

USCCCR

A SUMMARY REPORT OCTOBER 1988

*Civil
Rights
Issues
in
Arkansas*

*Arkansas Advisory Committee
to the U.S. Commission on
Civil Rights*

*This summary report of the Arkansas
Advisory Committee to the United
States Commission on Civil Rights
was prepared for the information
and consideration of the*

*Commission. Statements and
viewpoints in the report should not
be attributed to the Commission or
to the Advisory Committee, but only
to individual participants in the*

*community forum where the
information was gathered.*

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957 and reestablished by the Civil Rights Commission Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice; investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the laws; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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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 and section 6(c) of the Civil Rights Commission Act of 1983. 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 on matters of mutual concern in the preparation of reports of 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 in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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LETTER OF TRANSMITTAL

Arkansas Advisory Committee to the
U.S. Commission on Civil Rights
October 1988

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Melvin L. Jenkins, Acting Staff Director

The Arkansas Advisory Committee submits the attached summary report for the purpose of briefing the Commission on civil rights issues in the State. It summarizes information received at a community forum conducted by the Advisory Committee in Little Rock on June 19, 1987. At the Committee's meeting in Little Rock on February 9, 1988, the six members present voted without dissent to approve submission of this report to the Commissioners. While the information provided here does not result from an exhaustive review of civil rights issues in the State, it does identify certain specific issues and concerns which the Advisory Committee may decide merit further investigation.

Though there was general acknowledgement that the civil rights climate in Arkansas has improved in many areas, reference was made by most participants to what they felt are lingering problems. These included concerns about the lack of equal educational opportunities for black children, at-large voting systems which were believed to dilute black political power, housing discrimination, and unjust treatment of juvenile offenders.

/s/

ALAN PATTESON, JR., Chairperson
Arkansas Advisory Committee

ARKANSAS ADVISORY COMMITTEE

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*No longer a member of the Committee.

ACKNOWLEDGEMENTS: This report was the chief assignment of William Muldrow of the Central Regional Division of the U.S. Commission on Civil Rights. Support services were provided by Jo Ann Daniels. Editorial assistance and overall supervision was the responsibility of Melvin L. Jenkins, then-Director, Central Regional Division.

INTRODUCTION

In keeping with its responsibilities to monitor civil rights activities in the State, the Arkansas Advisory Committee conducted a community forum in Little Rock on June 19, 1987, to gather information on the status of civil rights in the State. The purpose of the forum was to brief the Advisory Committee on current issues which would assist the Committee in planning future activities and in advising the Commission. Government officials, representatives from civil rights organizations, and legal experts were invited to make presentations to the Advisory Committee. Efforts were made to include persons in the forum with varying perspectives on the civil rights of minorities, women, the elderly, and disabled persons. In addition, an open session provided members of the general public with the opportunity to participate.

During the half-day forum, persons who addressed the Advisory Committee included the Honorable Lottie Shackelford, mayor of Little Rock; Mr. Mahlon Martin, director of Finance and Administration for the Office of the Governor; Ms. Annie Abrams, an employee of the Little Rock School District and president of the National Association of Negro Women; Mr. Delbert O. Lewis, a program analyst for the Rehabilitation Services Division of the Arkansas Department of Human Resources; Mr. Don Crary, executive director of Arkansas Advocates for Children and Families; Mr. Howard Love, president and C.E.O. of the Urban League of Arkansas; Rev. Elihue Gaylord, Sr., president of the Arkansas NAACP; Ms. Janet Pulliam, chair of the Arkansas Women's Political Caucus; and Mr. John Burnette and Mr. Lazar Palnik of the American Civil Liberties Union.

DEMOGRAPHICS

Census bureau statistics show that in 1980, Arkansas' total population

was 2,286,000 and that 16.4 percent of this total, or 374,000, were black. Other minority groups accounted for only a very small proportion of the total population: 0.8 percent (18,000) Spanish origin, 0.4 percent (9,400) Native American, 0.3 percent Asian (7,500), and 0.3 percent (6,500) for all other races. Most of the black population, 245,854 or 66 percent, lived in urban areas, and the majority of these people lived in only four metropolitan areas: 82,865 in Little Rock-North Little Rock; 21,207 in the west Memphis area; 36,825 in Pine Bluff; and 29,104 in the Texarkana area.

GENERAL IMPRESSIONS

Though many of the participants in the forum pointed to progress in the civil rights of minorities in Arkansas, most also addressed serious problems which they feel still remain. Mr. Howard Love, president and C.E.O. of the Urban League of Arkansas, referred to an opinion poll conducted by his organization which found that, though a significant number of people in Arkansas believe that civil rights initiatives in the form of legislation and social programs have made a measurable impact on ending racial discrimination and improving the quality of life for blacks in Arkansas, only about 7 percent of the population surveyed believe that blacks have made about the "right amount" of progress. Progress, he said, in the achievement and enforcement of civil rights can only come about in the State when the attitudes of people show that they care. It was his view that racial attitudes in the State are at their worst point in 25 years. These attitudes, he said, are reflected in statistics and behavior related to the treatment of black persons.

Mr. Love pointed to statistics which show that unemployment for blacks in Arkansas is nearly twice as high as for whites. He said gross disparities in academic achievement levels between black and white children

in the State is evidence that they are not being provided an equal opportunity. Discrimination is also evidenced, he felt, in high levels of expulsions, suspensions, and relatively harsh discipline generally that are experienced by black youngsters in the school system.

Black youth in the State, he charged, also are being underserved by the Job Training Partnership Act (JTPA), which he said has eliminated all but one or two black agencies in the State that have been in the business of job training, job placement, and job development for disadvantaged black persons.

Housing discrimination was another concern he raised. Mr. Love remarked that though persons do not talk about it anymore because there is little data on it, housing discrimination does exist. Persons living in public housing, including 80 percent of the black elderly, are the ones who are most disadvantaged. Many, he charged, live in housing constructed in the 1940s and 1950s and do not even have air conditioning, while the elderly white live predominantly in modern, well-furnished, air conditioned highrise housing.

Annie Abrams, president of the National Association of Negro Women, felt that black persons within the State continue to be disadvantaged in certain ways. Black men, she stated, are not only disproportionately represented in prison populations but also are disadvantaged when they come out. Following incarceration they lack opportunities, she said, to reenter society because they do not come out of the system with the educational levels and marketable skills required for them to be productive. She believed that affirmative action and equal opportunity are not adequately implemented, and community service programs are generally designed to rehabilitate white collar offenders. Ms. Abrams also felt that the bonding system was unfair in that black persons, especially those who

are uneducated and elderly, are required to put up land as collateral when others are not. The result has been the loss by blacks of land which required great sacrifice to acquire. Ms. Abrams also contended that there are disturbing tendencies by the media to focus on crime, poverty, and poor education of minorities while devoting relatively little coverage to their positive achievements.

Don Crary, executive director of Arkansas Advocates for Children, noted that, though recent Arkansas statistics are not available, data gathered in the State several years ago indicated that racial differences showed up in the treatment of black children in the area of juvenile justice. These differences showed up in incarceration rates and in that greater numbers of black children are sent to adult court and tried as adults than are white children. Because greater numbers of black children are tried as adults, more of them are sent to the Arkansas Department of Corrections than white children.

VOTING RIGHTS

The major points made by Little Rock Mayor Lottie Shackelford related to voting and election practices in the city. She said that despite many conferences and much talk, even a court suit, voter registration still has not been made as easy or accessible as it should be. She advocated voter registration by mail, which she pointed out is allowed in 25 other States, and the ability to register to vote on election day, as is done in four States. These four States, as reported by the National Center for Policy Alternatives in Washington, D.C., are Maine, Minnesota, Wisconsin and South Dakota. Mayor Shackelford also felt it would be desirable to make voter registration more accessible by equipping all government facilities to handle voter registration.

Mr. Mahlon Martin, director of Finance and Administration in the Office of the Governor, agreed that voter registration is an issue in the State but pointed out that county clerks have agreed to increase

the number of deputy registrars to facilitate voter registration. It was his opinion, however, that to give priority to voter registration over other work in government offices would only create havoc and ill feelings.

The at-large election system for city government also was a concern to Mayor Shackelford. As a result of court action, the Little Rock School District in March 1987 began using seven single-member districts to elect school board members. She said that, at present, public sentiment seems to favor a system of three at-large voting districts and four single-member districts for city government. Her own feeling is that the establishment of four single-member districts would further dilute the black vote, and that seven single-member districts, as with the school district, would serve the city better.

During the past 30 years, Ms. Shackelford remarked, only three blacks have been elected to city government, and during the same period only four blacks served on the school board. This year, due to the change to single-member districts, three blacks are currently serving on the school board. She pointed out that if the city goes to a system of three at large and four single-member districts, with the mayor elected at-large, almost inevitably representatives from the at-large districts would be white and the mayor would certainly be white.

Annie Abrams of the National Association of Negro Women also maintained that the inability of minorities to participate more fully in the voting process is a problem in the State. This, she said, is especially true in rural counties and in counties with a high percentage of minorities. In those areas, she observed, there are vestiges of resistance to open participation, and the small number of registrars available in county clerk's offices may be one reason participation is so limited.

EMPLOYMENT

Mahlon Martin of the Governor's office pointed with some pride to what he deemed a major accomplishment, the statewide grievance procedure, established by executive order of the Governor, allowing public employees to have open hearings regarding complaints of discrimination or unfair treatment. He noted that a grievance review committee made up of State employees also has been created. Though the committee's decisions are not binding on agency heads, he felt that the result has been to open up new channels of communication between employees and agency heads.

Mr. Martin reported that State government is the largest employer in the State, with 38,000 employees. Statistics he presented showed that 41.1 percent of State employees outside of institutions of higher education are male and 58.9 percent female. Blacks are 16.3 percent of the males and 20.8 percent of female employees. He reported, however, that at the administrative level, blacks are 8.5 percent of the males and 13.4 percent of the females.

In addition to establishing a complaint procedure which is fair to employees, Mr. Martin said the Governor's commitment to minority employment was reflected in his appointments of minorities to all the State's major boards and commissions except the Transportation Commission. Also, he reported, the Governor's chief fiscal officer and his senior economic advisor are both black.

Mr. Love, however, was critical of the record of State government in hiring blacks. For example, the Arkansas Beverage Control Commission, he said, does not have a single black manager, and only two blacks are employed by that agency. He was also concerned that anticipated cutbacks in the Department of Human Resources due to reduced funding will result in the layoff of a significant number of black employees.

EDUCATION

Several participants in the Advisory Committee's forum referred to problems encountered by black students in the Arkansas public education system. Mr. Love alleged that as a result of racist attitudes in the schools, discipline meted out to black students is entirely disproportionate to that for whites and there are gross disparities in achievement levels of the two groups. Mr. Crary cited an analysis of statistics by the National Coalition of Advocates for Students (NCAS), which defined differences in disciplinary and exclusion practices which limit the ability of some black students to function fully in school. Rev. Elihue Gaylord, Jr., president of the Arkansas NAACP, cited incidents of alleged unduly harsh disciplinary action and disparate treatment of black students as reasons for their low achievement and their high dropout rate.

The NCAS statistics to which Mr. Crary referred result from an analysis of 1984 data collected by the Office for Civil Rights of the U.S. Department of Education from a sample of 3,312 schools districts nationwide. The NCAS analysis focused on seven factors, the rates of:

1. suspension from school;
2. corporal punishment of students;
3. students classified as Educable Mentally Retarded (EMR);
4. students classified as Trainable Mentally Retarded (TMR);
5. students classified as Seriously Emotionally Disturbed (SED);
6. students classified as having Specific Learning Disability (SLD);
- and
7. students classified as Gifted and Talented.

Tables I and II at the end of this report show some of the more significant comparisons of projections from the sample for Arkansas with those of the nation as a whole.

For purposes of comparison, Table I indicates that in Arkansas, in 1984 blacks represented 25 percent of the total population. However, the proportion of blacks was much higher than this for those who were

classified as educably mentally retarded or trainably mentally retarded, and among those who were suspended or received corporal punishment. On the other hand, they were underrepresented among those classified as gifted and talented.

Table II shows the difference in rates of inclusion for black and white students in each of these categories. Again, in each category the rate for black students is higher than for white students except for the gifted and talented rate which, for blacks, is more than twice as low as that for whites. According to the 1984 NCAS data, Arkansas has the highest differential between corporal punishment rates for black and white public school students of any State in the nation. These disparities, and the high dropout rate of black students in Arkansas, are a matter of such concern in Arkansas that the Governor announced the appointment of a Task Force on Youth at Risk to formulate plans for addressing the needs of children who may be at risk of dropping out of school.

CONCERNS OF DISABLED PERSONS

Delbert O. Lewis, a program planning specialist for the Arkansas Vocational Rehabilitation Agency, appeared before the Advisory Committee to outline what he felt to be inequities and discrimination encountered by disabled persons in the State. He reported that 12.6 percent of working-age Arkansans are disabled, the highest such figure in the nation, and that over 66 percent of those persons are unemployed. He said that a 1980 General Accounting Office study of HUD housing residents showed that 90 percent of wheel chair users who are employed have incomes of less than \$10,000 per year.

Mr. Lewis' principal concerns related to the alleged lack of enforcement of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 8791 (b))

(1982)) regarding forbidden construction and maintenance of illegal architectural barriers to disabled persons, and employment discrimination against the disabled. He contended that architectural barriers constructed in noncompliance with minimum standards exclude disabled persons as effectively as "whites only" signs over doors in the 1950s. He pointed out that aside from the illegalities and unfairness involved, this was a tremendous waste of human resources which our nation cannot afford.

Mr. Lewis alleged that there is practically no consideration of section 504 requirements by State and local agencies, let alone the enforcement of State requirements for equal opportunity and an accessible environment. To force a disabled person to enter an establishment via the route garbage is removed is just as "handicappist" as it would be racist to require all black people to use a separate, inferior entrance. He said the hotel in which the Advisory Committee's forum was being conducted that day had installed a shoeshine machine in the hall leading to the men's restroom which made the only public restroom in the entire building inaccessible to wheelchairs.

Mr. Lewis contended that continued construction of illegal architectural barriers, and the maintenance of existing ones, effectively disenfranchise thousands of disabled but mentally alert, potentially productive tax-paying citizens. These persons, he said, continue to be on the outside looking in and are forced to rely on welfare, disability benefits, food stamps, and subsidized housing.

He reported that about 10 percent of the employees of the State Rehabilitation Division are disabled, compared to the 12.6 percent of persons in Arkansas who are of working age. He said, however, that there are practically no disabled State employees outside the human services field, even though there are few jobs that at least some disabled

persons cannot perform.

WOMEN'S ISSUES

Ms. Janet Pulliam, a Little Rock attorney and member of the Arkansas Women's Political Caucus, outlined for the Advisory Committee what she felt to be an important concern of women in Arkansas: discrimination in the workplace. She presented statistics that she felt demonstrated inequities in Arkansas wage scales for men and women. In Arkansas:

1) All women who work at year-around full-time jobs earn 48 cents to every \$1.00 that men earn. This compares nationally with 59 cents that women make for every dollar earned by men.

2) White women earn 45 cents to every dollar that white men earn.

3) Black women earn 52 cents to every dollar that black men earn.

She said that the concentration of women in relatively low-paying jobs and lower status jobs within higher paying occupation groups is of prime importance in explaining earnings differences. She reported, for example, that male sales workers' earnings are more than double those of females', indicating that males in retailing sell most of the "big ticket" commissioned items while females sell most of the lower priced items. Among professional and technical workers, she remarked, men earned 52 percent more than women largely because doctors, lawyers, judges, engineers, college educators, or architects are more likely to be men, while elementary and secondary schoolteachers, nurses, librarians, dieticians, and health technologists are usually women.

Ms. Pulliam noted that age and education are also factors in determining wage differentials. Women must have considerably more education than men to reach the same middle to upper income wage categories. She reported that, symptomatic of women's dead-end careers and general lack of labor force mobility, men's incomes peak in the 45 to 49 year age bracket while women's incomes peak at a much earlier age, 30 to 34 years.

Sexual harassment in the work place, Ms. Pulliam felt, is another real problem for women. She quoted a survey from Redbook magazine which reported that 88 percent of over 9,000 female respondents reported having personally experienced sexual harassment on the job. The increasing number of women in the workforce, she believed, is resulting in increased problems in this area.

SUMMARY

This report is a summary of comments and opinions provided at a community forum conducted by the Arkansas Advisory Committee in Little Rock on June 19, 1987, concerning civil rights issues in the State. It should not be considered an exhaustive study of civil rights concerns in Arkansas. Rather, it reports the perspectives of a limited number of persons who participated in the forum about civil rights issues which the Advisory Committee may decide merit further investigation and analysis.

Though there was general acknowledgment that through the years the civil rights climate in Arkansas has improved in many respects, most participants focused on what they felt are lingering problems. These included concerns about the alleged poor quality of education and lack of equal educational opportunities for black children, high black unemployment, and a lack of job training opportunities. Also mentioned were housing discrimination, alleged unjust treatment of black juvenile offenders, concern for the dilution of black political power through at-large voting systems, lack of access to facilities by disabled persons, and pay disparities between men and women. However, civil rights initiatives in legislation and social programs were seen to have had a measurable impact on ending discrimination. An increase in the number of minority elected officials was also pointed to as a positive development.

TABLE I

1984 Civil Rights Survey Data Comparisons

	Percent Total Enrollment		Percent Gifted & Talented		Percent Educably Mentally Retarded		Percent Corporal Punishment		Percent Trainably Mentally Retarded		Percent Suspended	
	B	W	B	W	B	W	B	W	B	W	B	W
National	16	71	8	81	37	53	28	64	26	61	31	59
Arkansas	25	74	11	87	57	43	35	64	42	58	45	55

SOURCE: National Coalition of Advocates for Students, A Special Analysis of 1984 Elementary and Secondary School Civil Rights Survey Data. Data used were from a sample of 3,312 school districts nationwide.

TABLE II

1984 Civil Rights Survey Data Comparisons for Arkansas
(Rates are shown as percentages)

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Gifted & Talented Rate			Educably Mentally Retarded Rate			Corporal Punishment Rate			Trainably Mentally Retarded Rate			Suspension Rate		
B	W	DIF.	B	W	DIF.	B	W	DIF.	B	W	DIF.	B	W	DIF.
.01	2.72	1.78	6.35	1.64	4.70	18.48	11.92	6.56	0.48	0.23	0.25	5.55	2.35	3.2

SOURCE: National Coalition of Advocates for Students, A Special Analysis of 1984 Elementary and Secondary School Civil Rights Survey Data.