

# Benign neglect by Supreme Court

by Bayard Rustin

A recent Supreme Court decision may have temporarily marked an end to that institution's role as an instrument of civil rights progress and activism. In itself, the ruling is relatively unimportant particularly when laid aside the momentous cases in which the court justifiably earned the reputation as a staunch and persistent defender of racial justice.

It is significant, rather, as a symbol of the court's new conservative orientation of all social issues. And its telling black Americans that, for the foreseeable future, they must look elsewhere if the social and economic inequities of society are to be rectified.

The particular ruling to which I refer upheld the right of a private club to bar Negroes from its dining and drinking facilities. By implication, the court also said that such private organizations could legally discriminate on the basis of race in the selection of members.

It is not my intention to discuss at length the merits of this decision, although I disagree with it on both legal and moral grounds. But I am compelled to comment, however briefly, on how such a ruling affects the whole concept of racial integration.

## CIVIL RIGHTS REEXAMINED

We are living in a time when many of the philosophies and ideals of the civil rights movement are being re-examined and when far too often both black and white are willing to capitulate on the most essential ideal of full integration. Given this atmosphere, it is profoundly disturbing that the nation's highest court would legitimately discriminate with its stamp of approval.

Such a decision can only encourage young blacks who have demanded separate dormitories, separate courses, and separate social facilities at many campuses.

On the other hand there are many whites, including, I am certain, those who so self-righteously proclaim the right of their club to exclude blacks, who are all too willing to advise us to put our house in order, moderate our extremists and enter the mainstream. I find such an attitude not only repugnant, particularly when held by the business and political elite of a community who so often comprise the membership of fraternal organizations.

This decision also, I fear, augurs what could well be

an era of racial "benign neglect" on the part of the courts which could extend well into the future.

## NOT REJOICING

This is no cause for rejoicing, for the court has for the past three decades been the black man's most reliable governmental ally. It was the court which responded to our specific needs when Congress and the President lacked the commitment to deal with the injustices which had become so deeply imbedded a part of our daily lives.

It was the court which, in a sense, inaugurated the civil rights era with the historic Brown decision. More recently, the court outlawed discrimination in the sale or rental of housing and provided an effective counter to the Nixon Administration's ef-

forts to delay the integration of southern schools.

I do not wish to imply that the court has suddenly become an implement of racial reaction. Its members, including three of the four justices appointed by Richard Nixon, range from moderate to liberal on racial cases. One exception is Justice William Rehnquist, who once wrote that "we are no more committed to an integrated society than to a segregated society." It was, symbolically, Rehnquist who wrote the decision upholding discrimination on the part of private clubs.

## MANY CASES PENDING

There are many important cases pending before the court which could bear heavily on the future of blacks and on the economic condition of all

society's impoverished.

Given the new bent of the court, we must prepare ourselves for decisions on many of these cases which are contrary to the best interests of the economically deprived, of those who continue to suffer racial discrimination, and of humanity in general.

This does not mean that we need passively accept what might appear to be a slackening of our movement's progress. If, in truth, we no longer can rely on the Supreme Court to redress the wrongs of our social environment, we must turn elsewhere for solutions.

We must redouble our efforts at building political strength, both in and of itself and in alliance with other progressives, so that what we cannot accomplish in the courts we can win in Congress.



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# To Be Equal

by Vernon E. Jordan, Jr.

If there's one thing that's obvious about the housing situation it is that the demand for housing that low- and middle-income people can afford will not be met unless there are some drastic departures from past policies. Some 60 percent of all Americans are unable to afford the price of a new home, and conditions seem bound to get worse, not better.

When you deduct the numbers of sound housing units lost each year through abandonment, which is an increasing problem in many cities, and through urban renewal projects, highway construction and other reasons, there is probably a net loss of available housing units. The half-million subsidized units built each year then, does not even balance the numbers of houses and apartments lost, much less add to the supply of needed housing.

When we see that 70 percent of the population lives on one percent of the land, that the nation's population will probably grow to some 300 million people in the next 30 years, and that skyrocketing land costs are making housing for all but the favored few too expensive, the case becomes strong for a national urban growth policy and a federal National Urban Growth Agency to implement such a

policy.

Such a national agency could help to counter the effects of a fractured society which finds it difficult to solve its housing problems because of the conflicting claims and jurisdictions of local governments and local zoning laws. Taken together this patchwork of locally-formulated policies and programs amounts to no national policy at all.

One of the first tasks of a National Urban Growth Agency would be to acquire land and "bank" it for future urban development. By taking some land—and it needn't amount to very much—off the speculative market, one of the prime factors in controlling spiraling costs would be neutralized. The Agency could then make rational plans for future development, with the opportunity to help create sound, balanced communities.

## 'HOUSER OF LAST RESORT'

The Agency would also act as a "houser of last resort," assuring an adequate supply of decent housing for low and moderate income families that can't be served by the private market.

It would also be mandated to plant and to build where local governmental units refuse to develop fair and rational plans. A National

Urban Growth Agency, financed as other government units and with the power to sell bonds and to build directly could well become the means by which chaos is replaced by fair, rational planning and use of our national resources.

There are ample models for such an agency. European and other countries have had excellent experience with planned communities and New York State has a state agency that is somewhat similar to what I have suggested.

There is no alternative to development. Our only choice lies in the nature of that development; whether it will continue to be haphazard and unplanned, leading to urban and suburban blight and the exclusion of lower income families, or whether it will be orderly, planned development that solves problems and doesn't, as our present lack of a system does, create them.

We are too far behind in the national promise to provide decent housing for all to be able to avoid the issue for much longer. We know what the problem is, we know past efforts have failed miserably, and now we need the courage to create the tools that will finally get the job done.

# Black composers to lose royalties

Oldtime Black songwriters who wrote some of the nation's outstanding songs, including "St. Louis Blues" and "Honey-suckle Rose," stand to lose hundreds of thousands of dollars in royalties unless Congress gives them legal relief, two Black record company executives warned recently.

Henry Allen, vice president of Atlantic records, and the firm's sales manager, Rick Willard, in a letter launching the Committee to Protect American Black Music, to members of the Black Congressional Caucus urged members of the Black Congressional Caucus to seek a one-year extension of the 1915 Copyright Law. Under this bill a composer's song is protected for 56 years, and he receives royalties from it being sung or recorded. After that time, the tune passes into the public domain and financial returns are lost.

Falling into this category is "St. Louis Blues," written by the late Memphis-born W.C. Handy in 1914, which became a public domain work two years ago. In the past five years both Houses of Congress passed a one-year extension bill while they debated revising the 1915 statute with new amendments to prolong the life span of a songwriter's music beyond the 56 years. However, this year's chances of another extension seem slim.

Other American tunes produced by Black writers who face a financial loss include "Basin Street Blues," "Old Fashioned Love," "Darktown Strutter's Ball" and "I'm Just Wild About Harry." Though many of these writers are deceased, their families benefit from the continuing royalty checks running into the thousands that come to them from ASCAP, the songwriter's association.

One case cited was that of Los Angeles resident Andy Razaf, composer of "Ain't Misbehavin'," who is now confined to a wheelchair. His medical bills exceed \$18,000 a year.

"The only satisfaction these great Black Americans received were royalty checks that allowed them to enjoy some of the comforts of life, though small in comparison to the millions pocketed by singers, publishing firms and record companies who capitalized on their words and music," wrote Allen and Willard.

In the late 50s when she was a bigtime rock and roll star, Lavern Baker complained to her Congressman, Charles Diggs of Detroit, about other performers duplicating her style and arrangements from many of her Atlantic best-sellers. She also asked him to introduce legislation to prevent pirating of recordings.

# ADC Mothers required to register

Regulations under a law that will require 1.5 million able-bodied welfare recipients to sign up for work or work training were issued by Labor Secretary J. D. Hodgson and HEW Secretary Elliot L. Richardson. They take effect July 1. Affected will be persons who receive or apply for AFDC -

Aid to Families with Dependent Children. "More than eight out of ten will be mothers, because there are really few able-bodied male adults in the AFDC program," Secretary Richardson said.

About 800,000 persons now receiving welfare will be signed up by the end of the

year as a condition for receiving aid. The rest will be signed up as they come in to apply for aid in the next 12 months.

The massive sign-up is actually an extension of the existing Work Incentive Program, a joint HEW-Labor plan to help welfare families become self-supporting.

Previously, the only individuals in the AFDC program required by Federal law to be registered for the WIN program were unemployed fathers, children over 16 who are out of school, and volunteers. The new regulations will require registration for work or job training of many additional persons among those applying for or receiving Aid to Families with Dependent Children.

"But even some who are not required to sign up under the new law will do so anyhow," Secretary Richardson said, "because they want to go to work." An estimated 300,000 mothers with children under six will make up the bulk of these "volunteers," he said.

Both Secretaries Hodgson and Richardson pointed out that there is more to getting a job than just signing up.

"In order to get work or train for a job," Secretary Hodgson said, "these women will need child care services,

homemaker help, and perhaps home management, housing, family planning or other services."

Federal funds will pay for 90 percent of these employment-related services, he said. The new regulations call for special units to be set up in local welfare offices to help arrange for these services.

By next June, Secretary Hodgson estimated, local State Employment Services and other WIN agencies will have evaluated the work skills and developed employability plans for half the 1.5 million persons expected to sign up.

Those in job training will receive their full welfare allotment, plus \$30-a-month incentive pay. Employers who hire WIN participants can also claim a first-year tax credit of 20 percent on wages paid them. The employees must remain employed a second full year, although if they quit, become disabled, or are fired for cause, the credit can still be claimed.

States will benefit under the new law, receiving 90 percent Federal aid for WIN-connected services instead of the present 75 percent. Also the Federal share of manpower costs will increase from 80 to 90 percent.



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