

Civil Rights Issues in Arkansas, 1991-92

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

A Summary Report

September 1992

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 United States Commission on Civil Rights Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the 1983 act, 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.

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An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 6(c) of the United States Commission on Civil Rights 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 that the Commission may hold within the State.

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

Letter of Transmittal

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

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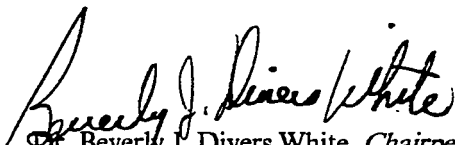
By a vote of 7 to 0 the Arkansas Advisory Committee submits this summary of a briefing session in Arkansas, as part of its responsibility to advise the Commission on civil rights within the State. The briefing session was held on July 25, 1991, in Little Rock. Every effort was made to assure a balanced perspective by inviting participants with a diversity of viewpoints and responsibilities related to civil rights.

Though there was general acknowledgment that through the years some civil rights gains had been made, however, as pointed out to the Advisory Committee, lingering problems still continue. Some of these include the failure to pass a State civil rights bill, housing discrimination and disparities in lending practices by financial institutions, alleged unjust treatment of gays and lesbians by law enforcement, failure to address the educational needs of disabled and limited-English-speaking students, increased incidents of bigotry and violence by individuals and hate groups such as the Ku Klux Klan, dilution of black political power through at-large voting systems and the judicial selection process, and inadequate health care afforded to minorities in rural areas. Some improvements in educational opportunities for black students have improved, but efforts must be continued.

Finally, Arkansas is one of four States in which there is no human relations agency to safeguard all individuals from discrimination because of race, creed, color, religion, sex, age, national origin, or disability in the area of employment, housing, and public accommodations. More importantly, failure to pass civil rights legislation was seen to have diminished opportunities for ending discrimination in the State.

The Committee hopes that these proceedings, while not an exhaustive analysis, will provide information that will assist the Committee and the Commission in addressing race relations issues.

Respectfully,


Dr. Beverly J. Divers White, *Chairperson*
Arkansas Advisory Committee

Arkansas Advisory Committee

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Acknowledgments

This report was the chief assignment of Farella E. Robinson of the Central Regional Office of the U.S. Commission on Civil Rights. Support services were provided by Jo Ann Daniels. The report was completed under the overall supervision of Melvin L. Jenkins, Director of the Commission's Central Regional Office.

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Introduction

In keeping with its responsibility to monitor civil rights activities in the State, the Arkansas Advisory Committee conducted a briefing session in Little Rock on July 25, 1991, to gather information on the status of civil rights in the State. The purpose of the briefing session was to inform the Advisory Committee on current issues that would assist the Committee in planning future activities and in advising the Commission. Legislators, educators, representatives from civil and human rights organizations, and knowledgeable citizens were invited to make presentations to the Advisory Committee. Sources of information provided in this summary report include information from participants, media reports, and background information from past summary reports of civil rights issues in Arkansas.

Civil rights issues discussed during the briefing session included the State civil rights bill, rise of bigotry and hate crime, housing, health care, voting rights, and education for minorities and the disabled. Representatives who addressed the Advisory Committee were State Representative Irma Hunter Brown; Ronald Lanoue, executive director, National Conference of Christians and Jews; Suzanne Pharr, executive director, Women's Project; Anne Brown, Federal monitor, Office of De-

segregation Monitoring; Benny Gooden, superintendent, Fort Smith School District; J. William Cain, Jr., general counsel, Advocacy Services for the Disabled; Larnell Davis, executive director, Jefferson Comprehensive Health Care System, Pine Bluff; and Charles Love, director of Community Development and Housing, Urban League of Little Rock.

Demographic Statistics for Arkansas

According to the 1990 census, Arkansas has a population of 2,350,725, a 2.8 percent increase over the 1980 total. It is the 33rd largest State in the Union. Minorities total 425,857 or 18.1 percent of the State population. Forty-eight percent or 1,133,076 of the population is male, and 52 percent or 1,217,649 is female.¹ The fastest growing population group in Arkansas is Asian or Pacific Islanders, with an increase from 5,790 in 1980 to 12,530 in 1990, an 85.9 percent rise.² Pulaski County is the most populous county, with almost 15 percent of the total State population. The largest cities in Arkansas are Little Rock, North Little Rock, Fayetteville-Springdale, Fort Smith, Pine Bluff, and Texarkana. The population breakdown is shown in table 1.

TABLE 1

	1990		1980		Number Change	Percent Change
	Number	%	Number	%		
Total population	2,350,725	100.0	2,286,435	100.0	64,290	2.8
White	1,944,744	82.7	1,890,322	82.7	54,422	2.9
Black	373,912	15.9	373,768	16.3	144	0.0
American Indian, Eskimo, or Aleut	12,773	0.5	9,428	0.4	3,345	35.5
Asian or Pacific Islander	12,530	0.5	6,740	0.3	5,790	85.9
Other race	6,766	0.3	6,241	0.3	525	8.4
Hispanic origin	19,876	0.8	17,904	0.8	1,972	11.0

Source: U.S. Department of Commerce, Bureau of the Census CB91-100, March 1991.

1 U.S. Department of Commerce, Bureau of the Census, CB91-100, March 1991.

2 Ibid.

Background

Arkansas is one of the poorest States in the country. Arkansas generally ranks at or near the bottom of most areas of life, including education and business.³ In May 1992 the overall unemployment rate in Arkansas was 7.0 percent. For whites unemployment was 6.1 percent, while minority unemployment was 12.6 percent.⁴ Most of the State's black population resides either in central Arkansas or the Mississippi Delta of eastern Arkansas. Poverty and joblessness permeate the delta region, which is predominantly black. Unemployment rates hover well above the national average, income falls well below the national average, and illiteracy continues to erode the region.⁵ State Representative Jimmie Wilson stated, "We have a wasteland over here. The bottom of everything."⁶ According to State Senator Bill Lewellen of Marianna, the delta region's economic problems are caused by an image problem. He stated: "Outsiders see it as a place rife with racial problems where people don't want to work or aren't educated enough to work. What ends up in the delta are prisons and chemicals."⁷

Contrasting with the delta region is northwest Arkansas, which includes Fort Smith, Fayetteville, and Springdale-Rogers. Donald Market, director of the Bureau of Business and Economic Research at the University of Arkansas, said that the northwest corner of the State had been the site of economic success in the State for the last decade.⁸ During the 1980s this area increased its wealth and population, while, with the exception of the immediate area of central Arkansas, Little

Rock, Pulaski County, and the northwest, the remainder of the State lost both population and income.

Some seeds of progress have been planted in the State. Bob Nash, president of the Arkansas Finance Development Authority, said efforts are being made to help not only the delta but black businesses statewide. The State offers minorities financial help and programs to develop manufacturing businesses, rather than the service-oriented companies that black people traditionally have owned. Money also is available for building low-income housing and rebuilding poorer neighborhoods.⁹ Under Governor Bill Clinton's administration, more blacks have been appointed to State boards and commissions than at any other time. Blacks have been appointed to positions of significant responsibility, such as State chief fiscal officer, State health director, and president of the Arkansas Development Finance Authority, the State's largest financial institution.¹⁰ The composition of the legislature has changed. In 1989 there were six black legislators. Of the State's 35 senators, 3 are black, and 9 of its 100 representatives are black. Although the figures lag behind the State's black population of 16 percent, observers say some progress has been made.¹¹

Summary of Briefing Session

Civil Rights Bill

In spite of the progress noted above, Arkansas remains one of several States in the Nation without a State civil rights law. A bill was proposed in 1991 but failed to pass in the legislature.¹²

3 "Clinton's Arkansas: Catching Up," *Kansas City Star*, Apr. 19, 1992, p. A-1.

4 Data provided by Sue Anderson, Arkansas State Employment Security Division, Labor Market Information, July 1, 1992.

5 "Black-White Chasm Begins to Narrow," *Kansas City Star*, Apr. 19, 1992, p. A-12.

6 "One Part Flourishes, the Rest Languishes," *Kansas City Star*, Apr. 19, 1992, p. A-12.

7 Ibid.

8 Ibid.

9 Ibid.

10 "Black-White Chasm Begins to Narrow," *Kansas City Star*, Apr. 19, 1992, p. A-12.

11 "Clinton's Arkansas: Catching Up," *Kansas City Star*, Apr. 19, 1992, p. A-12.

12 Information provided to the Arkansas Advisory Committee to the U.S. Commission on Civil Rights at its briefing session in Little Rock on July 25, 1991, Transcript, p. 13 (hereafter cited as *Transcript*).

During the briefing session, State Representative Irma Hunter Brown pointed to many civil rights issues that remain unresolved, one of which is passage of State civil rights laws.¹³ The State of Arkansas has no civil rights laws that offer protection for minorities, women, and disabled workers employed by businesses with fewer than 15 employees.¹⁴ Arkansas also does not have a law protecting against discrimination in housing.¹⁵ State Senator Max Howell, who is retiring after 42 years of service, said: "a civil rights bill had not been considered by the legislature until last session because no one saw a need for one. I don't think there's a problem."¹⁶

The civil rights bill proposed during the 78th General Assembly provided for equal treatment on the basis of race, sex, nationality, religion, and physical disability. It covered discrimination in the workplace, public facilities, housing, credit transactions, and voting rights.¹⁷ In addition to the civil rights bill, two other bills were also proposed to protect against discrimination, the Arkansas Residential Landowners and Tenant Act, and the Arkansans with Disability Act. All three bills were defeated and will not be reconsidered until the next legislative session in January 1993.¹⁸

The civil rights bill and its protection for workers was the most controversial. This legislation was sponsored in 1991 by State Senators John Pagan of Little Rock and Bill Lewellen of Marianna. Their bill extended civil rights protection to

all workers with provisions for punitive damages, attorney fees, jury trials, and giving employees 1 year to file suit.¹⁹ This bill cleared the Arkansas Senate by a vote of 34-1, but died in the House Public Health, Welfare and Labor Committee.²⁰ State Representatives Lloyd George of Danville and Jodie Mahoney of Eldorado later filed a bill in the Arkansas House sponsored by the Arkansas Chamber of Commerce. This bill would have exempted companies with up to 10 employees, would not have allowed jury trials or the awarding of attorney fees, and would have provided up to 6 months to file discrimination suits.²¹ Those opposing the chamber of commerce bill complained that it was less aggressive than the senate bill because it failed to establish remedies against persons who violate civil rights.²² This bill passed in the Arkansas House but died in the Senate Judiciary Committee.²³

Because proponents of the competing civil rights bills could not agree on either bill, a 15-member task force was formed to study and propose a bill for the next legislative session.²⁴

Bigotry and Hate Crime

In July 1988 the U.S. Commission on Civil Rights passed a resolution encouraging its State Advisory Committees to review the subject of bias-related violence. The 1980s had brought a resurgence of racism and hate group activity nationwide, with increasing numbers of shootings, assaults, murders, vandalism, and cross burnings in

13 Ibid.

14 "Clinton's Rights Record Subject to Debate," *USA Today*, Mar. 30, 1992, p. B-1. Federal provisions against discrimination in employment do not apply to employers with fewer than 15 employees. 42 U.S.C. § 2000e (1988).

15 *Transcript*, p. 13.

16 "Black-White Chasm Begins to Narrow," *Kansas City Star*, Apr. 19, 1992, p. A-12.

17 "House Passes Narrow Civil Rights Bill," *Arkansas Gazette*, Mar. 20, 1991, p. A-1.

18 Phil Boudreaux, Arkansas Legislative Legal Counsel, telephone interview, Apr. 23, 1992.

19 "House Passes Narrow Civil Rights Bill," *Arkansas Gazette*, Mar. 30, 1991, p. A-9.

20 Ibid.

21 "Official: Rights Law Requires Enforcer," *Arkansas Democrat*, Apr. 24, 1991, p. C-1; "Senate Approves Taskforce to Study, Write Civil Rights Bill," *Arkansas Gazette*, Mar. 23, 1991, p. A-12.

22 "Senate Approves Taskforce to Study, Write Civil Rights Bill," *Arkansas Gazette*, Mar. 23, 1991, p. A-12.

23 "Civil Rights Bill Passes," *Jonesboro Sun*, Mar. 20, 1991, p. B-1.

24 "Senate Approves Taskforce to Study, Write Civil Rights Bill," *Arkansas Gazette*, Mar. 23, 1991, p. A-12.

communities as well as racial tensions on college campuses. The Commission concluded that efforts were needed to address directly the far-reaching implications of bigotry and crimes prompted by prejudice.²⁵

Frequent targets of bigotry and hate violence are persons of color, religious groups, and, increasingly, gays and lesbians because of their sexual orientation. Violence has emerged from such groups as the Ku Klux Klan, neo-Nazis, skinheads, and church-based identity movement groups.²⁶ In the past, the lack of systematic reporting procedures made it difficult to determine the extent to which such activities might be increasing.²⁷ The Federal Hate Crimes Statistics Act, passed in April 1990, now requires the Federal Bureau of Investigation (FBI) of the U.S. Justice Department to collect data on crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity.²⁸ This law will make it easier to define more precisely the nature and extent of hate crimes. The number of people active in hate groups also remains unverified, and the FBI has indicated it will be at least another year before the agency has enough data to make its first report under the Hate Crimes Statistics Act.²⁹

However, the Arkansas Criminal Information Center has begun to collect information on hate crimes in the State to comply with the Federal Hate Crimes Statistics Act. This information will be available in 1993. The Women's Project, a community-based organization that monitors and reports on social justice issues in Arkansas, is the only known organization that compiles data on

incidents of bigotry and/or hate crimes in the State. This information is based primarily on media reports.³⁰

According to the 1991 Women's Project Watchcare Network Log (Network Log), a documentation of sexist, racist, homophobic, and religious violence, Arkansas, like the rest of the country, is also experiencing an increase in bias-related incidents³¹. The most organized hate group in the State is the National Knights of the Ku Klux Klan (KKK). The National Klan Congress was held near Zinc, Arkansas, in October 1991. The national headquarters camp for the KKK is also located in Zinc.³²

The Network Log shows that Arkansas reflects the national trend of increased bias-related violence committed by both individuals and organized hate groups. White supremacists such as the KKK have refined their strategy by involving themselves in issues of community concern such as an antilitter project sponsored by the Arkansas Highway and Transportation Department, distributing antidrug materials in schools, and protesting the ban on the use of the confederate flag in schools.³³ The rise of the KKK and the location of its headquarters in Arkansas is worrying people concerned about social justice.³⁴

In 1990 there were 23 reported incidents in Arkansas of racial violence or alleged unequal treatment of people of color by law enforcement and school officials. Nearly half of the incidents of racial violence that occurred in 1990 involved law enforcement officials. Out of 23 such incidents, there was one killing by a police officer; eight charges of excessive force and use of racial slurs

25 U.S. Commission on Civil Rights Resolution, July 1988.

26 Anti-Defamation League of B'nai B'rith, *Hate Crimes: Policies and Procedures for Law Enforcement Agencies* (1988), p. 1.

27 U.S. Commission on Civil Rights, *Intimidation and Violence: Racial and Religious Bigotry in America* (September 1990), pp. 17-19.

28 Hate Crimes Statistics Act, Pub. L. No. 101-275, 101st Congress (1990), U.S.C.A. § 534 (West Supp. 1992).

29 "Hate Crimes Kill 25 in 1991," *Birmingham News*, Feb. 20, 1992, p. A-2.

30 Lynn Bullock, Arkansas Criminal Information Center, telephone interview, May 20, 1992; Women's Project, *The 1991 Women's Watchcare Network Log* (1991).

31 Women's Project, *The 1991 Women's Watchcare Network Log* (1991).

32 "KKK Congress to be held in State," *Arkansas Gazette*, Oct. 10, 1991, p. B-1.

33 *Transcript*, pp. 23-24.

34 *Ibid.*; "Klan Has Nothing to Show for Vast History of Hate in Arkansas," *Arkansas Gazette*, July 7, 1991, p. A-1.

during arrests, particularly of young black males; and one allegation of abusive treatment of a jail inmate.³⁵ There is also indication of continuing racial tensions in the schools. Of the 23 incidents, 7 (or 30 percent) were in the schools.³⁶

According to the Women's Watchcare Log, 27 reported incidents of anti-gay/lesbian violence or acts occurred that created a climate of victimization. Three of these incidents involved harassment and entrapment by law enforcement officers.³⁷

The network reported 23 events or efforts made by groups such as the KKK or the Holy Alamo Christian Foundation to advance their philosophies. Anti-Semitic violence against Jews took the form of vandalism of Jewish-owned property.³⁸

Similar to the information presented in the Network Log, Ron Lanoue, executive director of the National Conference of Christians and Jews, reported at least 17 instances of bias-related incidents in the State. These incidents ranged from harassment of Arab students during the Persian Gulf War to the use of anti-Semitic themes in a passion play in Eureka Springs.³⁹ Mr. Lanoue stated that the State's failure to pass a civil rights bill had not been helpful toward promoting racial harmony. He recommended that a civil rights bill that includes hate crime legislation be passed by the legislature. He stated that the public must demand from political leaders decisions and actions untainted by racial, religious, and cultural prejudice and people must be educated to the concept of a common destiny to reduce intergroup conflict.⁴⁰

Suzanne Pharr, of the Women's Project, indicated that there are a number of civil rights issues that must be addressed, such as women's rights, employment discrimination, and racial inequities in the justice system. However, the one issue that has not been addressed is the civil rights of lesbians and gay men regarding the administration of justice.⁴¹ In Arkansas 230,000 or 10 percent of the population are lesbian or gay. Ms. Pharr stated that in the area of administration of justice, lesbians and gay men are harassed by the very people who are supposed to protect them.⁴²

Ms. Pharr stated that police recruits who were being trained on lesbian and gay issues continue to be insensitive. During a training session, recruits described homosexuals as an abomination of God, that they do not want to deal with homosexuals for fear of getting AIDS, and that gay men and lesbians are attacked because "Even chickens attack and kill deviants among themselves."⁴³ She also reported that a young woman in Little Rock was thrown against the wall, publicly humiliated, and arrested for dancing with another woman on a dance floor. In another incident, two lesbians were repeatedly harassed and their property destroyed by a neighbor, but instead of arresting the perpetrator, the victims were placed under a restraining order along with their attacker.⁴⁴

Ms. Pharr recommended that the Arkansas Advisory Committee conduct hearings on administration of justice issues affecting nonheterosexual persons and the lack of response or abusive behavior by police and law enforcement officials against lesbian and gay persons.⁴⁵

35 Women's Project, *The 1991 Women's Watchcare Network Log* (1991).

36 Ibid.

37 Ibid.

38 Ibid.

39 *Transcript*, pp. 23-29.

40 Ibid., pp. 29-30.

41 Ibid., pp. 40-41.

42 Ibid., p. 41.

43 Ibid., pp. 41-42.

44 Ibid., p. 42.

45 Ibid., pp. 43-44.

Education

During the decade of the 1980s, much attention was given to the need to enhance equal educational opportunity in Arkansas. With the growing interest in improving the quality of life within the State, the topic of excellence in education has been a major political theme within the State.⁴⁶ The Quality in Education Act⁴⁷ was passed in 1983 to raise educational standards, and the Public School Choice Act⁴⁸ of 1989 was passed to allow choice in school selection. For Arkansas, the efforts to improve educational opportunities statewide were exacerbated by the dismal history of the lack of educational access and equity for the State's black citizens. Arkansas ranks near the bottom on most profiles describing the status of formal schooling in this country.⁴⁹ However, based on recent results of both the Scholastic Aptitude Test and the American College Test, black students have markedly improved their scores. During the 1980s, black students in high school made educational strides, showing improvement unmatched by other racial groups on college entrance exams. Although whites still generally scored higher than blacks, they slumped in their scores on the standardized tests.⁵⁰ Also, more black children are graduating from high school and a greater share are going on to college in Arkansas. Education leaders credited school reforms, many resulting from court-ordered desegregation, for bringing more black students into the educational mainstream. In 1976 the average score for black students on the Scholastic Aptitude Test was 686 out of 1,600. By 1990 it had risen to 737. White students' scores declined slightly over the same period, averaging 944 in 1976 but only 933 in 1990.⁵¹

During the briefing session, Benny Gooden, superintendent of the Fort Smith School District, stated that still many improvements are needed in minority education. He said:

In a period when our communities, our neighborhoods, our churches, and our other societal entities were far from integrated, public schools were chosen as the vehicle through which racial barriers, established as a matter of law for generations, would be removed, and all peoples could work together in local communities. When the handicapped were excluded from active participation in many aspects of our society, again, the public schools were selected to provide appropriate educational programming commensurate with the needs of each individual handicapped child. When immigrants who could not communicate because of their inherent language barriers were rejected by their new-found communities, the public schools were again called on to address the acculturation of a new wave of immigrants and to effect their assimilation into the world of opportunity which is America. All of these responsibilities which have become synonymous with American public education have resulted in frustration, confusion, controversy, and a realization that the goals of equity and educational opportunity, while they're certainly related and equally worthy, are very difficult to attain simultaneously. Attempts to bringing about racial balance, equal opportunity, and many other stated objectives have been addressed through school closing, busing, student transfers, magnet schools, enrollment and participation quotas, and a range of other techniques. Each of these, while they've addressed specific objectives and have demonstrated some success, have been deficient in an ability to bring about an acculturation of diverse groups to foster the most important component of equity,⁵² in my view. That component is educational success.

Dr. Gooden pointed out that the Fort Smith School District is demographically diverse with a significant black, Asian, Hispanic, and American Indian population. The district serves over 1,000 students who have limited-English-speaking abil-

46 Urban League of Arkansas, Inc., *The State of Black Arkansas* (1987), p. 61.

47 Ark. Stat. Ann. § 6-15-201 (1992).

48 Ark. Stat. Ann. § 6-18-206 (1992).

49 Ibid.; "Arkansas Zeros In On School Choice," *Arkansas Gazette*, Mar. 17, 1991, p. A-1.

50 "Black Academics Advance," *Arkansas Gazette*, Aug. 2, 1991, p. A-1.

51 Ibid.

52 *Transcript*, pp. 77-78.

ity. He noted that educating students with a language barrier without adequate resources is very difficult. Arkansas has failed to establish evaluation procedures to identify their educational needs and failed to establish teacher certification standards.⁵³ Dr. Gooden said that the greatest deficit lies in the failure of the State to provide financial assistance to local school districts seeking to address appropriately the critical needs of limited-English-speaking students.⁵⁴

In regard to racial tensions in the Fort Smith School District caused by the KKK's objection to the banning of the Confederate flag from school activities, Dr. Gooden stated there is not much support among the student population for the Klan's protest.⁵⁵

J. William Cain, Jr., general counsel for Advocacy Services, Inc., reported that Arkansas has not been aggressive in affording accommodations to handicapped students in educational settings. The Arkansas State Department of Education has not made available to the public a list of section 504 coordinators responsible for each district's compliance with requirements of the law.⁵⁶ The Equity Assistance Center, established by the State to provide technical assistance on equity guidelines for school districts, lacks enforcement powers to ensure adherence to laws, particularly section 504. Lawful and appropriate process is often denied to students prior to or during suspension and expulsion. Although the U.S. Department of Education, Office for Civil Rights, has enforcement powers, it is not always effective due to the time involved and a lack of aggressiveness in resolving complaints.⁵⁷

State and Federal funding for special education students is inadequate, particularly for rural school districts. Mr. Cain stated that more Federal civil rights monitoring is needed to ensure that students with disabilities are provided equal opportunity.⁵⁸

Housing

In the area of housing, it was reported that redlining is a major problem for blacks. Redlining is real estate jargon for lenders' refusals to make loans in certain low-income areas of a city.⁵⁹ According to State Representative Irma Brown Hunter, when blacks do secure mortgage loans, often they are not given terms as favorable as those whites receive. In poor black areas, a resident may be offered a second mortgage on his or her home for as low as \$3,000. She stated that financial institutions in Arkansas need to reevaluate their mortgage loan guidelines and practices in poor inner-city areas.⁶⁰

Charles Love of the Urban League-Little Rock also stated that financial institutions should be more responsive in servicing low- to moderate-income persons. Because of meager incomes, poor credit histories, or the lack of knowledge to access information on financing, they are not able to qualify for loans.⁶¹ He recommended that financial institutions provide some type of assistance to ensure housing opportunities for low-income persons.⁶² Also, more concerted efforts among government and community agencies to advocate change in this area is needed. He reported that Acorn, a community advocacy group, had recently

53 Ibid., pp. 81, 91.

54 Ibid., p. 81.

55 Ibid., p. 89.

56 Ibid., p. 97.

57 Ibid., pp. 99-100, 109.

58 Ibid., pp. 109-10.

59 Ibid., pp. 10-11, 122-25.

60 Ibid., pp. 10-11.

61 Ibid., p. 11.

62 Ibid., pp. 123-24.

TABLE 2

Lenders	White % rate	Black % rate	Diff. %
Charter Mtge & Investments	74.0	43.8	-30.2
First Commercial Mtge Co.	66.6	37.5	-29.1
Moore Mtge Cp.	90.3	55.4	-34.9
Nat Bnk of Comm of PB	84.5	59.2	-25.3
Security Pacific Housing Serv	43.9	23.4	-20.5
Simmons First	83.0	42.4	-40.6
Twin City Mtge	86.2	49.1	-37.1
Onion Modern Mtge Cp	76.3	42.4	-33.9
Worthen Mtge Co	84.3	51.2	-33.1

Source: "Behind the Figures: Federal Data Detail Pervasive Racial Gap in Mortgage Lending," *Wall Street Journal*, Mar. 31, 1992, p. A-1.

challenged the lending disparities between white and black loan applicants at the First Commercial Bank in Little Rock.⁶³

According to a study conducted by the *Wall Street Journal* on mortgage lending in 1990, the loan approval rates between blacks and whites are disparate. In Arkansas, the loan approval rate for a one-to-four-room family home was 77.6 percent for whites and 46.2 percent for blacks, a differential of -31.4 percent. A review of specific individual lenders in Arkansas shows a similar disparity, as displayed in table 2.

In response to some of the housing issues in Little Rock, the Urban League established a Fair Housing Initiative to include a counseling program and a homebuyers program. This program also monitors and accepts housing discrimination complaints. The counseling program is certified by the U.S. Department of Housing and Urban Development to provide assistance to persons who are having problems with mortgage and

rental default. The homebuyers program provides information and training to inexperienced homeseekers.⁶⁴

Mr. Love indicated that the Urban League is also monitoring the legislative debate on tenant rights. According to Mr. Love, these laws need to be revised to ensure that persons discriminated against are afforded adequate due process.⁶⁵

On a positive note, the review of other housing issues in Arkansas shows housing for blacks in Pulaski County has become less segregated. According to the 1990 census, the percentage of black persons living in segregated areas of Pulaski County has declined slightly since 1980.⁶⁶ An examination of census tract information showed that 20 percent of black persons in Pulaski County lived in tracts that were 90 percent or more black in 1990. About 57 percent of the county's black residents lived in majority-black tracts, down from 63 percent in 1980.⁶⁷ County officials stated that some neighborhoods had become more integrated

63 *Ibid.*, p. 124.

64 *Transcript*, p. 123.

65 *Ibid.*, pp. 122, 124.

66 "Pulaski Blacks Housing Becomes Less Segregated," *Arkansas Gazette*, Apr. 10, 1991, p. B-1.

67 *Ibid.*

in the 1980s largely because of about 10,000 new affordable apartment units. In addition, minority families whose incomes increased in the 1980s were able to move out of segregated neighborhoods.⁶⁸ However, as blacks were moving west and into more integrated neighborhoods, white Pulaski County residents appeared to be headed toward more segregated areas. The percentage of whites living in census tracts with 90 percent or more whites increased from 52 percent in 1980 to 62 percent in 1990, a numerical increase of 28,502.⁶⁹

Health Care

The most recent census data available (1980) show that the life expectancy for blacks in Arkansas increased by about 4 years between 1970 and 1980. In 1970 the life expectancy at birth for blacks was about 66 years, 6 years less than that for whites. In 1980 the life expectancy for a black newborn was about 70 years, about 5 years less than that for the State's whites.⁷⁰

During a community forum in 1989 of the Arkansas Advisory Committee to the U.S. Commission on Civil Rights titled *Civil Rights Concerns of Older Americans*, it was reported that older black persons in Arkansas are in poorer health than their white counterparts.⁷¹ The report also indicated that, among whites, the elderly who need services the most are getting them, because they are somehow linked into a network where they have knowledge of the existence of the programs and transportation to them. On the other hand, only the black elderly with a certain level of economic resources had the opportunity to link into the system.⁷²

Larnell Davis is executive director of Jefferson Comprehensive Health Care System in Pine Bluff. Pine Bluff is 43.1 percent black and 56 percent white, but the clientele served by the health center is 85 percent black.⁷³ Mr. Davis indicated that in urban or metropolitan settings access to health care for minorities is better than in rural areas. He pointed out that in rural areas there are many problems, such as lack of information, health providers, and transportation.⁷⁴

Mr. Davis stated that most minority and poor persons in Arkansas depend on medicaid and medicare for health care. Because of this, they are treated differently by health care providers. Some of the problems noted were attempts by health care providers to avoid treatment of medicaid and medicare patients because of the red tape involved and the inadequate reimbursement received for medicaid and medicare patients. Providers also dislike treating these patients in the same office with regular patients.⁷⁵

The National Medical Association, which represents the Nation's 16,000 black doctors, and the Congress of National Black Churches is exploring the idea of a private health care system for the black community. This proposal was prompted by frustration over a lack of access to health care for blacks. Studies show that if blacks and other minorities received the same level of health care as whites, about 60,000 deaths could be prevented each year.⁷⁶

Voting Rights

Mr. Love reported that voting rights are still an issue in Arkansas. This includes election of judges and redistricting.⁷⁷ He stated that the structure of local elections, particularly in rural areas, discour-

68 Ibid.

69 Ibid.

70 Urban League of Arkansas, Inc., *The State of Black Arkansas* (1987), pp. 14-15.

71 Arkansas Advisory Committee to the U.S. Commission on Civil Rights, *Civil Rights Concerns of Older Americans* (September 1989), p. 4.

72 Ibid., pp. 10-11.

73 "Urban Medians Called from Census Data," *Arkansas Democrat*, July 26, 1991, p. B-1.

74 *Transcript*, pp. 115-16.

75 Ibid.

76 "Black Leaders Aim for Own Health System," *USA Today*, June 13, 1991, p. A-2.

ages the involvement of minorities in the political process. There is always a problem in the area of voter registration and black representation on election boards.⁷⁸ He said that the election commissioners and county clerks wield a lot of power and influence on the election process, but blacks are not adequately represented in these positions.⁷⁹

In the area of judiciary elections, Arkansas has failed to establish a representative judiciary system. The system established for electing judges has resulted in courts dominated by white males.⁸⁰ Arkansas elected its first black trial judge in 1990. Until then, there had been no blacks serving as judges on trial and appellate courts. Until 1988 no females had ever been elected to the Arkansas Supreme Court or Arkansas Court of Appeals, and only two had been elected to a trial court.⁸¹

A lawsuit was filed on July 27, 1989, on behalf of a Pine Bluff lawyer, contending that 23 of the State's 75 counties had judicial districts that diluted black voting strength.⁸² That lawsuit seeks to reorder elections in seven judicial districts. They include Pulaski County and districts in eastern and southern Arkansas that have large minority populations and more than one judge each. Blacks would be in the majority in 11 single-member subdistricts.⁸³ The affected counties are Ashley, Bradley, Chicot, Clay, Craighead, Crittenden, Cross, DeWitt, Drew, Greene, Jefferson, Lee, Lincoln, Mississippi, Monroe, Perry, Phillips, Poinsett, Pulaski, St. Francis, and Woodruff.⁸⁴

A settlement was reached in November 1991 after the U.S. Supreme Court ruled that judicial districts are subject to Federal voting rights laws.⁸⁵ In September 1991 the State admitted the districts violated Federal laws. The settlement does not alter the State's current judicial district lines; instead it creates predominately black subdistricts inside five current districts.⁸⁶ Of the 10 judges, 8 will be affected by the settlement. The new judges will be elected in 1992.⁸⁷

Summary and Conclusions

This report is a summary of comments and opinions provided at a briefing session in Little Rock on July 25, 1991, supplemented by media reports and other background information on civil rights issues in Arkansas. It should not be considered an exhaustive study of civil rights concerns in Arkansas. Rather, it reports the perspectives of a limited number of persons who participated in the briefing session which the Advisory Committee may decide merits further investigation and analysis.

Though there was general acknowledgment that through the years some civil rights gains had been made, it was noted that recently the tide had changed. This has caused the existence of lingering problems. Some of the lingering problems noted are failure to pass a State civil rights bill, housing discrimination and disparities in lending practices by financial institutions, alleged unjust treatment of gays and lesbians by law enforcement, failure to address the educational needs of disabled and limited-English-speaking students, increased incidents

77 *Transcript*, p. 127.

78 *Ibid.*, p. 128.

79 *Ibid.*, p. 129.

80 "A Case of Excess Democracy," *Arkansas Gazette*, July 14, 1991, p. C-1.

81 *Ibid.*

82 "Arkansas Pact to Increase Black Judgeships," *New York Times*, Nov. 8, 1991, p. B-1.

83 "A Case of Excess Democracy," *Arkansas Gazette*, July 14, 1991, p. C-1.

84 "Decree Settles Black Judgeship Suit," *Arkansas Gazette*, Nov. 8, 1991, p. A-16.

85 *See* *Chisom v. Roemer*, 111 S.Ct. 2354 (1991).

86 *Ibid.*, pp. A-1, A-16.

87 *Ibid.*, p. A-16.

of bigotry and violence by individuals and hate groups such as the Ku Klux Klan, dilution of black political power through at-large voting systems and the judicial selection process, and inadequate health care afforded to the poor and blacks in rural areas. Some improvements have been made in educating black students, but efforts must be continued.

At the State level, there is no human relations agency to safeguard all individuals from discrimination because of race, creed, color, religion, sex, age, national origin, or disability in the areas of employment, housing, and public accommoda-

tions. More important, failure to pass civil rights legislation was seen to have diminished opportunities for ending discrimination.

On July 25, 1991, the Advisory Committee voted to conduct a factfinding study on administration of justice issues, with particular emphasis on the treatment of nonheterosexual persons. This study will also include a review of whether there is a need for a State human relations commission to process complaints of discrimination, educate the public about human relations, and provide advice to the Governor and the State legislature on matters within its jurisdiction.

Appendix A

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

State House Conference Center
Little Rock, Arkansas

Briefing Session on Civil Rights
Issues in Arkansas

July 25, 1991

AGENDA

- 9:00 a.m. Opening Remarks
-Alan Patteson, Jr., Chair
Arkansas Advisory Committee

-Farella E. Robinson, Civil Rights Analyst
Central Regional Office, USCCR
- 9:15 a.m. -Honorable Irma Hunter Brown
State Representative
Little Rock, Arkansas
- 9:45 a.m. -Ronald Lanoue, Executive Director
National Conference of Christians and Jews
Little Rock, Arkansas
- 10:00 a.m. -Suzanne Pharr, Executive Director
Women's Project
Little Rock, Arkansas
- 10:30 a.m. -Anne Brown, Federal Monitor
Office of Desegregation Monitoring
Little Rock, Arkansas
- 11:00 a.m. -Dr. Benny Gooden, Superintendent
Fort Smith, Arkansas
- 11:45 a.m. -J. William Cain, Jr., General Counsel
Advocacy Services for the Disabled
Little Rock, Arkansas

- 12:00 p.m. -Larnell Davis, Executive Director
Jefferson Comprehensive Health Care System
Pine Bluff, Arkansas
- 12:20 p.m. -Charles Love, Director of Community Development
and Housing
Urban League
Little Rock, Arkansas
- 12:45 p.m. -LUNCH
- 1:30 p.m. -PLANNING
- 2:30 p.m. -ADJOURNMENT

Appendix B

