

Govt Pub
CR 1
12
2/2

U.S. Civil Rights Commission 2.C ✓

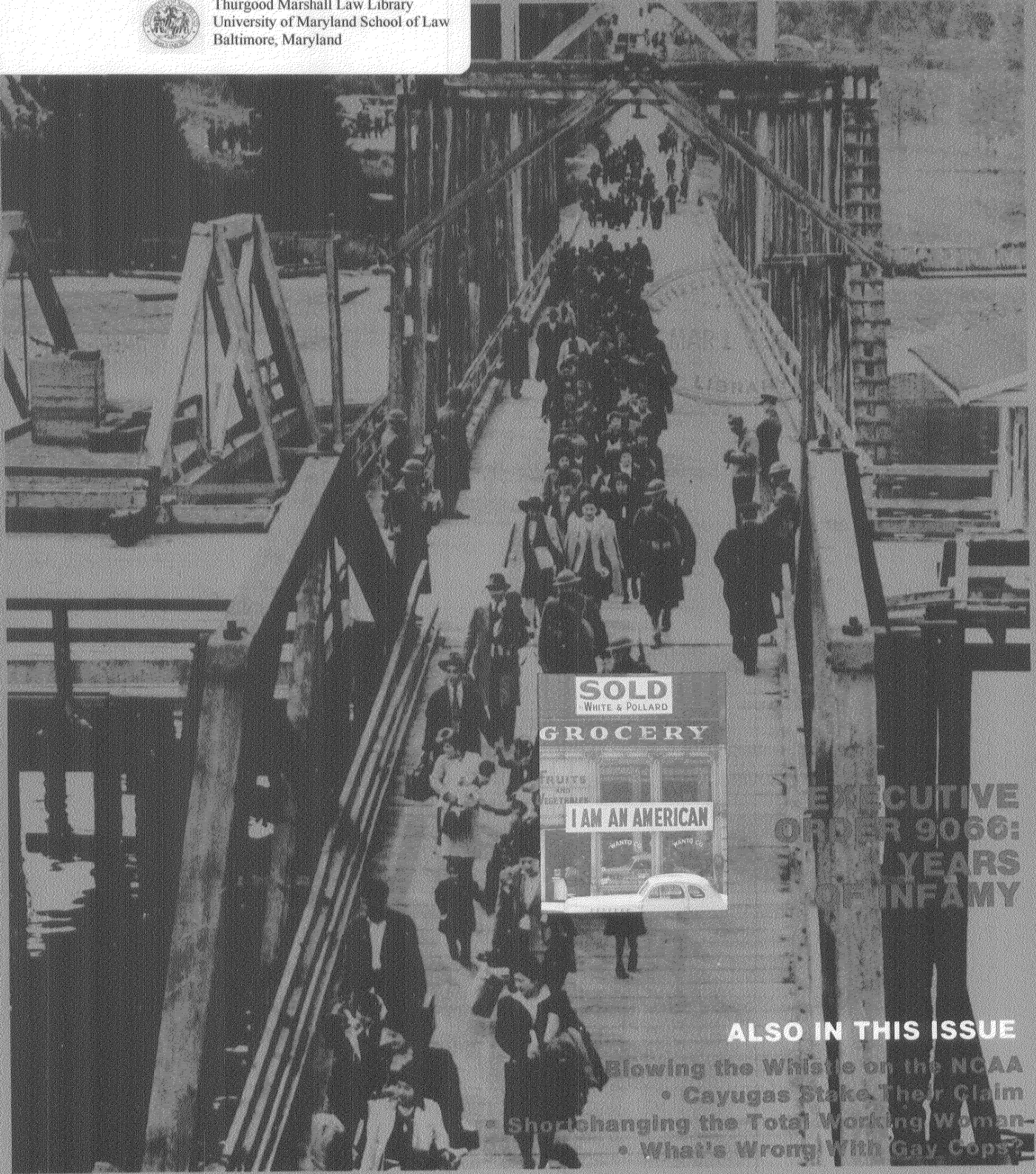
The Civil Rights Quarterly

PERSPECTIVES

SUMMER 1980



Thurgood Marshall Law Library
University of Maryland School of Law
Baltimore, Maryland



EXECUTIVE
ORDER 9066:
YEARS
OF INFAMY

ALSO IN THIS ISSUE

- Blowing the Whistle on the NCAA
- Cayugas Stake Their Claim
- Shortchanging the Total Working Woman
- What's Wrong With Gay Cops?

Guest Editorial

Putting Down Affirmative Action

By Harold C. Fleming

Affirmative action is getting a bad name. A growing number of influential commentators flatly refer to it as reverse discrimination, a rigid quota system, a shield for incompetence and a corrosive influence on the self-image of the women and minorities it is supposed to help. And this at a time when high unemployment is taking its heaviest toll on the very groups that have suffered from discrimination.

Many of the critics grossly misrepresent the nature and objectives of affirmative action. Civil rights, their argument goes, belong to individuals, not to groups. Therefore, the remedies for discrimination should be meted out on an individual, color-blind (and presumably sex-blind) basis as well. In this view, group or "class" remedies are downright unAmerican.

The simplicity of the argument is beguiling, but it doesn't fit the facts. Historically, discrimination has been inflicted, not on particular individuals, but on identifiable members of entire groups. It was not selected blacks, for example, who were denied equal access to schools, jobs, and housing, but blacks as a race. Discrimination is a wholesale process, and it was intricately woven into the social and economic fabric of our society. To undo it requires an equally systematic process.

This lesson was learned only after painful experience. For some years, civil rights enforcement relied exclusively on case-by-case determinations, usually triggered by individual complaints. That essentially passive approach—whether in education, housing, employment, or other areas—produced little change in the *status quo*. Even in the absence of conscious bias, the inertia of business as usual guaranteed the perpetuation of inequitable outcomes. Moreover, it was patently unfair to put the burden of proof on the individual victim who was seldom equipped to do battle with powerful institutions.

Recognition of these realities led to the development of affirmative action as a condition of Federal assistance and contracts. It is a system of accountability by employers and others for good faith efforts to increase the participation of members of previously excluded groups. It requires, among other things, the setting of reasonable target figures and periodic measurement of the extent to which these goals have or have not been attained. Failure to achieve a projected goal is not in itself proof of discrimination, but it is incumbent on the employer or administrator to show that the shortfall is not the result of bad faith or lack of effort. To characterize these requirements as an inflexible quota system or reverse discrimination is a public disservice—especially given the pervasiveness of continuing effects of past discrimination.

Like all programs formulated to address social inequities, affirmative action is sometimes improperly administered. The appropriate remedy for that, however, is corrective action, not condemnation of a sound policy that may occasionally be abused.

Eighty-four years ago, in a famous dissenting opinion, Supreme Court Justice John Harlan declared that "our Constitution is color-blind." We can only guess at what he might say today. Perhaps it would be something like this: "Our Constitution is color-blind. But until our society translates that ideal into everyday practice, the decision-maker who is color blind is blind to injustice."

Harold C. Fleming is president of the Washington, D.C.-based Potomac Institute. Formerly executive director of the Southern Regional Council, he currently chairs the Federal Programs Task Force of the Civil Rights Leadership Conference.

The Civil Rights Quarterly
PERSPECTIVES

SUMMER 1980

VOLUME 12 NUMBER 2

FEATURES:

-
- Haunting Echoes of the Last Round-Up** by James G. Trager
Japanese-Americans don't want other Americans to forget the days and nights of infamy *after* Pearl Harbor. 8
-
- Hardlining Title IX: Who's Offside Now?** by Karen deCrow
A noted feminist lawyer finds constitutional cracks in Syracuse's new Carrier Dome, and raises the roof. 16
-
- Indians on the Lawpath: The Cayuga Conundrum**
by Patrick McCaffrey
After 173 years of wandering in the legal wilderness, home may be just around the next land claim. 27
-
- Pink-Collar Blues: For Some Women It Still Doesn't Add Up**
by Philippa Strum
Newly-compiled demographics of the 1980 Working Women reveal the salary gap to be almost as wide as ever. 32
-
- Why So Few Gay "Choir Boys"?' Ask Your Friendly Chief of Police** by Richard D. Hongisto
The former Sheriff of San Francisco wants you to meet a mean-looking, 250-pound motorcycle cop—who's gay. 38
-

DEPARTMENTS:

-
- Up Front:** HUD huffs, ABSCAM puffs, Hollywood muffs and other civil rights arena fluffs. 4
- Close up:** Michael Novak wants to know, if Black is Beautiful, what does that make white? 24
- Speaking Out:** At this company, they're not just getting older, but also better, thank you. 2
- The Media:** J-School students have a lot more to learn about minorities—but who'll teach them? 43
- In Review:** Oz Elliott raves about *Newsweek's* coverage of minorities; Herbert Gans moans. 47
-

Credits: Del Harrod—Cover,38,41; Brian Griffin—4,5,7,33,35,36; National Archives—8,10,11,13,14,15; William J. Kircher and Associates—17,20,21; George Clay—28,30.

Perspectives: The Civil Rights Quarterly, is published four times a year by the U.S. Commission on Civil Rights, as part of its clearinghouse responsibilities. Editorial inquiries and manuscript submissions should be directed to The Editor, **Perspectives**, Press and Communications Division, U.S. Commission on Civil Rights, 1121 Vermont Ave., NW, Washington, D.C. 20425.

Perspectives is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 29492. Use of funds for producing **Perspectives** has been approved by the Director of the Office of Management & Budget by letter dated October 17, 1979.

Editor
CHARLES R. RIVERA
Consulting Editor
F. PETER MODEL
Production Director
JOSEPH SWANSON
Art Director
DEL HARROD
Design Assistant
MIU ENG
Production Staff
JEANETTE JOHNSON
KENNETH RAY
**Assistant Staff Director for
Congressional and Public Affairs**
CAROL A. BONOSARO

U.S. Commission on Civil Rights
ARTHUR S. FLEMMING, **Chairman**
MARY FRANCES BERRY, **Vice-Chairman**
STEPHEN HORN
JILL S. RUCKELSHAUS
MURRAY SALTZMAN

LOUIS NUÑEZ, **Staff Director**

2 The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 to:
43 Investigate complaints alleging denial of the right to vote by reason of race, color, religion, sex, age, handicap, or national origin, or by reason of fraudulent practices;
47 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, age, handicap, 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, age, handicap, 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, age, handicap, or national origin; and
Submit reports, findings, and recommendations to the President and Congress.

Articles and other material contained herein do not necessarily reflect USCCR policy but are offered to stimulate thinking and discussion about various civil rights issues. No special permission is required to quote or reprint contents with the exception of those that are clearly identified as having originated outside the Commission, on which copyright may exist.

Speaking Out

65 or 70, What's the Difference?

by Robert P. Ewing

"You don't find many early or primitive societies that treat old people as badly as civilized societies do..."

—Dr. Margaret Mead (1901–78)

It is now over a year since the amended Age Discrimination in Employment Act went into effect and still—despite reams of testimony to the contrary—many of my fellow businessmen continue to believe that old age and productivity are incompatible, that extending retirement age to 70 is not merely an intolerable intrusion by Big Government into the private sector but that the practice is sapping the viability of the marketplace. Typical is this recent column by New York *Times* columnist William L. Safire:

"...old people get older and usually less productive, and they ought to retire so that business can be better managed and more economically served. We would treat the elderly with respect which does not require treating them as if they were not old. If politicians invent 'rights' that cut down productivity, they infringe on the consumer's right to a product at the lowest cost."

Widespread as this argument may be, I submit that it does not reflect the experiences of many companies, including ours. Perhaps Safire should talk to 90-year old Hoyt Catlin, the president of Fertil Inc., a General Foods subsidiary, whose workers average 71 years of age. "Older workers," he says, "are steadier, accustomed to the working discipline." Similar reports come from other enlightened employers, including R.H. Macy's (which has *never* forced its sales clerks



The Late John D. MacArthur, Founder of Bankers Life and Casualty

to retire), Pepsico, U.S. Steel and Polaroid (which says that older workers maintain high performance scores even on jobs that make heavy *physical* demands on them). The top executives of these companies obviously agree with the U.S. Commission on Civil Rights' Chairman, Arthur S. Flemming, when he points out, "We spend billions of dollars to enable Americans to live longer, healthier lives. Then we discard them."

For us at Bankers Life, "over-65" is a fairly young age; we've been employing people in their 60s, 70s and even 80s for more than forty years. We also hire workers retired from other companies. About four percent of our 4,000 home-office personnel and seven percent of our 3,400-member field force are over 65. Our policy, originally espoused by our founder, the late John D. MacArthur, is "to hire full-time employees who meet

job specifications," *period*. On that basis, employment is predicated on guidelines that determine productivity. Age doesn't enter into it. Maybe that's because MacArthur himself worked until the day he died, at age 81.

The year of MacArthur's death, 1978, we studied the effect our older workers were having on company morale, on absenteeism, health and performance records and on the benefit plans. The results would surely have gratified John MacArthur, and might even give the Bill Safires pause.

Absenteeism does not characterize Bankers' older worker. In fact, we found perfect attendance records more than twice as often among workers aged 65 and up than among younger workers. Furthermore, we discovered that our older workers tend to be more careful and suffer fewer accidents, on as well as off the job.

Our experience seriously questions other misconceptions about older people in the workplace. Opponents of the Age Discrimination in Employment Act, for example, are quick to point out that 86 percent of people aged 65 and up suffer from high blood pressure, arthritis, diabetes, heart disease and arteriosclerosis. But they conveniently neglect to point out that these ailments (all controllable, by the way) are also suffered by 72% in the 45–64 age bracket. At Bankers we discovered that, as a group, the 65-year olds don't automatically deteriorate; they tend, in fact to be as healthy as those in the 54–64 age bracket. Unlike the young folk, our "geriatrics" were absent only when absolutely necessary.

Another argument voiced by the advocates of mandatory retirement is that older workers cause morale problems. Our study proved no such thing. Quite the opposite: The reality is that the pres-

Robert P. Ewing, a native of Kirksville, Mo., joined Bankers Life & Casualty—which ranks 23d in assets among the top 100 life and health insurance firms—as a 24-year old sales representative in St. Louis. Rising through the ranks, he was named president in 1974 and five years later also assumed the chairmanship of the \$1.2 billion (assets) firm.

Speaking Out

ence of the elderly tends to enhance morale rather than hinder it. In fact, we find our older workers valuable in an intangible way. As we testified a few years back to the House Select Subcommittee on Aging:

[Older workers] add tremendously to the personality of the Company. They preserve the continuity and give a feeling of stability and permanence. People don't just come, produce and pass on. At Bankers Life people come in, produce and stay on. This distinction generates loyalty, not only among the employees, but with younger employees as well....*

The continued presence of older workers does more than prove to the younger employees that management will not put arbitrary limits on their careers. The older workers teach by example the values of persistence, diligence, loyalty, a day's work for a day's pay, trust, honesty, and all the other qualities that used to make up the "work ethic." Those employers who practice forcible retirement are often the same ones who tolerate "absent-mindedness" in a younger worker but cruelly dismiss the same forgetfulness in a 70-year old as "senility."

Still, one may ask, don't older workers block internal lines of mobility and cause the more talented, younger workers to leave? We have not found this to be the case. Perhaps that's because our company has kept growing rapidly, necessitating continued organizational restructuring that accommodates the veteran workers. Besides, we fail to see the alleged problem of a 25-year old working

for a 68-year old. Isn't it harder on the 25-year old having to work for a 30-year old manager? And would such difficulty be sufficient cause to terminate the 30-year old? What, then, is the argument for eliminating the 68-year old?

Indeed, because older workers enjoy working they are pleasant to work *with*. Our survey shows that they perform as well as younger workers, sometimes even better. Certainly, they do not create an impression that the company is "carrying" them.

But what if the employees can no longer "cut the mustard"? Isn't mandatory retirement the kindest way of avoiding this unpleasantness? This may be the easiest road for the management, perhaps, but not for the managed. At Bankers, we do not believe the solution can be humanely handled in a codified manner. When older workers can no longer handle their present job, we will consider them for more appropriate, less demanding positions. Each situation is handled on an individual basis. Then—but only then—if there is nothing suitable, we might have to resort to confronting an older worker with the notion of retiring. Fortunately, there have been very few cases where retirement has been required.

What usually happens at such times is that the older employee is the first to broach the subject of retirement. As one of our 68-year olds put it, "When the day comes that people expect less of me, I'll say 'goodbye' and walk out the door."

And there is an answer, too, to any arguments that might be made against the "carrying" of so-called deadwood. The advocates of mandatory retirement invariably raise the spectre of the havoc wreaked by over-65 workers on a company's health and pension plans. Again,

at Bankers we find the opposite to be true. Far from hurting the bottom line, they enhance it.

Older workers are entitled to Medicare benefits, which reduce the amount of health coverage we must provide. And the longer that employees remain on the job, the longer we put off paying pension benefits while simultaneously saving the cost of hiring and training their replacements.

In short, compliance is smart business. Everybody wins, employers as well as employees. Time will bear us out as other companies find their experiences with older workers to be not unlike ours. And we should not be too surprised to see forcible retirement at age 70 legislated out of existence by the end of the decade.

I hope it will be. On February 8, 1991, I will be 66. ♦

(ED. NOTE: Readers interested in receiving a copy of the Bankers Life study should write for "Bankers' Experience With Over-65 Workers," Dept. of Public Information, Bankers Life & Casualty Co., 1000 Sunset Ridge Road, Northbrook, IL 60062).

*Testimony by Gerald Maguire, March 16, 1977, Washington, D.C.

Up Front

Outspeculated by the Law

John Barrow of Callahan, Florida, makes a living buying unpaid tax deeds and reselling the acquired properties. So when Fedo and Hattie Mae Kenon, an elderly Black couple who had built a \$7,500 three-bedroom home in Quincy with savings from a lifetime of tobacco picking, forgot to pay a \$3.05 tax bill, Barrow, a white man, snapped up the deed for \$100. The Kenons went to court. Gadsden County Circuit Judge Ben Willis—according to United Press International—said it would “shock the conscience of this court” to let the Kenons lose their house this way, and ordered the plaintiffs to reimburse Barrow the \$100 he paid for title plus 12% interest, or about \$150, at the same time ruling the title null and void. Enraged, speculator Barrow told UPI: “The law of the state of Florida has been kicked in the teeth. The law is a joke. It’s not safe to do business in this state.”



Catch-22 in the Jemez

It sounds like another manifestation of the separation of church-and-state issue. Actually, it’s considerably more complex. Under a Congressional mandate, the U.S. Department of Energy has been encouraging private developers to look for environmentally acceptable alternative energy sources, such as natural steam pried out of the earth to produce electricity. So when the Union Oil Co. of Los Angeles and the Public Service Company of New Mexico decided to construct a 50-megawatt experimental geothermal power plant in a 746-acre valley in Northern New Mexico’s Jemez Mountains, USDE agreed to provide \$50 million towards the plant’s cost of \$125 million.

But at this point an unanticipated actor appeared on the scene. Stepping onto center stage were 19 Pueblo Indian tribes invoking the American Indian Religious Freedom Act of 1978, which requires the Government to “protect and preserve” access to, and use and ownership of, “sacred objects and the freedom to worship through ceremonial and traditional rites.” This particular valley, say the Pueblos, is their church. According to Paul Tafoya, Governor of the Santa Clara Pueblo, the plant may be “the beginning of new energy development and the destruction of the Indian Tribe.”

As for the Energy Department, it’s between a rock and a hard place. For the Indians refuse to identify specific shrines or sites that would “destroy” the tribe, claiming that secrecy is the underpinning of their religion. Tafoya told the Associated Press that “the whole mountain range is sacred....all animal life, vegetation, springs, lakes and streams” are off limits to the White Man, “all trails and paths leading over the Jemez Mountain must be left untouched.” Understand-

ably, the Energy Department is holding its \$50 million check in abeyance. “When you don’t know and can’t be told what the religion is,” says a USDE spokesman, “it makes things difficult.”

The Pueblos are unimpressed with USDE’s dilemma. Asking his people to explain their religion, says Tafoya, “would be like asking the folks at the Los Alamos Scientific Laboratories how they make the atom bomb.”

Community Coalition Challenges Charlie Chan

“Risk Insurance” is something Hollywood film and TV producers gladly pay to make sure their products come in on time and within budget. Generally, risks tend to range from a hurricane to the indispensable star with a drinking problem.

Now the underwriters have a new risk to write into their policies: community pressure by offended minorities. Last year, the gays of New York’s Greenwich Village gave a well-orchestrated media bruising to *Cruising*, an exploitative film that, according to most reviews, distorts homosexual life. Earlier this year, angry Hispanics in the South Bronx effectively slowed down production on *Fort Apache*, razzing its star—Paul Newman, an acknowledged civil rights activist—with accusations of “racism.” And now it’s Charlie Chan’s turn.

Out on the West Coast, a coalition of Asian-American, Hispanic, Black and other groups are picketing the Zoetrope Studios in Hollywood and calling on the Chinese community of San Francisco not to cooperate with the producers of *Charlie Chan and the Curse of the Dragon Queen*. The feature film, 46th in a long string of Charlie Chan movies made in Hollywood over the past 54 years, stars Englishman Peter Ustinov. That’s just one of the things that troubles the Asian-Americans: the fact that

Up Front

once again the filmmakers have cast a white actor to play the oriental master detective (eyes taped up, mustache slickly waxed). It also accounts for the tacit approval of the protest by the Screen Actors Guild, which is not impressed by the producer's claim that there is no Asian-American actor available to play Charlie Chan.

(Such claims are, of course, longstanding, as the U.S. Commission on Civil Rights discovered back in 1975 when it found less than two percent of the characters on prime time TV several years earlier to be Asian-Americans.)

Leading the protesters is San Francisco's Chinese for Affirmative Action. The Los Angeles contingent is led by The Media Forum, a Black actors' group that includes among its members Sidney Poitier, Lou Gossett and Roscoe Lee Browne. Other Asian-American and Hispanic groups are also joining the fray—all of which must be troubling a number of civil libertarians who are divided on the conflict between racism and censorship.

But the protesters feel they are on much stronger ground than their brothers and sisters back East. There *was* gang warfare in the South Bronx. But Charlie Chan isn't real. Wrote Frank Ching, an Asian-American playwright in the March 1973 issue of *Ramparts*, Chan is "a decrepit, hunched-over, syco-phantic, limp-wristed, buck-toothed detective you could tell was Chinese because he never used the first person pronoun in the presence of whites." The movies, all of them, Chin concluded, were "parables of a racist order with whites on top, blacks on the bottom, and Chinese in between."

A Machine Isn't a Girl and Vice Versa

From St. Joseph, Missouri, comes word that First Midwest Bancorp Inc.,

holding company for three area banks, has scrapped its ad campaign for an automatic teller it dubbed "Mary Anne." It seems the National Organization for Women (NOW) rightfully objected that the bank was being sexist by running radio and billboard ads that did not identify either the object or the banks, headlined: "What You Do With Mary Anne After Hours is Your Business," "Mary Anne Will Make Your Nights Nicer," and "Mary Anne is Coming to St. Joseph. Your Weekends Will Never Be The Same." A bank spokesman lamely allowed, "We tried to humanize a cold machine and obviously it didn't work."

On the other hand, what does work exceedingly well is another ad campaign, this one by United Technologies Inc. of East Hartford, Connecticut—a \$9 billion diversified industrial giant (Pratt & Whitney Aircraft, Sikorsky Helicopters, Otis Elevators, Carrier air conditioning) that ranks 26th on *Fortune Magazine Top*

500. At \$36,000 a page, it's been running op-ed page ads in the *Wall Street Journal* since February 1979, one of which in particular has made UT board chairman Harry Gray exceedingly happy and proud, winning him all sorts of bouquets from secretaries around the country.

Let's Get Rid of "The Girl"

Wouldn't 1980 be a great year to take one giant step forward for womankind and get rid of "the girl"?

Your attorney says, "If I'm not here just leave it with the girl."

The purchasing agent says, "Drop off your bid with the girl." A manager says, "My girl will get back to your girl."

What girl?

Do they mean Miss Rose?
Do they mean Ms. Torres?
Do they mean Mrs. McCullough?
Do they mean Joy Jackson?
"The girl"

is certainly a woman when she's out of her teens. Like you, She has a name. Use it.

The Razor's Edge

"The closer you shave, the more you need Noxzema" means little to the more



Up Front

than 50 percent of Black men who suffer from PFB—Pseudofolliculitis Barbae—a peculiar, painful, scar-causing skin disease that afflicts Afro-Americans with curly or kinky hair. What happens is this: the sharp tips of recently-cut facial hair spring back and penetrate the skin, causing an inflammatory reaction—hence “razor bumps.” Most Black males have learned to live with their pain; some have turned to depilatories, accepting the resulting raw, tender skin as the lesser of two evils. Others are growing beards—and are losing their jobs as a result.

One such victim was 28-year old Jeffrey Ferguson of Philadelphia, who was fired as a ticket agent by Greyhound Bus Lines. Ferguson was recently reinstated after the U.S. Equal Employment Opportunity Commission sued Greyhound in U.S. District Court (which also awarded the bearded Ferguson \$18,000 in back pay and damages).

Among EEOC's consultants on the Ferguson case was 36-year old Black dermatologist A. Melvin Alexander, co-founder of an advocacy organization called The PFB Project.

To Dr. Alexander, curly hair is not a slender reed from which to hang a civil rights issue. In the early 1970s, while stationed on Okinawa as an Army dermatologist, he saw the rank discrimination that PFB engenders. GIs with beards may have been allowable in the war-zone of Vietnam, but on spit-and-polish details, the order of the day was always (to paraphrase Gillette's commercials) “look sharp, be sharp, feel sharp.” Not only was it embarrassing for Black GIs to seek permission from their COs to grow beards—after first getting a “profile” (basically a “doctor's excuse”) from the base dermatologist—but, says Alexander, “Once a guy received a ‘pro-

file’ that was just the beginning of his trouble.” The COs, invariably white, would “single him out for insubordination” and put the hirsute soldier on extra duty. Even more disturbing, Dr. Alexander told the *Washington Post* recently, “I saw black officers with PFB decline treatment because they believe a ‘profile’ and a beard would be the kiss of death for their career....”

So Dr. Alexander went public, going on an Armed Forces Radio talk show, which promptly earned him a written reprimand from his commanding general. Upon release from military duty, he lobbied more strenuously, finally convincing the American Academy of Dermatology to pass a resolution recommending the military allow PFB victims to grow beards. Not one to settle for small victories, Dr. Alexander is now directing his attention to the private sector. While he is not sure that “anybody gives a damn about all these black men with razor bumps,” the good doctor clearly does, and he is a force to be reckoned with.

Harnessing Drop-Out Power

Elsewhere in this issue there's a review of a new book titled *Not Working* by Harry Maurer, a collection of personal stories of the unemployed. Another book on the issue of unemployment has recently been published. This one focuses on our nation's youth. While it is a bit more helpful in that it offers a creative approach to resolving this nation's youth unemployment dilemma, it also raises many long-standing and troublesome questions about our schools and our neighborhoods. The book, running to 332 pages and titled *Giving Youth A Better Chance: Options for Education & Work*, is published by the Carnegie Council on Policy Studies in Higher Education. It is not available at your neigh-

borhood corner bookstore but by mail order (\$13.95) from Jossey-Bass Inc., 433 California St., San Francisco, CA 94104. Here's why it's something all concerned Americans should read:

Of America's 16 to 21 year olds, 38% are in school or college. Only three percent are in the armed forces. The rest are either working or not and for too many Black and Hispanic youth in that age bracket the emphasis is on *not*. But even for those who do have a job, the work is not necessarily career-oriented, given the vast numbers who never made it out of high school.

Carnegie would like to see an end to compulsory education at age 16. To take up the slack, it proposes the establishment of a Federally-financed “National Youth Service Foundation” to give drop-outs a chance to get into community service if they elect not to go into military service; a “National Education Fund” that they would be able to tap later on for financial credits should they want to go back to school; and the setting up of high school-level work/study programs similar to the current College Work/Study Program. It would like to see Washington provide the incentives by which vocational training would be taken out of the high school and moved into community colleges, or, better yet, onto job sites. Last, it proposes that the priorities of Title I of the Elementary & Secondary Education Act be refocused, with some \$500 million freed to teach basic skills in high school rather than in junior highs or middle schools.

Carnegie believes that the \$1.4 to \$1.9 billion such a program would cost the government would be offset by savings in welfare payments. The way things stand right now, says the report, this country is creating “a permanent underclass, a self-perpetuating culture of

Up Front

poverty, a substantial 'lumpenproletariat.' "The link between alienation and teenage crime is clearly established when it adds: "We all pay a price in terms of safety in our streets and our homes...heavy social costs for unemployment, law enforcement and prisons," as long as so many of our nation's youth remain jobless.

HUD Huffs, Puffs But Can't Blow This House Down

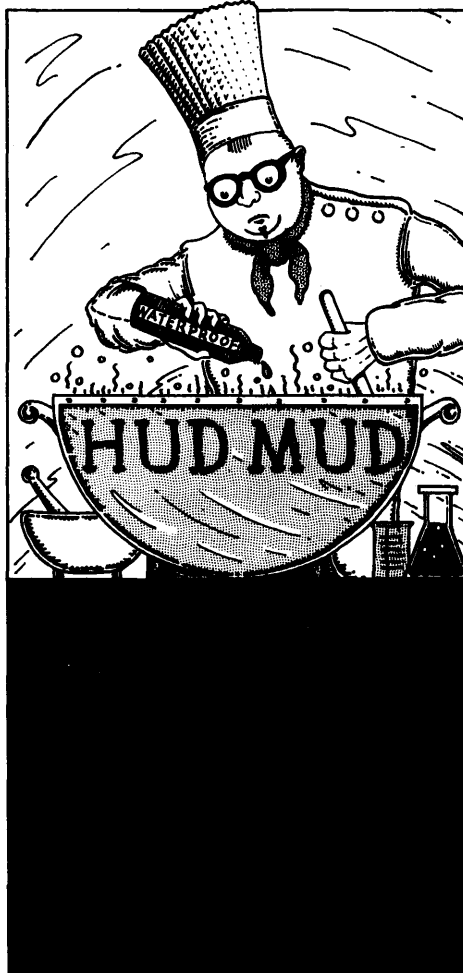
For more than 9,000 years of recorded time, people have built their homes of sun-dried bricks made of soil, water, and human sweat. It is the most popular building material in the Southwest, mainly among Native Americans and Hispanics whose South American ancestors first learned about *adobe*—Arabic for "sun-dried brick"—from the *Conquistadores*.

Modern architects have also discovered the virtues of adobe as a "passive" solar insulator: it stores up the sun's daytime heat for those cold desert nights, and during those sizzling Southwest summers, shields cooler interiors from the sun's searing rays.

But that was before the U.S. Department of Housing & Urban Development came to the Pueblos of New Mexico and decided to wrap *adobe* housing in red tape.

As a recent front-page article in the *Wall Street Journal* concludes: "A modern bureaucracy can so hopelessly muddy the recipe for this venerable sun-dried brick that Government-financed adobe housing for Indians is nearly impossible."

Ignoring thousands of years of history, HUD finds nothing in its regulations and spec books to prove to its satisfaction *adobe's* ability to insulate or to stand up to the next rainstorm. "We have no test-



ing procedures to fall back on," says Norman Suazo, a HUD architect. As far as HUD is concerned, counters Charles Dorame, administrator of the Tesuque Indian Pueblo, adobe is "just a slab of mud that's going to deteriorate." Until proven otherwise, HUD wants an asphalt waterproofing substance added to the "soup" and demands the bricks be lined by insulation as good as that used in woodframe housing before it agrees to finance.

There's only one small problem, says

the *Journal*: "*adobe* houses built to [such] government specifications are so costly that HUD won't finance them." Conforming to HUD's standards would add at least \$20,000 to the cost of each home, and then would be self-defeating since the asphalt additive would probably inhibit the bond between the dry brick and wet mud mortar, never mind what it would do to *adobe's* "passive" solar properties.

Adding to the cost is the Davis-Bacon Act which the *Journal* describes as "another neat bureaucratic niche into which *adobe* simply doesn't fit." The Act requires Federal contractors to pay prevailing wages on government projects, but its rules don't mention the ancient and honorable craft of "*adoberos*." Thus, *adobe*-makers would have to be either "masons" or "bricklayers," both skilled trades that would drive labor costs up from \$5 to \$15 an hour.

The impasse also runs smack into the efforts of the Federal Economic Development Agency to create jobs in an area where unemployment runs at about 25 percent. EDA has just spent \$160,000 on *adobe*-making machinery for the San Juan Pueblo.

HUD is clearly embarrassed. "It's very difficult for me to understand why the Indians have ancient Pueblo structures that are comfortable in the winter and summer, yet the federal government can't do it," the *Journal* quotes Astrid Trauth of HUD's Indian Programs Office. "I don't think anybody is the bad guy. *Adobe* is just a traditional building material that has run up against a modern, technological, standards-oriented society."

At last report, HUD and other federal and state agencies had budgeted \$245,430 to study the "energy efficiency" of *adobe*. ♦



HAUNTING ECHOES OF THE LAST ROUND -UP: "9066" REVISITED

by James G. Trager

A few days after that "day of infamy" at Pearl Harbor, Lt. General John L. DeWitt, CO of the Fourth Army Western Area Command, spoke for millions of outraged Americans. "A Jap is a Jap. It makes no difference whether the Jap is a citizen or not...."

And so it was, earlier this year, when the newspapers and TV in recent months showed Americans savaging Iranian students and businessmen—many of them U.S. citizens—some of us couldn't help but think back to the time, nearly 40 years ago, when a similar ugliness befell the more than 120,000 Japanese-Americans on the West Coast. Perhaps having a Japanese wife makes me especially sensitive to an analogy between these isolated incidents and what the American Civil Liberties Union in 1942 called "the worst single wholesale violation of civil rights in our history."

This time there is no racial motivation, no hysteria about "fifth columnists," no thought that the Ayatollah plans to bomb the U.S. mainland. Despite the gradual escalation of U.S. responses to Iran's seizure of American hostages, including the move by the Immigration & Naturalization Service to get Iranian students to prove their status, there is no suggestion that the outbreaks against some of the 200,000 Iranians were in any way sanctioned by the White House. Still, the common thread of revenge, of lynch mob psychology or scapegoating is there to be seen.

Finding historical precedents for current outrages can be treacherous. It would be easy to exaggerate the common denominators between the signing of Executive Order 9066 by President Franklin D. Roosevelt on February 19, 1942 and the burning of a Dallas clothing store, the assaults on college campuses and all the "Iranians Keep Out" signs that grace storefronts and restaurants across the country.

The essential difference is that "9066" was not just a

mindless act of patriotism but a calculated presidential policy decision—a decision arrived at after much deliberation by the executive and legislative branches of government, and then given the blessings of the judicial. The decision had nothing to do with any "clear and present danger" and almost everything to do with the basest of racial prejudice and economic greed. Before Pearl Harbor, as an innocent American read about the wretched excesses of the Nazis—including their promulgation of the Nuremberg Racial Laws turning Jews into non-persons, followed by the Nazi expropriation of Jewish property and the expulsion of its owners—people insisted "it can't happen here."

After Pearl Harbor, it almost did.

Executive Order 9066, lest we forget, rustled up 120,000 Japanese-Americans and herded them into "relocation centers" in some of the most barren, Godforsaken parts of California, Idaho, Utah, Oregon, Washington, Colorado, Arizona, Wyoming and Arkansas. Fairgrounds, livestock exhibition halls and race tracks were converted into virtual concentration camps, surrounded by barbed wire fences protected by rifle-wielding guards in watch-towers. Many of the living quarters were horse stalls, some complete with manure. While most camps held 5,000 detainees, the converted Santa Ana race track near Los Angeles held over 18,000 Japanese-Americans. Out of the 120,000 detainees in all camps, about one-half were under the age of 21, approximately one-quarter were young children and many were the elderly. Not one was tried for any crime, but nearly all lost their homes, jobs, businesses and farms.

The facts behind that mass evacuation of Japanese-Americans from their West Coast homes—the inconsistencies, the ironies, the naked racial bias—boggle the mind. Taken together, they are a reminder of the excesses that even this democratic society is capable of sanctioning in wartime.

Nearly two-thirds of the internees were *Nisei*, native-born American citizens many of whom were young children and infants. The others were, for the most part, elderly *Issei*, immigrants who, in countless cases, lost everything they had worked for and saved over many years.

James G. Trager is author of the recent bestseller, The People's Chronology. He has also written Amber Waves of Grain, a 1973 expose of the U.S.-Soviet secret wheat deal which contributed to the current American food price spiral. Trager is married to the photographer Chie Nishio, a Japanese national.

Japanese living in the Hawaiian Islands, often in close proximity to naval bases and air stations, were not interned. They were nearly 2,100 miles west of San Francisco and less than 3,400 miles east of Yokohama, but they were too important to the local economy and to the U.S. military effort for any action to be taken against them. And, unlike California, Hawaii was not in the throes of a gubernatorial election.

No German or Italian aliens, certainly no Americans of German or Italian descent, were interned except in the cases of diplomats and clearly identified enemy agents. Not having the telltale epicanthic fold—"slant eyes"—they enjoyed virtual immunity. "When we are dealing with the Caucasian race," intoned California's Attorney General and gubernatorial aspirant Earl Warren, "we have methods that will test [their] loyalty." But for Americans of even 1/32nd percentile Japanese ancestry—that would be ancestry traceable to one's great, great, great grandparent—government oversight was required. The old "Yellow Peril" talk again proved to be as good for votes and newspaper sales as it had been in the earlier part of the century, when the Chinese "coolies" faced such laws as a San Francisco ordinance that taxed pigtales.

But after 1941, the wartime climate triggered an epidemic of suspicion that sharpened any pre-existing animosities.

"Rumors about Japanese fields of flowers and vegetables planted 'arrowlike' pointing to nearby military installations reverberated through California and beyond."

The recent Steven Spielberg film, *1941*, may not have achieved the comic heights intended, but it documents accurately enough the climate of fear prevalent in wartime America. After a stray Japanese submarine lobbed a few shells into an oil-field near Santa Barbara on February 23, 1942, Californians grew increasingly fearful that a Japanese combined sea-air attack of their coastal cities was imminent. San Franciscans learned to respond quickly to frequent air-raid siren alerts and black-outs. The only Japanese aircraft to appear over United States territory, however, didn't show until November, and then only up north in Oregon. It turned out to be a submarine-launched, pontoon-equipped Zero piloted by Flying Officer Nobuo Fujita of the Imperial Japanese Navy. Fujita flew two sorties over a tinder-dry forest but his incendiary bombs failed to trigger the intended fire storm.

The absence of an invasion by the People of the Rising Sun was apparently troubling to politicians. Worse, despite all the circulating rumors, there was no sabotage. Americans everywhere held their breath—and nothing happened. This silence aggravated chauvinistic worries captured in Earl Warren's frettings on the campaign trail: "...this is the most ominous sign of the whole situation. It convinces me more than perhaps any other factor that the sabotage we

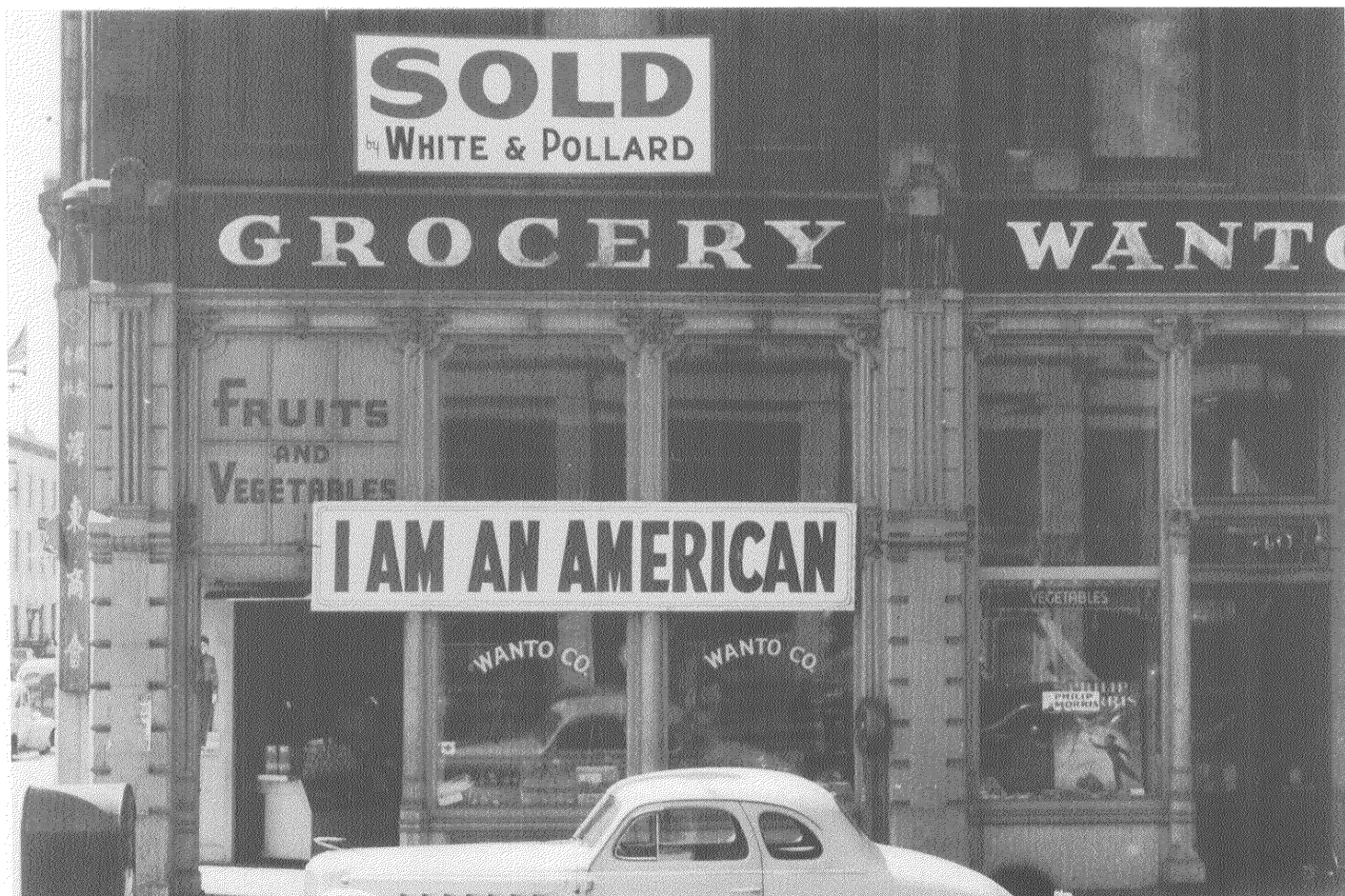


are to get, the fifth column activities, are timed just [as] Pearl Harbor was timed and just like the invasion of France, and of Denmark, and of Norway, and all of those other countries [sic]."

The *Nation* in its March 7, 1942 issue found the West Coast "more jittery" than the rest of the country. "Rich folk are leaving San Francisco, Seattle and other places for the safety of inland Arizona and Nevada," reported Louis Fischer. "Most people I have encountered this month in California, Oregon and Washington believe they will be severely bombed...this intensifies the manhunt on Japanese-born and American-born Japanese who, it is alleged, might try to capture cities, shipyards and plants during the raids. I talked to women who were honestly afraid that Japanese truck growers would poison their vegetables."

It's fair to point out that during this period a few political leaders came to the defense of the victims. One of them, Governor Ralph Carr of Colorado, offered to accept citizens of Japanese descent and guard their constitutional rights. But such voices of reason could not stem the growing tide of hysteria sweeping the nation. Rumors about Japanese fields of flowers and vegetables planted "arrowlike" pointing to nearby military installations reverberated through California and beyond.

As a teenager making his first visit to California in the



summer of 1941, I heard people lower their voices when their Japanese gardeners came within earshot. Some “Japs,” they told me, had been seen photographing military installations. Or was it naval installations? Or the approaches to the then four-year old Golden Gate Bridge? The year before, on a trip to Virginia, I’d felt a physical revulsion at the sight of restrooms, drinking fountains and public benches labeled “White Only” or “Colored.” But after Pearl Harbor, my view of the Japanese was peculiarly altered by the stereotypes that films, comic strips and magazine illustrations had created. I’d read about Warsaw, Rotterdam and London, but the Nazis looked not unlike most Americans. “Japs” were something else—sneaky, unpredictable, fanatical, bestial and racially alien. (Who hadn’t heard about the December, 1937 “Rape of Nanking”?) What was it that Mississippi Congressman John E. Rankin had said? “Once a Jap, always a Jap. You cannot regenerate a Jap, convert him and make him the same as a white man any more than you can reverse the laws of nature.”

The fever was contagious. Even the wise Walter Lippmann, ardent champion of civil rights, fell victim. In his nationally syndicated column he declared the Pacific Coast “an official combat zone.” And no one, certainly not the Japanese working there, had “a constitutional right to do business on a battlefield.” There was plenty of room for

them on less threatened terrain elsewhere in the U.S.

Some of Mr. Lippmann’s brethren were more vicious. The Los Angeles *Times* editorialized: “A viper is nonetheless a viper wherever the egg is hatched, so a Japanese-American, born of Japanese parents, grows up to be Japanese, not American.” Westbrook Pegler chimed in by writing, “to hell with *habeas corpus* until the danger is over.”

Maintaining his equilibrium, *The Nation’s* Louis Fischer found press and politicians to be “out for blood and wholesale internment. Jingoism are endeavoring, under the cover of wartime, flag-waving patriotism, to do what they always wanted to do in peacetime: get rid of the Japanese, harness labor and frighten the liberals. Cheap demagogues,” he concluded, “are having a field day.”

Nearly 30 years later, however, FDR’s biographer James McGregor Burns would write that “only a strong civil libertarian president could have faced [the chauvinists] down, and Roosevelt was not a strong civil libertarian. Like Jefferson, he was all for civil liberties in general but easily found exceptions in particular.”

But racial suspicion and political opportunism were not the sole motives for internment. There were economic advantages in removing the American Japanese from their property. These Japanese were the children and grandchildren of a people who had revolutionized California’s fishing

industry; who taught California's farmers how to develop good potato seed—making California, not Idaho or Maine, the nation's largest potato producer; who pioneered in land reclamation; who organized produce-growing to provide for a steady year-round flow to Eastern markets. Thus, by the end of 1941, Japanese-American farmers controlled 42% of the commercial truck crops grown in California—22% of the nation's total. They tilled only 3.9% of the state's farmland, but as much as 90% of California's artichokes, cauliflower, celery, cucumber, peppers, spinach, strawberries and tomatoes were Japanese-American grown.

Little wonder that members of the Western Growers Protective Association coveted those truck farms, especially if they could be picked up for virtually nothing at eviction sales. Others, notably the patriots of the Native Sons of the Golden West hungrily eyed all those other products of the legendary Japanese work ethic: the urban neighborhood fruit stands, grocery stores, florist shops, restaurants, and drycleaning establishments. As Carey McWilliams explained in the March 2, 1942 *New Republic*, "People are prone to forget, in a moment of excitement, that special-interest groups have axes to grind against the Japanese." Not only had White American nursery men already organized a boycott of Japanese firms, reported McWilliams, but now there was a proposal that "all Japanese be moved out of the coastal areas...and put to work on a semi-conscription basis as farm laborers in the San Joaquin Valley 'at reasonable wages.'"

As it turned out, that was one of the more benign proposals; more prevalent were calls to "deport" the Japanese and to "expropriate" their lands outright. In late 1941, spokesmen for the Grower-Shipper Vegetable Association traveled to Washington to assure Congress that "no vegetable shortage" would result from such a seizure. Many of those calling for mass deportation back to Japan eventually realized the impracticality of their scheme and settled instead for "incarceration." But even then they worried that "because Japs multiply like rabbits" the camps would become "breeding farms." Why not, suggested one California congressman, offer them a choice of "sterilization or deportation"?

Many internees did wind up working as voluntary field hands and were credited with saving the 1942 sugar beet crops in Utah, Idaho, Montana and Wyoming as well as Arizona's cotton crop. But no sooner were they locked up than agitation began to build against their eventual return to California from inland concentration camps.

Twenty-four years later, former U.S. Supreme Court Justice Tom Clark rued the day that he, as Assistant Attorney-General under Francis Biddle, had successfully argued the case before the Court. On his retirement in 1966 he said, "I have made a lot of mistakes in my life. One was my part in the evacuation of 1942. I don't think that served any purpose at all. We picked them up and put them in concentration camps. That's the truth of the matter. And as I look back on it...I am amazed that the Supreme Court ever approved it."

It was Earl Warren, the same Earl Warren who would one day occupy a lofty place in the pantheon of American

civil rights heroes because of *Brown v. Board of Education*, who convinced Clark that nobody could determine which of California's 94,000 or so Japanese—60,000 of them U.S. citizens—could be trusted. Clark had been dispatched to Sacramento by Biddle to persuade California officials that a full-scale evacuation could not be legally justified. But when he got there, Earl Warren managed to convince him otherwise. In his memoirs, Biddle would later regret: "It was un-American, unconstitutional and un-Christian."

The irony was that all the evidence gathered by a secret FDR-appointed intelligence mission argued against evacuation. "There is no Japanese problem," reported Curtis B. Munson of the State Department. West Coast and Hawaiian residents of Japanese descent were "extraordinary" in their loyalty to the U.S. *The Nisei*, especially, were "pathetically eager to show [their] loyalty."

Yet, by May 1942, most Japanese-Americans and their extended families had been herded into 15 assembly centers prior to being sent to the squalor of tar-paper barracks in some of the bleakest spots of the far West. They were yanked out of the lushest part of California to live in 20' x 100' "family-sized apartments" and "bachelor wards," while temperatures outside plunged to minus-30 F. and sandstorms and blizzards ripped through the pine boards.

"We picked them up and put them in concentration camps....As I look back on it...I am amazed that the Supreme Court ever approved it."

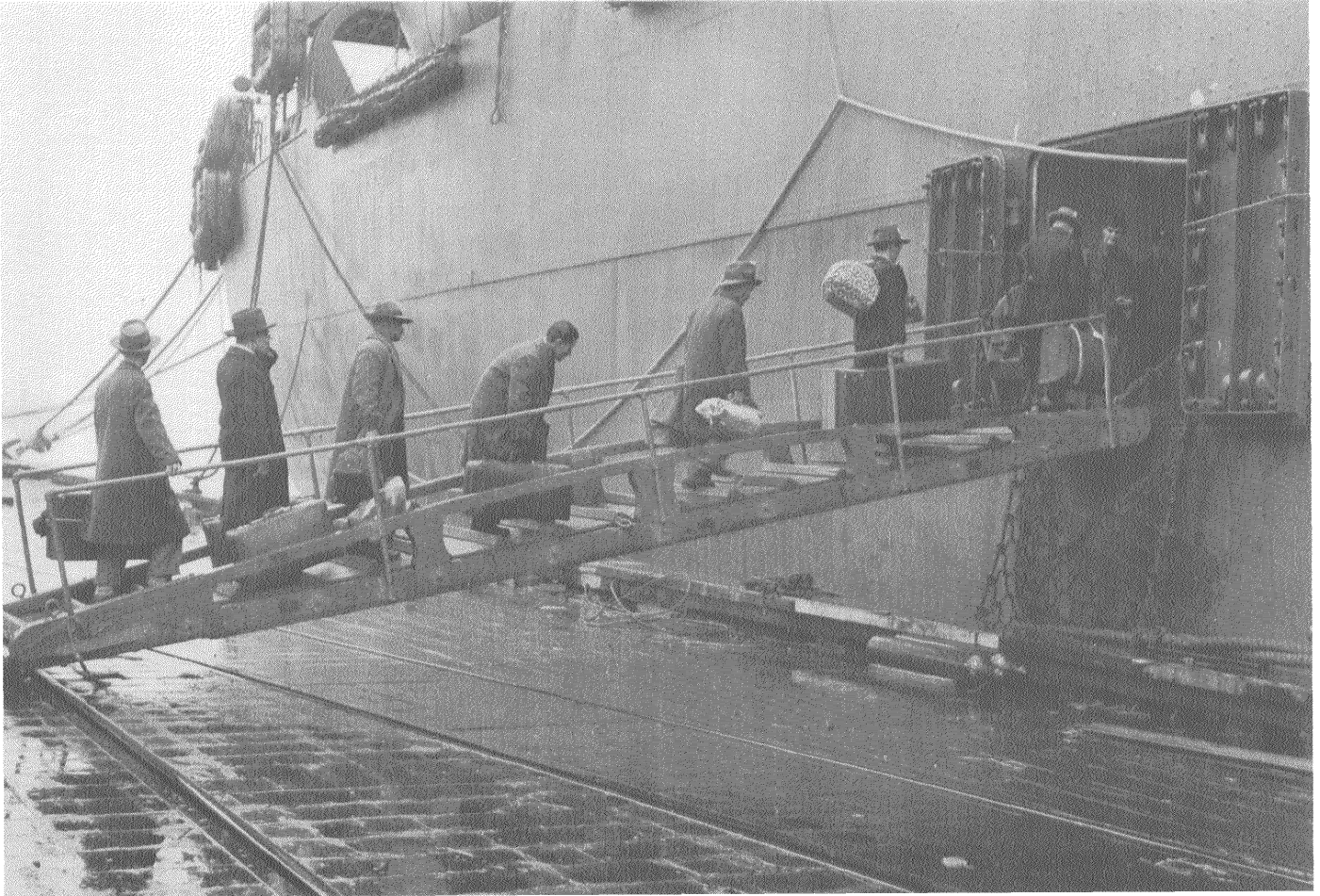
Today I find it hard to believe that as a nation we could have been so callous, so obtuse. At the time, of course, like so many other fervently patriotic Americans, I found this mass evacuation to be the most natural thing in the world.

Ida Shimonuchi, who in the 1970s taught literature to two of my children in Riverdale, N.Y., was a high-school girl at that time in San Francisco. She remembers being herded with thousands of others into the Tanforan Race-track on April 28, 1942.

"People made the best of it. Some put signs over their quarters reading, 'Home of Sea Biscuit' or 'War Admiral'—the famous race horses of the late 1930s—but the food was awful and the situation full of uncertainties till they sent us to the camp at Topaz, Utah. That looked good after the assembly center. The living conditions were spartan, and one old man was killed by a guard. That caused quite a stir. He was a bachelor, hard of hearing. He'd wandered out towards the sagebrush with his dog and didn't hear the order to halt. But I never heard any rancor, nor bitterness, of any kind. I guess young people who were engaged to Caucasians, or whose personal lives were disrupted in other traumatic ways, must have been less philosophical, but for most there was a kind of *c'est la vie* attitude."

Another Japanese-American, John Tanaka, now a New York advertising agency art director, was only seven when his family was shipped off to Poston, Arizona, where the





first camp was opened. He remembers that the food was bad but has happy recollections of swimming in the irrigation canal. His four older brothers served in the U.S. Army, two of them leaving Poston to join the all-*Nisei* 442nd Infantry Battalion which emerged from the Italian and French fighting with more decorations—and more casualties—than any other unit of comparable size and length of service in Army history. It should be stressed that the Japanese Americans suffered not only voluntary internment but enlisted in the army in order to prove their loyalty as citizens. (More than 30,000 Japanese-Americans served in the armed forces during World War II, some with Merrill's Marauders in Burma. The mortality rate was fearful, the 442d alone sustaining 9,486 casualties.) And yet, the fear and bigotry directed against Japanese-Americans back home continued unabated. In 1945, the American Legion Post of Hood River, Oregon, managed to have the names of all the local *Niseis*, including those followed by a gold star, removed from the town's Honor Roll.

The Tanakas were fortunate; they had managed to rent their house in Santa Ana rather than sell it, and so were able to return there before V-J Day. Those with no houses to reclaim had to remain in the barracks as late as March, 1946.

For most, the internment camps must have been a night-

mare: public toilets without partitions or doors; cold showers instead of the hot tubs that are so much a part of Japanese culture; unpalatable food; the humiliation of being treated like cattle. And this is to say nothing of blighted careers, ruined businesses, the loss of possessions left behind in supposed safekeeping but later looted by rapacious neighbors. Staggering financial losses, in fact, forced some 8,000 to return to Japan penniless in the ten months after V-J Day.

If the displaced persons of Europe caught up in the wake of World War II had counterparts in America, they were the survivors of Manzanar and Tule Lake, California; of Gila River and Poston, Arizona; of Heart Mountain, Wyoming and Minidoka, Idaho; of Topaz, Utah, Granada, Colorado and Jerome, Arkansas. But there were also lesser known detention centers—Fort Lincoln, North Dakota; Crystal City, Texas; Lordsburg, New Mexico—to which this nation condemned many people whose only transgression was their racial origin.

In retrospect, the position of the U.S. Government on the Japanese-Americans appears little better than the racial policies of the enemy overseas. The policy was sadly consistent, however, with the government's earlier treatment of its minorities. Indeed, there are historical precedents to be found for Executive Order 9066. Consider the tale of the



Acadians celebrated by Longfellow in his *Evangeline*, or the Trail of Tears, the Long Walk and other milestones in the tragic chronicles of our forefathers' dealings with Native Americans. The Soviets have their Gulag, we have ours.

And like our Native Americans, the Japanese-Americans sustained a tragic loss of property—an estimated \$400 million in material possessions. Only \$40 million, ten cents on the dollar, was ever returned. And much of that was in depreciated dollars.

The evacuees deserve more than they have received, but nobody seriously believes they will ever get more. Congress approved the mass evacuation of 1942, the Supreme Court upheld it, and although tens of thousands of American *citizens* suffered incalculable losses, their government is fearful of setting precedents. The \$25,000 a head or \$3 billion in reparations asked by the Japanese-American Citizens League would almost certainly invite new claims by one million Native Americans or the 25 million descendants of Kunta Kinte and his fellows.

What sticks in the craw is the absence of an official apology from the government for its wrongs. Nor should it be forgotten that Earl Warren, who won the California governorship in 1942 and was twice re-elected before rising to Chief Justice, never did repudiate his sad role in all of this.

There are those who convincingly argue that what hap-

pened was symptomatic of the times. But it can happen again, for the same elements may see nothing exceptional in the physical violence visited upon U.S. passport-carrying Iranians and Iranian-Americans after the 50 Americans were seized as hostages in the Teheran embassy last fall.

Interestingly, these most recent transgressions came at a time when some clearer-thinking heads renewed efforts to take up the cause of moral redress of Executive Order 9066.

And it may be that Congressional leaders are about to persuade the nation to accept responsibility for that past. Not satisfied with President Gerald Ford's half-hearted 1976 *mea culpa* that the 1942 evacuation was "wrong," eight U.S. senators introduced S. 1647 in August, 1979—a bill to establish a 15-member Commission on Wartime Relocation and Internment of Civilians. (The bill's sponsors were Hawaii's Daniel K. Inouye and Spark Matsunaga, California's Alan Cranston and S.I. Hayakawa, Idaho's Frank Church and James McClure, and Washington's Warren Magnuson and Henry (Scoop) Jackson.) The following month, Majority Leader Jim Wright of Texas led 113 co-sponsors to introduce a similar bill (H.R. 5499) in the House and in November, Congressman Mike Lowry of Washington state, with sixteen members of the House, sponsored H.R. 5977 which would have authorized direct redress to the World War II detainees. The outcome was an amended version of the Sen-

"The Federal Government itself has yet to acknowledge the wrong which was committed in complete disregard of the process of law."

ate bill which won the support of both houses and was signed into Public Law 96-317 by President Carter on July 31, 1980.

As Senator Matsunaga put it, "Although historians and many Americans have long recognized the internment of the Japanese-Americans as a black page in American history, the Federal Government itself has yet to acknowledge the wrong which was committed in complete disregard of due process of law."

Public Law 96-317 does not address the issue of reparations. It merely provides for an objective, unbiased study of the 1942 episode. For the victims of Executive Order 9066 this may seem an empty gesture, but it will at least serve to remind many of us of our capacity to match the wretched excesses we are quick to pin on other nations. As Clarence Mitchell, Chairman of the Leadership Conference on Civil Rights, put it recently, should such a bill become law, "our country will then be able to speak with greater confidence and credibility when it rightly calls for respect for human rights in other parts of the world." While it's too early to tell exactly what findings and recommendations the newly created commission will eventually convey to Congress and the President, the fact that such a commission is finally in place is an important, if overdue, step in setting right a grievous wrong. ♦

Hardlining Title IX: WHO'S OFF-SIDE NOW?

by Karen deCrow

"It is indecent that the spectators should be exposed to the risk of seeing the body of a woman being smashed before their very eyes. Besides, no matter how toughened a sportswoman may be, her organism is not cut out to sustain certain shocks..."

—Baron Pierre de Coubertin, Founder of the modern Olympics, 1896

"...no person in the United States shall, on the basis of sex, be excluded from the participation in, denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance."

—Title IX, Education Amendments of 1972, Higher Education Act of 1965

It's a good thing that former Judge Shirley Hufstедler of California likes such rugged outdoor sports as backpacking and mountain climbing. As the incoming head of the newly formed U.S. Department of Education, she will have to do the legal equivalent of both in order to enforce that part of Title IX which is supposed to guarantee women equality in athletics. Between de Coubertin's *dictum* and that which has been the law of the land since 1972, lies the high ground Hufstедler will have to conquer. I speak of the playing fields of intercollegiate sports, the last stronghold of the Male Mystique which the men aim to keep as long as they can.

For, at some point this year, the National Collegiate Athletics Association will argue in the U.S. Circuit Court of Appeals for the 10th Circuit in Denver

that since college teams don't receive "federal financial assistance," the Government is unjustified in using Title IX to enforce equality of opportunity on campus. Its other arguments are weak.

The NCAA claims, for example, that "Women really don't want to participate." Yet at every level, from kindergarten through professional sports, females are rushing into athletics in unprecedented numbers. Even the NCAA reports that it sponsors 21 sports for women, the most popular being basketball, followed by volleyball, tennis, field hockey, softball and swimming. Its own statistics for 1976-77 show that 64,375 women participated in intercollegiate sports, more than double the number five years previous. (Male participation during this time came to 170,384).

According to the National Federa-

tion of State High School Associations, there are now, in the year 1980, more than 450,000 high school girls playing basketball, for the number of programs has risen from 4,856 in 1970 to 15,290 this season. An equally dramatic increase is reported for other high school sports, including cross-country skiing, up from 1,719 in 1970 to 59,005 in 1980.

Not interested in sports? Women's enthusiasm for sports is clear. Nevertheless, the male position has changed very little over the past half a century. I was amused, recently, to read an editorial in the Oct. 31, 1930 *Syracuse Alumni News* that urged women students to "look interested" at football games.

Judging from the attitude of the students at the previous games this season, Syracuse women have little interest in football. They arrive after the opening play, they forget that their cheering is essential in developing real college spirit, and they

Karen deCrow is a member and former (1974-77) National President of the National Organization for Women (NOW). She is a graduate of both the Medill School of Journalism and the Syracuse University School of Law. In 1969 she was the first woman to run for Mayor of Syracuse as the candidate of the Liberal Party.



begin leaving early in the last quarter until the final whistle finds *the women's section* (italics mine) practically deserted....In exchange for your student pass you pledge yourself to support Syracuse teams, not by attendance alone, but by your courtesy and cooperation. If you find the games boring, stay at home.

The NCAA claims, moreover, that "women's sports are a financial drain, can't pay for themselves, and are in fact supported by football." But the NCAA refutes its own argument. Its report, "Revenues & Expenses of Inter-Collegiate Athletic Programs" shows that of the 475 member institutions with varsity football programs in 1977, only 92 (or 19 percent) achieved revenue from football at least equal to the team's operating expenses. Eighty-one percent did not break even. Far from making enough money to support itself, football often saps other programs of funds.

Take Syracuse University. The administration staunchly maintains, despite its refusal to release budget figures, that S.U. football makes money. When pressed, however, aides admit this "profit" does not take into account the monies spent on athletic scholarships and when one starts toting up tuition, room, board, books, fees and a number of unofficial perks, that "profit" turns into a loss. We are not talking about loose change, for a full scholarship can easily add up to \$8,000 or more per year.

Last December 4th, Patricia Roberts Harris of HEW (which had purview over Title IX until April 1st this year) blew the whistle. "Institutions can, and must, respond to the needs of women," she stated and went on to establish guidelines on sports equipment and facilities, scheduling of games, allocation of *per diem* expenses, publicity, etc. This means that if, for example, 70 percent of college athletes are male, then they should only receive 70 percent of the scholarship money. But in spite of these guidelines, 83 percent of the scholarship money at Syracuse goes to the male athletic population of 75 percent. Only 17 percent is allotted

Far Above Cayuga's Waters

At Cornell University, whose women's sports program is one of the oldest, biggest and, according to many sports buffs, the best found on any American college campus, they're slowly coming to terms with Title IX. But the road to sexual equality is not without its stumbling blocks.

"Cornell never had a philosophical hang-up about women participating in collegiate athletics," says Martha Arnette, director of women's athletics. "Maybe more important, women's sports here have been participation-oriented, not spectator-oriented." Women have been on the Ithaca playing fields since the 1920s, when Cornell introduced women's fencing—a sport it still dominates among the Ivy League schools. Still, compared to men's sports, Cornell's women's program tended to be "sub-par" until Title IX came along, Ms. Arnette admits. Until Title IX, there were only three team sports (basketball, field hockey and fencing) operating on a shoestring budget of \$12,000 a year. Since Title IX, the budget has ballooned to \$343,000 during this past academic year to support 16 team sports, four clubs (golf, soccer, rugby, and softball) as well as synchronized swimming.

"Title IX is a real plus," adds the university's athletic director, Dick Schultz. "Without it, we'd have difficulty going to the administration for additional funds just on the merits of building a better women's sports program. It's always easier when they *have* to do it. Title IX supplies the impetus."

The men's sports program for '79-80 is budgeted at about \$500,000, most of which comes from gate receipts from such spectator sports as football, basketball, hockey, lacrosse and soccer. Schultz agrees that budgets may not be equal but they're comparable, considering the ratio of men to women athletes—1,000 to 400—as well as the five excluded revenue sports."

Actually, the women's intercollegiate sports program got under way nine years before Title IX became law. In 1963, a new women's gym was built. Unlike the controversial new Carrier Dome at Syracuse University [see main story, page 00], the Cornell women's facility gives women their own basketball courts, an Olympic sized swimming pool, a bowling alley, even a dance studio. But not until Title IX did Arnette's staff get the budget with which to buy additional equipment and—more important in terms of generating serious Ivy League competition—pay for travel expenses. "A lot of travel is necessary where distances to other schools and to regional and national meets are great." The ability to compete has brought home to Ithaca numerous regional and national titles and trophies in polo, fencing, gymnastics, and ice hockey.

Even so, Arnette admits to being on guard against male encroachment. "When the gym facilities aren't scheduled for women, they're taken over by the men."

The new and larger budget is now separated from the physical education program, which in turn has been streamlined on a co-ed basis. Budgeting, notes Arnette, tends to make women's programs more self-sufficient. "Each coach has to budget funds for travel and other needs. But they also have to go to the alumni or elsewhere to cover expenses the budget doesn't."

This, of course, leads women more into revenue production, which depends heavily on facilities and seating capacity. As the women's gym seats only 250, a number of paid admission women's sports are held in Barton Hall, the university's field house. There, complains Arnette, the women come up short. Locker room facilities, poor for the home team, are non-existent for the visiting teams. And scheduling coordination is "insufficient," which means that if anyone gets bounced, it's apt to be women first.

Dick Schultz is defensive, suggesting it is more "their" problem than "ours." Because the men's teams have been at it a lot longer than the newly-organized women's teams, and schedule their meets two or three years in advance, the women

can't expect parity just yet.

Another inequity exists between the amount and degree of alumni support given the teams. Whether revenue or non-revenue producing, Schultz says, all the men's teams have their booster clubs or fundraising alumni, while the women's teams don't.

"In time, female sports will build up more extensive schedules and produce supportive alumni. A recent study shows it takes about nine years for former athletes to become supportive alumni. Women's sports aren't that old yet."

The women also complain that Cornell's sports information office hasn't done much to get the word out, that its efforts over the past few years have been largely limited to the printing of schedules and brochures on the individual teams. Schultz contends the problem is not output but the factor of media interest in women's sports. "It's a matter of educating the sports writer and broadcasters," he says. "Even in men's sports, they're primarily interested in the major teams. They actively seek information on them but—for example—use little of what's put out on sports like baseball." Intramurally, the greatest impact of Title IX on Cornell has been in upgrading the stature of the sports faculty. A recent reclassification of Cornell coaches increased women's salaries by as much as \$5,000 a year, cut their teaching (physical education) loads, and extended their pay periods from nine to 11 months a year. Ironically, this prompted the women coaches to sue for back pay, as the "catch-up" raise was legally tantamount to an admission of past sex discrimination. Of the six coaches who sued, five settled out of court and resumed teaching. The sixth—former gymnastics coach Gretchen Dowsing—refused to settle and resigned to press her case.

Dowsing is frankly torn between her affection for the school and its people and her disenchantment with "the present athletic administration" which, she insists, "lacks a real concern for women's athletics." Talking with her and Dick Schultz one is presented with a contradictory picture of the athletic *status quo*.

Still, there appears to be movement. Where once the women athletes shared two trainers from the men's teams, they now have their own as well as a healthy number of assistant and part-time coaches. What this means academically is explained by Martha Arnette:

"Many women are choosing Cornell for its better sports program, and the athletes we get are better because of what Title IX has done for female sports in high schools.

"According to a recent study, the athlete does better academically than the non-athlete, the female athlete better than the male—and better in season than out." Why is that?

"Because they have to be highly organized, committed and motivated, more so than the men...."

—Sally Willson and Pat McCaffrey

to, women and women comprise 25 percent of the "jocks."

Unquestionably, compliance with the guidelines has been spotty. But what is worse is that some schools tend to circumvent the rule by withholding from women full rights scholarships and giving them only tuition.

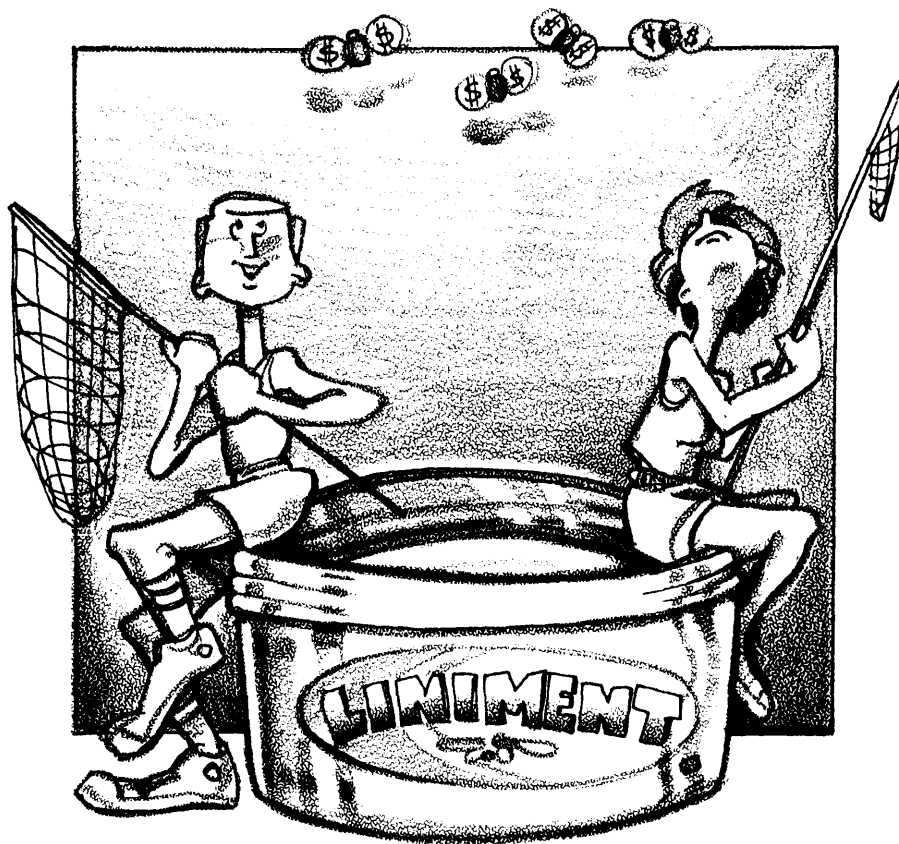
For the women at Syracuse who have received athletic scholarships since 1975, there are six varsity sports. Last year, 1979, only 36 women got full *tuition* scholarships. The administration says it cannot compete with schools that give full rights scholarships in recruiting athletes. It did not specify gender.

The logic is spurious. In the South, women's basketball packs in crowds; a recent game between Old Dominion and the Soviet national team drew 10,258 spectators. Given proper recruiting of women players, creative scheduling and promotion of games, and greater publicity on campus and off, there is no reason why Syracuse could not do likewise.

According to the *New York Times*, December 1979, "The only thing endangering the future of intercollegiate football is football itself." The NCAA complaint that the addition of women's programs contributes to the high cost of football is hogwash for, as its own statistics show, 72 percent of the cost increase in athletics in Division I football schools in fiscal years 1970-77 resulted from "inflationary effects and uncontrollable price increases related to maintaining *existing programs*" (italics mine).

No doubt, there are "reasons" for promoting men's sports at the expense of women's but these reasons are not fiscal.

This coming fall, Syracuse's home football games will be played in the Carrier Dome—a brand new air-supported domed stadium seating 50,000 and boasting private suites, an astro-turf playing surface and other luxuries that should drive the cost past \$30 million. New York State's Urban Development Corporation is picking up some \$15 million of construction costs, with the University paying the rest. And, as of last January alumni and various foundations had come through



The Fly in the Liniment

One interesting result of the government's renewed interest in Title IX has been a sharpening of the conflict between the NCAA and the Association of Intercollegiate Athletics for Women (AIAW). In fact, the AIAW was organized a few years back largely as a countervailing force to NCAA.

"The NCAA has suddenly got religion," says one AIAW official, citing the NCAA's "sudden decision" to sponsor women's championships, something it had been dead set against. AIAW resents the fact that NCAA will use its revenue-rich coffers to "entice" female athletes with expense money to play in *its* events. "They're taking over under the guise of compliance and 'helping' women's sports," says former AIAW officer Mary Hosking, athletic director for Hobart & William Smith College in Geneva, N.Y. "It'll break AIAW's back."

Further adding to AIAW's troubles is its own ambivalence about scholarships and recruiting. Where the Ivy League schools have hamstrung themselves by allowing only financial aid (limited to \$1,500 a year) rather than "scholarships" for athletic ability, AIAW-member schools go even further by coming down hard on any sort of friendly persuasion. The Association allows only talent searchers, which translates as "scouting." Yet, it permits "try-outs," which is something the NCAA forbids.

with \$8 million of the University's share. Financial support for college athletic programs and facilities for men has obviously not gone out of fashion.

The history surrounding the decision to build the Carrier Dome, however,

encapsulates the dilemmas faced by women athletes on campuses. In December 1977, when the Carrier Dome was first being discussed, the Greater Syracuse Chapter of the National Organization for Women (NOW) passed the following motion:

That the Chapter go on record opposing the construction of the stadium since facilities are being provided for a single sex, which is contrary to both the letter and the spirit of the law...

NOW pointed out that for the 1977-78 academic year, Syracuse awarded 145 athletic scholarships to men while it planned to *increase* the women's scholarships to 24 for the upcoming 1978-79 year.

Attempting to explain the disparity, the administration said Title IX only provided "reasonable opportunity" for scholarships for each sex in proportion to the number of students in intercollegiate athletics.

Syracuse's position at the time merely echoed the current official NCAA stance, which is that HEW itself never advocated "proportional equality" as a scholarship litmus test. NCAA's case has long rested on a 1975 HEW memorandum that points out:

Neither quotas nor fixed percentages of any type are required under the regulations. Rather, the institution is required to take a reasonable approach in its award of scholarships, considering the participation and relative interest and athletic proficiency of its students of both sexes.

But that was in 1975, and the Carrier Stadium was funded and underway after new guidelines were laid down by HEW Secretary Patricia Harris and reinforced by ED Secretary Shirley Hufstедler

Not surprisingly, some of the people most directly responsible for budgeting and implementing university athletic programs have expressed a realistic grasp of what Title IX is all about. "The challenge of Title IX," says Andrew Geiger, athletic director of Stanford University, "is not compliance but to raise the money for *all* of those things needed for women under Title IX. Scholarship money will have to come from the private sector for us. That's how we get our men's scholarship money."

A similar pragmatic view is expressed by Fred Miller, athletic direc-

tor of Arizona State University, who told *The New York Times* a few months ago that "the hard-liners against Title IX are shoveling sand against the tide." Never mind the philosophical underpinnings of the law, says Miller, getting men and women to compete on playing fields together "will save us all that money we talk about by synchronizing travel and other expensive items such as room and board on the road."

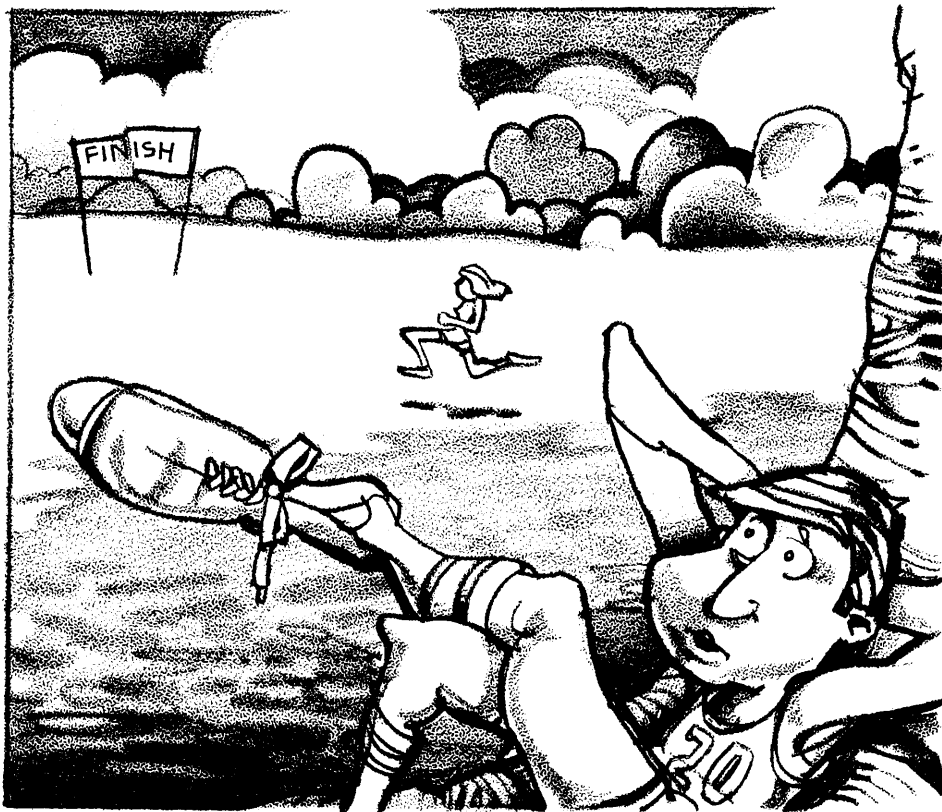
But Miller is talking futures while Syracuse is dealing with today's realities as it perceives them. In February 1978, the proportion of scholarships for Syracuse male athletes was 1 in 3; for women athletes, 1 in 4.5. The figures would lead one to expect that athletic scholarships would be divided between the sexes on a roughly 60/40 split in favor of men instead of the 86/14 split that existed in the past. Furthermore, the men's locker room facilities in the Manley Field House are four to five times larger than those for women, and the visiting team room for women is about as large as a walk-in closet.

"The hard-liners against Title IX are shoveling sand against the tide."

So, in December 1978, while the Carrier Dome was still in rough blueprint stage, Chancellor Melvin Eggers received a long letter from the Rev. Betty Bone Schiess, then the University's Chaplain-At-Large and also a member of Greater Syracuse NOW.

In her letter, the Rev. Schiess congratulated the administration on its plans, pointing out that the Carrier Dome would "provide the opportunity for women athletes to demonstrate their excellence" by promoting women's athletics "in a new and exciting way."

Wouldn't it be wonderful if Syracuse were the first in the country to take this opportunity seriously? We need not wait for government guidelines to bend our opinion. We have a fine women's athletics program which simply



ED's Shirley Hufstedler Takes Her Stand

Pointing to Title IX, the Federal law prohibiting sex discrimination in education, with guidelines for its application to intercollegiate sports, the new Cabinet officer said:

"One of my duties, and my pleasure, as Secretary of Education is to oversee its enforcement. I intend to use every means at my disposal to ensure absolute compliance with the law, not because discrimination in college athletics is the most pressing problem facing women today, but because Title IX is the pre-eminent symbol of the Federal Government's continuing commitment to women's rights."

—*New York Times*

May 15, 1980

needs more publicity, a larger forum and a fair share of the budgeted monies.

It would, of course, be an added blessing if we would recruit more good women to the campus in the process of promoting women's athletics. Since the projections for increases in enrollment demonstrate that women will provide a larger new pool of prospective students in the next ten years, it will be

wise to make special efforts to recruit them.

The message to the Chancellor was unmistakable. But just to make absolutely certain, Rev. Schiess added a postscript. "At the very least, [such an effort to integrate athletics] would keep affirmative action zealots from our door."

Clearly, Chancellor Eggers wasn't overly concerned about such "zealots." He didn't bother to acknowledge Schiess' letter. And in the Spring,

when HEW's Office of Civil Rights did its compliance review—while within earshot the Dome's foundations were going in—not a word was said about athletics. Instead, OCR focused on “admission to graduate and professional schools.”

Undeterred, Schiess and NOW members kept pressing the Chancellor. Finally, in early July, Chancellor Eggers wrote back, saying he would *not* meet with them to discuss Title IX compliance. The women were not surprised. On July 8th the Chancellor told the local NBC-TV affiliate (to quote a newscast transcript):

[he] didn't meet with the women because [he] isn't prepared to talk about the university's taking a leadership role in promoting women's sports. [He] says [he] has no plans to meet with NOW but that Syracuse University will comply with federal guidelines on women's sports. But [he] refused to say whether plans now drawn up for the stadium's construction include provisions for women's facilities.

After that statement, NOW's course was set.

Since millions of taxpayer dollars have already been poured into the Carrier Dome, NOW is contemplating legal action. Meanwhile, until the university clarifies its position in the light of the recently-published guidelines, NOW is urging alumni—male as well as female—to withhold their annual contributions and to refrain from purchasing the heavily-advertised box seats.

There is precedent for NOW's lawsuit. Not long ago, under state discrimination statutes, the Northwest Women's Law Center in Seattle filed a class action for women athletes and their coaches against Washington State University. The issue: the \$2.5 million WSU spent on expanding its football stadium while women's athletics went begging.

Still another suit is pending. Last November, the U.S. Department of Justice joined a private suit charging the University of Alaska with discrimi-

Enforcing Title IX = Cutting College Sports?

by Walt Smith

Title IX—federal regulations giving women equality in college athletics—has claimed wrestlers at Georgia and Florida and the Maryland-Eastern Shore football team among its first victims.

Southern Methodist University, meanwhile, says it will either drop baseball after this year, or continue the sport but eliminate all scholarship aid.

These cases, officials say, are just the beginning of a decline in “non-revenue” college sports for men in order to fund new women's programs.

The NCAA is appealing Title IX in federal court but, if the appeal fails, Assistant Executive Director Thomas Hansen said many schools—faced with soaring inflation and the expense of the women's programs—likely will be forced to cut back their male programs.

“I think institutions have just been waiting to see what the guidelines were going to be,” said Hansen. “The crunch may be yet to come. There is going to be a tremendous strain on institutions to fund these programs.”

“The only thing that will negate that is the requirement that a school must have eight sports to be classified in Division I.”

The Department of Health, Education and Welfare, prodded by civil rights and feminist groups lobbying for equal rights for women, first handed down its guidelines for college sports in 1978, prompting the suit by the NCAA. It amended them this past December.

A federal judge threw out the NCAA suit, saying the NCAA was not directly involved since the guidelines affected individual schools. The NCAA is appealing that ruling. Hansen said it will be three or four months before the appeals court rules. Meanwhile, Civil Rights investigators are being trained to investigate 98 complaints of alleged discrimination that have already been received nationwide.

The complaints involve some of the major athletic powers including Alabama, Ohio State, Michigan, Georgia, Missouri, Florida, Maryland, Georgia Tech, Kansas, South Carolina, Minnesota, Wisconsin, Purdue, Iowa, Washington and Vanderbilt.

“We will probably begin the investigations sometime in April,” said Louis Bryson of the regional Office of Civil Rights in Atlanta.

He said the complaints generally involve “lack of scholarships, differences in per diem and traveling, equipment and one or two talk about coaches' salaries.” He said most of the complaints were filed by students but a few were filed by coaches of the women's teams.

“If a school is found in non-compliance, we will seek voluntary compliance,” said Bryson. “If we can't resolve it on a voluntary basis, our course of action is to recommend that administrative proceedings be initiated which could lead to the termination of federal assistance to the school.”

The new Title IX guidelines state that women's athletics must receive a proportionate percentage of the athletic department budget.

“If 70 percent of a school's athletes are male, then they are entitled to 70 percent of the financial aid dollars that the school makes available,” said Bryson.

Hansen explained it this way:

“If you have 200 men in the male athletic program and each of the 200 are on scholarship, then if you have 10 women they must all be on scholarship. If 100 of the 200 men are receiving scholarships, then 50 of the 100 women must be on scholarship.

“Another section requires that you give women an equivalent program consistent with their interests and abilities. If more than 50 women want to come out (for sports), you have to provide for them.”

Another section requires that women be given the same practice times, the same

per diems and the same publicity releases as the men.

"The whole effect is to make it attractive to cut down on scholarships for men and participation by women because the demands are such that it is going to be very expensive to meet them," said Hansen.

The Georgia Athletic Board voted recently to eliminate wrestling at the end of the current year. Athletic Director Vince Dooley said the action was "strictly a matter of economics."

"I have had mixed emotions about the recommendation to drop it," said Dooley. But he said he believes eliminating one sport is a better solution than "watering down" several sports where they would not be competitive.

Dooley said in future years each sport will be evaluated on its merit, including women's sports.

Liz Murphey, Georgia's assistant athletic director for women's sports, said the women "felt a little bit of guilt" over the decision to drop wrestling.

"It was not easy for us to understand or to bear, either, because we are part of the total program here," she said. "I think there were some petitions going around and our women were put on the spot to sign. I know that would be a semi-uncomfortable position. Hopefully, the university will be able to help them (the wrestlers) get a scholarship at another school."

Georgia wrestling coach George Reid, highly critical of the decision, said he had no doubt Title IX led to his program's demise, "but I have no argument against women getting their share."

"The wrestling program budget (\$84,000) is a drop in the bucket here, and it's not fair to point out wrestling as a sport that isn't paying for itself. Other than football, none of them are, and that includes basketball."

Matt Skove, a sophomore who was named to a freshman All-American team, was upset over the decision.

"Wrestling is my life, it's all I've done," said Skove. "But I guess I'll have to go somewhere else. I can't afford to go to school without a scholarship. I find it hard to believe they would drop our program just when we seemed to be turning the corner."

"The sad thing is that I can go somewhere else, but not everyone can."

**Sunday Supplement to
Las Vegas, Nevada Sun, Arena Magazine, March 23,
1980.**

nating against women student basketball players. *Pavey v. U. of Alaska* was filed in January 1979 by three members of the 1978-79 women's team as an equal opportunity suit under both Title IX and the 14th Amendment, for it was discovered that the school was giving less support to the female team than to the male team. Specifically, the men got more publicity, more traveling expense money, a bigger coaching staff and—adding insult to injury—brand new uniforms, while the women players had to make-do with old uniforms that were mismatched.

And yet another suit, also argued on the Equal Protection Clause of the 14th Amendment and Title IX, involves traveling money. This suit, too, has drawn the attention of HEW. In *Hutchins v. Board of Trustees of Michigan State U.*, U.S. District Court Judge Noel Fox ordered MSU to give its women varsity basketball players travel expenses equal to those it gave the men players. The university had paid the men's varsity players up to \$16 a day for meals while the women players received only \$11.

Recently, former NBA Bullets and 76ers superstar Fred Carter, who is now women's basketball coach at Mount St. Mary's College in Maryland, was quoted as saying, "Some women don't have the aggressiveness and hold themselves back during a game....These traditions go back a long time."

These traditions do, indeed, go back a long time. Not so long ago women weren't allowed out of the house, were denied the right to vote, to earn money, to obtain higher education. Perhaps, one thinks hopefully, now that we're in the 1980s all that is behind us. But then one reads the comment on Title IX guidelines by Rev. Edmund P. Joyce, C.S.C., Executive Vice President of Notre Dame:

[The per-capita standard] could have the unhappy, perhaps unpremeditated effect of emasculating the intercollegiate athletic program for women.

As we lawyers say, *re ipsa loquitur*: sadly, "the thing speaks for itself." ♦

Close Up

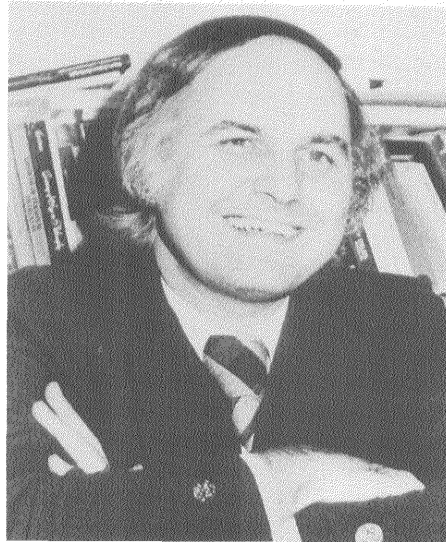
Michael Novak

Ethnicity Is Not a Dirty Word

Back in 1972, recalls theologian Michael Novak, when Macmillan published his pathbreaking book, *The Rise of the Unmelt-able Ethnics*, the word "ethnic" was considered by many to be either pejorative "or else it meant 'colored minorities' such as Blacks, Indians or Chicanos. I didn't want the publisher to use it in the title. But suddenly, it became an 'in' word. Today everybody wants to be an ethnic...."

A little earlier, Bayard Rustin of the A. Philip Randolph Institute was moved to observe that "the ethnic problem at some point has to emerge simply because we (Blacks) were lied to, accepted the lie, and there is no greater danger to a man than when he fools himself. We expect the opposition to fool us, but when we fool ourselves we're in deep trouble. We consistently have fallen for the old melting-pot concepts. But there *never* was a melting pot. There is not *now* a melting pot. There *never* will be a melting pot, and if there were, it would be such a tasteless soup that we would have to go back and start all over!"

Novak's book is one of two works most often quoted in the emotion laden but now respectable field of ethnic studies—the other being Nathan Glazer and Daniel Patrick Moynihan's *Beyond The Melting Pot* (1963). Where Glazer and Moynihan's work dealt almost exclusively with the Blacks, Puerto Ricans, Jews, Italians and Irish of New York City, Novak's canvas was far broader, and provided a depth of field and vision seldom seen, much less considered. The melting pot was a figment of imagination; it argued that there was such a species as *homo Americanus* when, in fact, Novak argued, "there is no single culture here."



Apparently, "so painful and shattering was the break from loved ones in Europe, so ugly the long crossing in small, crowded ships, and so humiliating the early attempts to learn a new way of life and a new language and new forms of emotion (in public, at least) that many descendants of immigrants suffer from cultural amnesia."

And, so, over the years, ethnicity became a dirty word, something to deny and run away from. The ideal was to be universalist, rejecting all notions of human diversity, embracing "oneness." Lost in the process of denial was the fact that in no way can ethnicity ever be regarded as a matter of genetics. "It is a matter of cultural transmission from family to child," observes Novak, "a form of historical consciousness."

And so, in 1972, Michael Novak set out to raise the historical consciousness of (at least) 70 million Americans. That he did so with great passion was evident from the reviews. "[He] is positively determined to be infuriated," wrote the *New York Times*. "He has attacked the

American Dream in order to open up a possible second chapter for it," added *Time*. And, recalls Novak, some of the broadcasters who interviewed him during the promotional tour "really hated the book. They were in almost every case not happy to talk about their own ethnicity. They had fought their way out of backwardness and inhibition and were, happily now, members of that enlightened 'superculture' that is beyond any subculture."

Nowadays, of course, things are different. Novak's book—in paperback—is hard to find in Washington, where just about every political strategist has a dog-eared copy stashed away. The reason is obvious: of those 70 million, roughly 30 million "white ethnics" are registered voters, and happen to be concentrated in the ten states with the greatest number of electoral votes. And during the past three Presidential elections, many of these "ethnics" banded together to create a swing vote of no small concern to the custodians of the two major parties.

This year, especially, they are unpredictable. The economy and its corrosive effect on savings merely adds to the burdens many "white ethnics" share with the rest of society, argues Novak. "'Limousine liberals,' who like to tell Polish and Italian jokes, seem to have been especially slow to recognize the traditional sources of liberal strength in ethnic neighborhoods. The Democratic Party seems to have split in two."

Novak holds that "white ethnics" have long had a stake in progressive politics and change, since they came to America in the first place in search of liberty, justice, and mobility. They have been strong family people, since for a thousand years the family is the one institution they could rely on.

Close Up

Many white ethnics live side by side with Blacks, at least in the industrialized Northeast. The progressive lawmakers most responsible for remedial civil rights legislation over the past 15 years, Novak likes to remind people, like Congressman Peter Rodino and Congresswoman Barbara Mikulski, "are the very people who have grown up with Blacks, people who originally sprang from a kindred environment. *Neighbors*."

What exacerbates relations, he says, "is that no one rewards integration. When a neighborhood integrates today, the garbage doesn't get picked up one more time a week. It probably gets picked up one less time. If a streetlight burns out, it isn't repaired more quickly. It's repaired more slowly. And certainly the schools don't get better. They deteriorate."

What doesn't deteriorate is the ethnic stereotype. "During the early stages of Watergate," recalls Novak, "the media didn't quite trust Rodino, Jaworski and Sirica until they had 'proved' themselves."

But in many cases, when meeting the enemy, the ethnics meet themselves. "If the Poles, Czechs, Italians and others are not considered 'official minorities,' it is because they haven't been as skillful in politics as they need to be." Novak is opposed to "the concept of 'group entitlement' with its foolish quota systems"—a concept Novak abhors as "regressive" and dishonest, one he hopes does not become "reality." He tells his readers: "I'm against quotas, but if society wants quotas then *everyone* should be included."

As to the spate of Polish and Italian "lightbulb jokes" that are currently in vogue, "what troubles me more than the disparagement is the feelings of inferiority they engender in the very young.

Made fun of, the young may begin to distrust their own ideas and sell themselves short."

"I'm against quotas, but if society wants quotas then *everyone* should be included."

At age 46, Michael Novak is one of the more prolific writers in what some call "the Neoconservative Movement." Like so many of his fellow "centrists," including Glazer and Moynihan, he prefers to call himself a "neo-liberal." In A Who's Who chart of the Neoconservative Establishment that appeared in *Esquire* in February 1979, Novak is shown as quite close to the "red-hot Neocon center." Since 1978, Novak has been Resident Scholar in Religion & Public Policy at the American Enterprise Institute, a Washington, D.C. based think-tank located several blocks but some political distance away from the liberal Brookings Institution. *Commonweal* executive editor Peter Steinfels describes the Neocon as "a child of the Sixties, the *other* child, the one that didn't turn on, tune in, drop out, that didn't join the commune in California, march on Washington or boo Hubert Humphrey in Chicago." Novak, who was long a *Commonweal* contributing editor rejects Steinfels' description. For Novak himself marched on the Oakland Armory in California the same day others marched on the Pentagon, protested the Vietnam War, joined the draft-resistance movement, campaigned with Robert F. Kennedy in Indiana and Oregon, and covered the Chicago Convention as a *Commonweal* editor.

In high school, Novak set out for the priesthood, but six months short of ordination, turned his back on a church career. During this brief passage between careers he wrote a novel, "The Tiber was Silver," the first of some 15 books (13 of them non-fiction) over the past 20 years. Then he enrolled at Harvard's Graduate School of Arts & Sciences to study philosophy, afterwards accepting an invitation to become a Harvard Teaching Fellow. In 1963 and 1974 he took brief leaves from Cambridge to observe Vatican Council II during two sessions; his book *The Open Church* was his personal report on that historic event. Over the years, he has filed scores of articles for sundry liberal U.S. publications.

By now married (to painter Karen Laub), Novak returned to the U.S. in 1965 to join the Stanford University faculty. Two summers later, he went to cover the Vietnam War for the *National Catholic Reporter*, as the author of *Vietnam: Crisis of Conscience*. While holding down a new teaching post at the State University of New York, he also served as senior policy advisor and speech writer for the putative front-runner of the Democratic Party, Maine's Sen. Edmund Muskie, and after New Hampshire, for candidates George McGovern and R. Sargent Shriver.

During his political activities from 1968 to 1971, Michael Novak had begun to discover *his* roots and the old liberal varieties were fast unraveling. A number of things became clear to him during the now-classic confrontation between Labor Secretary Peter Brennan's "hard hats" and the anti-War activities on lower Broadway in Manhattan.

"For the European immigrants," Novak recalls, "the test for proving themselves worthy of America was to fight in

Close Up

her wars, right or wrong. The Irish in the Civil War bore more than their allotted brunt. In World War I, the Poles, then constituting four percent of the population, took 11 percent of the casualties. The ethnics draped themselves in patriotic colors, and when in the late 1960s, the radical kids showed up carrying high the Viet Cong flag and dragging the Stars & Stripes upside down, the center broke. It didn't matter that 78 percent of the hard hats were against the war; what mattered is that these kids were abusing the flag while their kids, who couldn't afford college, were dying in Viet Nam."

But the ambiguities of ethnicity intrigued him too. "We waver between self-doubt and self-hatred," feelings he insists are instilled by what ethnics read about themselves in the papers and see and hear on the air, as well as what they learn (or don't learn) in school. Waves of immigrants, he says, were "given strong, tacit encouragement to forget their native language as something foreign, un-American and vaguely threatening." He knows whereof he speaks. As a boy, growing up in western Pennsylvania, Novak learned French, Latin and Greek in school but never Slovak. In college he studied German, Italian, Spanish, and Hebrew. "At no point was there opportunity, or encouragement, or capacity to help me learn Slovak." Since Slovak is the central root of the Slavic languages, he might have had access to Czech, Polish and Russian, but instead grew up innocent of his ancestry's culture, poetry, literature, geography, history and politics.

"Black kids know they are Black and that Black is Beautiful. But what does the white ethnic know of his own people if he is not allowed to be Rumanian, or Polish, or Italian or Greek? His ancestors were serfs as long ago as Blacks were

slaves. Why do Blacks imitate those who called their grandfathers 'pig' and 'honky'? Like the Black, the white ethnic is trying to establish his psychological and political identity, an identity based on the feeling that he, too, has a special position and a special history in America. Denied that connection with his past, he will never come to grips with his own emotions or attitudes.

"Immigrants were given strong, tacit encouragement to forget their native language as something foreign, un-American and vaguely threatening."

Novak's own energy needed an ongoing outlet, and he found it in EMPAC—Ethnic Millions Political Action Committee—which he set up in 1975 after a two-year stint as grant-giver under the late John Knowles at the Rockefeller Foundation. EMPAC's newsletter in time would spawn *The Novak Report on the New Ethnicity*, a monthly newsletter that currently has some 700 subscribers, and a twice-weekly newspaper column ("Illusions & Realities") distributed nationally by the Washington Star-Universal Press Syndicate to 40 outlets

From the beginning, Michael Novak has worried that the pendulum may swing too far, that ethnic pride can give way to ethnic chauvinism and, then inevitably, demagoguery. Ethnicity, he says, can be creative or destructive—as can love, a passion for justice, or any other source of human energy. Such energy cannot be repressed; it must be led wisely into creative, cooperative channels. "The interests of every ethnic

group are involved when the rules of ethnic dialogue are violated. The rules protect us all."

*The Novak Report** tries to bridge many different ethnic groups—excluding none. This is deliberate. Novak thinks that "the new ethnicity" leads to coalitions across ethnic lines, and is not content, like the "old ethnicity," to seek narrow intra-group interests. He argues that new highly educated professionals are in a position to give new leadership to traditional ethnic groups, and to find new modes of cooperation and mutual understanding. Novak was influential in establishing a White House presidential advisor for ethnic affairs in 1975. Both incumbents in the job, Myron Kuropas under President Ford and Stephen Aiello under President Carter, Novak says, have been "splendid examples of inter-group leadership. They have shown broad affection, been effective in building coalitions, and helped to establish a rational framework for expressing differences and grievances."

That, he says, is what the new ethnicity is all about. ♦

F.P.M.

*For more information on this newsletter, write to The Novak Report on the New Ethnicity, Suite 410, 918 F Street, N.W. Washington, D.C. 20024.

Indians on the Law Path:

The Cayuga Conundrum

by Patrick McCaffrey

In the wood-paneled storefront office in the small upstate New York village of Gowanda (pop. 6,000) that serves as the headquarters for the once, and now again, proud Cayuga Nation hangs a cartoon that says it all. It depicts two Indians on Plymouth Rock watching the "Mayflower" bobbing at anchor. "Oh, let 'um stay for a while," says one to the other, "what possible harm can they do?"

"It's funny because it's so true," says Helen Chapman, the Cayugas' executive secretary. "The greatest harm they did was to take our land."

Unlike those western tribes whose reservations sit atop potentially rich deposits of uranium, oil-shale and other sources of energy now coveted by the white man, the Cayuga land is deemed richest in tradition and symbolism. "Few people," says Chapman, "can understand how we Indians view land. We derive our whole lifestyle from it. It's not just the stereotyped food source. It's nature and it's spiritual, which somewhat explains our religion."

Now, under a pending land claim settlement with both New York State and the Federal Government which would give the Cayugas over 5,000 acres of land in the Finger Lakes region of Western New York, there's a good chance that they'll get back at least some of their land. The Cayugas up to now have been one of the few Eastern tribes without land, without even a reservation of their own. They had originally claimed some 63,000 acres of mostly private land, including several towns which had been turned over to New York State nearly 200 years ago through, what many legal experts now agree, were illegal treaties.

Should the Cayugas settle their claims, the outcome could set legal precedent affecting a rash of similar cases throughout the country. The settlement yet must be approved by Congress. The House has voted it down once, but Congressional leaders are still confident it will pass. While at last

report the Cayugas were threatening to file selective suits against property owners in the affected area, some view this as a tactic to pressure Congress to approve a negotiated settlement.

Here in the east, there are at least 20 claims under dispute and headed for arbitration, negotiation or, ultimately, court, involving some 18 million acres, or half the size of New York State. These include 5 million acres claimed by the Oneida Nation of Iroquois which lie between Pennsylvania and the Canadian border and contain the cities of Binghamton, Watertown, Rome and parts of Syracuse. But the Feds recognize only 250,000 acres of this land as negotiable. Up near Massena, N.Y., the elected chiefs of the St. Regis Mohawks have tentatively agreed to accept \$6 million and 9,750 acres of forest land instead of the 14,000 acres they had originally claimed from the State. (This agreement is unrelated to that worked out by the Ganienkah Mohawks in which they swapped 500 acres near Altona for a 600-acre claim in Adirondack State Park.) Down on Long Island's south shore, the Shinnecock Nation of Algonquins wants to reclaim 3,000 acres of posh Southampton, while up in New England—emboldened by the successful settlement by the Narragansetts for 1,900 acres of western Rhode Island—the Penobscots and Passamaquoddies of Maine are trying for the largest claim of all: some 12.5 million acres in Maine, which would add up to about half the entire state.

But, as with the Cayugas' claim, only portions of the disputed lands will revert back to the Indians and this is because federal, state, local officials as well as property owners are making every effort to settle out of court. The reason is obvious. Not only are most of the Indian claims indisputably legitimate, but if hung up in court they could cloud property titles and freeze real estate sales and development for years.

Consider what is happening in the small (pop. 7,500) town of Salamanca, N.Y., 60 miles south of Buffalo. Ninety percent of this economically depressed town sits on the Allegheny Reservation of the Senecas which was created by treaty back in 1794. Almost a century later, Congress authorized the Senecas to write 99-year leases for various residential and commercial properties. In the beginning, the leases cost the white settlers \$1 or \$2 a year. Later, the cost

Veteran newsman Patrick J. McCaffrey, a native of Birmingham, Alabama, is now a freelancer who lives close by the proposed Cayuga Reservation in Ithaca, New York. His articles have appeared in many newspapers and magazines, including The Nation, The New Republic, The New York Times, Esquire, Sepia and The Progressive.

of the leases edged up to the point where most settlers today pay \$10 a year. Like all property owners everywhere, the Senecas, who now collect a paltry \$34,000, demand more—\$275,000, in fact, including five year escalator clauses. Salamanca has lost industry because of the ambiguities connected to land use and ownership. If no agreement can be reached, the land reverts back to the Senecas. No developer can operate with this eventuality hanging over his head. The town fathers have offered the Senecas \$75,000 for use of their 1,700 acres. So far, it's a stand-off and the town's economy continues to stagnate.

Further east, on the shores of Lake Seneca, the Cayugas face an additional complication. Here, however, the battle lines are blurred, for there are two opposing groups of predominantly white property owners and two Indian factions, the so-called "realists" and the "traditionalists." The latter faction's demands are the most extreme while the "realists", more attuned to *realpolitik*, are willing to compromise with the white man.

The Cayugas lost most of their tribal identity in the years following the loss of their land to New York State in 1807. Some went west, others drifted north to Canada. The only cohesive group stopped overnight, after signing the treaty, at the Seneca Nation's Cattaraugus reservation near Buffalo. They never left and their descendents are still there.

"Historically," says Cayuga clan chief, Frank Bonamie, a construction expert with Cornell University, "whites used their own property concept against [us]. Our forefathers...weren't ignorant. They just didn't understand property rights. Now we're using white, Anglo-Saxon law against them. Simple justice."

The tribe first went on the "lawpath" about six years ago. After opening up their storefront office they began the painstaking task of compiling records to document tribal history and membership and to trace their lost land. Through Arthur Gajarsa, a former attorney with the Bureau of Indian Affairs, they not only learned to cut through red tape but also won the support of the U.S. Interior Department.

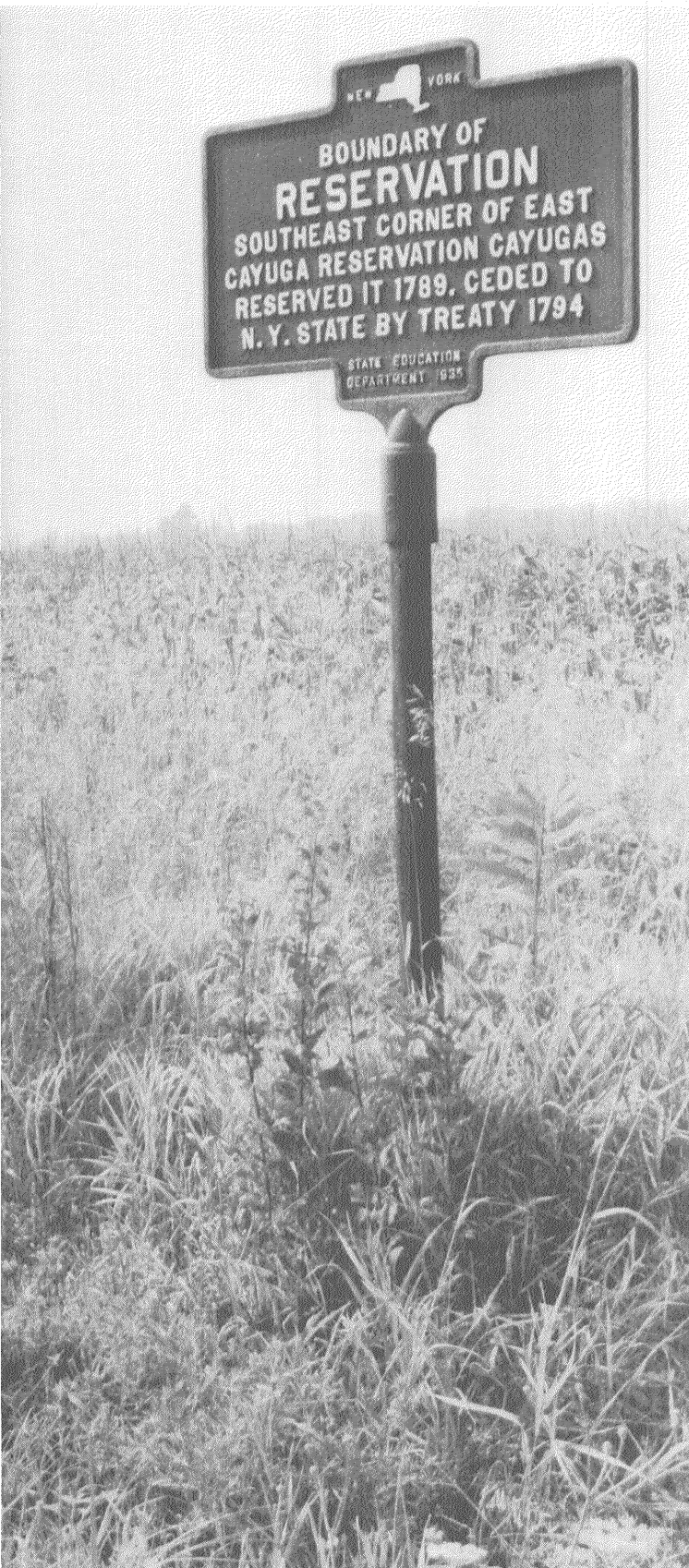
Gajarsa told them about the 1790 Indian Trade & Intercourse Act, which would become a legal lynchpin of their case. Under this Act, Indian land could not be transferred without federal approval. But, standing in the path of pioneer expansion, the Western tribes lost their land tragically, if legally.

In the East, it was different. There, the Indian and federal presence was more limited. In addition, there was confusion about whether or not the law applied to the 13 original states. The courts have recently ruled that it does apply. But, as a result of the prior confusion, most Indian land in the East was acquired by the states, which simply ignored the requirement of federal approval.

In researching their history, the Cayugas discovered that in 1807 there was no federal agent on the scene when New York State signed the treaties. Moreover, the 1807 treaties were never ratified by Congress.

So, in 1975, the Cayugas made their initial move, claiming 63,000 acres. But rather than start by suing, they





agreed to negotiate. Tribal spokesman James Leaffe says, "If necessary, we're ready to go to court. But to process all the cases would take 25 years, and we don't want to wait that long. Besides," he adds, "we don't want to force anyone off their land. We just want some of our own."

Last summer's tentative settlement would give them the 1,842-acre Sampson State Park and 3,629 acres of Hector Federal Land Use Area—both sites are on public land [see map]—plus an \$8 million trust fund and \$2.5 million with which to purchase additional land in their aboriginal area.

Leaffe admits that "what we're getting isn't much compared to our original claim," but that the tribe is anxious to sign as it "wants a central place of its own...to give our children roots."

Leaffe does not, however, speak for all the members of the tribe. Some, declining to be identified by name, want to settle for nothing less than the original claim. "I think we could still get it all because the government knows we have a good case," one dissident argues. "When you compare what we got with what we asked for, it's almost like we've been bought off."

Leaffe counters that "it's the best we could get in an out-of-court settlement." He adds that the membership voted for it "overwhelmingly."

"We don't want to force anyone off their land. We just want some of our own."

Further unhappiness is expressed by a small band of "traditionalists" within the Iroquois Confederation. They contend that the agreement by-passes the Grand Council of Six Nations which, they point out, traditionally passes on the external affairs of any of the six. "The settlement is not sanctioned by the Council," says Leon Shenandoah, head chief of the confederacy and an Onondagan. He believes Bonamie's people settled too quick, too cheap.

For his part, Bonamie says, "Oh, I know they're unhappy, but it's our own internal affair." He would remind Shenandoah that "the original confederacy by-laws stated each tribe should conduct its own business."

Underlying the schism are the distinctly different outlooks towards coexistence with the white man and integration into the white man's twentieth century culture. Even "traditionalists" like Leon Shenandoah are of divided minds: some choose to live and work in the modern world, others continue to send their children to the reservation schools and refuse to use electricity or piped-in water. Not that "realists" or progressives like Bonamie value the old ways less. "We feel we can straddle both worlds."

But what the "traditionalists" fear most is that the Cayugas acceptance of the proffered settlement will prejudice the claims of the other tribes. "The Onondagans don't have any claims—yet," says Shenandoah, "but we might have." The inference is clear. His people would not accept public land

in exchange for what they feel historically belongs to them.

Also dividing the Native Americans is the issue of autonomy on the reservations. The Onondagans fought for independence for years, particularly within the context of law enforcement. Unlike the Cayugas, who have accepted state criminal and civil jurisdiction on their land, the Onondagans continue to resist it fiercely.

This factionalism among the Indian activists is further complicated by legal actions proposed by a group of white landowners calling themselves the Seneca County Liberation Organization. Their leader is a dapper and flamboyant college professor turned gentleman farmer named Wisner P. Kinne.

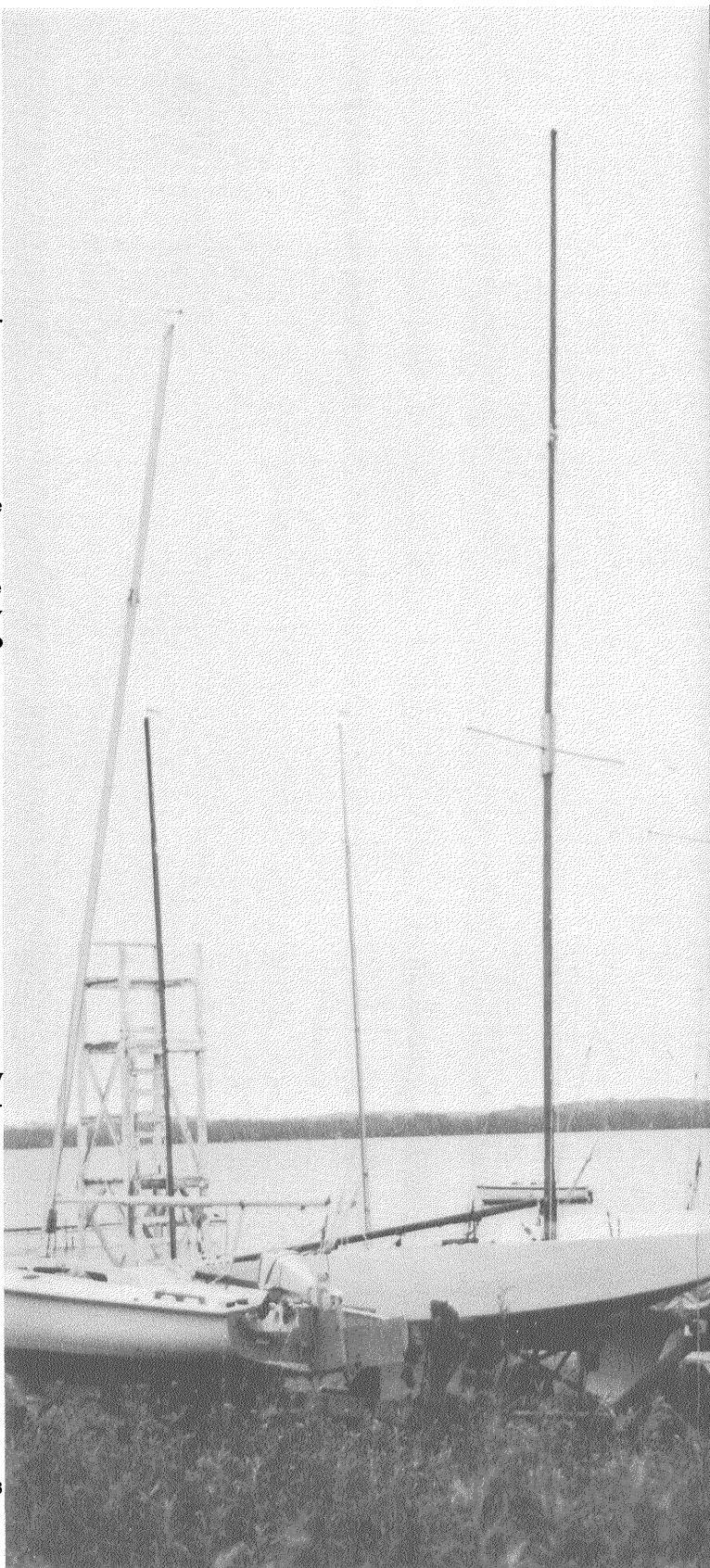
Kinne's family has owned land in the county since about the time the Cayugas lost theirs. Though his farm is not part of the proposed settlement, Kinne considers the public land part of *his* heritage. "If we travel this route," he says dramatically, "we might as well begin to think of losing the entire State of New York." The claims, he argues, should be decided in court. "The Indians aren't invincible." He also worries about the 250,000 acres out of the 5 million the Oneida Nation seeks that the Feds are willing to return. He is worrying, too, about the 14,000 additional acres sought by the St. Regis Mohawks; this is land they want in addition to the 14,460 acres they received up near Massena.

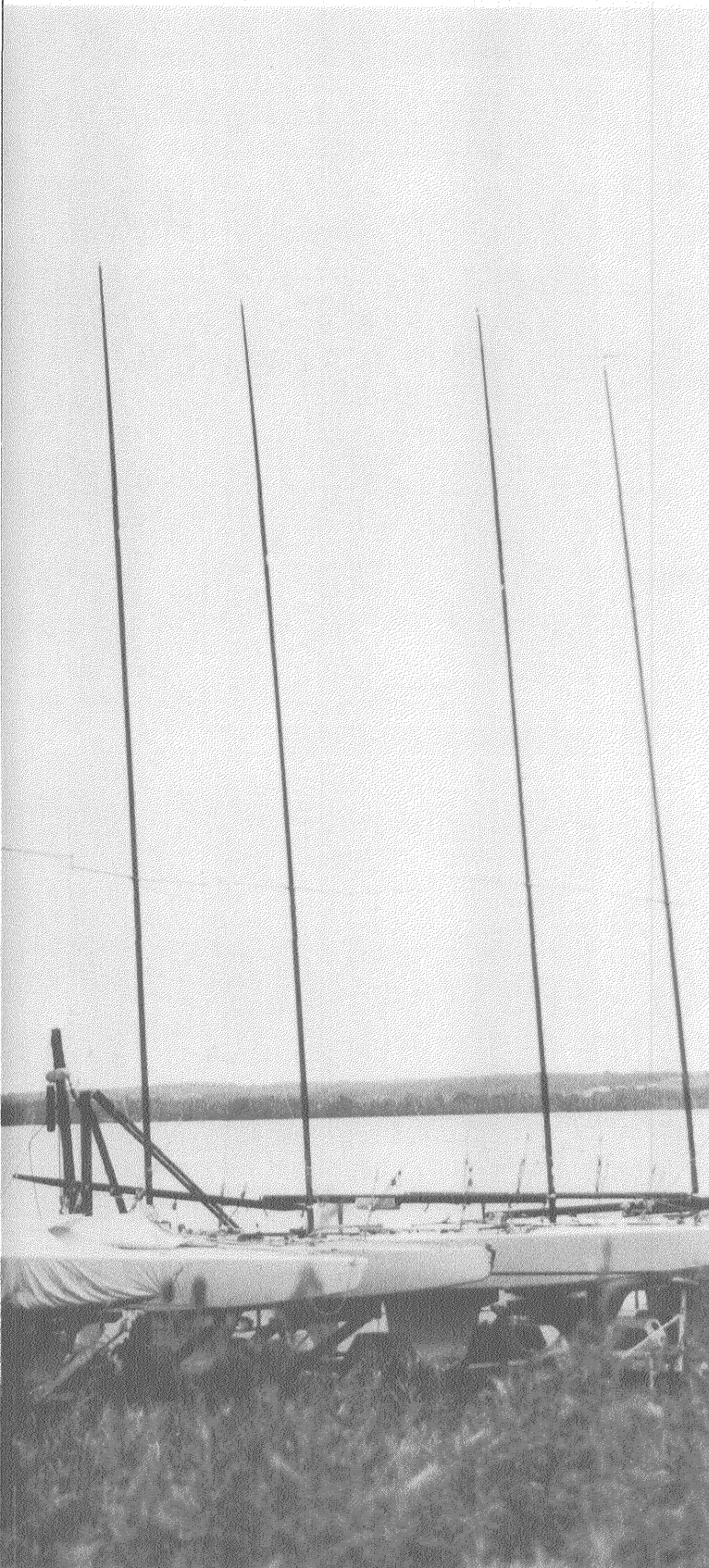
Kinne goes so far as to label the Cayuga agreement "treachery," charging it was negotiated in secret. But he forgets that the negotiations were made a matter of public record in 1977. "I'm bitter about people's reaction there [in Seneca County]," says Helen Chapman, the Cayugas' executive secretary. "It was *their* elected officials who sat down at the table with us."

Kinne's people also worry about what the settlement will do to the local economy. They cite the eroding tax base, while forgetting that the lands in question are public and that they pay no local taxes. It would appear that Kinne's Seneca County Liberation Organization is waving a false flag, for their fears—real or imagined—are simply not borne out by the realities.

In fact, in Gowanda, a town in the western corner of New York State, local officials deny that land values have deteriorated. It seems that, on the contrary, the reservation has brought needed funds and jobs into the community. Instead of posing a drain on local services, the reservation provides federally-funded health, education and social services. Furthermore, the Senecas have built a highly successful bowling alley and camping site and have recently ventured into the construction business. Its annual operating budget of \$5 million has created some healthy ripple effects. Donald Lazar, Gowanda's Mayor, exults about the "positive things." As far as he's concerned, the Senecas "are trying to continue their tradition while we benefit." And another thing: "Indian reservations pay no property tax," explains Timothy Vollman of the Interior Department, "but the Federal Government makes it up with impact aid that often exceeds the 'lost' taxes. Reservations can generate more revenues for the county."

Wisner P. Kinne is unconvinced. He wants the Indians to





buy their land and to "integrate" rather than live apart from the white man. He thinks the very idea of reservations is "immoral and un-American."

Cayuga clan chief Bonamie has heard it all before. "This land was ours originally, and hopefully will be again because whites violated their own laws." Kinne can't have it both ways, he points out. "Though many of our people will choose not to live on the reservation, the reservation system provides the tribe—and our heirs—with a monetary and cultural advantage," a cultural advantage that whites simply cannot understand.

As the settlement agreement now reads, the Cayugas will continue to operate Sampson State Park with its 250 camp sites and 125-boat slip marina until 1989. Meanwhile, the tribe plans to enlist Cornell University to develop an economic master plan that would bring in corporations with jobs to offer. "If they give us a chance," Bonamie says, "we will make a significant contribution to the community."

But Kinne's organization is digging in. It has entered a suit to block transfer of the public land, charging that the state lacks the authority to make the transfer without first getting approval of the legislature. Kinne's undertaking is not frivolous, nor is this just another nuisance suit. By delaying the settlement past its deadline this Spring, Kinne might yet force the Cayugas into court.

Should this happen, a much larger group of white property owners will lock horns with Kinne's spoilers. They are the members of the Seneca-Cayuga Property Owners Association and, along with most elected officials here, favor the settlement.

"In my thinking it is the only viable solution," says Walter C. Foulke, an attorney and spokesman for the Association. "No other real choice exists. If the settlement is not approved or an injunction is granted, it would force the property owners into litigation with the Cayugas. That would be disastrous. We'd be in the courts for the next 20 years...."

As far as the Cayugas are concerned, they'll take either of the two avenues open to them to get their land. "It's like walking 300 years back into history," says Bonamie, speaking of the many confederation "long house" meetings he has attended with the Onondagans over the years. But while he speaks nostalgically of the meetings, he worries about the divisiveness betrayed by the mood in the "long house." "The long room is dimly lit by two fires. While the faithkeeper drones on about our glorious history, we mill about and chat idly, paying him no mind. Yet there's this feeling of tribal unity. We *do* talk about our current problems." Suddenly, Bonamie breaks off and gazes away, reflectively. "Nahh, but I don't attend much anymore. There's too much bickering."

Then he catches himself. "I still have hope, though. The 'traditionalists' are a small minority. Our position within the confederation wouldn't really be affected if the settlement were disapproved. But it would hurt us personally. We don't want to be at odds with any of our brothers. We want unity, the same unity we had before there was a 'Mayflower.'" ◆



Pink Collar Blues:

For Women Who Work, It Still Doesn't Add Up

by Philippa Strum

A growing number of Americans, including women, who do not necessarily follow Phyllis Schlafly, think that the "Women's problem" has disappeared, that while women were once treated unfairly, they have finally attained their rightful place in society—that they are being fairly compensated for their work. So, why should affirmative action be extended to working women and women who want to work? Their attitude is, in short, who needs the Equal Rights Amendment? Others tend to agree with Marabel Morgan of the "Total Woman" movement and point out that as long as women have no psychological need to function outside the home, the government should mind its own business, not theirs. Still others come right out with their objection: too many women have been entering the workplace and when they do they take away jobs from men, who need them more, and need them especially in a recession year.

Ladies, to paraphrase Walt Kelley's POGO, "we have met the enemy, and she is us." The figures make that abundantly clear.

In 1979, the nation's workforce expanded to 103 million with women accounting for 60 percent of the year's labor force gain. According to a report from the Department of Labor, an average of 1.5 million more women were in the labor force in 1979 than a year earlier. At the same time, the number of families with female heads of households rose dramatically. In 1970 female-headed households averaged 5.6 million or 1 out of 9 families. Nine years later they averaged 8.5 million, or 1 of every 7 families. Moreover, while children under 18 were present in 52 percent of these households in 1970, in 1979 they represented 63 percent. In addition, the number of children under age 18 with mothers

working or looking for work increased by 20 percent during the 70's. By 1979, more than half of America's children had working mothers.

Marabel Morgan's followers had better take a new head-count because the stay-at-home "Total Mother" is clearly becoming an endangered species. Today, less than seven percent of families meet the traditional concept of father who works and mother who stays behind to bring up 2.0 children. Some projections indicate that ten years from now only 25 percent of all mothers of pre-schoolers will be able to afford *not* to work—so dictates inflation.

It would seem there has been a massive influx of women into the work force. Not quite. Testifying before the U.S. Senate Committee on Human Resources in February 1979, Isabel V. Sawhill, Director of the National Commission for Employment Policy, explained, "the growth that has occurred in the female labor force since the mid-1960s has been *primarily due to a drop in the exit rate of women.*" In other words, an ever-larger proportion of women have elected to remain in full-time, year-round jobs. One reason for this is that they have to.

Logic suggests that in remaining in permanent, full-time jobs, women are gaining experience, building up seniority, gaining both rank and better pay.

The fact is they're not. The wage differential between working men and women isn't narrowing but widening.

In 1955, the median income of full-time working women was \$2,734, while that of their male counterparts totalled \$4,246. In short, for every dollar earned by men, women made only 64.3 cents. Twenty-three years later, in 1978, the ratio came to \$16,062 (men) to \$9,641 (women). Now, for every dollar earned by men, women earned even less—60.0 cents, a drop of four cents at a time of galloping inflation.

(The disparity continues into the "golden years" of retirement. Former Rep. Martha Keys (D-Kansas), who is now Special Advisor on Aging & Social Security to the Secretary of Health & Human Resources, points out that whereas a man's average income after reaching age 65 is \$5,500, a

Strum is Professor of Political Science at the City University of New York, Brooklyn College and the Mid-town Manhattan Graduate Center. A member of the Board of the American Civil Liberties Union (for which she compiled most of the research that appears in this article) she is a working mother of three.

woman's is slightly under \$3,000—the result of inequities in Social Security and pension planning).

When one examines the racial aspects of the equation, the disparity seems especially cruel. For full-time *white male* workers in 1977, the median income was \$16,360; for *Hispanic males*, \$11,943; and for *Black males*, \$12,530. For full-time *white female* workers, \$9,732 (or 59.5 percent of their male counterparts); for *Black female* workers, \$9,020 (or 72.0 percent of their male counterparts); for *Hispanic women*, \$8,331 (or 69.5 percent of their men).

But who really pays? It is the children who pay. This is especially true if the working mothers are unmarried, separated or divorced, or forced by economic circumstances to buttress the meager earnings of their husbands.

Last year (1979), of the 24.5 million Americans living at or below the poverty line, 9.7 million were children. More than 5 million of these live in homes where the "head of household" is a woman. For them, the median family income in 1978 was \$8,537. Testifying alongside Mrs. Sawhill to the Senate Human Resources Committee last February, Urban Institute researcher Nancy Barrett laid it on the line: "Many of our children in their formative years will face periods of severe financial and emotional stress because their mothers cannot get decent jobs."

The important term here is "decent." What constitutes a "decent job"? Never mind the drudge-jobs, just look at the disparities in income between women professionals and white-collar workers, and the case emerges for affirmative action.

It is true that women tend to be concentrated in lower-paying jobs. For example, women comprise 98.5 percent of the secretarial-typist pool, 90 percent of all bookkeepers, 87.7 percent of all cashiers, and 70.9 percent of all elementary and high school teachers. The largest concentration of women workers is in the clerical field, where they account for 80.3 percent of all workers. But even here, the median income for women is just under 60 percent of male clerical workers.

On the other hand, the proportion of women engineers is but 2.9 percent, that of lawyers 12.8 percent, of physicians 12 percent, of college and university teachers 31.6 percent, of bank officials and financial managers 31.6 percent.

It may be argued that the income disparity reflects their lesser work experience—that more women, starting later than men, are essentially still in "entry-level" posts, that they are more likely to interrupt their careers during early motherhood or that they start to work only after their children are in college. When these assumptions are looked at closely, however, they prove to be false.

About five years ago the American Economics Association's Committee on the Status of Women conducted a survey of 512 Ph.D. economists. The sample was evenly divided by sex, by college, by year the degree was granted, by year of post-graduate experience, continuity of experience, research completed, specialization, employment, etc. *Only nine percent* of the women in the sample had dropped out for more than six months during their entire career, yet the average income for full-fledged women Ph.D. economists

was 15 percent below that of their male peers.

In the world of academia, the same pattern emerges. Women faculty account for 30 percent of the teaching posts at colleges but on the average earn over \$3,000 less per year. The greatest number of women faculty are in positions that do not lead to tenure, i.e., "lecturer" or "adjunct" (the latter a part-time position paid by the hour and entitling her to no fringe benefits or job security). Studies indicate that the status of women academics cannot be explained by number of publications; on the national average, women faculty publish about as much as their male counterparts. Nor can the lower status of women be explained by level of degree in 1972; women earned 40 percent of all master's degrees and 13.7 percent of all doctorates, (figures that have remained relatively constant). It cannot be explained by marriage and motherhood; the most prolific contributors to scholarly journals tend to be married women with children.

If the picture on campus is gloomy, it tends to be downright depressing on the banks of the Potomac, for women are treated unequally in the federal government. The Federal bureaucracy offers very tangible career opportunities for people with a wide range of skills and experience, yet the percentage of female representation at the different levels of the General Schedules (GS) ladder continues to reflect serious inequalities:

Female Employment in the Federal Government

GS Level	Range As of 10/79	1972	1978
16+	\$47,889 – \$65,750	2%	5%
13– 15	\$29,375 – \$53,081	5%	7%
9– 12	\$17,035 – \$32,110	17%	24%
5– 8	\$11,243 – \$20,049	57%	62%
1– 4	\$7,210 – \$13,064	75%	77%

At this rate it would take 83 years for women to reach parity with men at the GS 16 level and above, 109 years at the 14–15 level; 125 years at the 13–15 levels; and 36 years at the 9–12 levels.

That women must be taken more seriously in terms of pay is something that Congress itself ought well to consider. Several years ago, the *New York Times* reported that female House administrative aides were paid an average of \$17,000, while their male counterparts earned more than twice as much, \$39,000.

Women are underrepresented in virtually every employment and training program run by the feds—particularly so where per-enrollee costs are highest and possibilities for decent-paying jobs are the best, namely in the Work Incentive Program, CETA, and glaringly, the Job Corps.

Although young women constitute as much as 48 percent of the unemployed 16– to 19-year-olds during the 1970s, only 26 percent of Job Corps enrollment has been female.

And when the Job Corps does accept women trainees it segregates them into all-female centers and gives them only stereotypical training, such as secretarial, clerical, childcare and health. The young men are taught electrical appliance and auto repair and given construction trades training.

Access to the governmental process must be noted, especially as women currently comprise only 3.7 percent of the Congress, 10 percent of state legislators, 15 percent of state board and commission appointments, 21 percent of federal political appointments, and 2.5 percent of the federal judiciary.

A Career Ladder to Nowhere

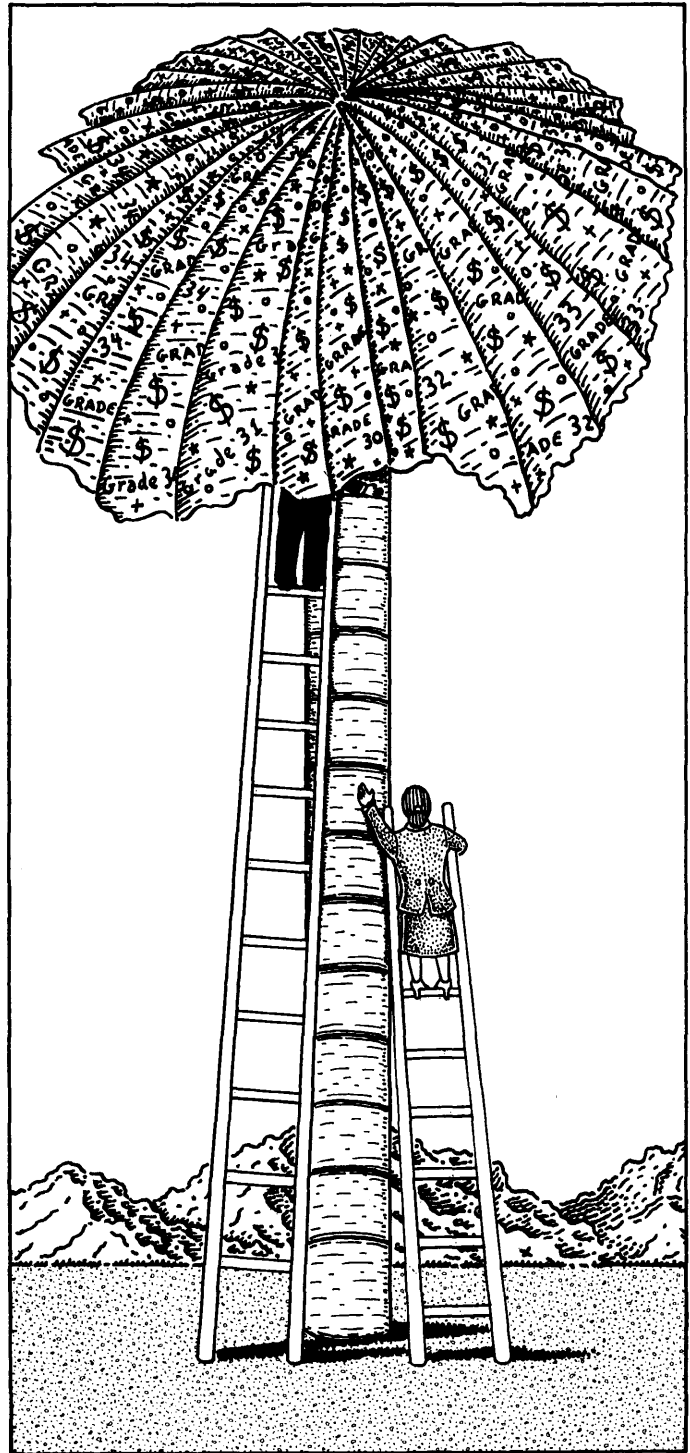
A recent 18-month study financed by the Ford Foundation and conducted by the Center for Women in Government at the State University of New York, Albany, N.Y., reaffirmed that the wage gap between men and women is so deeply rooted that even nondiscriminatory personnel procedures may not work; worse, they may perpetuate inequities.

Looking at the Empire State's civil service system, the study found that most jobs are "arranged along hierarchical lines," so that workers who start in certain jobs are effectively locked into climbing career ladders that happen to be largely categorized by sex. Opportunity for advancement, thus, was predicated on gender.

One case investigated a man and a woman who both began working for the state in 1955. The man began as a Grade 3 mail clerk earning \$2,600 a year, the woman as a Grade 4 stenographer at \$2,700. Today, the man is a Grade 31 bureau director for the Department of Social Services, making \$32,475 a year, while she is a Grade 12 principal stenographer for the Department of Labor, earning \$13,920. This case is hardly the exception to the rule. The Center's study found that 59 percent of the women in state government were earning under \$10,000, compared to 36 percent of the men.

But then, the government is merely reflecting a pervasive attitude towards working women that shows up as dramatically among the blue-collar workers as anywhere else. The proportion of women in the well-paid skilled trades (carpenters, plumbers, electricians, house painters) ranges from less than 1 percent to about 3 percent. Women are only 2.2 percent of all the apprentices in the 450 trades that offer training and job opportunities and there, too, they are clustered among the lower-paying, traditionally "female" categories. The only apprentice category with more women (58.5 percent) than men is barber-beautician. Compare this with the construction field: 60 percent of the apprenticeable trades are here but only 1.06 percent of these apprentices are women. It is clear that Women's Lib has had little noticeable impact among the blue-collar workers: between 1950 and 1976—a span of 26 years of great social upheaval—the proportion of women carpenters rose from 1.5 to 1.6 percent. By 1979, that percentage had slipped to 1.3 percent—below what it was in 1950. Tellingly, only 12.6 percent of women in the work force are union members.

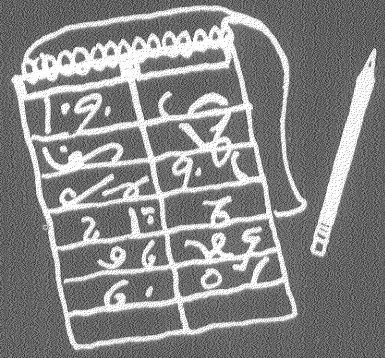
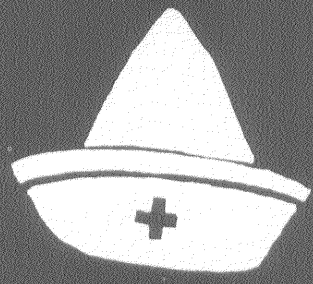
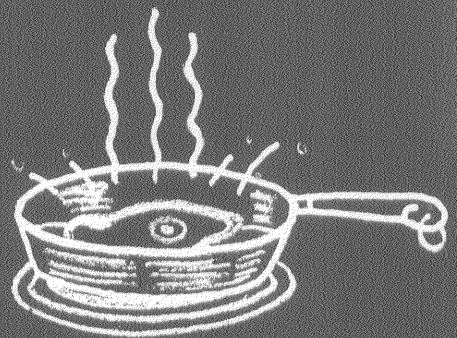
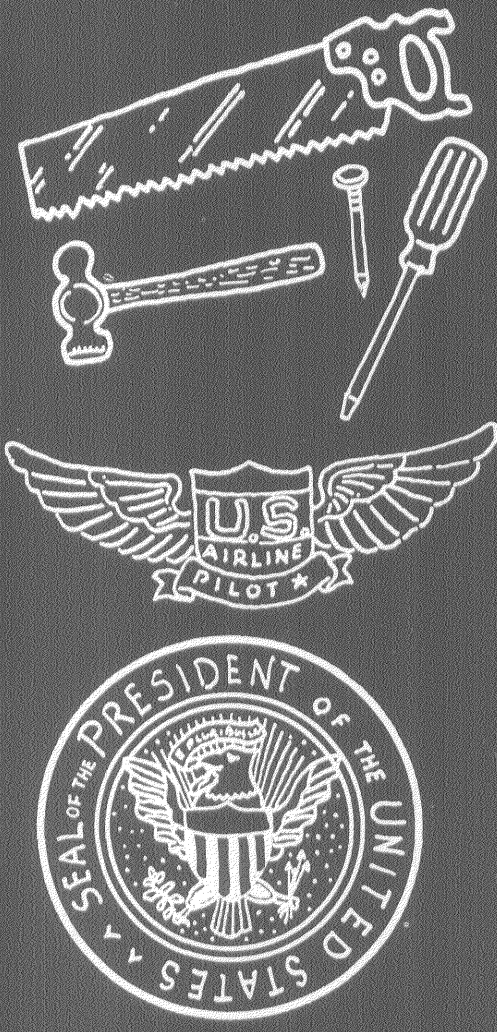
By now it should be obvious that women are deliberately



kept on the lower rungs of the ladder to equal opportunity in employment. "Why can't a woman be more like a man?" cries Henry Higgins in *My Fair Lady*. Part of the answer to why more women do not seek fulfilling and high-paid positions may lie in the classroom.

According to a 1977 report by the National Science Foundation (*Women and Minorities in Science & Engineering*), "... until very recently, science was not perceived as a field

His



Hers

[of opportunity] for women. ...data show[s] that science-talented women entered occupations such as social work, law, nursing, the teaching of high school mathematics and science, and college English." The Foundation concluded that women could be surest of career-goal success "if they selected fields traditionally associated with their own sex."

This ought to surprise no one. Four years earlier, the Massachusetts Institute of Technology discovered that while 80 percent of elementary teachers are women, nearly 100 percent of the principals are men. And a feminist group studying 134 elementary school reading texts in use across the country found that boys outnumber girls as main characters, that men were portrayed in 147 different jobs, women in only 26, "and frequently, as unintelligent, nonadventurous, one-dimensional human beings who rarely made decisions and *almost never worked outside the home.*" (italics mine.)

Getting back to that National Science Foundation report, it is of interest to see that only about six percent of all employed scientists and engineers are women. Even that low figure is misleading because included in the figure are

The Mindset Begins at Home

Former USCCR staff researcher Jeana Wirtenberg, now with the National Institute of Education, has found that the self-image of women as careerists may begin as early as the seventh grade—with no thanks to their teachers and their parents. Dr. Wirtenberg, whose research earned her the *Psychology Today* 1979 Social Issues Dissertation Award, looked at 259 seventh graders in two Los Angeles junior high schools several years ago. In one school, seventh grade girls studied only cooking and sewing along with their regular courses while boys took up electrical wiring, wood and metal working and printing. In the other school both sexes participated in all courses. The girls in the sex-integrated classrooms started out with a far better self-image of their own capabilities, expressing full confidence in doing everything the boys did, better. They exhibited more assertiveness, ambition and other "male" characteristics than girls in the sex-segregated classes. But by the end of the school year self-confidence had eroded back to square one and Wirtenberg observed few differences between the segregated and integrated classrooms. What happened? One factor responsible for the deterioration of the girls' confidence was the home environment; questionnaires sent to parents revealed that mothers and fathers denigrated the importance of male-oriented "crafts and skills" and expected their girls to excel at "women's jobs," not men's. Moreover, the ingrained attitudes among the teachers themselves proved hard to shake. One teacher seated boys and girls on opposite sides of the classroom, another admonished the girls to "act more like ladies." A third addressed girls as follows: "Get your little body over here." Concludes Wirtenberg: "children accept sexual stereotypes because society does...."

such social scientists as anthropologists and political scientists. And of the 100,000 social scientists, 13,000 were women, whereas only 14,000 of the 141,000 physical scientists were women, as were only 5,000 of the 999,000 engineers.

Considering that a disproportionately high number of female scientists and engineers were computer specialists—a field expanding so rapidly that demand exceeds supply—there may be a moral to be drawn here both for guidance counselors and for civil libertarians: guidance counselors must judge that the best strategy for women students seeking high-paid status jobs is to predict the technological needs of the future. Civil libertarians must conclude that equality of opportunity is most likely to occur during the short-lived periods when the dominant social group (white men) does not have the quantity of skills demanded by economic expansion.

And it is not only the nation's scientific and technological potential that is being damaged by the exclusion of women from the economic mainstream of society. Women will not seek careers that both fulfill their own human potential and offer an equitable income unless they are treated equally in elementary and high schools. Neither are they likely to seek meaningful careers unless and until they have equal access to professional training and to jobs. The need for affirmative action in education is as real as it is in employment.

Where affirmative action programs for women have been instituted, they have usually worked. In 1968, only 10 percent of all law students nationally were women, ten years later the figure had risen to 25 percent. Similarly, and in part because of a class suit filed in 1970 against every medical school in the country by the Women's Equity Action League, the number of women medical students rose from 9 percent that year to over 24 percent five years later.

I do not mean to emphasize affirmative action for the professions over affirmative action for white and blue-collar jobs. But getting significantly more women into the professions can produce other benefits. To the extent that continued sexual equality depends upon litigation, women lawyers will play a crucial role in the years ahead. Moreover, to cite the U.S. Commission on Civil Rights' own 1978 Clearinghouse (*Toward Equal Education Opportunity: Affirmative Admissions Programs at Law and Medical Schools*):

The role of the lawyers and physicians within a community often goes well beyond their professions...they serve as community leaders, as a means by which the community gains access to government officials and legislators, and as role models for youth in the community.

And what is true of lawyers and physicians is as applicable to other professions, especially accounting and engineering, from which increasing numbers of top-level corporate executives are being drawn. Indeed, it may well be that the most fundamental and lasting changes in today's shameful employment picture for women will only come about when the equal opportunity buck stops not in the courts, but on the desks of chief executive officers of the *Fortune* 500 who happen to be women. ♦



Why Are There No Gay "Choir Boys?"

Ask Your Friendly Chief of Police

by Richard D. Hongisto

Since the witch-hunts of Colonial Salem, we have not lacked for victims of official suspicion and harassment. There were the Palmer raids of the 1920s. There was the Dies Committee of the 1930s, the House Un-American Activities Committee of the 1940s and, in the 1950s, the defrocked FBI agents whose black-listing procedures were designed to protect the public from "subversives" such as Leonard Bernstein, Zero Mostel, Jose Ferrer, Burl Ives, John Henry Faulk, Orson Welles.

Back in Colonial Salem, the group whose business it was to ferret out religious subversives claimed special abilities to recognize those who were dangerous to a community. Now, in the 1980s, we once again have among us those who claim the special ability to detect someone who is different. We have the police. They are not the Colonials obsessed with magic, nor are they politicians using fear to gain power. This time round they are a group of hail-fellows-well-met with very definite ideas about lifestyles and sexual orientation.

I know this because for 20 years I've been a member of the law enforcement establishment.

During the ten years I was a police

officer in San Francisco in the 1960s and 70s, followed by six years as that city's elected Sheriff and a few turbulent months as Cleveland's appointed Chief of Police, I had firsthand observation of these exorcists in action.

The police are taught early. Like all the other rookies in the police academy, I learned to go after racially-mixed couples on the beat because "mixture of the races isn't natural." Besides, the man (Black) would probably turn out to be a narcotics pusher or pimp to the woman (white), who was assumed to be a prostitute. And, as in Colonial Salem, legends would feed on themselves.

Consider the hysteria created by the use of marijuana. More than an "evil weed," the police were certain it was the devil's instrument to hook an entire generation of Americans on the harder stuff: cocaine and heroin. Those who used marijuana were thought to be beyond salvation, well on the road to criminal insanity, and deserving of interminable jail sentences.

The police are generally suspicious and often hostile to any challenge to enshrined middle-class values. We were told again and again, for example, that women had their place in the home, preferably in the kitchen or in the bedroom. Naturally, the notion

that women might succeed as police officers was a subject unfit for conversation.

If admitting women into its hierarchy at that time proved threatening to the constabulary, the prospect of homosexuals on the force was positively abhorrent. Gays were judged to be the scum of the earth, perverts who were easy to spot. They were assumed to be slight of build, limp of wrist and to have high voices, lisps and a predilection for young boys.

But these prejudices couldn't last. By the early 1970s, much of the traditional suspicion of any counter-culture was being called into question. Points of view shifted after the police themselves began puffing away on joints, and after suspension of capital punishment failed to trigger a slaughter of innocents nationwide. Then, in 1972, the prestigious Police Foundation began calling for the recruiting of women officers. Shortly thereafter, women were seen patrolling the streets of Dallas, Indianapolis, Miami, New York, Peoria, Philadelphia and Washington, D.C.

But on homosexuality the police have drawn the line. And there they stand. Last year, the International Association of Chiefs of Police made it official. In resolving a "no hire" policy when it came to gays, the IACP went for the jugular:

WHEREAS, Society has delegated the power to enforce these

Richard D. Hongisto was Sheriff of San Francisco from January 1972 through December 1977, when he became chief of police in Cleveland. In 1978 he was appointed by Governor Hugh L. Carey to become New York State's commissioner of corrections. He is now a consultant to the Governor's executive staff on policy matters relating to criminal justice services.

rules, laws, and sense of right and wrong to the criminal justice system and commissioned police officers specifically as enforcement agents; and....

WHEREAS, The life-style of homosexuals is abhorrent to most members of the society we serve, identification with this life-style destroys the trust, confidence and esteem so necessary in both fellow workers and the general public for a police agency to operate efficiently and effectively; now, therefore, be it

RESOLVED, That the International Association of Chiefs of Police reaffirms its position established in 1958 during the sixty-fourth session as stated in Article VI of the Canons of Police Ethics and thereby endorses a no hire policy for homosexuals in law enforcement."

This IACP resolution raises a number of serious questions about the way police leadership views the role and composition of its rank and file in this democratic society. At issue is the wholesale exclusion of a group of people from government service solely on the basis of a negative stereotype. It is clearly past time that the exclusion of homosexuals from the police force be given far closer scrutiny as a civil rights issue than it has up to now.

Apparently, the chiefs seek to reject a fundamental principle of our system of government: that we live in a land under the rule of law. Instead, they assume for themselves the *extra-legal* responsibility to enforce a *sense* of right and wrong, which they evidently believe they alone may best interpret. In short, these individuals are utilizing the police bureaucracy to impose personal views on society.

Furthermore, the resolution argues that gays would be offensive to their "fellow workers." This presupposes that all police officers are inherently bigoted. It indicates, moreover, that police administrators will select personnel based not solely on factors that are job-related but also on some sort of "manliness quotient" defined and measured by a traditional, male-dominated

fraternity.

In addition to defining "correct" attitudes for the men in blue, the wording of the resolution gives away an absurd assumption which has insidious ramifications: the police believe that homosexuals may be detected by stereotype. The resolution reasons that whenever a cop is recognized by the public as being gay, the entire community will lose respect for the police force. But how is the public to know which cop is gay and which cop is "straight"?

"At issue is the wholesale exclusion of a group of people from government service solely on the basis of a negative stereotype."

I am reminded of a gay cop I once knew who worked in a large metropolitan police department. He stood well over six feet and weighed in at about 250 pounds, was a member of the motorcycle squad and looked downright mean. His fellow cops didn't suspect his homosexuality. Like the other police he was politically conservative, and he wouldn't hesitate to give his mother a traffic ticket. It most certainly would have shocked his buddies on the force had he ever come out of the closet. I suspect there are many such "John Waynes" in blue all over the country.

Another issue raised by the resolution is that of guaranteed equal protection under the law. Ardent champions of "law and order," the chiefs should know better than to present such a resolution. It seems remarkable that a public employer, the government, can so openly discriminate against a group in a country whose Constitution guarantees equal protection to its citizens.

Finally, considering the oath and vow taken by the police, the resolution is sadly hypocritical. When a rookie cop swears to abide by the Law Enforcement Code of Ethics, he assumes the following responsibility:

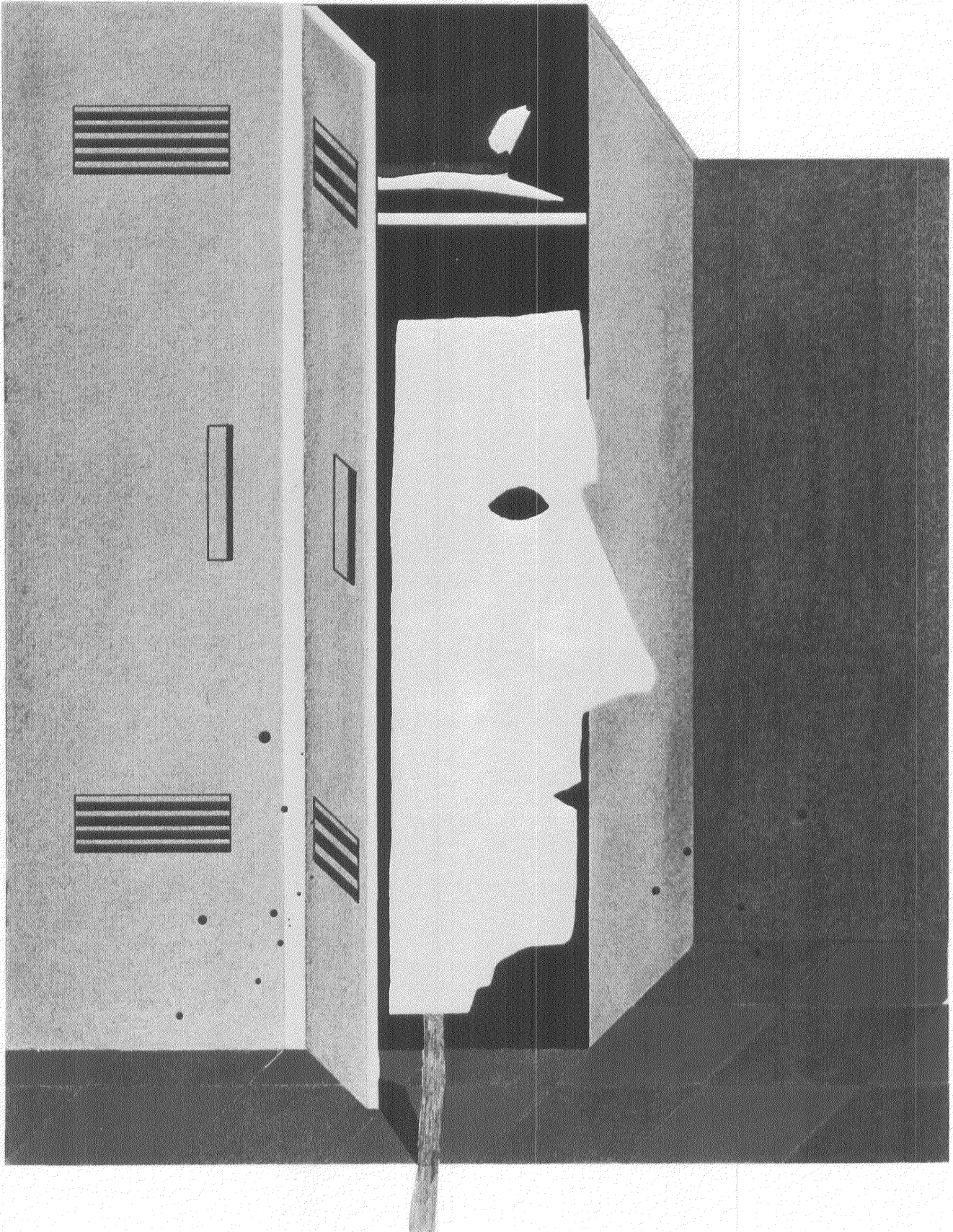
As a Law Enforcement Officer,
my fundamental duty is to serve

mankind;...to protect the weak against oppression or intimidation...and to respect the Constitutional rights of all men to liberty, equality and justice...I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions.

When judging the pervasive effects of the IACP resolution, one must also take into account questions of competency and quality that it presents to a police force. The IACP claims to be an organization of professional managers, committed to upgrading their craft, committed therefore to recruiting the best available talent solely on the basis of *job-related* considerations. What a man does in the privacy of his home simply is not related to on-duty job performance for any position with which I am familiar. Moreover, discrimination against gay applicants actually lowers the professional standards of the police force. As I learned from first-hand experience when I was finally able to hire gay deputies in San Francisco, the chiefs are depriving the force of the services of potentially superior employees.

In the fall of 1971, I ran for Sheriff of San Francisco against five other contenders. My principal opponent was Matthew Carberry, the 16-year incumbent. Not only was I a virtual unknown, but my platform, which called for the recruiting of minorities and gays, seemed an ill-timed challenge to the reactionary mood of those years. Still, I won by 20,000 votes. The next year, we set out to recruit more minorities—including gays—into law enforcement. A nondiscrimination policy was put into effect, and when a new Civil Service eligibility list was established, the gay applicants were disproportionately clustered at the top. They had easily outperformed their "straight" competitors.

So the gays came aboard. By the mid-1970s, some of the most *macho* of San Francisco deputy sheriffs allowed, albeit grudgingly, that, as a group, gays were clearly superior. Many homosexuals rose rapidly into supervisory ranks. This "daring" experiment hardly damaged my re-election; in



Some Straight Talk from the Gays

"...we know there are crimes committed by police against gay citizens—crimes of extortion, blackmail, rape and assault. We know that gay people are murdered in police custody and that these incidents are not investigated. We know that gay prisoners are forced to strip and 'bend over' while other prisoners are merely 'frisked' in the course of a routine search for weapons....

"Police officers stand by and watch while gangs of 'queer-baiters' beat and rob gay men. Guards in police lock-ups stand by while gay people are repeatedly raped and beaten up by fellow prisoners. Crimes against our persons and our property are ignored and unreported.

"We know that we and our meeting places are subjected to unique forms of harrassment. In many communities, police raids of gay bars still regularly occur. Patrons are frisked, mugged, finger-printed—and released without charges.

"We know that bizarre forms of entrapment are used against gay men. Police officers solicit and engage in sexual acts with those they subsequently arrest for sodomy or solicitation....

"We know that the laws are unequally applied and unequally enforced against us. We know that in the District of Columbia and the 30 states which still have consensual sodomy statutes, these laws are almost always enforced exclusively against homosexuals, unless the heterosexual situations involve prostitution. In 'lover's lane' situations, heterosexual couples are told just to move on, while gay people are arrested for public indecency or sodomy.

"Ten years ago, all these police abuses were seen by the majority of gay people as an inevitable part of what it meant to be a homosexual in America. We were afraid to complain because public exposure would mean the certain loss of our homes and our jobs. Today, these perils still exist, but many of us have said, 'Enough!'"

—Excerpts of statement taken from a gay rights spokesperson by the U.S. Commission on Civil Rights and included in its 1978 publication, *Police Practices and the Preservation of Civil Rights*.

1975, against an even more crowded field of would-be sheriffs, I won with 49.7 percent of the vote.

In the late 1970s, under the leadership of the late Mayor George Moscone and his police chief, Charles Gain, the San Francisco Police Department followed our lead and launched its own drive to recruit gays. This effort, too, met with almost immediate success. Generally, only ten percent of all SFPD applicants manage to pass the various screening tests, but the gays made it at the rate of 20 percent — twice as many as the "straights." Happily, neither my successor nor Gain's are thinking of dismantling either recruiting program. At the very least, there's a message here for the IACP, namely that, as a group, homosexuals are quite fit for service in criminal justice.

Unhappily, however, the chiefs pre-

fer to ignore this evidence of competence in the gay community. Worse, perhaps, is the fact that on the local level most police agencies will continue to use the IACP argument that because the public disapproves of homosexuality, homosexuals ought to be barred from seeking employment.

In the January, 1980 issue of *Police* magazine, journalist Randy Shilts quotes Lt. Richard Kelley of the Sacramento County (Calif.) Sheriff's Department as follows:

Our position is that a gay, a queer, a homosexual, whatever you want to call them, are misfits in our society....and (the majority of people) do not want homosexuals coming into their homes as sheriff's deputies....

Sad to say, Lt. Kelley is not an ex-

ception to the rule. In her statement to the U.S. Commission on Civil Rights Consultation on "Police Practices and the Preservation of Civil Rights" in December 1978, Jean O'Leary, former co-executive director of the National Gay Task Force, spoke of

....the former Los Angeles police chief [who] consistently distorted his city's child molestation statistics (which proved that over 90 percent of such crimes were committed by heterosexuals) by telling the people that most crimes were committed by gays. A police chief in New Mexico told the press that a mass-murder suspect must be gay because, "They usually try to murder their lovers."

Why, asked Ms. O'Leary, should gay cops come out of the locker "when most police departments...refuse to hire known homosexuals and fire those that are found out?" Or when the house organ of the New York Police Patrolman's Benevolent Association rails against gay rights legislation by editorializing, "We can't work as a team with people we don't like"?

People we don't like. As a cop, I used to remember the times we didn't like Blacks or Hispanics either. Or women cops.

They stopped burning witches at the stake when enough voices were raised against that persecution and senseless killing of people who were seen as "different." The burning stopped when it occurred to some of the loudest witch hunters that if one minority is persecuted they, too, might just as easily be hounded on the flimsiest of pretexts.

Similarly, homophobic discrimination in the halls of justice will continue as long as enough "good men," in John Stuart Mill's words, continue to do nothing. And the changes required cannot be brought about solely through the efforts of gays themselves and their relatives and friends. Guaranteeing the civil rights of homosexuals requires the support of every "straight" who understands that an assault on the Constitutional rights of some is an assault on the rights of all.

◆

The Media

by John De Mott

Still Teaching "White Space" at J-School

"I tremble for my country," Thomas Jefferson confessed many years ago, "when I reflect that God is just."

Nearly 200 years ago, the once and future third President of the United States, then just a country gentleman from Virginia, wrote in his diary: "I tremble for my country when I reflect that God is just." Today, this journalist—a self-professed Jeffersonian—trembles for his profession as he contemplates the way the news media handles race relations. As a professor of journalism, I'm compelled to give them a D minus, a grade just above F.

Two years ago, Benjamin Hooks of the NAACP, speaking to a convention of the Associated Press Managing Editors Association, got to ruminating about the Kerner Commission Report—the one that found America moving towards two societies, "one black, one white, separate and unequal". Ten years after that report came out, Hooks observed that, "... there is little doubt that this prediction is fast becoming a reality. The warning went virtually unheeded.... In 1968, the nation stood at the crossroads.... It could have made a giant step forward but it stepped back and ushered in a backlash of law and order.

"Given the nature of our divided society," Hooks said, "the press becomes the major link between black and white communities. It can either reinforce prejudices, racial stereotyping and the *status quo*, or it can take on the role of broadening the horizons.... The choice is not

one of ideology but of morality."

So, which choice did the press take? You tell me. We still cover the news from the standpoint and perspective of *white* America. We are still, as the *Columbia Journalism Review* pointed out not long ago, "shockingly backward" in our failure to hire and promote minorities; we still "fail to report adequately the poverty, racism and despair which bred the riots of the Sixties;" we "still do not adequately portray the lives and aspirations of non-white Americans."

Why should we be surprised by this criticism? We in the journalism profession seem more concerned with such bread-and-butter issues as the "shield law" and with "Freedom of Information" suits than we are with our responsibility to confront subjects affecting all 200 million of us.

"The press still does not adequately portray the lives and aspirations of nonwhite Americans."

Our shortcomings were made clear to me the year before last. The occasion was the 1978 national convention of the Society of Professional Journalists in, of all places, Birmingham, Alabama.

Now, SPJ tries to speak for 35,000 of us, "working press" as well as academics. For more than three days, the convention covered literally dozens of topics of concern to newsmen except one.

Guess which one.

Totally absent from the agenda was

any exploration of racism in the news and journalism's responsibility for exposing it. Nor was there any analysis of the Bakke decision and the emptiness of the "reverse discrimination" argument. Of the topics discussed, none made reference to the issues Ben Hooks had spoken about so eloquently earlier that year.

Furthermore, SPJ did little more than give ritualistic approval of a routine report from a more or less "paper committee" for recruiting minority newspeople. The "committee" appears to do little more than circulate career literature obtained elsewhere. Certainly SPJ paid scant attention to what I think may be the most important ongoing domestic news story of our time: the lack of progress in minority affairs.

The failure to register the effects of white backlash was dramatized at one point when the convention adopted (as it does every time it meets) a ho-hum resolution pledging its members to affirmative action. This time, someone proposed a "Bakke-type" amendment, a move that prompted one newswoman—white, incidentally—to remind the delegates that they were meeting in, for God's sake, *Birmingham*. The "Bakke amendment" was rejected.

That brief encounter was one of the rare acknowledgements during the entire three days of our convention that anyone remembered what Birmingham stood for—or against. It struck a number of us as rather strange, too, that at no time was there an attempt either by the convention planners or by individual delegates to organize tours of those nearby landmarks of the civil rights movement. Within walking distance of the convention site is a church where Martin Luther King conducted rallies, the jail where he wrote his famous letter, the spot where "Bull" Conner's police dogs attacked

John De Mott, Ph.D., is a professor of journalism at Memphis State University. He is chairman of the teaching standards committee of the Minorities & Communications Division of the Association for Education in Journalism. A former news reporter and editor for the Kansas City Star, he is a member of the committee on minority news of the Associated Press Managing Editors Association.

The Media

demonstrators.

I would like to have thought that failure to arrange for such a pilgrimage stemmed from topographical ignorance. However, I think the reasons may have had more to do with reverse sensitivity. The convention planners did not wish to offend the city fathers who had thoughtfully provided them with all sorts of flyers extolling the civic and commercial virtues of the "New" Birmingham and the "New" Alabama. Mayor David Vann, who was succeeded in 1979 by a black, Richard Arrington, welcomed the delegates with a speech that boasted of the progress made in race relations since the 1960s—one of the few times that sensitive term "race" even came up.

One brochure asked, rhetorically, "What's the Best-Kept Secret in the South?"—the answer, presumably, being Birmingham's assets. But looking over the brochure, the best kept secret might just as well have been "Negro" since there was only one photo of a Black in the entire flyer and he was one of two teenagers grappling for a basketball. Another brochure, entitled "Alabama Has It All," contained only two pictures of Blacks, one of a boy holding a string of fish, the other of a boy playing a trumpet. The indelible impression one is left with is that all the other Alabamans—those engaged in manufacturing, marketing, management, education and other meaningful work—must therefore be white. Even self-serving literature like those flyers should have contained *some* recognition of those historic events of just two decades ago.

More to the point, why didn't our society's members raise the question of race, if not while the convention packets were being stuffed, then at least afterwards? That SPJ didn't raise the question says a great deal about journalism and its benign neglect of the civil rights story.

What saddens me even more, as a professor of journalism, is the realization that our profession's "benign" neglect starts on campus, in classrooms that often seem harder to integrate than newsrooms.

This realization came to me not long ago, after I and another member of the Association for Education in Journalism undertook a survey of some 170-odd members of a sister association, the American Society of Journalism School Administrators. The members of the society more or less set the tone and call the shots at J-schools throughout our country. We wanted to know how they were adhering to the precepts of Title IX: what sort of courses related to race were being offered, what sort of faculty/student racial mix existed, what

was being done in job placement for minorities, *et cetera*?

There are days I wish we hadn't asked. To start with, only one out of four bothered to reply. And of those, only 7 or 8 indicated that their schools offered "race-related" media courses. Those administrators said there was "insufficient demand" for such courses or that they, white administrators, did not deem the subject area of minorities and communications important enough to justify offering such courses.

While virtually all respondents claimed that there were "plenty of resources" available to students—books, magazines, audio-visual material on race relations—in more than 90 percent of the questionnaires no one came up with a single title. Vague responses, indeed,

When the Press Cleans KKK Sheets...

If the slaughter of five demonstrators by the Ku Klux Klan in Greensboro, N.C., recently was appalling, the newspaper coverage of the atrocity was at least equally so. Virtually every account that moved across the national wire services and showed up in the nation's metropolitan daily newspapers carried the outrageous suggestion, either implied or outright, that the victims of the massacre somehow deserved what they got when carloads of admitted Klansmen drove up to a demonstration at a mostly Black housing project and opened fire with shotguns and automatic rifles.

Where were the expressions of outrage from the reporters who covered this bloody atrocity? Where were the soul-searching questions about what's happening in society when such cold-blooded mass-murder can occur in broad daylight? Where was the condemnation of the Klan and the historical notes linking this latest rash of killings to a heritage of cowardly bloodshed that started more than a century ago? Little of that was in evidence in the press accounts. Instead we were treated to the utterly calm and complacent speculation that the demonstrators had, after all, said nasty things about the Klan—printed derogatory things about them in their brochures and even, imagine this, hurled verbal abuse at the hoodlums when they drove up with guns on their laps and murder in their hearts.

What hope is there for a free society if the press not only accepts such murderous behavior but actually looks for reasons to excuse it?

Franklin Williams, Group W. Westinghouse Radio Commentary #152

The Media



and from people who set the budgets that provide the books and other resource materials.

The respondents were generally defensive when we asked how many of their faculty were Black. All told, we could identify only 24 Blacks teaching journalism in J-schools, and a discouraging number of Black students. Most of the schools claimed to be making "special efforts" to boost minority enrollment, but if mandatory affirmative action programs are indeed being implemented—as government regulations concerning federal grants require—then why cannot all the schools make this claim?

Let's face it: Our schools demonstrate a bad record of compliance, and the "real world" of the media is little better off.

We journalists have a special responsibility given to few other professions to expose wrong-doing and wrong-thinking wherever it is found. Yet we appear blind to our own shortcomings. It is generally recognized, too, that this country is experiencing a "white backlash." Instead of violence against minorities, we are usually confronted now with legal maneuvering and with institutionalized apathy towards minority rights. The rallying cry seems to be "enough for now!"

This stasis may be approved by whites but it does not serve the needs of the Blacks and the other minorities. Minorities have treaded water long enough. Not only do they want their share of the American Dream, they want to be recognized as people in their own rights. Blacks are not statistics. They are people with hopes, ambitions and, yes, grievances that should be aired.

But to whom will they tell these grievances if not to their own? As the Census Bureau discovered, and will rediscover this year, few inner city Blacks or Hispanics will talk with whites. To depend

The Media

on “honky” reporters for real insight into what minorities are thinking is naivete bordering on incompetence.

And where are the Black and Hispanic reporters? They are made, not born. If our J-schools continue to be myopic and hide behind the old gambit that there’s “a lack of qualified applicants,” we deserve every ounce of contempt that the minorities can heap upon our establishment. For unless we are able to report on what is happening today in their world, how can we hope for a better tomorrow?

We in the J-schools should be held accountable for our half-hearted support of affirmative action. Our critics, moreover, should spare no expense making sure that our *white* students are not graduated until they have demonstrated more than a nodding acquaintance with Black history, Hispanic culture and the miseries of Native Americans and other minorities.

Fortunately, there is a growing body of responsible individuals and groups within our profession trying to effect change. Among the pioneers are Northwestern University’s Medill School of Journalism and the Universities of Syracuse, Michigan, Southern California, Missouri, Indiana, Kansas and Columbia as well as Howard and other predominantly Black universities. Under the leadership of people like Professor Samuel Adams of Kansas University, the National Conference of Editorial Writers is on a nationwide talent hunt for Black newspeople wanting to specialize in editorial commentary. The American Society of Newspaper Editors has pledged itself to complete integration of U.S. newsrooms by the year 2001.

Embarrassed by a shocking absence of Blacks attending its annual convention, as well as by smoldering criticism of its uninspiring efforts in the field, SPJ

delegates adopted an important, if belated, resolution last fall. The resolution conceded that some SPJ chapters had ignored a 1977 mandate to hold programs aimed at minorities recruitment and repledged the society’s membership to better efforts. It is worth noting that the National Association of Black Journalists, formed about five years ago, is seen by many as having resulted from disillusionment with SPJ.

The prospect for greater and better efforts is real. Jean Otto, a Milwaukee *Journal* editorial writer who became the society’s first female president last fall, is known to be dedicated to improving the society’s record for assistance to minorities. Members disaffected by lack of progress in the past have urged Otto to take a new approach aimed at significantly improving the quantity and quality of reportage on race relations.

Still, progress moves at a snail’s pace. Twelve years after the Kerner Report, we newspeople still cover the day’s events from the standpoint of white America and still teach our profession from the perspective of a white society. And as long as most of the J-schools offer no courses in minorities and communication, as long as most administrators are opposed to requiring minorities-oriented courses even as non-journalism electives, our graduates will continue to emerge with their blinders intact.

Like it or not, what we Americans have to learn and understand about racism, discrimination and the dynamics of race relations must appear first in the media.

With all due respect to our profession’s laudable goal of integrating newsrooms, shouldn’t we be worrying more, right now, about the fact that our journalism school graduates may know all about inverted pyramids and next to nothing about inverted human rights? ♦

In Review

NOT WORKING: An Oral History of the Unemployed, by Harry Maurer, New York: Holt Rinehart & Winston, 297 pp. \$12.95

In the tradition of Studs Terkel, whose running-tape approach to oral history has produced such classics as *Hard Times: An Oral History of the Depression*, Harry Maurer, a former editor at *The Nation*, has gone Terkel one better. Several years ago, Terkel got people to talk about what they do all day at their jobs and how they feel about what they do. The book was titled *Working*. In *Not Working*, Maurer picks up people after they've either lost their jobs or have given up looking for work.

In their own poignant, sometimes sardonic, often depressing words, the 50 or so men and women on Maurer's tapes can change forever what one feels when confronted by the Labor Department's latest unemployment statistics. Enforced idleness can be deadly and, given the opportunity, those not working can be eloquent in expressing their pain. And their anger—minorities at "racist" employers, white males at politicians who legislated affirmative action programs they believe cost them their jobs, women at a sexist system.

Drawn from all over the country, from every class, racial, ethnic and age background and from careers as diverse as machinist, TV producer, school teacher, farm worker, and publishing executive, these people all share a common feeling of having been violated, of having their rights as human beings trampled upon. This feeling wanes as new problems take hold: how to handle long stretches of unstructured time; whether they will ever be able to face the 9-to-5 stretch;

what sort of imaginative gambit to use that can help supplement unemployment benefits; and perhaps worst of all, how to deal with the humiliation of being treated as a non-person in order to collect those unemployment checks. *Not Working* is a book that is, at once, revealing and shattering.

THE FOURTH ESTATE AND CIVIL RIGHTS

THE WORLD OF OZ: Press, Politics, People, by Osborn Elliott, New York: Viking Press, 253 pp., \$14.95

DECIDING WHAT'S NEWS: A Study of CBS Evening News, NBC Nightly News, Newsweek & Time, by Herbert J. Gans, New York: Vintage/Random House, 393 pp., \$5.95

When it deals with civil rights, *The World of Oz: Press, Politics, People* by Osborn Elliott could be better subtitled, "The Education of a WASP." Oz Elliott, the urbane, Ivy League, self-deprecating editor of *Newsweek* during the 13 turbulent years of 1963-76 and, since 1979, Dean of Columbia's Journalism School, has a disarming way of describing how both he and his magazine came of age. Media buffs will find it immensely readable and anecdotal without being cruel. Readers interested in how the media responded to the civil rights movement from the mid-60s to the mid-70s, will find Elliott's backstage reminiscences of how a once-staid, second-rate "news-weekly" became an outspoken and respected rival to the front-running *Time* a revealing case study.

In that context, *The World of Oz* is also the world of Phillip and Katherine Graham, of Ben Bradlee, of Lou Harris and all those other unsung people who committed the magazine to undertake,

In Review

starting in 1963, a major journalistic inquiry into the American Dilemma. "The Negro in America" was the first report, running 18 pages and involving some 3,000 hours of work by a staff of 158 interviewers for Louis Harris & Assoc. and 40 writers under Bradlee. Three months later, *Newsweek* did its follow-up report on what white America thinks of The Negro Revolt (as it was called back then). Over the next four years, Elliott recalls, *Newsweek* gradually moved from analysis into advocacy, culminating in its 1967 full magazine report, "The Negro in America: What Must Be Done."

Yet, by Elliott's own embarrassed admission, *Newsweek* had to be dragged kicking and screaming into the era of women's equality. He recalls the affirmative action suits that had to be filed against the magazine as late as 1972, involving such heavy-hitting lawyers on both sides as Eleanor Holmes Norton and Joseph Califano, until the sex barriers began to crumble. To his credit, he dredges up the many cruelties visited upon women reporters and researchers, many by himself. When Elizabeth Peer worked her way up from mail clerk to the high-status post of a correspondent in the Paris Bureau, she hesitantly asked Elliott for a raise. "'What do you mean?' he responded indignantly, 'Think of the honor we are paying you,'" Elliott quotes Peer and adds graciously, "My recollection of this conversation differs in detail, but I suspect Liz accurately caught the central drift."

So entrenched was sexism, he goes on, that when he appeared on a Cleveland panel and was asked why there were so few women in the upper editorial echelons of *Newsweek* or *Time*, "I said airily, 'Oh, it's just an old news-

magazine tradition that goes back fifty years or so.'" After the panel, Mel Elfin, head of *Newsweek's* Washington Bureau, asked Elliott: "What would you say if you got that reaction from Senator Jim Eastland in response to a question about the plight of the Blacks in the South?"

While Oz Elliott maintains that *Newsweek's* management took reportage on race relations seriously enough to hire more Black correspondents (eventually installing a Black as bureau chief in Atlanta), Columbia sociologist Herbert J. Gans would remain skeptical about whether changes of that magnitude are enough to affect the way decisions are made in newsrooms. Needless to say, he believes that some changes in that process are essential and long overdue. Gans, whose book *The Levittowners* is considered a landmark study on suburbia, spent an aggregate ten years in the newsrooms of *Time*, *Newsweek*, *NBC* and *CBS* researching his penetrating study *Deciding What's News*, now out in paperback. His research uncovered a different set of "unwritten rules" than those Elliott describes. One "top TV news producer" (unnamed) told him:

It's a national audience and it's national subjects we are dealing with. We can't simply say Black Power is good. Even if you think it is in Atlanta you are not quite sure it is in Chicago. We've said the opposite quite mildly, that Black Power is perhaps not so good....

Gans' central point, devastatingly made, is that by and large, the news media implicitly defend an essentially

conservative vision of America, particularly as it applies to minorities, with the result that the news filtering into the nation's consciousness, directly and indirectly,

upholds the actions of elite individuals and elite institutions. Deciding what's news and what isn't, then, becomes a matter of how well the subjects fit into, or live up to, the enduring values of ethno-centricism, altruistic democracy, responsible capitalism, small-town pastoralism, individualism, moderatism, social order and national leadership.

The fact that there are precious few minorities or women in the media helping to redefine those values from fresh perspectives, thereby reducing the distortions now prevalent in "national" news, leads Gans to offer a modest proposal. His concept of "multi-perspective news," and his suggestions about why and how alternative mechanisms for news gathering, news reporting and news analysis could help our democracy work better, are intended to be provocative. They are, and alone are worth the price of admission. But the entire book is an eye-opener. As Richard Reeves pointed out last year in *The Washington Monthly*: "Gans does a hell of a job in demolishing the myths of an anti-Establishment press."◆

C.R.R.

U. S. COMMISSION ON CIVIL RIGHTS

WASHINGTON, D. C. 20425

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID
U. S. COMMISSION ON CIVIL RIGHTS
CONTROLLED CIRCULATION RATE

