

TOWARD A MORE COOPERATIVE AND PRODUCTIVE RELATIONSHIP AMONG CIVIL RIGHTS AGENCIES AND OFFICIALS

A Report of the Proceedings of
Regional Civil Rights Conference I
Sponsored by the U.S. Commission
on Civil Rights in St. Louis,
Missouri, February 11-13, 1974

U.S. COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights is a temporary, independent, bipartisan agency established by the Congress in 1957 to:

- . Investigate complaints alleging denial of the right to vote by reason of race, color, religion, sex, or national origin, or by reason of fraudulent practices;
- . Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice;
- . Appraise Federal laws and policies with respect to the denial of equal protection of the laws because of race, color, religion, sex, or national origin, or in the administration of justice;
- . Serve as a national clearinghouse for information concerning denials of equal protection of the laws because of race, color, religion, sex, or national origin; and
- . Submit reports, findings, and recommendations to the President and Congress.

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PREFACE

Reporting the Proceedings of a Commission Conference

This is a conference report, not a verbatim transcript, of the first Regional Conference on Civil Rights, sponsored by the Commission and held in St. Louis, Missouri, February 11-13, 1974. Owing to the restrictions of space it was necessary to summarize the various sessions and presentations, and none escaped pruning in the effort to include them in this report. However, every care and diligence has been exercised to be faithful to the intentions of speakers, and to be comprehensive of the conference substance.

The conference was sponsored by the Commission under its clearinghouse mandate, which requires the Commission to "serve as a national clearinghouse for information in respect to laws because of race, color, religion, sex or national origin..." The mechanism of a conference is particularly appropriate to the collection and dissemination of certain kinds of information, especially that which is general in nature, descriptive of programs, presented in subjective ways, or which relates to planning and strategizing. A conference is a vehicle for the flow of information. At this conference some information was provided to participants by specialists. The participants exchanged pertinent civil rights information extensively on an informal basis which therefore does not lend itself to reporting; and the Commission

received information from the participants through workshop discussions.

Except for the summary of the opening address by the Commission's Staff Director, the content of this report does not necessarily reflect the position or the policies of the Commission. The report is a collection of the information presented at the conference and is published as a means of disseminating this same information beyond the conference itself. It is intended primarily for the conference participants, the Commission, and its staff; but it will be made available, on a limited basis, to others to whom it may be useful.

These conference proceedings were prepared by Frederick B. Routh, Director, and Everett A. Waldo, Assistant Director, of the Special Projects Unit, Office of the Staff Director, U.S. Commission on Civil Rights.

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INTRODUCTION

During the last 5 or 6 years, the civil rights movement has experienced profound changes. At one time its focus and leadership were clearly identifiable and enjoyed cohesion and unity. Also some few years back there were relatively few efforts by public agencies to participate in and promote the full implementation of laws protecting the rights of citizens irrespective of race, color, religion, sex, or national origin.

This situation has now changed. The leadership of the civil rights community is more diverse and lacks apparent cohesion and unified direction. The whole movement has expanded significantly so that it now comprehensively includes a wide variety of minority groups as well as women. The movement also includes focus upon actions by members of the majority community, its businesses and organizations.

And perhaps most significant, while the apparent power of the civil rights community seems, at this time, to be less than it was 10 years ago, the public agencies which participate in the movement and promote the implementation of civil rights laws, have proliferated extensively and now are established throughout the Federal Government as well as on the State, county, and municipal levels. There are more citizens, private organizations, and public officials and agencies concerned with civil rights and the implementation of civil rights laws in 1974 than at any other time in our history.

Nevertheless, there is a significant lack of cohesion among the many levels of government and among the many private organizations. Communications and the exchange of useful and relevant information from level to level and from group to group seem to be ineffective where they exist at all.

With this analysis of the current situation in the civil rights community, the U.S. Commission on Civil Rights chose to sponsor a series of regional conferences under its clearinghouse mandate. The conferences will be addressed to the lack of cohesion and to the apparent lack of cooperation and information exchange. The immediate purpose of the conferences is to provide the forum for the exchange of information and ideas regarding civil rights for officials of public civil rights agencies at the local and State level. Federal officials will be invited to participate in order that they can learn more about the problems of local civil rights officials and might establish closer relationships with them.

This is the report of the first of this series of conferences. The first step in this conference was to assure that representatives of the State and local civil rights officials who would be invited to the conference would have a significant measure of input into its content and design. About a dozen such persons met with Commission staff and consulted with them during the planning of the conference. They represented agencies both with and without enforcement responsibilities; they represented women's commissions at the State and local

levels, as well as human relations and civil rights agencies at both levels. The planning representatives also included Commission regional staff and members of State Advisory Committees to the Commission.

This process is viewed sometimes as both expensive and time-consuming. But it assures that the conference will be relevant to the specific needs and issues felt by the people for whom it is designed. It also allows a conference to be an ongoing process of growth rather than a single isolated event. While the planning process is reflected in the conference agenda, content, and design, the Commission and its staff assume the responsibility for the implementation and the success or failure of the conference.

Officials of public rights agencies were invited from 11 States and many counties and municipalities within those States. The States were Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. A complete list of those invited to and/or attending the conference is attached to the report.

The publication of this report would seem to conclude the first project in this series of conferences. But as the planning involved many people for several months prior to the conference, the follow-through activities are already involving many more individuals and organizations and will continue to influence civil rights activities in those States for some months to come. It is hoped that setting the contents of that conference onto paper, and distributing it to agencies and officials in the region where the conference was held, will

strengthen and make effective those followthrough activities. This report, then, is merely one of the many parts to an ongoing process of growth and strengthening of the civil rights movement.

TOWARD A MORE COOPERATIVE AND PRODUCTIVE
RELATIONSHIP AMONG PUBLIC CIVIL RIGHTS AGENCIES

Keynote Address by John A. Buggs, Staff Director
U.S. Commission on Civil Rights

The Civil Rights Act of 1964 amended the 1957 Civil Rights Act to grant to the U.S. Commission on Civil Rights the authority to "serve as a national clearinghouse for information in respect to denial of equal protection of the laws because of race, color, religion, sex, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities and transportation, or in the administration of justice." It is under this authority that this conference has been called.

In the past, this Commission has discharged its responsibility in three basic ways: (1) public hearings -- a quasi-legislative process designed to find facts with reference to the denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin; (2) research into the situations facing minorities and women in the fields enumerated in our statute; and (3) the establishment of Advisory Committees in each of the 50 States and the District of Columbia -- these committees having the responsibility to serve as the eyes and ears of the Commission in their respective States and to report to the Commission their recommendations for the amelioration of the problems they uncover. These

three approaches have, we believe, served well the cause of civil rights.

Beginning in 1964, Federal law and Executive orders had provided some enforcement powers to a newly created agency -- the Equal Employment Opportunity Commission -- and to almost every department and agency of the Federal Government. Our Commissioners felt that it was important to establish a means of monitoring the stewardship of these Federal departments and agencies so far as their civil rights responsibilities were concerned. Since 1970, therefore, the Commission has issued periodical reports on the "Federal Civil Rights Enforcement Effort." This has been an important and fruitful departure from the traditional manner in which the Commission discharged its responsibility.

Just as the role of monitor of the Federal civil rights enforcement effort has, we believe, been an important and effective instrument for progress, we now wish you to join with us in a new experiment.

In many ways this new experiment is more than an appendage to an existing responsibility. It is, we believe, a broadening of the interpretation of our authority under the clearinghouse function granted by the Congress in 1964. I have reference to this conference which is the first of its kind ever called by the U.S. Commission on Civil Rights.

Our reasons for taking this step grow out of conviction that if there is one overriding need in the human rights field today, it is a more cooperative and productive relationship among those public

agencies charged with the responsibility of improving the civil rights and human relationships of the people of the Nation.

Cooperation doesn't just "happen." At least two ingredients must be present if it is to occur. First, there must be the need and second, the opportunity. Some of you here were, along with me, present in Washington, D.C., at the last conference called by the Federal Government to discuss and plan for the attainment of the full gamut of civil rights for the minorities of the Nation. That conference was held in 1966 and it was held under the intriguing title, "To Fulfill These Rights."

Cooperation was not too difficult to get in those days. We were riding a wave of legislative success at the national level, the leadership of the civil rights movement was virile and aggressive, and the challenges for additional improvement seemed bright and not too difficult to attain. Looking back on that conference though, I believe it is fair to say that the call for cooperation was for a kind of final push toward an objective that we felt might well spell the end of the search for those legal and legislative tools so necessary to the attainment of justice and equality for minority groups in America.

In 1966 the civil rights movement among Chicanos in this country was not very well defined. There were a few private organizations dedicated to presenting the plight of millions of Americans of Mexican and Latin heritage to the rest of the Nation. The Puerto

Rican community was barely stirring. The Native Americans had not then dreamed of a second Wounded Knee. Ethnics were still interested only in putting on a few cultural affairs each year -- so far as the uninitiated American public knew; and the women of the Nation had not yet fashioned a viable NOW or WEAL or any other organization with the ability to get out of the Congress a constitutional amendment to be proposed to the several States. All or most of this has happened in the 8 years since that 1966 White House Conference.

A new and important dimension, therefore, has been added to our responsibilities, a dimension that presents us with issues that were not a part of our concern a few short years ago. In many ways the civil rights problems we now face are more complicated than those faced 10 years ago if only because most of us are not as familiar with the issues and the problems surrounding Chicanos, Puerto Ricans, Native Americans, and that 52 percent of our population -- women.

There is need for an exchange of ideas, methods, and techniques for dealing more effectively with the problems facing these groups, and a cooperative effort in that connection among agencies at every level of government is urgently necessary.

There is, within the Federal Government, a serious need to more effectively coordinate the enforcement efforts of the various laws administered by several Federal agencies. Overlapping jurisdiction, uncoordinated approaches by two or more Federal agencies to a single respondent, the application of different standards in determining

compliance or noncompliance are a few of the problems that respondents have a right to demand be solved.

State and local agencies are generally more familiar with the problems in their city, county, and State than are Federal agencies. They are, in my opinion, much more likely to perceive accurately the point at which intervention would be most effective in almost any type of civil rights problem. State and local agencies could be, therefore, a tremendous ally of the EEOC, Office of Federal Contract Compliance, Equal Opportunity Office of HUD, the Office of Civil Rights at HEW, and the Civil Rights Division of the Department of Justice in suggesting those areas and those institutions most in need of their attention.

Our problems are too big, too complicated, and the means to deal effectively with them now require too much sophistication to permit us to attempt their solution in isolation from each other.

There was a time when it was popular in most parts of the Nation for the political, business, and institutional leadership at the national, State, and local level to have civil rights issues at or near the top of the agenda -- but not now. In those days the old coalition of labor, religious, and civil rights leaders worked in close and harmonious relationship in our effort to overcome centuries of persecution, disenfranchisement, discrimination, and segregation -- but not now. In those days, the TV could rarely be turned on without a picture of the arm-in-arm camaraderie of the

leaders of these groups marching together to assault the bastions of bigotry and intolerance -- but not now. In those days there was almost perfect unanimity on the objectives of the civil rights movement -- but not now. We talked about and worked for school desegregation, affirmative action in employment, and open housing throughout the Nation and a vast array of private citizens joined us in pursuit of those goals -- but not now.

A malaise has settled over the Nation so far as civil rights are concerned, and the once public clamor for progress and change has almost turned into a belief that all that needed to be done has been done, that all the distance that had to be traveled has been traveled, that all the changes that needed to be made have been made. The great mass of the people of the Nation have now found other issues to claim their attention and their energies. The environment became, at the end of the last decade, the priority item that the young and the socially concerned turned to. That now must share the spotlight with the more mercurial energy crisis. Both issues are of overriding importance to all of us, but not to the almost total eclipse of civil rights in the mind of the American public.

While we might have expected a lessening of the fervor that was once exhibited in pursuit of the civil rights objectives in the fifties and sixties, two phenomena have occurred that I doubt we expected. First, the attack on certain advances we had made. The desegregation of schools has now been under attack for several years. While a

majority of the American public profess a commitment to school integration, they nevertheless relentlessly attack the only present method of accomplishing that objective -- busing. And on another front, while calling for equal employment for those who in the past were systematically excluded from a vast array of employment opportunities, there are those who would attack affirmative action as simply a device to practice reverse discrimination. Thus, a new front is opened on which we now stand facing not only our traditional opponents but, unfortunately, some of our longtime friends.

Second, and perhaps most important of all, too many of us charged with the responsibility of providing leadership in the development of methods and techniques designed to fulfill the promise of our earlier successful efforts on the legislative front seem to have lost the verve, the energy, and the burning desire to face the new challenges to us. It is not a challenge that can be met with the methods of the past. Supplication to those who hold the power to make changes is now of limited value, for too many of the powerful feel that enough has been done. Protestation in the mode of the 1960's can, in most cases, be counterproductive, for the American public is learning to be unaffected in a positive way by it. Education is still a useful device if we can find ways of gaining the attention of those who need the education. And legislation, the last of the quartet of the methods of the past, has its ultimate effect only when there exists widespread support for the law and a corresponding willingness on the part of

the appropriate agencies to enforce it vigorously.

This conference, the first of four such regional meetings, will, we hope, provide the forum within which there can be an exchange of information and an understanding of and agreement on the roles we should all play in support of each other's responsibility. It should also serve to define those areas in which one level of government can be more effective than another. It should be possible to agree on a unified approach to those Federal agencies, both program and civil rights enforcement, calculated to make more effective the implementation of Federal, State, and local laws designed to accomplish the objectives for which we were all created.

The planning for this conference was symbolic of the type of cooperation which I believe we all seek. Representatives of the Commission's staff met with representatives of State and local civil rights agencies and State commissions on the status of women. Together they hammered out the issues which are of greatest concern to State and local agency leadership. Some issues which the Commission staff thought were of major concern were abandoned when State and local staff felt otherwise. As one of the local staff members said at the close of the planning session, "You said you came more to hear than be heard; we were skeptical; but you really did listen, and you acted on what you heard."

What is called for, I repeat, is a genuine exchange of information, an honest exploration of areas of possible cooperation, an acknowledge-

ment that no one agency has a corner on the market of wisdom, a recognition that different agencies legitimately play different roles, and finally -- and let me stress this -- that we are allies, not adversaries, in the struggle for human dignity.

If we are to be allies, in any real sense of the word, we must be able to come together and we must establish and nourish lines of communication. That is why I believe conferences, such as this, are of significance. I remember in Los Angeles that we had a strong sense of being isolated, even lonely. People and information stopped at the Rockies. Some of you must feel that they stop at the Mississippi or, perhaps, the Alleghenies. Our Commissioners and I are pledged to the task of assisting you in breaking down barriers and of opening lines of communication and cooperation among human rights agencies at the Federal, State, and local levels.

This conference is not designed to deal as much with the substance of the civil rights problems we face as with the need to organize better to face them. In this conference we are in the rather unusual position of being more concerned with form than with substance, for we will not be able to effectively deal with substance until the manner in which we relate to each other has been determined.

To a larger degree than at any time since the beginning of the strong surge of the civil rights movement in 1957, we are, as public agencies, alone in our efforts to make America work. But we now have more tools and more human resources than we have ever had before. It

may be that another reason for the lessening of visible, "feelable" public support is in some respect reflective of that fact. The people may now feel that as an institution, we are full-grown, mature women and men capable of fulfilling a new role in this continuing struggle for human rights -- a role that requires us to provide them, the American public, with the means and the method through which they may help us reach that goal. In our view, the first step in fulfilling that role is to know ourselves better -- to know each other better -- to talk among ourselves to better determine how we might act in concert more effectively. That was the challenge you gave us when we decided to hold this conference -- it is the challenge we return to you as you participate in it.

FEDERAL CIVIL RIGHTS ENFORCEMENT
EFFORT IN EMPLOYMENT

Presentation by Jeffrey Miller, Director
Office of Federal Civil Rights Evaluation
U.S. Commission on Civil Rights

The opinions I express are my own, and do not necessarily reflect those of the Commission, its Commissioners, or the Staff Director. The U.S. Commission on Civil Rights discovered during its first evaluation of Federal civil rights enforcement efforts in 1970 that the Government was lagging grievously in its efforts. Currently, there is irregular but more effective activity in the Federal Government, but we are still not moving very fast toward the ever-elusive goal of equal opportunity. Why not, since there are some 3,500 Federal employees working full time in equal opportunity programs?

(1) The discriminators are far more sophisticated than previously. Blatant "no blacks wanted" signs no longer exist, but discriminatory testing procedures are common and these are difficult to document. The higher degree of sophistication leaves many job applicants unaware they are being discriminated against.

(2) A second factor is that Federal enforcement efforts are directed not at small "bad guys," easy to pinpoint, but to the Nation's greatest corporations, the most prestigious institutions of higher learning, and the largest financial institutions.

(3) The third factor, which is the principal subject of this discussion, is the failure of the Federal Government to develop a uniform and effective enforcement program.

Ingredients of a Good Enforcement Program

There are nine essential ingredients in a good enforcement program.

(1) The first is adequate planning, including the establishment of long-range goals.

(2) The second is the establishment of interim yearly objectives which show how the ultimate goal is to be reached.

(3) The third element is the development of a staff which is adequate to the task both in terms of size and competence.

(4) The fourth element is efficient management, especially with regard to the flow of information from Washington to the regions.

(5) The fifth element is to provide clear guidelines on equal employment requirements. Employers need to know specifically what they can and cannot do. Employees need to know their rights, how to file complaints, and how to monitor employers. Enforcement agency investigators also need to have those guidelines, as well as detailed instructions on how to conduct a compliance review and a complaint investigation and what type of reporting requirements to impose.

(6) The sixth element is a comprehensive reporting system. This must include data from employers with regard to hires, promotions, applicants, and manpower (or "personpower") pools. The reporting

system must also include means to evaluate the data and to determine what is not a good faith effort.

(7) A sufficient number of onsite reviews and followup reviews is the seventh essential ingredient.

(8) The eighth factor in an effective program is the fair and firm use of sanctions when agreement cannot be reached after a reasonable period of negotiation.

(9) The ninth element is the flexibility to meet new challenges and to take advantage of new opportunities.

Three Federal enforcement agencies are considered in this discussion in terms of the essential elements of an enforcement program: the Equal Employment Opportunity Commission (EEOC), the Office of Federal Contract Compliance (OFCC), and the U.S. Civil Service Commission (CSC).

The Equal Employment Opportunity Commission (EEOC)

The jurisdiction of EEOC covers discrimination on the basis of race, religion, national origin, and sex. Its jurisdiction covers employers, unions, employment agencies, State and local government employment, and public and private educational institutions. EEOC can bring suits against all respondents except State and local government institutions. Cases in which those State and local institutions are respondents must be referred to the Department of Justice for action. EEOC functions on the basis of complaint investigation and conciliation

through its seven regional and numerous district offices.

One problem experienced by EEOC is the transmittal of information and standards between Washington and the field. Its largest problem, however, is the sheer magnitude of its job. As of June 1973 there were 69,000 backlogged cases. The median time span from filing to resolution of a complaint is over 2½ years. Without guidelines, investigators have seldom limited themselves to the specific complaint, but have undertaken to investigate other problems which they have observed during investigations of the original complaint. This now has come to an end, but it helped create the backlog.

There also is a lack of guidelines by which staff can make judgments regarding how to pick cases to bring to litigation. Therefore, many cases taken for litigation are individual cases with little or no impact on patterns of employment discrimination. However, EEOC has always intervened in cases and issues of national importance, such as the AT&T case, the DeFunis case, and the steel industry case.

EEOC shares its enforcement responsibilities with the State and local governments. Referrals to the State and local civil rights agencies in fiscal year 1973 numbered well over 20,000, with few positive results. Last year EEOC granted \$1.7 million to these agencies for assistance with their programs in EEO. But it is clear that such a program has to be commensurately funded to be effective,

and \$1.7 million apparently is insufficient.

Another tool of EEOC is to enter into voluntary agreements with employers. After the AT&T consent decree cost \$15 million, other industries have been looking for voluntary agreements. To date, there has been only one and it has not met the standards set by the AT&T case.

The Office of Federal Contract Compliance (OFCC)

The OFCC was formed in 1965 and operates under two Executive Orders, 11246 and 11375. The OFCC compliance program covers about 30 million workers. During its life, OFCC has been reorganized several times. Having once been a part of the Department of Labor's Secretary's Office, each reorganization left OFCC further down the ladder of importance. Not only that, but in 1971 it lost control of its field staff, which no longer reports to the Director of OFCC.

OFCC has 104 positions, 40 percent of which are in the field. The entire field staff concentrates on construction contracts. But only 10 percent of the workers are involved in construction. At best, it seems a misallocation of staff.

OFCC works through 17 Federal agencies and this has produced a morass. Enforcement efforts vary tremendously from agency to agency. Expenditures on EEO programs also vary greatly. This has led to inconsistencies in Executive order enforcement efforts.

OFCC, unlike EEOC, has no guidelines on back pay or remedial programs; its testing guidelines are weaker than EEOC's; its sex discrimination guidelines of 1970 were, at best, primitive. They presently are under revision and, while promising to be better, are still not as good as EEOC's on such matters as bona fide occupational exemptions and retirement pay.

OFCC has issued "Order 4," which sets forth requirements for affirmative action for contractors in the nonconstruction field. So far as it goes, it is an effective tool. OFCC, however, has not yet developed a tool to help governmental agencies evaluate whether the contractors are meeting the standards set by Order 4 in such matters as analysis of the utilization of minority and women workers, the adequacy of hiring goals, and the efficacy of selection criteria. OFCC is working on such an order and has been since 1970. It is designated "Order 14"; first completed in January 1973, it is under revision again. There is a bit of mystery about Order 14; everyone we have talked with at OFCC denies having written it; the Solicitor of the Department of Labor, who writes such materials for OFCC, claimed that he never saw it! One thing that is clear, Revised Order 14 follows the guidelines set forth by a group of eight large, industrial employers, led by IBM.

OFCC's record, and the record of the 17 Federal agencies it works through, is dismal. In FY 1973, when OFCC asked the agencies to review 45,000 contractor facilities, less than half the reviews

were completed; three agencies reviewed 40 percent of their contractor facilities, the Treasury Department did 4 percent and the Department of Agriculture did 1 percent. OFCC reviewed 9 of the 22,000 "accepted" affirmative action plans; they found all of them inadequate; 5 of them didn't even have goals or timetables.

The sanctions available to OFCC are extensive -- debarment, termination of contract, withholding of payments, and the like, However, there has never been one procurement contract debarred; indeed, since 1941, there have been only four contracts debarred, all relatively small construction contracts.

OFCC has the authority to revoke any of the 17 agencies' power to review contracts; two cases where it has done so are of significance. The General Services Administration (GSA) was responsible for reviewing the compliance posture of AT&T; in September 1972, GSA approved AT&T's affirmative action plan, even though it knew that EEOC was preparing to challenge it. OFCC revoked GSA's authority to review the AT&T contract and, to this day, GSA refuses to play any role in monitoring the AT&T consent decree. The other case involves the Federal Aviation Administration (FAA) and Delta Airlines.

In July 1970, FAA informed Delta it was in noncompliance and that its affirmative action plan was unacceptable. After a vice president of Delta flew to Washington and saw the Assistant Secretary of Transportation (FAA's parent organization), the Delta

file was returned to the field and the affirmative action plan accepted. This was done even though the Justice Department was preparing to sue Delta and had so informed FAA. Again, OFCC had to revoke authority of a Federal agency to review compliance. To this date, nearly 4 years later, Delta does not have an acceptable affirmative action program.

OFCC handles construction contractors differently than it does nonconstruction contracts. There are seven imposed plans in which OFCC set a range of goals for contractors to follow. There also are more than 40 "hometown plans." I think that they are a failure; I think that they are an abdication of Federal responsibility. Hometown plans are an agreement between a union, minorities, and contractors, utilizing OFCC-issued conditions which must be made part of the bids. These bids have two parts. Part one states that no goals or timetables are required with the contract if all the unions used by the contractor sign the contract. If not all of the unions sign the contract, part two applies and contractors can be required to set goals and timetables. Very few contractors come under part two.

As a result of the inherent weakness of these hometown plans, some cities have issued regulations which have stronger requirements. New York and Boston are two such situations. However, in Boston the contractors sued in Federal court, and there was some confusion on the part of the Department of Labor as to which side it was on.

OFCC has recently issued regulations requiring any city which intends to impose additional regulations to clear them first with OFCC. The Assistant Secretary of Labor has indicated that OFCC considers such supplemental regulations harmful to its program.

The U.S. Civil Service Commission

The Civil Service Commission was formed in 1883, and for over 60 years it administered an openly discriminatory system. Today, although 20 percent of the Federal work force is minority, they are concentrated in the lower grade levels; although 40 percent are women, more than three-quarters of them are in grades 1 to 4. Some agencies, such as NASA, the Department of Agriculture, and the Transportation Department, have appalling records.

Courts have held that where an employer discriminates and the effects of past discrimination are still present, remedial action must be taken. I contend that the merit system does not allow remedial action, that it bars effective remedial action, and is, therefore, in some ways unconstitutional. The merit system was never a merit system for minorities and women; basically, it was a merit system for Anglo males.

While there have been Executive orders covering Federal employment since 1940, it wasn't until 1965 that the affirmative action requirement was assigned to the Civil Service Commission. The Commission contended that it had little authority until the

Employment Act of 1972 was passed. In other words, from 1965 to 1972 the Civil Service Commission did very little to carry out its responsibilities for affirmative action.

The Equal Opportunity Act of 1972 requires that national and regional plans be approved by the Civil Service Commission. It provides the right to sue and it allows for back pay. A cross-country trip to Civil Service Commission offices indicated great variation in the quality of work being done. We found that agencies were filing their plans extremely late and that many were primitive at best. Some were clearly unacceptable; but this was difficult to ascertain, for the Commission granted "conditional approval" when they were in negotiations with agencies. The CSC has adopted a basically consultative role, rather than a regulatory role. Not one of these Federal plans could be accepted by OFCC, for they are all 1-year plans and OFCC requires long-range goals with intermediate objectives.

Since 1965, certain State and local agencies -- such as health, welfare, and employment services and civil defense -- have had to conform to Federal standards; affirmative action plans are required. Some CSC regional offices do a good job of looking at these plans; others do not. The San Francisco regional office, for example, does a very fine job; the Dallas regional office has never looked at a plan. Other than in Rhode Island no State in the New England region has been required to set goals and timetables.

The Equal Employment Opportunity Coordinating Council

Formed in March 1972, this Council is comprised of the Civil Service Commission, the Commission on Civil Rights, the Equal Employment Opportunity Commission, the Justice Department, and the Labor Department. The role of the Council is to maximize efforts, promote efficiency, and eliminate conflicts, competition, duplication, and inconsistencies among Federal agency programs.

The Council seems to have difficulty in determining where it will meet and who will sit in the head chair. It must report to the President every June. Its first report merely said, "Well, we met once and we're going to do some things." Recently, it has been working on joint testing guidelines, and this is significant. Unhappily, it hasn't met since last June and it hasn't accomplished anything it proposed to do in its letter to the President. Particularly disappointing is the failure to develop valid, "transportable" tests to be used all over the country for firefighters, State police officers, correction officers, and welfare workers.

In conclusion, it may be said that the Federal Government has a sort of semieffective enforcement program, with different rules for different employers, that isn't getting better very fast. In the workshops which follow, our goal is to understand the Federal effort better and to aim our ideas for its improvement.

WORKSHOP DISCUSSIONS: FEDERAL CIVIL
RIGHTS ENFORCEMENT IN EMPLOYMENT

Following the presentation by Mr. Miller, the participants were divided into workshops for the purpose of allowing discussion in groups small enough for everyone to participate. The tasks of the workshops were to clarify the Federal civil rights enforcement effort and to provide greater understanding of its operations and goals. An additional purpose was to propose means by which those efforts could be improved. This summary includes the substance of the discussions in all of the workshops.

The opening discussions in each of the workshops revealed a widely held view that the Federal civil rights enforcement effort in employment was largely ineffective in relation to the enormity of the task. The few successes noted contrast sharply against the recitation of the many instances of failure, of enormous backlogs of complaints not investigated or resolved. The reasons offered for this apparent failure were duplication of efforts, lack of communication, lack of uniform standards required of employers, lack of uniform systems of collecting data, of investigation, and of negotiation, and in some instances, a situation which could be described as chaotic.

Local and State enforcement authorities cited instances in which Federal agencies moved in without notice, without communication, and duplicated their efforts. In other instances Federal agencies told State agencies to withdraw from particular cases. Other allegations by the participants included situations in which regional representatives of Federal agencies apparently were operating on standards which were in conflict with those held by the Washington headquarters of the same agency.

The net result of the Federal civil rights enforcement effort in employment adversely affects the operations both of employers and of State and local compliance authorities. Employers are confused and defensive, never knowing what will be required next and, therefore, not usually taking steps which might otherwise be taken. State and local compliance agencies feel frustrated, unnecessarily preempted, and confused. This is especially true where a State may have higher standards and requirements than the Federal effort, or where a State agency has a workable relationship with an employer and it is preempted by Federal agents.

The entire civil rights enforcement area, and particularly the area of fair employment, has taken on a life of its own. There are multilevel agencies, a great number of regulations and enforcement procedures. But there is no real coherence. There is no coherent framework for determining objectives or identifying resources.

These were not the only problems recited by State and local public rights agency officials which they felt frustrated their efforts to secure equal employment opportunities and nondiscriminatory employment policies. Officials from small communities complained that "city officials have a glazed look in their eyes when you speak of affirmative action programs. They don't know what the municipal responsibility is."

Many participants felt that there is a concerted attack upon civil rights in general, taking the form of legislative attempts to remove compliance authority from the State and local agencies. Efforts of some State agencies were said to have been attacked when they moved from individual complaint processing to initiating complaints on the basis of patterns and practices of employment. Some of these legislative efforts move in the direction of leaving such compliance authority completely up to the Federal agencies: "...if this authority is removed from the State agency designated to enforce employment laws, then I think we might be set back a good number of decades."

Participants also cited examples of apparently deliberate efforts to "divide and conquer," to proliferate the number of minority persons or women applying for a position, or for election to a public office, in order to divide the vote and obviate the possibility of any one of them being appointed or elected.

The problems related to equal opportunity in employment for women were recited. They included especially the double jeopardy which minority women experience: employers and compliance authorities often subject minority women to making a choice whether to be a woman or to be a minority person. This leaves minority women in the worst position of all, with the fewest job opportunities in the entire job market.

Moreover, participants felt that when "you talk about civil rights with employers or Federal authorities, you are not talking about women." Women's issues are still seen to be separate from other civil rights issues. As shown later, participants felt this was another form of "divide and conquer" as well as an unrealistic approach to finding real solutions.

The workshops on this subject were not gripe sessions, however. Most of the time and effort of the participants was devoted to discussing real alternatives to the present system or means by which the present compliance system could work better.

Perhaps the most far-reaching implications were the discussions which revolved around cooperative arrangements among the various minorities and women, as well as among the State and municipal human, civil, and women's rights agencies. An example was cited of a diverse collection of minorities, women, and students on a city council, each with their own goals and agenda. However, as it turned out their interests coalesced on issue after issue, and they

frequently voted together. For example, one participant stated, there is "racism, sexism, violence, and poverty, four fundamental issues...Those of us here are equally earnest about all of those things. How can they be divided and separated? More effort may be put by a group into one direction than another, but they are all of a single piece."

The Governor's Commission on the Status of Women in one State, for another example, illustrated how their efforts to obtain executive orders and legislation were never done for women only, even though they are motivated by their mandate and the need to improve the situation of women in employment. They attempt to get legislation and executive orders on the books which are broadly enough stated to benefit not only women but minorities and the poor as well.

In the same context, it was pointed out that various and diverse groups can participate in monitoring the implementation of programs, such as manpower training programs, to assure that they work for minorities and women and the poor. Organization of citizens' groups, education of agency commissioners, and influencing political officials were among some of the strategies suggested.

A recent Federal act, signed into law and effective July 1, 1974, is the Comprehensive Employment and Training Act (CETA), a special revenue sharing program. It transfers to the States and cities, through block grants, authority and responsibility which

those levels of government have never before had in relation to manpower training funds. It is time now to take advantage of this new act, and the authority coming to the States and localities, to see that it moves in nonracist, nonsexist directions. The composition of the advisory councils is crucial to this. State and local agencies can influence the implementation of CETA if they will take steps to assure that the right kinds of people -- people who are sensitive to the issues and the needs -- get appointed to those councils.

The question of communications and information flow was a grave concern to participants in all the workshops. The National Association of Human Rights Workers and the International Association of Official Human Rights Agencies as well as the Interstate Association of Commissions on the Status of Women all have publications which include timely notes on activities in the compliance field, summaries of important cases, new regulations, etc. Subscription to these newsletters is one way of supporting the existing means of communicating information. Participants recommended that the U.S. Commission on Civil Rights should publish a monthly informational newsletter of its own.

Agencies both with and without enforcement powers should be looking for ways to establish linkages with other agencies, in order that their programs can be sufficiently coordinated to allow

them to complement each other and more fully utilize the potential which exists.

One resource for information is a two-volume publication from the U.S. Equal Employment Opportunity Commission. It is designed for employers and is titled Guidelines and Affirmative Action. Another source of information is the U.S. Office of Revenue Sharing. This office publishes a monthly bulletin which contains many details of the use and management of revenue sharing funds.

"A-95" provides a process by which a local community is able to pass on the acceptability of a program before it is funded under revenue sharing. There is a requirement under revenue sharing for citizen participation. The proactive agencies can be the watchdog in these cases. The citizen participation opportunity is not being adequately utilized. One State has a clearinghouse for all A-95 grant applications. All the reviewing agencies meet periodically to strengthen their guidelines and to bring in some agencies which do not yet participate in the clearance process.

The local governments in States and municipalities also have useful information. Agency officials should regularly ask what is being done, if notices of meetings are published, how money is being spent, what kind of citizen participation is going on, etc. Each local government should be able to answer who or what agency is set up to make the civil rights compliance evaluation under A-95.

Finally, lists were made by workshop participants of specific means by which to strengthen enforcement efforts in employment.

1. Join appropriate national professional associations to take advantage of information and linkages which they make possible.

2. Use the State Advisory Committees of the U.S. Commission on Civil Rights and the regional offices of the Commission. (A directory of the State Advisory Committee of the States participating in this Conference is in Appendix IV. The addresses of the regional offices serving these states are on page 64.)

3. Agencies must guard against attacks on initiatory powers by State legislatures. City and county agencies, as well as the private civil rights organizations and other social action groups in the private sector, can be recruited into this effort.

4. Communication and linkage is of tremendous importance. All those agencies with enforcement power should build relationships with those agencies which do not.

5. Building linkages out in the community, using private agencies, letting them use the public agencies is of the greatest importance.

6. All local and State agencies should be in touch with the State Commission on the Status of Women, another linkage and resource which traditional agencies often overlook.

7. The whole area of public employment is one where little work has been done and is especially appropriate for work by enforcement agencies.

8. The Comprehensive Employment and Training Act becomes effective in July 1974, and all agencies can have a voice in its implementation and can play a part in defining how it is going to be applied in any given State.

9. Federal agencies, to become more effective, must find among themselves ways to coordinate and communicate with each other.

10. Congressional hearings should be held on the performance and effectiveness of Federal civil rights agencies.

11. There should be a single umbrella agency in the Federal Government which coordinates the enforcement activities of all the agencies and which sets uniform standards of operation for the agencies and for compliance of employers.

12. A single Federal enforcement agency (not a coordinating umbrella) should be established, which could use one set of rules, one set of guidelines, one set of investigators.

13. Given the present enforcement system, there must be more money in order to do the job right.

14. Revise Title VI to eliminate requirements for deferral to States or provide for adequate Federal funding of State agencies to process cases deferred to them by Federal agencies.

15. The present system will become effective only as it pursues industry-wide agreements as it has in the AT&T case. That case alone has been a big step forward and is highly laudatory. The system of dealing with a single small employer at a time is impossibly inefficient.

16. The U.S. Commission on Civil Rights should study the performance of private industry and publish the results, with a system of "awards," or a ranking system, to show what industries, what individual corporations are implementing equal employment standards, and which are not. This should be published for the benefit of industry itself.

THREE PROFESSIONAL ASSOCIATIONS

In the interest of fulfilling the purpose of the conference to provide public rights agencies at the State and local levels means to strengthen their activities, the presiding officers of three national associations were invited to the conference to share the essence and purposes of their organizations with the participants.

1. Ms. Vivian Caver, Seattle, Washington, is president of the International Association of official Human Rights Agencies (IAOHRA). This is an association of public rights agencies (in contrast to being comprised of individuals). Originally it included only those public agencies with compliance authority, but more recently has included public proactive agencies. The IAOHRA was formed 25 years ago by community relations commissioners in cities and States who felt the need to exchange information, communicate, and develop new approaches to the difficult tasks they then faced.

The goals of the organization are to increase the professionalism of the member agencies and the field in general, to develop new techniques by which to accomplish goals, and to assist in understanding legal developments, new laws, and court decisions in the field.

IAOHRA is international in that it includes agencies in Canada, the Virgin Islands, and Puerto Rico. Agencies in the United Kingdom were also included at one time. The organization includes regional

representatives of the board who are responsible for developing constituent members in their respective regions.

Activities in recent years have included training conferences for staff of member agencies involved in complaint processing, investigation, and litigation. Community relations and education are also significant concerns.

The national organization publishes (for members) technical comments on legal developments, new and innovative program models, and a general interchange of information. Increasing communications among all professionals working in human rights is a current high-priority goal of the association.

The address of the current president of the association is:

Ms. Vivian L. Caver
Assistant Director
Seattle Human Rights Commission
2200 Ranier Avenue South
Seattle, Washington 98144 (See Appendix V)

Mr. Wendell J. Roye is president of the National Association of Human Rights Workers (NAHRW). It was known in its earlier days as the National Association of Intergroup Relations Officials (NAIRO). This is an association of individuals rather than of agencies. Its "headquarters" is housed with the incumbent president and therefore there is no permanent location or office. The association operates primarily through local chapters, each chapter chairperson being automatically a member of the board of directors. Other members are also elected to

the board, providing the opportunity to guarantee a thorough mix of race, sex, ethnicity, and geography on the board, which meets four times a year.

Membership is open to anyone in the field of human rights. Dues are \$25.00 per year. The association publishes the Journal of Intergroup Relations on a quarterly basis. A newsletter for members also provides for an information exchange, including job opportunities in the field. Periodically the association publishes a membership directory, the latest issue of which was published in March 1974.

The primary difference between IAOHRA and NAHRW is that the latter is comprised of individual members and the former is comprised of agency members. As in IAOHRA, NAHRW has as a high priority goal the increase of professionalism among its members working in civil rights and human rights. The chapter membership arrangement brings together human rights workers of a wide variety in any given city or State and provides for cross-fertilization and the exchange of information of diverse programs. It also provides for important linkages and relationships through the chapter and outside the institution or agency from which an individual member comes.

NAHRW has made possible in the past courses on human relations, lecture series, inservice training for professionals, an intern training program, and the development of new techniques for use in human relations work.

The current address of the association is:

Mr. Wendell J. Roye
President
National Association of Human
Rights Workers
523 West 121st Street
New York, New York 10027 (See Appendix V)

Ms. Joy Simonson of Washington, D.C., is the current president of the Interstate Association of Commissions on the Status of Women (IACSW). This association grew out of a recommendation from the late President Kennedy's Commission on the Status of Women. Under the leadership of Eleanor Roosevelt, that Commission recommended in its 1963 report that Governors appoint such commissions in each State. At this time there are such commissions in every State except Texas. However, the District of Columbia, the Virgin Islands, and Puerto Rico have commissions.

The commissions intentionally are broadly based, providing a cross-sectional membership of various women's interest groups in a given State. In most cases the commissions include some men. In very few cases are there any paid professionals. Commission members are largely unpaid volunteers, many of whom have other jobs.

The commissions are appointive and are, therefore, political entities. However, while this has some inherent weaknesses, it also brings certain benefits to the system. The members of the commissions are invariably persons fully committed to human rights, and as political appointees, they have entree and access to the political leadership of the moment. The Commissions on the Status of Women, therefore, provide

important bridges between the establishment and the community. The concerns of the community can be brought quickly and directly to the attention of leaders in the State government. And conversely, this makes possible a direct flow of information from government programs to the community. The IACSW was formed in 1970 when members of 30 commissions met for the purpose of establishing the Association. Issues with which the association is concerned include the passage of the Equal Rights Amendment to the U.S. Constitution. The association also "urges member commissions to work for the passage, strengthening and enforcement of laws which prohibit discrimination on the basis of sex, race, color, creed, religion, national origin, age, or marital status in employment, housing, public services, and education; and further recommends that Federal, State, and local agencies and departments charged with enforcing such laws, and the implementing of guidelines, should be adequately funded and supported."

The current address of the association is,

Ms. Joy R. Simonson
President, Interstate Association
of Commissions on the Status of Women
1249 National Press Building
Washington, D.C. 20004
Phone: 202/347-8726

WORKSHOP DISCUSSION ON
THE RELATIONSHIP OF THE WOMEN'S
MOVEMENT TO CIVIL RIGHTS

Following the presentations regarding the three associations, workshops were held to clarify the structure and operations of each, and to consider how each association could assist and strengthen State and local rights agencies. Only one of these workshops will be summarized, for two reasons. The International Association of Official Human Rights Agencies and the National Association of Human Rights Workers are well-known in the field, and each in its own way has been deeply involved in the civil rights movement over a long period of time. The Interstate Association of Commissions on the Status of Women, on the other hand, is relatively new to the field, and its work is less well known than that of the other two. The second reason for only summarizing the workshop of the IACSW is to highlight the work of this newcomer, and to give it what extra attention this report can provide.

Two aspects of Ms. Simonson's remarks were chosen for consideration in the workshop by the participants. First was the feeling that the feminist movement primarily is a white, middle-class women's activity and, therefore, cannot be considered a fully functioning and

respectable ally in the civil and human rights movement. The second was the conflict and competition some participants felt the women's movement poses to the civil rights movement as a whole. They feel it will divert resources, splitting some persons and funds off from traditional activities into uses exclusively for women's rights. This was combined by some with a sense that even if separate groups for women could be justified, there would still be a wasteful duplication of efforts.

The IACSW is fully aware of the feeling about the women's movement being a "white, middle-class women's movement," and consistently takes whatever steps are necessary to recruit minority women and to incorporate minority women's views into all its work. It is important to understand that women's concerns are the same as those of the poor and minorities, especially minority women. For example, the IACSW has supported the extension of the minimum wage laws, which would benefit many classes of people. It would especially benefit household workers, most of whom are women and many of those, minority women.

The IACSW is concerned with social service regulations, subsidized, quality child care for those women who must work and who find themselves with the cruel dilemma of working to support children for whom there is no one to care while they are working. The IACSW is concerned with credit discrimination, not because it frustrates women who want to flit around on credit cards, but because credit is an essential tool

for poor persons attempting to keep households together on minimal income. Some other concerns of IACSW include the condition of female prisoners, opening the "executive suite" to women, and the double jeopardy faced by minority women.

It is not the differences and gaps between the women's movement and more traditional race-focused civil rights that should be stressed, but the important thing is to stress the similarities, to discover the places where women's movement activities and other rights activities can complement each other and support each other.

Because of the absence of consideration of sexism in the traditional civil rights movement activities, IACSW feels it is important for the women's movement, at least through the Commissions on the Status of Women, to address the special needs of women. This is seen as no different from focusing on a special ethnic or minority group, such as Asian Americans or Mexican Americans, for each group experiences unique as well as the usual kinds of discrimination. For each of these groups, as well as for women, there is a need for specialization to meet their particular needs.

By specializing in a specific area, the women's movement brings greater potential to the whole movement for civil rights. It involves white women in the field of civil rights, some of whom would not otherwise be involved. It increases the breadth of those organizations and individuals available for united political thrusts and actions by coalitions of diverse people and groups.

The women's movement, while in some respects specializing in particular aspects of the movement, brings to the entire civil rights effort in this country, a basic humanist thrust for the whole society, consistent with the same aims and goals of other specialized groups in the rights movement.

Common goals among the entire civil rights community are essential. The established powers, which have much to gain or preserve for themselves if the civil rights movement is ineffective, are happy when the movement seems to pursue diverse or even conflicting goals. Common goals must be recognized and acted upon by the rights movement as a whole. For instance, the goals which the women's movement is working to achieve will be beneficial to women and men alike, because the feminist-humanist movement will have the effect of liberating men from many of the boxes they now are in. The organizations which are self-described as feminist and are considered as the leading spokeswomen of the movement are humanist oriented and will take every advantage to work for the total structure of the rights movement.

The object is a more humane world. This requires some very drastic restructuring of most of our basic institutions. Individuals will not be much closer to a free world, in which we have free choice and personal dignity, until there has been significant and fundamental change. Every group must lead itself to its own liberation. Women must do this for the women; black people must give leadership

to black liberation. But at the same time the basic objectives are the same and can be the centripetal force for coalescence and cooperative action.

WORKSHOPS ON INTERAGENCY RELATIONSHIPS

In response to a need for closer relationship among civil rights agencies at all levels, the conference included a series of workshops on relationships between several differing levels and kinds of agencies: Federal agencies and State and local agencies; State civil rights and local civil rights agencies; and local civil rights and other local governmental agencies.

The relationships between the Federal agencies and State and local civil rights agencies according to participants in these workshops were not qualitatively different from those already described in the workshops concerning Federal civil rights enforcement efforts in employment. Officials from local agencies with compliance authority especially were distressed with what they described as the "elusive and uncoordinated operations of the Federal agencies." This corresponded to the general view that the Federal agencies never share information with local civil rights enforcement agencies. Throughout the planning for the conference as well as in the workshops of the conference, there appeared to be a sense that the Federal agencies feel no need to be related to local agencies; that the Federal agencies can do what they want to do without regard to the operations of civil rights organizations at the local level especially, but also to some extent at the State level.

After reporting that, however, it is only fair to state that in a few individual instances, local or State officials described the services provided by and relationships with Federal agencies as constructive and useful. This type of remark was repeated more often in relation to the Equal Employment Opportunity Commission than to any other of the Federal agencies involved in civil rights work. The Community Relations Service of the Department of Justice also was referred to positively in this respect.

One Federal official from a regional office described the efforts being made among the Federal agencies in his region to maintain liaison with each other at least, and to share activities, problems, techniques, and assist in the general flow of information. Representatives of several agencies meet periodically on an ad hoc basis. This meeting is informal, with no sense of requirement placed upon any of the agencies involved. While informal, this arrangement presents a useful model of intercommunications which is available to any group of agencies with a commitment to strengthening civil rights activities among themselves and within a given region.

Similarly, one State official described a loose coalition of all kinds of civil rights agencies and organizations, through which general sharing takes place, including new information from

Federal sources that one or another agency might have, innovative programs which are being used in one community and may be transferable to another, and legal developments within the State. The A-95 clearinghouse cited earlier is another type of model among State agencies.

The list which follows is of activities which the participants felt should or could be undertaken in order to build stronger and more productive relationships among agencies at all levels. Some of these were recited as steps already being taken, and others were proposed as steps which could be implemented.

1. State agencies should provide comments on pending legislation and transmit them to public and private agencies throughout the State. Other agencies and private organizations would thereby be informed of crucial pending legislation and be in a position to provide local comments or to develop organizational and public response to the proposed action by the legislature.

2. State commissions or agencies may be able to coordinate more program activities than they have attempted heretofore, with the aim of strengthening the entire civil rights thrust through the State: (a) joint training programs at State and local levels for investigators, human relations specialists, compliance officials; (b) joint investigations between the State officials and the officials of an agency in the locale where the investigation is to

take place; (c) joint approach to the legislature or to the U.S. congressional delegation from the State.

3. Greater and more creative use of public information media outlets; placing the public spotlight through television or newspapers upon a situation which needs public attention, thereby eliciting greater support for effective civil rights resolution.

4. Local agencies may find that community organizing and group action, while seemingly passe, may still be an effective means of obtaining action by local or even State officials. Some public agencies are prohibited from organizing activities and thus must leave this activity to those agencies or private organizations which are free to do so.

5. State and local agencies can together take an inventory of resources for effecting implementation of civil rights within their State. Such an inventory may mean identifying willing and effective private organizations with which to establish collaborative relationships; it may mean identifying the existence of grant programs which could be coordinated with ongoing agency programs; training opportunities, bibliographical information, audiovisual materials, court cases or comments upon them -- all of these and many more can be listed in such an inventory. Strategies for their use would follow their identification.

6. Both State and local agencies can provide affirmative action training programs for other public agencies. These may be police, education boards, housing or transportation agencies, public service, social service, or health agencies. The agencies specifically charged with civil rights responsibilities should be able to provide the professional expertise to assist these other "noncivil-rights" agencies, which cannot be expected to have the human relations expertise.

7. Civil rights agencies can provide assistance in implementing affirmative action programs. Such assistance may take the form of recruiting minorities and women for agencies or private employers involved in integrating their work force. Assistance also may take the form of monitoring entrance examinations, oral or written, of other public agencies or employers. Assistance also may be the act of providing lists of affirmative actions for another public agency.

8. Some of these suggestions come under the general heading of "building trust." The point made by the workshop participants is to provide assistance rather than to take on an adversary role wherever possible, granting of course that an adversary role is an essential tool in the arsenal of civil rights agencies.

9. Public civil rights agencies should take pains to guard against being used as political tools by appointing officials or other persons in positions of influence. The civil rights effort must be politically informed and sophisticated but should not be

used as a political weapon by any faction.

10. Public civil rights agencies should find ways for their board members or commissioners to utilize their influence -- the same influence which caused them to be appointed -- for effective action in behalf of the mission of the agency.

Finally, participants in these workshops suggested several roles which the U.S. Commission on Civil Rights conceivably could play and which would strengthen the effectiveness of the State and local agencies. One was to build more direct contacts between the State and local agencies and the State Advisory Committees of the Commission in each State, and with the regional office of the Commission appropriate to the State or locality. (See the attached directory.) In connection with this, the Commission should publish, on an annual basis, a directory of civil rights agencies, including with it a complete directory of the State Advisory Committees to the Commission.

WORKSHOP DISCUSSIONS ON
BUILDING STRONGER AGENCIES

The conference concluded with a series of workshops on specific problems which were identified by participants as crucial to strengthening their agencies and increasing their effectiveness. The subject areas included: obtaining legal assistance, balancing resources with mandate and responsibilities, building supportive constituencies, and developing general programs for agencies with no enforcement powers or compliance responsibility. These agencies are called "proactive" agencies, in that their mandates require them to take initiatives in such areas as fact finding, education, information dissemination, training, and other activities aimed at increasing the potential for affirmative action.

Obtaining Legal Assistance

Workshop participants regarded an agency with enforcement power as a law enforcement agency. Such an agency must know what the law is and what it requires in collecting information from complainants and respondents, as well as with regard to substance, such as housing. It is a matter of fact, however, that many agencies with enforcement responsibilities have no staff with legal training; some are, by ordinance or statute, even prevented from having staff legal positions. More often, the limited funds available make it difficult for agencies to hire attorneys in numbers sufficient to meet the requirements of the

mandate or the situation. In some cases these agencies are expected to use the city attorney or the State attorney general's office for whatever legal assistance may be required. This is not always sufficient and, in some cases, actually tends to frustrate the mission of the agency; much depends upon the willingness or ability of those other agencies to render the legal assistance required by the civil rights agency.

Several suggestions came out of this workshop as to where agencies in need may look for legal assistance. Additionally, a list of resources for legal assistance is attached to this report as appendix III.

1. One means to obtain legal assistance is to use local law professors. They may be able to contribute some time or may be available on a retainer basis. Their resources in law libraries as well as their own knowledge and interest might yield legal research or even an amicus brief.

2. The use of law students is another means. Law students may be able to do legal research, develop legal positions, and perhaps use a relationship with a civil rights agency to serve as an internship for themselves. Some law students interning with private law firms have been able to specialize in civil rights by coordinating their work with the needs of a civil rights agency.

3. Training nonlegal staff in some elementary legal skills is helpful. Law students or law professors or, perhaps, even sympathetic

local attorneys can show nonattorneys on an agency staff how to use the law library and to do legal research.

4. Private civil rights agencies, such as the NAACP, the ACLU, the Legal Defense Fund, and others, have a tremendous wealth of experience and may be in a position to provide invaluable legal assistance on an ad hoc advisory basis to an agency.

5. One local agency reported assembling a pool of private attorneys in the community who are willing to take cases on pro bono basis and will share the load among them.

Balancing Mandate and Resources

A continuing problem of public civil rights agencies is that, as the field expands, city governments and State legislatures add new responsibilities to agencies' mandates, without adding commensurate resources. For instance, the addition of responsibility relative to sex discrimination has been added recently to many agencies at the State and local level, but in few instances has any additional funding been provided. The previously established agencies are expected to cover a wider area with the same resources available for an earlier, less extensive responsibility.

The workshop participants expressed strong feelings that any legislative body requesting an agency to deal with additional issues should appropriate the funds adequate for the task. Throughout the conference there was discussion regarding the need for more money. In a few instances, this was used as a scapegoat for other problems;

in most instances, however, it was based on very real need. Lack of adequate funds has usually been a severe problem for civil rights agencies. The problem, as faced by this workshop, essentially is that expanded mandates exacerbate the already difficult funding problem. It boils down to more work with no more resources.

Several concrete suggestions were made in terms of strengthening capability in order to obtain additional funds.

The first was to assemble better information and documentation with which to go to legislative bodies to show that additional funds are necessary. A second was to make an analysis of the civil rights agencies, their mandates and current resources, in terms of management systems. In connection with this, it was suggested the U.S. Commission on Civil Rights, as a part of its usual studies, do a management system study, providing statistical documentation of what civil rights agencies need for all their work, including proactive programs, complaint processing, and compliance activities.

Another was to use publicity and the media to better advantage. This is related to the following section on building constituencies, as well as other suggestions for more creative use of the media. The point is, of course, to build public support for more effective work, which will require the provision of additional funds.

Another suggestion dealt with means to make agency operations more effective, even without more money. For example, a cooperative clearinghouse could be maintained by a State agency in which is maintained

the compliance status of contractors, employers, and other institutions responsible for equal opportunity. Such a clearinghouse could also hold information with respect to activities of local public rights agencies, and perhaps private rights agencies. As the various agency programs were undertaken, staff could be informed of related activities through the clearinghouse! Those programs also would feed information into the clearinghouse for reference by other agencies or programs. This would easily disseminate specifically relevant information to those civil rights officials who needed it and would avoid wasteful duplication of work, thus conserving meager resources.

Participants suggested that one useful source of information would be a compendium of civil rights legislation which exists throughout the nation at Federal, State, and local levels. This should include laws, statutes, and ordinances which establish official rights agencies of all kinds and levels; it could include equal opportunity and nondiscriminatory laws as well. The availability of such a compendium would go far toward making the work of agencies more efficient and effective.

Building Constituencies

The participants in this workshop dealt first with the need to build constituencies. It was concluded that without a sympathetic, concurring public, no civil rights efforts would long succeed. The success of getting budgets, laws passed, the election of sympathetic officials, and so on all depends upon a supporting constituency.

Usually professionals have to start the job of developing public support and organizing support groups, but when the initial task is well done, those new supporters will do that work themselves, and full-time professionals can move to other tasks.

A solid, supporting constituency is also essential for a civil rights agency to influence programs and policies of organizations and businesses. Often, the constituency of an agency includes members of those institutions, who can effect positive changes in favor of civil rights.

Feedback, on which a realistic evaluation of agency programs can be made, is dependent upon sympathetic outsiders who can honestly assess the effectiveness of programs. Those outsiders should be friendly but honest critics and must be counted as essential elements of an agency's constituency. In close relationship to this is the need for an agency to stay in touch with all elements of its community, the rich and poor, the weak and the powerful. A supporting constituency will make this connection possible. A strong constituency will also help an agency identify the opposition and evaluate its power and strategies. An agency in a vacuum has no effect. An agency with a strong and supportive constituency will have open channels for program critique and input from the community.

The workshop participants then moved on to what at first appeared to be an unnecessarily elemental list of "do's" and "don't's" regarding relationships with individuals and with constituencies. The list was

accepted, however, as too often forgotten but essential ground rules for any civil rights professional or agency. (1) Take no one for granted; write off no one at any time, whether friend or nonfriend. (2) Do not back anyone into a corner where faces seem to need saving, and energies are devoted to defensive measures; the results are always at least destructive. (3) Don't confuse style with substance in looking for allies. (4) Don't insist on a carbon copy of yourself before being willing to work with other people; and, extended to an agency, don't wait for other organizations to accept and copy everything your agency stands for and does before entering constructive and cooperative relationships. (5) Initiate coalition arrangements on a single issue and don't expect total conversion of the people working on that issue. (6) Forget who gets credit for a success or a victory. (7) Expect a lot of disappointments and back-tracking. (8) Be prepared for a lifetime of effort. Building constituencies is not something that can be done once to yield a stable, lasting product. Neither people nor organizations are like that. (9) Find out what offends other people and plan actions, strategies, and even assignments to avoid it, if possible. (10) Assess and evaluate your whole program, including constituency relationships on a periodic basis to figure out what the weaknesses are, what should be changed, what should be done next. Modify, change, stay fluid, as necessary. (11) Choose individuals who act as emissaries to the constituency with great care, and be sure that the timing of approaching constituency groups is

appropriate to that group as well as to your needs and strategies.

(12) Be prepared to receive criticism and hostility; life is not a popularity contest. (13) Commend the favorable acts of others. (14) Change is difficult and inevitably threatens many people; be prepared for their adverse reactions.

The participants felt that it was not sufficient to refer vaguely to "all those out there," but sought more clarity on what a constituency was. Some participants saw the primary constituency of a civil rights agency as the so-called "power structure" and included the business and industrial community and political office holders at all levels of government as well as political leaders of parties. Some participants viewed primary constituencies in terms of administrative staffs of other public agencies, such as civil servants, police, staffs of city or State administration, educators. Another group identified as constituency was the leadership and membership of private organizations such as churches and other community-based organizations. Still another category was identified as those who are neither power nor structure, but who may be considered to one degree or another, the disenfranchised. These are the migrants, the unorganized, members of racial and ethnic groups, unorganized women. There were also the advocate organizations, often the peers of public civil rights agencies, the private civil rights agencies and special interest groups of women, blacks, Chicanos, American Indians, and so on.

It was pointed out in summary that, one way or another, the constituency of a public civil rights agency is the entire public. Everyone has something to gain from the success of a civil rights agency, and thereby, everyone fits one way or another into the constituency of such an agency and cannot be ignored. At the same time it was recognized that both individuals and organizations, public and private, must be seen in terms of the role each plays in that too-general total constituency.

Programs of Proactive Agencies

As was noted at the beginning of this chapter, one workshop was devoted to the role and program possibilities for those public agencies which do not have enforcement or compliance responsibilities in their mandates. The term "proactive" was chosen to refer to these agencies in that the usual reference "nonenforcement agencies" refers to what they cannot do, while proactive implies their positive and constructive role in the whole civil rights community.

Participants identified a number of roles which proactive public agencies can or should play. In the first place they are free to monitor the enforcement agencies. They are also free to develop innovative approaches to problems and to develop new programs. The constituency-building activities of proactive agencies can become an important base of support for the enforcement agencies. It was also pointed out that the relationships of the proactive public agencies to private civil rights organizations may be easier to build than for

the enforcement agencies.

Other roles identified were those of educators, trainers, conciliators, mediators, and organizers.

The several models of program actions which proactive agencies can undertake demonstrated that such an agency must be political in order to be effective. A proactive agency must know where the pressure points are and must have healthy relationships with individuals and groups which can apply the right pressure at the right time. Professionals in proactive agencies must know how to deal with the people who make the decisions at the political level. For example, it is essential to know well a few State legislators who are sympathetic, and it is as important to know how to get them to move in the legislature.

The participants' discussion of proactive programs made it clear that effectiveness is dependent upon supportive, active constituencies. One model described relationships with a large number of private organizations as well as the development of a network of supportive committees throughout all the communities of an entire metropolitan area. Another model referred to the built-in constituency throughout an entire State. "Built-in" in this case meant that a number of organizations already existed in the State, and they were carefully approached and recruited into the work of a particular proactive agency.

Proactive agencies often have the dangerous luxury of being able to choose their program and their thrust. But that must be chosen with exquisite care in terms of available resources and skills. Before announcing a chosen program, a proactive agency must have already done most of the work. Targets of programs should be chosen for their urgency and their vulnerability. It was pointed out there is no point in attacking some Gibraltar, especially if attacking it doesn't really matter. Conversely, investigating a single obscure employment or housing practice which can be readily changed with the resources available may indeed be far closer to wisdom. This must be weighed against the sense by some participants that a program may be a waste of public money unless the goal is really important.

Finally, proactive agencies have no luxury when it comes to the use of public information media and public relations. A proactive agency has no enforcement muscle, and it must, therefore, use every other kind of muscle there is. Public relations is one of the most important. This means using the press, radio, and television. It means creating news; it means writing stories about yourself for publication by your friends; it means using influence and good relationships to get the attention of the appropriate group focused upon the proper scene.

Proactive agencies were seen by the participants as an essential and vital part of the total civil rights community. Without effective work by proactive agencies, compliance agencies have work to do for which they have neither time nor resources; and conversely, without

compliance agencies, proactive agencies can achieve only limited effects.

POSTSCRIPT

Two significant activities of the conference have been omitted from the materials summarized above. "State meetings" were scheduled at several points during the conference. These were meetings of individuals from the same State, convened by a member of the State Advisory Committee to this Commission, and from which USCCR staff were excluded. These meetings allowed participants to evaluate the conference progress, identify common grounds within each State, and in some instances, plan for future cooperative activities. These meetings were especially useful to some State "delegations," and followthrough activities have emerged from them.

Two "regional meetings" were held in which Commission regional programs were described by the directors of the two regional offices included in this conference. The name of the director and the address and phone number of each office are:

Mr. Thomas L. Neumann
Central States Regional Office
U.S. Commission on Civil Rights
911 Walnut Street, Room 3103
Kansas City, Missouri 64106

Telephone No: 816/374-5253;

and,

Mr. Clark G. Roberts
Midwestern Regional Office
U.S. Commission on Civil Rights
219 South Dearborn Street, Room 1428
Chicago, Illinois 60604

Telephone No: 312/353-7371.

One of the conference participants, some weeks after returning home from St. Louis, wrote the Commission and said, in part: "Perhaps the best thing the conference did was to supply information, provide an opportunity to meet colleagues from similar situations, and establish some new linkages among agencies within a given State or region."

It is the hope of the Commission that this conference report will assist in recalling that information, renewing conference-made acquaintances, and strengthening the new linkages.

APPENDIX I

United States Commission on Civil Rights

REGIONAL CIVIL RIGHTS CONFERENCE

A G E N D A

February 11 - 13, 1974

Jefferson Hotel
St. Louis, Missouri

MONDAY, FEBRUARY 11, 1974

OPENING THE CONFERENCE

4:00 P.M.	REGISTRATION	Main Lobby
	HOSPITALITY	Room 552
7:00 P.M.	AFTER DINNER COFFEE	Boulevard Room
	Informal Getting Acquainted; each participant can establish her/his expectations for the conference.	
8:00 P.M.	OPENING GENERAL SESSION	Boulevard Room
	Presiding: Honorable Stephen Horn Vice Chairman, U.S. Commission on Civil Rights	
	Welcome for the Commission: Honorable Frankie M. Freeman, Commissioner	
	Welcome to St. Louis: Honorable John Poelker, Mayor	
	Address: Toward a More Cooperative and Productive Relationship Among Public Civil Rights Agencies - Honorable John A. Buggs, Staff Director of the Commission	
9:00 P.M.	INFORMAL RECEPTION	Boulevard Room
	Table of Hors D'Oeuvres and a Cash Bar will be provided; opportunity to con- tinue the establishment of expectations for the conference; dialogue in response to the Address.	
10:30 P.M.	HOSPITALITY	Room 552

TUESDAY, FEBRUARY 12, 1974

OPENING CONTINUED

9:00 A.M. LATE REGISTRATION Main Lobby

9:00 A.M. GENERAL SESSION Boulevard Room

Presiding: Honorable Stephen Horn

Conference Goals and Expectations;
Who is here; who are we. Procedures
and administrative guidelines.

I. FEDERAL CIVIL RIGHTS ENFORCEMENT EFFORTS IN EMPLOYMENT

9:45 A.M. GENERAL SESSION Boulevard Room

Presiding: Honorable Maurice Mitchell

Presentation: Jeffrey Miller, Director,
Office of Federal Civil Rights Evalua-
tion, U.S. Commission on Civil Rights

Mr. Miller will discuss major components of
the Federal civil rights enforcement machin-
ery as it pertains to employment: and the
Equal Employment Opportunity Commission, the
Office of Federal Contract Compliance of the
Department of Labor, the Civil Service Com-
mission and the Equal Employment Opportunity
Coordinating Council.

Detailed discussion and response to the present-
ation will be the task of the workshop sessions,
following.

10:30 A.M. COFFEE BREAK Second Floor Foyer

Coffee Service available on your way to
the workshop sessions.

TUESDAY, FEBRUARY 12, Cont.d

11:00 A.M. WORKSHOP SESSIONS

- | | |
|--|-----------------|
| A: Enforcement Agencies
Jeffrey Miller | Colonial Room |
| B: Enforcement Agencies
Diane Graham
Tom Neumann | Baroque Room |
| C: ProActive Agencies
Fred Routh | Granada Room |
| D: ProActive Agencies
Clark Roberts | Centennial Room |

The task of these workshops is twofold: to clarify the matters presented by Mr. Miller; and to explore realistic alternatives by which State and local agencies can take advantage of the Federal efforts and programs in equal employment opportunity.

12:30 P.M. LUNCH BREAK

2:00 P.M. STATE MEETINGS

- | | |
|------------------------------|-----------------|
| Michigan: Ms. Wilma Bledsoe | Room 341 |
| Ohio: Mr. Sam Britton | Centennial Room |
| Indiana: Mr. Thomas Binford | Baroque Room |
| Illinois: Ms. Iona Hendricks | Colonial Room |
| Wisconsin: Ms. Gloria Gilmer | Arch Room |
| Minnesota: Ms. Ruth Myers | Room 441 |
| Iowa: Mr. John Schneiders | Room 541 |
| Nebraska: Mr. Joseph Ramirez | Room 741 |
| Kansas: Ms. Ruth Schecter | Room 841 |
| Missouri: Ms. Anita Bond | Granada Room |
| Kentucky: | to be announced |

Meetings of participants by State; no Commission staff; a representative of the Commission's Advisory Committee of each State will act as convener.

The task of the State meetings is to review the agenda, to raise any appropriate issues, and to identify potentials for strengthening civil rights activities in the particular State.

TUESDAY, FEBRUARY 12, Cont.d

III. THE CIVIL RIGHTS COMMISSION AND ITS REGIONAL PROGRAM

8:00 P.M. TWO REGIONAL SESSIONS

A. Midwestern Region

Colonial Room

Michigan Illinois Kentucky
Ohio Wisconsin
Indiana Minnesota

Clark Roberts, Director, Midwestern Regional Office, Chicago; Tony Creswell, Assistant Staff Director, Office of Field Operations; and John Buggs, Staff Director.

B. Central States Region

Baroque Room

Iowa Kansas
Nebraska Missouri

Thomas Neumann, Director, Central States Regional Office, Kansas City; Mr. Creswell, Mr. Buggs.

These sessions provide an opportunity for participants from each of the Commission's regions, to become acquainted with the programs in each region, and to inquire about the relationship of State and local agencies to those programs.

9:30 P.M. HOSPITALITY

Room 552

WEDNESDAY, FEBRUARY 13, 1974

9:00 A.M. GENERAL SESSION FOR HOUSEKEEPING Boulevard Room
Fred Routh

9:45 A.M. STATE MEETINGS
Moderators, Tasks and Rooms, same See 2:00 P.M. Tuesday
as First State Meetings

10:30 A.M. COFFEE BREAK Second Floor Foyer

IV. INTERAGENCY RELATIONSHIPS

11:00 A.M. WORKSHOP SESSIONS

A. Relationships of Federal Agencies with Colonial Room
State and Local Civil Rights/Human
Rights Agencies.
Galen Martin
Fred Routh
Jeffrey Miller

B. Relationships of State Civil Rights Baroque Room
Agencies with Local Civil Rights
Agencies.
Clark Roberts
Gwen Giles
Connie Seals

C. Relationships of State Civil Rights Granada Room
Agencies to Other State Agencies
and Departments.
Tom Neumann
Tom Peloso
Betty Barrett

D. Relationships of Local Civil Rights Centennial Room
Agencies to Other Local Agencies
and Departments.
Lowell Hey
Nancy Shaw
Carmello Melendez

The task of these workshops is to identify what is good
and what is bad about the relationships between and among
agencies; to move toward inferring how those relationships
can be strengthened and improved.

12:30 P.M. LUNCH BREAK

WEDNESDAY, FEBRUARY 13, Cont.d

V. BUILDING STRONGER AGENCIES

2:00 P.M. WORKSHOP SESSIONS

A. Roles and Programs of ProActive Colonial Room
 Civil Rights Agencies.

 Everett Waldo
 Betty Barrett
 Gene Boyer

Examination of effective programs and strategies
for use by agencies with no enforcement responsi-
bilities.

B. Balancing Jurisdictional Mandate Granada Room
 and Fiscal Resources

 Clark Roberts
 Wilma Bledsoe
 Tom Peloso

The problems raised by legislative expansion
of jurisdiction--adding more responsibilities
to an agency's mandate--without adding more
staff or money.

C. Building Constituencies Arch Room

 Tom Neumann
 Kay Clarenbach
 Virginia Coffey

The need for supportive public; ways and means
to build the support and keep it.

D. Obtaining Legal Assistance Baroque Room

 Peggy Johnson
 Nancy Shaw
 Barnabas Johnson

Strategies and means whereby local and State
agencies can obtain legal assistance and advice,
from public attorneys, especially in situations
where the agency has no in-house legal capability.

APPENDIX II

INVITEES AND PARTICIPANTS

OF

REGIONAL CIVIL RIGHTS CONFERENCE

February 11 - 13, 1974

Jefferson Hotel
St. Louis, Missouri

Mrs. Ronald Abrams
Chairperson
Kentucky Commission on Women
306 Castleville Drive
Louisville, Kentucky 40207

Mr. Calvin Beckett
Director
Commission on Community Relations
City of Milwaukee
8th Floor, City Hall
Milwaukee, Wisconsin 53202

Ms. C. O. Adams
Chairperson
Mason City Human Rights Commission
City Hall
Mason City, Iowa 50401

Mrs. N. Lorraine Beebe
Chairperson
Michigan Women's Commission
24424 Fairmont
Dearborn, Michigan 48124

Advisory Committee on Human Relations
39 Johnson
Rolla, Missouri 65401

Mr. William A. Bell
Council Member
Council of Human Relations
5375 Maple Avenue
St. Louis, Missouri
(314) 862-0329

Mr. Robert Anderson, Director
Pontiac Human Resources &
Program Development
City Hall
450 Widetrack Drive, East
Pontiac, Michigan 48058
(313) 333-7131

Mr. Robert Benford
Director
Minneapolis Civil Rights Department
2nd Floor
Grain Exchange Building
Minneapolis, Minnesota 55415

Ms. Diedra V. Atkinson
Assistant Director
Tulsa Community Relations Commission
City Hall - Room 717
200 Civic Center
Tulsa, Oklahoma
(918) 581-5251

Mr. John M. Benninger
Executive Director
Youngstown Community Relations Committee
City Hall
Youngstown, Ohio 44503

Mr. August Avelleyra, Jr.
Acting Chairman
Fort Dodge Human Rights Commission
City Hall
Fort Dodge, Iowa 50501

Bi-Racial Commission
304 Court Street
Charleston, Missouri 63834

Dr. Betty Barrett
Illinois Commission on Human Relations
Suite 1735
160 North La Salle
Chicago, Illinois 60601
(312) 793-2893

Mr. Wardrick A. Biggins
City Hall
1320 South Washington
Saginaw, Michigan 48601
(517) 753-5411

Reverend Donald E. Baustin
Chairman
Koekuk Human Relations Commission
City Hall
Koekuk, Iowa 52632

Mr. Thomas W. Binford
Indianapolis National Bank
1 Indiana Square # 3375
Indianapolis, Indiana 46204
(317) 635-5696

Mr. James Blair
Executive Director
Department of Civil Rights
117 West Allegan Street
Lansing, Michigan 48933
(517) 373-7634

Ms. Wilma Bledsoe
SAC Member
74 McLean
Hyland Park, Michigan 48203

Mr. Fred E. Blue, Jr.
Program Planner
City of Milwaukee
Commission on Community Relations
City Hall - Room 801
200 East Welles
Milwaukee, Wisconsin 53202
(414) 278-3366

Mr. Ben Bodewes
Social Service Director
CARR Central
1905 CARR
St. Louis, Missouri
(314) 241-4440

Ms. Linda Bolliger
Equal Opportunity Officer
Peoria Human Relations Commission
404 City Hall
Peoria, Illinois 61602
(309) 673-3763 Ext. 65

Mrs. Anita Bond
SAC Member
5583 Lindell Boulevard
St. Louis, Missouri 63112
(314) 863-3822

Mr. Robert Booker
Human Relations Commission
1417 Clark
Parsons, Kansas

Bowling Green Human Relations Committee
City Hall
175 West Wooster
Bowling Green, Ohio 43402

Ms. Gene Boyer
Chairperson
Beaver Dam Commission on the
Status of Women
218 Front Street
Beaver Dam, Wisconsin 53916

Ms. Bridget Brennan
Council Member
St. Louis Committee on Human Relations
215 11th Street
St. Louis, Missouri
(314) 421-0239

Ms. Norma Briggs
Executive Secretary
Commission on the Status of Women
Room B- 102
State Office Building
1 West Wilson Street
Madison, Wisconsin 53703

Mr. Samuel T. Britton
SAC Member
880 Rue de la Paix
Cincinnati, Ohio 45220

Mr. Alvin Brooks
Assistant City Manager
29th Floor, City Hall
Kansas City, Missouri 64106
(816) 274-2474

Mr. Andy J. Brown
Contract Administrator
City of St. Louis
Room 301 City Hall
St. Louis, Missouri
(314) 453-4688

Mr. Charles F. Brown
Equal Employment Specialist
DCASR
1136 Washington
St. Louis, Missouri
(314) 268-2376

Mr. Howard Dan Brown
Chairman
Ashland Human Rights Commission
222 34th Street
Ashland, Kentucky 41101

Mr. Lanny D. Carmichael
Director
Muncie Human Rights Commission
City Hall
Muncie, Indiana 47305
(317) 747-4854

Ms. Vivian L. Caver
President
International Association
of Official Human Rights Agencies
2200 Rainier Avenue South
Seattle, Washington 98144
(206) 583-5770

City Of Springfield
Commission on Human Rights
1617 East Elm Street
Springfield, Missouri 65806

Dr. Kathryn Clarenbach
Chairwoman
Wisconsin's Governor's Commission
on the Status of Women
Lowell Hall Room 433
610 Langdon Street
Madison, Wisconsin 53706
(608) 262-2576

Ms. Carolyn Clark
Chairperson
Mayor's Task Force on the
Status of Women
c/o Quinco Counseling Center
2075 Lincoln Park Drive
Columbus, Indiana 47201
(812) 379-2341

Mr. Charles E. Clark
Regional Director
Kansas City Regional Office
Equal Employment Opportunity
Commission
601 East 12th Street, Room 113
Kansas City, Missouri 64106

Mrs. Virginia Coffey
3020 Gilbert Avenue
Cincinnati, Ohio 45206
(513) 221-4855

Commission on Human Relations
3620 Oakmount Avenue
Normandy, Missouri 63121

Commission on Human Rights & Relations
2304 South Grace Ellen Drive
Columbia, Missouri 65201

Commission on Human Rights
c/o Dr. D. Gordon
Westminister College
Fulton, Missouri 65251

Commission on Human Rights
City Hall
Hannibal, Missouri 63401

Committee on Human Relations
303 East Adams
Jackson, Missouri 63755

Commission on Human Rights
6801 Delmar Boulevard
University City, Missouri 63130

Community Relations Advisory Commission
City Hall
4 East Lockwood
Webster Grove, Missouri 63119

Mr. Joseph A. Connor
Regional Director
U.S. Civil Service Commission
433 West Van Buren Street
Chicago, Illinois 60607

Ms. Mary Ann Cook
Equal Rights Division
Department of Industry
310 Price Place
Madison, Wisconsin 53702

Mr. Allen J. Correll
Executive Director
Des Moines Commission on Human Rights
Armory Building
E. 1st and Des Moines
Des Moines, Iowa 50309
(515) 283-4284

Mr. A. Morri Costantino
Vice Chairperson
Iowa City Human Relations Commission
407 Brown Street
Iowa City, Iowa 52240
(319) 338-1001

Mr. Kenneth Cote
Executive Secretary
Kankakee County Human Relations Commission
201 Volkman Bldg
Kankakee, Illinois 60901
(815) 932-7476

Mr. Ralph Coty
Executive Director
Cedar Rapids Human Rights Comm.
City Hall
Cedar Rapids, Iowa 52401

Ms. Myrna Cowles
Assistant Director
Fair Employment Services
640 North La Salle Street
Chicago, Illinois
(312) 744-4868

Mr. Elijah C. Cranford, Jr.
DSA, DCASR, St. Louis Office
of Contract Compliance
1136 Washington
St. Louis, Missouri
(314) 268-2376

Mr. Darryl Crowell
Human Relations Specialist
St. Louis Council on Human Relations
215 North 11th Street
St. Louis, Missouri
(314) 453-3301

Mr. Robert B. Curtis
Regional Counsel
EEOC
4952 Forest
Kansas City, Missouri
(816) 414-4634

Mr. Bennie L. Daugherty, Jr.
Associate Assistant
Regional Director
Office of Federal Contract
Compliance/ESA
911 Walnut Street
Kansas City, Missouri
(816) 374-5384

Mr. Don Davis
Youth & Employment Specialist
Decatur Human Relations Commission
City Hall
Decatur, Illinois 62522
(217) 424-2752

Mr. Phillip J. Davis
Director
Office of Federal Contract Compliance
U.S. Department of Labor
14th & Constitution Ave. N.W.
Washington, D.C. 20210

Reverend James Davidson
Chairman - City Hall
Iowa City Human Relations Commission
Iowa City, Iowa 52240

Mrs. Morris Dell
Human Relations Commission
1018 Sylvan
Emporia, Kansas 66801

Ms. Ida Denes, Executive Director
Bowling Green Human Rights Commission
103 A Royal Arms Apartments
Bowling Green, Kentucky 42101

Mr. Donald DeMarco
Assistant to Village Manager for Community
200 Forest Boulevard
City Hall
Park Forest, Illinois 60466

Mr. John W. DeShields, III
Acting Executive Director
State Commission on Human Rights
Post Office Box 1129
Jefferson City, Missouri 65101

Ms. Elizabeth Diecke
c/o Human Relations Commission
Civic Center
Iowa City, Iowa 52240

Director
Davenport Human Relations Commission
525 Main Street
Davenport, Iowa 52801

Mr. Robert Dixon
Post Office Box 12011
Parkville, Missouri 64152
(816) 741-2292

Ms. Juanita D. Dunlap, Director
Michigan City Human Relations
Commission
3rd Floor, County Court House
Michigan City, Indiana 46360
(219) 879-8117

Mr. Richard Ellerbrake
Member - SAC
6150 Oakland
St. Louis, Missouri
(314) 654-8510

Ms. Peurlie I. Evans
District Assistant
Cong. William L. Clay
6841 Olive Street
St. Louis, Missouri
(314) 725-5770

Mr. William Ferguson
Director
Human Relations Department
600 North 7th Street
Kansas City, Kansas 61101

Mr. Charlton Fields
Chairman
Maysville Commission on Human Rights
326 East Fifth Street
Maysville, Kentucky 41056

Ms. Toby Fisher, Acting Director
Hammond Human Relations Commission
440 State Street
Hammond, Indiana 46320
(219) 932-4805

Mr. Alfred J. Ford
Chairman
St. Louis Council on Human Relations
10 Broadway
St. Louis, Missouri 63102
(314) 621-5540

Mr. Fred Foster
Human Relations Commission
1610 N. Calhoun
Liberal, Kansas

Mr. Francis Frellick
Chairperson
Human Relations Commission
of Evansville
Civic Center,
Evansville, Indiana
(812) 425-3524

Dr. Dale Frihart
Human Relations Commission
405 W. Quincy
Pittsburg, Kansas 66762

Mr. Thomas Garner
Executive Director
Cincinnati Human Relations Commission
Room 158, City Hall
Cincinnati, Ohio 45202

Mr. Ted Gibson, Director
Richmond Human Relations Commission
Municipal Building
50 North 5th Street
Richmond, Indiana 47374
(317) 966-5561 Ext. 221

Mr. Louis Gilden
722 Chestnut Street
St. Louis, Missouri
(314) 241-6607

Ms. Gwen Giles
St. Louis Council on Human Relations
Rooms 300-400
215 North Eleventh Street
St. Louis, Missouri 63101
(314) 453-3301

Ms. Gwyn Gilliam
Interior Deputy Director
Nebraska Equal Opportunity Commission
209 South 15th - Room 416
Lincoln, Nebraska
(402) 346-1280

Mrs. Gloria Gilmer
SAC Member
4523 North 68th Street
Milwaukee, Wisconsin 53218
(414) 464-6682

Ms. Rona Ginsburg
Chairperson
Mayor's Task Force on the
Status of Women
112 Knox Drive
West Lafayette, Indiana 47906

Ms. Susan Goldberg
Executive Director
Skokie Human Relations Commission
5127 Oakton Street
Skokie, Illinois 60078
(312) 673-0500

Ms. Mary K. Green
Chairman, Mayor's Commission
on the Status of Women
2865 South 93rd Plaza
Omaha, Nebraska 68124

Mr. Gary Gruendal
Human Relations Commission
Lone Star Cement Company
Kansas City, Kansas

Mr. Larry Guillot
Director
Human Relations and Citizens
Complaints
Jackson County Courthouse
415 East 12th Street
Kansas City, Missouri 64106
(816) 881-3670

Mr. Joseph L. Hagan
Chairman
Owensboro Mayor's Commission
on Human Rights
c/o Medley Distilling Company
Owensboro, Kentucky 42071

Mrs. Mary H. Hayes
Kansas City Department of
Human Relations
4th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Mr. Gerald Henderson
Human Relations Officer
City of Lincoln Human Relations
Commission
City/County Building
555 South 10th
Lincoln, Nebraska 68508

Mrs. Iona D. Hendricks
206 South Henderson Street
Galesburg, Illinois 61401
(309) 343-8395

Mr. Larry Hendricks
President
NAACP
206 South Henderson
Galesburg, Illinois 61401
(309) 343-8395

Mr. Ascension Hernandez
EOS
USCCR
911 Walnut
Kansas City, Missouri
(816) 374-5253

Mr. John Hester
Chairman
Paducah Commission on Human Rights
272 Old Orchard Road
Paducah, Kentucky 42001

Mr. Lowell Hey
St. Louis Council on Human Relations
Rooms 300-400
215 North Eleventh Street
St. Louis, Missouri 63101
(314) 453-3301

Ms. Cora Hobbble
Chairperson
Kansas Governor's Commission on the
Status of Women
1101 Polk
Topeka, Kansas 66612

Mr. A. B. Hogan
Director
Omaha Human Relations Department
108 South 18th Street
Omaha, Nebraska 68102
(402) 341-8122, Ext. 520

Honorable Luther Holcomb
Vice Chairman
Equal Employment Opportunity Commission
1800 G Street, N.W.
Washington, D.C. 20506

Mrs. Beatrice Holland
State Director
Indiana Civil Rights Commission
319 State Office Building
Indianapolis, Indiana 46202
(317) 633-5987

Mrs. Ruth Housek
Chairman
Midway, Versailles & Woodford
County Human Rights Commission
167 Elm Street
Versailles, Kentucky 40383

Mrs. Betty Howard, Director
Division on Women's Affairs
Minnesota Dept. of Human Rights
Room 60, State Office Bldg.
St. Paul, Minnesota 55101

Human Rights Commission
900 North 4th Street
Clinton, Missouri 64735

Human Relations Commission
14909 East 34th Street
Independence, Missouri 64050

Human Rights Commission
1703 Marshall Road
Kirkwood, Missouri 63122

Human Rights Commission
500 Woodvine
Lees Summit, Missouri 64063

Human Relations Committee
456 West Marion
Marshall, Missouri 65340

Human Rights Commission
#5 Carter Court
Olivette, Missouri 63132

Human Rights Commission
415 East 4th Street
Sedalia, Missouri 65301

Mr. Charles Jackson
Director of Community Relations
Decatur Human Relations Commission
City Hall
Decatur, Illinois 62522
(217) 424-2806

Mr. Jesse L. Jackson
Human Relations Commission
307 North Malcom
Chanute, Kansas
(316) 431-2374

Mr. Alphonso Johnson
Community Relations Officer
Champaign Office of Community Relations
City Hall
Champaign, Illinois 61820
(217) 337-2474

Mr. Barnabas Johnson
St. Louis Council
Olive & 11th Street
St. Louis, Missouri
(314) 453-3301

Ms. Peggy Johnson
Regional Attorney, MWRO
U.S. Commission on Civil Rights
219 South Dearborn
Chicago, Illinois
(312) 353-7371

Reverend J. E. Jones
Human Relations Commission
341 North 9th
Salina, Kansas 67401

Mr. Percy L. Julian, Jr.
SAC Member
330 East Wilson
Madison, Wisconsin 53703

Mr. E. P. Keenan
District Director
EEOC - St. Louis
1015 Locust Street
St. Louis, Missouri
(314) 622-5571

Dr. Richard Kern
Findlay Commission on Human Relations
City Hall
Findlay, Ohio 45840

Ms. Phoebe Kent
Women's Advisory Commission
1202 Washburn Avenue North
Minneapolis, Minnesota 55411

Mrs. Ethel Kirwin
Nebraska Commission on the
Status of Women
1916 Avenue "A"
Scottsdale, Nebraska 69361

Mr. Conney Kimbo
Chairman
Grinnell Human Rights Commission
City Hall
Grinnell, Iowa 50112

Mr. Edward King
Executive Director
Dayton Human Relations Commission
18 North Ludlow
Kayton, Ohio 45402

Mr. Lee M. King, Jr.
Director
City Hall Annex
1320 S. Washington
Saginaw, Michigan 48601
(517) 753-5411, Ext. 311

Mr. Ron Kizer
Chairman
Human Relations Commission
Salina Human Relations Commission Box 746
Salina, Kansas 67401

Mr. Ralph H. Larson, Director
Metropolitan Human Relations Commission
Room 680, City County Building
1 Main Street
Fort Wayne, Indiana 46802
(219) 423-7664

Mrs. Emily Leedy, Chairman
Advisory Committee on the Status of Women
Ohio Bureau of Employment Services
145 South Front Street
Columbus, Ohio 43215

Dr. Leo Lesser, Assistant Director
Louisville-Jefferson County
Human Relations Commission
Municipal Sewage Bldg.
Louisville, Kentucky 40203

Mr. Richard D. Letts
Executive Director
Lansing Human Relations Committee
City Hall, 4th Floor
Lansing, Michigan 48933
(517) 373-5000, Ext. 207

Honorable Colston A. Lewis
Commissioner
Equal Employment Opportunity Commission
1800 G Street, N.W.
Washington, D.C. 20506

Mrs. Denise Lewis
Detroit Commission on Community Relations
1541 North Michigan 4th Floor
Detroit, Michigan 48226
(312) 224-4950

Mr. Donald Lewis, Director
St. Paul Dept. of Human Rights
515 City Hall
St. Paul, Minnesota 55102
(612) 298-4288

Mrs. Martha Lewis, Chairman
Bardstown-Nelson County Human
Relations Commission
825 West Kurtz Street
Bardstown, Kentucky 40009

Mr. Sam Liberman
Missouri SAC
6983 Cornell
St. Louis, Missouri
(314) 862-1375

Lima-Allen County Human Relations Comm.
Lima City Hall
Lima, Ohio 45801

Mr. David Livingston
Employment Counsel Specialist
Decatur Human Relations Commission
707 East Wood
Decatur, Illinois
(217) 424-2752

Mr. Albert Lockridge
Executive Director
East St. Louis Civil Rights Commission
234 Collinsville Avenue
East St. Louis, Illinois 62201
(618) 875-8880

Mr. Esko Loewen
Human Relations Commission
25th & College
North Newton, Kansas

Mr. Willis Logan, Jr.
Executive Director
Springfield Human Relations Comm.
325 South 11th Street
Springfield, Illinois 62703
(217) 789-2272

Ms. Annette Long
Chairwoman
Gary Commission on the Status
of Women
401 Broadway
Gary, Indiana 46402

Mr. Anthony D. Lopez
Executive Director
Kansas Commission on Civil Rights
Room 1155W
State Office Bldg.
Topeka, Kansas 66612

Mr. Casey V. Lopez
Chairman
Fort Madison Human Rights Commission
City Hall
Fort Madison, Iowa 52627

Mr. Matt Lorenz
Dubuque Human Rights Commission
City Hall
Dubuque, Iowa 52001

Mr. Lenoy Loudermill
Human Relations Commission
508 North Iowa
Olathe, Kansas

Mr. Don Lowe
EEOC Project Director
St. Louis Council on Human Relations
215 North 11th Street
St. Louis, Missouri 63101
(314) 453-3301

Mr. Robert Mackey
Executive Director
Nebraska Indian Commission
P. O. Box 94666
State Capital
Lincoln, Nebraska 68509

Dr. F. A. Martin, Chairman
Danville Human Rights Commission
515 Graham Road
Danville, Kentucky 40422

Mr. Galen Martin, Executive Director
Kentucky Commission on Human Rights
600 West Walnut
Louisville, Kentucky 40203
(502) 585-3363

Ms. Kay Maune
Iowa City Human Relations Commission
City Hall
Iowa City, Iowa 52240
(319) 354-1800

Mayor's Commission on Human Relations
615 West Kansas
Liberty, Missouri 64048

Ms. Jeanne L. Mays, Director
Kokomo Human Relations Commission
121 1/2 West Mulbery
Kokomo, Indiana 46901
(317) 452-4051

Mr. Edmund McGinn, Chairman
Council Bluffs Human Relations Comm.
City Hall
Council Bluffs, Iowa 51501

Ms. Alice McKee
Executive Director
Iowa Commission on the Status of Women
300 Fourth Street
State Capitol Bldg
Des Moines, Iowa 50319
(515) 281-5952

Mr. Dolan McKelvy
Human Relations Commission
605 Atchison
Atchison, Kansas 66002

Mr. Elmer W. McLain
Regional Director
Chicago Regional Office
EEOC
600 South Michigan Avenue, Room 611
Chicago, Illinois 60605

Mr. Donald McNary, Director
Evansville Human Relations Commission
Room 133 Administration Bldg, Civic Center
Evansville, Indiana 47708
(812) 426-5474

Mrs. Dorothy McNeal
Executive Director
Flint Dept. of Human Relations
1101 South Saginaw Street
Flint, Michigan 48502
(313) 766-7430

Mr. Carmelo Melendez
Midwestern Regional Office
U.S. Commission on Civil Rights
219 South Dearborn
Chicago, Illinois
(312) 353-7371

Mr. Carl J. Mera, II
Executive Director
Rockford Human Relations Commission
608 City Hall
425 East State Street
Rockford, Illinois 61102

Ms. Alberta J. Mayer
Chairperson
Commission on the Status of Women
507 East Capitol Street
Jefferson City, Missouri 65101

Mr. Leo A. Miller, Director
East Chicago Human Relations
Commission
4525 Indianapolis Boulevard
Room 9 City Hall
E. Chicago, Indiana 46312
(219) 398-4200

Mr. Ed Mims
Field Representative
Nebraska EOE
409 Karkark Bldg
Omaha, Nebraska
(402) 346-1280

Mr. Lester E. Mood
Field Supervisor
Kansas Commission on Civil Rights
Room 1155W
State Office Bldg.
Topeka, Kansas 66612
(913) 296-3206

Thomas W. Moore
Human Relations Officer
Urbana Human Relations Commission
400 South Vine Street
Urbana, Illinois 61801
(217) 328-3361, Ext. 50

Ms. Elizabeth Moralez
Field Representative
Mexican-American Commission
1343 M Street
Lincoln, Nebraska 68508
(402) 471-2791

Mr. Norman Morford
Deputy Director
Indianapolis Civil Rights Comm.
319 State Office Bldg.
Indianapolis, Indiana 46204

Mr. Richard Morse, Jr., Chairman
Henderson-Henderson County Human
Rights Commission
719 North Adams Street
Henderson, Kentucky 42420

Mr. Stanley Moses, Chairman
Bettendorf Human Rights Commission
City Hall
Bettendorf, Iowa 52722

Mr. Willie L. Mosley
Executive Director
Waterloo Human Rights Commission
205 KWWL Bldg.
Waterloo, Iowa 50703
(319) 291-4441

Mrs. John Motley, Chairman
Lebanon Human Rights Commission
420 Walnut Street
Lebanon, Kentucky 40033

Mr. Burnett Murrell, Executive Director
Evanston Human Relations Commission
1601 Sherman Avenue
Evanston, Illinois 60201
(312) GR5-3100, Ext. 295

Mrs. Ruth Myers
SAC Member
1521 East 6th Street
Duluth, Minnesota 55812
(218) 722-1352

Ms. Orville V. Nanninga
Human Relations Commission
611 N. 3rd
Garden City, Kansas

Reverend William J. Nelson
Human Relations Commission
1817 W. 8th
Coffeyville, Kansas

Mr. Thomas L. Neumann, Director
Central States Regional Office
Old Federal Office Bldg.
911 Walnut Street, Room 3103
Kansas City, Missouri 64106
(816) 374-5253

Mr. Lawrence Nicholson
Commissioner
St. Louis Commission on Human Relations
St. Louis, Missouri

Mr. Claude Norris
Human Relations Commission
2804 Oxford Road
Lawrence, Kansas 66044

Monsignor Charles S. Nowland
Commission on Human Rights &
Community Relations
519 North 10th
St. Joseph, Missouri 64501
(816) 232-7763

Mrs. Clifford Parrish
Executive Director
Hopkinsville Human Relations Commission
P. O. Box 724
Hopkinsville, Kentucky 42240

Ms. Janice Patton, Director
South Bend Human Relations Commission
City-County Bldg.
227 West Jefferson Street
South Bend, Indiana 46601
(219) 284-9295

Ms. Jean Pavela
Human Relations Coordinator
Maywood Human Relations Commission
111 South Fifth Avenue
Maywood, Illinois 60153
(312) 343-6510

Ms. Linda Bollinger
Executive Director
Peoria Human Relations Commission
404 City Hall
Peoria, Illinois 61602
(309) 676-8909

Mr. Thomas Peloso
Department of Civil Rights
Detroit Office
1000 Cadillac Square Bldg.
Detroit, Michigan 48226
(313)256-2580

Dr. Martin Perley
Executive Director
Louisville-Jefferson County Human
Relations Commission
Municipal Sewage Building
Louisville, Kentucky 40203
(502) 585-4559

Mr. Robert A. Phillips
Evansville Human Relations Commission
Room 133 Admin. Bldg., Civic Center
Evansville, Indiana 47708
(812) 372-3701, Ext. 250

Mr. Glenn Pritchett
Executive Director
Lexington-Fayette County Comm.
on Human Rights
227 North Upper Street
Lexington, Kentucky 40507

Mr. Harrison Pollard
Chairman
Clinton Human Rights Commission
City Hall
Clinton, Iowa 52732

Mr. Stan Porras
Executive Director
Mexican-American Commission
1343 North
Lincoln, Nebraska 68508
(402) 471-2791

Ms. Vivian Pope
Assistant Director
Program Services Division
Michigan Dept. of Civil Rights
1000 Cadillac Square Bldg.
Detroit, Michigan
(313) 256-2645

Honorable John H. Powell, Jr.
Chairman
EEOC
1800 G Street, N.W.
Washington, D.C. 20506

Mr. Joseph Ramirez
SAC Member
5236 South 19th Street
Omaha, Nebraska 68107
(402) 733-0721

Mr. William Raymore, Director
Anderson Human Relations Comm.
120 East 8th Street
Anderson, Indiana 46011
(317) 644-8821

Mr. Mark Reisch, Administrative Assistant
Carbondale Human Relations Commission
City Hall
Carbondale, Illinois 62901
(618) 549-5302

Mr. Sam Richardson, Director
Department of Human Rights
550 Cedar Street
Capital Square Bldg., Room 200
St. Paul, Minnesota 55101
(612) 296-5665

Mrs. Rachel R. Ridley, Deputy Director
Fair Employment Services
640 N. LaSalle
Chicago, Illinois
(312) 744-4100

Ms. Margaret Ginzler Robb
Chairperson
Commission on the Status of Indiana Women
Purdue University
Administration Bldg.
Lafayette, Indiana 47902

Mr. Clark Roberts
Director
Midwestern Field Office
U.S. Commission on Civil Rights
219 South Dearborn, Room 1428
Chicago, Illinois 60604

Mr. A. A. Robertson, Chairman
Springfield Commission on Human Rights
County Court House
Springfield, Kentucky 40069

Mr. Wright Robinson
Interim Executive Director
Nebraska Equal Opportunity Comm.
233 S. 14th
Lincoln, Nebraska 68508

Ms. Kris Ronnow, Executive Director
Oak Park Community Relations Commission
Municipal Bldg.
655 Lake Street
Oak Park, Illinois 60301
(312) EU3-6400, Ext. 298

Mr. Bernard Rosen, Executive Director
US Civil Service Commission
1900 E Street, N.W.
Washington, d.C. 20415

Reverend Robert Rosenkeotter
Human Relations Commission
330 North Sunset
Manhattan, Kansas 66502

Mr. Ellis L. Ross
Executive Director
Ohio Civil Rights Commission
Central Office
240 Parsons Avenue, Room 234
Columbus, Ohio 43215

Mr. William R. Ross
Administrative Assistant
Grant Island Commission on
Human Relations - Box 1968
City Hall
Grand Island, Nebraska 68801

Ms. Evelyn Roberts
Missouri SAC

Mr. Wendell J. Roye, President
National Association of
Human Rights Workers
523 West 121st Street
New York, New York 10027
(212) 666-6055

Dr. Frances Dodson Rhome
Special Assistant to the Chancellor
Indiana-Purdue University
1300 W. Michigan Avenue
Indianapolis, Indiana 46202
(317) 264-3963

Ms. Evelyn H. Roberts
Missouri Advisory Comm., USCCR
4644 Lee Avenue
St. Louis, Missouri
(314) 382-6480

Mrs. Georgia Rusan
Secretary
Missouri SAC
Human Development Corp.
1321 Clark Avenue
St. Louis, Missouri
(314) 241-7500, Ext. 313

Mrs. Ricky Salisbury, Exec. Dir.
Mayor's Commission on the Status
of Women
Interim City Hall
18th and Dodge
Omaha, Nebraska

Senator Esther Saperstein
Chairman, Commission on the Status
of Women
Chicago Board of Health, Civic Center
50 West Washington
Chicago, Illinois 60602

Mrs. Ruth Schechter
SAC Member
5723 Windsor Drive
Shawnee Mission, Kansas 66205
(913) 362-5626

Ms. Irene Schlueter, Chairman
Mayor's Commission on the
Status of Women
1005 Strugeon Eddy Road
Wausau, Wisconsin 54401

Mrs. Vivian Schmidt
Chairwoman
Fort Wayne Commission on
the Status of Women
2621 East Maplegrove Avenue
Fort Wayne, Indiana 46806

Mr. John Schneiders
SAC Member
3917 Bowling Green
Urbandale, Iowa 58322
(515) 284-4250

Mr. Clyde Scott, Exec. Dir.
Missouri Commission on Human Rights
Box 1129
Jefferson City, Missouri 65101

Ms. Connie Seals
Executive Director
Illinois Commission on Human Relations
160 North LaSalle
Chicago, Illinois 60601
(312) 793-2893

Ms. Nancy H. Shaw, Director
Indianapolis-Marion County
Human Rights Commission
1642 City-County Bldg.
Indianapolis, Indiana 46203
(317) 633-3730

Mr. Thomas Shepherd
SAC Member
1711 5th Avenue North
Fort Dodge, Iowa 50501
(515) 576-6646

Mr. Nathaniel Sherman, Jr.
Director
Hamilton Commission on Human
Relations
Municipal Bldg., Room 106
Hamilton, Ohio 45011

Mrs. Marlo Sherwood
Parkville Human Rights Comm.
City Hall
Parkville, Missouri 64152

Ms. Ruth Shinn
Chief, Branch of Labor
Law Legislative Division
U.S. Dept. of Labor
Washington, D.C. 20210
(202) 961-2445

Ms. Eileen Siedman
Mid-Atlantic Regional Office
USCCR
2120 L Street, N.W.
Washington, D.C. 20037
Phone: (202) 254-6717

Ms. Patricia Cuza Silea, Exec. Dir.
Michigan Women's Commission
230 North Washington
Lansing, Michigan 48933
(517) 373-2884

Ms. Laurance Simpson, Chairman
Paris Commission on Human Rights
Peacock Road-Shawhan
Paris, Kentucky 40361
(606) 987-6385

Ms. Joy R. Simonson
President, IACSW
1249 National Press Building
Washington, D.C. 20004
(202) 347-8726

Mr. James C. Slaughter
Executive Director
100 North Fifth Avenue
City Hall
Ann Arbor, Michigan 48108
(313) 761-2400, Ext. 401

Mr. Clifford E. Smith, Chairman
Frankfort-Franklin County Human
Rights Commission
6th Floor McClure Bldg.
Frankfort, Kentucky 40601

Mrs. Edythe Meaux Smith
Chief of Compliance
St. Louis Council on Human Relations
215 North 11th Street
St. Louis, Missouri 63101
(314) 453-3301

Ms. Elaine H. Spearman, Commissioner
Missouri Commission on Human Rights
Jefferson City, Missouri

Mr. Stan Smith
Assistant City Manager
Human Relations Commission
City Hall
Pittsburg, Kansas 66762
(316) 231-4100

Rev. T. H. Smith
East Chicago, Ind.

Mr. Peter Stein
Parkville Human Rights Commission
City Hall
Parkville, Missouri 64152
(816) 741-0802

Mrs. Margaret Stroup
Commission of Human Relations
7900 Forsyth
Clayton, Missouri 63105
(314) 889-2039

Mr. Stephen R. Tallackson, Director
Gary Human Relations Commission
City Hall, Room b-1
401 Broadway
Gary, Indiana 46402
(219) 944-6541

Mr. Joseph Tate, Exec. Dir.
Iowa State Commission on
Civil Rights
901 East Court
Des Moines, Iowa

Reverend John Taylor, Chairman
Madisonville Human Rights Comm.
City Hall
Madisonville, Kentucky 40431

Mr. Lewis W. Taylor
Executive Director
Joliet Human Relations Commission
City Hall
Joliet, Illinois 60435
(815) 727-5401, Ext. 226

Honorable Raymond L. Telles
Commissioner
EEOC
1800 G Street, N.W.
Washington, D.C. 20506

Ms. Anne Patrick Trombley
Commissioner
Nebraska EOC
Lincoln, Nebraska

Mr. Robert Tyler Director
Division on Equal Rights
Dept. of Industry, Labor &
Human Relations
201 East Washington Street
Madison, Wisconsin 53702
(608) 266-0946

Mr. Tommy Tucker
Cedar Rapids, Iowa

Mr. Cliff Tyree, Executive Director
Columbus Human Relations Commission
City Hall
Columbus, Ohio 43215

Ms. Joyce Van Deusen
Research Assistant
Cedar Rapids Human Rights Commission
3rd Floor, City Hall
Cedar Rapids, Iowa 52402
(319) 398-5036

Ms. Jean Vercouteren, Chairman
Covington-Kenton County Commission
on Human Rights
314 West 7th Street
Covington, Kentucky 41011

Mr. Aaron Vessup
Human Relations Coordinator
Bloomington Human Relations Commission
City Hall
109 East Olive Street
Bloomington, Illinois 61701
(309) 828-7361

Mr. Henry B. Voges
Contract Compliance Administrator
St. Louis Council on Human Relations
215 North 11th Street
St. Louis, Missouri

Ms. Nancy Vollertsen
c/o Human Relations Commission
Civic Center
Iowa City, Iowa 52240
(319) 354-1800

Mr. Bruce Wackowski, Director
Bloomington Human Rights Commission
Municipal Bldg. Post Office 100
Post Office Box 100
Bloomington, Indiana 47401
(812) 339-2261, Ext. 76

Honorable Ethel Bent Walsh
Commissioner
EEOC
1800 G Street, N.W.
Washington, D.C. 20506

Reverend Richard Walters
Chairman
Marshalltown Human Rights Commission
City Hall
Marshall, Iowa 50158

Mr. Robert Walters
Executive Director
Sioux City Human Rights Commission
City Hall
Sioux City, Iowa 51101

Ms. Ann Ward
Chicago Human Relations Commission
640 North LaSalle Street
Third Floor
Chicago, Illinois 60610
(312) 744-4000

Mr. James T. Wardlaw
Associate Assistant Regional Director
OFCC/ESA
U.S. Department of Labor
854 Everett M. Dirksen Bldg.
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-7622

Mr. Bernis Warfield, Jr.
Director
Kalamazoo Community Relations Dept.
641 Gull Road
Kalamazoo, Michigan 49007
(516) 381-5500, Ext. 219

Ms. Gevena Wayne
EEOC Officer
Human Development Corp.
1321 Clock Street
St. Louis, Missouri 63103
(314) 241-7500, Ext 2113

Mr. Earl O. Wheeler, Jr.
Director
High Park Human Relations Commission
13115 Woodward Avenue
Highland Park Michigan 48203
(313) 868-5400, Ext. 279

Ms. Louise Wilder
Executive Director
Galesburg Human Relations Commission
City Hall
Galesburg, Illinois 61401
(309) 342-2619

Mr. Wilfred White, Chairman
Burlington Commission on Human Rights
City Hall
Burlington, Iowa 52601

Ms. Christine Wilson
Governor's Commission on the Status of Women
State Capitol Bldg.
Des Moines, Iowa 50319

Mrs. Coleen Williams
Director
EEOC
City of Rockford
425 East State Street
Rockford, Illinois 61104

Mr. Earl Williams
Executive Director
Cleveland Community Relations Board
1404 East 9th Street- Room 311
Cleveland, Ohio 44114

Ms. Elnora Willingham, Directress
Elkhart Human Relations Commission
Municipal Bldg.
Elkhart, Indiana 46514
(219) 294-5471, Ext. 30

Mr. Dave Willis, Chairman
Murray Commission on Human Rights
202 Spruce Street
Murray, Kentucky 42071

Mr. James Wright, Director
Equal Opportunity Commission
City of Madison
351 West Wilson Street
Madison, Wisconsin 53703

Mr. Francis V. Yanak
Regional Director
U.S. Civil Service Commission
1256 Federal Bldg.
1520 Market Street
St. Louis, Missouri 63103

Ms. Beatrice Young
8668 South Kimbark Avenue
Chicago, Illinois 60619

Jeffrey Miller - USCCR
Mabel M. Smythe - USCCR

APPENDIX III

A LIST OF LEGAL RESOURCES

Harvard Center for Law and Education
14 Appian Way
Cambridge, Massachusetts 02138
(617) 495-4666

National Consumer Law Center
One Court Street
Boston, Massachusetts 02108
(617) 523-0810

National Housing and Economic Development Law Project
Earl Warren Legal Institute
University of California
Berkeley, California 94720
(415) 642-2826

National Health Law Program
University of California
2477 Law Building
405 Hilgard Avenue
Los Angeles, California 90024
(213) 825-7601, 825-2123

Center on Social Welfare Policy and Law
25 W. 43rd Street
New York, New York 10036
(212) 354-7670

Legal Services for the Elderly Poor
2095 Broadway
New York, New York 10023
(212) 593-1340

National Senior Citizens Law Center
1709 W. 8th Street
Los Angeles, California 90017
(213) 483-3990

National Employment Law Project
423 W. 118th Street
New York, New York 10027
(212) 866-8591

National Juvenile Law Center
St. Louis University Law School
3642 Lindell Blvd.
St. Louis, Missouri 63108
(314) 533-8868

Youth Law Center-Western States Project
795 Turk Street
San Francisco, California 94102
(415) 474-5865

Migrant Legal Action Program
1820 Massachusetts Avenue, N. W.
Washington, D. C. 20036
(202) 785-2475

Indian Law Center, Native American Rights Fund
1506 Broadway
Boulder, Colorado 80302
(303) 447-8760

Bureau of Social Science Research, Inc.
Legal Action Support Project
1390 "M" Street, N. W.
Washington, D. C. 20036
(202) 223-4300

National Resource Center on Correctional Law and Legal Services
1705 DeSales Street, N. W.
Washington, D. C. 20036
(202) 293-1712

Affiliate Branches of the:
Lawyers' Committee for Civil Rights Under Law
contact national office for the branch nearest you -
Lawyers Committee for Civil Rights Under Law
520 Woodward Building
733 Fifteenth Street, N. W.
Washington, D. C. 20005

Local Branches of the:
American Civil Liberties Union

Local OEO Legal Services Programs within your city

Local Bar Associations who frequently sponsor referral services and
are aware of which major firms in the city provide pro bono services

APPENDIX IV

CHAIRPERSONS OF THE STATE ADVISORY COMMITTEES TO
THE U.S. COMMISSION ON CIVIL RIGHTS OF THE 11
CENTRAL AND MIDWESTERN STATES WHICH PARTICIPATED
IN THE CONFERENCE

ILLINOIS: Rev. Rubin I. Cruz
190 North State Street
Chicago, 60601
Phone: 312/263-0800

MINNESOTA: Mr. Cecil E. Newman
Vice Chairman
3744 4th Street South
Minneapolis, 55409
Phone: 612/827-4021

INDIANA: Mr. Thomas W. Binford
Indiana National Bank
1-Indiana South #3375
Indianapolis, 46204
Phone: 317/923-5321

MISSOURI: Dr. John Ervin
8605 Mayflower
St. Louis, 63132
Phone: 314/863-0100

IOWA: Mr. David F. Halbach
Vice Chairman
Court House
Clinton, 52732
Phone: 319/243-1624

NEBRASKA: Mr. John A. Gale
103 North
P.O. Box 1287
North Platte, 69101
Phone: 308/532-7680

KANSAS: Mrs. Constance L. Menninger
1505 Plass Avenue
Topeka, 6604
Phone: 913/233-7927

OHIO: Dr. Eldridge T. Sharpp, Jr.
762 Mallison Street
Akron, 44307
Phone: 216/762-9339

KENTUCKY: Dr. Lee A. Coleman
Lexington,
Phone: 606/258-5290

WISCONSIN: Mr. Percy L. Julian, Jr.
330 E. Wilson
Madison, 53707
Phone: 608/255-6400

MICHIGAN: Ms. Jo Ann W. Terry
18263 Ohio
Detroit, 48221
Phone: 313/965-6090

APPENDIX V

CHANGES OF ADDRESSES OCCURING SINCE THE CONFERENCE

International Association of Official Human Rights Agencies

Ms. Margaret McKenna
Executive Director
IAOHRA
1625 K Street, N.W.
Washington, D.C. 20006
Phone: 202/347-3687

National Association of Human Rights Workers

Ms. Ruth G. Shechter
President
NAHRW
527 West 39th Street
Kansas City, Missouri 64111
Phone: 816/756-2360

U. S. COMMISSION ON CIVIL RIGHTS
WASHINGTON, D. C. 20425

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