

Increasing number of blacks serving on state high courts

Associated Press

COLUMBIA, S.C. — When Ernest Finney, a 54-year-old former state legislator, formally begins a 10-year term today, he'll be the first black to sit on South Carolina's Supreme Court since Reconstruction 115 years ago.

And South Carolina will become the second Southern state this year — Mississippi was the first — to place a black on its supreme court.

In the last five years, the South has led a trend which has seen the doubling of the number of states with blacks seated on courts of last resort.

Besides South Carolina, other states that have a black supreme court member are Florida, Maryland, California, Pennsylvania, Virginia, North Carolina, Alabama, Mississippi and New York. In 1980, only five states had blacks on their high courts.

Black judges express different theories for the increase and why the South is, as Howard University law professor J. Clay Smith says with a laugh, "rising again."

Otis Smith, who became the second black on a state supreme court when he was appointed in Michigan in 1961 to fill an unexpired term, credits both the Voting Rights Act and a general liberalization of racial attitudes.

Smith lost his bid for election to a full term in 1967.

About 300 blacks were serving in elected office at the local, state

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and federal level in 1964, the year Congress approved the Voting Rights Act, the Joint Center for Political Studies in Washington estimated.

In January 1985, there were 6,056 black elected officials across the country, about 3,233 in the South, the center said.

Until Finney's election in April, the only other black justice in South Carolina's history was Jonathan Jaspers Wright, a Pennsylvania native.

Described in an 1867 newspaper article as "a very intelligent, well-spoken colored attorney," Wright ran against another black and was elected by a legislature that included blacks, J. Clay Smith said. Wright served seven years until whites regained political control of the state.

Finney's unanimous election by the South Carolina General Assembly 115 years later is "extraordinary" and has national significance, he said.

Blacks are not represented in large numbers among lower

court judges and in large law firms, two sources from which justices of the states' high courts are traditionally drawn, said Edward Toles, a Chicago bankruptcy judge and historian for the judicial council of the National Bar Association, a predominantly black organization.

According to the 1980 Census, there are about 15,000 black lawyers and judges of a nationwide total of 500,000 lawyers and judges, he said.

The justices themselves are matter-of-fact about reaching the elite of the state judiciary. Most have been breaking color barriers all their lives.

"The South today is not at all the South I knew when I arrived here in 1946," said Finney, who was a state legislator for four years in the 1970s.

"When I was admitted to the bar in 1954 I was one of only five black lawyers in the state."

Black representation on state supreme courts gives people faith and confidence in the institution and it's an important symbol to black youth, the justices said.

But the justices say black representation makes no significant difference in how the court rules.

Finney said: "We have a dedication and a responsibility to be the very best that we can be in whatever we do, and by and large if you do that the color of your skin becomes less and less important."

Compliance rate rises for payment of child support

Associated Press

WASHINGTON — More than three-quarters of the women who were supposed to receive child support payments got at least part of the amount due, the Census Bureau reported Thursday.

The slight increase was welcomed by federal officials who have been striving to get fathers to meet their obligations.

Of the women who were due child support, 76 percent received at least some of amount scheduled in 1983, up from 71.8 percent in 1981, the Census Bureau reported.

And the share of women who received the full amount they had been awarded, either in a voluntary agreement or a court order, rose from 46.7 percent to 50.5 percent in the same period, Census officials said.

"We are moving in the right direction, but still there are too many American children who do not receive the support they need," said Health and Human Services Secretary Margaret Heckler, whose department has been leading an effort to get fathers to fulfill their financial obligations to offspring.

There were 8.7 million women in America living with children but no husband present in 1983, the Census Bureau reported, up from 8.4 million in 1981. Of the total, 3.9 million were scheduled to receive child support payments, down from 4.0 million in the earlier study.

Gordon Green, the bureau's assistant director of the population division, said there are a variety of reasons why women with children may not be due any payment.

These range from delays in court proceedings to acceptance of property settlements instead of child support, inability to find the father or to establish paternity and situations where the mother and father have joint custody or in which the mother does not want assistance.

The increase in the number of women who received at least some payment was slight, but statistically significant, Green said, representing an increase from 2,902,000 to 3,037,000.

Average child support payments were \$2,341 in 1983, up from \$2,307 in 1981 but below the average of \$2,746 reported in 1978, in dollars adjusted for inflation.

Turning to alimony, the Census Bureau reported that of 17.1 million divorced, women only 14 percent had been awarded alimony in their settlement.

Of the 791,000 divorced women who were scheduled to receive alimony in 1983, 76.9 percent did so, up from 67.4 percent in 1981, the bureau said.

Average alimony in 1983 was \$3,976, up from \$3,286 in 1981 but a drop from the \$4,352 of 1978, measured in dollars adjusted for inflation.

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.35 cts.	800	425
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.30 cts.	635	365
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