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A SUMMARY REPORT *JUNE 1988*

Missouri Human Rights Agencies

Missouri Advisory Committee To The U.S. Commission On Civil Rights

This summary report of the Missouri Advisory Committee to the U.S. Commission on Civil Rights was prepared for the information and consideration of the Commission. The findings and recommendations of the report should not be attributed to the Commission but only to the Advisory Committee.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, first 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 law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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 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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U.S. Commission on Civil Rights

LETTER OF TRANSMITTAL

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Susan J. Prado, Acting Staff Director

The Missouri Advisory Committee submits this report on State and local civil rights enforcement agencies in Missouri. The report was adopted by a vote of 8 in favor, none opposed, taken at the Advisory Committee's meeting on November 22, 1985. There were no dissenting opinions or views to append. Comments from affected parties are incorporated.

This report parallels reports prepared in 1982 by the Iowa and Nebraska Advisory Committees that discuss the operation of State and local civil rights enforcement agencies and assess their willingness to participate in the "New Federalism."

Although some of the data for budgets and caseloads are from 1984-86; updates, where applicable, have been provided with respect to new legislation governing civil rights enforcement efforts. The completion of this project was delayed due to budget cuts and reorganization of the Commission's regional offices. Nevertheless the Advisory Committee believes that the information contained in this report will be useful to you and will provide some insight into the operation of State and local human rights agencies.

The Advisory Committee found that the activities of both State and local enforcement agencies received little publicity and were little appreciated, even by constituent groups. The Committee urges the enforcement agencies to do more to publicize what they do and how they do it.

The Advisory Committee noted that most of the agencies would be reluctant to undertake additional enforcement efforts or make additional deferral agreements with the Federal Government unless there were Federal funding to reimburse the State or local government for added costs. The Committee urges the Commission to conduct a national study of the cost effectiveness of utilizing State and local agencies.

All affected parties had a chance to comment on this report, and their views are fully reflected in this final draft. This report was reviewed by the Commission's Office of the General Counsel for legal sufficiency. It has been approved by the Acting Staff Director of the Commission. The Advisory Committee hopes you will find this report of use in your national program planning and approve its publication.

Respectfully,

JOANNE M. COLLINS, Chairperson
Missouri Advisory Committee

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ACKNOWLEDGMENTS

This report was the chief assignment of Melvin L. Jenkins, Director of the Central Regional Division of the U.S. Commission on Civil Rights. Support services were provided by Jo Ann Daniels.

TABLE OF CONTENTS

TABLE OF TABLES

1. INTRODUCTION

The Missouri Advisory Committee to the U.S. Commission on Civil Rights began a review of State and local human relations commissions (HRCs) with enforcement authority because it believed these were a key to the success of President Ronald Reagan's "New Federalism" agenda under which the administration proposed increases in State and local administration of efforts that have been exclusively Federal. Such agencies already have some enforcement authority, and some even have existing deferral agreements with the U.S. Department of Housing and Urban Development (HUD) and/or U.S. Equal Employment Opportunity Commission (EEOC). They already have the mechanisms in place to deal with complaints of discrimination. Some of the local agencies also have experience in program reviews as a result of their contract compliance activities. Thus, HRCs would appear to be the obvious repositories of any additional deferrals. The questions by the Advisory Committee were designed to determine the scope and effectiveness of existing enforcement efforts by the HRCs and their willingness and ability to assume additional powers.

Tables 1-5 summarize the existing powers and resources available to the Missouri Commission on Human Rights and the local commissions in Kansas City, Jackson County, St. Louis City, St. Louis County, Springfield, Columbia, Sedalia, and St. Joseph. To compare the State law and local ordinances to Federal powers, the Advisory Committee summarized the relevant provisions of Federal law. Table 1-1 shows the relevant public accommodations provision of the 1964 Civil Rights Act.[1] Table 1-2 shows the fair housing laws contained in the 1968 Civil Rights Act[2] and HUD's standards for determining the equivalence of State laws contained in 24 C.F.R. sec. 115.3 (1985). Table 1-3

shows the Federal prohibitions of discrimination in employment as contained in the 1964 Civil Rights Act and the Age Discrimination in Employment Act of 1967. These are contained in 42 U.S.C. secs. 2000e-2 to 2000e-3(1982) and 29 U.S.C. sec. 621-634(1982). Age is included because, effective January 1, 1979, responsibility for enforcement of prohibition of discrimination based on age was transferred from the U.S. Department of Labor to EEOC.[3]

In succeeding chapters of this study, the Committee reviews the roles and powers of the State and local agencies; their caseloads and output; the resources available to them; any formal or informal limits on their actions; the degree to which they have support from their communities, governments, and constituencies; and their willingness and ability to assume additional powers. At the end of this report are the conclusions, findings, and recommendations of the Advisory Committee.

This report is similar in content to the reports of the Iowa and Nebraska Advisory Committees on the same topic.[4] A similar report is also being prepared by the Kansas Advisory Committee.

Although the succeeding chapters have a uniform format, the data are not identical. The various agencies did not provide uniform data, often because each had different methods of recordkeeping. In some cases it was possible to get constituent and community comments on the effectiveness of the State and local agencies. In other cases this information was not available. Businessmen were particularly, and understandably, reluctant to make comments for the record on agencies with which they had a regulatory relationship. Even in the major

cities it was often difficult to get constituent groups to comment on the roles of the human relations commissions. Within these limitations, the Advisory Committee has sought to provide as comprehensive a portrait as possible of the agencies it reviewed.

The Missouri Advisory Committee thanks all those who participated in the study for their cooperation in providing the data needed and for taking the time to talk to Committee staff about the operation of State and local HRCs in Missouri. It is grateful to the Commission and its Acting Staff Director for approving funds to publish this report.

Notes

1. 42 U.S.C. sec. 2000a(1982).

2. 42 U.S.C. secs. 3601-3631(1982).

3. Exec. Order No. 12,106, 3 C.F.R. 263(1979), reprinted in 5 U.S.C. app. at 1155(1982).

4. See Iowa Advisory Committee, Iowa Civil Rights Agencies (September 1982), and Nebraska Advisory Committee, Nebraska Human Rights Agencies (December 1982).

2. MISSOURI COMMISSION ON HUMAN RIGHTS

Missouri had a population in 1980 of 4,916,686.[1] Of that population, 48.1 percent were male and 51.9 percent were female.[2] Blacks were 10.5 percent of the population; persons of Spanish origin, 1.1 percent;[3] American Indians and Alaskan Natives, 0.3 percent; Asians and Pacific Islanders, 0.5 percent.[4]

The Missouri Commission on Human Rights was established as a temporary agency under House Bill 125 on June 8, 1957.[5] It became a permanent agency in 1959. From 1957 to 1961 the commission "was charged with conducting/publishing surveys to determine the severity of the problems of equal opportunity in the State of Missouri and was responsible for fostering good relations with the various ethnic and racial groups...."[6] The commission obtained authority in employment matters beginning in 1961.[7] Sex was added to its jurisdiction in 1965, public accommodations in 1965, housing in 1972, and discrimination against the handicapped in 1978.[8] Administratively, the agency was first a part of the Governor's office, in 1974 a part of the Department of Consumer Affairs, and later part of the Department of Labor.[9]

The current State statutes regarding the powers and jurisdiction of the commission are contained in Chapters 213, 296, and 314 of the Revised Statutes of Missouri. The first sets out the broad powers of the agency and defines its authority in housing discrimination.[10] The second deals with the commission's powers and duties in employment practices;[11] the last deals with discrimination in places of public accommodation.[12]

The agency has the power to investigate complaints of discrimination on matters within its jurisdiction, seek to conciliate

the complaints, make determinations of probable cause, and impose remedies.[13] Complaints regarding housing, employment, and public accommodations matters may be filed by individuals or the State's attorney general.[14] Complaints, however, cannot be initiated by the staff, a commissioner, or the commission itself. The commission has subpoena power, but its use has been limited by a 1982 court order to the hearing phase of any investigation.[15]

Although processing of complaints is its primary function,[16] the agency does have mandates to educate the public about human relations and to provide advice to the Governor and the legislature on matters within its jurisdiction.[17] However, budgetary constraints have restricted educational programs, requiring the commission to focus on individual complaints.[18] In remedying specific complaints it can impose civil but not criminal penalties.[19] Review of its orders is based on the record submitted by the commission to the appropriate State circuit court (the court of original jurisdiction in Missouri).[20]

In its jurisdiction over public accommodations, the State agency is governed by law that is broadly similar to the Federal prohibitions.[21] Missouri statute prohibits discrimination in provision of services, facilities, privileges, advantages, or accommodations; segregation of any of these; or coercion or intimidation to force a person to discriminate or segregate.[22] The Missouri Human Rights Commission (MHRC) can receive and process complaints of violations, investigate them, make findings of probable cause, and issue an order for remedy.[23] Enforcement of these is by order of the State circuit court.[24] At such proceedings, the commission is represented by the State attorney general's office.[25]

The U.S. Department of Housing and Urban Development (HUD) has refused to certify Missouri's fair housing statute as comparable to Title VIII of the 1968 Civil Rights Act.[26] Broadly, the State statute does match the provisions of Title VIII in prohibiting discrimination on all of the bases contained in the Federal law and in providing broadly similar powers of remedy.[27] Indeed, the State law goes beyond the Federal in that the State agency can make findings of probable cause and can issue a remedial order. It contains no exemptions.[28] But HUD has objected that a clause in the State statute requiring costs to be paid to the prevailing party[29] would have a chilling effect on housing complaints, despite a State assertion that in practice such costs would be paid by the State.[30] HUD also has objected to a clause in the State statute that allows a seller to accept other bona fide offers without violating the statute.[31] HUD has suggested that discrimination may prevent the making of such an offer, and therefore this might constitute a further loophole.[32]

The State's equal employment statutes are broadly similar to those of Title VII of the 1964 Civil Rights Act.[33] But they do not compare to the Age Discrimination in Employment Act (ADEA).[34] The State agency is a deferral agency for EEOC. The primary difference is that the State law covers employers with six or more workers.[35] The State law does not provide for a temporary injunction, nor it does not provide an exemption for religious institutions.[36] Unlike Federal law, age is not covered and protection for the handicapped is somewhat limited.[37] Otherwise, the State law is like Title VII in prohibiting discrimination in hiring, firing, terms and conditions, classification, union membership, training program participation, or seeking to have someone else discriminate.[38] The exceptions also are similar, except as mentioned above.

In fiscal year 1985 the MHRC had a staff of 39 persons.[39] The only staff utilized from outside the agency were two assistant attorneys general.[40] MHRC is composed of 11 persons, selected by the Governor with the consent of the State Senate, at least one from each of the nine congressional districts and a chairperson.[41] At the hearing stage of its proceedings, the commission uses hearing examiners.[42] Most of the other work is performed by regular staff. During 1985 the commission received 722 employment discrimination complaints, 34 public accommodation complaints, and 21 housing complaints.[43]

In FY 1985, MHRC's operating budget was $1,141,408, of which $439,922 came from Federal funds.[44] Of its total staff of 39, 20 were investigators. The rest were administrative and clerical. Overall, turnover that year was 28 percent.[45] But turnover of investigators was 40 percent.[46] MHRC staff reported that a 1982 study showed its investigators were paid more than $2,000 per year less than comparable persons in other agencies.[47] They noted that turnover had been as high as 71 percent before the new director was hired and had dropped to 16 percent by 1984 but then began to rise again as opportunities for better jobs emerged.[48] Staff recruited as investigators were people who were unskilled in civil rights matters so it took about 6 months to train them. Meanwhile, the caseload of departing investigators was given to those already trained, and the new investigators could not take on their share of new cases. This led inevitably to a rise in the backlog of cases.[49] Further, MHRC staff noted that it had been customary for many years to add to MHRC's jurisdiction such items as discrimination based on sex and handicap without providing additional staff.

MHRC believed that for relatively little additional State funding it could obtain considerable additional Federal funding under its agreement with EEOC because it could process locally many cases it transferred back to EEOC.[50]

MHRC also had suffered from the general fiscal stringency in the State that led to percentage reductions across the board.[51] MHRC requested $555,795 for FY 1986. The State's General Assembly approved $260,791. The Governor cut that to $124,759.[52] Staff of MHRC told the Advisory Committee that the agency was unable to handle class actions because it just did not have sufficient staff or resources.[53]

Legal work for the department was handled by the State attorney general's office. This provided two assistant attorneys general.[54] In the past, prior to 1979, that had been a problem because of the rapid movement of attorneys in and out of such positions and the system for choosing who would serve the commission did not always lead to the appointment of lawyers interested in civil rights matters. Since then, staff of the MHRC reported, there had been some effort to ensure that those selected at least had an interest in civil rights law, and some even had some experience in it.[55]

MHRC provided data on its backlog and for each stage of the investigative and adjudicative process as of November 1984. These showed 351 cases under investigation that had been dual filed (that is, employment cases filed with MHRC and EEOC).[56] Of those, only 58 had been waiting for more than a year. There were 179 cases of employment discrimination under investigation that were not dual filed.[57] Of those, only 38 had been waiting for more than a year. There were 39 cases in conciliation. Of those, 29 had been in process for a year or more. There were 97 cases awaiting hearing, all but one

of which had been in process for a year, but 23 had been waiting for less than 2 years.[58] There were under investigation 268 complaints based on race, 107 based on sex, 102 based on handicap and the balance based on other prohibited bases. About 70 percent of the complaints that were awaiting investigation based on race that were dual filed were less than a year old, as were 85 percent of those based on sex and 83 percent of those based on handicap.[59] Of the non-dual-filed cases at this stage, 93 percent of those based on race were less than a year old, as were 81 percent of those based on sex and 81 percent of those based on handicap. Awaiting public hearing were 43 cases based on race, 26 based on sex, and 15 based on handicap.[60] These three categories dominated the year's filings.[61]

Of the 807 cases closed during FY 1985, 65 were closed with negotiated settlement, 341 were disposed of for no probable cause, 42 for lack of jurisdiction, 69 were withdrawn, 39 were settled, 28 were closed because the complainant failed to cooperate, 71 resulted in probable cause findings, 24 were conciliated, 38 were sent for hearing, and the balance were closed or in other stages.[62]

Commenting on MHRC's performance, the director stated:

> At the beginning of FY 1982 there were 1,026 complaints pending investigation; whereas at the end of FY 1984 there were 540 complaints pending investigation. This substantial reduction in complaints pending investigation has made it possible for MCHR to reduce its average investigative case processing time from approximately 18 to 20 months to 8 to 10 months.
>
> By reducing case processing time MCHR has experienced an increase in early resolutions and conciliations....
>
> Case processing time reductions have also had a positive effect on the amount of federal dollars MCHR can bring to the State through its performance contract with EEOC. In fact, without the offerings of the EEOC contract, it is doubtful that MCHR would have been able to accomplish substantial, if any, workload reductions.[63]

In addition to processing complaints, MHRC also had other functions. One of these was its compliance program. Describing it, the director of MHRC stated:

> Approximately three (3) years ago MCHR implemented a compliance program for the purpose of conducting follow-ups on adherence to stipulations in negotiated settlements, conciliation agreements and hearing panel orders. Through this program MCHR has been able to insure that agreements and decisions are more than "paper" arrangements containing the signatures of the parties involved.[64]

In addition, MHRC provided a variety of support services to other State agencies, such as the Highway Patrol, to local governmental units, such as housing authorities with civil rights responsibilities, and to local HRCs. Such activities included training of local commissioners and presentations at various public forums.[65]

Edward Allen, chairperson of the commission, commented that he wanted to improve communication between the commission and the various constituent groups, especially business.[66] But, he noted, this would require additional funding. He hoped in the future to be able to use private funding sources to provide the support needed for an effective outreach effort and to do some of the research that the commission was authorized to conduct but could not afford.[67]

Mr. Allen also commented on relations between the commission and its constituents.[68] He noted that Governor John Ashcroft had supported the work of the commission both while attorney general and when he became Governor. The Governor had given both staff and commissioners an assurance of continued support.[69] But Mr. Allen was less satisfied with relations between the commission and the State office of administration that had moved the agency both physically and organizationally several times.[70] Mr. Allen did note that under both the Bond and Ashcroft administrations, the commission had lost funds approved by the legislature due to fiscal stringency rules.[71]

Mr. Allen was more critical of the legislature.[72] He blamed it for failure to provide the minor modifications needed to make State law on fair housing comparable to Federal law and to ensure the legal status of local HRCs. (There is a question whether the local governments in Missouri may legally establish human rights agencies with quasi-judicial powers.)[73] He believed that, despite many efforts at education, legislators held to the view that to give MHRC the capacity to be a deferral agency on fair housing would produce duplication of effort.[74]

Mr. Allen believed it was necessary to improve relations with all groups in the community.[75] He also intended to push meetings with local chambers of commerce and town hall meetings as ways to improve communication. He intended to solicit the advice and assistance of the major companies in the State on key issues.[76]

Mr. Allen believed that the low level of communication between MHRC and the civil rights groups had resulted from the low profile MHRC had taken.[77] He also blamed communication difficulties on the media that, he alleged, failed to cover meetings of the MHRC or its community forums.[78] He believed the various groups--black, Hispanic, women, handicapped, and senior citizens--all supported the MHRC but also took a low key approach and did not make strengthening of MHRC a major objective. He hoped to persuade them to be more vocal and coordinated in their efforts on MHRC's behalf.[79]

There were few business representatives willing to comment on the activities of MHRC. A representative from Hallmark Cards noted that the agency did have a problem with its complaint backlog but that he was generally satisfied with its work.[80]

Minority group representatives had a variety of opinions. Mamie Hughes, director of Kansas City's Black Economic Union, commented that although she considered herself knowledgeable about civil rights matters, she had no idea what MHRC was doing.[81] She thought it lacked visibility and needed to develop outreach programs.[82] Rev. Emanuel Cleaver, a member of the Kansas City City Council, noted that he had no contact with the agency and thought its responses tended to reflect the conservative times.[83] James Tindall, a member of the Jackson County Legislature, thought the agency was hampered by its failure to get the technical changes it had requested in its authority. He thought this limited its effectiveness, especially in housing matters.[84] Denny Whayne, president of the Springfield branch of the NAACP, complained he had filed a charge with MHRC and had been disappointed by the quality of the investigation.[85] St. Louis Alderman Freeman Bosley complained that the MHRC "isn't worth a damn." He thought it had too large a backlog and that consequently, by the time charges were resolved the charging party no longer cared.[86] Ina Boone, regional director of the NAACP, thought that MHRC was reasonably effective but its efforts were hampered because it was shortstaffed.[87] Anthony Ramirez, an MHRC commissioner, stated that he thought the agency was working well.[88] He thought the primary problem was the slow pace at which decisions were rendered. This could be cured by hiring additional staff. He was pleased that political influence did not affect its operations.[89]

Women's groups also had some concern about MHRC's effectiveness. Mary Ann Sedey, a former member of the Missouri Advisory Committee to the U.S. Commission on Civil Rights and an active civil rights lawyer,

commented that the hearing examiners were inconsistent. But she was pleased with the quality of the investigative reports. She remained concerned that the agency was very slow to act.[90] Claudia Engman, president of the Springfield NOW chapter, expressed the concern that at times MHRC was so slow to act that data were lost and memories of events had faded before investigation began.[91]

St. Louis President of the Board of Aldermen and former State legislator Thomas Zych stated that MHRC never had top priority. It became one source of contention between the urban and rural factions in the State's appropriations process.[92] Former State Representative and now member of the Kansas City City Council John Sharp thought the State, like EEOC, took too long to process claims.[93]

The State legislature certainly had posed difficulties for MHRC. It refused for many years to provide technical changes needed in the State statutes to ensure that the agency had a State law comparable to Title VIII, even though the changes required were minor.[94] And it refused for many years to provide a law that specifically established the rights of local governments to create local human relations commissions.[95] In consequence, the State could not get certification as a Title VIII agency and the funds this would provide. The director of MHRC expressed concern that litigation could successfully destroy each of the local human relations ordinances that established mechanisms for administrative processing of discrimination complaints at the local level.[96]

State Representative Mary Groves Bland, of Kansas City, stated that although corrective legislation had gotten through the Missouri House five times, it had always been defeated in the State Senate.[97] She thought that Senate Republicans and some Senate

Democrats were opposed to a strong State agency. Similarly, she thought the House had always been generous to the agency on appropriations but that the Senators had cut back the House proposals because they did not think MHRC's activities were necessary. She noted that the Governor had vetoed some additional funds. She thought Al Plummer, MHRC's executive director, had been very good at building legislative support.[98]

State Senator James Mathewson, of Sedalia, said that the legislature did not become too actively involved with the MHRC because few legislators outside of the major metropolitan areas had any knowledge of its activities.[99] He stated that senators like himself were concerned about the backlog and reluctant to give the agency additional authority when it could not handle what it had. The Senate saw MHRC as one of a number of worthy causes that deserved some funding. But money given to MHRC meant money taken from something else, such as child abuse.[100] In general, he preferred to resolve discrimination complaints directly with employers for his constituents rather than use the commission. He thought part of the problem with the commission was that it served insufficiently as a constituent service organization for senators, and therefore they were not aware of what it did or how it did it.[101] He thought the reluctance of senators to approve a bill to safeguard local HRCs was due to the failure of local governments or the municipal league to support such measures. As it was, there was no evident need for a change, so the Senate was reluctant to make a change.[102]

During the course of drafting this report, the agency's legislation was revised. Its director stated that the legislation:

> 1. Added creed, color and religion coverage for the purpose of creating consistency with the language in the statutes;
> 2. Provided legislative authority for cities, towns, villages or counties to adopt ordinances that authorize the

creation of a human relations or equal opportunity enforcement commission for the purpose of eliminating or preventing discrimination; and

3. Provided legislation to establish substantial equivalency with Title VIII of the Civil Rights Act of 1968.

Additionally, the revised statute provides:

1. Age protection in employment only (40-70);
2. A six (6) year rather than three (3) year term for commissioners; and
3. A right to civil action 180 days after the filing of a complaint instead of waiting for the completion of the agency's administrative investigation.

Among the Commission's objectives not approved were:

1. Subpoena authority during investigation; and
2. The exclusion of the "other bona fide offer" language in the fair housing section.

At this point we believe the law has been improved considerably, which will work to the benefit of all concerned. On the other hand, efforts continue to address MCHR salary disparities in comparison with similar positions in State government; which as noted in your draft report substantially impact turnover rates and the agency's ability to be more efficient even at existing staff levels.[103]

The chair of MHRC stated that he approved of the "New Federalism" because it would eliminate red tape.[104] However, he thought it would be impossible for the State to assume additional civil rights jurisdiction because of budget constraints. He thought the State agency had adequate expertise, but unless Federal funding accompanied added jurisdiction, it would be too expensive. He thought the State legislators would approve the idea of additional State control over civil rights matters, but would object if asked to pay the costs.[105] Senator Mathewson agreed. He thought the State could run any program better than the Federal Government but would want at least 75 percent reimbursement for costs. He said the legislature was not enthusiastic about deferrals because the Federal Government tended to cut its share of the funding.[106]

MHRC has a deferral contract with EEOC that provides for resolving 444 cases filed with EEOC in FY 1986 at $411 per case. This

was considerably less than the amount EEOC had paid in the past.[107] There had been no problem in implementing the contract in the past.[108]

Notes

1. Bureau of the Census, Census of Population: General Population Characteristics: Missouri (PC80-1-B27), Table 14, p. 27-7 (hereafter cited as Table 14). Calculation of percentages by Central Regional Division (CRD).

2. Id., Table 18 (hereafter cited as Table 18). Calculation of percentages by CRD.

3. Table 14, p. 27-7. Calculation of percentages by CRD.

4. Bureau of Census, Census of Population: General Social and Economic Characteristics: Missouri (PC80-1-C27, Table 58 (hereafter cited as Table 58). Calculations of percentages by CRD.

5. Missouri Commission on Human Rights, Twenty-five Years of Human Relations and Twenty-one Years of Law Enforcement, introductory letter (Nov. 1, 1982) (hereafter cited as MCHR History).

6. Mo.Rev.Stat. sec. 213.030 (1978).

7. See notes to Mo.Rev.Stat. sec. 296.010 (1978).

8. MCHR History.

9. Alvin Plummer, Executive Director, Missouri Commission on Human Rights, interview in Kansas City, Sept. 5, 1985 (hereafter cited as Plummer Interview).

10. Mo.Rev.Stat. secs. 213.010-213.130(1978).

11. Id. at secs. 296.010-296.070.

12. Id. at secs. 314.010-314.080.

13. Id. at secs. 213.030 and 213.120; secs. 296.030 and 296.040; secs. 314.050 and 314.060.

14. Id. at sec. 213.120.1; sec. 296.040.1; sec. 314.060.1.

15. Plummer Interview.

16. Mo.Rev.Stat. sec. 213.030(3) (1978).

17. Id. at sec. 213.030(2),(4).

18. Alvin Plummer, Comment Letter, May 5, 1987.

19. Mo.Rev.Stat. at sec. 213.120.6, sec. 296.040.7; sec. 314.060.7.

20. Id. at sec. 213.127.1; 296.050.2; sec. 314.070.2.

21. The Federal law is contained in 42 U.S.C.A. secs. 2000a-2000a-3(1982).

22. Mo.Rev.Stat. sec. 314.030(1978).

23. Id. at sec. 314.060.

24. Id. at sec. 314.070.4.

25. Plummer Interview.

26. 42 U.S.C. secs. 3601-3631(1982). For an extended discussion of this see Missouri Advisory Committee, Fair Housing in America: Fair Housing Enforcement in St. Louis (February 1982), pp. 36-39 (hereafter cited as Fair Housing).

27. Mo.Rev.Stat. secs. 213.105-213.120(1978).

28. Compare id. at sec. 213.120 with 42 U.S.C. sec. 3610(1982).

29. Mo.Rev.Stat. sec. 213.217.3(1978).

30. Fair Housing, pp. 36-37.

31. Mo.Rev.Stat. sec. 213.105(1)(1978).

32. Fair Housing, p. 37, and Plummer Interview.

33. 42 U.S.C. secs. 2000e-2000e-17(1982).

34. 29 U.S.C. secs. 621-634(1982).

35. Mo.Rev.Stat. sec. 296.010(2)(1978).

36. Id.

37. See id. at sec. 296.010(4).

38. Id. at sec. 296.020.

39. Missouri Commission on Human Rights, Annual Report, Fiscal Year 1985 (n.d.), p. 15 (hereafter cited as 1985 Annual Report).

40. Plummer Interview.

41. Mo.Rev.Stat. Ch. 213.020(1986).

42. 1985 Annual Report, p. 10.

43. Id. pp. 20-22.

44. Id., p. 14. In response to a request for additional information Mr. Plummer wrote:

> The budgetary numbers are accurate, however, there is need of further clarification. First it is noted that the Missouri General Assembly appropriates a Federal dollar ceiling that cannot be exceeded during the State fiscal year, which is represented by the reported $439,922.
>
> During FY 1985 MCHR contracted for a total of $184,372 (444 cases) and due to overlapping State and Federal fiscal years MCHR actually received $165,647 during its fiscal year. Therefore, MCHR's operating budget during FY 1985 based on its actual cash flow was $867,133 ($701,486 general revenue plus $165,647 Federal). Alvin Plummer, Comment Letter to CRD, May 5, 1987.

45. 1985 Annual Report, p. 15.

46. Id.

47. Plummer Interview.

48. Id.

49. Id.

50. Id.

51. Plummer Interview.

52. Al Plummer, Memorandum to MHRC Commissioners, Sept. 4, 1985, p. 3 (hereafter cited as Plummer Memorandum).

53. Plummer Interview.

54. Id.

55. Id.

56. Alvin Plummer, Executive Director, MHRC, letter to CSRO staff, Dec. 10, 1984 (hereafter cited as Plummer Dec. 10 Letter).

57. Id.

58. Id.

59. Id.

60. Id.

61. See Missouri Commission on Human Rights, Annual Report, Fiscal Year 1984 (n.d.), pp. 17-20 (hereafter cited as 1984 Annual Report).

62. 1985 Annual Report, p. 24.

63. Alvin Plummer, letter to CSRO staff, Dec. 3, 1984 (emphasis in original).

64. Id.

65. 1984 Annual Report, pp. 10-11. Similar detailed data were not provided in MHRC's 1985 Annual Report.

66. Interview in Kansas City, Sept. 6, 1985 (hereafter cited as Allen Interview).

67. Id.

68. Id.

69. Id.

70. Id.

71. Id.

72. Id.

73. Plummer Interview.

74. Allen Interview.

75. Id.

76. Id.

77. Id.

78. Id.

79. Id.

80. Ellsworth Titus, Corporate Affirmative Action Officer, telephone interview, Feb. 25, 1985 (hereafter cited as Titus Telephone Interview).

81. Telephone interview, Feb. 28, 1985 (hereafter cited as Hughes Telephone Interview).

82. Id.

83. Interview in Kansas City, Mar. 14, 1985 (hereafter cited as Cleaver Interview).

84. Interview in Kansas City, Mar. 8, 1985 (hereafter cited as Tindall Interview).

85. Interview in Springfield, May 29, 1985 (hereafter cited as Whayne Interview).

86. Interview in St. Louis, July 2, 1984 (hereafter cited as Boslev Interview).

87. Interview in St. Louis, Aug. 28, 1984 (hereafter cited as Boone Interview).

88. Interview in Clayton, July 3, 1984 (hereafter cited as Ramirez Interview).

89. Id.

90. Interview in St. Louis, Aug. 27, 1984 (hereafter cited as Sedey Interview).

91. Interview in Springfield, May 31, 1985 (hereafter cited as Engman Interview).

92. Interview in St. Louis, July 2, 1984 (hereafter cited as Zych Interview).

93. Interview in Kansas City, Feb. 25, 1985 (hereafter cited as Sharp Interview).

94. See "Highlights of Human Rights Act" (n.d.).

95. Id.

96. Plummer Interview.

97. Telephone Interview, Sept. 10, 1985 (hereafter cited as Bland Telephone Interview).

98. Id.

99. Telephone Interview, Oct. 4, 1985 (hereafter cited as Mathewson Telephone Interview).

100. Id.

101. Id.

102. Id.

103. Alvin Plummer, Comment Letter, May 5, 1987.

104. Allen Interview.

105. Id.

106. Mathewson Telephone Interview.

107. Plummer Memorandum.

108. Plummer Interview.

3. KANSAS CITY

Kansas City had a population in 1980 of 448,159.[1] Of that population, 47.2 percent were male and the balance were female.[2] Blacks were 27.4 percent of the population; persons of Spanish origin, 3.3 percent;[3] American Indians and Alaskan Natives, 0.5 percent; Asians and Pacific Islanders, 0.8 percent.[4]

In Kansas City human relations is primarily the responsibility of the city's Human Relations Department. That department and the Civil Rights Board are the successor to an agency first established in 1957 as a city commission, the Advisory Commission on Human Relations.[5] In April 1968 the commission was split into two parts. The commission retained advisory responsibilities while a human relations department was established to work on civil rights, dispute resolution, community relations, contract compliance, and municipal affirmative action.[6] A public accommodations ordinance was passed in March 1964 (No. 29153).[7] In 1968 the city passed its fair housing ordinance (No. 35218).[8] In 1970 the city passed an "equal opportunity commission" ordinance (No. 38453).[9] In 1970 it established an affirmative action program (Ordinance No. 42406). These ordinances were consolidated in March 1982.[10]

Broadly, the Kansas City ordinance on public accommodation[11] contain broader prohibitions than the Federal law in that, besides tracking Federal law in prohibiting discrimination on the basis of race, color, religion, and national origin, it also prohibits discrimination on the basis of ancestry, sex and handicap. The exclusions also are somewhat broader and include private homes where rooms are rented or meals served rather than owner-occupied buildings with five or fewer rooms.[12] Otherwise, as in Federal law it is

illegal to discriminate in the provision of goods, services, facilities, privileges, advantages, or accommodations, and segregate these or coerce or intimidate anyone to do so.[13]

Similarly, Kansas City's housing ordinance[14] parallels Federal law. Unlike Federal law, however, discrimination on the basis of handicap or marital status is also prohibited.[15] Discrimination by refusal to sell or rent, refusal to negotiate for sale or rent, or refusal to make a dwelling available, discrimination in terms or conditions, discrimination in advertising, falsely representing that a dwelling is not available, participation in blockbusting, discrimination in financing or membership of a multiple listing service, and discrimination in insurance are prohibited.[16] Unlike Federal law, there is no exception for single-family houses sold or rented by the owner without using either advertising or an agent, or units containing four or fewer families, including the owner.

Kansas City is a deferral agency under Title VIII.[17] The Civil Rights Board can hold hearings and has subpoena powers.[18] The department can make a finding of probable cause and issue a remedial order.[19] It is empowered to issue cease and desist orders.[20] Decisions by the department are subject to judicial review[21] and its decisions are enforceable in the circuit court.[22]

Kansas City's fair employment ordinance[23] is virtually identical to the Federal fair employment laws. However, it does not provide an exemption for religious institutions. It covers any employer of six or more persons during a 20-week period per year.[24]

In 1985 the Kansas City Human Relations Department (HRD) had a staff of 26.9 persons, but many of these were involved in other functions.[25] In addition to civil rights enforcement, the HRD also

has extensive affirmative action and contract compliance responsibilities. These are not part of the current study.

The civil rights division, responsible for enforcement of the ordinances under review, in 1985 had a staff of 12.[26] The hearing board was composed of seven persons; one appointed by the mayor and six by the council for 3-year terms.[27] The staff conducted all investigations, some initiated by staff, and made findings of probable cause that were reviewed by the hearing board. Penalties were then determined.[28]

The budget for all Human Relations Department activities for 1986-87 was $677,085.[29] The funds budgeted for compliance with antidiscrimination laws were one-third of that. As of August 1986,[30] six persons did this work.[31]

The city department reported that during the period January 1, 1982-January 1, 1985, it had received 427 employment cases, 143 housing cases, and 42 public accommodation cases.[32] Of the employment cases, 66.5 percent were based on race, 27.4 percent were based on sex, 8.4 percent were based on age, and 8.0 percent were based on handicap. (These total more than 100 percent because some complaints had multiple allegations such as race and sex.)[33] The rest were based on religion, ancestry, national origin, or retaliation. Of the housing cases, 74.1 percent were based on race, 7.3 percent were based on sex, and the rest were based on handicap, religion, national origin, or marital status.[34] Of the public accommodations cases, 81.0 percent were based on race, 14.3 percent were based on sex, and the rest were based on age, handicap, ancestry, or national origin.[35]

In addition to its formal complaint processing function, there were also educational efforts undertaken by the HRD. These included discussions of fair housing requirements with the housing industry,

including the Real Estate Board, and programs on discrimination for larger companies.[36] There had been no interaction with the local chamber of commerce. The HRD also had conducted workshops on harassment.[37] It held a summer seminar for an integrated school on ethnicity, race, and religion. It had offered help to many larger companies that did not ask for it. It also provided education and outreach to "an extensive number of schools, agencies, individuals and businesses." But such activity, the director felt, was limited because of insufficient resources.[38]

The city manager of Kansas City regarded the ordinance, most recently revised in 1982, as effective.[39] He noted that the city continually reviewed its effectiveness and was satisfied, although there was a lingering feeling that race relations in the city were not as good as they should be.[40] He believed that it was the responsibility of HRD to suggest any needed changes in the ordinance and so far there had not been any. He did not believe cutbacks in Federal funding would affect the quality of the existing program.[41]

The mayor was said to be satisfied with the enforcement effort as measured by the number of complaints and speed of processing. The mayor reportedly thought the HRD might need to become more involved in desegregation, especially if a metropolitan plan were implemented. The mayor was said to be convinced that even if Federal funding for compliance ended, the department would not be abolished.[42]

Members of the city council were somewhat less sanguine on the effectiveness of civil rights enforcement in the city. Rev. Emanuel Cleaver thought the ordinance was not as strong as it should have been.[43] He noted that the HRD had difficulty resolving complaints because redress was harder to obtain. He noted that the city charter and the times had placed limits on what could be done. He did not see

great support from the city.[44] John Sharp noted that recent publicity had focused on alleged discrimination by several discos in the city.[45] He believed these episodes indicated there was a great deal of prejudice left and civil rights agencies were needed. He was concerned the city might face a problem that businesses wanting to discriminate would locate outside the city where there would be no local enforcement agencies. He thought the HRD could do much more to educate the public using the media. He thought HRD had been remiss in not asking for more for its education efforts.[46] The director of HRD stated his requests for additional funds were cut by the city budget office and the city manager.[47]

It was nearly impossible to obtain comments about the local agency from business leaders. The only one willing to comment was Ellsworth Titus, corporate affirmative action officer of Hallmark Cards. He thought a change was needed in the way probable cause was determined. He believed there sometimes were legitimate disagreements with the findings of investigators and it would help if such rulings had to be justified and explained and some opportunity for appeal of the actual findings was offered. He thought other employers should have a way to get informal answers to technical questions about equal opportunity matters. Generally, Hallmark was satisfied with the treatment it got from the agency, although, like any company, it was unhappy when its position did not prevail.[48]

Generally, leaders of the black community were pleased with the work of the HRD. Rev. Nelson Thompson, president of the Kansas City, Kansas, SCLC branch and Mamie Hughes, president of the local Black Economic Union, believed the HRD director, Alvin Brooks, had done a superb job by keeping in touch with grassroots feelings and being involved in a wide range of community activities.[49] Reverend Thompson

thought Mr. Brooks' ability to generate support was what made the system work.[50] Both Reverend Thompson and Ms. Hughes thought Mr. Brooks' visibility deterred business opposition.[51]

A spokesperson for senior citizens, Mrs. Angie Aker, noted that senior citizens have complaints but refuse to air them. She thought some believed their complaints would not be heard.[52]

Commenting on their efforts to reach out, HRD staff noted extra efforts to reach Hispanics, via such groups as the Hispanic Chamber of Commerce. But, they observed, Hispanics had not always perceived these efforts positively and there was some hostility. Generally, staff relied on informal linkages to maintain contact with the black or senior citizen community.[53]

There were reservations about the HRD's assuming additional deferral powers.[54] HRD was dissatisfied with the level of payments it received for its existing contracts with HUD and EEOC.[55] Councilman John Sharp was concerned that additional deferrals, as a principle, "would allow the fox to patrol the henhouse." He thought it would be unfair to ask local governments to take on a Federal responsibility without payment.[56] Reverend Cleaver agreed, stating that the city council would not allow the HRD to assume additional powers if Federal funding were not provided.[57] The city manager thought such powers might be assumed if the Federal Government dropped them, but only if the city could afford to do so.[58]

Notes

1. Table 14, p. 27-9.

2. Bureau of Census, General Population Characteristics: Missouri (PC80-1-B27), Table 25 (hereafter cited as Table 25). Percentages calculated by CRD.

3. Table 14, p. 27-9. Percentages calculated by CRD.

4. Table 58. Percentages calculated by CRD.

5. Kansas City, Mo., Human Relations Department, "Highlights" (n.d.).

6. Alvin Brooks, Director, and Michael Bates, Assistant Director, Kansas City Human Relations Department, interview in Kansas City, Mar. 1, 1985 (hereafter cited as Brooks and Bates Interview).

7. Kansas City, Mo., Human Relations Department, "Highlights" (n.d.).

8. Id.

9. Id.

10. Kansas City, Mo., General Ordinances, ch. 26, art. IX, secs. 26.201-26.236(1982).

11. Id. at secs. 26-222-26.227.

12. Id. at sec. 26.225.

13. Id. at sec. 26.224.

14. Id. at secs. 26.215-26.219.

15. Id. at sec. 26.217(5).

16. Id. at secs. 26.217-26.219.

17. Brooks and Bates Interview.

18. Kansas City, Mo., Gen. Ordinances, ch. 26, art. IX, sec. 26.202(b)(2)(1982).

19. Id. at 26.202.

20. Id. at sec. 26.202(b)(3).

21. Id. at sec. 26.207(a).

22. Id. at sec. 26.207(b)(1).

23. Id. secs. 26.211-26.214.

24. Id. at sec. 26.212(1).

25. Data supplied by Kansas City HRD and Brooks and Bates Interview.

26. Ibid.

27. Kansas City, Mo., Gen. Ordinances, ch. 26, art. IX, sec. 26.202(a) (1982).

28. Brooks and Bates Interview and Alvin Brooks, Comment Letter, May 12, 1987.

29. Data supplied by HRD and Michael Bates, Assistant Director, Kansas City HRD, Aug. 6, 1986.

30. Id.

31. Michael Bates, Assistant Director, Kansas City HRD, telephone interview, Aug. 7, 1986.

32. John Huffman, Supervisor, Civil Rights Division, HRD, memorandum to Michael Bates, Assistant Director, HRD, Jan. 11, 1985.

33. Id.

34. Id.

35. Id.

36. Brooks and Bates Interview.

37. Id.

38. Id. and Alvin Brooks, Comment Letter, May 12, 1987.

39. David Olsen, City Manager, interview in Kansas City, Mar. 1, 1985 (hereafter cited as Olsen Interview).

40. Id.

41. Id.

42. Michael Fisher, Assistant to Mayor Richard Berkeley, telephone interview, Mar. 11, 1985.

43. Cleaver Interview.

44. Id.

45. John Sharp, member of the city council, interview in Kansas City, Feb. 25, 1985 (hereafter cited as Sharp Interview).

46. Id.

47. Alvin Brooks, Comment Letter, May 12, 1987.

48. Titus Telephone Interview.

49. Reverend Nelson Thompson, telephone interview, Mar. 12, 1985 (hereafter cited as Thompson Telephone Interview); Hughes Telephone Interview, Feb. 28, 1985.

50. Thompson Telephone Interview.

51. Thompson Telephone Interview; Hughes Telephone Interview.

52. Angie Aker, Kansas City Chapter, National Association for Sickle Cell Disease and a member of the Silver Haired Legislature, interview in Kansas City, Feb. 27, 1985.

53. Brooks and Bates Interview.

54. Id.

55. Id.

56. Sharp Interview.

57. Cleaver Interview.

58. Olsen Interview.

4. JACKSON COUNTY

Jackson County had a population in 1980 of 629,266.[1] Of that population, 47.4 percent were male and the balance were female.[2] Blacks were 20.0 percent of the population; persons of Spanish origin, 2.6 percent;[3] American Indians and Alaskan Natives, 0.5 percent; Asians and Pacific Islanders, 0.7 percent.[4]

The Jackson County Office of Human Relations and Citizen Complaints (CHRCC) is an outgrowth of a predecessor body. Jackson County formed a civil rights advisory commission in 1963. That organization hired its first staff in 1967, but the office was discontinued in 1971. During the debate on a home rule charter for the county, the idea of an ombudsman was popularized. That was included in the county charter adopted in 1970. When the charter took effect, in 1973, the current agency was established.[5]

Unlike the other bodies reviewed in this report, the jurisdiction of the Jackson County agency is ambiguous. It has clear jurisdiction when another Jackson County agency is alleged to have discriminated. It may have jurisdiction in general throughout the county, but this has never been tested. The agency did not believe it had any enforcement authority in the private sector at all, and even local governments did not have to respond to the office if they chose not to.[6]

The agency was established, the director thought, to be both a human relations commission and ombudsman, but the combination had never worked.[7] Thus, the commission had chosen to take the administrative law role rather than resolve the contradiction by legislation.[8] On the other hand, the office frequently does receive complaints in areas outside its formal jurisdiction and apparently resolves them on an informal basis.[9] The director noted:

> We utilize the ombudsman approach in complaint handling. Ombudsman offices historically do not have, or seek, enforcement power....An ombudsman makes recommendations to remedy complaints. The success of an ombudsman is by way of reasonable persuasion, not enforcement. I am sugesting that OHRCC may be the only agency analyzed which operates as an ombudsman office and this distinction should be made.[10]

Since the county does not have a housing authority, the capacity of the agency in the area of fair housing has never been explored.[11] The formal jurisdiction on employment appears to cover only county employees and is thereby quite limited.[12] The commission can receive and investigate complaints of discrimination and hold hearings, but can only recommend action to remedy the problem, if any.[13] On the other hand, it has broad jurisdiction to review the personnel policies of the county and make recommendations for changes.[14] Essentially, the only power of the agency is the power to persuade. It has no formal enforcement role. In practice, county employee grievances on employment are handled by county personnel officers.[15] Under the charter, however, the commission can receive, process, and attempt to conciliate complaints about any form of discrimination.[16]

The agency consists of an executive director, a deputy director, a clerk typist, and a secretary.[17] There is a commission, composed of eight persons appointed for staggered 4-year terms by the county executive.[18] Uniquely, their appointment does not require confirmation by the county legislature. The agency had a budget of about $92,000 in 1984-1985.[19] It did not handle complaints it could refer to other agencies, such as State, Federal, or local enforcement agencies.

There was only a vague definition of discrimination.[20] The agency's mandate did not appear to extend to age or handicap, but this was unclear because the agency interpreted its powers broadly and had

studied such problems. There are no penalties provided in the ordinance for noncompliance or for actual discrimination.[21]

Most of the cases received by the Jackson County office in 1985 involved complaints by county jail prisoners of unfair treatment.[22] Several involved provision of services by governmental agencies. Among the recent cases staff could recall was an employment discrimination case involving a local sewer district that the county decided was outside its jurisdiction. There were two complaints by blind persons that they could not find apartments to rent that would allow them to keep their seeing eye dogs. The county could not find a Federal, State, or municipal civil rights enforcement agency that was willing to handle the case. One complainant about age discrimination in a county agency job refused county efforts to send her to EEOC.[23]

In 1984 the Commission logged 330 complaints, 255 of which involved county government. Only nine contained any allegation of discrimination.[24] Half of the agency's complaints were resolved within 3 weeks. Less than a quarter of the complaints took longer than 6 weeks to resolve.[25] It resolved 72 percent of the complaints submitted to it.[26]

The agency's director stated that all the county executives of Jackson County took the charter literally and maintained a hands-off policy toward the commission.[27] Although the agency was not a high priority, it was adequately funded for the work it did. She thought some legislators used the office to refer complaints. Others were concerned that the office was coddling county jail prisoners who provided the bulk of the office's complaints.[28] Jackson County Executive Bill Waris thought the existing arrangement was inefficient and that there should be a joint city-county commission.[29] He thought

there were too few complaints about discrimination to justify a separate county agency, and most of the complaints to the county were from Kansas City. But he felt there would be no point in trying to abolish the agency because this would cause more problems than retaining it. He stated that its small budget meant it got little attention from the executive or the legislature.[30] The Reverend James Tindall, a member of the Jackson County legislature, thought the reason the Jackson County agency lacked enforcement power was that it had never asked for it.[31] He thought his colleagues would give it powers comparable to those of the city's HRD. But, even without enforcement, he thought the mere existence of the office was an important symbol that should not be abandoned.[32]

Only two of six black and Hispanic community leaders and none of the two white leaders contacted for this study had any views about the office. Kansas City City Councilman Rev. Emanuel Cleaver noted that the office had been tainted by controversy, inactivity, and invisibility. He believed it had failed to reach out to the community.[33] The Reverend Nelson Thompson, a leader of the Kansas City SCLC, thought the agency had no broad base of support. He attributed this to the never fully resolved dispute regarding the firing of the agency's black director several years previously.[34]

The director of OHRCC said her group had tried to reach out to the various civil rights organizations, working on the 1985 and 1986 Martin Luther King Day planning. She thought the office's lack of visibility was due to the fact that county government was not salient to most people and hence there was a limited available constituency.[35]

Because of the limited role of the county agency, there was no consideration of the possibility it might assume deferral authority. It had no existing arrangement with either HUD or EEOC.

Notes

1. Table 14, p. 27-12.

2. Bureau of the Census, General Population Characteristics: Missouri (PC80-1-B27), Table 45 (hereafter cited as Table 45). Percentages calculated by CRD.

3. Table 14, p. 27-12. Percentages calculated by CRD.

4. Table 58. Percentages calculated by CRD.

5. Jackson County, Ombudsman (n.d.), pp. 2-31 (hereafter cited as Ombudsman).

6. Pat Glorioso, Executive Director, OHRCC, interview in Kansas City, Mar. 5, 1985 (hereafter cited as Glorioso Interview).

7. Id.

8. Id.

9. Id. describes the informal resolution; Jackson County, Ombudsman, p. 16, and a comparison of that with Jackson County Office of Human Relations and Citizen Complaints, Statement of Policies, Feb. 12, 1977, shows that the cases cited exceed the jurisdiction of the agency.

10. Patricia Glorioso, Comment Letter, May 4, 1987.

11. Glorioso Interview.

12. Jackson County, Mo., Home Rule Charter, Art. X, sec. 3(3)(1978).

13. Id. at sec. 3(1),(2),(6) and sec. 4.

14. Id. at sec. 3.

15. Glorioso Interview.

16. Jackson County, Mo., Home Rule Charter, Art. X, sec. 3(1).

17. Glorioso Interview.

18. Jackson County, Mo., Home Rule Charter, Art. X, sec. 1(1978).

19. Data supplied in Pat Glorioso, Director, Jackson County OHRCC, letter to staff, Jan. 22, 1985 (hereafter cited as Glorioso Letter).

20. Discriminatory acts and discriminatory practices are defined as acts or practices that discriminate or segregate on grounds of race, creed, color, sex, religion, national origin, or ancestry. Jackson County, Mo., Home Rule Charter, Art. X, sec. 7(1978).

21. Glorioso Interview.

22. Id.

23. Id. A summary of cases handled in 1984 is provided in Jackson County, Office of Human Relations and Citizen Complaints, 1984 Annual Report (n.d.).

24. Id., p. 2.

25. Id., p. 4.

26. Id.

27. Glorioso Interview.

28. Id.

29. Interview in Kansas City, Mar. 7, 1985.

30. Id.

31. Tindall Interview.

32. Id.

33. Cleaver Interview.

34. Thompson Telephone Interview.

35. Glorioso Interview and Glorioso Comment Letter, May 4, 1987.

5. CITY OF ST. LOUIS

The city of St. Louis had a population in 1980 of 453,085.[1] Of that population, 45 percent were male and the balance were female.[2] Blacks were 45.6 percent of the population; persons of Spanish origin, 1.2 percent;[3] American Indians and Alaskan Natives, 0.1 percent; Asians and Pacific Islanders, 0.5 percent.[4]

The history of civil rights enforcement efforts in St. Louis began in 1943. A biracial committee was appointed by the then mayor. The predecessor of the current agency was established in 1950 with a staff of two persons. It was a purely advisory agency but engaged in some mediation and "jawboning."[5] The first fair employment practices ordinance was passed in 1956.[6] A public accommodations ordinance was passed in 1961.[7] A second employment ordinance was passed in 1962 that strengthened and specified the agency's enforcement powers.[8] A fair housing ordinance was passed in 1964.[9] In 1969 an ordinance was passed prohibiting "for sale" signs and solicitation for blockbusting.[10] The ordinances were consolidated in 1976 by Ordinance 57173 and the structure changed.[11] The agency became known as the St. Louis Civil Rights Enforcement Agency,[12] and its board became known as the St. Louis Human Relations and Equal Opportunity Enforcement Commission.[13]

The St. Louis Civil Rights Enforcement Agency (CREA) can enforce prohibitions of discrimination in public accommodation under its local ordinance that are similar to those contained in Federal 1964 Civil Rights Act provisions. The local ordinance is somewhat broader in its coverage than Federal law, since there are no exclusions.[14] But it is drawn somewhat differently, prohibiting discrimination in all places providing "services or facilities for the comfort, health and safety

of the general public."[15] There is no exemption for owner-occupied buildings or private clubs.

The CREA housing ordinance[16] is broadly comparable to Federal prohibitions of discrimination in housing. The ordinance prohibits discrimination in sale, rental, negotiation, availability, terms, conditions, privileges, or advertising. It also prohibits falsely representing that a dwelling is not available, blockbusting, or discrimination in finance.[17] The agency has been a Title VIII deferral body since 1984.[18]

As in the other areas, CREA's ordinance regarding employment is broadly comparable to Federal fair employment law. The primary differences are that it does not cover discrimination based on handicap.[19] Discrimination in hiring, firing, and terms and conditions of employment are prohibited.[20]

The agency has enforcement authority regarding all three areas reviewed above. It can receive and process complaints, investigate them, seek to conciliate them, and make a finding of probable cause if conciliation fails. Receipt and processing of complaints is done by CREA staff.[21] Complaints can be initiated by the commission.[22] Public hearings are conducted by the hearing panel of the commission.[23] CREA can seek, via the city attorney, judicial enforcement of rights under the ordinance.[24] Enforcement of remedial orders is by action in the circuit court by the city attorney. Appeal against commission decisions is by review of the record, not trial de novo.[25] The agency can obtain temporary injunctions and use subpoenas to gain access to employment records.[26] The commission is also authorized to advise the mayor on human relations matters[27] and administers the contract compliance program of the City of St. Louis.[28]

In 1983-1984, CREA had a staff of 11 headed by an executive director.[29] It served a commission composed of 15 persons, 14 of whom were appointed by the mayor for 3-year terms with the concurrence of the Board of Aldermen.[30] The Chairman of the Legislative Committee of the Board of Aldermen was a member, ex officio.[31]

The agency's 1984-85 budget was about $207,025.[32] In addition to its local funding, the agency received $75,673 from EEOC to process complaints on deferral during FY 1984.[33] This was to pay for the processing of 190 complaints of employment discrimination and provide a small sum for training. CREA's executive director thought the payment was too small for the amount of work involved.[34] As with other agencies in the city, CREA experienced large staff cuts during the period of severe fiscal pressure and as the city sought to adjust its work force for a city half the size it had been.[35] The agency lost one-third of its staff, less than the decline experienced by some large agencies.[36]

During the period January 1982-July 1984, the agency processed 654 charges. Most of these (488) were based on race.[37] A substantial minority (159) were based on sex and a few (39) were based on age. The rest were based on religion or national origin. The agency found cause in 13.5 percent of its cases and reached a settlement before finding in 17.6 percent.[38] The vast bulk of the cases were either found no cause or were administratively closed. Only 6.7 percent of its cases were more than 120 days old. Nearly half were closed within 60 days and most of the remainder before 120 days.[39] Settlements during the period totaled $279,163 for 115 charging parties.[40] Only one locally processed case (other than EEOC deferrals) was taken to court. This resulted in an award of $6,000 to the charging party.[41]

The primary concern of CREA's executive director was the relatively low profile of his agency. He proposed to expand public relations efforts to include a monthly call-in show, outdoor advertising (including signs at bus stops), and to get packets of information on the Bi-State buses and to supermarkets and nonmunicipal community agencies. He also proposed to have an annual business and industry day to assist them in understanding equal opportunity objectives.[42]

CREA's director stated that mere survival of his agency in the face of severe municipal fiscal constraints was testimony to the mayor's support. The director noted the mayor also declined to intervene in disputes between business and the agency. The director believed that although there had been budget cuts, they were less than might have been expected.[43] An aide to Mayor Schoemehl agreed, noting that compared to other agencies, CREA still had a full complement of staff. He noted CREA seemed to have some problems in finding its identity, whether to be an advocate or purely enforcement agency, but that this was not an easy task.[44]

CREA's director also thought the agency had good relations with the Board of Aldermen.[45] In this, the board's president concurred.[46] He stated that the board's members, regardless of race, had supported the agency. He added that some white aldermen from the city's predominantly white southside gave stronger support than their constituents would do. The board president thought CREA had a high priority for the black community, but a lower one in the white.[47] He thought CREA had been moderately effective--it had matched the tone of the city. He thought the job of such an agency was easier in St. Louis than it would be elsewhere. But he was concerned that age

discrimination cases seemed to have a low priority with the agency.[48] Alderman Freeman Bosley disagreed.[49] He thought the agency was "a joke" and its policies very conservative. He thought the routine enforcement efforts were used to sanction a policy of inactivity on other issues.[50] He also thought the agency was a political tool because all its people served at the mayor's pleasure. He also thought the consequence was that the agency would cave in to political supporters of the mayor.[51]

Business reported little contact with CREA. For example, the manager of the Associated General Contractors of St. Louis stated its primary involvement occurred when contractors had to prepare reports.[52]

Community groups also had relatively little contact with the agency. Ina Boone, regional director for the NAACP, stated that few people who came through her office had used CREA and therefore she did not know how well it functioned.[53] Anthony Ramirez, a member of the Missouri Human Rights Commission, had few dealings with CREA. The only experience he had with CREA was an unsatisfactory investigation of a complaint he filed for a client.[54] Tom Nolan of the human rights office of the Archdiocese of St. Louis reported that in his view CREA had not been very visible. He said it was hard to know what CREA was doing and that it appeared to be merely a grievance board for city employees.[55] But Mary Ann Sedey, a former Missouri Advisory Committee member and community activist, thought CREA had done some good. She believed it processed its cases quickly and fairly.[56]

Commenting on the possibility of yet additional deferral responsibilities, CREA's executive director stated that if the agency assumed additional responsibilities, it would want to be paid for them.

He thought it was unclear whether the Board of Aldermen would approve any additional powers for the agency if these were required.[57]

Alderman Freeman Bosley opposed deferral because he saw it as passing the buck by the Federal Government to the State.[58]

Notes

1. Table 14, p. 27-11.

2. Table 25. Calculation of percentages by CRD.

3. Table 14, p. 27-11. Calculations of percentages by CRD.

4. Table 58. Calculations of percentages by CRD.

5. St. Louis Civil Rights Enforcement Agency, Annual Report, 1977-1978 (Aug. 23, 1978), p. 7.

6. Id., p. 8.

7. Id.

8. Id.

9. Id.

10. Id., p. 9.

11. St. Louis, Mo., Ordinance 57173 (Apr. 2, 1976) (hereafter cited as Ordinance 57173).

12. Id. at sec. 3.

13. Id. at sec. 2(1).

14. St. Louis, Mo., Ordinance 58701, sec. 9(c) (Apr. 18, 1982) (hereafter cited as Ordinance 58701).

15. Ordinance 57173 at sec. 2(13).

16. Ordinance 58701(b).

17. Id.

18. Claude Rogers, Executive Director, CREA, interview in St. Louis, Aug. 29, 1984 (hereafter cited as Rogers Interview).

19. Ordinance 58701 at sec. 1(a)(4) and Ordinance 57173 at sec. 2(6).

20. Id. at sec. 9(a)(1).

21. Id. at sec. 7(3).

22. Id.

23. Id. at sec. 6.

24. Ordinance 57173 at secs. 10-11.

25. Id. at sec. 11.

26. Id. and sec. 7(4).

27. Id. at sec. 4.

28. Rogers Interview.

29. Ibid.

30. Ordinance 57173 at sec. 4.

31. Id.

32. Data supplied by CREA, on file at CRD "City of St. Louis, Detailed Budget Request," 6-13-84.

33. Rogers Interview.

34. Id.

35. Brian Murphy, Aide to Mayor Vincent Schoemehl, interview in St. Louis, July 2, 1984 (hereafter cited as Murphy Interview).

36. Id.

37. Data supplied by CREA, Aug. 24, 1984, on file at CRD.

38. Id.

39. Id.

40. Id.

41. Id.

42. Rogers Interview.

43. Id.

44. Murphy Interview.

45. Rogers Interview.

46. Zych Interview in St. Louis, July 2, 1984.

47. Id.

48. Id.

49. Bosley Interview.

50. Id.

51. Id.

52. Joe Hamilton, interview in St. Louis, Aug. 28, 1986.

53. Boone Interview.

54. Ramirez Interview.

55. Tom Nolan, interview in St. Louis, July 3, 1984.

56. Sedey Interview.

57. Rogers Interview.

58. Bosley Interview.

6. ST. LOUIS COUNTY

St. Louis County (which surrounds St. Louis City on three sides) had a population in 1980 of 973,896.[1] Of that population, 48.0 percent were male and the balance were female.[2] Blacks were 11.3 percent of the population; persons of Spanish origin, 0.8 percent;[3] American Indians and Alaskan Natives, 0.1 percent; Asians and Pacific Islanders, 0.8 percent.[4]

Like Jackson County, St. Louis County has a human relations ordinance. Unlike Jackson County's, St. Louis county's ordinance covers the private sector, at least within the unincorporated areas (a relatively small part of the county's area). The St. Louis County Human Relations Commission began as an advisory body in 1964.[5] The history of the county's human relations ordinances and the past activities of the county agency regarding fair housing were reviewed in the Missouri Advisory Committee's 1982 report, Fair Housing Enforcement in St. Louis.[6] The St. Louis County commission has no jurisdiction at all regarding employment.

The ordinances covering housing and public accommodations are comprehensive in their prohibitions and comparable to the relevant Federal prohibitions.[7] Complaints can be filed within 60 days of the occurrence of an event either by an aggrieved or injured party, by the commission, or by a single commissioner.[8] In public accommodations there is no exception either for owner-occupied buildings or for private clubs. Discrimination in the provision of services, goods, facilities, privileges, advantages, or accommodations is prohibited, as is segregation or encouraging others to discriminate.[9] In housing, there are exemptions for private clubs and religious institutions.[10] Discrimination is prohibited in sale, rental, negotiations, terms,

conditions, or privileges. It is unlawful to indicate discriminatory intent in advertising, to falsely represent a dwelling is not for sale, or to make a dwelling unavailable. Blockbusting and steering are prohibited as is discrimination by lenders or multiple listing services.[11] But it should be noted that the effect of all these ordinances is limited because the county only has jurisdiction in the unincorporated portions of its territory.[12] The territory of the 93 municipalities in the county is excluded.[13]

The county has never evinced any interest in assuming responsibility in employment because it believed such complaints were better handled by others.[14] The commission had never sought countywide authority because the municipalities indicated they cherished their independence and would not surrender power to the county, even in the area of civil rights.[15] The county was not disinterested in affirmative action and equal employment matters, but simply could not persuade others to act. If the county did seek enforcement powers over the incorporated areas and in employment, cost would become an issue.[16]

During the 1984-1985 year, the commission's staff consisted of one member of the county executive's office who spent about 10 percent of his time on commission business. Also available to the commission were the resources of the county counselor's office that would be used if any complaints required litigation.[17]

The county commission processed few complaints. The commission was involved, informally, in resolving a rash of neighborhood disturbances involving Klan-type activity in the late 1970s.[18] Most housing matters were resolved by conciliation.[19] There was only one public accommodation case in the history of the commission and that was resolved before litigation.[20]

The county commission had limited outreach efforts to fulfill its mandate to foster better human relations. It did circulate a brochure, but its chair and staff thought greater effort would be needed to get it out to the community. It had only limited contact with the various civil rights groups in the community.[21]

The commission's chair, Robert Cohn and staff reported it got full support from the county executive, Gene McNary, who had praised its work and believed strongly in it. The commission believed its workload did not justify additional staff.[22] The chairman of the county council, H.C. Milford, stated that his group met with the commission annually.[23] He had not heard of anyone in the community seeking a broader role for the agency.[24]

Most community leaders had not heard much about the county commission. One who had was Wallace West, president of the St. Louis County branch of the NAACP. He thought the commission had been reluctant to work on fair housing and had interrogated people as though they were guilty of something when they sought a remedy. He was also concerned about the need to file complaints not only with the county but also with HUD. He thought it had insufficient staff.[25] The regional director of the NAACP had heard so little about the county agency she thought it was out of business.[26]

The staff and chairman of the commission stated they would not accept deferral power unless Federal funding to pay the cost went with it.[27] The chairman of the county council, said deferral would be a problem unless funding did come with it.[28] The administrative assistant to the county executive said he thought the county ought to be interested in a countywide deferral agency and he intended to consult the county counselor about the possibility.[29]

Notes

1. Table 14, p. 27-13.

2. Table 45. Percentages calculated by CRD.

3. Table 14, p. 27-13. Percentages calculated by CRD.

4. Table 58. Percentages calculated by CRD.

5. Robert Cohn, Chairperson, St. Louis County Human Relations Commission, letter to Central Regional Division staff, Oct. 23, 1980.

6. Missouri Advisory Committee, Fair Housing in America: Fair Housing Enforcement in St. Louis (1982), pp. 45-55.

7. St. Louis County, Mo., Rev. Ordinances, chs. 717 and 718(1985).

8. Id. at sec. 717.070.1 and .2; sec. 718.030.1 and .2.

9. Id. at sec. 718.020.

10. Id. at sec. 717.030.

11. Id. at sec. 717.020, .040. .051, and .056.

12. Id. at secs. 717.010.3 and 718.020.

13. Robert Cohn, letter to Chair, Missouri Advisory Committee, Apr. 23, 1980.

14. James Farrell, staff person for the County HRC, Office of the County Executive, interview in St. Louis County, July 2, 1984.

15. Id.

16. Id.

17. Id.

18. James Farrell and Robert Cohn, chairperson of the county HRC, interview in Clayton, July 2, 1984 (hereafter cited as Farrell and Cohn Interview).

19. Id.

20. Id.

21. Id.

22. Id.

23. H.C. Milford, interview in Clayton, July 2, 1984 (hereafter cited as Milford Interview).

24. Id.

25. Interview in St. Louis, Aug. 27, 1985.

26. Boone Interview.

27. Farrell and Cohn Interview.

28. Milford Interview.

29. Ned Teddeuci, interview in Clayton, July 3, 1984.

7. SPRINGFIELD

Springfield is the third largest city in the State. It had a population, in 1980, of 133,116.[1] Of that population, 46.8 percent were male and the balance were female.[2] Blacks were 2.1 percent of the population; persons of Spanish origin, 0.7 percent;[3] American Indians and Alaskan Natives constituted less than 0.1 percent of the population as did Asians and Pacific Islanders.[4]

The Mayor's Commission on Human Rights and Community Relations was created by ordinance on Oct. 3, 1960.[5] It has the full range of powers normally associated with a human relations agency.[6]

The first chairman of the commission was Dr. James Findlay, president of Drury College. Prior to 1968 complaints were handled informally. Conciliation was attempted, but if this was not successful, the matter was referred to the Missouri Human Rights Commission.[7] In 1969 the first enforcement ordinance, covering fair housing, was passed.[8] Subsequent ordinances prohibited discrimination in employment (1971)[9] and public accommodations (1973).[10]

During the period 1969-1976 the agency received about 77 complaints, mostly based on race.[11] Half of those were conciliated successfully. In 1977, it finally got Federal funding to hire a full-time staff person.[12] In 1982 the city removed complaints against itself from the commission's jurisdiction.[13]

Springfield's public accommodation ordinance is virtually identical to Federal provisions.[14] However the ordinance permits the holding of a special event such as women's or men's bowling night or similar events that limit the event or activity to individuals of a particular sex, except such special events shall not occur on a regular basis so as to defeat the intent of the public accommodation ordinance.[15]

The local fair housing law is virtually identical to Federal fair housing provisions in its prohibitions of discrimination on sale or rental, negotiating for sale or rental, making a dwelling unavailable, discrimination in terms and conditions, advertising, representing that a dwelling is not available, financing and membership in a multiple listing service, blockbusting, and discrimination in financing.[16] But there are exemptions for religious organizations or their related agencies covering noncommercial properties and limited exemptions for private clubs. There are also exemptions permitting discrimination based on sex in multifamily, owner-occupied dwellings of five or fewer units.[17] There is no exception for single-family housing sold or rented without advertising or assistance.

The prohibitions of discrimination in Springfield's employment ordinance are similar to Federal law but go beyond it in prohibiting discrimination based on ancestry and creed.[18] It prohibits discrimination in hiring, firing, and terms and conditions of employment.[19] It also prohibits workplace segregation, refusal to refer for employment, discrimination in training programs, and attempting to get someone to discriminate.[20] Sec. 18A-2 defines an employer as a person employing one or more persons,[21] but otherwise it provides the same exceptions that are in the Federal law: by providing a bona fide qualifications clause and refusing to provide for preferential treatment.[22]

Enforcement procedures vary for the three kinds of discrimination. For all three there is a requirement that complaints be filed within 60 days of the alleged violation.[23] The commission does not have the power to initiate complaints. In the area of public accommodations, any three members of the commission may act on behalf

of the whole commission.[24] The chairman of the commission has the power to issue subpoenas to compel witnesses to attend hearings and produce records that are relevant. These subpoenas may be challenged in municipal court.[25] All complaints must be in writing and under oath.[26] The commission or its representatives are authorized to determine whether the complaint is justified and then by education, persuasion, and conciliation seek to adjust the complaint.[27]

If unsuccessful, the commission refers the matter to the law department of the city with its recommendation for action. If a respondent has been found guilty of past violations, the commission may certify a case to the law department without a hearing.[28]

Unlike public accommodations, action by the commission in housing cases requires the full commission.[29] After a complaint is filed a panel of at least two but not more than three commissioners is to investigate and, if it chooses, to resolve any unlawful discriminatory practices by conference, conciliation, and persuasion.[30] In the event that fails, the matter is set for public hearing.[31] The chair has the power to compel attendance and production of records. Five commissioners constitute a quorum, four the minimum number of votes to take action.[32] The charges may be presented by a member of the city law department. If the commission finds an unlawful practice, it issues findings of fact and an order to cease and desist and take what affirmative action the commission believes necessary.[33]

If the commission does not obtain compliance, the chair certifies the matter to the city attorney. If the city attorney finds probable cause she or he may institute proceedings in municipal court for prosecution.[34] The city attorney also may bring a civil action in the

circuit court seeking preventive relief, including injunctive relief, where there has been a pattern and practice of discrimination.[35] As with public accommodations, the commission may certify charges against persistent offenders to the city attorney without a formal hearing.[36]

At the public hearing stage, the procedures for employment complaint are similar to those for fair housing[37] except that investigative subpoenas may be issued.[38] At public hearings, the commission must have a quorum of four, and at least three votes are required for any action.[39] Proceedings at the hearing are similar to those for housing.[40] If the commission finds a violation it is to state its findings in writing and issue an order requiring the respondent to cease and desist and take affirmative action, which may include reinstatement or upgrading, back pay, membership, or other necessary actions and a monitoring clause.[41] Any aggrieved party is authorized to appeal under the provisions of the State's Affirmative Procedure Review Act to the Circuit Court of Greene County. Similarly, the ordinance provides that the commission may apply to the circuit court for enforcement of its order.[42]

The commission is composed of nine members.[43] These are appointed by the mayor with the approval of the city council and are to be "broadly representative of the racial, religious and ethnic groups in the community."[44] They have 3-year staggered terms.[45] The commission can make recommendations to the city council for developing policy and can advise the city council and mayor.[46]

The Springfield commission reported caseloads of 56 in 1982, 46 in 1983, and 80 in 1984.[47] The largest proportion of these cases alleged employment discrimination based on sex (29 in 1982, 21 in 1983, 39 in 1984). The next largest alleged bases of discrimination were age (12 in 1982, 5 in 1983, 17 in 1984) and race (5 in 1982, 13

in 1983, 16 in 1984).[48] During the period 1982-1984 there were only four housing and seven public accommodations charges.[49] During 1984, the commission made 46 findings of no probable cause; after finding probable cause, it conciliated five cases, dismissed two with a warning to the respondent, and held public hearings on five cases, finding probable cause in three, no probable cause in one, while one was still pending. Seven cases were conciliated without investigation, three were conciliated after investigation but before finding, seven were withdrawn, two were dismissed because the complainant filed in Federal court, two were dismissed for lack of jurisdiction, and one was administratively closed.[50] Although most complaints of employment discrimination based on race were dismissed for lack of probable cause, less than half of those based on sex were so terminated. Most of the complaints of employment discrimination based on age and handicap also were dismissed for no probable cause.[51] Over the 3-year period, a majority of complaints were dismissed for lack of probable cause.[52]

The commission's staff consists of a single person, the director. She has no clerical support to answer phones, file documents, or screen complaints.[53] The primary complaint from the commission's director was that it would like to have an independent counsel who would be experienced in civil rights matters instead of relying on an assistant city attorney who had too little time to become familiar with this body of law.[54]

In addition to the complaint processing work, the director of the commission also assists complainants in filing charges with either EEOC or the Missouri Human Rights Commission. These efforts were not logged but were reportedly numerous.[55]

On all complaints the files must be given to two commissioners who review them and make the initial determination of probable cause. This puts a heavy burden on the volunteer members, especially because under ordinance they have only 90 days to complete the investigative phase.[56]

The director makes speeches describing the commission and its activities to the community. These were more frequent before the volume of complaints reached the 1984 level. Although the commission had expressed a reluctance to have too much publicity because this might give the appearance of soliciting complaints, it had decided in 1985 to prepare a public service announcement on fair housing for cable TV, in conjunction with the local community housing resources board.[57]

The commission's director stated that the city manager and the city attorney had backed the work of the commission, despite pressure from business and political leaders who were critical of commission procedures or decisions.[58] The primary complaint the city manager had heard about the commission was that the commission took a prosecutorial attitude on complaints. He had asked the city's law department to review this and so far was content that there was no procedural error, although the matter would continue to be under review.[59] He thought it better for the commission to persuade and cajole rather than cause a furor. Despite the recent round of budget cuts due to loss of Federal funds, the city manager expected to be able to continue to fund the single staff slot for the commission.[60] He had not received any request from the commission for additional staff.[61]

The mayor of Springfield reported that he had heard complaints from both complainants and respondents about the work of the commission.[62] He reported talking to some of the commissioners about particular cases and concluding the outcomes were appropriate. He thought the short deadlines for action by the commission were a good idea because that way matters could be resolved quickly.[63] He agreed that the fiscal crunch was unlikely to affect staffing for the agency, since the first cuts would be in larger units.[64]

One member of the city council took a somewhat different view. Mary Alice Owen stated that the commission was objective and did its best but that it lacked the teeth of Federal and State agencies.[65] She indicated that recently employers had been more willing to fight complaints in the court. She thought the agency needed more staff so that it could do more education work. She was concerned that the commission could be stacked with people who were hostile to civil rights as, she alleged, had happened in the past.[66]

The relationship of the business community to the commission was one of general cooperation.[67] What was becoming a problem was the willingness of business to refuse conciliation and insist on full adjudication of issues.[68] William Dauer, president of the local chamber of commerce, was not surprised that he had had no dealings with the commission, since it suggested that there were relatively few civil rights problems in the community. His impression was that minorities and women experienced relatively little discrimination in the community.[69]

The industrial relations manager at Zenith and personnel director at General Electric agreed that the local commission had done a good

job in collecting information from both sides and making fair judgments. Robert Voerwerk, of Zenith, commented that the commissioners were in a no-win situation; if they found for the individual, then the company would object; if they found for the company, than the individual was unhappy.[70] Sterling Macer, personnel director of General Electric Co., noted that quite often people made false complaints of discrimination and therefore the large number of no probable cause findings was not surprising. He thought the commissioners were committed to doing a good job in sometimes difficult situations.[71] Paul Elmore, of St. John's Hospital, thought additional training would help the commission do a better job.[72]

The commission's director and the commissioners had some contact with the various minority, women, and handicapped organizations in the city.[73] But Denny Whayne, president of the Springfield branch of the NAACP, complained, that the commission had never met with his group.[74] He thought the commission needed to be more visible, to encourage people to file complaints and prove that it meant to enforce the law. He thought there were too many no probable cause decisions and it was hard to determine how these were reached. He believed black people, a small minority in the town, were reluctant to file complaints because they feared retaliation. He questioned whether all members of the commission were committed to civil rights.[75]

The president of the local NOW chapter thought the commission had done a good job in keeping complaints from becoming major issues. She too thought the agency needed more visibility.[76]

Nancy Reams, a handicapped city worker, discussed the failure of the commission to address issues of concern to handicapped persons.

She noted that the agency did not have the staff to become involved in the range of accessibility and hiring questions that concerned handicapped persons. She noted that supervisors seemed afraid to hire the handicapped and the commission had done little to promote efforts to hire the handicapped.[77]

Barry Smith, director of the Southwest Missouri Indian Center, said he was satisfied with the linkages his organization had with the commission and its processing of complaints.[78] But Ed Coffey, a member of the Silver Haired Senate, complained the agency had too little contact with senior citizens. He thought seniors were taking volunteer work because of the absence of opportunity for paid employment.[79]

The director of the commission indicated she thought it would be impossible for the agency to assume deferral powers. The commission had too few complaints to justify a contract and she thought that without funding there would be no time for the additional effort.[80] A member of the city council thought that business would oppose any additional role for the commission and without business support it would not pass. She thought the council would not approve such action if a deferral role were voluntary.[81] The city manager wanted to keep the existing format so that there were alternative forums outside the city for resolving disputes. He thought this was better because otherwise all the pressures would be focused on the city agency.[82] The mayor thought that because of the relatively small complaint load, deferral would be no great fiscal problem.[83] The president of the chamber of commerce thought there would be some benefit to deferral arrangements and he would not object to modification of the local ordinances to match Federal law.[84]

Notes

1. Table 14, p. 27-11.
2. Table 25. Percentages calculated by CRD.
3. Table 14, p. 27-11. Percentages calculated by CRD.
4. Table 58. Percentages calculated by CRD.
5. Data supplied by Springfield HRC, on file at CRD.
6. Id.
7. Id.
8. Springfield, Mo., G.O. 1904, sec. 1 (Sept. 22, 1969).
9. Springfield, Mo., G.O. 2055, sec. 1 (Dec. 13, 1971).
10. Springfield, Mo., G.O. 2246, sec. 2 (Aug. 20, 1973).
11. Id.
12. Id.
13. Springfield, Mo., Ordinance 3354 (Oct. 18, 1982).
14. Springfield, Mo., City Code art. III, secs. 18A-61 to 18A-67(1981).
15. Id. at sec. 18A-62.
16. Id. at art. III, secs. 18A-33 to 18A-35.
17. Id. at sec. 18A-36.
18. Id. at art. I, secs. 18A-3 to 18A-5, and Springfield, Mo., Ordinance 3322 (June 1, 1982).
19. Springfield, Mo., City Code, Art I, sec. 18A-3(a) (1981).
20. Id. at sec. 18A-3(b).
21. Springfield, Mo., Ordinance 3354 (Oct. 18, 1982).
22. Springfield, Mo., City Code at secs. 18A-4 and 5.
23. Springfield, Mo., City Code, Art. III, secs. 18A-7, 18A-39, 18A-63.
24. Id. at sec. 18A-63.

25. Id.

26. Id.

27. Id.

28. Id.

29. Id. sec. 18A-38.

30. Id. at sec. 18A-40.

31. Id. at sec. 18A-41.

32. Id. at sec. 18A-42.

33. Id. at sec. 18A-44.

34. Id. at sec. 18A-47(a) and (b).

35. Id. at sec. 18A-47(c).

36. Id. at sec. 18A-47(d).

37. Id. at secs. 18A-6 to 9.

38. Id. at sec. 18A-14.

39. Id. at sec. 18A-10.

40. Id. at sec. 18A-10 to 11.

41. Id. at sec. 18A-12.

42. Id. at sec. 18A-13.

43. Id. at sec. 2-40.

44. Id.

45. Id.

46. Id. at sec. 2-41(g).

47. Mayor's Commission on Human Rights and Community Relations, 1984 Report (n.d.), p. 7.

48. Id.

49. Id.

50. Id., p. 1.

51. Id., pp. 2-3.

52. Id., p. 8.

53. Betty Parnell, Director, Springfield HRC, interview in Springfield, May 30, 1985 (hereafter cited as Parnell Interview).

54. Id.

55. Id.

56. Id.

57. Id.

58. Id.

59. Don Busch, City Manager, interview in Springfield, May 30, 1985 (hereafter cited as Busch Interview).

60. Id.

61. Id.

62. George Scruggs, Mayor of Springfield, interview in Springfield, May 30, 1985 (hereafter cited as Scruggs Interview).

63. Id.

64. Id.

65. Interview in Springfield, May 31, 1985 (hereafter cited as Owen Interview).

66. Id.

67. Parnell Interview.

68. Id.

69. Telephone Interview, June 2, 1985 (hereafter cited as Dauer Telephone Interview).

70. Telephone Interview, June 12, 1985.

71. Telephone Interview, June 4, 1985.

72. Interview in Springfield, May 30, 1985.

73. Parnell Interview.

74. Whayne Interview. The director of the commission commented:

> Staff person for Commission talked with NAACP leaders in 1977 advising them of her willingness to meet with the NAACP. Times and places of meetings were never advertised. Indeed, members of black community complained about this. The group lost their Charter in 1986 and had to reorganize. Staff person is a member of NAACP. She has also been involved with the Task Force (a black group) and People's Coalition Movement (a black/white low income action group).(Betty Parnell, Comment Letter, May 14, 1987.)

75. Ibid.

76. Engman Interview. The director of the commission commented:

> ...I want to point out that two members of our Commission are active in a women's group called Network. One member of the Commission and the staff person are Charter members of the local NOW Chapter and the staff person has been program chairperson of NOW for three years.(Betty Parnell, Comment Letter, May 14, 1987.)

77. Reams Interview in Springfield, May 30, 1985. The director of the commission commented:

> This I find the most puzzling. In 1977, shortly after the Commission hired their first staff person, hearings were held with representatives from the handicapped community to discuss adding "handicap" to the Fair Employment Ordinance. This was presented to City Council and passed in 1977.
>
> After a Public Hearing in 1982 with basically the same representatives at which time the problem of employment for the handicapped was determined to be a key issue, the Commission took on the project of establishing a Skills Bank for Employment of the Handicapped.
>
> At a Hearing in 1984 the Commission established an Advisory Committee on the Handicapped. This group has met on an informal basis--sometimes once a month, sometimes quarterly, since then to supervise the Skills Bank and discuss other problems such as accessibility and attitude awareness. We applied for CDBG money in 1985 and 1986 for a part time staff person to work on the Skills Bank, but did not receive funds. When the new Southwest Center for Independent Living opened, it was mutually agreed to transfer the Skills Bank to that organization. The Advisory Committee is still viable. Frankly, it is my view point that the Commission has done its utmost to be of assistance to the handicapped community of Springfield.
>
> The staff person serves on the board of the Community Housing Resources Board, the Southwest Center for Independent Living, the American Civil Liberties Union and the Executive Committee of NOW.

She also gives speeches, leads workshops and seminars when requested. Since there is only one staff person and too much ork, she does not solicit these activities but meets all requests when possible.(Betty Parnell, Comment Leter, May 14, 1987.)

78. Interview in Springfield, May 30, 1985.

79. Id.

80. Parnell Interview.

81. Owen Interview.

82. Busch Interview.

83. Scruggs Interview.

84. Telephone Interview, June 2, 1985.

8. COLUMBIA

Columbia is the fifth largest city in the State. In 1980, the city had a population of 62,061.[1] Of that population, 47.9 percent were male and the balance were female.[2] Blacks were 8.7 percent of the population; persons of Spanish origin, 1.1 percent;[3] American Indians and Alaskan Natives, 0.2 percent; Asians and Pacific Islanders, 2.0 percent.[4]

Columbia's Commission on Human Rights was established in 1961 by city ordinance.[5] The Columbia ordinance prohibiting discrimination in public accommodations is similar to Federal law, except that it is less restrictive, covering all places providing services or facilities for the comfort, health, and safety of the general public.[6] Thus discrimination and segregation in the provision of services, goods, facilities, privileges, advantages, or accommodations are prohibited, as is seeking to coerce anyone to discriminate or segregate.[7]

The fair housing provisions of the Columbia ordinance are similar to Federal fair housing law. These prohibit refusal to sell or rent, or negotiate for sale or rental; making a dwelling unavailable; discriminating in terms, conditions, or privileges; discriminatory advertising; falsely representing that a dwelling is not available; blockbusting; and discrimination in financing or in membership of a multiple listing service.[8]

Columbia's fair employment ordinances are basically identical to Federal law. The primary difference is that Columbia's ordinance covers all employers of one or more persons and does not include an exemption for religious institutions.[9] The ordinance is almost identical to Federal law in prohibiting refusal to hire,

discriminatory discharge, discrimination in terms and conditions, segregation, refusal to refer for employment, segregation by labor unions, inciting employer discrimination, or refusal to admit to a training program.[10] The ordinance does provide an exception for bona fide occupational qualifications, seniority, and benefits programs.[11]

The local commission is authorized to receive, process, and investigate complaints; determine probable cause; conciliate; and order relief.[12] Violation of the ordinance is a misdemeanor offense for which the penalty is a fine of up to $500, 30 days in jail, or both.[13] But it should be noted that the criminal penalties have never been used.[14]

The Columbia commission is composed of nine persons appointed by the city council for 3-year terms.[15] In 1985 the commission had no staff of its own, but any necessary staff work was provided by the office of the city attorney. Commission members are responsible for conducting investigations and hearings, making probable cause orders, and determining penalties.[16] The commission does not have initiative powers. It does have authority to conduct educational programs, make reports on research, and advise the city on civil rights problems.[17] Persons wishing to pursue their rights under the ordinance without using the commission may use the municipal court to do so.[18]

The most recent available detailed data covered the period 1982-1983. In that timeframe, the commission investigated 18 claims of discrimination, 10 based on race, 3 based on sex, and the balance based on other factors or a combination of factors.[19] Fourteen of these complaints were about employment, and probable cause was found in four. Two claims of discrimination in public accommodations were dismissed for lack of jurisdiction. The remainder of the claims were

not specified.[20] As of 1984, the commission had two cases in backlog, one about 100 days old and one about a year old.[21] In 1984-85 the commission processed 20 complaints.[22] The chairperson stated that most cases were completed in between 3 and 6 months.[23] In a recent unspecified period, the commission held three public hearings, in two of which it found probable cause and awarded "some monetary damages."[24] More recently, in the first months of 1984, the commission chair reported there had been 20 complaints and that this had taxed the capacity of the volunteer commissioners. He thought that if complaints continued at that rate, paid staff would be necessary.[25]

The chair of the local commission thought the primary need of his agency was for more inhouse training and more legal advice. He thought the city would agree to the changes in the ordinance required to obtain deferral status from EEOC.[26] A former chair commented that the high turnover on the commission meant education was a constant need. He also thought the media of the city had made the commission a fishbowl in which all its actions were extensively reported and discussed and that it was hard to function with so much attention.[27] The commission had been a center of controversy when it attempted to add protection of gays to its ordinance, but this died down following defeat of the proposal.[28]

The commission reported varying degrees of interaction with community groups. For several years it had no success in meeting with the NAACP (whose president, one commission member noted, did not have much faith in the efficacy of the commission).[29]

The president of the local NAACP, Mary Ratliff, stated that the black community had, in the past, little confidence in the Columbia

HRC.[30] She stated that she had sent people to it in the past and they had not been satisfied with the way their cases were handled. Either the NAACP resolved problems itself for black people or referred them to the Missouri Commission on Human Rights.[31] The community also was concerned that the HRC commissioners failed to interact with the black organizations and that the black community had little say in who was put on the commission. Ms. Ratliff thought that many of the commissioners lacked knowledge of civil rights or a willingness to speak out on civil rights problems.[32] She blamed the city council for failing to consult with black community leaders in making appointments.[33]

The commission did participate in conferences sponsored by the local chamber of commerce at which civil rights issues were discussed. Further, commissioners had spoken at other civic organizations' meetings. The agency had no dealings, however, with the local board of Realtors because fair housing, once a problem, was not currently an issue. The commission had minimal contact with the university (the largest area employer) and only peripheral relations with women's groups.[34]

The commission was concerned about the small number of complaints it received. To address this problem, during 1985-86 it undertook an extensive educational program of leaflets and providing speakers to gain the trust of citizens and make sure they knew about their right to complain.[35] In part, this was to counter what the commission saw as a belief by victims of discrimination that a complaint would be fruitless.[36]

The commission reported it had gotten the cooperation of the city manager on most issues.[37] One member of the commission noted that the

city council seemed concerned about the relative strength of the commission compared to other volunteer bodies and that the strength of an ordinance would discourage business from locating in Columbia.[38] He thought the primary problem was that the city council members had not been in office long enough to fully understand what the commission did and how it worked.[39] A member of the city council commented that he thought there were few strong feelings in the council regarding the commission.[40] He thought the current status of the agency was unlikely to be changed by any action of the council.[41]

The assistant city attorney commented that the city manager had provided the same level of funding to the commission that was given to similar boards.[42] She did not think that one or two investigations per year was an excessive burden for the volunteer members. She believed the city council had been supportive of the commission on all the changes it sought to become comparable to Federal law. The council had refused the commission's request for extension of jurisdiction to cover gays.[43]

One member of the commission noted that in the past the city commission had sought to obtain deferral status but had been ignored by EEOC. He thought that most members of the commission would want deferral status if it could be obtained, but this would necessitate a paid staffperson to handle the added workload.[44] A member of the city council indicated he thought the city would accept deferrals provided the Federal Government funded the additional expense.[45]

Notes

1. Table 14, p. 27-8.

2. Table 25. Percentages calculated by CRD.

3. Table 14, p. 27-8. Percentages calculated by CRD.

4. Table 58. Percentages calculated by CRD.

5. Columbia, Mo., Rev. Ord. Art. 9, Ch. 2 (Oct. 16, 1961).

6. Columbia, Mo., Code of Ordinances art. III, sec. 12-35 (1986).

7. Id. at sec. 12-35.

8. Id. at sec. 12-38, 12-39.

9. Id. at sec. 12-32.

10. Id. at sec. 12-34(a).

11. Id. at sec. 12-34(b).

12. Id. at secs. 12-56, 12-58, 12-60.

13. Id. at sec. 12-64.

14. Brian Pape, Chair, Columbia HRC, interview in Columbia, Aug. 30, 1984 (hereafter cited as Pape Interview).

15. Columbia, Mo., Rev. Ordinances art. 11, sec. 12-16 (1986).

16. Id. at secs. 12-57, 12-58 and "Human Rights Commission Rules and Regulations" secs. IV-V (n.d.).

17. Id. at sec. 12-18. Columbia, Mo., Rev. Ord. art. II, secs. 12-57 and 12-58 (1986).

18. Id. at sec. 12-63.

19. "Columbia Human Rights Commission: Annual Report to the City Council," p. 1 (1982-83).

20. Id., pp. 1-2.

21. Brian Pape, Chair, Columbia HRC, letter to Chair, Missouri Advisory Committee, Aug. 2, 1984.

22. Brian Pape, State Advisory Committee (SAC) Meeting Notes, Apr. 9, 1986.

23. Pape Interview.

24. Id.

25. Id.

26. Id.

27. W.L. Moore, interview in Columbia, Aug. 30, 1984 (hereafter cited as Moore Interview).

28. Id.

29. Pape Interview.

30. Telephone Interview, Nov. 27, 1985.

31. Id.

32. Id.

33. Id.

34. Pape Interview..

35. Brian Pape and Marian Logan, SAC Meeting Notes, Apr. 9, 1986.

36. Brian Pape, SAC Meeting Notes, Apr. 9, 1986.

37. Id.

38. Moore Interview.

39. Id.

40. Al Tacker, interview in Columbia, Aug. 30, 1984 (hereafter cited as Tacker Interview).

41. Id.

42. Susan Crigler, interview in Columbia, Aug. 30, 1984 (hereafter cited as Crigler Interview).

43. Id.

44. Moore Interview. See also Crigler Interview.

45. Tacker Interview.

9. SEDALIA

Sedalia, located in the middle of the State had a population in 1980, of 20,927.[1] Of that population, 46.3 percent were male and the balance were female.[2] Blacks were 6.3 percent of the population; persons of Spanish origin, 0.7 percent;[3] American Indians and Alaskan Natives, 0.3 percent; Asians and Pacific Islanders, 0.5 percent.[4]

Sedalia is one of the other major towns that has a local human relations commission. It was established by ordinance in 1966.[5]

The formal powers of the Sedalia commission are quite limited. It has ordinance authority only in the area of fair housing, where the provisions are comparable to Federal law.[6] There are no provisions governing either employment or public accommodations. But the commission handled employment complaints as though they were within its jurisdiction, alleging this could be done under the "advisory powers" clauses of the ordinance.[7]

The commission is composed of 12 persons selected by the mayor for 3-year terms with the consent of the city council.[8] It has no staff, but the mayor's secretary performs any needed clerical services.[9] Investigations are conducted by commission members, and a commission committee serves as the hearing board, when a hearing is required.[10] The commission does not have the power to initiate complaints. It does have the authority to undertake educational and research activities and advise the city.[11] There is a criminal provision in the housing ordinance that provides for fines of $25-$500 per day, and action could be initiated by a complainant in municipal court.[12]

There were only 11 complaints filed as of Nov. 15, 1984.[13] Eight of these were based on race, one was based on sex, and two were

based on other issues. Eight of the complaints were about employment, one was about housing, and two were not categorized by subject matter. The commission found no probable cause in nine complaints, referred one to the city attorney, and one was withdrawn.[14]

Perceptions of the relationship between the commission and city government varied. The current chair of the commission stated that the mayor had not pressured the commission on its handling of employment charges against the city. He thought the mayor and two other members of the city council would vote to broaden the commission's ordinance, once the commission had established its credibility.[15] The former commission chair stated the mayor in 1983 had expressed the opinion that there was no need for the commission and that the city should let the Missouri Commission on Human Rights handle discrimination complaints, but the current mayor looked a little more favorably on the commission.[16]

Former Mayor Larry Foster, in 1984, and City Administrator Mark Durban stated that in the past the commission had overstepped its bounds.[17] They did not feel the city commission should investigate the city because there was too much of a chance of conflict of interest and the commission could not be impartial. They wanted the commission to refer such matters to the State. They wanted the commission to focus on local discrimination complaints other than those involving the city.[18] A member of the city council, Jane Gray, stated that the city council did not want to interfere in the work of the commission but that it would have to accept some guidance.[19] She thought once guidelines for its operation were in place, the commission should be left to do its job. She thought a primary problem was that few people utilized the commission because they did not know it existed.[20]

The former chair of the commission thought his group had gotten little support from the business community because complaints had to be handled in open meetings.[21] Business would read about the complaints in the newspaper and became defensive.[22] The current chair stated he had been talking with business leaders about equal opportunity practices. They indicated they would allow the commission to examine their hiring procedures and consider making changes.[23]

The executive vice president of the chamber noted that as a chamber official she had had no dealings with the human relations commission.[24] But prior to becoming an officer of the chamber, she had worked in city hall. From that perspective, she thought all the mayors in the past had been supportive of the commission and were glad it was available to look at complaints.[25] She said whenever the commission had needed something, the city had made available the resources.[26] She thought that, by and large, business ignored the commission until confronted with a complaint. Generally, business was familiar with equal opportunity requirements. But other matters, such as the work of the city's environmental quality commission, were of more pressing concern.[27]

Relations with the constituent groups in the community were mixed. The former chair of the commission stated that because of the chaos that surrounded the commission during his tenure, the minority community felt that the commission lacked credibility. But he thought the recent successful resolution of a complaint involving the schools might be the beginning of a change in the commission's image in the eyes of the minority community.[28] The current chair concurred, stating his belief that the black community was coming to accept the merits of the commission. He did not know of any other active

constituent group.[29] A member of the city council commented that women were putting up with discrimination in credit and housing rather than complain.[30]

But several representatives of the black community were less optimistic in their views of the commission. One community activist stated she took any complaints she received to the State agency.[31] She commented that some of the members of the commission were active in the housing industry "and just played games."[32] She said that the fact that complaints were reported in the newspaper and complainers were "branded" as troublemakers made people reluctant to complain.[33] The president of the local NAACP branch stated that he thought the commission ought to look at the city's promotion policy as part of the commission's advisory capacity because he believed blacks were not getting promotions they deserved.[34] He stated that once the commission's primary black member was replaced, black people stopped complaining because they did not think they would be heard and felt they would not get results.[35] Another black leader commented that the commission was not consciously racist but that a legacy of racism persisted from Sedalia's past.[36] She thought the primary advantage of the commission was its accessibility but the commission was not professional and often did not know what it was doing.[37]

The Sedalia commission had a worksharing agreement with the State commission. The former chair of the commission commented that the State commission and its staff had been very helpful in providing technical assistance.[38]

The commission chair in 1984 thought deferral would be a good idea and anticipated no difficulty in obtaining city council approval for any changes in the local ordinances this might require.[39] The

mayor and city administrator also agreed the ordinance changes would be no problem. But they added they would be reluctant to allow the commission to become a deferral agency if that meant additional expense to the city, such as the addition of staff.[40] Another member of the city council concurred in the view of other city officials that without Federal funding of the added costs, if any, such a deferral would not be accepted.[41]

Notes

1. Table 14, p. 27-11.

2. Bureau of the Census, Census of Population: General Population Characteristics: Missouri (PC80-1-B27), Table 32 (hereafter cited as Table 32). Percentages calculated by CRD.

3. Table 14, p. 27-11. Percentages calculated by CRD.

4. Table 58. Percentages calculated by CRD.

5. Sedalia, Mo., Ordinance 6446 (July 18, 1966) (hereafter cited as Ordinance 6446).

6. Sedalia, Mo., Ordinance 7665 (Sept. 15, 1980) (hereafter cited as Ordinance 7665).

7. Gregory Hubbard, interview in Sedalia, Dec. 4, 1984 (hereafter cited as Hubbard Interview).

8. Ordinance 6446, sec. 1.

9. Eugene Bass, Chair, Sedalia HRC, interview in Sedalia, Dec. 5, 1984 (hereafter cited as Bass Interview).

10. Ordinance 7665, sec. 6,(a),(b),(d).

11. Ordinance 6446, secs. 2-3.

12. Ordinance 7665, secs. 8-9, and Bass Interview.

13. H.E. Bass, Chair, Sedalia HRC, letter to Chair, Missouri Advisory Committee, Nov. 15, 1984.

14. Id.

15. Bass Interview.

16. Id.

17. Interview in Sedalia, Dec. 5, 1984 (hereafter cited as Foster and Durban Interview).

18. Id.

19. Interview in Sedalia, Dec. 4, 1984 (hereafter cited as Gray Interview).

20. Id.

21. Hubbard Interview.

22. Id.

23. Bass Interview.

24. Deborah Williams, interview in Sedalia, Dec. 5, 1984 (hereafter cited as Williams Interview).

25. Id. Compare with statement by H.E. Bass that the Mayor in 1983 had expressed the opinion that there was no need for the commission.

26. Williams Interview.

27. Id.

28. Hubbard Interview.

29. Bass Interview.

30. Gray Interview.

31. Alice Williams, telephone interview, Dec. 4, 1984.

32. Id.

33 Id.

34. Eugene Poole, interview in Sedalia, Dec. 4, 1984.

35. Id.

36. Rose Nolen, interview in Sedalia, Dec. 5, 1984.

37. Id.

38. Hubbard Interview.

39. Bass Interview.

40. Foster and Durban Interview.

41. Gray Interview.

10. ST. JOSEPH

St. Joseph, located in the northwestern portion of the State, had a population in 1980 of 76,691.[1] This made it the fourth largest city in the State. Of that population, 46.8 percent were male and the balance were female.[2] Blacks were 3.4 percent of the population; persons of Spanish origin, 1.9 percent;[3] American Indians and Alaskan Natives, 0.3 percent; Asians and Pacific Islanders, 0.1 percent.[4]

The city's human relations commission began as a purely advisory agency, the fair accommodations committee, established in September 1963.[5] It was to receive complaints of discrimination in public accommodations and, with the assistance of the law department, investigate them. If unable to resolve the complaints by conciliation, it was to refer the matter to the law department[6] for prosecution as misdemeanor offenses punishable by fines of between $10 and $100.[7] Not until 1983 was a comprehensive human relations commission established[8] although a fair housing ordinance had been passed in 1973.[9] That fair housing law provided no penalties and no enforcement mechanism. In a May 1983 ordinance[10] the committee became a commission and was given jurisdiction in the areas of housing and public accommodation.[11] Subsequently, the powers of the commission were expanded, first by giving it subpoena power in August 1983, and then by adding employment discrimination prohibitions and powers in September 1984.[12]

The public accommodation clauses of the current ordinance differ substantially from Federal law. The clauses cover only motels, hotels, places of entertainment, restaurants, and passenger transportation systems.[13] The local ordinance goes beyond Federal law in prohibiting discrimination against the physically or mentally

handicapped and discrimination based on ancestry or marital status.[14] However with respect to the physically handicapped, existing buildings and vehicles, at the time of the enactment of the ordinance, that may limit the use by some individuals are exempted by the ordinance.[15]

The fair housing ordinance of the city is virtually identical to the provisions of the Federal fair housing law. The ordinance prohibits refusal to sell or rent, refusal to negotiate, making a dwelling unavailable, discrimination in terms or conditions or privileges, discriminatory advertising, falsely representing a dwelling as unavailable, blockbusting, discrimination in financing, or discrimination in participation in a multiple listing service.[16] The exception provided is somewhat different than Federal law. The local ordinance provides an exception if a person does not own more than three single-family houses and makes not more than one sale in a 2-year period and uses no broker or advertising. Another exception is provided for an owner-occupied building with not more than four units.[17]

The local employment discrimination ordinance is also virtually identical to the provisions of Federal law, except that exemption is only provided for employers of five or fewer persons and no exemption is provided for religious institutions.[18] The ordinance prohibits discriminatory refusal to hire or discriminate in terms of employment, classification to deny equal opportunity, and discrimination in membership of labor organizations or training programs.[19]

The provisions of the 1983 ordinance provide for enforcement under all three sections. Under it, the commission may receive, process, and investigate complaints and seek to conciliate them.[20] Once a complaint is filed (within 180 days of the alleged violation),

it is investigated by a commissioner or staff person. That person investigates and makes a report. The commission determines whether there is probable cause. If the commission determines there is probable cause, it orders the commission member who investigated to seek to conciliate. If conciliation fails, the matter is set before the commission for public hearing.[21] A majority of the quorum present for the hearing must be convinced that a violation has occurred.[22] If such has occurred, then it issues findings of fact and directions for compliance. If the directions are not followed after a specified date, the matter is referred by the commission to the city law department.[23] The city's attorney may use his discretion on enforcement, including a filing of information in municipal court or a suit in circuit court or Federal court. If the respondent is a city contractor, action may be taken regarding enforcement of the contract or regarding future contracts.[24] The commission believes its directions are comparable to orders. Because no cases have gone to trial, the extent of the remedies the commission may order has not been tested.[25]

The commission is composed of seven members. The majority of the city council appoints one member to serve a 1-year term. The city manager and city attorney are ex-officio members but do not vote. The city council appoints other members who serve 5-year terms.[26] The commission does have authority to conduct investigations, hold hearings, and make probable cause orders.[27] There was no indication from the ordinance that the commission or its members could initiate complaints. The commission has the same broad educational and advisory powers that other such agencies have.[28]

The commission has no budget of its own and is dependent on the community development department and city attorney for support services. But the commission has been satisfied with the services it got. The commission does not have its own phone, and has not asked either for a phone or secretarial services because it is waiting to learn the pattern of complaints. It recognizes the need for greater visibility but thinks all those who are likely to refer potential complainants knew about the HRC's availability.[29]

Because the commission only recently obtained enforcement authority, it had received few complaints, 15 in a year, of which 2 were scheduled for public hearing.[30] The remainder were either conciliated informally, found to lack probable cause, or were abandoned by the complainants.[31] In addition, the commission chair reported it had received a larger number of informal complaints, many involving matters outside the jurisdiction of the commission. These were referred to agencies able to handle them.[32]

The primary problem, the chair commented, was that the process depended on volunteers.[33] Further, the commission had been able to provide only limited training. Consequently, the commissioners conducting investigations had to follow manuals page by page, which she thought was not the best way but was unavoidable.[34]

The commission chair was satisfied with the level of support the governing groups of the city had given. She thought the mayor had followed the majority of the city council in supporting commission requests. The council's position, she thought, was that it would support the commission so long as no costs were involved. But the council might be less willing to support the agency when expenditures became necessary. The city manager was new, having recently arrived

from Springfield. The commission chair thought he was supportive of the agency.[35]

The mayor thought the commission was doing a good job.[36] He based his assessment on the fact that he had not received complaints about it. He liked the commission because it provided a local forum for people with complaints and provided a way by which those who did not have real allegations of discrimination could be told so. He thought many complaints of discrimination were unjustified and that there were few "real" complaints about discrimination in the city.[37] He stated that if the commission really needed staff that would be provided. The city had not done so because such services had not been requested. He did not think conflict between employers and a city agency would be a political problem.[38]

The city manager stated that he thought the council did not want city staff actually working for the human relations commission because then they would become involved in disputes with the corporate leaders of the city.[39] But the existing activities posed only a limited threat. He did not think that even the severe budget crunch facing the city would lead to abolition of the commission because its operating cost was nominal.[40]

The executive director of the chamber of commerce thought the commission was doing a good job but that there were no strong feelings in the community about it, one way or another.[41] He had heard no complaints about commission activities. At one time there was a feeling that the local effort duplicated State and Federal efforts, but again there were no strong feelings on the matter.[42] The chair of the commission noted that the chamber had refused to support the ultimately successful effort to get powers in employment cases on just

this basis.[43] The area employee relations manager for Carnation was pleased by his one contact with the commission. He did think it needed technical assistance to develop specific allegations from complainants' statements.[44]

The commission chair stated that there were no active minority organizations in St. Joseph. She reported that her commission had worked with organizations serving the handicapped but not recently.[45]

The commission did have ties to groups such as the League of Women Voters.[46] Its president stated that the community was not aware of the commission and, because it lacked a separate telephone, had no real point of contact. The commission got little publicity or coverage in the paper. She thought the commission should work harder to make known its "wins." She also thought it would help if complainants had a staff person they could work with on their complaints.[47]

The president of the local NAACP branch said he had not seen any results from the agency. He thought it needed more publicity and a larger proportion of members who were responsive to community needs.[48]

The chair of the commission stated the commission had discussed assuming additional civil rights responsibilities, such as monitoring of community development block grant compliance and would be willing to do so without additional funding. But she did not know what the city council would say if asked to expand the ordinance, and there certainly would be a problem if money were needed.[49]

Notes

1. Table 14, p. 27-11.

2. Table 25. Percentages calculated by CRD.

3. Table 14, p. 27-11. Percentages calculated by CRD.

4. Table 58. Percentages calculated by CRD.

5. City of St. Joseph, Ordinance No. 3499, Sec. 14-108 (Sept. 3, 1963).

6. Id.

7. Id. at 14-109.

8. St. Joseph, Mo., Ordinance 74, sec. 16-172 (May 2, 1983) (hereafter cited as Ordinance 74).

9. St. Joseph, Mo., Ordinance 3922 (Oct. 11, 1973).

10. Ordinance 74.

11. Id. at secs. 16-172 and 16-173.

12. J. Kevin Kirwan, member of the HRC, letter to Chair, Missouri Advisory Committee, Jan. 9, 1985.

13. Ordinance 74, sec. 16-178.

14. Id. at sec. 16-179.

15. Id. at sec. 16-180.

16. Id. at sec. 16-183.

17. Id. at sec. 16-184.

18. St. Joseph, Mo., Ordinance 204, sec. 16-187 (Sept. 4, 1984).

19. Id. at sec. 16-188.

20. St. Joseph, Mo., Ordinance 74, secs. 16-173 and 16-175 (May 2, 1983).

21. Id. at sec. 16-175.

22. St. Joseph, Mo., Ordinance 99, sec. 16-177 (Aug. 10, 1983).

23. Id.

24. Id.

25. Lechia Jones Interview.

26. Administrative Code of the City of St. Joseph, Art. XXII, sec. 2.40.

27. Ordinance 74, secs. 16-175 and 16-176.

28. St. Joseph, Mo., Code of Ordinances Ch. 2, art. XXI, sec. 2-137 (1983).

29. Jones Interview.

30. Id.

31. Id.

32. Id.

33. Id.

34. Id.

35. Id.

36. Dave Polsky, mayor of St. Joseph, interview in St. Joseph, June 13, 1985.

37. Id.

38. Id.

39. Hal Kooistra, interview in St. Joseph, June 13, 1985.

40. Id.

41. Alan Kenyon, telephone interview, June 18, 1985.

42. Id.

43. Jones Interview.

44. Jimmy Gunn, telephone interview, June 20, 1985.

45. Jones Interview.

46. Glenda Kelly, telephone interview, June 10, 1985.

47. Id.

48. Gary Wilkinson, telephone interview, Sept. 27, 1985.

49. Jones Interview.

11. CONCLUSIONS, FINDINGS, AND RECOMMENDATIONS

Not surprisingly, the Advisory Committee found that local human relations commissions varied widely in their powers, activities, and abilities. The larger cities had ordinances that were more comprehensive than the smaller ones. The largest, St. Louis and Kansas City, also had extensive staffs to implement the protections against discrimination, as well as other functions. Springfield had only one staff person for its commission and the other cities had none. Jackson County's ombudsman office had several staff members, but their functions went well beyond the norm of civil rights compliance. The St. Louis County commission had only part-time staff.

The public awareness of local civil rights agencies was generally seen to be fairly low, and although some local commissions planned to remedy that, none had developed effective liaison with all the various constituent groups, whether potential complainants or respondents. Absent this, it was obvious that complaints might be fewer than community perception of violations suggested.

The State agency was better known than the locals, even in the locals' own communities. To some extent its very existence served as an excuse or explanation for the limitations of the local commissions. The State commission had many complaints, although like the locals, somewhat fewer than would be expected given the perceptions of civil rights around the State. The State also faced some procedural and budget constraints that limited its potential. Within these limits, it was a model of what can be done, well managed and reasonably efficient and effective.

The larger agencies--St. Louis, Kansas City, the State--were those most able to assume additional deferral authority if this should

become available. They were also those most aware of the dangers of expanded jurisdiction without comparable expansion of resources and thus most hostile to accepting additional deferrals. The smaller communities were more interested in deferral arrangements, but like the larger agencies, expressed concern about the potential cost in an era of local government fiscal constraint.

It seems unlikely that deferral without funding would be successful, at least in Missouri. The experience of the larger agencies, however, shows that deferral agreements, when federally funded, can be beneficial. On the one hand, the funding provides a way by which local governments can do more in the area of civil rights compliance, and do it better than they now do. At the same time, by keeping matters local, the Federal Government benefits from rapid and consumer-satisfying processing of complaints. Losers will always be discontented, but the speed of processing avoids the problem of deprivation of justice through delay. Because they are on the scene, the locals can often resolve problems more easily than outsiders. This seems true regardless of whether the adjudicators are citizen volunteers or paid staff.

At the same time, some continued direct Federal processing of claims seems inevitable because some claimants must rely on an extra-community venue, some local governments do not have local agencies processing complaints about the sponsoring governments, and some local agencies do not always have authority comparable to Federal law. These point to a need to ensure that at least the State agency is available as an alternate avenue for complaint resolution.

The following findings and recommendations are submitted under the provisions of sec. 703.1(e) of the Commission's regulations,

empowering the Advisory Committee to "Initiate and forward advice and recommendations to the Commission upon matters which the State Committee has studied."

The Advisory Committee presents the findings and recommendations for consideration by the Commission in its national program planning and for its consideration in advising the President and Congress on matters within its jurisdiction.

Finding 1: The Advisory Committee found that each agency, State and local, responded to its local conditions and adapted its operations accordingly. At the same time, none had adequately publicized the availability of its services.

Recommendation 1: The Advisory Committee urges that the governing bodies of the State and local governments ensure that their human rights commissions have resources sufficient to ensure that the general public is aware of their presence and availability and that the general public can easily contact them with complaints.

Finding 2: The Advisory Committee noted a range of opinions on the advantage of further deferral of Federal civil rights responsibilities and the concern about the cost of accepting such arrangements.

Recommendation 2: The Advisory Committee urges the Commission to conduct a study of the cost of complaint processing around the country and assess how the cost can reasonably be allocated, as between Federal and State and as between Federal and local.

Table 1-1

Comparison of State Law and Local Ordinances to 42 U.S.C. sec. 2000a (1982)

Public Accommodations 42 U.S.C. sec. 2000a (1982)	St. Louis City	St. Louis County	Kansas City	Jackson County	Springfield	Columbia	Sedalia	St. Joseph	MHRC
Prohibits discrimination based on race, color, religion, or national origin.									
Covers any establishment which serves the public if its operations affect commerce, or if discrimination or segregation by it is supported by State action. Included are establishments which provide lodging to transient guests, facilities which are principally engaged in selling food for consumption on the premises, and any place of exhibition or entertainment.	yes[1]	yes[7]	yes[10]	no	yes[11]	yes[1]	no	no[5]	yes
Exceptions									
1. Owner-occupied buildings with less than five rooms for rent or hire	no[1]	no	no[2]	no	no	no[1]	no	yes[6]	no
2. Private clubs in fact not open to the public, except to the extent that the facilities of such establishments are made available to the customers or patrons of a covered public accommodation	no	no	yes	no	yes	yes	no	yes	yes
Prohibited Actions									
1. Discrimination in provision of services, goods, facilities, privileges, advantages or accommodations	yes	yes	yes	no	yes[3]	yes	no	yes[5]	yes
2. Segregation in the provision of services, goods, facilities, privileges, advantages or accommodations	no	yes	yes	no	yes	yes	no	no[5]	yes
3. Coercion or intimidation to force a person to violate the law	no	yes	yes	no	no	yes	no	no	yes
Enforcement (not comparable to Federal provision)									
1. Receive and process complaints	yes	yes[8]	yes	yes	yes	yes	no	yes	yes
2. Investigate allegations or complaints	yes	yes	yes	yes	yes	yes	no	yes	yes
3. Seek to conciliate	yes	yes	yes	no	yes	yes	no	yes	yes
4. Making finding of probable cause	yes	yes	yes	no	yes	yes	no	yes	yes
5. Make order for remedy	yes	yes	yes	no	no	no	no	yes	yes
6. Seek judicial enforcement on finding of probable cause	yes	no[9]	yes	no	no[4]	no	no	no[4]	no
7. Seek judicial enforcement of commission order	yes	no[9]	yes	no	no[4]	yes	no	no[4]	yes

Table 1-1 (Cont'd)

Notes

1. The ordinances of St. Louis and Columbia cover all places providing services or facilities for the comfort, health and safety of the general public. St. Louis also adds creed, sex and ancestry and Columbia adds sex, ancestry, marital status and handicap to prohibited bases.
2. The only exclusion is for private homes where meals are served or rooms rented.
3. Women's bowling night or similar activities are permitted.
4. The city attorney enforces the law based on recommendations of the HRC.
5. Limited to hotels, motels, places of public accommodation and passenger transportation systems. Also includes prohibition of discrimination against the mentally or physically handicapped or based on ancestry, marital status, creed and sex. With respect to the physically handicapped, existing buildings and vehicles, at the time of enactment of the ordinance, that may limit the use by some individuals are exempted by the ordinance.
6. No minimum number of rooms. Private clubs exemption was deleted from ordinance.
7. Age and handicap are not covered.
8. Complainants have 60 days to file a complaint.
9. Action is by independent judgment of the county counselor.
10. Kansas City also covers ancestry, sex and handicap.
11. Springfield also covers creed, sex and ancestry.

SOURCES: Ordinances and laws on file at CRD. Also statements by State and local officials.

Table 1-2

Comparison of State Law and Local Ordinances to 42 U.S.C. secs. 3601-3631 (1982)
24 C.F.R. sec. 115.3 (1985)

Fair Housing 42 U.S.C. secs. 3601-3631 and 24 C.F.R. sec. 115.3 (1985)	St. Louis City	St. Louis County	Kansas City	Jackson County	Springfield	Columbia	Sedalia	St. Joseph	MHRC
Prohibits discrimination based on race, color, religion, sex, or national origin.									
*Covers all housing except 1) single family houses sold or rented by the owner without advertising or using an agent, 2) units in owner-occupied dwellings containing living quarters for no more than four families.	yes[17]	yes	yes[1]	no[9]	yes[4]	yes[11,2]	yes[13]	yes[7]	no[18]
Prohibited Actions									
1. Refusal to sell or rent	yes	yes	yes	no	yes	yes	yes	yes	yes
2. Refusal to negotiate for a sale or rental	no	yes	yes	no	yes	yes	yes	yes	yes
3. Making a dwelling unavailable	yes	yes	yes	no	yes	no	yes	yes	yes
4. Discriminating in terms, conditions, or privileges of sale or rental or in the provisions of services or facilities	yes	yes	yes	no	yes	yes	yes	yes	yes
5. Advertising in a discriminatory manner	no	yes	yes	no	yes	yes	yes	yes	yes
6. Falsely representing that a dwelling is not available for inspection, sale or rental	yes	yes	yes	no	yes	yes	yes	yes	yes
7. Blockbusting	yes	yes	yes	no	yes	yes	yes	yes	yes
8. Discrimination in financing	yes	yes	yes[16]	no	yes	yes	yes	yes	yes
9. Denying a person access to or membership or participation in multiple listing services, real estate brokers' organizations or other services	no[12]	yes	yes	no	yes	yes	no	yes	yes
Provides administrative enforcement body with power to:									
1. Receive and process complaints	yes	yes	yes	yes	yes[3]	yes	yes	yes	yes
2. Investigate allegations or complaints	yes	yes	yes	yes	yes	yes	yes	yes	yes
3. Conciliate complaint matters	yes	yes	yes	yes	yes	yes	yes	yes	yes
4. Make finding of probable cause (not comparable to Federal)	yes	no[9]	yes	no	yes	yes	no	yes	yes
5. Issue remedial order (not comparable to Federal)	yes	no[10]	yes	no	yes	yes	no	yes[6]	yes
6. Seek judicial enforcement and protection of rights under the law	yes	no[10]	yes	no	no[5]	yes	no[14]	no[5]	yes
7. Seek a. temporary injunction	no	no[10]	yes	no	no[5]	yes	no[14]	yes[5]	yes
b. subpoena	no	no[10]	yes	no	no[5]	yes	no	no[5]	no
8. Title VIII deferral agency	yes	no	yes	no	no	no	no	no	no[8]

Table 1-2 (Cont'd)

Notes

1. The Kansas City ordinance does not exclude any sale. It also covers based on handicap and marital status.
2. The ordinance provides an exemption for religious organizations to favor their members, for private clubs and four family units if one is owner-occupied. It does not exempt non-advertised sales.
3. Complaints must be filed within 60 days.
4. Provides exemption for religious organizations or other nonprofit organizations unless the organization restricts based on race, color or national origin. Provides an exemption for private club unless restriction based on race, color or national origin. Allows discrimination based on sex when five or fewer dwelling units are in the building and the owner lives on the premises. The law covers creed and ancestry.
5. City attorney can seek injunctive relief.
6. The HRC only issues "directions" but these appear to be the same as orders.
7. Exemption is provided if the owner does not own more than three single family houses, sells no more than one in a two year period, no broker is used and the sales are not advertised. It also provides exemption for owner-occupied buildings with not more than four dwelling units.
8. HUD refused Title VIII status because State law requires an award of costs to the prevailing party and HUD could not be sure these would be paid by the State. HUD also thought the requirement of a bona fide offer before a complaint could be made was a loophole--although it acknowledged this could be fixed by regulation.
9. Not specifically covered.
10. Enforcement is by the county counselor.
11. Also covers marital status, ancestry and handicap.
12. St. Louis appeared to prohibit discrimination by MLS services in earlier ordinances but the language of the prohibition was not carried over in Ord. 58701 which is current.
13. Sedalia exempts owner-occupied duplex buildings or where less than five persons live in an owner-occupied dwelling, It also provides the standard exemption for single family homes--provided the seller does not sell more than three at any one time.
14. Legal action is taken by independent decision of the city attorney.
15. Also covers ancestry and handicap. The Missouri law does not provide the exemptions.
16. Kansas City's ordinance also covers insurance.
17. St. Louis City coverage includes creed and ancestry, but not sex.
18. Exemption does not apply. Coverage includes ancestry and handicap.

SOURCES: Ordinances and statutes on file at CRD. Also statements by State and local officials.

Table 1-3

Comparison of State Law and Local Ordinances to 42 U.S.C. secs. 2000e-2 to 2000e-3(1982) & 29 U.S.C. secs. 621-634(1982)

Equal Employment Opportunity 42 U.S.C. secs. 2000e-2-2000e-3(1982) & 29 U.S.C. secs. 621-634 (1982)	St. Louis City	St. Louis County	Kansas City	Jackson County	Springfield	Columbia	Sedalia	St. Joseph	MHRC
Prohibits discrimination based on sex, race, color, religion, national origin, age and handicap									
Covers all employers (see exemptions, all persons, including government, governmental agencies, labor unions, employment agencies, labor organizations)	yes[1]	no	yes	no[10]	yes[13]	yes[11,2]	no	yes[8]	yes[9]
Prohibited Actions									
1. Refuse or fail to hire because person is member of protected group	yes	no	yes	no	yes	yes	no	yes	yes
2. Discriminatory discharge	yes	no	yes	no	yes	yes	no	yes	yes
3. Discrimination in terms and conditions of employment	yes	no	yes	no	yes	yes	no	yes	yes
4. Limit, segregate or classify in order to deprive any individual of equal opportunity	no	no	yes	no	yes	yes	no	yes	yes
5. Fail or refuse to refer for employment	yes	no	yes	no	yes	yes	no	yes	yes
6. Deny, limit, segregate or classify members or applicants in labor organizations	no	no	yes	no	yes	yes	no	yes	yes
7. Cause or attempt to cause an employer to discriminate against an individual in violation of the law	no	no	yes	no	yes	yes	no	no	yes
8. Discrimination in admission to or employment in, any program established to provide apprenticeship or other training	no	no	yes	no	yes	yes	no	yes	yes
Exemptions									
1. Bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise	yes	no	yes	no	no	yes	no	yes	yes
2. Religious institutions discriminating on the bases of religion if the function of the institution is directed toward the propagation of a particular religion	yes	no	no	no	no	no	no	no	yes
3. Bona fide seniority system or benefits program	no	no	yes	no	yes	yes	no	yes	yes
4. Employers with listed number or fewer employees	5	no	5[3]	no	5	1	no	5[3]	5

Table 1-3 (Cont'd)

Authority to	St. Louis City	St. Louis County	Kansas City	Jackson County	Springfield	Columbia	Sedalia	St. Joseph	MHRC
1. Receive and process complaints	yes	no	yes	no	yes[5]	yes	no	yes	yes
2. Investigate complaints	yes	no	yes	no	yes	yes	no	yes	yes
3. Conciliate complaint matters	yes	no	yes	no	yes	yes	no	yes	yes
4. Grant relief including but not limited to back pay, hiring and reinstatement	yes	no	yes	no	yes	yes	no	yes	yes
5. Seek judicial enforcement of protection of rights under the law	no[12]	no	yes	no	yes	no[12]	no	no[7]	yes[15]
6. Seek 1. temporary injunction	yes[12]	no	yes	no	no	no	no	no[7]	no
2. subpoenas	yes	no	yes	no	no	no	no	no[7]	no

Notes
1. Also covers vocational or professional training. But does not cover handicap.
2. Specifically excludes comparable worth or pension equity application based on sex.
3. Employer of six or more persons for 20 weeks or more per year are covered.
5. Complaints must be filed within 60 days.
6. Employers required only to make reasonable accommodation for the handicapped. Age is not covered. City government is exempt.
7. Relief can be granted only by action of the City Law Department, which has full discretion.
8. Also covers ancestry. But it does allow discrimination based on sex or age if permitted by State or Federal law.
9. State law does not cover all handicaps, but does cover ancestry and creed.
10. Not specifically enforcement--may investigate police or complaints of discrimination.
11. Also covers marital status. Does not cover age.
12. Enforcement of remedial orders is by the city attorney.
13. Also covers creed and ancestry.
14. Enforcement is by the State Attorney General. But his office acts on instruction by the Commission.

SOURCES: State law and local ordinances, on file at CRD. Also statements by State or local officials.

Table 1-4

General Powers of State and Local Human Relations Commissions

General Powers	St. Louis City	St. Louis County	Kansas City	Jackson County	Springfield	Columbia	Sedalia	St. Joseph	MHRC
1. Initiate investigations by action of:									
a. Staff	no	no	yes	no	no	no	no	no	no
b. one commissioner	no	yes	no	no	no	no	no	no	no
c. vote of commission	yes	yes	no	no	no	no	no	no	no
2. Education function--prepare newsletters, brochures and the like regarding discrimination	yes	yes	no[1]	yes	yes	yes	yes	yes	yes
3. Provide advice to city/State governing body	yes	yes	no[1]	yes	unclear	yes	yes	yes	yes
4. Research and report on civil rights problems	yes	yes	no[1]	yes	yes	yes	yes	yes	yes
5. Criminal Sanctions	no	no	no	no	yes[4]	yes[2]	yes[3]	no	no
6. Local court alternatives/avenue for complainant	no	no	yes	no	yes	yes	yes	no	appeal only on record

[1]Advice is provided by a separate agency.
[2]Violation is a misdemeanor punishable by a fine of $500 or 30 days, or both.
[3]Violation is punishable by fines of $25 to $500 per day for housing cases only.
[4]Violation is punishable by fines of up to $500 per day or imprisonment for 180 days. But this clause does not appear to apply to employment.

SOURCE: Ordinances and Statutes on file at CRD. Also statements by State and local officials.

Table 1-5

Logistical Arrangements of State and Local Human Relations Commissions

	St. Louis City	St. Louis County	Kansas City	Jackson County	Spring-field	Columbia	Sedalia	St. Joseph	MHRC
1. Staff for agency	11	1 part-time 10%	26.9	4	1	none	none	none	41
2. Staff assistance provided by other agencies	City Prosec.	county atty.	no	no	city atty.	asst.city atty.	no	comm. develop.	AG provides counsel
3. Size of Commission	15	7	7	8	9	9	12	7	11
4. Method of Appointment	Mayor & Bd. of Aldermen	County Exec. & County Council	1 by Mayor 6 by Council	County Exec.	Mayor & Council	City Council	Mayor & City Comm.	Mayor & City Council	Governor w. consent of Senate
5. Term of Office	3 yrs.	3 yrs.	3 yrs.	4 yrs.	3 yrs.	3 yrs.	3 yrs	vary	3 yrs.
6. Duties									
a. Policymaking	yes	yes	no	no	yes	yes	yes	yes	yes
b. Governing	yes	yes	no	no	yes	yes	yes	yes	yes
c. Conduct of Investigation	Staff	Comm.	Staff	Staff	Comm.	Comm. member	Comm. member	Comm. member	Staff
d. Conduct hearing	Hearing Board	Comm.	Board	Comm.	Comm.	Comm.	Comm. Committee	Comm.	Hearing Examiners Commissior
e. Make probable cause orders	Staff	Comm.	Board	Comm.	Comm.	Comm.	no	Comm.	Hearing Examiner
f. Determine penalties	Bd/Staff	Comm.	Board	none	Comm.	Comm.	no	Comm.	Hearing Examiner

SOURCE: State statute and local ordinances on file at CRD. Also statements of State and local officials.