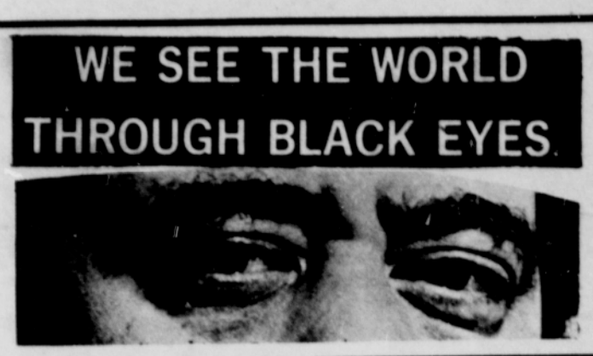
ALFRED LEE HENDERSON
EDITOR/PUBLISHER



Editorial focus

No quotas from Nixon

The question of quotas has again come to attention as Roger Kelley, retiring assistant secretary of defense for manpower, said there will be no racial quotas in the military. This is a welcome statement to many persons who agree with the Nixon Administration that there should be no attempt to guarantee opportunities for minorities in the various fields of employment.

Most Black people who have been involved in the struggle for equal opportunity in employment and education are not so opposed to quotas. It was only through the imposition of quotas, enforced by the threat of withdrawal of federal money, that Blacks were allowed to enter many of the trades and professions. It was only because of the imposition of quotas that Blacks were allowed and encouraged to attend the better schools. It was only because of the imposition of quotas that Blacks were promoted to positions somewhat commensorate with education and ability.

So Blacks do not fear quotas. We realize that if Black people and other minorities were allowed a true equal opportunity in education, in housing and environment, in health care, in economic pursuits, there would be no need for quotas. The percentages in employment and the professions would approximate the percentage in the general population.

A typical excuse appeared in a local white daily . . . "It would certainly slow the game to apply a 13.5 percent Black quota to professional basketball." Of course this is ridiculous -- we speak of broad percentages and the implied opportunity -- not decimal points. Or let us carry it one step farther . . . limit the troops in the front line trenches and the battle casualties to 13.5 percent Black.

Portland schools immune

On May 21st the United States Supreme Court affirmed the decision of the Fourth Circuit Court of Appeals, halting the desegregation of the Richmond, Virgina schools. Desegregation by combining the majority Black city schools with majority white suburban schools had been ordered by a lower court. The decision was actually a 4 to 4 tie, which did not decide the merits of metropolitan desegregation.

All of this is apparently of no consequence to Portland -- since the Portland Public Schools have not been effected by previous court decisions.

It might seem strange, but Portland has remained immune to the "law of the land".

The court has found "freedom of choice" to be unconstitutional, but it is used in Portland. Both Black and white parents can transfer their children to other schools, supposedly to promote, but also to avoid, desegregation.

One-way busing has been found to be unconstitutional since it places the burden unfairly on Black children and parents. Yet one-way busing is the only form of "desegregation" practiced by the Portland Public Schools.

As a result we find more segregation in the public schools in Portland than there was when the Brown decision was reached in 1954, or when Black Portland began talking about school segregation in 1962.

Yes Portland seems immune to the law, for the only plans we hear about is the ultimate goal to close the Albina schools and send the children who live here out to other schools. Clearly this is unconstitutional, according to previous court findings.

The public school administration has been sitting on this plan for two years, reportedly with the money available to initiate it, waiting for the right moment to spring it on us.

What other Black Papers say

[*From the Louisville Defender*]

At a time when public confidence in the White House is at an all time low, and also when the Watergate espionage is exploding beyond any other national government scandal, it behooves the Nixon Administration to comply with both federal court orders, which insist that he appropriate highway funds and that he not dismantle OEO.

The difference between the two signs was that the highway case was arguing that Congress is the only one that can stop the disbursement of funds and not the White House. They also claim that undue harm had been done to thousands of residents in Maryland because of the funds being impounded in direct contradiction to the language of the legislation.

In the OEO case, lawyers for the poverty programs effectively claimed in an "employees suit" that a tremendous amount of psychological and physical harm was being done to the workers in the poverty program by having their funds impounded and the Director instructed by Nixon to dismantle all of the offices in Washington, as well as all regional offices and local CAP agencies nationally by June 30, 1973.

The suit contended that any dismantling of OEO was contrary to the 1972 OEO appropriations bill that Congress passed last year with the expressed language that OEO was not be dismantled, decentralized or terminated in any fashion. The law went ahead to point out that funds were voted and set aside for a continuation of the agency until fiscal 1975.

What federal judge William Jones said was: "An administrator's responsibility to carry out the Congressional objectives of a program does not give him the power to discontinue that program, especially in the face of a Congressional mandate to continue the program."

Administration lawyers are saying that many of the thorny legal issues involving impoundment of funds and other administrative actions ultimately will reach the Supreme Court.

They are correct in this assumption but the *Defender* believes they will lose also at this level. No court, regardless of the origin of some of it's judges, is going to tamper with the historical balance of power in which the founding fathers very clearly spelled out the functions and responsibilites of each branch of government in the constitution. There are at least 15 legal cases already on the books to support this position and we cannot see the Supreme Court going against these legal precedents. No President has ever created as many Constitutional crises as Nixon.

The other impractical aspect of the White House's strategy is that at the present time these federal court rulings can be expanded on to affect other administration decisions to impound funds and dismantle other programs. We welcome the case before the Supreme Court because it may permanently put an end to Nixon's effort to impound or dismantle programs he disapproves of primarily because they do not have his personal political label.

NO TIME FOR EDITORIAL COMMERCIALS

By Ron Hendren

WASHINGTON—The Supreme Court last week lent its support to radio and television broadcasters in deciding that neither the Constitution nor federal law requires them to sell commercial air time for editorial statements on controversial subjects.

Chief Justice Warren E. Burger delivered the majority opinion, which dealt an all but killing blow to a recent movement aimed at forcing the communications media to open the airwaves to persons and groups who wish to grind their axes in public.

The Federal Communications Commission had already sided with the broadcasters in refusing to require them to sell editorial advertisements. However, Burger's opinion, in which he was joined by six other justices, reaffirmed the applicability of the FCC's "fairness doctrine" which requires balanced treatment of controversial topics.

Two justices—Thurgood Marshall and William J. Brennan, Jr.—dissented. "Any person wishing to market a particular brand of beer, soap, toothpaste or deodorant has direct, personal and instantaneous access to the electronic media," Brennan noted. "Yet a similar individual seeking to discuss war, peace, pollution or the suffering of the poor is denied this right to speak."

But the majority of the court took the view that editors are just that—persons whose job it is to select material for broadcasting or publication—and so long as the general guidelines of the fairness doctrine are followed, there is no requirement to open the airwaves to "self-appointed editorial commentators."

The axe grinders had hoped to extend their fight for time and space to the newspapers as well. This defeat at the hands of the high court is likely to end those hopes.

We have tended to recognize one basic difference between broadcast and print media in this country. Anybody who has the talent and money is free to crank out his own newsletter, magazine or newspaper. And one glance at the annual attrition rate among periodicals will assure any skeptic that plenty of people try, even though very few are able to survive the stiff competition. (This writer, still in his fledgling second year of syndication, notes appreciatively that the same is true of columnists.)

There is only a limited amount of air space, however, either for aircraft or for radio and television signals. For this reason, the airwaves have traditionally been considered public property, and the FCC has the responsibility to issue broadcast liscenses, which must be renewed periodically, on a competitive basis. Thus there is necessarily a significantly higher degree of government regulation in broadcasting than in the print media.

But in this most recent decision the court refused to extend that regulation and thereby shackle the hands of broadcast editors. Said Burger, after admitting there was some radio and television editorial abuse, "Calculated risks of abuse are taken in order to preserve higher values."

He might have added that that premise is an important cornerstone in the foundation not only of freedom of the press, but of all freedoms.

Scrapping Desegregation ? ? ?

LETTERS TO THE EDITOR

Fishing trip brings fines

To Whom It May Concern.

On May 5, 1973 I decided to get my fiancee a fishing license and take her fishing somewhere close.

We decided to check the '73 synopsis on fishing regulations, or should I say, she did. In doing so, she read winter regulations and it was thoroughly misunderstood. So we decided on Eagle Creek in Estacada. While driving on the road along Eagle Creek, we noticed quite a few cars and thought that this would be a good spot. So we pulled off down this side cutoff and parked. We got out of the car, grabbed our fishing poles and headed for the creek. When we arrived I pointed out to Cindy that there were two fishermen at the base of the ladder fishing, which is strictly against the rules, and so stated that we should go further down stream. We spent most of the time teaching her to cast and getting her line loose from snags. After approximately 1 hour, we decided to go to Promitory Park, since we had no luck and other fishermen were accumulating and it was getting a little crowded.

While we were leaving, a state patrolman appeared and asked us for our licenses, which we showed him. He then asked if we had any luck, and we told him "no". Then he asked if we knew we were fishing in a closed stream. I told about the reading of the synopsis and explained to the officer that we had mis-read it and would not have been fishing there had we know that it was closed. In spite of all pleas the officer (#170-11, R.B. Ellsworth) issued a citation to each of us for thirty-seven dollars each and as we drove off he grinned at both of us.

On May 16, 1973, at 9:30 a.m., we appeared before a traffic judge at room 304 of the Oregon City, Clackamas County Court House. My fiancee, Cindy, appeared first. The judge proceeded to ask her if she knew that the stream was closed and she stated "no". He asked if she had read the synopsis, and she said she did not know what it was for sure but that she had evidently mis-read it. He then explained to her ". . . they have more arrests on Eagle Creek than any other stream in the state and that they haul them out of there by the car-load every weekend!" Then he asked her if she had ever been fishing before; she said "no". He chuckled and suspended her $25 fine to $13.

Next, I was called on the stand. He asked me if I had every been fishing before. I said "yes" and explained that I had taken Cindy fishing for the experience. He fined me $25 and that was that!

I do know a couple of people who have received tickets in the same area for the same reason and they were equally ignorant of the formal rules. Now, my contention is, if they have that much of a "racket" going on there on that creek, I feel the state has reaped enough profit from that particular creek. I feel, and I am sure there are thousands of other fishermen that feel the same way. My main point is that this stream, Eagle Creek, and others should be posted. It is only fair. We pay enough in angling fees to allow for the cost of posting a few streams. There a lot of people who enjoy fishing in Oregon waters and **not** because they feel they are getting away with something illegal.

It would be a pleasure to hear other Oregonians who have something to say in this matter to speak out!

Respectfully submitted,
Herbert "Mike" Howard

Waverly passes test

Dear Editor:

A few weeks ago the **Observer** published a front page picture of children in the care of the Waverly Children's Home sleeping on the floor. Since the Children's Services Division contracts with Waverly, I undertook a review of this particular situation as it relates to our continuing program arrangements with the agency.

It should be pointed out that Waverly Children's Home provides emergency shelter care for children on referral by the Children's Services Division, or in many cases, by local police agencies, when for any number of reasons it is necessary for youngsters to be removed from their homes or when they are found by neighbors or police at home without proper supervision. In every instance these situations are referred to the juvenile court immediately for review and further planning.

Waverly provides the only group emergency shelter care facility in the Portland Metropolitan area, making available aproximately twenty-five spaces for emergency placement. Ordinarily emergency placements are of short duration until the child is returned home or placed in a foster home.

The **Observer's** picture of children sleeping on the floor was taken at a time when there was an unusually large number of children in emergency care. In such a situation, the agency does find it necessary to utilize sleeping bags or mattresses to accommodate the overload. But again, this situation is quickly remedied as other children move out and make beds available.

The particular situation highlighted by the **Observer's** picture was due in part to the construction program now in progress at Waverly, and it is my opinion that the need to utilize sleeping accommodations of this sort in the future will be minimal when new quarters are available.

From my perspective, the Waverly Children's Home provides a critical service to the children in Multnomah County. I would invite the **Observer's** editor to visit personally with Mr. Jack Henry, director of the agency, to see the program in action.

Sincerely,

Don Miller, Administrator
Children's Services Division
Dept. of Human Resources

[Editor's note: We would like to know the scope of Mr. Miller's investigation before calling the matter closed.

1) Did you question staff members and former staff members of Waverly about treatment and attitude toward the Shelter Care children?

2) Did you ask CSD staff why Waverly is used only as a last resort?

3) Did you ask Juvenile Court Counsellors what they have seen or not been allowed to see?

4) Did you question why CSD social workers and court counselors are not allowed to visit the children's living quarters as they are free to do in your own Children's Farm Home?

5) Did you wonder why the emphasis and conversation always returns to the treatment of the mentally retarded children rather than shelter care?

6) Did you find out why children are accepted for care when there are not adequate facilities for them?

7) Did you question why complaints have continued over a period of years when construction now taking place is a temporary concern?)

MEMBER
NATIONAL NEWSPAPER
Association - Founded 1885

Published every Thursday by Exie Publishing Company, 2201 N. Killingsworth, Portland, Oregon 97217. Mailing address, P.O. Box 3137, Portland, Oregon 97208

Subscriptions $5.25 per year - Tri-County area, $6.00 per year - Outside Portland.
Telephone, 283-2486.

Second Class Postage Paid at Portland, Oregon.

The Observer's official position is expressed only in its Publisher's Column (The Observation Post) and the Editor's Desk. Any other material throughout the paper is the opinion of the individual writer or submitter and does not necessarily reflect the opinion of the Observer.