

# A Civil Rights Agenda for the 1980s

A REPORT OF THE MARYLAND STATEWIDE CIVIL RIGHTS  
LEADERSHIP CONFERENCE HELD JUNE 26, 1980

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—A report of the Maryland Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the recommendations in this report should not be attributed to the Commission, but only to the Maryland Advisory Committee or to other conference participants.



## **THE UNITED STATES COMMISSION ON CIVIL RIGHTS**

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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A report prepared by the Maryland Advisory  
Committee to the U.S. Commission on Civil Rights

## **ATTRIBUTION:**

The observations contained in this report are those of the Maryland Advisory Committee to the United States Commission on Civil Rights and as such, are not attributable to the Commission. This report has been prepared by the Maryland Advisory Committee for submission to the Commission and will be considered by the Commission in formulating its recommendation to the President and Congress.

## **RIGHT OF RESPONSE:**

Prior to the publication of a report, the Maryland Advisory Committee affords to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses have been incorporated, appended, or otherwise reflected in the publication.

The Committee especially wants to thank Chairman Flemming and Vice Chairman Berry for their thoughtful remarks to the conference, and Commissioner Saltzman both for his contributions to the plenary sessions and his participation in the workshop discussions. It is hoped the conference recommendations contained herein will assist the Commission in deliberating the many civil rights issues before it and will inform the citizens of Maryland of the unfinished civil rights agenda in our State.

Respectfully,

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Edward M. Darden, equal opportunity specialist, was responsible for the design, organization, and administration of the conference. Suzanne Crowell, research writer, edited the report, and Robert Owens, regional attorney, conducted the report's legal review. Barbara Stafford and Christine Scarnecchia provided administrative and secretarial support. The project was under the direction of Mid-Atlantic Deputy Director Everett Waldo and Director Edward Rutledge.

Other Commission staff who served at the conference included Yvonne Schumacher, Tino Calabia, Wanda Hoffman, Robert Vance, James Karantonis, and Herbert Wheelless. Frances Lee provided administrative assistance during the conference and Frank Matthews acted as staff photographer.

The staff of the Publications Support Center, Office of Management, was responsible for final preparation of the document for publication.

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# Chapter 1. Introduction

The proliferation of civil rights groups, issues, and activities that arose in Maryland during the 1960s led, in the minds of many, to a fragmentation of effort in the 1970s. Lack of liaison among civil rights agencies, lack of knowledge by one group of what others were doing, a lack of clarity and definition regarding civil rights issues for the 1980s, lack of sharing of information—all lent themselves to a call for regrouping among civil rights forces. To remedy the perceived lack of coordination and mutual support, the Maryland Advisory Committee to the U.S. Commission on Civil Rights convened a statewide conference in Annapolis on June 26, 1980.

The conference was designed to enable civil rights officials to exchange information with one another and with representatives of affected groups from communities around the State about local civil rights progress and needs; to gather information regarding participants' perceptions of civil rights problems most in need of immediate attention; and to learn from participants their recommendations for changes in civil rights laws and civil rights enforcement.

The Advisory Committee believed that convening the civil rights leadership of the State would also serve as a catalyst for building a network of organizations and individuals who would share resources and information on a permanent basis.

A profile of the conference registrants by affiliation and county provides insight into the size and breadth of the Maryland civil rights community. Conference registration totaled 272 persons, representing participation from from 17 of the 24

Maryland counties. Predictably, the counties nearest the conference site had the largest attendance, with Baltimore City, Anne Arundel, Montgomery, and Prince Georges' Counties accounting for 74 percent of the registrants. Conferees also came from Howard, Frederick, Harford, Baltimore, Calvert, Dorchester, Alleghany, Charles, Washington, Wicomico, St. Marys, Somerset, and Worcester Counties. Participants attended from Washington, D.C., Arlington, Va., and Philadelphia, as well.

An analysis of participants' affiliations reveals that there were nearly equal numbers of advocate volunteers, community service workers, agency officials, appointed commissioners, or elected office holders. These four categories made up 81 percent of the







conference. The remainder of the conferees were divided among educators and other professionals (10 percent); business representatives (4 percent); individuals without affiliation (4 percent); and labor representatives (1 percent).

Conference chairperson and Advisory Committee member Sol Del Ande Eaton of Lanham opened the conference by quoting the U.S. Commission on Civil Rights publication, *The State of Civil Rights 1979*: "This report. . . recognizes the positive steps taken in the quest for equal opportunity, but also acknowledges the gap between the goals and their limited achievements."<sup>1</sup>

Ms. Eaton continued, "This is why we are here today: to close some of the gaps; to get together, to talk, to plan, and to work for a better decade."

Newton I. Steers of Bethesda, chairperson of the Maryland Advisory Committee, welcomed the conference participants in the same vein:

We had hoped that in the 12 years since the King riots, the problems which underlay those tragedies might have been eliminated. But recently we had 'Miami,' and even more recently here in Baltimore we had the McGee case. . . . We all have to recognize that there are people in this State and throughout the Nation who live lives of suppressed desperation. We must acknowledge that there is a need for a new perception in the country, a perception that minorities and women will no longer be discriminated against.

Douglas Sands, executive director of the Governor's Office of Minority Affairs, greeted the conference on behalf of Governor Hughes. He assured those attending that their conclusions would be welcomed by the Hughes administration.

Judge Elsbeth Bothe of the Supreme Court of Baltimore reflected on the history of civil rights in Maryland and the political process. She concluded by pointing out that:

The important factor is political power. . . . It is much more important than being able to go into a place that you can't afford anymore to have the political power to be able to advance the economic goals that permit all of us to enjoy the resources that only a few, either black or white, can enjoy today.

Dr. Arthur S. Flemming, Chairman of the U.S. Commission on Civil Rights, keyed the conference. He observed sadly that "In community after community, we have failed as a Nation to use the capacities that we have to achieve community goals so as to move forward in a consistent and significant manner in the field of civil rights."

What is needed, said Dr. Flemming, is for private and public leaders to "develop and implement communitywide affirmative action programs designed to reach civil rights goals in the areas of employment, housing, education, and the administration of justice."

Dr. Flemming recalled the motto adopted for the Department of Health, Education, and Welfare when it was established in 1953—"Hope, the Anchor of Life." With local leadership, Flemming concluded, "that motto could become a reality in the life of any community."

Thus the conference began by underscoring the continuing advantages and disparities suffered by minorities and women. Equality and equity, the speakers agreed, remain elusive goals despite the significant progress since 1954.

The morning workshops enabled participants to explore specific issues in light of their own experience in the State. Each workshop began with remarks by a panel of experts. Workshop topics included affirmative action in State employment, minority youth unemployment, education equity, police-community relations, housing, juvenile justice, human relations commissions, ageism, and

<sup>1</sup> p. vii.



ethnic and racial conflict. General discussion followed, and participants developed recommendations for change as appropriate.

Following the luncheon recess, Dr. Mary Frances Berry, newly-appointed Vice Chairperson of the U.S. Commission on Civil Rights, outlined a civil rights agenda for the 1980s. Her list, she said, was drawn up in reaction to the assertion of a colleague that "there aren't really any civil rights issues" anymore. Emphasizing that how issues are characterized is important, she included refugee policy, the KKK and violence against blacks, rights for the handicapped, bilingual education, sex discrimination in employment, youth unemployment, police violence, higher education, human relations commissions, the ERA, housing, and ageism. Dr. Berry concluded by noting that the history of the civil rights struggle is the history of coalitions, and urged the fragmented movement to join together to achieve the goals favored by all.

The afternoon workshops were organized to enable conference participants from geographic areas within the State to meet together to consider "local" civil rights issues. Workshop groupings included Annapolis and Southern Maryland, Prince Georges County, Montgomery County, Eastern Shore, Baltimore City, Baltimore and Harford Counties, and Howard County-Western Maryland. Each workshop listed as many topics of concern as possible from the geographic area, discussed the most common concerns in depth, and formulated appropriate recommendations.

Murray Saltzman, member of the U.S. Commission on Civil Rights and Rabbi of the Baltimore Hebrew Congregation, presided over the closing session. Mr. Saltzman recalled discrimination in public places in Hagerstown where he lived more than 20 years ago and recounted the early sit-ins there that helped to end segregation. He reminded the conference participants of the significant, fundamental revolution of values that has taken place over the past 25 years. Admitting the distance still to be covered in attaining equal rights for all citizens, Mr. Saltzman declared his faith and confidence in the Nation by saying, "I am a son of immigrants who suffered persecution and oppression in America and who was appointed by the President of the United States to serve on a Federal Commission. I take great pride in that and believe that the promise to every American can and must be fully realized."

U.S. Representative Parren J. Mitchell, from Baltimore, closed the conference by painting a gloomy picture of the mood in America. He cited four pieces of legislation in Congress that directly attack civil rights progress, and discussed the problem of dealing with people who believe all civil rights problems have been solved, or who stubbornly refuse to provide equal opportunity while claiming they have no prejudice. Remarking that "it gets very lonely in the Congress," Mr. Mitchell nevertheless urged the conference participants to keep on with the struggle, telling them, "the fact that you speak out emboldens me to carry on."

This report has been prepared by the Maryland Advisory Committee to the U.S. Commission on Civil Rights as a part of its continuing responsibility to inform the Commission of the status of civil rights at the local and State level. The Committee will also share this report to the Commission with Maryland's civil rights leadership, their constituents, and public officials. It is hoped that the messages of the principal speakers, the comments of other platform guests and the members of the Advisory Committee, and especially the deliberations to the conference participants in the workshops will be studied seriously by Maryland citizens and officials. The sheer number of workshop recommendations suggest the vast extent of unmet civil rights needs in Maryland, as well as an urgent and exhausting agenda for the new decade.

## Chapter 2. Speeches



### **Arthur S. Flemming, Chairman, U.S. Commission on Civil Rights**

Some of you have heard me say from time to time, and I know I share the views of Commissioner Saltzman and my other colleagues on the Commission, that if you take the civil rights movement as a whole, we are operating under reasonably good laws at the present time. Also we are operating under reasonably good court decisions. But the question is, do we have the capacity as a Nation to take these laws and to take these court decisions and implement them in such a way that they will mean something in the lives of those who have been and still are the victims of discrimination?

Yesterday I had the opportunity to appear before the House Committee on the District of Columbia to discuss the civil rights picture as it confronts this Nation in light of what had happened in Miami. And I just want to share some of the testimony I presented to the committee, because through that committee, I was trying to speak on behalf of the Commission, to the communities of the Nation.

The story in the *Washington Star* about Miami, Florida, written by Kenneth R. Walker reads as follows:

Following the restoration of an uncertain peace in this racially tripartite and troubled city, political, business, and community leaders have begun a dialogue of reconciliation. Although reluctant to volunteer the sentiment, most white, Latin, and black figures concede that it took the most violent American race riot in over a decade to launch attempts to solving long festering grievances.

"We all just sat on our middle-class complacencies and hoped that the problems would go away," said the Mayor of Miami in an interview.

In Boston, it took the shooting of a black high school player during a football game to launch a citywide covenant for racial justice, equality, and harmony.

Will the "dialogue of reconciliation" in Miami and the "covenant of racial justice, equality, and harmony" in Boston result in progress in the areas of equal employment, fair housing, equality of education, and the administration of justice? Our experience during the past 20 years in this Nation with similar reactions to similar events leads to two

conclusions. First, there will be temporary, sporadic improvement. Second, in a very short period of time complacency will set in and the grievances will continue to fester.

In community after community, we have failed as a Nation to use the capacities that we have to achieve community goals so as to move forward in a consistent and significant manner in the field of civil rights. Jon Nordheimer, in an article in the *New York Times* written from Miami, identified the basic issue when he wrote as follows:

When it comes to putting on a spectacular New Year's Day football game and parade, the civic leadership of Miami is a juggernaut of talent, efficiency, and communitywide pride. The Orange Bowl Committee, with direct links to every power base in Dade County—with 1.6 million citizens of every racial and regional origin—works throughout the year to project the glamorous Miami image around the world on one day.

But, he wrote:

When the city erupted in racial violence last weekend, many Miamians said the area's leadership was as hard to find as a pair of seats on the 50-yard line of the Orange Bowl on New Year's afternoon. There were police chiefs and National Guard commanders in evidence, and silver editorials in the local newspapers, but the leadership never emerged in significant ways from the board rooms and luncheon clubs where the city's major initiatives are taken.

This story is an example, just one illustration of many, that can be provided of our failure as a Nation to take seriously the findings of the National Advisory Committee on Civil Disorders in 1968. The committee said, "Only if all the institutions of the community—those outside of government as well as those inside the structure—are implicated in the problems of the ghetto, can the alienation and distrust of disadvantaged citizens be overcome."

In community after community, private and public leaders must develop and implement communitywide affirmative action programs designed to reach civil rights goals in the areas of employment, housing, education, and the administration of justice.

In each one of these areas, these leaders need to set goals and timetables for achieving these goals. In each one of these areas, they need to develop communitywide action programs that, if implement-

ed effectively, will make it possible to achieve the goals that have been set. These action programs must spell out the duties and responsibilities that must be discharged by Federal, State, and local public agencies and that must be accepted by both institutions and individuals within the private sector.

These communitywide affirmative action programs should be developed with a sense of urgency, a sense of urgency growing out of the realization that the only way in which to replace alienation, distrust, and despair with hope in the lives of those who have been and are the victims of discrimination is to substitute action for rhetoric.

In community after community in this Nation, we have not given top priority to the achievement of civil rights goals. As a result our Nation is confronted with a serious lack of progress in achieving the overall goals of equality of opportunity.

Two years ago our Commission released a report entitled, *Social Indicators of Equality for Minorities and Women*. In transmitting the report to the Congress and the President, we said, "The social indicators of equality presented in this report directly compare the level of well-being of the minority and female population to that of the majority male population and thus assess the Nation's progress toward achieving equality."

We said, "Our findings show that for every indicator reported here, women and minority men have a long way to go to reach equality with majority men, and in many instances are relatively further from equality in 1976 than they were in 1960."

Following the riot in Miami, there have been a number of articles in news magazines written relative to the current state of civil rights in some of our metropolitan areas. These articles all lead to the same conclusions, namely that "the alienation and distrust of disadvantaged citizens" identified by the Kerner Commission in 1968 continues to be the rule rather than the exception.

The Commission, in its 1979 annual report to which reference has already been made, said,

The employment status of minorities and women has long lagged significantly behind that of white men. As shown in our *Social Indicators of Equality*, the disparity of the unemployment rates of minorities and women and the white male increased between 1970 and 1976. According to recent statistics, these disparities continue to prevail in 1979. In terms of closing that gap



between the unemployment rate of minorities and women and white males, no progress has been made from 1960 down to the present time.

Private and public leaders in the communities of the Nation should be concerned—should be alarmed—by these continuing disparities. They are persistent during a period when, except for the past few months, the total number of jobs has been increasing in this country. They are the single most important reason for festering grievances and mounting frustrations.

Private and public leaders in any community can ascertain what the disparity is in the unemployment rate of minorities and women and white males in their particular community. They can set up goals for narrowing that disparity over a specified period of time.

Then an action program can be developed designed to harness all the resources in the community in order to achieve the goals. The action program can include pressuring the Federal government to allocate resources for job training and job placement and new job opportunities. It can include support for vigorous enforcement of equal opportunity laws. It can also include plans for a communitywide drive designed to persuade both public and private employers to develop and implement affirmative action plans for their organizations voluntarily. It can also include a pooling of resources with the end in view of helping small business concerns to participate in affirmative action plans.

Every effort can and should be made to rally public support for the action. Those who successfully discharge their duties and responsibilities should be recognized by the media; those who do not should have attention called to their failure.

Community pride has been appealed to time and again in the history of our Nation in the interest of achieving what leaders in the life of the community have regarded as important goals.

We have the capacity to develop and implement communitywide affirmative action goals in the areas of equal employment. The question is, do the public and private leaders in the community have the commitment to human rights which will result in their concluding that this is one important goal for their community? If they do not, we are sitting on kegs of dynamite.

Communitywide affirmative action programs in the area of equal employment are not being pro-

posed as a substitute for vigorous Federal action. There must be vigorous enforcement of Federal equal employment opportunity laws. We have been moving in the right direction, but additional resources are required.

Communities must know what they can count on in the way of Federal resources for job training, job placement, and job opportunities. The Federal Government must set high, long term goals for assistance in these areas and then stay with them. In making hard decisions for Federal appropriations, these are areas which should be close to the top of the Nation's list of priorities.

We do not believe that an adequate commitment of resources has been made or is in the process of being made. The President did propose in his official 1981 budget a total program which would involve about \$2.2 billion in expenditures. His revised budget reduced that by about 100 million. But the Joint Budget Resolution agreed upon by the Senate and the House reduced it by several hundred million dollars. The Congress has set its sights far lower than they should be in this particular area. If their will prevails, it means in community after community, programs people thought would be getting support will not be getting support.

But once again we want to underline the conviction that the Federal Government cannot do the job itself. No matter what it does in the area of equal employment opportunity laws and the enforcement of those laws, and no matter what it does in the area of providing resources for job training, job placement, and new job opportunity, we will not achieve equal employment opportunity goals, we will not eradicate alienation and distrust, unless community leaders decide that they are going to marshal all available resources within their community in order to deal with serious disparities between the unemployment rates of minorities and women and white males. Similar approaches can and should be taken in the areas of housing and education.

We all recognize, however, that one area to which both public and private leaders in the community must give constant attention is the area of administration of justice. Experience has taught us that if there is any denial of civil rights in this area, it could become the straw that breaks the camel's back and can lead to some form of violent action.

Here again, this is an area where public and private leaders of the community should set goals.

Likewise they should agree on action plans designed to reach the goals.

The area of police-community relations is one which the Commission has studied for many years. We have received information from the Maryland Advisory Committee and other advisory committees throughout the country. We had a National Consultation on Police Practices and the Preservation of Civil Rights. We have conducted formal public hearings on police practices in Philadelphia and Houston. Over the next few months we will be issuing a major statutory report in this area.

Based on our experience, the Commission believes that communitywide goals should be set relative to those police practices that most directly affect public trust and confidence. Recruitment efforts should be directed at the minority community and hiring standards set in a way that will fairly assess applicants from all segments of the community, so that those hired will not only be well qualified, but reflect the racial and ethnic spectrum served by the police force. Community leaders should insist that officers are trained in service, sensitivity, and protection of civil rights as well as in the detection of crime and the apprehension of criminals.

Most important of all, a process of receipt of citizens' complaints and the investigation and discipline of alleged police misconduct must be established that is, in fact and appearance, fair and responsive to legitimate citizen concerns. If communitywide goals were set in these areas, with the participation of the top public and private leaders of the community and communitywide support to call for action programs designed to achieve the goals, real progress could be made in the direction of assuring that the police are perceived as the allies rather than the enemy of the community as a whole.

The Federal Government can and should provide support to community leaders who adopt such community action plans with regard to the administration of justice. It can furnish this support by LEAA financial assistance for the training and direction of police officers. At this particular point, I would like to say that I really feel sad over the fact that apparently the executive and legislative branches of the government are in agreement about phasing out the LEAA program, a program that has had its problems from an administrative point of view, but which has also resulted in the strengthening of the administration of justice in many communities.

The Federal Government can also be of help in the investigation and prosecution of law enforcement officers who violate the civil rights of citizens. It can also assist troubled communities in resolving racial and ethnic disputes through the mediation and conciliation skills of the Community Relations Service—an under-financed service, but a very important service.

This backup assistance can be very effective but it will always be secondary to what the informed and concerned leaders of the community can accomplish through well thought out and vigorously implemented community action plans.

The longer I work in this area, the more I am inclined to emphasize human rights as contrasted to the term civil rights. Too often it seems to me these days, in our discussions and actions on civil rights issues in and out of government, we seem to lose sight of the fact that we are dealing with the dreams, hopes, and aspirations of people.

How else can we explain the fact that Congress continues to attach antibusing amendments to appropriation bills in the field of education, and by so doing, deliberately participates in denying educational opportunities to some minority children?

How else can we explain riders to the Treasury appropriations bill which force the Commissioner of Internal Revenue to grant tax exempt status to private schools that are designed to undermine the Nation's commitment to a policy of desegregation in the field of education—a policy that grows out of the recognition of the fact that segregation was in 1954 and still is in 1980 inherently unequal?

How else can we explain the well-organized opposition to the current efforts to amend the current fair housing law in such a manner as to put teeth into its enforcement provisions? How else do we explain the failure of public and private leaders in our communities even to include, let alone put at the top or their list of priorities, the development and implementation of action programs designed to move their communities forward in areas such as equal employment, fair housing, desegregation of educational programs, and the administration of justice?

The motto that was picked for the Department of Health, Education, and Welfare in 1953 was "Hope, the Anchor of Life." That motto could become a reality in the life of any community where the public and private leaders decided to set goals for progress in the areas of equal employment, fair housing,

desegregation of educational programs, and the administration of justice, and then decided to dedicate the resources of the community, including those made available by the Federal government, to achieve those goals.

This way, and only in this way, can we substitute hope for the alienation and distrust of disadvantaged citizens, which was widespread in 1968 and, unfortunately, is still widespread today.



## **Dr. Mary Frances Berry, Vice Chairman, U.S. Commission on Civil Rights**

I have thought a lot about what I might say here today that would help you in this conference, in terms of what will help you in your work with us to move nearer to the goals of an end to illegal discrimination and toward the reality of equal opportunity for education, housing, employment, and fairness in the administration of our criminal justice system in this country and in this State and your localities.

In the 1980s, we recognize more than ever before a need for a united front against actions by the government at the State levels, the national level, the local level, and by private individuals that perpetuate inequality. We must understand what an appropriate civil rights agenda is for this period, and then try to understand how to utilize effective strategies for its implementation.

And when I thought about the question of what is an appropriate civil rights agenda for the 1980s, I was reminded about some recent conversations I have had with a number of civil rights leaders and one person in particular. He kept saying to me, "Mary Frances, you know there really are no civil rights issues." He was asking me why I was going to serve on the Civil Rights Commission.

He said, "You can't think of any. Sure there is school desegregation which is this problem we have had for years, but," he said, "I find it difficult to be a

civil rights leader when there aren't really any civil rights issues."

As I sat there, I decided that he has what lawyers call a "characterization problem." People who engage in oppressing other people like to have them feel hopeless and like to characterize issues in terms that make them so complex that they cannot be dealt with. We must characterize our problems in ways that we can understand so that we can deal with them, and we can see where they fit into our struggle. And is it true that there really are no civil rights issues today?

I thought about the shambles in which we find our refugee policy, with the admission of the Cuban boat people and the denial of refuge to the Haitian boat people. I thought of policies that make the whole issue appear to be a "pea and shell game," and that we can't really figure out exactly what the government's policy is. It seemed to me that that was a civil rights issue.

I thought about the fact that the Justice Department reported that the KKK has new vigor all over this country; that there were 44 racial disputes in 1979 in which blacks were injured by people who said they were Klan members—that there were only 8 the year before in 1978, and that already this year the rate is much higher than last; and even that the Klan is reported to be recruiting students in junior high schools and senior high schools in this State and elsewhere. It seemed to me that that was a civil rights issue.

I thought about the fact that blacks still complete 9.4 years of schooling, on the average, and whites 12.1 years; that the dropout rate in many black and Hispanic communities is about 25 percent; that these were civil rights issues.

I thought about unemployment, and I remember as I worked on the Vice President's Task Force on Youth Unemployment, preparing the legislation that is on the Hill now before the Congress, that we found that 40-45 percent of black and Hispanic youths are unemployed and that racial discrimination and discrimination against people who come from limited English-language-ability backgrounds still account for a large percentage of the discrimination, and yet no strategy has been developed. We talk about people not having education, not having the basic skills as the reason they can't get jobs. But as the task force report indicates, racial discrimination is still a major problem on that issue. And that seems to me to be a civil rights issue.



I thought about the handicapped, and the fact that Federal law mandates the Federal government to pay a major portion of the cost of educating handicapped children who are supposed to get a free, appropriate education. But in fact the Federal Government refuses to pay its share of the costs, and refuses to monitor enforcement of Public Law 94-142. There are some school systems that respond by ignoring the law, others attempt to enforce it, but by taking funds from other programs for nonhandicapped children. It seems to me that that might be a civil rights issue.

I thought about the fact that there are Hispanic and Asian American children who need bilingual services and, despite Federal law that requires their provision, they still find these services unavailable in their school—that this might be an issue of civil rights.

I thought about police violence and about the killing of Arthur McDuffy and the fact that his murder was going unpunished; and I thought about the alleged police violence that sparked riots in Wichita, in Wrightsville, Georgia, and in Miami—that this might be a civil rights issue. And I thought about the fact that the police seem not to be able to find out who shot Vernon Jordan, although now they disturb us even more by saying that it might have had something to do with James Earl Ray. And I noticed that in Miami, they had already set trial dates for the people who were engaged in the riots after McDuffy's murderers were acquitted, but they had not done anything about deciding whether to indict those people under Federal law. There might be some civil rights issues.

I also thought about higher education and how, here in the State of Maryland and elsewhere, the institutions of higher education still remain mostly segregated in defiance of Federal law; and that the percentage of minority students has declined at the University of Maryland, College Park; and that black colleges are undernourished and underfunded; and that Hispanics and Indians have few institutions of their own to take up the slack; that someone might think that that is a civil rights issue.

I also thought that when people thought about the high attrition rate of blacks and Hispanics in predominantly white institutions of higher education, that one might want to focus on that as a civil rights issue.

When we reflect that the *Bakke* case decision says that we may take race into account in admissions,

which means of course that we may not; and that the *Weber* case says we may have voluntary agreements to give preference to minorities for training, which means we may not; and that "will" is always better than "maybe"—that that might be a civil rights issue.

I thought that the fact that most human relations commissions in this State and elsewhere are "toothless tigers," with inadequate staff, funds, and powers to address the issues that arise locally; and that this lack of procedural fairness and the availability of remedies might in itself, in some people's minds, be a civil rights issue.

When I thought about the fact that in defiance of Title VII, employers still have most women relegated to female job ghettos of the lowest-paying jobs, with the least opportunity for advancement; and when I thought about the fact that in the 441 occupations listed by the U.S. Census, women are still primarily in the lowest paid 20 classifications; and that when jobs become women's jobs, they get lower pay; that is, when women become bank tellers the salary is lowered—that this just might be a civil rights issue, or at least some people might think it is.

And when I thought about the fact that we cannot get the political muscle to get the last three States to ratify ERA, and that there is one party, which I won't name, at the national level that is thinking now of repudiating ERA; that some of us might think there are some civil rights implications.

When I thought about housing and realized that realtors still steer minorities to minority neighborhoods, and that minorities are displaced from communities with no place to go when neighborhoods are "upgraded,"—that this might be a civil rights issue.

I thought about the issue of ageism and how, despite bans against age discrimination, employers still routinely prefer to hire the young and feel and say that the elderly have out worn their usefulness, despite all of the evidence to the contrary—that this might be a civil rights issue.

So I have concluded, and you may not agree with me, that the problem is not a lack of civil rights issues. I might be wrong about these issues, but it seems to me that we would be able to find a few civil rights issues. And if we do that and, therefore, we have a civil right agenda, then the next question is: how do we implement it?

This, of course, is a presidential election year and certainly everyone must register and surely every-

one must vote. But we have forgotten that politics can give to anyone certain things: patronage, influence on policies, some access so that you can see the people you vote for. But even then you get a minimum of patronage, influence, and access if you don't challenge the officials who are elected with the real possibility of removing them. We also forget that in politics, as in everything else, it's the squeaky wheel that gets the oil.

We have also forgotten that protest must go with politics, otherwise those who are in need will vote for one party and be taken for granted by that party. We should not forget the statement made by another great son of the State of Maryland, Frederick Douglass, who said that, "He who is to be free must strike the first blow. . . . Agitate," he said, "agitate." And that, "those people who profess to favor freedom but deprecate agitation want crops without plowing the ground."

The history of the civil rights struggle is using lawyers, boycotts, demonstrations, education, vocalizing, singing, petitioning, and using the media—not just being used by the media. It is the history of coalition. Coalitions of working class whites and blacks, or liberal white elites and blacks, or some combination of those elements. It is the history, indeed, of using everything that comes to hand in the struggle and hoping, thereby, to gain enforcement, equity, and parity in services.

But today the civil rights movement is fragmented into different groups. There are those who are concerned about moving barriers for the handicapped. There are those who are concerned about more job opportunities for the elderly or more health services for the elderly.

There are those who are concerned about closing black colleges or the integration of white colleges. There are those who want to ratify ERA. There are those who are interested in services for the handi-

capped, the elderly, and those who are interested in bilingual services for Asian American and Hispanic students.

And all of those groups seem to fight the battle separately and alone, fighting the budget-cutters whether it is nationally or locally, separately for their share. It just seems to me that if the movement is to be effective in political action and incorporating protests into politics, then we must join together to support each other's issues.

Those folks that are interested in the handicapped issues ought to be helping to end higher education segregation. And those who would desegregate the schools should join with those interested in removing barriers for the handicapped. Those who want to provide money for education for the handicapped and those who want bilingual education and compensatory services ought to be working with those who want to end segregation. And those folks who want ERA ratified as their major issue should all be helping us to get the fair housing amendments passed by the Congress. And those folks who want the fair housing amendments passed, or services for the elderly, or minorities, or the handicapped should be helping to get ERA ratified in the three needed states. Those people who want action on any issue ought to join together to gain real power for their human relations commission as a start—even if they do nothing else together.

So it seems to me, then, that there are issues. I don't doubt that they are difficult to deal with, and that they will require more effective coalitions than ever in the past to engage in protest and political action. But leadership and followers in the 1980 civil rights movement must remember the past, understand the issues of today, and continue the struggle for the conscience of America and for a society built on justice and equity.



## **Parren Mitchell, 7th District, U.S. House of Representatives**

It is really encouraging to see at this civil rights conference those who have been in the struggle for so long, and equally encouraging to see so many young faces, the new young warriors in the struggle.

I brought with me some things I want to read to you. This is the amendment by Congressman Fletcher and Congressman Henry Hyde to the fair housing bill:

It is not a violation of this title if a person engaged in the business of furnishing appraisals for real estate property to take into consideration or to report to the person for whom the appraisal is being done all factors shown by documentation to be relevant to the appraiser's estimate of fair market value of the property, provided that such factors are not used by the appraiser with the intent to discriminate against any person for the purpose of denying rights by this title.

That amendment was offered under the Fair Housing Bill. I asked Congressman Hyde, "What are some of the things you would want the appraiser to list?" He said, "Oh, the quality of the schools, proximity of the schools, proximity of churches with denominations."

And I said, "You want the appraiser to list that there's a Paul Lawrence Dunbar High School, which everybody knows is black, and this is going to encourage people to move into the area?" He said,

"Well, I don't know about Paul Lawrence Dunbar." I said, "Okay, are you going to list the New Faith Apostolic Church in Christ?"

It is clear that this amendment was designed to do exactly what they said it would not do, to facilitate discrimination in housing. We were able to defeat the amendment.

I will read you another amendment:

. . . provided further that none of the funds made available to the provisions of this act shall be used to formulate or carry out any rule, policy, procedure, guideline, regulation, standard, or measure which would cause a loss of tax-exempt status to private, religious, or church-operated schools in the section. . . .

That amendment passed. It is designed to facilitate the Robert E. Lee schools, to thwart school desegregation. My response was "Pass it, best time in the world to pass it. This is a nice signal to show to Black America, and it's a fantastic time to encourage racial tensions, following Miami. Pass your amendment."

Here is another, an amendment from Representative Collins of Texas.

No part of any appropriation contained in this act shall be used by the Department of Justice to bring any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest to the student's home except for where a student needs special education as a result of being mentally or physically handicapped.

That would gut the Supreme Court decision of 1954. The Collins amendment was passed by the U.S. House of Representatives.

One more: The new Commissioner on the Federal Communications Commission recently got into the press when she said, "I thought the FCC made a terrible mistake by attempting to promote minority businesses, ownership of radio, TV stations, etc." She thought the FCC had made a terrible mistake when it sought to enforce nondiscriminatory provisions in employment on radio and television stations.

These are four things that indicate to us the mood of the country. The mood is a narrow, mean, selfish, ugly, turned-in mood that says we have done enough for black people; we have done enough for poor people; we have done enough for minorities; we will do no more for any of them.

There are two classes of people that we are dealing with. The most difficult class with which to deal says, "Black people have really made it, there is no more discrimination." That's the class that says, "Look, we passed the Civil Rights Act; we got all of those things on the books; there is no more conflict." The last time I was flying to the west coast a nice, charming lady from Baltimore, Maryland, said to me, "Oh, Congressman Mitchell, isn't it marvelous how this country has solved the race problem," and she meant it.

That is a very difficult group with which to deal because many of those people honestly believe that we are not discriminated against in employment. They honestly believe that a black person or a minority can purchase a home anywhere they want to. They honestly believe that there is no discrimination in the political process. That's the group that is awfully difficult to deal with.

The other group is much more open in its racism, and that is the group I call the "Klansmen in the three-piece suit." Some won't get involved with black folks, but will take all the time in the world to explain to you that he is not prejudiced at all—but then will launch into all the reasons why he can't hire blacks into his business firm, or why as a member of Congress he has no blacks on his staff, or why as a U.S. Senator he has no blacks on his staff, or why he couldn't sell this piece of property to you. The Klansmen in the three-piece suit is a terribly dangerous animal with which to deal.

Both those who think we have made it and those who are openly racist are impacting on the political system, and it is hurting us.

Many of you are involved in EEOC monitoring. I am appalled by what is going on in the EEOC operation, when I find that guidelines are being issued that say select only the cases that we know we can win. That's denying a whole group of people equal protection under the law. When you say, "our record has to look good, therefore we are not going to handle a case unless we can guarantee that we're going to win it," thousands of people will never have their case heard because the ego of an agency, in terms of winning every case, has to be satisfied. That's appalling.

I am also concerned about the length of time it takes us to adjudicate these cases. There is no justification for a complaint being filed against General Motors in the city of Baltimore, and 2 years later it is still not resolved. There is no justification

for that. Justice delayed is justice denied. You have got to get on to the EEOC operations and make sure they move expeditiously. They will say they have procedures to follow. It then becomes our job to streamline the procedures.

I worked for 4 years on the Mitchell Minority Enterprise Act of 1975-76, known as Public Law 95-507. It was finally passed and signed into law by the President a year ago. It is one of the most significant laws for the economic empowerment of blacks and other minorities. It says:

Any contract of a half million dollars or more cannot be approved by any government agency unless there is a mandated plan for involvement of small and disadvantaged business. Any construction contract of more than one million dollars cannot be signed off by any agency unless there is a mandated plan for the involvement of minority small and disadvantaged business.

The government generates some \$96 billion worth of business a year. At a minimum, in the first year of the implementation of that law, something close to 8 billion would come into the minority communities—moving us closer to economic parity. During the year that the law has been in effect, every agency of government has defied the law.

The subcommittee which has oversight on this law learned that \$4 billion worth of contracts had been let in defiance of the law. We held a hearing and told the agencies to do better; they promised they would. We held another oversight hearing in February and the number had gone from \$4 billion to 9 billion in contracts let in defiance of the law. Just as we can't stand for lawlessness in our lives and our communities, we are not going to stand for lawlessness on the part of government agencies.

So, I am doing two things. One, I have already retained my own private counsel to file suit against the General Services Administration. Two, I am going after the first agency legislatively—that is, the Department of Agriculture. I will offer an amendment to cut appropriations for the Department of Agriculture. I will offer a 5 percent cut in the agricultural budget to come out of procurement. If we aren't getting it anyway, why let them have it? I have no other weapon but to go into court and slice budgets when there is lawlessness on the part of the agencies of government.



Last year the President set forth goals for all agencies to meet in terms of minority business. None of them met the goals. A new edict came out this year, and already the Department of Defense has said it is not going to meet its goals. I can give you countless other illustrations.

These are all reflective of this new meanness of spirit that I think dominates much of America, and it is present everyday in the Congress of the United States where I serve.

The meanness of spirit is bolstered and supported by something else that I find disgusting. Black folks have been through cycles in the media. We were first portrayed in "Birth of A Nation" as animals. Then we moved through the Tarzan and Jane series; then we were good faithful servants. Movies and stories about the Civil War portrayed us a frightened, eye-rolling animals. Then we moved into the superfly, super-bad, super-slick image.

Now what we're doing on the media I think is the most destructive of all. Every ongoing show about black people portrays us as objects to be laughed at. Every single one. The black teenage youth is shown on television as the boy who acts like an imbecile. There is "Sanford and Son." My father didn't act like that and your father didn't. Most black fathers I know were strong men holding their families together, literally killing themselves—underpaid, overworked, dominated, and exploited, but they took it all for the love of their family.

"Mr. Dugar Goes to Washington" is an attempt to portray a black congressman in a series. The press asked for my comments and I said, "It stinks." The black members of Congress I know are not bumbling fools. They are topflight capable people.

Now we have another program—"Beulah Land." We managed to stop that one in its first initial attempt, but the networks plan to try to put it on again. It shows a black woman with two little babies at her breasts—one white, one black—and, in the best Mattie McDaniels stereotypical language, she says, "This is the way it 'aughta be, all of us here together." We are resolved to carry on this fight against "Beulah Land." We want it stopped and we want your support.

These images of us continue to be projected, and there is something very evil in this. The evil lies in the fact that an object that is laughed at is an object that is not respected. Why do we laugh when we see a cartoon where somebody throws a pie in someone else's face? We laugh not at the pie thrower but at

the guy who gets it in the face. We say, "look how stupid he is to let that happen to him." An object of derision, an object of laughter, becomes an object of contempt, and an object not to be respected.

The networks are furious with me because of a speech I made in which I said, "You are not my friends, you are my enemies," and they are my enemies, any time they hold us up consistently as objects of ridicule, and any time they so poison the minds of black people that we find ourselves laughing at ourselves as objects. Anyone who does that for me is not a friend, he's an enemy.

Ladies and gentlemen, it gets very lonely in the Congress. At one time there were 100 people who stood with our cause, a hundred votes I could always count on. That number has dwindled down to 78. There are only 78 sure votes for things that are good for minorities and the poor. It is oppressive to sit there, one of 17 black people in a house of 435 people fighting a cause that is unpopular.

At times I just want to stop—but all that changes when I see you. There is a heart left in this movement. There is an army left that is not willing to surrender. There are still people out here, like yourselves, who bear scorn and derision in your own communities. The fact that you speak emboldens me to carry on whatever I am trying to do.

Be of courage. Don't despair. America has moved to the political right, but by God, we are going to swing it back from this conservative posture. Don't despair, don't give up. If you believe in one essential truth, one quintessential truth, that every human being demands respect: every man, woman, and child—black, red, brown, green, poor as dirt—should be an object of respect, clothed in the law and protected by the law. If you believe that, if you really believe that, then we have no cause for despair.

I wanted to be with you today and I am grateful for what you have done for me. To close, let me share with you the words of an old hymn:

Why should you mourn, or think your lot is hard;

'Tis not so; all is right.

Why should you seek to earn a great reward,  
If you now shun this fight?

Gird up your lions, fresh courage take,

Our God will never us forsake.

And in the end, one truth we'll tell,

All is well. All is well.

## Chapter 3. Workshops on Issues

### **AFFIRMATIVE ACTION IN STATE EMPLOYMENT: Utilization of Minorities and Women in Jobs and Contracting.**

Moderator:

Rudy Cane

Maryland Advisory Committee

Resource Panelists:

Robert Matthews

State Coordinator for Equal Opportunity

Department of Personnel

James Hester, Chief

Equal Opportunity Section

State Department of Transportation

Anita Marshall, Attorney

Civil Rights Division

U.S. Department of Justice

The workshop was originally convened for the purpose of discussing affirmative action and the effective utilization of minorities and women in State jobs and contracting in Maryland. Due to the more specific concerns of the workshop participants with affirmative action in public education employment, a large part of the discussion took that focus.

Three resource people assisted Maryland Advisory Committee member-moderator Rudy Cane with

the group discussion. The first, Anita Marshall, attorney, Civil Rights Division, U.S. Dept. of Justice, explained the major role of her office as providing central review of Federal civil rights enforcement activities, including affirmative action requirements, under authorities such as Title VI and Title VII of the Civil Rights Act of 1964,<sup>1</sup> Title IX of the Education Act,<sup>2</sup> and Section 504 of the Rehabilitation Act.<sup>3</sup> In addition, her office maintains and coordinates the Federal government's civil rights litigation.

James A. Hester, chief of EEO, Maryland State Highway Administration, described the wide variety of work of his office, which covers all of the counties in the State. Among the programs that his staff handles are a Title VI<sup>4</sup> program to assure equal access to government services, a minority business enterprise program, an internal EEO program, and various special projects, mostly designed to enhance minority business enterprise opportunities. He pointed out that they have accomplished over \$80 million in minority business enterprise, and that they currently receive over \$2 million in Federal funds to support the minority business enterprise program. His office also oversees contract compliance activities of the State Highway Administration.

Robert E. Matthews is Coordinator of Equal Opportunity for the Maryland State Department of Personnel.

The Statewide EEO program was originally created by a gubernatorial executive order and was

<sup>1</sup> 42 U.S.C. §2000d-2000e-17 (1976).

<sup>2</sup> 20 U.S.C. §1681-1686 (1976).

<sup>3</sup> 29 U.S.C. §794 (1976).

<sup>4</sup> 42 U.S.C. §2000d-2000d-6 (1976).

more recently codified into law by the Maryland legislature.<sup>5</sup> Mr. Matthews holds a position that is now mandated by the Maryland State Legislature to oversee the EEO operations for the entire State's workforce. He briefly explained the organization of the Statewide EEO program. (See chart 1, distributed at the workshop.)

Currently the major responsibility of his office is to provide oversight of Statewide systemic affirmative action efforts involving personnel policies and procedures. Subsequent to July 1, 1980, responsibility for the processing of individual complaints of discrimination made by State employees or applicants for employment shifts to the State Human Relations Commission from Mr. Matthews' office in the Department of Personnel.

To support the agency's systemic affirmative action efforts, the State Department of Personnel recently issued an annual Statewide affirmative action report, highlighting goals and accomplishments, as well as inequities that continue. Also the department has circulated guidelines to State agencies on the development and implementation of affirmative action programs.

Mr. Matthews also highlighted growing concern for affirmative action efforts for the handicapped.

A major portion of the group's discussion focused on affirmative action requirements imposed upon public education systems in the State. Mr. Matthews explained that the State statute and executive order do not extend beyond State employment to include local school districts. Discussion clarified that affirmative action in the school district is the immediate responsibility of the county in which the school district is located. In addition, oversight of that responsibility rests with State and Federal funding sources, as well as with the Federal EEOC, some participants asserted.

Participants expressed the opinion that written affirmative action plans ought to be prepared for each school district, but in many cases are not. Further, citizens have the responsibility to press for the existence of such written plans. Public access to those plans should also be demanded, because public funds are involved and because a crucial component of any affirmative action plan is the dissemination of its policies.

Some participants felt that school systems frequently have inaccurate statistical information on

workforce profiles. Another major concern was the multiplicity of authority involved in affirmative action enforcement and oversight; this fact leads to the shirking of responsibility by individual authorities, each of whom believes another authority can and will remedy the problem. "Power plays" and "finger-pointing" are then fostered between local (district and county), State, and Federal levels of government.

Animated discussion among the workshop participants revealed some confusion as to what Federal affirmative action requirements exist and which agencies enforce those requirements with respect to public school systems in particular. However, one participant, a Federal employee, clarified that new Federal requirements from OCR/HEW will require that any recipient of Federal funds have an affirmative action program and have a *written* affirmative action plan if it employs 15 or more persons. This is irrespective of the amount of Federal funds received or of the proportion of Federal dollars compared to State dollars received.

That there is no central affirmative action authority means lack of effective methods of redress continues to exist, some believed. In addition, agencies that do have some authority are frequently understaffed. Participants agreed, however, that getting things done in the area of affirmative action takes sophisticated, locally-organized political pressure, as well as aggressively pursued enforcement efforts.

## Recommendations

- 1) That the Maryland Advisory Committee request a gubernatorial mandate requiring that *all* public employers in the State draft and implement comprehensive affirmative action plans. This requirement should include public education systems.

- 2) That the Advisory Committee call for meetings in each county of Maryland to organize groups of individuals for the purpose of independently reviewing existing affirmative action plans to identify their shortcomings and to recommend improvements. These county-based citizens' groups should also identify ways to strengthen governmental enforcement efforts.

- 3) That Maryland establish one central authority—an independent body—to oversee all State-based EEO and affirmative action programs, to provide

<sup>5</sup> Md. Ann. Code Art. 64A, §12A (1979).





liaison between that State's Human Relations Commission and all of the EEO authorities within the various State agencies and programs, and to assure adequate State enforcement of all EEO and affirmative action requirements.

4) That individual citizens and civil rights groups, as well as government officials at all levels, be reminded that their work, cooperation, and pressure are crucial to assuring continued progress in the development and implementation of affirmative action plans. Pressure for adequate and in-

creased enforcement on the part of existing governmental authorities must be stepped up.

5) That the State Advisory Committee request in writing from each county in Maryland a copy of the existing written affirmative action plan for each school district in the State, and that the Advisory Committee incorporate in its report of this conference a listing of which counties were responsive to this request and which were not. In addition, the State Advisory Committee should take followup action to press for the development of affirmative action plans where none currently exist.

# MINORITY YOUTH UNEMPLOYMENT: Social Responsibility and Civil Rights Problems.

Moderator:

Elaine Newman

Maryland Advisory Committee

Resource Panelists:

Judith A. Greene, Project Director

Center for Public Service

Brandeis University

William D. Barnes

State Employment Security Administration

Maurice G. Robinson, Principal

Harbor City Learning

The panel discussion began with Ms. Greene recounting the results of recent research that demonstrated that black youth were willing and able to work, contrary to some researchers who questioned their interest in a job. She stated that no measurable progress has been made in reducing youth unemployment since 1960. In fact, unemployment of minority youth, once the same as whites, has worsened in the past 25 years and is now twice that of white youth. Because many youth do not report to employment services, there are no effective statistical tools regarding youth unemployment. It is a myth that unemployment is due to the victim's shortcomings, Greene said. The main cause of youth unemployment is discrimination against young people on the basis of age, race, and sex. Unemployment is primarily a problem of poor and nonwhite youth. The highest unemployment rate occurs among black teenage girls. Even poor white youths are twice as likely to be unemployed as middle-class white youth. Because the *Current Population Survey* lumps students looking for part-time work together with people looking for full-time work, government statistics are skewed.

The Center for Human Resources at Ohio State has done a national longitudinal study as yet unpublished. Their study found that youth are willing to take menial jobs, and that black youth are most willing to take such jobs and even to earn less than

the minimum wage. Twenty-one percent of black youth and 18 percent of Hispanic youth believed they were discriminated against because of race; 13 percent of female teenagers believed themselves the victims of sex discrimination; and 15 percent of all youth believed themselves the victim of age discrimination. Discrimination against young people on account of age is not illegal.<sup>1</sup>

A Boston University study tried to measure the impact of race discrimination versus personal characteristics and found the employment rate disparity between black and white youth is 50 percent, when all other characteristics are matched.

Mr. Barnes noted that 578,600 people are 15-21 years of age in Maryland; 414,259 or 71 percent were 15-19. Nonwhites were 10 percent of the youth workforce in Maryland. The nonwhite male unemployment rate was 23.7 percent, and the nonwhite female rate was 23.5 percent. The rate for white youth was 9.4 percent.

Money spent by the Federal government amounted to \$2 billion nationally to serve 1,190,000 young people. Maryland needs a sum equal to all the money spent nationally for use within its own borders.

Barnes suggested that interested persons should first determine how many people in their community need a job and what money is available, in order to plan what to do. In most smaller communities, there is still "one man to see" who is well-connected. The (white) man's friends' kids get summer jobs. In view of the national situation, the black community must see what it can do to hire its young people and recirculate its own money. Pastors may form the nucleus of local work programs; black business and professional people should make an effort to hire black youth. Barnes said 50 percent of black youth who need work could be put to work in this fashion.

Mr. Robinson described his work-school program. The budget is \$2.2 million for 680 students. They alternate spending 2 weeks at school full-time and 2 weeks on the job for 2 years, or until they get a job or a diploma. The school teaches such things as office skills and health skills. It costs \$3070 per year per student; \$220 of that is spent on salaries paid for by the Federal government. The Baltimore school system spends \$700,000; money also comes from the Comprehensive Employment and Training Act. The program is considered highly successful, but it is "a drop in the bucket" when compared to the problems

<sup>1</sup> 29 U.S.C. §623 (1976).

in Baltimore. After leaving the program, 78 percent of the young people are employed 60 days later. No further tracking is possible without additional funds. Among program dropouts, 13 percent were employed. The school is funded annually and needs the stability that longitudinal funding would provide. The kids are taught "selling techniques" in getting jobs. The education is not apprentice-oriented; they are taught to read, write, and calculate. They must read at a fifth-grade level to enter the program.

In summary, Barnes observed that unemployment can be overcome with private and public cooperation. Some believe wrongly that the problem will be eliminated by population trends; 25 years from now the proportion of youth will be lower along with youth unemployment. Robinson said this is "wishful thinking."

In the discussion, a Baltimore school teacher said that recruiters from GE and GM used to come to her school; now only the Army, the Navy, and the Air Force show up (and the FBI). The message to youth, she feared, is join the army or be stuck on the streets.

## **Recommendations**

1) That Maryland elected officials and community groups not accept cuts in jobs programs by any

<sup>2</sup> 29 U.S.C. §911-929 (1976).

level of government; in fact, programs should be increased.

2) That Maryland elected officials and community groups not accept a tradeoff of cutbacks in local programs while military spending increases.

3) That community groups should demand of private industry that each year a job be created for each high school graduate.

4) That Federal paperwork which discourages employers from participating in jobs programs should be reduced.

5) That income limitations on jobs programs should be eliminated to end arbitrary exclusions and to increase the constituency for these programs.

6) That youth should be given attention in block grant planning.

7) That summer job corps income under Title IV (CETA)<sup>2</sup> should not be counted as family income; present policy permits the families of youth to be cut off from welfare based on their summer earnings.

8) Last and most important, that communities must organize to control their local political structures in order to have an impact on unemployment.

# **EDUCATIONAL EQUITY: The Meaning of Equity as a Standard for Quality Educational Programs.**

Moderators:

Dr. Patsy Blackshear, Dr. Delores Hunt, and Dr. DeWayne Whittington  
Maryland Advisory Committee

Resource Panelists:

Honorable Howard P. Rawlings  
House of Delegates, Subcommittee on Education and Human Resources

Dr. George M. Crawford  
Consultant to State Department of Education

Dr. Barbara J. A. Gordon, Program Officer  
Mid-Atlantic Center for Sex Equity at American University

The stated topic for this workshop was the meaning of equity as a standard for quality educational programs. The participants agreed that equity in education remains an elusive term. But for the purposes of discussion, it was viewed from the perspective of race, sex, and financial issues in public education in Maryland. Although no formal definition was offered for "educational equity" by the resource panelists, Delegate Howard P. Rawlings suggested that one way of framing the equity principle is that equals ought to be treated equally with regards to opportunities and resources.

The workshop explored this principle in light of the financing formulae used by the State. Relatively little research has been done regarding equity in financing education, according to the panelists. Only because of recent decisions in the courts has the State begun to address the question of equity in financing. Such attention has focused on the disparities in per pupil expenditures between certain jurisdictions. These disparities are most severe between city and county school districts. The State has attempted to produce formulae for setting appropriate per pupil expenditure levels where they are widely gapped, for example, Montgomery County versus Baltimore City. But when such disparities are reduced, the services per pupil are not always equalized. The cost of services per pupil incurred in a city may still be higher than the costs of similar

services in a less urban county. Many school administrators in an attempt to close this loophole have suggested a different approach. The trend now is to establish a list of those basic services or educational resources that are needed by each student.

The cost for this "bundle of services" is then determined. Afterwards, the State should support those basic educational services on an equal basis in all jurisdictions. The result should be a more equal distribution of funds according to the needs of the pupil, rather than continuing high levels of funding to high income areas while lower income areas receive less.

Dr. George M. Crawford, now a consultant to the State Department of Education, added that the State Equalization Formula was intended to assist less fortunate counties. The SEF helped to provide a minimum program of education or a minimum amount of funds for construction materials in counties too poor to provide them through local resources. Later the SEF was applied to per pupil costs, but that approach penalized smaller schools, according to Dr. Crawford.

He recounted his experience:

When I was a principal of a little high school in Carroll County, we had between 135-140 students, while the school up the hill had 1000 students. Every year the superintendent would say that each pupil would be allotted \$2 for library books, etc. But when you multiplied 140 by \$2 and then 1000 by \$2, there was an enormous difference in what you could purchase. Often I did not have enough to do anything worthwhile. But supposedly everyone got the "same." Unfortunately, the per pupil cost approach is still being applied in the colleges, although the University of Maryland has thousands of students and Bowie, say, has only 2,000.

I believe that when you think of educational equity as a race, you not only have to think of the end of the race but also where everyone else is starting from. If I have to start 10 feet behind everyone else, my chances of ever catching up are very slim. I often wish someone would give me a definition of equity.

If our children are tracked in the classroom, I think we are also tracked by the organization of our schools; by the shortage of financial support, by the lack of equipment and materials, and by the quality of the personnel.

In higher education, discussion revealed, the State has been mandated since the early 1970s to desegregate its institutions and colleges. Five years ago, the approach was to look at supposedly comparable institutions. Applying the per pupil expenditure approach here overlooked the history of deprivation and the need for heavier capital improvements among the black colleges.

However, a task force is now studying how to make such needed improvements. Its report should show, for example, what educational facilities and resources are needed by a Morgan State University student to become competitive with a student at the University of Maryland, Baltimore County—the latter campus being viewed as the criterion institution.

Dr. Barbara J. A. Gordon commented: "Looking at educational equity from the perspective of sex equity, in the last year or so we have begun to move from just reviewing problems affecting females to the problems affecting males."

Although females start out excelling in most academic areas, by the seventh grade they start a slump in math and science. National assessment tests have shown that women as adults do not achieve as well as males in the language arts. Moreover, females are not taking the math courses males take, precluding women from about 60 percent of the academic options men enjoy. Sex bias is part of this cost to women.

More than anything else, problems in the career area fostered the passage of Title II Vocational Education<sup>1</sup> and Title IX nondiscrimination legislation.<sup>2</sup> The typical working woman was only earning 59 cents for every dollar earned by the typical man. Women with bachelor degrees were making the same amount of money as men with only eighth grade diplomas.

<sup>1</sup> 20 U.S.C. §2330-2334 (1976).

<sup>2</sup> 20 U.S.C. §1681-1686 (1976).

Title IX,<sup>3</sup> passed in 1972, originally lacked enforcement funds. While federally-funded institutions were told that violating Title IX could jeopardize their Federal monies, only one institution has ever come close to losing its Federal funds.

It is important to note the exemptions from Title IX coverage. Private undergraduate college admissions are exempt, along with institutions that are presently single-sex. Contact sports like football, wrestling, basketball, etc., are exempt, as are textbooks and curriculum materials. In addition, military academies, fraternities and sororities, and boy scouts and girl scouts are not covered. Courses in human sexuality need not be taught coeducationally.

Almost everything else is covered by Title IX. For example, all students must be allowed to take any course, and counseling and counseling materials are included under Title IX. Each school must have a Title IX coordinator or officer as well as a Title IX complaint procedure. Many schools have Title IX advisory committees. For Maryland, the sex desegregation center offering information and other assistance is located at American University; the race desegregation center, at the University of Virginia; and the national origin desegregation center, at the University of Miami.

The workshop discussion concluded without making specific recommendations. However, a consensus developed that the most unequal education of all attempts to provide "equals to unequals." True equity also includes the concept of access: who is allowed to become equipped to go into professional schools? In addition to defining equity, another problem is who does the defining. Beyond definitions, interpretation is very important. A law can move in one direction, but an interpreter can move the law in another direction.

<sup>3</sup> *Id.*



# **POLICE/COMMUNITY RELATIONS: Can Old Solutions Avert New Confrontations?**

Moderator:

Bert Booth

Maryland Advisory Committee

Resource Panelists:

John Rhoades, Former Chief

Prince Georges County Police

Gary Rodwell

Consultant in Affirmative Action

Community College of Baltimore

J. Chappelle Mills

Salisbury

Numerous problems in police/community relations were raised by workshop participants. It was the consensus of the group that police forces throughout the State included too few minority and female officers. Officers were seen as having little or no accountability to the community for their all too often abusive actions. It was agreed officers are not properly trained to handle the complexities posed by tense interaction with the communities they serve. The community sees no vehicle through which it can provide input into police operations. The media was also viewed as having sometimes played a negative role in fostering police/ community relations by failing to report, objectively, on all aspects of police/community relations. Finally, workshop participants expressed concern that minority and female officers are not promoted in a timely manner.

## **Recommendations**

1) That recruitment of minorities and women in particular and of officers who are better educated

and committed to serving the community be increased.

2) That accountability of police officers be increased and that a broad-based citizen's coalition to push for such accountability be created.

3) That psychological and sensitivity training be provided for all police officers, as well as entry level screening, and that such training be conducted by professional trainers.

4) That the law and regulations as they presently exist be enforced by police chiefs and department heads, with particular focus on officers working in mid-management positions.

5) That involvement of the community in police operations be increased through a citizens' advisory board and a complaints review board, with a clear distinction made between the two.

6) That an effective policy be established and implemented on the use of force and deadly force for the protection of self and others; deadly force should be used to protect people, not property.

7) That the media become more responsible insofar as objectively reporting all aspects of police/community interaction.

8) That more lateral transfers be used to achieve upward mobility for blacks, other minorities, and women within the police department.

9) That internal pressure placed upon officers to perform in what is viewed as an "heroic posture" be lessened.

10) That every police force having from 50-100 officers have at least one full-time psychologist on staff.

11) That another workshop of at least one full day be dedicated to addressing the issue of police/community relations in a more comprehensive manner.

# **HOUSING: Changing Neighborhood, Community Partnerships, Government Programs.**

Moderator:

Samuel Rosenberg  
Maryland Advisory Committee

Resource Panelists:

Octavene Saunders  
Housing Inspector, Cambridge

Aztecs Jacobs, Research Analyst  
National Committee Against Discrimination in Housing

Advisory Committee member-moderator Sandy Rosenberg opened the workshop by offering two points for the group to consider:

1) We appear to have a dilemma: We have a fair housing law passed by Congress with the intent of desegregating housing.<sup>1</sup> Federal programs, funded under this law, have had the effect of providing those persons who have experienced housing discrimination more opportunities to move out of segregated inner city housing situations and have provided some of these opportunities by providing programs such as the Section 8 certificates that make it economically possible to find housing in the predominantly white suburban areas.<sup>2</sup>

While it can be argued that this program enables low-and moderate-income people (many of whom are minorities, the elderly, women heads of household, and the handicapped) to have a wider choice of housing opportunities, it is also being argued by these same groups and others that the way these programs are being administered encourages minority displacement and dilutes minority political power. The benefits, therefore, of living in the suburbs may be less than the benefits to be gained if such programs encouraged minorities to stay in their neighborhoods in the inner city and improve their housing situations there, according to a growing body of public opinion across the country.

2) We are in a period of austerity. Cuts are being made in services provided at all levels of government that adversely affect the housing opportunities

of low- and moderate-income persons. The issue is whether or not these cuts will be made equitably to avoid disproportionately affecting minorities, women heads of household, the elderly, etc., and whether or not cuts will be made only in these areas, and not in others as well.

Ms. Octavene Saunders commented: "To me, history is simply repeating itself." She said that studies have shown that housing inadequacies are prime contributors to urban unrest. She said that housing conditions in Cambridge, Maryland, where she is a housing inspector, are perhaps worse now than during the riots in the 1970s. Right now, 15.2 percent of the rental housing stock in Cambridge is subsidized, with many houses being substandard. Of comparable Maryland cities, only Annapolis has a higher rate of subsidized rental housing units—16 percent. Ms. Saunders became a housing inspector several months ago, and she is the first black housing inspector. She believes that poor housing conditions rank higher than unemployment as a major concern among those persons in the minority community in Cambridge.

Mr. Aztecs Jacobs thinks poor people need greater legal assistance in order to gain better housing conditions and to end discrimination in housing. He would like to see more adequate funding for fair housing groups that could, for example, help tenants buy their housing rather than be displaced through redevelopment and other housing activities.

In the workshop discussion, it was agreed that there are not enough fair housing agencies operating in Maryland to handle complaints of housing discrimination. Baltimore Neighborhoods (319 E. 25th Street, Baltimore, Maryland) and Suburban Maryland Fair Housing (Cedar Lane Unitarian Church, Bethesda, Maryland) are two fair housing groups, and the Human Relations Commission also handles housing discrimination. More "testing" programs to discover discrimination are needed. More incentives have to be developed to encourage realtors to act affirmatively to end housing discrimination.

Very few realtors have shown an interest in signing any type of voluntary affirmative action plans in this regard or regarding other civil rights areas such as employment. Many realtors and housing developers tend to argue that housing

<sup>1</sup> 42 U.S.C. §3601-3631 (1976).

<sup>2</sup> 42 U.S.C. §1437f (1976). Section 8 of the U.S. Housing Act of 1937, as amended by Title II of the Housing and Community Development Act of

1974, establishes a program whereby HUD subsidizes the rents of lower income families in order to aid those families "in obtaining a decent place to live and of promoting economically mixed housing."

conditions are what they are because of economic factors, rather than discrimination. They point out that rental units are becoming scarce because it is economically advantageous to owners and developers of housing to sell property as condominiums and cooperatives rather than to keep it as rental units or to build new places for rental.

Much discrimination in housing cannot be discovered without taking a close look at things like zoning laws and land use and growth policies.

The Community Development Block Grant (CDBG) money can be used as a kind of invidious discrimination, according to some participants (but not all). Local communities can express their priorities for the use of the money, but the final decisions are made by local politicians. They can make decisions that cause the displacement of the poor, minorities, women heads of household, and the elderly. Opinion is growing that the Federal government may be funding programs such as the CDBG program without sufficient monitoring of the actual impact the use of the money has upon protected groups, thus contributing to invidious forms of housing discrimination.

CDBG can create new ways for communities to be exploited (e.g., by developers) and actually aid adverse effects upon minorities in the name of redevelopment and community improvement. Redevelopment can displace minorities, make housing costs higher than before the redevelopment, and put rent and taxes above what many can afford to pay, causing them to move. Sometimes the Section 8 certificates can be used to encourage people to move from the redeveloped areas into areas where the housing conditions are no better than in the old neighborhood. The elderly can be forced from their housing after redevelopment because taxes on their property increase beyond their ability to pay.

Concern is growing that local governments are not discouraging condominium conversions and cooperatives because they yield increased taxes. Fair housing groups and others are saying that the increased taxes (or at least a portion of them) should be set aside to help people who are displaced and to assist people seeking better housing. Howard County has passed enabling legislation, for example, allowing a set-aside of 12.5 percent to go towards community redevelopment costs. Montgomery County is also considering such legislation.

Several people voiced concern about publicly funded housing programs in general, saying that all

of them may be in jeopardy. That is, the cost of housing and rents is such that larger and larger amounts of money are needed to subsidize housing programs. There must come a point at which public support will cease. Also, frustration is mounting among persons who do not qualify for subsidies—who want to buy a home but cannot afford to do so, yet pay taxes for persons who are poorer than they and who can qualify for subsidies and get housing that is federally-funded. The price of housing and rent is so high that even the middle-income person is finding it increasingly difficult to buy a home.

There appear to be inconsistencies between the objectives of AHOP (Areawide Housing Opportunities Program) and other housing programs, such as the Section 8 programs. In Baltimore City 2,000 people are using Section 8 certificates. There are no more certificates left within that jurisdiction but certificates are available for those living in Baltimore to go to the suburbs. The outmigration of people using Section 8 certificates is not, therefore, necessarily a desire to move to the suburbs but merely a desire to find suitable housing and to get financial assistance in doing so. Some believe that the displacement or outmigration of such people places a strain on the family unit and disrupts community support systems that cannot be found in the suburbs. They say that jobs are not always found in the suburbs and transportation is poor. As a result of moving to the suburbs, they believe, Section 8 people may end up worse off than staying where they are. Other workshop participants disagreed, pointing to surveys that show that people who moved through AHOP are satisfied in their new neighborhoods.

Professional people working in these housing programs must be sensitive to the needs of the people they are trying to help and not just administer rules and regulations. The people and the professionals need to be educated to what is really happening to their civil rights in the process of administering these programs. People attending the conference can help begin that process.

## **Recommendations**

- 1) That enabling legislation be passed to provide adequate funding for fair housing groups, such as tenants' groups, seeking to assist low- and moderate-income persons in finding and staying in rental units.
- 2) That legal assistance be given to fair housing groups in order to help fair housing enforcement at

the grass roots level and to increase equal housing opportunities.

3) That contacts be increased between professionals hired to carry out housing programs and grass roots leaders and people on whom the programs have the most direct effect, in order to better disseminate information they need to know about housing conditions, to hold public officials accountable, and to assist in the solution of the housing problems.

4) That more opportunities be provided for professionals to get a better understanding of the housing conditions that poor and moderate-income people face by actually going to the places they live. Professionals need to have an understanding that goes beyond reading housing statistics, rules, and regulations.

5) That equal housing opportunities be increased through increased political power. Minorities in central cities are being displaced from those areas where they have gained political power. Indeed, the Areawide Housing Opportunities Program and the Section 8 rental subsidy programs, funded by HUD, seem to contribute to this displacement and dilution of political power. Minorities should have an equal opportunity to stay where they are or to move voluntarily—not an equal opportunity to be arbitrarily displaced to the suburbs.

6) That persons attending this conference should go back to their communities and begin to plan ways in which to work together at the grass roots level to

do something to get people to understand the seriousness and depth of discrimination in housing.

7) That, since the cost of rental housing and homeownership is beyond the reach of poor people, programs be devised to assist them. The programs should not, at the same time, require so much subsidization or assistance that they will be unrealistic and unfair to moderate- and middle-income people.

8) That money the local government receives in increased tax on properties (such as condominiums and cooperatives) be used in those same communities to assist low- and moderate-income people who need housing assistance for rents, home improvement, or homeownership.

9) That legislation be passed to discourage investors from condominium conversions, by requiring a condominium transfer tax as a disincentive.

10) That quasi-private organizational programs be encouraged to further fair housing, with Federal and local funding.

11) That people become more involved in the political process, screening candidates and then voting for those who believe in fair housing. If elected officials do not keep their promises, people should remind them and then not vote for their reelection.

12) That more public transportation be provided in the cities as well as in the suburbs. It does little good to provide housing for minorities in the suburbs without transportation for commuting to jobs and other services.

## **JUVENILE JUSTICE: The Protection of Rights for Juveniles in Maryland's System of Justice.**

Moderator:

Marjorie K. Smith

Maryland Advisory Committee

Resource Panelists:

Marian Mattingly, Member

Governor's Commission on Law Enforcement and the Administration of Justice

Howard Golden, Master

Baltimore Juvenile Court

Jesse Williams, Deputy Director

Juvenile Services Administration

The workshop opened with Jesse Williams, who commented on the provisions of the Maryland Code that apply to juveniles. They are a part of the Juvenile Causes Act.<sup>1</sup> Mr. Williams stated that the purpose of the act is the treatment, training, and rehabilitation of juveniles. In recognition of the fact that 1979 was the International Year of the Child, he read from a document that delineated the rights of the child. He prefaced his remarks concerning the juvenile system in Maryland by noting the lack of political power vested in juveniles—a reality that makes them susceptible to infringements on their rights. He recounted the efforts made by the Juvenile Services Administration to change certain provisions of the act (identified below in the recommendations) and spoke of the act's application to status offenders and juvenile offenders. Status offender is the term used to describe a child who commits a "crime" that would not be a crime if committed by an adult—truancy, for example. On the other hand, juvenile offender is the term used to describe a child who has committed an act that would still be a crime if committed by an adult. According to Maryland practice, status offenders may not be incarcerated, while juvenile offenders may be committed to detention centers or training schools. Federal funds are conditioned on this requirement.

Mr. Golden prefaced his remarks by noting that the juvenile system daily deprives children of justice. He identified the major problem in the juvenile system as the lack of adequate and meaningful legal assistance provided for youth offenders. The inadequate and ineffective legal assistance often results from the heavy case load of juvenile cases handled by the public defender.

The American Bar Association has proposed a minimum of 250 juvenile clients a year and a maximum of 400 juvenile clients a year per office as the range within which effective representation could be provided. The public defender has proposed a maximum of 200 juvenile clients a year in order to provide them with effective legal representation. However, in Baltimore City during 1979, the public defender's office handled 598 juvenile cases, 50 percent more than the ABA maximum and three times the public defender's proposal.

Mr. Golden further pointed out that the case load of the public defender, if handled by a private attorney, would violate the provision of the Canon of Legal Ethics concerned with adequate representation. He considers the problem of adequate legal representation of youth offenders to have risen to the level of a constitutional violation, i.e., that the youth offender is denied the Sixth Amendment right to assistance of counsel.

At the post-trial stage, Mr. Golden identified the problem as one of adequate remedies, once it has been determined that a youth is guilty of having committed the offense as charged. Many youth offenders so adjudged are the offspring of families who have had to bear the full brunt of institutional racism and consequently live in conditions of economic and educational deprivation. They are the innocent victims of a society that attempts to solve the immediate problems of youth offenders without seeking to discover and remedy the impetus for committing the delinquent act.

Moreover, in many instances, the home life of youthful offenders contributes to their conduct. Mr. Golden stated that it would seem that removing the youth offender from the home might aid in the rehabilitation process, yet Maryland law does not allow this in all circumstances,<sup>2</sup> hence the dilemma of what constitutes an adequate remedy remains.

Ms. Mattingly similarly questioned the sensitivity of persons both within and without the juvenile

<sup>1</sup> Md. Ann. Code Art. 26, §51-71A (1973).

<sup>2</sup> Md. Ann. Code Art. 26, §70-19 (1973).



system to the issue of the rights of juveniles. She commented on her perceptions of the adequacy of the act, but identified the major problem as enforcement. Both the police and the judiciary need to be trained in the specifics of the act. By way of example, she cited the preferential treatment accorded to status offenders as compared to juvenile offenders in the act and the fact that judges routinely disregard the statutory proscription of incarceration for status offenders and commit them to detention centers or training schools. She further commented on the lack of knowledge on the part of the judiciary concerning the results of numerous studies of the juvenile system—studies that examined the success or failure of various methods in the rehabilitation of youth offenders.

Ms. Mattingly also spoke of the lack of advocacy for the cause of juvenile rights and her belief that youth offenders should not be forced into services they do not need. She also questioned the adequacy of detention centers and training schools in the rehabilitation of juvenile offenders, and asserted her belief that juvenile delinquency should be corrected at the community level through community-based programs.

The discussion section of the workshop focused on the following areas of concern in the juvenile system, some of which will be expanded below:

- 1) The effectiveness of detention centers and training schools in the rehabilitation process;
- 2) Rehabilitation as a goal of the juvenile system;
- 3) Enforcement problems with the Juvenile Causes Act of the Maryland Code;
- 4) Treatment of "status offenders" as opposed to delinquent offenders;
- 5) Lack of advocacy for the cause of juvenile rights;
- 6) Inadequacy of legal representation for juvenile offenders;
- 7) Case load of public defender's office;
- 8) Society's misconceptions of juvenile offenders and their special characteristics;
- 9) Lack of funding from the State to deal with the juvenile system and alternatives to incarceration;
- 10) Community control of juvenile offenders;
- 11) Race, economics, and cultural discrimination throughout the juvenile system.

It was the consensus of all the participants in the workshop that youths who encounter the juvenile system are denied their rights, both statutory and constitutional, from the moment of their initial

contact. This denial of rights to juvenile and status offenders is pervasive; police persons, defense attorneys, and judges operate within the system, either consciously or unconsciously, to deprive youth offenders of their basic civil and human rights.

At the lowest level in the juvenile system, police handling of youth offenders varies across racial, cultural, and economic lines. Youths in minority communities continue to comprise the majority of the population of the State's detention centers and training schools.

Discretionary and discriminatory enforcement of the act by the police was cited as the primary reason for the disproportionate number of minority youths handled by the juvenile system as compared to the percentage of minority youth in Maryland. Similarly, youths from families of a low socioeconomic background are more likely to be handled by the juvenile system than those whose families enjoy a higher socioeconomic standard of living.

In this regard, a special situation confronts the recent Asian and Pacific immigrants to Maryland. The inevitable cultural shock that confronts immigrant youth and the lack of understanding of cultural differences on the part of the police and others charged with enforcing the act combine to make the new immigrants the target of discriminatory police enforcement policies and practices.

In the courtroom, the youth offender is in virtually all cases afforded inadequate legal representation. The lack of training in family law and the juvenile system at most law schools; the lack of knowledge on the part of defense attorneys as to their role in juvenile court; the indifferent attitude they exhibit towards their juvenile clients; and the unmanageable caseload of the public defender were identified as the primary reasons for the woefully inadequate legal representation provided for youth offenders.

Some participants offered examples of defense attorneys who handled juvenile cases and later admitted their dislike for children, of judges who sentenced children as young as 11 years old to jail, and of judges who, in conjunction with defense attorneys, utilize procedural schemes to obviate the statutory proscription of incarceration for status offenders.

The disposition of a juvenile case and the subsequent rehabilitative treatment of the youth offender were identified as other areas in which juveniles are denied their rights. Status offenders are daily denied their statutory right to be free from commitment to

detention centers and training schools. Juvenile offenders, who can legally be incarcerated, are routinely transported and sometimes even housed with adult offenders, subjecting them to sex pressures and other power situations by virtue of their physical size and inexperience with the justice system.

Insofar as rehabilitation of youth offenders is concerned, few participants questioned the propriety of rehabilitation as a goal of the juvenile system, but many were unclear as to the best means by which to achieve that goal. The belief that the State's detention centers and training schools are in actuality "training schools for crime" was expressed by many participants. They viewed the juvenile system as a breeding ground for "career criminals" who, by no fault of their own, populate Maryland's prison system.

Some participants argued that detention centers and training schools are ineffective rehabilitation devices and need to be discarded in favor of community-based rehabilitation efforts. It was also the consensus of the participants that the State does not provide enough resources to undertake the arduous task of rehabilitating Maryland's youth offenders, but rather engages in the "warehousing" of youth offenders. This, it was said, is reflected in the rate of recidivism among youth offenders.

The workshop participants discussed the oft-times ignored issue of the stigmatization of youth offenders, arguably a liberty interest protected by the fifth and fourteenth amendments. (It was pointed out that provisions in the act allow sealing the record of a juvenile offense when the juvenile reaches 18 years of age.) The experience of the juvenile system affects not only the mental and psychological well-being of the youth offender, but also future opportunities in education and employment. This stigmatization is particularly acute for repeat offenders, who are sometimes viewed as unrehabilitatable. And for minority youths, who already must deal with the institutional racism of our society, the added burden of stigmatization is often all that is needed to produce the so-called "career criminal."

The rights of female youth offenders and the question of equal protection was discussed by the workshop participants. Female offenders must be treated as equals to their male counterparts in access to training programs, educational opportunities, etc. Moreover, they have special medical needs that require a particularized program of medical care and

counseling if necessary. This issue was addressed at the close of discussion and due to time constraints did not receive adequate attention. However, as an issue that has been relatively ignored in most discussions of juvenile justice, it is deserving of further consideration.

## **Recommendations**

1) In recognition of the shortcomings of the Juvenile Causes Act:

- a) That the age span of the jurisdiction of the juvenile system should be studied and changed if necessary.
- b) That the provisions for public access to the names of juvenile offenders should be reexamined.
- c) That what constitutes a delinquent act should be redefined.

2) That the Maryland State Bar Association draft a policy statement concerning the role of attorneys in the juvenile court system, with special emphasis given to the distinct nature of the juvenile case.

3) That local and State police draft and implement uniform standards of enforcement for the act.

4) That police, the judiciary, and State agencies that interact with the overall juvenile system be educated as to the prescriptions and proscriptions of the act.

5) That the public defender system and the adequacy of representation accorded to juvenile clients be studied, with a view towards establishing a reasonable limitation on the number of such cases handled by the public defender within a one-year period.

6) That law enforcement officers be cognizant of language and culture differences in the enforcement of the act.

7) That communication and cooperation be increased among the various components of the juvenile system, i.e. police, attorneys, judges, masters.

8) That the State legislature allocate additional resources to agencies concerned with the rehabilitation of youth offenders and study alternatives to incarceration, with a view toward increasing funding to existing community-based programs in communities where they do not exist.

9) That a program be implemented, possibly through the Juvenile Services Administration, to educate communities throughout the State about the

special needs of, characteristics of, and misconceptions about youth offenders.

# **HUMAN RELATIONS COMMISSIONS: The Need for Better Services to Local Communities.**

Moderator

Eloise Hall, Vice Chairperson  
Maryland Advisory Committee

Resource Panelists:

David Glen, Executive Director  
Maryland Human Relations Commission

The workshop identified several primary issues. *Funding.* All commissions expressed a need for additional financial support from their respective governmental bodies. The majority of commissions rely totally on the voluntary services of commission members, which prevents many commissions from providing or developing viable programs necessary to carrying out the mandate of their local civil rights law.

For some of the local commissions, unless adequate funding is forthcoming, their continued existence will prove impossible.

Many of the cities and counties of Maryland do have legal powers to influence the civil rights status of their communities. However, without the necessary funding the majority of commissions have become "paper tigers." As an example, one Maryland commission with a strong, enforceable human rights ordinance is forced to operate on an annual budget of \$1,200. The \$1,200 is earmarked by law to be spent only on a holiday program honoring Dr. Martin Luther King, Jr.

*Lack of Community and Government Support.* Without adequate funding and a full time staff member, commissions have been unable to develop effective community outreach programs. Many of the local commissions are not viewed by members of the "protected classes" as viable agencies to turn to for assistance when discrimination occurs.

The traditional community groups and citizens that were often paramount in the original establishment of the local human rights law are no longer providing the community support necessary for the commissions to fulfill their objectives.

Many of the local commissions have become "political footballs" to be used by local politicians as scapegoats for a variety of societal ills. The inconsistency of local governmental support perpetuates the

community viewpoint that the local commission is an ineffective agency.

*Information and Training.* Many local commissions and staff lack current information on developments in civil rights and need specific training on how to best serve constituents. Federal and State agencies, along with a few of the more successful local commissions, have not provided a consistent base of support for other commissions struggling for recognition.

*Makeup of Commissions.* Many Commissions are not representative of, nor responsive to the "protected classes" of the community. Some lack ethnic and social balance, thus creating a crisis of confidence in their ability to serve the public.

Further, many of the successful local commissions fail to include in their programs those "protected classes" and minority groups that have recently emerged as part of the civil rights movement, such as Hispanics, Asian Americans and Pacific Islanders, disabled Americans, etc.

*Duplication of Services.* There is a lack of cooperation and coordination between Federal, State, and local commissions in pursuing specific local issues. "Hostile and unproductive" relationships have developed between some human rights/relations agencies because of the failure to communicate and/or coordinate their activities.

The failure to coordinate programs often leads to one kind of discrimination receiving full attention, while other problems that are equally important fail to be addressed.

## **Recommendations**

1) That Federal, State, and local civil rights agencies work together to adopt a policy and specific program of information-sharing and training with and for local human rights/relations commissions. Specific training is needed in investigation, community relations, and utilizing the press.

2) That the State Commission on Human Relations is encouraged to finalize its plan for a statewide civil rights newsletter.

3) That Federal and State civil rights enforcement agencies should coordinate their efforts with those local commissions that have a proven track record in dealing with unlawful discrimination.

4) That those local governments should fund their local commission for at least one paid, full-time staff member.

5) That, since many of the human rights/reasons commissions are viewed by business leaders as antiemployer agencies and therefore receive considerable negative criticism from this powerful segment of the community, commissions must develop programs that business can find beneficial—specifically, programs to educate and cooperate with business to prevent discriminatory practices rather than react to discrimination after it has occurred.

6) That the Advisory Committee hold conferences that would be “problem solving” in nature, with the primary purpose being to deal with specific local issues.

7) That the Advisory Committee assist in coordinating, sponsoring, and providing training for

local commissions regarding investigatory procedures, affirmative action, community relations, and updating of the status of civil rights.

8) That the Advisory Committee undertake an evaluation of local human rights laws and recommend a uniform or model law that could be adopted in all local jurisdictions.

9) That the Advisory Committee research the “confidentiality” clauses in Federal and local human rights laws, with the objective of allowing information to be shared on specific issues and/or cases among local commissions and Federal agencies.

10) That the Advisory Committee and local commissions meet to evaluate the status of their human rights laws and agree upon a uniformed law to be utilized successfully in all localities.



## **AGEISM: Civil Rights Problems in Discrimination Based on Aging.**

Moderators:

Jill Moss Greenberg and Seiko Wakabayashi  
Maryland Advisory Committee

Resource Panelists:

Deborah Bacharach, Staff Attorney  
Legal Services Program  
Maryland Office of Aging

Don Wassman, Director  
Montgomery County Area  
Agency on Aging

Sandra Nathan  
White House Conference on Aging

Nancy King, Co-Chairperson  
National Action Forum for Older Women

Workshop moderator Jill Moss Greenberg began by suggesting as a working definition of the term ageism the description of Robert N. Butler, who coined the term in 1968 as "A process of systematic stereotyping of and discrimination against people because they are old, just as racism and sexism accomplished this with skin color and gender. Old people are categorized as senile, rigid in thought and manner, old-fashioned in morality and skills. It was the consensus of the workshop participants from the outset that the major issue concerning the elderly was the attitudinal problem.

Summarizing the legal rights of the elderly and their limitations under the Age Discrimination in Employment Act of 1967 (ADEA),<sup>1</sup> the Age Discrimination Act of 1975 (ADA),<sup>2</sup> and the Equal Credit Opportunity Act of 1975,<sup>3</sup> Ms. Deborah Bacharach concluded that some of the major legal issues involve inadequate coverage and inadequate enforcement of affirmative action programs relating to employment and social services for the elderly.

Don Wassman described the innovative approaches his area office is pursuing in identifying the service gaps and program needs of the elderly. His programs are designed to help the elderly retain their dignity and self-respect by living independently

in their homes. The services provided include an informational referral system, transportation to link people on a one-to-one basis, an outreach program that makes services accessible to the elderly, including nutritional services, socialization experiences, health care, day care, resting care, and discount shopping. More important, however, from a civil rights advocacy viewpoint were the public guardianship and the ombudsman programs for the elderly.

Nancy King presented an overview of the demographic trends with respect to the status of older women in America. She cited a wealth of data to show that older women are now the fastest growing segment of the population. Between 1960 and 1974, for example, the number of women over 65 increased at a rate of 42 percent as compared with 18 percent for the total population. In 1900, women over 65 numbered only 1.5 million. Today, they number close to 14 million. At this rate of increase, by the year 2000 their number will grow to 19 million, and one out of every 14 Americans will be a woman over the age of 65.

This astronomical increase in the population of women over 65 is attributable to scientific, medical, and social changes in this century that have enabled women to survive not only the role of motherhood, but also their male counterparts by a 3 to 1 margin. But the fact that women live longer than men leaves them more vulnerable to social and economic illnesses and disabilities regarding education, health, employment and income, social security, retirement benefits, and pension plans.

"The challenge for midlife and older women," said Ms. King, "is to create new roles, new relationships, new lifestyles which enable them to meet all of their needs throughout their lives. These needs are the very same ones they have always had—the need for friendship, an adequate living standard, good health, and a purpose for living."

Sandra Nathan discussed the plight of minority elderly who are victims of double and triple jeopardy discrimination. Citing the *Age Discrimination Study of 1977* by the U.S. Commission on Civil Rights, she pointed out that minority elderly are less well-served than white elderly because of:

- prejudice against minority persons on the part of providers;

<sup>1</sup> 29 U.S.C. §621-634 (1976).

<sup>2</sup> 42 U.S.C. §6101-6107 (1976).

<sup>3</sup> 15 U.S.C. §1691 (1976).

- less awareness and knowledge of services by minorities, resulting from lifetime economic and social deprivation, low income, and isolation; and,
- limited access to services by reason of poorer health, limited mobility, dependence on public transportation, limited resources, and language barriers.

Thus, minority elderly are more often victims of age discrimination than nonminority elderly because their relative deprivation more frequently results in a lack of knowledge about the existence of services and how they can gain access to them.

Highlighting some of the problems of existing programs, she pointed out that because medicaid is administered by the States, there are large disparities in health services from one state to the other. Southern States have the highest proportion of minorities, yet they have the most limited health benefits. Since 1960, the national health care cost accounted for by nursing home care has risen from 2 percent to 8 percent. Yet the minority elderly are grossly underrepresented in licensed long-term care facilities in proportion to their numbers in the general population.

In terms of employment, one mark of the disadvantaged is that the freedom to choose to file for entitlement to social security retirement benefits is hedged by the question of their being able to afford to retire. Those who are least able to afford to retire are most likely to cease working due to failing health. For those who are healthy and desire to continue to work, the revolving door of discrimination based on race, age, and sex continue to place a significant burden on persons who desire to participate in programs such as those provided under CETA.

Despite the adverse social and economic conditions confronting minority groups, their number is expected to increase more rapidly during the decade of the 1980s than is the total population. Ms. Nathan projected that the population of racial and ethnic minorities during that period will increase by 60

percent as compared to 30 percent for the total elderly population. The black elderly female population will increase by 49 percent. Ms. Nathan concluded that the 1981 White House Conference on Aging will present an excellent opportunity to reevaluate the programs and policies that prevent minority elderly from full participation in the mainstream of American life. She presented recommendations for articulation at community forums, State White House conferences, and the national White House Conference, directed towards the development of explicit policies that would assure the enforcement of civil rights for minority elderly, such as affirmative action and the extension of equal service benefits.

## Recommendations

1) That more more options be created for older people that allow maximum involvement in society. Such options should include job training, flexible work schedules (part-time and flexitime), portable pensions, elimination of earnings limitations, and elimination of mandatory retirement.

2) That social security be reformed to eliminate income limits, eliminate sex inequities, and provide simple information on benefits in dominant languages.

3) That awareness be raised of the negative consequences of ageism and the potential for the over-65 population through curriculum changes in schools, improved media exposure and images, and development of advocacy groups, especially of senior citizens themselves.

4) That the availability and enforcement of the nursing home ombudsman program be strengthened and development of alternatives to institutionalization be encouraged, such as home health care, adult day care, and improved transportation for the elderly.

5) That ways be developed to support families in their efforts to help elderly members.

## **ETHNIC AND RACIAL CONFLICT: Causes and Solutions.**

Moderator:

Dr. Chester Wickwire  
Maryland Advisory Committee

Resource Panelists:

Alan P. Dean, Executive Director  
Montgomery County Human Relations Commission

Dr. Louis Harlan, Professor of History  
University of Maryland

Walteen Grady, President  
Washington Area Chapter  
Women for Racial and Economic Equality

The workshop explored the causes and potential solutions to conflict that occurs between members of various racial and ethnic groups. The growing interest in and public activities of klan-type organizations is evidenced by the six-fold increase from 1978-1979 in conflicts in which blacks have been injured, or killed.

Some of the questions discussed were: why does conflict occur? What are the underlying conditions conducive to violence? What can be done about such conditions?

Participants first discussed the causes of conflict. Conflict and friction, it was agreed, are inevitable when social change is in process. Violent conflict often occurs when the victims of discrimination revolt against the oppression of discrimination. Early slave revolts, the black ghetto riots of the 1960s, and Miami in 1980 were examples given. These revolts usually fail to achieve anything; they leave things worse than before—but they show there is a limit to the oppression people will tolerate.

Another form of violent conflict is initiated by extremists who are desperately trying to stop social change. Examples include violence by the extremists against blacks in the South in the 1960s and in Greensboro, North Carolina, in 1979.

Two significant factors create a climate in which acts of violence against oppressed victims occur. One is the relaxing of forces that restrain the extremist element. When the institutions such as the police and the courts look "the other way," those

who desperately want to stop social change read these signals as permission to act.

The second factor is economic. In times of economic stress when competition for increasingly scarce jobs becomes intense, members of nonoppressed groups tend to act out their anxieties against oppressed people who are cast as scapegoats. The members of the nonoppressed groups tend to blame their troubles on an oppressed group, a group which for some reason, such as color, appears to be "different." It is against these that the violence is committed.

Nonviolent but systematic and persistent discrimination against people of color or other minority groups is a direct source of conflict. Continued employment patterns of white male professionals on top and minority and female nonprofessionals at the bottom of a wage scale will inevitably create conflict.

Economic injustice and inequality in the United States, it was agreed, is the principal cause of social and ethnic conflict. Corporate interests that place profits before people and that determine the quality of people's lives by making decisions in terms of profits suggest a kind of economic oppression from which conflict arises. Antiminority groups such as the klan-type groups were cited as unwitting instruments of the economic system. The resurgence of klan-type groups and their activities is a predictable phenomenon at times of economic crisis.

Coupled with the economic and employment crisis is the fostering of the idea that underclasses, working people, and various oppressed groups need to compete for too little money and too few resources. The fostering of this idea emerges in one form as saying that affirmative action is reverse discrimination. The message which the economic system gives to its workers is that in order to provide equal opportunity and jobs to minority and female groups, the nonminority groups will be required to give up some of what they have enjoyed. The results are predictable.

The primary solution emerging from the workshop discussion was that of interracial unity. While each group sees itself as an "oppressed minority," all oppressed groups should view themselves together as an "oppressed majority." As a majority, oppressed people have power, at least, in terms of numbers.

Action coalitions of all oppressed people are essential to deal with the inevitable conflict, to raise

restraints against extremists and their violence, and to obtain economic parity for all workers. Specifically, affirmative action needs to be extended to all people in the society to assure all people of equal opportunity, thus removing a major source of conflict.

Fighting racist ideas, or any ideas that reduce the status of one group or another is another essential solution. This should be undertaken both by individuals as well as by groups and coalitions. It is further incumbent upon a coalition of oppressed classes to develop techniques to challenge the systemic oppression of groups to the advantage of others. Combatting the lack of information that causes some people to blame their problems on "welfare recipients" (and other scapegoats) while extolling Federal subsidies to huge corporate industries is basic in the fight against systemic oppression.

The workshop discussions took an interesting turn during the course of the session. The message during the first half of the workshop had been to set aside

arguments about which group is more oppressed and to focus on common solutions to the problem of racial and ethnic conflict. Instead, the discussion turned to specific problems of separate groups and how they were oppressed: Chinese and other Asian Americans, blacks, Jews, women, Native Americans, the handicapped, etc. The response by some participants, however, brought the discussion back to the common solutions and the need to coalesce as one group.

While no specific recommendations were developed in this workshop, participants had a clear view of the need to work together to solve the problem of conflict arising out of hatred and bigotry, by focusing on common problems, and looking for common solutions.

The final call for action in the workshop was for a giant coalition of all people who "hurt" to get together and learn to work together to remove their common sources of pain.

## Chapter 4. Area Workshops

### **ANNAPOLIS AND SOUTHERN MARYLAND: Anne Arundel, Calvert, Charles, and St. Marys Counties**

Moderator: Patsy Blackshear

A great variety of issues were raised during the workshop discussion. Among them were the following:

1) The special affirmative action needs of minority women go unaddressed when affirmative action efforts for women are directed primarily at white women.

2) The full range of minority groups in the area are inadequately represented within the local human relations commissions; such agencies should assure representation of blacks, women, Hispanics, American Indians, and Asian Americans.

3) The educational and social service needs of the children in the represented counties are inadequately addressed. Of particular importance to some of the participants was the issue of inadequate minority male representation in counseling positions within the school system, thus denying children exposure to an important positive role model.

4) The Anne Arundel County Human Relations Commission has no enforcement power. Its effectiveness is hampered as a result.

5) Recipients of public monies within the represented counties do not all have written affirmative action plans. Boards of education in particular frequently lack comprehensive written affirmative action programs.

6) Minority employees in public agencies are being "displaced through attrition." That is, workforce statistics are commonly misleading as they fail to show that the numbers of minority employees are actually decreasing. Employers are not replacing those minorities who have left the workforce with other minorities.

7) Adequate legal assistance for minorities is lacking, particularly attorneys who will keep minority interests preminent.

8) There is a lack of common knowledge among citizens, particularly among minorities, of how to find appropriate sources of assistance or the enforcement authority that may be needed.

9) Additional ties are needed between the local human relations commissions, especially to share ideas on expanding activities beyond employment issues into broader community relations issues. A stronger communications network is also necessary.

10) Some participants felt that the local human relations commissions do not function independently enough from the executive branches of the respective local governments. As a result, the effective operations of the commissions are hampered by "interference" from county executives. Other participants believed that this is an unavoidable political fact of life and that greater sophistication is needed to deal with political pressures.

11) Broader-based participation is needed in community activities such as this conference "the same faces show up all the time!" Local officials elected should be more visible at such events and should be held more strictly accountable for proper representation of minority interests.



12) The represented counties face a critical shortage of affordable and decent housing, and these housing needs are going largely unaddressed.

Four major recommendations were reported by a representative of the group to the full assembly at the final session. They were:

1) That all county commissions and boards in the represented area should assure fair representation of all minorities among their members and staff.

2) That all public agencies in the represented counties should be required to have written affirmative action policies and plans. This requirement should extend to the local boards of education and should be regularly enforced.

3) That local community action agencies should be more effectively utilized as information clearing-houses for information on social services and other needs at the local level.

4) That more frequent participation of elected officials should be sought for events such as this civil rights conference.

In addition, a number of lesser recommendations were discussed during the course of the workshop, about which the participants seemed to agree. They were:

1) That a closer communications network should be established and maintained among the human relations commissions in the represented counties, particularly for the purpose of sharing information and strategies on broad community relations issues.

2) That the representation of minorities, particularly black males, in counseling positions within the Anne Arundel schools should be increased.

3) That the county human relations commissions should receive enforcement powers.

4) That additional attention and resources should be devoted to providing those in need with more decent and affordable housing than is currently available.

# PRINCE GEORGES COUNTY

Moderator: Eloise Hall

Reporter: Patricia Fenn

Workshop participants went around the table and contributed a laundry list of topics. They were:

- resurgence of hate activity
- housing for Hispanics
- racial steering in the housing market
- tenants' organizing problems and the need for legal help
- lack of services for Asian Americans and immigrants—need for help in overcoming language barriers; housing problems and juvenile delinquency.
- religious harassment by the U.S. Department of Interior regarding Piscataway Indian worship
- the need for a better public image of the county, both inside and outside the county
- police/community relations
- anti-Semitism
- community relations in the schools
- recognizing improvements in the schools, especially within the Beltway
- funding of public education
- TRIM (a tax-ceiling law)
- human relations training needed back in the classroom
- educational equity for women
- deterioration of race relations
- equity in all aspects of county life for all groups
- problems of black students attending University of Maryland in College Park; treatment by businesses and by the community
- how the Prince Georges County Human Relations Commission can best serve the county's needs
- racism in the public schools, as evidenced by the dropping of black studies courses
- media attitudes toward Prince Georges County

Discussion of hate groups permeated the meeting. It was brought out that an anti-Klan network (Coalition Opposed to Violence and Extremism) meets in Baltimore and D.C.

Anti-Klan groups need to become resources for the media to help balance portrayals of the Klan and to be on talk shows, etc. Currently, spokespersons to counter hate group publicity are lacking. The Piscataway Indian community has been the object of

hate group activity; an Indian center was burned down in Waldorf.

Civil rights forces should address issues and not groups, some felt. Others noted that new organizations are not needed in the county; the Ministerial Alliance was cited as an existing group that could be used.

The passing out of Klan cards at schools received a lot of attention. The cards vary from extreme crudeness to more subtle "blacks have gotten everything long enough." The schools have said there is nothing they can do if no profanity is involved. Some questioned how the officials define profanity. All agreed that the '60s consciousness needs to be revived.

The need for an inclusive, comprehensive approach to equity was emphasized. Groups are too fragmented; current institutions are not being utilized.

Others felt better organization and arguments were needed. While one can't debate with a hater, people must try to reach those who may be influenced by hate groups. Formal counter activities such as the pray-in scheduled in response to Frederick Klan rally were suggested. Some complained that county leaders do not talk to one another. It was felt that an effort should be made to get officials involved in anti-hate group activity, similar to pledges to uphold law during busing situations. The Advisory Committee needs to call a Prince Georges County meeting solely on hate groups.

Prince Georges still needs an effective police complaint procedure; i.e., one in which an outside body can order police discipline. At present complaints are handled by the HRC, which makes recommendations to the police department. Such changes would require new legislation.

Some pointed out that it was time to start doing things voluntarily to revive 1960s-style citizen involvement, as opposed to relying on civil rights "professionals."

Finally immigration was discussed. It was noted that 3,000-5,000 refugees are expected here, and that the Asian perspective is needed on boards and commissions in the county.

## Recommendations

1) That, because of the concerns over the resurgence of hate groups and bigotry, renewed priority needs to be given to human relations staffing, programs, and curriculum in the schools.

Adequate funding should be given to enable meaningful change, including the start of full funding for those equity positions already mandated by law such as Title IX coordinator.

2) That the Maryland Advisory Committee to the U.S. Commission on Civil Rights investigate the disposition of citizen complaints regarding the behavior of the police with respect to police/community relations. The review should be made part of the Committee's ongoing responsibility

to monitor the administration of justice in Maryland and to report the findings to the Commission.

3) That, with the influx of new residents of Asian descent into Prince George's County, interpreters are needed immediately, especially to deal with problems of housing and juvenile delinquency. As quality positions on boards and commissions become available, immediate consideration should be given to the representation of Asian Americans, Indians, and Hispanics.

# **MONTGOMERY COUNTY**

Moderators: Elaine Newman and Seiko Wakabayashi

Reminded that they were to reflect upon the problems discussed during the morning's topical workshops, each participant was asked to identify an issue of concern regarding Montgomery County. Workshop participants then proposed to continue the coalition of all those present and to hold followup meetings with appropriate State, county, and local elected and administrative officials. In the ensuing discussion, many noted that with inflation and the deepening recession, problems of survival are gradually affecting more of the general population. In housing, subsidies or other kinds of assistance are needed by growing numbers of families and individuals if they are to remain Montgomery County residents. But as income eligibility levels rise, what will happen to those still at the lowest income levels? Will there be sufficient resources to go around?

For many higher income families, it is possible to purchase quality services for youths in trouble and in need of such services. But how can the same services be made accessible to youths in families of lower income levels? Where can additional skilled counselors be obtained? What can be done to help teenage alcoholics and to stem the spread of alcoholism in the schools?

Civil rights issues remain in education and deserve continuing attention. For example, how can the county's desegregation efforts of 2 years ago be followed up?

Because of Montgomery County's relatively high income status, affluence or apathy may have lulled many holding positions of influence into a false sense of security. But the county's problems of unemployment and underemployment still require solutions from county officials and the private sector.

With growing numbers of limited-English-speaking residents, ways of facilitating communications among those in emergency situations or confronted by other predicaments need to be found. Language barriers are particularly difficult for the aged. Often volunteer translators are resorted to, but this is haphazard and even exploitative of many volunteers.

A county human relations hotline should be established so that both service workers and individ-

uals with problems can seek assistance or at least effective referrals on an as-needed basis.

At the same time, many agencies and organizations are "toothless tigers;" some are either inept in carrying out their responsibilities or they are unresponsive to people's real needs. One area in which this seems true is the criminal justice area.

Racism continues to be a major problem, including its manifestations in Ku Klux Klanism. Furthermore, even in a relatively high income area like Montgomery County, the problems of the poor have not disappeared. And it must also be remembered that conditions in Rockville are not the same as those in Silver Spring or in Poolesville.

Coalition-building must be undertaken. Workshop participants, should make efforts to reach out to like-minded persons throughout the county who could not attend the conference. At the same time, "re-inventing the wheel" should be avoided; a new organization need not be founded. Accordingly, the four commissioners and the executive director present from the Montgomery County Human Relations Commission agreed to share information with all workshop participants on county and local agencies and organizations. The four commissioners will also seek to gain assent from their colleagues on the Montgomery HRC to convene periodic meetings of the workshop participants and others.

The first meeting would focus more sharply on the issues identified at the workshop. Subsequent meetings of the coalition would be organized throughout the county. They would aim at spotlighting different issues and proposals and discussing them with the State, county, and local officials responsible for solutions or appropriate programs or services. During such meetings, there would be a concerted call for changes and other improvements in county policies and operations.

One challenge for the workshop participants will be to see how they can mobilize themselves and their allies without further fragmenting themselves and their time over so many diverse interests.

## **Recommendation**

That coalitions be formed to refine the problem areas in the county and to determine ways and means community groups and elected officials can address these problems.

## **EASTERN SHORE COUNTIES: Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Worcester, and Somerset Counties**

Moderator: Dr. H. DeWayne Whittington

Despite the limited time available, several issues were pinpointed. The critical shortage of housing available for low-income families was a major concern. In addition, there is an extensive waiting list for the housing that does exist. Even when housing is ostensibly provided for low-income households, all too often its cost is prohibitive for many of the Eastern Shore's low-income families. Closely related to prohibitive rents is the problem of soaring utility costs. Workshop participants pointed out that most newly constructed homes and apartment buildings are equipped with electric heat or air conditioning whose cost must be borne by the tenant. Poor families simply cannot afford this cost. Finally, workshop participants believed that the overall quality of available low-income housing is poor.

The second problem area discussed was affirmative action. Workshop participants believed that policies exist, among Eastern Shore employers, that circumvent the hiring of blacks and other minorities. The language of affirmative action plans is permissive rather than mandatory. Moreover, participants stated that those persons who assist the Federal government in identifying discrepancies in an employer's affirmative action plan are often subject to adverse action by the employer. A general impression persists that local employers are apathetic about complying with government requests in the area of affirmative action. It was pointed out that some covered employers don't even have affirmative action plans. Employers, it was said, continue to assert that there is a lack of qualified minorities to fill available positions, while at the same time they require that job applicants take certain insulting tests as a prerequisite to hiring. That only one human relations commission serves the entire Eastern Shore was viewed as further evidence of the area's apathetic approach to affirmative action.

It was suggested that these problems might be remedied by taking several steps. The State board of education should enact a bylaw that would mandate the use of affirmative action plans within the school

system. Second, each school system should be required to establish a human relations office charged with the responsibility of developing an affirmative action plan, with a board of review established to scrutinize affirmative action plans. Where such plans are found to be ambiguous, they should be referred to the human relations board for strengthening. Finally, it was suggested that the nine counties which comprise the Eastern Shore be given adequate representation on the human relations board.

Another problem identified by workshop participants closely related to affirmative action plans is that of hiring minorities to fill vacancies in State, county, and local governmental agencies. The Eastern Shore community is generally unaware of vacancies that exist in these agencies.

### **Recommendations**

1) That a statistical survey be conducted of available low-income housing with a focus upon rental cost and cost for utilities.

2) That grants be obtained from the appropriate housing authority to alleviate the problem.

3) That a survey be made of local lending institutions in order to ascertain why there exists such a great problem in obtaining financing for the construction, purchase, and rental of low-income housing.

4) That existing laws regarding equal opportunity in employment be enforced, vacancy announcements should be advertised on a national, as opposed to merely a State or local level.

5) That there be more elected and less appointed positions in county and local agencies.

6) That there be a review of promotional policies in city and county government with an eye toward possible violations of revenue sharing.

Other problems areas were identified. The Eastern Shore's elderly population is facing a severe problem with obtaining credit and with finding affordable and habitable housing. Local human relations committees lack the proper aid and clout to do an effective job. Agency personnel are not particularly sensitive to community problems or representative of the community's economic composition. Because of time constraints, however, no suggested recommendations regarding these examples could be offered.

## **BALTIMORE CITY**

Moderator: Marjorie Smith

Participants were concerned about the many issues that were raised, but they felt frustrated that little time existed to think about and strategize needed action. They voiced the strong opinion that enough had been done to study the problems and the issues—what is needed now is action.

One part of the discussion focused on Dr. Berry's address on the need for building coalitions. Questions included: What are the prospects for coalition building? Will it be black/white coalitions or poor/rich coalitions, or what? There are gaps between all the groups now; how will a bridge be built across these gaps? The goals must be acceptable to both or all groups involved in the coalition; thus the goals have to be modest and very specific.

Commissioner Saltzman pointed out that policy/community relations are crucial in many communities, and that coalitions of top business and professional leaders are needed to ensure that laws are enforced to protect the civil rights of minorities, women, etc. He also mentioned that more must be done at the local level to ensure that cities receiving Federal funds are working to implement affirmative action programs where they are required by law, and to encourage them to do so voluntarily where

plans are not required. More attention should be given to what the local departments of education are doing (e.g., in Baltimore County) to promote metropolitan school desegregation. An all-out effort must be made to make high school graduates job-ready, if the high unemployment of youths is to be reduced and job discrimination based on age alleviated.

A participant said he was unsure about coalition building, because he did not know how to determine a common goal for all the various groups.

Another participant said that he did not think effective coalition building could take place to bring about racial equity until the economic inequities in the country are addressed.

Several participants said that specific people who hold the power to do something about the problems being discussed can readily be identified and are probably known to each participant in the room—but who is going to make them do something? Political realities must be faced; the system perpetuates itself. More studies aren't needed—they will just be put on the shelf and forgotten. The Kerner Commission report still applies right now. Conditions haven't really changed that much, if at all. We have learned well how to analyze our civil rights problems; but we haven't studied ways to be more effective in doing something about them.



## BALTIMORE AND HARFORD COUNTIES

Moderator: Dr. Chester L. Wickwire

Workshop participants first discussed police/community relations. The participants, including a Baltimore County police officer and a State police officer, agreed that police do not respond adequately to resident calls because they are uninformed as to the availability of services that might solve resident problems. Many serious incidents between county residents could be prevented if residents and police officers were aware of the multitude of services available within their jurisdictions or of the existence of neighborhood resource and support systems designed to mediate and alleviate conflict. The "Snowball Shooting Case" was cited as an example: local youths had been harassing a man by snowball-throwing for a period of years. No action was taken to correct the problem, and the provocation by the youths resulted in the shooting death of one of them by the harassed individual.

Participants also discussed the lack of an aggressive affirmative action plan on the part of most State agencies, including the State police. Some participants identified the problem as the intimidating nature of the State application process and the inordinate length of time between filing an application and taking the State exam. Others considered the problem to be lack of effort on the part of the State agencies to explore alternative avenues of recruitment and their refusal to recruit in minority communities. Others expressed the belief that the State's job descriptions for certain jobs tend to "chill" applicants who might apply but do not because they fear that if they do not meet the "paper" qualifications, they are not qualified for the position. To remedy this problem, it was suggested that the State write exceptions into some job descriptions, primarily regarding the level of education attained by the applicant.

Another topic of prime interest was alleviation of the high unemployment rate among minority youth, and in particular among black male teenagers. It was suggested that the State should allocate monies to create summer civil service jobs for youth and investigate legislative incentives, such as tax credits, to induce industries statewide to hire youths for the summer.

The primary housing problem discussed was the fear of urban renewal on the part of uninformed whites, and the blatantly racist tactics employed by local residents and developers to thwart the construction of low and moderate income housing. All participants agreed that discrimination against blacks in the sale and rental of housing continues to be a major problem confronting civil rights organizations. The majority of county residents are unaware of the various Federal, State, and local laws that prohibit discrimination in the sale and rental of housing on the basis of race, sex, and ethnic origin. Additionally, some participants commented on the apparent lack of knowledge on the part of low and moderate income persons about the availability of Section 8<sup>1</sup> assisted housing in their communities.

Participants discussed the lack of interaction between the races, a fact that could eventually lead to misunderstanding between and confrontation among the various ethnic groups. Increased interaction and understanding of the special problems of the various ethnic groups was offered as one possible means by which to forestall any ethnic tensions. One participant believed that the only way to ensure interaction between the various races and ethnic groups was to promote and create desegregated housing and education patterns.

Regarding education, the accountability of local boards of education was discussed. In jurisdictions where board members are appointed, they are in no way accountable to the communities they are supposed to serve. Civil rights and women's organizations in these jurisdictions are solicited for suggestions of appointments to the board, yet their suggestions are often ignored. The participants also discussed the need to impress upon local boards the importance of quality education rather than "social promotions."

It was noted that many elderly residents are uninformed as to the variety of services available to meet their specific needs and the Federal and/or State benefits for which they may be eligible. Day care services for the elderly were also discussed, as was the shortage of housing facilities designed for elderly residents of the two counties.

Finally, all participants agreed to attempt to build coalitions around issues of common interest.

<sup>1</sup> 42 U.S.C. 1437f (1976.)

## **Recommendations**

1) That the Maryland Advisory Committee develop a directory of community-oriented services and agencies, categorized by county, and distribute this directory throughout the State.

2) That local civil rights organizations urge local police departments to explain departmental policy for the handling of specific situations that officers might encounter in their daily routines. This should be done each morning during the roll call in each precinct.

3) That local civil rights and community organizations develop a network system to deal with community concerns and problems as a primary resource instead of delegating responsibility or the resolution of such concerns to the local police department. These resource networks should work in close cooperation with local police departments.

4) That State agencies with affirmative action plans contact civil rights and community organizations to obtain referrals for jobs for minorities, women, and the handicapped.

5) That Maryland SAC and local civil rights organizations make a concerted effort to ensure that State agencies pursue aggressive affirmative action plans (including recommendation 4) and monitor the success or failure of those plans.

6) That community, county, and State civil rights organizations develop applicant banks for job referrals.

7) That the State legislature and the executive branch abandon inflexible "paper" qualification standards for State jobs and write exceptions to the education standards into some State job descriptions.

8) That civil rights organizations actively pressure the State into creating summer jobs to alleviate youth unemployment.

9) That the State legislature examine incentives, such as tax credits, to encourage industries statewide to hire youth for the summer.

10) That State residents be informed of the availability of Section 8 assisted housing within their particular communities.

11) That the Maryland Advisory Committee inform State residents about Federal, State, and local laws that prohibit discrimination in the sale and rental of housing and encourage residents to use the law to its fullest extent.

12) That local human rights commissions develop concise guidelines for making appropriate referrals of complaints concerned with discrimination and denial of equal protection and disseminate those guidelines throughout their particular jurisdictions.

13) That local civil rights organizations endeavor to dispel the myths residents believe concerning urban renewal and the fear that minorities will "take over" a neighborhood if urban renewal programs are implemented.

14) That civil rights organizations endeavor to plan events that bring ethnic communities together and persuade ethnocentric organizations to exchange information concerning their activities and events.

15) That the State legislature and local governments change local law so that members of boards of education will be elected in jurisdictions where they are presently appointed.

16) That state and local civil rights organizations plan and implement consciousness-raising programs and community forums that highlight the problems of and misconceptions about the needs of the elderly.

17) That local civil rights organizations make a concerted effort to inform the elderly about the services available to them and about Federal and/or State benefits for which they might qualify.

18) That local civil rights organizations study the availability of and need for day care services or centers for the elderly.

19) That local civil rights organizations make a concerted effort to build coalitions among civil rights organizations in Maryland around issues of common interest.

## **HOWARD AND WESTERN: Howard, Frederick, Carroll, Washington, Allegany, and Garrett Counties**

Moderator: Everett A. Waldo

A general feeling was expressed by the western counties that the Federal, State, and larger local civil rights agencies have failed to "reach out" to their localities. Some expressed a feeling of "isolation" from the mainstream of the State. It was agreed that strong local human rights relations commissions are needed to serve the citizens without depending totally upon the State or Federal apparatus.

- The public emergence of the Klu Klux Klan in western Maryland (with the onslaught of national media attention) created a situation both with positive and negative results, the effect of which still needs to be evaluated.
- Western Maryland's housing shortage has created a major problem for low-income families and minorities.

No forum is available that encourages dialogue between protected classes, those antagonistic to civil rights, and those in positions of power. In short, there is no communication taking place that could lead to some solutions.

- Local government and those private employers with government contracts are failing to live up to Federal affirmative action requirements.
- Public schools administrators and teachers are failing to deal with minority students in a positive and constructive way.
- Local governments and businesses are failing to show leadership in alleviating minority youth unemployment.

- Community groups and the public lack information on laws and requirements, both Federal and State, that have been passed for the disabled. Relations between the minority community and police departments must be improved.

### **Recommendations**

1) That forums and/or committees be formed to enable individuals of varied backgrounds, races, and economic status to meet each other in a nonthreatening atmosphere.

2) That public agencies, educational institutions, and businesses make available copies of their affirmative action plans to the local human rights/relations commissions.

3) That community organizations and religious institutions place emphasis on voter registration activities.

4) That programs be implemented by local school boards to increase the commitment of school administrators and teachers to more positive behavior towards minority students and minority teachers.

5) That the Maryland Advisory Committee move its monthly meeting sites to different locations of the State to focus attention on local concerns.

6) That the Advisory Committee assist the local human rights/relations commissions in their effort for stronger enforcement powers and proper funding.

7) That the Advisory Committee evaluate the current status of laws, both Federal and State, and provide information on how communities can best legally insure that Klu Klux Klan activities do not disrupt the community.

8) That Advisory Committee Members attend local human rights/relations meetings to better grasp the local situations and add needed support to their continued growth.

## Chapter 5. Conclusion

The Maryland Advisory Committee to the U.S. Commission on Civil Rights believes its statewide conference was a "status report" on civil rights issues in Maryland in 1980. The number of civil rights officials, activists, and advocates who attended the conference bears witness to the widespread and deep concern for equal protection of the laws. The geographic spread of the participants indicates that civil rights problems are not merely urban or suburban issues, but are real concerns as well in small communities and rural areas throughout the State. And the plethora of concerns and issues expressed by conference participants suggests that equal protection of the laws is a matter that affects every basic issue of life at every age of life.

The major speeches of the conference set forth some of the underlying conditions of civil rights at the beginning of the 1980s. Congressman Mitchell pointed up the urgency of strong civil rights advocacy by pointing to the negative mood of the country and of the U.S. Congress. Dr. Berry defined more than a dozen unresolved civil rights issues, and underscored the fragmented nature of the civil rights community itself. Dr. Flemming identified the absence of "decisionmakers" from the civil rights scene and challenged them to take responsibility for the social health of their entire community.

While it was possible to schedule workshops on only some of the many issues of concern, participants in the subject area workshops listed 64 separate recommendations for action, and the geographic area workshops identified 15 more issues of concern. Throughout, however, participants expressed the need for civil rights professionals,

activists, and advocates to work together. The symptoms of the fragmentation to which Dr. Berry referred were expressed as isolation, lack of information, no knowledge of resources, and conflicting interests of various oppressed groups.

Working together meant coalitions to many participants. While confusion existed about the nature of coalitions, and some were cynical about whether they could be effective, coalitions were identified as a means to heal the fragmentation and bring greater force to bear upon a given issue. Coalitions are made up of diverse groups coming together to work on a single issue and are usually temporary, existing only as long as the particular issue needs attention.

A close examination of some of the workshop recommendations suggests areas of common concern around which coalitions could develop. For example, the affirmative action workshop urged mandatory affirmative action plans for all public employers. In addition, other workshops urged affirmative action for police recruitment and promotions and in government appointments to boards and commissions.

Greater public awareness was the goal in several sessions—awareness by housing professionals of client needs; awareness by human rights advocates of new groups needing protection; awareness of ageism in school programs, the media, and even advocacy groups.

Inclusion was another theme—the need to include special needs of minority youth in community development planning and juvenile justice programs, for example. The need for more funds for housing and jobs was stressed as well.

In some workshops, recommendations were very specific. The session on minority youth unemployment called upon private industry to create a job each year for each high school graduate. Participants also recommended that summer job income not be used by authorities to cut off family welfare payments.

A citizens' review board to oversee disposition of complaints against police, psychological screening of and training for police, and a citizens' advisory group to influence policy were all mentioned by the workshop on police-community relations.

The juvenile justice workshop advocated revisions in the Juvenile Causes Act; a reduction of the public defender case load; and a statement from the Maryland Bar Association regarding the ethical responsibilities of attorneys—too many of whom, critics charged, took juvenile cases and knew nothing about juvenile law.

Those discussing human rights commissions asked the State commission for a statewide newsletter; local funding of at least one staff member per commission; and Federal-State training for such local staff.

Finally, the workshop on ageism urged elimination of earnings limitations and sex inequity in social security benefits.

The workshop on educational equity explored concepts and discussed options on how to define equity and apply it to school financing, along with the enforcement of Title IX prohibiting sex discrimination in educational programs.

The racial and ethnic conflict discussion examined the recent increase in violence and hate group activity of the type promoted by the Ku Klux Klan. The increase in hate and violence was attributed to two primary factors: the relaxation of societal

restraints against violence and the deteriorating economic situation.

The afternoon workshops echoed the themes of Chairman Flemming and Vice Chairman Berry—that coalitions were an absolute necessity to achieve goals and to gain economic and political clout. While sentiments varied on how easy or difficult it is to build viable coalitions, the need to “hang together or hang separately” was widely recognized. Dr. Berry reminded the conference that “[the civil rights struggle] is the history of coalitions. . . coalitions of working class whites and blacks or liberal white elites and blacks or some combination of those elements.”

In his speech, which concluded the day's events, Representative Parren Mitchell answered those discouraged or cynical about the future. He compared past struggle and present difficulties and challenged the audience:

Don't despair, don't give up. If you believe in an essential truth, one quintessential truth: that every human being demands respect, every man, women, and child—black, red, brown, green, poor as dirt—should be an object of respect, clothed in the law and protected by the law. . . if you believe that, if you really believe that, then we have no cause for despair.

On that note, the Maryland Advisory Committee pledges its cooperation in pursuing all those recommendations that fall within its legal mandate; in assisting others to share information and resources as part of its clearinghouse responsibilities; and in monitoring the implementation of those recommendations by the appropriate authorities throughout the State, as part of the Committee's duty to apprise its parent body of the status of civil rights in the State of Maryland.