

# **The Federal Civil Rights Enforcement Budget: Fiscal Year 1983**

United States Commission on Civil Rights  
Clearinghouse Publications 71

June 1982

## U. S. COMMISSION ON CIVIL RIGHTS

The U. S. Commission on Civil Rights is a temporary independent, bipartisan agency established by Congress in 1957 and directed to:

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

### MEMBERS OF THE COMMISSION

Clarence M. Pendleton, Jr., Chairman  
Mary Louise Smith, Vice Chairman  
Mary Frances Berry  
Blandina Cardenas Ramirez  
Jill S. Ruckelshaus  
Murray Saltzman

John Hope III, Acting Staff Director

# **The Federal Civil Rights Enforcement Budget: Fiscal Year 1983**

United States Commission on Civil Rights  
Clearinghouse Publications 71

June 1982

## ACKNOWLEDGMENTS

The Commission is indebted for this report to a team of staff headed by Kathryn Baer and including Donald B. Dickerson, Nina R. Dickerson, Joyce M. Long, Pamela Proctor, and Pattie M. Tom. Lois McGunagle, Maria Sims, and Patricia A. Williams provided primary support. James B. Corey, Chief, Education and Employment Division, supervised the project under the general guidance of Deborah P. Snow, Assistant Staff Director for Federal Civil Rights Evaluation.

TABLE OF CONTENTS

	Page
Introduction.....	1
Department of Education: Office for Civil Rights.....	9
Department of Health and Human Services: Office for Civil Rights....	22
Department of Justice: Civil Rights Division.....	29
Department of Labor: Office of Contract Compliance Programs.....	40
Equal Employment Opportunity Commission.....	51
Conclusion.....	64

## INTRODUCTION

The Federal budget is an important statement of policy. The resources allocated by Congress for civil rights enforcement activities by the Executive branch are a tangible expression of the Federal Government's commitment to the promise of equal opportunity. That promise, embodied in the 13th, 14th, and 15th amendments to the Constitution, confers upon the Federal Government a distinctive law enforcement responsibility. 1/ After reviewing the administration's proposed budget for fiscal year 1983, Congress soon will decide what resources to provide to carry out that responsibility.

Key Federal civil rights laws include the Civil Rights Act of 1957, 2/ which established the Justice Department's Civil Rights Division and authorized it to sue for denials of voting rights; the Civil Rights Act of 1964, 3/ which bars discrimination on the basis of race, color, or national origin in public facilities, employment, and federally-

---

1/ For discussion of this point and the continuing importance of these "Civil War Amendments," see, U.S., Commission on Civil Rights, Civil Rights: A National, Not a Special Interest (1981) (hereafter cited as Civil Rights Statement).

2/ 42 U.S.C. §§1971, 1975(e), 1995 (1976).

3/ 42 U.S.C. §§2000a-2000h (1976 & Supp. III 1979). Title VI, 42 U.S.C. §§2000d-2000d-6, prohibits discrimination in programs receiving Federal financial assistance. Title VII, 42 U.S.C. §§2000e-2000e-17, prohibits denials of equal employment opportunity and covers discrimination on the basis of religion or sex, as well as race, color, or national origin.

assisted activities, including education; the Voting Rights Act of 1965, 4/ which broadened Federal protection of the right to vote; and the Age Discrimination in Employment Act of 1967, 5/ which prohibits discrimination against older workers. More recent major civil rights laws include Title IX of the Education Amendments of 1972, 6/ which bars sex discrimination in federally-aided education programs; Title V of the Rehabilitation Act of 1973, 7/ which extends Federal civil rights protections to handicapped persons; and the Age Discrimination Act of 1975, 8/ which bars discrimination on the basis of age in programs receiving Federal funds. Strengthening these laws are Executive orders, such as Executive Order 11246, 9/ which requires nondiscrimination

---

4/ 42 U.S.C. §§1971, 1973-1973bb (1976).

5/ 29 U.S.C. §§621-634 (1976 & Supp. III 1979). Workers between the ages of 40 and 70 are covered by this act.

6/ 20 U.S.C. §§1681-1686 (1976).

7/ 29 U.S.C. §791 (1976 & Supp. III 1979). Section 501, 29 U.S.C. §791(b), and section 503, 29 U.S.C. §793, require affirmative action by Federal agencies and Federal contractors, respectively. Section 504, 29 U.S.C. §794, prohibits discrimination on the basis of handicap in federally-assisted and federally-conducted programs.

8/ 42 U.S.C. §§6101-6107 (1976 & Supp. III 1979).

9/ Exec. Order No. 11246, 3 C.F.R. 339, 340-47 (1964-65 Comp.), as amended by Exec. Order No. 11375, 3 C.F.R. 684, 685-86 (1966-70 Comp.).

by Federal contractors and affirmative action when minorities or women are underrepresented in their work forces.

These laws and orders were adopted to protect citizens who, because of their race, color, religion, sex, national origin, age, or handicap, may be denied their rights. Such discrimination can occur when people try to vote, rent or buy a home, use public buildings or transportation, get a job, an education, a bank loan, or health care, or use any of the wide range of public services.

Five of the Federal agencies with major responsibilities for enforcing these laws and orders are the Departments of Education, Health and Human Services, Justice, and Labor and the Equal Employment Opportunity Commission. <sup>10/</sup> These agencies use various means to carry out their enforcement responsibilities. For example, they receive and investigate discrimination complaints. They also initiate reviews to determine whether employers and institutions are complying with civil rights requirements. Onsite compliance reviews are an especially effective enforcement tool because they can identify systemic bias (patterns and practices of discrimination common to a specific industry

---

<sup>10/</sup> Funding for these agencies' civil rights activities represents nearly 60 percent of the total proposed FY 83 civil rights enforcement budget. U.S., Executive Office of the President, Office of Management and Budget, The Budget of the United States Government, 1983, Special Analysis J: Civil Rights Activities (February 1982), p. 26 (hereafter cited as FY 83 Special Analysis J). Data collected for the Special Civil Rights Analysis in the past have not always been reliable, but it is the only ready source of comprehensive data.



or institution) that may affect whole groups of persons, such as blacks, women, or those who do not speak English. Systemic discrimination may not be evident or capable of being resolved in the context of an individual complaint, where compliance reviews can provide a clear picture of the problem. Compliance reviews also have a deterrent effect that can promote voluntary compliance and stimulate State and local enforcement activities. 11/

When the agencies find civil rights violations, they negotiate agreements to correct them, monitor compliance with the agreements, and initiate enforcement proceedings when even extensive negotiations fail. 12/ In addition, they provide technical assistance to promote voluntary civil rights compliance and, thus, reduce the need for enforcement actions. Some agencies also coordinate all Federal enforcement of one type of protection, such as equal employment opportunity, to minimize duplicative and inconsistent efforts.

---

11/ See, U.S., Commission on Civil Rights, The Federal Civil Rights Enforcement Effort--1974, vol. IV, To Provide Fiscal Assistance (1975), p. 66 (hereafter cited as To Provide Fiscal Assistance) and vol. VI, To Extend Federal Financial Assistance (1975), p. 188 (hereafter cited as To Extend Federal Financial Assistance); Making Civil Rights Sense Out of Revenue Sharing Dollars (1975), pp. 59-61; Enforcing Title IX (1980), p. 24 (hereafter cited as Enforcing Title IX); Civil Rights Statement, pp. 34, 40-41.

12/ Enforcement may involve litigation to obtain court-ordered remedies or administrative proceedings to terminate Federal assistance or contracts.

These enforcement activities are expensive because they require many staff to conduct them, yet funds to support them never have constituted more than a small fraction of the Federal budget. In FY 75, for example, all civil rights enforcement spending amounted to about one-tenth of one percent of the total Federal budget. 13/ This small share for civil rights enforcement has been declining steadily. It fell to only 0.09 percent of the FY 78 total budget and represents only 0.07 percent of the total proposed FY 83 budget. 14/

As table 1 shows, funding for all Federal civil rights enforcement also has dropped. The proposed FY 83 figure of approximately \$536 million is \$17 million less than was provided in FY 80. Table 1 also shows that, aside from budget cuts, spending power for civil rights enforcement has been cut by inflation. Thus, for example, level funding for travel would support fewer onsite investigations and negotiations each year because transportation costs have risen significantly. 15/

---

13/ U.S., Commission on Civil Rights, "Staff Analysis of 1981 Civil Rights Budget," Mar. 19, 1980, p. 2 (hereafter cited as 1981 Civil Rights Budget Analysis).

14/ Ibid; FY 83 Special Analysis J, p. 26; U.S., Executive Office of the President, Office of Management and Budget, The United States Budget in Brief, Fiscal Year 1983, p. 29.

15/ Other standard items in enforcement agency budgets also have been subject to heavy inflationary pressures. These include basic overhead expenses, such as rent and communications, and the information management systems needed to target enforcement activities effectively.

TABLE 1

Budget Outlays for Civil Rights Enforcement: 1980-83 (Proposed) a/  
(in millions of dollars)

<u>Fiscal Year</u>	<u>Outlays</u>	<u>In 1980 Constant Dollars</u> <u>b/</u>
1980	552.8	552.8
1981	524.6	479.5
1982 (Estimated)	526.8	446.7
1983 (Estimated)	535.8	423.4

a/ These are total outlays for all Federal civil rights enforcement agencies, not just the five agencies discussed in this report.

b/ These constant dollar figures are based on Congressional Budget Office actual and projected GNP deflators to account for inflation rates for these fiscal years. Robert Dennis, economist, Congressional Budget Office, Fiscal Analysis Division, telephone interview, Apr. 19, 1982.

SOURCES: U.S., Executive Office of the President, Office of Management and Budget, Special Analysis J, Civil Rights Activities, of the Budget of the United States Government, Fiscal Year 1982 and Special Analysis J, Civil Rights Activities, the Budget of the United States Government, 1983; Congressional Budget Office, Fiscal Analysis Division.

Continuing inflation will mean that, under the proposed FY 83 budget, Federal Government spending power for civil rights enforcement would be nearly 25 percent less than it was in FY 80. 16/

16/ This estimate is based on the Congressional Budget Office projection of a 7.3 percent inflation rate for FY 83. Robert Dennis, economist, Congressional Budget Office, Fiscal Analysis Division, telephone interview, Apr. 19, 1982.

Because of the historical and continuing importance of Federal civil rights enforcement, this Commission repeatedly has expressed concern about the adequacy of resources in this area. 17/ Last year, we warned that proposed FY 82 enforcement spending would reduce the ability of enforcement agencies to conduct compliance reviews and other activities to eliminate systemic discrimination. 18/ We expressed concern that this would reduce incentives for voluntary compliance, the primary objective of all civil rights activities, and also retard improvements in State and local enforcement efforts. 19/

This report examines where and how FY 82 budget decisions have affected adversely specific enforcement activities of the five major agencies identified above and projects the likely consequences of their

---

17/ See, for example, U.S., Commission on Civil Rights, The Federal Civil Rights Enforcement Effort—1974, vol. II, To Provide...For Fair Housing (1974), p. 355; vol. III, To Ensure Equal Educational Opportunity (1975), p. 386 (hereafter cited as To Ensure Equal Educational Opportunity); To Provide Fiscal Assistance, pp. 20-22; vol. V, To Eliminate Employment Discrimination (1975), pp. 631, 643 (hereafter cited as To Eliminate Employment Discrimination); To Extend Federal Financial Assistance, pp. 233, 291, 488, 538, 668, 775, 785; Civil Rights Statement, pp. 40-41, 47. See, also, U.S., Commission on Civil Rights, The Decline of Black Farming in America (1982), p. 151.

18/ Civil Rights Statement, pp. 40-41.

19/ Ibid., pp. 41-42.

proposed FY 83 budgets. It also suggests the types of questions that must be answered if congressional budget decisions are to support, not undermine, the Federal Government's ability to enforce the Nation's civil rights laws.

As noted, a proposed budget is a policy document. This administration has made a commitment to continuing the "long journey towards civil rights" for all this Nation's citizens "with no backsliding or slowing down." 20/ In that context, the Commission hopes this report will be useful to Congress as it reviews the proposed FY 83 civil rights enforcement budget and to Executive departments and agencies in preparing budget submissions.

Data used in this report were obtained directly from FY 83 budget documents, agency program plans, performance indicators, evaluations, testimony, and interviews with agency officials.

---

20/ The State of the Union, delivered Jan. 26, 1982, reprinted in 18 WEEKLY COMP. OF PRES. DOC. 76, 81 (Feb. 1, 1982).

## DEPARTMENT OF EDUCATION: OFFICE FOR CIVIL RIGHTS

Enforcement Responsibilities

The Department of Education's Office for Civil Rights (OCR) is responsible for assuring that 19,200 school systems and postsecondary institutions comply with Title VI, Title IX, section 504, and the Age Discrimination Act. 21/ These laws seek to guarantee equal educational opportunity for approximately 12 million minority group students, 26 million women students, and 4 million handicapped students 22/ and extend civil rights protections to teachers and other school employees as well. 23/ OCR also enforces nondiscrimination in other institutions, such as libraries and museums, and in the 50 State vocational rehabilitation systems. 24/

Resources to carry out these responsibilities have been reduced in recent years and would be reduced further under the proposed FY 83 budget. The proposed cuts would decrease compliance reviews and technical assistance, restrict monitoring, and perhaps aggravate deficiencies so

---

21/ OCR Final Annual Operating Plan for Fiscal Year 1982, 47 Fed. Reg. 9902 (1982) (hereafter cited as FY 82 Operating Plan).

21/ Id. The Education Department does not have a regulation providing for enforcement of the Age Discrimination Act, and OCR does not collect relevant beneficiary data.

23/ See, the Department's Title VI, Title IX, and section 504 regulations prohibiting discriminatory employment practices. 34 C.F.R. §§100.3(c), 104.11, 106.51 (1981).

24/ FY 82 Operating Plan, 9902.

serious that OCR faces a possible contempt ruling for failing to carry out its responsibilities. 25/

#### Budget Totals

Funding for OCR has declined steadily since 1979, when OCR spent \$57,033,000 on education enforcement activities. 26/ As table 2 shows, OCR's spending power has dropped \$17,095,000 (31.7 percent) just since the beginning of FY 80.

The FY 83 budget requests no funds for OCR because it reflects administration plans, not yet sent to Congress, to reorganize the Department of Education into a foundation and eliminate OCR as

---

25/ OCR operations currently are governed by court orders because the judiciary determined that the agency was not carrying out its statutory and constitutional responsibilities. Adams v. Richardson, 356 F. Supp. 92, 94 (D.D.C. 1973), modified and aff'd., 480 F.2d 1159 (D.C. Cir. 1973), supplemental order sub. nom., Adams v. Weinberger, 391 F. Supp. 269 (D.D.C. 1975), second supplemental order sub. nom., Adams v. Califano, 430 F. Supp. 118 (D.D.C. 1977) (hereafter cited as Adams/WEAL Order). Plaintiffs moved for a finding of contempt, citing consistent noncompliance with the order. Adams v. Bell, No. 3095-70, Plaintiffs' Motion for Order to Show Cause (D.D.C. 1981) (hereafter cited as Adams Contempt Motion); Women's Equity Action League v. Bell, No. 74-1720, Plaintiffs' Women's Equity Action League Et Al.'s Motion for Order to Show Cause (D.D.C. 1981) (hereafter cited as WEAL Contempt Motion). The court found OCR in violation of the order "in many important respects," but deferred a decision on the contempt motion. Women's Equity Action League v. Bell, No. 74-1720, and Adams v. Bell, No. 3095-70, Court's Findings of Fact and Conclusions of Law (D.D.C. 1982) (hereafter cited as Adams Court Findings and Conclusions).

26/ Office for Civil Rights, "Salaries and Expenses, 11 Year History of OCR Appropriation," undated.

TABLE 2

## OCR Budget Totals and Totals in Constant Dollars: 1980-83 (Proposed)

(in thousands of dollars)

<u>Fiscal Year</u>	<u>Appropriation a/ (annualized)</u>	<u>In 1980 Constant Dollars</u>
1980 (HEW, Estimated) <u>b/</u>	53,953	53,953
1980 (Education Department)	45,847	45,847
1981	46,915	42,884
1982 (Request)	49,396	41,885
1982 (Continuing Resolution)	45,038	38,189
1982 (Permitted Spending Level) <u>c/</u>	43,468	36,858
1983 (Request) for Foundation)	43,999	34,770

a/ Figures represent what OCR could have spent during a whole fiscal year under each spending ceiling.

b/ Figure based on OCR's estimate that 80 percent of its resources in the Department of Health, Education, and Welfare were used for education enforcement activities. See, Frederick T. Cioffi, Acting Assistant Secretary for Civil Rights, Department of Education, affidavit in Adams, May 27, 1981, Exhibit I, p. 14.

c/ OCR is under Department instructions to keep spending 12 percent below the FY 82 request. Sally H. Christensen, Acting Deputy Under Secretary for Planning, Budget, and Evaluation, Department of Education, memorandum to Senior Staff, Sept. 30, 1981.

SOURCES: U.S., Department of Education, Office for Civil Rights, "Salaries and Expenses", undated (prepared for March 1982 congressional hearings on OCR's FY 83 budget) and "Salaries and Expenses, 11 Year History of OCR Appropriation," undated; Congressional Budget Office, Fiscal Analysis Division.



established by the Education Organization Act. 27/ The Education Department has asked Congress to appropriate \$44,868,000 for OCR if it does not adopt the foundation proposal. 28/

#### Staffing

As noted, OCR long has operated under court order because the judiciary found, in Adams, that the agency was not fulfilling its enforcement responsibilities. Since December 1977, the Adams order has required OCR to conduct certain enforcement activities within specific time frames. 29/ As part of the order, OCR requested the additional

---

27/ U.S., Executive Office of the President, Office of Management and Budget, The Budget of the United States Government, Fiscal Year 1983, Appendix, pp. I-12, I-V46 (hereafter cited as FY 83 Budget). According to ED's draft reorganization bill, the foundation director would decide whether to establish an office for civil rights enforcement and what resources to give it. "Foundation for Education Assistance Act" (draft), Jan. 12, 1982, §§202, 503(a)(2). As of May 7, the administration had not submitted an Education reorganization bill to Congress. In addition to funds for civil rights activities in the foundation, the budget requests \$1,299,000 for the Department of Justice to carry out former Department of Education enforcement functions. FY 83 Budget, p. I-N5.

28/ U.S., Department of Education, Office for Civil Rights, "Salaries and Expenses," undated (prepared for March 1982 congressional hearings on OCR's FY 83 budget), p. 300 (hereafter cited as ED/OCR FY 83 Budget Proposal). OCR then would have about 66 percent of the spending power it had in FY 80.

29/ Adams/WEAL Order at 10 (D.D.C. Dec. 29, 1977).

additional staff positions it believed compliance would require. 30/ It received most of the positions requested, but was kept by a departmental staffing ceiling and then an hiring freeze from filling them all. 31/ As table 3 shows, staffing since has receded ever further from the level judged necessary for Adams compliance.

As OCR does not have the funds to support all its FY 82 requested positions, staffing has been dropping below authorized strength since the beginning of this fiscal year. 32/ The attrition has particularly affected the Dallas regional office, which has one of the heaviest caseloads, and the headquarters unit responsible for the management information OCR uses to monitor Adams compliance and submit required reports to plaintiffs. 33/

---

30/ Id. at 2; Cynthia G. Brown, Principal Deputy Director, OCR, Department of Health, Education, and Welfare, affidavit in Adams, Nov. 2, 1979, p. 3 (hereafter cited as Brown Affidavit). The positions OCR requested for FY 78 and FY 79 would have provided approximately 1,600 staff for education enforcement activities. Commission staff notes on testimony of David S. Tatel, former OCR Director, testimony in Adams and WEAL contempt proceedings, Mar. 12, 1982 (maintained in Commission files).

31/ Brown Affidavit, Exhibit I, p. 4; Frederick T. Cioffi Acting Assistant Secretary for Civil Rights, affidavit in Adams, May 27, 1981, Exhibit I, p. 13 (hereafter cited as Cioffi Affidavit).

32/ See, OCR's current funding and spending capability, table 2.

33/ Kristine M. Marcy, Director for Planning and Compliance Operations Service, OCR, interview, Mar. 5, 1982 (hereafter cited as Marcy Interview).

TABLE 3

## OCR Full-Time, Permanent Staff Positions: 1980-83 (Proposed)

<u>Fiscal Year</u>	<u>Authorized</u>	<u>Actual a/</u>
1980 (HEW) <u>b/</u>	1,514	1,314
1980 (Education Department)	1,181	1,048 <u>c/</u>
1981	1,098	1,055
1982 (Original Request)	1,070	1,025
1982 (Revised Request)	1,026	995 <u>d/</u>
1983 (Department Request)	1,026	---
1983 (Foundation Request)	1,003 <u>e/</u>	---

a/ Except as noted, as of the first day of the fiscal year.

b/ Represents OCR's estimate of staff resources used for education enforcement activities in the Department of Health, Education, and Welfare. See, Frederick T. Cioffi, Acting Assistant Secretary for Civil Rights, Department of Education, affidavit in Adams, May 27, 1981, Exhibit I, p. 14.

c/ As of May 1980.

d/ As of February 1982.

e/ As noted, these would be positions for civil rights enforcement, not necessarily for a separate civil rights enforcement office. The Department of Justice would receive 23 additional full-time equivalent positions to conduct enforcement activities previously handled by OCR.

SOURCE: U.S., Department of Education, Office for Civil Rights, Planning and Budgeting Branch.

With the cut proposed for FY 83, OCR would have about 64 percent of the staff it originally estimated Adams compliance would require, if it could support all the positions proposed. Since no FY 83 supplemental appropriation will be requested, however, OCR may have to keep its staff below its authorized level. 34/

Diminishing resources are not the only factor that may be undermining compliance with the Adams order. 35/ Senior OCR officials, moreover, consistently have argued that increasing efficiency can offset the adverse impact of budget and staff reductions. 36/ It is unlikely, however, that management improvements will be so effective as to correct the pervasive noncompliance that prompted the recent finding of

---

34/ Commission staff notes on testimony of Clarence Thomas, Assistant Secretary for Civil Rights, Department of Education, before the Subcommittee on Labor, Health and Human Services, and Education of the House Appropriations Committee, Mar. 16, 1982 (maintained in Commission files) (hereafter cited as Thomas Budget Testimony); Kassie Billingsley, Chief, Planning and Budgeting Branch, OCR, interview, Mar. 4, 1982 (hereafter cited as Billingsley Interview).

35/ OCR also has cited such factors as increased complexity of complaints filed, unresolved policy questions, and recipients' refusals to cooperate with data requests. Commission staff notes on testimony of Kenneth Mines, Director, OCR Region V (Chicago) Office, in Adams and WEAL contempt proceedings, Mar. 11, 1982 (maintained in Commission files) (hereafter cited as Mines Testimony). In addition, OCR has chosen to let the Adams deadline for enforcement proceedings pass when it believed prolonged negotiations would result in a settlement. Commission staff notes on testimony of Clarence Thomas in Adams and WEAL contempt proceedings, Mar. 11-12, 1982 (maintained in Commission files) (hereafter cited as Thomas Compliance Testimony).

36/ Brown Affidavit, Exhibit I, pp. 17-18; Clarence Thomas, interview, Feb. 22, 1982 (hereafter cited as Thomas Interview).

violation. 37/ Further, even if OCR achieves compliance with the time frames, it will not have an effective enforcement program unless it devotes more resources to activities where Adams requirements leave at least some leeway. 38/

#### Compliance Reviews

OCR's compliance reviews result in twice as many remedies and benefit six times as many victims of discrimination as its complaint investigations. 39/ With recent staff cutbacks, however, this potentially

---

37/ The Assistant Secretary for Civil Rights does not believe that management improvements will produce compliance with the current time frames. Thomas Compliance Testimony. At least one regional director believes that staff shortages and anxiety about further staff reductions actually are impairing Adams compliance efforts. Mines Testimony.

38/ Although the Adams/WEAL order requires OCR to conduct compliance reviews within specific time frames, it does not specify how many reviews OCR must conduct or what problems it must investigate. Adams/WEAL Order at 15. Compliance reviews, therefore, remain largely within OCR's discretion, as are technical assistance and some types of monitoring. For our earlier concerns about the effect of resource constraints on these important discretionary activities, see, Civil Rights Statement, p. 46; U.S., Commission on Civil Rights, "Staff Comments on Annual Operating Plan for Fiscal Year 1982 Proposed by the Office for Civil Rights, Department of Education," Nov. 16, 1981 (hereafter cited as FY 82 Operating Plan Comments).

39/ Roma J. Stewart, Director, OCR, Department of Health, Education, and Welfare, response to questionnaire from Louis Nunez, Staff Director, U.S. Commission on Civil Rights, Feb. 8, 1980, cited in Enforcing Title IX, p. 24. OCR specifically has concluded that compliance reviews are needed to protect very poor and non-English speaking beneficiaries because these beneficiaries tend not to file complaints. U.S. Department of Education, Office for Civil Rights, Salaries and Expenses, undated (prepared for February 1981 Congressional budget hearings), p. 326. Cynthia G. Brown, former Assistant Secretary for Civil Rights, Department of Education, interview, Mar. 10, 1981; Thomas Interview. The Adams/WEAL order requires compliance reviews to protect these groups. Adams/WEAL Order at 16.

most effective enforcement effort has diminished. In FY 81, OCR initiated 129 compliance reviews, 40/ but by the end of the year had completed only 55 and still was working on over 70 reviews begun in earlier years. 41/ Its consistent failure to meet Adams compliance review deadlines in FY 81 was a major item in plaintiffs' contempt charges. 42/ With fewer investigators in FY 82, OCR can be expected to initiate perhaps as few as 70 new reviews (46 percent fewer than it began last year). 43/ During the first quarter, it got to the onsite

---

40/ OCR, "FY 1981 Elementary and Secondary Compliance Review Activity and FY 1981 Postsecondary Compliance Review Activity," undated (data reflect the whole fiscal year). These are reviews that have proceeded to the onsite investigation stage. Data on reviews in more preliminary stages are not available.

41/ Ibid.

42/ Adams Contempt Motion at 2 and Attachments A and B; WEAL Contempt Motion at 3. Some major problems OCR believes contribute to its noncompliance could be minimized with more staff resources. For example, OCR maintains that the time frames are unrealistic for cases that require visits to multiple sites or extensive data collection and analysis. Cioffi Affidavit, p. 3. Such cases might be handled in less time if more staff were involved. OCR also attributes delays to lack of policy. Mines Testimony. More staff for policy development might control this problem.

43/ FY 82 Operating Plan, 9904. OCR did not specify the number of reviews it planned. Last year, however, it reported staff-year allocations and the average staff time needed to complete reviews of each type of compliance issue. 46 Fed. Reg. 5038 (OCR Fiscal Year 1981 Annual Operating Plan). Commission staff used these averages to estimate the number of new reviews OCR could conduct with its proposed staff allocations. The estimate may be too high, however, because OCR has fewer staff than were projected when the FY 82 Operating Plan was developed.

investigation stage in only eight. 44/ As noted, it does not anticipate compliance with the current Adams time frames.

OCR has not projected new reviews for FY 83, 45/ but Commission staff analysis suggests its proposed resource allocations 46/ would support fewer than 60 new reviews. OCR then would be initiating reviews of fewer than three percent of the some 2,500 school systems and postsecondary institutions it believes are in serious violation of major civil rights requirements. 47/

#### Technical Assistance

OCR emphasizes voluntary compliance and, therefore, considers technical assistance to improve understanding of civil rights requirements a key component of its enforcement program. 48/ Despite this policy,

44/ OCR, "First Quarter FY 1982 Compliance Review Activity," Jan. 22, 1982. According to the Adams time frames, OCR would be no more than halfway through the compliance review process in these cases. Adams/WEAL Order at 17. As noted, OCR does not compile data on reviews in more preliminary stages.

45/ Kassie Billingsley, telephone interview, Mar. 10, 1982 (hereafter cited as Billingsley Telephone Interview).

46/ ED/OCR FY 83 Budget Proposal, p. 309.

47/ OCR, "Data Elements for FY 1983, Compliance Reviews and Remedial Plan Monitoring," June 30, 1981. There are no comparable data on other types of Department of Education recipients.

48/ See, for example, Clarence Thomas, written statement submitted in testimony before the Senate Committee on Labor and Human Resources, June 19, 1981; FY 82 Operating Plan, 9902-3. Voluntary compliance, as encouraged by technical assistance, has been a major OCR concern throughout the period covered here. See, Cynthia G. Brown, written statement submitted in testimony before the Senate Committee on Labor and Human Resources, June 12, 1980.

this policy, OCR's technical assistance activities have borne the brunt of recent budget constraints. OCR originally budgeted \$8.1 million for technical assistance contracts in FY 81, but shortfalls in other areas ultimately left only \$5.1 million available for such contracts. 49/ As a result, OCR dropped seven planned technical assistance projects, including three on critical Title VI compliance problems. 50/ For FY 82, OCR again planned to have about \$8 million for technical assistance contracts. 51/ It now expects to have \$500,000 for such contract awards this fiscal year. 52/ Two-thirds of the projects planned for FY 82 have been deferred indefinitely, and funding for other projects has

---

49/ Most OCR technical assistance projects have been conducted by organizations under contract to the agency. Maurice Clifford, Director, Program Review and Assistance Service, OCR, interview, Mar. 5, 1982 (hereafter cited as Clifford Interview). OCR actually spent only \$4.8 million because a project was cancelled for policy reasons at the end of the fiscal year. Ibid.

50/ OCR also eliminated funding for participants' travel to technical assistance workshops, an economy that may limit the workshops' effectiveness. Ibid. One of the Title VI projects may be funded this year. Helene Deramond, Acting Chief, Program Development Branch, Program Review and Assistance Service, OCR, telephone interview, Apr. 5, 1982.

51/ Clifford Interview.

52/ Ibid. OCR anticipates that, as in the past, the remaining \$7.5 million originally allocated for technical assistance will have to be used for built-in increases, such as pay increases, because it will not be allowed a supplemental appropriation sufficient to cover them. Billingsley Telephone Interview.



been cut severely. 53/

For FY 83, just under \$1.4 million for technical assistance contracts has been requested. 54/ OCR is planning on no such contracts, however, because all the requested funds will be required for staff salaries and related expenses. 55/ Investigators will continue providing advice on methods of remedying problems they have identified, 56/ but such assistance is not likely to prevent other violations or inform individuals of their civil rights protections. 57/ Although OCR's regional technical assistance units do reach protected individuals

---

53/ For example, funding to enhance States' abilities to deal with civil rights compliance problems, a major initiative in OCR's technical assistance plans, has been cut 60 percent, just as the new education block grant has made States' responsibilities for assuring civil rights compliance more complex. Funds to distribute technical assistance materials previously developed for OCR have been cut even more, making past technical assistance projects less useful than originally intended. Clifford Interview.

54/ ED/OCR FY 83 Budget Proposal, p. 309.

55/ Clifford Interview; Billingsley Interview. As noted, OCR's proposed budget indicates it will not be permitted to request a supplemental appropriation for salary and related built-in increases.

56/ OCR has redefined technical assistance to include such advice. Clifford Interview. See, also, Thomas Budget Testimony; FY 82 Operating Plan, 9902. It, however, has not made any actual changes in its operations. Clifford Interview.

57/ The type of technical assistance that contractors, not investigators, have provided is the type OCR believes may prevent civil rights violations. Thomas Budget Testimony. Technical assistance contractors also provided civil rights information and training for protected groups. Clifford Interview.

and education programs not under investigation, 58/ they lack the expertise and staff to carry out the technical assistance activities formerly performed by contract personnel. 59/

Lacking staff, OCR plans few other discretionary activities. For example, although preaward reviews formerly conducted under the Emergency School Aid Act often produced prompt remedies for civil rights violations, 60/ OCR will not resume preaward reviews unless again required. 61/ Further, monitoring of voluntary remedial plans will remain minimal, despite the need for followup to assure that schools carry out their agreements. 62/

---

58/ Clifford Interview.

59/ The regional units were established to provide section 504 technical assistance. Mr. Clifford, who is responsible for these units, estimates that perhaps 2 of the 10 have the necessary expertise in Title VI and Title IX. Ibid. The regional program has a total of about 33 staff. Ibid. OCR's FY 82 technical assistance program involves 79 additional staff on contracts awarded in FY 81. FY 82 Operating Plan, 9903.

60/ See, To Ensure Equal Educational Opportunity, pp. 96-97, 360; To Extend Federal Financial Assistance, pp. 239-40. Between 1978 and 1981, Emergency School Aid Act preaward reviews resulted in over 500 voluntary remedial plans. Thomas Budget Testimony.

61/ Marcy Interview. The Emergency School Aid Act required preaward reviews. 20 U.S.C. §3200 (Supp. III 1979). This requirement was eliminated by the inclusion of the Emergency School Aid Act in the 1981 education block grant. Education Consolidation and Improvement Act of 1981, Pub. L. No. 97-35, 95 Stat. 477, 480 (1981). Preaward reviews still could be conducted on a discretionary basis, however.

62/ OCR's FY 82 plans include court-ordered monitoring, but no regular monitoring of voluntary remedial plans. FY 82 Operating Plan, 9902. Under OCR's weak followup program, schools in the past sometimes delayed implementation of their remedial plans for years. See, To Ensure Equal Educational Opportunity, pp. 83-84. See, also, FY 82 Operating Plan Comments, pp. 5-6.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES: OFFICE FOR CIVIL RIGHTS

Enforcement Responsibilities

The Department of Health and Human Services' Office for Civil Rights (OCR) is responsible for ensuring compliance with Title VI, Title IX, section 504, and the Age Discrimination Act by 740,000 recipients of department funds, including hospitals, extended care facilities, community mental health centers, alcohol and drug treatment centers, family health centers and clinics, health-related training facilities, State and local public assistance agencies, adoption agencies, foster care homes, day care centers, senior citizen centers, and nutrition programs. 63/ OCR also enforces civil rights requirements in several statutes authorizing specific assistance programs. 64/ In addition, it carries out departmental responsibilities for coordinating age

---

63/ U.S., Department of Health and Human Services, "Justifications of Appropriation Estimates for Committee on Appropriations Fiscal Year 1982," March 1981, p. 84 (hereafter cited as HHS/OCR FY 82 Justifications of Appropriations).

64/ These include the Public Telecommunications Financing Act of 1978, 47 U.S.C. §398 (Supp. III 1979), which prohibits employment discrimination in public broadcasting; the Public Health Service Act of 1970, 42 U.S.C. §295h-9 (1976), which prohibits discrimination on the basis of sex in admissions to health training programs funded under the act; Title VI of the Public Health Service Act of 1975, 42 U.S.C. §291c(e) (1976), which prohibits discrimination in health care services by facilities assisted under the Hill-Burton Act; and scattered sections of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 9735, 95 Stat. 357 (1981), which prohibits discrimination in health care and other block grants administered by the Health and Human Services Department.

discrimination enforcement. 65/

OCR long has needed more staff to meet its responsibilities, 66/ a problem that would be exacerbated by the proposed FY 83 budget. With fewer staff, its constricted compliance review and technical assistance efforts would continue to decline, further reducing its effectiveness in combating systemic discrimination and promoting voluntary compliance.

#### Budget Totals

As table 4 shows, OCR's spending power has declined \$3,270,000 (nearly 17 percent) since mid-FY 80, when this Commission judged it already needed more funds for staff. 67/

The FY 83 budget will not provide the additional funds OCR requires to support an expanded compliance review program or other improvements because the slight increase it proposes over the FY 82 request will be absorbed by rising costs, such as pay increases. 68/

---

65/ 42 U.S.C. §6103(a) (1976 and Supp. III 1979); U.S., Department of Health and Human Services, Departmental Management, Office for Civil Rights, "FY 1983 Budget," undated, p. 115 (hereafter cited as HHS/OCR FY 83 Budget).

66/ See, To Extend Federal Financial Assistance, pp. 129-30; Arthur S. Flemming, Chairman, U.S. Commission on Civil Rights, letter to Birch Bayh, U.S. Senate, Sept. 16, 1980.

67/ Ibid. Spending power would decline nearly 25 percent if Congress enacted OCR's FY 82 budget request.

68/ HHS/OCR FY 83 Budget, p. 117.

TABLE 4

## OCR Budget Totals and Totals in Constant Dollars: 1980-83 (Proposed)

(in thousands of dollars)

---

<u>Fiscal Year</u>	<u>Appropriation a/ (annualized)</u>	<u>In 1980 Constant Dollars</u>
1980 <u>b/</u>	19,651	19,651
1981	17,420	15,923
1982 (Request)	17,063	14,468
1982 (Continuing Resolution)	19,319	16,381
1983 (Request)	19,163	15,144

---

a/ Figures represent what OCR could have spent during a whole fiscal year under each spending ceiling. They include approximately \$2,000,000 transferred from the Social Security trust fund each year.

b/ After the division of the Department of Health, Education, and Welfare.

SOURCES: U.S., Department of Health and Human Services, "Justifications of Appropriation Estimates, Fiscal Year 1982," March 1981 and Departmental Management, Office for Civil Rights, "FY 1983 Budget," undated; Brenda Clinton, management analyst, Office of Administration, OCR, telephone interview, Apr. 28, 1982; Congressional Budget Office, Fiscal Analysis Division.

---

Staffing

In 1966 the Department of Health, Education, and Welfare allocated 500 staff just to assure Title VI compliance by hospitals. 69/ Despite persisting patterns and practices of race discrimination in health care, staff for civil rights enforcement soon was cut back severely. 70/ Since FY 80, as table 5 shows, OCR has had only 590 authorized staff positions for enforcement of all the laws under its jurisdiction in all the various health and social services facilities assisted by departmental funds and has consistently operated below its authorized level. As table 5 also shows, it is scheduled to lose 66 authorized staff positions in FY 82.

The proposed FY 83 budget would keep OCR at the reduced staffing level proposed for FY 82, more than 10 percent below its FY 80 authorized strength.

---

69/ To Extend Federal Financial Assistance, p. 130.

70/ Ibid. For a discussion of discrimination and limited enforcement in health care services, see, statements and responses by Sylvia Drew Ivie, later OCR Director, and Roma Stewart, then OCR Director, in U.S., Commission on Civil Rights, Civil Rights Issues in Health Care Delivery (1980), pp. 29-51 (hereafter cited as Civil Rights Issues in Health Care).

TABLE 5

OCR Full Time, Permanent Staff Positions: 1980-83 (Proposed)

<u>Fiscal Year</u>	<u>Authorized</u>	<u>Actual</u>
1980	590	502
1981	590	496
1982 (Request)	524	___ a/
1982 (Continuing Resolution)	524	479 <u>b/</u>
1983 (Request)	524	___

a/ Data not available.

b/ As of Apr. 3, 1982.

SOURCES: U.S., Department of Health and Human Services, Justifications of Appropriation Estimates for Committee on Appropriations Fiscal Years 1982 and 1983.

### Compliance Reviews

Targeted to significant systemic problems, such as discriminatory admissions and referral practices, OCR's compliance reviews can eliminate barriers to services for large groups of minorities and handicapped

persons. 71/ Its review effort has been restricted, however, and will decline due to lack of staff resources. In FY 81, OCR initiated 149 reviews and still was working on 190 reviews begun in earlier years. 72/ At the end of FY 81, it had completed just over a third of its new reviews and still had over 80 uncompleted reviews dating back to FY 79. 73/

With about 25 percent fewer staff for reviews in FY 82, it plans to begin only 33 new reviews 74/ and, with the staff resources proposed for FY 83, only 30. 75/ The new review effort in FY 83 thus would be only 20 percent what it was in FY 81 and would cover only 0.004 percent of the health and social services programs receiving Department funds.

---

71/ Roma Stewart, "Health Care and Civil Rights," Civil Rights Issues in Health Care, pp. 321-22 (hereafter cited as Stewart Statement); HHS/OCR FY 82 Justifications of Appropriations, p. 87.

72/ U.S., Department of Health and Human Services, Office for Civil Rights, A-11-53 submission (data on Federal civil rights activities) for FY 83 to the Office of Management and Budget (hereafter cited as HHS/OCR A-11-53 Submission).

73/ Bill Todd, management analyst, OCR, telephone interview, Apr. 13, 1982.

74/ HHS/OCR FY 83 Budget, p. 124. This cutback is higher than OCR's overall staff cutback because complaints are absorbing a greater percentage of its staff resources. Ibid., p. 120.

75/ Ibid., p. 124. OCR again expects that a higher percentage of its staff resources will be needed to handle its rising complaints caseload. Ibid., p. 120.



Technical Assistance

Despite evidence that health and social services recipients do not understand their civil rights responsibilities fully, 76/ OCR's technical assistance program has been cut back severely. In FY 81, OCR had 42 technical assistance staff and spent about \$2.5 million on technical assistance contracts. 77/ In FY 82, technical assistance staff have been cut over 20 percent, and OCR has no funds for new contracts. 78/ OCR again anticipates no funds for contracts in FY 83. 79/ Without more than its current resources, OCR will have limited ability to increase awareness of Title VI and other civil rights requirements and, thereby, promote voluntary compliance.

---

76/ For example, the General Accounting Office has found widespread lack of awareness of Title VI requirements. See, U.S., General Accounting Office, Agencies When Providing Federal Financial Assistance Should Ensure Compliance with Title VI (1980), p. 27 (hereafter cited as GAO Title VI Report).

77/ HHS/OCR FY 82 Justifications of Appropriations, p. 85; Steve Melov, budget analyst, Planning and Budget Formulation Branch, OCR, telephone interview, Apr. 22, 1982. The contracts schedule indicates little Title VI technical assistance, however. See, Sylvia Drew Ivie, Director, OCR, memorandum to the Under Secretary, Jan. 14, 1981.

78/ Paul Kretchmar, Director, Office of Technical Assistance, OCR, telephone interview, Apr. 13, 1982. OCR is still funding some technical assistance contracts awarded in previous fiscal years.

79/ Ibid.

## DEPARTMENT OF JUSTICE: CIVIL RIGHTS DIVISION

Enforcement Responsibilities

The Civil Rights Division of the Department of Justice is empowered to enforce all constitutional equal protection guarantees, Federal civil rights laws, and Executive orders. 80/ It has sole responsibility for enforcing constitutional rights and some of the statutes that reinforce them. These include the Voting Rights Act, Federal criminal civil rights provisions of the United States Code, 81/ and the Civil Rights of Institutionalized Persons Act of 1980. 82/ The Division also brings suit to enforce Title VII cases involving public employees, 83/ fair housing cases, 84/ and other types of cases agencies refer to it when they

---

80/ U.S., Department of Justice, Civil Rights Division, "1983 Budget Statement," undated (submitted to Congress to update Department FY 83 budget request), p. 135 (hereafter cited as CRD FY 83 Budget Statement).

81/ See, e.g., 18 U.S.C. §241 (conspiracy against rights of citizens), §242 (deprivation of citizens' rights), §245 (interference with federally-protected rights), §1584 (involuntary servitude) (1976 & Supp. III 1979).

82/ 42 U.S.C.A. §§1997-1997j (1981). This act extends equal protection guarantees to children in detention centers, prisoners, hospitalized mental patients, elderly nursing home residents, and others placed in institutionalized settings.

83/ 42 U.S.C. §2000e-5(f)(1) (1976).

84/ 42 U.S.C. §3613 (1976).

believe litigation would be preferable to other enforcement methods. 85/  
In addition, it is responsible for coordinating enforcement of  
nondiscrimination in federally-assisted programs. 86/

In 1980 this Commission argued that the Civil Rights Division needed  
more staff to carry out its existing responsibilities. 87/ Since then,  
the Division's responsibilities, but not its staff, have been increased  
by statute, Executive order, and growing problems in existing areas of  
its jurisdiction. 88/ In cutting the Division's staff, the proposed

---

85/ Agencies may enforce nondiscrimination in many federally-assisted  
programs by terminating funds or "any other means authorized by law."  
See, e.g., 42 U.S.C. §2000d-1 (1976) (Title VI enforcement provision).  
This provision permits them to refer cases for litigation by the Attorney  
General. See, United States v. Marion County School District, 625 F.2d  
607 (1980). The nondiscrimination requirements of Executive Order 11246  
also may be enforced by case referral. See, 41 C.F.R. Chap. 60 (1980).

86/ Exec. Order No. 12250, 3 C.F.R. 298 (1981). This Executive Order  
superseded Executive Order 11764, 42 U.S.C. §2000d-1 (1976), which  
assigned the Department of Justice more limited responsibilities for  
coordinating Title VI enforcement.

87/ See, Arthur S. Flemming, Chairman, U.S. Commission on Civil Rights,  
written statement submitted in testimony before the Subcommittee on Civil  
and Constitutional Rights of the House Judiciary Committee, Mar. 7, 1980  
(hereafter cited as Commission CRD Testimony); Louis Nunez, Staff  
Director, U.S. Commission on Civil Rights, letter to Birch Bayh,  
Chairman, Subcommittee on the Constitution of the Senate Judiciary  
Committee, June 10, 1980.

88/ For example, the division has had to respond to increased Ku Klux  
Klan activity and several major racial disturbances. CRD FY 83 Budget  
Statement, pp. 138-39.

FY 83 budget would limit investigations and litigation to prevent denials of voting rights, protect minority citizens against hate groups and unfair treatment by public officials, guarantee the civil rights of institutionalized children and adults, and deal with outbreaks of racial violence. 89/ The Division would also be unable to carry out key plans for improving civil rights enforcement in federally-assisted programs.

#### Budget Totals

As table 8 shows, the Civil Rights Division's funding has not kept pace with its increasing responsibilities or inflation.

The proposed FY 83 budget would increase funding for the Civil Rights Division. It nevertheless would leave the division with less spending power than it had in FY 80 and require that funds be stretched further to cover inflating overhead costs, health benefits, and other increases, such as salary costs. 90/

---

89/ According to the Division, "indications are that this [last] type of problem will occur with increasing frequency." Ibid., p. 139.

90/ William Bradford Reynolds III, Assistant Attorney General for Civil Rights, written statement submitted in testimony before the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee, Apr. 5, 1982 (hereafter cited as Reynolds Testimony).

TABLE 8

CRD Budget Totals and Totals in Constant Dollars: 1980-83 (Proposed)

(in thousands of dollars)

<u>Fiscal Year</u>	<u>Appropriation a/ (annualized)</u>	<u>In 1980 Constant Dollars</u>
1980	15,145	15,145
1981	16,515	15,096
1982 (Budget Request)	17,139	14,533
1982 (Continuing Resolution)	16,515	14,004
1983 (Budget Request)	18,822 <u>b/</u>	14,874

a/ Figures represent what the Civil Rights Division could have spent during a whole fiscal year under each spending ceiling.

b/ The Administration's FY 83 budget proposal includes \$1,299,000 for enforcement functions transferred to the Civil Rights Division as part of the reorganization of the Department of Education. U.S., Executive Office of the President, Office of Management and Budget, The Budget of the United States Government, Fiscal Year 1983, Appendix, p. I-N5. The above figure does not include this sum because Civil Rights Division plans do not assume the transfer. Jean Chipouras, budget officer, Department of Justice, telephone interview, Apr. 27, 1982.

SOURCES: U.S., Department of Justice, Civil Rights Division, 1982 and 1983 Budget Statements (submitted to Congress to update Department budget requests); Congressional Budget Office, Fiscal Analysis Division.

Staffing

As table 9 shows, the Civil Rights Division would lose 51 (nearly 12 percent) of its authorized staff positions if Congress adopted its proposed FY 82 budget. As table 9 also shows, the Division already is operating close to this lower level although it has the same number of authorized positions as in FY 80.

TABLE 9

## CRD Full-Time Permanent Staff Positions: 1980-83 (Proposed)

<u>Fiscal Year</u>	<u>Authorized</u>	<u>Actual</u>
1980	436	432
1981	436	436
1982 (Request)	385	436
1982 (Continuing Resolution)	436	390
1983 (Request)	385 <u>a/</u>	---

a/ The Civil Rights Division would receive 23 more full-time equivalent positions to carry out former Department of Education enforcement functions if the Education Department is reorganized into a foundation. U.S., Department of Education, Office for Civil Rights, "Salaries and Expenses," undated (prepared for March 1982 congressional FY 83 budget hearings on OCR's FY 83 budget), p. 303.

SOURCES: U.S., Department of Justice, Civil Rights Division, 1982 and 1983 Budget Statements, undated (submitted to Congress to update Department budget requests).

As noted, the Civil Rights Division needed more staff even before its responsibilities were expanded in FY 80. Its responsibilities already had been increased by broader equal credit requirements and prohibitions against discrimination on the basis of handicap and age, more pending cases of discrimination against public employees, and budget amendments that in effect made litigation the only Federal tool for enforcing school desegregation in cases involving pupil transportation. 91/ The Division also needed more resources to focus on cases involving significant points of civil rights law and systemic problems, particularly in housing, and to improve interagency cooperation and coordination. 92/ To carry out its 1980 expanded authorities for coordinating enforcement in federally-assisted programs and protecting institutionalized persons, the Division estimated it would need 21 additional staff, but received none. 93/ With these same extensive responsibilities, it would have 51 fewer positions under the proposed FY 83 budget.

---

91/ See, Commission CRD Testimony.

92/ See, *ibid.*

93/ U.S., Department of Justice, Civil Rights Division, "1982 Budget Statement," undated (submitted to Congress to update Department FY 82 budget), p. 181 (hereafter cited as CRD FY 82 Budget); CRD FY 83 Budget Statement, p. 134. For Commission staff views that the Civil Rights Division would need a significant increase in staff to carry out its many essential coordinating responsibilities, see, Louis Nunez, Staff Director, U.S. Commission on Civil Rights, letter to William M. Nichols, General Counsel, Office of Management and Budget, Sept. 12, 1980 (hereafter cited as Executive Order 12250 Comments).

Investigations and Litigation

The Civil Rights Division has not been able to investigate important problems under its jurisdiction. For example, under the Voting Rights Act, it has to review for possible discrimination proposed changes in voting laws, practices, or procedures by jurisdictions subject to section 5 of the act. 94/ Although the Division has staff to review the more than 3,000 preclearance requests submitted each year, 95/ it has not developed an adequate program to identify jurisdictions that make changes without submitting them or to enforce the Attorney General's objections when necessary. 96/ As a result, changes in electoral rules that limit minority political participation continue, and private groups must bring suit to enforce voting rights. 97/ No systematic program to

---

94/ 43 U.S.C. §1973c (1976). The act requires covered jurisdictions either to submit proposed changes for Justice Department review or to file suit in the Washington, D.C., Federal District Court for clearance of the changes. Almost all jurisdictions choose the option of submitting proposed changes to the Department.

95/ CRD FY 83 Budget Statement, p. 143; Reynolds Testimony.

96/ See, U.S., Commission on Civil Rights, The Voting Rights Act: Unfulfilled Goals (1981), pp. 256-57 (hereafter cited as Unfulfilled Goals).

97/ Both the Mexican American Legal Defense and Education Fund and the American Civil Liberties Union have sued jurisdictions to enforce compliance with the Voting Rights Act. Ibid., pp. 71-72.



prevent implementation of uncleared changes is planned for FY 83. 98/

Investigations of criminal civil rights violations also have been limited by lack of staff. 99/ While the Civil Rights Division has investigated many complaints of police brutality, it has prosecuted only a small fraction of the cases, in part because such cases demand substantial resources. 100/ Further, the Division has not been able to initiate investigations of widespread violations it believes certain groups are suffering. 101/ Anticipating increased demands on its resources and fewer staff, CRD does not expect to mount a major effort

---

98/ U.S., Department of Justice, Civil Rights Division, A-11-53 submission (data on Federal civil rights activities) for FY 83 to the Office of Management and Budget (hereafter cited as CRD A-11-53 Submission).

99/ Criminal civil rights violations include unfair police treatment of minorities, employment of migrant workers under conditions of involuntary servitude, and harassment of minorities to prevent housing integration. Linda Davis, Deputy Director, Civil Rights Prosecution Section, Civil Rights Division, telephone interview, Apr. 15, 1982 (hereafter cited as Davis Interview).

100/ See, U.S., Commission on Civil Rights, Who Is Guarding the Guardians? A Report on Police Practices (1981), pp. 112-15. The Division receives more than 10,000 complaints of police misconduct a year and prosecutes between 50 and 100. Drew Days III, Assistant Attorney General for Civil Rights, written statement submitted in testimony before U.S. Commission on Civil Rights, Sept. 16, 1980, cited in *ibid*.

101/ The Division cites in particular Hispanics in the Southwest and Far West and migrant workers subject to illegal peonage. CRD A-11-53 Submission. For police abuse and harassment of Hispanics, see, U.S., Commission on Civil Rights, Mexican Americans and the Administration of Justice (1970).

against these violations in FY 83. 102/

When the Civil Rights Division's responsibilities for protecting the civil rights of institutionalized persons were increased, 103/ it received only two additional staff. 104/ Investigations thus far have been limited to violations of the civil rights of mental patients and prisoners. 105/ Believing that large numbers of incarcerated juveniles and institutionalized elderly persons also suffer civil rights violations, the division plans to expand the scope of its investigations and shift two more staff to the program. 106/ Given the number of persons at risk, however, its effort is unlikely to afford them full protection. 107/ Limited investigations in this and other major problem

---

102/ CRD A-11-53 Submission; Davis Interview.

103/ Before the enactment of the Civil Rights of Institutionalized Persons Act, the division could enforce the rights of institutionalized persons only when they were covered by the prohibitions against discrimination because of race, color, religion, or national origin in the Civil Rights Act of 1964.

104/ CRD FY 82 Budget Statement, p. 180; CRD FY 83 Budget Statement, p. 134.

105/ CRD A-11-53 Submission.

106/ Ibid; CRD FY 83 Budget Statement, p. 134.

107/ As of 1980, there were an estimated 435,000 State and local prisoners, 60,000 incarcerated juveniles, and 6,000,000 mentally retarded citizens potentially liable to institutionalization. There are no comparable data on elderly persons in nursing homes, but CRD believes their number is increasing. U.S., Department of Justice, "FY 1981 Authorization Request to Congressional Judiciary Committees," January 1980, p. 17. For patterns of discrimination in nursing homes, see, Stewart Statement, pp. 324-25.

areas, such as racial violence, will necessarily restrict negotiated agreements and litigation to correct violations. 108/

### Coordination

Civil rights enforcement in federally-assisted programs for years has suffered from inadequate coordination. 109/ As of last November, for example, Federal assistance agencies generally had not taken even the first step of publishing regulations to carry out all their enforcement responsibilities. 110/ Fourteen years after the adoption of Title VI, many still did not know which of their activities were covered. 111/ Although the Civil Rights Division now has the authority to improve coordination substantially, 112/ it has lacked staff to carry out key coordination plans. For example, it has not had the resources to develop a Government-wide compliance manual or training programs to ensure

---

108/ As noted, the Division anticipates increasing episodes of racial violence.

109/ See, U.S., Commission on Civil Rights, The Federal Civil Rights Enforcement Effort--1974, vol. VII, To Preserve, Protect, and Defend the Constitution (1977), p. 187; To Extend Federal Financial Assistance, pp. 660-61, 676-89, 699-701, 713-24; Executive Order 12250 Comments. See, also, National Advisory Council on Women's Educational Programs, The Unenforced Law: Title IX Activity by Federal Agencies Other Than HEW (1978); GAO Title VI Report, pp. 10-22.

110/ See, Executive Order 12250 Comments.

111/ See, GAO Title VI Report, pp. 4-7.

112/ For specific improvements in the new coordination order, see, Executive Order 12250 Comments.

consistent enforcement. 113/ It also has not developed standards for cooperative programs with State and local enforcement agencies, as required, or enforcement guidelines for agencies administering block grant programs. 114/ Further, it has had to restrict its evaluation of agencies' enforcement efforts to reviews of their planning documents, 115/ which may not reflect actual performance adequately. Projecting a loss of three staff next year, the coordination unit does not believe it will be able to expand its activities. 116/

---

113/ Ted Nickens, Deputy Chief for Program Compliance, Coordination and Review Section, Civil Rights Division, interview, Mar. 2, 1982 (hereafter cited as Nickens Interview).

114/ Exec. Order 12250 §1-206; Nickens Interview. For the need for uniform standards to assure that State and local agencies involved in Federal enforcement have adequate compliance programs, see, To Extend Federal Financial Assistance, p. 699; Executive Order 12250 Comments.

115/ Ted Nickens, telephone interview, Mar. 18, 1982; Nickens Interview.

116/ Nickens Interview.

## DEPARTMENT OF LABOR: OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

Enforcement Responsibilities

The Office of Federal Contract Compliance Programs (OFCCP) is responsible for enforcing Executive Order 11246, section 503 of the Rehabilitation Act of 1973, and section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, 117/ which together protect more than half the Nation's workers in over 100,000 contractor facilities.

Never adequate to cover this vast universe, 118/ OFCCP's resources have been reduced significantly in FY 82 and would be reduced further by the proposed FY 83 budget. The FY 83 budget request has been written for a simplified, scaled-down enforcement program envisioned in regulatory changes proposed last August, but not yet formally adopted. 119/ Thus, although the agency's program plan projects more overall compliance

---

117/ Section 402 of the Vietnam Era Veterans Readjustment Assistance Act, 38 U.S.C. §2012 (1976 & Supp. III 1979), prohibits discrimination against Vietnam-era veterans and disabled Veterans of all wars.

118/ See, To Eliminate Employment Discrimination, pp. 631, 634; A Sequel, pp. 84-92, 106; Civil Rights Statement, p. 44. See, also, Oversight Hearings on Equal Employment Opportunity and Affirmative Action, Part 1, before the Subcommittee on Employment Opportunities of the House Committee on Education and Labor, 97th Cong., 1st Sess., 1981, p. 296 (testimony of Malcolm Lovell, Under Secretary, Department of Labor) (hereafter cited as Oversight Hearings on EEO and Affirmative Action).

119/ See, 46 Fed. Reg. 42968 (1981).

activity, 120/ it calls for initiating fewer compliance reviews, severely restricting those it does initiate, and eliminating preaward reviews altogether. 121/ With such policy changes, OFCCP may be able to manage with fewer resources, but will have a less effective program for carrying out its enforcement responsibilities.

#### Budget Totals

As table 10 shows, OFCCP's current spending level has dropped \$11.1 million (22 percent) since FY 80. This represents a 34 percent loss in

---

120/ In FY 81, OFCCP completed 9,255 compliance actions. It plans to increase compliance actions to 9,900 in FY 82 and to 10,245 in FY 83. U.S., Department of Labor, Employment Standards Administration, OFCCP, "FY 1983 Budget," undated, p. 24 (hereafter cited as ESA/OFCCP FY 83 Budget). Compliance actions include all the activities OFCCP conducts, including reviews, audits, complaint investigations, monitoring, and technical assistance. OFCCP explains that it will be able to complete more actions with fewer staff primarily through "regulatory reform" and changes in procedures. Ibid., p. 23. On the likely effect of these changes, see, U.S., Commission on Civil Rights, "Staff Comments on Proposed Rule (Affirmative Action Requirements for Government Contractors) Issued by the Department of Labor, Office of Federal Contract Compliance Programs," Oct. 26, 1981 (hereafter cited as Comments on OFCCP 1981 Proposed Regulations).

121/ See, J. Stanley Kelly, Acting Director, Division of Program Analysis, OFCCP, telephone interview, Apr. 7, 1982 (hereafter cited as Kelly Interview); 46 Fed. Reg. 42992 (1981); Craig A. Berrington, Associate Deputy Under Secretary for Employment Standards, testimony before the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the House Appropriations Committee, 97th Cong., 1st Sess., 1981, pp. 680-81 (hereafter cited as Department of Labor 1982 Appropriations Hearing).

actual spending power and a major portion of the cuts the Employment Standards Administration, of which OFCCP is a part, has had to absorb. 122/

TABLE 10

OFCCP Budget Totals and Totals in Constant Dollars: 1980-83 (Proposed)  
(in thousands of dollars)

<u>Fiscal Year</u>	<u>Appropriation a/ (annualized)</u>	<u>In 1980 Constant Dollars</u>
1980	50,962	50,962
1981	49,318	45,080
1982 (Original Request)	48,309	40,963
1982 (Revised Request)	39,289 <u>b/</u>	33,771
1982 (Continuing Resolution)	41,415.	35,117
1983 (Request)	42,614	33,676

a/ Figures represent what OFCCP could have spent during a whole fiscal year under each spending ceiling.

b/ OFCCP is operating at this level, rather than the continuing resolution level, to comply with a presidential directive to reduce FY 82 budget requests by an additional 12 percent. Karen Severn, Director, Division of Budget and Finance for Employment Standards, Department of Labor, interview, Dec. 3, 1981.

SOURCES: U.S., Department of Labor, Employment Standards Administration, Budgets for FY 82 and FY 83, undated; Karen Severn, telephone interview, Dec. 2, 1981; Congressional Budget Office, Fiscal Analysis Division.

122/ Karen Severn, Director, Division of Budget and Finance for Employment Standards, Department of Labor, telephone interview, Apr. 27, 1982.

Although the FY 83 proposal involves a small increase, it would not compensate for inflating overhead costs and other increases, such as salary costs. 123/

Staffing and Other Resources

As table 11 shows, OFCCP's staffing level has dropped markedly since FY 80. The agency has lost 32 percent of its authorized positions and

TABLE 11

OFCCP Full-Time, Permanent Staff Positions: 1980-83 (Proposed)

<u>Fiscal Year</u>	<u>Authorized</u>	<u>Actual</u>
1980	1,482	1,304
1981	1,482	1,283
1982 (Original Request)	1,264	1,183
1982 (Revised Request)	979	1,194
1982 (Continuing Resolution)	1,008	985
1983 (Request)	979	—

SOURCES: OFCCP, "FY 80 Fourth Quarter Review and Analysis Feedback Report;" Oversight Hearings on Equal Employment Opportunity and Affirmative Action, Part 1, before the Subcommittee on Employment Opportunities of the House Committee on Education and Labor, 97th Cong., 1st Sess., 1981; Karen Severn, Director, Division of Budget and Finance for Employment Standards, Department of Labor, interview, Dec. 7, 1981; Ellen Shong, Director, OFCCP, interview, Mar. 26, 1982; J. Griffin Crump, Special Assistant to the Director, OFCCP, telephone interview, Nov. 9, 1981.

---

123/ ESA/OFCCP FY 83 Budget, pp. 22, 26.



voluntarily is operating at an even lower level. 124/ A further 3 percent reduction in authorized positions is proposed for FY 83. This cut would bring OFCCP to 66 percent of its FY 80 authorized staffing strength and, as noted, reflects plans to scale back major enforcement activities.

Under the proposed FY 83 budget, OFCCP also would lack other necessary resources, including a comprehensive management information system. OFCCP long has been hampered by insufficient data to evaluate contractors' compliance, target reviews, track complaints, and determine the status of its own activities. 125/ For FY 81 and FY 82, Congress appropriated \$2.9 million for an integrated and upgraded information system. 126/ Having paid for the design of such a system, OFCCP cancelled a contract to implement it and now is requesting only \$30,000 to complete a simpler system. 127/ This may provide enough data for a

---

124/ OFCCP's director volunteered to assume major funding and staffing reductions in order relieve the need for cuts in other Department of Labor activities. Daily Labor Report, Apr. 5, 1982 (report of speech by Marialice Williams, Acting Assistant to the Director for Civil Rights, Office of Management and Budget, before the Equal Employment Officials Forum, Mar. 30, 1982).

125/ See, To Eliminate Employment Discrimination, pp. 285-88, 665-66; A Sequel, pp. 114-20. See also, U.S., Department of Labor, Employment Standards Administration, Office of Federal Contract Compliance Programs Task Force, "A Preliminary Report on the Revitalization of the Federal Contract Compliance Program," 1977, pp. 75-76 (hereafter cited as OFCCP Task Force Report); WEAL et al.'s Response to Defendants' Supplemental Memorandum in Opposition to Plaintiffs' Motion for an Order to Show Cause, No. 74-1720 (D.D.C. 1981) at n. 6 (citation to deposition by Weldon S. Rougeau, former Director, OFCCP, Apr. 29, 1981).

126/ Department of Labor 1982 Appropriations Hearing, p. 600.

127/ Ibid.; ESA/OFCCP FY 83 Budget, p. 27.

scaled-back program, 128/ but will not indicate the extent of discrimination among Federal contractors or enable OFCCP to assess the effect of its activities on employment opportunities for minorities and women. 129/ The simpler system also will not enable OFCCP to comply with consent decrees involving the development of a comprehensive information system. 130/

---

128/ Since OFCCP plans to reduce the number of contractors required to report employment data and the types of data required, it believes it does not need the comprehensive system developed in FY 81. Charles Pugh, Deputy Director, OFCCP, interview, Feb. 2, 1982 (hereafter cited as Pugh Interview).

129/ For the need for more comprehensive and detailed information than OFCCP plans to collect, see, Comments on OFCCP 1981 Proposed Regulations, pp. 38-41, 51-52.

130/ In 1974 the Women's Equity Action League sued the Department of Labor, as well as the Department of Health, Education, and Welfare, for failing to enforce nondiscrimination on the basis of sex. Under the 1977 consent decree settling this suit, OFCCP agreed to maintain certain employment data, develop a system providing it with comprehensive information on contractors' compliance activities, and provide plaintiffs with regular reports on its enforcement of Executive Order 11246 in higher education. Adams/WEAL Order at 39, 44, 49. The recent WEAL contempt charges included OFCCP, in part for its failure to comply with these requirements. WEAL Contempt Motion at 7, 14. The court found OFCCP in violation of the order but deferred a decision on the contempt motion. Adams Court Findings and Conclusions. Under another consent decree, which settled a suit for failures to enforce affirmative action requirements in the construction industry, OFCCP agreed to develop a management information system that would, among other things, permit better targeting of construction contractors for review. Washington Area Construction Industry Task Force v. Marshall, No. 77-0092 (1977). In opposition to plaintiffs' motion to extend the jurisdiction of the court and modify the order, OFCCP argued that its financial resources were too limited to support development of the required information system. Memorandum of Secretary of Labor in Opposition to Plaintiff Washington Area Construction Industry Task Force Motion to Extend Jurisdiction of Court and to Modify Consent Order, Aug. 6, 1981.

### Compliance Reviews

Unlike other agencies discussed in this report, OFCCP concentrates its resources on compliance reviews. 131/ Although these have proved its most effective enforcement tool, 132/ staff shortages have prolonged them and, hence, limited the number of new reviews begun each year. 133/ Recent and pending policy changes and concomitant staff cutbacks further jeopardize the scope and impact of OFCCP's compliance review program. 134/

Although in FY 81 OFCCP conducted more compliance reviews than in FY 80, it investigated employment practices affecting fewer protected workers, negotiated fewer agreements to correct violations, and obtained

131/ Approximately 80 percent of OFCCP's resources are devoted to compliance reviews. Department of Labor 1982 Appropriations Hearing, p. 707.

132/ See, To Eliminate Employment Discrimination, pp. 303-28. See, also, OFCCP, Quarterly Review and Analysis Feedback Reports for FY 80 and FY 81; Department of Labor 1982 Appropriations Hearing, p. 709. OFCCP's compliance reviews cover 400 times as many workers as its complaint investigations and result in over twice as many remedies. Department of Labor 1982 Appropriations Hearing, p. 678.

133/ Secondary factors cited by OFCCP's regional directors include inexperienced staff and increased complexity of cases. OFCCP Quarterly Review and Analysis Feedback Reports for FY 80 and FY 81; Kelly Interview.

134/ See, Comments on OFCCP 1981 Proposed Regulations.

less relief for victims of discrimination. 135/ This trend toward more limited compliance reviews and results has continued in FY 82. 136/ OFCCP plans few new reviews this fiscal year because most of its resources will have to be used to complete reviews begun in earlier years. 137/ Under its current enforcement policies, the trend toward reduced benefits for protected class workers probably will continue.

In FY 83, OFCCP believes it will be able to initiate more new reviews than in FY 82. Under its new regulatory policies, however, these may not be as effective as past reviews. For example, because the agency plans to exempt more contractors from required annual reports that indicate potential compliance problems, 138/ reviews may not be so well targeted. 139/ They also may be less comprehensive. For example, OFCCP

135/ In FY 80, OFCCP's compliance reviews covered contractors employing some 2.6 million protected class members and resulted in 743 conciliation agreements involving a total of \$9.2 million in back pay for 4,336 victims of discrimination. OFCCP, "Fourth Quarter FY 80 Quarterly Review and Analysis Feedback Report;" James Brown, staff, Office of Civil Rights, Office of Management and Budget, telephone interview, Mar. 10, 1982 (hereafter cited as Brown Interview). In FY 81, compliance reviews covered contractors employing only 1.8 million protected class members and resulted in only 500 conciliation agreements involving \$7.9 million in back pay for 4,754 discrimination victims. FY 83 Special Analysis J., p. 19; Brown Interview.

136/ OFCCP, "First Quarter FY 82 Quarterly Review and Analysis Feedback Report," p. 3.

137/ Kelly Interview.

138/ See, 46 Fed. Reg. 42976 (1981).

139/ For the need for annual reporting requirements, see, To Eliminate Employment Discrimination, pp. 250-51; Comments on OFCCP 1981 Proposed Regulations, pp. 38-41.

might not conduct onsite reviews of contractors with fewer than 500 employees because recent proposals would permit these contractors to develop abbreviated affirmative action plans. 140/ Since abbreviated plans would involve a less thorough work force analysis than now is required, 141/ OFCCP could decide whether they met its requirements without actually examining conditions and practices in contractors' facilities. In addition, OFCCP will review larger contractors less frequently than in the past because its proposed regulations will permit them to develop 5-year plans and exempt them from regular reviews during the period covered. 142/

#### Preaward Reviews

Reviews conducted prior to contract awards help keep the Federal Government from supporting discrimination and, thus, reduce the need for later enforcement proceedings. 143/ They also are one of the most effective enforcement tools because they tend to result in prompt

---

140/ See, 46 Fed. Reg. 42995 (1981).

141/ For example, contractors could conduct their utilization analyses using broad EEO-1 categories, rather than specific job groups, as currently required. For the inadequacy of EEO-1 reports, see, Comments on OFCCP 1981 Proposed Regulations, pp. 38-39.

142/ See, 46 Fed. Reg. 42992 (1981). For Commission staff views that the 5-year proposal does not provide for adequate compliance monitoring, see, Comments on OFCCP 1981 Proposed Regulations, pp. 39-42.

143/ See, Comments on OFCCP 1981 Proposed Regulations, p. 1.

remedies for civil rights violations. 144/ OFCCP nevertheless plans to give up all preaward reviews because it believes it needs all its limited resources for other activities. 145/ This policy change will unbalance its enforcement program and, combined with reduced reporting requirements, limit its ability to target contractors for more intensive postaward compliance reviews. This change also will involve violation of a court-ordered requirement. 146/

#### Complaint Investigations

To focus on compliance reviews, OFCCP has permitted a backlog of complaints to accumulate. 147/ It estimated that, by the beginning of FY 82, it would have 5,000 complaints backlogged. 148/ It nevertheless

---

144/ Ibid., p. 2. See, also, To Ensure Equal Educational Opportunity, pp. 96-97, 360; To Extend Federal Financial Assistance, pp. 239-40. The Department of Labor Special OFCCP Task Force reached similar conclusions. Specifically, it supported pre-award reviews as the best means of ensuring that minorities and women get a fair share of the employment opportunities generated by Federal contracts and noted that "contractors are more amenable to achieving compliance when it becomes the immediate condition of contract award." OFCCP Task Force Report, p. 136.

145/ See, 46 Fed. Reg. 42973 (1981). See, also, Department of Labor 1982 Appropriations Hearing, pp. 680-81.

146/ See, Adams/WEAL Order at 38. See, also, Comments on OFCCP 1981 Proposed Regulations, p. 1.

147/ Department of Labor 1982 Appropriations Hearing, p. 678

148/ Ibid., p. 710. For the connection between this backlog and OFCCP staffing cuts, see, Civil Rights Statement, p. 44.

plans fewer complaint investigations this year than last. 149/ This management decision, necessitated by scarce resources, 150/ prolongs discrimination against individuals entitled to Federal protection. 151/

Although OFCCP expects to reduce its complaints backlog in FY 83, it has no firm, comprehensive plans for achieving this objective. Under current procedures, staff resources needed to resolve complaints consistently have been underestimated. 152/ An expedited complaint procedure, launched experimentally only last fall, 153/ will require evaluation and staff training before it can be adopted nationally. It is not clear, therefore, that OFCCP will be able to provide prompt remedies to individual complainants without diverting staff resources from its already restricted compliance review program. In sum, the proposed FY 83 budget and the new policies it reflects will not provide the authority and resources OFCCP needs to carry out its enforcement responsibilities.

---

149/ OFCCP investigated 2,136 complaints in FY 81 and expects to investigate 1,795 in FY 82. ESA/OFCCP FY 83 Budget, p. 24.

150/ Department of Labor 1982 Appropriations Hearing, p. 678.

151/ For this Commission's view that agencies should not deny individual complainants relief in order to focus on systemic discrimination, see, U.S. Commission on Civil Rights, "Comments on Proposed HEW Consolidated Procedural Rules for Administration and Enforcement of Certain Civil Rights Laws and Authorities," July 1975, p. 1.

152/ See, OFCCP, Quarterly Review and Analysis Feedback Reports for FY 80 and FY 81.

153/ ESA/OFCCP FY 83 Budget, p. 23; Pugh Interview.

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Enforcement Responsibilities

The Equal Employment Opportunity Commission (EEOC) is responsible for enforcing Title VII of the Civil Rights Act of 1964, the Equal Pay Act, the Age Discrimination in Employment Act, and section 501 of the Rehabilitation Act of 1973. 154/ These statutes require most private and public employers, including the Federal Government, to provide equal employment opportunity, and they protect over 17 million minorities, 47 million women, 28 million older workers, and about 140,000 Federal handicapped employees. 155/ EEOC also coordinates all Federal equal employment policies and procedures. 156/

Actual resources to carry out these responsibilities have declined in recent years and will decline further under the proposed FY 83 budget. The resulting cutbacks will retard recent progress toward providing

---

154/ The Equal Pay Act, 29 U.S.C. §206(d) (1976), prohibits discrimination on the basis of sex in compensation.

155/ U.S., Department of Labor, Bureau of Labor Statistics, "The Employment Situation," BLS News, February 1982; U.S., Congress, House of Representatives, Select Committee on Aging, Age Discrimination in Employment: A Growing Problem in America, 97th Cong., 2d sess., Feb. 22, 1982, p. 18; Colleen Daniels, staff, Selective Placement Program, Office of Personnel Management, telephone interview, Apr. 23, 1982.

156/ Reorganization Plan No. 1 of 1978, 3 C.F.R. 321 (1978 Comp.), reprinted in 5 U.S.C. app. at 355 (Supp. III 1979) (hereafter cited as Reorganization Plan No. 1); Exec. Order No. 12067, 3 C.F.R. 206 (1979) (hereafter cited as Executive Order 12067).



complainants with prompt relief, addressing class and systemic discrimination problems, and eliminating inconsistent equal employment requirements. The proposed budget also could limit the work of State and local agencies in eliminating employment discrimination.

### Budget Totals

As table 12 shows, EEOC's current spending power is nearly \$6 million (5 percent) lower than in FY 80.

TABLE 12

EEOC Budget Totals and Totals in Constant Dollars: 1980-83 (Proposed)

(in thousands of dollars)

<u>Fiscal Year</u>	<u>Appropriation a/</u> (annualized)	<u>In 1980 Constant</u> <u>Dollars</u>
1980	124,562	124,562
1981	137,875	126,028
1982 (Budget Request)	140,389	119,041
1982 (Continuing Resolution)	139,889 <u>b/</u>	118,617
1983 (Budget Request)	144,937	114,536

a/ Figures represent what EEOC could spend during a whole fiscal year under each spending ceiling.

b/ This figure does not include a \$4.2 million supplemental appropriation EEOC expects during the fourth quarter of FY 82 because this appropriation has not been enacted. Mary Stringer, supervisory budget analyst, EEOC, telephone interview, Mar. 11, 1982.

SOURCES: EEOC, A-11-53 submission (data on Federal civil rights activities) to the Office of Management and Budget, Jan. 4, 1982; 1983 Budget, February 1982; Congressional Budget Office, Fiscal Analysis Division.

The proposed FY 83 budget would cut EEOC's purchasing power another 3 percent because the slight dollar increase would not compensate for inflation. It also would not cover pay raises the agency may have to absorb. 157/

#### Staffing and Other Resources

As table 13 shows, EEOC's staff resources also have been declining steadily. The agency has lost 461 authorized positions since FY 80 and currently is below its authorized level. 158/ Clerical and field office attorney positions have been affected most heavily, slowing the production of documents and work on legal cases. 159/ In FY 83, EEOC will face an additional 38-position reduction, bringing it to 87 percent of its FY 80 authorized staffing strength.

---

157/ J. Clay Smith, Jr., Acting Chairman, Equal Employment Opportunity Commission, written statement submitted in testimony before the Subcommittee on the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies of the House Appropriations Committee, Feb. 25, 1982 (hereafter cited as Smith 1982 Testimony).

158/ EEOC failed to provide requested information on the reasons for this decline. See, Edgar Morgan, Director, Office of Congressional Affairs, EEOC, letter to John Hope III, Acting Staff Director, U.S. Commission on Civil Rights, May 6, 1982 (hereafter cited as Morgan Letter).

159/ By August 1981, EEOC met its reduced personnel ceiling by eliminating 287 positions through attrition and a reduction in force. Ed Watkins, president, EEOC AFGE Council 26, telephone interview, Mar. 12, 1982; Arnold Torres, president, League of United Latin American Citizens, Mar. 19, 1982 (hereafter cited as Torres Interview).

TABLE 13

## EEOC Full-Time, Permanent Staff Positions 1980-83 (Proposed)

<u>Fiscal Year</u>	<u>Authorized</u>	<u>Actual</u>
1980	3,777	3,433
1981	3,468	3,416
1982 (Request)	3,468	_____ a/
1982 (Continuing Resolution)	3,316	_____ a/
1983 (Request)	3,278	_____

a/ EEOC failed to provide requested data on actual staffing levels. See, Edgar Morgan, Director, Office of Congressional Affairs, EEOC, letter to John Hope III, Acting Staff Director, U.S. Commission on Civil Rights, May 6, 1982.

SOURCES: U.S., Executive Office of the President, Office of Management and Budget, Budget of the United States Government, Fiscal Year 1982, Appendix and Budget of the United States Government, Fiscal Year 1983, Appendix; EEOC, A-11-53 submission (data on Federal civil rights activities) to the Office of Management and Budget, Jan. 4, 1982; "1983 Budget," February 1982.

To absorb rising costs for overhead and personnel, EEOC has had to cut back on other items. 160/ In FY 83, for example, it plans to cut

160/ EEOC, "1983 Budget," February 1982, p. 32 (hereafter cited as EEOC FY 83 Budget); Cathie A. Shattuck, Acting Chair, EEOC, written statement submitted in testimony before the Subcommittee on State, Justice, Commerce, the Judiciary, and Related Agencies of the Senate Appropriations Committee, Apr. 21, 1982 (hereafter cited as Shattuck Testimony).

funding for expert witnesses and other support services for cases in litigation. 161/ Taking inflation into account, funding for collection and processing of data used to target systemic investigations and provide statistical evidence of discrimination also would be reduced. 162/

#### Complaints Processing

For many years, complaints of individual discrimination accumulated at EEOC mainly because of inefficient procedures and poor staff training and management. 163/ Lack of investigative staff also contributed to the problem, however. 164/ Since 1977 eliminating the backlog and processing new complaints more quickly have been EEOC's first priorities. 165/

161/ Funding for litigation support services will be 22 percent below FY 82 levels. Travel funds also will be cut. EEOC FY 83 Budget, p. 32.

162/ EEOC plans to spend \$150,000 annually on systemic support services, such as data processing, in FY 82 and FY 83. EEOC FY 83 Budget, p. 32. Taking the projected inflation rate into account, this would mean a decrease of \$8,670 in actual spending power for these services in FY 83.

163/ See, U.S., Congress, House of Representatives, Subcommittee on Equal Opportunities of the Committee on Education and Labor, Staff Report on Oversight Investigation of Federal Enforcement of Equal Employment Opportunity Laws (1976), pp. 26-27, 41, 45 (hereafter cited as Oversight Investigation of EEO Enforcement).

164/ See, To Eliminate Employment Discrimination, p. 530; Oversight Investigation of EEO Enforcement, pp. 44-45.

165/ In 1977, EEOC streamlined complaint processing procedures and made related managerial and organizational changes. These were the agency's first priorities. See, Eleanor Holmes Norton, Chair, EEOC, written statement submitted in testimony before the Subcommittee on Employment Opportunities of the House Committee on Education and Labor, July 22, 1977. See, also, A Sequel, pp. 212-36.

Managing its responsibilities for individual complaints was a precondition for building a strong program for eliminating systemic discrimination. 166/ With fewer staff, however, controlling the complaints inventories will continue to be EEOC's first priority through FY 83. Consequently, the systemic program still will receive less attention.

In FY 81, EEOC eliminated 85 percent of the Title VII complaints backlog. 167/ Due to the FY 82 budget cuts, however, it decided last year to postpone elimination of the remainder of the backlog from FY 82 to FY 83. 168/ EEOC now expects to have 5,600 complaints filed in 1979 or earlier still awaiting processing in FY 83. 169/

Postponing elimination of the backlog and increasing efficiency through better management and procedures have not enabled EEOC to keep up with its growing caseload. In FY 81, EEOC estimated it would take 6 1/2 months to resolve all the Title VII complaints on hand, except those in the backlog. 170/ With fewer staff, its FY 82 estimate is a month

166/ See, A Sequel, p. 212; EEOC FY 83 Budget, p. 2.

167/ EEOC FY 83 Budget, p. 13. Charges in the backlog are those EEOC has received on or before Jan. 29, 1979, except for those in its Baltimore, Chicago, and Dallas district offices. Backlog charges in these three offices are those received on or before Sept. 27, 1977. EEOC Compliance Manual, Sec. 20-1, Jan. 26, 1979.

168/ J. Clay Smith, Jr., written statement submitted in testimony before the Subcommittee on the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies of The Senate Appropriations Committee, Apr. 8, 1981.

169/ EEOC FY 83 Budget, p. 18.

170/ Smith 1982 Testimony; EEOC FY 83 Budget, p. 17.

longer and its FY 83 estimate still another month longer. 171/ Handling of age discrimination and equal pay complaints also will take longer. For example, despite improved processing procedures, EEOC estimates the time needed to resolve all age discrimination in employment complaints on hand will increase from 7 1/2 months in FY 81 to 8 1/2 months in FY 83. 172/

State and Local Program

EEOC also funds and provides technical assistance to designated State and local fair employment practices (FEP) agencies to support their processing of Title VII and age discrimination in employment complaints. 173/ Funding for contracts with these agencies, which

---

171/ Smith 1982 Testimony; EEOC FY 83 Budget, p. 17. According to one civil rights group, the time between filing and holding a factfinding conference already has increased from a benchmark of 21 days to between 60 and 90 days. Torres Interview.

172/ Smith 1982 Testimony; EEOC FY 83 Budget, p. 19.

173/ Title VII requires EEOC to defer action for a 60 day period on complaints where there is a governing State or local employment discrimination law. Qualified FEP agencies may process the complaints or waive jurisdiction. 42 U.S.C. §2000e5(c) (1976). As interpreted by EEOC and prevailing case law, the Age Discrimination in Employment Act, 29 U.S.C. §633(b) (1976 & Supp. III 1979), requires EEOC also to refer complaints to State FEP agencies that have comparable State laws prohibiting age discrimination in employment. See, 46 Fed. Reg. 9971 (1981) (to be codified at 29 C.F.R. §1626.9). See, also, Oscar Mayer & Co. v. Evans, 441 U.S. 750, 751 (1979).

increased between FY 81 and FY 82, will be reduced slightly in FY 83. 174/ With complaints rising 175/ and less financial support, FEP agencies may waive jurisdiction over deferred complaints, forcing EEOC to absorb them into its own caseload. This could further reduce the resources EEOC will be able to commit to systemic discrimination problems. Similar contract funding to the tribal employment rights organizations also may be affected. Increases in complaints could require these organizations to shift funds to processing and away from technical assistance to promote equal employment opportunity for American Indians.

#### Class and Systemic Activity

EEOC can address systemic discrimination by investigating individual complaints that allege discrimination affecting a whole class and by initiating investigations of broad patterns and practices of discrimination. 176/ Budget cuts have restricted both these activities. In

---

174/ In FY 81, \$17.6 million was obligated for the State and local contracts. In FY 82, contract dollars increased to \$18.5 million. They will be reduced by \$500,000 in FY 83. EEOC FY 83 Budget, pp. 32-33. Taking the projected inflation rate into account, this would mean a \$1.76 million reduction in the actual dollar value of FEP contracts.

175/ In FY 81, FEP agencies received a total of 37,600 complaints. In FY 82 and FY 83, EEOC is projecting total receipts to increase by close to 1,000 annually. Ibid., p. 16.

176/ EEOC can choose whether to investigate charges of class discrimination or process them as individual charges. Under EEOC's section 707 authority, it can initiate and investigate Commissioner charges alleging a broad pattern of discrimination in a nationwide company.

FY 81, EEOC cut back the number of planned class complaint investigations by 13 percent, and it expects to keep them at this lower level in FY 82 and FY 83. 177/ Similarly, EEOC planned for FY 82 only about two-thirds as many pattern and practice charges as it planned for FY 81. 178/ It is unclear whether this trend is expected to continue in FY 83. 179/

As noted, EEOC also will cut back services, such as labor force data processing, that help it target and investigate systemic cases. The cutbacks could restrict EEOC's plans to include in its targets other "employers," such as unions and apprenticeship committees, that have had many discrimination charges filed against them. The cutbacks also may restrict EEOC's ability to develop evidence of system-wide discrimination and, thereby, win relief for classes of victims of discrimination because it needs extensive data to show patterns and practices of discrimination.

---

177/ In FY 80, EEOC planned to investigate 1,100 class complaints. In FY 81, it originally planned to investigate 1,600 and to increase the number to 1650 for FY 82 and FY 83. EEOC, "1982 Budget," March 1981, p. 23 (hereafter cited as EEOC FY 82 Budget). It scaled back its FY 81 plans to 1,389 class complaint investigations and now plans 1,400 each year. These figures include an unspecified number of Commissioner charges of patterns and practices of discrimination. EEOC FY 83 Budget, p. 21.

178/ In FY 81, EEOC planned to initiate 70 Commissioner charges. EEOC FY 82 Budget, p. 28. For FY 82, 45 new charges were planned. Oversight Hearing on EEO and Affirmative Action, p. 321 (testimony of J. Clay Smith, Jr.).

179/ As noted, EEOC refused to discuss issues relating to its proposed budget with Commission staff preparing this report. See, Morgan Letter.



This may be a particular problem because EEOC will concentrate on resolving pending systemic cases in FY 82. 180/ Again, the prospects for FY 83 are unclear. 181/

### Litigation

Litigation sometimes is the only way EEOC can obtain relief for victims of discrimination. 182/ Reduced resources for litigation, therefore, jeopardize EEOC's ability to enforce the laws.

In FY 82 and FY 83 budgetary constraints will restrict litigation and support services, such as expert witnesses, special studies, and data processing. 183/ For example, EEOC expects to approve 14 percent fewer new suits in FY 83 than it approved in FY 81, 184/ even though a rising complaint caseload may indicate a greater need for litigation.

---

180/ See, J. Clay Smith, Jr., "Fiscal Year End Report," as reported in Daily Labor Report, Oct. 13, 1981.

181/ See, Morgan Letter.

182/ For the importance of litigation to enforce civil rights and the need for more resources to support this activity, see, for example, Commission CRD Testimony; Civil Rights Statement, p. 44.

183/ See, EEOC FY 83 Budget, p. 32. As noted, the legal units will have fewer attorneys because attrition and the reduction in force have affected these positions particularly.

184/ In FY 81, EEOC authorized 440 cases; in FY 82, 410. In FY 83 it plans to authorize only 380. Ibid., p. 21.

The agency also may have to reduce the number of suits it actually files in FY 83. 185/ In addition, as noted, reductions in legal staff and support services may reduce its effectiveness in litigation and delay completion of cases. 186/

### Coordination

Lack of coordination among the Federal agencies with equal employment enforcement responsibilities in the past was a main source of the Government's failure to mount an effective attack on employment discrimination. 187/ To correct this problem, coordinating authority was consolidated in EEOC in 1978, and EEOC established an office to carry out its broad coordinating responsibilities. 188/

---

185/ Shattuck Testimony.

186/ At the end of FY 81, the legal units had a total of 873 suits in progress. By the end of FY 82, EEOC expects 930 suits in progress. EEOC, A-11-53 submission (data on Federal civil rights activities) to the Office of Management and Budget, Jan. 4, 1982.

187/ See, To Eliminate Employment Discrimination, pp. 576, 618. For example, agencies refused to share information with one another, conducted overlapping investigations, and used inconsistent standards to evaluate employment practices. *Ibid.*, pp. 576-77. See, also, A Sequel pp. 331-32.

188/ Reorganization Plan No. 1; Executive Order 12067; EEOC, Order No. 110, Chap. 5, May 14, 1979. EEOC's responsibilities include reviewing agency employment regulations, reports, and directives that could affect other agencies and initiating guidelines, standards, and other procedures for reducing duplication, inconsistency, and inefficiency in Federal equal employment enforcement programs. A major deficiency of EEOC's predecessor, the old Equal Employment Opportunity Coordinating Council, was that it was made up of five agencies and had only ad hoc part-time staff. See, To Eliminate Employment Discrimination, pp. 593, 596.

EEOC, however, has not been able to fulfill all its responsibilities. For example, it has gone little beyond preliminary feasibility studies to develop standardized complaint procedures, uniform recordkeeping requirements, and more effective information-sharing systems. 189/ Further, its few initiatives to improve interagency cooperation have been slow to develop. 190/

Lack of staff is among the reasons EEOC has been unable to carry out all its mandated coordination functions. 191/ Since FY 79, authorized positions for coordination have been reduced from 25 to 24. 192/

---

189/ EEOC, Office of Interagency Coordination, Coordination of Federal Equal Employment Opportunity Programs: July 1, 1979 - June 30, 1981 (1981), pp. 33-35; Management Plan Report, 1st Quarter FY 82, Jan. 7, 1982, pp. 16, 18, 30.

190/ For example, an EEOC Memorandum of Understanding with the Department of Labor's Office of Federal Contract Compliance Programs on joint compliance activity, first developed in 1974, was not revised until 1980 and still has not been implemented. For concerns raised by this delay, see, Louis Nunez, Staff Director, U.S. Commission on Civil Rights, letter to Eleanor Holmes Norton, Chair, EEOC, Dec. 11, 1980; Arthur S. Flemming, Chairman, U.S. Commission on Civil Rights, letter to Cathie A. Shattuck, Acting Chair, EEOC, Mar. 24, 1982.

191/ Other contributing factors may be policy decisions, complexity of issues, and inefficiency.

192/ EEOC, "Recruitment Report," Aug. 8, 1979. Data on current coordination office staffing in Commission files.

Staffing for coordination will be reduced by another four positions in FY 83. 193/ As a result, EEOC may take longer to respond to agencies' requests for reviews of proposed employment regulations and other issuances, 194/ and work on major initiatives to reduce duplication and inconsistency will likely be further delayed.

---

193/ EEOC, "Responses to Additional Questions," submitted to the Subcommittee on State, Justice, Commerce, the Judiciary, and Related Agencies of the House Appropriations Committee, Mar. 3, 1982, p. 1.

194/ Ibid.

## CONCLUSION

Last year this Commission warned that the proposed FY 82 budgets for major civil rights enforcement agencies could produce so much less actual spending power as to jeopardize recent steps toward improving enforcement, perpetuate continuing deficiencies, and signal a diminished Federal commitment to equal opportunity guarantees, despite historic and constitutional obligations. 195/ It is now clear that this retrogressive trend is underway, and the FY 83 proposed budget would accelerate it. 196/

Although increased efficiency in complaints processing has occurred, agencies have cut back on activities that more effectively prevent and resolve major civil rights violations. Reductions in compliance reviews and other activities that eliminate systemic discrimination are a particular concern. The Offices for Civil Rights in the Departments of Education and Health and Human Services, for example, both plan to initiate fewer new reviews. OFCCP also plans fewer new reviews and will restrict them to fewer types of Federal contractors. EEOC is cutting back investigations of both class complaints and nationwide "patterns and practices" of discrimination.

---

195/ Civil Rights Statement, pp. 41-42, 47.

196/ Overall, the five key agencies discussed in this report would be left with \$51.3 million less spending power and 1,630 fewer authorized staff positions than they had at the beginning of FY 80.

Civil rights enforcement officials, as well as this Commission, agree that activities targeted at systemic discrimination, such as compliance reviews, are more effective and equitable enforcement mechanisms than investigations of individual complaints. They identify a greater number of serious violations, produce relief for more victims of discrimination, protect the rights of victims who do not know how to file complaints or fear reprisal for doing so, and limit the need for expensive private suits to enforce the Nation's civil rights laws. Systemic enforcement activities also have a deterrent effect and, thus, stimulate voluntary compliance. In this respect, any significant decrease in resources for these activities contradicts a major objective of the administration's stated civil rights enforcement policy. 197/

Other activities that promote voluntary compliance also face major cutbacks. The Department of Education's Office for Civil Rights, for example, plans to cut funding for technical assistance contracts by 90 percent this fiscal year and expects no funds for such contracts next year. The comparable office in the Department of Health and Human Services already has eliminated technical assistance contracts and, at the same time, cut its own technical assistance staff. Reduced EEOC contract funds also may limit technical assistance. Further, the cutbacks all three agencies foresee may limit State and local participation

---

197/ See, FY 83 Special Analysis J, p. 13.

in the Federal civil rights enforcement effort, again contradicting the administration's stated enforcement objectives. 198/

Finally, agencies will remain unable to carry out their responsibilities for coordinating Federal enforcement. Executive Order 12250 is new, and the Justice Department is just issuing procedures that, it is hoped, will result for the first time in effective Government-wide enforcement of prohibitions of discrimination in the expenditure of Federal funds. Executive Order 12067, also relatively new, shows promise of contributing to the same desired result with respect to equal employment enforcement. Limits on these coordination activities will delay elimination of duplicative and inconsistent efforts that waste scarce enforcement resources and unduly burden those who must comply with Federal civil rights laws. This too would undermine the administration's stated enforcement policy and retard recent progress toward eliminating problems this Commission and the administration have identified. 199/

The proposed FY 83 budget projects an increasingly passive role for Federal civil rights enforcement agencies. To some extent, as has been shown with regard to OFCCP, this growing passivity is a policy preference rather than an approach dictated by declining resources. In any event,

---

198/ See, *ibid.*

199/ See, for example, To Eliminate Employment Discrimination, pp. 576-77, 618; To Extend Federal Financial Assistance, pp. 660-61, 676-89, 699-701, 713-24; A Sequel, pp. 331-32; Executive Order 12250 Comments. See, also, FY 83 Special Analysis J. pp. 4, 11-12, 20.

the proposed FY 83 budget would support neither critical enforcement activities nor the administration's own stated civil rights enforcement objectives. Moreover, the resource cuts for these activities would do little to advance the administration's fiscal objectives because spending for Federal civil rights enforcement is a miniscule part of the Federal budget. The larger issue, however, is how much more it ultimately will cost the Nation if we fail to end civil rights deprivations now.

Unresolved civil rights problems of great magnitude persist. This Commission recently has found, for example, that many minority children continue to be denied the benefits of desegregated education. 200/ Minorities, women, and handicapped persons are still denied training for many specialized careers, screened out of jobs by unfair selection procedures, poorly represented by some labor unions, 201/ inequitably paid, 202/ and otherwise denied equal employment opportunity. Minorities are still not assured equal access to credit programs that could save their farms. 203/ Rights to participate in our political

---

200/ See, U.S., Commission on Civil Rights, With All Deliberate Speed: 1954-19?? (1981), pp. 31-34, 39-44.

201/ See, U.S., Commission on Civil Rights, Nonreferral Unions and Equal Employment Opportunity (1982).

202/ See, U.S., Commission on Civil Rights, Social Indicators of Equality for Minorities and Women (1978). See, also, U.S., Department of Labor, Bureau of Labor Statistics, News, "1981 Weekly Earnings of Men and Women Compared in 100 Occupations", Mar. 7, 1982.

203/ See, U.S. Commission on Civil Rights, The Decline of Black Farming in America (1982).



system 204/ and to enjoy other everyday benefits of our society without discrimination are still denied. In sum, serious gaps in employment opportunities, income, housing, education, and access to political processes still separate minorities, women, and other protected groups from the mainstream of American society. These problems will remain, and the victims of such wrongs will be less likely to obtain prompt and effective relief under the policies the proposed budget reflects.

In this context, the proposed FY 83 budget is a new low point in a disturbing trend of declining support for civil rights enforcement that, unless halted, could leave our Federal civil rights laws little more than devalued pieces of paper. To enforce the Civil War Amendments, Congress created these laws, and the President took an oath to execute them. It is up to both to require that they be enforced and to ensure that adequate resources are directed to that end. Congress' response to the proposed new enforcement budget may well constitute a decisive moment in this Nation's struggle to ensure equal rights for all its citizens.

---

204/ See, Unfulfilled Goals. The administration also believes that problems hindering minority participation in the electoral process still require enforcement of Voting Act remedies. See, The White House, Office of Public Affairs, The Reagan Presidency, A Review of the First Year, 1981, undated, p. 75.

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

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300

BULK RATE  
POSTAGE AND FEES PAID  
U.S. COMMISSION ON CIVIL RIGHTS  
PERMIT NO. G73

