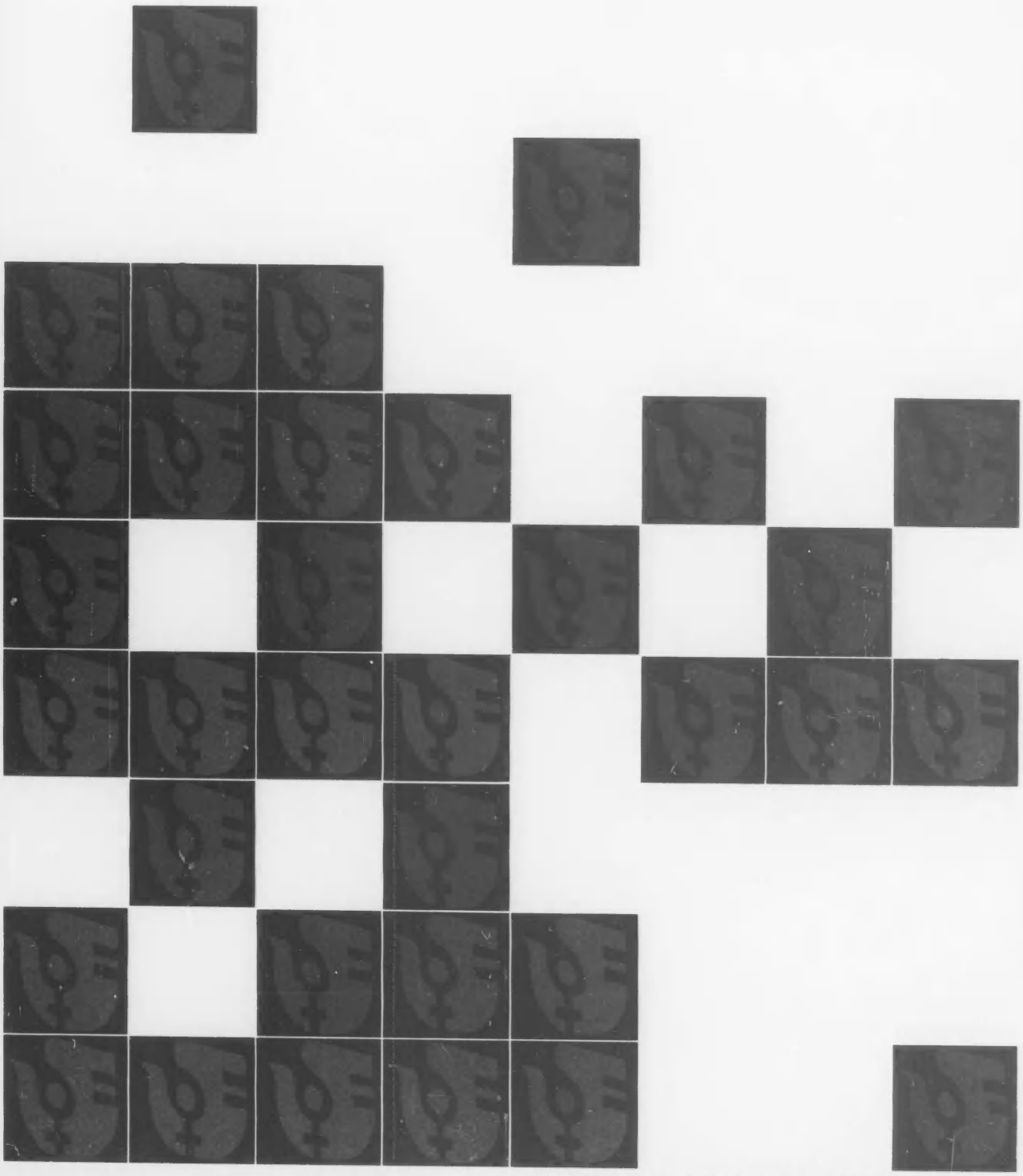
WINTER 1978

civil rights digest



NATIONAL WOMEN'S CONFERENCE 1977

IN THIS ISSUE . . . Our first article recounts the events leading up to and during the National Women's Conference held November 18–21 in Houston, Texas, and draws some conclusions for the future.

Next is an article by *Washington Star* reporter John J. Fialka on new developments in coal and mineral leasing contracts between Indian tribes and mining companies, and the role therein of the Bureau of Indian Affairs.

Tish Sommers and Laurie Shields explore the problems encountered by displaced homemakers and describe new legislation pending in Congress designed to aid them in their struggle to make ends meet.

Ray Rist brings us up to date on current issues involving school desegregation, in part by outlining what those issues are not as well as what they are.

The hot topic of medical school admissions is broached by Rebecca Saady Bingham, who tells of new methods designed to identify successful minority applicants.

For more copies of the *Digest* or inclusion on our free mailing list, please write to the Editor, *Civil Rights Digest*, U. S. Commission on Civil Rights, Washington, D.C. 20425.

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

Investigate complaints alleging denial of the right to vote by reason of race, color, religion, sex, 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 because of race, color, religion, sex, or national origin, or in the administration of justice;

Appraise Federal laws and policies with respect to the denial of equal protection of the laws because of race, color, religion, sex, or national origin, or in the administration of justice;

Serve as a national clearinghouse for information concerning denials of equal protection of the laws because of race, color, religion, sex, or national origin; and

Submit reports, findings, and recommendations to the President and Congress.

FOUR DAYS IN HOUSTON

WATERSHED FOR WOMEN'S RIGHTS?

By Suzanne Crowell

The crowd at the Park Overlook just outside downtown Houston was expectant. Rain threatened, but enthusiasm grew. Finally, off in the distance the swarm of joggers in blue T-shirts appeared against the backdrop of still-green grass. Led by three young women—black, white, and Chicana—the group circled around to join those waiting to run the last mile into Houston. Cheers went up, and the chanting reached a crescendo: E-R-A, NOW! The three torch bearers, their fellow runners, the crowd, and the assembled celebrities began a triumphal march into Houston.

The rain began, but there was no thought of turning back. The march assumed a campaign air; reporters and photographers surrounded the leaders, and TV crews were swept backward as they filmed the scene. Exultant, the marchers caught sight of the crowd waiting at the convention center. A roar went up as the torch was handed to those on the podium, and the crowd joined with Susan B. Anthony, niece of the great suffragist, as she repeated her aunt's famous words: "Failure is impossible!"

It's a long way from Seneca Falls, N.Y., site of the first national meeting devoted to the cause of women's rights, to Houston, Texas, site of the 1977 National Women's Conference. Over 2,000 women participated in the relay that brought the torch from New York to Houston, a distance of 2,610 miles. Countless hundreds of thousands of women have participated in the struggle for women's equality in the 125 years since that first convention. The blue T-shirts worn by the relay runners bore a slogan that stood for all of them—"American Women on the Move"—and the Houston meeting was designed to demonstrate that those were not empty words.

It was 3 years earlier, in January of 1975, when President Gerald Ford created the National Commission on the Observance of International Women's Year. That same month, Congress passed a law initially proposed by Rep. Bella Abzug calling for a national women's conference to be attended by delegates elected at 56 State and territorial meetings. The conference was to be organized by the IWY Commission in part to:

> (1) recognize the contribution of women to the development of our country;
> (2) assess the progress that has been made to date by both the private and public sectors in promoting equality between men and women in all aspects of life in the United States;
> (3) assess the role of women in economic, social, cultural, and political development;
> (4) assess the participation of women in efforts aimed at the development of friendly relations and cooperation among nations and to the strengthening of world peace;
> (5) identify the barriers that prevent women from participating fully and equally in all aspects of national life, and develop recommendations by which such barriers can be removed.

It became quickly apparent that the IWY Commission's work would not proceed without controversy. The Commission made clear its support of the Equal Rights Amendment from the beginning. Accusations that the Commission was lobbying in violation of Federal law led Comptroller General Elmer Staats to rule that Commission activities to promote understanding of the impact of ERA were perfectly legal. Opponents of the ideas advanced

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Suzanne Crowell is the editor of this magazine. The views expressed here are her own and not necessarily those of the Commission on Civil Rights.

in the Commission's 1976 report, "*To Form a More Perfect Union*," took another tack and eventually focused on the State meetings.

The meeting began quietly enough. The first one was held in snowy Vermont on February 26, 1977, and hundreds more came than conference organizers anticipated. Many were attending their first meeting concerned with women's rights. The discussion was positive, and organizers felt the meetings could develop into arenas that would involve women hitherto inactive in the women's rights cause. The sponsorship of the Federal government lent an aura of respectability that no private group could attain on its own.

Organizers in other States did as Vermont did, and sought out as wide a spectrum of women's organizations as possible. The meetings were open to the public, women and men. Most took place in spring and early summer. Naturally, differences of opinion arose, but it was not until the beginning of July that confrontation politics began to dominate the proceedings.

Many observers believe the Utah meeting was a turning point. Utah organizers reached out to groups of every political and religious persuasion. To their surprise, 12,000 Mormon women registered at the State conference, which attracted a total of 14,000 people. An anti-ERA delegation was elected, and the success of the conservatives sparked efforts elsewhere.

Barbara Smith, general president of the Relief Society of the Mormon Church, told a Honolulu newspaper, "After we had our Utah convention, we began to encourage women all over the country to get actively involved in their State conventions." Smith says she wanted women to participate out of their "concerns as citizens and not as part of their church responsibility." But Don LeFevre, a spokesperson for the church, told a *New York Times* reporter that the Relief Society encouraged its members to "vote for correct principles." The principles were supplied to members in the form of Mormon Church position papers on ERA, abortion, and other issues, according to LeFevre, "in case they had any questions."

Some had hoped that the Utah meetings would provide an opportunity for real dialogue on women's problems. Such an opportunity did not materialize, although Jan L. Tyler, a Mormon supporter of ERA and former teacher at Brigham Young University, thought some barriers had fallen: "A lot of them are beginning to transcend their own conditions and say that there are other women in the world who find themselves in circumstances very different from mine."

The Mormon role raised anew the knotty problem of politics and religion. Clearly, in a State that is overwhelmingly Mormon, but where polls indicate 52 percent of the population supports ERA, a lot of soul-searching is going on.

During the Houston meeting, the elected Utah delegation issued a press release objecting to characterization of their church hierarchy as a radical right-wing group. The appointed at-large delegates who were pro-ERA supported the concern of the first group, noting, "We sympathize with the delegation's resentment at being labeled 'radicals.' As at-large delegates, we ourselves have been so labeled in our own State. . . . We encourage the assembled body to continue to accord the Utah delegation the courtesy and attention they deserve."

While little dialogue occurred at the Utah meeting, the elected delegation did study IWY's proposed National Plan of Action and decided to support parts of it. But in other States, anti-IWY forces rejected the proposed plan wholesale, and State meetings saw acrimonious floor fights between conservatives and liberals. In Mississippi, the Ku Klux Klan claimed credit for the election of an anti-IWY group that included five men and no blacks. In Alabama, 22 of 24 delegates were white. In all, a total of 10 States elected delegations that opposed most of the goals of the IWY Commission.

The law governing the national conference specified that it be composed of:

> (1) representatives of local, State, regional, and national institutions, agencies, organizations, unions, association, publications, and other groups which work to advance the rights of women; and
>
> (2) members of the general public, with special emphasis on the representation of low-income women, members of diverse racial, ethnic, and religious groups, and women of all ages.

Challenges were filed to State delegations whose membership did not reflect these categories, as well as by conservatives who complained of election irregularities in State meetings. All challenges were rejected by the Commission, which noted that the only ground for challenges was election fraud, despite the clear congressional intent that balance be achieved. However, the Commission issued a statement noting its concern:

> . . . over the unrepresentative composition of several State delegations; a result of apparent right-wing control that contradicts the spirit of the law calling for a delegate balance at the National Conference according to racial, ethnic, religious, and age and income groups.

The Commission blamed:

> . . . a concentrated effort by right-wing groups to discredit International Women's Year through factually inaccurate misrepresentations in the press, and to pack State meetings with people hostile to the legislation's goal of equality for women . . .

The statement concluded:

> The IWY Commission is empowered to balance the national delegate body according to the groupings mentioned in PL 94–167 through the appointment of delegates-at-large. We will do that. But we wish here to record our outrage on the basis of fairness to the citizens of particular States that their delegations, regardless of question of viewpoint, do not represent the true demographic balance of those States.

Following the State meetings, press interest in the National Women's Conference soared. Columnists of all persuasions began taking note of what they predicted would be a showdown in Houston. The meeting was transformed from a get-together many thought would be routine to a show of strength for the women's movement and the conservative opposition. Originally, many women's rights groups gave the meeting second priority, fearing it would drain energy from ratification of ERA and the struggle to preserve abortion funding for women on welfare. But after the conservatives began to organize, women's groups rallied to prevent what they perceived to be a possible disaster in the making.

One result was the organization of the "pro-plan" caucus. The main item of business at the conference was to be adoption of the National Plan of Action to be forwarded to the President and the Congress. The IWY Commission had developed a proposed plan from the recommendations submitted by State meetings and from its own staff work. The pro-plan caucus was designed to build a coalition on the floor in support of the IWY recommendations.

The multiracial, multiethnic caucus was convened by 11 delegates from 10 States. Its statement of purpose, issued in advance of the meeting, declared: "Pro-plan delegates believe that the plan is a basic, workable document which summarizes what government and other institutions in our society must do to provide full equality for women."

In anticipation of "delaying tactics designed to defeat the will of the majority" many pro-plan people "in the interests of moving the agenda and passing the entire plan, decided to forego attempts to strengthen or alter specific [proposals]."

The caucus organizing efforts, funded by donations, included contracting every delegate thought to be sympathetic to the plan, making the caucus's existence known to the press, and soliciting the support of women's groups. A system of floor captains and monitors was set up to deal with the conference itself, and plans were made to hold at least one major meeting of delegates prior to the plenary sessions.

Preconference activities by those opposed to the plan included the above-mentioned mobilization for State meetings, as well as attempts to gain media attention for alleged IWY abuse of Federal funds and for views opposing the plan proposals. Senator Jesse Helms of North Carolina held an ad hoc hearing at which anti-plan witnesses expressed their views. He inserted his account of the hearing in the *Congressional Record*, and it was widely reprinted.

A Citizens Review Committee for IWY issued news memos on IWY spending, the conduct of State meetings, and the content of the plan itself. Lawsuits were filed, chiefly in Illinois, challenging alleged lobbying activities of IWY on behalf of ERA and Federal funds for abortions. The last suit was dismissed December 13 for lack of evidence.

Leaflets were distributed, including a typical one titled "Federal Festival for Female Radicals," which summarized the viewpoint of the Citizens Forum of Fort Worth, Texas, as follows:

> Our Nation is not embroiled primarily in a battle of the sexes, but a battle of philosophies—between those who hold the pro-family biblical values upon which our Nation was founded, and those who embrace the humanist/feminist philosophy.

Elsewhere, the conference majority was described as embracing the "ERA/abortion/lesbian philosophy."

With the lines thus drawn, the National Women's Conference opened amidst some trepidation. The first and major snafu of the weekend, however, occurred not on the floor, but when hundreds of women appeared on Friday to check into their hotel rooms. The rooms, and the hotels, were simply not prepared for the deluge.

In what has since been called "one of the American hotel industry's biggest-ever gaffes," people waited in lines for hours and hours—some past midnight. Hotel lobbies were jammed with luggage that could not be moved without room assignments, and the scene began to resemble a disaster headquarters. A mood was established—well-expressed on the front of a souvenir T-shirt: "I survived the National Women's Conference."

No description of the setting for the conference would be complete without mention of the press

corps, which numbered over 1,300, included network television and radio, local media, daily newspapers, the feminist press, photographers, and freelancers. Gavel to gavel coverage was provided by Houston's educational TV channel and by KPFT-FM. Special editions of *Breakthrough*, a Houston alternative paper, served as the conference daily newspaper. Press arrangements for floor passes were modeled on those used for national political conventions—the only comparable standard. The intense media interest, although somewhat eclipsed by Middle East developments, added to the general air of excitement and anticipation.

The conference opened Saturday morning with speeches and ceremonies. First Lady Rosalynn Carter, Betty Ford, Lady Bird Johnson, Houston Mayor Fred Hofheinz, Congresswoman Barbara Jordan, IWY Commissioners Gloria Scott, Maya Angelou, and Liz Carpenter, and presiding officer Bella Abzug all participated. A stirring presentation of the Seneca Falls torch that arrived in Houston the day before added the requisite pageantry.

It seemed, once the assembly had finally gathered, quite safe to predict, as did Bella Abzug in her speech:

> After this weekend, the whole Nation will know that the women's movement is not any one organization or set of ideas or particular lifestyle. It is millions of women deciding individually and together that we are determined to move history forward.
>
> The women's movement has become an indestructible part of American life. . . . It is all of us here and all of the women out there who say the time for equal rights has come.

Keynoter Barbara Jordan added:

> At a time when this country is drifting, if it is not shifting, to the right, civil rights and affirmative action efforts are lagging. . . . This is the time for foot soldiers, not kamikaze pilots. . . .
>
> The Congress approved $5 million with its congratulations, but if we do nothing here productive, constructive, or healing, we will have wasted much more than money. We will have wasted, lost, negated an opportunity to do something for ourselves and for generations which are not here.
>
> Not making a difference is a cost we cannot afford.

The afternoon session began with remarks by Jill Ruckelshaus, former presiding officer of the IWY

Commission, and Judy Carter, the President's daughter-in-law, who has become an effective speaker on behalf of the benefits to be derived for homemakers from passage of ERA. Finally, midway through the afternoon, consideration of the National Plan of Action began.

The 26 planks in the plan began with arts and humanities and ended with a proposed Federal women's department. The question was quickly called on the first item, and the resolution passed overwhelmingly on a standing vote—the counting method employed throughout the weekend. Battered women, business, and child abuse came next, and then child care. One delegate linked Federal funding for the latter to the development of Hitler youth camps, but the majority was unimpressed. It became quickly clear that pro-plan delegates had the situation well in hand, and their confidence increased.

After passage of the resolution on credit, the first emotional high point occurred with the introduction of a substitute resolution on disabled women. In the pro-plan caucus meeting for all delegates held Friday night, it had been agreed a substitute would be supported on the floor after a moving plea was made by a disabled delegate for stronger, more specific language. The substitute, written by the disabled women's caucus, passed with nearly unanimous support in an impressive display of discipline by pro-plan forces. On that high note, the conference recessed for dinner, aware that a long, grueling night session lay ahead.

The evening session began with remarks by Congresswoman Margaret Heckler, Assistant Secretary of State Patsy Mink, and Helvi Sipila, Assistant Secretary-General for Social Development and Humanitarian Affairs of the United Nations. Attention then turned to consideration of the resolution on education. Amendments were offered to eliminate race along with sex stereotyping, to include nonracist along with nonsexist counseling, and to encourage the development of women's studies. The resolution passed as amended.

The resolutions on elective and appointive office and on employment passed as originally written, making way for consideration of ERA—which, as it became quickly apparent, was one of the delegates' prime concerns. The resolution's introduction was met with a deafening standing ovation as delegates shouted pro-ERA slogans in a mass floor demonstration. An attempt to hinge endorsement of ERA on its ratification within the 7-year period currently provided failed. The delegates, who were most likely split on the wisdom of extending the ratification period, refused to be distracted by what they perceived to be an effort by ERA opponents to divide them.

A substitute resolution opposing ERA was ruled out of order by the chair as incomplete; resubmitted in writing at least twice, it still ended with an incomplete sentence. While the proceedings halted during the resubmissions, the New York delegation revved up for passage of the resolution by singing "The Sidewalks of New York." They were ruled out of order by presiding officer Bella Abzug.

Finally, the vote was taken, and the demonstration that followed passage of the resolution somehow managed to surpass the one greeting its introduction; all that was missing in the hoopla was the proverbial brass band. Wisconsin and California took their State standards and paraded round the hall as the rest of the delegates and the gallery shouted "three more States" in unison and ended with a rousing rendition of "God Bless America."

Well-satisfied with their night's work, the pro-plan delegates voted to recess until Sunday noon, when an even longer 8-hour plenary was scheduled. Anti-plan delegates, outmaneuvered and outvoted on the floor, could look forward to the press coverage of the pro-family rally held on the outskirts of Houston during the Saturday afternoon session.

The "pro-family" rally, conceived to counter the IWY meeting, drew anywhere from 12,0000 to 20,000 people, depending on whose figures are used. It included speeches by Phyllis Schlafly, vocal ERA opponent and long-time conservative, and Clay Smothers, a black Texas legislator who once supported George Wallace.

Smothers declared, "I want the right to segregate my family from these misfits and perverts." Schlafly asserted, "American women do not want ERA, abortion, lesbian rights, and they do not want child care in the hands of government." Both received fervent support from the nearly all-white, mainly female audience.

Not surprisingly, the anti-IWY show of strength had little effect on conference participants. Sunday they picked up where they had left off, listening first to Commissioners Carmen Votaw and Cecilia Preciado Burciaga and then to anthropologist Margaret Mead. The next resolutions, on health, homemakers, insurance, international affairs, and media, passed without incident.

Then came the introduction of the resolution on minorities. Many delegates waited expectantly; they knew a substitute written by the minority caucus was in the offing. (The pro-plan caucus had agreed to support the substitute after minority delegates objected in the caucus meeting to the brief resolution submitted by IWY. Discussion then centered on whether to try to improve each plank by integrating

the concerns of minority women or to amend the minorities resolution alone. Given time constraints, the latter proved to be the more practical course, if the less satisfactory one.)

Maxine Waters, a black delegate from California, began reading:

> Minority women share with all women the experience of sexism as a barrier to their full rights of citizenship. Every recommendation in this Plan of Action shall be understood as applying equally and fully to minority women. But institutionalized bias based on race, language, culture, and/or ethnic origin or governance of territories or localities has led to the additional oppression and exclusion of minority women and to the conditions of poverty from which they disproportionately suffer. . . .

Waters went on to list the most pressing problems—involuntary sterilization; monolingual education and services; high infant and maternal mortality; bias against minority children; low-paying jobs and poor housing; culturally biased testing; affirmative action and special admissions; bias in insurance; and failure to cross-tabulate data by both race and sex.

In turn, a spokesperson for each caucus within the minority coalition rose to read the sections on American Indian and Native Alaskan women, on Asian and Pacific women, on Hispanic women, on Puerto Rican women, and on black women. As Coretta Scott King finished the last section and moved the adoption of the substitute, the delegates cheered and gave her a standing ovation.

The yes vote was overwhelming and included many women opposed to other parts of the plan. A snake dance broke out on the floor as delegates embraced each other and sang "We Shall Overcome." While support for ERA was loud, the reaction to this resolution seemed more heartfelt and more spontaneous. The delegates had won a victory of their own making, and the unity displayed on the floor must forever put to rest any doubt that women of all backgrounds share the goal of women's equality.

When the commotion died down, the assembly went on to pass the offender resolution and the resolution on older women as amended from the floor. The majority then supported an amendment to the rape resolution that was troublesome to many. The original proposed that the past sexual history of a victim be introduced in court only after a judge had decided it was relevant out of the presence of the jury and the public. The amendment would prohibit the introduction of such evidence in any

case, a provision that many believe is probably unconstitutional.

The meeting then took up the reproductive freedom proposal, otherwise known as the abortion resolution. The chair, Anne Saunier, who performed heroically throughout the session, called for equal time for pro and con debate.

The resolution began simply: "We support the U.S. Supreme Court decisions which guarantee reproductive freedom to women." It went on to support Medicaid funds for abortion, oppose involuntary sterilization, and support sex education and family planning services.

Debate on this issue is always difficult and the conference was no exception. One anti-abortion delegate acknowledged that "many of you here, although there is a serious divergence of opinion, are devoted mothers and love your children as much as I love mine." But she believed that embryos and fetuses were entitled to the same rights as born children. For her, and for those who believe that fetuses before viability are not the same as human beings or that women have the right to decide the issue for themselves, there simply is no compromise.

Emotions ran high, and when the resolution passed easily, the anti-abortion delegates began to sing, "All we are saying/is give life a chance." Others responded by chanting, "choice, choice, choice!" For them, the issue was also life—the lives of women lost in illegal abortions or in childbirth where abortions were unavailable. Thus polarized, the struggle on this issue will undoubtedly continue.

After amending the resolution on rural women to include an investigation of the Louisiana sugar cane plantation system and to include concerns of each minority group in any programs developed for rural women, the conference moved to the sexual preference plank. The debate took place on two levels: whether endorsement of civil rights for lesbians was appropriate for the conference, or whether it was appropriate at all. One delegate called the issue an "albatross on the neck of the feminist movement" and a hindrance to passage of ERA. Another voiced the opinion that homosexuality was against God's will.

But the majority supported the position taken by Ellie Smeal, president of NOW, who said that "human rights are indivisible . . . when we march together for equality, we will march as heterosexuals and homosexuals, as minority women and majority women, as rich and poor—we will all go forward together as full human beings."

In a dramatic turnabout, author Betty Friedan stated, "I have been known to oppose this issue within the women's movement . . . but ERA will do nothing for homosexuals." Friedan went on, "Therefore we must protect lesbians' civil rights . . . let us waste no further time and pass this resolution."

The question was called and the pro-plan caucus majority held. Supporters of the resolution in the gallery let loose balloons and began a victory celebration. They stopped long enough to say in unison to the delegates, "Thank you, sisters!" before adjourning for a press conference outside the hall.

Passage of the proposal on statistics left one resolution on the agenda for the day—welfare and poverty. Again, a substitute supported by the pro-plan caucus was adopted. It was more detailed and comprehensive than the original and called for strengthening a variety of programs. It opposed the Carter Administration's welfare reform bill on the grounds that training and better jobs now provided by the Comprehensive Employment and Training Act, as well as food stamps, would be eliminated and that recipients would be required to "work off" their grants.

With one remaining resolution—on a Federal women's department—to be considered the next day, along with implementation and new business, the meeting recessed with a great sense of accomplishment. Not only had disaster in the form of chaos or confrontation been averted, but a positive feeling of forward movement and revitalization had been achieved. Pro-plan delegates, at least, awaited the final session in a relaxed mood.

Perhaps things got too relaxed. On Monday morning, for the first time, the plenary session appeared disorganized and undisciplined. The agenda was rearranged without much explanation and the women's department resolution was delayed. Delegates became restless. The department was the one issue on which pro-plan forces were divided, and now that the other business was over with, its opponents were ready to vote as they saw fit. Many believed a women's department would isolate women's concerns when the goal had been to integrate them into all levels of government.

Finally, delegate pressure forced the issue to the floor, and the department was voted down. A resolution passed setting up a continuations committee to provide for the convening of a second national conference. Indiana State Senator Joan Gubbins led a walkout of the anti-plan delegates, chanting "rubber stamp, rubber stamp." It appeared adjournment was in order, and it was so moved. Delegates joined in a closing round of song, and the National Women's Conference was over.

While the conference plenaries were clearly the main arena, they were not the only show in town that weekend. Conference organizers also provided a running series of briefings from the top by prominent women government officials. A film festival ran continuously; a large exhibit area contained booths displaying the wares of government agencies, trade unions, women's and professional organizations, and a host of other sundry groups. Panels on women and the arts were available; a potpourri of activities went on in an area called "Seneca Falls South," including entertainment on the Seneca Falls Stage. Skills clinics were conducted with such titles as "Legal Remedies to Employment Discrimination" and "Marriage, Separation, and Divorce." An international lounge provided an opportunity to meet foreign guests invited to the conference by the State Department. It was impossible to take it all in.

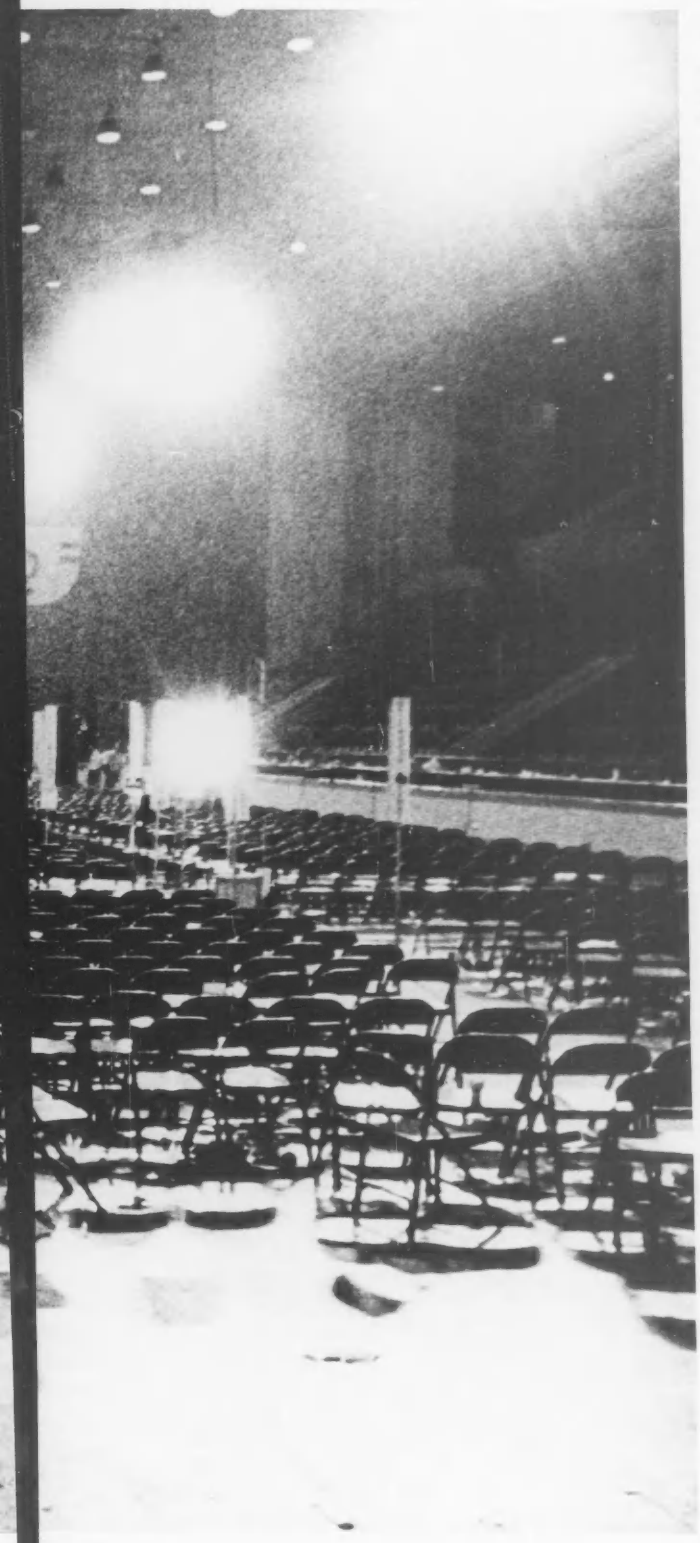
Will the National Women's Conference have lasting impact? If so, what will it be?

By July 1978, President Carter is required to submit to Congress his recommendations for action based on the National Plan of Action as adopted in Houston. His response to the plan will be closely watched by women's groups and all those involved in the conference.

In the meantime, anti-plan forces are, in a way, pleased with the results of the meeting. They believe the inclusions of abortion and lesbian rights will be the death knell for the Equal Rights Amendment.

Many others are not so sure. They believe the conference must be viewed as a setback for conserva-


WOMAN



tives. Despite dire predictions, things went well. The agenda was completed with a minimal amount of wrangling; lots of enthusiasm was generated for ERA and other battles; and strict adherence to parliamentary procedure blunted charges that the conduct of the debate was unfair.

Further, it is not clear how cohesive the anti-plan group really is. Phyllis Schlafly and her Eagle Forum organization advocate positions on a wide variety of issues—opposing both ERA and the Panama Canal treaty, for example. The Eagle Forum is allied with other conservative groups whose positions may alienate the rank and file in the anti-IWY movement. Senator Gubbins told the press that the anti-plan's minority report implies abolition of the Federal minimum wage. Few Americans of any persuasion would discard minimum wage. While the right appears to be growing, it is more likely that with the increased polarization on key issues, both sides have become more organized and have gained more visibility.

Pro-plan forces, on the other hand, have much to be pleased with. They not only survived, they prospered. New unity was forged among various organizations and groups of women. For the first time, they all met under one roof and, facing a common enemy, they cooperated as never before. The plan they adopted is the stuff of which coalitions are made, and organizing has already begun.

The Women's Conference Network, organized by the American Association of University Women, includes over 40 groups. The Network plans to draft legislation on the plan and mobilize for its adoption in Congress.

What chance of success does the plan have? Despite the enthusiasm of its supporters, it may face rough going. It could use refinement and correction, to be sure, but the real problem lies in its enactment. In a time of fiscal retrenchment and ideological hostility to further efforts to overcome sex and race discrimination, new measures to gain equality will face determined opposition. The plan, after all, is just a document, in some respects much like a political party platform or a set of campaign promises. It will require a strong constituency to assure its fulfillment.

For better or worse, "the feminist issue has become part of the national political debate," according to author Lucy Komisar. "Proponents and opponents of women's rights have taken their places in the general alignment of Right and Left." This development requires new sophistication, greater resources, and even more determined organizing in the years ahead. Houston may well be seen as a watershed in this process.

The Indians, the Royalties, and the BIA

Part One: Window Rock, Arizona

BILLIONS IN COAL AND URANIUM COULD END POVERTY

By John J. Fialka

At first glance a collection of ranch houses and small buildings on an otherwise barren, windswept plain in northwestern Arizona would seem to have very little to do with the job of determining the Nation's energy future.

But there are tell-tale signs of power here, more than meet the eye. For example, among the dozen or so battered pickup trucks parked in front of the one-story stone headquarters of the Navajo tribe, you will find one Lincoln Continental.

Inside, among dozens of offices tending to tribal functions, you will find one office that is likely to have a waiting room full of New York bankers or lawyers, or executives from major oil companies.

Other Navajos may clump around the corridors in dusty cowboy boots, jeans, and 10-gallon hats, but the man inside that office favors dark, pin-striped suits.

He is Peter MacDonald, the Navajo tribal chairman, whose life links a stone-age Plains culture and 20th century high finance. The phrase "energy czar" has been much over-used—especially when applied to Washington officials—but it is a title that does apply to MacDonald and the leaders of several other coal and uranium-rich tribes in the West.

MacDonald was among the first to realize that the Carter administration's energy plans—calling for heavy future reliance on coal and nuclear power—will provoke the most fundamental changes in the Indian world since the U.S. Army crushed the Western tribes after the Civil War and sent them to the reservations.

The reason for this is that the Indians wound up sitting on a lot of coal and uranium. According to the Interior Department, fully one-third of the Nation's most readily accessible coal, the low-sulphur deposits lying near the surface of the Western Plains, are under Indian land. Indians are also believed to control somewhere between 11 and 40 percent of the Nation's untapped uranium reserves.

According to the 1970 census, there are 792,730 people in the United States who identify themselves as American Indians. Together they represent only a tiny fraction, about 0.4 percent, of the U.S. population. Less than half of the Indians still live on the reservations and only a fraction of those belong to the energy-rich tribes. Thus, the potential of these vast energy holdings rests in a relatively few hands.

A few of the tribes, like the Navajos, have begun to exercise some of this enormous leverage. Other landowners may be able to offer parcels of a few hundred acres for coal or uranium mining; the Indians deal in square miles. The Texans and other czar-like figures of America's energy past were able to cut million dollar deals; the Indians are dealing in billions.

Some Indian leaders fear the money and industrial development that is coming to their reservations will destroy what remains of the Indian culture, but Peter MacDonald believes that it will bring his tribe enough financial and political power to restore the self-reliance that ended in 1863 when the soldiers of Col. Kit Carson burned and pillaged tribal lands and forced the Navajos to surrender.

At the moment visitors to this

John J. Fialka is a reporter for the Washington Star. *This article appeared as a series in the* Star *October 23, 24, and 25, 1977, and is reprinted here by permission of The Evening Star Newspaper Company.*

vast reservation—roughly equal to the size of West Virginia—can still see evidence of the grinding poverty, disease, alcoholism, and chronic unemployment that have marked the tribe's existence since then.

Process reversed

To a large extent, the reservation is a welfare state. Its unemployment rate, according to the Bureau of Indian Affairs, hovers at 63 percent. Over $200 million in Federal aid comes in every year. Only about $30 million is currently generated by tribal resources. But the next generation of Navajos, according to MacDonald, will see the cycle of poverty and welfare broken by the new energy revenues.

"In the next 25 to 30 years the Navajos are going to move very heavily into the direction of self-sufficiency. Of course you can never be 100 percent sufficient. Who is today?" he explained to a reporter.

The resources the tribe has to sell are, by any measure, fantastic. According to the Interior Department there are at least 50 billion tons of strippable coal under Navajo land. A major oil company, Exxon, has recently begun to explore what are believed to be sizable uranium deposits.

Because energy exploration has touched only portions of the huge, 9,600-square mile Navajo reservation, located in Utah, Arizona, and New Mexico, the coal and Exxon's uranium search may be only the beginning.

For years the Navajos thought little about their energy resources, content to raise sheep, weave, and graze horses. According to a former BIA official familiar with the tribe: "They really didn't give a damn about it. We'd bring in an oil company or sombody who wanted to explore and then we'd have to hunt all over the reservation in a car looking for somebody to sign the lease."

At best, the old method was slipshod. The BIA, an agency of the Interior Department, has always had to be involved because legally the U.S. holds title to the Indian lands as trustee for the tribes.

According to a study of BIA's mineral leasing practices made by the Federal Trade Commission, the BIA often didn't know what it was leasing on behalf of the Indians because the government has never made an adequate inventory of the mineral wealth on Indian land.

The government's process of approving bids by energy companies was, according to the FTC, "essentially guesswork" done by geologists in Washington "who often have not even seen the tracts in question."

Since MacDonald, 48, a veteran of U.S. weapons and antipoverty programs, took over, the process on Navajo land has been reversed. Now MacDonald, members of the tribal council, and the tribe's energy, financial, and legal advisers make the deals, then they summon the BIA for their approval.

"When I took office we decided to review all leases," explained MacDonald. "Some of them gave us 15 cents a ton forever, and waived all possibility of a tribal tax on the coal. . . . They were so bad that we finally decided that we would do this, solicit the bids ourselves and leave the BIA out of it."

In violation of BIA regulations, MacDonald and the tribe began interviewing executives of 17 companies interested in exploring for uranium on the reservation. After two years of negotiations, the Indians finally narrowed the bidding down to one company, Exxon, which agreed to give the tribe an unprecedented option of 49 percent ownership in any uranium deposit that Exxon decides to mine.

In addition Exxon promised a "bonus" of $6 million for the privilege of being allowed to explore. After strenuously objecting to the Exxon deal, the BIA finally turned around and approved it this year.

In a second major move, the Navajos broke an old coal lease made with the El Paso Natural Gas Co. and Consolidation Coal Co. which provided the tribe a royalty of 20 cents a ton for its coal. The companies agreed to MacDonald's demand for 55 cents a ton, or 8 percent of the coal's selling price.

Despite MacDonald's opposition, the BIA rejected the renegotiated amounts, finally raising the royalty to 12½ percent plus a "bonus" of $5.6 million for the tribe.

(Because of the magnitude of the Indian coal holdings, even the slightest upward adjustment of royalties means tens of millions for the tribe. The El Paso contract, for example, calls for the mining of 677,940,000 tons over the next 33 years.)

The Navajos have been toying with a third deal. A consortium called the Western Gasification Co. (WESCO) would like to start a $1 billion coal gasification plant which would convert the strip-mined coal to natural gas and pipe it out of the reservation.

Some days MacDonald and his tribal leaders feel optimistic about the project and put it on the tribal council's agenda for debate. Other days they feel less optimistic and then they take it off the agenda, a pattern which has driven WESCO officials to distraction.

"We have plenty of time," explained one tribal official. "These

matters always take plenty of time."

All of this wheeling and dealing has attracted the attention of the Crows, the Northern Cheyennes, and other tribes that control energy resources. MacDonald recently announced that he had a deal for them, too.

What was needed, MacDonald explained, was an Indian version of OPEC, the cartel of oil nations that sets the world price of oil.

The idea grew out of MacDonald's frustrations with the BIA. "I was trying to get the government to give me some money to do an inventory. I thought, how in the world are we going to have a development schedule for all of these resources if we don't know how much we have?" MacDonald said.

Ultimately 22 tribes joined with the Navajos on the issue and, in the spring of 1975, an assemblage of chiefs presented Frank Zarb, then the head of the Federal Energy Office, with a list of "demands."

The Indians wanted the government to give them money for an energy resource inventory on their lands; void all existing mineral leases; give the Indians "an ear with respect to energy legislation and policy"; and provide "start-up" funds for an intertribal energy organization that would be headquartered in Washington.

The new group would be called the Council of Energy Resource Tribes (CERT) and many of its backers thought the tribes might even use their combined leverage in OPEC-fashion to raise the price of Western coal. The problem, it developed, was that nobody in Washington seemed to take the idea seriously.

MacDonald thought of getting the money from oil companies, then rejected the idea. "That would put us in bed with the very people we'd be dealing with."

The chiefs also considered taking the start-up money out of their own tribal funds, but then they rejected that. "I maintained that the government messed up the Indian tribes in the first place through bad leases, so they should give us the money to straighten things out," said MacDonald.

Finally, this spring, MacDonald hit on a third approach. He let it be known that the Indians had decided to approach OPEC nations for the money. Stories appeared in the Washington Post and other newspapers that the Indian group had been "talking discreetly to several OPEC representatives."

The reports caused considerable controversy, which the Indians promptly rejected. "People criticize us for conducting foreign policy. Well, if they're going to take us to court for that, they may as well take David Rockefeller too. He does it all the time," explained Charles H. Lohah, an Osage, who is CERT's acting director.

Meanwhile, the tribes quietly wrote a letter to President Carter which said, according to MacDonald, that "we were putting out feelers to OPEC nations because of these frustrations. If you don't want us to do that, you'd better meet with us."

In July the Federal money for CERT suddenly materialized. The BIA reversed what one high-placed source described as "bitter internal opposition to CERT" and contributed $100,000. The Commerce Department's Economic Development Administration came up with another $100,000.

Just which OPEC nations were ever approaced by the Indians is something less than clear. MacDonald said he held meetings with officials at the Kuwait embassy and that his proposition was "well received." There were also meetings with representatives of three other OPEC member nations, he said, but "the other three did not want their names to be mentioned."

Asked about any dealings with MacDonald, Ali Al-Saban, press spokesman at the Kuwait embassy, told a reporter, "I'm not familiar with it, but I'll check into it." Later he reported that there was "no record" of such meetings and that embassy officials "did not show any interest at all" in the subject of Indian mineral development.

Once the Federal money arrived, MacDonald said he decided to "put a hold" on further dealings with OPEC. The CERT organizers, he added, are now going through a pile of 150 applications for the position of executive director for CERT's Washington office.

Although he continues to enjoy the support of a majority of his tribe's 74-member council, the ultimate source of authority in the tribe, MacDonald's drive to develop the Navajo reservation has fused together an odd coalition of the reservation's young and the very old. They are opposed to him.

"MacDonald's in the middle, what we call the World War II generation," explained Mrs. Arthur Harris, one of MacDonald's younger opponents. "What we advocated was a complete moratorium on leases. The tribe does not need outside energy companies. We can develop our resources ourselves."

The other half of the coalition, the older, more traditional Navajos, worry about the impact of the strip mining on their land. Although the tribe has been raising sheep only since the white man arrived in the West, tribal lore now has it that the Navajo has always raised sheep, and the apparent conflict between grazing and the huge new strip mines that have opened on the reservation has raised a number of internal political problems for MacDonald.

As one MacDonald aide explained, however, the old ways may have to bend. "This train (energy) is about to leave the station and he (MacDonald) is damn well going to be on it."

The Indians, the Royalties, and the BIA

Part Two: Crow, Montana

BILLIONS IN COAL AND URANIUM COULD END POVERTY

The agonies among the Great Plains tribes began during the winter of 1973 when impact of the Arab oil embargo sent the price of coal skyward.

At first blush it would seem that the Crows and their neighbors, the Northern Cheyennes, whose reservations occupy much of southeastern Montana, should have held a mammoth celebration. They were going to be rich! Roughly 8,000 Indians were sitting on 12 billion tons of strip-minable coal. Their reservations were the largest parcels of one of the richest known coal deposits in the world.

As the price of the Indians' coal began to jump from below $2 to more than $8 a ton, however, the elders of the tribes began to realize what a predicament they were in. A lot of that coal had already been sold. Sold for 17 cents a ton; sold through a series of murky dealings that included speculators, wining and dining by major energy companies, and, yes, even the offer of trinkets; sold under contract terms that left the tribes with very little to say about enormous strip-mine complexes that were being planned for their lands.

The differences between the two tribes are extreme. The Crows have always been open, garrulous, trusting in their dealings with the white man. It was Crow scouts who warned George Custer not to make a stand on top of a hill overlooking a river near here called the Little Bighorn.

They knew that down there among the cottonwood trees lurked a huge war party of the Northern Cheyenne and their allies, the Sioux. Among the Indian tribes, the Cheyenne were regarded as the puritans. They were hard working, suspicious of outsiders, and, when aroused, the fiercest warriors. Custer did not heed the advice of the Indians.

In the late 1960s that instrument of the Federal government's trusteeship over Indian lands, the Interior Department's Bureau of Indian Affairs, decided to offer large sections of the Crow and Cheyenne reservations for lease to companies interested in mining coal.

A great deal of wheeling and dealing commenced, but again it appeared that the white man had not taken the trouble to consult with many of the Indians. According to Allen Rowland, the tall, laconic chairman of the Northern Cheyenne who took over the tribe's leadership in 1969, he and his aides had a great deal of trouble piecing together the extent of the BIA's dealings on behalf of the tribe. When they did, though, they were astounded.

"We finally realized that about 56 percent of our reservation was either leased or covered with these permits that would allow them to come in after the coal," he explained.

According to BIA documents later assembled by the tribe, BIA officials who were conducting the sales saw the tribe's coal as a "white elephant," a commodity that had little or no market.

One memorandum, written by Ned O. Washington, then assistant area director for the BIA, said that the tribes were "anxious to get something going."

"We would like to make the offer as attractive and with as few obstacles (sic) or determents as possible," the memo said.

In 1966 representatives of Peabody Coal Co. came on the Northern Cheyenne reservation and found that there were hardly any obstacles at all. They offered the tribe a royalty of 17 cents a ton and a bonus of 12 cents for each acre mined. BIA officials in Washington quickly approved.

Down in the fine print of the contract, Rowland eventually discovered, was some language that gave Peabody the right to deduct

two cents a ton from the Indians' share for all coal consumed on the reservation and the right to "construct such plants as it deems necessary for the processing of its product."

That legal haze was not penetrated until 1973 when the tribe learned that Peabody planned to construct a $1 billion coal gasification plant on the reservation. The process would consume all the coal on the reservation and then pipe it off in the form of natural gas.

When Rowland and the other 14 members of this tribal council added up the number of employes that would be required by Peabody and five other companies that had purchased mining rights on the reservation under similar terms, they estimated that a city of 20,000 people, mostly non-Indians, would have to be built on or near the reservation. There are only about 2,700 Northern Cheyenne.

After several trips to Washington, Rowland was able to convince the Indian specialists at the BIA that the social impact of the proposed mining would be severe. In fact, the BIA even produced a study that said: "It is conceivable and not far fetched that this could bring about the demise of the Cheyenne culture. . . . The Cheyenne could and would become a minority in their home land."

The study, completed in May 1973, concluded that among the problems the Northern Cheyennes would have to confront would be increased alcoholism, drug abuse, a rise in the incidence of syphilis, and mounting air and water pollution. Nevertheless, the study concluded, the mining projects should go forward.

That and the full impact of the Peabody contract might have aroused the tribe, except there was another contract that had done even more to anger the Cheyennes.

A Billings, Mont., attorney had obtained a lease on part of the reservation, offering a royalty of 17 cents a ton. Then he sold his interest to the Chevron Oil Co., which agreed to pay the lawyer an additional 9 cents a ton for every ton of coal mined on the reservation. (Market price for the coal is currently about $8 a ton.)

Rowland still gets upset when he talks about how the lawyer stood to gain more than half of what the Indians were getting for their coal simply by signing a few papers. "I guess you have got to be an Indian first to really understand what the hell is going on," says the Cheyennes' chairman.

The next move was made by the Cheyennes. The tribal council conducted a plebiscite throughout the reservation. Ninety-eight percent of the tribe, they discovered, were opposed to any coal development.

Land has religious significance for many Indians. For the Cheyennes, their land is doubly significant because remnants of the tribe literally had to fight their way back to Montana from a stockade in Oklahoma where the Army imprisoned the tribe as an aftermath of the Battle of Little Bighorn.

But in the spring of 1974, when Peabody flew the Northern Cheyenne tribal council to company headquarters in St. Louis to show them the plans for the massive gasification project, the Indians showed little emotion over the issue. The company also provided tours of nearby strip mines in Illinois.

According to the Cheyennes, Peabody paid for considerable wining and dining on the trip. "I don't know about that," said William Hartman, a senior vice president for Peabody who conducted the briefings.

The Cheyennes seemed very polite and quite interested in the proposal, said Hartman. "I thought it was a free exchange. It would really be a boost to their economy, their employment situation."

Hartman said he was "quite surprised," to learn later that, two days before their trip, the Cheyenne tribal council had voted unanimously to reject Peabody's entire proposal.

Why didn't the Northern Cheyennes tell Peabody before the trip? "We had never seen Illinois before," Rowland told a reporter.

Later the tribe filed a thick legal brief with the Interior Department asking that all the coal leases be declared void.

Their neighbors, the Crows, went through a similar though somewhat slower process of learning about the coal dealings that had been made in their name.

Leases disputed

Unlike the Cheyennes, the Crows come as close to a pure democracy as any government in the world. There are about 5,000 Crows. Each of the 1,800 adults of the tribe who live on or near the reservation is a member of the tribal council, which must give approval to all major decisions.

For some reason, though, the authority over mineral decisions was delegated to a special "mineral committee," appointed by the chief. Until 1974 most Crows had been too preoccupied with farming or raising cattle to worry about what the mineral committee and the BIA were doing.

The Crows, it developed, had signed seven leases, including one with the Shell Oil Co. for a royalty of 17½ cents a ton for the first 10 years. Shell was planning to dig four huge strip mines on the

reservation. Together the mines would have produced 32 million tons a year, giving Shell, according to Kirk Blackard, Shell's chief negotiator, the largest single coal operation in the world.

In essence, the lease gave Shell the mining rights in perpetuity, or, as long as the coal could be produced in what the company deemed "significant quantities."

Rumblings from the Cheyenne reservation, however, had set some of the Crows on edge. There was one faction in the tribe, led by Forrest Horn, that wanted to void all the leases.

There was another faction, led by the Crow's tribal chairman, Patrick Stands Over Bull, that wanted to press ahead with the development. Sensing difficulties, Shell made a new offer. The company promised a royalty of 8 percent of the coal's selling price plus and additional $7.5 million bonus, or "up front money" as it is commonly called in the trade.

Shell went to considerable lengths to press its new offer.

There were dinners for the mineral committee at the War Bonnet Inn in Billings. Committee members were flown to Shell headquarters in Houston and to a large strip mining operation on the Navajo reservation in Arizona.

According to the Crows, Shell "wined and dined the tribal leaders," and passed out key chains, Stetson hats, and turkeys to promote the new offer.

Blackard objects to the part about wining and dining: "I object very strongly to that. Certainly we have bought meals for the tribe, but it was kept on a businesslike basis."

There was a donation of turkeys, he admitted, but no Stetson hats. As for the key chains, Shell did set up a trailer at an Indian fair in 1975 and distributed key chains with the picture of a drag line on one side and the Shell scallop insignia on the other.

"I kind of find it amusing, well amusing isn't the right word, disturbed to see that after two years they're still talking about those key chains," said Blackard.

At any rate, in September 1975 the Horn faction had its way in tribal council and the Crows retained attorneys who filed suits to break most of the coal lease agreements. The BIA was also sued for acts of "misfeasance" and "nonfeasance" in approving the deals as trustee.

But the battle continued to seesaw back and forth within the tribal leadership. Stands Over Bull would send off mailgrams, firing the attorneys and dismissing the lawsuit. The Horn faction would get the tribal council to reinstate the attorneys and the case.

The showdown came in a momentous tribal council meeting which started at 2 p.m. on July 9 and lasted until 10 a.m. the follow-

ing morning. The faction led by Horn impeached Stands Over Bull, who held out for the Shell offer until the end. It was a painful process, according to Urban Bear Don't Walk, a young Crow attorney who supported Horn.

"The Crows just never take things to that extreme. It was not too much different than impeaching the President," he explained.

Twelve hundred Crows packed themselves into the gymnasium where the meeting was held, or waited in the hallways or in cars outside for the crucial vote. As the debate droned on, both in Crow and English, Crow babies played underfoot. There were several well-dressed spectators, including a man from the international investment firm, Lazard Freres & Co., watching from the sidelines.

Ordinarily the politics of the tribe are dominated by the clans, or extended family units that vote together. Voting is done openly as clan leaders lead their followers to the "yes" or "no" side of the gymnasium.

This time, however, it became apparent that the clan system was breaking down. The debates grew very bitter, sometimes pitting father against son. The Horn faction won a crucial procedural vote that helped to break remaining clan discipline by permitting the vote to be held in secret ballot.

The impeachment charges centered around Stands Over Bull's effort to countermand the lawsuit against the coal leases. According to Bear Don't Walk, who drew up the charges, "a lot of people felt sorry" for Stands Over Bull, so he was given a chance to resign before the final vote. The chairman, however, refused to believe that the Horn supporters had the votes to defeat him on the coal issue.

"I told him, 'when you shoot at a king you have to kill him, and we're going to do it, Pat,' " recalls Bear Don't Walk.

Stands Over Bull's final witness was his mother, who dressed in traditional Crow garb, long braids, blanket and high moccasins, made an extremely emotional plea for her son's cause, stressing the clan ties and the strongly held traditions of deferring to the wishes of tribal elders.

In the end, however, Stands Over Bull was impeached, by a vote of 685 to 454. The vote left deep scars and divisions among the clans that continue to this day. "It was a shock that we all had to go through. It was not something that we enjoyed doing," explained John Pretty On Top, one of Horn's advisers.

As for Horn, the vote was only the beginning of what may be the tribe's most precarious era, as the Indians struggle to gain control over the massive development that confronts them.

"It is like a person going swimming," said Horn. "He gets out to the ocean and he finds a seashell and he thinks he has discovered the sea. Any little amount of victory that we taste is only a spoonful of a bucket."

Patrick Jobes, a sociologist who has been studying the Crows, claims that the culture of the tribes is "more threatened by coal development than it was by General Custer." There are a lot of Crows who agree with him.

Among their neighbors, the Northern Cheyennes, the feeling is even stronger. Allen Rowland often gives this preface to the explanation of what his tribe has gone through in dealings over its coal: "A lot of things have happened to my tribe, most of them bad."

The Indians, the Royalties, and the BIA

Part Three: Washington, D.C.

BILLIONS IN COAL AND URANIUM COULD END POVERTY

On August 11, a revolution of sorts took place at the Department of Interior.

In a large conference room, negotiators for two major energy companies faced a battery of Interior Department experts. On the Federal side of the table were lawyers, a geologist and a mineral economist who had an open line to a Federal computer bank primed with coal statistics.

In the past, the government's negotiations for the sale of coal on Indian reservations have often been extremely casual affairs, conducted in the field, without experts, using numbers sometimes jotted on dinner napkins and on the back of old envelopes. Often the lease terms were simply copied from old leases.

Now, for the first time, the Federal trustee for Indian lands, the BIA, was about to engage in a little hardball on behalf of the Indians.

The Navajos, led by their ambitious tribal chairman, Peter MacDonald, had renegotiated a lease covering some of the Navajo's massive coal deposits. The two major energy companies involved, El Paso Natural Gas Co. and Consolidated Coal Co., had agreed to scrap an old lease, which gave the Navajos 20 cents a ton, for a new one which gave them 55 cents a ton, or 8 percent of the coal's selling price, whichever was greater.

MacDonald, one of the BIA's many critics among Indian leaders, warned the BIA not to tamper with the terms of the contract. By asking for more, MacDonald had said, the government might risk " all of our hard won gains."

But Interior Secretary Cecil D. Andrus and other officials at Interior were skeptical. They were not certain what the Navajo coal was worth, but they were sure it was worth more than either the BIA or the Indians had pressed for in the past.

Now Interior was going to suggest a royalty of 12½ percent a ton with a $5.6 million bonus at the start of mining operations. The bonus was a mere bagatelle compared to the increase in royalty that Interior was asking. Ordinary mining contracts are complex, but Indian mining contracts, because of the enormous size of their land holdings, are in a class by themselves.

The El Paso-Consolidated proposal called for the strip mining of 677,940,000 tons of coal over 38 years. A little fast work with the computer showed that Interior was trying to raise the ante by approximately $400 million.

"We said that's our bottom line, take it or leave it," recalls George Crossland, who is the BIA's acting director for its Office of Trust Responsibilities.

"They left the room and 30 minutes later they came back and said 'We'll accept.' I about fell out of my chair. I had the sudden feeling that we didn't ask for enough."

The Indians say you have to be an Indian to understand the injustices that the white man has perpetrated on the tribes to get their mineral resources. Crossland, an attorney, is not only an Indian, he is an Osage Indian, which should give him a special feeling for the subject.

When the U.S. Army had finished dealing with the Indian tribes after the Civil War, the Osage wound up in Kansas. The farmland of their reservation didn't suit them because the Osage were hunters. The Cherokees, on the other hand, were farmers, but they had been consigned a hilly tract south of Tulsa, Okla., which was ideal for hunting.

Eventually a trade was arranged that seemed satisfying to both tribes until a terrible thing befell the Osages: in 1897 a Rhode Island man came on the reservation and discovered oil. During the 1920s the economy of the Osage boomed.

"For many of my people, the money just destroyed them. They took to drinking, gambling, and going on round-the-world trips. It was just a matter of trading their nonrenewable resources into greenbacks. Once you spend it, it's really gone," explains Crossland.

What the Indians did to themselves, however, was not a patch on what the white man did to them. Family rights to the oil payments were called "head rights," and they descended with the family estate. One way to get head rights was to buy them and a number of tribesmen, not knowing the value of the paper they held, sold out for as little as a few bottles of whisky.

Another way to get head rights was to marry an Osage. Suddenly there were a great many whites courting Indians on the reservations. Once married, some of the new white inlaws hit on a novel way to remove other family claimants to the head rights. A number of Osage homes were dynamited.

Eventually the scandal of the "Osage Murders" reached Washington, and an ambitious young Federal investigator—J. Edgar Hoover—was dispatched to investigate. A few white men were convicted, but most of the cases of murder and fraud on the Osage were never solved.

Crossland, who is 42, survived because his grandfather was one of the few who had invested his royalties. He bought land. During the depths of the depression Crossland wore hand-tooled boots. Later, when he was in college, he learned to know the comfort of monthly royalty checks.

He has often wondered what would have happened if the Osage leaders had been as wise and as frugal as his grandfather. "Had we invested just $1 million a year through 1950, just based on the interest we'd be one of the most politically powerful forces in Oklahoma today," Crossland believes.

Crossland has worked as a Washington-based lawyer and a consultant to a number of tribes. In 1973 he ran into a man who had a peculiar need for his services. Allen Rowland, who had been elected chairman of the Cheyenne in 1969, had slowly become aware that 56 percent of the Cheyenne reservation had already been leased for coal mining.

One contract allowed the construction of a $1 billion coal gasification plant. Another had passed through the hands of a speculator who had agreed to pay the Cheyenne 17 cents a ton and then resold the rights to an oil company which paid the speculator an additional 9 cents a ton for his efforts. The contracts had been solicited and approved by the BIA.

Regardless of what price Cheyenne coal was going to be selling for, there was so much of it—6 billion tons—and so few Cheyenne —about 2,700—that it was obvious that one day the tribe was going to be rich. Rowland, a cattle rancher, had become increasingly worried about what the big money from the big mines would do to his tribe.

("I don't even know what $1,000 looks like," Rowland told a reporter. "I've never seen that much at one time.")

Then Crossland told Rowland the story of the Osage. He tried to be positive about it. "I said this is going to have one hell of a traumatic effect. You have to program the use of that money. Invest it. Provide scholarships for students." If they did it right, Crossland said, "the Northern Cheyenne could become a major political power in Montana."

The Cheyenne then retained a Seattle law firm which presented the Interior Department with a four-inch thick legal brief in 1974, arguing that the leases should be canceled because the BIA had exceeded its lawful power as trustee by arranging the previous deals for the tribe.

The Crows, the Cheyenne's coal-rich neighbors in Montana, went to court in a similar action. One of the stimulants for the Crows was Charles Lipton, an international lawyer who has negotiated contracts with major oil companies on behalf of a number of developing nations.

Agreement criticized

Lipton, who began to commute to the tribe's headquarters in Lame Deer, Mont., from his office in Manhattan, was astounded by the contracts that the BIA had approved for the tribes. "The Indian agreements were worse than any which I have seen in any country overseas since the Second World War," said Lipton.

While foreign governments often leverage multinational energy companies into joint ventures, arrangements or service contracts which allow the governments a major percentage of the profits, the Indians had been giving some of the same companies a fixed "very rock bottom price" for coal, signing away all possibility of a percentage interest, according to Lipton.

The contracts were usually sold to the tribes by the promise of "up front money," or a few million dollars as a bonus that would arrive immediately after the tribe signed the contract.

A few million is an enormous amount of money to descend in one chunk on a Plains tribe, like the Cheyenne or the Crow, which had previously seen only a few thousand a year in income from leasing

grazing land.

Lipton has gone to great lengths to warn his Indian clients about the dangers of "front end money." "These are the beads and blankets proposals," he recently told a conference of tribal groups in Billings, Mont.

"A company promises to pay $6 million as soon as the deal is signed. Do you take hamburger today or wait a week or so and own the ranch? Some of these leases are worth $2.2 billion. What is $6 million? It's not even a significant figure. It's the bun, not even the hamburger. . . .

"The mistakes you make now will not only come out of your pockets, but out of your children's pockets and your grandchildren's pockets. The tribes know this. They've been paying for the mistakes of their grandfathers for years. Why does the pattern have to be repeated?"

While Crossland and Lipton were attempting to raise the consciousness of the Great Plains tribes about their mineral rights, the Interior Department began reexamining its own approaches to the problem.

Former Interior Secretary Rogers C.B. Morton issued a compromising ruling in the Cheyenne case, voiding all but a small portion of each coal lease on the grounds that the BIA had overreached its authority in approving the leases as trustee for the tribe.

Morton's successor, Thomas Kleppe, reached a similar decision in the Crow case. Both decisions suggest that the Indians and the mining companies should renegotiate the old leases, but the Cheyenne don't want to do that. They want to go back to square one.

"We want to be involved in the goddam planning," says Rowland, who has considered the possibility

of getting the financing to hire a mining company to dig the coal under a service contract with the tribe. For the moment, however, no actions are planned. Rowland says his tribe is content to wait.

"If we leave it under the ground it's safe and it will not get any less valuable."

As for the Crows, they have been renegotiating with several companies, including Shell Oil, using Lipton as their chief negotiator. On at least one occasion, when tribal leaders were tempted by front end money, Lipton has threatened to walk out on them. He frequently reminds them of the old contracts the tribes signed: "When I am in New York I can spend 35 cents for an ice cream cone, or I can buy two tons of Indian coal."

Meanwhile in Washington, the faces have changed within the BIA. Crossland joined the Bureau last year and began to examine the attitudes that led the agency to approve the leases of the 1960s. So far, he explains, he has found no evidence of wrongdoing.

"When the energy companies came to the tribes, the trustees were just as ignorant as the tribes. They thought the coal was a way to reduce poverty. . . . The people who prepared those leases were just good old boys. The biggest transaction they had ever been involved in before was probably the sale of a $20,000 house."

According to Crossland's boss, Assistant Secretary Forrest Gerard, the head of the BIA, all future energy contracts will get the same scrutiny that was applied to the recent Navajo contract.

"We all deplore a lot of the things that have occurred in the past," states Gerard, a member of the Blackfoot tribe. "I see my No. 1 priority as an effort to fulfill the trust responsibility."

At the moment, there is a sort of grace period in the Nation's dealings with the emerging energy barons, the Navajos, the Cheyennes, the Crows, and other tribes that control much of the coal and uranium that will be needed in President Carter's "moral equivalent of war" to curb foreign oil imports.

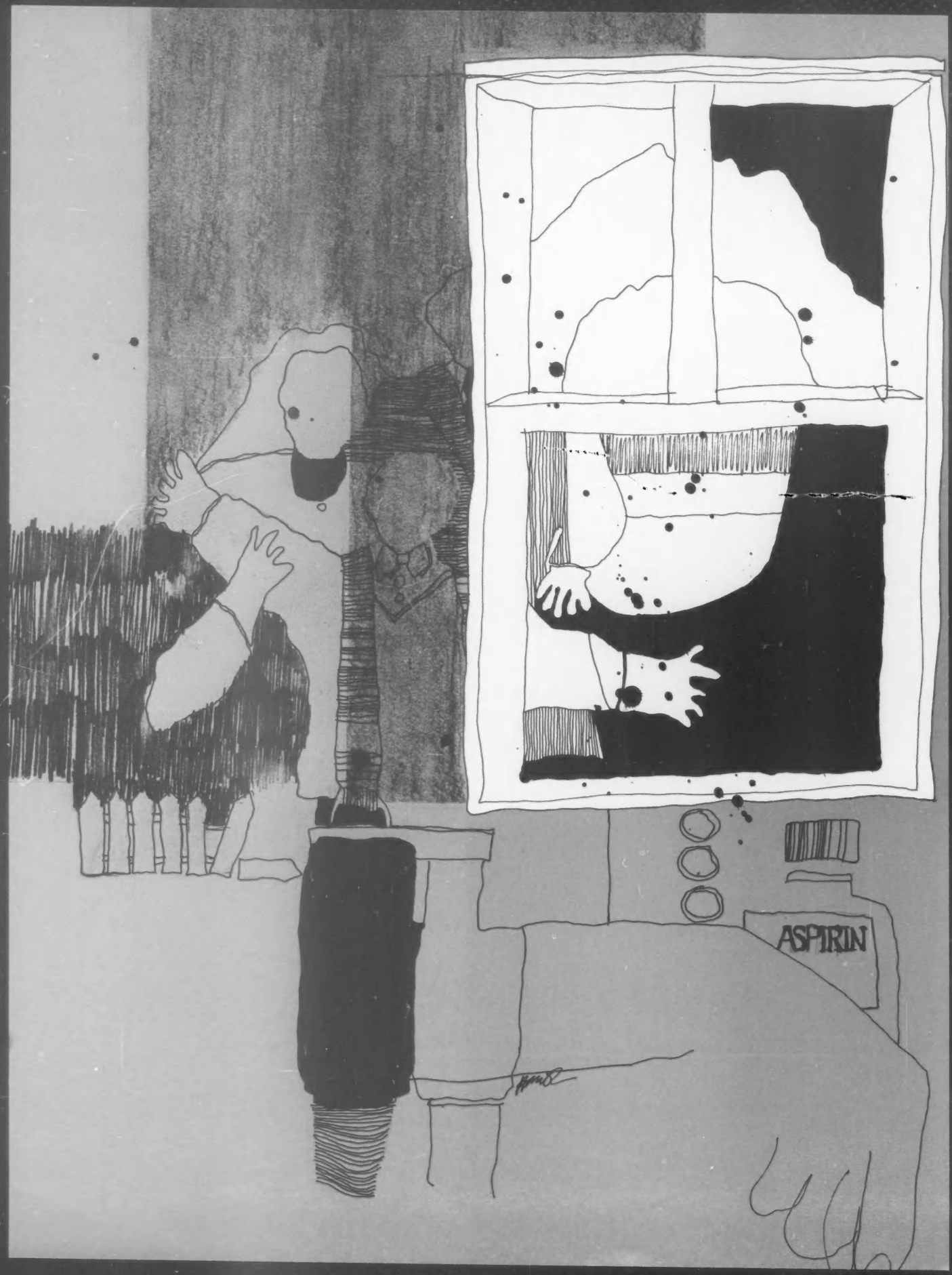
It has been a long time since history has dealt them a winning hand and the Indians are slowly becoming aware of their new strength. They have also learned, often the hard way, about some of the new pitfalls.

The grace period will undoubtedly be a profitable one for high-powered lawyers, for the Indian is no longer shy. Lately he has been hunting in Wall Street and along Connecticut Avenue for advisers.

"Nobody has big land like the tribes do. There are all kinds of ways you can manipulate," says Art Lazarus, an attorney for Fried, Frank, Harris, Shriver and Kampelman, a Washington firm which represents a number of the tribes. "It's a very exciting business to be in."

For the moment, the future looks bright, especially in the minds of some of the younger, college-educated tribal members, who have been in the thick of the fight to regain control over the mineral holdings.

Urban Bear Don't Walk, a young Crow attorney, would like to use the mineral revenues to build a huge cooperative farming and ranching operation. "You know," he said, as he took a reporter on a tour of rolling grasslands that make up much of his 1.56 million acre reservation, "the tribe could really run a hell of a show. We could make the King Ranch look small."


ASPIRIN

Displaced Homemakers

"FORCED RETIREMENT" LEAVES MANY PENNILESS

By Tish Sommers and Laurie Shields

Who is a "displaced homemaker"? This woman from a small Midwestern town is one:

> In 1974 my husband died suddenly and in a matter of a few horrible hours I became a 55-year-old widow. I spent 33½ years of my marriage making a home for my husband and three children. I have developed no working skills and have been unsuccessful in finding any sort of a job. The opportunities are limited in a small town and are naturally filled by the young. Consequently, my funds grow smaller along with my shrinking ego.
>
> The 2½ years until I reach 60 stretch interminably. My husband's social security will be no big deal at best. Preoccupation with grief, unexpected responsibility, rejection by potential employers, limited funds have made me feel alone and apart from life. After months of desperation I have lately begun to think of death as an attractive alternative.

Also this woman:

> I am still married to a United States Post Office letter carrier, who plans to retire this year. He states he will elect to take the larger pension benefits awarded to himself alone rather than small benefits which would leave some to a beneficiary. I learned this shocking news in 1975 after 33 years of marriage. During this time I worked damned hard as a rural unpaid housewife who raised three kids on his measly salary. We could not have managed without my contributions—at least, not well. I was raised in the "great depression" and learned frugality early. I made all the children's clothes and maintained the home—paint, carpentry, etc., grew and preserved food (most of what we ate), ad infinitum.
>
> Then in 1970, he left me to seek younger grass, so I have been forced to live alone. . . . I have held temporary jobs since 1974 and have not yet established minimum social security credits of my own. As a postal worker, no social security was ever deducted from his pay so I am in the position of not having even this. . . .

And another:

> I am a 65-year-old Christian lady whose husband, after 32 years of marriage, divorced me 2 years ago to marry his secretary, who was a widow, much younger, and had a great potential for inheritance. The divorce cut me off from our Blue Cross-Blue Shield which my husband had with his government job. Any hospital insurance I have been able to find says they start where Medicare leaves off. But with raising five children I never worked out to establish social security, so am not eligible for Medicare.
>
> Oh, yes, they said I could take Medicare insurance, but how many who are not eligible for social security can afford that? I can't. I now own half of my three-bedroom home. My ex and his wife live across the street from me. I go out to work as baby sitter in their home. That's the only job I could get. He pays the house payments as my settlement, but I have to pay tax on that, since he claims it is part of my income. All this just does not seem very fair to me. . . .

All three of these women and possibly millions more like them are displaced homemakers. Displaced persons are those who have been "forcibly exiled" through social upheavals and war. Displaced homemakers are the victims of a quieter transforma-

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Tish Sommers is chair of the Older Women's Rights Committee of the National Organization for Women. Laurie Shields is the national coordinator for the Alliance for Displaced Homemakers.

mation in the structure of the American family. They are primarily older women who have been forcibly exiled from a role, an occupation, dependency status, and a livelihood.

Homemaking as work

Despite the oft-reported move of women into the labor force, homemaking is still the fulltime occupation of the majority of married women (and most of the rest are moonlighting). Motherhood, which is the central function of homemaking, usually terminates in the middle years, so that women in this occupation experience the same trauma as persons in other occupations whose jobs are phased out. But because homemaking is not yet recognized as work and not paid, this loss of job is not called mandatory retirement, but given the sociological description of the "empty nest syndrome." Suicide rates peak for women in these years, just as they go up abruptly for men after retirement. Again because homemaking is not paid, no cushions or benefits aid these workers at this crucial life transition—only psychiatrists' couches and prescription drugs, euphemistically called tranquilizers, dull the pain.

Nor is being fired from homemaking (divorce) seen as comparable to unemployment. Displaced homemakers, like other workers, have lost the sole source of income on which they have been dependent. In their attempts to find jobs they are turned down because they have no recent record of paid employment and also because they are older women. They are ineligible for unemployment insurance because they have been engaged in unpaid labor in their homes. If their children are over 18, they are ineligible for AFDC. Most are ineligible for social security because they are too young, and some may never qualify because of the dependency pitfalls within that system or because, as in two cases cited above, the breadwinners were in other retirement programs.

If the problem is severe, why has it not surfaced before? Precisely because homemaking, not recognized as work, has been seen as outside the economic sphere. As John Kenneth Galbraith has pointed out, the consumption tasks of the homemaker are essential for the well-being and continuing growth of the economy, but the housewife's contribution is systematically ignored. Any accounting of her contribution is scrupulously avoided. On the grounds of complexity of assigning a monetary value to nonpaid work, homemaking is kept out of the realm of statistics.

In 1975, when the Alliance for Displaced Homemakers commissioned a study to determine the actual number of women nationally who would qualify as displaced homemakers, it was found that only a scattering of information existed, much of it lacking conciseness. What wasn't counted as labor obviously wasn't counted at all, and if you are not counted, you don't exist. Even today, there is no definitive socioeconomic profile of this group. The Alliance estimates 2 to 3 million women are displaced homemakers, and potentially 15 million more are women out of the labor market who currently have minor children and will be without benefits when their children reach 18 years of age.

Part of the reason for their invisibility is that homemaking is an isolated occupation, and women who fit the definition tend to think of themselves as victims of circumstances rather than as a social problem. Each believes hers is a unique personal problem.

Despite the absence of good statistics, some idea of the extent of the condition can be deduced from related reports. According to the Census Bureau, in March 1976 4.4 million divorced women had not remarried. Over 2 million women were separated from their spouses and over 10 million were widows. Demographic studies confirm that women are outliving men and the gap is widening. While it is commonplace for widowers or divorced men to marry younger women, the reverse is relatively rare. There are more than four widows to every widower. No-fault divorce has cut a wide path through the ranks of older women as well. And in a recent report on spousal support by the National Commission on the Observance of International Women's Year, only 14 percent of divorced women are awarded alimony. Of these, only 45 percent get their payment with any degree of regularity.

Most women who are now in their fifties and sixties bought the social contract of man the breadwinner and woman the homemaker. They assumed that their retirement benefits, health insurance, and economic security flowed from their marriage. If they worked outside the home, it was likely to be supplemental, irregular, and often part-time. Most of these women are poorly equipped to compete in today's job market. Their skills are obsolete or may no longer be in demand. (How many older school teachers can be placed these days?) Not only has the job market changed, but the

women have changed too. The many negative messages they receive—from potential employers, family, the media, and elsewhere—tell them they are unemployable, which soon becomes a self-fulfilling prophecy. It is difficult enough for an older man who loses his job to find another one. (Persons over 45 suffer *terms* of unemployment equal to black teenagers.) But the older unemployed male at least has a work history; the former homemaker has none that is recognized. As one such woman wrote:

> I've answered dozens of ads and tried the unemployment office where they send me to the job board. Those jobs are already filled or after I fill out an application I never hear from them again. They say I have no experience. Well, I thought raising six fine children and working on school bond campaigns and electing the right candidates to Congress was experience but I guess not. They look at you like a piece of discarded junk.

Displaced homemakers are in fact a newly emerging disadvantaged group that has yet to be officially recognized. This segment is composed of "old poor" (growing older and poorer) and "new poor," former dependents of persons outside the poverty ranks. Many of these latter are the least equipped for coping with combined age and sex discrimination. As one widow writes:

> Four years ago at the age of 48 I was widowed and was so sure I could get a job and take care of myself. What a shock to find out I couldn't and there was no help available anywhere. In these years since, I had to sell my house just to have money to exist. I moved to a little cottage with no running water. I carry wood to heat the place. I'm not complaining, mind you, but what will happen when I am physically not able to do this any more? I have no health or hospital insurance. Small towns have few jobs, but would my luck be better in a big city? The future frightens me.

Another such woman did move to an urban setting and found the going no easier:

> I married at 15, I worked in the fields, ran a home, growing gardens, raising livestock so as to live, all the time having children. Many a night I never got to close my eyes, sewing, mending, doing floors, painting, canning, preserving. I'm old, too old to find work and too spent. I have nothing but food stamps. . . . is that anything to live for? Is that what I've worked all these years for?

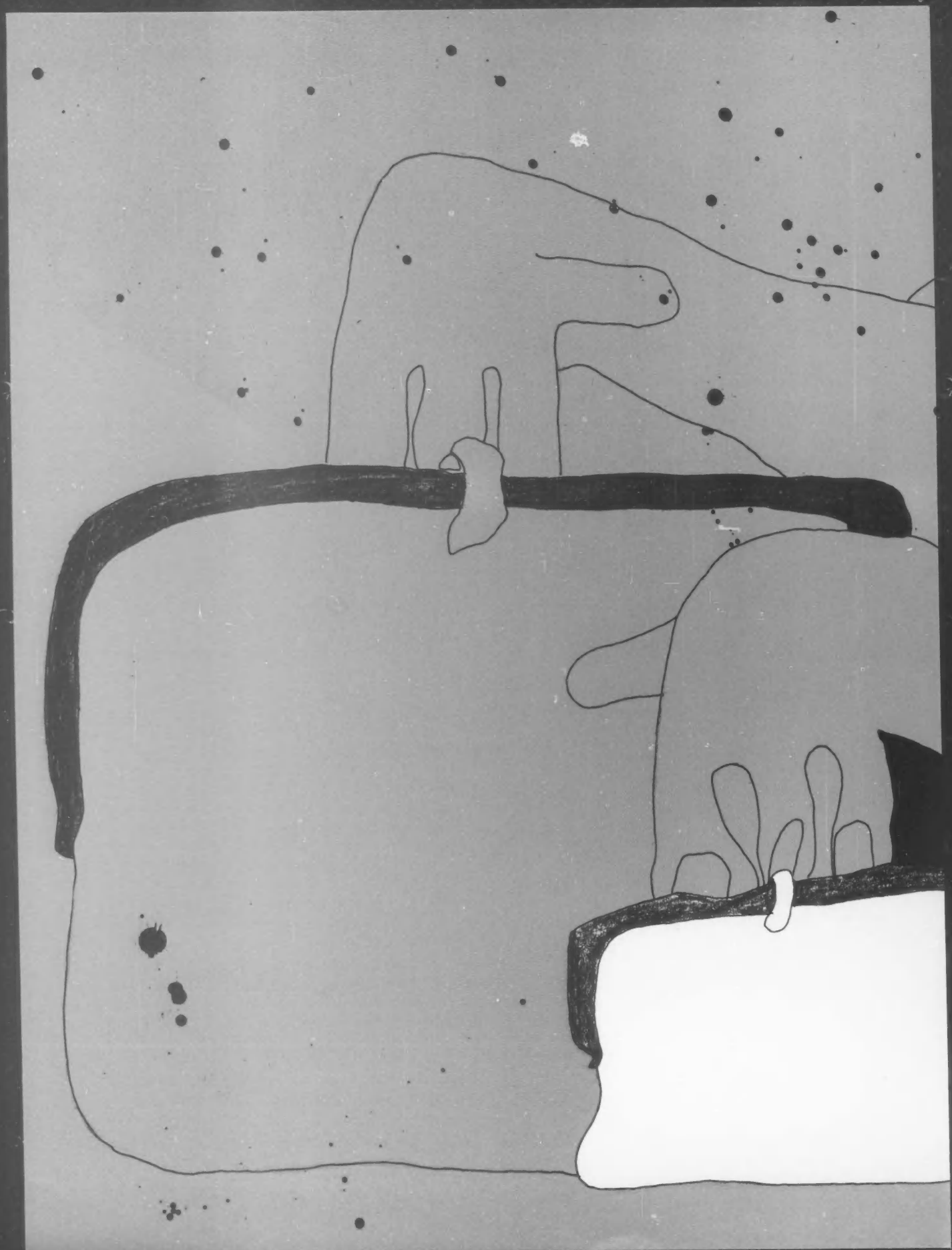
These are the women who are caught in the middle. Too young to be considered part of the "aging," they are therefore not eligible for most programs designed for "the elderly." Changing aspirations and expectations of women have left them stranded. While older widows are traditionally an impoverished group, their situation has deteriorated immeasurably through the compounding impact of inflation year by year. Changing laws and mores in regard to divorce have swelled the ranks of older women on their own. The divorced older woman's plight is accurately described by a judge for the Court of Appeals, Fourth District, California, as he held for a 44-year-old wife divorced after 25 years of marriage:

> A woman is not a breeding cow to be nurtured during her years of fecundity, and then conveniently and economically converted to cheap steaks when past her prime. If a woman is able to support herself, she certainly should do so. If, however, she has spent her productive years as a housewife and mother and has missed the opportunity to compete in the job market and improve her job skills, quite often she becomes, when divorced, simply a "displaced homemaker."

For these many reasons the authors have focused upon the displaced homemaker as a new and unrecognized disadvantaged category for whom there has been little official concern and no specific assistance. We have defined her as an individual who has performed unpaid labor in the home, is not gainfully employed, and who has had or would have difficulty in securing employment. She has been dependent on the income of another family member or on Federal assistance but is no longer eligible because her children have reached their majority. The personal plight of these women is desperate and, as they are quite aware, they are headed for abject poverty in old age. The psychological toll is enormous.

A legislative focus

Older women, trying to move from dependency to self-sufficiency, are not specifically excluded from government-funded programs; such programs are simply not designed with these women in mind. The problem of the older woman who falls through the cracks was brought to public attention in the fall 1974 issue of the *Civil Rights Digest*, among other places, but nothing happened until specific legislation was introduced to address the problem.



In the spring of 1975, a Displaced Homemaker's Bill was introduced in the U. S. House of Representatives by Rep. Yvonne B. Burke of California. Drafted by legal services lawyer Barbara Dudley at the request of the then NOW Task Force on Older Women and members of Jobs for Older Women (a community-based organization in Oakland), the proposed legislation gave a name to the problem, defined it, and suggested remedies. Modestly conceived, it called for the U. S. Department of Health, Education, and Welfare to provide multipurpose service programs including job readiness, transition counseling, training, placement, and help in recycling of homemaker skills to paying jobs. Its greatest value was conceived to be its potential impact upon other agencies, both public and private, in sensitizing them to a category of persons about whom they knew little.

In order to mobilize effective grassroots support for the legislation, an Alliance for Displaced Homemakers was formed with the sole function of promoting legislative support at both the State and national level. The first State bill to fund one multipurpose service center for displaced homemakers as a pilot project was enacted in September 1975 in California. Support for the legislative drive across the country came from diverse quarters—from traditional women's organizations and from members of NOW and other feminist groups. Church women's organizations, recognizing that their membership included many displaced homemakers, were especially responsive.

In the 2 years subsequent to the passage of California's State bill, 13 other States followed suit: Maryland, Florida, Nebraska, Montana, Texas, Oregon, Illinois, Minnesota, Louisiana, New York, Massachusetts, Colorado, and Ohio. (Anticipation of passage of a Federal bill that would have provided matching funds—90 percent Federal, 10 percent State—spurred passage of many of these bills. But in a number of cases, the bills were more an expression of interest than a commitment of State funds; some appropriations were made contingent upon the availability of Federal money.)

Early in the 95th Congress, Representative Burke reintroduced an amended Displaced Homemaker Act (H.R. 28). An identical version was filed in the Senate by Senator Birch Bayh (S. 418). Refined specifics of the measure called for HEW to establish a minimum of 50 multipurpose service centers for displaced homemakers, mandating the selection of rural as well as urban sites.

Congressional hearings on both bills were held in 1977, and it was clear that members of the subcommittees in both Senate and House recognized that displaced homemakers as defined in the legislation represented a significant segment of the country's hard-to-employ. But it was equally obvious that since the legislation was intended to open up paying jobs, the program more properly belonged under the aegis of the Department of Labor.

Early in December 1977, Representative Burke therefore filed new legislation (H.R. 10270) to amend the Comprehensive Employment and Training Act (CETA) to include the entirety of the Displaced Homemaker Act under Title III, which had been created in 1973 to deal with the very hard-to-employ through a special program approach. Representative Burke was joined in the filing by Representative Augustus Hawkins, chair of the House Subcommittee on Employment Opportunity, as a prime cosponsor. As this article goes to press, it is expected that Senator Birch Bayh will file an identical measure when Congress reconvenes in January.

Considering attitudes toward spending for new public programs and the trend against "categorical programs," this legislation has been swimming upstream all the way. But the issue has caught media attention as America's "number one lady in distress." The National Women's Conference held in Houston spotlighted homemakers' concerns and gave overwhelming support to displaced homemaker legislation as an immediate and concrete step toward addressing the neglected problems of older women.

Further steps

The legislation, both State and national, includes the following statement: ". . . homemakers are an unrecognized and unpaid part of the national work force who make an invaluable contribution to the welfare and economic stability of the Nation, but who receive no health, retirement, or unemployment benefits as a result of their labor. . . ." Certainly the sentiment expressed in the first part of that statement is taken for granted (at least on Mother's Day), but the second half has not been addressed in any systematic way. Setting up multipurpose service centers as the bill directs may provide immediate assistance to a limited population but will not address the roots of the problem.

A second small step is written into the bill as well:

> Sec. 7 (a) The Secretary (of Labor), in consultation with appropriate heads of executive

agencies, shall prepare and furnish to the Congress a study to determine the feasibility of and appropriate procedures for allowing displaced homemakers to participate in—
(1) programs established under the Comprehensive Employment and Training Act of 1973....
(2) work incentive programs established under Section 432(b) (1) of the Social Security Act;
(3) related Federal employment, education, and health assistance programs; and
(4) programs established or benefits provided under Federal and State unemployment compensation laws by *consideration of full-time homemakers as workers eligible for such benefits of programs.* (emphasis added.)

While studies should never be confused with implementation, they seem to be a necessary step in drawing attention to newly recognized problems. Including full-time homemakers under the unemployment compensation laws may seem impossible, but no serious consideration has yet been given to the matter. A well-researched study should provide alternative solutions. It might begin by acknowledging the economic worth of the contribution homemakers make to this Nation.

The process of working in behalf of the legislation has already raised consciousness in Federal Government circles as to the plight of the displaced homemaker. Most legislators and officials in relevant agencies have at least heard the term and have some idea of the issue. Because the problem crosses all race, class, and political party lines, there is now some willingness to do something about this constituency—as long as the "something" doesn't cost too much or interfere with "more important" considerations.

Already the category of "displaced homemaker" is creeping into some agency programs. In some, the focus on older women has been maintained; in others, the definition of displaced homemaker has been broadened to such an extent that the focus has been lost. The director of a CETA-funded program for displaced homemakers in Montgomery, Alabama, points out in his description of the program that "the project definition of a displaced homemaker differs from the national definition to include women 22 years of age and above and unwed mothers."

The regulations for vocational education programs following passage of the 1976 Education Amendments Act included displaced homemakers as one target population for funded projects. While little evidence exists of implementation for older women under these provisions, the existence of more displaced homemaker centers will eventually assure that this will happen. ACTION is another government agency interested in displaced homemakers. Although Congress turned down ACTION's request for funding of a volunteer-oriented program designed for these women, the establishment of displaced homemaker centers will provide the opportunity for interaction through cooperative programming with ACTION. The Women's Bureau of the Department of Labor, long charged with gathering information on the status of women in and out of the labor market, is interested in the research implications of the legislation.

CETA administrators in Washington have already responded by funding a number of pilot projects in various parts of the country. They range from research to job-related services, but, as pointed out above, the absence of official acceptance of the term "displaced homemaker" to mean a person in her middle years has diluted the efforts for older women. With growing pressure from the grassroots on CETA to address the job needs of older workers of both sexes, prime sponsors may begin to identify displaced homemakers at the local level and design programs to fit their needs. Passage of the pending displaced homemakers national legislation will certainly increase their awareness and encourage action.

So, the original intent in sponsoring legislation to draw attention to an invisible problem has already produced significant results. What a difference a name makes! Even though the term was greeted with disapproval and was considered "too harsh" by those who had never experienced the problem, it was quickly adopted by thousands and thousands of women who found it an apt description of their own situation. We who had vowed to make it a household word are, with the collective action of older women across the country, well on the way to our goal.

One more addition to the lexicon of those experiencing discrimination is a limited victory. Nevertheless, there comes a time when the cry of outrage must be translated into legislative language, when the broad basic sweep of reform is broken down into tiny steps forward. A full bill of rights for homemakers may not come in our time, but its time will come.

Sorting Out the Issues

THE CURRENT STATUS OF SCHOOL DESEGREGATION

By Ray C. Rist

Few debates related to domestic social policy have more intensely challenged the viability of the United States as a democratic, diverse, and responsive society than that surrounding the desegregation of our educational systems. The emotions generated by such terms as "forced busing," "the destruction of the neighborhood school," "whites have rights," and "community control" have tended to blur our focus: the central pivot must remain the interrelation of education, race, and equality. It is only in such a context that a discussion of school desegregation becomes meaningful. Otherwise, one is left to first identify and then sort out fragments of what is, in fact, a complex mix of law, politics, pedagogy, and cultural values.

In one form or another, the matter of school desegregation has been on the national agenda for more than two decades. The 1954 decision in **Brown v. Board of Education of Topeka, Kansas** has been the touchstone from which our society has been grappling with this matter in the courtrooms, in the classrooms, in the political arenas, and in the streets. To mention only Federal troops at Little Rock in the 1950s or the events in Boston and Louisville in the 1970s is to gloss over a generation of conflict. But even so, the direction in which we are headed appears irreversible. The question now is how quickly and in what manner shall we achieve the objectives of constitutional protections and equality in educational environments.

It is merely a restating of the obvious to note that there are many misconceptions and misunderstandings regarding school desegregation efforts in the United States. Further, the infusion of these misconceptions into our national dialogue and policymaking efforts inhibits informed discussion and thwarts successful implementation.

What the issue is not

The issue is not that of busing **per se.** Of the nearly 42 million children in public elementary and secondary schools, more than 50 percent (21.8 million) ride buses to school. Of these, an estimated 7 percent (1.5 million) are bused for reasons of desegregation. Stated differently, participation in a desegregation program through the riding of a bus affects three or four of each one hundred children in the public schools. Furthermore, when one surveys busing programs across the country, noting the years that black children are bused and their disproportionate numbers, the number of white children being bused for any reason related to desegregation may be no more than 1 in 100.

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The issue is not that of **de facto** segregation in either the North or the South. Every standing court order related to school desegregation has been issued on the grounds of **de jure** segregation. In each case where court orders have been issued, courts have found that the local school districts, and occasionally the State educational agencies as well, have systematically carried out policies that led to segregation between black and white students. The stance of the courts, embodied in a massive amount of litigation since the **Brown** decision, has consistently been that there is no essential difference in the reasons for ordering systemwide desegregation in either Northern or Southern cities.

The issue is not one of school achievement. Numerous data collection endeavors provide no uniformity of opinion that desegregation efforts are harmful to student achievement. Rather, it is more realistic to assume that in specific instances achievement is hindered, but that these are offset by other specific instances where no change occurs or where academic performance rises.

The issue is not a rejection of the principle of desegregation. Indeed, most Americans say they believe in school desegregation. The percentages have held relatively stable now for more than a decade, despite the fact that the media has shared few success stories and each and every difficulty. The acceptance among white Americans of multiracial schools as a place for their own children has also been growing. Recent national public opinion data indicate that a majority of white American parents would now be willing to have their children attend a majority black school.

The issue is not that school desegregation cannot go smoothly. In the period from 1968 to 1971, a large portion of the South underwent massive desegregation and little was heard about it. Likewise, in the North, Wichita, Las Vegas, Stockton, Providence, Waukegan, Berkeley, Riverside, Portland (Oregon), Racine, Minneapolis, Ann Arbor, and many others have desegregated, mostly on a voluntary basis, and little has been heard. And even in places such as Little Rock and Pontiac, where there was initial violence and controversy, education is now occurring in a calm and nonhostile setting. Recent estimates are that some form of school desegregation has been effected in approximately 3,000 of the nearly 17,000 school districts in the country. Boston and Louisville comprise .0006 percent of that total. We are enmeshed in selective perception on a national scale.

What the issue is

The issue is the apparent randomness of desegregation efforts, leading some to believe that they have been unfairly singled out by the courts or the Federal government. The matter of "fairness," of comparing one city's treatment versus another's, raises the question of distributive justice. If the resolution of school segregation in Atlanta is vastly different from that in Boston, or Indianapolis from Denver, doubts can justifiably begin to arise. If Atlanta is allowed to retain several all-black schools, why must Boston eliminate each and every one of its own? The moral force of the law exists only so long as those to whom it applies believe that they have been justly treated. When they believe they have not, the willingness to comply diminishes.

The issue is that the continued exodus of whites from the cities into suburban areas has created a situation where many of the large cities are increasingly if not predominantly black. So long as the suburbs are excluded from desegregation plans in these circumstances, substantial desegregation cannot occur. If the only required integration is within each district, current demographic trends will produce a thorough resegregation of black students in many of the Nation's largest cities. The suburbs appear content to have it so. In addition, what such population shifts have created are not only divisions of race, but also of social class. As in Boston, the poor whites and poor blacks are left to be integrated among each other.

The issue is the resistance to Federal intervention and control. Court orders and HEW regulations take options away from local communities to effect their own educational policies. While there has been clear justification for such intervention on the part of the Federal government when the dimensions of school segregation were stark and readily visible, the matter at present is more obscure. Not the least of the reasons for this is the lack of an unambiguous position on the part of the Federal government.

The failure of the executive and legislative branches to take responsible and articulated stands has left the matter entirely in the laps of the courts—and the courts are not the most appropriate places from which to educate people as to their legal and civic responsibilities. The consequence, apparent to State and local officials as well as to laypersons, is that the executive branch holds one position, the legislative another, and the courts yet a third. And while the first two are seemingly content to make political gain from opposing the rulings of the third, local folks feel they are being pushed about.

The issue is that even though the courts and educational officials would provide creative and imaginative additions to the educational system, they have not been able to persuade the communities that desegregation will enhance the quality of their schools.

In fact, the opposite is generally believed to be more nearly the truth. While the evidence continues to accumulate that desegregation provides a more equal distribution of educational resources and creates learning opportunities not otherwise available, the white community in particular continues to define school desegregation as little more than the creation of educational disaster zones.

The issue is that the signals from the black community as to the desirability of further school desegregation are increasingly mixed. What in the past gave clear moral legitimacy to the desegregation effort was the black community's near unanimity that segregated schools be abolished post haste. (So far as I know, not a single court case pressing for school desegregation has ever been instigated by the white community anywhere in the country.)

But at present, an increasing number of persons in the black community are willing to trade off desegre-

gation for "community control" of all or predominantly black schools. This growing diversity of opinion on school desegregation has had the effect of neutralizing large portions of the white liberal community, thus weakening the alliance which was so potent in the 1960s and early 1970s.

The judicial arena

For the past decade, primary governmental responsibility for issues of race and schooling has been lodged in the Federal courts. The identification of school desegregation as a judicial matter has by now become so automatic that one has to strain to remember that, during the mid-1960s, it was Congress and the executive branch of government—not the courts—that exercised leadership in this area. But as the policy problem changed its character, becoming national in scope and more politically menacing in form, the two branches of government initially withdrew and then sought to undermine what became an almost exclusively judicial effort.

The recent public record concerning school desegregation is not a particularly felicitous one, from almost anyone's point of view. The vigor of court action has outstripped the judiciary's willingness—or capacity—to inform the rest of us concerning its justifications for those actions. As a consequence, the great constitutional principles that underlie **Brown** seem destined to be forgotten amidst the tangle of legalisms that have emerged as ostensible elaborations of the equal protection clause. At the Federal level, Congress and the Executive seem capable of expounding only what they oppose—the busing of school children. What they support, what political meanings they would attribute to the phrase "racial justice" and "equal educational opportunity," have to be reckoned a great unknown.

The present flight from responsibility is an altogether unfortunate state of affairs. Questions of race, schooling, and equality have political and moral as well as constitutional dimensions. To structure a viable approach for taking on these interrelations, much less assume one can "solve" them, requires different sectors of government at different levels to assume responsibility. If the country is to do better in the near future than it has done in the near past, then the critical question may be simply stated: Can the nonjudicial branches of goverment at both the State and Federal levels make useful policy and programmatic contributions? The possibility for such a response does exist.

Recent judicial decisions also point to another important trend—the inclusion of State educational agencies as parties to the litigation. This is something of a dramatic shift. Heretofore, the litigation involved local citizens or the Justice Department versus the local school board and perhaps the superintendent of schools. Now the State educational authorities are increasingly being brought into the suits, most often in the role of codefendant with local educational authorities. Key cases to cite in this regard would include, among others, **Milliken v. Bradley** in Detroit, **Arthur v. Nyquist** in Buffalo, **Evans v. Buchanan** in Wilmington, **U.S. v. State of Missouri** in St. Louis County, and **Crawford v. Board of Education** in Los Angeles.

As these and other suits have proceeded through the courts, their final adjudications would suggest the following trends with respect to desegregation. What underlies all these cases, though each was unique, was that the State educational agencies were held responsible for segregatory action and were ordered to be a party to the remedies. To summarize the trends, consider the following:

- Where States can be shown to be a party, by acts of either omission or commission, to intentional discrimination in the schools, the courts will order them to participate in the remedies.
- Where States accept a responsibility, through either enactment of a State law or passage of a resolution by a State agency, to end discrimination in the schools, the courts will require them to fulfill that responsibility.
- Federal courts will not order interdistrict remedies unless each district involved can be found to have **intentionally** taken segregatory actions with interdistrict effects. However, States with enabling legislation may, on their own initiative, merge districts, change school boundaries, order interdistrict transfers, or take other steps to end segregation in their schools without court order.

(See B. Mogin's **The State Role in School Desegregation.**)

Problems and progress

Progress is being made in the desegregation of public schools in the South, but the picture is not so positive in the North and West. In fact, in some parts of these latter two regions, schools are becoming more intensely segregated. Recently published HEW data indicate, for example, that in 1970, 74 percent of all black children in the public schools in Chicago were in schools with 99 to 100 percent minority enrollment. In 1974, the comparable figure was 80 percent. In Los Angeles, the figures for the same years are 55 and 62 percent respectively; for Detroit, 36 and 50 percent respectively. It should be remembered that these data are for the extreme—99 to 100 percent minority enrollments.

The same picture is emerging for Hispanic children. Nearly two-thirds of all Spanish-surnamed students in the New York City schools were in schools with 99 to 100 percent minority student enrollments. In fact, on a national average, Latino children are now as concentrated in schools with more than 70 percent minority enrollments as are black students.

In spite of these increased concentrations in sectors of the country, the national average shows a decline in the levels of school segregation. Whether such a decline will continue depends upon several critical factors. First among these is the matter of how the courts and Federal agencies define **de jure** segregation in areas where schools have never been segregated by law.

While there have been individual instances where desegregation efforts have been set back because of judicial rulings that schools are not required to alleviate racial imbal-

ances they did not cause, the more general stance of the courts has been oriented differently. Desegregation has been ordered where school officials were able to maintain segregation by arbitrarily drawing attendance zones, by selectively erecting new schools, and by the assignment of black teachers to black schools. If the courts continue to see such action as having the intent to segregate, these actions will be remedied under current statutes governing **de jure** segregation.

A second factor concerns what remedies for segregation will be invoked by governmental agencies and courts. While such efforts as magnet schools, the pairing of schools, and the altering of attendance zones may mitigate segregation, the evidence is overwhelming that the greatest decreases in segregation have come in those districts where students were bused to achieve desegregation. There is little doubt that if busing as a tool of desegregation is limited or banned, urban areas would revert to having largely segregated schools due to neighborhood patterns.

A third factor, and one related to the second, concerns the future for interdistrict desegregation. If the only required integration in many of our urban areas is within each district, current demographic trends will produce a thorough resegregation for hundreds of thousands of black students. The reality is that within-district desegregation is simply not possible in many of our large cities. While desegregation can continue to proceed apace in many of our medium and smaller cities and towns, it is increasingly possible in the larger areas only when initiated on a metropolitan basis.

Future implementation

The matter of school desegregation is likely to be with us for years to come. Despite substantial desegregation in Southern and Border States in recent years, more than half of the black children in these areas are in majority black schools. In the North and West, the figures are even higher. In these regions, more than 80 percent of all black students are in majority black schools. Similarly, in States with a sizeable Hispanic school population, less than half of these students attend majority white schools—and the proportion who do so is generally declining. That so much of the task of desegregation still lies before us, coupled with the realization that desegregation has not fulfilled the expectations many have had, suggests it is time for a reconsideration of the basic and underlying assumptions influencing the present approaches.

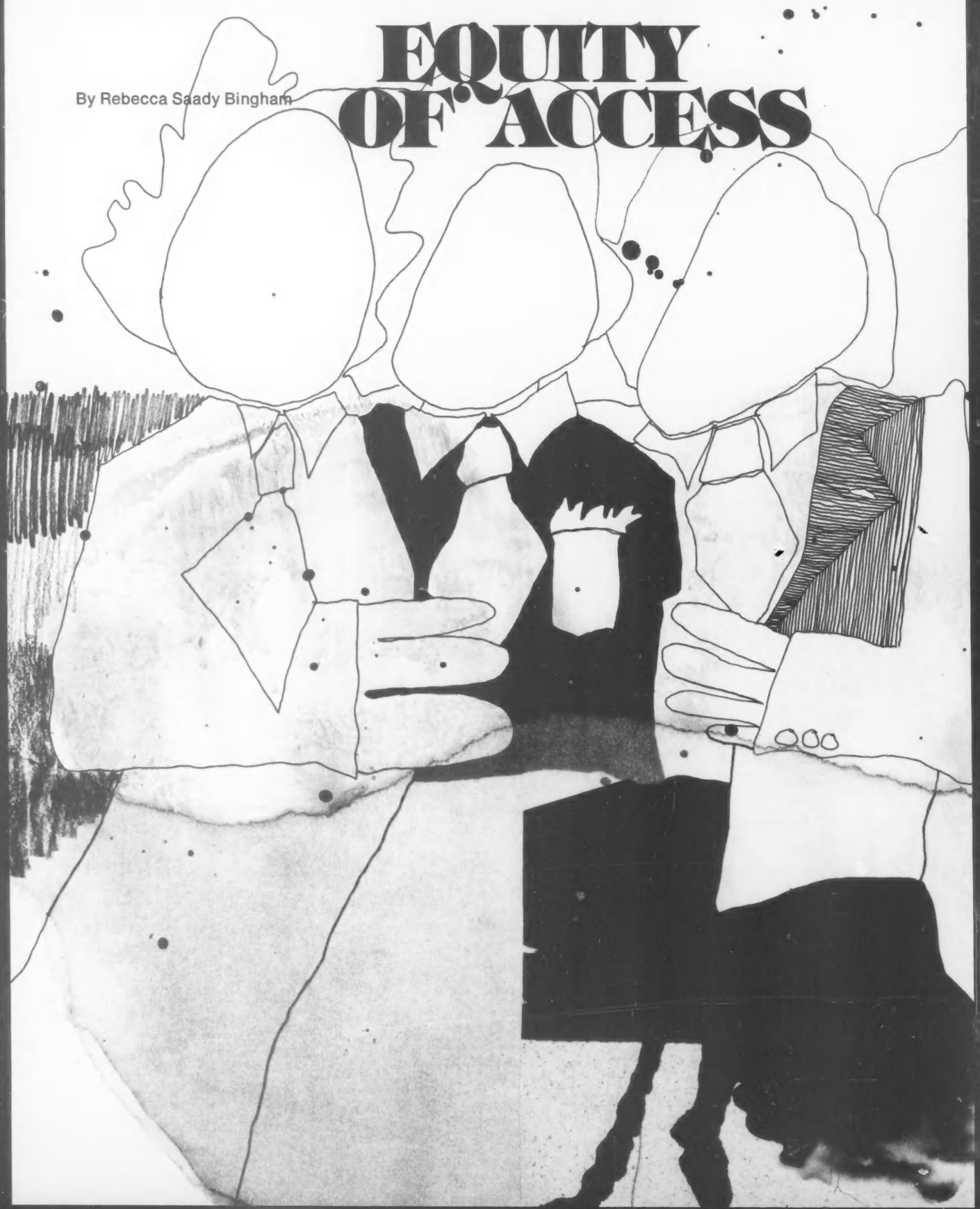
Such a period of reevaluation is necessary if the desegregation process is to proceed in such a manner as to maximize the probabilities that the ultimate goals of this major effort at social change will be achieved. And while most people sympathetic to these goals will have little quarrel with this admonition in principle, the implications may be less widely accepted.

In order to respond to the conditions listed at the beginning that make school desegregation an "issue," remedies and new initiatives will have to be different than at present. Further, strategies that are at present rejected out of hand, e.g., partial desegregation, the preservation of one-race schools, different strategies in different parts of the school district, etc., may have to be reconsidered. Strategies of school desegregation, be they at the local, State or Federal levels, cannot proceed as if the schools existed in a political and cultural vacuum.

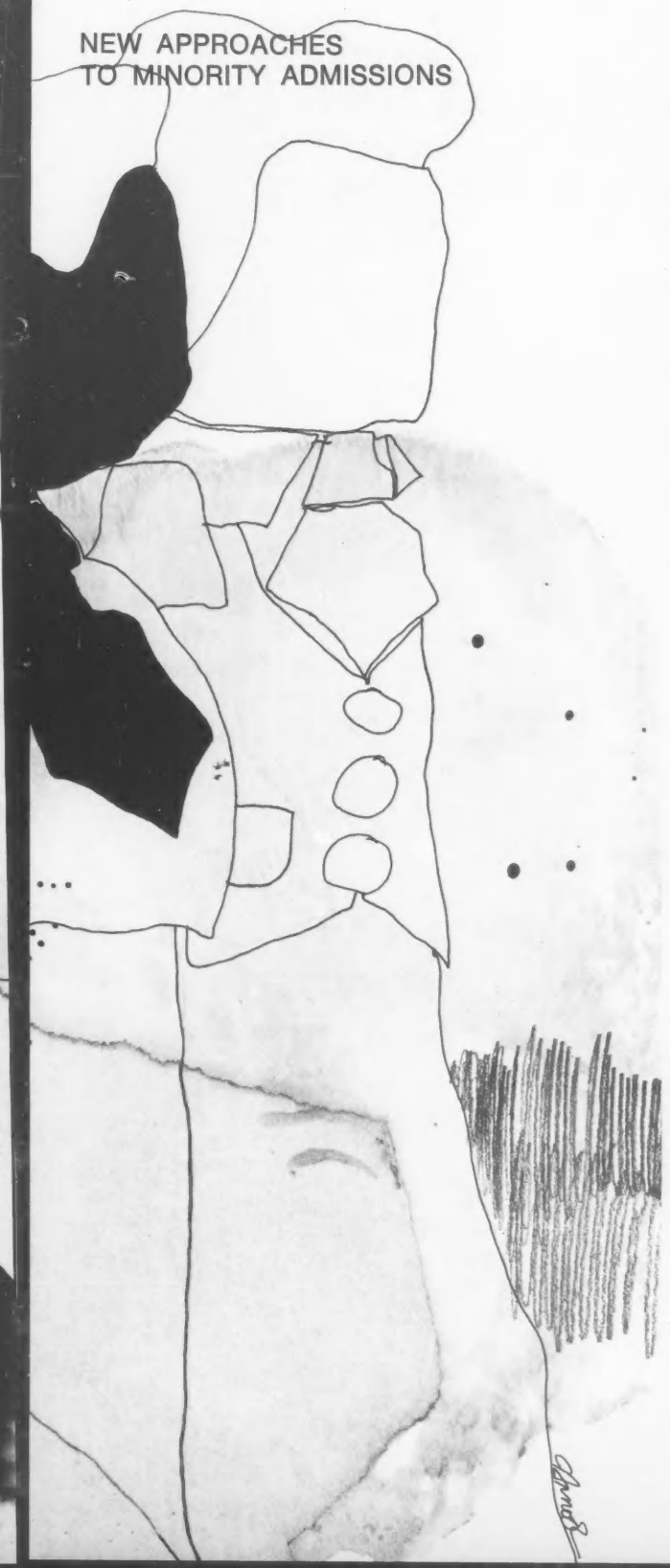
If there is indeed to be future school desegregation in the United States, the present pattern of sporadic efforts by the courts does not appear to be an effective instrument for doing so. The more the task of desegregation has fallen to the courts alone, the less systematic, comprehensive, and acceptable the process has become. This is not the fault of the courts. But possibly, just possibly, those who have defaulted will be sufficiently disenchanted with the current state of affairs to reenter the fray and seek new, and sensible initiatives. What is lacking at present is not the expertise, not the accumulated wisdom of the past two decades, and not those with leadership skills to see the process through. Rather, what we face is the absence of political will.

EQUITY OF ACCESS

By Rebecca Saady Bingham



NEW APPROACHES TO MINORITY ADMISSIONS



The issue of minority-sensitive admissions is receiving increased attention in the wake of the recent *Bakke* case. The specific problem of unequal minority representation in the health professions has generated the depressing quasi-solution of quota systems and allegations of lowered academic standards.

These stop-gap measures ignore a basic responsibility of admission committees to admit those applicants who will succeed not only academically, but professionally as well. Merely admitting a larger number of minority students to medical school does not ensure a correspondingly greater number of practicing minority professionals. It is important for admission committees to be able to identify those minority applicants who do not have standard credentials but who would make competent doctors.

In its *amicus* brief on the *Bakke* case, the Association of American Medical Colleges states:

> Two of the most important social challenges facing our country are of particular relevance to medical schools: equity of access to higher education and the learned professions, and equity of access to quality medical care. In response to those challenges, medical schools have reexamined the traditional criteria in the establishment and implementation of admissions policies.

It is critical that minority students enter school with positive labels. Admitting them via "lower" standards adds the onus of presumed inadequacy to the already formidable list of pressures. Statistics indicate that while average minority grade point averages and test scores have improved significantly in recent years, they are still likely to be lower than those of majority students, which have also increased.

One way to ensure positive labels for minority students is to consider nonacademic criteria in conjunction with grades and test scores, such as interest in medicine, leadership ability, etc. This enables admission officers to evaluate individuals and to make decisions based on a full spectrum of qualifications. For minority students, the knowledge

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that they are being evaluated on several levels—all of which are valid and useful criteria—enables them to enter medical school free of the constraining feeling that they have been "let in" simply because of their minority status.

Few are chosen

In this regard, the medical school admission committee occupies a unique position. Its responsibilities really go beyond simply admitting students to school. Its primary responsibility is to produce successful health care professionals. According to AAMC's *amicus* brief, this responsibility "implies that some subjective judgments must be made in assessing the needs of the state and the likelihood that one individual, more than another also qualified for medical study, will tend to serve those needs." There is no research to demonstrate that those students who perform best on admission exams or in medical school become the best health care providers. However, research does indicate that the ability of standardized tests to predict high levels of achievement is limited; past a certain point, these tests cannot predict *degree* of success.

Unequal distribution of health care services in this country is an increasing problem. One reason seems to be that a homogeneous group of people are admitted to medical school—and they are still homogeneous when they finish school. This means that they tend to drift toward certain specialties and certain types of practices, thereby maintaining the imbalance of health care services.

It seems logical, then, that a more heterogeneous group of students would produce a more diversified group of health care professionals. The responsibility of an admission committee is to admit to medical school those students who are most likely to fulfill societal needs by becoming high quality physicians who want to work in underserved areas. According to a major study by the National Planning Association, minority physicians are more likely to meet these needs. The study concluded that minority students are more likely to:

- locate in the South, where minority populations in rural and urban areas have traditionally been underserved;
- locate in large cities with concentrations of low-income populations;
- engage in primary care practice; and
- practice in large city public hospitals, neighborhood health centers, and other public institutions responsible for providing medical services to low-income, typically underserved populations.

Academic competence in medical school is important, of course. A student must do well in medical school to attain the competence necessary for future practice. The applicant pool is already at such a high academic level, however, that total emphasis on academic criteria results in admission committees trying to pick and choose among applicants with the highest grade point averages; and medical schools have extended their academic standards well beyond the level needed to complete the M.D. degree. The choice is no longer between the academic chaff and wheat, but a pointless one of separating wheat from wheat. It would seem appropriate to consider other characteristics.

According to Dr. Roy Jarecky of the University of Kentucky Medical Center:

> Admission committees are no longer insulated from the implications of their decisions. Directors of admission programs are more and more frequently called upon to account for what the graduates of their medical schools are doing and particularly to the need for admission committees to be highly sensitive to the public's concern for improved health care that springs from a reasonable geographic distribution of family physicians and other specialists.

Admission committees must consider and define specific objectives for their programs. If their primary concern is to produce medical faculty, their choice of students would be different than if their goal is to produce practitioners for rural areas. It then becomes necessary to try to predict what kinds of applicants will tend toward what types of practice, and select accordingly.

SMAE: One approach

To sensitize admission committee members to the different backgrounds of minority applicants and to teach them to evaluate these applicants more effectively, a group of medical educators developed the "Simulated Minority Admission Exercises" (SMAE).

These exercises, a project of the office of minority affairs of the Association of American Medical Colleges (AAMC), are funded by the Grant Foundation, Inc. Dario Prieto, director of the office of minority affairs, heads the project. He describes it as:

> . . . An approach to admissions which recognizes

the critical need to appraise the unique background and capabilities of the minority applicant. It further encourages the designation of positive labels or descriptors on minority students to ensure proper development of their confidence and competence while in the medical school environment as well as proper acceptance by their peers both as students and as they become professionals.

Designed to simulate a typical medical school admission set-up, the SMAE consist of 12 applicant cases to be evaluated by workshop participants. Participants are divided into "admission committees," who are instructed to review these cases and decide which applicants to "admit." The cases themselves are based on real students, carefully designed to highlight certain characteristics. These cases approximate real medical school applications as closely as possible. Each applicant file consists of a medical school application form (AMCAS) which includes a listing of the applicants' courses and grades as well as Medical College Admission Test (MCAT) scores; letters of recommendation; and a simulated interview.

The interview is the crux of the workshop, since it is here that the noncognitive information can be gained. Its realism is achieved through the use of a latent-image printing technique. Questions to be asked by the interviewer are visible, but the applicant responses are not, until the interviewer uncovers them with a special pen. In this way, workshop participants can conduct the "interview" according to personal style—asking those questions which seem most important to them and eliciting information in the order they want.

The SMAE authors identified eight nonacademic variables found to be of use in predicting minority student success in higher education. These variables are based on research done at the Cultural Study Center of the University of Maryland by William Sedlacek and Glenwood Brooks. Described below, these characteristics are amplified in their book *Racism in American Education.* The eight variables are: positive self-concept, recognition and handling of racism, realistic self-appraisal, preference for long range goals over immediate needs, availability of a strong support person, successful leadership experience, demonstrated community service, and demonstrated medical interests.

Positive self-concept connotes independence, determination and confidence. A disadvantaged minority applicant must have already exhibited these qualities to have overcome the hurdle of applying to medical school. In order to surmount the obstacles they are likely to encounter in medical school, minority students need even greater determination. Those students who have an inner certainty that they will succeed are more likely to do so.

In the same vein, *understanding and handling racism* is an important characteristic of successful minority applicants. According to research by DiCesare, Sedlacek, and Brooks, minority students who are aware of and are prepared to handle racism perform better academically and are more likely to make a successful adjustment to a predominantly white institution. Handling racism, for the successful student, means recognition of the problem without feeling that he or she will be defeated by it.

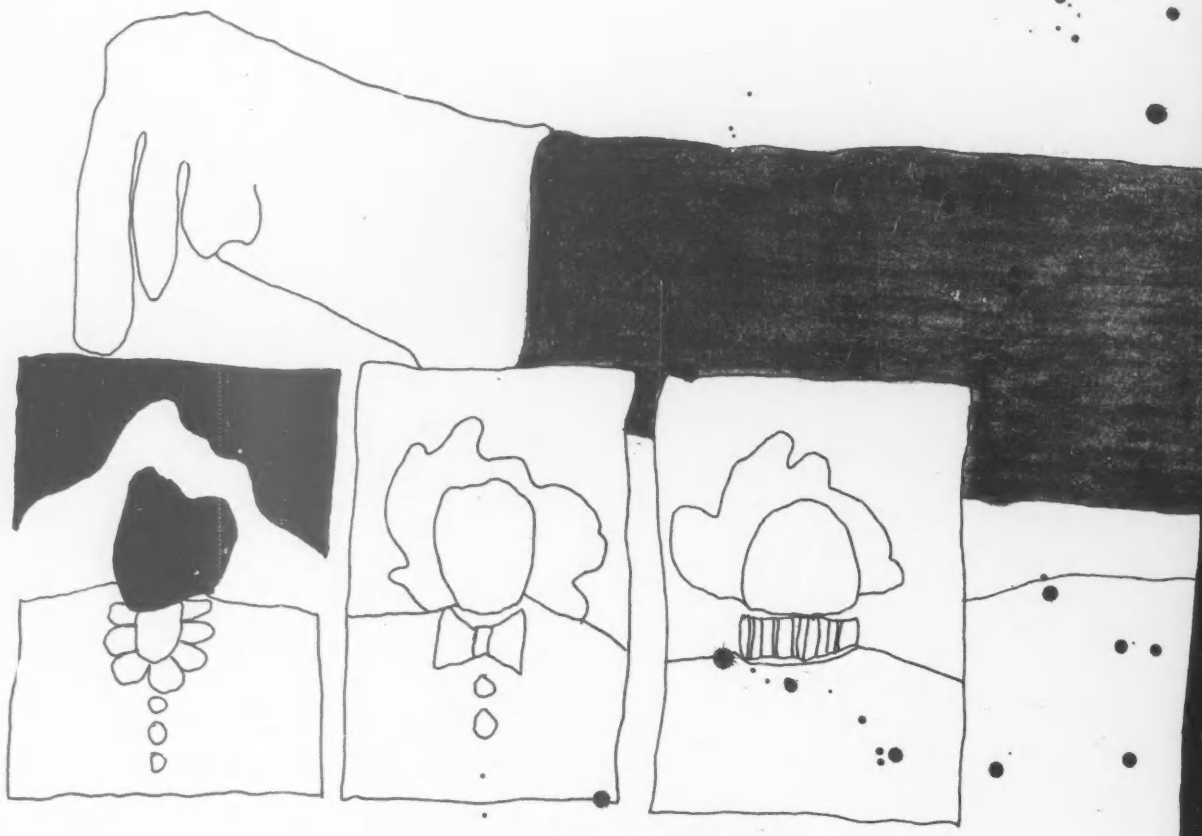
Discussing this variable, Dr. Sedlacek says, "[minority students] who believed that they could achieve by their own efforts (internal control) performed better in school than those who felt that they were up against the system and couldn't do anything to help themselves." He goes on to say that those students "who understood that the institutions of society controlled them in many ways, but that it was possible to alter those institutions, performed particularly well."

A corollary factor affecting minority students' personal adjustment to medical school is the expectations of faculty and peers. Studies have shown that students tend to fulfill these "prophesies," so that if faculty have lower expectations of minority students, the students will not perform as well as they might otherwise.

Minority students who are able to *appraise realistically their strengths and weaknesses* have the best chance of doing well in medical school. As a result of inadequate schooling some may lack preparation in some academic areas. Awareness of such deficiencies enables minority students to take steps to correct them. Again, emphasis is on internal rather than external control of the situation.

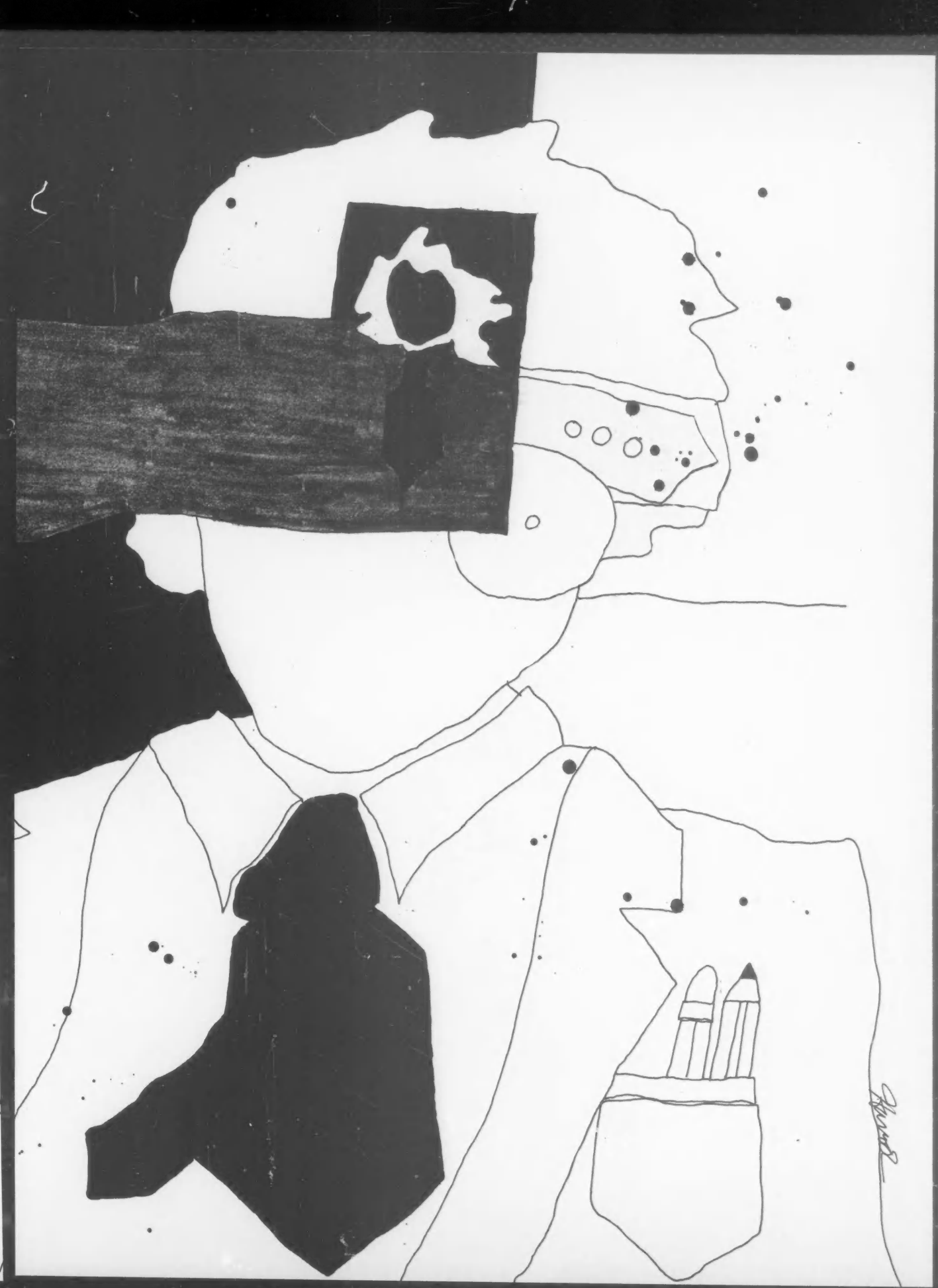
Preference for long range goals over immediate needs is helpful for minority students, since their "rewards" tend to be deferred. Because of the difficulties they must overcome, recognition of their abilities by faculty and peers is apt to come later. In order for them to succeed, then, they must be able to look beyond their immediate situation to their ultimate objective—becoming physicians.

In times of personal or academic crisis, successful



minority students usually have a *strong support person available* to whom they can turn. With limited resources to fall back on, it may take relatively little to cause a minority student to drop out of medical school or fail. When majority students drop out, societal forces are usually available to bring them back into the system. These same forces do not always exist for minority students, and without the support and encouragement of a strong individual, they may drop out and never be heard from again.

There must be evidence that a minority student is able to organize and influence others. This *successful leadership experience* will probably manifest itself in different ways than with a majority applicant. Minority students may not have had the time or inclination to join campus organizations or pursue other traditional activities. Instead, they may have held jobs or worked in their church or



community. Success in their selected activity provides evidence of future success. According to Sedlacek, "The research base of this variable is less than some of the others discussed above, but there are supporting arguments and evidence to suggest the viability of nontraditional leadership as a valid predictor [of success]."

Demonstrated community service relates to the leadership variable, but adds another dimension. Students who have contributed to their community are demonstrating an interest in and understanding of their own background and a willingness to serve.

The final variable is *demonstrated medical interests.* Support for this variable lies in vocational theory, which suggests that exploratory activities indicate motivation and interest in the chosen field. As in the case of the leadership and community service variables, evidence of medical interests should be sought within the context of the minority student's background and available opportunities. While lacking the time or opportunity to volunteer at a hospital, the student may nevertheless have found time to talk with a community physician or read books on the subject or perhaps to provide first aid to his or her family.

Applicant evaluation

After evaluating the applicant cases with these guidelines in mind, "admission committees" meet to discuss them, with a view toward deciding whom to admit and reject. Then the workshop participants come together and each committee reports its decisions and justifies them.

At this point in the proceedings, the participants are "let in on the secret." The authors explain how the SMAE were developed and introduce the eight variables. These are explained, and each case is reviewed in the light of this new information.

An interesting and enlightening portion of the workshop is that the participants are given a glimpse into the future. Since each applicant case is based on a real student who was admitted to medical school, the authors are able to tell participants where these students are now in the medical education process—who is doing well, and who flunked out; what problems the students encountered; what personal characteristics helped them. In this way, workshop participants learn immediately whether their decisions hold up and obtain clearer insight into the validity of nonacademic evaluation.

At the end of the workshop, the leader makes the startling suggestion that the admission process be "inverted" in the case of minority applicants, so that applicants are interviewed first, and evaluated on the basis of grades and MCAT scores last. Information that routinely appears in the application of a majority candidate may be hidden in that of a minority candiate. By using interviews to fill in the gaps, admission officers are better equipped to assess the student's qualifications.

The suggestion is more feasible than it appears on the surface. Since the minority applicant pool is so small, the usual time and other logistical constraints present in majority admissions are rarely a problem. Most important, the information gained from the student interview enables the admission committee to evaluate the applicant in full possession of relevant information.

In support of this procedure, Sedlacek states, "We do not advocate lower standards or second-class status for minority students; rather we advocate the use of the most appropriate, albeit nontraditional, information in selecting such applicants."

The SMAE have been well-received in the medical education field. Originally developed as a one-time workshop to be part of a medical education seminar, it soon became a tool of medical schools across the country. It has been administered to regional groups of medical educators, the Mid West Great Plains Deans, premedical advisors, Osteopathic Medical School Association, and the Veterinary Medical School Association. In addition, the SMAE have been used at more than 20 individual medical schools nationwide to train admission committees. Its success underlines the need for change in medical school admission procedures.

Current admission criteria are more concerned with short term than with long term success for students. It is not enough for a student to successfully complete medical school. In terms of the health care system, it is important to turn out physicians who will meet the Nation's health care needs. Admissions must be conducted with a view toward alleviating specific problems, such as unequal distribution among specialties and lack of physicians willing to practice in rural and ghetto areas. The problem faced by a medical school admission committee, then, is to admit not only those students who can compete academically, but those who will best be able, as physicians, to meet the health care needs of society.

READING & VIEWING

BOOKS RECEIVED

Victims, Crime, and Social Control by Eduard A. Ziegenhagen (New York, Praeger Publishers, 1977) Investigates the implications of the crime victim's role in law and social control; describes the recent upswing in victimization programs. *156 pp.*

The Sexual Barrier by Marija Matich Hughes (Washington, D.C., Hughes Press, 1977) Comprehensive bibliography lists over 8,000 publications on legal, medical, economic, and social aspects of sex discrimination. *843 pp.*

Justice ed. by Howard Zinn (Boston, Beacon Press, 1974) Eyewitness accounts explore justice on a personal level, presenting the thesis that the true test of justice lies not in Supreme Court decisions and formally-stated rights, but in the day-to-day situations of ordinary people. *275 pp.*

Civil Liberties and Civil Rights ed. by Victor J. Stone (Chicago, University of Illinois Press, 1977) Legal scholars examine the impact of the "Warren

Court" decisions of the 1950s and 1960s. *144 pp.*

Battered Women: A Psychological Study of Domestic Violence ed. by Maria Roy (New York, Van Nostrand Reinhold, 1977) The first full-scale examination of the battered wife syndrome to date explores its complex causes and proposes preventive measures and practical methods of dealing with the problem.

Black Labor and the American Legal System: Race, Work, and the Law by Herbert Hill (Washington, D.C., Bureau of National Affairs, 1977) First of a two-volume interpretive history of the evolution of American law on employment discrimination examines the major legislative and legal developments from the abolition of slavery up to the 1964 Civil Rights Act. *472 pp.*

PAMPHLETS

Ethnicity, Race and Human Development by Shirley Teper (New York, Institute of Pluralism and Group Identity, 1977) Multidisciplinary approach to understanding human development by increased awareness of cultural/racial group identities. *79 pp.*

The Ethno-Cultural Factor in Mental Health by Joseph Giordano and Grace Pineiro Giordano (New York, Institute of Pluralism and Group Identity, 1977) Literature review and bibliography documents the relevance of ethnicity in the human service professions. *51 pp.*

Redlining and Disinvestment as a Discriminatory Practice in Residential Mortgage Loans (Washington, D.C., Department of Housing and Urban Development, 1977) Report concludes that housing loan practices that discriminate in effect, even if they are not openly discriminatory, are prohibited. *168 pp.*

Unlearning "Indian" Steretoypes by the Racism and Sexism Resource Center for Educators (New York, Council on Interracial Books for Children, 1977). A teaching unit and filmstrip for elementary teachers and children's librarians. *48 pp.*

COMMISSION REPORTS

The Unfinished Business. A report on problems, developments, and unfinished civil rights business as perceived by the Commission's 51 State Advisory Committees on the 20th anniversary of the 1957 Civil Rights Act. *221 pp.*

The Forgotten Minority (New York State Advisory Committee). Reviews the problems faced by Asian Americans in immigration and employment, and as a result of media stereotyping. *50 pp.*

Catalog of Publications. Lists Commission publications in print as of September 1977. *24 pp.*

Twenty Years After Brown. Reprints in one volume previous reports on the growth of the civil rights movement and civil rights problems and progress in education, housing, and economic opportunity. Originally issued to commemorate the 20th anniversary of the Supreme Court's decision in *Brown v. Board of Education. 187 pp.*

Statement on Affirmative Action. Reiterating the Commission's commitment to affirmative action, this position paper incorporates new developments in the law since the agency's views were published in a pamphlet of the same name in 1975. *12 pp.*

STAFF REPORTS

School Desegregation in Berkeley, California
School Desegregation in Providence, Rhode Island

TRANSCRIPTS

Hearing Before the U.S. Commission on Civil Rights: Denver, Colorado February 17–19, 1976. On school desegregation. *1,123 pp.*

Hearing Before the U.S. Commission on Civil Rights: Tampa, Florida March 29–31, 1976. On school desegregation. *751 pp.*

Hearing Before the U.S. Commission on Civil Rights: Louisville, Kentucky June 14–16, 1976. On school desegregation. *858 pp.*

Hearing Before the U.S. Commission on Civil Rights: Corpus Christi, Texas August 17, 1976. On school desegregation. *188 pp.*

Hearing Before the U.S. Commission on Civil Rights: Memphis, Tennessee May 9, 1977. On police-community relations. *138 pp.*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