
CIVIL RIGHTS

ISSUES IN KENTUCKY

KENTUCKY ADVISORY

COMMITTEE TO

THE U.S. COMMISSION

ON CIVIL RIGHTS

A summary report of the Kentucky Advisory Committee to the U.S. Commission on Civil Rights prepared for the information of the Commission. Statements and viewpoints in the report should not be attributed to the Commission or to the Advisory Committee, but only to individual participants in the community forums where the information was gathered.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957 and reestablished by the Civil Rights Commission Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denials of equal protection based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice: investigation of individual discriminatory denial of the right to vote; the study of legal developments with respect to discrimination or denial of equal protection; the appraisal of the laws and policies of the United States with respect to discrimination or denial of equal protection; the maintenance of a national clearinghouse for information respecting discrimination or denial of equal protection; and the 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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LETTER OF TRANSMITTAL

Kentucky Advisory Committee to the
U.S. Commission on Civil Rights

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Mary Frances Berry
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Blandina C. Ramirez

Melvin L. Jenkins, Acting Staff Director

Attached is a summary report of community forums conducted in Lexington on June 26, 1987, and in Louisville on August 27, 1987, to obtain information on civil rights issues in the State. The Advisory Committee voted 10 to 0 with one abstention to approve submission of this report to you. The information provided does not result from an exhaustive review of civil rights issues, but does identify certain specific issues and concerns which the Advisory Committee may decide merit further investigation and analysis.

There was general consensus at the forums that through the years the civil rights climate in Kentucky has improved, but most participants referred to what were felt to be lingering problems. There were also allegations of continuing problems related to desegregation in the public schools and public housing. Some concerns were expressed for perceived difficulties in access to public transportation by the disabled, for alleged problems of violence and harrassment by the Ku Klux Klan, and for excessive use of force on the part of police. Still other participants felt that there is a lack of equal employment opportunity for men and women.

Government, police, and school officials pointed to programs, policies, and practices which they felt to be successful in mitigating problems. They sought to assure the Advisory Committee that continued efforts are being made to provide equal opportunity and justice in their institutions.

Respectfully,

/s/

PORTER G. PEEPLES, SR., Chair
Kentucky Advisory Committee

KENTUCKY ADVISORY COMMITTEE

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Lexington

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Robert Schwemm
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Ronald A. Nash*
Bowling Green

James Stewart
Louisville

Lauren Weinberg*
Lexington

*Appointed to the Advisory Committee after the June and August 1987 community forums.

ACKNOWLEDGEMENTS: This report was the chief assignment of William F. Muldrow, Acting Director of the Central Regional Division. Support services were provided by Corrine Sanders.

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INTRODUCTION

In keeping with its responsibility to monitor civil rights developments in the State, the Kentucky Advisory Committee to the U.S. Commission on Civil Rights conducted community forums in Lexington on June 26, 1987, and in Louisville on August 27, 1987. Educators, government officials, and representatives from civil rights organizations were invited to participate. In addition, open sessions at the two forums provided members of the general public the opportunity to participate. Efforts were made to include in the forum persons with varying perspectives on civil rights issues. This report summarizes the information and opinions presented at the forums.

Bureau of the Census statistics for 1980 show that most of the State's minorities are black. At that time they numbered 259,289, or 7.1 percent, of the 3,660,777 total population. Only 0.7 percent of the population was of Spanish origin and all other minorities totaled 0.6 percent. Blacks made up 6.8 percent of the labor force and 11.9 percent of students enrolled in Kentucky public schools.

Persons who addressed the Advisory Committee at the Lexington forum included the Reverend Ed Mansfield, Executive Director of the Lexington and Fayette County Human Rights Commission; Dr. Ronald Berry, Chair of the Lexington Agency Executive Forum; Ms. Barbara Kibler, an attorney employed by the Protection and Advisory Division of the Kentucky Public Protection and Regulation Cabinet; Mr. Archie Surratt, Vice President of the Kentucky NAACP; Ms. Prudence Moore, Director of the Division of Aging Services in the Kentucky Cabinet of Human Resources; Carolyn Bratt, Chair of the Kentucky

Women's Commission and Professor of Law at the University of Kentucky; Lorraine Garkovich, Associate Professor of Sociology at the University of Kentucky; Martha Jane Whiteside, President of the League of Women Voters of Lexington; Lauren Weinberg, Executive Director of the Bluegrass Chapter of the National Conference of Christians and Jews (NCCJ); and Galen Martin, Executive Director of the Kentucky Commission on Human Rights.

Those who addressed the Advisory Committee at the Louisville forum were Andrea Duncan, Executive Director of the Housing Authority of Louisville; Augustus Clay, Regional Director of the Office of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development (HUD); Ernie Allen, Chief Administrative Officer for Jefferson County Government; Jeff Ellis, Director of Community Affairs for the Jefferson County Judge Executive's Office; Robert Crouch, Chief of the Jefferson County Police Department; Gwendolyn Young, Executive Director of the Louisville and Jefferson County Human Relations Commission; the Reverend Louis Coleman, Jr., Director of the Presbyterian Community Center; Mattie Jones, Executive Director of the Kentucky Alliance Against Racist and Political Repression; Clifford Turner, President of the Louisville NAACP; Beverly Rosenblum, Past President of the League of Women Voters of Louisville and Kentucky and representative of its Education Committee; Benjamin K. Richmond, President and Chief Executive Officer of the Urban League of Louisville; and Jean Varble, President of the Kentucky Chapter of the National Organization for Women (NOW).

LEXINGTON FORUMPrejudice Reduction

Lauren Weinberg, Executive Director of the Bluegrass Chapter of the NCCJ, explained that a main thrust of her organization was to create a better racial climate and a reduction in prejudicial attitudes on the part of persons in positions of power and decisionmaking. She said that in accomplishing this the NCCJ sought to point out that differences among people are positive and that life is enriched by recognizing and enjoying unique qualities. The result over the last six or seven years, she observed, was a shift in attitudes which has resulted in the encouragement of ethnic minority participation in civic affairs. Still, she said, color is probably the major basis of serious discrimination in central Kentucky, as evidenced in remarks about Japanese workers in Toyota plants in the county, negative comments she has heard from community people about minority migrant workers, and complaints her organization hears from blacks in responsible city positions who say they are left out of meetings where decisions are made.

Employment

Ed Mansfield, Executive Director of the Lexington and Fayette County Human Rights Commission, said discrimination on the basis of race is consistently the biggest problem they confront. Age discrimination, principally against white males and females, is the basis for the second largest number of complaints, and complaints of sexual harrassment on the job, along with sex discrimination reflected by unequal wages, are the third largest in number. The race-based complaints, he said, include a number resulting from associations such as mixed marriages or other personal relationships.

Archie Surratt, Vice President of the Kentucky NAACP, observed that in the Frankfort high school system there are no black teachers, and in certain counties of the State, and in cities such as Ashland, Russellville, and Hornsboro, employment discrimination is particularly evident in hiring by fire and police departments. He said, however, that the State Police have been actively recruiting minorities and women. Mr. Mansfield alleged, however, that the city council had rescinded promotion lists in the police department where the best qualified candidate for promotion was black.

Mr. Manfield said that in dealing with employment discrimination complaints his agency's experience showed that there is a significant absence of upward mobility and opportunities for promotion for blacks, and few women or blacks hold key management positions in the corporate world. Galen Martin, Executive Director of the Kentucky Commission on Human Rights, was more optimistic regarding opportunities for the employment of minorities and women in State government. He gave credit to then-Governor Martha Collins for being the first governor to order hiring goals and timetables for employment by the State of those two groups.

Prudence Moore, Director of the Division of Aging Services in the Cabinet of Human Resources, specifically addressed questions of employment discrimination against older persons. She explained that in taking over her present position she had made a concerted effort to employ older persons and to design job responsibilities within the Division of Aging so that they could be handled by older persons. She reported that, as a result, office tensions diminished and efficiency increased. She then developed an employment training program for persons over the age of 55 to work in health institutions. The enthusiastic response, she said, has been gratifying and out of the first class of ten, there were three minority

participants. She said her experience showed that many persons over 55 have a lot to offer and want to be in the job market but find that discrimination against them is insidious and subtle. Specific cases of discrimination which come to her attention are referred to the Kentucky Human Rights Commission for investigation.

Housing

Mr. Surratt voiced his concern about possible discrimination in rental housing where units not available to blacks are rented to whites. Mr. Mansfield also indicated that housing discrimination was an area of great concern to the Lexington and Fayette County Human Rights Commission which he directs. The problem, he said, was limited mainly to the wealthy areas of the city where houses cost \$150,000 and up. There, and in some apartment communities, blacks are steered away. According to Mr. Mansfield, obtaining mortgage loans can also be a problem. He stated that early data from a HUD-funded project to look at the behavior of local banks and mortgage institutions suggest that census tracts which are predominantly black have been redlined to restrict housing loans in those communities during the past three to five years. He reported that subsequent to completion of the study, negotiations will take place as necessary with lending institutions to improve their performance in those areas. Mr. Mansfield also stated that despite seemingly blatant discrimination in housing, a drop in discrimination complaints is being experienced. He attributed this to a lack of understanding of the nature of such discrimination and said his agency needed to do a better job of outreach and education to overcome this.

Rights of the Disabled

Barbara Kibler, an attorney in the Protection and Advocacy Division of the Kentucky Protection and Regulation Cabinet, reported that her agency

was responsible in part for protection of the rights of persons with developmental disabilities and other forms of handicap, and for ensuring the rights of children with special education needs to a free and appropriate public education. A main concern, she said, was the accessibility of public buildings for disabled persons.

She reported that offenders in this regard include public schools, post offices, and voting places, and she charged that people with physical handicaps are still denied the right to vote because they cannot get into the polling places. She said that State parks and Kentucky's public transportation systems are not accessible to disabled persons and that many State and Federal agencies do not have a plan to remove barriers to accessibility. She felt that some progress was being made by State agencies and offices in the installation of telephone devices for the deaf, but pointed out that there still are many places where persons with hearing impairments are denied the service of an agency because they cannot communicate over the phone.

The availability of public housing units suitable for disabled persons was another area of concern for Ms. Kibler. She said that a limited number of accessible units were set aside for disabled persons but that they had to wait several years before they become available. She said persons with mental disabilities face even more severe problems in acquiring public housing, and that it often was denied them altogether because agency staff did not understand the nature of the problem or realize that discrimination against such persons is illegal. The problem is exacerbated, she said, by the Kentucky Human Rights Commission's lack of jurisdiction over discrimination on the basis of handicap. She also said that there are no State laws to protect persons with mental handicaps from discrimination.

Women's Issues

Lorraine Garkovich, Associate Professor of Sociology at the University of Kentucky, provided her views of the consequences for women of occupational segregation and wage disparities in employment. She reported that the fastest growing segment of the labor force since 1970 has been women, and that working women are increasingly the heads of households whose wages are the primary source of income for their dependent children. She said, however, that the large influx of women into the labor market has been largely accomplished by the expansion of those occupations that have traditionally been "women's work," such as clerical, sales, and service occupations. The labor market, she said, remains sharply segregated by sex, and women workers do not confront the varied employment opportunities that are available to male workers. Ms. Garkovich claimed that 6 out of 10 women workers in Kentucky are employed in just four industrial sectors: retail trade, health services, educational services, and nondurable goods manufacturing.

Dr. Garkovich charged that, in addition to occupational segregation, there is a persistent and substantial earnings gap between male and female workers. Her figures showed that in Kentucky the earnings rate for year-round full-time female workers was 57 percent of that for full-time male workers in 1980. Major variations, she said, exist not only across occupations but within occupations. For example, she said that salaried women executives, managers, and administrators in wholesale or retail trades earn 52 percent of their male counterparts' annual salary.

She said that even though women in Kentucky on average have higher levels of educational attainment than men, those educational investments do not yield the same returns for female workers as they do for male workers.

Her figures showed that Kentucky women who complete a college degree earn less than white men with one to three years of high school.

Rural women, Dr. Garkovich said, are in a more disadvantaged position, than their urban counterparts due to more limited employment opportunities in rural areas. She said that the unemployment rate for rural women is higher, that they experience a high degree of occupational segregation, and that they more likely to be operators and laborers than are urban women.

One consequence of the employment status accorded to women, Dr. Garkovich reported, is a bleak economic situation for families in Kentucky headed by women where such families tend to receive little or no support from the absent father. As a result, she said, poverty in Kentucky "wears a woman's face," and dependent children compound the problem. Statistics she presented showed that two out of five of Kentucky's single-parent families live in poverty, and one out of two such families are headed by women with dependent children, with the result that the State has one of the highest poverty rates in the Nation.

Bigotry and Violence

Several references were made during the Lexington forum to incidents of violence which apparently were racially based. Mr. Mansfield reported that during the weekend of Martin Luther King's birthday in 1987 there were two cross burnings in Fayette County, one at a black church and one in the middle of an interstate highway. He also reported another incident in which the door of a black family in a public housing project was repeatedly defaced by racist graffiti. Though such incidents are isolated, he said, they are serious, and the larger community has responded with outrage and a declaration that such activity would not be tolerated. Mr. Surratt indicated that though a number of Klan organizations may operate in

Kentucky; they were keeping themselves under cover and few people paid any attention to them.

Public Accommodations

Mr. Mansfield said his agency had dealt with several instances of discrimination against black persons in public accommodations. Some hotels, he alleged, do not welcome black groups or their functions, and some black fraternities, sororities, and other organizations are subjected to terms or requirements different from those for white organizations. Black groups, for example, are required to provide security for their functions whereas white groups are not, he said. White groups are generally assumed to be creditworthy, he said, and contracts are signed with them without payment of a deposit while, in similar situations, it is required of black groups. He cited one instance where reservations made by a black church group were cancelled two months after they were made when the hotel "discovered" that the space had previously been committed to someone else. Negotiations between the group's attorney and the manager resolved the situation, but Mr. Mansfield alleged that such incidents were not unusual. Blacks, he said, had also complained of being insulted, harassed, refused service, or ignored in restaurants and retail outlets in the community.

LOUISVILLE FORUM

Education

The Rev. Louis Coleman, Jr., Director of the Presbyterian Community Center, maintained that discrimination and disparities in the educational system were among the foremost civil rights concerns in Louisville, and he pointed out several areas in which he felt the effect of this was seen. He said the number of black teachers in the State school system had dropped from 1,000 to 622 since the mid-1970s, and in Shelby and Franklin Counties,

which are heavily populated by blacks, only 3 percent or less of the teachers are black. He alleged that in the Louisville system the only head coaches who are black are in inner-city schools, though there has been no lack of experienced, qualified black assistant coaches who have applied for the top jobs. He asserted also that the Louisville schools were the last in the South to desegregate and that many classes are still segregated. Advanced programs for gifted students are predominantly white, he said, while special education programs are predominantly black.

Gwendolyn Young, Executive Director of the Louisville and Jefferson County Human Relations Commission, also addressed civil rights issues in education. She reported that though the Federal district court first ordered the Louisville school system to desegregate in 1975, an order which has since been modified and revised, disparities in several areas may result from discrimination. Like Mr. Coleman, she listed among these the "underutilization" of black teachers, the disproportionately high number of black students in special education, and the correspondingly low number of blacks in advanced and honors programs. She also included as concerns the disproportionately higher number of black students than white students who are transported for desegregation purposes, the high number of black student suspensions, failure by the school system to comply with the court-ordered ratio for black and white students, and disparities in the achievement scores of black and white students.

She said that despite an aggressive teacher recruitment program black teachers constitute only 16 percent of all teachers in the Jefferson County public school system, compared to black student percentages that range from 23 to 43 percent for schools in compliance with the court order. The gross underrepresentation of black students in honors and advanced programs has

begun to change as school officials have begun to recognize the scholastic abilities of black students and encourage them to participate. The Education Equity Coalition, which includes over a dozen civil rights organizations, has aggressively addressed equality in personnel, student assignments, expansions, placement in school programs, curriculum content, compliance with the court order, the strengthening of historically black schools, and media coverage of equity issues.

With respect to public higher education in Kentucky, Mr. Coleman charged that a five-year plan to desegregate the system has been a disaster. Kentucky State University, he said, is the State's only truly desegregated university. To bolster this assertion he pointed to statistics (table I) which show that, other than Kentucky State, no school has a faculty with more than 4.24 percent black teachers as compared to 7.1 percent blacks in the State's total population, and only four other schools have a black student enrollment above 6 percent. Furthermore, he contended, the statistics show that many of the schools have regressed since 1982 in their proportion of black students, and some have regressed in their employment of black faculty.

TABLE I
 BLACKS AS A PERCENTAGE OF COLLEGE POPULATION
 IN KENTUCKY STATE SCHOOLS

	STUDENTS		FACULTY	
	1982-1983	1986-1987	1982-1983	1986-1987
University of Kentucky	3.5%	3.3%	1.53%	1.81%
UK Community Colleges	8.7%	6.8%	5.03%	4.24%
University of Louisville	9.8%	9.3%	2.24%	2.55%
Eastern Kentucky University	7.4%	6.2%	1.19%	.96%
Morehead State University	3.3%	2.1%	1.01%	1.06%
Murray State University	5.2%	5.1%	1.61%	1.84%
Northern Kentucky University	1.0%	.8%	1.48%	1.06%
Western Kentucky University	7.1%	6.5%	1.25%	1.73%
Kentucky State University	46%	30.8%	40%	32.4%

Source: Kentucky Council on Higher Education

Beverly Rosenblum of the League of Woman Voters (LWV) Education Committee reported on efforts by that organization to gather and disseminate information about the status of school desegregation in the Jefferson County Public School System (JCPS). She said that the court-ordered desegregation mandate was no longer in effect but that the JCPS voluntarily committed itself to maintaining integrated schools according to a formula adopted in 1984. She said, however, that the league's efforts to monitor the situation are hampered by the unavailability of information that permits meaningful analysis. Information on racial enrollment by school, she said, is based on data from the second pupil week of the school year, before schools and classrooms are stabilized. She said that in addition to racial data by school, information needs to be available by class and by program to assess adequately desegregation in particular components of the school program. She reported that the school system had informed her that the district no longer collects or computes data by classroom. She also said that a request by the LWV for achievement test data needed to assess educational equity received a reply from the school system stating that such data are not currently compiled by race, grade, or program.

Ms. Rosenblum also reported that the League of Women Voters had observed that the school system increasingly is adopting one-way busing as a means of desegregation, especially at the elementary level, with blacks being bused to formerly white schools without the reciprocal busing of whites to formerly black schools. She was concerned that this apparent differential treatment not be detrimental to the long-range success of desegregation efforts, or place the burden for such efforts on minority students.

Employment

Mr. Coleman alleged that the City of Louisville, Jefferson County, and many of the major industries in the area lag behind other areas in the South in workforce integration and upward mobility for blacks. He said the city and county have few black executives or department heads and that most of the blacks whom they employ work in the public works and sanitation departments. Ms. Young reported that a suit brought against the City of Louisville in 1974 alleged that the police department discriminated against black employees in hiring and promotions. As a result of that suit, she said that in 1980 the U.S. Federal district court ordered the city to reimburse 96 black applicants who had been discriminated against in hiring practices and to cease from further racial discrimination. According to Mr. Coleman, resulting demonstrations against the city were finally ended when, in 1987, under the leadership of a new mayor, appeals by the city were withdrawn and the matter was settled out of court at a cost to the city of over three million dollars. He said also that black employees of the Louisville fire department, where there are approximately 40 blacks on a staff totaling 600, have filed a discrimination suit against the city which is still pending.

Ms. Young stated that an analysis of complaints filed with the Louisville and Jefferson County Human Relations Commission revealed that the number of employment discrimination complaints has continued to increase. She said that most complaints the commission receives involve employment discrimination on the basis of race followed in order of magnitude by sex discrimination, discrimination on the basis of handicap, and age discrimination. She reported that Louisville engaged in an effort to enact minority business enterprise and female business enterprise

ordinances which would enable public agencies to assist minorities and women in overcoming barriers they face, but that ordinances enacted in 1983 met with legal challenge, were found defective, and were repealed.

Ernie Allen, Chief Administrative Officer for the Jefferson County government, said candidly that his assessment of Jefferson County's record with regard to minority contractor participation in county work was not very positive, but that the county was aggressively seeking minority participation. He reported that contractors and subcontractors who do work for the county are now required to have an affirmative action plan, and that the county Director of Community Affairs has been designated to seek minority contractors. He felt the county has made progress in minority employment and stated that 24.2 percent of the total employees are black, compared with a 13.8 percent black labor force in the county. He also reported that of the county's four cabinet officials, two are women and one of these is black. He asserted that 12 percent of the employees in the Department of Public Safety are black and that the goal of 14 percent black sworn officers will soon be reached. He also claimed that the Department of Corrections is 27 percent black, with a goal of 40 percent, to reflect the proportion of inmates who are black, and the Family Neighborhood Services Cabinet, which includes the Departments of Human Services, Community Development, and Health, is 37 percent black. Mr. Allen felt these agencies involving human services were the principal ones which had been successful in recruitment of minorities.

Mr. Coleman reported that affirmative action efforts at the State level have not produced adequate results, as there are 2,722 full-time black employees in State government, or 8 percent of the total 34,000. He said that 948 of the black employees are in service and maintenance positions.

Public Housing

Andrea Duncan, Executive Director of the Housing Authority of Louisville, reported that her agency has over 6,100 housing units, including nine large family sites, four properties for the elderly, and six scattered sites. These, she said, have a waiting list of 3,000 applicants, approximately 80 percent of whom are black. She said that in 1957, as a result of racial segregation in the public housing developments dating back to the 1940s and 1950s, the U.S. Federal district court approved an integration plan requiring placement in public housing without regard to race or color. The first integrated housing development was built in 1958 but, she alleged, was deserted by whites who opposed integration. By the 1960s and 1970s, she said, urban renewal and increased housing opportunities in the suburbs led to massive white flight from the city, with the result that all housing authority properties, with one exception, became predominantly black.

Ms. Duncan said that to correct this situation the authority's board of commissioners established desegregation goals whereby selection of applicants could be made based on race to achieve racial balances within the housing developments. Along with this, she said, in 1982 the authority announced a strong commitment to desegregation through its admissions and occupancy policy. The narrative of such a policy, she reported, was approved by HUD, but the actual plan, which included a strategy for the parity of placement of applicants and transfers to foster desegregation, was never returned by HUD.

Ms. Duncan said that despite HUD's failure to act on the plan the housing authority adopted and implemented it. She reported that the plan resulted in a change at Parkway Place, a 700-unit complex, from a 99 to 1

black to white ratio to a 75-25 balance. The housing units for the elderly moved from a 60-40 white to black ratio to a 50-50 balance. She felt the greatest success came with the achievement of a 50-50 racial balance in 50 newly constructed units at six scattered sites at six locations throughout the city, five of them in predominantly white neighborhoods. She said that despite these gains the Kentucky Human Rights Commission termed the Louisville Housing Authority the most segregated housing authority in Kentucky and criticized the agency for failure to make greater progress in desegregation. The commission suggested, she said, that the authority should hold units vacant until whites were found to better integrate the developments, a strategy which the agency found objectionable.

Ms. Duncan stated that in Louisville, where housing developments are occupied largely by blacks, progress in desegregation was made by giving preference to white applicants. She said, however, that HUD issued a mandate to the authority to remove all mention of race in the authority's admission and continued occupation policy or lose Federal funds. Her board of commissioners then requested an exemption from this mandate, pleading extraordinary circumstances, as (1) Louisville is under a court order for school desegregation and it was felt that there should be a strong correlation with housing desegregation, and (2) without selection based on race gains would be lost and the properties would become segregated within a year. Ms. Duncan said that HUD had not responded to this appeal but had ordered a compliance review of the Louisville Housing Authority, along with three other Kentucky agencies.

Ms. Duncan said the basic problem is that the law is not clear on what the housing authority is permitted to do, or is obligated to do, to correct past discrimination. On the other hand, she said the Kentucky Human Rights

Commission believes it is its function to overcome the effects of past racially discriminatory or exclusionary practices, and that race-conscious actions are not only permitted but required to accomplish this objective. She outlined the dilemma as involving dual goals--to eliminate both desegregation and discrimination. The issue, she believes, needs to be forced to a solution, perhaps through legal action.

She said one solution to the problem would be to combine the predominantly black applicant pool of housing applicants with the predominantly white pool of applicants for rent subsidies in private housing into a more naturally desegregated waiting list. A one-offer placement policy would land an applicant either a public housing unit or a section 8 certificate, depending upon chronological order and chance.

Augustus Clay, Regional Director of the Fair Housing and Equal Opportunity Office for HUD, emphasized that the job of his agency was to assure nondiscriminatory housing for minorities. He said that even though most large housing authority waiting lists are 80 percent black, to skip over black applicants to put a white into a housing unit involves discrimination based on race and is illegal. He stressed clear that though desegregation is a good and honorable social goal, it must not be achieved by discriminating against persons who are black. He stated that discriminatory practices which are prohibited include the provision because of race of differences in quality or quantity of a particular benefit. Differences in standards or requirements for participation in a program, which have the effect of excluding numbers of certain racial or ethnic minorities, are also discriminatory, he said. He added that methods of administration are prohibited if they would defeat or substantially impair the accomplishment of the program objective, which is to provide housing to low- or moderate-income people.

Mr. Clay reported that HUD carries out its responsibilities to assure freedom from discrimination in two ways. One, he said, is to investigate individual complaints to determine their validity, and if they are substantiated, to pursue legal avenues open to them in achieving corrective action. The other method, he said, is to conduct detailed and comprehensive reviews of federally funded agencies to determine their compliance with antidiscrimination requirements. In the case of public housing authorities these reviews, he said, include a look at the tenant selection and assignment plans. He stated that, as Ms. Duncan had indicated, the Louisville Housing Authority is currently under review. The report of that review, he said, will be submitted to HUD's headquarters office, which will either concur with or change the findings. He added that if an agency is found to be in noncompliance with antidiscrimination provisions, HUD would identify appropriate corrective action. It was his belief that ways can be found to desegregate public housing without discriminating against beneficiaries of the program.

Mr. Clay said that HUD has two approved plans for tenant selection and assignment. Plan "A" permits one offer of a unit to an applicant. If that offer is refused, the applicant is placed at the bottom of the waiting list. Plan "B" permits an applicant to refuse two or three offers of a unit, and then goes to bottom of the list if good cause is not shown for the refusals. Public housing authorities, he said, may submit other plans to HUD for approval, but they must indicate how such plans are to be implemented without discrimination. He emphasized that HUD would not approve a plan which denies housing to an otherwise eligible applicant solely on the basis of that person's race, color, or national origin.

Mr. Clay reported that the Kentucky Commission on Human Rights was also used and reimbursed by HUD for the investigation and resolution of civil rights complaints. In FY 86 that commission received \$200,000 for this purpose, up from \$150,000 in FY 84.

Ms. Young reported that in the area of private housing the number of fair housing cases filed with the Jefferson County Human Relations Commission had increased this year over previous years due, in large part, to a substantial number of complaints filed by the commission against real estate operators who failed to use the equal opportunity housing logo in their advertisements. This, she said, violated Louisville's housing ordinance because such printed materials indirectly implied a racial preference.

Disability Issues

In reporting on activities of the Jefferson County Human Relations Commission, Ms. Young said that over the last several years considerable emphasis had been placed on ensuring that the transit authority provide equal service to persons with disabilities. This has involved concerns for the quality of service available to disabled persons as well as access for them to equipment. She said that although some progress has been made in these areas, major challenges still remain. She was encouraged that the transit authority has designated one of its officials to address these concerns. Ms. Young also said that commission staff members worked with the American Civil Liberties Union to survey polling places with regard to accessibility for disabled persons. She reported that recommendations from this effort had resulted in Jefferson County's becoming a community in compliance with Federal regulations and an example for the rest of the State.

Police Relations

With respect to police-community relations, Mr. Clifford Turner, President of the Louisville NAACP, expressed two concerns. He said his organization has received numerous complaints of excessive use of force by police officers, or police brutality. He also said that more police protection was needed at Dosker Manor, a home for senior citizens. The problem was, he said, that at the first of the month when residents receive their checks police are very much in evidence, but during the rest of the month, especially in the evening hours, more protection is needed.

Robert Crouch, Chief of the Jefferson County Police Department, reported that to improve police-community relations, the department has initiated in-service training to attack the problems of anger and frustrations on the part of police officers, which may help define sources of prejudice and other problems. He also indicated that the department compiles a psychological screening profile for the purpose of screening applicants and also has a professional standards unit which monitors patterns of behavior of police officers to identify those who may have a propensity for violence or attitudes which preclude positive interaction with all segments of the community. He said there is also a police advisory committee with considerable minority representation to provide guidance in the area of race relations. He explained that his department used a complaint process prescribed by the State. It permits minor complaints to be resolved on an informal basis; in more serious cases the complainant may file an affidavit which triggers a comprehensive investigation and review by the chain of command. This can, if warranted, result in disciplinary action. Appeals may be made, by either the complainant or the officer in question, to the Merit Board.

Race-Related Violence

Mattie Jones, Executive Director of the Kentucky Alliance Against Racism and Political Oppression, alleged that in some Louisville neighborhoods intimidation and violence by the Ku Klux Klan have prevented black persons from purchasing or renting housing, or terrorized them to the point where they had to leave a neighborhood after they had moved in. She cited an alleged incident in 1985 in the Sylvania area when the home of Robert and Martha Marshall was firebombed and went unreported in the media for four days. She said that eventually a rally sponsored by over 20 civil rights organizations in the city was held at the Marshall home to press for an investigation of the incident. She reported that an investigation was held, and to her knowledge, arrests eventually were made, resulting in a conviction for racial violence. She said that same year the firebombing of the house of Carlotta Burdis, a young black woman, went unsolved.

Ms. Jones said her organization had at one point sued the Klan, unsuccessfully seeking an injunction to prevent a rally and cross burning which was organized on the grounds of Valley High School to protest court-ordered busing in Louisville. She alleged that she had been harrassed personally by the Klan by the throwing of garbage on her porch and the painting of "KKK" in big red letters on her garage. She said her children also have been subjected to racist remarks and harrassment, and that early one morning two cars were burned in the driveway of her coworker. She alleged that no investigations or arrests were made in connection with these incidents. She said, however, that the police chief did respond eventually when she reported her garage had been defaced, and that he committed his department to more frequent patrols of the neighborhood.

She reported that following an incident in July 1987 at Iroquois Homes, a public housing project, in which a young black man was badly beaten by

four white men, an arrest was made and the family responsible evicted from the project. She said that immediately following this the Klan spread hate material throughout Iroquois Homes. Ms. Jones stated that another incident involving the Klan occurred in 1986 when Angela Davis spoke at a meeting in Louisville. Ms. Jones alleged that because of her involvement in organizing the meeting she received a telephone call from the Klan informing her that her home was going to be bombed and threatening her life. As it turned out, she was not able to attend the meeting because of an automobile accident, but she said the Klan members did show up at the meeting and were removed and arrested after a protest by the national director of her organization. She expressed appreciation for a county ordinance, though it is not as strong as she would like, which enables legal action to be taken against some activities of hate groups such as the Klan.

SUMMARY

This report is a summary of comments and opinions provided at community forums conducted by the Kentucky Advisory Committee in Lexington on June 26, 1987, and in Louisville on August 27, 1987, concerning civil rights issues in the State. It should not be considered an exhaustive study of civil rights concerns in Kentucky. Rather, it reports the perspectives of a limited number of persons who participated in the forum about civil rights issues which the Advisory Committee may decide merit further investigation and analysis.

There was acknowledgement during the forum that through the years the civil rights climate in Kentucky has improved in some respects. Specifically, it was felt that shifting attitudes have resulted in more ethnic participation in civic affairs, that job training provided for older Americans was resulting in increased employment opportunities for them,

that some improvement has been seen in the access to public transportation for the disabled, and that the State's affirmative action plan has increased employment opportunities for minorities and women.

However, most participants perceived lingering problems. These included concerns about allegedly ineffective desegregation of the public schools and the failure to employ adequate numbers of black teachers. Other concerns included unsatisfactory desegregation of public housing, lack of equal employment opportunities, lack of access to public buildings and voting facilities by the disabled, sporadic violence and harrassment by the Ku Klux Klan, and lack of response or excessive use of force by police. During the forums, government, police, and school officials pointed to various policies, programs, and practices they have undertaken to address such problems, and they asserted that efforts continue to provide opportunity and justice in their institutions.