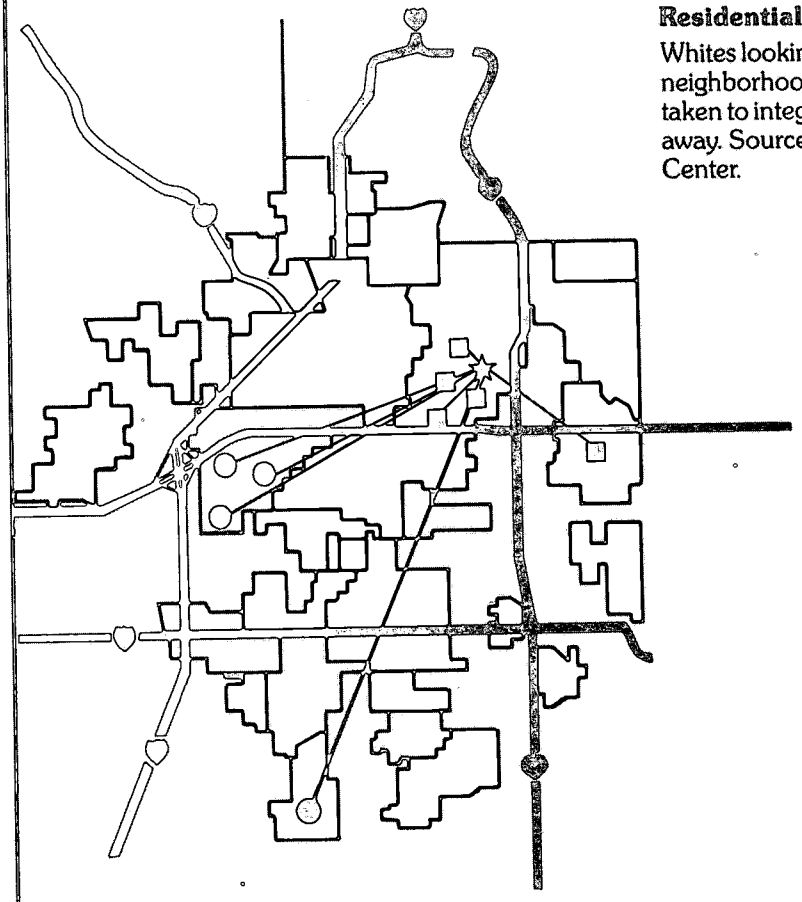
Volume 12, No. 3 March, 1984

FOCUS

Antitrust Law: A New Weapon against Housing Bias

The Fair Housing Act has failed to curb housing discrimination; antitrust law offers a promising new approach.



Residential Steering in the Chicago Suburbs: Whites looking for houses were taken to white neighborhoods close to the realtor's office; blacks were taken to integrated and black neighborhoods much farther away. Source: South Suburban (Chicago) Housing Center.

Industrial Policy and Minorities

Would industrial policy address the needs of blacks in the changing U.S. economy?

Three New JCPS Publications Announced

ISSN 0740-0195

Joint Center for Political Studies

Perspective

On the occasion of its Seventh Annual Dinner on March 2, the Joint Center gave a much deserved salute to the nation's 5,600 black elected officials. The text of that tribute is printed below.

It was altogether fitting that this tribute came at the time of the Fourth National Policy Institute for black elected and appointed officials. More than five hundred officials were present for both events.

A recent Joint Center study described black officials this way: "The typical black elected official is a middle-aged, highly educated, upwardly mobile male affiliated with the Democratic party. This profile is changing in several significant respects, however. Black women are becoming more prominent (22 percent of the total in 1983). Black Republicans are becoming increasingly rare. And the most dramatic black political progress is being made in the South."

Both the institute and the dinner were nostalgic events for the Joint Center. In 1969, the second national conference of black officials had proposed the creation of the Joint Center, fulfilling a dream that had started with the first national meeting in 1967. The Joint Center came into being in 1970, and in 1975, it served as cosponsor and convenor of the Third National Policy Institute, a role it played again this year.

Paying tribute to our founders and working with them on policy issues of great importance gives us enormous pride, and we look forward to many more fruitful relationships with what we consider to be a principal constituency.

Following is the text of the Joint Center's salute to black elected officials:

"On the occasion of our Seventh Annual Dinner, the Joint Center for Political Studies proudly salutes the nation's 5,600 black elected officials for their outstanding leadership.

"Although they resemble their white counterparts in a number of ways, black elected officials are really a unique cadre of American leaders. Often a small minority in the councils that govern our society, they are frequently called on to use their powers of persuasion and their coalition-building skills to convert their minority votes into majority actions.

"Such calls come from constituents and nonconstituents alike. For blacks, as for whites, electoral success depends upon their capacity to deliver the goods, so to speak, to the voters who elected them. But black officials are frequently asked—indeed challenged—to respond to the needs of a 'constituency' that extends far beyond their electoral jurisdictions. That challenge can be enormous, involving minority demands that are statewide or national in scope and nonminority demands to forge coalitions across racial lines.

"These heavy mantles of leadership are often unacknowledged or overshadowed by critical headlines. But this does not diminish the crucial leadership roles that black elected officials are playing in the pursuit of racial justice.

"There is yet another reason to pay tribute to this group. They symbolize the growing influence of the black vote. And so by honoring them, we also honor and encourage black voters.

"Together, black elected officials and black voters are realizing Martin Luther King's dream of a nonviolent revolution that relies not only on law and moral suasion but also on direct political action. As Historian David Lewis wrote, King believed "racial compassion had to be reinforced by old fashioned American political *quid pro quo.*"

"We salute black elected officials as the vanguard in today's pursuit of justice and equality."

Eddie N. Williams
President

FOCUS

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A New Weapon Against Housing Bias

by Robert E. Suggs

(The author, a corporate lawyer, is a senior research associate at the Joint Center.)

More than 15 years after passage of the Fair Housing Act—Title VIII of the Civil Rights Act—housing discrimination remains rampant. In fact, a 1979 Department of Housing and Urban Development study—the largest survey if its kind ever undertaken—concluded that "discrimination is extensive and pervades metropolitan areas throughout the country."

That same year, a Civil Rights Commission report found that "Title VIII . . . does not provide effective enforcement mechanisms for ensuring fair housing. Those federal departments and agencies charged with ensuring equal housing opportunity have not adequately carried out this duty. The government's appropriations in support of fair housing have been inadequate to meet the nation's needs in this critical area of civil rights enforcement."

More than free choice of housing is at stake. Segregated housing contributes to school segregation, restricts access to public services and employment opportunities, and reduces the opportunity for equity accumulation. Purchasing a home is the largest single investment most Americans ever make, and home equity remains the principal source and repository of individual wealth. Mounting evidence indicates that housing discrimination significantly limits the ability of many blacks to accumulate home equity and thus wealth.

Because the problems of housing discrimination have been so intractable, it is worth investigating new approaches to this issue. Antitrust litigation may provide an important avenue in this effort.

The Extent of Housing Discrimination

Not only is the *degree* of housing segregation extremely high, but the *pattern* of housing segregation makes clear that this segregation is the result of more than income differentials or the personal preferences of homeowners. If these were the only causes of housing segregation, we would expect to find a checkerboard pattern of black and white neighborhoods—much as income differences lead to a checkerboard pattern of upper- and lower-income white neighborhoods. But only racial discrimination, operating through market practices, can explain the persistent pattern of black central-city cores surrounded by outlying white areas, with integration generally occurring only at the borders.

Prior to the Fair Housing Act, in the period of suburbanization that followed World War II, the federal government actively collaborated in the creation of central city ghettos and racially exclusive suburbs. The mortgage lending policies of government agencies such as the FHA joined private sector banking and real estate practices to exclude minorities from suburbs, effectively confining black demand for housing to specific geographic areas. Today's clearly delineated urban racial boundaries testify to the success of these methods.

Although the Fair Housing Act and other federal, state, and local legislation outlawed racial discrimination in housing, several practices continue to distort and divide housing markets by race. These practices prevent black purchasers from competing for much of the available supply of housing within their economic means, and they deny black homeowners access to a wider market for potential sales.

One such practice is "steering." Steering refers to a variety of polite practices that hamper access to housing. These include false or misleading statements about the availability of housing, omissions in discussions of financing available and the desirability of particular neighborhoods, and office customs that limit the number and location of houses shown to potential black purchasers. The clearest and most effective steering technique is to show potential black purchasers houses only in certain areas, typically areas that are either already predominantly black or are in transition to such a state. Likewise, whites are steered away from minority or integrated areas, even if they have indicated no preference for racial exclusivity or have actually expressed interest in integrated neighborhoods.

Until the early 1950s, the National Association of Real Estate Boards (now the National Association of Realtors)—the principal trade organization of real estate brokers—mandated steering in its code of ethics. Unlike more blatant forms of discrimination, steering is widespread still, and it is generally held responsible for the current high level and unique pattern of segregation.

Antitrust Laws and Practices

The American economy is founded on the idea of free competition in the marketplace. We have laws prohibiting behavior that interferes with such competition and causes economic injury. Antitrust laws forbid agreements that "operate to deny consumers the opportunity to choose among alternative offers." The Sherman Act, in particular, bars agreements and concerted practices that unreasonably restrain competition for goods and services.

If real estate brokers steer blacks and whites to different geographic areas, they effectively limit the ability of these two groups to compete for the same housing, and they deny home sellers access to all buyers. Steering thus divides the market by allocating customers to different areas on the basis of race. If this allocation results from an express or tacit agreement, then the practice falls within the scope of the Sherman Act.

Since steering was for years the result of a formally adopted code of ethics, it is highly unlikely that it occurs today only because of the unilateral and independent decisions of individual brokers. However, proving the existence of an *agreement* to steer is certain to be a difficult part of applying antitrust law to housing discrimination.

One can demonstrate separate instances of steering easily enough. In the classic case, one sends testers matched for all demographic variables except race to the same real estate office and notes any differences between the homes and neighborhoods shown to black and white testers (see cover).

(Continued on page 4)

. . . Housing Bias

(Continued from page 3)

If this is done for a number of brokers and there is a common pattern of steering, then such documentation suggests an agreement among the brokers who steer. But it may not be sufficient to prove an agreement. Courts might require additional evidence such as testimony from brokers who refused to steer and were disciplined by the group, or multilisting services structured to facilitate steering.

The classic purpose of dividing a unified market is to restrict the choices available to each market segment and thus raise prices to each. Considerable evidence suggests that in some markets white purchasers pay a premium for racial exclusivity. Moreover, in periods of high black demand, steering may also inflate prices blacks must pay by restricting the available supply. In times of stable or declining demand, the steering of whites away from minority or integrated areas may reduce demand and appreciation in such areas and concentrate it in areas that are exclusively white.

Whether steering operates to inflate prices blacks must pay for property or to reduce the demand for and value of property they already own probably depends on the life cycle of the neighborhood and metropolitan area involved. In any case, blacks have been damaged and, therefore, can bring suit under the antitrust laws for three times the amount of economic injury. A class action suit by a group of blacks could threaten to impose such enormous penalties that market practices might well change. For example, a class of 1,000 homeowners, each alleging $10,000 damages, would have an aggregate claim of $30 million.

Early Efforts

Several efforts have been made in the past to use the Sherman Act and other antitrust statutes to combat racial discrimination in housing. In a 1961 decision, *Kates* v. *Lefkowitz,* a New York state court recognized that agreement among apartment owners to refuse to rent on racial grounds would violate a state antitrust statute modeled on the Sherman Act, but the court disposed of the suit on other grounds. In a 1946 suit, *U.S.* v. *Mortgage Conference of New York,* the Department of Justice invoked the Sherman Act to attack an agreement among 39 New York lending institutions to refuse to lend money to persons owning property in minority areas. This suit was terminated before trial by a consent decree that dissolved the organization formed to implement the agreement.

In the mid-1960s, prior to passage of the Fair Housing Act, the law firm of Congressman John Conyers brought a Sherman Act claim against a Detroit multilisting service on behalf of excluded black brokers in *Cotillion Club, Inc.* v. *Detroit Real Estate Board.* The court dismissed the complaint for lack of jurisdiction. More recent Supreme Court decisions, however, have ruled that the practices of real estate brokers have sufficient connection to interstate commerce to sustain federal jurisdiction in Sherman Act cases. A few years after *Cotillion,* the NAACP Legal Defense and Education Fund brought a Sherman Act claim in *Bratcher* v. *Akron Area Board of Realtors.* On appeal, the Sixth Circuit reversed the trial court's dismissal for lack of jurisdiction, but the case was allowed to die, perhaps because of passage of the Fair Housing Act the following year.

Despite the promise of these early efforts, no subsequent cases have occurred in which racially discriminatory practices were challenged as violations of antitrust law. The high expectations raised by the Fair Housing Act have probably played a major role in obscuring this approach.

A parallel lapse appears in the legal literature. Some three decades ago, two articles appeared in law reviews discussing the possible application of the Sherman Act to housing segregation. The dominant market force at that time was the absolute refusal of property owners to sell to minorities outside minority areas. These articles briefly examined the legality of this "concerted refusal to deal." Since then, nothing of significance has appeared, and the practice the earlier articles highlighted has been superseded by the more subtle and invidious device of steering, which presents a separate and more complex set of legal issues.

An Antitrust Remedy

Now that the Fair Housing Act has proven inadequate and Congress seems unwilling to mend its inadequacies, the antitrust approach is worth reconsidering. As a remedy it has a number of appealing features.

If proof of economic injury can be established and attributed to violations of antitrust statutes, huge sums can be recovered, since the victim is automatically awarded three times the actual loss suffered. Under the Fair Housing Act, the largest recovery in the first ten years of the statute was $150,000, divided among 315 people, and most successful suits recovered only a few thousand dollars. Courts hearing antitrust cases do not shy from imposing enormous penalties. AT&T is currently appealing a damage award of $1.8 billion in one case, and in another case against it, the Supreme Court let stand an award of $276.7 million plus $65 million in interest.

In the antitrust field, even out of court settlements can be very large. In two recent cases settled before trial, defendants established settlement funds of $208 million and $75 million.

Another key attribute of antitrust suits is the award of generous attorneys' fees, intended to encourage private enforcement of these laws. The Fair Housing Act allows attorneys' fee awards only if the plaintiff is unable to pay. A survey over the first ten years of that Act found an average award of just under $2,000. In a recent antitrust case that never even reached trial, the court denied 75 percent of the plaintiff's fee request, citing duplication of effort and inefficiencies, and still awarded $5.6 million in fees. The original request had been for $21 million.

A further advantage of an antitrust claim is the longer statute of limitations—four years, as op-

(Continued on page 8)

Industrial Policy and the Concerns of Minorities

by William J. Wilson

(On January 25, Dr. Wilson, Lucy Flower Professor of Urban Sociology at the University of Chicago, testified before the House Subcommittee on Economic Stabilization, chaired by Congressman John LaFalce, D-NY. Appearing on behalf of the Joint Center, Professor Wilson discussed the impact of industrial policy on the unique economic problems of minorities. This article is excerpted from his testimony.)

Many of the problems plaguing American minorities cannot be solved solely by race-specific programs, however important such programs have been and continue to be in addressing the effects of racial discrimination. Current forms of racial discrimination do help to perpetuate economic dislocations in the minority community, but these problems have been exacerbated in recent years by structural shifts in the American economy, shifts that ostensibly have little or no connection with race but that strongly affect the lives of the poor and working class segments of the minority population. In short, the inferior economic status of minorities requires solutions that not only attack discrimination but also confront the broader issues of American economic organization.

The crucial point is that our advanced industrial economy is not organized to provide jobs at a decent wage level for everyone willing and able to work. The low-income minority community is disadvantaged not simply by cyclical economic stagnation but by profound structural economic changes. The widely heralded shift from goods-producing to service-producing industries is polarizing the labor market into high-wage and low-wage sectors. Technological innovations in industry are affecting the numbers and types of jobs available. Manufacturing industries are relocating out of the central city to the suburbs, to other parts of the country, and even to foreign countries. While these changes have adversely affected segments of the poor and working classes in general, they have been especially devastating for blacks and other minorities because these groups are concentrated in central cities and in industries that have been hardest hit by economic dislocations.

Therefore, the current debate over industrial policy is especially timely and important for the minority community.

There are three principal reasons why the minority leadership is beginning to pay special attention to and actively participate in this debate. First, the present arrangement of the economy has placed large segments of the minority population at a competitive disadvantage. Second, the fate of anti-discrimination programs to enhance minority employment opportunities is closly related to the state of the economy. And third, minority interests ought to be represented and promoted if particular industrial policy proposals ultimately are adopted as national policy. I would like to elaborate briefly on each of these points.

The Consequences of Recent Economic Shifts

Minorities have disproportionately suffered from the effects of industrial changes, because they are heavily concentrated in industries with the largest number of layoffs due to economic cutbacks, plant closings, and the relocations of firms to cheaper labor sites and to the suburbs.

A recent study by the Illinois Advisory Committee to the United States Commission on Civil Rights presents an instructive example. Among the 2,380 firms in their statewide sample that left the central cities and relocated in the suburbs between 1975 and 1978, black employment decreased by 24.3 percent. By comparison, white employment in the same firms dropped by only 9.8 percent. This study also found that although minorities were 14.1 percent of the statewide workforce between 1975 and 1978, they were 20 percent of the formerly employed workers in the firms that shut down. Similarly, it has been estimated that 80 percent of the 1,700 workers laid off when Atari, Inc. moved production from California to Taiwan were Hispanic and Asian. And a recent study on the effects of deindustrialization on the national labor force found that blacks are disproportionately concentrated in industries that have "borne the brunt of recent" plant closings, such as the automobile, rubber, and steel industries.

Moreover, industries that lost the most jobs to foreign imports from 1964 to 1975 had an average minority work force of 11.5 percent, compared to one of 7.4 percent in industries that gained jobs through exporting.

Finally, the detrimental effects of the decline in central cities' industries that employ a substantial number of young workers were concentrated among black males.

Thus, minorities have been particularly burdened by the structural economic changes of the past two decades. This is seen most dramatically in our largest central cities. During the 1970s, Chicago lost more than 200,000 jobs, mostly in manufacturing, where many inner-city minorities have traditionally found employment. New York City lost 600,000 jobs during the same period, even as the number of white-collar, professional, managerial, and clerical jobs increased in Manhattan. Today, the nation's cities are being transformed into "centers of administration, information exchange, and service provision." Finding a decent paying job now requires more than a willing spirit and a strong back.

Roughly 60 percent of the unemployed blacks in the United States reside within the central cities. Their situation, already more difficult than that of any other major ethnic group in the country, continues to worsen. Not only are there more blacks without jobs every year, but many, especially young males, are dropping out of the labor force entirely. The percentage of blacks who were in the labor force fell from 45.6 in 1960 to 30.8 in 1977 for those aged 16-17, from 71.2 to 57.8 for those aged 18-19, and from 90.4 to 78.2 for those aged 20-24. During

(Continued on page 6)

Industrial Policy . . .

(Continued from page 5)

the same period, the proportion of white youths in the labor force actually *increased*.

More and more black youths, including many who are no longer in school, are obtaining no job experience at all. The proportion of black teenage males who have *never* held a job increased from 32.7 to 52.8 percent between 1966 and 1977; for black males under 24, the percentage grew from 9.9 to 23.3 percent. Research shows, not surprisingly, that joblessness during youth has a harmful impact on one's future success in the job market.

The State of the Economy and Antidiscrimination Programs

Another reason why minorities have a special interest in the industrial policy debate is that the impact of antibias programs to enhance minority jobs tends to be greater in a tight labor market.

In a tight labor market, job vacancies are numerous, unemployment is of short duration, and wages are higher. Moreover, the labor force becomes larger because increased job opportunities not only reduce unemployment but also draw into the labor force those workers who, in periods when the labor market is slack, respond to fading job prospects by dropping out of the labor force altogether. Thus, in a tight labor market the status of minority workers improves because unemployment is reduced, wages are higher, and better jobs are available.

Affirmative action (and other antibias programs) are more successful in tight labor markets than in slack ones. Not only are there sufficient positions for qualified workers, but also employers faced with a labor shortage are not as resistant to affirmative action pressures. Furthermore, in a favorable economic climate, those who support affirmative action are encouraged to push such programs because they perceive greater chances for success. Finally, there is less opposition to affirmative action from dominant group employees when there are sufficient jobs available, because they are less likely to view the encroachment of minorities as a threat to their own employment.

In a slack labor market, on the other hand, employers tend to be more selective in recruiting and in promoting; they can afford to demand more in the way of experience, skill, and education than a job actually requires. Facing a labor surplus, they are more resistant to affirmative action pressures. And, the longer the labor market is slack, the less pressure they receive from supporters of affirmative action, who become increasingly discouraged in the face of shrinking resources. The situation is exacerbated by increasing hostility to affirmative action by dominant group workers. Especially when quotas are imposed under conditions of economic retrenchment, minority competition means that nonminority workers lose jobs.

In short, the success of affirmative action and other antidiscrimination programs is in no small measure related to the state of the economy.

Industrial Policy and Minority Interests

The leading proponents of industrial policy have not emphasized the unique problems the changing economy poses for the minority community. Industrial policy is viewed as a universal program, designed to benefit all segments of society, and the problems of a particular group will supposedly be resolved without special attention. But as the current recovery has made clear, rising tides do not necessarily lift all boats. And although there is general agreement among industrial policy advocates that our major industries ought to be made internationally competitive and that economic growth ought to be restored, the debate over specific steps to achieve a robust economy reflects different group interests and concerns. For example, some may emphasize the need for huge new capital investments to stimulate economic growth, while others may stress the need for legislation on plant closings to minimize the adverse effects of capital mobility.

In the final analysis, the political fate of industrial policy will depend upon the degree of consensus and compromise achieved among diverse groups. As one of these groups, black Americans are entering the debate cognizant of and influenced by the knowledge that a majority of black workers hold blue collar jobs, a disproportionate number are concentrated in the low wage sector of the economy, and a significant percentage work in industries that have registered job losses due to plant closings, technological innovations, and capital mobility. What blacks will consider in weighing industrial policy proposals is the relative impact of proposed strategies on labor markets in different regions of the country; the type, variety, and volume of jobs to be generated; the extent to which residents in low-income neighborhoods will have access to these jobs; the quality of these jobs in terms of stability and wages; the extent to which proposed strategies enhance the employment opportunities of both new entrants into the labor market and the currently unemployed; and whether the benefits from economic development and employment provide reasonable returns on public investment.

Indeed, these issues have already been underlined by black thinkers in recent conferences organized by the Joint Center for Political Studies. In two of these conferences, thirty prominent black scholars and citizens met in Tarrytown, New York, to explore the array of problems, including economic ones, facing black Americans in the last two decades of the twentieth century. The Tarrytown meetings produced a statement outlining *A Policy Framework for Racial Justice*. In a third conference, eight representatives from the Tarrytown group met with members of the National Black Leadership Forum to refine the statement. During this meeting, the issue of blacks and industrial policy was explored, and Eddie Williams, president of the Joint Center, was asked to help organize at least two conferences on the specific issue of minority economic opportunity and industrial policy, and invite some of the leading proponents of industrial policy to attend.

(Continued on page 8)

Telescope

Three New JCPS Publications

In February, the Joint Center released three important new publications.

The *JCPS Congressional District Fact Book* is a crucial reference handbook for anyone involved in national registration and get-out-the-vote efforts, political—or nonpolitical—fundraising, or locating markets and constituencies. It provides demographic and political data on each state and the new (post-1980) congressional districts, arranged in tables for easy reference and quick comparisons. Demographic data were compiled from U.S. Census Bureau publications; voting and election data, from the *Congressional Quarterly* and Federal Election Commission publications. Included in the *Fact Book* are

—the percentage of blacks and Hispanics in the voting-age population;
—the percentage of blue-collar workers in the labor force;
—the percentage of the vote received by Reagan, Carter, and Anderson, and by the incumbent member of Congress in the last election;
—the amounts of money spent in the 1982 congressional campaign by Republicans and Democrats;
—and much more.

Highlight tables cover many additional indicators as well: white ethnic populations, women in the labor force, college student and armed forces populations, and others. They provide a fascinating profile of America's basic political units.

The *Fact Book* was edited by Thomas E. Cavanagh, a research associate at the Joint Center.

The second publication is *How to Use Section 5 of the Voting Rights Act*, third edition, by Barbara Y. Phillips.

The first two editions of the manual were published after the initial passage of the Act in 1965 and after the extension in 1975, respectively. In June 1982, after a two-year battle, the U.S. Congress extended Section 5 of the Voting Rights Act for 25 years. The conditions for local jurisdictions to "bail out" from coverage by Section 5 were thoroughly revised, and other sections of the Act were altered as well. In addition, Section 2 was amended to make it clear that in cases brought under this section, a violation of voting rights can be proved by showing discriminatory results. This new edition of *How to Use Section 5* covers these changes and lays out, in simple, straightforward language, the ways citizens can become involved in the procedures set up in the VRA to guard the electoral rights of minorities.

The manual is addressed to lay readers since, in many cases, Section 5 can be used without assistance from an attorney. While the manual is mainly concerned with the preclearance procedures, it also provides information about requesting federal examiners and observers, describes the language-assistance provisions of the Act, and discusses briefly the applications of Section 2 and the bail-out provisions in Section 4.

Barbara Y. Phillips, who prepared this edition for the Joint Center, is an attorney with long experience in civil rights law. During 1981-1982, she was a litigator with the Voting Rights Project of the Lawyer's Committee for Civil Rights Under Law.

Both the *JCPS Congressional District Fact Book* ($5.95) and *How to Use Section 5 of the Voting Rights Act* ($4.95) are available from the Publications Clerk, Joint Center for Political Studies, 1301 Pennsylvania Ave., N.W., Washington, D.C. 20004.

The third publication, *The Impact of the Black Electorate* by Thomas E. Cavanagh, makes clear the potential power of the black vote in 1984 and beyond. Several factors have come together to place the black vote in the spotlight this year: the campaign of the Reverend Jesse Jackson, the upsurge in the number of registered black voters and black elected officials over the past year, the mustering of several major voter registration campaigns, and the unprecedented low approval ratings that blacks give the incumbent president.

Cavanagh, research associate at the Joint Center, examines the black vote from several perspectives. After telling where potential black voters are most heavily concentrated, he discusses trends in black registration, turnout, and partisanship, and concludes with some observations on the importance of the black vote in the election of black officeholders, convention delegates, the Electoral College, and the Senate.

This volume is the first in a series of about six election reports the Joint Center will issue during 1984 and 1985; it is available to the public for $4.95, prepaid. Readers may purchase the entire series for $25.

HHS Panel to Study Gap in Black and White Health

Margaret M. Heckler, secretary of Health and Human Services, has announced the creation of a task force to study the health problems of blacks and other minorities in an attempt to close the gap between the death and disease rates of blacks and whites. In releasing the 1983 annual report of the nation's health in January, Heckler said the health of all Americans—including blacks—has improved substantially, but she acknowledged a continuing disparity in the rate of death and disease between the majority population and minorities.

This is particularly evident in the black infant mortality rate, which, according to Heckler, was nearly twice that of whites in 1981. And in 1982, the life expectancy of blacks—69.3 years—was still six years shorter than that of whites—75.1 years—even though the life expectancy of blacks had increased by more than 5 years since 1970.

Dr. Thomas Malone, deputy director of the National Institutes of Health, who is black, will head the task force.

Free Publications on Federal Campaign Finance

Arthur Andersen and Company, one of the nation's largest public accounting firms, has published three booklets on federal campaign finance—*Financial Management of Federal Election Campaigns, Contributing to Federal Election Campaigns,* and *PACs: Political Action Committees.* These are

(Continued on page 8)

. . . Housing Bias

(Continued from page 4)

posed to the six-month period applicable under the Fair Housing Act.

The Sherman Act is also a criminal statute, and the Justice Department can prosecute violations as felonies. The Act authorizes sentences of up to three years and fines up to $1 million. While such prosecutions are unlikely in the near term, if this avenue can be established, they become a future threat.

And lastly, the antitrust laws are rooted in a fundamental economic purpose. They cannot be reinterpreted to accommodate civil rights policy shifts within a given administration, without risking drastic and unforeseen economic consequences outside the civil rights sphere.

To be sure, antitrust suits are costly, complex, and time consuming. To apply antitrust law in a new area such as housing discrimination will require the resolution of many issues that have only been touched on in this article. Victory on such a theory is neither guaranteed nor easy to achieve. But the power of the Sherman Act is too great a force to remain unharnessed in the struggle for civil rights.

. . . Telescope

(Continued from page 7)

brief, basic summaries, in question-and-answer format, of federal regulations regarding the financial side of campaigns and PACs. For free copies of these publications write Ann Lancaster, Arthur Andersen and Co., 1666 K St., N.W., Washington, D.C. 20006; or call (202) 862-3121.

Industrial Policy . . .

(Continued from page 6)

The first of these, cosponsored by the A. Philip Randolph Education Fund, was held in late October 1983 in New York and dealt with issues such as the implications of various industrial policies for minorities, and deindustrialization and the black community. Participants at this conference underscored the fact that the industrial policy debate has made very little reference to the place of minorities in the American economy. Since blacks have belatedly entered the debate over industrial policy, their interests and concerns have not been a topic of discussion among industrial policy advocates. And because there were few explicit signs that minorities were especially interested in the question of industrial policy, it did not occur to many policy makers to seek their counsel on particular proposals.

This will undoubtedly change. If the October conference in New York is any indication, minorities will be playing an increasingly active role in helping to develop and shape an industrial policy sensitive to the needs and problems of all workers in society.

In the 1970s, the focus of the civil rights movement shifted from the passage of antidiscrimination legislation to affirmative action programs in order to address the problems created by previous discrimination. In the closing decades of the twentieth century, the civil rights agenda will have to be expanded to help confront what could be the most difficult challenge of all: obstacles to minority economic advancement that flow directly from the organization of the American economy.

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