

conceived and badly crafted, designed more to win headlines than to accomplish practical social objectives. Within years of their enactment, many of the programs of Johnson's Great Society had rudely disappointed the expectations they had aroused, and some were utter failures by any standard — in spite of the ever-increasing appropriations they received under the first four years of the Nixon Administration. It now seems that a few of these programs may be terminated if President Nixon has his way, but bureaucracy and politics being what they are, most will persist — and grow — indefinitely. Survival, however, is not to be confused with success; and even many of these programs' strongest supporters have long since ceased to believe in their efficacy. So to judge from the quality of his works, Lyndon Johnson was emphatically not a great legislator; on the contrary, he may well have been the most inept and irresponsible legislative architect in our century.

It was rather as a moral leader that President Johnson excelled. By "moral leader" I do not mean, as do most of those who use the term today, a president who presents himself, and is accepted, as a saint rather than as a politician and who makes a specialty of intoning conventional liberal pieties. Such a person is not a leader, but a follower, and as Machiavelli showed, any statesman whose practice is sincerely wedded to any set of pieties is, in the end, the opposite of moral. A moral leader is just that: a person who, through his own efforts, brings about a substantial change in what his society takes to be its higher political purposes and standards. The bigger and more enduring

and more admirable the change, the greater the act of moral leadership.

During his five years as president, Lyndon Johnson brought about the most fundamental change in our established public pieties and opinions since Andrew Jackson. By word and by deed, through the force of his avuncular personality and the appeal of his compassion, and, yes, by his cunning, ruthlessness, opportunism, and deceit — since these too are elements of moral leadership — Lyndon Johnson established as the first principle of domestic legislation and as the central piety of our public discourse the ideal of improving and equalizing the structure of opportunity in American society. To be sure, he did not invent this idea; it had been in circulation for decades, and other presidents had adapted and borrowed from it. But before Johnson's presidency, governmental concern with opportunity had been adventitious in inspiration: Wilson, for instance, advocated reforms as a means of restoring an earlier order recently disturbed by industrialization; FDR defined the New Deal as a means of responding to a catastrophic economic crisis. Under Johnson, by contrast, the principle of improving the structure of opportunity was advanced for its own sake, as a good in itself, and as a priority in its own right. And with astonishing rapidity, this principle was accepted — in principle — throughout American society. Previously urged only by specialized minorities, this ideal, under Johnson's aegis, was embraced by Republicans as well as Democrats, conservatives as well as liberals and radicals. It is now the touchstone of our current national political orthodoxy in this new era of social policy.

But however great his accomplishments, Lyndon Johnson did not settle everything. If his legislative program was important primarily as a series of eloquent symbolic gestures in behalf of his compelling — and classically American — conception of governmental purpose, it also embodied a distinctive and not so classically American theory of opportunity and of government's role in equalizing it, that of arbitrarily conferring special benefits and privileges in endless profusion by means of quotas, subsidies, regulations, and the like. Not only is this particular approach hotly — and in my opinion rightly — disputed these days, but it also appears to have failed. So we now find ourselves awaiting some better strategy for pursuing the Johnsonian goal. Inasmuch as the national commitment to that goal does not seem to have weakened, the candidate or party that can invent, and then dedicate itself to, a workable and morally acceptable strategy for reforming the American opportunity structure will almost certainly inherit the moral authority, and perhaps also the electoral power, of Lyndon Johnson as these were when he first mobilized public opinion in behalf of equal opportunity in 1964 and 1965. When that happens, we will have a new, or at any rate a reconstructed, majority party. We can expect, or at least hope, that the tide of beastliness will have receded much farther. And perhaps then we will be able to recall Lyndon Johnson for what he was: human, to be sure; slipshod and often misguided as a legislator, alas; but a moral leader of the first rank, and the author of the most fundamental political redefinition of America since 1828. □

George Swan

Racial Segregation and the Northern University

DeFunis v. Odegaard is on appeal before the Washington Supreme Court. The case was argued on May 15, 1972, and according to Assistant Deputy-Clerk Shriver in Olympia, the justices are still deliberating. — Ed.

An October 18, 1971 court decision on appeal during 1972, *DeFunis v. Odegaard*, is one which may prove to have a measurable impact upon higher education. In the *DeFunis* case, dealing with racial discrimination in law school entry, the trial judge was to find: "It seems to me that the law school here wished to achieve greater minority representation and in accomplishing this gave preference to the members of some races. . . . Some minority students were admitted whose college grades and aptitude test scores were so low that had they been whites their applications would have been summarily denied." The court therefore held: "The (non-minority member) plaintiff and others in this group, have not in my opinion been accorded the

equal protection of the law guaranteed by the Fourteenth Amendment."¹

The seeming double standard described above is found not only at one western law school, but also at universities as famous as, for example, Princeton or Cornell. At Princeton recently, "one admissions officer stated that every academically qualified black applicant for the class of 1975 was admitted — only about one out of every four such qualified white applicants was so lucky."² Cornell University "began in 1965 to bring in black students whose SAT scores averaged only 450 to 550." This was although among Cornell's students "the average scores are between 600 and 700."³ Even were it to affect admissions policies alone, *DeFunis v. Odegaard* would hence seem to be of immediate interest to scholars and to campus administrators.

In the light of *DeFunis*, it is significant that there are nonacademic areas in which even more prominent institutions than the University of Washington have been overtly committed to still other modes of racial discrimination. This

discrimination specifically has included segregated lounges, meeting rooms, houses, and dormitories. The more fashionable schools have been so engaged: e.g., Cornell, Columbia, Northwestern, and Notre Dame.

At Columbia University, a separate-but-equal dormitory lounge is administered by Columbia officials. This project was successfully promoted by the April 20, 1970 seizure of a R.O.T.C. office. Those members of the campus community who may or may not relax in this "Malcolm X Liberation Center" divide along racial lines: "The Liberation Center is open to all Black students, Black staff, and Black workers. The Center is also open to Black students and their guests. . . . A guest can be defined as someone who shares a common culture, heritage, color consciousness and is a son or daughter of Africa. . . ." ⁴

Segregated dormitory facilities are likewise an established fact at the University of Notre Dame. "In the fall of 1969, the University, acting upon requests from a large number of black students on campus, instituted what became known

as 'concentrations.' According to the provisions made at that time, large numbers (large, relative to existing conditions) of Blacks were to be allowed to live together in rooms set aside for that purpose. Two sections were set up each in Dillon and Alumni Halls."⁵

The students so racially concentrated had by late 1971 frankly asserted that: "The idea of this section is to build for the future. We would like to see an enlarged concentration. . . . We are trying to make certain accomplishments and have so many good plusses in our favor that not only incoming freshmen, but other blacks on campus would want to come to Dillon and be part of a living black society. This is our one goal."⁶

The Cornell University administration at one time "gave blacks a house for an Afro-American Center" and "set up a private dormitory for Negro coeds."⁷ As early as 1968 it had been decided at Northwestern University that "separate sections of existing housing units" would be "reserved for black students." The Evanston university "also agreed to the demand for separate recreational facilities by providing special meeting rooms and lounges."⁸ Ohio State University in Columbus offered travel and accommodation expenses to non-Caucasian students attending a December 6, 1971 "Visitation Day" promoting graduate school possibilities.

These post-1968 accommodations, lounges, dormitories, and houses are intriguing considering the spirit of the fair housing provisions of the Civil Rights Act of 1968, which read that: "... it shall be unlawful—

"(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

"(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.

"(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination."

Indeed, separate-but-equal projects receiving federal financial help are vulnerable to the teeth of the Civil Rights Act of 1964, which orders that: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

It is, of course, certain that these instances of segregation are superficially distinguishable from the George Wallace-style segregation that was tolerated in the District of Columbia, the South, and border states. This is because the blacks in question enjoy the options of either

using or not using these segregated facilities, whereas in the deep South blacks had only the solitary "option" of non-usage. This does not logically distinguish the situations, however. It is now whites who are left with the sole "option" of non-usage of the accommodations in question.

It is true that the northern university administrations cited above have not enforced racial discrimination for the single-minded purpose of either white or black supremacy. Instead, racial segregation at fashionable northern schools has been avowedly imposed to recognize intangible considerations bearing on cultural differences between black and white students.

A draft agreement between Northwestern administrators and pro-segregation student organizations in 1968 was reported as recognizing that, "The idea of 'simply obliterating in our laws and in our personal relations the distinctions between races' does not come to grips with the real problems facing Northwestern. The university must give 'special recognition and special concern' to the black students. It is this idea of 'not equal but special' that dictates the specific plans detailed in the remainder of the document."⁹ The black-only lounge at Columbia is one "which, the blacks

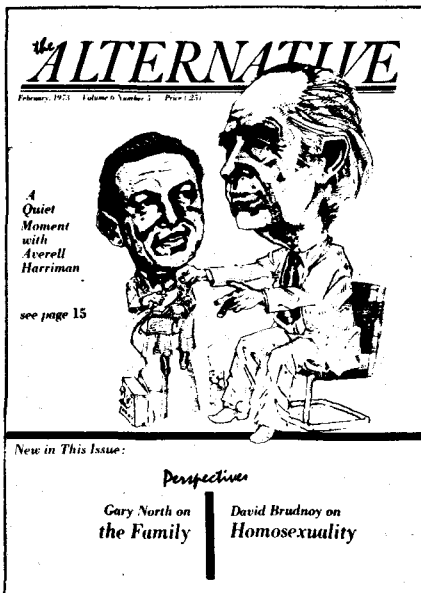
claimed, was necessary in view of 'the racist nature of the American society.'"¹⁰

The ideas of black spokesmen at Notre Dame flow in a similar vein:

"The Notre Dame community is trying to reach a basic ideal, yet it is not being true to form as to what society really represents. Society separates itself in ethnic groups. Blacks live in black communities. The community here says we should all live together. Universities should show what the society in general is showing to everyone else who is not a member of that society. And we more or less band together, to help ourselves adjust to college life. The ideal of one homogeneous community is not an inappropriate ideal, but it is more or less a fantasy."¹¹

Awkwardly for the parties involved, this sort of rationalized racial discrimination may be untenable, at least for state universities, even independently of the Civil Rights Acts. A 1950 Supreme Court decision turned upon the status of a black graduate student, Mr. G. W. McLaurin, at the University of Oklahoma. That university, acknowledging its academic duties, admitted McLaurin, but practiced segregation in non-academic situations. The Court found: "He is now assigned to a seat in the classroom in a row specified for colored students; he is

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assigned to a table in the library on the main floor; and he is permitted to eat at the same time as other students, although here again he is assigned to a special table. . . He may wait in line in the cafeteria and there stand and talk with his fellow students, but while he eats he must remain apart."

It is not surprising that the Court forbade this non-academic discrimination due to its outcome. "The result is that appellant is handicapped in his pursuit of effective graduate instruction. Such restrictions impair and inhibit his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession." (*McLaurin v. Oklahoma State Regents*)

In the historic *Brown* decision of 1954, Chief Justice Earl Warren approvingly cited the logic of *McLaurin*, saying that therein "the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations." Nor would such intangible considerations be restricted to older students and irrelevant to undergraduates, since Justice Warren added, "Such considerations apply with added force to children in grade and high school." (*Brown v. Board of Education*)

If the social practices of the huge white majority on the Oklahoma campus had to yield to integration so that justice be done a single black, it is correspondingly unlikely that the Court would allow a mere minority of students to repudiate integration. The Court might (with at least some consistency) hold that this would impair and inhibit the students' ability to engage in discussions and exchange views with not just one person, but with the whole majority. Ironically, the more eloquently that black students depict the richness and uniqueness of Afro-American culture, the more they demonstrate how segregation handicaps their white classmates by robbing the whites of a healthy, everyday exposure to that culture.

In fact, it has been observed that

"Columbia's policy of selective apartheid could create legal problems for the University. An official from the Department of Health, Education, and Welfare has said that if the black lounge is found to be segregated, and if the issue is not resolved, Columbia will have violated the civil rights laws and could risk losing federal funds."¹² By November, 1971 Columbia's "failure to draft an acceptable equal-employment plan" led the U.S. Office for Civil Rights to notify the Ivy League school "that it could lose its present and future federal contract rights."¹³ Such federal intervention regarding discrimination in accommodations is not inconceivable.

To the extent that civil rights law violations were to trigger the sanction of the cutting-off of federal funding, Columbia's future could become precarious. Approximately 50 percent of the money at Columbia comes from Washington,¹⁴ as does some 65 percent of the funds at Princeton.¹⁵ Even the "private" campuses' addiction to tax money may be permanent. "As early as 1967, the federal government was annually disbursing contract funds to universities at the rate of 3½ billion dollars a year; recently the Carnegie Commission suggested that federal contract funding be increased by 1978 to thirteen billion dollars if universities are to meet their educational objectives."¹⁶ As early as fiscal year 1967, Columbia University¹⁷ and Princeton University¹⁸ averaged over \$10,623,000 apiece in defense contracts alone.

Experience in the South shows that a case-by-case attack on segregation based on a Supreme Court ruling (e.g. on *DeFunis*) is exhausting, if not impossible. The universities probably have little to fear from private individuals desiring integration. Nevertheless, the campuses are highly vulnerable to federal pressures. Indeed, it seems a matter of elementary prudence, if not of survival itself, for college administrators in question not to wantonly question the humanity of federal policy makers.

Apparently mindful of Washington's power, the University of Pennsylvania in April, 1972 replied to a black student proposal for a segregated on-campus living and counseling project with an artfully phrased approval. Penn so carefully chose its words as to have endorsed a study and residence program "in terms that could result in its being all black in fact" even while "whites are not formally excluded."¹⁹ (emphasis added) A news story on the project at Penn reported that "Because the concept of the program and the content of its remedial counseling and teaching will be directed exclusively to black issues and identities, campus observers believe there is little chance that a white student would apply for admission."²⁰

Whether or not Penn evades campus integration, Americans might well ask how valid the logic of Penn's stand is. Would Washington be complacent, for example, if Governor Wallace were to personally persuade the University of Alabama to establish residence and study projects (with remedial counseling and teaching) aimed exclusively toward

white, Anglo-Saxon "issues and identities"? Would many decent persons remain complacent were it an open secret that such a white, Anglo-Saxon orientation had deliberately been chosen to avoid the presence of Afro-Americans?

Any logical distinction between the Penn decision and the hypothetical Alabama project should be carefully articulated if our nation's laws are ever to be enforced equally upon North and South, black and white. Special-standard admissions policies, unilateral housing segregation, and similar approaches may arguably be defensible in some contexts. Yet if the criterion for any special treatment is to be poverty and/or membership in a cultural minority it might be difficult to deny these privileges to, say, poor Southern whites. If the criterion is to be skin color, it will be difficult to reconcile this with the Constitution, with *Brown v. Board of Education*, or with our civil rights laws.

Educators could attempt to frame a coherent policy concerning what, if any, segregation will be nourished in their universities, and what methods could be implemented to circumvent civil rights laws. Were educators to do so, current university practices might be no more (il) legal or (un)just, but would at least be far less hypocritical. But there is no reason to think that such a forthright stand is in the offing. Sporadic *DeFunis*-type suits may long be parried with Penn-like finesse. If so, scholars in our nation's finest universities will be passively prolonging our country's racial agonies by failing (again) to face up to genuine racial questions concerning their own house. □

1 "Law Schools . . . admissions" *American Bar Association Journal* (December, 1971), p. 1234.

2 P. Bryan Lops, "Racism in Reverse At Princeton" *Human Events* (February 5, 1972), p. 17.

3 Ernest Dunbar, "The Black Studies Thing" *The New York Times Magazine* (April 6, 1969), p. 26.

4 Frederick K. Lowell, "Segregation Comes to Columbia" *National Review* (November 5, 1971), p. 1236.

5 "editorial" *Scholastic* (Notre Dame, Ind.: November 19, 1971), p. 4.

6 "an interview black concentration" *Scholastic* (Notre Dame, Ind.: November 19, 1971), p. 23.

7 "The Agony of Cornell" *Time* (May 2, 1969), p. 37.

8 R. M. Barlow, S.J., "What Happened at Northwestern?" *America* (May 18, 1968), p. 674.

9 *Ibid.*

10 Frederick K. Lowell, "Segregation Comes to Columbia" *National Review* (November 5, 1971), p. 1236.

11 "an interview black concentration" *Scholastic* (Notre Dame, Ind.: November 19, 1971), p. 23.

12 Frederick K. Lowell, "Segregation Comes to Columbia" *National Review* (November 5, 1971), p. 1236.

13 "Columbia U. faces federal fund loss" *Chicago Sun-Times* (November 5, 1971), p. 12.

14 James Ridgeway, *The Closed Corporation* (New York: Random House, 1968), p. 7.

15 E. J. Kahn, Jr., *Harvard* (New York: W. W. Norton & Co., Inc., 1969), p. 340.

16 Paul Seabury, "HEW & the Universities" *Commentary* (February, 1972), p. 39.

17 Ridgeway, *The Closed Corporation*, p. 224.

18 *Ibid.*, p. 226.

19 "Black Study Project, Open to All Races, Is Approved at Penn" *The New York Times* (April 7, 1972), p. 5.

20 *Ibid.*

Commentary

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My Dear Mr. Plunkitt:

Vy iz it zet vemen adore me so? Is it

because of my enormous intellect? Or my power in the verld? Or is it my beauty? My trim asletic figure, my natural grace, my "vith it" personality, my dexterity at the rumba, the cha cha, and the mombo?

Vut efer it is I sink I now understand vut bothers the vemens of vemens liburashen? There is not enuf of me to go around.

Incidentally, is it proper to wear knickers without knicker boots?

Henry Kissinger

Dear Mr. Kissinger:

I shall tell you why women are attracted to you. It is the deepest attraction of all, far deeper than mere love and more searing than the pangs of lust. Women are attracted to you by the deepest feminine impulse of all — the impulse to pity. Nothing has been more pathetic than seeing you flying forlornly off to one foreign city or another. And then your pathetic appearances before the sharks of the Washington press corps are the kind of thing that must bring water to the eyes of the faces on Mount Rushmore. All your braggadocio about Machiavelli and aphrodisiacs of power do nothing to dispel the image. You Henry are a sad sack.

— GWP

Dear Mr. Plunkitt:

As you might know by now I have decided not to use my Senate subcommittee to investigate the Watergate Affair. I have declined the investigation for personal reasons. To begin with my youngest son is dating a bearded girl, and has refused to eat anything but prunes and jelly sandwiches until Mr. Nixon ends his war on crime. We have tried to establish dialogue with him but he refuses to come out of his nest. Furthermore, several weeks ago I found my wife at home allowing a famous Albanian painter to paint her in the nude. When I arrived on the scene he scurried about trying to pull on a terry cloth robe and he knocked my animal crackers all over the floor. Also Tom Wolfe is threatening to write a salacious novel about my Harvard years. What should I do?

Regards,
Edward Kennedy

Dear Senator Kennedy:

You are in a genuine pickle. For the kind of help you need I think you should write Martin Bormann. Send the letter care of Howard Hughes. Incidentally, my wife tells me that the last time you visited our house, you left your rubber duck in the tub. Where can we send it?

—GWP

Book Review

Fields for President

by W. C. Fields
Dodd, Mead, \$5.95

As a serious enterprise, book reviewing in the United States survives in about the same condition as organized religion—though its structures abound throughout the Republic, its substance is but a vestige of yesteryear's glories. All sorts of indignities and perversions are piled on the old art. As a form it puffs and strains under the burden of innumerable idiotic innovations. It is brazenly usufructed by every species of scoundrel and charlatan. And naturally in our age of evangelizing enthusiasms, it has become the tool of the ideologue and the uplifter.

Serious journals which during the 1920s would never have opened their pages to the Babbitts and the wowsers, are today lying spreadeagled before a host of faddish dandies. Serious books are banished to back pages or to outright oblivion for reasons that are pedantically ideological, venal, and ignorant. I take it as illustrative of my observations that the book presently under consideration received not a nod from the major reviewing establishments, though such stuff as *Women and Madness*, *A Bill of No Rights*, *The Coming of Age*, *St. George and the Godfather*, and *A Theory of Rights* have been treated handsomely.

Compared to all of these doodlings, Dr. Fields' work is a towering masterpiece, a political treatise of the first water, a capital achievement in social analysis, the grand tour of a great mind

through the byways and past the arcades of this supermarket republic. What is more, *Fields for President*, unlike the books that set book reviewers to salivating these days, is logical and well-written—though the author's formal education waned around the fourth grade.

Nevertheless this tome has been segregated from those other works of comedy which pass for political analysis today, and its sales have suffered. Despite its prevenient analysis of American society, it is not considered relevant to contemporary American problems. Unlike works by Norman Mailer, Eldridge Cleaver, and other such buffoons, this book does not appear on any of the syllabi or bibliographies of those vulgarized college courses that are the rule rather than the exception during this booming age of higher education. *The New York Times Book Review* gave it the old heave-ho without even pausing to sprinkle it in the ritual of confetti and banality so often reserved for the senile effusions of Justice Douglas. Naturally *The New York Review of Books*, *The Nation*, and other such renowned forums of the book reviewing art passed it by. But their concerns are really religious rather than intellectual, and no one who matters takes them seriously anyway.

Now the *Times* is another matter. It should be the Nation's showcase of intellectual tastes. Perhaps it is. If this is so, it does not speak well for the Republic.

The message of *The New York Times*

Book Review is chaos. In recent years it has taken on a kind of carnival atmosphere where geeks and fat women disport with contortionists of every ideological fashion. Serious books are handed to ideological cheerleaders from one trendy cause or another. Unserious books are given to reputable scholars. And when cranks are not molesting serious books, or serious scholars are not being misused for the purposes of rendering significance to high-toned persiflage, the pages of *The Review* are turned over to ignoramuses.

After reading *The New York Times Book Review* regularly, one gets a view of the American intellectual preserve that is a vision of ghastliness and chaos. When *The Review* is not morbid it is idiotic, and when it is neither of these it is dull. A typical issue will unveil reviews of books explicating the mysteries of anal intercourse, suicide amongst women, or mercy killing. Then there will be tony reviews of the year's best books on African dance or yogurt making or Japanese gardening. And interspersed amongst all these curiosities, the editor, a Mr. John Leonard, will publish a special kind of review which someone has convinced him marks the *creme de la creme* of intellectuality. It is a genre that he reserves for those individuals beheld by him to be personages of enduring worth, say Gore Vidal or Norman Mailer. It is a delusory essay delivered from a soap box, albeit a discreetly camouflaged soap box. Now not only are these reviews misleading, but they are written by writers who invariably harbor bizarre little prejudices which they relentlessly and disingenuously advance on unsuspecting readers in such a way as either to hook the poor sucker (by convincing him that he, in his obtuseness, has missed a point here and