville, Kentucky, in December 1972.

for their protest actions. It is also an appeal for the human and civil rights of all of us, human beings living in one world asking that our rights be recognized by national governments throughout the world. Dr. Martin Luther King recognized the universality of the human rights struggle when he spoke out in behalf of Soviet Jews:

I cannot stand idly by, even though I live in the United States and even though I happen to be an American Negro, and not be concerned about what happens to my brothers and sisters who happen to be Jews in Soviet Russia. For what happens to them happens to me and you, and we must be concerned . . . In the name of humanity, I urge that the Soviet government end all the discriminatory measures against its Jewish community.

Let us make no mistake about it, basically the struggle of the Jews in the Soviet Union began as a civil rights struggle. What the Soviet Jews wanted was those rights guaranteed to all nationalities under the laws and the constitution of the USSR—the right to their own culture, language, and traditions. It was only when it became evident that the Soviet Government would not allow the Jews those rights granted to all other nationalities and minority groups, that the Jews came to the conclusion that they could not live as equals in the Soviet Union. They then demanded that they be allowed to exercise their basic human right to leave the country and live as Jews in Israel.

The right to leave is also protected in the constitution of the USSR and is in accord with many

international declarations and conventions, not least of which is the Universal Declaration of Human Rights which states "Every one has the rights to leave any country, including his own, and to return to his country."

Similarities Link Soviet Jews With American Minorities

In the Soviet Jewish struggle, I find many similarities to the black's fight for civil rights in this country, as well as some very important differences. There are three to three and a half million Jews in the Soviet Union, and like the blacks in this country most of them live in the large cities. Unlike the United States where the "ideal" has been the melting pot concept, the USSR accepts the proposition that it is composed of a variety of nationality groups. The Soviet constitution recognizes and protects national differences by granting nationality groups rights. Among these are the right to use their national language, the right to maintain schools taught in their language, and the right to national theaters, national publications, and other national institutions. These rights not only exist on paper, but they exist in fact—for every group but the Jews.

In the period immediately following the Russian Revolution, the extension of rights to all nationalities and minority groups also benefitted the Jews who were recognized as a nationality. Yiddish was recognized as their national language. Jews were allowed an extensive school system where Yiddish was the language of instruction. Many thousands of books were published in Yiddish. There was Jewish State theatre. Many Jews held important posts in the government and the Army.

As a black person, I see another parallel between the black experience during reconstruction when blacks seemed to be entering the mainstream in the South, and the era immediately following the Russian Revolution when Jews were "emancipated" and entered the mainstream in the USSR. Both experiences were followed by periods of regression. The South entered the era of Jim Crow after the Hays-Tilden election, and the Soviet Jews once again began to experience discrimination in the form of anti-semitism in the 1930's, especially after the mass purges in 1937.

Another similarity between the Soviet Jewish experience and civil rights denials in this country is the vast gulf between the violations of rights which one sees in day-to-day living contrasted with the guarantees which exist in formal documents and laws. However, here the parallel ends. In the United States, the overwhelming majority of minority group members who are a part of the civil rights movement are attempting to use the democratic system, whose processes are available to them, to secure their rights and to join the mainstream of society. In the USSR the Jewish activists, looking at the system realistically, have decided that it would be impossible to secure their rights within that system and have given up on it. Thus, the momentum has changed from attempting to secure rights for Soviet Jews equal to the rights of other minorities, to asking the Soviet government to allow the Jews to emigrate.

It is noteworthy that the persons now asking to leave had been dedicated, patriotic Soviet citizens, who had been committed

to work for the advancement of their country. These for the most part are not religiously observant Jews and had they not been singled out by the Soviet government through various acts of discrimination and oppression, which limited their social and professional opportunities, they probably would have become assimilated into the Soviet culture. It was the Soviet oppression that resulted in their decision to look to Israel as their Jewish homeland, since they could not live in the Soviet Union and exhibit pride in and adherence to their Jewish heritage.

Repressive Tax Imposed

Even the latest of the repressive measures, the imposition of a tax on educational achievement, which requires that those who emigrate from the Soviet Union repay the State for the cost of their education—a ransom tax if you will—will not suppress this movement. This education tax is a reprehensible tax. It puts a price on human beings much as the slavemaster put a price on the person working in his fields, or the Nazis during World War II put a price in trucks on the lives of Jews in concentration camps and tried to exact that ransom from the Allies.

The psychological impact of this tax cannot be overestimated. For years people who have struggled continuously have been sustained by the hope that they would eventually be allowed to emigrate. The imposition of the ransom tax, in amounts which no Soviet citizen could reasonably expect to raise, means the end of hope, unless the tax is repealed. Yet the response of the Soviet Jews has been characteristic. Despite their desire to leave the country and the hardship which the non-payment of the tax

places upon them, they have recognized that payment would only result in a raising of the ante, that giving in to blackmail would only increase the demand.

With a unanimous voice, the Soviet Jews have demanded that this tax be repealed and have asked all decent people throughout the world to add their voices to the protests in order to bring pressure upon the Soviet government to repeal this obnoxious measure. And I predict that these efforts will be successful.

Our plea today should also be a plea addressed not only to the Government of the Soviet Union, but to all governments in the world, including our own. The ugly spirit of racism exists in too many places in the world today in South Africa, Rhodesia, Uganda, Great Britain, the Soviet Union, and the United States. There is nothing wrong with pride in oneself and one's heritage, but racial, ethnic, and religious chauvinism—my group before all others—is wrong. As Roy Wilkins observed in his famous speech given in Teheran at the Observance of the 20th Anniversary of the Universal Declaration of Human Rights:

The fabric of human rights is never completed—and may its borders never be limited by the rights of one group, one system, or one generation.

I would like to speak briefly to my sisters here as women and as citizens of the United States. We women see today that our rights have been limited by a society which has had to be forced by laws to give equal pay for equal work, to stop discriminating against us merely because we were

women, and to admit us into its institutions of higher learning without regard to sex. We should understand that if government imposed limitations on the fulfillment of Jewish life is a violation of basic human rights, so are limitations placed upon women because of their sex.

Jews in the Soviet Union have decided that their government will no longer afford them equal protection of the laws under the Soviet Constitution, and have elected a course of action to leave that society. Likewise, Americans should understand that many black citizens believe that their government has not afforded them equal protection of the laws under the Constitution. Chicanos and Puerto Ricans, too, feel that their government has left them out. We have seen a recent demonstration of the patient fury of American Indians who methodically twisted the 40 keys of typewriters in the Bureau of Indian Affairs into useless metal. Typewriters that tapped out endless bureaucratic warrants of death for Indians, just as surely as similar typewriters typed out endless railroad car requisitions and rail traffic orders in Nazi Germany, became objects of frustration.

As we look at American minority groups today, we should think of the conclusion of the Soviet Jewish experience — alienation from the mainstream of a great Nation by an entire community of people.

A neglected aspect of the Soviet experience is that the Soviet Union really cannot afford to lose a large segment of its Jewish population. The quality of human experience which Jews, or any group, can contribute to a nation is unique and irreplaceable. The Soviet



Union is less a great nation than it could have been because of its oppression of the Soviet Jewish community and the consequent impetus for migration.

Discrimination Threatens Human Resources

Our own Nation is threatened with a similar loss of even greater dimensions. We are threatened with the loss of virtually 20 percent of our entire population when the members of visible minority groups are prevented from participating fully in our national life and from contributing to its growth and development. The Nation cannot afford an alienation of this magnitude. We have within our midst another loss of enormous proportions, that of our women, who constitute 51 percent of the population, and whose lives have been truncated and warped by socially and legally imposed caricatures of femininity. Sisters, life is too short to be lived according to the dictates of someone who does not know, understand, or care about your problems. The Soviet Jews know it, as should we.

There is another parallel of the Soviet experience with ours. The plain ugly fact is that the decision of the Soviet Government to repress Jewish community life was an easy one to make simply because it is easy to justify discrimination and bias against minority groups. Anti-semitism was a way of life in old Russia and the Revolution did not wipe it out.

In the United States prejudice and discrimination against blacks, Chicanos, Puerto Ricans, American Indians, the Chinese, and the Japanese—and against women, too—was a way of life. The Supreme Court decisions and the

civil rights laws have not wiped it out. The American Jewish community knows too well of devices used to limit opportunity, of refusals at places of public accommodation, of social and economic pressures which make it advantageous to hide one's identity in order to make oneself believe that anti-semitism is gone from the American scene. We have seen too many instances of public decisions, easy to make, that have gone against the interests of minority groups to believe that it can't happen here.

The plain, ugly fact is that these decisions have been made in order to accommodate our racial, ethnic, and religious prejudices. All the disclaimers and hand-washings in the world can't change that fact. Former Chairman of the Commission on Civil Rights, Father Theodore Hesburgh, made this perfectly clear, a long time ago, when he pointed out that a leader always has a choice: he can appeal to the better instincts of the people or he can appeal to their baser feelings.

As Father Hesburgh would put it, that choice is a moral one and there are no circumstances that can justify or excuse making the wrong choice. To believe otherwise is to believe that the Emperor is wearing new clothes.

We are joined together today in this plea for the Soviet Jewish Prisoners of Conscience. Let us also pledge to challenge our government to seek vindication of all human and civil rights at home so that we may with greater strength and unity of purpose join with our brothers and sisters throughout the world to challenge all governments to recognize the human rights of all peoples.

The parallels of the black experience in America and that of the Soviet Jews is not accidental. A world climate of human rights does exist. It is noticeable that when rights of one group are denied and no one in the international community raises an outcry, other nations seek to repress minority groups within their borders. Stalin's purges paralleled Hitler's crimes. A cooling of civil rights in America has been paralleled by increased Soviet repression of Jews. Asians in Uganda are being forced to leave. We can expect to see increased repression against Black Africans in the lands of apartheid.

The silence of governments when one nation represses a minority within its borders can always be taken as a sign that the silent governments are guilty, too, or have nefarious plans of their own. On the other hand, I was encouraged to speak before the Women's Plea for the Soviet Jewish Prisoners of Conscience. If we all speak *for* human rights and not *against* human rights whenever the choice confronts us, then we will succeed and we can be confident that the Soviet Prisoners of Conscience, and prisoners of conscience all over the world, will be freed. But if we each remain silent when we see human rights being denied, if we speak on the side of denials of civil and human rights, then surely the prison doors will remain shut and our lives will be lived in fear and distrust.

Perhaps Abraham Lincoln said best what I think we all can agree to in this world of oppression: *He who denies freedom to others deserves it not for himself and under a just God will not long retain it.*



Unequal Opportunity and the Chicana

The position of the female in American society poses a particularly difficult struggle for the Mexican American woman.

By Linda Aquilar

The traditional role of the Mexican American female, or Chicana, has been that of housewife and mother whose primary purpose in life is to serve and assist her man, the Chicano. This is no longer true. The Chicana has stepped out of the kitchen into the world to become a visible force for change and the elimination of discrimination. Therefore, it is understandable when the general public assumes that the Mexican American woman who has become very vocal and assertive is part of the current "Women's Liberation Movement" sweeping the country, or has at least been inspired by its efforts.

Actually, emergence of the Chicana as a strong motivating force within the Spanish-speaking community has been in conjunction with that of the Chicano. For this reason, her struggle cannot be paralleled with the Anglo woman's fight for rights against the Anglo male. Chicanas have fought side by side with their men in the struggle for equal opportunity in all areas of American life. Unfortunately, because the major emphasis has always been on opening doors of opportunity for the Mexican American male, the female in essence . . . fights the battle, but does not share in the spoils.

Much has been written on the problem of lack of equal opportunity for Chicanos in the various areas of employment. Practically no one has ventured to write about employment discrimination directed at Chicanas, not only from Anglo male employers, but potential Chicano employers as well. I say potential because from my experience if she seeks any type of administrative position, a Chicana has a better chance of being employed by an Anglo than by a Chicano.

One can see that part of the reason for this is that the Anglo administrator does not feel that his masculinity is threatened by the Chicana. Rather, he finds

it enhanced, if he even vaguely falls for the stereotype of the Mexican American female—Mexican women are said to be for the most part hot blooded, primitives interested only in sexual gratification and grateful for any attention from Anglo males. This image is constantly reinforced by the various media, television, movies and publications. Rare is the film that does not depict the Chicana as a loose, wanton woman.

The Chicano Revolution has brought about great changes in the Mexican American community and family structure. The Mexican American female has taken on some characteristics of what has been described as a *Macho*. She may be very vocal, aggressive, and an effective community organizer. She may prefer to pursue interests outside the home and reject home-making as the total fulfillment in her life.

This is the new image for some Mexican American females. The docility and submissiveness are evidently dwindling and although the Chicano views her with interest, this interest is not totally absent of fear, wonder, and suspicion. Fear, because Mexican American women always have been expected totally to be submissive to males. Wonder, because Chicanas are now demonstrating abilities the Chicano thought them incapable of. Lastly, suspicion, because one is always suspicious of something one does not understand. Chicanas who have grouped together for strength and unity of purpose are at best, tolerated, more often ostracized and ridiculed by Chicanos.

Women have stepped out of the background into the spotlight as spokesmen at various public meetings. School boards, commissions, and city councils, to name a few, have felt the sting of the verbal slaps from irate Mexican American women. Chicanas have shown themselves to be alert, forceful, and intelligent and they have proved to be a major catalyst in the Chicano community. The aggression on the part of the Chicana towards the Anglo has not only been condoned but encouraged by the Mexican American male.

Linda Aquilar is director of community and public relations for the Job Corps in San Jose, California.



The results have been good. Capable and competent Chicanos have been hired into decent positions of administration by a reluctant Anglo community.

The problem begins. The same forceful Chicana that berated the Anglo looks to the Chicano for employment. She has been forced into a leadership role in the community but finds that with the Chicano employer, the out-moded man/woman relationship that existed in the home has not changed. In the book *A Forgotten American*, Luis Hernandez writes:

Traditionally all men (Chicanos) are considered to be superior to women (Chicanas), a girl looks forward to the day she will fulfill her role as a woman . . . where her first duty is to serve her husband*

As far as the Chicano is concerned, the role of the Chicana has not really changed. It has merely been transferred from the home to the office. If a Chicana seeks employment above clerical help status, her fiercest opposition comes from the Chicano. The reprieve from the kitchen has been temporary, or more realistically, not a reprieve at all, for although a Chicana is encouraged to "stand up" to an Anglo, deference to the Chicano is still mandatory. In his book *Pensamientos*, Elius Carranza states,

Chicanos have exposed with a little bit of honesty the big lie that we are all free, we are all equal . . . * Perhaps the time has come for Chicanas to also expose "with a little bit of honesty" the big lie that we are all free, we are all equal. In our own San Jose, California community the number of Spanish surname females employed by the city is 21, out of a work force of 2,575. In a special program, the Emergency Employment Act (EEA), the number employed is 20 out of 288. These numbers do not mean that 41 Chicanas are employed by San Jose City. Some of these women are Anglo females married to Mexican American males. In addition, the majority of these positions are non-supervisory.

Equality in employment for Chicanas is simply not a reality although the Chicano family organization is certainly changing. Chicanas, through divorce, separation, or other factors, are assuming the role of family breadwinner. In these families headed by women

* Anti-Defamation League of B'nai B'rith, 1969, p. 20.

* California Book Co., Ltd, Berkeley, California, 1969, p. 14.

* Negroes and Mexican Americans in South and East Los Angeles", State of California, Department of Industrial Relations, Division of Fair Employment Practices.

two thirds of the incomes in the Los Angeles area alone are below the poverty level.*

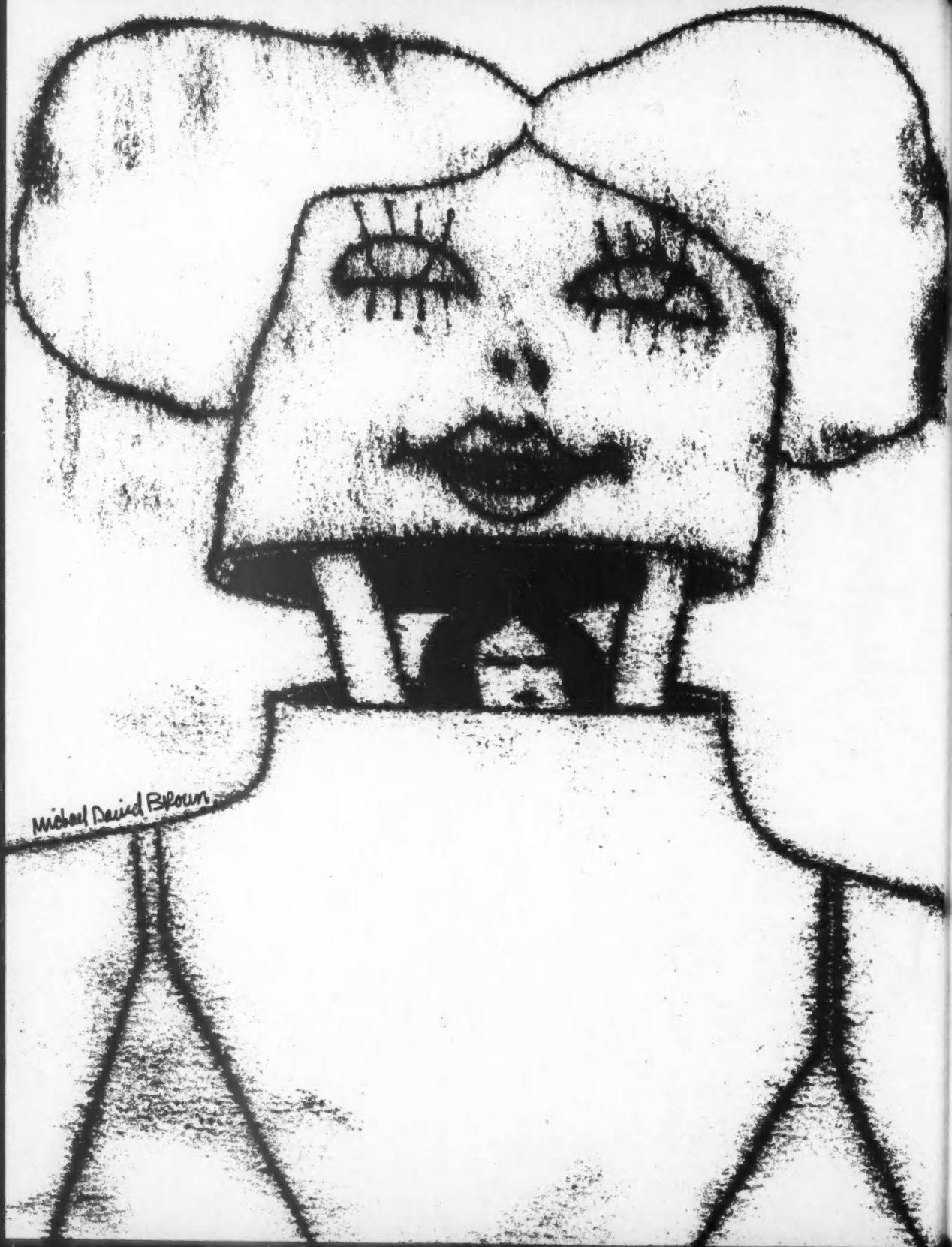
Most Chicanas work because they have to. Either they must supplement their husband's income or they are the sole support of their families. This is a reality that Chicanos must face. It demands more than a shrugging of shoulders and a mumbling that it's too bad. Along with standing on the speakers platform and demanding relevant education for Chicano youngsters, Chicanos must realize that without adequate housing, decent clothing, and basic food necessities, Chicano youth will continue to fail. Words will not provide for needs, but actions will.

Chicanos must be willing to provide employment opportunities to Chicanas faced with these problems or continue to deal with the situation of children who are too preoccupied with family problems, including a lack of food, to be concerned with something as nebulous to them as education. In an article on the plight of Mexican Americans,* Edward Cassavantes writes:

We also need to constantly stress to the individual Mexican American that he can make it . . . We need only to banish our poverty and our ignorance. If prejudice and discrimination stand in our forward thrust towards those ends, then we will need to take action against that prejudice and discrimination.

What of the competent Chicanas who have little chance of "making it" simply because they are women? What of those who are properly educated and still remain economically poor due to the disparity in wages? This is a more acute problem for Chicanas since, traditionally, they have had less opportunity for furthering their education, while the Anglo female was encouraged to attend college, if only to provide a favorable environment for meeting a husband. Finally, if the prejudice and discrimination are directed at us from our own brothers do we then take action against them? At this time in the "Movimiento" this is hardly conceivable.

Are we to settle for working side by side with men in the fields and the migrant camps? Chicanos must realize that women, too, need an outlet for their creativity, need fulfillment, need to utilize their talents, and most of all need to be able to earn a living to upgrade their lives. Deprive us of a decent living because we are women and you also deprive Chicanos of a better future, for in depriving us you deprive our children, and our children are the future.



Michael David Brown

MS.—TODAY AND TOMORROW

by Margaret Sloan and Gloria Steinem.

Gloria Steinem is one of the country's best known and most critically acclaimed social and political writers. Since her first article was published by Esquire nearly eleven years ago, her work has appeared in many magazines and newspapers in the United States, England and Europe.

After graduating Phi Beta Kappa and magna cum laude from Smith College, Ms. Steinem studied in India for a year on a Chester Bowles Asian Fellowship.

In 1970, Ms. Steinem received the Penney-Missouri Journalism Award. She was named the Woman of the Year by McCall's Magazine in 1971. During her professional career, her most frequent subjects have been politics, sociology and profiles, with special emphasis on political movements among women and minorities.

Ms. Steinem currently serves on the national advisory boards of the National Organization for Women, and the National Women's Political Caucus, of which she was a founder. She is currently an editor and writer for Ms. Magazine.

Margaret Sloan has been actively involved for the past 10 years in the liberation of oppressed people. At the age of 14, she worked with the Chicago chapter of the Congress on Racial Equality, organizing tenant rent strikes. At 17, she founded the Junior Catholic Interracial Council, a group of inner-city and suburban students who worked together against racism through discussion and action. She then attended Chicago City College and Malcolm X Community College.

In the summer of 1966, Ms.

Sloan participated in the open housing marches with Dr. Martin Luther King, and later worked in Operation Breadbasket with the Rev. Jesse Jackson as a coordinator of the Hunger Task Force team. She also worked for the United Front of Cairo (Illinois), speaking and fund raising to alleviate the plight of black people.

Ms. Sloan is now involved in the women's movement, speaking out about the duality of the oppression of black women. She is currently an editor and writer for Ms. Magazine.

GLORIA STEINEM SPEAKS

It means a great deal to Margaret and me to be here today. We've been talking about it for a long time, since you are the people who can make the change happen. You are having a problem, I understand, and it is the same problem that we see so clearly all over the country—the supposition that women of all races and minority men must scramble for five percent of the pie while ninety-five percent goes to guess whom? We are just beginning to add up our numbers and to understand that if 53 percent of the population is female of all races and 17 percent is minority male, that it's not a small piece of the pie we're talking about. On the con-

trary, it's most of the pie, and we have to keep that in mind and use all our resources to reinforce each other against the small group of white males now controlling most of the wealth and decision making.

We all have come painfully to understand how much it is a habit of the establishment and specifically, in my opinion, this administration, to divide and conquer—to make black men feel that women, white women, of course (somehow black women don't get into the discussion), are after their jobs; to make Spanish-speaking men feel that black men are taking their jobs away—and so on. Anything to keep our animosity directed at each other instead of the people in power.

So I'd like to tell you a story. It's an anthropological story, which has helped me to understand why it is that the interests of women of all races and minority men are so closely intertwined. It's still a hypothetical story I'm about to tell you, but there is more and more evidence for it.

The first part of human history, say from 12,000 to 8,000 B.C., was in fact a gynocracy—which meant the consideration of women as superior and the worship of women as gods. We were the more powerful and more envied half of the human community.

On October 14, 1972, the 92nd Congress extended for five years the life of the U.S. Commission on Civil Rights and expanded its jurisdiction to encompass claims of discrimination based on sex. Ms. Steinem and Ms. Sloan were invited to speak before the staff of the Commission in December 1972 in an effort to bring staff members up to date with the thinking of two women active in the women's movement. The following are excerpts from their statements as edited by Ms. Steinem and Ms. Sloan.

Now much of the reason this was so was because we have the children. We allowed ourselves to get talked into the notion that this is an inferior function, limiting us, and making us inferior. But for the first half of human history it was the single most envied function. Childbirth was imitated by men in their tribal ceremonies.

Then, the discovery of paternity apparently was a cataclysmic event for human history, as much so as the discovery of how to make fire, or how to shatter the atom, or how to make metal, or any of the other discoveries which so changed the course of human history. For the first time there came to be the idea of the ownership of children by men and the passing of property down to children. The fundamental reason for the existence of marriage was to lock up women long enough to identify the fathers of their children. In other words, women became the first political subjugation because we are the means of production. We produced workers and soldiers, and if the State or tribe wanted to control production at its most fundamental level, it had to control the bodies of women.

The Quest for Power

This is a very archaic notion we still see in our state legislatures where white men seem to feel they have the right to legislate the reproductive freedom of individuals, especially women. Today, as then, we come to realize this concern with abortion, birth control and forced sterilization is about power. It is not about morality; it's about controlling the reproductive processes.

We see this very clearly in other cultures where birth control and abortion have been freely available. In Japan this reproductive

freedom caused the birth rate to level off and even drop. The government has become alarmed that there won't be enough people to produce their Sony radios. It is very clearly economics, not morality. It comes down to power and the manipulation of women—forcing them to have children when the State needs to expand, and preventing them from having children when the State does not need to expand.

But to go back to pre-history—gradually, the restriction of women as the means of production reversed gynocratic systems, and new social forms were more and more patriarchal.

It was a very slow and painful change. Nonetheless, women were the first political subjugation and they followed a pattern, or really in some sense established a pattern that has become very familiar to us all. It restricted us in our movements and gradually regarded us as second class citizens, marking us by our visible differences for an inferior role. We were also given the kind of work to do that a particular society did not consider valuable, the repetitive and boring work, the unrewarded work—which became known as “femine” work.

When other groups that were captured and brought into this situation—groups that looked different or talked different, people who were marked by some tribal or racial difference—they were also marked as inferior and used for cheap labor.

So there is a clear anthropological parallel between the caste systems of sexism and racism; between, in this country, women of all races and non-white men. When black people were brought to these

shores, the whites didn't know what legal status to give them, so they gave them the legal status of wives, which was chattel. Gunnar Myrdal in *An American Dilemma* has pointed out that the parallel between women, all women of all races, and black men is the deepest truth of American life. Together we are the cheap labor on which the system runs.

The question of how much human life is valued, if we are not both white and male in this society, is really something we are just beginning to look at. The myth that Myrdal talked about is familiar to all of us. Now that we have just begun to realize how deeply racist this society is, it does help, I think, to take the stereotypes about women and to substitute the name of any other racially second class group. Then we see what we are really saying.

All women and minority men are or were supposed to have smaller brains, passive natures, childlike natures. We're supposed to be late all the time and to dislike working for each other. We're supposed to be incapable of governing ourselves—God forbid we should govern a white male, which is where the nitty gritty is. (Maybe we can be head of the typing pool, and maybe a black reporter can report on the black community, but we aren't supposed to make decisions about grown-up affairs, such as economics, and government, or anything that has to do with power.) We are supposed to be irresponsible, to have “natural rhythm.” Women, of course, we know have it because it is dictated by the lunar cycle.

(I don't know how to break it to men, perhaps they know it already, but men also are dictated by the

know
em, so
atus of
Gunnar
dilemma
parallel
of all
deepest
together
which

ch hu-
are not
society,
re just
e myth
is fa-
hat we
e how
it does
stereo-
substi-
racially
we see

men are
smaller
childlike
be late
orking
osed to
g our-
ld gov-
where
we can
l, and
report
out we
cisions
uch as
nt, or
with
to be
natural
se, we
dictated

nk it to
ready,
by the



lunar cycle. Everything on this earth is dictated by that cycle. And in Japan, where they have a rather high speed and complicated transportation system and therefore have a great accident problem, they asked the men to figure out their monthly cycles. The men, by virtue of having figured out their cycle and then understanding on which days they were more accident prone, cut their accident rate in half.)

People are Similar

The important thing here is that people differ as individuals far more than they do as caste groups, whether of race or sex. I'd like to give you a couple examples to illustrate this. One of them is the World Health Organization study which was done of many cultures, not just this one. In it, researchers found no difference, no emotional or intellectual difference, between males and females as groups. But what was even more surprising was that the difference of physical strength, of which we have heard so much, turned out to be what they call transitory and marginal—transitory because it tends to exist only in childbearing years, and marginal because, even during the childbearing years, it is not that great.

The truth is that the generalized group differences—genital and hormonal, sex differences, like pigmentation, hair and feature differences of race—are operative for the isolated functions of reproduction on the one hand and resistance to certain diseases and physical conditions on the other. But for all other functions, the individual differences are far greater. It is those that we are repressing by restricting entire lives according to expectations based on race

and sex.

We act according to label because of conditioning, which is very strong. The California Institute of Gender Identity (I love the name; it could only happen in California) did a study in which they concluded that it would be easier to surgically change the sex of an adolescent male wrongly brought up as a female, than it would be to change his conditioning. That's how deep it goes.

The ideas of freedom and independent self-determination, regardless of sex or race, are very subversive and very contagious ideas. Women are catching them. We are beginning, just beginning, to deal with the mess that is in our heads. More importantly, I think, we are finally beginning to understand why all these years we have often felt common causes with other groups. I think there are many white women in this room who have found themselves in reform movements, so called liberal movements, peace movements, civil rights movements, and so on, who have generally found themselves identifying with the underdog without understanding why. It certainly was true for me.

We are just beginning to realize that we identified with "out" groups because we are one, too. We vote the way we do because there is, at a cultural and voting level, a very primitive but a very interesting coalition already. As women become feminist and as minority communities become political we begin to see how much interest we have in actually forming that coalition to work against caste, and how much we cannot win if we don't. We look very simply at modern societies and we discover that for anthropological reasons, racism and sexism still

come together; that whenever one group is physically marked as inferior, the other group is in danger—whether it's women and Jews in Nazi Germany, or women and blacks in South Africa—and here in the United States.

It's going to be very difficult to make this coalition work, but I suggest to you that it's the only thing that can move the economy and the culture in a mass sense. This political realization that women are having now, white women, that we have common cause with black and Spanish-speaking women and also with black and Spanish-speaking men is probably the only thing that makes us trustworthy at all. I spent years being a white liberal and I always felt I was doing something for someone else, a notion that takes thanks and gratitude to preserve it. Only now do we begin to realize that we are working in our own self-interest, that we are together, that it's literally in our self-interest to work on this coalition. Together we must create a society in which no one is born into an inferior role because they look different, whether for differences of race or sex.

If you look at the Harris polls and other polls, black men are more sympathetic by far to the goals of the women's movement than white men are, while women are far more favorable toward civil rights and other progressive groups than are white men. Black women are the farthest out, the most pro-change. They are more in favor of the issues of the women's movement than white women are, having been in the work force and having seen what discrimination is like. Perhaps also, black women are less afraid that being forceful

and demonstrating in the streets will endanger their "femininity"—therefore they speak out on these issues of discrimination.

One of the things women are doing is redefining politics. We used to think it existed here in Washington or in some state capitol. Now we understand, as many minority people in this country understand, that politics in fact is any power relationship in our daily lives, any situation in which the wishes of a group are systematically superior to that of another group without regard to individual talents. So now when we go into an office building and we see 500 of one kind of human being typing and 12 of another in the board room, we understand that it's politics. When we pick up a telephone and get a woman operator and we know where women, especially minority women, are in the upper echelon of the telephone company—nowhere—that's politics. And when both the man and woman work outside the home and the woman is still more responsible for getting dinner and taking care of the kids and so on, than the man is, that's politics.

Women are politically trained to feel like half people, so we will consent to being paid like half people, and to a marriage system legally designed for a person and a half. We're made to feel that we are nothing without a man. It doesn't matter whether it's the guy with the wall-to-wall carpeting and the Cadillac or whether it's the biggest radical honcho in the community. We still have to attach ourselves to him to get identity. If it's in the office, we have to attach ourselves to a man and become his assistant in order to get identity. We just literally are made to be

man-junkies, to feel that we are nothing without a man. If men only understood how little it matters which man is standing there—then they would understand how much it is in their interest to humanize the relationship, too.

Ironically, it is almost impossible to have a decent relationship, and especially to have a loving, compassionate relationship, unless there is equality. The women's movement is always being accused of being against love. I have never figured out how that could be true, because there cannot be love where there is no equality. It's possible that in some way the movement is making love possible for the first time.

And it will make social justice possible. Revolutionary feminism is a deep and longterm change. More importantly, it is the only path to humanism.

MARGARET SLOAN SPEAKS

There are a lot of, excuse the expression, misconceptions about the women's movement. There are a lot of problems whenever Gloria and I speak together. Right away, people wonder what am I, a black woman, doing here? Now, I realize ignorance on the matter is not going away, so I'll explain why a black woman would be involved in a woman's movement.

People do a couple of things with me. They get into the priority game with me, you know, "Which comes first the chicken or the egg?" and "Where are your loyalties?" And then they start asking, "What do you feel allegiance to, the black or the woman?"

It would be very easy for me if the oppressor would split up the

week and say from Monday to Wednesday we are going to mess over her because she's female, and the rest of the week we are going to put her down because she's black. It would be much easier, but it doesn't happen that way. So, I find from my experience that I can't separate my identity that way.

I grew up on the Southside of Chicago, and I can remember if we were good, my mother would give us a bus trip to the Loop in downtown Chicago. She would always tell me two things. She would say she wanted me to behave and sit still because she didn't want me to embarrass her in front of white folks, and she also told me to act like a lady. That made a little click with me, like a moment of truth.

I guess my next moment of truth was my first involvement in the movement experiences. I was 14 years old and I'd just been told that a Chicago civil rights group had taken over a condemned building on the Southside. Being young, gifted, and black I thought I would offer my skills to the organization. When I walked in, I remember seeing a whole bunch of women around, in bedrooms, in the kitchen making lemonade, outside with the kids. Then I went into the living room, which was converted into a conference room, and there was the happy little coalition of "brothers," black and white and chicano, mapping out the demonstration which was going to take place the next day against the Chicago Board of Education.

Then, as I sat there, this dude walked in and threw me his shirt and asked me to sew on a button. I didn't know how to sew and said, "no"; I know that some of his action was due to the arrogance of



hi
fla
th
P

re
ha
ho
ho
al
ti
It
ho
w
o
a
n

tr
m
g
o
ro
o
e
f
a
to
m
s

v
d
s
v
l
g
w
j
i
o
f

his youth, but maybe with that flash of truth I really understood the conscious level of women's position in politics.

Later, I found out that it didn't really matter whether we worked hard up North or down South, or how many times we faced dogs or hoses. It didn't so much matter about our expertise or how many times we put our lives on the line. It really didn't matter so much how we performed during the day; what really mattered was the male organizer we attached ourselves to, and how well we performed at night.

I always felt this sense of frustration because I felt that the movement, the black movement organizations, like the one's coming out of this patriarchal country, really placed supreme importance on male suffering and the male experience. And so many times I felt the black movements have not and still do not address themselves to the larger half of the black nation—black women, and the specific needs of women.

But I didn't say too much about women at the time because I didn't want to be called a castrater, so I just remained silent. When the women's movement came along in 1968, I was initially hostile, I guess, because I was reading the white male press, which distorts just about everything anyway. They were dealing with bra burnings and stuff like that, which, incidentally, never took place. About the most exciting event that was planned then was at the Miss America "Meat Packing" Contest, when women gathered to burn steno pads, dust mops, bras, and various symbols of oppression. But they didn't do it because they couldn't get a fire permit. That's

how docile women were in those days.

Women Gain Force

Now I think that women are beginning to take themselves seriously a lot more in general, and black women in specific. I think it is particularly hard for black women because we look around us and we see absolutely no positive self-images to validate our existence. I think it is very hard to celebrate yourself if you have to dig a pancake box image.

But it's changing. People still say to me though, that women, particularly black women, don't go along with the women's movement. I find this funny because when I'm talking to black women about the movement, I start asking about equal pay for comparable work. They say "Right on." I start talking about reproductive freedom, and they say, "Yes." I start talking about child care centers, and they say, "Right on."

Somehow I think the term "Women's Liberation" is what ridicules the movement and drives some women away from it. Now I know a lot of women are going to college and getting an education. But when they get out, they're only going to make half of what a man makes, so if they think they're making progress, well, I just feel sorry for them.

And some people think that the women's movement is just a white, middle-class movement, so therefore blacks can't relate, and the movement won't get anywhere. I personally feel insulted by that kind of talk. I refuse to make the women's movement the property of white women. I refuse to do that. I think the ideas and goals of the women's movement are something that all women can relate to.

I'd like to turn to abortion right now. I'm personally very touched by the whole idea of abortion because for a woman it is a number one health problem. One of the goals of the women's movement is a woman's right to reproductive freedom. Now that's a very interesting kind of thing because it's nice for philosophers and moralists to sit around and debate whether or not women should have abortions. The fact of the matter is women are having abortions. The fact of the matter is we have lost as many women from illegal abortions as we lost American men at the height of the Vietnam war. Eighty-five percent of the women that die every year from illegal abortions are black and brown women. So while we're sitting back debating whether or not women should have them, women are dying because of sexism. We have lost a lot of women and we are still doing that.

Now, though, things are beginning to happen. We women have a small victory to celebrate. In California, some women have started a self-help clinic. The idea of a self-help clinic came about in the framework of the women's movement because women are paying all this money to gynecologists who are ripping us off, cutting us up, and really not for the best reasons. Some beautiful women who pioneered the self-help clinic out in California simply said that women certainly should know more about their insides. They should know as much about their insides as you know about your throat when you look at it and know your tonsils are inflamed or something is wrong.

These women opened a self-help clinic out in Los Angeles to deal

specifically with vaginal self-examination. Because of an informer, the police broke in and arrested them. Now one of the things women have discovered just in terms of taking care of their bodies is that some forms of vaginal infection can be treated with an application of yogurt. Now on the arrest tickets, some of the charges were inserting yogurt into vaginal regions. Isn't that unbelievable! These women were practicing medicine without a license? If I look at your throat and see it's sore and I say, "Hey, gargle with salt," I could be arrested for practicing medicine without a license?

Fortunately, women got a victory in this case. These women took their case to court and were found "not guilty" of practicing medicine without a license.

The women's movement has a lot to do. We have a lot to say. We are talking about women dying from illegal abortions; we are talking about black studies courses where women are not learning anything about themselves. We are talking about the fact that women are graduating from college campuses making less than men, and we're talking about the need for child care in this country.

Coalitions Can Help the Cause

Now how are we going to get something done about all this? Coalitions can be one way. I believe very seriously in coalitions. All over the country there are black groups and women's groups that have gotten together. They're not necessarily working under the feminist label, but they're going to do some good. There's a Third World Woman's Alliance in New York, a Black Feminist United group in Chicago and there are Sisters in the Struggle in Cleveland.

There are many black women, who are working in various organizations. One of these groups is based right here in Washington. It's the National Committee on Household Employment and they're working for decent conditions and treatment of domestic help. They got it together, too, because when they held their second annual convention in New York they didn't invite the organizations that didn't help them in the past. They asked for Elizabeth Koontz, they asked for Gloria Steinem and myself, and they asked for Bella Abzug. They're very clearly making the connection between their lives and the women's movement.

The coalitions we talk about are the coalitions of feminists. I think this has to be made very clear because there isn't just one definition of feminist. It's just really being conscious of what's going on with women wherever we are, and how we're working to change the lives of women.

I find in my personal experience from three years of traveling around the country that things are happening. I talk to a lot of women and I see clearly that black women and white women, for whatever historical or cultural reasons, seem to be able to get together much better than our male counterparts. I remember when the Manhattan Political Caucus got together in New York, there was a very good cross section of women—Puerto Rican women, black women and white women. There were problems, I'm not saying that it was any kind of harmonious situation, but we kept saying if we would have been our male counterparts in that room we probably would have shot it out with each other.

Here's where I want to say

something about our men. They're victims of stereotyping the same way women are. The things we put on our boy children are ridiculous expectations. What is it to be a man? Men are judged by the size of their paychecks and other things. We tell men that real men don't cry. We tell them they've got to go off and kill people of another country to prove that they are men. We tell men to beat each other up in bars on Saturday night as a means of handling their differences. All these images of what it is to be a man are rather sickening.

Something has to be done about these ridiculous stereotypes. One thing that is being done is a record for children called, "Free To Be You and Me." It's really a great project. It came about when Marlo Thomas put her niece to bed one night and discovered all the garbage she could read her. She became very frustrated, and the idea came because of it. A lot of famous people donated their royalties and time—people like Diana Ross, Diana Sands and Dick Cavett. One of the greatest songs on the album is by Rosey Grier called, "It's Alright to Cry."

These are the things that we in the women's movement are working on simply because no one else has. I want to leave you with a quote. I'm not going to quote a woman; I'm going to quote a man because maybe you will take it more seriously, but I'll compromise because it is a black man. In the book *Seize the Time*, Bobby Seale says, "In the Panther household everyone sweeps the floor, everybody makes the bed, and everybody makes a revolution because real manhood depends on the subjugation of no one."

Mere Words of the Constitution

"are meaningless . . . unless there are lawyers
who will fight for them"

By the Honorable Earl Warren

After a distinguished political career in California that culminated in his first becoming the Attorney General (1939-1943) and then the Governor (1943-1953) of that state (during which tenure, in 1948, he was also the Republican nominee for the Vice Presidency), Earl Warren was appointed Chief Justice of the United States by President Eisenhower on October 3, 1953. Under Warren's aegis the Supreme Court unanimously ruled against school segregation in the nation in the 1954 landmark case of *Brown v. Board of Education*, holding that the doctrine of "separate but equal" had no place in public education in a democratic society. In the 16 years that followed, until he retired on June 23, 1969, Chief Justice Warren's belief that "judges [are] not monks or scientists, but participants in the living stream of our national life" strongly influenced the deliberations and decisions of what came to be known as the Warren Court. . . .

What follows is a slightly abridged version of a speech delivered last year by the Honorable Earl Warren, Chief Justice of the United States, Retired, at a dinner inaugurating the Earl Warren Legal Training Program, Inc., which was presided over by Walter B. Wriston, chairman of the First National City Corp. The training program's aims include: 1) providing scholarship aid to 300 black students each year for the full three years of law school; 2) supplying summer employment for some of these students at NAACP Legal Defense and Educational Fund offices, where they will work with seasoned lawyers involved in precedent-setting cases and will learn something of the intricacies of constitutional and business law most relevant to the black community; 3) initiating one-year postgraduate internships at Legal Defense Fund offices (over a five-year period 200 top law school graduates will be trained in human rights law)—upon completion of a supervised year of experience in cases affecting large public issues, each participant will be aided financially in starting his or her own practice in an area of the country where black lawyers are critically needed; and 4) sponsoring three annual human rights law institutes, under the direction of Michael Sovem, dean of the Columbia University Law School, with the aid of a distinguished legal faculty.

This article is reprinted by permission from *Lith-opinion* No. 27, the graphic arts and public affairs journal of Local One, Amalgamated Lithographers of America (New York). © Copyright 1972 by Local One, ALA.

I feel greatly honored to have my name associated with this legal training program, a natural outgrowth, as it is, of the NAACP Legal Defense and

Educational Fund, Inc., which has done much in recent years to make meaningful throughout the land the mandates of the 14th Amendment to the effect that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States nor shall any state deprive any person of life, liberty or property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws."

No one organization in America has done so much, particularly where these mandates are applicable to the people—black people—of the nation. And it must be remembered that in the long sweep of history, under our institutions, the preservation of the rights of any group of citizens or even of any individual, no matter how necessitous or how humble he might be, eventually redounds to the benefit of all of us.

This would have been a different nation today, one without hope for the colored minorities, had it not been for the giant efforts of the National Association for the Advancement of Colored People and the Legal Defense Fund which have carried the burden of protecting minority rights for so many years, reviled in some quarters, persecuted in others and ignored in still others. They have not flinched in their dedication to the vaunted symbol of our institutions as it is emblazoned across the entrance to the Supreme Court of the United States, "Equal Justice Under Law."

In almost every case that involved the rights of black people, they stood at the podium in the Supreme Court, the last bastion of human rights in America, and fought to a successful conclusion litigation that had either never been initiated before or had long since been abandoned because of a lack of finances or the availability of black lawyers to assume the burden where white lawyers would not risk their social standing by doing so.

It might be well to recall that in the first third of this century we were rushing toward apartheid in many states of the union. A British observer, who had traveled in both South Africa and our southern states, wrote that black-white relations in both were very similar and would remain so.

Well, there was some relaxation in the 1940's. At the time of *Brown v. Board of Education* in 1954, segregation was still the hallmark of the southern states. In practically all of them, the blacks were segregated to

the point of oppression. They were obliged to enter public buildings through different doors and be seated separately and of course in the worst part of the building. They were forced to use separate waiting rooms, rest rooms, drinking fountains, parks, beaches and playgrounds. It was unlawful to engage in athletics with or against white people. They could not eat in the same restaurant, sleep in the same hotel, be treated in the same hospital or even lie in the same cemetery. And of equal importance, they could not participate in government.

The black faculties in black colleges and universities were rejected from the voting rolls on the ground that they could not understand and interpret the Constitution of the United States, while all of the illiterate whites registered and voted without challenge.

Since that time, much progress has been made in most of these fields due largely to the activities of the Legal Defense Fund. And it has done all this with a minimum of manpower and money. In 1954, at the time of the *Brown* decision, there were only 248 black members of the bar in the entire South. In the state of Mississippi, there was only one. As late as 1968, Mr. William Gossett, president elect of the American Bar Association, in a public address, pointed out that in the South and Southwest there were only 350 lawyers to serve a black population of 13 million. In other words, one black lawyer for every 37,000 black Americans. And as Bill Coleman [William T. Coleman, Jr., president of the Earl Warren Legal Training Program, Inc.] told you a little while ago, there are only 370 now, only 20 more than there were in 1968. Now some of these lawyers, as he also told you, were employed by the Federal Government or were in other programs or not practicing at all because of the inhibitions they found in their communities, further reducing the number available for the private practice of law.

Now this is not ancient history. It reports conditions of only four years ago. And they have not greatly changed to date. Neither have race relations changed sufficiently to lead us to believe that we will soon have full meaning given to the words I have quoted from the 14th Amendment. In fact, there is evidence—and some strong evidence—that we may be approaching another period of retrogression. The mere words of the Constitution are meaningless for the weaker segments of society unless there are lawyers who will fight for them in courtrooms and judges who will breathe life into them. Otherwise they are sterile, only papier-

CONSTITUTION OF THE UNITED STATES OF AMERICA

PREAMBLE

People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

3. No Person shall be a Representative who shall not have

mache rights subject to being crumbled at will.

There are too many countries in the world today where constitutions are thus treated under military juntas and other authoritarian regimes. Most of such countries came to that condition not by invasion from without, but by erosion within. No nation, including our own, is safe from such erosion.

The process of protecting these rights is an undulating one, with waves of elevation and depression depending on the alertness of the public to the necessity for their preservation. Three hundred and fifty lawyers for a group of 13 million people, think of it! It should be at least 10 times that number. And it is such a number that this fund is designed to produce for the nation in the next few years. I should add that these 3,500 lawyers are not being recruited just to defend black people accused of crime. They are as badly needed to protect the black community from the frauds that are practiced upon them out of all proportion to those in the white world.

And also if black people are to live with self-respect, they must share in the opportunities of American life with all others. To do this, they must have legal and financial services, as do white people, in arranging their business and personal affairs.

My reading of the prospectus for this program convinces me that it is designed to and can successfully serve all of these purposes. If it does, it will accomplish much toward the solution of our race relations problems. It will assure fair confrontation in courtrooms instead of riotous altercations in the streets. It will add dignity to the law as well as to that of all people participating in its procedures.

There are courtrooms in this country where black people and other minority groups are treated without any dignity whatsoever. There are still some courtrooms where segregation exists—or at least there were when I retired from the Supreme Court less than four years ago. There are others where every conceivable device is used to prevent blacks from sitting on jury panels where their most basic rights are involved. And there are others where black witnesses are called "Mary," "Jane," "Charlie" or even "boy," contrary to the manner of addressing white witnesses. Justice cannot be served in an atmosphere of that kind. It represents second-class citizenship at its worst. If people are not treated with dignity by judges, lawyers and attaches in the courtroom, they can never expect justice.

[Editor's note: Eight years ago NAACP Legal Defense

Fund lawyers brought a case involving Mary Hamilton, an officer of the Congress of Racial Equality, to the U.S. Supreme Court. At issue was the way in which—during a trial in Alabama—a white lawyer, who had been addressing white witnesses as "Mr." and "Mrs.," began his cross-examination of Miss Hamilton. The following is the entire official record of the cross-examination:

Cross-examination by Solicitor Rayburn:

Q. What is your name, please?

A. Miss Mary Hamilton.

Q. Mary, I believe—you were arrested—who were you arrested by?

A. My name is Miss Hamilton. Please address me correctly.

Q. Who were you arrested by, Mary?

A. I will not answer a question—(interruption by Attorney Amaker: The witness's name is Miss Hamilton)—your question until I am addressed correctly.

The Court: Answer the question.

The Witness: I will not answer them unless I am addressed correctly.

The Court: You are in contempt of court—

Attorney Conley: Your Honor—your Honor—

The Court: You are in contempt of this court, and you are sentenced to five days in jail and a fifty dollar fine.

This judgment was affirmed by the Supreme Court of Alabama. Subsequently, the Attorney General of that state argued before the U.S. Supreme Court that the "Federal question is not substantial, is not important and is frivolous." The Court did not agree with him and reversed the conviction (*Hamilton v. Alabama*, 376 U.S. 650).]

Human dignity is something our minority groups of color, particularly Negroes, have long been deprived of. It is the one thing that they long for more than most others. It is the important thing they must be accorded if we are to have tranquil race relations. If this is freely vouchsafed to them, many of the other facets of the problem will almost automatically fall into place. If it is not done, there is only one other result possible. And that is chaos.

It is because I believe this program will dignify the rights of minority groups—not just the blacks, but the American Indians, the Chicanos, the Asians and other disadvantaged poor people—that I am proud, most proud to have my name associated with it.

Reading & Viewing

BOOKS

The American Indian in Urban Society, edited by Jack O. Waddell and O. Michael Watson. Boston: Little, Brown and Company, 1971. 414 pp.

These collective writings make us more aware of the problems of American Indians. As he strives to gain a position in a country that historically has been devastatingly unkind to him, the American Indian must cope with problems unique among minority groups.

America's Other Children: Public Schools Outside Suburbia, edited by George Henderson. Norman, Oklahoma: University of Oklahoma Press, 1971, 430 pp.

This is a collection of 50 articles by individuals who believe, as others, that there is no place for substandard education in this country today. Included are the enlightening first-person story of what it is like to be poor, a sociological indictment of patterns which maintain the poverty cycle,

a recount of the hopes of a special education teacher straight out of college; and a statement of educational rights for rural children but equally applicable to all children. The volume also offers some very practical solutions.

The Healing of a Nation, by David Loye. New York: W. W. Norton and Company, 1971. 381 pp.

An insightful application of well founded social and psychological theory to the "black-white sickness" of racism in the United States. In the first part of this book alternating chapters present segments of black history in America, each followed by findings from present social science that can enhance understanding of the events of that period.

STUDIES AND REPORTS

1972 Research Program. U.S. Department of Commerce, Economic Development Administration, August 1972. U.S. Government Printing Office. 50 pp.

Reviews

Black Image: Education Copes With Color, edited by Jean Dresden Grambs and John C. Carr with James A. Banks, Phyllis Franklin, Barbara Glancy, Juel M. Janis. Du-buque, Iowa Wm. C. Brown Company Publishers, 1972. 196 pp

Reviewed by Miles Fisher

This book is a compilation of essays on the black experience in the United States, with emphasis on how black persons have been and are depicted in literature and information sources available to those of school age. An attempt is made to examine the ways in which the values of the readers of those books may be influenced by the things appearing between the covers.

Textbooks and other materials as educational tools serve a vital role in developing attitudes and transmitting values. The consensus of the writers is that education in this country is philosophically committed to teaching for a changing society as well as imparting traditional information and values. The audience for this book would most likely be made up of teachers, librarians, supervisors, administrators, and laymen active in book selection for young people, since it is they who largely control the opportunity for change. However, for those non-education professionals this is a good source for raising the level of exposure to the kinds of things that are happening as a result of the long years of

*Mr. Fisher is executive secretary of the National Association for Equal Opportunity in Higher Education.

racism in America.

The book does not proceed sequentially but deals with varying areas in time, all of which bear on the subject of the "Black Image" in contemporary American educational considerations. The concept of what the black image in America has become and how it is written is presented through the idea of the writer (storyteller) and the censor (gatekeeper), both of whom ultimately have a part to play in what form this image takes in our society. The heterogeneous nature of society has not fully passed the gatekeeper.

Issues of historical realities and philosophies regarding blacks are considered in a discussion of black vs. Negro history. For where one begins philosophically may well determine where one will end with regard to values and outcomes.

The various functions of publishers, book reviewers, sales, library selection tools, teachers' selection tools, and special bibliographies are proposed as reasons why books with interracial subject matter are hard to find. Here racism is exposed as the underlying culprit for such a shortage. Much is said about the ways in which elementary and secondary instructional materials convey the realities of American society. Most of the elementary school studies textbooks and other materials do not acknowledge the realities which students face in the world about them. Rather they perpetuate a nonrelevant kind of notion as to what life is really all about, often overlooking cultural pluralism as a constructive fact of life. An examination of secondary school history, government, and

sociology texts indicates the extent extreme prejudices and biases have been incorporated in them—not as strong as in the past but, nevertheless, still present.

Seven black history guides are discussed to determine their merits in presenting sources to the true experiences of black Americans. Included in this discussion are guides from the District of Columbia, Milwaukee; Detroit; New York City; Madison, Wisconsin; and the State of Kentucky.

Literature anthologies have extended the traditional narrow and prejudiced view of the blacks in America. As a part of the educational process their role can never be underplayed as a projector of positive images, past and present, as they pertain to a people. Children's literature is proposed as a way of developing racial tolerance and understanding for black inner-city students when cast in the "for real" context of every day life. The teacher must provide effective guidance in working toward this end.

The book concludes by advocating a strategy for change—making professional educators responsible for the omissions and distortions in the treatment of the black American in textbooks. It also suggests the modification of their racial attitudes and dispositions.

Anyone who takes the educational commitment seriously should read this book for the various insights into what is and has been taking place in our society with respect to various ethnic groups. *Black Image* is symptomatic of the failure of this Nation, with its stereotyped and skewed manner of presenting segments of our citizenry, to move on behalf of all of it's people.

extent
biases
em—
t but,

es are
merits
e true
icans.
n are
olum-
New
onsin;

ve ex-
w and
cks in
educa-
never
tor of
resent,
Chil-
d as a
erance
inner-
e "for
e. The
fective
d this

vocat-
making
nsible
ortions
black
o sug-
their
tions.
educa-
riciously
or the
is and
ur so-
ethnic
ympto-
Nation,
akewed
ents of
half of



U. S. COMMISSION ON CIVIL RIGHTS

WASHINGTON, D. C. 20425

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE, \$300

POSTAGE & FEES PAID

U. S. COMMISSION ON CIVIL RIGHTS



