The racial disorders of last summer in part reflect the failure of all levels of government—Federal and state as well as local—to come to grips with the problems of our cities. The ghetto symbolizes the dilemma: a widening gap between human needs and public resources and a growing cynicism regarding the commitment of community institutions and leadership to meet these needs.

The problem has many dimensions—financial, political and institutional. Almost all cities—and particularly the central cities of the largest metropolitan regions—are simply unable to meet the growing need for public services and facilities with traditional sources of municipal revenue. Many cities are structured politically so that great numbers of citizens—particularly minority groups—have little or no representation in the processes of government. Finally, some cities lack either the will or the capacity to use effectively the resources that are available to them.

Instrumentalities of Federal and state Government often compound the problems. National policy expressed through a very large number of grant programs and institutions rarely exhibits a coherent and consistent perspective when viewed at the local level. State efforts, traditionally focused on rural areas, often fail to tie in effectively with either local or Federal programs in urban areas.

Meanwhile, the decay of the central city continues—its revenue base eroded by the retreat of industry and white middle-class families to the suburbs, its budget and tax rate inflated by rising costs and increasing numbers of dependent citizens and its public plant—schools, hospitals, and correctional institutions deteriorated by age and long-deferred maintenance.

Yet to most citizens, the decay remains largely invisible. Only their tax bills and the headlines about crime or “riots” suggest that something may be seriously wrong in the city.

There are, however, two groups of people that live constantly with the problem of the city: the public officials and the poor, particularly the residents of the racial ghetto. Their relationship is a key factor in the development of conditions underlying civil disorders.

Our investigations of the 1967 riot cities establish that:

- Virtually every major episode of urban violence in the summer of 1967 was foreshadowed by an accumulation of unresolved grievances by ghetto residents against local authorities (often, but not always, the police). So high was the resulting underlying tension that routine and random events, tolerated or ignored under most circumstances (such as the raid on the “blind pig” in Detroit and the arrest of the cab driver in Newark), became the triggers of sudden violence.

- Coinciding with this high level of dissatisfaction, confidence in the willingness and ability of local government to respond to Negro grievances was low. Evidence presented to this Commission in hearings, field reports and research analyses of the 1967 riot cities establishes that a substantial number of Negroes were disturbed and angry about local governments' failures to solve their problems.

Several developments have converged to produce this volatile situation.
First, there is a widening gulf in communications between local government and the residents of the erupting ghettos of the city. As a result, many Negro citizens develop a profound sense of isolation and alienation from the processes and programs of government. This lack of communication exists for all residents in our larger cities; it is, however, far more difficult to overcome for low-income, less educated citizens who are disproportionately supported by and dependent upon programs administered by agencies of local government. Consequently, they are more often subject to real or imagined official misconduct ranging from abrasive contacts with public officials to arbitrary administrative actions.

Further, as a result of the long history of racial discrimination, grievances experienced by Negroes often take on personal and symbolic significance transcending the immediate consequences of the event. For example, inadequate sanitation services are viewed by many ghetto residents not merely as instances of poor public service but as manifestations of racial discrimination. This perception reinforces existing feelings of alienation and contributes to a heightened level of frustration and dissatisfaction, not only with the administrators of the sanitation department but with all the representatives of local government. This is particularly true with respect to the police, who are the only public agents on duty in the ghetto 24 hours a day and who bear this burden of hostility for the less visible elements of the system.

The lack of communication and the absence of regular contacts with ghetto residents prevent city leaders from learning about problems and grievances as they develop. As a result, tensions, which could have been dissipated if responded to promptly, mount unnecessarily, and the potential for explosion grows inevitably. Once disorder erupts, public officials are frequently unable to fashion an effective response; they lack adequate information about the nature of the trouble and its causes, and they lack rapport with local leaders who might be able to influence the community.

Second, many city governments are poorly organized to respond effectively to the needs of ghetto residents, even when those needs are made known to appropriate public officials. Most middle-class city dwellers have limited contacts with local government. When contacts do occur, they tend to concern relatively narrow and specific problems. Furthermore, middle-class citizens, although subject to many of the same frustrations and resentments as ghetto residents in dealing with the public bureaucracy, find it relatively easy to locate the appropriate agency for help and redress. If they fail to get satisfaction, they can call on a variety of remedies—assistance of elected representatives, friends in government, a lawyer. In short, the middle-class city dweller has relatively fewer needs for public services and is reasonably well positioned to move the system to his benefit.

On the other hand, the typical ghetto resident has interrelated social and economic problems which require the services of several government and private agencies. At the same time, he may be unable to identify his problems to fit the complicated structure of government. Moreover, he may be unaware of his rights and opportunities under public programs and unable to obtain the necessary guidance from either public or private sources.

Current trends in municipal administration have had the effect of reducing the capacity of local government to respond effectively to these needs. The pressures for administrative efficiency and cost cutting have brought about the withdrawal of many operations of city government from direct contact with neighborhood and citizen. Red tape and administrative complexity have filled the vacuum created by the centralization of local government. The introduction of a merit system and a professionalized civil service has made management of the cities more business-like, but it has also tended to depersonalize and isolate government. The rigid patterns of segregation prevalent within the central city have widened the distance between Negro citizens and city hall.

In most of the riot cities surveyed by the Commission, we found little or no meaningful coordination among city agencies, either in responding to the needs of ghetto residents on an ongoing basis or in planning to head off disturbances. The consequences of this lack of coordination were particularly severe for the police. Despite the fact that they were being called upon increasingly to deal with tensions and citizen complaints often having little, if anything, to do with police services, the police departments of many large cities were isolated from other city agencies, sometimes including the mayor and his staff. In these cities, the police were compelled to deal with ghetto residents angered over dirty streets, dilapidated housing, unfair commercial practices or inferior schools—grievances which they had neither the responsibility for creating
nor the authority to redress.

Third, ghetto residents increasingly believe that they are excluded from the decision-making process which affects their lives and community. This feeling of exclusion, intensified by the bitter legacy of racial discrimination, has engendered a deep seated hostility toward the institutions of government. It has severely compromised the effectiveness of programs intended to provide improved services to ghetto residents.

In part, this is the lesson of Detroit and New Haven where well intentioned programs designed to respond to the needs of ghetto residents were not worked out and implemented sufficiently in cooperation with the intended beneficiaries. A report prepared for the Senate Subcommittee on Employment, Manpower and Poverty, presented just prior to the riot in Detroit, found that:

Area residents *** complain almost continually that *** their demands for program changes are not heeded, that they have little voice in what goes on. *** As much as the area residents are involved, listened to, and even heeded, *** it becomes fairly clear that the relationship is still one of superordinate-subordinate, rather than one of equals. *** The procedures by which HRD (the Mayor's Committee for Human Resources Development, the Detroit Community Action Agency) operates by and large admit the contributions of area residents only after programs have been written, after policies have already operated for a time or already been formulated and at a large degree, only in formal and infrequent meetings rather than in day-to-day operations. *** The meaningfulness of resident involvement is reduced by its after-the-fact nature and by relatively limited resources they have at their disposal.1

Mayor Alfonso J. Cervantes of St. Louis was even more explicit. In testimony before this Commission, he stated:

We have found that ghetto neighborhoods cannot be operated on from outside alone. The people within them should have a voice, and our experience has shown that it is often a voice that speaks with good sense, since the practical aspect of the needs of the ghetto people are so much clearer to the people there than they are to anyone else.

The political system, traditionally an important vehicle for minorities to participate effectively in decisions affecting the distribution of public resources, has not worked for the Negro as it has for other groups. The reasons are fairly obvious. We have found that the number of Negro officials in elected and appointed positions in the riot cities is minimal in proportion to the Negro population. The alienation of the Negro from the political process has been exacerbated by his racial and economic isolation.

Specifically, the needs of ghetto residents for social welfare and other public services have swelled dramatically at a time when increased affluence has diminished the need for such services by the rest of the urban population. By reducing disproportionately the economic disability of other portions of the population, particularly other ethnic urban minorities, this affluence has left the urban Negro few potential local allies with whom to make common cause for shared objectives. The development of political alliances, essential to effective participation of minority groups in the political process, has been further impaired by the polarization of the races, which on both sides has transformed economic considerations into racial issues.

Finally, these developments have coincided with the demise of the historic urban political machines and the growth of the city manager concept of government. While this tendency has produced major benefits in terms of honest and efficient administration, it has eliminated an important political link between city government and low-income residents.

These conditions have produced a vast and threatening disparity in perceptions of the intensity and validity of Negro dissatisfaction. Viewed from the perspective of the ghetto resident, city government appears distant and unconcerned, the possibility of effective change remote. As a result, tension rises perceptibly; the explosion comes as the climax to a progression of tension-generating incidents. To the city administration, unaware of this growing tension or unable to respond effectively to it, the outbreak of disorder comes as a shock.

No democratic society can long endure the existence within its major urban centers of a substantial number of citizens who feel deeply aggrieved as a group, yet lack confidence in the Government to rectify perceived injustice and in their ability to bring about needed change.

We are aware that reforms in existing instruments of local government and their relationship to the ghetto population will mean little unless joined with sincere and comprehensive response to the severe social and economic needs of ghetto residents. Elsewhere in this report, we make specific recommendations with respect to employment, education, welfare, and housing which we hope will meet some of these needs.

We believe, however, that there are measures which can and should be taken now; that they can be put to work without great cost and without delay; that they can be built upon in the future and that they will effectively reduce the level of grievance and tension as well as improve the responsiveness of local government to the needs of ghetto residents.

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1 Examination of the War on Poverty, Staff and Consultants Reports, prepared by Center for Urban Studies, University of Chicago, for the Subcommittee on Employment, Manpower and Poverty, Senate Committee on Labor and Public Welfare, 90th Cong. 1st Sess. (Sept. 1967), vol. VI, pp. 1721 ff.
BASIC STRATEGY AND GOALS

To meet the needs identified above, we recommend pursuit of a comprehensive strategy which would accomplish the following goals:

- Effective communication between ghetto residents and local government.
- Improved ability of local government to respond to the needs and problems of ghetto residents.
- Expanded opportunities for citizen leadership to participate in shaping decisions and policies which affect their community.
- Increased accountability of public officials.

We recognize that not all of the programs proposed below to implement the foregoing goals can be instituted with the immediacy required by the problem. Because the need for action at the local level, where government impinges directly upon the ghetto resident, is particularly urgent, we propose that our suggested programs be implemented in two phases. It is vital, however, that the first phase programs not be regarded or perceived as short term, and anti-riot efforts calculated to cool already inflamed situations. These programs will have little chance of succeeding unless they are part of a long-range commitment to action designed to eliminate the fundamental sources of grievance and tension.

PROGRAMS: FIRST PHASE ACTIONS

ESTABLISHMENT OF NEIGHBORHOOD ACTION TASK FORCES

To open channels of communication between government and ghetto residents, improve the capacity of the city administration to respond effectively to community needs and provide opportunity for meaningful citizen participation in decision-making, we recommend establishment of joint government-community Neighborhood Action Task Forces covering each neighborhood within the city which has a high proportion of low-income minority citizens. While the exact form of these groups will depend upon the size and needs of each municipality, the following basic features should be incorporated:

Composition. Each task force should include a key official in the mayor’s office with direct and immediate access to the mayor, ranking city officials from the operating agencies servicing the ghetto community, elected leaders, representatives from the local business, labor, professional, and church communities, and neighborhood leaders, including representatives of community organizations of all orientations, as well as youth leaders. Each task force would be headed by the mayor’s representative. In the larger cities, each of these chairmen would sit as a member of a city-wide Task Force.

Functions. The Neighborhood Action Task Forces should meet on a regular basis at a location accessible to ghetto residents. These meetings will afford an opportunity for ghetto leaders to communicate directly with the municipal administrators for their area to discuss problems and programs which affect the community. In effect, this device furnishes an interagency coordinating mechanism on the one hand and a “community cabinet” on the other.

Ghetto residents should be able to rely on the capacity of the task force to cut through the maze of red tape and to overcome bureaucratic barriers in order to make things—collection of garbage, removal of abandoned cars, installation of lights in the park, establishment of playstreets—happen. To accomplish this purpose, the participating city officials should have operational decision-making authority. Lower-level staff or public relations personnel will be unable to provide the confrontation and interaction with the community representatives which is essential to the effective functioning of the task force. Moreover, there is grave danger that opening channels of communication without providing opportunities for obtaining relief will further estrange ghetto residents. If this is not to happen, the task force should have a meaningful and realistic capacity for securing redress of grievances. For the same reason, it is essential that the task force have the full and energetic support of the mayor and the city council.

The potential for responding effectively to community needs is not limited to available public resources. Acting through business, labor, and church members, and local Urban Coalitions which have already been formed, the task force will have a capacity to involve the resources of the private sector in meeting needs within the ghetto. Possibilities range from support of special summer youth programs (weekend trips, recreation events, camping programs) to provision of cultural and employment opportunities on a year-round basis.

The Neighborhood Action Task Force can play a significant role with respect to youth activities. One approach which has worked in several cities involves the establishment of youth councils to employ young streetleaders (regardless of previous police records) to develop community programs for other alienated youth. These activities might include organizing and operating libraries, neighborhood cleanup campaigns,
Finally, such an organization can make a major contribution to the prevention of civil disorders. If the task force has been successful in achieving the objectives stressed above, its members will have gained the confidence of a wide spectrum of ghetto residents. This will enable them to identify potentially explosive conditions and, working with police, to defuse them.

Similarly, the task force could have considerable effectiveness in handling threatening incidents identified by the police. To accomplish this objective, an early warning system could be instituted during the critical summer months. Operating on a 24-hour basis, such a system should have the capacity to receive and evaluate police reports of potentially serious incidents and to initiate an appropriate nonpolice response, utilizing community contacts and task force personnel. Any such operation must have the cooperation of the police, who will be in control of the overall disorder response. To avoid confusion and duplication of effort, the task force should have responsibility for coordinating the efforts of all agencies, other than police and fire, once a disturbance has occurred. An example will serve to illustrate how the system might operate.

Following the slaying last summer of a Negro teenager by a Negro detective in the Bedford-Stuyvesant section of Brooklyn, N.Y., a rumor that the youth had been shot by a white policeman and that the police were trying to suppress this information began to circulate through an already tense neighborhood. The situation became threatening. Yet, within an hour, three white members of the mayor's summer task force group were able to convince a group of black militants that the police version was true. Walking the streets that night and the next two evenings, they worked to dispel the rumor and to restore community stability.

In the larger cities, the city-wide task force could have responsibility for coordinating the programs of various municipal agencies, concentrating their impact on poverty areas, and planning for the more effective implementation of existing public efforts.

The Commission believes that the task force approach can do precisely what other forms of neighborhood organizations have not been able to do. It can connect the real needs and priorities of low-income residents with the energies and resources of both city government and the private sector. It can substantially improve the quality and timeliness of city services to these areas. It will fail unless all of the groups involved are prepared to deal fairly and openly with the problems of the community. But if it succeeds, it will not only produce improved services; it will go far to generate a new sense of community.

ESTABLISHMENT OF EFFECTIVE GRIEVANCE-RESPONSE MECHANISMS

Effective implementation of the Neighborhood Action Task Forces will depend upon the continuing commitment of the city administration to their success. To ensure attention to many of the sources of tension identified above, we recommend that formal mechanisms for the processing of grievances, many of which will relate to the performance of the city government, be established independent of the local administration.

We are convinced, on the record before this Commission, that the frustration reflected in the recent disorders results, in part at least, from the lack of accessible and visible means of establishing the merits of grievances against the agencies of local and state government, including but not limited to, the police. Cities and states throughout the country now have under consideration various forms of grievance-response devices. While we are not prepared to specify the form which such a mechanism should take in any particular community, there are certain criteria which should be met. These include:

- **Independence:** This can be achieved by long-term appointment of the administrator, subject to City Council removal. The grievance agency should be separate from operating municipal agencies.
- **Adequate staff and funding:** Exact costs will vary depending on the size and needs of the city's population. It is most important that the agency have adequate funds and staff to discharge its responsibilities.
- **Comprehensive coverage of grievances against public agencies and authorities:** General jurisdiction will facilitate access by grievants. Moreover, unlike specialized complaint agencies, such as civilian review boards, all agencies would be brought equally under public scrutiny. This should facilitate its acceptance by public officials.
- **Power to receive complaints, hold hearings, subpoena witnesses, make public recommendations for remedial action to local authorities and, in cases involving violation of law, bring suit:** These powers are the minimum necessary for the effective operation of the grievance mechanism. As we envision it, the agency's principal power derives from its authority to investigate and make public findings and recommendations. It should, of course, have a conciliation process whereby complaints could be resolved without full investigation and processing.
• Accessibility: In large cities, ready access to grievants may require setting up neighborhood offices in ghetto areas. In others, local resident aides could be empowered to receive complaints. It should be possible to file a grievance orally or in writing. If forms are used, they should be easily understood and widely available.

• Participation in grievance process: Grievants should be given full opportunity to take part in all proceedings and to be represented by counsel. They should receive prompt advice of action taken; results of investigations should be made public.

EXPANDED LEGAL SERVICES

Among the most intense grievances underlying the riots of the summer of 1967 were those which derived from conflicts between ghetto residents and private parties, principally white landlords and merchants. Though the legal obstacles are considerable, resourceful and imaginative use of available legal processes could contribute significantly to the alleviation of resulting tensions. Through the adversary process which is at the heart of our judicial system, litigants are afforded a meaningful opportunity to influence events which affect them and their community. However, effective utilization of the courts requires legal assistance, a resource seldom available to the poor.

Litigation is not the only need which ghetto residents have for legal service. Participation in the grievance procedures suggested above may well require legal assistance. More importantly, ghetto residents have need of effective advocacy of their interests and concerns in a variety of other contexts, from representation before welfare agencies and other institutions of government to advocacy before planning boards and commissions concerned with the formulation of development plans. Again, professional representation can provide substantial benefits in terms of overcoming the ghetto resident's alienation from the institutions of government by implicating him in its processes. Although lawyers function in precisely this fashion for the middle-class clients, they are too often not available to the impoverished ghetto resident.

The Legal Services Program administered by the Office of Economic Opportunity has made a good beginning in providing legal assistance to the poor. Its present level of effort should be substantially expanded through increased private and public funding. In addition, the participation of law schools should be increased through development of programs whereby advanced students can provide legal assistance as a regular part of their professional training. In all of these efforts, the local bar bears major responsibility for leadership and support.

ASSISTANCE FOR MAYORS AND CITY COUNCILS

In the chapters that follow, we direct attention to broad strategies and programs of national action. Yet the capacity of the Federal Government to affect local problems depends to a great extent on the capacity of city government to respond competently to Federal program initiatives.

In the face of the bewildering proliferation of both community demands and local, state, and Federal programs, mayors and city councils need to create new mechanisms to aid in decision-making, program planning, and coordination. At this time, however, no assistance is available to develop these new and critically necessary institutional capabilities or to support the required research, consultants, staff, or other vital components of administrative or legislative competence.

The Commission recommends, therefore, that both the state and Federal governments provide financial assistance to cities for these purposes as a regular part of all urban program funding.

HEARINGS ON Ghetto PROBLEMS AND ENACTMENT OF APPROPRIATE LOCAL LEGISLATION

Many of the grievances identified in our study of the conditions underlying civil disorders can be redressed only through legislative action. Accordingly, we recommend that the legislative body of each city with a substantial minority population hold, as soon as possible, a series of hearings on ghetto problems. In large cities, these hearings could well be held in the ghetto itself to facilitate full citizen participation.

In addition to establishing a foundation for needed legislative measures, these hearings would constitute a visible demonstration of governmental concern for the problems of ghetto residents. They would also provide a most useful means of bridging the communications gap, contributing to an improved understanding in the white community about the conditions of ghetto life.

Adult Education, Atlanta, February 1968
EXPANDED EMPLOYMENT BY CITY GOVERNMENT OF Ghetto RESIDENTS

We strongly recommend that local government undertake a concerted effort to provide substantial employment opportunities for ghetto residents. Local governments now employ 6.4 million people full time, most of whom live in urban areas; they comprise one of the fastest growing segments of the economy. This offers an opportunity of the greatest significance for local government to respond to one of the most critical needs of ghetto residents and, at the same time, to decrease the distance between city hall and the ghetto by deliberate employment, training, and upgrading of Negroes.

To accomplish this goal, we recommend that municipal authorities review applicable civil service policies and job standards and take prompt action to remove arbitrary barriers to employment of ghetto residents. Reevaluation is particularly necessary with respect to requirements relating to employment qualification tests and police records. Leadership by city government in this vital area is of urgent priority, not only because of the important public employment potential but also to stimulate private employers to take similar action.

SECOND PHASE ACTIONS

ESTABLISHMENT OF NEIGHBORHOOD CITY HALLS

The Neighborhood Action Task Force concept provides a basis on which lasting structures can be erected. The principal change required in order to transform the official component of the Task Force into a permanent instrument of local government involves the establishment of offices in the neighborhoods served. Depending on the size and composition of the neighborhood, the permanent staff should include an assistant mayor, representatives of the municipal agencies, the city councilman’s staff and other institutions and groups included in the Task Force. This facility would function, in effect, as a “Neighborhood City Hall.”

The neighborhood city hall would accomplish several interrelated objectives. It would contribute to the improvement of public services by providing an effective channel for low-income citizens to communicate their needs and problems to the appropriate public officials and by increasing the ability of local government to respond in a coordinated and timely fashion. It would serve as the eyes and ears of the mayor and council and furnish an informal forum for complaints and grievances. It would make information about government programs and services available to ghetto residents, enabling them to make more effective use of such programs and services while making clear the limitations on the availability of all such programs and services. It would expand opportunities for meaningful community access to and involvement in the planning and implementation of policy affecting the neighborhood. Most important, the neighborhood city hall, building on the task force approach, affords a significant opportunity to accomplish the democratic goal of making government closer and more accountable to the citizen.

DEVELOPMENT OF MULTI-SERVICE CENTERS

Frequently, services vital to the ghetto resident—job placement and location, health care, legal assistance—are inaccessible because they are located at considerable distance from the ghetto, a distance often made greater by the lack of efficient public transportation. This problem is compounded by the fact that many key service institutions are fragmented, requiring those seeking assistance to pursue it at various locations scattered throughout a large urban area.

To meet this need, the Office of Economic Opportunity has funded over 700 neighborhood centers in ghetto areas throughout the country since 1964. Many of these have been small store-front operations housing OEO-funded services. Some, as in Detroit, have had a fairly wide range of services and have served a large number of families.

The principal problem has been that most centers have not been comprehensive enough. They rarely include traditional city and state agency services. Many relevant Federal programs are seldom located in the same center. Manpower and education programs from HEW and the Labor Department, for example, have been housed in separate centers without adequate consolidation or coordination either geographically or programmatically.
The resulting proliferation led the President to call upon the Department of Housing and Urban Development to establish comprehensive one-stop service centers. The experience thus far indicates the need for more effective coordination of Federal programs at the national and regional levels. Legislation may be required to simplify grant procedures and assure such coordination.

Each center should have enough neighborhood workers to reach out into the homes of needy people who are not able to seek help. To assure that the service centers are relevant to the needs and styles of the neighborhood, ghetto residents should be trained and employed at all levels. This purpose can well be served through establishment and involvement of Community Service Center Councils to establish overall policy.

We recommend increased Federal funding for comprehensive centers and implementation of the policy guidelines proposed above.

IMPROVED POLITICAL REPRESENTATION

It is beyond the scope of this Report to consider in detail the many problems presented by the existing distribution of political power within city governments. But it is plain that the Negro ghetto resident feels deeply that he is not represented fairly and adequately under the arrangements which prevail in many cities. This condition strikes at major democratic values.

To meet this problem, city government and the majority community should revitalize the political system to encourage fuller participation by all segments of the community. Whether this requires adoption of any one system of representation, we are not prepared to say. But it is clear that at-large representation, currently the practice in many American cities, does not give members of the minority community a feeling of involvement or stake in city government. Further, this form of representation dilutes the normal political impact of pressures generated by a particular neighborhood or district.

Negro representation and participation in the formal structure of government can also be furthered by a concerted effort to appoint Negroes to significant policy positions in city government.

MORE EFFECTIVE COMMUNITY PARTICIPATION

One of the most difficult and controversial problems we have encountered relates to ghetto demands for “self-determination” or “community control.” To a limited extent, this concept was made a matter of national policy in the Economic Opportunity Act of 1964, which specified that community action programs should be developed, conducted and administered with “maximum feasible participation” of the residents of the areas and members of the groups served.

In the 3 years since the beginning of the War on Poverty, the effort to put maximum feasible participation into effect has met with both success and failure. One measure of its success can be seen in the extent to which the demand for participation, even control, over a variety of programs affecting the ghetto has spilled over into the most traditional areas, such as public school administration.

But the demands made often seem intransigent and the time required for negotiation with residents extravagant. The pulling and hauling of different factions competing for control within the ghetto community sometimes makes it difficult to mount any program. Moreover, it is often easier to organize groups to oppose, complain, demonstrate and boycott than to develop and run programs.

Yet the demand for a community voice represents a marked and desirable gain over the apathy that existed before. Despite its problems, we believe that meaningful community participation and a substantial measure of involvement in program development is an essential strategy for city government. The democratic values which it advances—providing a stake in the social system, improving the accountability of public officials—as well as the pragmatic benefits which it provides far outweigh these costs.

The essential question which city leadership must face is the ultimate goal of community participation. In this sense, community involvement is directly related to the strategy of decentralization, for with the support of the city, neighborhood groups may become an effective force for carrying on a variety of functions—such as physical renewal and redevelopment—which can be highly disruptive when imposed by outside authority.

If these principles are accomplished, then the choice of mechanisms will depend upon the needs of the particular community and the structure of the local government. We have described earlier in this section opportunities for meaningful community participation in the processes of government. Additional and diverse instrumentalities such as community neighborhood school boards, community planning boards, tenants' councils, youth councils, advisory committees and consumer trade organizations offer further ways of providing institutional channels for effective citizen participation in public decision making. The crucial issue, however, is whether city government is willing to legitimize these organizations by dealing with them on a regular basis with respect to matters within their competence. We believe that such an approach offers substantial promise of improving the relationship between local government and ghetto residents.

The involvement of the ghetto community in the planning and operation of development programs need not be confined to the public arena. There is great potential in private community development corpor-
ations which can emerge from a combined public-private sponsorship and perform mixed functions for the community, including sponsorship of locally owned businesses.

A most promising approach is the neighborhood membership corporation, the first of which was established in Columbus, Ohio, in 1965—the East Central Citizens Organization (ECCO), under an OEO grant. Functioning as a town meeting, its members include all of the residents of a defined ghetto neighborhood (8,150 people). Its activities encompass day-care centers, credit unions, legal and medical services, newspapers, restaurants and business enterprises.

Both money and manpower will be needed from government, foundations and private business to create and assist these corporations and other new community institutions. Technical and professional support will be required. The opportunity that they offer to develop stable community leadership structures and constructive involvement should not be allowed to fail for lack of such support.

CONCLUSION

Finally, there remains the issue of leadership. Now, as never before, the American city has need for the personal qualities of strong democratic leadership. Given the difficulties and delays involved in administrative reorganization or institutional change, the best hope for the city in the short run lies in this powerful instrument. In most cities, the mayor will have the prime responsibility.

It is in large part his role now to create a sense of commitment and concern for the problems of the ghetto community and to set the tone for the entire relationship between the institutions of city government and all the citizenry.

Part of the task is to interpret the problems of the ghetto community to the citizenry at large and to generate channels of communication between Negro and white leadership outside of government. Only if all the institutions of the community—those outside of government as well as those inside the structure—are implicated in the problems of the ghetto can the alienation and distrust of disadvantaged citizens be overcome.

This is now the decisive role for the urban mayor. As leader and mediator, he must involve all those groups—employers, news media, unions, financial institutions and others—which only together can bridge the chasm now separating the racial ghetto from the community. His goal, in effect, must be to develop a new working concept of democracy within the city.

In this effort, state government has a vital role to play. It must equip city leadership with the jurisdictional tools to deal with its problems. It must provide a fuller measure of financial and other resources to urban areas. Most importantly, state leadership is in a unique position to focus the interests and growing resources, political as well as financial, of the suburbs on the physical, social and cultural environment of the central cities. The crisis confronting city government today cannot be met without regional cooperation. This cooperation can take many forms—metropolitan government, regional planning, joint endeavors. It must be a principal goal, perhaps the overriding concern, of leadership at the state level to fashion a lasting and mutually productive relationship between city and suburban areas.

Atlanta, February 1968
INTRODUCTION

We have cited deep hostility between police and ghetto communities as a primary cause of the disorders surveyed by the Commission. In Newark, Detroit, Watts, and Harlem—in practically every city that has experienced racial disruption since the summer of 1964, abrasive relationships between police and Negroes and other minority groups have been a major source of grievance, tension and, ultimately, disorder.

In a fundamental sense, however, it is wrong to define the problem solely as hostility to police. In many ways, the policeman only symbolizes much deeper problems.

The policeman in the ghetto is a symbol not only of law, but of the entire system of law enforcement and criminal justice.

As such, he becomes the tangible target for grievances against shortcomings throughout that system: Against assembly-line justice in teeming lower courts; against wide disparities in sentences; against antiquated correctional facilities; against the basic inequities imposed by the system on the poor—to whom, for example, the option of bail means only jail.

The policeman in the ghetto is a symbol of increasingly bitter social debate over law enforcement.

One side, disturbed and perplexed by sharp rises in crime and urban violence, exerts extreme pressure on police for tougher law enforcement. Another group, inflamed against police as agents of repression, tends toward defiance of what it regards as order maintained at the expense of justice.

The policeman in the ghetto is the most visible symbol, finally, of a society from which many ghetto Negroes are increasingly alienated.

At the same time, police responsibilities in the ghetto are even greater than elsewhere in the community since the other institutions of social control have so little authority: The schools, because so many are segregated, old and inferior; religion, which has become irrelevant to those who have lost faith as they lost hope; career aspirations, which for many young Negroes are totally lacking; the family, because its bonds are so often snapped. It is the policeman who must deal with the consequences of this institutional vacuum and is then resented for the presence and the measures this effort demands.

Alone, the policeman in the ghetto cannot solve these problems. His role is already one of the most difficult in our society. He must deal daily with a range of problems and people that test his patience, ingenuity, character, and courage in ways that few of us are ever tested. Without positive leadership, goals, operational guidance, and public support, the individual policeman can only feel victimized. Nor are these problems the responsibility only of police administrators; they are deep enough to tax the courage, intelligence and leadership of mayors, city officials, and community leaders. As Dr. Kenneth B. Clark told the Commission:

This society knows *** that if human beings are
confined in ghetto compounds of our cities and are subjected to criminally inferior education, pervasive economic and job discrimination, committed to houses unfit for human habitation, subjected to un-speakable conditions of municipal services, such as sanitation, that such human beings are not likely to be responsive to appeals to be lawful, to be respectful, to be concerned with property of others.

And yet, precisely because the policeman in the ghetto is a symbol—precisely because he symbolizes so much—it is of critical importance that the police and society take every possible step to allay grievances that flow from a sense of injustice and increased tension and turmoil.

In this work, the police bear a major responsibility for making needed changes. In the first instance, they have the prime responsibility for safeguarding the minimum goal of any civilized society: Security of life and property. To do so, they are given society's maximum power: Discretion in the use of force. Second, it is axiomatic that effective law enforcement requires the support of the community. Such support will not be present when a substantial segment of the community feels threatened by the police and regards the police as an occupying force.

At the same time, public officials also have a clear duty to help the police make any necessary changes to minimize so far as possible the risk of further disorders.

We see five basic problem areas:

- The need for more adequate police protection of ghetto residents, to eliminate the present high sense of insecurity to person and property.
- The need for effective mechanisms for resolving citizen grievances against the police.
- The need for effective mechanisms for resolving citizen grievances against the police.
- The need to develop community support for law enforcement.

Our discussion of each of these problem areas is followed by specific recommendations which relate directly to achieving more effective law enforcement and to the prevention and control of civil disorders.1

POLICE CONDUCT AND PATROL PRACTICES

In an earlier era, third-degree interrogations were widespread, indiscriminate arrests on suspicion were generally accepted and "alley justice" dispensed with the nightstick was common.

Today, many disturbances studied by the Commission began with a police incident. But these incidents were not, for the most part, the crude acts of an earlier time. They were routine police actions such as stopping a motorist or raiding an illegal business. Indeed, many of the serious disturbances took place in cities whose police are among the best led, best organized, best trained and most professional in the country.

Yet some activities of even the most professional police department may heighten tension and enhance the potential for civil disorder. An increase in complaints of police misconduct, for example, may in fact be a reflection of professionalism; the department may simply be using law enforcement methods which increase the total volume of police contacts with the public. The number of charges of police misconduct may be greater simply because the volume of police-citizen contacts is higher.

Here we examine two aspects of police activities that have great tension-creating potential. Our objective is to provide recommendations to assist city and police officials in developing practices which can allay rather than contribute to tension.

POLICE CONDUCT

Negroes firmly believe that police brutality and harassment occur repeatedly in Negro neighborhoods. This belief is unquestionably one of the major reasons for intense Negro resentment against the police.

The extent of this belief is suggested by attitude surveys. In 1964, a New York Times study of Harlem showed that 43 percent of those questioned believed in the existence of police "brutality." 2 In 1965, a nationwide Gallup poll found that 35 percent of Negro men believed there was police brutality in their areas; 7 percent of white men thought so. In 1966, a survey conducted for the Senate Subcommittee on Executive Reorganization found that 60 percent of Watts Negroes aged 15 to 19 believed there was some police brutality. Half said they had witnessed such conduct. A University of California at Los Angeles study of the Watts area found that 79 percent of the Negro males believed police lack respect for, or use insulting language to, Negroes, and 74 percent believed police use unnecessary force in making arrests. In 1967, an Urban League study of the Detroit riot area found that 82 percent believed there was some form of police brutality.

1 We wish to acknowledge our indebtedness to and reliance upon the extensive work done by the President's Commission on Law Enforcement and Administration of Justice (the "Crime Commission"). The reports, studies, surveys, and analyses of the Crime Commission have contributed to many of our conclusions and recommendations.

2 The "brutality" referred to in this and other surveys is often not precisely defined and covers conduct ranging from use of insulting language to excessive and unjustified use of force.
The true extent of excessive and unjustified use of force is difficult to determine. One survey done for the Crime Commission suggests that when police-citizen contacts are systematically observed, the vast majority are handled without antagonism or incident. Of 5,339 police-citizen contacts observed in slum precincts in three large cities, in the opinion of the observer only 20—about three-tenths of 1 percent—involved excessive or unnecessary force. And although almost all of those subjected to such force were poor, more than half were white. Verbal discourtesy was more common—15 percent of all such contacts began with a "brusque or nasty command" on the part of the officer. Again, however, the objects of such commands were more likely to be white than Negro.

Such "observer" surveys may not fully reflect the normal pattern of police conduct. The Crime Commission Task Force concluded that although the study gave "no basis for stating the extent to which police officers used force, it did confirm that such conduct still exists in the cities where observations were made." Our investigations confirm this conclusion.

Physical abuse is only one source of aggravation in the ghetto. In nearly every city surveyed, the Commission heard complaints of harassment of interracial couples, dispersal of social street gatherings and the stopping of Negroes on foot or in cars without objective basis. These, together with contemptuous and degrading verbal abuse, have great impact in the ghetto. As one Commission witness said, these strip the Negro of the one thing that he may have left—his dignity, "the question of being a man."

Some conduct—breaking up of street groups, indiscriminate stops and searches—is frequently directed at youths, creating special tensions in the ghetto where the average age is generally under 21. Ghetto youths, often without work and with homes that may be nearly uninhabitable, particularly in the summer, commonly spend much time on the street. Characteristically, they are not only hostile to police but eager to demonstrate their own masculinity and courage. The police, therefore, are often subject to taunts and provocations, testing their self-control and, probably, for some, reinforcing their hostility to Negroes in general. Because youths commit a large and increasing proportion of crime, police are under growing pressure from their supervisors—and from the community—to deal with them forcefully. "Harassment of youths" may therefore be viewed by some police departments—and members even of the Negro community—as a proper crime prevention technique.

In a number of cities, the Commission heard complaints of abuse from Negro adults of all social and economic classes. Particular resentment is aroused by harassing Negro men in the company of white women—often their light-skinned Negro wives.

"Harassment" or discourtesy may not be the result of malicious or discriminatory intent of police officers. Many officers simply fail to understand the effects of their actions because of their limited knowledge of the Negro community. Calling a Negro teenager by his first name may arouse resentment because many whites still refuse to extend to adult Negroes the courtesy of the title, "Mister." A patrolman may take the arm of a person he is leading to the police car. Negroes are more likely to resent this than whites because the action implies that they are on the verge of flight and may degrade them in the eyes of friends or onlookers.

In assessing the impact of police misconduct, we emphasize that the improper acts of a relatively few officers may create severe tensions between the department and the entire Negro community. Whatever the actual extent of such conduct, we concur in the Crime Commission's conclusion that:

** all such behavior is obviously and totally reprehensible, and when it is directed against minority-group citizens, it is particularly likely to lead, for quite obvious reasons, to bitterness in the community.

**POLICE PATROL PRACTICES**

Although police administrators may take steps to eliminate misconduct by individual police officers, many departments have adopted patrol practices which, in the words of one commentator, have "* * * replaced harassment by individual patrolmen with harassment by entire departments."

These practices, sometimes known as "aggressive preventive patrol," take a number of forms, but invariably they involve a large number of police-citizen contacts initiated by police rather than in response to a call for help or service. One such practice utilizes a roving task force which moves into high-crime districts without prior notice and conducts intensive, often indiscriminate, street stops and searches. A number of obviously suspicious persons are stopped. But so also are persons whom the beat patrolman would know are respected members of the community. Such task forces are often deliberately moved from place to place making it impossible for its members to know the people with whom they come in contact.

In some cities, aggressive patrol is not limited to special task forces. The beat patrolman himself is expected to participate and to file a minimum number of "stop-and-frisk" or field interrogation reports for each tour of duty. This pressure to produce, or a lack of familiarity with the neighborhood and its people, may lead to widespread use of these techniques without adequate differentiation between genuinely suspicious behavior and behavior which is suspicious to a particular officer merely because it is unfamiliar.

Police administrators, pressed by public concern about crime, have instituted such patrol practices often without weighing their tension-creating effects and
the resulting relationship to civil disorder.

Motorization of police is another aspect of patrol that has affected law enforcement in the ghetto. The patrolman comes to see the city through a windshield and hear about it over a police radio. To him, the area increasingly comes to consist only of lawbreakers. To the ghetto resident, the policeman comes increasingly to be only an enforcer.

Loss of contact between the police officer and the community he serves adversely affects law enforcement. If an officer has never met, does not know and cannot understand the language and habits of the people in the area he patrols, he cannot do an effective police job. His ability to detect truly suspicious behavior is impaired. He deprives himself of important sources of information. He fails to know those persons with an “equity” in the community—homeowners, small businessmen, professional men, persons who are anxious to support proper law enforcement—and thus sacrifices the contributions they can make to maintaining community order.

**RECOMMENDATIONS**

Police misconduct—whether described as brutality, harassment, verbal abuse or discourtesy—cannot be tolerated even if it is infrequent. It contributes directly to the risk of civil disorder. It is inconsistent with the basic responsibility and function of a police force in a democracy. Police departments must have rules prohibiting such misconduct and enforce them vigorously. Police commanders must be aware of what takes place in the field and take firm steps to correct abuses. We consider this matter further in the section on policy guidelines.

Elimination of misconduct also requires care in selecting police for ghetto areas, for there the police responsibility is particularly sensitive, demanding and often dangerous. The highest caliber of personnel is required if police are to overcome feelings within the ghetto community of inadequate protection and unfair, discriminatory treatment. Despite this need, data from Commission investigators and from the Crime Commission disclose that often a department’s worst, not its best, are assigned to minority group neighborhoods. As Prof. Albert Reiss, director of the Center for Research on Social Organization, University of Michigan, testified before the Commission:

> "I think we confront in modern urban police departments in large cities much of what we encounter in our schools in these cities. The slum police precinct is like the slum schools. It gets, with a few exceptions, the worst in the system."

Referring to extensive studies in one city, Professor Reiss concluded:

> "In predominantly Negro precincts, over three-fourths of the white policemen expressed prejudice or highly prejudiced attitudes towards Negroes. Only one percent of the officers expressed attitudes which could be described as sympathetic towards Negroes. Indeed, close to one-half of all the police officers in predominantly Negro high-crime-rate areas showed extreme prejudice against Negroes. What do I mean by extreme racial prejudice? I mean that they describe Negroes in terms that are not people terms. They describe them in terms of the animal kingdom. * * *"

Although some prejudice was displayed in only 8 percent of police-citizen encounters:

> "The cost of such prejudiced behavior I suggest is much higher than my statistics suggest. Over a period of time, a substantial proportion of citizens, particularly in high-crime-rate areas, may experience at least one encounter with a police officer where prejudice is shown."

To insure assignment of well-qualified police to ghetto areas, the Commission recommends:

- Officers with bad reputations among residents in minority areas should be immediately reassigned to other areas. This will serve the interests of both the police and the community.

- Screening procedures should be developed to ensure that officers with superior ability, sensitivity and the common sense necessary for enlightened law enforcement are assigned to minority group areas. We believe that, with proper training in ghetto problems and conditions, and with proper standards for recruitment of new officers, in the long run most policemen can meet these standards.

- Incentives, such as bonuses or credits for promotion, should be developed wherever necessary to attract outstanding officers for ghetto positions.

The recommendations we have proposed are designed to help insure proper police conduct in minority areas. Yet there is another facet of the problem: Negro perceptions of police misconduct. Even if those perceptions are exaggerated, they do exist. If outstanding officers are assigned to ghetto areas, if acts of misconduct, however infrequent, result in proper—and visible—disciplinary action and if these corrective practices are made part of known policy, we believe the community will soon learn to reject unfounded claims of misconduct.

Problems stemming from police patrol cannot, perhaps, be so easily resolved. But there are two considerations which can help to allay such problems. The first relates to law enforcement philosophy behind the use of techniques like aggressive patrol. Many police officials believe strongly that there are law enforcement gains from such techniques. However, these techniques also have law enforcement liabilities. Their employment therefore should not be merely automatic but the product of a deliberate balancing of pluses and minuses by command personnel.

We know that advice of this sort is easier to give than to act on. The factors involved are difficult to weigh. Gains cannot be measured solely in the number of arrests. Losses in police protection cannot be accepted solely because of some vague gain in diminished com-
munity tension. The kind of thorough, objective assessment of patrol practices and search for innovation we need will require the best efforts of research and development units within police departments, augmented if necessary by outside research assistance. The Federal Government can also play a major role in funding and conducting such research.

The second consideration concerning patrol is execution. There is more crime in the ghetto than in other areas. If the aggressive patrol clearly relates to the control of crime, the residents of the ghetto are likely to endorse the practice. What may arouse hostility is not the fact of aggressive patrol but its indiscriminate use so that it comes to be regarded not as crime control but as a new method of racial harassment. All patrol practices must be carefully reviewed to insure they are properly carried out by individual officers.

THE PROBLEM OF POLICE PROTECTION

The strength of ghetto feelings about hostile police conduct may even be exceeded by the conviction that ghetto neighborhoods are not given adequate police protection.

This belief is founded on two basic types of complaint. The first is that the police maintain a much less rigorous standard of law enforcement in the ghetto, tolerating there illegal activities like drug addiction, prostitution, and street violence that they would not tolerate elsewhere. The second is that police treat complaints and calls for help from Negro areas much less urgently than from white areas. These perceptions are widespread. As David Hardy, of the staff of the New York Daily News, testified:

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To put it simply, for decades little if any law enforcement has prevailed among Negroes in America, particularly those in the ghettos. If a black man kills another black man, the law is generally enforced at its minimum. Violence of every type runs rampant in a ghetto.
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A Crime Commission study found that Negroes in Philadelphia and San Diego are convinced that the police apply a different standard of law enforcement in the ghettos. Another Crime Commission study found that about one white person in two believes police provide very good protection in his community; for Negroes, the figure is one in five. Other surveys have reported that Negroes in Harlem and south central Los Angeles mention inadequate protection more often than brutality or harassment as a reason for their resentment toward the police.

The report of a New Haven community group summarizes the complaints:

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The problem of the inadequacy of current police protection ranked with "police misconduct" as the most serious sore points in police-community relations.
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New patrol practices must be designed to increase the patrolman's knowledge of the ghetto. Although motorized patrols are essential, means should be devised to get the patrolman out of the car and into the neighborhood and keeping him on the same beat long enough to get to know the people and understand the conditions. This will require training the patrolman to convince him of the desirability of such practices. There must be continuing administrative supervision. In practice as well as theory, all aspects of patrol must be lawful and conform to policy guidelines. Unless carried out with courtesy and with understanding of the community, even the most enlightened patrol practices may degenerate into what residents will come to regard as harassment. Finally, this concept of patrol should be publicly explained so that ghetto residents understand it and know what to expect.

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* * * When calls for help are registered, it is all too frequent that police respond too slowly or not at all. * * * When they do come, [they] arrive with many more men and cars than are necessary * * * brandishing guns and adding to the confusion.*

There is evidence to suggest that the lack of protection does not necessarily result from different basic police attitudes but rather from a relative lack of police personnel for ghetto areas, considering the volume of calls for police. As a consequence, the police work according to priorities. Because of the need for attention to major crimes, little, if any, attention can be accorded to reports of a suspicious person, for example, or a noisy party or a drunk. And attention even to major crimes may sometimes be routine or skeptical.

Ghetto residents, however, see a dual standard of law enforcement. Particularly because many work in other areas of the city and have seen the nature of police responsiveness there, they are keenly aware of the difference. They come to believe that an assault on a white victim produces one reaction and an assault on a Negro quite another. The police, heavily engaged in the ghetto, might assert that they cannot cover serious offenses and minor complaints at the same time—that they cannot be two places at once. The ghetto resident, however, often concludes that the police respond neither to serious offenses nor to minor complaints.

Recent studies have documented the inadequacies of police response in some ghetto areas. A Yale Law Journal study of Hartford, Conn., found that:

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[T]he residents of a large area in the center of the Negro ghetto are victims of over one-third of the
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daylight residential burglaries in the city. Yet during the daytime, only one of Hartford's 18 patrol cars and none of its 11 foot patrolmen is assigned to this area. Sections in the white part of town about the same size as the central ghetto area receive slightly more intensive daytime patrol even though the citizens in the ghetto area summon the police about six times as often because of criminal acts. In a United States Commission on Civil Rights study, a review of police communications records in Cleveland disclosed that police took almost four times as long to respond to calls concerning robbery from the Negro district as for the district where response was next slowest. The response time for some other crimes was at least twice as long.

The Commission recommends:
- Police departments should have a clear and enforced policy
- Because a basic problem in furnishing protection to the ghetto is the shortage of manpower, police departments should review existing deployment of field personnel to ensure the most efficient use of manpower. The Police Task Force of the Crime Commission stressed the need "to distribute patrol officers in accordance with the actual need for their presence." Communities may have to pay for more and better policing for the entire community as well as for the ghetto.

In allocating manpower to the ghetto, enforcement emphasis should be given to crimes that threaten life and property. Stress on social gambling or loitering, when more serious crimes are neglected, not only diverts manpower but fosters distrust and tension in the ghetto community.

THE PROBLEM OF GRIEVANCE MECHANISMS

A third source of Negro hostility to police is the almost total lack of effective channels for redress of complaints against police conduct. In Milwaukee, Wis., and Plainfield, N.J., for example, ghetto residents complained that police reject complaints out of hand. In New Haven, a Negro citizens' group characterized a police review board as worthless. In Detroit, the Michigan Civil Rights Commission found that, despite well-intentioned leadership, no real sanctions are imposed on offending officers. In Newark, the mayor referred complaints to the FBI, which had very limited jurisdiction over them. In many of the cities surveyed by the Commission, Negro complaints focused on the continued presence in the ghetto of officers regarded as notorious for prejudice and brutality.

The 1967 Report of the Civil Rights Commission also states that a major issue in the Negro community is inadequate investigation of complaints against the police. It even reports threats of criminal actions designed to discourage complainants. A survey for the Crime Commission found substantial evidence that policemen in some cities have little fear of punishment for using unnecessary force because they appear to have a degree of immunity from their departments.

RECOMMENDATIONS

Objective evaluation, analysis and innovation on this subject are vitally necessary. Yet attention has been largely and, unfortunately, diverted by protracted debate over the desirability of "civilian review boards." Research conducted by the Crime Commission and others shows that the benefits and liabilities of such boards have probably both been exaggerated.

In the context of civil disorder, appearances and reality are of almost equal importance in the handling of citizen complaints against the police. It is not enough that there are adequate machinery and procedures for handling complaints; it is also necessary that citizens believe these procedures are adequate. Some citizens will never trust an agency against which they have a grievance. Some irresponsible citizens will attempt to provoke distrust of every agency. Hence, some police administrators have been tempted to throw up their hands and do nothing on the ground that whatever they do will be misunderstood. These sentiments may be understandable, but the police should appreciate that Negro citizens also want to throw up their hands. For they believe that the "police stick together," that they will cover up for each other, that no officer ever receives more than token punishment for misconduct and that even such expensive legal steps as false arrest or civil damage suits are foredoomed because "it is the officer's word against mine."

We believe that an internal review board—in which the police department itself receives and acts on complaints—regardless of its efficiency and fairness, can rarely generate the necessary community confidence or protect the police against unfounded charges. We also believe, as did the Crime Commission, that police should not be the only municipal agency subject to outside scrutiny and review. Incompetence and mistreatment by any public servant should be equally subject to review by an independent agency.

The Crime Commission Police Task Force reviewed the various external grievance procedures attempted or suggested in this country and abroad. Without attempting to recommend a specific procedure, our Commission believes that police departments should be subject
to external review. We discussed this problem in Chapter 10, The Community Response. Here, we highlight what we believe to be the basic elements of an effective system.

The Commission recommends:

- Making a complaint should be easy. It should be possible to file a grievance without excessive formality. If forms are used, they should be easily available and their use explained in widely distributed pamphlets. In large cities, it should not be necessary to go to a central headquarters office to file a complaint, but it should also be possible to file a complaint at neighborhood locations. Police officers on the beat, community service aides or other municipal employees in the community should be empowered to receive complaints.

- A specialized agency, with adequate funds and staff, should be created separate from other municipal agencies, to handle, investigate and to make recommendations on citizen complaints.

- The procedure should have a built-in conciliation process to attempt to resolve complaints without the need for full investigation and processing.

- The complaining party should be able to participate in the investigation and in any hearings, with right of representation by counsel, so that the complaint is fully investigated and findings made on the merits. He should be promptly and fully informed of the outcome. The results of the investigation should be made public.

- Since many citizen complaints concern departmental policies rather than individual conduct, information concerning complaints of this sort should be forwarded to the departmental unit which formulates or reviews policy and procedures. Information concerning all complaints should be forwarded to appropriate training units so that any deficiencies correctable by training can be eliminated.

Although we advocate an external agency as a means of resolving grievances, we believe that the basic need is to adopt procedures which will gain the respect and confidence of the entire community. This need can, in the end, be met only by sustained direction through the line of command, thorough investigation of complaints, and prompt, visible disciplinary action where justified.
THE NEED FOR POLICY GUIDELINES

How a policeman handles day-to-day contacts with citizens will, to a large extent, shape the relationships between the police and the community. These contacts involve considerable discretion. Improper exercise of such discretion can needlessly create tension and contribute to community grievances.

Formally, the police officer has no discretion; his task is to enforce all laws at all times. Formally, the officer's only basic enforcement option is to make an arrest or to do nothing. Formally, when a citizen resists arrest, the officer's only recourse is to apply such reasonable force as he can bring with his hands, nightstick and revolver.

Informally—and in reality—the officer faces an entirely different situation. He has and must have a great deal of discretion; there are not enough police or jails to permit the levels of surveillance that would be necessary to enforce all laws all the time—levels which the public would, in any event, regard as intolerable.

Patrick V. Murphy, now Director of Public Safety in the District of Columbia, told the Commission:

The police, of course, exercise very broad discretion, and although in many states the law says or implies that all laws must be enforced and although the manuals of many police departments state every officer is responsible for the enforcement of all laws, as a practical matter it is impossible for the police to enforce all laws and, as a result, they exercise very broad discretion. * * * [B]y failing to understand the fact that they do exercise important discretion every day, some police do not perceive just how they maintain the peace in different ways in different sections of a city.

The formal remedies of law, further, are inappropriate for many common problems. A family quarrel or a street fight, followed by an arrest, would give the parties a record and, typically, a suspended sentence; it would not solve the problem. And the appropriate legal grounds for making an arrest are often not present, for the officer has not witnessed the incident nor does he have a sworn complaint from someone who has. Pacifying the dispute may well be the best approach, but many officers lack the training or experience to do so effectively. If the parties resist pacification or arrest, the officer, alone on the street, must either back down or use force—sometimes lethal.

Crime Commission studies and our police survey show that guidance for the exercise of discretion in many situations is often not available to the policeman. There are guidelines for wearing uniforms—but not for how to intervene in a domestic dispute; for the cleaning of a revolver—but not for when to fire it; for use of departmental property—but not for whether to break up a sidewalk gathering; for handling stray dogs—but not for handling field interrogations.

RECOMMENDATIONS

Contacts between citizens and the police in the ghetto require discretion and judgment which should be based upon carefully-drawn, written departmental policy. The Report of the Crime Commission and the Police Task Force Report considered this problem in detail and recommended subjects for policy guidelines.

The Commission recommends the establishment of guidelines covering, at a minimum:

- The issuance of orders to citizens regarding their movements or activities—for example, when, if ever, should a policeman order a social street gathering to break up or move on.
- The handling of minor disputes—between husband and wife, merchant and customer or landlord and tenant. Guidelines should cover resources available in the community—family courts, probation departments, counseling services, welfare agencies—to which citizens can be referred.
- The decision whether to arrest in a specific situation involving a specific crime—for example, when police should arrest persons engaged in crimes such as social gambling, vagrancy and loitering and other crimes which do not involve victims. The use of alternatives to arrest, such as a summons, should also be considered.
- The selection and use of investigating methods. Problems concerning use of field interrogations and "stop-and-frisk" techniques are especially critical. Crime Commission studies and evidence before this Commission demonstrate that these techniques have the potential for becoming a major source of friction between police and minority groups. Their constitutionality is presently under review in the United States Supreme Court. We also recognize that police regard them as important methods of preventing and investigating crime. Although we do not advocate use or adoption of any particular investigative method, we believe that any such method should be covered by guidelines drafted to minimize friction with the community.
Safeguarding the constitutional right of free expression, such as rights of persons engaging in lawful demonstrations, the need to protect lawful demonstrators and how to handle spontaneous demonstrations.

The circumstances under which the various forms of physical force—including lethal force—can and should be applied. Recognition of this need was demonstrated by the regulations recently adopted by the City of New York further implementing the state law governing police use of firearms.

The proper manner of address for contacts with any citizen. Recognition of this need was demonstrated by the regulations recently adopted by the City of New York further implementing the state law governing police use of firearms.

COMMUNITY SUPPORT FOR LAW ENFORCEMENT

A fifth major reason for police-community hostility—particularly obvious since the recent disorders—is the general breakdown of communication between police and the ghetto. The contacts that do occur are primarily adversary contacts.

In the section on police patrol practices, we discussed one basic aspect of this problem. Here we consider how police forces have tried, with varying degrees of success, to deal with three issues underlying relations with ghetto communities.

RECRUITMENT, ASSIGNMENT, AND PROMOTION OF NEGROES

The Crime Commission Police Task Force found that for police in a Negro community, to be predominantly white can serve as a dangerous irritant; a feeling may develop that the community is not being policed to maintain civil peace but to maintain the status quo. It further found that contact with Negro officers can help to avoid stereotypes and prejudices in the minds of white officers. Negro officers also can increase departmental insight into ghetto problems and provide information necessary for early anticipation of the tensions and grievances that can lead to disorders. Commission witnesses confirm these conclusions.

There is evidence that Negro officers also can be particularly effective in controlling any disorders that do break out. In studying the relative performance of Army and National Guard forces in the Detroit disorder, we concluded that the higher percentage of Negroes in the Army forces contributed substantially to their better performance. As a result, last August, we recommended an increase in the percentage of Negroes in the National Guard. The need for increased Negro participation in police departments is equally acute.

Despite this need—and despite recent efforts to hire more Negro police, the proportion of Negroes on police forces still falls far below the proportion of Negroes in the total population. Of 28 departments which reported information of this kind in a Commission survey of police departments, the percentage of Negro sworn personnel ranged from less than 1 percent to 21 percent. The median figure for Negro sworn personnel on the force was 6 percent; the median figures for the Negro population was approximately 24 percent. In no case was the proportion of Negroes in the police department equal to the proportion in the population. A 1962 survey of the United States Civil Rights Commission, as reported in the Crime Commission Police Task Force Report, shows correspondingly low figures for other cities.

There are even more marked disproportions of Negro supervisory personnel. Our survey showed the following ratios:

6 The data from this survey can be found in Table A at the end of this chapter, p. 169.
The Commission recommends:

- One in every 26 Negroes is a sergeant; the white ratio is one in 12.
- One in every 114 Negroes is a lieutenant; the white ratio is one in 26.
- One in every 235 Negroes is a captain or above; the white ratio is one in 53.

Public Safety Director Murphy, testifying before the Commission, described the problem and at least one of its causes:

I think one of the serious problems facing the police in the nation today is the lack of adequate representation of Negroes in police departments. I think the police have not recruited enough Negroes in the past and are not recruiting enough of them today. I think we would be less than honest if we didn’t admit that Negroes have been kept out of police departments in the past for reasons of racial discrimination.

In a number of cities, particularly larger ones, police officials are not only willing but anxious to appoint Negro officers. There are obstacles other than discrimination. While these obstacles cannot readily be measured, they can be identified. One is the relatively high standards for police employment. Another is pay; better qualified Negroes are often more attracted by other, better paying positions. Another obstacle is the bad image of police in the Negro community. There also are obstacles to promotion apart from discrimination, such as the more limited educational background of some Negro officers.

RECOMMENDATIONS

The Commission recommends:

- Police departments should intensify their efforts to recruit more Negroes. The Police Task Force of the Crime Commission discussed a number of ways to do this and the problems involved. The Department of Defense program to help police departments recruit returning servicemen should be fully utilized. An Army report of Negro participation in the National Guard and Army reserves may also provide useful information.

- In order to increase the number of Negroes in supervisory positions, police departments should review promotion policies to ensure that Negroes have full opportunity to be rapidly and fairly promoted.

- Negro officers should be so assigned as to ensure that the police department is fully and visibly integrated. Some cities have adopted a policy of assigning one white and one Negro officer to patrol cars, especially in ghetto areas. These assignments result in better understanding, tempered judgment and increased ability to separate the truly suspect from the unfamiliar.

Recruiting more Negro officers, alone, will not solve the problems of lack of communication and hostility toward police. A Negro’s understanding of the ghetto is not enough to make him a good officer. He must also meet the same high standards as white officers and pass the same screening process. These requirements help create a dilemma noted by the Crime Commission.

The need to develop better relations with minority group communities requires recruitment of police from these groups—groups handicapped by lack of educational opportunities and achievement. To require that police recruits have a high school diploma sets a standard too low in terms of the need for recruiting college graduates and perhaps too high in terms of the need for recruiting members of minority groups.

To meet this problem, the Crime Commission recommended creation of a new type of uniformed “community service officer.” This officer would typically be a young man between 17 and 21 with the “aptitude, integrity and stability necessary to perform police work.” He would perform a variety of duties short of exercising full law enforcement powers, with primary emphasis on community service work. While so serving, he would continue his studies in order to be promoted as quickly as possible to the status of a police officer.

The Commission recommends:

- The community service officer program should be adopted. Use of this program to increase the number of Negroes in police departments will help to establish needed channels of communication with the Negro community; will permit the police to perform better their community service functions, especially in the minority group neighborhoods; and will also create a number of badly needed jobs for Negro youths.

The standards of selection for such community service officers or aides should be drawn to insure that the great majority of young Negro males are eligible to participate in the program. As stated in the Crime Commission Task Force Report, selection should not be based on inflexible educational requirements, but instead ”* * * should be made on an individual basis with priority being given to applicants with promising aspirations, honesty, intelligence, a desire and a tested capacity to advance his education and an understanding of the neighborhood and its problems.” An arrest record or a minor conviction record should not in itself be a bar to employment.

The Commission recommends:

- The Federal Government should launch a program to establish community service officers or aides in cities with populations over 50,000. Eligible police departments should be reimbursed for 90 percent of the costs of employing one aide for every 10 full-time police officers.

We emphasize, however, that recruitment of community service aides must complement, not replace, efforts to recruit more Negroes as police officers.

COMMUNITY SERVICE FUNCTIONS

Because police run almost the only 24-hour-a-day, 7-day-a-week emergency service, they find it very hard not to become involved in a host of nonpolice services. Complaints about a wide range of matters, from noisy neighbors and deteriorated streets to building code violations, at best are only peripheral to police work. Be-
cause these are often not police matters and because police increasingly face serious shortages of manpower and money, police administrators have resisted becoming involved in such matters. This resistance, coupled with centralization and motorization of the police, has resulted in the police becoming more distant from the people they serve.

RECOMMENDATIONS

The Commission believes that police cannot, and should not, resist becoming involved in community service matters.

First, police, because of their “front line position” in dealing with ghetto problems, will be better able to identify problems in the community that may lead to disorder. Second, they will be better able to handle incidents requiring police intervention, particularly marital disputes that have a potential for violence. How well the police handle domestic disturbances affects the incidence of serious crimes, including assaults and homicides. Third, willing performance of such work can gain police the respect and support of the community. Finally, development of nonadversary contacts can provide the police with a vital source of information and intelligence concerning the communities they serve.

A variety of methods have been devised to improve police performance of this service function. We comment on two of special interest. The first is the New York Police Department’s experimental “Family Crisis Intervention” program to develop better police response to marital disputes; if results develop as expected, this may serve as a model for other departments.

Second, neighborhood service centers have been opened in some cities. These centers typically are established in tense, high-crime areas, in easily accessible locations such as store-fronts or public housing projects. Staffed by a civilian city employee as well as a police officer, their task is to provide information and service—putting a citizen in touch with the right agency, furnishing general advice. This gives the beat patrolman somewhere to refer a marital dispute. It gives the local resident a clear, simple contact with the right agency, allowing to see only what the police thought he should see. Similarly, the police chief’s “open house,” an opportunity for discussion, was considered useless by many who regarded him as unsympathetic and unresponsive.

Moreover, it is clear that these programs have little support among rank and file officers. In Detroit, more than a year after instructions were sent out to establish such programs, several precincts still had failed to do so. Other cities have had similar experiences. On the command level, there is often little interest. Programs are not integrated into the departments; units do not receive adequate budgetary support.

Nevertheless, some programs have been successful. In Atlanta, a Crime Prevention Bureau has within 2 years established a good relationship with the community, particularly with the young people. It has concentrated on social services, persuading almost 600 dropouts to return to school, assisting some 250 hardship cases with food and work, arranging for dances and hydrant showers during the summer, working quickly and closely with families of missing persons. The result is a close rapport with the community—and recruits for the department. Baltimore and Winston-Salem are reported to have equally successful programs.

RECOMMENDATIONS

Community relations programs and training can be important in increasing communication and decreasing hostility between the police and the ghetto. Com-

COMMUNITY RELATIONS PROGRAMS

Many police departments have established programs to deal specifically with police-community relations. The Crime Commission recommended a number of such programs, and Federal funds have been made available for putting them into operation. Although of great potential benefit, the results thus far have been disappointing. This is true partly because the changes in attitude sought by such programs can only be achieved over time. But there are other reasons, as was shown by Detroit’s experience with police-community meetings: Minimum participation by ghetto residents; infrequent meetings; lack of patrolmen involvement; lack of attention to youth programs; lack of coordination by police leadership, either within the department or with other city programs.

More significantly, both the Detroit evaluation and studies carried on for the Commission show that too often these are not community-relations programs but public-relations programs, designed to improve the department’s image in the community. In one major city covered by the Commission’s study, the department’s plan for citizen observers of police work failed because people believed that the citizen observer was allowed to see only what the police thought he should see. Similarly, the police chief’s “open house,” an opportunity for discussion, was considered useless by many who regarded him as unsympathetic and unresponsive.

We join in the Crime Commission’s caveat that police should not become involved in service tasks which involve neither policing nor community help (such as tax collection, licensing, and dog-pound duties).
Community relations programs can also be used by police to explain new patrol practices, law enforcement programs, and other police efforts to reduce crime. Police have a right to expect ghetto leaders to work responsibly to reduce crime. Community relations programs offer a way to create and foster these efforts.

We believe that community relations is an integral part of all law enforcement. But it cannot be made so by part-time effort, peripheral status or cliche methods.

One way to bolster community relations is to expand police department award systems. Traditionally, special awards, promotional credit, bonuses, and selection for special assignments are based on heroic acts and arrest activity. Award systems should take equal cognizance of the work of officers who improve relations with alienated members of the community and by so doing minimize the potential for disorder.

However, we see no easy solution to police-community relations and misunderstandings, and we are aware that no single procedure or program will suffice. Improving community relations is a full-time assignment for every commander and every officer—an assignment that must include the development of an attitude, a tone, throughout the force that conforms with the ultimate responsibility of every policeman: Public service.
### Table A: Nonwhite Personnel in Selected Police Departments

<table>
<thead>
<tr>
<th>Name of department</th>
<th>Number of police officers</th>
<th>Number nonwhite police officers</th>
<th>Number sergeants</th>
<th>Number lieutenants</th>
<th>Number captains</th>
<th>Number above captain</th>
</tr>
</thead>
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<td>12</td>
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<td><strong>Total</strong></td>
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<td><strong>6,289</strong></td>
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<table>
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<th>Name of department</th>
<th>Percent nonwhite population</th>
<th>Percent nonwhite police officers</th>
<th>Ratio: Sergeants to officers</th>
<th>Ratio: Lieutenants to officers</th>
<th>Ratio: Captains to officers</th>
<th>Ratio: Above captain to officers</th>
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<td>1.114</td>
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<td>1.27</td>
<td>1.27</td>
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<td>1.27</td>
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<tr>
<td>San Francisco, Calif.</td>
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<td>1.17</td>
<td>1.17</td>
<td>1.17</td>
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</tbody>
</table>

2 Percent Negro population figures, 1966 estimates, Office of Economic Opportunity.
3 Percent Negro population figures for States of Michigan and New Jersey, 1960 Census figures.
4 Less than 1/2 of 1 percent.
5 All police data from a survey conducted for the Commission by the International Association of Chiefs of Police in October 1967.
Chapter 12
Control of Disorder
INTRODUCTION

To analyze the complex social causes of disorder, to plumb the impact of generations of deprivation, to work for broad and sensitive efforts at prevention are vital tasks, but they are slow and difficult. When, in the meantime, civil disorder breaks out, three simple principles emerge.

First: Preserving civil peace is the first responsibility of government.

Individuals cannot be permitted to endanger the public peace and safety, and public officials have a duty to make it clear that all just and necessary means to protect both will be used. Our society is founded on the rule of law. That rule must prevail; without it, we will lack not only order but the environment essential to social and economic progress.

Second: In maintaining the rule of law, we must be careful not to sacrifice it in the name of order.

In our concern over civil disorder, we must not mistake lawful protest for illegal activities. The guardians of the law are also subject to the law they serve. As the FBI states in its riot manual for law enforcement officers:

A peaceful or lawful demonstration should not be looked upon with disapproval by a police agency; rather, it should be considered as a safety valve possibly serving to prevent a riot. The police agency should not countenance violations of law. However, a police agency does not have the right to deny the demonstrator his constitutional rights.

Third: Maintaining civil order is the responsibility of the entire community.

Not even the most professional and devoted law enforcement agency alone can quell civil disorder any more than it alone can prevent civil disorder. A thin blue line is too thin. Maintaining civil peace is the responsibility of the entire community, particularly public officials. The guidance, assistance and support of the mayor can be decisive.

This does not deny the very great responsibility which is and should be borne by the police. In the Supplement on Control of Disorder at the end of this Report, we offer specific comments which we hope will help law enforcement agencies regain control after major disorders have developed. In this chapter, however, the Commission considers ways by which the police—with the leadership and support of the civil authorities—can suppress and restrain potentially major disorders in their initial phases.1

1 In arriving at these assessments and recommendations, the Commission has relied heavily on information and advice supplied by the many police, military and other leading authorities. In addition to the studies conducted for the Commission by the International Association of Chiefs of Police, a number of outstanding authorities worked closely with the Commission staff and provided invaluable assistance. In particular, we wish to thank John Ingersoll, Chief of Police of Charlotte, North Carolina, and former Director of Field Services of the International Association of Chiefs of Police; Daryl F. Gates, Deputy Chief of Police, Los Angeles Police Department, who was one of the commanders in the field during the Watts riot; and Major General George M. Gelston, Adju-
THE INITIAL INCIDENT

Last summer, almost 150 cities experienced some form of civil disorder. Most remained minor disturbances, effectively controlled by the local police and civil authorities. In some cities similar incidents led to serious disorder. Why?

Testimony and evidence studied by the Commission point to the preeminent role of police reaction to the initial incident. How the police and the community respond to and deal with such incidents may well determine whether they remain relatively minor police problems—or balloon into major disorders.

INITIAL POLICE RESPONSE

When police receive word of an accident, fight or similar incident, a patrolman is routinely sent to the scene. He is called on to exercise technical and professional skills at which he is practiced—investigation, individual control and perhaps arrest. Infrequently, he may have to call for assistance. In any event, his judgments, while important, normally have an impact only on the immediate participants.

In the densely populated ghetto, however, particularly when summer heat drives many residents into the streets, even the most routine incident may call for far more than a technical assessment. The responding officer's initial judgment here is critical in two respects. First, it will guide his own conduct. Second, it will guide the response of his superiors. What orders, if any, should they give him? What help should they send if he asks for help? An assessment of this sort may be difficult for the best-informed officer. What makes it even more difficult is that police often do not know what to expect when they respond to incidents in ghetto areas where virtually all the 1967 disorders occurred.

The average police officer has little knowledge or understanding of the underlying tensions and grievances that exist in the ghetto. Yet this information is vital if the police officer is to decide correctly what police or other control measures should be taken to deal with the incident. The task is to find ways to inform his judgment to the maximum extent possible.

While good judgment cannot be institutionalized, some broad considerations can be offered.

THE BASIC FACTORS

Five factors, often inseparable, recurred in the major disorders of last summer: (1) crowded ghetto living conditions, worsened by summer heat; (2) youth on the streets; (3) hostility to police; (4) delay in appropriate police response, and (5) persistent rumors and inadequate information.

On hot summer nights, the front steps and the street become a refuge from the stifling tenements of the ghetto. Detroit's 12th Street, New Haven's Congress Street and the grim public housing blocks of Newark illustrate how ghetto streets come alive with people, especially on summer nights and weekends, when many of the disorders of 1967 began. The people on the streets invariably include a very high proportion of youth.

It takes little to attract a crowd in this setting. Making an arrest is a routine matter to many police officers. In the ghetto, it can draw a crowd instantly—quick to misunderstand, quick to characterize the po-

Newark, July 1967

tant General of Maryland and former Police Commissioner of Baltimore.

In addition to the testimony and reports received on the cities studied by the Commission which had experienced disorders, the Commission drew upon the valuable information and material furnished by the Boston, Chicago, Cincinnati, Kansas City, Los Angeles, New York City and Oakland Police Departments. Valuable guidance also was provided by Colonel Orlando W. Wilson, until recently Superintendent of Police of Chicago and formerly Dean of the School of Criminology, University of California.

The Commission also was assisted by material made available by the Federal Bureau of Investigation and its pamphlet, "Prevention and Control of Mobs and Riots," related reports by the Crime Commission and information supplied by the Office of Public Safety, Agency for International Development. The Commission also received the active cooperation and assistance of the Department of Defense and in particular from the special Army task force established in the Office of the Deputy Chief of Staff for Military Operations to study and make recommendations relative to the role of the Army and National Guard in controlling civil disorders.
lice action as unfair, quick to abandon curiosity for anger.

Crowded ghetto living conditions and youth on the streets—the first two factors—cannot be remedied by the police. But the police must take these conditions into account in assessing even the most routine ghetto incident. Every police officer responding to a call in tense, heavily-populated areas must be sensitive to tension situations. Here more than in any other type of police duty, the individual officer must exercise good judgment and common sense. The Chicago Police Department issued the following training bulletin to all its personnel:

Preventing civil disorders is always easier than suppressing them. The police officer, by disciplining his emotions, recognizing the rights of all citizens and conducting himself in the manner his office demands can do much to prevent a tension situation from erupting into a serious disturbance. 3

There are, however, steps police can take to eliminate or minimize the effects of the remaining three factors.

In the preceding chapter, we have already discussed the factor of hostility to police. As for delay, sufficient manpower is a prerequisite for controlling potentially dangerous crowds; the speed with which it arrives may well determine whether the situation can be controlled. In the summer of 1967, we believe that delay in mobilizing help permitted several incidents to develop into dangerous disorders, in the end requiring far more control personnel and creating increased hazards to life and property.

Rumors significantly aggravated tension and disorder in more than 65 percent of the disorders studied by the Commission. Sometimes, as in Tampa and New Haven, rumor served as the spark which turned an incident into a civil disorder. Elsewhere, notably Detroit and Newark, even where they were not precipitating or motivating factors, inflaming rumors made the job of police and community leaders far more difficult. Experience also has shown that the harmful effect of rumors can be offset if police, public officials and community leaders quickly and effectively circulate the facts.

An innovative method is that of a "Rumor Central"—an office responsible for the collection, evaluation and countering of rumors which could lead to civil disorder. To be most effective, such units might be located outside police departments. In any event, they should work closely with police and other public officials.

In addition to the problem of rumors incident to disorders, the police are often handicapped by the lack of adequate, reliable information. An effective police intelligence unit trained and equipped to gather, evaluate, analyze, and disseminate information is needed to rectify this deficiency.

CONTROL CAPABILITIES

Plainfield, July 1967

Whenever an initial incident erupts into a major crowd control problem, most police departments are confronted with a difficult manpower problem. A police department normally has only a fraction—something around 13 percent—of its uniformed force on duty during the peak 4 p.m. to midnight watch, when nearly all the riots studied by the Commission began. For example, a city like Cincinnati, with a population of about 500,000 and an area of 77 square miles, would normally have fewer than 100 uniformed policemen available if trouble broke out. A city like Peoria, Illinois, with a population of about 100,000, would have fewer than 25 uniformed patrolmen on hand. 4

Dispersal is also a factor. Normal police operations require personnel to be distributed over the entire geographical area of a city. When disorder breaks out, the task of mobilizing all available manpower is enormous. The police administrator must weigh the

3 The "Rumor Central" unit is discussed in the Supplement on Control of Disorder, at p. 269.
4 The majority of American cities between 50,000 and 100,000 population have less than 100 policemen. Of those with over 100,000 population, 71 percent have less than 500 policemen. Only 19 cities have more than 1000. As suggested by the cited figure of 13 percent manpower available, these figures are deceptively reassuring. Considering three shifts, days off, vacations and sick leave, five men are required to keep one police post manned 24 hours a day. In addition, manpower for regular police services like administration, records and detective work must be taken into account.

need for police to control the riot against the risks of leaving vital areas of the city without police protection.

It is apparent that most American cities would not have enough policemen quickly available to assure control in the event of a sudden large disorder. A high premium must hence be placed on the capability to prevent disorders—or to contain them before they develop into serious proportions.

**TRAINING**

Despite the obvious importance of well-trained police in controlling disorder, the Commission survey of the capabilities of selected police departments disclosed serious deficiencies. For example, riot-control training is primarily given to recruits. This averaged 18 hours for the departments surveyed, ranging from 62 hours to only 2. Little additional training is provided for command-level officers. In contrast, the National Guard now receives a minimum of 32 hours of riot-control training under new U.S. Army regulations, and National Guard officers receive 16 hours of command training for disorder situations.

The deficiencies in police training for disorders are magnified by the fact that standard police training and operations differ radically from training needed for the control of riots. Traditional training and emphasis have been on the individual policeman. His routine duties involve isolated incidents and dealings with small numbers of people at one time. The nature of his work—riding or walking mostly alone or in pairs—means that he has considerable individual discretion.

The control of civil disturbances, on the other hand, requires large numbers of disciplined personnel, comparable to soldiers in a military unit, organized and trained to work as a team under a highly unified command and control system. Thus, when a civil disturbance occurs, a police department must suddenly shift into a new type of organization with different operational procedures. The individual officer must stop acting independently and begin to perform as a member of a closely supervised, disciplined team. Our survey disclosed that training in practically all departments is limited to the individual.

Last year’s disorders demonstrated that the control problems encountered were different from those for which riot-control training had been designed. Violence often involved small groups and hit-and-run tactics. Except in the later stages of the largest disorders, the crowds included large numbers of spectators not active in looting or destruction. Since they were mostly residents of the area, dispersal alone was futile. As a result, training in conventional riot-control formations and tactics, designed primarily to control and disperse mobs, was often inapplicable and ineffective.

Few departments have the resources and expertise to provide adequate and relevant training for control of serious disorders. We discuss this problem in greater detail in our Supplement on Control of Disorder, and set forth additional recommendations.

**DISCIPLINE AND COMMAND**

As the Riot Profiles in the opening chapter of the Report have shown, discipline of the control force is a crucial factor. Officers at the scene of a ghetto disorder are likely to suffer vilification, and to be the targets for rocks or bottles. Nevertheless, police discipline must
be sufficiently strong so that an individual officer is not provoked into unilateral action. He must develop sufficient confidence in himself and his fellow officers to avoid panic or the indiscriminate—and inflammatory—use of force that has sometimes occurred in the heat of disorders. Discipline of this sort depends on the leadership of seasoned commanders and the presence in the field of sufficient supervisory officers to make major decisions.

The ability of police commanders to maintain command and control of units at the scene of disorder is severely handicapped by deficiencies in police communications. Police departments usually can communicate with their personnel only through radios in police vehicles. Once the officer leaves his police car or motorcycle, he loses communication with his superiors and is outside their effective control.

The military has field communications systems which make it possible to achieve effective command and control. The Nation’s police departments do not. A more complete discussion of this problem and the Commission’s recommendations are contained in the Supplement.

POLICE TACTICS

There are no all-purpose control tactics. Last summer’s disorders demonstrated repeatedly that tactics which are effective in one situation may be totally ineffective in another. The cardinal requirement is to
have enough men and control equipment available to carry out effectively whatever tactics are necessary and appropriate according to the dictates of sound judgment.

Tactical operations are dealt with in the Supplement. Specific riot-control tactics are discussed in the Model Operations Plan, described in the Supplement, which has been prepared for separate distribution to police departments.

THE USE OF FORCE

JUSTIFICATION OF DEADLY FORCE

There are at least three serious problems involved in the use of deadly weapons in a civil disorder. The first is the risk of killing or wounding innocent persons—bystanders or passersby who may in fact be hundreds of feet away when a shot is fired.

The second is the justification for the use of deadly force against looting or vandalism. Are bullets the correct response to offenses of this sort? Maj. Gen. George Gelston told the Commission: "** * I am not going to order a man killed for stealing a six-pack of beer or a television set." Instead, he said, a nonlethal tear gas can stop any looting.

The third problem is that the use of excessive force—even the inappropriate display of weapons—may be inflammatory and lead to even worse disorder. As the FBI riot-control manual states:

The basic rule, when applying force, is to use only the minimum force necessary to effectively control the situation. Unwarranted application of force will incite the mob to further violence, as well as kindle seeds of resentment for police that, in turn, could cause a riot to recur. Ill-advised or excessive application of force will not only result in charges of police brutality but also may prolong the disturbance.

Such counsel with respect to disorders accords with the clearly established legal and social principle of minimum use of force by police.

The major difficulty in dealing with all these problems, however, is the limited choice still presented to police in mass disorders: to use too much force or too little. The police who faced the New York riot of 1863 were equipped with two weapons—a wooden stick and a gun. For the most part, the police faced with urban disorders last summer had to rely on two weapons—a wooden stick and a gun.

Our police departments today require a middle range of physical force with which to restrain and control illegal behavior more humanely and more effectively.

ALTERNATIVES TO DEADLY FORCE

The dilemma regarding force has endured for more than a century for two reasons. One is that police are inhibited from using even the new tools which have been developed. The second is that the improvement and perfection of these tools are proceeding far too slowly.

As pointed out in the Supplement, fear of public reaction and other policy considerations have tended to inhibit police use of nonlethal chemical agents in civil disorders. The U.S. Army, on the other hand, relies heavily on the use of CS, a chemical agent, for controlling riots. The Army has found it to be both much more effective and safer than the more traditional tear gas, CN. The use of CS is prescribed in the standard military sequence of force prior to the em-

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5 Adjutant General of Maryland, commander of National Guard forces in Cambridge, Md., last summer, and former Police Commissioner of Baltimore.

Newark, July 1967
ployment of any lethal firearms. Moreover, new developments now make it possible to use chemical agents selectively against individuals and small groups with minimum danger to innocent persons. Thus, the understandable concern of many police and public officials as to the wisdom of using massive amounts of gas in densely populated areas need no longer prove a barrier.

The value and effectiveness of chemical agents in restoring law and order, with minimum danger to lives and property, is also attested to by the FBI’s riot-control manual: “Chemical agents * * * can negate the numerical superiority the mob has over the police force. They are the most effective and most humane means of achieving temporary neutralization of a mob with a minimum of personal injury.”

The Commission recommends that, in suppressing disorder, the police, whenever possible, follow the example of the U.S. Army in requiring the use of chemical agents before the use of deadly weapons.

The experience of many police forces has demonstrated, however, that the value and community acceptance of new nonlethal methods may be jeopardized if police officers employ them in an indiscriminate way. In some of the cities we studied, reports of improper use of some chemical weapons by individual police officers have led to charges that these weapons are brutalizing or demeaning. To assure public confidence and prevent misuse, police administrators should issue clear guidelines on where and how police may employ such control measures.

The Commission has received many suggestions for other nonlethal control equipment. Distinctive marking dyes or odors and the filming of rioters have been recommended both to deter and positively identify persons guilty of illegal acts. Sticky tapes, adhesive blobs, and liquid foam are advocated to immobilize or block rioters. Intensely bright lights and loud distressing sounds capable of creating temporary disability may prove to be useful. Technology will provide still other tools.

There is need for additional experience and evaluation before the police and the public can be reasonably assured that these control innovations meet the performance and safety standards required for use in civilian communities. The Commission believes, however, that the urgent need for nonlethal alternatives requires immediate attention and Federal support. We discuss this further in the Supplement.

COMMUNITY ASSISTANCE IN DISORDER CONTROL

Commission studies have shown that in a number of instances both police and other responsible civil authorities were forced to make decisions without adequate facts in an atmosphere charged by rumor.

Police administrators consulted by the Commission emphasized the importance of employing trained police intelligence officers to collect, evaluate, and disseminate information. The use of undercover police officers, reliable informants and the assignment of police personnel to provide fast, accurate, on-the-scene reports, were all cited as essential.

During the early stage of a disorder when lawlessness is still relatively restricted, the cooperation and assistance of Negro leaders and other community residents with a common interest in the maintenance of order can be extremely valuable. They can provide the police with the kind of pertinent, reliable information essential for decisionmaking during the disorder. Many agencies and organizations in the area, public and private, have valuable contacts and channels of communication. These also can serve as important information resources.

In some cities, “counterrioters” have played an important role in dampening disturbance. Volunteers have assisted in restoring order by patrolling their neighborhoods and trying independently to persuade others to go home. Sometimes local authorities have actively recruited ghetto residents to perform these
missions. The Commission believes that mayors and police chiefs should recognize and assess carefully the potential benefit such efforts can sometimes provide, restoring the peace in a way that will earn public support and confidence.

The larger question, however—whether police should withdraw from the disorder area and let community leaders or forces seek to cool the rioting—raises a number of critical issues. The first and most important is whether by so doing the police are abdicating their basic responsibility to maintain order and protect lives and property.

Some police administrators are deeply convinced that it is a dereliction of duty for police to delegate complete authority to individuals or groups who lack legal responsibility. In their judgment, such action creates the danger of vigilante groups. The Commission shares this concern; a sanctioned control group could use its position to intimidate or terrorize.

Also, those who come forward to discourage rioting may have no influence with the rioters. If they fail, they may well blame officials, creating new enforcement problems.

The Commission believes that only the mayor—who has the ultimate responsibility for the welfare and safety of the community—can, with the advice of the police administrator, make the critical judgment.

**THE ROLE OF PUBLIC OFFICIALS**

The Commission believes incidents are less likely to escalate into larger violence if ghetto residents know they have effective political channels of protest. We discussed formal grievance outlets at length in the preceding chapters. Here we are particularly concerned with the role of the mayor or city manager and police chief.

Civil disorders are fundamental governmental problems, not simply police matters. As the chief elected official, the mayor must take ultimate responsibility for all governmental action in times of disorder. To make this meaningful, he must have the corresponding authority and control. He must become fully involved in disorder planning and operations. He must understand the nature of the problems posed by a disorder, the strategy of response and field operations.

In some cities, mayors have taken the view that disorders were entirely police matters. This represents a failure to accept a fundamental responsibility. The unwillingness of a mayor to become personally involved and to negotiate grievances with local residents may cut off a vital outlet for peaceful protest.

Similarly, police chiefs should understand this responsibility and involve the mayor in their planning activities and operations. Only regular participation
by the mayor in police problems, in cold winters as well as hot summers, will educate both the mayor and the police to the mutually reinforcing nature of their relationship.

Parallel responsibilities exist at the state level. Governors and other civilian officials with responsibility over state law enforcement activities, such as attorneys general, have an obligation to supervise planning and operations for civil disorders.

One of the most important responsibilities of local officials is to maintain close personal contact with the ghetto. The importance of creating channels of communication with ministers, with community organizations, with Negro leaders including young activists and militants cannot be overestimated. Given such contacts, officials become more sensitive to ghetto reactions to particular episodes and frictions. They also create acquaintanceships which can be used to help alleviate tensions that might otherwise heighten.

As the Riot Profiles indicate, in a number of the disorders studied by the Commission, efforts were made to respond to grievances. In some instances, Negro leaders took the initiative. In others, mayors and state officials did so. In New Brunswick, for example, discussion alleviated tension and led to a peaceful settlement. Often the determination of civilian officials, especially the mayor, to seek out these opportunities may be decisive in avoiding violence.

Having determined that it will try to resolve its problems by political means, the city must then decide with whom to negotiate—often a difficult question. Large meetings open to the general public or small meetings limited to established, older Negro leaders were rarely found to be effective. City officials are often faced with a fragmented Negro community. If they have failed to keep open broad channels of communication, city officials will have great difficulty identifying leaders with sufficient influence to get through to those on the streets.

Even after contacts are made, negotiations may be extremely difficult. Younger, militant leaders are often distrustful of city government, fearful of compromising their militancy or their leadership by allying themselves too closely with "the power structure," particularly when that structure may have nothing to deliver.

Civil disorders require the maximum coordination of the activities of all governmental agencies. Such cooperation can only be brought about by the chief executive. Examples are joint operations by the police and fire departments, mutual assistance agreements with neighboring communities and state and Federal assistance. These problems are discussed in the Supplement.

Detroit, July 1967
Emergencies are anticipated in police planning. They range from natural threats like floods and storms to man-made incidents like the recent disorders. Until 1964, most civil disorders were regarded as difficult but basically manageable police problems of an essentially local nature. The events of the last few summers, however, particularly the events of 1967, have radically changed this view. Disturbances in densely populated, predominantly Negro areas which might earlier have been labeled brawls became characterized as "riots," with racial overtones. A national climate of tension and fear developed, particularly in cities with large Negro populations.

Were relatively minor incidents inflated or escalated into serious disturbances? Did such inflation result from overly aggressive law enforcement action? Did it stem from unwarranted fears on the part of the ghetto community? Precise answers are impossible. What can be said, however, is that there was widespread misunderstanding and exaggeration of what did occur.

The most notable example is the belief widely held across the country last summer that riot cities were paralyzed by sniper fire. Of 23 cities surveyed by the Commission, there had been reports of sniping in at least 15. What is probable, although the evidence is fragmentary, is that there was at least some sniping. What is certain is that the amount of sniping attributed to rioters—by law enforcement officials as well as the press—was highly exaggerated.

According to the best information available to the Commission, most reported sniping incidents were demonstrated to be gunfire by either police or National Guardsmen.

The climate of fear and expectation of violence created by such exaggerated, sometimes totally erroneous, reports demonstrates the serious risks of overreaction and excessive use of force. In particular, the Commission is deeply concerned that, in their anxiety to control disorders, some law enforcement agencies may resort to indiscriminate, repressive use of force against wholly innocent elements of the Negro community. The injustice of such conduct—and its abrasive effects—would be incalculable.

**FUNDING OF RECOMMENDATIONS FOR PREVENTION AND CONTROL OF DISORDER**

Many of the recommendations in this and the preceding chapter will be costly. Studies of police practices, intensified recruitment of Negro officers, increased planning and training for disorder control—all would impose heavy financial burdens on communities already hard-pressed by the increasing costs of their present systems of criminal justice.

The Commission recommends that the Federal Government bear a part of this burden.

Federal funding need not and should not in any
way infringe on the principle of local law enforcement authority. The Federal Government already finances a variety of law enforcement assistance programs without such infringement. The Department of Justice provides direct grants for research, planning and demonstration through the Office of Law Enforcement Assistance, and the FBI conducts training programs for state and local police officers. The Department of Health, Education, and Welfare administers juvenile delinquency control programs and educational grants for law enforcement studies. The Department of Labor helps pay for police cadet training programs. The Office of Economic Opportunity assists in police-community relations activities. We commend and endorse these efforts. But we believe more Federal financial assistance is needed.

Such assistance should take two forms. First, in this chapter, the preceding one and in the Supplement, we specifically recommend Federal funding for certain programs—community service officers, development of portable communications equipment, a national clearinghouse for training information and nonlethal weapons development.

Second, we also believe that more Federal support is necessary to help local communities improve the overall quality of their criminal justice systems. With the Crime Commission, we believe that the Federal Government "... can make a dramatic new contribution to the national effort against crime by greatly expanding its support of the agencies of justice in the states and in the cities."

These remarks are in no way intended to excuse local governments from their financial responsibilities. Improved law enforcement at the local level, including increased capacity to prevent and control civil disorders, is possible only if local citizens are willing to put their tax money where their desires are. But this Commission believes that not even the most devoted and willing community can succeed by acting alone. Only the Federal Government is in a position to provide expertise, conduct and evaluate comprehensive test programs, and pay for the large capital investment necessary to develop experimental programs and new equipment.

The Crime Commission outlined a broad program of Federal funding, advice and assistance to meet major criminal justice needs. It estimated that in the next decade, several hundred million dollars could be profitably spent each year on this program. The increased demands imposed on law enforcement agencies by the recent disorders have intensified the urgency and increased the cost of such a program.

Nevertheless, 14 months have now passed since the Crime Commission's exhaustive study and recommendations; 13 months have passed since the President first urged the Congress to enact such a program; that urgent request was renewed by the President in his Public Safety Message on February 7, 1968. No final action has yet been taken. It should be taken—and taken promptly. Because law enforcement is a local responsibility, whatever legislation is adopted should permit direct grants to municipal governments. Funding should be at least as high as that requested by the President in his Message.
Chapter 13
The Administration of Justice
Under Emergency Conditions

THE CONDITION IN OUR LOWER COURTS

A riot in the city poses a separate crisis in the administration of justice. Partially paralyzed by decades of neglect, deficient in facilities, procedures and personnel, overwhelmed by the demands of normal operations, lower courts have staggered under the crushing new burdens of civil disorders.

Some of our courts, moreover, have lost the confidence of the poor. This judgment is underwritten by the members and staff of this Commission, who have gone into the courthouses and ghettos of the cities torn by the riots of 1967. The belief is pervasive among ghetto residents that lower courts in our urban communities dispense "assembly-line" justice; that from arrest to sentencing, the poor and uneducated are denied equal justice with the affluent, that procedures such as bail and fines have been perverted to perpetuate class inequities. We have found that the apparatus of justice in some areas has itself become a focus for distrust and hostility. Too often the courts have operated to aggravate rather than relieve the tensions that ignite and fire disorders.

The quality of justice which the courts dispense in time of civil crisis is one of the indices of the capacity of a democratic society to survive. To see that this quality does not become strained is therefore a task of critical importance.

"No program of crime prevention," the President's Commission on Law Enforcement and the Administration of Justice found, "will be effective without a massive overhaul of the lower criminal courts." The range of needed reforms recommended in their report is broad: Increasing judicial manpower and reforming the selection and tenure of judges; providing more prosecutors, defense counsel and probation officers and training them adequately; modernizing the physical facilities and administration of the courts; creating unified State court systems; coordinating statewide the operations of local prosecutors; improving the informational bases for pretrial screening and negotiated pleas; revising the bail system and setting up systems for station-house summons and release for persons accused of certain offenses; revising sentencing laws and policies toward a more just structure.

If we are to provide our judicial institutions with sufficient capacity to cope effectively with civil disorders, these reforms are vitally necessary. They are long overdue. The responsibility for this effort will rest heavily on the organized bar of the community. The prevalence of "assembly-line" justice is evidence that in many localities, the bar has not met its leadership responsibilities.

THE EXPERIENCE OF SUMMER 1967

In the cities shaken by disorders during the summer of 1967, there were recurring breakdowns in the mechanisms for processing, prosecuting, and protecting arrested persons. In the main, these resulted from the communities' failure to anticipate, and plan for, the emergency judicial needs of civil disorders and from longstanding structural deficiencies in criminal court systems distended grotesquely to process a massive influx of cases. In many instances, tensions and hostilities from the streets infected the quality of justice dispensed by the courts.

While final information on the processing of riot offenders is not yet assembled, the information presently available provides valuable guidelines for future planning.

The goals of criminal justice under conditions of civil disorder are basic:

- To insure the apprehension and subsequent conviction of those who riot, incite to riot or have committed acts of physical violence or caused substantial property damage.
- To insure that law violators are subjected to criminal process and that disposition of their cases is commensurate with the severity of the offense; to provide, at the same time, for just but compassionate disposition of inadvertent, casual or minor offenders.
- To provide prompt, fair judicial hearings for arrested persons under conditions which do not aggravate grievances within the affected areas.

In the summer of 1967, these goals too often were disregarded or unattainable.

FEW SUCCESSFUL PROSECUTIONS FOR SERIOUS CRIMES COMMITTED DURING THE RIOT PERIOD

In Detroit, 26 alleged snipers were charged with assault with intent to commit murder. Twenty-three of those charges were subsequently dismissed. As of September 30, 1967, one out of seven homicide arrests had resulted in conviction; two were still pending. Of 253 assault arrests, only 11 convictions were produced; 58 were still pending. Twenty-one out of 34 arrests for arson and 22 of 28 arrests for inciting to riot, had been dropped by the prosecution.3

Three elements impaired successful prosecution of persons arrested for major offenses.

First, the technique of mass arrest was sometimes used to clear the streets. Those arrested often included innocent spectators and minor violators along with major offenders. In Newark and Detroit, mass street arrests were made in sectors where sniping was reported and extensive looting occurred.

Second, the obstacles to deliberate, painstaking, on-the-scene investigations during a riot are formidable. Thus, insufficient evidence was obtained to insure conviction on many of the most serious charges.

Third, the masses of arrestees in the major riots so overwhelmed processing and pretrial procedures that facilities and personnel were not free to deal adequately with serious offenders or with evidence of their crimes. Personnel in police stations were overwhelmed by the sheer numbers of accused persons to be booked, screened, detained and eventually brought to court. Minor and major offenders were herded through the process.6

Assembly-line booking operations in the Detroit precincts and at the jail—20 to 30 employees assigned to 12-hour shifts—proved inadequate. Records necessary to identify defendants or to check for past criminal records could not be obtained. Follow-up investigation, essential to secure convictions in serious cases, proved difficult or impossible.

With lesser crimes as well, the system displayed an inability to produce successful prosecutions. Looting charges comprised 84 percent of the felony arrests in Detroit.4 Yet almost half of the felony charges that went to court were dismissed at preliminary hearing for lack of evidence.5

SERIOUS OVERCROWDING OF FACILITIES

After arrest, accused persons in Detroit and Newark suffered the abuses of an overtaxed and harassed system of justice. In Detroit, inability to maintain a centralized system of arrest records meant that families and defense attorneys could not locate arrested persons confined in widely scattered emergency detention facilities. In 1 day alone, 790 persons were booked at the Wayne County jail and 1,068 sent on to other detention facilities, usually without opportunity to notify or consult family or counsel.

Regular detention facilities were swamped. Detroit's main city jail, built for 1,200 persons, was crammed

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2 In the 1965 Watts riot, of seven persons arrested on homicide charges, five were subsequently released. None has yet been convicted. A total of 120 adult arrests for assault produced only 60 convictions; 27 adult arson arrests: Seven convictions. In Newark, one homicide indictment and 22 assault indictments (none for sniping) have been returned.

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4 In Detroit, 7231 arrests were made during the 9-day riot; in Newark, 1510 in 5 days. In 1 week, the Detroit Recorder's Court handled a month's quota of misdemeanor cases and a 6 months' quota of felony cases.

5 Fifty-five percent of all prosecuted arrests were for looting. Twenty-four percent of all riot arrests for felonies were not prosecuted.

6 Sixty percent of felony riot charges went to preliminary hearing. At this stage, 49 percent of those charges were dismissed, as compared with only 23 percent of felony charges dismissed during 1966.
with over 1,700. Precinct lockups, built for 50 prisoners, received 150 or more. The juvenile detention home, built for 120, held over 600 during the riot. Makeshift detention facilities were commandeered; 1,000 arrestees were held in an underground police garage for several days, many without adequate food or water. Others were held for over 24 hours in city buses. Adults of both sexes were sometimes locked up together. In Newark, a large portion of those arrested were held in an armory without proper food, water, toilet, or medical facilities. Prisoners had no way to contact lawyers or relatives. Members of the press or official observers were unable to reassure those on the outside. In the absence of information about arrestees, new rumors, and fears added to the tensions of the riot.

**JUDICIAL PROCEDURES ORIENTED TO MASS RATHER THAN INDIVIDUALIZED JUSTICE**

Normal screening procedures were overrun in the chaos of the major disorders. Rational decisions to prosecute, to delay prosecution on good behavior, to dismiss, to release with or without bail pending trial, to accept a plea to a lesser charge or to press for conviction on the original charge, and to impose a just sentence require access to a comprehensive file of information on the offender contributed by police, prosecution, defense counsel, bail interviewers, and probation officers. Orderly screening requires time, personnel, deliberation. These elements were absent in the court processing of those arrested in the major riots.

**ARRAIGNMENTS AND BAIL SETTINGS**

In Detroit defendants were herded to arraignment in groups. There was little chance to screen out those cases that could best be handled out of court or that could not survive trial. Defense counsel were not allowed to represent defendants at this stage in Detroit. Some judges failed to advise the defendants of their legal rights. After one group arraignment, a Detroit judge told the next group of defendants, "You heard what I said to them. The same things apply to you." Arraignments in the major riot cities were often delayed several days, thus denying defendants the right to prompt bail. In Detroit, many persons arrested for minor ordinance violations were jailed for a number of days before going to court. When the judicial process was finally activated for them, most judges tended to set inordinately high bail in order to frustrate release. Pressure on detention facilities thus remained at intolerable levels for several days. Bail for offenses such as looting and property destruction was set as high as $50,000; for assault up to $200,000. Bond for curfew violation was rarely set at less than $10,000—often as high as $15,000 to $25,000. In Newark, bail was uniformly set at $500 for curfew offenses, $250 for loitering, and at $2,500 and up for property offenses. No attempt was made in most cases to individualize the bail-setting process. Pressured by unattainably high bail, many indigent defendants pleaded guilty or accepted immediate trial when offered.

In both Newark and Detroit, detention pressures finally forced a more lenient bail policy. In what were essentially duplications of earlier bail hearings, prisoners were interviewed and released without bail in large numbers. In Newark, an ROR (release on the defendant's own recognizance) program initiated in the last days of the riot interviewed over 700 prisoners (at least half of all those arrested) and secured the release of between 65 and 80 percent.

Courts in several of the smaller cities successfully experimented with releasing offenders on their own recognizance from the beginning of the riot. Dayton continued its release-on-recognizance policy during its September disorder. Most of the 203 people arrested were released without money bail. In New Haven, out of 550 arrested, 80 percent were released on their own recognizance.

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*One thousand defendants were arraigned in a single day in the Detroit Recorder's Court (250 per 6-hour shift). Information usually available to the judge at arraignment on the warrant—i.e., fingerprint checks, interviews, investigative reports, formal complaints—was often missing due to the logjam in the warrant clerk's office. Grand jury proceedings suffered similarly. Mass indictments naming 100 or more defendants were handed down in all-day sessions in Newark after average deliberation of less than 2 minutes per case.*

*In Detroit, the prosecutor announced this policy publicly, and most of the judges acceded. The Recorder's Court in 1966 released 26 percent on their own bond. During the riot, the figure was 2 percent. Acceptance of money bonds in any amount was suspended during one 24-hour period. Offers of defense counsel to represent defendants at bail hearings were rejected.*

*In Newark, the prosecutor finally initiated the lenient bail policy in Detroit. (One judge, however, used bail examiners throughout the riot and released 10 percent of defendants who came before him on their own recognizance.) Over 3,000 were released within a few days through bail review; by August 4, only 1,200 remained in detention. Files were flown to the FBI for checking to expedite release. Only one known arrest (for curfew violation) was reported from among such persons released. When preliminary examinations began on August 1, most defendants were released on $500 personal bond, except in violent crimes or cases of serious prior records.*

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*In Newark, the next Sunday following the Wednesday when the riot began, the judges went into the jails to conduct bail review hearings.*
COUNSEL

The riots underscored other deficiencies in local court systems. Most prominent in the major outbreaks was the shortage of experienced defense lawyers to handle the influx of cases in any fashion approximating individual representation. Even where volunteer lawyers labored overtime, the system was badly strained. Individual counsel was rarely available. Inexperienced lawyers in Detroit were given briefings by experienced criminal attorneys and were handed procedural handbooks before entering the court rooms. They had no opportunity to bargain for pleas before arraignment—or even to see police files before preliminary hearings. In several cities (Detroit, Newark, and New Brunswick), volunteer attorneys were denied access to prisoners in jail—in one case because they did not know the prisoners' names. While individual lawyers and legal organizations in several cities provided counsel to represent minor violators (Milwaukee, the Legal Services program; New Haven, the Legal Assistance Association; Cincinnati, the American Civil Liberties Union, National Association for the Advancement of Colored People, and Legal Aid Society); in others (Rockford, Ill., Atlanta, Ga., and Dayton, Ohio), those defendants normally not eligible for assigned counsel went unrepresented.

The need for prompt, individual legal counsel is particularly acute in riot situations. This is because of the range of alternative charges, the severity of penalties that may be imposed in the heat of riot, the inequities that occur where there is mass, indiscriminate processing of arrested persons, and the need for essential information when charges are made by the prosecutor and bail is set. The services of counsel at the earliest stage, preferably at the precinct station, are essential. Provision of effective counsel at an early stage will also protect against a rash of post-conviction challenges and reversals.

SENTENCING

Trial and sentencing proved equally vulnerable to the tyranny of numbers. Sentences meted out during the riots tended to be harsher than in those cases disposed of later. Some judges in the early days of the riots openly stated that they would impose maximum penalties across-the-board as deterrents. One Cincinnati judge announced that any person brought before him on a riot-connected offense would receive the maximum penalty. Circumstances of the arrest, past record, age, family responsibilities, or other mitigating factors were not considered.

The burden of this policy fell on the poorest defendants—those unable to raise bail—who agreed to immediate trials. Those who could raise bail and wait out the riot often received more lenient sentences. Once the riots were over, defendants were frequently sentenced to time already spent in detention, if they consented to plead guilty.

In those cities where the riots were less extensive and the number of arrests allowed normal trial procedures to remain largely intact, sentences did not markedly vary from the norm. In Dayton, where most of the 203 law violators were charged with minor offenses such as disorderly conduct and destruction of property, the standard penalty was a fine of $15 to $50. In Rockford, Ill., where all arrests were for disorderly conduct or curfew violations, fines were assessed within a $20 to $250 range, according to the individual's ability to pay.

A primary function of criminal justice in a riot situation is effectively to apprehend, prosecute, and punish the purposeful inciters to riot and to assure the community at large—rioters and nonrioters alike—that law violators will be prosecuted and sentenced according to an ordered system of justice. Dispassionate objectivity on the part of both the bench and the bar—always required and always difficult—becomes even more necessary when civil disorders occur. The passions of the street must not enter the courtroom to affect any step in the administration of justice, particularly sentencing. During a riot emergency, it is highly important that courts adhere to established criteria for sentencing. This did not always occur in Detroit and Newark in the summer of 1967. In smaller disorders, such as Dayton, Atlanta, and New Haven, arrests were fewer, arraignments were prompt, release policies were fair, and sentences were within normal ranges.

GUIDELINES FOR THE FUTURE

In a period of civil disorder, it is essential that our judicial system continue firmly to protect the individual constitutional rights upon which our society is based.

The Detroit Bar Association mustered over 700 lawyers (10 to 15 percent of its membership) to serve as defense counsel. They were used primarily at preliminary hearings and arraignments on the information, not at initial bail hearings.

Our criminal jurisprudence has developed important safeguards based on the arrest process as the mechanism which activates the full judicial machinery. Thus, arrest brings into play carefully developed procedures for the protection of individual rights.

Some suggest that the judicial system must respond to the riot emergency by short-cutting those procedures. Such suggestions, usually referred to as "preventive arrest" or "preventive detention," involve extending the
police power to include detention without formal arrest, broadening summary enforcement procedures, and suspending bail hearings and pretrial procedures for sorting out charges and defendants.

We reject such suggestions. Rather, we urge each community to undertake the difficult but essential task of reform and emergency planning necessary to give its judicial system the strength to meet emergency needs. We make the following recommendations.

THE COMMUNITY SHOULD PREPARE A COMPREHENSIVE PLAN FOR EMERGENCY OPERATION OF THE JUDICIAL SYSTEM

A comprehensive plan for the emergency operation of the judicial system during a riot should involve many public and private agencies in the community. It must include:

- A review of applicable statutes and ordinances (and their amendment and revision if necessary) to ensure that there are well drawn, comprehensive laws sufficient to deter and punish the full range of riot behavior.¹¹

- Compilations and interpretations of the laws relied on to control such an emergency must be made available to police, prosecutors and, through the press, to the community at large well in advance. When a disorder arises, there must be no doubt what citizens are supposed to do and not do. Citizens are more likely to remain calm and resist the provocations of unfounded rumors if they are already familiar with the laws applicable to riot conditions.

- Regulatory guidelines should be drawn in advance detailing interaction of police with other law enforcement personnel (such as state police and National Guard), specifying who can make arrests and how they should be handled,¹² the charges to

¹¹ For example, it has been suggested that rather than relying on vague disorderly conduct or loitering statutes in riot situations, specific laws or ordinances be enacted which, upon declaration of emergency, deal with possession of incendiary devices (even before they are used), interference with police, firemen, or other emergency workers, storage of firearms, restrictions on access to riot areas, restrictions on sale of liquor or firearms during emergencies, imposition of curfews and crowd dispersal. Laws designed to meet such emergency circumstances must be specific and uniform regarding conditions which must exist to invoke their application, who may proclaim such an emergency and what activities or powers such a declaration limits or permits. Provision should also be made for judicial review of the invocation of such emergency laws. See Supplement on Control of Disorder, pp. 288–91.

¹² During the Detroit riot, processing difficulties arose because National Guardsmen, who could not make arrests under state law, handed prisoners over to local police without sufficiently recording circumstances of the arrests.
enter for prohibited acts, and how certain minor violations may be handled without formal arrest and detention. Booking, screening, and bail setting will proceed more efficiently when there are established guidelines for processing large numbers of cases.

- Basic policy decisions for each step in the judicial process must be made: Which charges will become eligible for summons and release after arrest, with trial postponed until the emergency is over? Will any defendants be released during a riot and on what conditions? Which charges require immediate court processing? Which charges require an immediate follow-through investigation in order to support subsequent prosecution?

- Bail and sentencing policies applicable during emergencies should be defined by the judiciary with consistency and justice as a goal. Bail interviewers and probation officers should be instructed as to the kind of information required for release or sentencing decisions in a riot situation.

- Administrative techniques should be established by the court to insure that eligible indigent defendants will be represented by counsel at the earliest stage.

- Arrangements for night and weekend court sessions should be made.

- Public and volunteer defenders can be more effectively utilized if there are prior allocations to each group of specific classes of cases and if there are agreed procedures for assigning counsel to each defendant and for determining how long such counsel will remain on the case. For instance, volunteer lawyers may be provided to represent riot participants who normally would not be eligible to obtain public defenders because of the minor nature of their violations. The entire organized bar of the city and even the state—and particularly Negro or other minority members of the bar—should be involved in emergency planning. Adequate provision must be made for individual counseling of clients in order that effective representation does not deteriorate, as it did in many cities last summer. There must be training courses in advance to insure that all participating lawyers are prepared for the task. Defense strategy on such basic issues as plea negotiation, bail review, and habeas corpus needs to be planned ahead of time. A control center where volunteer lawyers may get advice and investigative help during a riot is an essential component of planning.

- Sufficient facilities as near as possible to the court must be found to house, in a humane fashion, those detained during riots. Civic and service groups have vital roles to play in this aspect of riot planning. Temporary detention centers can generate terrible conditions if proper medical care, communication with the outside, food, and sanitary facilities are not provided. Juveniles require special handling aimed usually toward early return to their parents. Community organizations and volunteers willing to temporarily shelter or supervise juveniles and adults from the riot area must be enlisted, coordinated, and assigned according to plan.

- Press coverage and impartial observers to report to the community on all stages of processing should be provided. Information centers, accessible by a well-publicized phone number, must be set up to locate defendants promptly and to assure continual contact with their families.
Emergency planning should also include agreements between different levels of courts and among courts in different jurisdictions to facilitate emergency transfers of judges, prosecutors and probation officers. Where necessary, laws should be passed allowing the appointment of members of the bar as special judges during such an emergency. Auxiliary courtrooms need to be readied. A master list of all competent clerical personnel in the area to help process defendants' records quickly is needed.

We think it probable that a highly visible plan, in which basic procedures for handling riots are established and publicized beforehand and in which ghetto leaders and citizens are full participants, will have a reassuring effect during a disorder. People need to know where they stand—what they can and cannot do and what will happen to them if they are arrested in a riot situation.

Prevention is paramount, but experience has shown that refusal to plan is foolhardy and can only compound the human agonies of civil outbreak.

The organized bars of our cities and states have a special responsibility in planning for the administration of justice during a riot. Their responsibility does not stop with providing defense counsel for rioters; they must assist the overloaded prosecutors as well. Their participation cannot be confined to a small segment—the defense bar or legal aid lawyers; it must also include the large law firms, the corporate counselors and those who are leaders in the local bar. Lawyers must take the lead in showing the community that orderly justice is a priority item in any plan for riot prevention and control.

**RECOMMENDED POLICIES IN PROCESSING ARRESTED PERSONS**

**ARREST**

**Alternatives to arrest.** In any riot, the first priority is to enforce the law. This may require clearing the streets and preventing persons from entering or leaving the riot area. The authority of local police and other law enforcement officials should be spelled out in carefully drawn laws with a range of alternatives to arrest. Persons in the riot area should be permitted to “move on” or “out”—to go back to their homes voluntarily before police resort to arresting them. Discriminating use of such options by the police would tend to reduce the number of innocent bystanders or minor curfew violators picked up, and thereby alleviate congestion of judicial machinery.\(^1\)

There are other situations during a riot when alternatives to arrest and detention may prove useful. One such alternative is a summons or notice to appear (like a traffic ticket). It may be handed to a citizen on the spot and requires him to appear later for processing at the police station or in court. Situations do arise, such as curfew violations or where the act of arrest itself threatens to set off a new chain of violence, when the police should be given the discretionary power to issue on-the-street notices to minor violators. The primary advantage of the summons is that it avoids congestion of facilities and frees police personnel to remain on the street.

Guidelines for police discretion to use the summons must be drawn up in advance and the police instructed in proper exercise of such discretion. The summons will be most useful in emergencies if the police are already accustomed to using it as a routine law enforcement tool.

**Follow-up in serious arrests.** Just as essential as avoiding unnecessary arrests is the formulation of special measures to insure the effectiveness of arrests for serious violations. On-the-spot photos have been found useful in some jurisdictions. They fix the accused’s identity and help to refresh the police officer’s recollection after he has made scores of arrests for different offenses within a matter of hours.

In the serious case, the arresting officer should fill out a reasonably detailed incident report as soon as feasible. At the station house, serious offenders might be turned over to a special follow-up detail which can conduct early interrogation, check fingerprints and police records or even revisit the scene for additional necessary evidence. Thus, serious cases will be separated at the outset for special processing designed to produce effective prosecution.\(^14\)

**POST-ARREST PROCESSING**

**Processing facilities.** Some experts have suggested that all persons arrested during a riot be taken to a central processing center, preferably near the court, where available resources can most efficiently be used and intelligence activities can be coordinated. Lawyers and relatives looking for arrested persons would then at least know where to start. Others point out that a single location would impose a hardship on residents of widely dispersed communities, and that neighborhood processing centers should be used. A two-step process may be preferable—screening for immediate release at the local precinct or neighborhood center with later transportation to a single detention center

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\(^1\) In Detroit, there were 935 adult arrests for curfew violations; 570 in Milwaukee; 335 in New Haven; 95 in Newark; 264 in Watts. A survey of 1,014 males in Detroit’s Jackson Prison who had been arrested for riot offenses showed 120 were there for curfew offenses.

\(^14\) Fifty-seven percent of adults booked on felonies in the Watts riots were convicted as compared with 72 percent on misdemeanors. A total of 732 were given jail sentences, only 36 of which exceeded 6 months. According to the report of the California Bureau of Criminal Statistics, “These case dispositions have * * * suggested that there was little before the court in the form of evidence or positive proof of specific criminal activity.” P. 37.
for those who are not released or who cannot be taken immediately to court.

The proper choice of single or multiple-processing centers will be determined by community size, location of available facilities in relation to the courts, the dimensions of the disturbance and the number of arrested persons. But the facilities themselves must be arranged in advance and equipped for emergency conversion. Alternate plans may be necessary since many factors cannot be predicted in advance. If multiple-detention or processing centers are used, a central arrest and disposition record system is essential, so that prisoners can be located by their families and lawyers. The phone number of the central information post should be well publicized, and the telephone should be manned on a 24-hour basis. In Detroit there were nine separate detention centers; in Newark there were five. No centralized arrest-record system was maintained. Confusion and distress over “lost” persons were widespread.

Screening for release. The most important function of post-arrest screening is to separate promptly different classes of offenders so they can be treated on rationally different bases: some summoned and released at the station house; some released on their own recognizance for later prosecution; some held until arraignment and further disposition by a judicial officer. It is therefore critically important that prosecutors, defense counsel and bail interviewers be present in sufficient numbers at the initial processing center. Serious violators accused of murder, arson, sniping, aggravated assault, robbery, possession of explosives or incitement to riot must be separated at this early point, necessary followup investigations begun and preparations made for prompt presentment in court. Most minor offenders swept up in dragnet arrests should be issued a summons and released. Curfew offenders or hotheads picked up for failure to disperse at the scene, but now cooled down and cooperative, might be released without further detention, postponing a decision whether later to prosecute. Juveniles should be immediately separated for disposition by juvenile judges or by probation officers authorized under local law to release them to parents or to place them in separate juvenile facilities.

Between the innocent person and the dangerous offender lies a mass of arrestees, brought in on felony charges relating to offenses against property—breaking and entering, burglary, looting. Handling these cases requires broad and sensitive discretion. Some looters may be professional thieves systematically exploiting the riot chaos. Some looters are normally law-abiding citizens. In Detroit, after the riot subsided, many persons returned looted merchandise. These people usually have no significant prior criminal records. Although prosecution may still be justified, in most instances they may safely be released back into the community to pursue their livelihood and prepare their defense. According to predetermined standards agreed upon by police, courts and prosecutors, they should be interviewed promptly for issuance of a summons and release at the station house. Where they have solid roots in the community and no serious criminal record, they should be allowed to return to their homes and jobs. The station-house summons after arrest might also be reinforced by a law providing more severe penalties for those who commit new violations while awaiting their court appearances.

Several cities have had favorable experience in using station-house summonses in nonriot situations and in small-scale demonstrations. This technique, pioneered by the Vera Institute of Justice in New York City in conjunction with the New York City Police Department, permits the police to release defendants after booking and station-house processing with a summons to appear in court at a later time. The summons is issued on the basis of information about the defendant—obtained from an interview and verified only in exceptional cases—showing that he has substantial roots in the community and is likely to appear for trial. Station-house summonses are now used in all New York City

15 Statistics on arrested persons in the Watts riots show that 38 percent had no major record (i.e., they had never been sentenced to more than 90 days, and 27 percent had no record at all). In Detroit, 51 percent of the arrestees had no arrest records. A sample of those arrested on the first day of the riot—76 percent for looting—showed 41 percent with no record at all and only 17 percent with any felony record. In Newark, less than 45 percent of the arrestees had any police record.

16 It has been pointed out by defense counsel in Detroit that in widespread searches in private homes, any new goods found were often confiscated as loot. The accused looters’ defense would be to produce a bill of sale or, in some cases, alibi witnesses as to his whereabouts at the time of the alleged looting. In either event, the accused was severely prejudiced if he could not return to his home or neighborhood before trial.

17 Analysis of 1,057 convicted Watts arrestees referred for presentence reports showed 85 percent lived with family or friends; 73 percent were employed; 75 percent had lived in the community 5 years or more. In Jackson State Prison near Detroit, a survey of riot defendants showed 83 percent charged with some form of breaking, looting, or larceny; 73 percent had lived at the same address over a year; 80 percent were employed; 47 percent had no arrest record and 67 percent no conviction record. In Detroit, 887 females were arrested, mostly for looting; 74 percent of the females had no prior record. Many had young children to care for. The Newark analysis of arrestees showed only 10 percent from out of the city.
precincts and have measurably improved police efficiency—an average of 5 man-hours saved in every case—while 94 percent of defendants summoned have appeared voluntarily in court. New Haven, where the station-house summons was routine under nonriot conditions, employed the technique during the riot with notable success. At least 40 percent of all arrestees were released in this manner, including some charged with felony offenses.

Successful employment of this technique requires a corps of bail interviewers and procedures for checking quickly into an arrestee’s past record. It also means providing transportation to deliver defendants back to their homes or to shelters outside the riot area. With adequate planning, there will be a registry of churches, civic organizations, neighborhood groups, and poverty centers to supervise persons released or to provide temporary shelter if necessary.

In using these procedures at the station house or screening center, wide discretion must be left to police and prosecution to refuse to summon persons and release riot participants who appear to pose a substantial risk to the community. Persons rearrested after release for any but the most trivial violations should be disqualified from further summons and release without judicial sanction.

The desirability of using defense lawyers in the station house screening process is suggested by the

20 In its first 6 months of citywide operations, New York City police issued more than 5,500 station-house summonses to about 25 percent of all persons arrested for summonsable offenses. The default rate was below 6 percent. The police have not issued summonses in some cases of picketing or protests because they were able to centrally book and arraign the number involved immediately. On the other hand, they cite marked success in summoning up to 100 demonstrators in a school busing protest and report that “further use of the summons process will be made in like instances.”

21 During the riots, some cities such as Cincinnati which already had ROR programs, suspended them because of the difficulty of identifying and verifying information about arrested persons. Other cities such as Dayton continued to use the program. In Newark, which began releasing persons in large numbers toward the end of the riot, verification of interview information was not required. The New York City station-house summons program does not ordinarily verify interview information; as a result, the average time expended on a summons case is only 1 hour. While checks of local criminal records might be necessary, FBI fingerprint checks delay any release process for a considerable time and are not required in present station-house summons procedures. In the riot situation, such requirement should be confined to serious cases where false identity is strongly suspected.

The desirability of using defense lawyers in the station house screening process is suggested by the New Haven experience. The lawyers can contribute information about the defendants; help to make release arrangements; negotiate on the charges with the prosecutors and guard against any overcharging which would prevent early release; and insure that the defendants understand their legal rights and the reason for cooperation in summons interviews.

Booking procedures. The ordinary mechanics of booking and record keeping must be simplified at the emergency screening center. Special techniques must be devised to record necessary information about arrestees. The multiple-use form devised by the United States Department of Justice for large protest demonstrations may provide a prototype.

Single copies of this form are sent to key points in the process through which arrestees pass. One copy is sent to the Bureau of Prisons where a central record of arrested persons is kept. Another is sent to the detention center where arrestees are taken. The first copy contains all information necessary to present a formal charge against a defendant in a hearing before a United States Commissioner: defendant’s name, basic facts of the alleged offense, time and date of the offense, name of the arresting officer.

At the processing station where the arrestee is first detained, the arresting officer fills out the form and swears to its facts. He is then freed to return immediately to his duty station. A notary public is present at the processing station to notarize the forms as required by law.

The arrestee’s picture is taken at the time the form is filled out if this has not already been done on the scene. The picture is attached to a copy of the arrest form. Thus, the arrestee can later be identified, even if he refuses to give his name. A docket number is also assigned to the case which is used thereafter throughout each phase of processing. Docket numbers are assigned consecutively. The number of persons arrested can thus readily be ascertained.

The Commission recommends that cities adopt this type of form.

DETENTION AND BAIL SETTING

Court personnel. For those arrested persons who are not considered safe risks for station-house summons and release, detention facilities must be provided until such time as they can be brought to court for arraignment. By means of extra judges and court sessions, arraignments and bail hearings should be arranged as quickly as is consistent with individualized attention.

In many jurisdictions, normal processing time will have to be speeded up to avoid intolerable congestion. The President’s Commission on Law Enforcement and Administration of Justice recommended as a norm that first court appearances follow arrest within hours, with preliminary hearings and formal charges 3 days later for jailed defendants, and that
To meet the extraordinary case load encountered during riots, judges from courts of record can be asked to volunteer for lower court arraignments and bail hearings. Emergency plans should provide for service by out-of-town judges, judges from other courts and, if necessary, specially appointed judges sitting on a temporary basis. A statewide prosecutor system—another recommendation of the Crime Commission—would also be valuable in providing a reserve force of additional prosecutors with experience in local and state law. In the absence of this flexibility, former prosecutors and private attorneys should be specially deputized and trained in advance for emergency service.

Provision should be made for exchange of court personnel among communities in a metropolitan area or in a regional council. Authorities might also provide an emergency corps of court clerical personnel to move swiftly into riot-torn cities for immediate service.

**Detention facilities.** At the detention centers, teams of defense lawyers, social workers, interviewers and medical personnel should be on hand to gather pertinent information about detainees to present to the judge at bail hearings. Defense counsel should be prepared to propose reasonable conditions for release of each prisoner which will guard against renewal of riot activity.

**Bail setting.** When the riot defendant comes before the court, he should receive an individual determination of bail. He should be represented by counsel, and the judge should ascertain from counsel, client, and bail interviewer the relevant facts of his background, age, living arrangements, employment, and past record. Uniform bail amounts based on charges and riot conditions alone should be shunned as unfair.

With the constitutional imperatives of bail and preconviction release well in mind, we are fully aware that some rioters, if released, will commit new acts of violence. This is an aggravated extension of a problem which has engaged law enforcement officials and criminal law authorities for many years. Although the number of dangerous offenders to be processed, even in a riot, may not be sizable, how to determine and detain them before trial poses a problem of great perplexity. The Commission realizes that in riot situations the temptation is strong to detain offenders by setting money bail in amounts beyond their reach. In the past, such high-money bail has been indiscriminately set, often resulting in the detention of everyone arrested during a riot without distinction as to the nature of the alleged crime or the likelihood of repeated offenses.

The purposes of bail in our system of law have always been to prevent confinement before conviction and to insure appearance of the accused in court. The purpose has not been to deter future crime. Yet, some have difficulty adhering to the doctrine when it results in releasing a dangerous offender back into the riot area.

We point out that, as to the dangerous offender, there already exists a full range of permissible alternatives to outright release as a hedge against his reentry into the riot.

These include: release on conditions of third-party custody; forbidding access to certain areas or at certain times; part-time release with a requirement to spend nights in jail; use of surety or peace bonds on a selective basis. In cases where no precautions will suffice, trial should be held as soon as possible so that a violator can be adjudicated innocent and released or found guilty and lawfully confined pending sentencing. Finally, special procedures should be set up for expedited bail review by higher courts so that defendants' rights will not be lost by default.

**RIGHT TO COUNSEL**

The right to counsel is a right to effective counsel. An emergency plan should provide that counsel be available at the station house to participate in the charging and screening operations, to provide information for station-house summons and release officers and to guard against allegations of brutality or fraudulent evidence. All accused persons who are not released during post-arrest processing should be represented at the bail hearing, whether or not local law provides this as a matter of right. During any detention period, defense counsel must be able to interview prisoners individually at the detention center: privacy must be provided for these lawyer-client consultations.

In the Detroit riot, there were seven arrests and three prosecutions for homicide; nine arrests and two prosecutions for rape; 108 arrested and 18 prosecutions for robbery; 206 arrests and 55 prosecutions for assault; 34 arrests and 13 prosecutions for arson; 28 arrests and six prosecutions for inciting to riot; 21 arrests and 18 prosecutions for possessing and placing explosives. In Newark, there were arrests for one murder, two arsons, 46 assaults, 91 weapons offenses and four robberies. In Watts, there were 120 booked and 60 convicted for aggravated assault; 94 booked and 46 convicted for robbery; 27 arrested and seven convicted for arson; seven booked for homicide, none convicted and two cases pending.

We are aware that predicking the condition of release upon danger of renewed riot activity represents some departure from existing law and may also be challenged in the courts. It has, however, been recommended by the President's Commission on Law Enforcement and Administration of Justice as a preferable alternative to preventive detention. The Challenge of Crime in a Free Society—A Report, 1967, pp. 131-2.
The number of lawyers needed for this kind of individual representation is obviously great, thus furnishing another argument for screening out early as many innocent persons and minor offenders as possible and releasing as many of the rest as can be relied upon to create no new disturbance and to return for trial. Local bar associations, public defender offices, legal aid agencies, neighborhood legal services staffs, rosters of court-assigned counsel, law schools and military establishments are sources of manpower. They can be pretrained in the procedures of an emergency plan and called into volunteer service. Assigning one lawyer to a group of defendants should be discouraged. If possible, each defendant should have his own lawyer ready to follow the case to conclusion. Case quotas can be established ahead of time, with teams of lawyers prepared to take over in relays. Law students can be used as investigators and case assistants. Legal defense strategy and sources of experienced advice for the volunteers should be planned ahead of time.

Any community plan must make adequate provision for fair representation whenever the trials are held, whether during the heat of riot or at a later, more deliberate time.

There must be no letdown of legal services when trials and arraignments are postponed until the riot runs its course. The greatest need for counsel may come when the aura of emergency has dissipated. Volunteers then may be less willing to drop their daily obligations to represent riot defendants. If this occurs, assembly-line techniques may be resorted to in an effort to complete all pending matters cheaply and quickly. In one city, this letdown had unfortunate results: up to 200 post-riot arraignments were assigned to one lawyer each day. Courtroom "regulars" were given such group assignments in preference to the volunteers' more individualized representation.

**TRIAL AND SENTENCING**

Important policies are involved in deciding whether judicial emphasis during the riot should be placed on immediate trials of minor offenders, prompt trials of serious offenders or arraignment and bail setting only. In the case of some serious offenders, prompt trials may be the only legal route to detention. A defendant, however, will often prefer later trial and sentencing in the post-riot period, when community tensions are eased (if he is not detained during the delay). Witnesses may also be difficult to locate and bring to court while riot controls are in effect. Arresting officers cannot be easily spared from their duty stations. Unprejudiced juries will be difficult to empanel. Prosecutors may be more receptive at a later date to requests for dismissal, reduction of charges or negotiated pleas.  

For whatever reasons—policy or evidentiary problems—in the Watts riot, 43 percent of adult felony arrests and 30 percent of adult misdemeanor arrests did not result in convictions. In Detroit, 25 percent of all arrests and 24 percent of the felony arrests were not prosecuted, including 57 percent of the homicide arrests, 74 percent of the aggravated assault arrests, 83 percent of the robbery arrests, 43 percent of the stolen property arrests and 62 percent of the arson arrests. Only 29 percent of the curfew arrests were not prosecuted. Reported, plea bargaining in Detroit was based almost entirely on a defendant's past record.  

The Newark Legal Services Program reported 29 complaints after the riot from ghetto residents concerning personal indignities, 57 about physical abuses, 104 about indiscriminate shooting and 96 about destruction of property.
SUMMARY OF RECOMMENDATIONS

The Commission recommends:

- That communities undertake, as an urgent priority, the reform of their lower criminal court systems to insure fair and individual justice for all. The 1967 report of the President's Commission on Law Enforcement and Administration of Justice provides the blueprint for such reform.

- That communities formulate a plan for the administration of justice in riot emergencies. Under the leadership of the organized bar, all segments of the community, including minority groups, should be involved in drawing up such a plan. The plan should provide clear guidelines for police on when to arrest or use alternatives to arrest. Adequate provision must be made for extra judges, prosecutors, defense counsel, court and police personnel to provide prompt processing, and for well-equipped detention facilities. Details of the plan should be publicized so the community will know what to expect if an emergency occurs.

- That existing laws be reviewed to insure their adequacy for riot control and the charging of riot offenders and for authority to use temporary outside help in the judicial system.

- That multiple-use processing forms (such as those used by the Department of Justice for mass arrests) be obtained. Centralized systems for recording arrests and locations of prisoners on a current basis should be devised, as well as fast systems to check fingerprint identification and past records. On-the-spot photographing of riot defendants may also be helpful.

- That communities adopt station house summons and release procedures (such as are used by the New York City Police Department) in order that they be operational before an emergency arises. All defendants who appear likely to return for trial and not to engage in renewed riot activity should be summoned and released.

- That recognized community leaders be admitted to all processing and detention centers to avoid allegations of abuse or
fraud and to reassure the community about the treatment of
arrested persons.
• That the bar in each community undertake mobilization of
all available lawyers for assignment so as to insure early indi-
vidual legal representation to riot defendants through dispo-
sition and to provide assistance to prosecutors where needed.
Legal defense strategies should be planned and volunteers
trained in advance. Investigative help and experienced advice
should be provided.
• That communities and courts plan for a range of alternative
conditions to release, such as supervision by civic organizations
or third-party custodians outside the riot area, rather than to
rely on high money bail to keep defendants off the streets. The
courts should set bail on an individual basis and provide for
defense counsel at bail hearings. Emergency procedures for
fast bail review are needed.
• That no mass indictments or arraignments be held and rea-
sonable bail and sentences be imposed, both during or after the
riot. Sentences should be individually considered and pre-
sentence reports required. The emergency plan should provide
for transfer of probation officers from other courts and juris-
dictions to assist in the processing of arrestees.
Chapter 14

Damages: Repair and Compensation

The President, in his charge to the Commission, requested advice on the “proper public role in helping cities repair the damage” suffered in the recent disorders.

Damage took many forms. In Detroit alone, 43 persons were killed, many of whom were heads of families. Over 600 persons were injured. Fire destroyed or badly damaged at least 100 single and two-family dwellings. Stores of all kinds were looted and burned. Hundreds of businesses lost revenue by complying with a curfew, and thousands of citizens lost wages because businesses were closed. As the riot came to an end, streets and sidewalks were strewn with rubble, and citizens were imperiled by the shells of burned-out buildings verging on collapse.

In most other disorders, the extent of damage was far less, but in almost all, a few persons suffered severe physical or financial injury.

Some losses, such as pain and suffering, cannot be repaired or compensated. Others are normally handled through private insurance. The Commission believes that legislation should be enacted to provide fuller assistance to communities and to help expand the private insurance mechanism for compensating individual losses.

AMENDING THE FEDERAL DISASTER ACT

The Federal Government has traditionally played a central role in responding to community needs that follow such disasters as hurricanes, tornadoes, floods, and earthquakes. Until 1950, this Federal response was accomplished through special legislation after each disaster. In 1950, Congress enacted the Federal Disaster Act to enable the President, in cases of “major disaster,” to invoke a broad range of emergency relief and repair measures without awaiting special legislation. This act with subsequent amendments has, however, been interpreted administratively to apply only to natural disasters and not to civil disorders.

The Commission recommends that Congress amend the Federal Disaster Act to permit assistance during and following major civil disorders. The hardships to a community can be as serious as those following natural catastrophes, and local government resources to meet these hardships are likely to be inadequate regardless of their cause.

Applying the Disaster Act to disorders would permit the Federal Government to provide—during the critical period while the disorder is still going on or just ending—food, medical, and hospital supplies, emergency equipment such as beds and tents and temporary shelters and housing. It would also permit the loan of equipment and manpower for clearing debris and repairing or temporarily replacing damaged public facilities.

In 1967, these necessities were largely provided through the prompt and laudable actions of local and state government agencies and of private organiza-
tions including churches and neighborhood groups.\textsuperscript{1} Provision for additional help is desirable. Though some food and medical assistance can now be provided by the Federal Government outside the Disaster Act, adequate and comprehensive Federal assistance to supplement private and local response can be assured only by amending the statute.

Perhaps even more important than the provisions for immediate response are those that would aid long-term repair. In cases of natural disaster, the Disaster Act in its present form permits adjustments on many Federal loans where financial hardship has resulted to the borrower; gives priority status to grant or loan applications for public facilities, public housing and public works; provides grants and matching grants for the repair or reconstruction of key public facilities; permits low-interest loans by the Small Business Administration to businesses that have suffered serious economic damage; and extends to individuals and businesses tax deductions beyond those normally available for catastrophe losses.\textsuperscript{2} The act should be amended to make all these kinds of relief available following major civil disorders.

**COMPENSATING FOR INDIVIDUAL LOSSES—INSURANCE**

In the aftermath of the summer’s riots in 1967, insurance protection was an important source of security and reimbursement for innocent victims who suffered property damage.

We believe that a well-functioning private insurance mechanism is the proper method for paying individuals

\textsuperscript{1} The kinds of planning recommended at a state and local level to meet human needs during the course of a disorder and the coordination of such planning with the planning of control forces are considered in the “Supplement on Control of Disorders,” pp. 281–83.

\textsuperscript{2} A few kinds of long-term assistance are already available under acts other than the Federal Disaster Act. The Small Business Administration can provide long-term loans up to the actual tangible loss suffered by business concerns. Loans of this kind were made by SBA in Detroit. The Department of Housing and Urban Development is authorized to insure mortgages of families in certain low- and moderate-income housing if it determines that the dwelling is situated in an area in which “rioting or other civil disorders” have occurred or are threatened and that certain other conditions are satisfied.
for losses suffered in disorders. Property insurance should be available at reasonable cost to residents and businessmen for property in reasonable condition, regardless of location. If insurance is so available, it will function more equitably and efficiently to pay riot losses than a program of direct Government payments to individuals.  

The private insurance industry can market policies widely and collect premiums commensurate with the risks. It can develop and recommend loss-prevention techniques and assess and pay large numbers of claims on an individual basis. Standard property insurance contracts presently include damage from civil disorders in their coverage, just as they provide compensation for losses due to natural disasters such as fire and windstorm. They should continue to do so.

Early in our deliberations, however, we received many reports that property insurance was unavailable, or was available only at prohibitive cost, in inner cities. This did not appear to be simply a riot problem but a long-term, pervasive problem of center-city areas. Since a separate and expert group could best examine the problems of the high cost and unavailability of property insurance in center-city areas, the President, on the Commission's behalf, appointed a National Advisory Panel on Insurance in Riot-Affected Areas on August 10, 1967. The Panel's work is now complete.

The Panel found:

There is a serious lack of property insurance in the core areas of our Nation's cities. For a number of years, many urban residents and businessmen have been unable to purchase the insurance protection they need. Now, riots and the threat of riots are aggravating the problem to an intolerable degree. Immediate steps must be taken to make insurance available to responsible persons in all areas of our cities.

The Panel also found that:

The insurance problems created by riots cannot be allowed to jeopardize the availability of property insurance in center-city areas. But the problem of providing adequate and reasonable insurance in the urban core cannot be solved merely by supplying financial assistance to protect insurance companies against catastrophic riot losses. It is clear that adequate insurance was unavailable in the urban core even before the riots.

We are dealing with an inner-city insurance problem that is broad in scope and complicated in origin, and riots are only one aspect of it.

In order to assure the availability of property insurance in all areas, the Panel recommended a five-part program of mutually supporting actions to be undertaken immediately by all who have a responsibility for solving the problem:

We call upon the insurance industry to take the lead in establishing voluntary plans in all states to assure all property owners fair access to property insurance.

We look to the states to cooperate with the industry in establishing these plans and to supplement the plans, to whatever extent may be necessary, by organizing insurance pools and taking other steps to facilitate the insuring of urban core properties.

We urge that the Federal Government enact legislation creating a National Insurance Development Corporation (NIDC) to assist the insurance industry and the states in achieving the important goal of providing adequate insurance for inner cities. Through the NIDC, the state and Federal Governments can provide backup for the remote contingency of very large riot losses.

We recommend that the Federal Government enact tax deferment measures to increase the capacity of the insurance industry to absorb the financial costs of the program.

We suggest a series of other necessary steps to meet the special needs of the inner-city insurance market—for example, programs to train agents and brokers from the core areas, to assure the absence of discrimination in insurance company employment on racial or other grounds and to seek out better methods of preventing losses and of marketing insurance in low-income areas.

The fundamental thrust of our program is cooperative action. Thus, only those companies that participate in plans and pools at the local level and only those states that take action to implement the program will be eligible to receive the benefits provided by the National Insurance Development Corporation and by the Federal tax deferment measures. We firmly believe that all concerned must work together to meet the urban insurance crisis. Everyone must contribute; no one should escape responsibility.

The Commission endorses the proposals of the Panel and recommends they be put into effect by appropriate state and Federal measures.
INTRODUCTION

The President’s charge to the Commission asked specifically: “What effect do the mass media have on the riots?”

The question is far reaching, and a sure answer is beyond the range of presently available scientific techniques. Our conclusions and recommendations are based upon subjective as well as objective factors; interviews as well as statistics; isolated examples as well as general trends.

Freedom of the press is not the issue. A free press is indispensable to the preservation of the other freedoms this Nation cherishes. The recommendations in this chapter have thus been developed under the strong conviction that only a press unhindered by government can contribute to freedom.

To answer the President’s question, the Commission:
- Directed its field survey teams to question government officials, law enforcement agents, media personnel, and ordinary citizens about their attitudes and reactions to reporting of the riots.
- Arranged for interviews of media representatives about their coverage of the riots.
- Conducted special interviews with ghetto residents about their response to coverage.
- Arranged for a quantitative analysis of the content of television programs and newspaper reporting in 15 riot cities during the period of the disorder and the days immediately before and after.
- From November 10–12, 1967, sponsored and participated in a conference of representatives from all levels of the newspaper, news magazine, and broadcasting industries at Poughkeepsie, N.Y.

Finally, of course, the Commissioners read newspapers, listened to the radio, watched television, and thus formed their own impressions of media coverage. All of these data, impressions, and attitudes provide the foundation for our conclusions.

The Commission also determined, very early, that the answer to the President’s question did not lie solely in the performance of the press and broadcasters in reporting the riots proper. Our analysis had to consider also the overall treatment by the media of the Negro ghettos, community relations, racial attitudes, urban and rural poverty—day by day and month by month, year in and year out.

On this basis, we have reached three conclusions:
- First, that despite instances of sensationalism, inaccuracies, and distortions, newspapers, radio, and television, on the whole, made a real effort to give a balanced, factual account of the 1967 disorders.
- Second, that despite this effort, the portrayal of the violence that occurred last summer failed to reflect accurately its scale and character. The overall effect was, we believe, an exaggeration of both mood and event.
- Third, and ultimately most important, we believe that the media have thus far failed to report adequately on the causes and consequences of civil disorders and the underlying problems of race relations.

With these comments as a perspective, we discuss first the coverage of last summer’s disturbances. We will then summarize our concerns with overall coverage of race relations.

COVERAGE OF THE 1967 DISTURBANCES

We have found a significant imbalance between what actually happened in our cities and what the newspaper, radio, and television coverage of the riots told us happened. The Commission, in studying last summer’s disturbances, visited many of the cities and interviewed participants and observers. We found that the disorders, as serious as they were, were less destructive, less widespread, and less of a black-white confrontation than most people believed.

Lacking other sources of information, we formed our original impressions and beliefs from what we saw
on television, heard on the radio, and read in newspapers and magazines. We are deeply concerned that millions of other Americans, who must rely on the mass media, likewise formed incorrect impressions and judgments about what went on in many American cities last summer.

As we started to probe the reasons for this imbalance between reality and impression, we first believed that the media had sensationalized the disturbances, consistently overplaying violence and giving disproportionate amounts of time to emotional events and militant leaders. To test this theory, we commissioned a systematic, quantitative analysis, covering the content of newspaper and television reporting in 15 cities where disorders occurred. The results of this analysis do not support our early belief. Of 955 television sequences of riot and racial news examined, 837 could be classified for predominant atmosphere as either "emotional," "calm," or "normal." Of these, 494 were classified as calm, 262 as emotional, and 81 as normal. Only a small proportion of all scenes analyzed showed actual mob action, people looting, sniping, setting fires, or being injured, or killed. Moderate Negro leaders were shown more frequently than militant leaders on television news broadcasts.

Of 3,779 newspaper articles analyzed, more focused on legislation which should be sought and planning which should be done to control ongoing riots and prevent future riots than on any other topic. The findings of this analysis are explained in detail later in this chapter. They make it clear that the imbalance between actual events and the portrayal of those events in the press and on the air cannot be attributed solely to sensationalism in reporting and presentation.

We have, however, identified several factors which, it seems to us, did work to create incorrect and exaggerated impressions about the scope and intensity of the disorders.

First, despite the overall statistical picture, there were instances of gross flaws in presenting news of the 1967 riots. Some newspapers printed scare headlines unsupported by the mild stories that followed. All media reported rumors that had no basis in fact. Some newsmen staged riot events for the cameras. Examples are included in the next section.

Second, the press obtained much factual information about the scale of the disorders—property damage, personal injury, and deaths—from local officials, who often were inexperienced in dealing with civil disorders and not always able to sort out fact from rumor in the confusion. At the height of the Detroit riot, some news reports of property damage put the figure in excess of $500 million. Subsequent investigation shows it to be $40 to $45 m'llion. The initial estimates were not the independent judgment of reporters or editors. They came from beleaguered government officials. But the news media gave currency to these errors. Reporters uncritically accepted, and editors uncritically published, the inflated figures, leaving an indelible impression of damage up to more than 10 times greater than actually occurred.

Third, the coverage of the disorders—particularly on television—tended to define the events as black-white confrontations. In fact, almost all of the deaths, injuries, and property damage occurred in all-Negro neighborhoods, and thus the disorders were not "race riots" as that term is generally understood.

Closely linked to these problems is the phenomenon of cumulative effect. As the summer of 1967 progressed, we think Americans often began to associate more or less neutral sights and sounds (like a squad car with flashing red lights, a burning building, a suspect in police custody) with racial disorders, so that the appearance of any particular item, itself hardly inflammatory, set off a whole sequence of association with riot events. Moreover, the summer's news was not seen and heard in isolation. Events of these past few years—the Watts riot, other disorders, and the growing momentum of the civil rights movement—conditioned the responses of readers and viewers and heightened their reactions. What the public saw and read last summer thus produced emotional reactions and left vivid impressions not wholly attributable to the material itself.

Fear and apprehension of racial unrest and violence are deeply rooted in American society. They color and intensify reactions to news of racial trouble and threats of racial conflict. Those who report and disseminate news must be conscious of the background of anxieties and apprehension against which their stories are projected. This does not mean that the media should manage the news or tell less than the truth. Indeed, we believe that it would be imprudent and even dangerous to downplay coverage in the hope that censored reporting of inflammatory incidents somehow will diminish violence. Once a disturbance occurs, the word will spread independently of newspapers and television. To attempt to ignore these events or portray them as something other than what they are can only diminish confidence in the media and increase the effectiveness of those who monger rumors and the fears of those who listen.

But to be complete, the coverage must be representative. We suggest that the main failure of the media last summer was that the totality of its coverage was not as representative as it should have been to be accurate. We believe that to live up to their own professed standards, the media simply must exercise a higher degree of care and a greater level of sophistication than...
they have yet shown in this area—higher, perhaps, than the level ordinarily acceptable with other stories.

This is not "just another story." It should not be treated like one. Admittedly, some of what disturbs us about riot coverage last summer stems from circumstances beyond media control. But many of the inaccuracies of fact, tone, and mood were due to the failure of reporters and editors to ask tough enough questions about official reports and to apply the most rigorous standards possible in evaluating and presenting the news. Reporters and editors must be sure that descriptions and pictures of violence, and emotional or inflammatory sequences or articles, even though "true" in isolation, are really representative and do not convey an impression at odds with the overall reality of events. The media too often did not achieve this level of sophisticated, skeptical, careful news judgment during last summer's riots.

THE MEDIA AND RACE RELATIONS

Our second and fundamental criticism is that the news media have failed to analyze and report adequately on racial problems in the United States and, as a related matter, to meet the Negro's legitimate expectations in journalism. By and large, news organizations have failed to communicate to both their black and white audiences a sense of the problems America faces and the sources of potential solutions. The media report and write from the standpoint of a white man's world. The ills of the ghetto, the difficulties of life there, the Negro's burning sense of grievance, are seldom conveyed. Slights and indignities are part of the Negro's daily life, and many of them come from what he now calls the "white press"—a press that repeatedly, if unconsciously, reflects the biases, the paternalism, the indifference of white America. This may be understandable, but it is not excusable in an institution that has the mission to inform and educate the whole of our society.

Our criticisms, important as they are, do not lead us to conclude that the media are a cause of riots, any more than they are the cause of other phenomena which they report. It is true that newspaper and television reporting helped shape people's attitudes toward riots. In some cities, people who watched television reports and read newspaper accounts of riots in other cities later rioted themselves. But the causal chain weakens when we recall that in other cities, people in very much the same circumstances watched the same programs and read the same newspaper stories but did not riot themselves.

The news media are not the sole source of information and certainly not the only influence on public attitudes. People obtained their information and formed their opinions about the 1967 disorders from the multiplicity of sources that condition the public's thinking on all events. Personal experience, conversations with others, the local and long-distance telephone are all important as sources of information and ideas and contribute to the totality of attitudes about riots.

No doubt, in some cases, the knowledge or the sight on a television screen of what had gone on elsewhere lowered inhibitions, kindled outrage or awakened desires for excitement or loot—or simply passed the word. Many ghetto residents we interviewed thought so themselves. By the same token, the news reports of riots must have conditioned the response of officials and police to disturbances in their own cities. The reaction of the authorities in Detroit was almost certainly affected in some part by what they saw or read of Newark a week earlier. The Commission believes that none of these private or official reactions was decisive in determining the course of the disorders. Even if they had been more significant than we think, however, we cannot envision a system of governmental restraints that could successfully eliminate these effects. And an effort to formulate and impose such restraints would be inconsistent with fundamental traditions in our society.

These failings of the media must be corrected and the improvement must come from within the media. A society that values and relies on a free press as intensely as ours is entitled to demand in return responsibility from the press and conscientious attention by the press to its own deficiencies. The Commission has seen evidence that many of those who supervise, edit, and report for the news media are becoming increasingly aware of and concerned about their performance in this field. With that concern, and with more experience, will come more sophisticated and responsible coverage. But much more must be done, and it must be done soon.

The Commission has a number of recommendations designed to stimulate and accelerate efforts toward self-improvement. And we propose a privately organized, privately funded Institute of Urban Communications as a means for drawing these recommendations together and promoting their implementation.
THE METHOD OF ANALYSIS

As noted, the Commission has been surveying both the reporting of disorders last summer and the broader field of race relations coverage. With respect to the reporting of disorders, we were trying to get a sense of content, accuracy, tone, and bias. We sought to find out how people reacted to it and how reporters conducted themselves while carrying out their assignments. The Commission used a number of techniques to probe these matters and to provide cross-checks on data and impressions.

To obtain an objective source of data, the Commission arranged for a systematic, quantitative analysis of the content of newspapers, local television, and network coverage in 15 cities for a period from 3 days before to 3 days after the disorder in each city. The cities were chosen to provide a cross-section in terms of the location and scale of the disorders and the dates of their occurrence.

Within each city, for the period specified, the study was comprehensive. Every daily newspaper and all network and local television news films were analyzed, and scripts and logs were examined. In all, 955 network and local television sequences and 3,779 newspaper articles dealing with riot and race relations news were analyzed. Each separate analysis was coded and the cards were cross-tabulated by computer to provide results and comparisons for use by the Commission. The material was measured to determine the amount of space devoted to news of riot activity; the nature of the display given compared with other news coverage; and the types of stories, articles, and television programming presented. We sought specific statistical information on such matters as the amount of space or time devoted to different kinds of riot stories, the types and identities of persons most often depicted or interviewed, the frequency with which race relations problems were mentioned in riot stories or identified as the cause of riot activity.

The survey was designed to be objective and statistical. Within its terms of reference, the Commission was looking for broad characterizations of media tone and content.

The Commission is aware of the inherent limitations of content analysis techniques. They cannot measure the emotional impact of a particular story or television sequence. By themselves, they provide no basis for conclusions as to the accuracy of what was reported. Particular examples of good or bad journalistic conduct, which may be important in themselves, are submerged in a statistical average. The Commission therefore sought through staff interviews and personal contact with members of the press and the public to obtain direct evidence of the effects of riot coverage and the performance of the media during last summer’s disturbances.

CONCLUSIONS ABOUT CONTENT

Television

1. Content analysis of television film footage shows that the tone of the coverage studied was more “calm” and “factual” than “emotional” and “rumor-laden.” Researchers viewed every one of the 955 television sequences and found that twice as many “calm” sequences as “emotional” ones were shown. The amount and location of coverage were relatively limited, considering the magnitude of the events. The analysis reveals a dominant, positive emphasis on control of the riot and on activities in the aftermath of the riot (53.8 percent of all scenes broadcast), rather than on scenes of actual mob action, or people looting, sniping, setting fires, or being injured or killed (4.8 percent of scenes shown). According to participants in our Poughkeepsie conference, coverage frequently was of the post-riot or interview variety because newsmen arrived at the scene after the actual violence had subsided. Overall, both network and local television coverage was cautious and restrained.

2. Television newscasts during the periods of actual disorder in 1967 tended to emphasize law enforcement activities, thereby overshadowing underlying grievances and tensions. This conclusion is based on the relatively high frequency with which television showed and described law enforcement agents, police, National Guardsmen, and army troops performing control functions.

Television coverage tended to give the impression that the riots were confrontations between Negroes and whites rather than responses by Negroes to underlying slum problems. The control agents were predominantly white. The ratio of white male adults to Negro male adults shown on television is high (1:2) considering that the riots took place in predominantly Negro neighborhoods. And some interviews with whites involved landlords or proprietors who lost property or suffered business losses because of the disturbances and thus held strongly antagonistic attitudes.

The content analysis shows that by far the most frequent “actor” appearances on television were Negro

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8 Detroit, Mich.; Milwaukee, Wis.; Cincinnati and Dayton, Ohio; Tampa, Fla.; Newark, Plainfield, Elizabeth, Jersey City, East Orange, Paterson, New Brunswick, and Englewood, N.J.; New Haven, Conn.; Rochester, N.Y.

4 What follows is a summary of the major conclusions drawn from the content analysis conducted for the Commission.

5 The white male adult category in this computation does not include law enforcement agents or public officials.
male adults, white male adults, law enforcement agents, and public officials. We cannot tell from a content analysis whether there was any preconceived editorial policy of portraying the riots as racial confrontations requiring the intervention of enforcement agents. But the content analysis does present a visual three-way alignment of Negroes, white bystanders, and public officials or enforcement agents. This alignment tended to create an impression that the riots were predominantly racial confrontations involving clashes between black and white citizens.

3. About one-third of all riot-related sequences for network and local television appeared on the first day following the outbreak of rioting, regardless of the course of development of the riot itself. After the first day there was, except in Detroit, a very sharp decline in the amount of television time devoted to the disturbance. In Detroit, where the riot started slowly and did not flare out of control until the evening of July 24, 48 hours after it started, the number of riot-related sequences shown increased until July 26 and then showed the same sharp dropoff as noted after the first day of rioting in the other cities. These findings tend to controvert the impression that the riot intensifies television coverage, thus in turn intensifying the riot. The content analysis indicates that whether or not the riot was getting worse, television coverage of the riot decreased sharply after the first day.

4. The Commission made a special effort to analyze television coverage of Negro leaders. To do this, Negro leaders were divided into three categories: (a) celebrities or public figures, who did not claim any organizational following (e.g., social scientist Dr. Kenneth B. Clark, comedian Dick Gregory); (b) "moderate" Negro leaders, who claim a political or organizational following; and (c) "militant" Negro leaders who claim a political or organizational following. During the riot periods surveyed, Negro leaders appeared infrequently on network news broadcasts and were about equally divided among celebrity or public figures, moderate leaders, and militant leaders. On local television, Negro leaders appeared more often. Of the three categories, "moderate" Negro leaders were shown on local stations more than twice as often as Negro leaders identified primarily as celebrities or public figures and three times more frequently than militant leaders.

**Newspapers**

1. Like television coverage, newspaper coverage of civil disturbances in the summer of 1967 was more calm, factual, and restrained than outwardly emotional or inflammatory. During the period of the riot there were many stories dealing exclusively with non-riot racial news. Considering the magnitude of the events, the amount of coverage was limited. Most stories were played down or put on inside pages. Researchers found that almost all the articles analyzed (3,045 of 3,770) tended to focus on one of 16 identifiable subjects. Of this group, 502 articles (16.5 percent) focused primarily on legislation which should be sought and planning which could be done to control ongoing riots and prevent future riots. The second largest category consisted of 471 articles (15.5 percent) focusing on containment or control of riot action. Newspaper coverage of the disorders reflects efforts at caution and restraint.

2. Newspapers tended to characterize and portray last summer's riots in national terms rather than as local phenomena and problems, especially when rioting was taking place in the newspaper's own city. During the actual disorders, the newspapers in each city studied tended to print many stories dealing with disorders or racial troubles in other cities. About 40 percent of the riot or racial stories in each local newspaper during the period of rioting in that city came from the wire services. Furthermore, most newspaper editors appear to have given more headline attention to riots occurring elsewhere than to those at home during the time of trouble in their own cities.

**ACCURACY OF THE COVERAGE**

We have tested the accuracy of coverage by means of interviews with local media representatives, city and police officials, and residents of the ghettos. To provide a broad base, we used three separate sources for interview data: The Commission's field survey teams, special field teams, and the findings of a special research study.

As is to be expected, almost everyone had his own version of "the truth," but it is noteworthy that some editors and reporters themselves, in retrospect, have expressed concern about the accuracy of their own coverage. For example, one newspaper editor said at the Commission's Poughkeepsie Conference:

> We used things in our leads and headlines during the riot I wish we could have back now, because they were wrong and they were bad mistakes * * *

We used the words "sniper kings" and "nests of snipers." We found out when we were able to get our people into those areas and get them out from under the cars that these sniper kings and these nests of snipers were the constituted authorities shooting at each other, most of them. There was just one confirmed sniper in the entire eight-day riot and he was * * * drunk and he had a pistol, and he was firing from a window.

Television industry representatives at the conference stressed their concern about "live" coverage of disorders and said they try, whenever possible, to view and edit taped or filmed sequences before broadcasting them. Conference participants admitted that live tele-
vision coverage via helicopter of the 1965 Watts riot had been inflammatory, and network news executives expressed doubts that television would ever again present live coverage of a civil disorder.

Most errors involved mistakes of fact, exaggeration of events, overplaying of particular stories, or prominently displayed speculation about unfounded rumors of potential trouble. This is not only a local problem; because of the wire services and networks, it is a national one. An experienced riot reporter told the Commission that initial wire service reports of a disturbance because of the wire services and networks, it is a national one. An experienced riot reporter told the Commission that initial wire service reports of a disturbance tend to be inflated. The reason, he said, is that they are written by local bureau men who in most cases have not seen a civil disorder before. When out-of-town reporters with knowledge in the field or the wire services' own riot specialists arrive on the scene, the situation is put into a more accurate context.

Some examples of exaggeration and mistakes about facts are cataloged here. These examples are by no means exhaustive. They represent only a few of the incidents discovered by the Commission and, no doubt, are but a small part of the total number of such inaccuracies. But the Commission believes that they are representative of the kinds of errors likely to occur when, in addition to the confusion inherent in civil disorder situations, reporters are rushed and harried or editors are superficial and careless. We present these as examples of mistakes that we hope will be avoided in the future.

In particular, we believe newsman should be wary of how they play rumors of impending trouble. Whether a rumor is reliable and significant enough to deserve coverage is an editorial decision. But the failure of many headlined rumors to be borne out last summer suggests that these editorial decisions often are not as carefully made as the sensitivity of the subject requires.

- In Detroit, a radio station broadcast a rumor, based on a telephone tip, that Negroes planned to invade suburbia one night later; if plans existed, they never materialized.
- In Cincinnati, several outlets ran a story about white youths arrested for possessing a bazooka; only a few reports mentioned that the weapon was inoperable.
- In Tampa, a newspaper repeatedly indulged in speculation about impending trouble. When the state attorney ruled the fatal shooting of a Negro youth justifiable homicide, the paper's news columns reported: "There were fears today that the ruling would stir new race problems for Tampa tonight." The day before, the paper quoted one "top lawman" as telling reporters "he now fears that Negro residents in the Central Avenue Project and in the West Tampa trouble spots feel they are in competition and are trying to see which can cause the most unrest—which area can become the center of attraction."

- A West Coast newspaper put out an edition headlined: "Rioting Erupts in Washington, D.C. / Negroes Hurl Bottles, Rocks at Police Near White House." The story did not support the headline. It reported what was actually the fact: that a number of teenage Negroes broke store windows and threw bottles and stones at police and firemen near downtown Washington, a mile or more from the White House. On the other hand, the same paper did not report unfounded local rumors of sniping when other news media did.

Television presents a different problem with respect to accuracy. In contrast to what some of its critics have charged, television sometimes may have leaned over too far backward in seeking balance and restraint. By stressing interviews, many with whites in predominantly Negro neighborhoods, and by emphasizing control scenes rather than riotous action, television news broadcasts may have given a distorted picture of what the disorders were all about.

The media—especially television—also have failed to present and analyze to a sufficient extent the basic reasons for the disorders. There have, after the disorders, been some brilliant exceptions. As the content analysis findings suggest, however, coverage during the riot period itself gives far more emphasis to control of rioters and black-white confrontation than to the underlying causes of the disturbances.

**GHETTO REACTIONS TO THE MEDIA COVERAGE**

The Commission was particularly interested in public reaction to media coverage; specifically, what people in the ghetto look at and read and how it affects them. The Commission has drawn upon reports from special teams of researchers who visited various cities where outbreaks occurred last summer. Members of these teams interviewed ghetto dwellers and middle-class Negroes on their responses to news media. In addition, we have used information from a statistical study of the mass media in the Negro ghetto in Pittsburgh. These interviews and surveys, though by no means a complete study of the subject, lead to four broad conclusions about ghetto and, to a lesser degree, middle-class Negro reactions to the media.

Most Negroes distrust what they refer to as the "white press." As one interviewer reported:

> The average black person couldn't give less of a damn about what the media say. The intelligent black person is resentful at what he considers to be a totally false portrayal of what goes on in the ghetto. Most black people see the newspapers as mouthpieces of the "power structure."

These comments are echoed in most interview reports the Commission has read. Distrust and dislike of the media among ghetto Negroes encompass all the

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7 As examples, less than a month after the Detroit riot, the Detroit Free Press published the results of a landmark survey of local Negro attitudes and grievances. Newsweek magazine's November 20, 1967, special issue on "The Negro American—What Must Be Done" made a significant contribution to public understanding.

8 The Commission is indebted, in this regard, to M. Thomas Allen for his document on *Mass Media Use Patterns and Functions in the Negro Ghetto in Pittsburgh.*
media, though in general, the newspapers are mistrusted more than the television. This is not because television is thought to be more sensitive or responsive to Negro needs and aspirations but because ghetto residents believe that television at least lets them see the actual events for themselves. Even so, many Negroes, particularly teenagers, told researchers that they noted a pronounced discrepancy between what they saw in the riots and what television broadcast.

Persons interviewed offered three chief reasons for their attitude. First, they believe, as suggested in the quotation above, that the media are instruments of the white power structure. They think that these white interests guide the entire white community, from the journalists' friends and neighbors to city officials, police officers, and department store owners. Publishers and editors, if not white reporters, they feel, support and defend these interests with enthusiasm and dedication.

Second, many people in the ghettos apparently believe that newsmen rely on the police for most of their information about what is happening during a disorder and tend to report much more of what the officials are doing and saying than what Negro citizens or leaders in the city are doing and saying. Editors and reporters at the Poughkeepsie conference acknowledged that the police and city officials are their main—and sometimes their only—source of information. It was also noted that most reporters who cover civil disturbances tend to arrive with the police and stay close to them—often for safety and often because they learn where the action is at the same time as the authorities—and thus buttress the ghetto impression that police and press work together and toward the same ends (an impression that may come as a surprise to many within the ranks of police and press).

Third, Negro residents in several cities surveyed cited as specific examples of media unfairness what they considered the failure of the media:

- To report the many examples of Negroes helping law enforcement officers and assisting in the treatment of the wounded during disorders.
- To report adequately about false arrests.
- To report instances of excessive force by the National Guard.
- To explore and interpret the background conditions leading to disturbances.
- To expose, except in Detroit, what they regarded as instances of police brutality.
- To report on white vigilante groups which allegedly came into some disorder areas and molested innocent Negro residents.

Some of these problems are insoluble. But more first-hand reporting in the diffuse and fragmented riot area should temper easy reliance on police information and announcements. There is a special need for news media to cover "positive" news stories in the ghetto before and after riots with concern and enthusiasm.

A multitude of news and information sources other than the established news media are relied upon in the ghetto. One of our studies found that 79 percent of a total of 567 ghetto residents interviewed in seven cities first heard about the outbreak in their own city by word of mouth. Telephone and word of mouth exchanges on the streets, in churches, stores, pool halls, and bars, provide more information—and rumors—about events of direct concern to ghetto residents than the more conventional news media.

Among the established media, television and radio are far more popular in the ghetto than newspapers. Radios there, apparently, are ordinarily listened to less for news than for music and other programs. One survey showed that an overwhelmingly large number of Negro children and teenagers (like their white counterparts) listen to the radio for music alone, interspersed by disc jockey chatter. In other age groups, the response of most people about what they listen to on the radio was "anything," leading to the conclusion that radio in the ghetto is basically a background accompaniment.

But the fact that radio is such a constant background accompaniment can make it an important influence on people's attitudes, and perhaps on their actions once trouble develops. This is true for several reasons. News presented on local "rock" stations seldom constitutes much more than terse headline items which may startle or frighten but seldom inform. Radio disc jockeys and those who preside over the popular "talk shows" keep a steady patter of information going over the air. When a city is beset by civil strife, this patter can both inform transistor radio-carrying young people where the action is, and terrify their elders and much of the white community. "Burn, baby, burn," the slogan of the Watts riot, was inadvertently originated by a radio disc jockey.

Thus, radio can be an instrument of trouble and tension in a community threatened or inundated with civil disorder. It can also do much to minimize fear by putting fast-paced events into proper perspective. We have found commendable instances, for example, in Detroit, Milwaukee, and New Brunswick, of radio stations and personalities using their air time and influence to try to calm potential rioters. In the next section, we recommend procedures for meetings and consultations for advance planning among those who will cover civil disorders. It is important that radio personnel, and especially disc jockeys and talk show hosts, be included in such preplanning.

Television is the formal news source most relied upon in the ghetto. According to one report, more than 75 percent of the sample turned to television for national and international news, and a larger per-

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9 Detroit, Newark, Atlanta, Tampa, New Haven, Cincinnati, Milwaukee.
We believe every effort should be made to eliminate this sort of conduct. This requires the implementation of thoughtful, stringent staff guidelines for reporters and editors. Such guidelines, carefully formulated, widely disseminated, and strictly enforced, underlie the self-policing activities of some news organizations already, but they must be universally adopted if they are to be effective in curbing journalistic irresponsibility.

The Commission has studied the internal guidelines in use last summer at the Associated Press, United Press International, the Washington Post and the Columbia Broadcasting System. Many other news organizations, large and small, have similar guidelines. In general, the guidelines urge extreme care to ensure that reporting is thorough and balanced and that words and statistics used are appropriate and accurate. The AP guidelines call for broad investigation into the immediate and underlying causes of an incident. The CBS guidelines demand as much caution as possible to avoid the danger of camera equipment and lights exacerbating the disturbance.

Internal guidelines can, and all those studied do, go beyond problems of physical presence at a disturbance to the substantive aspects of searching out, reporting, and writing the story. But the content of the guidelines is probably less important than the fact that the subject has been thoughtfully considered and hammered out within the organization, and an approach developed that is designed to meet the organization's particular needs and solve its particular problems.

We recommend that every news organization that does not now have some form of guidelines—or suspects that those it has are not working effectively—designate top editors to (a) meet with its reporters who have covered or might be assigned to riots, (b) discuss in detail the problems and procedures which exist or are expected and (c) formulate and disseminate directives based on the discussions. Regardless of the specific provisions, the vital step is for every news-gathering organization to adopt and implement at least some minimal form of internal control.

A RECOMMENDATION TO IMPROVE RIOT COVERAGE

A NEED FOR BETTER COMMUNICATION

A recurrent problem in the coverage of last summer's disorders was friction and lack of cooperation between police officers and working reporters. Many experienced and capable journalists complained that policemen and their commanding officers were at best apathetic and at worst overtly hostile toward reporters attempting to cover a disturbance. Policemen, on the other hand, charged that many reporters seemed to forget that the task of the police is to restore order.

After considering available evidence on the subject, the Commission is convinced that these conditions reflect an absence of advance communication and planning among the people involved. We do not suggest that familiarity with the other's problems will beget total amity and cooperation. The interests of the media and the police are sometimes necessarily at variance. But we do believe that communication is a vital step toward removing the obstacles produced by ignorance, confusion, and misunderstanding of what each group is actually trying to do.
MUTUAL ORIENTATION

What is needed first is a series of discussions, perhaps a combination of informal gatherings and seminar-type workshops. They should encompass all ranks of the police, all levels of media employees, and a cross-section of city officials. At first these would be get-acquainted sessions—to air complaints and discuss common problems. Working reporters should get to know the police who would be likely to draw duty in a disorder. Police and city officials should use the sessions for frank and candid briefings on the problems the city might face and official plans for dealing with disturbances.

Later sessions might consider procedures to facilitate the physical movement of personnel and speed the flow of accurate and complete news. Such arrangements might involve nothing more than a procedure for designating specific locations at which police officers would be available to escort a reporter into a dangerous area. In addition, policemen and reporters working together might devise better methods of identification, communication, and training.

Such procedures are infinitely variable and depend on the initiative, needs, and desires of those involved. If there is no existing institution or procedure for convening such meetings, we urge the mayor or city manager to do so in every city where experience suggests the possibility of future trouble. To allay any apprehension that discussions with officials might lead to restraints on the freedom to seek out and report the news, participants in these meetings should stipulate beforehand that freedom of access to all areas for reporters will be preserved.

DESIGNATION OF INFORMATION OFFICERS

It is desirable to designate and prepare a number of police officers to act as media information officers. There should be enough of these so that, in the event of a disturbance, a reporter will not have to seek far to find a policeman ready and able to give him information and answer questions. Officers should be of high enough rank within the police department to have ready access to information.

CREATION OF AN INFORMATION CENTER

A nerve center for reliable police and official government information should be planned and ready for activation when a disturbance reaches a predetermined point of intensity. Such a center might be located at police headquarters or city hall. It should be directed by an experienced, high-ranking information specialist with close ties to police officials. It is imperative, of course, that all officials keep a steady flow of accurate information coming into the center. Ideally, rooms would be set aside for taping and filming interviews with public officials. Local television stations might cut costs and relieve congestion by pooling some equipment at this central facility. An information center should not be thought of as replacing other news sources inside and outside the disturbance area. If anything, our studies suggest that reporters are already too closely tied to police and officials as news sources in a disorder. An information center should not be permitted to intensify this dependence. Properly conceived, however, a center can supplement on-the-spot reporting and supply news about official action.

OUT-OF-TOWN REPORTERS

Much of the difficulty last summer apparently revolved around relations between local law enforcement officials and out-of-town reporters. These reporters are likely to be less sensitive about preserving the “image” of the local community.

Still, local officials serve their city badly when they ignore or impede national media representatives instead of informing them about the city, and cooperating with their attempts to cover the story. City and police officials should designate liaison officers and distribute names and telephone numbers of police and other relevant officials, the place they can be found if trouble develops, and other information likely to be useful.

National and other news organizations, in turn, could help matters by selecting a responsible home office official to act as liaison in these cases and to be accessible by phone to local officials who encounter difficulty with on-the-spot representatives of an organization.

GENERAL GUIDELINES AND CODES

In some cases, if all parties involved were willing, planning sessions might lead to the consideration of more formal undertakings. These might include: (a) agreements on specific procedures to expedite the physical movement of men and equipment around disorder areas and back and forth through police lines; (b) general guidelines on the behavior of both media and police personnel; and (c) arrangements for a brief moratorium on reporting news of an incipient disturbance. The Commission stresses once again its belief that though each of these possibilities merits consideration, none should be formulated or imposed by unilateral government action. Any procedure finally adopted should be negotiated between police and media representatives and should assure both sides the flexibility needed to do their respective jobs. Acceptance of such arrangements should be frankly based on grounds of self-interest, for negotiated methods of procedure can often yield substantial benefits to each side—and to the public which both serve.

At the request of the Commission, the Community Relations Service of the Department of Justice surveyed recent experiences with formal codes. Most of
the difficulties and frustrations of being a Negro in

They have not communicated to whites a feeling for

media, ironically, have failed to communicate.

Disorders are

only one aspect of the dilemmas and difficulties of

lems and to bring more Negroes into journalism. Con-

cern about this was expressed by a number of partici-

pants in our Poughkeepsie conference. Disorders are

seldom more than 30 minutes. In practice, under today's

is specified in the codes of six cities surveyed (Chicago,

 Omaha, Buffalo, Indianapolis, Kansas City, and Toledo),

and the moratorium was invoked last summer in Chicago

and Indianapolis. In each case, an effort to prevent quite

minor racial incidents from escalating into more serious

trouble was successful, and many thought the moratorium

contributed.

The only loss is the banner headline or the broadcast news

bulletin that is released prematurely to avoid being beaten by

"the competition." It is just such reflexive responses that can

lead to sensationalism and inaccuracy. In cities where a

moratorium is part of the code, CRS interviewers detected

no discontent over its presence.

The most frequent complaint about shortcomings in exist-

ing codes is that many of them do not reach the underpin-

nings of crisis situations. Ghetto spokesmen, in particular,

said that the emphasis in the codes on conduct during the

crisis itself tended to lead the media to neglect reporting the

underlying causes of racial tension.

At the Poughkeepsie conference with media repre-

sentatives, there was considerable criticism of the

Chicago code on grounds that the moratorium is open-

ended. Once put into effect it is supposed to be main-
tained until "the situation is under control." There were
doubts about how effective this code had been in prac-
tice. The voluntary news blackout in Detroit for part

of the first day of the riot—apparently at the request

of officials and civil rights groups—was cited as evi-
dence that suppression of news of violence does not

necessarily defuse a riot situation.

On the basis of the CRS survey and other evidence,

the Commission concludes that codes are seldom harm-

ful, often useful, but no panacea. To be of any use, they

must address themselves to the substance of the prob-

lems that plague relations between the press and offi-
cialdom during a disorder, but they are only one of sev-

eral methods of improving those relations. Ultimately,

no matter how sensitive and comprehensive a code or

set of guidelines may be, efficient, accurate reporting

must depend on the intelligence, judgment, and train-
ing of news men, police, and city officials together.

REPORTING RACIAL PROBLEMS IN THE UNITED STATES

A FAILURE TO COMMUNICATE

The Commission's major concern with the news media is not in riot reporting as such, but in the failure to report adequately on race relations and ghetto problems and to bring more Negroes into journalism. Concern about this was expressed by a number of participants in our Poughkeepsie conference. Disorders are only one aspect of the dilemmas and difficulties of race relations in America. In defining, explaining, and reporting this broader, more complex and ultimately far more fundamental subject, the communications media, ironically, have failed to communicate.

They have not communicated to the majority of their audience—which is white—a sense of the degradation, misery, and hopelessness of living in the ghetto. They have not communicated to whites a feeling for the difficulties and frustrations of being a Negro in
If what the white American reads in the newspapers or sees on television conditions his expectation of what is ordinary and normal in the larger society, he will neither understand nor accept the black American. By failing to portray the Negro as a matter of routine and in the context of the total society, the news media have, we believe, contributed to the black-white schism in this country.

When the white press does refer to Negroes and Negro problems it frequently does so as if Negroes were not a part of the audience. This is perhaps understandable in a system where whites edit and, to a large extent, write news. But such attitudes, in an area as sensitive and inflammatory as this, feed Negro alienation and intensify white prejudices.

We suggest that a top editor or news director monitor his news production for a period of several weeks, taking note of how certain stories and language will affect black readers or viewers. A Negro staff member could do this easily. Then the staff should be informed about the problems involved.

The problems of race relations coverage go beyond incidents of white bias. Many editors and news directors, plagued by shortages of staff and lack of reliable contacts and sources of information in the city, have failed to recognize the significance of the urban story and to develop resources to cover it adequately.

We believe that most news organizations do not have direct access to diversified news sources in the ghetto. Seldom do they have a total sense of what is going on there. Some of the blame rests on Negro leaders who do not trust the media and will not deal candidly with representatives of the white press. But the real failure rests with the news organizations themselves. They—like other elements of the white community—have ignored the ghettos for decades. Now they seek instant acceptance and cooperation.

The development of good contacts, reliable information, and understanding requires more effort and time than an occasional visit by a team of reporters to do a feature on a newly-discovered ghetto problem. It requires reporters permanently assigned to this beat. They must be adequately trained and supported to dig out and tell the story of a major social upheaval—among the most complicated, portentous and explosive our society has known. We believe, also, that the Negro press—manned largely by people who live and work in the ghetto—could be a particularly useful source of information and guidance about activities in the black community. Reporters and editors from Negro newspapers and radio stations should be included in any conference between media and police-city representatives, and we suggest that large news organizations would do well to establish better lines of communication to their counterparts in the Negro press.

In short, the news media must find ways of exploring the problems of the Negro and the ghetto more deeply and more meaningfully. To editors who say "we have run thousands of inches on the ghetto which nobody reads" and to television executives who bemoan scores of underwatched documentaries, we say: find more ways of telling this story, for it is a story you, as journalists, must tell—honestly, realistically, and imaginatively. It is the responsibility of the news media to tell the story of race relations in America, and with notable exceptions, the media have not yet turned to the task with the wisdom, sensitivity, and expertise it demands.

### NEGROES IN JOURNALISM

The journalistic profession has been shockingly backward in seeking out, hiring, training, and promoting Negroes. Fewer than 5 percent of the people employed by the news business in editorial jobs in the United States today are Negroes. Fewer than 1 percent of editors and supervisors are Negroes, and most of them work for Negro-owned organizations. The lines of various news organizations to the militant blacks are, by admission of the newsmen themselves, almost nonexistent. The plaint is, "we can't find qualified Negroes." But this rings hollow from an industry where, only yesterday, jobs were scarce and promotion unthinkable for a man whose skin was black. Even today, there are virtually no Negroes in positions of editorial or executive responsibility and there is only one Negro newsman with a nationally syndicated column.

News organizations must employ enough Negroes in positions of significant responsibility to establish an effective link to Negro actions and ideas and to meet legitimate employment expectations. Tokenism—the hiring of one Negro reporter, or even two or three—is not longer enough. Negro reporters are essential, but so are Negro editors, writers and commentators. Newspaper and television policies are, generally speaking, not set by reporters. Editorial decisions about which stories to cover and which to use are made by editors. Yet, very few Negroes in this country are involved in making these decisions, because very few, if any, supervisory editorial jobs are held by Negroes. We urge the news media to do everything possible to train and promote their Negro reporters to positions where those who are qualified can contribute to and have an effect on policy decisions.

It is not enough, though, as many editors have pointed out to the Commission, to search for Negro journalists. Journalism is not very popular as a career for aspiring young Negroes. The starting pay is comparatively low and it is a business which has, until recently, discouraged and rejected them. The recruitment of Negro reporters must extend beyond estab-
lished journalists, or those who have already formed ambitions along these lines. It must become a commitment to seek out young Negro men and women, inspire them to become—and then train them as—journalists. Training programs should be started at high schools and intensified at colleges. Summer vacation and part-time editorial jobs, coupled with offers of permanent employment, can awaken career plans.

We believe that the news media themselves, their audiences and the country will profit from these undertakings. For if the media are to comprehend and then to project the Negro community, they must have the help of Negroes. If the media are to report with understanding, wisdom and sympathy on the problems of the cities and the problems of the black man—for the two are increasingly intertwined—they must employ, promote and listen to Negro journalists.

THE NEGRO IN THE MEDIA

Finally, the news media must publish newspapers and produce programs that recognize the existence and activities of the Negro, both as a Negro and as part of the community. It would be a contribution of inestimable importance to race relations in the United States simply to treat ordinary news about Negroes as news of other groups is now treated.

Specifically, newspapers should integrate Negroes and Negro activities into all parts of the paper, from the news, society and club pages to the comic strips. Television should develop programing which integrates Negroes into all aspects of televised presentations. Television is such a visible medium that some constructive steps are easy and obvious. While some of these steps are being taken, they are still largely neglected. For example, Negro reporters and performers should appear more frequently—and at prime time—in news broadcasts, on weather shows, in documentaries, and in advertisements. Some effort already has been made to use Negroes in television commercials. Any initial surprise at seeing a Negro selling a sponsor’s product will eventually fade into routine acceptance, an attitude that white society must ultimately develop toward all Negroes.

In addition to news-related programing, we think that Negroes should appear more frequently in dramatic and comedy series. Moreover, networks and local stations should present plays and other programs whose subjects are rooted in the ghetto and its problems.

INSTITUTE OF URBAN COMMUNICATIONS

The Commission is aware that in this area, as in all other aspects of race relations, the problems are great and it is much easier to state them than to solve them. Various pressures—competitive, financial, advertising—may impede progress toward more balanced, in-depth coverage and toward the hiring and training of more Negro personnel. Most newspapers and local television and radio stations do not have the resources or the time to keep abreast of all the technical advances, academic theories, and government programs affecting the cities and the lives of their black inhabitants.

During the course of this study, the Commission members and the staff have had many conversations with publishers, editors, broadcasters, and reporters throughout the country. The consensus appears to be that most of them would like to do much more but simply do not have the resources for independent efforts in either training or coverage.

The Commission believes that some of these problems could be resolved if there were a central organization to develop, gather, and distribute talent, resources, and information and to keep the work of the press in this field under review. For this reason, the Commission proposes the establishment of an Institute of Urban Communications on a private, nonprofit basis. The Institute would have neither governmental ties nor governmental authority. Its board would consist in substantial part of professional journalists and, for the rest, of distinguished public figures. The staff would be made up of journalists and students of the profession. Funding would be sought initially from private foundations. Ultimately, it may be hoped, financial support would be forthcoming from within the profession.

The Institute would be charged, in the first instance, with general responsibility for carrying out the media recommendations of the Commission, though as it developed a momentum and life of its own it would also gain its own view of the problems and possibilities. Initial tasks would include:

I. Training and Education for Journalists in the Field of Urban Affairs. The Institute should organize and sponsor, on its own and in cooperation with universities and other institutions, a comprehensive range of courses, seminars and workshops designed to give reporters, editors, and publishers the background they need to cover the urban scene. Offerings would vary in duration and intensity from weekend conferences to grants for year-long individual study on the order of the Nieman fellowships.

All levels and all kinds of news outlets should be served. A most important activity might be to assist disc jockeys and commentators on stations that address themselves especially to the Negro community. Particularly important would be sessions of a month or more for seasoned reporters and editors, comparable to middle management seminars or midcareer training.
in other callings. The press must have all of the intellectual resources and background to give adequate coverage to the city and the ghetto. It should be the first duty of the Institute to see that this is provided.

2. Recruitment, Training and Placement of Negro Journalists. The scarcity of Negroes in responsible news jobs intensifies the difficulties of communicating the reality of the contemporary American city to white newspaper and television audiences. The special viewpoint of the Negro who has lived through these problems and bears their marks upon him is, as we have seen, notably absent from what is, on the whole, a white press. But full integration of Negroes into the journalistic profession is imperative in its own right. It is unacceptable that the press, itself the special beneficiary of fundamental constitutional protections, should lag so far behind other fields in giving effect to the fundamental human right to equality of opportunity.

To help correct this situation, the Institute will have to undertake far-ranging activities. Providing educational opportunities for would-be Negro journalists is not enough. There will have to be changes in career outlooks for Negro students and their counselors back to the secondary school level. And changes in these attitudes will come slowly unless there is a change in the reality of employment and advancement opportunities for Negroes in journalism. This requires an aggressive placement program, seeking out newspapers, television and radio stations that discriminate, whether consciously or unconsciously, and mobilizing the pressures, public, private, and legal, necessary to break the pattern. The Institute might also provide assistance to Negro newspapers, which now recruit and train many young journalists.

3. Police-Press Relations. The Commission has stressed the failures in this area, and has laid out a set of remedial measures for action at the local level. But if reliance is placed exclusively on local initiative we can predict that in many places—often those that need it most—our recommended steps will not be taken. Pressure from the Federal Government for action along the lines proposed would be suspect, probably, by both press and local officials. But the Institute could undertake the task of stimulating community action in line with the Commission's recommendations without arousing local hostility and suspicion. Moreover, the Institute could serve as a clearinghouse for exchange of experience in this field.

4. Review of Media Performance on Riots and Racial Issues. The Institute should review press and television coverage of riot and racial news and publicly award praise and blame. The Commission recognizes that government restraints or guidelines in this field are both unworkable and incompatible with our Constitution and traditions. Internal guidelines or voluntary advance arrangements may be useful, but they tend to be rather general and the standards they prescribe are neither self-applying nor self-enforcing. We believe it would be healthy for reporters and editors who work in this sensitive field to know that others will be viewing their work and will hold them publicly accountable for lapses from accepted standards of good journalism. The Institute should publicize its findings by means of regular and special reports. It might also set a series of awards for especially meritorious work of individuals or news organizations in race relations reporting.

5. An Urban Affairs Service. Whatever may be done to improve the quality of reporting on urban affairs, there will always be a great many outlets that are too small to support the specialized investigation, reporting and interpreting needed in this field. To fill this gap, the Institute could organize a comprehensive urban news service, available at a modest fee to any news organization that wanted it. The Institute would have its own specially trained reporters, and it would also sell the national press for news and feature stories of broader interest that could be reprinted or broadcast by subscribers.

6. Continuing Research. Our own investigations have shown us that academic work on the impact of the media on race relations, its role in shaping attitudes, and the effects of the choices it makes on people's behavior, is in a rudimentary stage. The Commission's content analysis is the first study of its type of contemporary riot coverage, and it is extremely limited in scope. A whole range of questions needs intensive, scholarly exploration, and indeed the development of new modes of research and analysis. The Institute should undertake many of these important projects under its own auspices and could stimulate others in the academic community to further research.

Along with the country as a whole, the press has too long basked in a white world, looking out of it, if at all, with white men's eyes and a white perspective. That is no longer good enough. The painful process of readjustment that is required of the American news media must begin now. They must make a reality of integration—in both their product and personnel. They must insist on the highest standards of accuracy—not only reporting single events with care and skepticism, but placing each event into meaningful perspective. They must report the travail of our cities with compassion and in depth.

In all this, the Commission asks for fair and courageous journalism—commitment and coverage that are worthy of one of the crucial domestic stories in America's history.
Chapter 16
The Future of the Cities

INTRODUCTION

We believe action of the kind outlined in preceding pages can contribute substantially to control of disorders in the near future. But there should be no mistake about the long run. The underlying forces continue to gain momentum.

The most basic of these is the accelerating segregation of low-income, disadvantaged Negroes within the ghettos of the largest American cities.

By 1985, the 12.1 million Negroes segregated within central cities today will have grown to approximately 20.3 million—an increase of 68 percent.

Prospects for domestic peace and for the quality of American life are linked directly to the future of these cities.

Two critical questions must be confronted: Where do present trends now lead? What choices are open to us?

THE KEY TRENDS

NEGRO POPULATION GROWTH

The size of the Negro population in central cities is closely related to total national Negro population growth. In the past 16 years, about 98 percent of this growth has occurred within metropolitan areas, and 86 percent in the central cities of those areas.

A conservative projection of national Negro population growth indicates continued rapid increases. For the period 1966 to 1985, it will rise to a total of 30.7 million, gaining an average of 484,000 a year, or 7.6 percent more than the increase in each year from 1960 to 1966.

Central Cities.—Further Negro population growth in central cities depends upon two key factors: in-migration from outside metropolitan areas, and patterns of Negro settlement within metropolitan areas.

From 1960 to 1966, the Negro population of all central cities rose 2.4 million, 88.9 percent of total national Negro population growth. We estimate that natural growth accounted for 1.4 million, or 58 percent of this increase, and in-migration accounted for one million, or 42 percent.

As of 1966, the Negro population in all central cities totaled 12.1 million. By 1985, we have estimated that it will rise 68 percent to 20.3 million. We believe that natural growth will account for 5.2 million of this increase and in-migration for 3.0 million.

Without significant Negro out-migration, then, the combined Negro populations of central cities will continue to grow by an average of 274,000 a year through 1985, even if no further in-migration occurs.

Growth projected on the basis of natural increase and in-migration would raise the proportion of Negroes

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1 Tables and explanations of the projections on which they are based appear at the end of this chapter at p. 227.
to whites in central cities by 1985 from the present 20.7 percent to between an estimated 31 and 34.7 percent.

Largest Central Cities.—These, however, are national figures. Much faster increases will occur in the largest central cities where Negro growth has been concentrated in the past two decades. Washington, D.C., Gary, and Newark are already over half Negro. A continuation of recent trends would cause the following 10 major cities to become over 50 percent Negro by the indicated dates:

New Orleans 1971
Richmond 1971
Baltimore 1972
Jacksonville 1972
Cleveland 1975
St. Louis 1978
Detroit 1979
Philadelphia, 1980
Oakland 1983
Chicago 1984

These cities, plus Washington, D.C. (now over 66 percent Negro) and Newark, contained 12.6 million people in 1960, or 22 percent of the total population of all 224 American central cities. All 13 cities undoubtedly will have Negro majorities by 1985, and the suburbs ringing them will remain largely all white, unless there are major changes in Negro fertility rates, in-migration, settlement patterns, or public policy.

Experience indicates that Negro school enrollment in these and other cities will exceed 50 percent long before the total population reaches that mark. In fact, Negro students already comprise more than a majority in the public elementary schools of 12 of the 13 cities mentioned above. This occurs because the Negro population in central cities is much younger and because a much higher proportion of white children attend private schools. For example, St. Louis' population was about 36 percent Negro in 1965; its public elementary school enrollment was 63 percent Negro. If present trends continue, many cities in addition to those listed above will have Negro school majorities by 1985, probably including:

Dallas
Pittsburgh
Buffalo
Cincinnati
Harrisburg
Louisville
Indianapolis
Kansas City, Mo.
Hartford
New Haven

Thus, continued concentration of future Negro population growth in large central cities will produce significant changes in those cities over the next 20 years. Unless there are sharp changes in the factors influencing Negro settlement patterns within metropolitan areas, there is little doubt that the trend toward Negro majorities will continue. Even a complete cessation of net Negro in-migration to central cities would merely postpone this result for a few years.

GROWTH OF THE YOUNG NEGRO POPULATION

We estimate that the Nation's white population will grow 16.6 million, or 9.6 percent, from 1966 to 1975, and the Negro population 3.8 million, or 17.7 percent, in the same period. The Negro age group from 15 to 24 years of age, however, will grow much faster than either the Negro population as a whole, or the white population in the same age group.
From 1966 to 1975, the total number of Negroes in this age group nationally will rise 1.6 million, or 40.1 percent. The white population aged 15 to 24 will rise 6.6 million, or 23.5 percent.

This rapid increase in the young Negro population has important implications for the country. This group has the highest unemployment rate in the Nation, commits a relatively high proportion of all crimes and plays the most significant role in civil disorders. By the same token, it is a great reservoir of underused human resources which are vital to the Nation.

THE LOCATION OF NEW JOBS

Most new employment opportunities do not occur in central cities, near all-Negro neighborhoods. They are being created in suburbs and outlying areas—and this trend is likely to continue indefinitely. New office buildings have risen in the downtowns of large cities, often near all-Negro areas. But the out-flow of manufacturing and retailing facilities normally offsets this addition significantly—and in many cases has caused a net loss of jobs in central cities while the new white collar jobs are often not available to ghetto residents.

Providing employment for the swelling Negro ghetto population will require society to link these potential workers more closely with job locations. This can be done in three ways: By developing incentives to industry to create new employment centers near Negro residential areas; by opening suburban residential areas to Negroes and encouraging them to move closer to industrial centers; or by creating better transportation between ghetto neighborhoods and new job locations.

All three involve large public outlays.

The first method—creating new industries in or near the ghetto—is not likely to occur without Government subsidies on a scale which convinces private firms that it will pay them to face the problems involved.

The second method—opening up suburban areas to Negro occupancy—obviously requires effective fair housing laws. It will also require an extensive program of federally aided, low-cost housing in many suburban areas.

The third approach—improved transportation linking ghettos and suburbs—has received little attention from city planners and municipal officials. A few demonstration projects show promise, but carrying them out on a large scale will be very costly.

Although a high proportion of new jobs will be located in suburbs, there are still millions of jobs in central cities. Turnover in those jobs alone can open up a great many potential positions for Negro central-city residents—if employers cease racial discrimination in their hiring and promotion practices.

Nevertheless, as the total number of Negro central-city jobseekers continues to rise, the need to link them with emerging new employment in the suburbs will become increasingly urgent.

THE INCREASING COST OF MUNICIPAL SERVICES

Local governments have had to bear a particularly heavy financial burden in the two decades since the end of World War II. All U.S. cities are highly dependent upon property taxes that are relatively unresponsive to changes in income. Consequently, growing municipalities have been hard pressed for adequate revenues to meet rising demands for services generated by population increase. On the other hand, stable or declining cities have not only been faced with steady cost increases but also with a slow-growing, or even declining, tax base.

As a result of the population shifts of the postwar period, concentrating the middle class in residential suburbs while leaving the poor in the central cities, the increasing burden of municipal taxes frequently falls upon that part of the urban population least able to pay them.

Increasing concentrations of urban growth have called forth greater expenditures for every kind of public service: Education, health, police protection, fire protection, parks, sanitation, etc. These expenditures have strikingly outpaced tax revenues.

The story is summed up below:

<table>
<thead>
<tr>
<th>LOCAL GOVERNMENT REVENUES, EXPENDITURES, AND DEBT</th>
<th>1950</th>
<th>1966</th>
<th>Increase</th>
</tr>
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<tr>
<td>Revenues</td>
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<td>Expenditures</td>
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<td>+43.7</td>
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<tr>
<td>Debt outstanding</td>
<td>18.8</td>
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</table>

Despite the growth of Federal assistance to urban areas under various grant-in-aid programs, the fiscal plight of many cities is likely to grow even more serious in the future. Local expenditures inevitably will continue to rise steeply as a result of several factors, including the difficulty of increasing productivity in the predominantly service activities of local governments, together with the rapid technologically induced increases in productivity in other economic sectors.

Traditionally, individual productivity has risen faster in the manufacturing, mining, construction, and agricultural sectors than in those involving personal services. However, since all sectors compete with each other for talent and personnel, wages and salaries in the service-dominated sectors generally must keep up, with those in the capital-dominated sectors. Since productivity in manufacturing has risen about 2.5 percent per year compounded over many decades, and even faster in agriculture, the basis for setting costs in the service-dominated sectors has gone up too.

In the postwar period, costs of the same units of
output have increased very rapidly in certain key activities of local government. For example, education is the single biggest form of expenditure by local governments (including school districts), accounting for over 40 percent of their outlays. From 1947 to 1967, costs per pupil-day in U.S. public schools rose at a rate of 6.7 percent per year compounded—only slightly less than doubling every 10 years. This major cost item is likely to keep on rising rapidly in the future, along with other government services like police, fire, and welfare activities.

Some increases in productivity may occur in these fields, and some economies may be achieved through the use of assistants such as police and teachers’ aides. Nevertheless, the need to keep pace with private sector wage scales will force local government costs to rise sharply.

This and other future cost increases are important to future relations between central cities and suburbs. Rising costs will inevitably force central cities to demand more and more assistance from the Federal Government. But the Federal Government can obtain such funds through the income tax only from other parts of the economy. Suburban governments are, meanwhile, experiencing the same cost increases along with the rising resentment of their constituents.

**CHOICES FOR THE FUTURE**

The complexity of American society offers many choices for the future of relations between central cities and suburbs and patterns of white and Negro settlement in metropolitan areas. For practical purposes, however, we see two fundamental questions:

- Should future Negro population growth be concentrated in central cities, as in the past 20 years, thereby forcing Negro and white populations to become even more residentially segregated?
- Should society provide greatly increased special assistance to Negroes and other relatively disadvantaged population groups?

For purposes of analysis, the Commission has defined three basic choices for the future embodying specific answers to these questions:

**THE PRESENT POLICIES CHOICE**

Under this course, the Nation would maintain approximately the share of resources now being allocated to programs of assistance for the poor, unemployed and disadvantaged. These programs are likely to grow, given continuing economic growth and rising Federal revenues, but they will not grow fast enough to stop, let alone reverse, the already deteriorating quality of life in central-city ghettos.

This choice carries the highest ultimate price, as we will point out.

**THE ENRICHMENT CHOICE**

Under this course, the Nation would seek to offset the effects of continued Negro segregation and deprivation in large city ghettos. The enrichment choice would aim at creating dramatic improvements in the quality of life in disadvantaged central-city neighborhoods—both white and Negro. It would require marked increases in Federal spending for education, housing, employment, job training, and social services.

The enrichment choice would seek to lift poor Negroes and whites above poverty status and thereby give them the capacity to enter the mainstream of American life. But it would not, at least for many years, appreciably affect either the increasing concentration of Negroes in the ghetto or racial segregation in residential areas outside the ghetto.

**THE INTEGRATION CHOICE**

This choice would be aimed at reversing the movement of the country toward two societies, separate and unequal.

The integration choice—like the enrichment choice—would call for large-scale improvement in the quality of ghetto life. But it would also involve both creating strong incentives for Negro movement out of...
central-city ghettos and enlarging freedom of choice concerning housing, employment, and schools.

The result would fall considerably short of full integration. The experience of other ethnic groups indicates that some Negro households would be scattered in largely white residential areas. Others—probably a larger number—would voluntarily cluster together in largely Negro neighborhoods. The integration choice would thus produce both integration and segregation. But the segregation would be voluntary.

Articulating these three choices plainly oversimplifies the possibilities open to the country. We believe, however, that they encompass the basic issues—issues which the American public must face if it is serious in its concern not only about civil disorder, but the future of our democratic society.

THE PRESENT POLICIES CHOICE

Powerful forces of social and political inertia are moving the country steadily along the course of existing policies toward a divided country.

This course may well involve changes in many social and economic programs—but not enough to produce fundamental alterations in the key factors of Negro concentration, racial segregation, and the lack of sufficient enrichment to arrest the decay of deprived neighborhoods.

Some movement toward enrichment can be found in efforts to encourage industries to locate plants in central cities, in increased Federal expenditures for education, in the important concepts embodied in the "War on Poverty," and in the Model Cities Program. But Congressional appropriations for even present Federal programs have been so small that they fall short of effective enrichment.

As for challenging concentration and segregation, a national commitment to this purpose has yet to develop.

Of the three future courses we have defined, the present policies choice—the choice we are now making—is the course with the most ominous consequences for our society.

THE PROBABILITY OF FUTURE CIVIL DISORDERS

We believe that the present policies choice would lead to a larger number of violent incidents of the kind that have stimulated recent major disorders.

First, it does nothing to raise the hopes, absorb the energies, or constructively challenge the talents of the rapidly growing number of young Negro men in central cities. The proportion of unemployed or underemployed among them will remain very high. These young men have contributed disproportionately to crime and violence in cities in the past, and there is danger, obviously, that they will continue to do so.

Second, under these conditions, a rising proportion of Negroes in disadvantaged city areas might come to look upon the deprivation and segregation they suffer as proper justification for violent protest or for extending support to now isolated extremists who advocate civil disruption by guerrilla tactics.

More incidents would not necessarily mean more or worse riots. For the near future, there is substantial likelihood that even an increased number of incidents could be controlled before becoming major disorders, if society undertakes to improve police and National Guard forces so that they can respond to potential disorders with more prompt and disciplined use of force.

In fact, the likelihood of incidents mushrooming into major disorders would be only slightly higher in the near future under the present policies choice than under the other two possible choices. For no new policies or programs could possibly alter basic ghetto conditions immediately. And the announcement of new programs under the other choices would immediately generate new expectations. Expectations inevitably increase faster than performance. In the short run, they might even increase the level of frustration.

In the long run, however, the present policies choice risks a seriously greater probability of major disorders, worse, possibly, than those already experienced.

If the Negro population as a whole developed even stronger feelings of being wrongly "penned in" and discriminated against, many of its members might come to support not only riots, but the rebellion now being preached by only a handful. Large-scale violence, followed by white retaliation could follow. This spiral could quite conceivably lead to a kind of urban apartheid with semimartial law in many major cities, enforced residence of Negroes in segregated areas, and a drastic reduction in personal freedom for all Americans, particularly Negroes.

The same distinction is applicable to the cost of the present policies choice. In the short run, its costs—at least its direct cash outlays—would be far less than for the other choices.

Social and economic programs likely to have significant lasting effect would require very substantial annual appropriations for many years. Their cost would far exceed the direct losses sustained in recent civil disorders. Property damage in all the disorders we investigated, including Detroit and Newark, totaled less than $100 million.

But it would be a tragic mistake to view the present policies choice as cheap. Damage figures measure only a small part of the costs of civil disorder. They cannot
measure the costs in terms of the lives lost, injuries suffered, minds and attitudes closed and frozen in prejudice, or the hidden costs of the profound disruption of entire cities.

Ultimately, moreover, the economic and social costs of the present policies choice will far surpass the cost of the alternatives. The rising concentration of impoverished Negroes and other minorities within the urban ghettos will constantly expand public expenditures for welfare, law enforcement, unemployment, and other existing programs without arresting the decay of older city neighborhoods and the breeding of frustration and discontent. But the most significant item on the balance of accounts will remain largely invisible and incalculable—the toll in human values taken by continued poverty, segregation, and inequality of opportunity.

**POLARIZATION**

Another and equally serious consequence is the fact that this course would lead to the permanent establishment of two societies: one predominantly white and located in the suburbs, in smaller cities, and in outlying areas, and one largely Negro located in central cities.

We are well on the way to just such a divided nation. This division is veiled by the fact that Negroes do not now dominate many central cities. But they soon will, as we have shown, and the new Negro mayors will be facing even more difficult conditions than now exist.

As Negroes succeed whites in our largest cities, the proportion of low-income residents in those cities will probably increase. This is likely even if both white and Negro incomes continue to rise at recent rates, since Negroes have much lower incomes than whites. Moreover, many of the ills of large central cities spring from their age, their location, and their obsolete physical structures. The deterioration and economic decay stemming from these factors have been proceeding for decades and will continue to plague older cities regardless of who resides in them.

These facts underlie the fourfold dilemma of the American city:

- Fewer tax dollars come in, as large numbers of middle-income taxpayers move out of central cities and property values and business decline;
- More tax dollars are required to provide essential public services and facilities, and to meet the needs of expanding lower income groups;
- Each tax dollar buys less, because of increasing costs;
- Citizen dissatisfaction with municipal services grows as needs, expectations and standards of living increase throughout the community.

These are the conditions that would greet the Negro-dominated municipal governments that will gradually come to power in many of our major cities. The Negro electorates in those cities probably would demand basic changes in present policies. Like the present white electorates there, they would have to look for assistance to two basic sources: the private sector and the Federal Government.

With respect to the private sector, major private capital investment in those cities might have ceased almost altogether if white-dominated firms and industries decided the risks and costs were too great. The withdrawal of private capital is already far advanced in most all-Negro areas of our large cities.

Even if private investment continued, it alone would not suffice. Big cities containing high proportions of low-income Negroes and block after block of deteriorating older property need very substantial assistance from the Federal Government to meet the demands of their electorates for improved services and living conditions.

It is probable, however, that Congress will be more heavily influenced by representatives of the suburban and outlying city electorate. These areas will comprise 40 percent of our total population by 1985, compared with 31 percent in 1960; and central cities will decline from 32 percent to 27 percent.

Since even the suburbs will be feeling the squeeze of higher local government costs, Congress might resist providing the extensive assistance which central cities will desperately need.

Thus the present policies choice, if pursued for any length of time, might force simultaneous political and economic polarization in many of our largest metropolitan areas. Such polarization would involve large central cities—mainly Negro, with many poor, and nearly bankrupt—on the one hand and most suburbs—mainly white, generally affluent, but heavily taxed—on the other hand.

Some areas might avoid political confrontation by shifting to some form of metropolitan government designed to offer regional solutions for pressing urban problems such as property taxation, air and water pollution, refuse disposal, and commuter transport. Yet this would hardly eliminate the basic segregation and relative poverty of the urban Negro population. It might even increase the Negro's sense of frustration and alienation if it operated to prevent Negro political control of central cities.

The acquisition of power by Negro-dominated governments in central cities is surely a legitimate and desirable exercise of political power by a minority group. It is in an American political tradition exemplified by the achievements of the Irish in New York and Boston.

But such Negro political development would also involve virtually complete racial segregation and virtually complete spatial separation. By 1985, the sepa-

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4 Based on Census Bureau series D projections.
rate Negro society in our central cities would contain almost 21 million citizens. That is almost 68 percent larger than the present Negro population of central cities. It is also larger than the current population of every Negro nation in Africa except Nigeria.

If developing a racially integrated society is extraordinarily difficult today when 12.1 million Negroes live in central cities, then it is quite clearly going to be virtually impossible in 1985 when almost 21 million Negroes—still much poorer and less educated than most whites—will be living there.

CAN PRESENT POLICIES AVOID EXTREME POLARIZATION?

There are at least two possible developments under the present policies choice which might avert such polarization. The first is a faster increase of incomes among Negroes than has occurred in the recent past. This might prevent central cities from becoming even deeper "poverty traps" than they now are. It suggests the importance of effective job programs and higher levels of welfare payments for dependent families.

The second possible development is migration of a growing Negro middle class out of the central city. This would not prevent competition for Federal funds between central cities and outlying areas, but it might diminish the racial undertones of that competition.

There is, however, no evidence that a continuation of present policies would be accompanied by any such movement. There is already a significant Negro middle class. It grew rapidly from 1960 to 1966. Yet in these years, 88.9 percent of the total national growth of Negro population was concentrated in central cities—the highest in history. Indeed, from 1960 to 1966, there was actually a net total in-migration of Negroes from the urban fringes of metropolitan areas into central cities. The Commission believes it unlikely that this trend will suddenly reverse itself without significant changes in private attitudes and public policies.

Although Negro population on the urban fringe of metropolitan areas did increase slightly (0.2 million) from 1960 to 1966, it is safe to assume an actual net in-migration to central cities from these areas based upon the rate of natural increase of the Negro population.
THE ENRICHMENT CHOICE

The present policies choice plainly would involve continuation of efforts like Model Cities, manpower programs, and the War on Poverty. These are in fact enrichment programs, designed to improve the quality of life in the ghetto.

Because of their limited scope and funds, however, they constitute only very modest steps toward enrichment—and would continue to do so even if these programs were somewhat enlarged or supplemented.

The premise of the enrichment choice is performance. To adopt this choice would require a substantially greater share of national resources—sufficient to make a dramatic, visible impact on life in the urban Negro ghetto.

THE EFFECT OF ENRICHMENT ON CIVIL DISORDERS

Effective enrichment policies probably would have three immediate effects on civil disorders.

First, announcement of specific large-scale programs and the demonstration of a strong intent to carry them out might persuade ghetto residents that genuine remedies for their problems were forthcoming, thereby allaying tensions.

Second, such announcements would strongly stimulate the aspirations and hopes of members of these communities—possibly well beyond the capabilities of society to deliver and to do so promptly. This might increase frustration and discontent, to some extent canceling the first effect.

Third, if there could be immediate action on meaningful job training and the creation of productive jobs for large numbers of unemployed young people, they would become much less likely to engage in civil disorders.

Such action is difficult now, when there are about 585,000 young Negro men aged 14 to 24 in the civilian labor force in central cities—of whom 81,000 or 13.8 percent, are unemployed and probably two or three times as many are underemployed. It will not become easier in the future. By 1975, this age group will have grown to approximately 700,000.

Given the size of the present problem, plus the large growth of this age group, creation of sufficient meaningful jobs will require extensive programs, begun rapidly. Even if the Nation is willing to embark on such programs, there is no certainty that they can be made effective soon enough.

Consequently, there is no certainty that the enrichment choice would do much more in the near future to diminish violent incidents in central cities than would the present policies choice. However, if enrichment programs can succeed in meeting the needs of residents of disadvantaged areas for jobs, education, housing, and city services, then over the years this choice is almost certain to reduce both the level and frequency of urban disorder.

THE NEGRO MIDDLE CLASS

One objective of the enrichment choice would be to help as many disadvantaged Americans as possible—of all races—to enter the mainstream of American prosperity, to progress toward what is often called middle-class status. If the enrichment choice were adopted, it could certainly attain this objective to a far greater degree than would the present policies choice. This could significantly change the quality of life in many central-city areas.

It can be argued that a rapidly enlarging Negro middle class would also promote Negro out-migration, and that the enrichment choice would thus open up an escape hatch from the ghetto. This argument, however, has two weaknesses.

The first is experience. Central cities already have sizable and growing numbers of middle-class Negro families. Yet only a few have migrated from the central city. The past pattern of white ethnic groups gradually moving out of central-city areas to middle-class suburbs has not applied to Negroes. Effective open-housing laws will help make this possible, but it is probable that other more extensive changes in policies and attitudes will be required—and these would extend beyond the enrichment choice.

The second weakness in the argument is time. Even if enlargement of the Negro middle class succeeded in encouraging movement out of the central city, it could not do so fast enough to offset the rapid growth of the ghetto. To offset even half the growth estimated for the ghetto by 1975 an out-migration from central cities of 217,000 persons a year would be required. This is eight times the annual increase in suburban Negro population—including natural increase—that occurred from 1960 to 1966. Even the most effective enrichment program is not likely to accomplish this.

A corollary problem derives from the continuing migration of poor Negroes from the Southern to Northern and Western cities. Adoption of the enrichment choice would require large-scale efforts to improve conditions in the South sufficiently to remove the pressure to migrate. Under present conditions, slightly over a third of the estimated increase in Negro central-city population by 1983 will result from in-migration—3.0 million out of total increase of 8.2 million.

NEGRO SELF-DEVELOPMENT

The enrichment choice is in line with some of the currents of Negro protest thought that fall under the label of “Black Power.” We do not refer to versions
of Black-Power ideology which promote violence, generate racial hatred, or advocate total separation of the races. Rather, we mean the view which asserts that the American Negro population can assume its proper role in society and overcome its feelings of powerlessness and lack of self-respect only by exerting power over decisions which directly affect its own members. A fully integrated society is not thought possible until the Negro minority within the ghetto has developed political strength—a strong bargaining position in dealing with the rest of society.

In short, this argument would regard predominantly Negro central cities and predominantly white outlying areas not as harmful, but as an advantageous future.

Proponents of these views also focus on the need for the Negro to organize economically as well as politically, thus tapping new energies and resources for self-development. One of the hardest tasks in improving disadvantaged areas is to discover how deeply deprived residents can develop their own capabilities by participating more fully in decisions and activities which affect them. Such learning-by-doing efforts are a vital part of the process of bringing deprived people into the social mainstream.

**SEPARATE BUT EQUAL SOCIETIES?**

The enrichment choice by no means seeks to perpetuate racial segregation. In the end, however, its premise is that disadvantaged Negroes can achieve equality of opportunity with whites while continuing in conditions of nearly complete separation.

This premise has been vigorously advocated by Black-Power proponents. While most Negroes originally desired racial integration, many are losing hope of ever achieving it because of seemingly implacable white resistance. Yet they cannot bring themselves to accept the conclusion that most of the millions of Negroes who are forced to live racially segregated lives must therefore be condemned to inferior lives— to inferior educations, or inferior housing, or inferior status.

Rather, they reason, there must be some way to make the quality of life in the ghetto areas just as good—or better—than elsewhere. It is not surprising that some Black-Power advocates are denouncing integration and claiming that, given the hypocrisy and racism that pervade white society, life in a black society is, in fact, morally superior. This argument is understandable, but there is a great deal of evidence that it is unrealistic.

The economy of the United States and particularly the sources of employment are preponderantly white. In this circumstance, a policy of separate but equal employment could only relegate Negroes permanently to inferior incomes and economic status.

The best evidence regarding education is contained in recent reports of the Office of Education and Civil Rights Commission which suggest that both racial and economic integration are essential to educational equality for Negroes. Yet critics point out that certainly until integration is achieved, various types of enrichment programs must be tested, and that dramatically different results may be possible from intensive educational enrichment—such as far smaller classes, or greatly expanded preschool programs, or changes in the home environment of Negro children resulting from steady jobs for fathers.

Still others advocate shifting control over ghetto schools from professional administrators to local residents. This, they say, would improve curricula, give students a greater sense of their own value, and thus raise their morale and educational achievement. These approaches have not yet been tested sufficiently.

One conclusion, however, does seem reasonable: Any real improvement in the quality of education in low-income, all-Negro areas will cost a great deal more money than is now being spent there—and perhaps more than is being spent per pupil anywhere. Racial and social class integration of schools may produce equal improvement in achievement at less total cost.

Whether or not enrichment in ghetto areas will really work is not yet known, but the enrichment choice is based on the yet-unproven premise that it will. Certainly, enrichment programs could significantly improve existing ghetto schools if they impelled major innovations. But "separate but equal" ghetto education cannot meet the long-run fundamental educational needs of the central-city Negro population.

The three basic educational choices are: Providing Negro children with quality education in integrated schools; providing them with quality education by enriching ghetto schools; or continuing to provide many Negro children with inferior education in racially segregated school systems, severely limiting their lifetime opportunities.

Consciously or not, it is the third choice that the Nation is now making, and this choice the Commission rejects totally.

In the field of housing, it is obvious that "separate but equal" does not mean really equal. The enrichment choice could greatly improve the quantity, variety, and environment of decent housing available to the ghetto population. It could not provide Negroes with the same freedom and range of choice as whites with equal incomes. Smaller cities and suburban areas together with the central city provide a far greater variety of housing and environmental settings than the central city alone. Programs to provide housing outside central cities, however, extend beyond the bounds of the enrichment choice.

In the end, whatever its benefits, the enrichment choice might well invite a prospect similar to that of the present policies choice: separate white and black societies.
If enrichment programs were effective, they could greatly narrow the gap in income, education, housing, jobs, and other qualities of life between the ghetto and the mainstream. Hence the chances of harsh polarization—or of disorder—in the next 20 years would be greatly reduced.

Whether they would be reduced far enough depends on the scope of the programs. Even if the gap were narrowed from the present, it still could remain as a strong source of tension. History teaches that men are not necessarily placated even by great absolute progress. The controlling factor is relative progress—whether they still perceive a significant gap between themselves and others whom they regard as no more deserving. Widespread perception of such a gap—and consequent resentment—might well be precisely the situation 20 years from now under the enrichment choice, for it is essentially another way of choosing a permanently divided country.

THE INTEGRATION CHOICE

The third and last course open to the Nation combines enrichment with programs designed to encourage integration of substantial numbers of Negroes into the society outside the ghetto.

Enrichment must be an important adjunct to any integration course. No matter how ambitious or energetic such a program may be, relatively few Negroes now living in central-city ghettos would be quickly integrated. In the meantime, significant improvement in their present environment is essential.

The enrichment aspect of this third choice should, however, be recognized as interim action, during which time expanded and new programs can work to improve education and earning power. The length of the interim period surely would vary. For some it may be long. But in any event, what should be clearly recognized is that enrichment is only a means toward the goal; it is not the goal.

The goal must be achieving freedom for every citizen to live and work according to his capacities and desires, not his color.

We believe there are four important reasons why American society must give this course the most serious consideration. First, future jobs are being created primarily in the suburbs, while the chronically unemployed population is increasingly concentrated in the ghetto. This separation will make it more and more difficult for Negroes to achieve anything like full employment in decent jobs. But if, over time, these residents began to find housing outside central cities, they would be exposed to more knowledge of job opportunities, would have much shorter trips to reach jobs, and
would have a far better chance of securing employment on a self-sustaining basis.

Second, in the judgment of this Commission, racial and social-class integration is the most effective way of improving the education of ghetto children.

Third, developing an adequate housing supply for low-income and middle-income families and true freedom of choice in housing for Negroes of all income levels will require substantial out-movement. We do not believe that such an out-movement will occur spontaneously merely as a result of increasing prosperity among Negroes in central cities. A national fair housing law is essential to begin such movement. In many suburban areas, a program combining positive incentives with the building of new housing will be necessary to carry it out.

Fourth, and by far the most important, integration is the only course which explicitly seeks to achieve a single nation rather than accepting the present movement toward a dual society. This choice would enable us at least to begin reversing the profoundly divisive trend already so evident in our metropolitan areas—before it becomes irreversible.

CONCLUSIONS

The future of our cities is neither something which will just happen nor something which will be imposed upon us by an inevitable destiny. That future will be shaped to an important degree by choices we make now.

We have attempted to set forth the major choices because we believe it is vital for Americans to understand the consequences of our present drift:

Three critical conclusions emerge from this analysis:

1. The nation is rapidly moving toward two increasingly separate Americas.

Within two decades, this division could be so deep that it would be almost impossible to unite:

- a white society principally located in suburbs, in smaller central cities, and in the peripheral parts of large central cities; and
- a Negro society largely concentrated within large central cities.

The Negro society will be permanently relegated to its current status, possibly even if we expend great amounts of money and effort in trying to “gild” the ghetto.

Newark, February 1968
2. In the long run, continuation and expansion of such a permanent division threatens us with two perils. The first is the danger of sustained violence in our cities. The timing, scale, nature, and repercussions of such violence cannot be foreseen. But if it occurred, it would further destroy our ability to achieve the basic American promises of liberty, justice, and equality.

The second is the danger of a conclusive repudiation of the traditional American ideals of individual dignity, freedom, and equality of opportunity. We will not be able to espouse these ideals meaningfully to the rest of the world, to ourselves, to our children. They may still recite the Pledge of Allegiance and say "one nation... indivisible." But they will be learning cynicism, not patriotism.

3. We cannot escape responsibility for choosing the future of our metropolitan areas and the human relations which develop within them. It is a responsibility so critical that even an unconscious choice to continue present policies has the gravest implications.

That we have delayed in choosing or, by delaying, may be making the wrong choice, does not sentence us either to separatism or despair. But we must choose. We will choose. Indeed, we are now choosing.
NOTE ON NEGRO POPULATION PROJECTIONS

1. The Census Bureau publishes four projections of future population growth based upon differing assumptions about future fertility rates (i.e., the annual number of live births per 1,000 women aged 15 to 44). Series A assumes fertility rates similar to those prevalent from 1962 to 1966; Series B through D assumes lower rates. Assuming that Negro fertility rates will continue to decline, we have used the average of Series C and D—which are based on the lowest assumptions about such rates. We have also converted the Census Bureau’s nonwhite population projections into Negro projections by assuming Negroes will continue to comprise about 92 percent of all nonwhites. If, however, fertility rates remain at their present levels, then the total Negro population in 1985 would be 35.8 million rather than 30.7 million. The average annual rate of increase from 1966 to 1985 would be 753,000, rather than 484,000—56 percent higher.

The projection is as follows:

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</tbody>
</table>

2. The general concept of a metropolitan area is of an integrated, economic and social unit with a recognized large population nucleus. Statistically, it is called a Standard Metropolitan Statistical Area—one which contains at least one central city of at least 50,000 inhabitants. It covers the county of the central city and adjacent counties found to be economically and socially integrated with that county.

A “central city” is the largest city of an SMSA and which gives the SMSA its name.

“Core city” or “inner city” is a popular expression sometimes meaning central city and sometimes meaning the central business district and densely populated downtown neighborhoods of generally poorer residents. The array of statistical materials for metropolitan areas by “central city” and “outside central city” categories carries with it some dangers. The general proposition made in such displays is that the Negro population is concentrated in the central city and is kept out of the suburbs. Certainly this is true.

The danger arises from the inference which the reader may make about the character of “outside central city” and “suburb.” “Outside central city” means the whole metropolitan area outside the city or cities whose names are given to the standard Metropolitan Statistical Area. This is not a homogeneous, affluent, white-only collection of bedroom communities or housing developments. It is a wide-ranging assortment of these and more. Some are attractive communities with trees, grass and fresh air. Others are grimy, industrial towns with all the problems commonly associated with the central city. There are currently, in fact, 246 cities of over 25,000 “hidden” in the concept “outside central city.” Seventy-seven of these had over 50,000 population in 1960. Many are white only or close to it. Many are not. Some even have higher proportions of Negroes to total population than the central cities of the metropolitan areas of which they are a part. Some of these cities are new. Some are old and have to fight the same battles against urban blight as the central cities of many metropolitan areas.

3. We have considered two projections of this population. The first projection assumes no further in-migration or out-migration of Negroes to or from central cities. This assumption is unrealistic, but it provides a measure of how much the central-city Negro population is likely to expand through natural increase alone. The second projection assumes that central cities will continue to contain 88.9 percent of all Negro population growth, as they did from 1960 to 1966.

TOTAL U.S. CENTRAL-CITY NEGRO POPULATION

<table>
<thead>
<tr>
<th>Date</th>
<th>Based on natural increase from the existing base only</th>
<th>Based on 88.9 percent of all future Negro growth in central cities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>12.1</td>
<td>12.1</td>
</tr>
<tr>
<td>1970</td>
<td>13.1</td>
<td>13.6</td>
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<tr>
<td>1975</td>
<td>14.2</td>
<td>15.5</td>
</tr>
<tr>
<td>1980</td>
<td>15.6</td>
<td>17.7</td>
</tr>
<tr>
<td>1985</td>
<td>17.3</td>
<td>20.3</td>
</tr>
</tbody>
</table>

1 Actual.

Thus, even assuming no Negro migration into central cities, the total Negro population would increase 5.2 million, 43.0 percent, by 1985. Under the more realistic assumption of both continued in-migration (at present rates) and natural growth, total Negro population of central cities would increase by 8.2 million Negroes, 68 percent.

4. We have arrived at these estimates by making three different assumptions about future white central-city population shifts: (a) That it will remain constant at its 1966 level of 46.4 million; (b) that it will decline, as it did from 1960 to 1966, by an amount equal to half the increase in central-city Negro population, and (c) that it will decline by an absolute amount equal to the total gains in central-city Negro population. In all three cases, we assume that Negro central-city population will continue to account for 88.9 percent of all Negro population growth. The full projections are as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Proportion of total central-city population Negro if:</th>
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<tbody>
<tr>
<td></td>
<td>White population remains constant at 1966 level</td>
</tr>
<tr>
<td></td>
<td>One-half Negro population gains</td>
</tr>
<tr>
<td>1966 (actual)</td>
<td>20.7 *</td>
</tr>
<tr>
<td>1975</td>
<td>25.0</td>
</tr>
<tr>
<td>1985</td>
<td>30.4</td>
</tr>
</tbody>
</table>

The first assumption requires a rise in total central-city population from 58.5 million in 1966 to 66.7 million in 1985. Since many of the largest central cities are already almost fully developed, so large an increase is probably unrealistic. On the other hand, the third assumption involves no change in the 1966 central-city population figure of 58.5 million. This may be unrealistically low. But in any event, it seems likely that continued concentration will cause the total proportion of Negroes in central cities to reach at least 25 percent by 1975 and 30 percent by 1985.
Chapter 17
Recommendations for National Action

INTRODUCTION

The Commission has already addressed itself to the need for immediate action at the local level. Because the city is the focus of racial disorder, the immediate responsibility rests on community leaders and local institutions. Without responsive and representative local government, without effective processes of interracial communication within the city, and without alert, well-trained and adequately supported local police, national action—no matter how great its scale—cannot be expected to provide a solution.

Yet the disorders are not simply a problem of the racial ghetto or the city. As we have seen, they are symptoms of social ills that have become endemic in our society and now affect every American—black or white, businessman or factory worker, suburban commuter or slumdweller.

None of us can escape the consequences of the continuing economic and social decay of the central city and the closely related problem of rural poverty. The convergence of these conditions in the racial ghetto and the resulting discontent and disruption threaten democratic values fundamental to our progress as a free society.

The essential fact is that neither existing conditions nor the garrison state offers acceptable alternatives for the future of this country. Only a greatly enlarged commitment to national action—compassionate, massive and sustained, backed by the will and resources of the most powerful and the richest nation on this earth—can shape a future that is compatible with the historic ideals of American society.

It is this conviction that leads us, as a commission on civil disorders, to comment on the shape and dimension of the action that must be taken at the national level.

In this effort we have taken account of the work of scholars and experts on race relations, the urban condition and poverty. We have studied the reports and work of other commissions, of congressional committees, and of many special task forces and groups both within the Government and within the private sector.

Financing the Cost

The Commission has also examined the question of financing; although there are grave difficulties, we do not regard them as insoluble. The Nation has substantial financial resources—not enough to do everything some might wish, but enough to make an important start on reducing our critical "social deficit," in spite of a war and in spite of current budget requirements.

The key factors having a bearing on our ability to pay for the cost are the great productivity of the American economy, and a Federal revenue system which is highly responsive to economic growth. In combination, these produce truly astounding automatic increases in Federal budget receipts provided only that the national economy is kept functioning at capacity so that actual national income expands in line with potential.
These automatic increases—the "fiscal dividend"—from the Federal revenue system range from $11 billion to $14 billion under conditions of steady economic growth.

The tax surcharge requested by the President, including continuation of excise taxes, would add about $16 billion to the fiscal dividend of about $28.5 billion over a 2-year period.

While competing demands are certain to grow with every increase in Federal revenues, so that hard choices are inevitable, these figures demonstrate the dimension of resources—apart from changes in tax rates—which this country can generate.

Federal Program Coordination

The spectacle of Detroit and New Haven engulfed in civil turmoil despite a multitude of federally aided programs raised basic questions as to whether the existing "delivery system" is adequate to the bold new purposes of national policy. Many who voiced these concerns overlooked the disparity between the size of the problems at which the programs are aimed and the level of funding provided by the Federal Government.

Yet there is little doubt that the system through which Federal programs are translated into services to people is a major problem in itself. There are now over 400 grant programs operated by a broad range of Federal agencies and channeled through a much larger array of semiautonomous state and local government entities. Reflective of this complex scheme, Federal programs often seem self-defeating and contradictory: field officials unable to make decisions on their own programs and unaware of related efforts; agencies unable or unwilling to work together; programs conceived and administered to achieve different and sometimes conflicting purposes.

The new social development legislation has put great strain upon obsolescent machinery and administrative practices at all levels of government. It has loaded new work on Federal departments. It has required a level of skill, a sense of urgency, and a capacity for judgment never planned for or encouraged in departmental field offices. It has required planning and administrative capacity rarely seen in statehouses, county courthouses, and city halls.

Deficiencies in all of these areas have frustrated accomplishment of many of the important goals set by the President and the Congress.

In recent years serious efforts have been made to improve program coordination. During the 1961–65 period, almost 20 Executive Orders were issued for the coordination of Federal programs involving intergovernmental administration. Some 2 dozen interagency committees have been established to coordinate two or more Federal aid programs. Departments have been given responsibility to lead others in areas within their particular competence—OEO, in the poverty field; HUD in Model Cities. Yet, despite these and other efforts, the Federal Government has not yet been able to join talent, funds, and programs for concentrated impact in the field. Few agencies are able to put together a comprehensive package of related programs to meet priority needs.

There is a clear and compelling requirement for better coordination of federally funded programs, particularly those designed to benefit the residents of the inner city. If essential programs are to be preserved and expanded, this need must be met.

The Commission's Recommendations

We do not claim competence to chart the details of programs within such complex and interrelated fields as employment, welfare, education, and housing. We do believe it is essential to set forth goals and to recommend strategies to reach these goals.

That is the aim of the pages that follow. They contain our sense of the critical priorities. We discuss and recommend programs not to commit each of us to specific parts of such programs but to illustrate the type and dimension of action needed.

Much has been accomplished in recent years to formulate new directions for national policy and new channels for national energy. Resources devoted to social programs have been greatly increased in many areas. Hence, few of our program suggestions are entirely novel. In some form, many are already in effect.

All this serves to underscore our basic conclusion: the need is not so much for the Government to design new programs as it is for the Nation to generate new will. Private enterprise, labor unions, the churches, the foundations, the universities—all our urban institutions—must deepen their involvement in the life of the city and their commitment to its revival and welfare.

Objectives for National Action

Just as Lincoln, a century ago, put preservation of the Union above all else, so should we put creation of a true union—a single society and a single American identity—as our major goal. Toward that goal, we propose the following objectives for national action:

- Opening up all opportunities to those who are restricted by racial segregation and discrimination, and eliminating all barriers to their choice of jobs, education, and housing.
- Removing the frustration of powerlessness among the disadvantaged by providing the means to deal with the problems that affect their own lives and by increasing the capacity of our public and private institutions to respond to those problems.
- Increasing communication across racial lines to destroy stereotypes, halt polarization, end distrust and hostility and create common ground for efforts toward common goals of public order and social justice.
There are those who oppose these aims as "rewarding the rioters." They are wrong. A great nation is not so easily intimidated. We propose these aims to fulfill our pledge of equality and to meet the fundamental needs of a democratic and civilized society—domestic peace, social justice, and urban centers that are citadels of the human spirit.

I. EMPLOYMENT

Introduction

Unemployment and underemployment are among the most persistent and serious grievances of our disadvantaged minorities. The pervasive effect of these conditions on the racial ghetto is inextricably linked to the problem of civil disorder.

In the Employment Act of 1946, the United States set for itself a national goal of a useful job at a reasonable wage for all who wish to work. Federal expenditures for manpower development and training have increased from less than $60 million in 1963 to $1.6 billion in 1968. The President has proposed a further increase to $2.1 billion in 1969 to provide work experience, training, and supportive services for 1.3 million men and women. Despite these efforts, and despite sustained general economic prosperity and growing skill demands of automated industry, the goal of full employment has become increasingly hard to attain.

Today there are about 2 million unemployed, and about 10 million underemployed, 6.5 million of whom work full time and earn less than the annual poverty wage.

The most compelling and difficult challenge is presented by some 500,000 "hardcore" unemployed who live within the central cities, lack a basic education, work not at all or only from time to time, and are unable to cope with the problems of holding and performing a job. A substantial part of this group is Negro, male, and between the ages of approximately 18 and 25. Members of this group are often among the initial participants in civil disorders.

A slum employment study by the Department of Labor in 1966 showed that as compared with an unemployment rate for all persons in the United States of 3.8 percent, the unemployment rate among 16- to 19-year-old nonwhite males was 26.5 percent and among...
16- to 24-year-old nonwhite males 15.9 percent. Data collected by the Commission in cities where there were racial disorders in 1967 indicate that Negro males between the ages of 15 and 25 predominated among the rioters. More than 20 percent of the rioters were unemployed; and many of those who were employed worked in intermittent, low status, unskilled jobs—jobs which they regarded as below their level of education and ability.

In the riot cities that we surveyed, Negroes were three times as likely as whites to hold unskilled jobs, which are often part time or seasonal, and “dead end”—a fact that’s as significant for Negroes as unemployment.

Goals and Objectives

We propose a comprehensive national manpower policy to meet the needs of both the unemployed and the underemployed. That policy will require:

- Continued emphasis on national economic growth and job creation so that there will be jobs available for those who are newly trained, without displacing those already employed.
- Unified and intensive recruiting to reach those who need help with information about available job, training and supportive services.
- Careful evaluation of the individual’s vocational skills, potentials and needs; referral to one or more programs of basic education, job training and needed medical, social, and other services; provision for transportation between the ghetto and outlying employment areas, and continued followup on the individual’s progress until he no longer needs help.
- Concentrated job training efforts, with major emphasis on on-the-job training by both public and private employers, as well as public and private vocational schools and other institutional facilities.
- Opening up existing public and private job structures to provide greater upward mobility for the underemployed without displacing anyone already employed at more advanced levels.
- Large-scale development of new jobs in the public and private sectors to absorb as many as possible of the unemployed, again without displacement of the employed.
- Stimulation of public and private investment in depressed areas, both urban and rural, to improve the environment, to alleviate unemployment and underemployment and, in rural areas, to provide for the poor alternatives other than migration to large urban centers.
- New kinds of assistance for those who will continue to be attracted to the urban centers, both before and after they arrive.
- Increasing small business and other entrepreneurial opportunities in poverty areas, both urban and rural.

Basic Strategies

To achieve these objectives, we believe the following basic strategies should be adopted:

- Existing programs aimed at recruiting, training, and job development should be consolidated according to the function they serve at local, state and Federal levels, to avoid fragmentation and duplication.

We need comprehensive and focused administration of a unified group of manpower programs.

- High priority should be placed on the creation of new jobs in both the public and private sectors.

In the public sector a substantial number of such jobs can be provided quickly, particularly by government at the local level, where there are vast unmet needs in education, health, recreation, public safety, sanitation, and other municipal services. The National Commission on Technology, Automation, and Economic Progress estimated that there are 3.3 million potential jobs in public service. But the more difficult task is to provide jobs in private industry for the hard-core unemployed. Both strategies must be pursued simultaneously, with some arrangements for a flow of trainees from public sector jobs to on-the-job training in private companies.

- Creation of jobs for the hard-core unemployed will require substantial payments to both public and private employers to offset the extra costs of supportive services and training.

Basic education and counseling in dress, appearance, social relationships, money management, transportation, hygiene, health, punctuality and good work habits—all of which employers normally take for granted—may have to be provided. Productivity may be low for substantial periods.

- Special emphasis must be given to motivating the hard-core unemployed.

A sure method for motivating the hard-core unemployed has not yet been devised. One fact, however, is already clear from the experience of the Job Corps, Neighborhood Youth Corps, and Manpower Development and Training projects: the previously hard-core unemployed trainee or employee must understand that he is not being offered or trained for a “dead-end” job. Since, by definition, he is not eligible even for an entry-level position, he must be given job training. He must be convinced that, if he performs satisfactorily, after the training period he will be employed and given an opportunity to advance, if possible, on a clearly defined “job ladder,” with step increases in both pay and responsibility.

- Artificial barriers to employment and promotion must be removed by both public agencies and private employers.

Racial discrimination and unrealistic and unnecessarily high minimum qualifications for employment or promotion often have the same prejudicial effect. Government and business must consider for each type of job whether a criminal record should be a bar, and
whether a high school diploma is an inflexible prerequisite. During World War II, industry successfully employed large numbers of the previously unemployed and disadvantaged by lowering standards and by restructuring work patterns so that the job fit the level of available skills. We believe that too often government, business, and labor unions fail to take into account innate intelligence and aptitudes which are not measurable.

Present recruitment procedures should be reexamined. Testing procedures should be revalidated or replaced by work sample or actual job tryouts. Applicants who are rejected for immediate training or employment should be evaluated and counseled by company personnel officers and referred to either company or public remedial programs. These procedures have already been initiated in the steel and telephone industries.

- **Special training is needed for supervisory personnel.**

Support needed by the hard-core unemployed during initial job experience must be provided by specially trained supervisors. A new program of training entry-level supervisors should be established by management, with government assistance if necessary.

**Suggested Programs**

We are proposing programs in six areas in order to illustrate how we believe the basic strategies we have outlined can be put into effect:

- Consolidating and concentrating employment efforts.
- Opening the existing job structure.
- Creating 1 million new jobs in the public sector in 3 years.
- Creating 1 million new jobs in the private sector in 3 years.
- Developing urban and rural poverty areas.
- Encouraging business ownership in the ghetto.

- **Consolidating and concentrating employment efforts.**

**Recruitment.** There is an urgent need for a comprehensive manpower recruitment and services agency at the community level. The Federal-state employment service is not serving this function in many urban areas and cannot do so unless it is substantially restructured and revitalized. This was recommended in 1965 by the Employment Service Task Force but has been only partially achieved by the Employment Services' new Human Resources Development Program.

We believe that every city should establish such a comprehensive agency, with authority to direct the coordination of all manpower programs, including those of the employment service, the community action agencies, and other local groups.

The Concentrated Employment Program established by the Department of Labor last year and now operating in the ghettos of 20 cities and in two rural areas is an important beginning toward a unified effort at the local level. A related effort by the Department of Housing and Urban Development is underway in the Model Cities Program, now in the planning stage in some 63 cities.

**Placement.** In order to match men to jobs, we need more effective interchange of information. A computerized nationwide service should be established, as recommended in 1966 by the National Commission on Technology, Automation, and Economic Progress, with priority of installation given to the large urban centers.

An information system of this sort would simplify placement—including interarea placement and placement from ghetto to suburb. This in turn will often require transportation assistance and counseling.

The existing experimental mobility program, under the Manpower Development and Training Act, should be greatly expanded and should support movement from one part of a metropolitan area to another. Aid to local public transportation under the Mass Transportation Program should be similarly expanded on the basis of an existing experiment with subsidies for routes serving ghetto areas.

Job development and placement in private industry is critical to our proposed strategies and is now handled separately by a wide variety of agencies and programs: the Manpower Development and Training Act program, the vocational education programs, the Vocational Rehabilitation Program, the Job Corps and, recently, the Neighborhood Youth Corps and several new adult work experience and training programs. All seek to place trainees with private employers, sometimes with and sometimes without training assistance, through a wide variety of local agencies, as well as through the employment service, community action agencies and others.

A single, cooperative national effort should be undertaken with the assistance of business, labor, labor, and industrial leaders at national, regional, and local levels. It should reach both individual companies and trade associations, systematically and extensively, with information about incentive programs and aids, and with authority to negotiate contractual arrangements and channel incentive funds to private employers.

The recently created Urban Coalition, with its local affiliates, brought together many of the interested parties in the private sector. The National Alliance of Businessmen just established by the President will be concentrating private industry efforts in on-the-job training of the hard-core unemployed. We believe that it may be helpful now to create a federally chartered corporation with authority to undertake the coordination of the private sector job program outlined below.

- **Opening the existing job structure.**

Arbitrary barriers to employment and promotion must be eliminated.
Federal, state, and local efforts to insure equal opportunity in employment should be strengthened by:

(a) Including Federal, state, and local governmental agencies as employers covered by Title VII of the 1964 Civil Rights Act, the Federal antidiscrimination-in-employment law, which now covers other employers of 50 or more employees (and as of July 1968, will cover employers of 25 or more employees), labor unions, and employment agencies.

(b) Granting to the Equal Employment Opportunity Commission, the Federal enforcement agency under Title VII, cease and desist power comparable to the enforcement power now held by other Federal agencies administering regulatory national policies.

(c) Increasing technical and other assistance now provided through the Equal Employment Opportunity Commission to state and local antidiscrimination commissions under the provisions of Title VII.

(d) Undertaking, through the Equal Employment Opportunity Commission, an industry and area-wide enforcement effort based not only upon individual complaints but upon employer and union reports showing broad patterns of discrimination in employment and promotion.

(e) Linking enforcement efforts with training and other aids to employers and unions, so that affirmative action to hire and promote may be encouraged in connection with investigation of both individual complaints and charges of broad patterns of discrimination.

(f) Substantially increasing the staff and other resources of the Equal Employment Opportunity Commission to enable it to perform effectively these additional functions.

Equal opportunity for employment by Federal contractors under Executive Order 11246 should be enforced more vigorously against both employers and unions. This is particularly critical in regard to Federal construction contracts. Staff and other resources of the Office of Contract Compliance in the Department of Labor should be increased so that withholding Federal contracts is made a meaningful sanction.

The efforts of the Department of Labor to obtain commitments from unions to encourage Negro membership in apprenticeship programs are especially noteworthy and should be intensified.

Title VI of the 1964 Civil Rights Act, which provides for withholding Federal grant-in-aid funds from activities which discriminate on grounds of color or race, should be supported fully, particularly in regard to recruitment for federally assisted job training in hospitals, universities, colleges, and schools. The staff and other resources of the Department of Health, Education and Welfare, which has primary jurisdiction over these functions, should be expanded for this purpose.

The Federal Government, through the Civil Service Commission and other agencies, should undertake programs of recruitment, hiring, and on-the-job training of the disadvantaged and should reexamine and revalidate its minimum employment and promotion standards. In this regard the Federal Government should become a model for state and local government and the private business community. To enlist the full cooperation of Federal agencies, they should be reimbursed by internal allowances for the extra costs of training disadvantaged employees.

One way to improve the condition of the underemployed, on a national basis, would be to increase the Federal minimum wage and widen its coverage. The recent increase to $1.60 per hour yields an annual wage only slightly above the poverty level and only for those employed full time. As an alternative, we recommend consideration be given to an experimental program of wage supplements or other methods for achieving the same income goals.

Creating 1 million new jobs in the public sector in 3 years.

Existing public employment programs should be consolidated and substantially increased. The Neighborhood Youth Corps last year involved approximately 300,000 youths between the ages of 14 and 22 in three programs of work experience. NYC offers either full-time positions, year-round or during the summer, or part-time positions during the school year. Several similar but considerably smaller public employment programs involve chronically unemployed adults, generally in subprofessional community betterment work: Operation Mainstream in small towns and rural areas; New Careers and Special Impact in urban areas; and Work Experience and Training for welfare recipients under the 1967 amendments to Title IV of the Social Security Act.

Emphasis in the expanded public employment programs should be shifted, so far as possible, from work experience to on-the-job training, and additional Federal assistance, above the present payment of 90 percent of wages, should be provided to pay for the additional costs of training and supportive services to trainees. Federal assistance should be scaled so that it does not terminate abruptly; the public employer should pay a progressively larger share of the total cost as trainees' productivity increases.

Emphasis should also be placed on employing trainees to improve rundown neighborhoods and to perform a variety of other socially useful public services which are not "make-work," including Community Service Officers in police departments, as recommended by the President's Commission on Law Enforcement and Administration of Justice and as discussed above in Chapter 11.

Public employers should be required to pay on-the-
job trainees not less than the minimum wage or the prevailing wage in the area for similar work, whichever is higher. We recommend a 3-year program, aimed at creating 250,000 new public service jobs in the first year and a total of 1 million such jobs over the 3-year period.

The Department of Defense should (a) continue its emphasis on (and consider expansion of) "Project 100,000" under which it accepts young men with below standard test scores; (b) intensify its recruiting efforts in areas of high unemployment so that young men living there are fully aware of the training and service opportunities open to them; and (c) substantially expand Project Transition, which began on a pilot basis in 1967 and involves training and counseling for servicemen scheduled to return to civilian life.

- Creating 1 million new jobs in the private sector in 3 years.¹

Eighty-four percent of the Nation's 73 million civilian workers are at work in 11.5 million private enterprises. The involvement of only 5 percent of all private companies would represent the use of more than 500,000 enterprises and provide a massive additional spur to job development.

Based on experience with training by private employers, primarily under the Manpower Development and Training Act, our recommendations are aimed at inducing a substantially expanded number of companies to hire and train the hard-core unemployed.

Recruitment and referral of the disadvantaged unemployed should be undertaken by a public body such as the manpower service agency we have already described. The manpower service agency would determine eligibility and certify a chronically unemployed person for on-the-job training by issuing to him a certificate of eligibility or similar identifying document. This would entitle the private employer to reimbursement for certain costs. A similar technique was used under the GI Bill for training veterans of World War II and the Korean conflict.

The direct reimbursement system currently used in on-the-job training programs should be expanded and the existing programs should be consolidated under a single administration. These programs include the Manpower Development and Training Act and the new Work Training in Industry components of the Neighborhood Youth Corps, New Careers, and Special Impact programs. Under these programs a Federal agency contracts to reimburse each employer for a negotiated average cost of training and supportive services for each trainee.

If a corporation is chartered by Congress to serve as the Government's primary instrument for job development in the private sector, the corporation, through regional and local subsidiaries, would:

(a) systematically work with trade groups, companies, and labor unions;
(b) arrange for any necessary supportive services and prevocational educational training which employers are unable to provide; and
(c) enter into contracts with employers providing for their reimbursement for the extra costs of training.

The employer would of course undertake not to dismiss existing employees in order to hire trainees; to provide job training along with supportive services; and to give reasonable assurance that the employee would be fairly promoted if he successfully completed his training period.

To serve as an incentive to widespread business involvement the average amount of the reimbursements must exceed substantially the approximately $1,000 per year payment now made under Federal on-the-job training programs and, for the hard-core unemployed, should at least equal the $3,500 recommended by the President in his manpower message of January 23, 1968.

An additional and potentially lower cost method of stimulating on-the-job training and new job creation for the hard-core unemployed is through a tax credit system, provided that guidelines are adopted to ensure adequate training and job retention. The Commission believes this alternative holds promise. With respect to the tax credit device, we note that since its enactment in 1962 the existing 7 percent incentive credit for investment in new equipment and machinery has been highly successful as a technique for reaching a large number of individual enterprises to effectuate a national policy. During the 1962-65 period the credit was taken on 1,239,000 corporate tax returns representing new investment in the amount of approximately $75 billion.

To assure comparable simplicity in administration, the tax credit should be geared to a fixed amount for each certificated employee hired and retained at least for a 6-month period, with decreasing credits for retention for additional periods totaling another 18 months. No credit would be allowed if existing employees are displaced, or if the turnover rate among certificated employees during each period exceeds more than twice the employer's usual turnover rate.

The corporation chartered by Congress would establish performance guidelines, compare and evaluate the results of job training operations by contract and under the tax credit and arrange to share with all participating employers the experiences of other companies with techniques for training the hard-core unemployed and holding them on the job.

The Commission recommends a 3-year program,

¹ The text of the report to the Commission by its Advisory Panel on Private Enterprise is set forth as an appendix to this Report.
aimed at creating 300,000 new private sector jobs in the first year and a total of 1 million such jobs over the 3-year period, provided that the tax credit is enacted at an early date. If the tax credit is not so enacted, a realistic goal would be 150,000 such jobs in the first year and 1 million jobs over a 3- to 5-year period.

- **Developing urban and rural poverty areas.**

  A tax credit should also be provided for the location and renovation of plants and other business facilities in urban and rural "poverty areas," as already defined jointly by several Federal departments and agencies.

  The existing incentive tax credit for investment in new equipment (but not for real property or plant) is available without regard to where the investment is made. For investment in poverty areas, the existing credit should be increased substantially and extended to investments in real property and plant, whether for the construction of a new plant or the acquisition of an existing facility. Plant and equipment in these areas should also be eligible for rapid amortization, within as little as 5 years.

  These incentives would be designed to attract to the poverty areas the kind of industrial and commercial development which would create new jobs and provide other economic benefits for the disadvantaged community surrounding the enterprise. An employer eligible for the poverty area investment credit would also be eligible—if he employed certificated trainees for the hard-core employment credit. The two credits are designed to meet separate needs and different costs to investors and employers.

  The Commission invites particular attention to chs. 3 and 4 of "The People Left Behind," a report by the President’s National Advisory Commission on Rural Poverty, September 1967.

II. EDUCATION

**Introduction**

Education in our democratic society must equip the children of the nation to develop their potential and to participate fully in American life. For the community at large, the schools have discharged this responsibility well. But for many minorities, and particularly for the children of the racial ghetto, the schools have failed to provide the educational experience which could help overcome the effects of discrimination and deprivation.

This failure is one of the persistent sources of grievance and resentment within the Negro community. The hostility of Negro parents and students toward the school system is generating increasing conflict and causing disruption within many city school districts.

But the most dramatic evidence of the relationship between educational practices and civil disorder lies in the high incidence of riot participation by ghetto youth who have not completed high school. Our survey of riot cities found that the typical riot participant was a high school dropout. As Superintendent Briggs of Cleveland testified before the Commission:

> Many of those whose recent acts threaten the domestic safety and tear at the roots of the American democracy are the products of yesterday’s inadequate and neglected inner city schools. The greatest unused and underdeveloped human resources in America are to be found in the deteriorating cores of America’s urban centers.

The bleak record of public education for ghetto children is growing worse. In the critical skills—verbal and reading ability—Negro students fall further be-
hind whites with each year of school completed. For example, in the metropolitan Northeast Negro students on the average begin the first grade with somewhat lower scores than whites on standard achievement tests, are about 1.6 grades behind by the 6th grade and have fallen 3.3 grades behind white students by the 12th grade. The failure of the public schools to equip these students with basic verbal skills is reflected in their performance on the Selective Service Mental Test. During the period June 1964 to December 1965, 67 percent of Negro candidates failed the examination. The failure rate for whites was 19 percent.

The result is that many more Negro than white students drop out of school. In the metropolitan North and West, Negro students are more than three times as likely as white students to drop out of school by ages 16 to 17. As reflected by the high unemployment rate for graduates of ghetto schools and the even higher proportion of employed workers who are in low-skilled, low-paid jobs, many of those who do graduate are not equipped to enter the normal job market and have great difficulty securing employment.

Several factors have converged to produce this critical situation.

**Segregation**

The vast majority of inner-city schools are rigidly segregated. In 75 major central cities surveyed by the U.S. Commission on Civil Rights in its study, "Racial Isolation in the Public Schools," 75 percent of all Negro students in elementary grades attended schools with enrollments that were 90 percent or more Negro. Almost 90 percent of all Negro students attended schools which had a majority of Negro students. In the same cities, 83 percent of all white students in those grades attended schools with 90 to 100 percent white enrollments.

Racial isolation in the urban public schools is the result principally of residential segregation and widespread employment of the "neighborhood school" policy, which transfers segregation from housing to education. The effect of these conditions is magnified by the fact that a much greater proportion of white than Negro students attend private schools. Studies indicate that, in America's 20 largest cities, approximately four out of 10 white students are enrolled in nonpublic schools, as compared with only one out of 10 Negro pupils. The differential appears to be increasing.

Urban schools are becoming more segregated. In a sample of 15 large northern cities, the Civil Rights Commission found that the degree of segregation rose sharply from 1950 to 1965. As Negro enrollments in these 15 cities grew, 97 percent of the increase was absorbed by schools already over 50 percent Negro and 84 percent by schools more than 90 percent Negro. By 1975, it is estimated that, if current policies and trends persist, 80 percent of all Negro pupils in the 20 largest cities, comprising nearly one-half of the Nation's Negro population, will be attending 90 to 100 percent Negro schools.

Segregation has operated to reduce the quality of education provided in schools serving disadvantaged Negro neighborhoods. Most of the residents of these areas are poor. Many

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3 "Equality of Educational Opportunity," U.S. Department of HEW, Office of Education (1966), p. 20. This report, generally referred to as the Coleman Report, was prepared pursuant to Section 402 of the Civil Rights Act of 1964.

4 The actual nonenrollment rate for Negro students in these areas is 20 percent, as opposed to 6 percent for white students. Coleman Report, p. 31.

5 Employment figures reflect discriminatory practices as well. The contribution of inadequate education to unemployment, while not quantified, is clearly substantial.


7 While the proportion of Negroes attending all-Negro schools in Southern and border states has declined in the 14 years since the Supreme Court's school desegregation decision, the number of Negro students attending schools with all or nearly all Negro enrollments has risen. "Racial Isolation in the Public Schools," p. 10.

8 "Big City School Desegregation: Trends and Methods," *supra.*
of the adults, the products of the inadequate, rural school systems of the South, have low levels of educational attainment. Their children have smaller vocabularies, and are not as well equipped to learn rapidly in school—particularly with respect to basic literary skills—as children from more advantaged homes.

When disadvantaged children are racially isolated in the schools, they are deprived of one of the more significant ingredients of quality education: exposure to other children with strong educational backgrounds. The Coleman Report and the Report of the Civil Rights Commission establish that the predominant socioeconomic background of the students in a school exerts a powerful impact upon achievement. Further, the Coleman Report found that "if a minority pupil from a home without much educational strength is put with schoolmates with strong educational backgrounds, his achievement is likely to increase." 10

Another strong influence on achievement derives from the tendency of school administrators, teachers, parents, and the students themselves to regard ghetto schools as inferior. Reflecting this attitude, students attending such schools lose confidence in their ability to shape their future. The Coleman Report found this factor—destiny control—"to have a stronger relationship to achievement than all the 'school' factors together" and to be related for Negroes, to the proportion of white in the schools. 11

In other words, both class and race factors have a strong bearing on educational achievement; the ghetto student labors under a double burden.

Teachers

The schools attended by disadvantaged Negro children commonly are staffed by teachers with less experience and lower qualifications than those attended by middle-class whites. 12 For example, a 1963 study ranking Chicago's public high schools by the socioeconomic status of surrounding neighborhoods found that in the 10 lowest-ranking schools only 63.2 percent of all teachers were fully certified, and the median level of teaching experience was 3.9 years. In three of these schools, the median level was 1 year. Four of these lowest ranking schools were 100 percent Negro in enrollment and three were over 90 percent Negro. By contrast, eight of the 10 highest ranking schools had nearly total white enrollments, and the other two were more than 75 percent white. In these schools, 90.3 percent of the teachers were fully certified and the median level of teaching experience was 12.3 years.

Testifying before the Commission, Dr. Daniel Dodson, Director of the New York University Center for Human Relations and Community Services, stated that:

Inner-city schools have not been able to hold teaching staff. Between 1952 and 1962 almost half the licensed teachers of New York City left the system. Almost two out of every five of the 50,000 teaching personnel of New York City do not hold regular permanent licenses for the assignments they have.

In another school system in one of the large cities, it was reported of one inner-city school that of 84 staff members, 41 were temporary teachers, 25 were probationaries and 18 were tenure teachers. However, only one of the tenure teachers was licensed in academic subjects.

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9 The poor quality of education offered in these schools, located in the most poverty stricken section of the country, is attested to by the fact that "the 12th-grade Negro in the non-metropolitan South is 0.8 standard deviation below—or, in terms of years 1.9 years behind—the Negro in the metropolitan northeast." 1 * * Coleman Report, p. 21.

10 This finding was limited to performance of students from minority groups. The Coleman Report states: "If a white pupil from a home that is strongly and effectively supportive of education is put in a school where most pupils do not come from such homes, his achievement will be little different than if he were in a school composed of others like himself." (p. 22.)

11 Coleman Report, p. 23.

12 The Civil Rights Commission's survey found no major national differences in the educational attainment (years completed) of teachers in majority-Negro or majority-white schools. However, many large cities did not take part in the basic studies which supplied the data for this conclusion. It is precisely in these cities that teachers of disadvantaged Negro students tend to be the least experienced. Moreover, the Commission did conclude that Negro students, more often than whites, had teachers with nonacademic college majors and lower verbal achievement levels.
U.S. Commissioner of Education Harold Howe testified that many teachers are unprepared for teaching in schools serving disadvantaged children, "have what is a traumatic experience there and don't last." Moreover, the more experienced teachers normally select schools in white neighborhoods, thereby relegating the least experienced teachers to the disadvantaged schools. This process reinforces the view of ghetto schools as inferior.

As a result, teachers assigned to these schools often begin with negative attitudes toward the students and their ability and willingness to learn. These attitudes are aggravated by serious discipline problems, by the high crime rates in areas surrounding the schools, and by the greater difficulties of teaching students from disadvantaged backgrounds. Reflecting these conditions, the Coleman Report found that a higher proportion of teachers in schools serving disadvantaged areas are dissatisfied with their present assignments and with their students than are their counterparts in other schools. 13

Studies have shown that the attitudes of teachers toward their students have very powerful impacts upon educational attainment. The more teachers expect from their students—however disadvantaged those students may be—the better the students perform. Conversely, negative teacher attitudes act as self-fulfilling prophecies: the teachers expect little from their students; the students fulfill the expectation. As Dr. Kenneth Clark observed: "Children who are treated as if they are uneducable invariably become uneducable." 14

In disadvantaged areas, the neighborhood school concept tends to concentrate a relatively high proportion of emotionally disturbed and other problem children in the schools. Disadvantaged neighborhoods have the greatest need for health personnel, supplementary instructors, and counselors to assist with family problems, provide extra instruction to lagging students and deal with the many serious mental and physical health deficiencies that occur so often in poverty areas.

These conditions, which make effective teaching more difficult, reinforce negative teacher attitudes. A 1963 survey of Chicago public schools showed that the condition creating the highest amount of dissatisfaction among teachers was lack of adequate provision for the treatment of maladjusted, retarded, and disturbed pupils. About 79 percent of elementary school teachers and 67 percent of high school teachers named this item as a key factor. The need for professional support for teachers in dealing with these extraordinary problems is seldom, if ever, met.

 Although special schools or classes are available for emotionally disturbed and mentally handicapped children, many pupils requiring such help remain in regular classes because of negligence, red tape, or unavailability of clinical staff. An example is provided by a National Education Association study of Detroit: 15

Before a disturbed child can receive psychological assistance, he must receive diagnostic testing. But before this happens, the teacher must fill in a form to be submitted to a central office committee. If the committee decides that psychological testing is in order, the teacher must fill out a second form to be submitted to the psychological clinic. The child may then be placed on the waiting list for psychological testing. The waiting period may last for several weeks, several months, or several years. And while he waits, he "sits in" the regular classroom. Since visiting teachers are scarce and special classes insufficient in number, the child who has been tested is usually returned to the regular classroom to serve more time as a "sit-in."

Teaching in disadvantaged areas is made more difficult by the high rate of student turnover. In New York City during 1963–64, seven of every 10 students in the average segregated Negro-Puerto Rican elementary school either entered or left during the year. 16 Similar conditions are common to other inner-city schools. Continuity of education thus becomes exceedingly difficult—the more so because many of the students entering ghetto schools during the school year come from rural southern schools and are behind even the minimum levels of achievement attained by their fellow northern-born students.

Enrollments

In virtually every large American city, the inner-city schools attended by Negroes are the most overcrowded. We have cited the vast population exchange—relatively affluent whites leaving the city to be replaced by Negroes—which has taken place over the last decade. The impact on public education facilities has been severe.

Despite an overall decrease in the population of many cities, school enrollment has increased. Over the last 15 years, Detroit has lost approximately 20,000 to 30,000 families. Yet during that same period the public school system gained approximately 50,000 to 60,000 children. Between 1961 and 1965, Detroit’s Negro public school enrollment increased 31,108, while white enrollment dropped 23,748. In Cleveland, between 1950 and 1965, a population loss of 130,000 coincided with a school enrollment increase of 50,000 students. Enroll-

16 The comparable rate in the white schools was four of 10.
ment gains in New York City and Chicago were even larger.

Although of lesser magnitude, similar changes have occurred in the public school systems of many other large cities. As white students withdraw from a public school, they are replaced by greater numbers of Negro students—reflecting the fact that the Negro population is relatively younger, has more children of school age, makes less use of private schools, and is more densely concentrated than the white population.

As a result, Negro school enrollments have increased even more rapidly than the total Negro central-city population. In Cincinnati, for example, between 1960 and 1965 the Negro population grew 16 percent while Negro public school enrollment increased 26 percent. The following data for four other cities illustrate how the proportion of Negroes in public schools has outgrown the Negro proportion of the total city population:

<table>
<thead>
<tr>
<th>City</th>
<th>Negro percent of population 1965</th>
<th>Negro percent of public school enrollment 1965</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atlanta</td>
<td>36.6</td>
<td>43.3</td>
</tr>
<tr>
<td>Milwaukee</td>
<td>3.5</td>
<td>10.8</td>
</tr>
<tr>
<td>Oakland</td>
<td>12.4</td>
<td>30.0</td>
</tr>
<tr>
<td>Washington</td>
<td>35.0</td>
<td>55.0</td>
</tr>
</tbody>
</table>

Negroes now comprise a majority or near majority of public school students in seven of the 10 largest American cities, as well as in many other cities. The following table illustrates the percentage of Negro students for the period 1965–1966 in the public elementary schools of 42 cities, including the 28 largest, 17 of which have Negro majorities:

<table>
<thead>
<tr>
<th>City</th>
<th>Negro percent 1965</th>
<th>Negro percent of public school enrollment 1965</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington, D.C.</td>
<td>90.9</td>
<td></td>
</tr>
<tr>
<td>Kansas City</td>
<td>42.4</td>
<td></td>
</tr>
<tr>
<td>Cincinnati</td>
<td>40.3</td>
<td></td>
</tr>
<tr>
<td>city</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Facilities and Curricula

Inner-city schools are not only overcrowded; they also tend to be the oldest and most poorly equipped. In Detroit, 30 of the school buildings still in use in these areas were dedicated during the administration of President Grant. In Cincinnati, although from

Because this rapid expansion of Negro population has been concentrated in segregated neighborhoods, ghetto schools have experienced acute overcrowding. Shortages of textbooks and supplies have developed. Double shifts are common; hallways and other nonclassroom space have been adapted for class instruction; and mobile classroom units are used. Even programs for massive construction of new schools in Negro neighborhoods cannot always keep up with increased overcrowding.

From 1951 to 1963, the Chicago Board of Education built 266 new schools or additions, mainly in all-Negro areas. Yet a special committee studying the schools in 1964 reported that 40 percent of the Negro elementary schools had more than 35 students per available classroom, as compared to 12 percent of the primarily white elementary schools. Of the eight Negro high schools, five had enrollments over 50 percent above designed capacity. Four of the 10 integrated high schools, but only four of the 26 predominantly white high schools, were similarly overcrowded. Comparable conditions prevail in many other large cities.

The Civil Rights Commission found that two-thirds of the predominately Negro elementary schools in Atlanta were overcrowded. This compared with 47 percent of the white schools. In 1965, all Atlanta Negro high schools were operating beyond their designed capacity; only one of three all-white high schools and six of eight predominately white schools were similarly overcrowded.

Washington, D.C., elementary schools with 85–100 percent Negro enrollments operated at a median of 115 percent of capacity. The one predominately white high school operated at 92.3 percent, an integrated high school at 101.1 percent, and the remaining schools—all predominately Negro—at 108.4 percent to 127.1 percent of capacity.

Overcrowded schools have severe effects on education, the most important of which is that teachers are forced to concentrate on maintaining classroom discipline, and thus have little time and energy to perform the primary function—educating the students.
1950 to 1965 Negro student population expanded at a faster pace than white, most additional school capacity planned and constructed was in predominately white areas. According to a Civil Rights Commission report on Cincinnati, the added Negro pupil population was housed, for the most part, in the same central-city schools vacated by the whites.

With respect to equipment, the Coleman Report states that, “Negro pupils have fewer of some of the facilities that seem most related to achievement: They have less access to physics, chemistry, and language laboratories; there are fewer books per pupil in their libraries; their textbooks are less often in sufficient supply.”

The quality of education offered by ghetto schools is diminished by use of curricula and materials poorly adapted to the life-experiences of the students. Designed to serve a middle-class culture, much educational material appears irrelevant to the youth of the racial and economic ghetto. Until recently, few texts featured any Negro personalities. Few books used or courses offered reflected the harsh realities of life in the ghetto, or the contribution of Negroes to the country’s culture and history. This failure to include materials relevant to their own environment has made students skeptical about the utility of what they are being taught. Reduced motivation to learn results.

**Funds**

Despite the overwhelming need, our society spends less money educating ghetto children than children of suburban families. Comparing the per capita education costs for ghetto and suburban schools—one educator, in testimony before this Commission, said:

> If the most educated parents with the highest motivated children find in their wisdom that it costs $1,500 per child per year to educate their children in the suburbs, isn’t it logical that it would cost an equal amount to educate the less well motivated, low-income family child in the inner city? Such cost would just about double the budget of the average inner-city school system.

Twenty-five school boards in communities surrounding Detroit spent up to $500 more per year to educate their children than the city. Merely to bring the teacher/pupil ratio in Detroit in line with the state average would require an additional 1,650 teachers at an annual cost of approximately $13 million.

There is evidence that the disparity in educational expenditures for suburban and inner-city schools has developed in parallel with population shifts. In a study of 12 metropolitan areas, the Civil Rights Commission found that, in 1950, 10 of the 12 central cities spent more per pupil than the surrounding suburbs; by 1964, in seven of the 12, the average suburb spent more per pupil than the central city.

This reversal reflects the declining or stagnant city tax base, and increasing competition from nonschool needs (police, welfare, fire) for a share of the municipal tax dollar. Suburbs, where nonschool needs are less demanding, allocate almost twice the proportion of their total budgets to education as the cities.

State contributions to city school systems have not had consistent equalizing effects. The Civil Rights Commission found that, although state aid to city schools has increased at a rate proportionately greater than for suburban schools, states continue to contribute more per pupil to suburban schools in seven of the 12 metropolitan areas studied. The following table illustrates the findings:

<table>
<thead>
<tr>
<th>Place</th>
<th>Amount per pupil 1950</th>
<th>Amount per pupil 1964</th>
<th>Percent increase 1950-64</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baltimore City</td>
<td>$71</td>
<td>$171</td>
<td>140.8</td>
</tr>
<tr>
<td>Suburbs</td>
<td>90</td>
<td>199</td>
<td>121.1</td>
</tr>
<tr>
<td>Birmingham City</td>
<td>90</td>
<td>201</td>
<td>123.3</td>
</tr>
<tr>
<td>Suburbs</td>
<td>54</td>
<td>150</td>
<td>177.7</td>
</tr>
<tr>
<td>Boston City</td>
<td>19</td>
<td>52</td>
<td>273.7</td>
</tr>
<tr>
<td>Suburbs</td>
<td>30</td>
<td>75</td>
<td>150.0</td>
</tr>
<tr>
<td>Buffalo City</td>
<td>135</td>
<td>294</td>
<td>110.4</td>
</tr>
<tr>
<td>Suburbs</td>
<td>165</td>
<td>270</td>
<td>63.6</td>
</tr>
<tr>
<td>Chattanooga City</td>
<td>62</td>
<td>136</td>
<td>119.4</td>
</tr>
<tr>
<td>Suburbs</td>
<td>141</td>
<td>152</td>
<td>7.8</td>
</tr>
<tr>
<td>Chicago City</td>
<td>42</td>
<td>154</td>
<td>296.6</td>
</tr>
<tr>
<td>Suburbs</td>
<td>32</td>
<td>110</td>
<td>243.8</td>
</tr>
<tr>
<td>Cincinnati City</td>
<td>51</td>
<td>91</td>
<td>78.4</td>
</tr>
<tr>
<td>Suburbs</td>
<td>78</td>
<td>91</td>
<td>16.7</td>
</tr>
<tr>
<td>Cleveland City</td>
<td>50</td>
<td>88</td>
<td>76.0</td>
</tr>
<tr>
<td>Suburbs</td>
<td>39</td>
<td>88</td>
<td>125.6</td>
</tr>
<tr>
<td>Detroit City</td>
<td>135</td>
<td>189</td>
<td>40.0</td>
</tr>
<tr>
<td>Suburbs</td>
<td>149</td>
<td>249</td>
<td>61.1</td>
</tr>
<tr>
<td>New Orleans City</td>
<td>152</td>
<td>239</td>
<td>57.2</td>
</tr>
<tr>
<td>Suburbs</td>
<td>112</td>
<td>259</td>
<td>121.4</td>
</tr>
<tr>
<td>St. Louis City</td>
<td>70</td>
<td>131</td>
<td>97.1</td>
</tr>
<tr>
<td>Suburbs</td>
<td>61</td>
<td>143</td>
<td>134.4</td>
</tr>
<tr>
<td>San Francisco City</td>
<td>122</td>
<td>161</td>
<td>33.6</td>
</tr>
<tr>
<td>Suburbs</td>
<td>160</td>
<td>261</td>
<td>63.1</td>
</tr>
</tbody>
</table>

Source: U.S. Commission on Civil Rights, "Racial Isolation in the Public Schools".

Federal assistance, while focused on the inner-city schools, has not been at a scale sufficient to remove this disparity. In the 1965–66 school year, Federal aid accounted for less than 8 percent of total educational expenditures. Our survey of Federal programs in Detroit, Newark, and New Haven during the school year 1967–68 found that a median of approximately half the eligible school population is receiving assistance under Title I of the Elementary and Secondary Education Act (ESEA).
Community-School Relations

Teachers of the poor rarely live in the community where they work and sometimes have little sympathy for the life styles of their students. Moreover, the growth and complexity of the administration of large urban school systems has compromised the accountability of the local schools to the communities which they serve, and reduced the ability of parents to influence decisions affecting the education of their children. Ghetto schools often appear to be unresponsive to the community, communication has broken down, and parents are distrustful of education officials.

The consequences for the education of students attending these schools are serious. Parental hostility to the schools is reflected in the attitudes of their children. Since the needs and concerns of the ghetto community are rarely reflected in educational policy formulated on a citywide basis, the schools are often seen by ghetto youth as irrelevant.

On the basis of interviews of riot-area residents in Detroit, Dr. Charles Smith, of the U.S. Office of Education's comprehensive elementary and secondary education program, testified that "[O]ne of the things that came through very clearly to us is the fact that there is an attitude which prevails in the inner city that says in substance we think education is irrelevant."

Dr. Dodson explained this phenomenon as follows:

This divergence of goals [between the dominant class and ghetto youth] makes schools irrelevant for the youth of the slum. It removes knowledge as a tool for groups who are deviant to the ethos of the dominant society. It tends to destroy the sense of self-worth of minority background children. It breeds apathy, powerlessness, and low self-esteem. The majority of ghetto youth would prefer to forego the acquisition of knowledge if it is at that cost. One cannot understand the alienation of modern ghetto youth except in the context of this conflict of goals.

The absence of effective community-school relations has deprived the public education system of the communication required to overcome this divergence of goals. In the schools, as in the larger society, the isolation of ghetto residents from the policy-making institutions of local government is adding to the polarization of the community and depriving the system of its self-rectifying potential.

Ghetto Environment

All of the foregoing factors contribute substantially to the poor performance of ghetto schools. Inadequate and inefficient as these schools are, the failure of the public education system with respect to Negro students cannot be appraised apart from the constant and oppressive ghetto environment.

The interaction of the ghetto environment and the schools is described in the following testimony of Superintendent Briggs of Cleveland:

But what about the child of the ghetto? It is he whom we must save for we cannot afford to lose this generation of young Americans.

If this child of despair is a young adult, there is a better than 50 percent chance that he is a high school dropout. He is not only unemployed, but unemployable, without a salable skill. Neither of his parents went beyond the eighth grade. Preschool or nursery school was out of the question when he was four, and when he was five he was placed on a kindergarten waiting list. . . . At six he entered school; but could only attend for half a day because of the big enrollments. . . . During his six years in elementary school, he attended four different schools because the family moved often, seeking more adequate housing for the six children. When he got to high school he wanted vocational training, but none was available.

The family was on relief and he couldn't afford a good lunch at noon because Cleveland schools at that time were not participating in the Federal hot lunch program and the average cost of lunches amounted to 70 cents.

Of his few friends who were graduated from high school none had found jobs and they couldn't afford to go to college.

Here he is now, discouraged and without hope—economically incompetent at a time in life when, traditionally, young Americans have entered the economic mainstream as job holders.

A younger brother, age 9, is now in the fourth grade. He attends a new school, opened in 1964. Though he lives one mile from Lake Erie, he has never seen it. He has never taken a bus ride, except when his class at school went on a field trip. The family still does not subscribe to a daily newspaper. The television set is broken and there is no money to have it repaired. His mother has never taken him downtown shopping.

He has never been in the office of a dentist and has seen a physician only at the local clinic when he was injured playing in an abandoned house in the neighborhood. At home there are no books. His toys, if any, are second-hand. His shoes are too small and his sweat shirt, bought for 25 cents at a rummage sale, bears the insignia of a suburban school system.

Each morning he looks forward anxiously to the free milk he gets at school because there is no breakfast at home.

He can't study well at home because of the loud blare of rock-and-roll music from the bar up the street. There are nine bars in his rather compact neighborhood. * * *

The screaming police siren is a very familiar sound to him for he hears it regularly in his neighborhood, where the crime rate is Cleveland's highest.

These boys both have better than average intelligence but they are the victims of neglect and are lost in the maze of statistics. Their plight and that of thousands like them in America's ghettos can certainly be considered the most pressing unattended business on America's agenda.

Basic Strategies

To meet the urgent need to provide full equality of educational opportunity for disadvantaged youth, we recommend pursuit of the following strategies:
Students from disadvantaged minorities in city school populations will not soon be reversed. No matter how great the effort toward desegregation, many children of the ghetto will not, within their school careers, attend integrated schools.

If existing disadvantages are not to be perpetuated, we must improve dramatically the quality of ghetto education. Equality of results with all-white schools in terms of achievement must be the goal.

We see no conflict between the integration and quality education strategies we espouse. Commitment to the goal of integrated education cannot diminish the reality of today’s segregated and unequal ghetto schools nor sanction the tragic waste of human resources which they entail.

Far from being in conflict, these strategies are complementary. The aim of quality education is to compensate for and overcome the environmental handicaps of disadvantaged children. The evidence indicates that integration, in itself, does not wholly achieve this purpose. Assessing his report in light of interpretation by others of its findings, Dr. Coleman concludes that:

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Head Start enrollee, District of Columbia, 1966
it is also true that even in socially or racially integrated schools a child's family background shows a very high relation to his performance. The findings of the [Coleman] Report are quite unambiguous on this score. Even if the school is integrated, the heterogeneity of backgrounds with which children enter school is largely preserved in the heterogeneity of their performance when they finish. As the Report indicates, integration provides benefits to the underprivileged. But it takes only a small step toward equality of educational opportunity.\textsuperscript{28}

Moreover, most large integrated schools retain a form of ability grouping, normally resulting in resegregation along racial lines. The Civil Rights Commission found that "many Negro students who attend majority-white schools in fact are in majority-Negro classrooms."\textsuperscript{29}

In short, compensatory education is essential not only to improve the quality of education provided in segregated ghetto schools, but to make possible both meaningful integration and maximum achievement in integrated schools.

Attainment of this goal will require adoption of a comprehensive approach designed to reconstruct the ghetto child's social and intellectual environment, compensate for disadvantages already suffered and provide necessary tools for development of essential literacy skills. This approach will entail adoption of new and costly educational policies and practices beginning with early childhood and continuing through elementary and secondary schools. It will require extraordinary efforts to reconnect parents with the schools. It will also require unique experimentation with new methods to bring back into the educational process street-oriented teenagers and subteenagers who have lost all connection with existing school institutions.

- Improving Community-School Relations.

In an atmosphere of hostility between the community and the schools, education cannot flourish. A basic problem stems from the isolation of the schools from the other social forces influencing youth. Changes in society—mass media, family structure, religion—have radically altered the role of the school. New links must be built between the schools and the communities they serve. The schools must be related to the broader system which influences and educates ghetto youth.

Expansion of opportunities for community and parental participation in the school system is essential to the successful functioning of the inner-city schools.

- Expanding Opportunities for Higher and Vocational Education.

To increase the relevance of education to the needs and aspirations of disadvantaged youth and to prepare them for full participation in American society,

\textsuperscript{28} "Towards Open Schools," James S. Coleman, \textit{The Public Interest}, Fall 1967, p. 23.

\textsuperscript{29} "Racial Isolation in the Public Schools," p. 162.
requested by the administration and the far lower sums appropriated by the Congress.

We believe that the Title IV program should be reoriented and expanded into a major Federal effort to provide comprehensive aid to support state and local desegregation projects.

To accomplish this purpose, Title IV should become the vehicle for a comprehensive Federal construction, technical assistance and operating grant program. Successful implementation will require repeal of the present statutory prohibition against provision of assistance to support and encourage desegregation through "assignment of students to public schools in order to overcome racial imbalance." To stimulate planning, formulation of long-term integration plans by applicant state and local agencies should be required as a condition to receiving assistance. Title IV aid would be available only for projects which promote integrated education in accordance with such plans.

**Bonus Support.** As an additional incentive to integration, the Title IV program might well be modified to provide substantially increased support upon attainment of specified levels of racial integration. Such bonus assistance should be large enough to enable each recipient school to attain a clearly superior quality of education in comparison with nonintegrated schools.

**Exemplary Schools.** The Title IV program should stimulate development of exemplary city or metropolitan schools offering special courses and programs designed to attract, on a voluntary basis, students of varying racial and socioeconomic backgrounds on a full- or part-time basis. These model programs should make extensive and imaginative use of resources uniquely available to city schools—the city itself, its museums, galleries, governmental institutions, and other public and private facilities.

To the extent that the quality of city schools influences migration to the suburbs, development of exemplary schools could operate to retain middle-class white families in the city and induce others to return, thereby increasing opportunities for integration. Through educational planning on a metropolitan basis, fostered by direct federal grants to cooperative planning bodies encompassing city and suburban school districts, opportunities for engaging central-city and suburban students in common educational experiences can be provided.

Specific methods of providing integrated educational experiences under this program could include the following:

- Establishment of major educational magnet schools: Depending upon the size and racial character of the city and its suburbs, these schools could serve all the students of a small city, students living in different sections of a large city or subdivisions of a metropolitan area. Special curricula could include intensive instruction or specialized educational programs (for example, science or commerce).
- Establishment of supplemental education centers: These centers would offer specialized facilities and instruction to students from different schools for a portion of the school day. It is most important that courses be developed and scheduled to provide racially integrated educational experiences.

**Educational Parks.** Such a reoriented Title IV program could provide support, including construction funds, for communities choosing to develop the promising but costly educational parks now under consideration in several cities.

As contrasted with the magnet schools and supplementary centers described above, educational parks would consolidate or cluster existing schools, thereby broadening attendance areas to bring within the school zone a racially and economically heterogeneous population. These parks could be developed in conjunction with metropolitan plans to serve students from the suburbs, as well as the city. Their location should be selected to accomplish this objective.

Because of the economies of size made possible through consolidation, the quality of education offered educational-park students could be improved. Problems raised by the size of such institutions could be overcome through inclusion of smaller subunit schools and individualized instruction made feasible by educational technology (computers, television) and savings resulting from the school consolidation program.

**Eliminating discrimination in Northern schools.** While racial isolation in the urban public schools results largely from residential segregation, there is evidence that racial discrimination also plays a part in reducing opportunities for integration.

For example, the Civil Rights Commission found that, when crowding in certain Cleveland and Milwaukee Negro schools became acute, school authorities began busing students to nearby under-utilized white schools, where they were segregated in separate classrooms and separate lunchroom facilities. When Negro residents objected, school officials in Milwaukee canceled busing altogether as "educationally undesirable," even though white students had been bused and integrated into receiving school classrooms for years. In Cincinnati, to relieve overcrowding in a Negro school, students were bused past several nearby white schools with available space to a 98 percent Negro school, 5.5 miles away.

The Civil Rights Commission also reported that in many cities school attendance boundaries and location of new schools have been designed to perpetuate racial segregation.
Title VI. Under Title VI of the Civil Rights Act of 1964, the Congress prohibited Federal financial aid to any program or activity which practices racial discrimination.

Federal law requires that Title VI be applied uniformly in all states. Implementing this provision, the Department of Health, Education and Welfare has recently instituted a survey to examine compliance with Title VI in school districts of all 50 states. The Department has made clear that its investigation is not directed at de facto segregation arising from reasonable application of neighborhood attendance policies.

We support this effort and urge that it be followed by vigorous action to assure full compliance with Federal law in all sections of the country. Sufficient staff and resources should be provided HEW, so that this program can be effectively carried out without reducing the Title VI effort in the South.

Providing Quality Education in Ghetto Schools.

Improving the Quality of Teaching in Ghetto Schools. The teaching of disadvantaged children requires special skills and capabilities. Teachers possessing these qualifications are in short supply. We need a national effort to attract to the teaching profession well-qualified and highly motivated young people and to equip them to work effectively with disadvantaged students.

The Teacher Corps program is a sound instrument for such an effort. Established by the Higher Education Act of 1965, it provides training in local colleges or universities for college graduates interested in teaching in poverty areas. Corpsmen are assigned to poverty area schools at the request of local school systems and with approval of state educational agencies. They are employed by the school system and work in teams headed by experienced teachers.

The National Advisory Council on the Education of Disadvantaged Children, and the National Education Association found that the Teacher Corps succeeded in attracting dedicated young people to the teaching profession, training them to teach effectively in poverty areas, and making substantial contributions to the education of students.

The impact of this highly promising program has been severely restricted by limited and late funding. There are now only 1,406 interns and 330 team leaders in the entire nation. The Teacher Corps should be expanded into a major national program.

The Education Professions Development Act (“EPDA”) provides grants and fellowships to attract qualified persons to the field of education, and improve the ability of teachers through advanced training and retraining. The Act also provides funds for institutes and workshops for other educational personnel, including guidance counselors, social workers, teacher aides and administrators. Finally, EPDA offers grants to local educational agencies experiencing critical shortages of teachers and teacher aides.

We recommend that the EPDA program focus on the special need for expanding the supply and improving the quality of teachers working in schools serving disadvantaged students and that it be substantially funded.

Concomitantly, teacher training institutions should place major emphasis on preparing teachers for work in schools serving disadvantaged children. Courses should familiarize teacher candidates with the history, culture and learning problems of minority group pupils.

Class work alone, however, cannot be expected adequately to equip future teachers of disadvantaged children. Intensive in-service training programs designed to bring teacher candidates into frequent and sustained contact with inner-city schools are required.

Other professionals and nonprofessionals working in ghetto-related activities—social workers, street workers—could be included as instructors in teacher training programs.

Year-Round Education for Disadvantaged Students. The present, anachronistic practice of releasing hundreds of thousands of children from a relatively full school schedule to idleness in the summer months is both a substantial factor in producing disorders and a tragic waste of time and facilities. Financing should be provided, through ESEA, for large-scale, year-round educational programs in the disadvantaged areas of our cities. The testimony before this Commission, including that of Cabinet members and public educators, was unanimous in its support of this proposal.

What is needed is not 12 months of the same routine, but innovative programs tailored to total educational needs, and providing a wide range of educational activities (verbal skills, culture and arts, recreation, job training, work experience and camps).

Planning on a 12-month basis will be required. ESEA assistance should be provided through a single grant program (rather than separate 10-month and summer grants) and conditioned on development of year-round educational plans. Technical assistance should be made available for such planning.

As a step toward year-round education, Federal funds should be made available for school and camp programs this summer.

The National Advisory Council on Education of Disadvantaged Children studied summer programs established with ESEA funds and found that they offer special opportunities for new approaches to teaching disadvantaged children.

Summer camp programs offer significant educational and recreational opportunities and should be encouraged. Educational components, particularly verbal-
skills projects, should be incorporated. It is essential that Federal aid for such projects be committed well before the end of this school year, so that adequate time to design effective programs is available.

*Early Childhood Education.* Early childhood education is the very heart of the effort to reconstruct the environment which incapacitates disadvantaged children educationally, even before they enter the school system. Comprehensive preschool programs are essential to overcome the early language deprivation and conceptual disabilities of these children. Yet no more than 40 percent of the eligible school population in most disadvantaged central-city areas is receiving even 1 year (age 4) of preschool training.

We believe that the time has come to build on the success of the Head Start and other preschool programs in order to bring the benefits of comprehensive early childhood education to all children from disadvantaged homes, and to extend the reach to younger children. For this purpose, the Office of Economic Opportunity should receive substantially increased funds.

Effective implementation of this expanded program will be vital to its success. We recommend the following guidelines:

- Early childhood education programs should provide comprehensive educational support tailored to the needs of the child, and should not be simply custodial care. Both day care and Head Start components are part of comprehensive early childhood education; each should be designed to overcome the debilitating effect of a disadvantaged environment on learning ability.

- Parents and the home environment have a critical impact on a child's early development. Early childhood programs should involve parents and the home, as well as the child. This can be accomplished through community education classes, and use of community aides and mothers' assistants. To reduce the incidence of congenital abnormalities, these community-based programs should be tied in with prenatal training.

- Since adequate facilities are scarce in many disadvantaged communities, where schools are overcrowded, and other buildings deteriorated, the program should provide funds for special early childhood education facilities.

- There is a need for maximum experimentation and variety. Funding should continue to support early childhood programs operated by community groups and organizations, as well as by the school system.

- Early childhood education programs should include provisions for medical care and food, so that the educational experience can have its intended impact.

*Improving Educational Practices — Elementary Schools.* Without major changes in educational practices, greater expenditures on existing elementary schools serving disadvantaged neighborhoods will not significantly improve the quality of education. Moreover, current assessments of preschool programs indi-
cate that their benefits are lost in the elementary grades, unless the schools themselves are improved.

We suggest adoption of the following educational practices to improve school performance:

- Extra incentives for highly qualified teachers working in ghetto and economically and culturally deprived rural area schools: The most effective means to attract such teachers is to make these schools exciting and attractive places to work. The recommended practices set forth below contribute toward this end. In addition, we suggest that opportunities for creative and imaginative teaching be expanded by allowing the teacher greater discretion in selection and presentation of materials. Such an approach is likely to produce benefits in terms of attraction and retention of excellent teachers and improved student performance. Rewards related to attainment of career objectives should be provided for teachers working in schools serving disadvantaged children. For example, all school systems should consider requiring service in such schools as a condition to advancement to administrative positions, where the experience gained would be of great value.

- Reduction in maximum class size: It is clear that disadvantaged students require more attention and exert greater demands on teacher time than middle-class students. While reduction of class size may not in itself improve pupil achievement, it will free teachers to devote more time to educating disadvantaged students. It is of vital importance, therefore, that efforts to reduce the maximum class size in schools serving disadvantaged students be coupled with programs designed to improve the skills and capacities of teachers of disadvantaged children.

- Recognition of the history, culture, and contribution of minority groups to American civilization in the textbooks and curricula of all schools: To stimulate motivation, school curricula should be adapted to take advantage of student experiences and interests.

- Provision of supplementary services in the schools for severely disadvantaged or disturbed students: Such services should be made available within the schools, rather than at centralized facilities and should include medical and psychiatric care.

- Individualized instruction through extensive use of non-professional personnel: There is impressive evidence that these workers can make a meaningful contribution by providing individualized tutoring, and incentive lacking in segregated schools.

In the Homework Helper program in New York City, pupils in the fourth through sixth grades were tutored after school by senior high school students. Tutoring was provided four afternoons a week under the supervision of a master teacher; the tutors received training on the fifth day. Initiated with a Ford Foundation grant primarily to provide employment for high school students, the program had significant educational impact on both pupils and tutors.

The Neighborhood Youth Corps and the College Work-Study programs provide the tools for reproducing this program in every major city. In some cities, NYC students are already working in these schools. But in many, NYC job assignments are far less stimulating. Colleges and universities should be encouraged to assign more students participating in the College Work-Study program to tutorial projects.

Both programs, NYC and College Work-Study, should be expanded and reoriented for this purpose.

- Intensive concentration on basic verbal skills: A basic problem in schools in large cities is the low achievement in the fundamental subjects of students from the disadvantaged areas. This has been documented in the HARYOU studies in New York, the study prepared for the McConne Commission following the Watts riot of 1965 and nationally in the Coleman Report. The lack of reading and writing ability affects detrimentally every other aspect of the later school program. Intensive assistance in literacy skills, including remedial assistance, should be provided in all schools serving disadvantaged children.

We recognize that the enrichment programs we recommend will be very costly. ESEA provides financial assistance for such programs, but the amounts available do not match the need. To make a significant improvement in the quality of education provided in schools serving disadvantaged children, ESEA funding should be substantially increased from its current level.

In addition, Title I should be modified to provide for greater concentration of aid to school districts having the greatest proportion of disadvantaged students. This can be accomplished by altering the formula governing eligibility to exclude affluent school districts with less than specified minimum numbers of poor students.

Improving Educational Practices — Secondary Schools. Many of the educational practices recommended for elementary schools are applicable at the secondary level. In addition, secondary school students require extensive guidance, counseling, and advice in planning education program and future careers. Such assistance, routinely provided by middle-class families, is lacking for the ghetto student. To promote its acceptance, indigenous personnel — college students, returning Vietnam veterans — should be utilized.

The new Stay in School program, for which the President recently requested an appropriation of $30 million, could provide funds for this and other projects designed to motivate disadvantaged high school students to pursue their education. We recommend that this program be fully funded.

Intensive National Program to Increase Verbal Skills of Ghetto Residents. For the products of the ghetto schools, many of them unemployed and functionally illiterate, these efforts will come too late. To compensate for educational disadvantages already incurred, we recommend a substantial appropriation to support an intensive year-round program beginning in the summer of 1968 to improve the verbal skills of people in low-income areas, with primary emphasis on the language problems of minority groups.

The present effort simply does not match the need. Current estimates indicate that there are approximately 16,300,000 educationally disadvantaged Americans (those who have less than an 8th grade education). While exact figures are not available, it is highly likely that a disproportionate number of the educationally disadvantaged are Negroes. Census data establishes that 36.9 percent of Negroes over 25 years of age, but only 14.8 percent of whites, are functionally illiterate.

The principal Federal literacy program — Adult
Basic Education—is meeting only a small fraction of this need; as of June 1966, it had provided assistance to some 373,000 people.

The adult basic education program is a sound instrument for implementing an intensive literacy program. By affording both the public schools and community-based organizations the opportunity to conduct literacy projects, this program provides desired flexibility. It should be strengthened and expanded to make a major impact on illiteracy.

To concentrate its effect where the need is greatest and the potential payoff high, we suggest that priority be given to the unemployed and underemployed and to welfare mothers. Increasing the literacy levels of these groups would eliminate a major barrier to productive employment, and improve support for education in the home.

The high school dropouts should be brought into the program by lowering the age limit from 18 to 16, as proposed by the President. Course offerings should be expanded to include matters of interest and concern to residents of low-income areas.

**Expanded Experimentation, Evaluation and Research.** Much remains to be learned about the most effective methods of teaching disadvantaged children in schools segregated by race and class. Research efforts should be increasingly oriented in this direction.

In addition to research, Federal support should be provided, for promising, but as yet unvalidated, experimental programs designed to involve the talents and resources of the entire community in support of education of disadvantaged children, and develop new and better educational techniques particularly adapted to the interests and needs of these students.

Among the educational approaches which we believe should be considered and evaluated are the current efforts to develop new patterns of education (such as storefront schools and street academies) for students who do not fit the traditional pattern, possible forms of competitive education (such as the use of businesses, universities and neighborhood corporations as subcontractors for the operation of certain education programs), concentration of assistance to a few schools serving ghetto children to test the effects of a maximum compensatory education effort, development of model experimental subsystems (high school and several feeder schools to provide specialized instruction), and teaching English as a second language to ghetto students whose dialect often constitutes a first language.

Finally, there is great need to evaluate not only these experimental programs but the entire enrichment effort. The Elementary and Secondary Education Act should be amended to require recipient school systems to undertake a thorough evaluation of their compensatory education effort, as a condition to receiving ESEA funds.

*Improving Community-School Relations*

**Community Participation in the Educational Process Should Be Encouraged.** The school systems of our largest cities have become highly centralized, with decisionmaking responsibility for a large and disparate population concentrated in a central board of education. While this process has produced substantial benefits—citywide tax base and nonpolitical administration—it has sometimes entailed serious sacrifices in terms of accountability and community participation. What is necessary is to preserve the worthwhile features present in the existing system while eliminating the liabilities thus far encountered. The objective must be to make public education more relevant and responsive to the community, and to increase support for it in the home.

This can be accomplished through maintaining centralized control over educational standards and the raising of revenue, while decentralizing control over other aspects of educational policy. The precise mix must be determined locally. However, specific mechanisms for seeking the advice and consultation of students and parents such as parents advisory councils or other similar bodies should be adopted.

**Ghetto Schools Should Serve as Community Centers.** School facilities should be available during and after normal school hours for a variety of community service functions, delivery of social services by local agencies (including health and welfare), adult and community training and education programs, community meetings, recreational and cultural activities. Decentralization and the establishment of parents advisory councils will afford the community a means through which to communicate needs for such services and to play an active role in shaping activities. In addition to making better use of the major capital investment in school plants, this approach will encourage ghetto residents to regard their schools not as alien institutions but as vital community centers.

**Use of Local Residents as Teacher Aides and Tutors.** We have noted the educational gains accomplished through use of local, subprofessional personnel in the schools. These workers can contribute to improved community-school relations by providing a close link between the school system and the parents.

**Results of Achievement and Other Tests Should Be Made Public on a Regular Basis.** To increase the accountability of the public schools, the results of their performance should be made available to the public. Such information is available in some, but not all, cities. We see no reason for withholding useful and highly relevant indices of school (but not individual student) performance and recommended that all school systems adopt a policy of full public disclosure.
Expanding Opportunities for Higher Education

By enactment of the Higher Education Act of 1965, the Congress committed this Nation to the goal of equal opportunity for higher education for all Americans, regardless of race or economic circumstance. While progress has been made, this goal, the key to virtually all managerial and professional jobs remains for the disadvantaged student an unfulfilled promise.

Mr. Harvey Oostdyck, Educational Director of the New York Urban League, testified that less than 1 percent of the youth in Harlem go to college. In the Nation, approximately 8 percent of disadvantaged high school graduates, many of whom are Negro, attend college; the comparable figure for all high school graduates is more than 50 percent.

The fundamental reasons for this disparity lie in the cost of higher education and the poor quality of elementary and secondary education available to disadvantaged minorities. In the preceding sections, we have recommended programs which we believe will ultimately eliminate these differences. But the full effect of these changes will not be felt for some years. In the interim, if we are to provide equality of opportunity for disadvantaged youth with college potential, special programs are needed.

Expansion of Upward-Bound and Establishment of Special 1-Year Postgraduate College Preparatory Schools. The Upward-Bound program of the Office of Economic Opportunity, under which students from poverty backgrounds attend intensive 6- to 8-week summer sessions on college campuses and receive special assistance throughout the school year, is designed to motivate and prepare disadvantaged youth for college. The program has been effective. Of the 23,000 students covered in 1967 (52 percent of whom were Negro), 83 percent went on to college. However, the size of the Upward Bound program is far short of the need. Estimates indicate that some 600,000 poverty-area students could usefully be included.

We believe that the Upward-Bound concept is sound and recommend that the program be substantially expanded.

Even an expanded Upward-Bound program will not compensate for the poor level of secondary school education attained by ghetto youth. We recommend that Federal funds be available for special 1-year educational programs with the function of providing college preparatory training for disadvantaged youth. These programs could be operated by community colleges or local boards of education.

Removing Financial Barriers to Higher Education. The effort to assist qualified but needy young people to obtain a higher education should be strengthened and expanded.

Through the Educational Talent Search program, the Federal Government provides financial assistance to public and nonprofit agencies to identify and encourage disadvantaged young people with college potential to enter or reenter educational programs. The President's proposed Educational Opportunity Act of 1968 would provide combined grant, work, and loan aid to poor college-bound students in need of financial assistance. Such assistance should be sufficiently flexible and substantial to accommodate the differing needs of individual students.

These programs can make an important contribution to realization of the goal set by the President in his 1968 Education Message to the Congress "that every qualified young person *** have all the education he wants and can absorb." If this promise is to become a reality, these programs must be funded at a level commensurate with need.

The benefit gained by increasing opportunities for disadvantaged students to seek and obtain higher education can be amplified by providing incentives for college-trained public service personnel (particularly teachers and health workers) needed to work in poverty areas. This can be accomplished by providing for the cancellation of loans at a reasonable annual rate, if the recipient works in a low-income area. Such a forgiveness feature is included in the National Defense Education Act loan program.

Expanding Opportunities for Vocational Education

Despite substantially increased efforts made possible by the Vocational Education Act of 1963, quality vocational education is still not available to all who need it. The recent report of the Advisory Council on Vocational Education, established to evaluate the Act, concluded that, although five out of six youths never achieved a college education, only a quarter of the total high school population in the country receive vocational education. Similarly, a 1964 Labor Department survey found that less than one-half of the non-trained-college-labor force had any formal preparation for the jobs they held.

Existing vocational training programs are not effectively linked to job opportunities. The Advisory
Vocational education is that training be linked to available schools attempt to improve the quality of their student body fully engaged. Consideration should be given to releasing defining job needs and effective training practices should be jobs with upward mobility potential. To accomplish this most successful vocational programs are those which assume and enhance their prestige by raising entrance requirements. Yield high placement records, high employment stability and vocational education programs should provide literacy training, obviously indispensable to productive employment. All vocational and other funds. We suggest the following guidelines:

- Inclusion of intensive literacy training: Literary skills are obviously indispensable to productive employment. All vocational education programs should provide literacy training, either directly or in conjunction with Adult Basic Education or other programs.

- Greater emphasis on part-time cooperative education programs combining formal instruction and on-the-job training, through use of released time: The Advisory Council found that these programs, which provide students with jobs upon completion of the course, are the best available in the vocational education field. They consistently yield high placement records, high employment stability and high job satisfaction. The most important factor in improving vocational education is that training be linked to available jobs with upward mobility potential. To accomplish this goal, the active cooperation of the business community in defining job needs and effective training practices should be fully engaged. Consideration should be given to releasing students to attend pretraining Opportunities Industrialization Centers.

- Full implementation of vocational training programs for high school dropouts: The Advisory Council found that assistance available under the Vocational Education Act for the training of this group is not being adequately utilized. The need for doing so is critical.

- Elimination of barriers to full participation of ghetto youth in vocational education programs: Some vocational schools attempt to improve the quality of their student body and enhance their prestige by raising entrance requirements. This policy eliminates those in greatest need. This practice should be discontinued and support for these students should be expanded.

- Followup support and assistance to ghetto youth receiving vocational training: The Advisory Council reported that “the most successful vocational programs are those which assume responsibility for placing their graduates and thus get feedback on their strengths and weaknesses.”

32 Ibid., p. 62.

Implementation of These Programs

The Federal role.—The principal burden for funding the programs we have proposed will fall upon the Federal Government. Caught between an inadequate and shrinking tax base and accelerating demands for public expenditures, the cities are not able to generate sufficient financing. Although there is much more that state government can and should do, the taxing resources available at this level are far from adequate. The Federal Government has recognized and responded to this need. Federal expenditures for education, training, and related services have increased from $4.7 billion in fiscal 1964 to $12.3 billion in fiscal 1969. These figures include aid for preschool, elementary, secondary and higher education, vocational education, work-training and activities not related to the education of disadvantaged students. This network of Federal educational programs provides a sound and comprehensive basis for meeting the interrelated educational needs of disadvantaged students. We need now to strengthen that base, as we have proposed, and to build upon it by providing greatly increased Federal funds for the education of the disadvantaged.

The state role.—Many states provide more support for suburban and rural schools than for inner-city education systems. Designed at a time when the suburban school systems were poorer than those in the cities, state aid formulas now operate to reinforce existing inequities.

We urge that every state reexamine its present method of allocating funds to local school districts, not merely to provide equal funds for all political subdivisions on a per-pupil basis, but to assure more per-student aid to districts having a high proportion of disadvantaged students. Only if equalization formulas reflect the need to spend larger amounts per pupil in schools predominantly populated by disadvantaged students will state aid be allocated on an equitable basis.

To assist the states in devising equalization formulas which would accomplish this objective, we recommend that the Office of Education develop prototype formulas. Federal programs should require allocation of Federal aid to education within each state in accordance with formulas which conform with the above criteria.

We recognize that virtually all school districts need more money than they now receive. Provision of expanded state aid to education may well be justified.
Whatever the amounts may be, we believe that allocation should be made in accordance with the standards described above.

Finally, the states and, in particular, the state education agencies, have a key role to play in accomplishing school integration. The states are in a unique position to bring about urban-suburban cooperation and metropolitan planning. We urge that the efforts of state educational agencies in this area be given clear direction through adoption of state-wide, long-term integration plans, and intensified by active promotion of such plans.

The local role.—We have emphasized that more money alone will not suffice. Accomplishment of the goal of meaningful educational opportunity for all will require exercise of enlightened and courageous leadership by local government. The programs which we have proposed can succeed only if imaginative and effective use is made locally of funds provided by the Federal and state governments. Mayors, city councils, school boards and administrators must lead the community toward acceptance of policies which promote integration while improving the quality of education in existing, racially segregated schools. The cooperation of their suburban counterparts is no less essential.

This responsibility is not limited to public officials. It is shared by the private community—business and professional leaders, clergymen, and civic organizations. Attainment of the goal of equal and integrated educational opportunity will require the leadership, support, talents and energies of the entire community.

III. THE WELFARE SYSTEM

Introduction

The Commission believes that our present system of public assistance contributes materially to the tensions and social disorganization that have led to civil disorders. The failures of the system alienate the taxpayers who support it, the social workers who administer it, and the poor who depend on it. As one critic told the Commission: “The welfare system is designed to save money instead of people and tragically ends up doing neither.”

The system is deficient in two critical ways:

First, it excludes large numbers of persons who are in great need, and who, if provided a decent level of support, might be able to become more productive and self-sufficient.

Second, for those who are included, it provides assistance well below the minimum necessary for a humane level of existence and imposes restrictions that encourage continued dependency on welfare and undermines self-respect.

In short, while the system is indispensable simply because for millions—mostly children—it supports basic needs, drastic reforms are required if it is to help people free themselves from poverty.

Existing welfare programs are a labyrinth of Federal, state and local legislation. Over 90 percent of national welfare payments are made through programs that are partly or largely federally funded. These reach nearly 8 million persons each month:

- 2.8 million are over 65, blind or otherwise severely handicapped.
- 3.9 million are children in the Aid for Dependent Children Program (AFDC), whose parents do not or cannot provide financial support.
- 1.3 million are the parents of children on AFDC. Of these, over one million are mothers and less than 200,000 are fathers; about two-thirds of the fathers are incapacitated. Only 60,000 fathers are in the special program called Aid To Families with Dependent Children (Unemployed Parents) (AFDC-UP) operating now in 22 states.

Among all welfare programs, AFDC and AFDC-UP have clearly the greatest impact on youths and families in central city areas; for this reason, they will be the principal focus for discussion here.

State and local governments contribute an average of about 45 percent of the cost of supporting the AFDC program, with each state setting the level of grants for its own residents. Accordingly, monthly payments vary widely from state to state. They range from $9.30 per AFDC recipient monthly in Mississippi to a high of $62.55 in New York. In fiscal year 1967, the total annual cost of the AFDC program, including Federal, state and local contributions, was approximately $2 billion, providing an average of about $36 monthly for each recipient.

This sum is well below the poverty subsistence level under almost any standard. The National Advisory Council on Public Welfare has commented:

The national average provides little more than half the amounts admittedly required by a family for subsistence; in some low-income states, it is less than a quarter of that amount. The low public assistance payments contribute to the perpetuation of poverty and deprivation that extend into future generations.

Over the last 6 years, despite the longest sustained period of economic progress in the history of this country, the AFDC caseload has risen each year while the unemployment rate has fallen. Cases increased nationally by 319,000 during fiscal year 1967 and will, under present HEW estimates, increase by another 686,000 during the fiscal year 1968. The burden of welfare and the burden of the increases will fall principally on our central cities. In New York City alone, 525,000 people receive AFDC support and 7,000 to 10,000 more
are added each month. And, it is estimated that in 1965, nationwide, over 50 percent of persons eligible to receive assistance under welfare programs were not enrolled.\textsuperscript{33}

In addition to the AFDC program, almost all states have a program of general assistance to provide minimum payments based largely or entirely on need. During calendar year 1966, the states spent $336 million on general assistance. No Federal funds have ever been available for this program. In fact, no Federal funds have ever been available for the millions of unemployed or underemployed men or women in the United States who are in need but are neither aged, severely handicapped nor the parents of minor children.

The dimensions of this "pool" of poor but unassisted individuals and families—either ineligible under present programs or eligible but unenrolled—is indicated by the fact that in 1966 there were 21.7 million nonaged persons in the United States with incomes below the poverty level as defined by the Social Security Administration. Only a third of these received assistance from major public welfare programs:

> The bulk of the nonaged poor live in families where there is a breadwinner who works either every day or who had worked a part of the year, so that the picture that people have of who the poor are is quite a different thing from an analysis of the poverty population. And what we have done in effect is carve out, because of our categorical approach to public assistance, a certain group of people within that overall poverty population to give help to.

Seventy percent of the nonaged poor families were headed by men, and 50 percent of these held full-time jobs and 86 percent of them worked at least part of the year, so that the typical poor family is much like the typical American family, except they don't make enough money. And they have been historically excluded from the AFDC program.\textsuperscript{34}

The gaps in coverage and low levels of payments are the source of much of the long-term dissatisfaction with the system. The day-to-day administration of the system creates even sharper bitterness and dissatisfaction, because it repeatedly serves to remind recipients that they are considered untrustworthy, ungrateful, promiscuous and lazy. Among the most troublesome statutory requirements and administrative practices and regulations are the following:

First, in most states benefits are available only when a parent is absent from the home. Thus, in these states an unemployed father whose family needs public assistance in order to survive, must either abandon his family or see them go hungry. This so-called "man-in-the-house" rule was intended to prevent payments to children who have an alternative potential source of support. In fact, the rule seems to have fostered the breakup of homes and perpetuated reliance on welfare. The irritation caused by the rule is aggravated in some states by regular searches of recipients' homes to ferret out violations.

Second, until recently all amounts earned by adult welfare recipients on outside jobs, except for small allowances for expenses, were deducted directly from the welfare payments they would otherwise have received. This practice, required by Federal law, appears to have taken away from many recipients the incentive to seek part- or full-time employment. The 1967 amendments to the welfare laws permit retention of the first $30 earned by a recipient each month and one-third of all earnings above that amount. This is a start in the right direction but does not go nearly far enough. New York City has, for example, begun experimenting with a promising program that allows welfare mothers to keep the first $85 of earnings each month and a percentage of amounts above that.

Third, in most states, there is a residency requirement, generally averaging around a year, before a person is eligible to receive welfare. These state regulations were enacted to discourage persons from moving from one state to another to take advantage of higher welfare payments. In fact, they appear to have had little, if any, impact on migration and have frequently served to prevent those in greatest need—desperately poor families arriving in a strange city—from receiving the boost that might give them a fresh start.

Fourth, though large amounts are being spent on social service programs for families, children and young people, few of these programs have been effective. In the view of the Advisory Council on Public Welfare, the inadequacies in social services:

> * * * are themselves a major source of such social evils as crime and juvenile delinquency, mental illness, illegitimacy, multigenerational dependency, slum environments, and the widely deplored climate of unrest, alienation, and discouragement among many groups in the population.

A final example of the system's inadequacy is the brittle relationship that exists between many welfare workers and the poor. The cumulative abrasive effects of the low levels of assistance, the complicated eligibility requirements, the continuing efforts required by regulations to verify eligibility—often by means that constitute flagrant invasions of privacy—have often brought about an adversary relationship between the case worker and the recipient family. This is intensified by the fact that the investigative requirements not only force continuing confrontations but, in those states where the same worker performs both investigative and service functions, leave the worker little time to provide service.

As was stated by Lisle Carter, Assistant Secretary of Health, Education, and Welfare, in testimony before the Commission:

\textsuperscript{33} Testimony before the Commission of Lisle C. Carter, Jr., Assistant Secretary for Individual and Family Services, Department of Health, Education, and Welfare.

\textsuperscript{34} Ibid.
We think it is extremely important that welfare recipients begin to feel that the welfare worker is on their side instead of on the side of the agency. There have been statements made that the welfare workers are among the most hated persons in the ghetto, and one of the studies shows that the recipients tend to feel that what the worker says is something that cannot be challenged. Nowhere do you get the feeling that the worker is there to really go to bat for recipients in dealing with the other pressures that they face in the community.

One manifestation of the tension and dissatisfaction created by the present system has been the growth of national and local welfare protest groups. Some are seeking to precipitate a national welfare crisis, in part by bringing on the welfare rolls so many new recipients that America will be forced to face the enormity of its poverty problem. Others, often composed of welfare recipients or welfare workers, seek expanded welfare programs and attack day-to-day inequities in the administration of the system.

On the other hand, many Americans who advocate better housing, better schools, and better employment opportunities for disadvantaged citizens oppose welfare programs of all kinds in the belief that they subsidize people who should be working. The fact is, as we have pointed out, that all but a small fraction of welfare recipients are disabled because of age, ill health or the need to care for their children. Even more basic is the fact that the heads of most poor families who can work are working, and are not on welfare. For both of these groups of people in need—those who cannot work and those who can and do—the problem in at least one vital respect is the same: lack of sufficient income to provide them with the kind of base on which they can begin building a path out of poverty, if not for themselves, at least for their children.

An altered and expanded welfare system, by extending support to more of those in need, by raising levels of assistance on a uniform national basis, and by eliminating demeaning restrictions, could begin to recapture the rich human resources that are being wasted by poverty.

Basic Strategies

In framing strategies to attack welfare problems, the Commission recognizes that a number of fundamental questions remain to be answered. Although many of the present inadequacies in the system can be identified, and specific changes recommended, long-term measures for altering the system are still untested.

A first strategy is to learn more about how welfare affects people and what its possibilities are for creative use. We endorse the recommendation of the Advisory Council on Public Welfare for greatly expanded research. We also commend the experimental incentive programs being carried out through the Department of Health, Education, and Welfare and the Office of Economic Opportunity, as well as the Model Cities program through which some cities hope to develop integrated programs of income supplementation, job training and education. We further commend the President's recent creation of a Commission on Income Maintenance Programs, which may provide answers to the complex problems here presented.

Despite the questions left open, we believe that many specific inadequacies in the present structure can and should be corrected.

- **The most important basic strategy we would recommend is to overhaul the existing categorical system to:**

  (a) Provide more adequate levels of assistance on the basis of uniform national standards.
  (b) Reduce the burden on state and local government by financing assistance costs almost entirely with Federal funds.
  (c) Create new incentives to work and eliminate the features that cause hardship and dependency.
  (d) Improve family-planning and other social services to welfare recipients.

- **Our longer range strategy, one for which we can offer only tentative guides, is the development of a national system of income supplementation to provide a basic floor of economic and social security for all Americans.**

Suggested Programs

**Overhauling the Present System**

To repair the defects in the existing categorical system is not simply a matter of changing one or two aspects. Major changes are needed in at least seven areas.

- **Standards of Assistance**

  The Federal Government should develop a minimum income standard for individuals and families enrolled in AFDC. The standard for AFDC recipients should be at least as high as the subsistence “poverty” level periodically determined by the Social Security Administration. Only a few states now approach this “poverty” level, which is currently set at $3,335 for an urban family of four. Amending legislation should, if feasible, also permit cost of living variations among the states and within “high-cost” areas in each state.

As a critical first step toward raising assistance levels, the Commission recommends that the present provisions under which the Federal Government pays fifteen-eighths of the first $18 of AFDC monthly payments be amended to provide that the Federal Government will assume the entire first $15 and the same proportion of payments beyond $15 presently applied to that above $18. Taken together with existing legislation that requires the states to maintain levels of support when Federal assistance rates are increased, the effect of this change would be to raise by over one-third the monthly welfare payments in eight states of the deep South. In Mississippi, payments would be more than doubled.
Extension of AFDC-UP

The Commission strongly urges that the temporary legislation, enacted in 1961, which extends the AFDC programs to include needy families with two unemployed parents, be made permanent and mandatory on all states and that the new Federal definition of "unemployment" be broadened. This program, which reaches the family while it is still intact, has been put into effect in only 22 states. Even in states where it has been implemented, the numbers participating have been small, partly because many states have narrowly defined the term "unemployment" and partly because the number of broken homes makes many children eligible under the regular form of AFDC.

Financing

Because the states are unable to bear substantially increased welfare costs, the Federal Government should absorb a far greater share of the financial burden than it presently does. At least two methods are worth considering to achieve this end. The first would be to rearrange payment formulas so that, even at the highest levels of payments, the Federal Government absorbed 90 percent or more of the costs. A second method would be to have the Federal Government assume 100 percent of the increment in costs that would be encountered through raising standards of assistance and rendering AFDC-UP mandatory. Under either of these approaches, the share of costs presently imposed on municipal governments should be removed to release their limited resources for other uses.

Work Incentives and Training

In three important ways, steps were taken in the 1967 amendments to the Federal Welfare Act to encourage—or compel—welfare recipients to seek employment. Each of these controversial steps had some salatory aspects but each requires substantial further attention.

(a) Job training.—The amendments provide substantially greater funds for job training. This was in principle a wise step. The amendments also, however, require the states to condition grants to "appropriate" adult welfare recipients on their willingness to submit to job training. Though the Commission agrees that welfare recipients should be encouraged to accept employment or job training, we strongly disagree with compelling mothers of small children to work or else lose welfare support. Many mothers, we believe, will want to work. A recent study of about 1,500 welfare mothers in New York City indicated that 70 percent of all mothers—and 80 percent of Negro mothers—would prefer to work than stay at home.35

(b) Day-care centers for children.—The 1967 amendments provide funds for the first time for day-care programs for children of working mothers. Further expansion is desirable to make centers an effective means of enabling welfare recipients to take advantage of training and employment opportunities. Efforts should be made to insure that centers are open in the evening and that more education features are built into center programs. State and Federal standards that prevent centers from employing subprofessional workers, including welfare recipient mothers, should be removed.

Welfare mothers themselves should be encouraged to set up cooperative centers with one or more mothers tending children of other mothers, and with welfare funds available for salaries. Such "living room" day care can only be effective if the mother taking care of the children can be paid without losing any substantial portion of her own welfare check.

(c) Retention of part of earnings.—The amendments permit an AFDC or AFDC-UP recipient to retain the first $30 of earned income monthly and one-third of the balance. Both the sums that can be kept without penalty, and the percentage of the balance that can be retained, should be raised substantially to maximize incentive to work. Some experimental programs are now going forward, but expanded efforts are needed to test different combinations and approaches. These programs should be supported at all levels of government.

Removal of Freeze on Recipients

The 1967 welfare amendments freeze, for each state, the percentage of children who can be covered by Federal AFDC grants to the percentage of coverage in that state in January, 1968. The anticipated effect of this new restriction will be to prevent Federal assistance during 1968 to 475,000 new applicants otherwise eligible under present standards. In the face of this restriction, states and cities will have to dig further into already depleted local resources to maintain current levels. If they cannot bear the increased costs, a second alternative, less feasible under existing Federal requirements, will be to tighten eligibility requirements for everyone, or reduce per capita payments. We strongly believe that none of these alternatives is acceptable, and that the freeze should be eliminated.

Restrictions on Eligibility

The so-called "man-in-the-house" rule and restrictions on new residents of states should be eliminated. Though these restrictions are currently being challenged in the courts, we believe that legislative and administrative action should be taken to eliminate them now.

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Other Features of the System That Should Be Altered or Strengthened:

(a) Clear and enforceable rights.—These include prompt determinations of eligibility and rights to administrative appeal with representation by counsel. A recipient should be able to regard assistance as a right and not as an act of charity.

Applicants should be able to establish initial eligibility by personal statements or affidavits relating to their financial situation and family composition, subject to subsequent review conducted in a manner that protects their dignity, privacy and constitutional rights. Searches of welfare recipients' homes, whether with or without consent, should be abandoned. These changes in procedures would not only accord welfare recipients the respect to which they are entitled but also release welfare workers to concentrate more of their time on providing service. Such changes would also release a substantial portion of the funds spent on establishing eligibility for the more important function of providing support.

(b) Separation of administration of AFDC and welfare programs for the disabled.—The time that welfare workers have available for the provision of services would be increased further by separating the administration of AFDC and general assistance programs from aid to the aged and physically incapacitated. The problems of these latter groups are greatly different and might better be handled, at the Federal level, through the Social Security Administration. Any such change would, of course, require that programs for the disabled and aged continue to be paid out of general funds and not impair the integrity of the Social Security Trust Fund.

(c) Special neighborhood welfare contact and diagnostic centers.—Centers to provide the full complement of welfare services should be combined into the multi-purpose neighborhood service facilities being developed by the Office of Economic Opportunity and the Department of Housing and Urban Development. Federal funds should be provided to help local welfare agencies decentralize their programs through these centers, which would include representatives of all welfare, social, rehabilitation and income-assistance services.

(d) Expansion of family planning programs.—Social workers have found that many women in poverty areas would like to limit the size of their families and are either unaware of existing birth control methods or do not have such methods available to them. Governments at all levels—and particularly the Federal—should underwrite broader programs to provide family planning information and devices to those who desire them. Through such programs, the Commission believes that a significant contribution can be made to breaking the cycle of poverty and dependency.

Toward a National System of Income Supplementation

In 1949, Senator Robert A. Taft described a system to provide a decent level of income for all citizens:

I believe that the American people feel that with the high production of which we are now capable, there is enough left over to prevent extreme hardship and maintain a minimum standard floor under subsistence, education, medical care and housing, to give to all a minimum standard of decent living and to all children a fair opportunity to get a start in life.

Such a “minimum standard of decent living” has been called for by many other groups and individuals, including the AFL-CIO, major corporate executives, and numerous civil rights and welfare organizations. The study of the new Commission on Income Maintenance Programs and the Model Cities program will be of particular importance in providing direction. We believe that efforts should be made to develop a system of income supplementation with two broad and basic purposes:

- To provide for those who can work or who do work, any necessary supplements in such a way as to develop incentives for fuller employment;
- To provide for those who cannot work and for mothers, who decide to remain with their children, a minimum standard of decent living, to prevent deprivation and aid in saving children from the prison of poverty that has held their parents.

Under this approach, then, all present restrictions on eligibility—other than need—would be eliminated. In this way, two large and important groups not covered by present Federal programs would be provided for: employed persons working at substandard hours or wages and unemployed persons who are neither disabled nor parents of minor children.

A broad system of supplementation would involve substantially greater Federal expenditures than anything now contemplated in this country. The cost will range widely depending on the standard of need accepted as the “basic allowance” to individuals and families, and on the rate at which additional income above this level is taxed. Yet if the deepening cycle of poverty and dependence on welfare can be broken, if the children of the poor can be given the opportunity to scale the wall that now separates them from the rest of society, the return on this investment will be great indeed.
IV. HOUSING

Introduction

The passage of the National Housing Act in 1934 signaled a new Federal commitment to provide housing for the Nation's citizens. Congress made the commitment explicit 15 years later in the Housing Act of 1949, establishing as a national goal, the realization of "a decent home and suitable environment for every American family."

Today, after more than three decades of fragmented and grossly under-funded Federal housing programs, decent housing remains a chronic problem for the disadvantaged urban household. Fifty-six percent of the country's nonwhite families live in central cities today, and of these, nearly two-thirds live in neighborhoods marked by substandard housing and general urban blight. For these citizens, condemned by segregation and poverty to live in the decaying slums of our central cities, the goal of a decent home and suitable environment is as far distant as ever.

During the decade of the 1950's, when vast numbers of Negroes were migrating to the cities, only 4 million of the 16.8 million new housing units constructed throughout the Nation were built in the central cities. These additions were counterbalanced by the loss of 1.5 million central-city units through demolition and other means. The result was that the number of nonwhites living in substandard housing increased from 1.4 to 1.8 million, even though the number of substandard units declined.

Statistics available for the period since 1960 indicate that the trend is continuing. There has been virtually no decline in the number of occupied dilapidated units in metropolitan areas, and surveys in New York City and Watts actually show an increase in the number of such units. These statistics have led the Department of Housing and Urban Development to conclude that while the trend in the country as a whole is toward less substandard housing, "There are individual neighborhoods and areas within many cities where the housing situation continues to deteriorate."

Inadequate housing is not limited to Negroes. Even in the central cities the problem affects two and a half times as many white as nonwhite households. Nationally, over 4 million of the nearly 6 million occupied substandard units in 1966 were occupied by whites.

It is also true that Negro housing in large cities is significantly better than that in most rural areas—especially in the South. Good quality housing has become available to Negro city dwellers at an increasing rate since the mid-1950's when the postwar housing shortage ended in most metropolitan areas.

Nevertheless, in the Negro ghetto, grossly inadequate housing continues to be a critical problem.

Substandard, Old, and Overcrowded Structures

Nationwide, 25 percent of all nonwhites living in central cities occupied substandard units in 1960, compared to 8 percent of all whites. Preliminary Census Bureau data indicate that by 1966, the figures had dropped to 16 and 5 percent respectively. However, if "deteriorating" units and units with serious housing code violations are added, the percentage of nonwhites living in inadequate housing in 1966 becomes much greater.

In 14 of the largest U.S. cities, the proportions of all nonwhite housing units classified as deteriorating, dilapidated, or lacking full plumbing in 1960 (the latest date for which figures are available), were as follows:

<table>
<thead>
<tr>
<th>City</th>
<th>Percentage of nonwhite occupied housing units classified deteriorating, or dilapidated, 1960</th>
<th>Percentage of nonwhite occupied housing units classified deteriorating, dilapidated, or sound, but without full plumbing, 1960</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>33.8</td>
<td>42.4</td>
</tr>
<tr>
<td>Chicago</td>
<td>32.1</td>
<td>42.8</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>14.7</td>
<td>18.1</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>28.6</td>
<td>32.0</td>
</tr>
<tr>
<td>Detroit</td>
<td>27.9</td>
<td>30.1</td>
</tr>
<tr>
<td>Baltimore</td>
<td>30.5</td>
<td>31.7</td>
</tr>
<tr>
<td>Houston</td>
<td>29.1</td>
<td>36.7</td>
</tr>
<tr>
<td>Cleveland</td>
<td>29.9</td>
<td>33.9</td>
</tr>
<tr>
<td>Washington, D.C.</td>
<td>15.2</td>
<td>20.8</td>
</tr>
<tr>
<td>St. Louis</td>
<td>40.3</td>
<td>51.6</td>
</tr>
<tr>
<td>San Francisco</td>
<td>21.3</td>
<td>34.0</td>
</tr>
<tr>
<td>Dallas</td>
<td>41.3</td>
<td>45.9</td>
</tr>
<tr>
<td>New Orleans</td>
<td>44.3</td>
<td>56.9</td>
</tr>
<tr>
<td>Pittsburgh</td>
<td>49.1</td>
<td>58.9</td>
</tr>
</tbody>
</table>


Conditions were far worse than these city-wide averages in many specific disadvantaged neighborhoods. For example, a study of housing in Newark, N.J., before the 1967 disorders, showed the following situation in certain predominantly Negro neighborhoods as of 1960:

<table>
<thead>
<tr>
<th>Area number</th>
<th>Population</th>
<th>Percentage nonwhite</th>
<th>Percentage of all housing units dilapidated or deteriorating</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>25,300</td>
<td>75.5</td>
<td>89.0</td>
</tr>
<tr>
<td>2</td>
<td>48,300</td>
<td>64.5</td>
<td>63.8</td>
</tr>
<tr>
<td>3A</td>
<td>48,300</td>
<td>74.8</td>
<td>43.1</td>
</tr>
</tbody>
</table>

These three areas contained 30 percent of the total population of Newark in 1960, and 62 percent of its nonwhite population.

The Commission carried out special analyses of 1960 housing conditions in three cities, concentrating on all Census Tracts with 1960 median incomes of under $3,000 for both families and individuals. It also analyzed housing conditions in Watts. The results showed that the vast majority of people living in the poorest areas of these cities were Negroes, and that a high proportion lived in inadequate housing:

<table>
<thead>
<tr>
<th>Metropolitan area</th>
<th>White occupied units</th>
<th>Nonwhite occupied units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleveland</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dallas</td>
<td></td>
<td></td>
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<tr>
<td>Detroit</td>
<td></td>
<td></td>
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<tr>
<td>Kansas City</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Los Angeles-Long Beach</td>
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<tr>
<td>New Orleans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Philadelphia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saint Louis</td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Francisco-Oakland</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washington, D.C.</td>
<td></td>
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</tbody>
</table>

Negroes, on the average, also occupy much older housing than whites. In each of 10 metropolitan areas analyzed by the Commission, substantially higher percentages of nonwhites than whites occupied units built prior to 1939:

<table>
<thead>
<tr>
<th>Metropolitan area</th>
<th>White occupied units</th>
<th>Nonwhite occupied units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleveland</td>
<td></td>
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<td>Detroit</td>
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<tr>
<td>Kansas City</td>
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<td>Los Angeles-Long Beach</td>
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<td>New Orleans</td>
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<td>Philadelphia</td>
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<td>Saint Louis</td>
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<tr>
<td>San Francisco-Oakland</td>
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<tr>
<td>Washington, D.C.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Finally, Negro housing units are far more likely to be overcrowded than those occupied by whites. In U.S. metropolitan areas in 1960, 25 percent of all nonwhite units were overcrowded by the standard measure (that is, they contained 1.01 or more persons per room). Only 8 percent of all white-occupied units were in this category. Moreover, 11 percent of all non-white-occupied units were seriously overcrowded (1.51 or more persons per room), compared with 2 percent for white-occupied units. The figures were as follows in the ten metropolitan areas analyzed by the Commission:
Housing Conditions and Disorder

The disturbance areas were substandard. Violations in these areas are ever corrected, even when tenants complain directly to municipal building departments. There are economic reasons why these codes are not rigorously enforced. Bringing many old structures up to code standards and maintaining them at that level often would require owners to raise rents far above the ability of local residents to pay. In New York City, rigorous code enforcement has already caused owners to board up and abandon over 2,500 buildings rather than incur the expense of repairing them. Nevertheless, open violation of codes is a constant source of distress to low-income tenants and creates serious hazards to health and safety in disadvantaged neighborhoods.

Housing Conditions and Disorder

Housing conditions in the disorder cities surveyed by the Commission paralleled those for ghetto Negroes generally. Many homes were physically inadequate. Forty-seven percent of the units occupied by nonwhites in the disturbance areas were substandard.

Overcrowding was common. In the metropolitan areas in which disorders occurred, 24 percent of all units occupied by nonwhites were overcrowded, against only 8.8 percent of the white-occupied units.

Negroes paid higher percentages of their income for rent than whites. In both the disturbance areas and the greater metropolitan area of which they were a part, the median rent as a proportion of median income was over 25 percent higher for nonwhites than for whites.

The result has been widespread discontent with housing conditions and costs. In nearly every disorder city surveyed, grievances related to housing were important factors in the structure of Negro discontent.

Poverty and Housing Deterioration

The reasons many Negroes live in decaying slums are not difficult to discover. First and foremost is poverty. Most ghetto residents cannot pay the rent necessary to support decent housing. This prevents private builders from constructing new units in the ghettos or from rehabilitating old ones, for either action involves an investment that would require substantially higher rents than most ghetto dwellers can pay. It also deters landlords from maintaining units that are presently structurally sound. Maintenance too requires additional investment, and at the minimal rents that inner-city Negroes can pay, landlords have little incentive to provide it.

The implications of widespread poor maintenance are serious. Most of the gains in Negro housing have occurred through the turnover which occurs as part of the “filtering down” process—as the white middle class moves out, the units it leaves are occupied by Negroes. Many of these units are very old. Without proper maintenance, they soon become dilapidated, so that the improvement in housing resulting from the filtering-down process is only temporary. The 1965 New York City survey points up the danger. During the period that the number of substandard units was decreasing, the number of deteriorating units increased by 95,000.

Discrimination

The second major factor condemning vast numbers of Negroes to urban slums is racial discrimination in the housing market. Discrimination prevents access to many nonslum areas, particularly the suburbs, and has a detrimental effect on ghetto housing itself. By restricting the area open to a growing population, housing discrimination makes it profitable for landlords to break up ghetto apartments for denser occupancy, hastening housing deterioration. Further, by creating a “back pressure” in the racial ghettos, discrimination keeps prices and rents of older, more deteriorated housing in the ghetto higher than they would be in a truly free and open market.

Existing Programs

To date, Federal building programs have been able to do comparatively little to provide housing for the
disadvantaged. In the 31-year history of subsidized Federal housing, only about 800,000 units have been constructed, with recent production averaging about 50,000 units a year. By comparison, over a period only 3 years longer, FHA insurance guarantees have made possible the construction of over 10 million middle and upper-income units.

Federal programs also have done little to prevent the growth of racially segregated suburbs around our cities. Until 1949, FHA official policy was to refuse to insure any unsegregated housing. It was not until the issuance of Executive Order 11063 in 1962 that the Agency required nondiscrimination pledges from loan applicants.

It is only within the last few years that a range of programs has been created that appears to have the potential for substantially relieving the urban housing problem. Direct federal expenditures for housing and community development have increased from $600 million in fiscal 1964 to nearly $3 billion in fiscal 1969. To produce significant results, however, these programs must be employed on a much larger scale than they have been so far. In some cases the constraints and limitations imposed upon the programs must be reduced. In a few instances supplementary programs should be created. In all cases, incentives must be provided to induce maximum participation by private enterprise in supplying energy, imagination, capital and production capabilities.

Federal housing programs must also be given a new thrust aimed at overcoming the prevailing patterns of racial segregation. If this is not done, those programs will continue to concentrate the most impoverished and dependent segments of the population into the central-city ghettos where there is already a critical gap between the needs of the population and the public resources to deal with them. This can only continue to compound the conditions of failure and hopelessness which lead to crime, civil disorder and social disorganization.

**Basic Strategies**

We believe the following basic strategies should be adopted:

- *The supply of housing suitable for low-income families should be expanded on a massive basis.*

The basic reason many Negroes are compelled to live in inadequate housing is the failure of the private market to produce decent housing at rentals they can afford to pay. Programs we have recommended elsewhere are directed toward raising income levels. Yet it is obvious that in the foreseeable future there will continue to be a gap between the income of many Americans and the price of decent housing produced by normal market mechanisms. Thus, the implementation of the strategy depends on programs which not only generate more lower cost housing but also raise the rent-paying capability of low-income households.

- **Areas outside of ghetto neighborhoods should be opened up to occupancy by racial minorities.**

Provision of decent low-cost housing will solve only part of the problem. Equally fundamental is the elimination of the racial barrier in housing. Residential segregation prevents equal access to employment opportunities and obstructs efforts to achieve integrated education. A single society cannot be achieved as long as this cornerstone of segregation stands.

**Suggested Programs**

We are proposing programs in 10 areas to illustrate how we believe basic strategies we have outlined can be put into effect:

- Provision of 600,000 low- and moderate-income housing units next year, and six million units over the next 5 years.
- An expanded and modified below-market interest rate program.
- An expanded and modified rent supplement program and an ownership supplement program.
- Federal write-down of interest rates on loans to private builders.
- An expanded and more diversified public housing program.
- An expanded Model Cities program.
- A reoriented and expanded urban renewal program.
- Reform of obsolete building codes.
- Enactment of a national, comprehensive and enforceable open-occupancy law.
- Reorientation of Federal housing programs to place more low and moderate-income housing outside of ghetto areas.

**The supply of housing suitable for low-income families should be expanded**

**The Commission Recommends:**

- **Provision of 600,000 low- and moderate-income housing units next year and six million units over the next 5 years.**

Some 6 million substandard housing units are occupied in the United States today, and well over that number of families lack sufficient income to rent or buy standard housing, without spending over 25 percent of their income and thus sacrificing other essential needs. The problem promises to become more critical with the expanded rate of family formation on the immediate horizon and the increasing need to replace housing which has been destroyed or condemned.

In our view, the dimension of the need calls for an unprecedented national effort. We believe that the Nation's housing programs must be expanded to bring within the reach of low and moderate-income families 600,000 new and existing units next year, and 6 million units over the next 5 years.
This proposal can only be implemented if present subsidy programs are extended so that (a) a part of the existing housing inventory can be brought within the reach of lower income families, and (b) private enterprise can become a major factor in the low-cost housing field, both in terms of the construction capabilities of private developers and the capital of private institutional lenders.

In the sections that follow, we discuss specific programs that must be part of this expanded national effort.

- **An expanded and modified below-market interest rate program.**

  The below-market interest rate program, which makes long-term, low-interest financing available to nonprofit and limited profit sponsors, is the best mechanism presently available for engaging private enterprise in the task of providing moderate and lower income housing.

  Several limitations, however, prevent the program from providing the quantity of housing that is needed. Funding levels are inadequate to launch a national program, nonprofit sponsors are deterred by lack of seed money to finance preconstruction costs and limited profit corporations are deterred by the statutory prohibition on transfer or refinancing projects for 20 years without FHA permission.

  We recommend that funding levels of the program be substantially increased. We also recommend that legislation be enacted to permit interest-free loans to nonprofit sponsors to cover pre-construction costs, and to allow limited profit corporations to sell projects to nonprofit corporations, cooperatives, or condominiums.

  Though the potential of the program is great, it presently serves few truly low-income families. Current costs average $14,400 per unit, making the typical rental for a two-bedroom unit $110 per month, thereby in effect requiring a minimum annual income of $5,300. Only with rent supplements can poor families afford housing commanding rents of this amount, but the amount of rent supplement funds which can be used in such developments is limited by statute to 5 percent of the total appropriation for the rent supplement program.

  In order to make below-market interest rate housing available to low as well as moderate-income families, we recommend that the 5 percent limitation be removed, and that the overall funding of rent supplements be greatly expanded. We also recommend that serious consideration be given to expanding the interest subsidy under the program in order to lower the rate for sponsors.

- **An expanded and modified rent supplement program and an ownership supplement program.**

  The rent supplement program offers a highly flexible tool for subsidizing housing costs, because it permits adjustment of the subsidy according to the income of the tenant. The project financing is at market rates, so that tenants who do not qualify for supplements must pay market rentals. Potentially, therefore, these developments can provide an alternative to public housing for low-income families, while still attracting middle-income families.

  We believe, however, that several changes are necessary if the full potential of this program is to be realized.

  First, we recommend that existing regulations restricting architectural design, imposing rigid unit cost standards, and limiting tenant income to amounts lower than required by statute be removed. These regulations diminish the attractiveness of the program to private developers, and represent a major barrier to substantial expansion of the program.

  Second, the statutory limitation of rent supplements to new or rehabilitated housing should be changed to permit use of rent supplements in existing housing. In many areas, removal of the restriction would make possible a major increase of the program without requiring investment in new construction. This option must be made available if the program is to be expanded to its fullest potential.

  Third, the rent supplement concept should be extended to provide home ownership opportunities for low-income families. The ambition to own one’s own home is shared by virtually all Americans, and we believe it is in the interest of the Nation to permit all who share such a goal to realize it. Home ownership would eliminate one of the most persistent problems facing low-income families in rental housing—poor maintenance by absentee landlords—and would provide many low-income families with a tangible stake in society for the first time.

  The Senate Banking and Currency Committee recently approved a bill that would establish a program to pay a portion of the mortgage payments of low-income families seeking to purchase homes. As with rent supplements, subsidy payments would decrease as the purchasers income rose. The income limits of the program—70 percent of the below-market interest rate eligibility limits—would greatly impair its usefulness, in our opinion, and should be eliminated. With that reservation, we strongly endorse the concept, urge that such a program of ownership supplements be enacted, and recommend that it be funded on a basis that will permit its wide use in achieving the goal of 6 million units for low- and moderate-income families over the next 5 years.

- **Federal write-down of interest rates on loans to private builders.**

  To make private loan capital available, we recommend direct Federal write-down of interest rates on
market rate loans to private construction firms for moderate-rent housing. This program would make it possible for any qualified builder to enter the moderate-rent housing field on the basis of market rate financing, provided that the project meets necessary criteria. The Federal Government would enter into a contract with the financing institution to supply the difference between the mortgage payment at the market interest rate and 20 percent of the tenant's monthly income, to a specified maximum write-down which would make the interest rate paid by the tenant equivalent to 1 or 2 percent.

**An expanded and more diversified public housing program.**

Since its establishment in 1937, the public housing program has produced only some 650,000 low-rent housing units. Insufficient funding has prevented construction of a quantity more suited to the need, and unrealistic unit-cost limitations have mandated that most projects be of institutional design and mammoth size. The resulting large concentration of low-income families has often created conditions generating great resistance in communities to new projects of this type.

We believe that there is a need for substantially more public housing, but we believe that the emphasis of the program should be changed from the traditionally publicly built, slum-based, high-rise project to smaller units on scattered sites. Where traditional high-rise projects are constructed, facilities for social services should be included in the design, and a broad range of such services provided for tenants.

To achieve the shift in emphasis we have recommended, we urge first, expansion of present programs under which public housing authorities lease existing scattered site units. Present statutory restrictions on long-term leasing should be eliminated to provide incentives for private construction and financing. Families whose incomes increase above the public housing limit should be permitted to take over the leases of their units from the housing authority.

We also urge expansion of present "turnkey" programs, under which housing authorities purchase low-rent units constructed by private builders instead of constructing the units themselves. Here too, families whose incomes rise above the public housing limits should be permitted to stay in the units at market rentals.

**An expanded Model Cities program.**

The Model Cities program is potentially the most effective weapon in the Federal arsenal for a long-term, comprehensive attack on the problems of American cities. It offers a unique means of developing local priorities, coordinating all applicable government programs—including those relating to social development (e.g., education and health) as well as physical development—and encouraging innovative plans and techniques. Its "block grant" multipurpose funding feature allows the city to deploy program funds with much greater flexibility than is possible under typical categorical grant programs, and the statutory requirement that there be widespread citizen participation and maximum employment of area residents in all phases of the program promises to involve community residents in a way we think most important.

The full potential of the program can be achieved, however, only if (1) the Model Cities program is funded at a level which gives the cities involved an opportunity and incentive to produce significant results, and (2) the various programs which can be brought into play under Model Cities, such as urban renewal, below-market interest rate housing, and health, education and welfare programs, are independently supported at levels which permit Model Cities' funds to be used for essentially innovative purposes. Appropriations must also be sufficient to expand coverage far beyond the 63 cities that currently are funded.

The President has recommended that $1 billion be appropriated for Model Cities. We strongly support this recommendation as a minimum start, noting that a much greater scale of funding will ultimately be necessary if the program proves successful and if it is to be made available to all the cities that require such aid.

**A reoriented and expanded urban renewal program**

Urban renewal has been an extremely controversial program since its inception. We recognize that in many cities it has demolished more housing than it has erected, and that it has often caused dislocation among disadvantaged groups.

Nevertheless, we believe that a greatly expanded, though reoriented, urban renewal program is necessary to the health of our cities. Urban renewal is an essential component of the Model Cities program, and in its own right is an essential tool for any city attempting to preserve social and economic vitality. Substantially increased funding will be necessary if urban renewal is to become a reality in all the cities in which renewal is needed. A reorienting of the program is necessary to avoid past deficiencies. The Department of Housing and Urban Development has recognized this, and has promulgated policies giving top priority to urban renewal projects that directly assist low-income households in obtaining adequate housing. Projects aimed primarily at bolstering the economic strength of downtown areas, or at creating housing for upper income groups while reducing the supply of low-cost housing, will have low priority, unless they are part of balanced programs including a strong focus on needs of low-income groups.

With these priorities in mind, we recommend substantial expansion of the program.
Reform of obsolete building codes

Approximately 5,000 separate jurisdictions in the United States have building codes. Many of these local codes are antiquated and contain obsolete requirements that prevent builders from taking advantage of new technology. Beyond the factor of obsolescence, the very variety of the requirements prevents the mass production and standardized design that could significantly lower building costs.

Opinions differ as to whether a uniform national code is yet feasible, but it is clear that much greater uniformity is possible than presently exists. We urge state and local governments to undertake the task of modernizing their codes at once, and recommend that the Department of Housing and Urban Development design for their guidance a model national code. We can no longer afford the waste caused by arbitrary and archaic building codes.

Areas outside of ghetto neighborhoods should be opened up to occupancy by racial minorities

The Commission Recommends

Enactment of a national, comprehensive and enforceable open-occupancy law

The Federal Government should enact a comprehensive and enforceable open-occupancy law making it an offense to discriminate in the sale or rental of any housing—including single family homes—on the basis of race, creed, color, or national origin.

In recent years, various piecemeal attempts have been made to deal with the problem of housing discrimination. Executive Order 11063, issued by President Kennedy in 1962, provided that agreements for federally assisted housing made after the date of the Order must be covered by enforceable nondiscrimination pledges. Congress, in enacting Title VI of the Civil Rights Act of 1964, promulgated a broad national policy of nondiscrimination with respect to programs or activities receiving Federal financial assistance—including public housing and urban renewal. Eighteen states and more than 40 cities have enacted fair housing laws of varying degrees of effectiveness.

Despite these actions, the great bulk of housing produced by the private sector remains unaffected by antidiscrimination measures. So long as this continues, public and private action at the local level will be inhibited by the argument that local action produces competitive disadvantage.

We have canvassed the various alternatives and have come to the firm opinion that there is no substitute for enactment of a Federal fair housing law. The key to breaking down housing discrimination is universal and uniform coverage, and such coverage is obtainable only through Federal legislation.

We urge that such a statute be enacted at the earliest possible date.

Open housing legislation must be translated into open housing action. Real estate boards should work with fair housing groups in communities where such groups exist, and help form them in areas where they do not exist. The objective of voluntary community action should be (1) the full dissemination of information concerning available housing to minority groups, and (2) providing information to the community concerning the desirability of open housing.

Reorientation of Federal housing programs to place more low- and moderate-income housing outside of ghetto areas.

Enactment of a national fair housing law will eliminate the most obvious barrier limiting the areas in which nonwhites live, but it will not deal with an equally impenetrable barrier, the unavailability of low and moderate income housing in nonghetto areas.

To date, housing programs serving low-income groups have been concentrated in the ghettos. Nonghetto areas, particularly suburbs, have for the most part have steadfastly opposed low-income, rent supplement, or below-market interest rate housing, and have successfully restricted use of these programs outside the ghetto.

We believe that federally aided low- and moderate-income housing programs must be reoriented so that the major thrust is in nonghetto areas. Public housing programs should emphasize scattered site construction, rent supplements should, wherever possible, be used in nonghetto areas, and an intensive effort should be made to recruit below-market interest rate sponsors willing to build outside the ghettos.

The reorientation of these programs is particularly critical in light of our recommendation that 6 million low and middle-income housing units be made available over the next 5 years. If the effort is not to be counterproductive, its main thrust must be in nonghetto areas, particularly those outside the central city.
Conclusion

One of the first witnesses to be invited to appear before this Commission was Dr. Kenneth B. Clark, a distinguished and perceptive scholar. Referring to the reports of earlier riot commissions, he said:

I read that report * * * of the 1919 riot in Chicago, and it is as if I were reading the report of the investigating committee on the Harlem riot of 1935, the report of the investigating committee on the Harlem riot of 1943, the report of the McCone Commission on the Watts riot.

I must again in candor say to you members of this Commission—it is a kind of Alice in Wonderland with the same moving picture reshown over and over again, the same analysis, the same recommendations, and the same inaction.

These words come to our minds as we conclude this Report.

We have provided an honest beginning. We have learned much. But we have uncovered no startling truths, no unique insights, no simple solutions. The destruction and the bitterness of racial disorder, the harsh polemics of black revolt and white repression have been seen and heard before in this country.

It is time now to end the destruction and the violence, not only in the streets of the ghetto but in the lives of people.