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*The
Status
of
Civil
Rights
in
Louisiana*

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

This summary report of the Louisiana Advisory Committee to the United States Commission on Civil Rights was prepared for the information and considera-

tion 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 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.

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, Director, Central Regional Division.

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LETTER OF TRANSMITTAL

Louisiana Advisory Committee to the
U.S. Commission on Civil Rights
September 1988

MEMBERS OF THE COMMISSION

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Susan J. Prado, Acting Staff Director

The Louisiana Advisory Committee submits the attached report for the purpose of advising the Commission on civil rights issues in the State. It summarizes information received at a community forum conducted by the Advisory Committee in New Orleans on May 22, 1987. The information provided herein does not result from an exhaustive review of civil rights issues in the State, but the report of presentations at the forum does identify certain specific issues and concerns which the Advisory Committee may decide merit further review. By a vote of 8 to 0 the Committee approved submission of this report to the Commissioners.

Most participants in the community forum indicated that they believed that advances had been made in civil rights in Louisiana in recent years, but that progress had now been slowed or that much remained to be done. Employment discrimination against minorities and women was a major concern. It also was pointed out that there were problems with voter registration in some areas. Representatives from women's organizations drew a connection between what they saw to be denial of quality education and employment opportunities for women in the past and what they deem second class citizenship status for many women today. A final area raised at the forum concerned problems of discrimination against disabled persons. Employment discrimination was felt to be a major problem in this regard, as was the lack of effective access to public transportation.

The Committee hopes the opinions and perspectives reported here are informative and of value to the Commission in its own program planning.

Respectfully,

MICHAEL R. FONTHAM, Chairperson
Louisiana Advisory Committee

LOUISIANA ADVISORY COMMITTEE

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William P. Quigley**
New Orleans

Paul Harris*
New Orleans

Walter J. Wilkerson*
New Orleans

* No longer a member of the Committee.

**Joined the Committee following approval of the report.

INTRODUCTION

In keeping with its responsibility to monitor civil rights activities throughout the State, the Louisiana Advisory Committee conducted a community forum in New Orleans on May 22, 1987, to gather information on current issues. At this forum, representatives from civil rights and community organizations and knowledgeable individual citizens were invited to participate. In addition the State Office of Women's Services sent a representative. Further, an open session gave opportunity for the general public to be heard.

During the half-day forum, persons who addressed the Advisory Committee included Ms. Mildred L. Reese, a member of the Louisiana League of Women Voters; Mr. William P. Quigley, a private attorney and volunteer general counsel for the Louisiana American Civil Liberties Union; Ms. Susan S. Howard, director of the Client Assistance Program of the Advocacy Center for the Elderly and Disabled; Mr. Ronald Blereau, planning analyst for the Louisiana Office of Women's Services; Ms. Judy Dunlap, director of the Louisiana Office of Women's Services; Ms. Kim Gandy, regional director of the National Organization for Women; and Carl Galmon, chairman of Voter Registration 1984.

GENERAL ISSUES

William P. Quigley, a New Orleans attorney and general counsel for the American Civil Liberties Union of Louisiana, identified a variety of civil rights problems which he believed to be of current concern in the State. He thought that much of the progress in civil rights matters made over the past 15 years has stopped, and is even deteriorating in some areas. The result, he concluded, was that poverty and race have become locked in a "fatal embrace" in Louisiana.

He said that although his experience has led him to believe that

there is more integration in the work force now than ever before, statistics would show that progress in other aspects of employment has been stalled, if not reversed. Employment discrimination, he said, is rampant due mainly to the lack of an aggressive enforcement approach by the U.S. Equal Employment Opportunity Commission. He suggested that for black persons to be hired they must be "superstars," and that conduct on the job, such as being late for work or filing late reports, which would be tolerated for white workers often would not be acceptable for blacks. The same is true for women, in his view, who are required to outperform their male counterparts to hold a job and get ahead.

Mr. Quigley also felt that the method for selecting district and State Supreme Court judges in Louisiana contained problems with far-reaching implications for civil rights. The selection of such judges is usually made in parish-at-large or district-at-large elections, which serve to dilute black voting strength by including in the relevant electorate voters who on principle would not vote for a black candidate for judge. He said, for example, that if the New Orleans district, which is predominantly white and elects two judges at large, was cut to allow one district to have a black majority, then this would provide for real input in the election process by the black community. In other elections, he said, such as for police juries and school boards, at-large elections are pretty much a thing of the past, but not so for judicial elections.

Mr. Quigley also was of the opinion that severe discrimination exists in the State's criminal justice system. He felt that though progress has been made in the selection and conduct of prosecutors, court personnel, and attorneys in Louisiana, overall this area is still almost 40 years behind where it should be. There still are no black sheriff jail keepers (those in charge of parish jails) in Louisiana. Defendants in criminal

court and prison inmates are overwhelmingly black, he said, and gay inmates are segregated from the rest, partly for the sake of safety and sometimes for punishment. Mr. Quigley questioned whether, in Louisiana because of racial prejudice, a black person could obtain unbiased justice in situations where the judicial system was virtually all white. Cases in point which he felt to be suspect were those of the two black men who were executed in Louisiana after reinitiation of the death penalty who were represented by white lawyers, before all-white juries, in white State courts of appeal, in an all-white State Supreme Court, upheld by all-white Federal District Court judges and white Federal Circuit Court of Appeals judges. Only at the level of the U.S. Supreme Court were their cases reviewed by a black person. Justice Thurgood Marshall voted to hear their appeals.

Mr. Quigley pointed to rental housing as another area where he has handled racial discrimination cases. Housing discrimination, he said, is no longer as blatant as it was in the past in Louisiana, but subtle means are used to identify black applicants and keep them out of predominately white apartment complexes. Housing managers no longer put out signs saying "Whites Only," but they make notations in code on applications to indicate which are from blacks, and then accept only a limited number of them.

Mr. Quigley felt that recent attempts by a white neighborhood in Jefferson Parish to construct a physical barrier between it and a black neighborhood, and the absence of any significant protest of that action by the white community, signified a feeling on the part of many that the civil rights movement is over. Some restaurants, he said, still find ways to discourage black patrons. He noted such disparities as the extremely high infant mortality rate for black babies and the low

achievement of black students in the school system as further indication of fundamental civil rights problems in the State.

WOMEN'S ISSUES

Judy Dunlap, director of the State Office of Women's Services, discussed a variety of civil rights issues of concern to women in Louisiana. It was her contention that, historically, women have been denied access to quality education, employment, and economic opportunities which relegated them to second class citizenship, a legacy which is not easily overcome. She said that in 1973 the Louisiana Constitution was rewritten to assure equal access to public accommodations and freedom from sex discrimination, but that judges have been arbitrary, capricious, and unreasonable in interpreting the law. For example, she referred to cases involving an estranged husband in Shreveport who had killed his wife at her place of employment and was convicted only of manslaughter, and a rapist in Lafayette who received what she felt to be a lenient sentence when the judge determined the victim had not screamed loud enough.

Kim Gandy, then regional director for the National Organization of Women, maintained that women in Louisiana share certain deprivations common to all women in the United States. For example, with regard to women in sports, she said a public school baseball team was denied opportunity to participate in the State league playoffs because it had a female player. The proposed Civil Rights Restoration Act, she felt, would correct this kind of problem by restoring the effectiveness of Title IX.

Ms. Gandy believes that because Louisiana's economy is based primarily on small businesses, seniority and job rights for women are jeopardized when they take time off for childbirth or child care. She believed that passage of the Family and Medical Leave Act, pending in Congress, would provide them the legal protection they need.

Some studies, she said, show that Louisiana has the highest wage gap between men and women of any State in the Union. She quoted one particular study which she said showed that women in Louisiana earn 49 cents for every dollar earned by men, as compared to 59 cents nationwide. She also charged that, despite the existence of a State Office of Women's Business Enterprise and a State set-aside program for women-owned businesses, women still receive only a small fraction of State contracts.

Ms. Gandy felt that substantial progress had been made in the area of women's rights with the recent recision of the old Louisiana Head and Master Law, which gave the husband total authority over all community property, enabling him to dispose of his wife's interests in any way he pleased. Now, however, she said, a drawback in the new equal management of community property system is that a wife, during marriage, does not have the authority to demand an accounting of the marriage's financial holdings. Only after the termination of a marriage does she have this right, at which point it might be too late to recover assets.

Still in effect in Louisiana, she further reported, is a statute which gives the father primary parental authority over minor children during marriage. This means that in the event of a dispute, such as over a child's punishment, the father's decision prevails legally, not a joint decision.

Access to attorneys and the payment of legal fees are also problems for women in divorce proceedings, she reported. The husband, who usually is the one employed, more often has the money to pay for an attorney whereas the wife cannot draw upon community assets to retain one. The New Orleans Legal Assistance Corporation, she said, will not handle legal separations, and the same situation applies with regard to obtaining legal representation in the collection of back-due child support.

Ms. Gandy noted that Louisiana, over the objections of local law enforcement agencies, passed a law requiring that a police report be filed in cases involving domestic disturbances. She felt that this was a positive development in that it provides documentation in individual situations which helps to establish the nature and extent of the problems. In her view, police handling of such situations in New Orleans remains poor, however. She asserted that often when a wife wants to press charges against her husband, the husband is encouraged to file counter-charges against her, in order to pressure her into letting the matter drop, or else they are both arrested and their children taken to Juvenile Hall. For a wife to obtain a protective order from the court against her husband, Ms. Gandy reported, requires a \$110 filing fee, which works special hardships on women who cannot afford to pay.

According to Ms. Gandy, women suffer disproportionately from the burdens of poverty, and over 85 percent of persons below the poverty line are women and children. The problem is greatly exacerbated, she felt, because child care is virtually unattainable for low-income persons. As a result, women who want to work, and desperately need to, cannot do so without leaving their children unattended, a situation for which judges have little mercy on mothers charged with child neglect.

VOTING RIGHTS

Several participants at the Advisory Committee's forum referred to alleged problems in voter registration and the voting process. Mr. Carl Galmon, chairman of Voter Registration 1984, reported that among the 64 registrars of voters in the State of Louisiana, there are no blacks and never have been. The reason for this, he feels, is the system by which voting registrars are selected. In Louisiana parishes instead of being elected, registrars are selected by largely all-white police

jurors and city councils which govern the parishes. Inevitably they select white registrars who, in turn, appoint the deputy registrar of voters and the confidential assistant in each parish. Nine out of 10 of these appointments are also white persons, Mr. Galmon said. Further he reported that there are no blacks among the seven members of the State Board of Election Supervisors. Mr. Galmon stated that, as a result, blacks have no voice in such matters as the dates on which elections are held and who should be purged from the voter registration roles. His opinion was that prior to some elections there has been a serious attempt to purge blacks in key black precincts.

Mr. Galmon also alleged that in certain parishes no serious attempt was made to register black voters and that it was made difficult for blacks to vote. He used as an example the Saint Helena Parish which is predominately black. There, he said, though there is an elementary school in the heart of the parish, the polling site was placed at the extreme northern boundary of the precinct so that blacks, many of whom are senior citizens without transportation, had to travel 8 miles to vote.

RIGHTS OF HANDICAPPED PERSONS

Susan S. Howard, director of the Client Assistant Program at the Advocacy Center for the Elderly and Disabled, expressed concern at what she felt were the two principal areas in which disabled persons face discrimination: lack of access to public transportation and employment discrimination against persons with epilepsy. She said many of her epileptic clients complained of problems blocking their advancement on the job, and that they were terminated when it was discovered they had epilepsy. The biggest problem, she felt, was in getting hired in the first place. To illustrate, she referred to one young man who reportedly achieved

the highest score made by any applicant in 4 years on a company's employment test, only to have a job offer retracted when it was learned that he had epilepsy, even though it was controlled by medication. The company explained that their insurance coverage was not adequate to cover him. Ms. Howard said that the unwillingness of insurance companies to write policies to cover persons with controlled epilepsy was indeed a very large problem.

She thought a major problem faced by disabled people is the lack of access to transportation services. The benefits of rehabilitation services and vocational training are largely negated by the lack of transportation services, a major disincentive. The problem is one of inability to get to work or to class in a timely manner.

Some Louisiana parishes which do provide assistance have transportation services that will not cross parish lines, according to Ms. Howard. The Regional Transportation Association (RTA) in New Orleans equipped many of its buses with lifts for wheelchairs, but these are now in disrepair and fail to work. In lieu of this the RTA developed a paratransit system, called the Lift, which picks up disabled persons at their door, takes them to their destination, and then returns them. The problem is that this service requires hours of travel time in order to accommodate all persons on the route.

Ms. Howard illustrated the problem by describing the situation of a 38-year-old black man in New Orleans with cerebral palsy who was accepted by a rehabilitation agency for assistance in getting a general education diploma. To attend classes from 9:00 a.m. until 2:00 p.m., he had to leave home at 6:50 a.m. and travel 2 hours to get to class, then repeat the trip in the afternoon. Scheduling problems, she said, have resulted in some persons waiting 3 and 4 hours to be picked up.

In response to a question, Ms. Howard referred to two other problem areas for handicapped persons. One concerned their ability to vote. This, she observed, is a problem in certain areas due to the inaccessibility of polling booths. In some cases, voter registrars have offered to bring a ballot out to a handicapped person's car, or to carry a wheelchair up the steps. Both procedures, she indicated, are humiliating and degrading.

Another problem, Ms. Howard reported, is the inability of some handicapped individuals who are deaf, or non-Englishspeaking, to communicate with State agencies. Many agencies are not equipped with telephones devices for the deaf, or do not have sign language or foreign language interpreters available. She said this requires many hearing-impaired, mute, and non-English-speaking handicapped persons to communicate through family members, which hampers their ability to benefit from government services.

SUMMARY

This report is a summary of information received at the community forum conducted by the Louisiana Advisory Committee in New Orleans on May 22, 1987. It should not be considered an exhaustive review of civil rights issues in the State. Rather, it contains information provided by participants in the forum about issues and concerns which the Advisory Committee may decide merit further investigation and analysis. The Committee considers the views expressed as important and should be shared with appropriate State and local officials and the general public.

Most participants in the community forum indicated that they believed that advances had been made in civil rights in Louisiana in recent years, but that progress had now been slowed or that much remained to be done. Employment discrimination against minorities and women was a major concern. It also was pointed out that there were problems with voter registration in some areas. Representatives from women's organizations drew a connection

between what they saw to be denial of quality education and employment opportunities for women in the past and what they deem second class citizenship status for many women today. A final area raised at the forum concerned problems of discrimination against disabled persons. Employment discrimination was felt to be a major problem in this regard, as was the lack of effective access to public transportation.