Civil Rights Developments in Rhode Island, 1982

March 1983

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Preface

This is the third annual report on civil rights developments issued by the Rhode Island Advisory Committee to the U.S. Commission on Civil Rights. Past reports covered a broad range of issues generally subsumed under the term civil rights. Such an approach relied on breadth rather than depth to describe the status of civil rights in Rhode Island.

This year the Advisory Committee is limiting the number of topics, but covering them in greater detail, though brief discussions of national developments and of other State and local developments and a review of two Advisory Committee projects are included. As in the past, a disclaimer is in order: this report does not presume to be a comprehensive analysis of the topics under discussion but seeks instead to provide a sense of how the issues have emerged and approached resolution during 1982. Nor does the Committee claim that these are the most important matters before the State. The issues chosen for this report are:

* police-community relations in the City of Providence, highlighted by the denial of the city's appeal to withhold hearing officer records;

* the official Federal designation of the Narragansetts as a tribe for the first time in American history; and

* the decision by the U.S. District court that the Rhode Island Public Transit Authority must comply with "504" regulations which require the provision of services to handicapped riders.

These issues were selected based on certain milestones reached during the year and will be discussed in terms of their implications for the future. Because of their complexity and ongoing nature, the discussion is designed to be informative rather than evaluative. The views of the contending parties are presented where possible with the hope of providing the public with a better understanding of the issues. The Advisory Committee trusts the report can serve as the basis for continued discussion, for, as becomes apparent in the report, controversy often escalates into court action in part because of a breakdown of communication.

CIVIL RIGHTS DEVELOPMENTS IN RHODE ISLAND, 1982

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I. OVERVIEW OF DEVELOPMENTS

National Developments

On the national level, 1982 was a disquieting year for civil rights advocates. Progress that had been made in employment opportunity for minorities and women was eroded, both by increasing unemployment, as well as by funding cutbacks for civil rights enforcement. In addition, many of the industries hardest hit by the recession were those that employed large numbers of minorities and women.

NAACP President Benjamin Hooks warned that if "joblessness continues to soar or remains relatively high...we will find ourselves with a group of people in their middle 20s who have never had a job...A new kind of culture of despair will develop."

Concerned about the reduction in funding of Federal civil rights enforcement agencies, the U.S. Commission on Civil Rights warned in its June report, The Federal Civil Rights Enforcement Budget: FY 1983, that the problems will remain and the victims will be less likely to obtain relief. The proposed budget, said the Commission, contains 25 percent less spending power for civil rights enforcement than in FY 1980, amounting to .07 percent of the total budget. Such a reduced expenditure means "an increasingly passive role for Federal civil rights enforcement agencies" and could retard and possibly reverse civil rights progress.

Last year the Advisory Committee noted the concern of national civil rights groups with the actual and anticipated budget cuts and changes in the funding structure for social programs on the State level. This year questions of enforcement predominated. Early in 1982 the U.S. Commission on Civil Rights wrote the President expressing opposition to efforts by Congress and the Administration to weaken Federal equal educational opportunity enforcement, including legislation to prevent the Federal government and the courts from requiring remedies for illegal segregation; the Department of Education's acceptance of inadequate higher education desegregation plans; and the effort to grant tax exemptions to racially discriminatory schools.

A Statement of the United States Commission on Civil Rights on School Desegregation (December 1982), reviewed nearly 30 years of legislative, judicial and executive action following the landmark 1954 Brown v. Board of Education decision. The Commission noted that "although this administration expresses support for school desegregation, its statements and actions indicated otherwise," and that "a renewal of the Nation's commitment to equal protection of the laws is needed so that the promise of Brown will not long remain unfulfilled."

With regard to mandatory busing the Commission observed on November 17 that the issue was resolved by the Supreme Court more than a decade ago, and that the effort of the U.S. Department of Justice to eliminate transportation as a remedy for unconstitutional school segregation reopens old wounds.

The Commission released the results of two studies of employment issues during 1982. The first study, Nonreferral Unions and Equal Employment Opportunity (March 1982), included a survey conducted by the Commission which examined the role of labor unions in the job advancement of minorities and women. Among its findings: "minority and female workers represented by unions had lower average earnings and worked in less well-paid occupations than white men." Several months later the Commission published a related report, Unemployment and Underemployment Among Blacks, Hispanics and Women (November 1982). This study was designed to determine whether disparity existed and whether any such disparities were "explained" by demographic factors or social characteristics. The report notes that:

> "determination of discrimination requires a knowledge of behavior, motivations, and patterns that caused the statistical disparities...[However] The data in this report have not shown how much if any, of the disparities may be due to...discrimination: What the data in this report have shown is that improvement in the overall health of the economy and in the education or skill levels of blacks, Hispanics, and women lead in some cases to the reduction of the disparities, but not to their elimination.

In addition, civil rights groups fought successfully for extension of the Voting rights Act and against its weakening; objected to the deterioration of the Department of Housing and Urban Development's fair housing effort; protested the Administration's apparent disinterest in pursuing sex and age discrimination cases; and denounced the reduction in social welfare programs which serve low-income families, a disproportionately large number of whom are being minority.

Rhode Island Developments

Demographics

Rhode Island conforms with some national trends and departs from others. As was reported last year, the 1980 Census showed the State's minority population of six percent was growing while the State's overall population declined during the 1970s. The report also noted that more detailed data were expected during 1982 and more detail is, in fact, available. Table I below presents the

population characteristics of the State in comparison to the New England region and the Nation as a whole. It should be noted that the State far exceeds both the region and Nation in the foreign-born and non-English-speaking categories.

Data also became available on education and income of the State's residents. For instance, 20.4 percent of the State's white population has only an elementary school education, while 16.4 percent of the State's black population is in such status. The State's black population compares favorably with the Nation's black population (27.7 percent) in this limited education category, while more of Rhode Island's white population is in it than is nationwide (16.6 percent). Rhode Islanders who have some high school exceed the national percentage: 51.6 percent of the State's white population (versus 50.2 nationwide) and 56.2 percent of the black population (versus 50.6 nationwide) have attended some high school (this category includes those who have graduated). And while fewer of the State's whites (28.1 percent) than for the Nation (33.2 percent) have attended some college, the State's black population (27.4 percent) far exceeds the national black percentage (21.2 percent).

Population Characteristics in the New England Region

Population (%)	White (%)	Black (%)	Spanish (%)	Asian (%)	Foreign Born (%)	Non Englis Speaking (%
226,545,805 (100)	189,079,281 (83.5)	26,504,985 (11.7)	14,588,876 (6.4)	3,697,542 (1.6)	13,956,077 (6.2)	22,972,410 (10.1)
3,107,576 (100)	2,807,784 (90.4)	217,433 (7.0)	124,016 (4.0)	23,574 (0.7)	263,886 (8.5)	416,482 (13.4)
1,124,660 (100)	1,113,648 (99.0)	3,128 (0.3)	5,125 (0.5)	3,122 (0.3)	43,296 (3.8)	119,492 (10.6)
5,737,037 (100)	5,391,867 (94.0)	221,279 (3.9)	140,085 (2.4)	51,352 (0.9)	483,223 (8.4)	700,496 (12.2)
920,610 (100)	910,982 (99.0)	5,463 (0.4)	5,463 (0.6)	3,394 (0.4)	38,594 (4.2)	88,073 (9.6)
947,154 (100)	899,366 (95.0)	27,737 (2.9)	19,619 (2.1)	6,532 (0.7)	83,051 (8.8)	147,372 (15.6)
511,456 (100)	507,366 (99.0)	1,135 (0.2)	3,299 (0.6)	1,461 (0.3)	21,231 (4.2)	32,545 (6.4)
12,348,493 (100)	11,631,013 (94.2)	474,702 (3.8)	297,607 (2.4)	89,435 (0.7)	933,281 (7.6)	1,504,460 (12.2)
5.5	6.2	1.8	2.0	2.4	7.0	6.5

f U.S.

The median annual income for blacks in Rhode Island is $12,547 and represents 63.8 percent of the median white income of $19,673. On the national level blacks earn only 60.5 percent of white income. Although blacks compare favorably in terms of median income, the State's blacks experience greater poverty as well. Census data show that 21.6 percent of the State's black and 5.8 percent of its white residents have incomes below $5,000 For both groups this is slightly higher than the national figures of 19.4 percent for blacks and 5.5 percent for whites. In terms of the percentage of persons below the official poverty line, 32.5 percent of blacks and 9.2 percent of whites are in this status. In this instance whites are lower than the national 9.4 percent while blacks are higher than the national 30.2 percent.

In terms of employment, Rhode Island followed the national pattern. The seasonally adjusted unemployment rate for Rhode Island in December 1982 was 11.4 percent, up from a rate of 7.9 percent for December 1981, and figures released by the Federal Reserve indicate the State's unemployment rate of 9.5 percent for the year (up from 7.5 percent for 1981) was the same as that for the Nation and the New England region. Although Department of Employment Security unemployment figures for the year broken down by race and sex are not yet available, if the pattern which has emerged in the past holds, these figures should be around 14 percent for blacks, and 12.7 percent for women. These estimates assume, of course, that surges in unemployment affect all persons and groups equally and they project the relationships between total figures currently available and minority group figures based on last year's ratio. This very assumption is questionable, however, in light of suggestions that minority groups and women suffer disproportionately from accelerating unemployment and recession. The U.S. Commission on Civil Rights summarized its analysis of unemployment in the 1970s in Unemployment and Underemployment as follows:

> ...although the employment position of each group is responsive to changes over the 10-year period, Hispanics, blacks and women are more adversely affected than majority males. Relatively more minority men and minority women experienced unemployment during recessionary periods...(and) during recovery years when the economy is expanding, rates of blacks and Hispanics remain disproportionately high.

Women's Rights

One of the major events of 1982 was the death of the national Equal Rights Amendment and in anticipation of this event an equal rights amendment was introduced in the Rhode Island legislature. The legislation, which stated simply that "equality of rights under the law within the State of Rhode Island shall not be denied or abridged because of sex, race, color, creed or national origin," never reached the floor of the General Assembly. Rather, it died in

committee on the final day of the session. Supporters of the measure, especially women's rights groups, warned that candidates in the 1982 election would be scrutinized for their positions regarding the legislation. The Rhode Island Coalition for an Equal Rights Amendment was formed to redraft the amendment and establish widespread support for its passage in the 1983 session. The coalition has spent considerable time drafting new language and several versions of the amendment will be considered in the new session, including one supported by the coalition.

Late in the year, Rhode Island produced an unusual case when the records of the State's Rape Crisis Center were subpoenaed by the defense in a rape case. In order to protect the privacy and confidentiality of clients, the director of the center refused to release the records. She was found in contempt of court and served several hours in jail before the victim in the case agreed to release the records. Shortly after release from jail, the director supervised the destruction of the center's records to protect them from future subpoenas. The General Assembly will consider legislation in 1983 which would add the center's records to other health-related records whose confidentiality is protected.

Political Participation

In addition to the passage of the Voting Rights Act, the national political picture was dominated by the 1982 Congressional election, and the shift in the political alignment within the Congress. Of interest to the civil rights community is the fact that the 98th Congress will include 32 minority group members (21 black and 11 Hispanic) and 21 women, up from 25 minorities and 16 women in the 97th Congress.

Across the Nation, women in State legislatures increased from 12 to 14 percent and, although the Rhode Island Senate election was postponed because of reapportionment problems, in the House 13 women (an increase of 9 from the previous session) and the two minority members were re-elected. In addition to the increase in the number of women in the General Assembly, voters in the State elected a woman to serve as Secretary of State, gave considerable support to a woman's candidacy for the Attorney General, and returned the 2nd District's female representative for a second term in Congress.

Perhaps the most riveting issue to arise in Rhode Island during 1982 was the reapportionment of the General Assembly. The redistricting occurrred to adjust the distribution of the 100 representatives and 50 senators to reflect the population shifts determined by the 1980 census. The reapportionment process began with the formation of the Reapportionment Commission by the General Assembly. The Commission, formed by statute and composed of legislators from both houses, was "to draft and report an act to reapportion the General Assembly...on or before January 15, 1982."

During a forum co-sponsored by the Advisory Committee and five other organizations late in 1981, a member of the Reapportionment Commission pledged to the audience that the process would be punctual, open and fair. When the original deadline passed in January, 1982, questions arose about the pledge of punctuality, but most Rhode Islanders assumed that the process would be completed by the end of the 1982 session of the General Assembly.

In February the six sponsors of the forum wrote the chair of the Reapportionment Commission citing eight points which seemed to compromise the openness and fairness of the process. The letter charged that "much of the Commission's work has been done in secret, with little meaningful information available to the public," and expressed the fear that "the timing of the submission of the final plan, moving ever-closer to the end of the legislative session, may produce another crisis for the State."

Although a plan was submitted and passed by the Assembly before the end of the 1982 session, its fairness and legality were challenged in court on several grounds. One of the central issues in the case was whether the plan as passed would have the effect of diminishing the impact of a group of black voters in the east side of Providence. The year closed with the issue still in the courts and Rhode Island the only State in the Nation which had to postpone an election because of pending litigation.

Education

For several years controversy has surrounded local, State and Federal commitment to bilingual education. In Rhode Island several local school boards had been found in violation of Federal regulations and had been threatened with cut-off of funds. As the Federal budget has tightened, attention to enforcement of these regulations has apparently loosened. Early in the year, the head of the Rhode Island Department of Education's Office of Civil Rights reported that the Federal guidelines with which several jurisdictions were struggling to comply were no longer being enforced by the U.S. Department of Education's Office of Civil Rights.

The changes in Federal guidelines were aimed at returning autonomy for setting education policy to the States and local school boards. In February a bill which addressed the "Education of Limited-English Proficient Students" was introduced and passed the General Assembly. It contained the following "Declaration of Policy":

> The Rhode Island State constitution recognizes the diffusion of knowledge as essential to the preservation of the rights and liberties of all the people, and places the responsibility on the General Assembly to promote public schools and to adopt all means deemed

> necessary and proper to secure to the people the advantages and opportunities of education. As this responsibility relates to limited-English proficient students, the State asserts that such students shall be provided with appropriate programs and services which will make their educational opportunities equal to their English dominant peers. Programs or services developed by local schools must, at the very least, provide for the attainment of English language proficiency and academic achievement.

The bill also gives the Board of Regents for elementary and secondary education the charge to establish regulations for implementing the law, establishes a formula for determining the level of State financial contribution, and establishes a State Advisory Council.

Response to Hate Group Activity

At the conclusion of its 1981 report, the Advisory Committee indicated it was "interested in evaluating responses, proposed and in effect, to hate group activities, including the role, function and accountability of the Terrorist [Extremist] Suppression Team" (TST). The Advisory Committee conducted a mini-forum in March, slightly more than a year after a similar event. Participants in the 1982 forum included: Steven Brown, Executive Director of the Rhode Island Affiliate of the ACLU; the Reverend Paul Gillespie, Chair of the Rhode Island Coalition Against Bigotry (RICAB); Sanford Gorodetsky, Providence Commissioner on Public Safety; and Senator Richard Licht, Chair of the State Commission on Racial, Religious and Ethnic Harassment. The forum was intended to develop information on the level of hate group activity in the State and the response of State leaders to such activity.

During the forum there was no mention of the number of incidents which had occurred. A check by Advisory Committee members and staff indicated that the level of activity seemed to be declining after its surge in the winter of 1979-80.

The apparent consensus with regard to the decline of activity was not shared by Commissioner Gorodetsky who informed the committee that a recent rise in activity had led to doubling the size of TST from two to four members. At a Leadership Conference sponsored by RICAB in November to prepare people to respond to hate group activity a member of TST stated that his unit had investigated 45 reports in 1982 and that this figure was twice the number in 1981. According to Commissioner Gorodetsky, there were 13 incidents between January 1 and October 26, 1982, compared to 5 incidents in 1981. The second annual report of the State Commission on Racial, Religious and Ethnic Harassment noted passage of new legislation and discussed plans to work with RICAB, but did not include data on any incidents.

The concern of the committee was to assess whether TST is the most effective vehicle to deal with the problem. According to Commissioner Gorodetsky TST was formed to "isolate" the investigation of a "resurgence of activities by groups designed to limit the exercise of rights by groups and individuals on the basis of race, creed, color and national origin, by means of forceful extortion and terror" (from General Order 30 of the Providence Police Department which created TST). Is TST allocating its time to this effort or is it involved in other activities? Commissioner Gorodetsky reported that "it is difficult to account for the police unit's time with high degree of certainty," but he did estimate that "sixty percent of the unit's time is spent on hate groups or racially and ethnically motivated incidents." Col. Mancuso of the Providence Police Department reaffirmed his belief that the unit makes an important contribution to both the department and the fight against hate groups and indicated that the majority of the unit's time was spent investigating specific incidents.

Commission on Human Rights

Late in 1981 the Rhode Island Commission on Human Rights issued a statement that budget cuts would have "significant impact upon the civil rights of racial minorities, women, older workers and the handicapped" in Rhode Island. The statement was issued by James R. Warrick, Jr., executive director of the Rhode Island Commission. The death of Jack Warrick was one of the most devastating blows to the cause of civil and human rights in Rhode Island. His participation as an official and concerned member of the community assured that the consequences of State action on the citizens of Rhode Island would not pass unnoticed.

It will be impossible to replace Jack Warrick's personal contribution to the State of Rhode Island. The Advisory Committee hopes the considerable delay in filling the position of executive director will result in the choice of a successor capable of leading the Commission with a similar commitment.

II. POLICE-COMMUNITY RELATIONS IN PROVIDENCE

During its September 1980 consultation on the status of civil rights in Rhode Island, the Advisory Committee heard representatives from several organizations describe police brutality against blacks in Providence as the most pressing civil rights issue. A former employee of the Providence Human Relations Commission described a study he had conducted of 107 "abuse cases" filed with the Providence Police Department between 1978 and 1980 as demonstrating a pattern of discriminatory conduct.

Shortly after the consultation, a Brown University newspaper, The Rake, filed an open records request with the police department to review the final reports for all cases since the department established procedures for review under a 1973 consent decree settling a case brought by the Coalition of Black Leadership. The department did not respond to the request and on March 31, 1981, the paper filed suit under the open-records law against Commissioner of Public Safety Gorodetsky to obtain the information.

The department claimed that certain police investigatory matters were exempt from the open records law, and that the information constituted part of personnel records, also exempted. On August 1, 1981, Justice Dominic Cresto of Providence Superior Court rejected the department's defense and found that to withhold this information defeated the very purpose of the open records statute. He stated that "argument that the final report of the hearing officer is manifestly private flies in the face of the very purpose of the consent decree itself." The judge also found that:

> . . .with respect to the right of privacy of the police officers and the complainants involved...This court sees no need to include the names of the police officers or complainants involved in the report.

The Judge ordered that the final reports of the hearing officer be made available to the public and "access given to The Rake for their legitimate purposes" and that the reports include the action taken by the Chief of Police pursuant to the hearing officer's report.

The court ordered the department to comply with The Rake's request within 10 days of the entry of judgment. For several months beyond the limits set by the decision, the department failed to comply. It was not until January 1982, that the department requested and was granted a stay by the Supreme Court pending appeal. On December 3, 1982, the Supreme Court denied the department's appeal and ordered compliance with the terms of the original decision.

During the 16 months between the Superior Court's decision and the denial of the appeal, the department itself has undergone

several changes. In May, 1981, Colonel Anthony Mancuso was appointed Chief of Police. The new chief issued several general orders within days of assuming the post, including an order which reviewed State laws and department regulations pertaining to the use of force. Although the order basically reaffirms the State's "fleeing felon" statute, it commits to writing several points to be used to determine "a standard of reasonableness." The new chief also issued orders defining acceptable "deportment" by officers and forming the Terrorist [Extremist] Suppression Team. (The word "extremist" was dropped from the name of the unit in 1982).

As followup to its consultation, several Advisory Committee members met with Colonel Mancuso, and the Chief agreed to provide the Committee with annual summaries of Internal Affairs Unit cases. Last year's report included rough data on complaints filed with the unit and the department has provided these data again this year, allowing a comparison.

Complaints Filed with Internal Affairs

	1981*	1982
Officially Withdrawn	12(13)	20
Hearings - Officer Guilty	2(2)	2
Hearings - Officer Not Guilty	1(18)	21
Hearings - Not Guilty Complainant No-Show	4(5)	3
Dropped - (Directed at Civilian)	1(1)	-
Still Pending	19( )	9
TOTAL	39	55

*The parenthetical figures show the revised 1981 figures when previously pending cases are added.

The data provided by the Department for 1982 show an increase in the number of complaints. Despite this increase, only two officers were found guilty, the same number as the year before, while more than half the cases were either withdrawn or are still pending. Of those cases which led to the scheduling of a hearing, over 80 percent of the officers charged were found not guilty. The rise in the number of complaints could be attributed to increasing public awareness of the procedures for filing complaints, confidence that complaints will be investigated, or a rise in objectionable practices.

Last year's report noted that almost half the complaints filed were still pending, and the lower number of pending complaints for

1982 is encouraging. All of the 19 cases carried over from 1981 have been resolved. Of the 19, one was officially withdrawn, 17 resulted in findings of not guilty by hearing officers, and one resulted in a not guilty finding as the result of "no show."

Both Thomas Martin of the Providence Human Relations Commission and Sgt. Johnny Cooke, director of the Bureau of Internal Affairs, agree that the time for investigation is within the one month allowed and that disposition is usually forthcoming within two months of the filing of complaints. According to Sgt. Cooke, those nine cases listed as pending at the close of 1982 have all been investigated by his unit and sent to the personnel department for action. Such cases fall into three categories: those which have not yet had a hearing; those awaiting additional evidence; and those awaiting final decision by Col. Mancuso. In providing these data Col. Mancuso also reported that "of the 55 total complaints investigated by Internal Affairs, 11 were filed by minorities of Hispanic or Black origin."

Although these data in no way satisfy the open records request at the basis of the Rake case, the willingness of the Chief to supply these figures and his participation in the Human Relations Commission Task Force bode well for improving police-community relations. The department has been supplying the Human Relations Commission with monthly figures on complaints and dispositions and has agreed with several recommendations of the task force including:

1. Neutral location for hearings on citizen complaints.

2. Forwarding all complaints received by Internal Affairs to the Human Relations Commission.

3. Providing written instructions on procedures leading up to hearings to every complainant.

4. Review prior to the hearing by complainants and/or their attorney of all statements, including those of the accused officers.

Steven Brown, Executive Director of the Rhode Island ACLU, offered a qualified, but positive assessment of the changes which have taken place in the department. "Leaving aside The Rake and TST," Brown said, "Things are better. There is certainly much more of an attempt by leadership to reach out to the community, to listen to complaints and try to deal with them." Brown noted that it remains necessary "to examine what is going on with police brutality. The complaint data, he observed, are hard to interpret "without more detail. Assuming that it could be demonstrated that the hearings themselves follow fair procedures, what are the complaints for? What sort of disciplinary actions are being taken?" Brown also raised questions about the complaints that were

officially withdrawn: "How many of these complaints are withdrawn by complainants who themselves face charges?" Brown noted that the ACLU was participating in the Human Relations Commission task force and that the task force was "certainly an appropriate vehicle for raising these questions."

Thomas Martin, Executive Director of the Providence Human Relations Commission, also noted that the departmental leadership was engaged in a "reorganization that seems like an honest attempt to bring the Providence Police Department closer to the community and provide better services." He also noted that there has not yet been revealed "a full outline of the chief's plan...but so many things have to go on faith and good will. There have been substantial changes in the department and an apparent openness to suggestions from the community."

An important accomplishment of the task force was the removal of complaint hearings from police headquarters to a more neutral site, and the stipulation that only officers involved in the incident under investigation were to be present. The Providence Human Relations Commission and other groups had found that despite efforts by the department's leadership, members of the minority community of Providence continued to doubt the effects of changes on the street. Such fears may be related to the large number of complaints officially withdrawn, as complainants may have been uncomfortable pressing their cases in what was perceived as hostile territory.

Looking to the future, Martin noted that "a major effort should concentrate on bringing more minorities into the department." Martin echoed a common finding by the U.S. Commission on Civil Rights and other organizations when he noted that the presence of more minority officers might "build more faith and give the police department more credibility." Martin noted that while the Urban League's Test Strategy Center, endorsed by the city, had prepared a record number of applicants for the most recent police academy examination, the small number of minorities qualifying was particularly disappointing.

On balance, then, the apparent resolution of the Rake case, combined with the efficient processing of complaints by Internal Affairs and the dialogue facilitated through the Human Relations Commission's task force bode well for continuing improvement in police-community relations in the the city of Providence. Early in 1983 Col. Mancuso again shifted personnel as part of an additional reorganization. Plans are under way with the Community Relations Service of the U.S. Department of Justice to conduct a statewide conference for high-ranking police officials and there is the possibility of additional training in human relations for police officers.

Although the Rake case has been decided and the paper has been granted access to the records, the cost of labor and material for

duplicating the materials has been estimated at $500 by the Police Department. The police department is understandably reluctant to make the expenditure and is required by the court only to make the records available.

The Advisory Committee believes the City Council should appropriate the funds to duplicate the records and place them on file at the Providence Human Relations Commission, available to the public. Though the Commission is a city agency, its record as a facilitator of police-community relations makes it a reasonable choice. The cost to the city of such an arrangement is minimal and serves to inform the public that the city takes seriously the decision and the open records law on which it was based.

III. NARRAGANSETT TRIBAL RECOGNITION*

> Pursuant to 25 CFR 83.9(h) notice is hereby given that the Assistant Secretary acknowledges that the Narragansett Indian Tribe. . .exists as an Indian tribe.

This item appeared in the February 10, 1983, Federal Register and was the final step in the granting of recognition by the Federal government of the tribal claims of the Narragansett Indians. This item, which must seem absurd to the thousands of tribal members who, as the Register also noted, can "trace to at least one ancestor on the membership lists of the Narragansett community prepared after the 1880 Rhode Island 'detribalization' act." Yet absurd as it might seem, this simple sentence represents the end of a long struggle by the Narragansett for recognition by the Federal government.

The word "Narragansett" may mean to some a local beer or refer to the large multi-fingered bay which knifes through Rhode Island and adds to its uniqueness. Although Rhode Islanders may have a sense that Narragansett, like Illinois, Massachusetts, Omaha, Utah, Dakota, and Ottawa, names a group of people who inhabited the land before there were States, many Rhode Islanders know little of the continued survival of the group.

While Neal Peirce's sensitive and perceptive treatment of the State's history in his The New England States devotes several pages to a discussion of "ethnics," it makes "lovely Narragansett Bay" a more prominent factor than his brief allusion to the Narragansett tribe under the heading "Rhode Island's other Worlds," Peirce writes:

> The South County includes the great swamp, a 2,600 acre morass where flora and fauna are protected against man-made enroachment. The swamp witnessed a bloody battle of King Philip's War in 1675, when Rhode Island's early settlers attacked the Narragansett Indians and their allies, killing some 600 and virtually annihilating the once-powerful Narragansetts. Not far from the swamp is the thriving town of Kingston, home of the University of Rhode Island, and the Gilbert Stuart birthplace at Saunderstown. Surprisingly, Rhode Island has four ski areas, and two of them are in this region.

*For a discussion of the historical relationship between Native Americans and the U.S. Government, see Indian Tribes: A Continuing Quest for Survival, a report of the U. S. Commission on Civil Rights.

What Peirce's account of the 1675 massacre leaves out is that the remaining Narragansett and less powerful Niantics merged to form what has become the current group. It took legislative action in 1880 to accomplish what physical force had not. A century later, the majority of the nearly 3,000 persons who identified themselves as Indian in the 1980 Rhode Island census were Narragansett.

Until the Federal government acknowledged the Narragansett tribe, it had no formal relationship with the tribe: "Guardianship" of the tribe was transferred from the British Crown to the colony of Rhode Island in 1709, long before the United States became an independent government. In 1880 the State legislature enacted the "detribalization act" which "dissolved" the Narragansett tribe and removed it from state guardianship aa well. Like the Federal government's policy of this period, the Rhode Island action of dissolving the tribe was justified as a means of facilitating the assimilation of tribal members into American society. In 1887 Congress passed the General Allotment Act or Dawes Act which alloted acreage to individuals and families as "a means of further civilizing Indians by converting them from a communal land system to a system of individual land ownership."

During the era of the Indian Recorganization Act of 1934 (IRA), known as the New Deal for Indians, the Narragansetts sought tribal recognition from the Federal government. The IRA retained an implicit emphasis on assimilation, but sought to accomplish it in a different way. As the U.S. Commission on Civil Rights reported in Indian Tribes: A Continuing Quest for Survival:

> Federal policy would ultimately favor restoration of some measure of tribal self-government and tribal resources. The strategy was to use tribal culture and institutions as transitional devices for the complete assimilation of Indian life into dominant white society. . .[The] act essentially provided for an end to allotment, for measures to restore Indian land bases, and for establishment of a revolving credit fund to promote economic development.

Although the IRA and the Meriam report on which it was based recognized the obvious social, cultural and psychological implications of this forced dissolution, this peculiar invisibility, the Narragansetts were unable to obtain recognition and hence remained outside the reforms and assistance provided. As part of its drive for recognition, however, the tribe did renew its formal organization and has been implicitly recognized by the State since 1934.

Rhode Island's dissolution of the Narragansetts in the 19th century, was, in many respects, far ahead of the national trends of actual "termination" initiated in the post-World War II era. Under this official Federal policy, tribes which had been recognized by

the Federal government were terminated, based on the theory "that some tribes were sufficiently acculturated." Once again, this Federal policy did not directly affect the Narragansetts because the U.S. goverment still had not acknowledged the tribe's existence. The State's action earlier in the decade reflected the extent to which such thinking characterized attitudes toward Indians.

The termination phase of U.S.-Indian relations did not affect the Narragansetts so much as what the Commission called "self-determination: Post-1965." It was during these years that first the Johnson, and later the Nixon, administrations rejected "termination." In a general atmosphere of increased awareness of civil rights, a resurgence of Indian activism occurred together with the increased public awarness of Indian rights. The Narragansett became much more visible in the State and participated in several coalitions which formed in the late Sixties and early Seventies among Eastern tribes.

The split between intent and effect of government policies which pervades so many civil rights issues also characterizes the history of governmental action toward Indians. Whether or not the intent of State and Federal action is to promote the very debatable outcome of "assimilation," the effect of centuries of such attempts has been the removal of considerable resources from the control of indigenous peoples. During the termination phase, for example, "some 133 separate bills were introduced in Congress to permit the transfer of trust land from Indian ownership to non-Indian ownership." In Rhode island, this process was accomplished with a single legislative act over a century ago.

In 1974 when a group proposed developing several tracts of land in South County, traditionally associated with the tribe, the Narragansetts went to court to enjoin such development. Although the suit was spurred in part by a similar suit brought by the Passamaquoddy tribe in Maine, the effort was the culmination of a decade of increasing activity among the Narragansett. The action was based on the Indian Trade and Intercourse Act of 1790 which prohibited "any land transactions with any 'Indian nation or tribe of Indians' without the participation of the United States." The tribe alleged that its dissolution in 1880 and removal of land from tribal control violated this act, because the Federal government never consented to these actions, and therefore the impending development was illegal. After several years the tribe, represented by Tom Tureen in conjunction with the Native American Rights Fund, reached a settlement with the Federal government and other defendants.

Some 3,200 acres of land traditionally associated with the tribe were in dispute, and the settlement restored approximately 1,800 acres. The land is a mixture of cedar swamp and immersed land which has been a source of sustenance and hunting for the tribe in the past. Although there were some members who were reluctant to

settle, a vote by the tribe in favor of settlement represented a rough consensus that it was time to remove the issue from the courts, and it represented a victory of sorts. There was also a sense that the immediate threat of development had been resolved and even more important to the tribe was the belief that the settlement opened the door for a successful bid for Federal recognition.

Actual transfer of title has been delayed pending development of a formal plan for the future of the land in conjunction with the Rhode Island Statewide Planning Council. To date implementation of the tribe's land claim settlement remains clouded, though the adjacent acreage not included in the settlement was available for sale now that Indian claims have been withdrawn.

Concern has grown among the tribe that perhaps the settlement was premature. Problems have arisen for tribal members who own private land bordering the tribal lands and who now find themselves engaged in title disputes. There are reports that the land records for Charlestown and the surrounding area are in such dissarray that though Indian claims have been removed, title and boundary confusion remains. Tribe members also note that though the land is contiguous, it is quite irregular in shape.

Despite these concerns, however, the tribe recognizes that the settlement is final and shortly after the settlement was reached, turned its attention to obtaining Federal recognition. While the land claims settlement opened the way for a successful drive for recognition, the road was uncharted. Though general criteria for recognition were established by the U.S. Department of Interior, there are no guidelines specifying exactly what evidence must be submitted in order to meet these standards. In the four years between the land claims settlement and official notification of the Secretary of Interior's recognition in August 1982, the Narragansetts compiled a 15-volume petition which drew upon historical and cultural evidence to establish that the group did, in fact, represent a continuance of the tribe from its 1880 dissolution. The documentation included census data, minutes and records of meetings, newspaper articles and statements from legislative and executive officials of the state, and extensive geneological documentation.

The Federal Acknowledgement Project of the Department of the Interior is the agency charged with receiving the recognition petitions, and the Narragansetts were the first tribe to apply for recognition. According to Tureen, though there are no specific guidelines, the process "is working well and has done a good job." On the other hand, while the petition did represent a considerable effort, the recognition process also introduced some elements of discord among the tribe. For several years following the settlement fragmentation developed, mainly over policy and procedural differences between tribal administrative officials and members. These differences seem to be drawing toward resolution and most

tribal members welcomed the past summer's notice of recognition.

The State of Rhode Island has also moved to provide formal recognition and has sought clarification from the tribe on a number of matters concerning the nature of State-tribe relations. To date the tribe has failed to respond, believing that Federal recognition diminishes the need for official State recognition. Under current procedures the State's role as mediator and funnel of Federal funds has been replaced by a direct relationship between tribes and the Federal government. Paulla Jennings, director of the Rhode Island Commission on Indian Affairs, has noted that problems have emerged in Maine with the State withdrawing or diminishing certain funds or services in light of direct Federal assistance to tribes.

At the present time several matters clearly remain unresolved. In addition to State recognition, the final plan by the Statewide Planning Council has yet to be produced. Several individual title claims remain in doubt and the beginning of development in lands adjacent to tribal land has created some concern and disruption of traditional traffic flow and road access.

State officials continue to meet with tribal members and 1983 should produce considerable progress. Again, a pattern often noted repeats itself: the key element in the progress is improved and continued dialogue. It may be that the creation of a task force charged with studying the entire range of "second generation" land claims settlement issues and implications of Federal recognition on State and local policy is in order. Short of such a task force, the Advisory Committee is willing to provide a forum for the discussion of these and other issues during the year and welcomes the opportunity to do so.

IV. PUBLIC TRANSIT AND THE HANDICAPPED*

Two years after suit was filed by the Rhode Island Handicapped Action Committee and the Paraplegia Association of Rhode Island to prevent the Rhode Island Public Transit Authority from purchasing new buses that were not equipped to transport the handicapped, U.S. District Court Judge Raymond J. Pettine issued a decision on September 20, 1982, concluding that:

> . . . plaintiffs are entitled to relief under section 504 of the Rehabilitation Act. As to the purchase of the 42 buses, the Federal defendants have indicated their willingness to let these buses be equipped with wheelchair lifts. Therefore, judgment will be entered for the Federal defendants on all claims.
>
> The Court also holds that defendants Rhode Island Statewide Planning Program and Statewide Planning Council are entitled to a judgment in their favor. Although these organizations have perhaps been less than zealous in planning for the transportation needs of handicapped persons, the Court has not found that these defendants violated the law. Further, these agencies are not responsible for the procurement policies of RIPTA. Judgment will be entered in their favor.
>
> Defendant RIDOT is a large State agency which, among other things, is in charge of RIPTA. Therefore, judgment must be entered both against RIDOT and RIPTA.

As relief, the judge ordered Rhode Island Department of Transportation (RIDOT) and the Rhode Island Public Transit Authority (RIPTA):

> 1) to purchase 42 buses with wheelchair lifts and two wheelchair bays;
>
> 2) to maintain no more than a 15 percent reserve ratio for its lift-equipped buses;
>
> 3) to provide a locking mechanism which will secure electric wheelchair users;
>
> 4) to provide meaningful wheelchair accessible bus service on weekends and in the evenings; and
>
> 5) to repair the kneeling features on all its buses within 90 days of this opinion.

*For a discussion of the broad issue, see The Rights of Physically Handicapped People by Kent Hull, published by Avon Books.

RIPTA has appealed the ruling and like the other issues discussed in this report, the resolution reached during 1982 was not final. Also like the other issues discussed in this report, Judge Pettine's decision, indeed the very suit itself, resulted from a lengthy process. Because the appeal is still pending and because the case could hold considerable significance nationwide, the discussion here will be confined to features of the process which led up to the suit and a clarification of the issues raised.

In preparation for its 1980 consultation on the status of civil rights in Rhode Island, the Advisory Committee surveyed civil rights groups to determine current and developing issues. The Committee received its strongest response from organizations concerned with the rights and needs of the handicapped. While persons with disabilities have been a vital part of American life, it is only over the past decade that such persons have organized and begun to promote recognition of their rights to "equal protection under the law." The response from these Rhode Island organizations suggests how well organized this segment of the State's population has become and the extent to which their fight for civil rights coincides with traditional concerns of equal opportunity.

During the consultation, Bob Cooper, then president of the Rhode Island Handicapped Action Committee (RIHAC) and currently executive secretary of the Rhode Island Governor's Committee on the Employment of the Handicapped (RIGCEH), told the Committee:

> As of tomorrow, October 1 (1980), the Rhode Island Public Transit Authority (RIPTA) will open its bids on buses that will last at least twelve years. These buses will not allow semi-ambulatory impaired persons to board and could place the one person in a wheelchair in a life-threatening situation.

Cooper announced that his organization would seek relief in Federal Court and indeed, weeks later RIHAC and the Paraplegia Association of Rhode Island sought an injunction to block the RIPTA purchase. The two organizations charged that RIPTA, the U.S. Department of Transportation (DOT), and its Urban Mass Transportation Authority (UMTA) had violated the Urban Mass Transportation Act, Section 504 of the Rehabilitation Act of 1973 and "applicable Federal regulations." The original complaint charged that

> the local defendants, by applying for and accepting and/or planning to accept Federal funds for the public transportation system in the State of Rhode Island without planning, designing and operating said system and its facilities and equipment so as to insure effective utilization by the mobility handicapped have violated the rights of the plaintiffs. . .

The background for understanding the issues involved in the decision includes a 10-year history of Federal developments beginning with the passage of the Rehabilitation Act of 1973. Section 504 of that legislation reads:

> No otherwise qualified handicapped individual in the United States [as defined by the Act] shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The language and intent of the legislation are modelled after other civil rights laws, particularly Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race and national origin in programs receiving Federal funds and Title IX of the Education Amendments of 1972 which prohibits discrimination based on sex in education programs receiving Federal assistance. Section 504 was originally hailed by handicapped and civil rights organizations as a massive accomplishment, but the promulgation of regulations to implement the law was left to individual executive branch agencies, and the agencies were very slow in developing regulations. Particularly disappointing and subject to criticism were the Department of Health, Education, and Welfare (HEW) and its Office for Civil Rights. HEW was responsible for developing its own regulations as well as guidelines for other agencies. UMTA was also criticized for its delayed promulgation of regulations under Section 504 and under the Urban Mass Transportation Act which also required tha handicapped persons be provided access to public transportation.

Although HEW did not announce its regulations until the spring of 1977, and its guidelines for other agencies until January, 1978, UMTA issued regulations directed toward the needs of handicapped transit users in April 1976, which required that: State and local authorities make "special efforts in planning public mass transportation facilities and services that can be utilized by elderly and handicapped persons; . . . that the annual element of the transportation improvements program. . . submitted after September 30, 1976, contains project elements designed to benefit elderly and handicapped persons, specifically including wheelchair users and those with semiambulatory capabilities; and after September 30, 1977, reasonable progress has been demonstrated in implementing previously programmed projects." UMTA also issued an appendix which provided general guidance on the meaning of "special efforts" in planning. However, these regulations were withdrawn after HEW issued its guidelines for other Federal agencies in 1978 and in 1979 were replaced with more exacting and stringent requirements.

In addition to these UMTA documents, HEW's regulations included the following commentary to guide conformity with 504:

> There is overwhelming evidence that in the past many handicapped persons have been excluded from programs entirely, or denied equal treatment, simply because they are handicapped. But eliminating such gross exclusions and denials of equal treatment is not sufficient to assure genuine equal opportunity. In drafting a regulation to prohibit exclusion and discrimination, it became clear that different or special treatment of handicapped persons, because of their handicaps, may be necessary in a number of contexts in order to ensure equal opportunity. Thus, for example, it is meaningless to "admit" a handicapped person in a wheelchair to a program if the program is offered only on the third floor of a walk-up building. Nor is one providing an equal educational opportunity to a deaf child by admitting him or her to a classroom but providing no means for the child to understand the teacher or receive instruction.

Final UMTA 504 regulations were promulgated in May 1979 and these regulations required that at least 50 percent of the buses in service during peak operating hours be accessible to persons in wheel chairs by July 1982. The American Public Transit Association (APTA) filed suit in U.S. District Court in the District of Columbia (APTA v. Goldschmidt), charging that UMTA's final regulations exceeded the authority given by the Rehabilitation Act, the Urban Mass Transportation Act and the Federal Aid-Highway Act of 1973 (another act cited by UMTA as authority for its 1979 regulations). In February 1980, the court upheld the regulations. APTA appealed the decision and the Court of Appeals for the District of Columbia Circuit overturned the lower court's decision in May 1981, finding that the regulations exceeded anti-discrimination provisions of section 504. However, the appellate court remanded the case to the District Court to determine whether the 1979 regulations were justified under the authority of the Urban Mass Transit Act or Federal Highway Aid Act.

Shortly after the decision a member of the new administration remarked that "our reading is that although such statutes [as UMTA] might authorize such regulations, they do not require them." (Handicapped Requirements Handbook, Supp. 32, July, 1981, p. 2) In July 1981, new "interim final" regulations were published. Under these latest regulations the UMTA again required only that state and local transit authorities demonstrate "special effort" to meet the needs of handicapped riders. Although no specific guidelines were issued for demonstrating these efforts, local authorities were required to receive certification of making such efforts in order to receive Federal funds.

According to a Government Accounting Office Report published in July 1982, all 84 of the Nation's public transit systems had filed for and received certification that they were making special efforts. The report also found:

* about 48 percent of they systems contacted currently offered regularly scheduled service using lift-equipped buses or intend to start such service during 1982;

* only 4 of the 14 rail systems currently have a significant portion of their stations accessible to the handicapped;

* since the accessibility requirements were removed by DOT, only 30 of the 83 bus systems and 6 of the 14 rail systems still intend to reach the level of accessibility previously required (prior to publication of interim regulations.)

The RIPTA case has developed against this backdrop of national developments and must be understood in reference to such. The following account can be understood as an informal case study of the effects of these changes on a local authority.

A lift-bus committee was formed in 1977 to conform to the 1976 regulation's mandate to establish a sufficient "level of effort" by transportation systems. The committee was comprised of State transportation officials and representatives of the handicapped and other community groups. The group met several times and established a set of priorities for the provision of transportation and established the routes for 19 buses contracted for purchase in 1978 equipped with rear door access and two wheelchair bays.

In August of 1979, following promulgation of UMTA's 1979 regulations, the committee met to evaluate the services provided by the 19 buses. The committee noted a general problem of awareness and encouraged the passage of a bill by the General Assembly which established a "companion fare" at a reduced rate for riders assisting persons using wheelchairs on buses.

In October 1979, the committee met as the "Handibus Committee" to develop the a 504 transition plan. The Statewide Planning Council was required to ensure that 504 regulations were implemented and RIPTA agreed to have the committee develop a plan. Members of the committee sought to include a formal evaluation of the plan, but RIPTA agreed only to the development of the proposal.

In April, 1980, RIPTA presented its proposed plan to the committee and public for comment. The plan did not include an evaluation and was presented just 30 days prior to the deadline for its submission to the Department of Transportation. On April 30, RIPTA announced a public hearing for May 21. Over 70 persons attended the hearing, conducted at the State House. Edward Schroeder, the Chair of RIGCEH, offered a detailed critique of the plan, stressing its failure to incorporate sufficient input and evaluation by community representatives. RIPTA general manager Eileen Cioe claimed that the transit authority's plan was in compliance with the regulation, expressed a concern that

overattention to underutilized handicapped facilities might amount to "reverse discrimination." RIGCEH urged the Statewide Planning Council to modify the RIPTA proposal and after some modifications were made the transition plan was submitted to the Department of Transportation.

In October 1980, RIPTA placed the order for 43 buses referred to by Cooper. At the same time RIPTA offered its first count of ridership on the specially equipped buses already in service: slightly over 500 "rides" were reported to have boarded and disembarked at the central bus stop at Kennedy Plaza in downtown Providence. Some members of the Handibus committee were not pleased with the method used in determining this count and requested that drivers log in each time the special facilities were used. RIPTA agreed to this request.

Although the injunction sought in the suit filed in Federal District Court in Rhode Island by RIHAC and the other plaintiffs was not granted, an agreement was reached that if the court ruled in favor of the plaintiffs, RIPTA would have the buses retrofitted with a second wheel-chair bay and any other modifications ruled in order. Shortly after UMTA's final regulations were overturned by the Court of Appeals , RIPTA filed an amendment to its transition plan and announced its decision to purchase an additional 37 buses not equipped with lifts. Again, the plaintiffs sought a restraining order to enjoin the purchase and again an agreement was reached that would allow construction of the buses to proceed up to the point that retrofitting would be required. General Motors, producers of the buses, estimated that such a "point of no return" would occur on September 22, 1982.

The decision in the case came on September 20, 1982. In the meantime, RIPTA had taken delivery of the original 43 buses almost a year earlier and Judge Pettine's decision involved only the second order of 37 buses plus five newly ordered articulated buses.

Judge Pettine's decision is being appealed before a three-judge appeals panel in Boston and final resolution of the case remains in doubt. Officials at RIPTA are understandably reluctant to discuss particulars of the case prior to such resolution. William Trevitt, current general manager of the authority, did provide some general comments and contributed to establishing the facts covered in this account. He remarked that "RIPTA is serving the population of the state," and added that "there is a segment of the population we may never be able to serve." He noted the informal count of ridership as evidence that the services are not in high demand, although he also emphasized that the notion of "mass transit" may not be as appropriate as developing a more comprehensive para-transit system able to provide specific services. He cited the elderly ride system which serves about 30,000 persons as an example. According to Trevitt, RIPTA currently has some 53 accessible buses but ridership has not increased. He also noted that RIPTA is expending 46 percent

of its Federal "operating subsidy" on the handicapped and this far exceeds the required 3 percent.

Cooper repeated the concern that RIPTA has not maintained its early good faith effort to ensure participation of Rhode Islanders with limited mobility in the design of services. Cooper and others acknowledge that a comprehensive system combining para-transit and mass transit would be optimal and he notes that one of the early goals of the lift-bus committee was to develop a "feeder" system and that the early meetings established a set of priorities for fixed routes which would emphasize, in descending order of importance: treatment, vocational needs, employment, shopping and pleasure. Cooper expressed concern that RIPTA has not developed an accurate and systematic method of assessing its services and had shied away from doing so in developing its mandated transition plan.

Along with the litigants, the remainder of the state, and transit authorities across the land, the Advisory Committee awaits the decision of the appeal. The Committee recognizes that Judge Pettine's decision is under appeal and could be overturned yet feels that discussion of this complex issue is important. The Committee also believes that it is another case study in a breakdown in communication. Both sides, in fact, agree that such a breakdown occurred and is the root cause of the prolonged court battle.

At this point there are important legal issues at stake, and the process will have to run its course. Regardless of outcome of the appeal, the Committee believes that there is a need to create a permanent forum to ensure that such a communication lapse is not repeated. There are currently proposals to amend enabling legislation to provide membership on the transit authority board for representatives of the elderly and handicapped. Forming a permanent "Handibus Committee" or its equivalent is another possibility. The legislative and executive branches of State government should act quickly and decisively to establish some forum. The lesson for the State is one which has been repeated in several other areas of civil rights: although communication does not ensure agreement, its absence clearly prevents cooperation. While agreement cannot be legislated, dialogue can be stipulated as the expected norm.

There are indications that the litigants are interested and willing to re-establish dialogue. Shortly after Judge Pettine's decision, the newly appointed director of the State's Department of Transportation convened a meeting with the RIPTA, RIGCEH and other parties from the community. This meeting has not been followed up, however, pending the outcome of a study by the Statewide Planning Council on the plausibility of merging public and para-transit within the state. The planning group has been holding hearings on transportation of the elderly and handicapped for over a year and its draft recommendation suggests that responsibility for providing transportation for the elderly and handicapped be merged within RIPTA. Again, prudent as it may be to await the outcome of this

reorganization, the Committee believes that it is precisely under such conditions of uncertainty that the need for a permanent dialogue is most apparent.

V. PROSPECTUS

This report has concentrated on developments in three areas which reached important turning points in 1982. Yet aspects of each issue remain unresolved. As was emphasized throughout the report, one of the most important factors in determining the prospects for 1983 and beyond is the extent to which involved parties continue to engage in constructive dialogue, and the Committee hopes that this report will stimulate such dialogue. Further developments in each area are expected during 1983.

As the demographic data show, the State continues to exhibit disparities of income and employment between black and white workers. Yet the State shows considerable progress in closing gaps in educational achievement. These two trends suggest the failure to provide employment opportunities which utilize and reward the full potential of all persons. Despite the fact that the State is suffering from the same economic stress as the Nation, the Advisory Committee believes that the private and public sectors within the State are capable of improving the job opportunities and life chances of all citizens including its minorities, women, and handicapped, and encourages both sectors to dedicate themselves to such improvement.

As the demographic data also suggest, the State has a much larger proportion of foreign-born and non-English-speaking residents than the Nation at large. According to the 1980 census the Asian and Hispanic populations grew by 184 and 183 percent, respectively, between 1970 and 1980. This means that the provision of educational and employment opportunities for these newest Rhode Islanders will continue to present a challenge to policymakers and deliverers of services.

Across the Nation, some 17 states have added some form of equal rights amendment to their State Constitutions and the Rhode Island General Assembly will be challenged to give a full hearing to the various proposals for such an amendment which will be presented during its 1983 session.

The Advisory Committee will complete its study of the 1982 reapportionment process and issue its report in 1983; the assembly will do well to evaluate its own performance. Although the next count is seven years away, the tardiness and ineptness with which the State conducted the last two redistrictings suggest that it is not too soon to plan for 1990. The Committee urges the Governor, who has attempted to preserve some distance from this controversy, to provide leadership in developing a more workable and reliable process.

It is also imperative that the Governor appoint a director for the State's Commission for Human Rights and appoint members to his

Commission for Minority Affairs. That Commission was established by an Executive Order which the Governor claimed was in recognition of "concerns common to persons from the State's minority community." Had such a commission existed in 1982, it is possible that some of the communication breakdowns documented in this report might have been avoided or their effects diminished. Certainly the speedy appointment of the commission can serve to establish new lines of communication and may prevent a repetition of similar breakdowns in 1983.

The cooperation between RICAB and the State Commission on Racial, Religious and Ethnic Harassment should be of great benefit in combatting any resurgence of such harassment which might occur in 1983. Virtually every concerned group in the State is involved with one or the other of these organizations, making them the most likely repositories for, and means of dissemination of, data on hate group incidents. Given the difficulties determining the scope of such activities over the past few years, the Advisory Committee encourages the two organizations to make data collection an important priority.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

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

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105 (c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters which the Advisory Committee has studied; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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