

1 WYOMING ADVISORY COMMITTEE  
2 to the  
3 UNITED STATES COMMISSION ON CIVIL RIGHTS  
4  
5 CONSULTATION ON CIVIL RIGHTS  
6

7 November 10-11, 1977  
8

9 THOSE PRESENT:

10 MS. JUANA RODRIGUEZ, Chairperson

11 COMMITTEE MEMBERS:

12 Mr. Fuji Adachi

Ms. Jamie Ring

13 Ms. Leona Coykendall

Ms. Edna Wright

14 Mr. Donald Lucero

Mr. David Scott

15 Mr. Harold Meier

16 STAFF MEMBERS:

17 Dr. Shirley Hill Witt

Mr. Cal E. Rollins

18 Mr. William Levis

Ms. Esther Johnson

19  
20 THE ABOVE ENTITLED hearing was held in Allison Hall,  
21 108 East 18th Street, Cheyenne, Wyoming, on the 10th and 11th  
22 days of November, 1977, and the following proceedings were  
23 had, to wit:  
24  
25

# Corrections

Tom Bauman

pg 9, line 22, "Eileen Crawley"

pg 12, line 3 "1959"

pg 14 "Osborne"

25 lines 17, 21, 23

33 line 8

56 line 3

57 lines 6, 18

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p 206, line 17, 1973

p 291 ~~misreading~~

p 316, line 25 "Nellie Taylor Ross"

p 332 line 9 KBTU

line 8 Hardie Elchinkay

line 12 Lille

p 348, line 23 Montfort

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16 Don

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~~Equal Employment~~

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## PROCEEDINGS

(The following commenced at 9:00 a.m. on November 10, 1977, and was chaired by Ms. Juana Rodriguez)

THE CHAIR: Ladies and Gentlemen, good morning. Welcome to the Wyoming consultation on civil rights enforcement.

I am Juana Rodriguez, Chairperson of our advisory committee to the U.S. Commission on Civil Rights. For the next two days our advisory committee is sponsoring this consultation on civil rights and our committee is excited about this because it seems to be the first detailed consultation on civil rights held in the state.

Second, it brings together for the first time local, state and federal officials as well as interested individuals to talk about issues of mutual concern.

Let me, at this point, introduce members of the Wyoming Advisory Committee and the staff of the commission's Rocky Mountain Regional Office, which is located in Denver.

Vice chairperson of our committee is Dave Scott from Casper, who is not yet arrived. Other committee members present include Harold Meier and Jamie Ring of Casper, Fuji Adachi of Laramie, Edna Wright of Rawlins, Leona Coykendall of Fort Washakie and they are in the

1 audience, would you please stand so that you're recognized?

2 And other -- thank you.

3 Other members of the committee not present today  
4 as yet, are Gerald Brown of of Cheyenne,  
5 Dr. Don Lucero, also of Cheyenne, Mariko Miller of Casper,  
6 Juan Deherrera of Rawlins.

7 And also with us today from the regional office  
8 in Denver, are Dr. Shirley Hill Witt, Director, William  
9 Levis, you're to my right, Cal E. Rollins and Esther Johnson.  
10 Who is out in the hallway.

11 Members of the staff and the advisory committee  
12 will be present throughout the consultation to assist you  
13 in any way that they can.

14 This conference is being held pursuant to rules and  
15 regulations applicable to advisory committees and according  
16 to other requirements promulgated by the U.S. Commission  
17 on Civil Rights.

18 The commission is an independent, bipartisan, fact-  
19 finding agency of the federal government, established in  
20 1957, and authorized to investigate complaints alleging that  
21 citizens are being deprived of their right to vote by  
22 reason of their race, color, sex, religion or national  
23 origin; to collect and study information concerning legal  
24 developments which constitute a denial of equal protection  
25 of the laws under the Constitution; to appraise federal laws



1 and policies with respect to denials of equal protection  
2 of the laws; to serve as a national clearinghouse for  
3 civil rights information and to investigate allegations of  
4 voter fraud in federal elections.

5 A more detailed description of the commission's  
6 jurisdiction as well as other commission publications are  
7 available at the entrance to Allison Hall.

8 The U.S. Commission on Civil Rights has constituted  
9 advisory committees such as ours to advise it of relevant  
10 information concerning matters within its jurisdiction and  
11 of mutual concern in the preparation of commission reports  
12 to the President and Congress.

13 The advisory committee also may receive reports,  
14 suggestions and recommendations from individuals, public  
15 and private organizations, and public officials upon matters  
16 pertinent to inquiries conducted by the committees, and  
17 attend, as observers, any hearings or conferences which  
18 the commission may hold.

19 The conference today and tomorrow will feature panel  
20 discussions of civil rights issues composed of federal,  
21 state and local officials and interested individuals. The  
22 panels will begin at 9:30 after a welcome from Governor  
23 Herschler's designate, Mr. Stanley Torvik, and other over-  
24 view of civil rights laws in the state by William Levis.

25 The first panel will discuss housing opportunities

1 for minorities and women in Wyoming.

2 At 10:45 participants will talk about health care  
3 in the state.

4 After lunch the conference will reconvene at 1:30,  
5 at which time the panel discussions will be held on educa-  
6 tional opportunities in Wyoming.

7 Today's agenda will close with a look at the rights  
8 of the handicapped.

9 The consultation will begin again at 9:00 o'clock  
10 tomorrow morning with two panels on employment discrimina-  
11 tion and one on women's rights.

12 The conference will then break for lunch until 1:30,  
13 then community participants will react to the presentations  
14 of other panelists and offer suggestions to improve civil  
15 rights enforcement.

16 It is anticipated that the consultation will end at  
17 3:00 p.m.

18 Every effort has been made to invite the most quali-  
19 fied and exciting panel participants, knowledgeable about  
20 the topics that will be discussed the next two days.

21 After individual presentations are made, the panel  
22 moderator will invite questions from the audience and  
23 other participants. While we look forward to relevant  
24 questions, we also are concerned that no individual will  
25 be victim of slander or libelous statements. In the unlikely

1 event that such a situation should develop, it will be  
2 necessary for me to call this to the attention of the  
3 person making the statement and request that they desist  
4 in such action.

5 Since this is a public meeting, the press, radio  
6 and television stations as well as individuals are welcome.  
7 However, no participant will be filmed or photographed  
8 during the consultation nor will presentations be recorded  
9 for broadcasting if a participant objects.

10 This conference will provide the basis for a written  
11 report by the advisory committee. As you see, we have a  
12 Court Reporter, Jim Bouley, here to record the proceedings  
13 to assure that we will receive accurately all statements  
14 made by the participants at this consultation.

15 In that regard, we ask that you identify yourself  
16 by name, occupation and address when you speak.

17 Anyone wishing to submit documents into the record  
18 of this consultation or provide information to the advisory  
19 committee, may do so within the next 30 days.

20 On behalf of the advisory committee, let me again  
21 welcome all of you here.

22 At this time I would like to introduce Mr. Stanley  
23 Torvik, state human planning coordinator, representing  
24 Governor Herschler, who will officially open our consultation.

25 Mr. Torvik?



STANLEY TORVIK

A. (By Mr. Torvik) Thank you, Juana. Good morning.

On behalf of Governor Herschler, I would like to welcome all of you to what I believe is the first official consultation on civil rights in the state. It is with some enthusiasm that I have been working with both Ms. Rodriguez and Bill Levis in trying to make some of the arrangements for this meeting.

The logistics were difficult, the dates were a bit of a problem for us in terms of Wyoming's unique Veterans Day holiday, which is tomorrow.

Civil rights in Wyoming is a subject that has not received a lot of headlines, it's something that we traditionally have not discussed as such in this state. However, over the last few years very quietly and somewhat methodically we have made a good deal of progress through the state agencies that administer most of the programs to people in this state.

Some of the areas that come to mind immediately that are receiving increasing attention now, the whole issue of employment, particularly for minorities, increasing funds have been made available both from the federal government and from our state legislature to implement increasing programs for jobs across the whole line of

1 minorities.

2 Emphasis is now being placed on children and youth,  
3 a subject that a few years ago we didn't really feel the  
4 need to address, including employment programs for youths.

5 In the last seven years we now have a whole series  
6 of aging programs for senior citizens, these were initiated  
7 in 1970, with about \$90,000.00 a year. We're now spending  
8 nearly five million dollars a year on those programs.

9 The issue of women's rights was addressed ten years  
10 ago quietly, again, with a commission on women, it's been  
11 very active and I'm sure will be even more active in the  
12 near future.

13 Developmental disabilities and physical handicaps  
14 have been fairly well addressed in the last three, four,  
15 five years. It's going to be a significant issue in the  
16 next two years, particularly within the legislature.

17 Programs for developmentally disabled are increasing  
18 in both size and in locations throughout the state, they're  
19 going to need to be addressed more permanently in terms  
20 of funding mechanisms for them, and in terms of identifi-  
21 cation of those individuals who require those services.

22 Very recently and I see Alan Crowley here, was  
23 instrumental in writing and getting approved, the develop-  
24 mental or the advocacy plan for developmental disabled,  
25 which is a landmark step, I believe, for our state.

1           The whole education system is now gearing up for  
2 providing additional new kinds of services to those who  
3 require it, in the area of special education of all kinds.  
4 I'm sure there are other areas but those are the ones that  
5 just immediately came to mind.

6           This meeting, consultation, is, I believe, an excel-  
7 lent forum for discussion of those areas that have not  
8 been adequately addressed and a discussion of some potential  
9 areas that need to have more attention, more dollars, more  
10 staffing, and perhaps some ways to broaden the whole scope  
11 of services to people in Wyoming.

12           Thank you.

13           THE CHAIR: Thank you.

14           And now we will have Bill Levis give us a rundown on  
15 the legal aspects of the consultation.

16  
17  
18                               WILLIAM LEVIS

19  
20           A.     (By Mr. Levis) - Thank you, Juana, and good morning.

21           Wyoming was active in civil rights legislation even  
22 before it became a state in 1890. In fact, approximately  
23 50 years before the Nineteenth Amendment was added to the  
24 U.S. Constitution in 1920, women were assured of the rights  
25 to vote and to hold political office in the state. The event

1 is memorialized in the statue of Esther Hobart Morris in  
2 front of the state capitol, just about two blocks from here.

3 In 1876 the territory of Wyoming enacted a law  
4 prohibiting discrimination in the compensation of public  
5 school teachers because of race, sex or religious belief.

6 At least four sections of the original state con-  
7 stitution which are still in effect emphasize equal oppor-  
8 tunities for minorities and women. Two of them stress that  
9 all people are equal regardless of race, color or sex, the  
10 state constitution also contains two provisions that affect  
11 the educational opportunities of women and minorities.  
12 One section insures that all persons have equal access to  
13 public schools.

14 The other section guarantees that the University  
15 of Wyoming will be open to all students regardless of sex,  
16 race or color.

17 It was not until 1957, however, 67 years after the  
18 constitution was enacted, that the state legislature  
19 reaffirmed its adherence to some of the constitutional  
20 principles.

21 That same year the U.S. Commission on Civil Rights  
22 was created. Wyoming affirmed that the right of life,  
23 liberty and the pursuit of happiness or the necessity  
24 of life would not be denied because of race, color, creed  
25 or national origin.

1           In both laws, jurisdiction over sex discrimination  
2 and enforcement powers were lacking.

3           In 1969, the Wyoming Legislature passed a statute  
4 mandating that women and men receive equal pay for equal  
5 work.

6           Three years in advance of the federal government,  
7 the state enacted a law in 1961 prohibiting discrimination  
8 based on race, religion, color, national origin in all  
9 public places.

10          In 1965, the Fair Employment Commission of the state  
11 was established. The legislation makes it unlawful for  
12 employers and labor unions to refuse to hire, discharge,  
13 demote or promote or discriminate in matters of compensation  
14 because of race, sex, creed, color, national origin or  
15 ancestry.

16          As with other commissions throughout the nation, the  
17 Wyoming agency has the power to conciliate and hold hearings.  
18 Commission determinations are enforceable and appealable  
19 through the state court system.

20          The Wyoming legislature has passed several other  
21 laws which have assisted the state in living up to its  
22 nickname. Unfortunately, Wyoming is still one of approxi-  
23 mately a dozen states which did not follow the lead of  
24 the federal government in 1968 and pass a fair housing law.  
25 This lack of state mechanism to combat housing discrimination

1 is one reason the Wyoming Advisory Committee is sponsoring  
2 this consultation.

3 Several laws of major significance have been passed  
4 by the state legislature in the last ten years. In 1967,  
5 a statute was enacted making it unlawful to discriminate  
6 on the basis of race, creed, color or national origin  
7 against applicants of medical assistance programs.

8 Two years later the legislature created the Wyoming  
9 Commission on the Status of Women, this 27-member committee  
10 once chaired by advisory committee member Edna Wright,  
11 is similar to the U.S. Commission on Civil Rights in that  
12 it collects information and publishes reports relating  
13 to discrimination, although it has no enforcement powers.

14 The Woming Commission studies developments in edu-  
15 cation, in employment, in the home and community, and the  
16 legal rights and responsibilities of women.

17 Two laws of major civil rights impact were enacted  
18 by the state lawmakers during the recently completed 1977  
19 legislative session. The first of the two statutes, both  
20 of which took effect in May, 1977, makes the sexual assault  
21 law neutral on its face. Distinctions in the law are no  
22 longer based on the sex of the assailant or the victim  
23 but rather on the severity of the offense.

24 The other statute overhauls the abortion laws in  
25 Wyoming, the new state law defines what an abortion is and



1 mandates for the first time the keeping of a statistical  
2 information on the number and types of abortion services.

3 Our consultation today, which will begin with a  
4 panel on housing and employment, will focus on several  
5 issues including the rights of the handicapped that have  
6 only recently emerged in federal legislation.

7 The question that may be answered at this con-  
8 ference today and tomorrow is what needs to be done on the  
9 state and local levels.

10 THE CHAIR: Thank you.

11 We will now adjourn for ten minutes, at 9:30 we  
12 will start our panel on housing and employment with  
13 Jamie Ring as the moderator.

14 Thank you very much.

15  
16 (Short recess)

17  
18 (The following was moderated by Ms. Jamie Ring)

19  
20 THE MODERATOR: I have been asked to announce that  
21 there will be coffee at the next break.

22 I think we will all welcome that.

23 The first panel this morning is on housing and  
24 employment, I'd like to introduce the members of the panel.  
25 We have Jeff Frant, with HUD, from Denver; Cliff Osborn of

1 the University of Wyoming, in housing; Ray Quintana, with  
2 SER-Jobs for Progress; Al Duran, Community Action of Laramie  
3 County; and James Reynolds, with the Colorado Civil Rights  
4 Commission. And I am Jamie Ring with the Wyoming Advisory  
5 Committee.

6 Each panelist will have ten minutes this morning  
7 and then we will welcome questions from the floor. I  
8 would ask that each panelist introduce himself, state his  
9 occupation and his address for the record.

10 And Mr. Frant, we will start with you.

11  
12  
13 JEFF FRANT  
14

15 A. (By Mr. Frant) Good morning. My name is Jeff Frant,  
16 I'm the director of HUD's Fair Housing Enforcement Division  
17 in our Denver regional office, 1405 Curtis Street, 27th  
18 Floor, Denver, Colorado.

19 Last night I picked up the Wyoming State Tribune,  
20 Cheyenne, November 9th edition, and saw in there the equal  
21 housing opportunity logo and statement which reads, we  
22 are pledged to the letter and spirit of U.S. policy for the  
23 achievement of equal housing opportunity throughout the  
24 nation, we encourage and support an affirmative advertising  
25 and marketing program of which there are no barriers to

1 obtaining housing because of race, color, religion, sex,  
2 or national origin.

3 And then I looked at the ads for realtors on that  
4 very same page, I looked at the ad for Wallach and Volk,  
5 Plains Realty, Moore Realty, B-C Homes and could find no  
6 logo for fair housing or equal opportunity and I just  
7 mention this in preface to my remarks because what we have,  
8 one of the problems in fair housing is a difference between  
9 the rhetoric and the reality.

10 And I hope that I'm talking to people in the State  
11 of Wyoming to tell a little bit about HUD's interest and  
12 authority in the area of fair housing and at the end, give  
13 you a very brief statement of what I feel on behalf of  
14 HUD is the role of citizens of Wyoming in improving equal  
15 opportunity for minorities in the housing field.

16 The recent publication of the U.S. Commission the  
17 unfinished business, 20 years later, states, at page 4, the  
18 right to equal access to housing remains a major civil  
19 rights concern. Despite the passage of the Fair Housing Law.

20 And then on page 209, specifically with respect to  
21 Wyoming, they indicate that Wyoming has 8% minority population,  
22 they have been a leader in the civil rights area, they are  
23 called the equality state and however the absence of the  
24 state mechanism to combat housing discrimination is a major  
25 concern of the Wyoming Advisory Committee.

1           It is also a major concern of HUD, and Mr. Reynolds,  
2 I'm sure, will talk about the state interest and state  
3 approach to fair housing, but I want to say that HUD  
4 supports state fair housing and local fair housing laws  
5 and we will do everything within our power to assist  
6 states who are interested in passing this sort of legis-  
7 lation.

8           It is, it seems absurd to me that the federal  
9 government would have to come to Wyoming and handle complaints  
10 of discrimination from the federal level when this mechanism  
11 could be set up and handled at the local level by people  
12 who know the local problems and who are sensitive to the  
13 minorities of their own state.

14           The federal fair housing law passed in 1968, states  
15 that it's simply the policy of the United States to provide  
16 for fair housing, there's nothing more plain than that.

17           Our elected ~~representatives have stated that it is a policy~~  
18 to achieve equal housing opportunity.

19           Wyoming, as many other western states, was settled  
20 on the basis of fair housing, of fair access to land, huge  
21 amounts of public lands, trust lands were opened up over  
22 the last 100 years in small lots to settlers and the people  
23 moved from east to west as a result of this tremendous  
24 incentive to equal access to housing.

25           But what we have seen over the years is a sort of a

1 pullback from this basic foundation of Wyoming and other  
2 western states, where social, economic and political  
3 realities, if you will, have created holes on equal  
4 access to housing, mostly with respect to minorities.

5 The right to equal housing opportunity, I just  
6 want to state briefly, and I think everyone realizes is a  
7 primary factor in determining the quality of life. It's  
8 related to equal access to jobs, access to good schools,  
9 and let's face it, access to prestige and access to financial  
10 success.

11 But the reality is unequal housing opportunity.  
12 And there's no question that the role of the individual  
13 homeowner or seller of property or renter is important, but  
14 of more major importance is the role of the institutions  
15 that exist in every state.

16 The housing industry, the private developers,  
17 mortgage lenders, state, local government and yes, even  
18 the federal government as the U.S. Commission has so often  
19 pointed out, all of these institutions have played an either  
20 knowing or unknowing role in limiting equal housing oppor-  
21 tunity.

22 For example, at one time racially restrictive  
23 covenants were common in the transfer of land, one person  
24 could not transfer legally to another person if the clause  
25 read in the contract, Whites only.

1           This, in addition there were laws that said certain  
2 blocks had to be set aside for Blacks, certain blocks for  
3 Whites, back in the early 1900's. And of course overt force  
4 from cross burnings to letters and midnight phonecalls,  
5 night riders, that sort of thing, has not been uncommon  
6 and even to this day in the State of Colorado, it occurs  
7 with surprising frequency.

8           I'm trying to talk about fair housing in ten minutes  
9 so if I run along, please excuse me, I will be available  
10 for questions and very briefly I want to state that there  
11 have been several major steps that we've seen over the  
12 years to achieve equal housing opportunity.

13           Several supreme court cases have taken away the  
14 rights to enforce a racially restrictive covenant in the  
15 courts, to provide for block by block segregation on a  
16 legal basis. Of course there is the Brown against  
17 board of education which says separate is not equal, 1954.

18           The federal government got involved in housing  
19 starting in 1962 with an executive order that said  
20 federally assisted housing must be available on equal  
21 opportunity basis, equal housing on military bases which  
22 was built with federal funds would have to be equal or  
23 available to all servicemen regardless of their race,  
24 color or national origin.

25           In 1964, Title VI was passed that said that all



1 federally assisted programs, if there was one dollar going  
2 to a federal -- to a program at the local level, with  
3 federal funds, that minorities could not be denied access  
4 because of race, color or national origin.

5 And we've already talked about Title VIII in 1968,  
6 which I'll talk about in a little greater length in a few  
7 seconds, the Housing Community Development Act of 1974, as  
8 amended by the 1977 act, have reiterated the '64 acts  
9 prohibition against discrimination in federally financed  
10 programs, and have even added employment discrimination as  
11 something HUD is very concerned about, if one dollar goes  
12 to a local agency that we have a right to do some  
13 monitoring of that agency to determine whether or not there  
14 is employment discrimination on the staff.

15 There is the Equal Credit Opportunity Act, and the  
16 federal home -- the Home Mortgage Loan Disclosure Act,  
17 and these acts are related to the availability of credit,  
18 credit for purchase of goods, credit for housing, primarily,  
19 one of the major purchases that anybody in a lifetime is  
20 a \$60,000.00 home, and this has not been available on an  
21 equal basis. Historically, throughout the country, but  
22 the federal government, through its elected representatives,  
23 has spoken on this point.

24 Quickly on Title VIII. And I really like to  
25 emphasize Title VIII because this is something that's concrete,

1 this is not just rhetoric, this is a program and I super-  
2 vise, we have investigators who go out into the field,  
3 go into Wyoming, investigate complaints of discrimination.

4 If there is a finding or determination to resolve  
5 the matter we can sit down with the parties and negotiate  
6 for remedies.

7 I have some handouts that are outside, I hope every-  
8 body here will take them, there's a copy of the Fair Housing  
9 Law, there's a copy of our implementing regulations three  
10 pages long, there's a descriptive brochure and on top of  
11 that, most importantly, there's a HUD 903 complaint form,  
12 which every social agency in Wyoming should have at their  
13 disposal.

14 Everybody should know that if you're not going to  
15 have a state agency that can enforce fair housing in the  
16 state, that the federal government will respond to a com-  
17 plaint form that's properly filled out, and will come up  
18 within several weeks and we'll look into the situation.

19 I'd like everyone to take one of these home and  
20 then write to us and ask for more. But we can get the cases  
21 going promptly, when the facts, when the evidence are fresh  
22 in everyone's mind and the people are still in the state.

23 How am I doing on time?

24 THE MODERATOR: About two minutes.

25 A. Two more minutes, okay. I was going to go into a

1 little detail on Title VIII, it's not that difficult a  
2 law, but I just want to emphasize that it basically covers  
3 all transactions with respect to housing, sale and rental  
4 of housing, it also covers discriminatory advertising  
5 as the Tribune pointed out, they will not, they have a  
6 policy of not accepting discriminatory advertising.

7 In Wyoming during the last fiscal year, we received  
8 only four complaints, two of these were determined that  
9 there was discrimination, they were successfully conciliated,  
10 damages in the amount of \$1,150.00 were awarded.

11 We find our complaints centering in the major  
12 centers of population, mostly Casper and Cheyenne, with  
13 some complaints coming out of Laramie and Rock Springs.

14 Very briefly, I want to state also that HUD is  
15 involved in other equal opportunity endeavors. One would  
16 be enforcement of the Section 109 of the Community Develop-  
17 ment Act, which provides four billion dollars in federal  
18 assistance to the states, and we will -- compliance reviews  
19 up here in Wyoming to determine whether or not this money  
20 is reaching the people without regard to race, color,  
21 religion, national origin.

22 In addition to that, we do compliance with the use  
23 of HUD funded construction under Executive Order 11246. The  
24 employers should work with the unions to make sure that all  
25 union training programs, etcetera, are open to everyone or

1 to reach the journeyman level without regard to discrimina-  
2 tion.

3 In addition to that, HUD is very committed from  
4 the secretary on down, to the concept of affirmative  
5 action by these institutions that I mentioned before, such  
6 as the bankers, the builders, etcetera.

7 We have one agreement here in Wyoming with the  
8 Casper Board of Realtors, this is probably a lot of our  
9 fault and not pushing it further but what we're trying  
10 to do is we're not going to hit you over the head and  
11 say you've discriminated, let's give you an opportunity  
12 to take positive steps before discrimination comes up.

13 Use the equal opportunity logo, put up the poster,  
14 you know, educate sales staffs, have minority realtors  
15 on your staff if you're a large operation and that sort  
16 of thing.

17 And in summary, I would just like to say that there  
18 are several things that the people of Wyoming can do as  
19 groups, as individuals, to move forward in the area of fair  
20 housing.

21 And briefly, everyone seems to be mentioning passage  
22 of a state law. There's one in Montana, there's one in  
23 South Dakota, and there's a very good one and a well en-  
24 forced in Colorado, and I see no reason why the -- this  
25 state should not have one.

1           Local ordinances also can play the same role. Indi-  
2           viduals and groups at the local level can push for affirma-  
3           tive agreements to provide for equal opportunity in housing,  
4           HUD is going to have a tenth anniversary celebration next  
5           year for the Fair Housing Law in Salt Lake City and Wyoming  
6           will be one of the three states that will be invited en  
7           masse, to participate in that fair housing symposium.

8           The community development block grant funds are  
9           going to be able to be monitored both through the citizen  
10          input before they are spent each year and then to find out  
11          whether in fact the communities are delivering with respect  
12          to the poor, low or moderate income that is supposed to  
13          receive under the new law and the New York Times had a  
14          major editorial on it in yesterday's newspaper.

15          Seventy-five percent of all funds under the com-  
16          munity development block grant program under the current  
17          legislation must be spent for, below and moderate income,  
18          not as New York Times points out \$150,000.00 to Little  
19          Rock to build a tennis complex, to Alhambra, California,  
20          a \$100,000.00 to enhance a municipal golf course, and/or  
21          to be spent in other ways in large amounts over 50, 60,  
22          70%, to enhance the rich and not the poor.

23          That's not the intent of the legislation and the  
24          local people in the State of Wyoming can monitor, as HUD  
25          is doing, to insure that the intent of the legislation is

1 carried out.

2 One last thing. I just want to say that you can  
3 work to identify and remove the impediments to low and  
4 moderate income housing in the state, a community does  
5 not want low and moderate income housing sometimes, if they  
6 think that it's going to be a repository for minorities  
7 and for the poor. This does not have to be the case, and  
8 it is becoming increasingly difficult, if not illegal for  
9 communities to use their zoning laws, to use the various  
10 other techniques to make it very difficult for low and  
11 moderate income housing to exist in the community, and I  
12 thank you for my 78 rpm presentation for being indulging  
13 me in it and I'll answer any questions that you might have  
14 during the day.

15 Thank you.

16 THE MODERATOR: Thank you, Mr. Frant.

17 We'll move on to Mr. Osborn with the University of  
18 Wyoming.

19

20

21

CLIFF OSBORN

22

23 A. (By Mr. Osborn) My name's Cliff Osborn and I'm  
24 the director of housing for the University of Wyoming. And  
25 my address is Box 3394, University Station in Laramie.



1           When I was invited to speak at this state advisory  
2 committee meeting, I was not exactly sure what kind of  
3 expertise I might be able to bring to you as a group. I  
4 hope that I can offer you some evidence of the kinds of  
5 decision making that need to go on in terms of housing  
6 operations.

7           And the kinds of programs procedures policies that  
8 are effective now at the University of Wyoming, which I  
9 hope are actively pursuing and engaged in civil rights  
10 legislation fairly representing the kinds of activities  
11 that we should.

12           I'd like to read as a beginning, some statements that  
13 I pulled out of some publications of the university. First  
14 publication that I took a look at was a publication entitled  
15 student conduct, rights and responsibilities. Handbook. And  
16 I'll quote from page 1 of that.

17           The objects of such universities shall be to provide  
18 an efficient means of imparting to young men and young  
19 women, without regard to color, on equal terms, a liberal  
20 education, together with a thorough knowledge of the  
21 various branches connected with the scientific, industrial  
22 and professional pursuits.

23           This was taken from Wyoming Statutes of 1957, I  
24 believe.

25           In the University of Wyoming Bulletin, on page 1,

1 there is a statement in bold face print at the very bottom  
2 of the page, indicating admission, employment and programs  
3 for the University of Wyoming are offered to all eligible  
4 people without regard to race, color, national origin,  
5 sex, religion or political belief.

6 Another statement contained in the University of  
7 Wyoming Bulletin is contained under a section entitled  
8 admissions policies and procedures. And academic policies  
9 and procedures. On page 7 of the University of Wyoming  
10 Bulletin, race, sex, religious creed or political belief  
11 shall not be a factor in determination of admission to  
12 the university or in determination of eligibility of  
13 students for any of the university's academic programs,  
14 recognized or sponsored activities, employment, housing,  
15 or other benefits.

16 With these kinds of statements, derived from publi-  
17 cations of the university as a backdrop, I'd like to  
18 review for you some of the housing services for university  
19 students, staff and faculty and give you an idea of  
20 policies and procedures that are effective in that area.

21 Basic housing policies that are important, I think  
22 for this particular group, are such things as only regular  
23 students officially accepted for admission to the university  
24 will be considered for assignments in campus housing.

25 That is a summary of a kind of a policy that's

1     affected at the university. Staff or faculty who are  
2     employed on a full time basis will be considered for  
3     assignment in campus housing.

4             Now, since the greater university policy clearly  
5     prohibits discriminatory activity campus housing, then,  
6     is accessible without regard to race, color, national  
7     origin, religion or political belief.

8             Off-campus, non-university-owned housing may be  
9     advertised in a university housing office by any landlord  
10    without regard to race, creed, color, political origin --  
11    political belief of that landlord, provided he signs an  
12    affidavit provided by my office and the housing office  
13    that he will comply with our stated non-discrimination  
14    policy in letting housing accommodations to students, staff  
15    or faculty.

16            This is one means, one manner by which the university  
17    housing office may be assisting in seeing to it that non-  
18    discriminatory housing policies are adhered to and exist  
19    in the community of Laramie, outside the campus proper.

20            Now, in this organization operating procedures can  
21    sometimes undermine the most clearly stated and the most  
22    well intentioned policies. Let me provide for you now a  
23    brief overview of how we've designed procedure at the  
24    university in the campus housing area, and as related  
25    to our listing service for off-campus housing.

1           In order, hopefully, to avoid some pitfalls that  
2 may exist in providing fair housing opportunities.

3           Now, in residence halls, qualified applicants  
4 must submit an application agreement and an advance pay-  
5 ment in order to be considered for assignment to residence  
6 halls. Qualified applicant means a person officially  
7 accepted for admission to the university.

8           And after acceptance for admission to the university  
9 a person enrolled for regular student, full time status  
10 or a person employed as a full time staff member.

11           The application agreement form that we use for  
12 housing solicits information on the name of the person,  
13 sex, birthdate, student classification, and quite a wide  
14 variety of preferences. Preferences such as roommate  
15 preference, preference relative to whether a person  
16 smokes or does not smoke, drinks or does not drink and  
17 wishes a roommate of that sort.

18           Preferences in terms of particular plans or  
19 environments scheduled to be in those residence halls.

20           The application agreement does not solicit information  
21 regarding race, religion, color, political belief. The  
22 information thus gained from an application agreement by  
23 qualified applicants and used to make assignments is  
24 limited to what we feel is absolutely necessary to fit  
25 applicants into designed patterns of living on campus.

1 Information that could be used prejudicially, such  
2 as race, color, religion and so on, is not available to  
3 those people on my staff who are actually making the  
4 assignments.

5 Now, an assignment to residence halls is based  
6 on a date priority basis and as nearly as possible on  
7 preferences or options noted on the form. A university  
8 apartments designed and operated basically for married  
9 students attending the university, also apply using an  
10 application agreement form and it is necessary to submit  
11 a deposit of \$25.00.

12 The application agreement form in this area also  
13 solicits the necessary information in terms of name,  
14 marital status, spouse's name, number of children, and  
15 student, faculty or staff status, including also residency  
16 status, be it in-state or out of state residence.

17 Again we collect no information on that application  
18 form to indicate race, color, religion. Again assignment  
19 is based on the date priority, on in-state or out of state  
20 residents and now on size of family also.

21 In terms of the use of the forms, we will not  
22 accept ad hoc preferences that are written in such as  
23 preferences stated like, please do or do not assign me as  
24 an applicant with any Black, Chicano, Indian, Mormon, etcetera.  
25 The information used for assignments is restricted to that

1 information requested specifically on the form.

2 Divorced, widowed or single parents accompanied  
3 by children can be accomodated within the university  
4 married student housing area.

5 Now, as you listen to those procedures you probably  
6 recognize that there is potential in the procedures for  
7 inadvertent or unintentional discrimination in at least  
8 two areas and possibly more. The two areas being a date  
9 priority of requirement for applications, and the money  
10 requirement that is subject, that an applicant is subject  
11 to.

12 To avoid pitfalls in terms of inadvertent discrimina-  
13 tion towards people for on-campus housing, we have instituted  
14 some kinds of special provisions. It has been a kind of a  
15 fact of life for those people who are recruiting minority  
16 students that often the recruitment occurs late on towards  
17 the beginning of a semester.

18 We will reserve for those people who are doing the  
19 recruiting, so long as we can understand what the needs  
20 are, we will reserve housing space for assignment at a  
21 later date based upon the request of the recruiters.

22 For example, Mr. Adachi, in student educational  
23 opportunities can request from us reserved spaces which  
24 we will make based upon a belief that there will be additional  
25 minority students recruited, perhaps too late to have



1 achieved an assignment to on-campus housing under normal  
2 procedures.

3 We find often that minority students must arrive  
4 on campus at the university in Laramie before they are  
5 able to receive financial aid packages. By special pro-  
6 vision, we have made arrangements where necessary to  
7 defer payments of deposits or advance payments necessary  
8 for residence hall space until the student receives his  
9 student financial aid package on the campus.

10 These are two of the kinds of ways that I think we  
11 in the educational housing area can particularly assist  
12 in providing ~~absolutely~~ fair housing opportunity.

13 By presenting policies and procedures that are  
14 strictly rigid, that are unyielding, I believe that we can  
15 enter into inadvertent or undesigned for discriminatory  
16 practices.

17 I believe at the University we're attempting to work  
18 around those kinds of things by making special provisions.

19 The university, while this is outside the area of  
20 university housing per se, the university does provide now,  
21 through funding by the associated students of the university,  
22 a students attorney program, the student attorney is  
23 available to assist students in off-campus housing with  
24 legal advice regarding alleged discriminatory practices  
25 and in turn, the housing office listing service can be

1 withdrawn if discriminatory practices are reported and  
2 verified to the housing office.

3 These comments, I hope are helpful to you and  
4 I hope give you a sense of the direction of the university  
5 in its efforts to provide fair and equal opportunity in  
6 the housing area.

7 Thank you very much.

8 THE MODERATOR: Thank you, Mr. Osborn.

9 We'll move on to Mr. Reynolds of the Colorado  
10 Civil Rights Commission?

11  
12  
13 JAMES F. REYNOLDS

14  
15 A. (By Mr. Reynolds) I'm Jim Reynolds, Director of  
16 the Colorado Civil Rights Commission, and have been for a  
17 long time.

18 When I went to the commission as director, I was  
19 concerned with fair employment practices. My thinking  
20 was if a person could get a job to sustain him or herself,  
21 that a major portion of the problem of discrimination was  
22 eliminated.

23 But in the process of attempting to resolve the  
24 problems of fair employment, I found that fair employment  
25 was directly related to fair housing, and that if a person

1 was not able to move into a neighborhood where the job  
2 was located, then his or her ability to hold a job was  
3 diminished greatly, and as you know, in most of our  
4 cities, including Denver, Colorado Springs, and no doubt  
5 Cheyenne, businesses have increasingly moved to the out-  
6 skirts, and public transportation has, in all cases, been  
7 inadequate, especially in the west, so that when large  
8 companies moved ten, 20 miles out of the city, people who  
9 were constrained and confined to the ghettos and the barrios,  
10 found themselves unable to get jobs with these companies  
11 because they couldn't get to them.

12 And when they did get a job with one of these com-  
13 panies, their inability to get there regularly and on time  
14 inevitably led to their being discharged.

15 So, whether I wanted to or not I found myself having  
16 to deal with fair housing on a more forceful basis than I  
17 had intended to. I would have given fair housing a much  
18 lower priority than fair employment practices, but I found  
19 that the two were so related that I couldn't do one and  
20 ignore the other.

21 Secondly, I found we had a number of problems of  
22 discrimination in our public schools that finally led to  
23 a lawsuit that has gone on for the last eight years and is  
24 still going on. And a lot of hostility was built up in  
25 the community over some of the people said busing but that

1 wasn't the issue at all, the issue really was having Black  
2 and Chicano kids in what had previously been all White  
3 schools.

4 The code word for school segregation of course was  
5 the bus.

6 Well, all of that was tied directly to discrimination  
7 in housing. Because the Blacks and the Chicanos of Denver,  
8 Colorado Springs, Pueblo, were restricted in where they  
9 could live so that fair housing, then, not only became  
10 a problem related to employment, but it also became  
11 directly related to our schools.

12 And at that point we decided that the shortcut to  
13 many of our problems was to strengthen our fair housing  
14 law so that it could be enforced and open up other areas  
15 of the city to the minorities, and we proceeded to do that.

16 It was very difficult because there are a lot of  
17 people who philosophically talk about fair housing, as  
18 long as it's in somebody else's neighborhood. But when  
19 you talk about having fair housing in their neighborhood  
20 they are very reticent.

21 So, with a great deal of trouble we did strengthen  
22 our fair housing law to where it became one of the better  
23 laws in the country.

24 One of the major features of it was when a complaint  
25 of discrimination in housing was filed, we could enjoin the

1 owner from renting, selling, or otherwise disposing of  
2 the property, until a determination had been made as to  
3 whether or not discrimination had in fact occurred.

4 And with that feature of the law, we began to open  
5 up housing, making it more accessible to everyone in  
6 Colorado. It has been very successful. Right now we are  
7 doing a study of the relationship of our fair housing  
8 law to where people live and who goes to school where,  
9 and it has been quite interesting that in those neighbor-  
10 hoods where previously Black and Chicano kids were bused,  
11 they have now moved to be near the better schools, because  
12 it was well established that the schools in the barrios  
13 and the ghettos were inferior, they had the teachers who  
14 were less well prepared, the amount of money spent on those  
15 schools was greatly out of proportion.

16 For example, one high school, George Washington,  
17 in southeast Denver, the system spent approximately  
18 \$1,200.00 per year for each child who attended that school,  
19 but at Manual and West, Manual was mostly Black, West was  
20 mostly Chicano, it was roughly \$400.00 at Manual and around  
21 \$350.00 per child in West.

22 So that you see when you take a look at fair housing,  
23 you are not only talking about where a person can live,  
24 whether or not the constitution is obeyed, which says that  
25 everyone has the right to own property, and you need to know

1 that one of the major fights in this whole area has to do  
2 with the fact that there are a lot of people who believe  
3 that there is such a thing as property rights.

4 Well, there's no such thing as property right, it's  
5 the right of people to own property, but by twisting it,  
6 it becomes a defense for discriminatory housing.

7 In addition to that, where you go to school is a--  
8 plays a major factor in what kind of job you can get, be-  
9 cause when you go to school, nobody knows whether or not  
10 you took advantage of what was offered, but there is one  
11 thing we do know, that getting a job is determined to  
12 a large extent by who knows you, and when you go to a  
13 ghetto school or a barrio school, the only people you meet  
14 are people in the situation similar to your own.

15 But when you go to a school where access to it is  
16 available to everyone, you meet people who are successful,  
17 you meet the people who get to be the heads of firms and  
18 agencies, and the people who control the hiring and the  
19 firing in our economic life.

20 And the very fact of your having gone there enhances  
21 your ability to get a job.

22 Now, there are a number of other things related to  
23 fair housing, but I see that my time is up also and I  
24 won't go on. But let me assure you that if you want to  
25 avoid ghettos and barrios, which deteriorate very rapidly

1 and create a number of social problems within any city,  
2 fair housing, open housing is a must.

3 THE MODERATOR: Thank you, Mr. Reynolds.

4 Mr. Duran, go on with you?

5  
6  
7 AL DURAN

8  
9 A (By Mr. Duran) This is a little bit different  
10 than I had anticipated, I talked with Mr. Levis Tuesday,  
11 and he shared with me that I would be on a panel talking  
12 about the civil rights thing. I had anticipated some kind  
13 of testimony to be prepared initially and that's what my  
14 position paper is on.

15 I want to share these figures with you. This informa-  
16 tion with you. And I think it's, it's very interesting that  
17 I'm following Mr. Reynolds because some of the conclusions  
18 that I've drawn are very similar to what he talked about.

19 The presentation that I want to give is geared in  
20 two areas according to the information that I received,  
21 initially, and it asked for us to describe what we're  
22 doing as an agency in the area of civil rights.

23 And then what we thought was needed in the State of  
24 Wyoming for the improvement of civil rights. First of all  
25 I want to share with you our agency's policy in regard to

1 opportunity and it goes as, I quote, our efforts toward  
2 equal opportunity for our people in our community will  
3 extend above and beyond the letter of the law, and that's  
4 the policy that the agency that I work for has established.

5 We do that in several ways. One is when we enter  
6 into agreements with delegate corporations to provide  
7 services to the poor of this community, in those delegate  
8 agreements we make sure that the strongest of all civil  
9 rights language is included in affirmative action, equal  
10 opportunity, etcetera.

11 We also monitor and review the businesses that  
12 we do business with. And if we find that those businesses  
13 are not promoters of equal opportunity, then that is  
14 sufficient ground for us to take our business elsewhere.

15 As further examples of our efforts to live these  
16 ideals of equal opportunity, I want to share with you  
17 several cases and some conclusions that we've drawn.

18 One is that our agency's employees should and do  
19 reflect the ethnic mix of the low income communities  
20 since that's who were assigned to serve. We're never part  
21 but we attempt to become involved with other affirmative  
22 action groups or affirmative action committees and I had  
23 some examples I won't bore you with those examples, but  
24 I do want to share with you that they extend anywhere from  
25 the federal government to local government to state



1 government, to private employers, and we participate quite  
2 actively either with their EEO committees or review and  
3 comment on their affirmative action plans.

4 We have a CETA program that assists the unemployed  
5 and we concentrate on the hard core economic disadvantaged  
6 unemployed, okay? And many of those that we service through  
7 the CETA program are definitely classified in segregational  
8 aspect of racial and ethnic minority groups.

9 And I would trust this to assist in the gaining  
10 of employment which they normally would not even apply for.

11 On many occasions our agency receives complaints  
12 that deal with discrimination or there's a concern of  
13 discrimination, it's been in housing, employment, whatever,  
14 our agency can only serve as a referral source since we  
15 lack any authority to really do any form of investigation  
16 or make any judgment in any respect.

17 So we utilize what's available to us, most often  
18 it's the legal services corporation that exists in this  
19 community and the fair employment practices commission,  
20 that's who we've been going through, you know, HUD sounded  
21 very exciting that they've done a couple cases in here,  
22 you know.

23 We're not excited about HUD because we've had lot of  
24 grievances filed with HUD and we've never gotten any  
25 response.

1           I want to share with you some other instances that  
2           are of very deep concern with our agency. A number of  
3           years ago racial violence erupted in Central High School  
4           here in Cheyenne, okay? And the school district asked us  
5           to intervene to try and settle that disturbance, if you  
6           will. We put together a couple of groups, we put together  
7           one, a parents group that was aimed at trying to get at  
8           the very core of what was happening in Central High School.

9           The other group was a parent-teacher and student  
10          group, these groups were fairly active for about a year,  
11          year and a half, and it served its purpose, the purpose  
12          simply to kind of settle the tensions that existed there,  
13          okay?

14          My problem now is that these tensions still exist,  
15          and they're not only in the schools, but they are in  
16          Cheyenne as a whole, and only time will be the factor for  
17          eruption.

18          And the reason I conclude this and it concentrates  
19          in four areas and I'll try and break those down for you and  
20          give you examples why I think that way, the first area is  
21          housing.

22          The housing patterns in Cheyenne and are being  
23          developed that are going to force ghetto developments. In  
24          the examples of that is we've allowed the west end of town  
25          to be rezoned commercial, we've allowed highway to divide

1 the south side in half, we have allowed housing development  
2 to occur in flood plains, not only have we allowed it  
3 we are allowing it now, and there's no real plan for  
4 Cheyenne growth to be evaluated -- to be implemented and  
5 evaluated in this community.

6 In employment is another area. The concerns that  
7 we have with employment now is that we see where there's a  
8 major thrust for vocational blue collar labor. That tra-  
9 ditionally is the way you got these spics and niggers out  
10 into other areas, other than white collar jobs and the  
11 decision making process, okay?

12 The federal government is now moving away from  
13 training programs to make jobs to lower the unemployment  
14 rate. The majority of this country believes there is  
15 reverse discrimination. It does not exist. There's a  
16 misunderstanding of affirmative action.

17 And the reason I point out the misunderstanding of  
18 affirmative action is everybody says affirmative action  
19 means quotas. Well, if you ever read the affirmative  
20 action and the regulation that was developed not under the  
21 Civil Rights Act but the Procurement Act of the department  
22 of labor, you find out that it never talked about quotas,  
23 you find that it talked about goals. Okay?

24 And there's a big difference.

25 And even with affirmative action the goals are far

1 from realization with exception of a few sincere organiza-  
2 tions.

3 In terms of education, and these are Cheyenne  
4 figures, the figures that indicate the educational  
5 levels of our different ethnic groups in this community,  
6 and I'm talking about dropouts in terms of these figures,  
7 the Chicano household it's running 46%, in the Black house-  
8 holds it's running 28%, in the Whites, 22%. Consider the  
9 fact that LCCC's budget .....in a very short  
10 period of time has tripped in remedial courses.

11 The locations of the high schools, the new high  
12 school, and the other high school, the location of the new  
13 junior high school, the fact that the next high school has  
14 to be in south Cheyenne, and what's all this mean in  
15 terms of our need of transportation? And what's it going  
16 to mean in terms of busing for this community?

17 The fact that the Central High incident was an  
18 expression of community frustration and it wasn't just  
19 kids acting up. The fact that we now have disagreements  
20 between the teachers union and the board of education that's  
21 over a lousy \$50.00 a year.

22 The misunderstanding and its promotion as it relates  
23 to Title I in the school district to the bilingual/bicultural  
24 program, to the feeding programs, operated by the school  
25 district. And the fact that a lot of teachers now are

1 teachers because it's a job.

2 The fourth area I'd like to share with you is one  
3 that a lot of people shy away from but I think it's  
4 important, that's -- that's poor politics, governmental  
5 politics. The fact that there are no real representatives  
6 from the ranks of the poor in public office, and that  
7 there's no concentrated effort to educate the poor in  
8 decision making processes of how this community ought to  
9 function in terms of the two governments, the city and  
10 the county, move it on up to the state, to the national

11 I make all these points to share with you that I  
12 think civil rights has a much broader base than just,  
13 you know, the employment factor and a lot of people think  
14 that's what civil rights is.

15 But I want to share with you that I think civil  
16 rights has to be addressed by this government, in all its  
17 social, economic and physical policies.

18 The other area that we were to talk about, was in  
19 how we think civil rights can be promoted, enforced in  
20 the State of Wyoming, okay? And I believe there are three  
21 basic areas in which improvements are imperative.

22 One is informing the public. The other is mechanisms  
23 for enforcing existing legislation and the third is in  
24 fair housing. With regard to the first area, I was some-  
25 what pleasantly surprised to discover that the state already

1 had a lot of nice language in its laws, unfortunately  
2 that's all it is. And Levis this morning shared some of  
3 those with you so I won't. I'm not going to bore you with  
4 repeating those.

5 But I do feel that the State of Wyoming must take  
6 immediate steps to insure that the public is regularly  
7 informed of the rights of equal opportunity guaranteed  
8 them by Wyoming law. And ignorance may be no excuse, but  
9 state promotion of ignorance, you know, through acts of  
10 omission, is far more intolerable.

11 I think that the State of Wyoming also must act  
12 promptly to establish the mechanisms necessary to  
13 enforce civil rights, and obviously the first concern is  
14 money. Money must be made available and the rest of my  
15 suggestions all deal with the fact that money has to be  
16 there in order to carry this out.

17 Well, money must be made available to inform the  
18 public of the rights guaranteed them by Wyoming law.

19 Another area's that the attorney general's office  
20 should hire a full time civil rights expert.

21 Third area is that the state should develop affirma-  
22 tive action plans which go beyond equal opportunity and  
23 employment and extend to fair practices involving all state  
24 and public services in Wyoming.

25 This health care delivery and educational services

1 in Wyoming should have guidelines for assuring that there  
2 is equal access to those services are treated fairly.

3 By each state or public service organization having  
4 specific affirmative action objectives, a ready means  
5 will be available for evaluating the fairness of service  
6 delivery systems and hence for erradicating unfairness  
7 where it exists in such service delivery.

8 The fourth area is that the state should place  
9 a state civil rights commission with the power to review  
10 cases of institutionalized violation of civil rights. Make  
11 a judgment, they would have the power to make a judgment  
12 and also carry the power to enforce that judgment.

13 This commission would be authorized to review all  
14 such cases which fall under Wyoming law regarding the  
15 Civil Rights Act. Or the civil rights.

16 I wholeheartedly agree with the sentiment of the  
17 commission, of this commission that Wyoming promptly enact  
18 a fair housing law, we all know what the crippling effects  
19 of indecent housing are in terms of people.

20 And finally, I guess our thrust with the agency,  
21 the community action agency of this community, will be to  
22 continue to promote the need for projected and not  
23 reactionary social, physical and economic planning, and  
24 that this need and this thrust, this planning that it be  
25 a total community responsibility and not a select few.

1 I really believe, you know, the old saying of  
2 as long as you've got your foot on my neck in that ditch  
3 you ain't going nowhere either, because you're half in  
4 the ditch and, you know, you ain't going to go any further,  
5 until we take that foot out, okay? We're not going to go  
6 further.

7 I believe, or make very positive progress, I believe  
8 that this country's government is designed for progress.  
9 And I also believe that with a few minor attitudinal  
10 changes, that it will be the best government of all time.

11 Thank you.

12 THE MODERATOR: Thank you, Mr. Duran.

13 We'll go on with Mr. Quintana?  
14  
15

16 RAY QUINTANA  
17

18 A. (By Mr. Quintana) My name is Ray Quintana, I'm  
19 executive director for the Wyoming SER-Jobs, Incorporated  
20 in Wyoming.

21 Wyoming SER-Jobs and Progress, Incorporated, at  
22 the present time has three projects operating in the State  
23 of Wyoming located in Cheyenne, Rawlins and Casper.

24 Ser is a verb in the Spanish language that means  
25 to be. It is also used as an acronym for service, employment



1 and redevelopment. SER-Jobs for Progress is a nonprofit,  
2 national organization cosponsored by two of the largest  
3 national Spanish speaking organizations, League of United  
4 Latin American Citizens and the American GI Forum.

5 SER's dedication is directed toward improving the  
6 economic status of unemployed and underemployed Mexican-  
7 Americans and other minorities by providing motivation,  
8 direct job placement, training into meaningful employment.

9 Our society is founded on the promise that every  
10 citizen shall receive equal opportunity to pursue his  
11 interests, subject only to the constraints that he not  
12 endanger the general welfare.

13 It is a noble promise but one which has not been  
14 kept in respect to minorities which make up a large portion  
15 of this nation's population. Language barriers, poverty,  
16 prejudice, lack of educational opportunity have conspired  
17 historically to limit the entry of minorities into the  
18 free enterprise system.

19 SER offers hope to this segment of forgotten  
20 Americans. What I'd like to do at this time is I'd like  
21 to share some information in regards to the letter that  
22 was sent to me by Mr. Levis, as to how our organization  
23 participates in civil rights.

24 Example, first of all, I brought with me today  
25 something that is typical in my office with regard to

1 receiving job announcements. I have before me four job  
2 announcements, one is economic planning and development  
3 with a state of -- City of Cheyenne, another one is a board  
4 of charities reform state penitentiary, health and social  
5 services, Cheyenne, Wyoming, Manpower and planning  
6 coordination, Cheyenne, Wyoming.

7 The point being we are minority organization, we  
8 deal with the hard core disadvantaged, majority of our  
9 clients are high school dropouts, the traditional educational  
10 system has failed them, yet the type of support we get  
11 from government institutions is in the nature of their job  
12 openings require that they have a master's degree, baccalaureate  
13 degree, master's degree, baccalaureate degree.

14 In an instance with this particular entity of govern-  
15 ment, there were two individuals that came to our office,  
16 both of them were limited in English speaking abilities,  
17 they were in need of employment since both had large  
18 families, we directed them to a state job, they were  
19 hired, immediately upon being hired they started experiencing  
20 discrimination in the way of pressures.

21 In view of the fact that they had received letters  
22 from their supervisors stating that they were good workers,  
23 their immediate supervisor was insinuating that they were  
24 lazy, they were not interested, they were not responsible,  
25 the point being that an individual working for the state

1 happened to see them at the local, at a local liquor  
2 store, they stated they were in there to buy cigarettes.

3 Well, this individual went back to their supervisor  
4 and said we seen them drinking a can of beer. Rather than  
5 confronting the individuals face to face, immediately the  
6 supervisor drafted up a letter and told them that their  
7 employment had been terminated.

8 These individuals, very frustrated, came back to  
9 our office, and asked us what we could do. Well, the fact  
10 that we are more knowledgeable in regard to operating  
11 procedures we reviewed what the state procedures were  
12 regarding this type of activity.

13 And quite frankly, their rights were violated since  
14 they did not have an opportunity to contest it, but what  
15 we did we set up a hearing for them with the appropriate  
16 officials, they were given an opportunity to air their  
17 side of the story, to make a long story short, they were  
18 suspended for one week, they were given their jobs,  
19 reprimanded but had it not been for community based organi-  
20 zations such as SER and community action programs, these  
21 people would have walked away frustrated, not knowing  
22 who to turn to, without any help available to them.

23 But it is knowledge of policies, procedures,  
24 state government, that afford community based -- that  
25 afford community based organizations the opportunity to help

1 members of our community.

2 Another example that I'd like to share with you is  
3 one of the programs that is funded to SER-Jobs for  
4 Progress is a Wyoming Highway Department supportive  
5 service program. What we are doing in this area is that  
6 we are trying to place minorities into the highway  
7 construction industry. It has been a very difficult task  
8 based on a number of variables that play in this par-  
9 ticular industry but one of the problems that we have is  
10 getting the employers to truly cooperate with us in the  
11 fact that their bidding process is a very complicated one.

12 They have to identify when they're going to start  
13 the job, how many people are going to be working on the  
14 job, how much it's going to cost, yet even though the law  
15 states that if a project is funded by the federal government  
16 they will include minorities in their training program,  
17 they can not identify their employment needs as it relates  
18 to these minorities.

19 Consequently, what does that do for us? We get a  
20 phonecall on day one and say we need truck driver trainees.  
21 We need, we ask them when do you need them? We need  
22 them today. What does that do? That does not allow us  
23 the opportunity needed to successfully screen and identify  
24 those minorities who would be most suited and interested  
25 in this type of employment.

1 I was in contact with a local contractor within  
2 the last couple days, we were there for the purpose of  
3 developing employment opportunities for minorities, he had  
4 stated to us that he had called our organization and that  
5 he had asked for laborers and truck drivers, and that  
6 this was reflected in his EEO report.

7 At that time I told him that it was odd that I  
8 didn't know about this since I was so close to the program,  
9 however, that I would go back and check the telephone  
10 log to see if these calls were made.

11 At that time he indicated that he had not personally  
12 made the calls, but had directed his foreman to do so.

13 Well, I went back, we checked the telephone logs,  
14 he did not call our organization. But the interesting  
15 fact is in his EEO report, he had made reference to reporting  
16 and working with a community based organization that  
17 deals in the area of providing training opportunities for  
18 minorities.

19 One of the other things I'd like to share with you  
20 with regard to the employment problem, one of the philosophies  
21 of SER is that if you were going to raise the educational  
22 attainment of a child you have to raise the economic base  
23 of the family. Well, this is pretty hard to do when you  
24 stop and think of the nature of clients that we're working  
25 with.

1           For example, of the 358 applicants that were not  
2 placed into employment this last year, 177 or 49% were  
3 high school dropouts. To me, this is an indication that  
4 the educational system, the traditional educational  
5 system is failing in some degree.

6           Of the 141, 39% were 20 years of age or younger.  
7 It is very difficult, yet we still overcome the obstacles,  
8 to provide meaningful training opportunities to our clients,  
9 when in fact before we can get them into a meaningful job,  
10 we have to provide them with some type of training.

11           Therefore, at this time I will state, even though  
12 one of the speakers already representing the governor's  
13 office indicated that there were employment programs at  
14 the state level to provide training opportunities for  
15 minorities, I would encourage this commission to further  
16 pursue it so that the minorities in the State of Wyoming  
17 will have a viable opportunity to compete for jobs only  
18 after they have been trained in the area of their  
19 interest.

20           Thank you.

21           THE MODERATOR: Thank you.

22           At this time we will open the panel up to questions  
23 from the floor. If you have a question, will you please  
24 come to the microphone and state your name, your occupation  
25 and your address for the record. And then if you want to

1 address a specific panelist, do so, otherwise we will let  
2 the panel answer those questions as it seems appropriate.

3 Q. (By Ms. Marian Yoder) Marian Yoder, I'm with the  
4 Protection and Advocacy System for the Developmentally  
5 Disabled in Wyoming. And I just want to ask Mr. Quintana  
6 and Mr. Duran if they know we exist?

7 Because I was listening to you and thinking that  
8 your concerns are very, very closely dovetailed with ours  
9 in protecting the rights of the developmentally disabled.

10 Now, I know that you deal with more than just that  
11 group of people but I just wanted you to know that our  
12 organization began October 1st of 1977, and introduce  
13 myself to you because I think that we have similar areas  
14 of concern.

15 A. (By Mr. Quintana) Would you please reiterate the  
16 organization that you represent?

17 Q. I'm the director of the Protection and Advocacy  
18 System for the Developmentally Disabled, and that includes  
19 22,000 people in Wyoming alone, every state has a similar  
20 system to mine -- ours. But we are here to protect the  
21 rights of people with mental retardation, cerebral palsy,  
22 epilepsy, autism and other neurologically handicapping  
23 conditions when they are abridged, but one of our problems  
24 is figuring out when are they abridged and getting those  
25 people to let us know because oftentimes these people don't

1 speak for themselves.

2 And so I'm thinking that our organizations may  
3 hear of instances where rights are being stepped on. So  
4 I just wanted you to know that I now exist in the Hines  
5 Building and -- so that's it.

6 MR. DURAN: Looks like a nice existence to me.

7 Q Well, I don't know, we're in this new psychedelic  
8 office down there so come up and visit, I think we have  
9 a real similar concerns here.

10 A (By Mr. Duran) Well, we have some figures that  
11 we've been looking at because we also are concerned about  
12 the disabled and the handicapped, and primarily even as a  
13 matter of fact in looking at some of the new programs,  
14 new monies that are available, we've been searching for  
15 ways that we can do something about that, and provide the,  
16 you know, some funds to get into the bag of doing some  
17 different kinds of things than have been done in this  
18 community before.

19 So I'm sure we can talk about it with -- what can  
20 be done.

21 MS. YODER: Thank you.

22 A (By Mr. Frant) I'd like to cut in for one second  
23 here before there's another question and make a statement  
24 on the record.

25 THE MODERATOR: Could you identify yourself?



1       A.     Yes, I'm Jeff Frant from HUD, regional office in  
2     Denver.

3             Just a comment on Mr. Osborn's presentation, and  
4     that is that if they have an office where minority students  
5     can go, when and if they are experiencing discrimination  
6     in the private housing market in Laramie? Then I would  
7     hope that there are some of those federal complaint dis-  
8     crimination forms and that there are people there who are  
9     knowledgeable in the Title VIII, because one of the biggest  
10    problems is trying to indicate the depth and extent of  
11    discrimination against minorities in housing, and to make  
12    available in a very appropriate place an option to stand  
13    forward and publicly and file your complaint and state your  
14    grievance of discrimination in housing.

15            Another thing is that I notice that Mr. Torvik has  
16    gone from this room, and I was just wondering if there's  
17    someone else representing the governor's office here at  
18    this time?

19            And it's probably not my role to ask, but I don't  
20    see anyone stepping forward, but it just seems to me a  
21    problem of a conference of this kind that an official makes  
22    a statement and then promptly leaves. And doesn't remain  
23    to learn the depth of the concern in civil rights, and  
24    this is just another example of that.

25            Thank you.

1 MR. LEVIS: Mr. Torvik will be here off and on the  
2 next two days.

3 MR. FRANT: So will I.

4 Q (By Ms. Mercado) I'm Oralia Mercado, from Casper  
5 Equal Opportunity Office for the equal employment. And I'd  
6 like to direct a question to Cliff Osborn.

7 In reading your policy statement as far as housing  
8 is concerned, I think that one of the things you used as a  
9 young men and women and I, my concern with that is that  
10 implies an age discrimination clause within your policy  
11 statement, and also you didn't, in any of your policy  
12 statements, include handicapped status or age discrimination.  
13 And I know that the Age Discrimination Act does deal mostly  
14 with employment but I just wondered if you had any kind of  
15 a clause within the housing part of the University of Wyoming  
16 which deals with those two things in, as far as discrimina-  
17 tion is concerned?

18 A (By Mr. Osborn) Thank you for the question. The  
19 statute that I read that was taken from the student conduct  
20 rights and responsibilities handbook is a Wyoming State  
21 Statue that indicates young men and women, and is, or I  
22 reflected upon that simply to indicate the kinds of backdrop  
23 that exist in terms of general statements, okay?

24 So that is not a housing office policy statement.

25 Secondly, we do, in terms of dealing with problems of

1 the handicapped and problems of, in terms of age, we  
2 attempt to enter into the kinds of appropriate housing  
3 facility arrangements based upon identification of those  
4 particular individuals.

5 We rely a good deal on student educational opportunities  
6 people to identify for us or special services programs to  
7 identify for us the kinds of handicapped individuals that  
8 maybe need housing in the university system, and thus try  
9 to accomodate to the special needs of those people.

10 Q Well, my next question is, is anything being done  
11 to change the wording in the statute you quoted from?

12 A Not in terms of the statute, from my perspective, I  
13 perhaps there's something being done in the state legis-  
14 lature. From the standpoint of the university there is  
15 definitely a need for a change in wording contained in the,  
16 for example our university bulletin, that would reflect  
17 the status of handicapped and aged people.

18 Q Thank you.

19 Q (By Ms. Holcomb) My name is Betty Chavez Holcomb,  
20 I'm from Rawlins, Wyoming.

21 At this point I'm a concerned citizen and I enjoyed  
22 listening to all of you and I'll have something to say to each  
23 of you but right now I'd like to ask the question of Mr.  
24 Frant and Mr. Osborn, is there a group currently working  
25 in Wyoming to establish fair housing laws, and to Mr. Osborn,

1 what is the total population of the University of Wyoming,  
2 what is the total minority population, and what is the total  
3 minority population in university housing.

4 A. (By Mr. Frant) In answer to your first question, I  
5 do not know. I would simply say from my six years  
6 experience in the fair housing field, that, and I think  
7 underlying your question, is the concept that a grass roots  
8 fair housing organization, whether it be funded through a  
9 federal grant, state grant or the Ford Foundation or another  
10 organization of that kind, which is very interested in  
11 establishing an organization like that, is almost indispensable  
12 in achieving equal opportunity in housing.

13 A. (By Mr. Osborn) I believe that some organization  
14 is essential for the State of Wyoming in terms of the  
15 fair housing laws. I do believe that there needs to be an  
16 active effort pursued now for the State of Wyoming to  
17 achieve a statute.

18 I'm not sure I recall all of the other questions,  
19 however, I'll respond as best I can to questions relative  
20 to the population of the university and so on.

21 In terms of active enrollment at this point in the  
22 university, the last figures that I've seen are about 8,900.  
23 Enrolled students at the university.

24 In terms of campus housing, in residence halls,  
25 for example, our maximum assignable capacity at this point

1 as we have designated it for the structures is about 2,870.  
2 In university apartments, about 432.

3 I don't have figures that I can quote to you directly  
4 about the numbers of minority students in either residence  
5 halls or married student housing. I am not at all capable  
6 at this stage of operations to go back and get information  
7 of that sort, since that is not asked on the information  
8 that we require on assignment, application agreement forms.

9 There will be information available of that nature  
10 through the registration and records, statistical  
11 summaries, at a later point. It's not available to me  
12 at this point.

13 Q. Excuse me, my second question was, what percentage  
14 of minorities are -- of the total population do you know  
15 that figure?

16 A. I don't have an answer at this point, perhaps Mr.  
17 Adachi, who's here, has an answer for that.

18 MR. ADACHI: No, I don't.

19 THE MODERATOR: Are there any other questions?

20 Q. (By Mr. Duran) I had one, can I ask a question?

21 THE MODERATOR: Yes, certainly.

22 Q. I guess I have a whole mess of them but I'll try to  
23 limit myself to one.

24 I was interested in the HUD aspect, they talked  
25 about the compliance reviews with the, I would assume the

1 community development revenue sharing when they talked  
2 about four billion dollars. I guess my question is, how  
3 often is that compliance review carried out and how is it  
4 carried out?

5 And the reason I'm asking those questions is that  
6 there's several incidences that have occurred, not only  
7 locally but nationally, and I recall reading several reports  
8 that now indicate to the Congress that community development  
9 revenue sharing does not work because it does not promote  
10 the intent of the act in terms of alleviating the blighted  
11 area.

12 And this community went through a litigation process,  
13 there was a lot of mixed emotions as to who was right or  
14 wrong, anyway, the city was accused of being discriminatory  
15 in its allocation of funds. The federal courts ruled that  
16 yes, that in fact had occurred and then the district court  
17 ruled that it had not occurred, and I haven't heard whether  
18 HUD is going to pursue that or not and I'd like to have  
19 some feedback on that.

20 Then the compliance reviews, it seems to me that the  
21 only time this city's been reviewed for compliance with  
22 HUD money is when somebody decides that they've had enough  
23 and they file with your office.

24 Now, you know is there any standard procedure whereas  
25 compliance is done, you know, a little more active than that,

1 and does compliance contain the fact of measuring the  
2 intent before it's put in writing and, you know, there is  
3 no citizen participation, I guess what I'm saying, with  
4 revenue sharing in this community and I want to know,  
5 that's a very important compliance factor, I want to know  
6 what you're doing about it.

7 A (By Mr. Frant) To be perfectly candid with you, Mr.  
8 Duran, there was no compliance review conducted in the  
9 State of Wyoming by HUD of a funded program during fiscal  
10 '77. You asked quite a few questions, I'll just make a few  
11 responses and I hope that we've advanced our knowledge  
12 a little bit more.

13 I know this, although it's not my day to day job,  
14 I know this because Betty Miller, the new regional  
15 administrator, came to Wyoming several weeks ago to inspect  
16 first hand what the interests of the -- in relation to  
17 housing and urban development were, what the needs were  
18 in the State of Wyoming and we prepared a briefing paper  
19 for her and we provided her with that fact.

20 The briefing paper also had a statement at the  
21 bottom that we were going to do better. I don't see how we  
22 could have done worse.

23 And at Rock Springs was probably going to be the  
24 first target during fiscal year 1978.

25 The concept of a compliance review without having a

1 complaint, in a very sophisticated area of how do you  
2 determine equal opportunity, where funds are involved and  
3 CD block grant program, is a very, very necessary thing.

4 And I -- I believe that HUD is moving to conduct  
5 compliance reviews of all major funded programs in this  
6 state starting with fiscal 1978.

7 With respect to the Cheyenne case, that you referred  
8 to, I was involved in that from 1,800 miles away in  
9 Washington and I know that the City of Cheyenne was involved  
10 in a Title VI dispute that went further in terms of going  
11 up through the courts, in terms of enforcement than any  
12 other Title VI enforcement action that HUD has ever  
13 been involved in on a nationwide basis.

14 The courts ruled unfavorably against the department's  
15 position that discrimination had taken place, in that  
16 case. That is what, that did not have the effect at HUD  
17 of ending our concern in that area, it was a decision we  
18 thought we should have gone on our way, but the program,  
19 Title VI program I want to say to you, is much more viable  
20 and vital than it ever has been, and we feel in the equal  
21 opportunity as one office of the regional office, that  
22 you can not, that you can not leave these kinds of issues  
23 to the program people, who are the ones that review these  
24 block grant applications, that you must have a civil rights  
25 review, and I hope that it will be able to do about 50 or 60%



1 of the job in terms of achieving the intent of Congress to  
2 provide these funds, primarily for low and moderate income  
3 people.

4 I say 50 or 60% because I think the other percentage,  
5 I think you've indicated from your questions, relates to  
6 local citizen, both monitoring and input at the front end  
7 in terms of citizen participation.

8 Those can be very empty, rhetorical words, I'm not  
9 exactly sure what HUD's role has been or should be in  
10 terms of helping to make that meaningful thing, but I  
11 think I know that the -- at the local level the citizens have  
12 an obligation or responsibility and a potential for  
13 tremendous payoff in terms of making the needs known and  
14 whenever these applications stray from the intent of the  
15 law, to make this known to HUD in whatever way possible.

16 A (By Mr. Reynolds) I wanted to comment on that too,  
17 I'm Jim Reynolds.

18 HUD is not geared up to review the programs they  
19 fund, or at least they have not up to this point. Ms.  
20 Harris, who is the secretary, has indicated that she wants  
21 to move in that direction, but up to this point, HUD puts out  
22 the money and it's up to the citizens of the local com-  
23 munity to see what the money goes where it should.

24 Now, the government has, in part, washed its hands  
25 of that responsibility by instituting what they call an A95  
review. And they place the responsibility for it on the

1 local civil rights commissions to review what goes on.

2 The difficulty, though, is that HUD, up to this point,  
3 has refused to give money to the local civil rights'  
4 commissions so they can hire people to do the reviewing.

5 Now, unless the local state or city is willing to  
6 supply money for that purpose, the A95 review is rather  
7 hollow, but the mechanism is there to, and HUD has said  
8 they will not provide money to a local community where the  
9 local civil rights commission has indicated that it's not  
10 going to the proper place.

11 Up until recently, in Colorado, we pretty well  
12 ignored the A95 review except in gross cases of misuse,  
13 but now we are attempting to monitor those funds, block  
14 grants and the rest of it, and we are finding some interesting  
15 things, some very interesting things.

16 For example, in Greeley we found that the community  
17 was using block grant money to build a sewer line but  
18 they built it around the neighborhood where Chicanos live.

19 In Grand Junction they put in a cable television and  
20 they ran it around the neighborhood where Chicanos lived  
21 so they couldn't tap into it.

22 We found in Littleton, just last month, that the  
23 money that should have gone to the low and moderate income  
24 areas, they were improving the sewers and the streets in  
25 the wealthy neighborhoods and we have asked HUD to withhold

1 the money from them.

2 Of course we are -- we got some badmouth from the  
3 HUD office about the whole thing, but I think they did delay  
4 funding the project to give us a chance to gather more  
5 information.

6 I guess what I'm saying, Al, is that some way in  
7 the local community you have to muster the forces to see  
8 that the city fathers spend the money where they should.

9 THE MODERATOR: Thank you.

10 Q. (By Mr. Duran) You know, I think I understand that,  
11 if I can react to this, I understand that there has to be  
12 some kind of accountability at the local pressure, but  
13 you see, in terms of the entire civil rights movement what  
14 bothers me is that the feds always say it's your local  
15 responsibility, you see, and state bureaucrats always say  
16 that, and county officials will say that, and everybody  
17 says it's your local responsibility.

18 You know. And the sad fact is that the only reason  
19 we've got some laws that make sense now is that somebody  
20 who had that local responsibility and accountability just  
21 got fed up with the system, decided that it was enough  
22 and went to the court.

23 And then, you know, we all jump on the bandwagon and  
24 say, that's a good thing, we're going to enforce that, you  
25 know, and this and that and the other, and you know, I

1 sometimes feel very frustrated because I think we play  
2 games with each other.

3 THE MODERATOR: Okay, I would like now to take a  
4 break, it's considerably shortened but you will have time  
5 to get coffee on the back tables and we will reconvene in  
6 about six or seven minutes, with Leona Coykendall chairing  
7 a panel on health care.

8  
9 (Short recess)

10  
11 (The following was moderated by Ms. Leona Coykendall)

12  
13 THE MODERATOR: Ladies and Gentlemen, would you  
14 please come back to the front?

15 Welcome back to the consultation on civil rights.

16 Now we will discuss health care, the panel participants  
17 will discuss the delivery of health care to minorities and  
18 women in Wyoming, and on the Indian reservation.

19 Presentations will outline what improvements have  
20 been made in health services and what needs to be done.

21 To my right is Mr. Nelson, Roger Nelson.

22 MR. NELSON: I'd like to introduce, we brought two  
23 additional members of our staff from the department of health  
24 and social services, the first is Janet Lane, who is in our  
25 division of public assistance and social services, and

1 the second is Mary Cassidy, who is in our division of  
2 health and medical services and she's in the nursing part  
3 of it.

4 THE MODERATOR: Then to my right we have Herb Naugle,  
5 who works with the community health services at -- with  
6 the Indian health service at Fort Washakie.

7 First person on the panel will be Roger Nelson.

8  
9  
10 ROGER NELSON

11  
12 A (By Mr. Nelson) Okay. Basically what I'd like to  
13 do is just explain a little bit about the department of  
14 health and social services, and secondly, to explain a  
15 little bit about what we do with civil rights within our  
16 departmental organization.

17 And then turn it over to the two staff persons who  
18 I've brought along to explain a little bit more about the  
19 program end of health care.

20 Basically, the department of health and social  
21 services consists of three divisions, which were created  
22 in -- the department was created in 1969, out of two former  
23 departments and one section of another department. The  
24 old welfare department became the department of -- or the  
25 division of public assistance and social services, the health

1 department became the division of health and medical  
2 services, and vocational rehabilitation was brought out  
3 of the department of education and into the department of  
4 health and social services.

5 Primarily, the agency is concerned with HEW-type  
6 programs, human services, including health care. The other,  
7 there are other human services which are not included in  
8 the department which are mainly centered in the institutions  
9 under the board of charities and reforms.

10 The DVR is one of the smallest of our divisions, and  
11 it's primarily charged with vocational rehabilitation of  
12 persons who are handicapped who can become employable.

13 The division of health and medical services is  
14 charged with the delivery of public health services to all  
15 citizens of the State of Wyoming, and our division of public  
16 assistance and social services deals with income maintenance  
17 and social services delivery to the people of the State of  
18 Wyoming.

19 Now, internally, my job is concerned with affirmative  
20 action and equal employment opportunities with the  
21 department of health and social services employees them-  
22 selves. We have entered into our third year plan of  
23 affirmative action in attempting to assure that all  
24 department employees are assured of equal employment  
25 opportunity, upward mobility within the department.

1           The third year plan which we're developing currently  
2 is intended to be much more simple so that all people of  
3 the state may understand it and all department employees  
4 may understand it, and that we may bring more minorities  
5 and women into our organization in the employment mode.

6           The plan will also be action-oriented, in that the  
7 results will be our main concern rather than a number sort  
8 of a thing where based on percentages or -- of how many  
9 minorities and whatever you have, we like to see concrete  
10 results result in our department and assure that employment  
11 is equal.

12           Basically that's all that I had to say as far as my  
13 part of it, I'd like to perhaps turn it over to Mary Cassidy  
14 to give her presentation on the nursing service and public  
15 health.

16  
17  
18                           MARY CASSIDY

19  
20           A.       (By Ms. Cassidy) In our program is called public  
21 health nursing or community health nursing, you may, in  
22 your counties, hear either name associated with it.

23           And we have what we call a generalized nursing  
24 program. We see patients from cradle to grave. Our service  
25 is for all citizens. We give that regardless of age, race,

1 creed, color, religion, and we do not seek this information  
2 when we are interviewing patients.

3 However, since I will point out many of the programs  
4 are geared to low income people, we do reach minority groups.

5 One of their big services is called maternal and  
6 child health. This started with the advent of the social  
7 services in 1935, and I think now in our concerns about  
8 discrimination this is wrongfully named, I think we should  
9 call it family health, so that the father is not omitted.

10 And we try to include the fathers in our counseling  
11 and teaching and health care.

12 The basis of the maternal child health program is  
13 home visits, to pregnant women, women after delivery and to  
14 infants, and this is one of our large concerns. Care to  
15 the marginal group is sometimes hard to obtain.

16 Also, I'm sorry Mr. Runt (Phonetic) isn't here to  
17 describe the Title XIX program but some physicians are re-  
18 luctant to take patients who are on that program, so  
19 getting pregnant women in marginal groups and low income  
20 groups to health care is one of our problems.

21 One of our big activities in maternal and child  
22 health is parent classes. These are well received and are  
23 large. And the nurses make an effort to reach all groups,  
24 they go to different neighborhoods to put on these classes,  
25 they sometimes have separate classes for the unwed mother



1 and the teenager to reach them, because they are embarrassed  
2 to be with the older, married women.

3 We have several clinics which I will describe  
4 briefly because I think you people are in a position to make  
5 referrals.

6 We accept referrals from all sources. Children's  
7 health services, otherwise known as crippled children's  
8 services, provides care to chronically ill children whose  
9 parents are financially unable to do so and this would  
10 include such things as congenital malformations to heart  
11 defects, cleft palate, cerebral palsy, we buy braces and that  
12 sort of thing.

13 We have individual contracts with physicians and  
14 patients are seen in the offices, we also have itinerant  
15 clinics in several parts of the state where there are no --  
16 where the medical specialties aren't represented and we  
17 bring a team in of a psychologist, a pediatrician, an  
18 orthopedist, social workers and nurses, speech therapist,  
19 to evaluate the children.

20 We provide immunizations and as you know this is a  
21 big program of President Carter's for next year so we hope  
22 to see an expansion in this.

23 I'm proud to say that in all the counties that have  
24 public health nurses except one, we have regularly scheduled  
25 immunization clinics and they're well received and are

1 quite large.

2 Many of our nurses have what we call well-child  
3 nursing conferences and the emphasis is on promoting health  
4 and normal growth and development, screening is done like  
5 urine test, hemaglobin test, vision, hearing, and that  
6 sort of thing and this is aimed at the low income groups  
7 who are not under regular health care but only see the  
8 physician when they are sick.

9 We also have well-child medical conferences in  
10 Cheyenne, Casper and Rock Springs, and we are expanding  
11 to four counties in the northern part of the state which  
12 we're very pleased and these, the nurse sees the child and  
13 so does the doctor through well-child care and through  
14 immunizations and the promotion of health.

15 We have a genetic clinic open to all citizens of  
16 the state, this is carried out in cooperation with the  
17 University of Colorado, geneticist and staff come to  
18 several areas of the state, they will see anyone who has a  
19 concern about a general congenital defect or inheritance  
20 and our nurses work closely with this, they take pedigrees  
21 to get the family history of any disease or disability.

22 We work, we have the representative on the child  
23 abuse teams and as we know this is not special to any group,  
24 we have all sorts of income people and nationality groups  
25 on this.

1           We have a dental health program where marginal  
2 children have their mouth rehabilitated if they have cavities  
3 or need extractions and the nurses work closely with  
4 this in finding the children and referring them to the  
5 dental health program.

6           In Cheyenne, there is a federal project called  
7 the Children and Youth project, and there's comprehensive  
8 health care given to low income groups, and we do not, as  
9 I say, ask for nationality background but there are a good  
10 many Mexican-American names in that, so we feel we're  
11 reaching these people.

12           We have outreach workers from this program who go  
13 into the homes to interpret the program. We have two  
14 family planning projects which also are geared to low  
15 income, one is in Goshen County and the other one is in  
16 Cheyenne.

17           These see teenagers and we feel that they're a  
18 group that need to be seen in relation to family planning.

19           Then we have another big program called Home Health  
20 Service. This primarily is care of the sick in the home  
21 and it's mostly made up of Title XVIII or Medicare patients.

22           But the nurses and home health aides go into the home  
23 and help keep some of these people out of nursing homes,  
24 and of course, this is with -- we also see people who aren't  
25 eligible for medical care and we have a charge but if the

1 family is not able to pay we still provide the care.

2 In contagious disease, which of course is traditional  
3 public health, we follow up tuberculosis patients, do an  
4 epidemiological investigation of such diseases as hepatitis  
5 to try to get the contacts in for prevention.

6 We have rheumatic fever program which provides  
7 penicillin to the, those that the doctor recommends for  
8 prevention and prophylaxis against further attacks, and  
9 of course one of the big contagious disease programs is  
10 venereal disease and our nurses do contact followup to  
11 get patients to care.

12 In summary, in relation to our programs, I would say  
13 that we do reach minority groups by the fact that much of  
14 our emphasis is on low income groups, although we are, of  
15 course, available to everyone.

16 In our employees, I've been there 21 years and we've  
17 had representatives of all minority groups, last year we  
18 had a male nurse and of course nursing needs more of those  
19 minority.

20 Our problem is in growth. We are limited to the  
21 number of nurses we can have by the legislature. There  
22 are four counties now without nurses, these are Converse,  
23 Johnson, Niobrara and Crook. Johnson County has provided,  
24 the commissioners have provided funds for a nursing program.  
25 That's how cases, in case any of you are interested in

1 getting a program started, the approach is to the commissioners,  
2 because part of the budget is made up of county funds  
3 and part of the budget is state funds, but as I said, we  
4 are limited to the number of positions we have.

5 So I've asked for four nurses in our budget to cover  
6 the uncovered counties, and eight additional nurses as eight  
7 counties have put out money for additional nurses but we  
8 can't supply them until the legislature makes those posi-  
9 tions, slots available to us.

10 Another concern I have about civil rights is in  
11 the profession of nursing. I'm glad to see in our journals  
12 that attempts are being made to reach girls who represent  
13 minority backgrounds.

14 I know there was a big project carried out at Fort  
15 Washakie not long ago in trying to locate and recruit. But  
16 as far as health care is concerned, I think our most urgent  
17 cry is in relation of the pregnant women, to get her, and  
18 the marginal groups, because if they make \$5.00 over what  
19 makes them eligible for Title XIX, we find a good many  
20 that can't pay their bills, they're embarrassed to go back  
21 to the physicians so they go without care.

22 MR. NELSON: Next we have Janet Lane, if that's  
23 acceptable? She's with our division of public assistance  
24 and social services.  
25

JANET LANE

1  
2  
3 A (By Ms. Lane) I'm glad to be here. And maybe it's  
4 somewhat of a misnomer that I am under the heading of health  
5 care, because as Roger just said, I'm employed by the  
6 state department of public assistance in social services.

7 Our involvement with health care is somewhat small,  
8 we're involved in human services, wide scope of human  
9 services, and income maintenance payments.

10 In case there's anyone here who does not understand  
11 what that department is, it's the welfare department.

12 I want it perfectly understood that we do discriminate,  
13 however not on the basis of age, sex, race, etcetera. Our  
14 agency discriminates against middle class or higher income  
15 families or individuals. We totally exist to serve people  
16 who are of low income status, whether it be in the income  
17 maintenance which is, you know, room and board kind of thing,  
18 or whether it be in human service categories.

19 Since we are in that kind of business, I think that  
20 we deal daily, I don't think, I know, we do, with people  
21 who are involved with us often because they have been dis-  
22 criminated against. Either when they were very young or  
23 when they were older for whatever reason.

24 Civil rights, of course, applies to all of us, it  
25 applies to you, it applies to me, we all have the same civil

1 rights. Those same civil rights apply to the people with  
2 whom we work daily in our agency.

3 I believe we treat all people who come into our  
4 office the same, that is unless, of course, they are people  
5 of higher income and then we are unable to serve them  
6 because we do not exist to serve those people.

7 Our applications for both income maintenance and  
8 social services don't ask any of the questions that are at  
9 issue so far as civil rights are concerned, we try to assure  
10 that people's civil rights are met in several ways. We  
11 always apprise an individual who's come in to see us of  
12 their right to a fair hearing if they're treated in any way  
13 to which they object. They may be totally right on the  
14 ball and their rights were in some way discriminated against  
15 or they may be incorrect, but that's not the issue, we have  
16 available a fair hearing process for those people.

17 In purchasing human services, which we often do on  
18 behalf of these people, we contract with the providers for  
19 whom we will be purchasing, a part of our contract is a  
20 statement that that provider may not discriminate against  
21 any individual, whether we're paying the bill or they're  
22 going to that provider on their own, on the basis of sex,  
23 creed, nationality, etcetera.

24 If a provider is unwilling to sign a contract that  
25 includes that, we do not purchase services from them.

1           There's a fairly new program in Wyoming and nation-  
2 wide in fact, called Title XX, service that I am heavily  
3 involved involved in. And that's a range of 20 human  
4 services. Our intent with that program is to in some way  
5 apprise the citizens of this state of the services that  
6 are available under Title XX to them.

7           We have tried very hard in the past three years to  
8 involve the citizens in this state in determining what  
9 services will be available. We've held numerous public  
10 hearings around the state. We've placed advertisements in  
11 newspapers in every county in the state, at least once or  
12 twice a year.

13           We feel that it is a right of the individuals in  
14 this state to have something to say about how we're going  
15 to meet their needs, what are their needs. We found it  
16 very difficult to gain public involvement.

17           Therefore, I'm not sure that some rights, some needs  
18 of citizens in this state are not being discriminated  
19 against.

20           We are hoping somehow to reach more people than  
21 we have. We find public involvement very important.

22           One of the services that we have available under  
23 Title XX, and listed with, in broad print, is one called  
24 Advocacy, which is a service by which we want the people  
25 in this state to know that if they feel their rights are



1 being discriminated against by any other agency, by any  
2 entity, we would like to serve as their advocate.

3 It's something that we do, of course, daily working  
4 with the people, but very seldom does someone come to us  
5 specifically and say my rights are being violated.

6 You say in your plan that you have a service called  
7 Advocacy, help assist me to reach this goal.

8 I've applied for, for instance, public assistance,  
9 in our income maintenance side and they're refusing to  
10 take an application. Then it's our social worker's responsi-  
11 bility to assist that client in gaining that possible  
12 right.

13 Now, I mentioned that we are not involved in health  
14 care but we are in one area, Title XX, social services,  
15 is not a medical program, as I've said, it's a human service  
16 program. Of course medical programs are human services  
17 too.

18 We found in our state that family planning, which  
19 was a service we could be involved in, was not being made  
20 available to people who were very low income unless they  
21 happened to be receiving public assistance, that being  
22 AFDC, or the programs for the aged, blind or disabled,  
23 and therefore our agency does purchase medical services  
24 in the area of family planning for low income people.

25 This state has ~~opted~~ not to include marginal

1 persons as Mary's already mentioned under our Medicaid  
2 Title XIX program, our regulations allow us to be involved  
3 in that one medical service and so we're doing that  
4 because we feel that those are services that are not  
5 available which could be available to those low income  
6 people.

7 I think that's all.

8 THE MODERATOR: Thank you, Janet.

9 Now we'll have Mr. Naugle?

10  
11  
12 HERB NAUGLE

13  
14 A. (By Mr. Naugle) My name is Herb Naugle, I'm a  
15 representative of Indian Health Service, federal agency  
16 located Fort Washakie, Wyoming, providing medical health  
17 care, collateral services to Shoshone and Arapahoe Indians,  
18 two federally recognized tribes in Wyoming.

19 Before talking specifically about the type of health  
20 care services that Indian Health Service provides, I first  
21 would like to direct your attention to two excellent  
22 publications that are available on the table in the foyer.

23 I'd further like to point out within each booklet a  
24 couple of items of interest. The first booklet American  
25 Indian Civil Rights Handbook, on page 9, deals with the

1 Indian Bill of Rights, sometimes referred to as the  
2 Indian Civil Rights Act, which was passed as recently as  
3 1968.

4 In summary, it guarantees to reservation residents  
5 many of the same civil rights and liberties in relation  
6 to tribal authorities that the federal Constitution  
7 guarantees to all persons in relation to federal and state  
8 authorities.

9 I will not go into that bill of rights in detail,  
10 for those of you that are interested I'd highly recommend  
11 that you pick up this booklet and read it.

12 Also on page 47, there's a section dealing with Indian  
13 preference in public employment. Now that particular section  
14 is no longer current in that there have been court rulings  
15 which change the language and intent.

16 What is contained on page 47 simply points out that  
17 the Bureau of Indian Affairs and Indian Health Service  
18 have a special responsibility in terms of employing recog-  
19 nized Indian Americans, and that is as explained on page 47,  
20 preference is given in hiring to Indians over non-Indians.

21 As pointed out here that preference applied only  
22 to the time of initial employment. Well, by reason of  
23 recent court decisions, that preference does in fact apply  
24 not only to hiring, but to training, promotion, transfer,  
25 and all other personnel actions within those two federal

1 agencies.

2 Second booklet, Your right to Indian Welfare, is  
3 designed primarily for the consumer, and it is an excellent  
4 booklet that points out to the consumer how to apply for  
5 various social service programs, particularly how to apply  
6 to the Bureau of Indian Affairs for those services.

7 Again on page 10, I would direct your attention to  
8 the section dealing with residents. This manual published  
9 in '73 has been updated in that it points out the Bureau  
10 of Indian Affairs' welfare manual requires that in order  
11 to be eligible for GA or general assistance, a financial  
12 program, the recipient must reside on the reservation.

13 By virtue of court case Ruiz versus Morton, that  
14 in fact has been changed and the language now reads that  
15 as far as residence is concerned, you no longer have to  
16 be residing on that reservation.

17 They have changed the language to read on or near,  
18 and another result of that court case is that the Bureau  
19 of Indian Affairs has now in fact published its rules and  
20 regulations dealing with the provision of social services  
21 in the federal register.

22 And the definition of on or near and services  
23 available are contained in that publication.

24 That was in 1977. Indian Health Service is one of  
25 two federal agencies, the other being Bureau of Indian Affairs,

1 that has a unique responsibility to Native Americans or  
2 federally recognized Indian tribes and Alaskan Natives,  
3 that is they're charged with the responsibility of providing  
4 specific services to Native Americans identified as a  
5 specific ethnic or minority group.

6 Indian Health Service, till 1950, was organizationally  
7 part of the Department of Interior. At that time it was  
8 separated and placed with the Division of Health, Education  
9 and Welfare, further subdivided into Health Services Adminis-  
10 tration, further subdivided into Public Health Service  
11 and we are a branch of Indian Health Service.

12 Indian Health Service exists to provide quality  
13 health service to recognized Indian tribes and Indians.  
14 On the Wind River Reservation, for example, we have two  
15 outpatient clinics, one located at Fort Washakie, one at  
16 Arapahoe. We do not have an Indian hospital, there are  
17 Indian hospitals situated on other reservations in other  
18 states. For example Crow Reservation in Montana, the  
19 Blackfeet Reservation.

20 Since we do not have a hospital situated at Fort  
21 Washakie, when a patient requires hospitalization we  
22 purchase that service on a contractual basis from the local  
23 hospitals or utilize public health service facilities or  
24 go out of state to hospitals that do provide the services  
25 needed.

1           At Wind River we're fortunate in that the two  
2 adjacent communities of Riverton and Lander have many  
3 physicians specializing in various areas of medicine, and  
4 at last count I believe we had approximately 27 different  
5 areas of specialization or physicians representing  
6 specialties.

7           This means, then, that as part of the outpatient  
8 care services we provide, at our two health care clinics,  
9 we are able to purchase services of these physicians  
10 for specialty clinics such as ENT, GYN-OB, orthopedic  
11 clinic, well-child, to mention a few.

12           In addition to the delivery of specific medical  
13 services, Indian health care also has other branches iden-  
14 tified as health education, which engages primarily in  
15 preventive educational efforts.

16           We have a field nursing branch which provides field  
17 health care on an outreach basis to individuals that are  
18 homebound, and helps arrange for bringing them to the  
19 clinics as needed for health care or medical examination.

20           We also have a dental branch where dental care is  
21 provided to all eligible recipients.

22           In addition, we have a medical social services  
23 branch which I'm in charge of, which provides the customary  
24 range of social services, but within the medical context.

25           We also have a mental health program which is based

1 on a contractual relationship with the local counseling  
2 service clinics. It does include a crisis intervention  
3 program and mental health services are available through  
4 that crisis intervention program on a 24-hour basis.

5 We do have family planning and maternal health care  
6 branch.

7 In December, 1975, the Indian health care formally  
8 recognized the need for consumers of health care services  
9 to be able to initiate a grievance or complaint if they  
10 were not satisfied with the care provided. To that end,  
11 a patient's bill of rights was developed, and I'll just  
12 very briefly list for you the different sections of that  
13 patients bill of rights.

14 Number one, the Indian patient has the right to  
15 considerate and respectable care, including a sensitivity  
16 on the part of the provider to Indian culture and heritage  
17 in the delivery of that service.

18 The patient has a right to know the nature of his  
19 medical condition or problem.

20 The patient has a, the following rights concerning  
21 informed consent: His or her physician must provide all  
22 of the information needed for the patient to make an  
23 informed decision whether or not he agrees with the medical  
24 procedure and treatment recommended.

25 This information should include at least an explanation

1 and understanding of the procedure, on a level that is  
2 understandable, as well as explanation of how that treat-  
3 ment may incapacitate and for how long it may incapacitate  
4 the patient.

5 The patient has the right to know what other choices  
6 he may have for different types of health care and treat-  
7 ment.

8 In emergency situations, the amount of time available  
9 for the physician to go through this procedure is necessarily  
10 limited. And his first obligation, of course, is to  
11 preserve that life.

12 In light of the right of selfdetermination, the  
13 patient has the right to refuse treatment to the extent  
14 permitted by law, but if the patient then refuses treatment,  
15 he must be informed of the risk he or she is taking in  
16 so doing.

17 The patient has the right to privacy and dignity  
18 concerning his or her illness.

19 The patient has the right to expect that all records  
20 and other information shall be kept confidential.

21 The patient has the right to the following services  
22 when he requests care: Evaluation concerning diagnosis  
23 and general health conditions, the right to service,  
24 treatment or procedures and the right to a referral.

25 The patient has the right to expect a referring



1 physician or other appropriate persons designated will  
2 secure up to date reports of his or her care and progress.

3 When it's deemed medically necessary to transfer  
4 a patient to another facility, transfer must first of all be  
5 medically indicated, the patient must, prior to that  
6 transfer, give his consent, and again the patient has  
7 the right to know what alternatives are available.

8 The patient has the right to expect reasonable  
9 continuity of care.

10 The patient has the right to know which hospital  
11 rules and regulations apply to his or her conduct, and  
12 the patient has a right to initiate complaints concerning  
13 his health care.

14 To that end, the joint business council has formu-  
15 lated a specific grievance procedure that any person may  
16 take advantage of, the grievance must be in writing, or  
17 printed, or typed, and contain the signature of the person  
18 initiating the grievance and it shall be delivered to the  
19 service unit director, the person that is charged with the  
20 administrative responsibility of the service unit.

21 The service unit director is charged with the re-  
22 sponsibility within 72 hours of investigating that complaint  
23 and providing a reply in writing as to the status of the  
24 complaint, and that reply in writing must be accomplished  
25 within seven working days. If the complainant is not satisfied

1 with the response, he may appeal it to an ad hoc committee  
2 of the joint business council, and that committee is the  
3 joint tribal health committee.

4 That committee follows a similar procedure, con-  
5 ducts further investigation, makes a response to the complain-  
6 ant. The complainant has a right to appeal from that body  
7 as well to the joint business council, they follow a  
8 similar procedure, and there is also an appeal right from  
9 that body to the director of the Indian Health Service,  
10 this is the area director, the agency is located in Billings,  
11 Montana, which services both the State of Montana and  
12 Wyoming.

13 The appeal then is investigated independently by the  
14 area director, and response is made in due course to the  
15 patient.

16 Now, I go into that in some detail because it's  
17 relatively recent development, but it does in fact detail  
18 patient rights to quality health care, and that, of course,  
19 is the mission and mandate given to the Indian Health  
20 Service.

21 And it provides for increasing participation and  
22 involvement of the tribal governing authorities not only at  
23 Wind River but located on other reservations in the state.

24 THE MODERATOR: Thank you, Mr. Naugle.

25 Now, if there are any questions from the audience,

1 would you step up to the mic, and state your name and who  
2 you are, where you're from?

3 Questions? The floor is open for questions.

4 Q (By Mr. Quintana) Ray Quintana, SER-Job.

5 I would like to address this question to Mary  
6 Cassidy. Mary, you indicated in your presentation that  
7 your agency employed minorities. My question is, would you  
8 elaborate in the type of positions that these minorities  
9 are working in, in addition to, are there any minorities  
10 that are in management or policy changing roles?

11 A (By Ms. Cassidy) Not in the nursing division. And  
12 not in rule changing roles. We have, since most of the  
13 employees that I'm concerned with hiring are nurses, we  
14 are an equal opportunity employer, but most of our applicants  
15 are not from minorities.

16 In home health aides, we do have some with Spanish-  
17 American surnames.

18 Q One more question. Does your agency utilize the  
19 services such as SER-Jobs for Progress and other community  
20 based organizations in seeking out qualified minorities to  
21 participate in your programs as, excuse me, as -- in the  
22 higher echelons of employment?

23 A Well, we have to go through the personnel division.

24 Q Through what --

25 A In our employment, and I don't know just how they do

1 organize their hiring procedures.

2 Q Thank you.

3 A I accept some directly but I don't -- now I just  
4 hired three nurses and they're all from out of state and I  
5 have no idea what their background is because other than  
6 their educational background. And experience, work experience.

7 A (By Mr. Nelson) Really, the questions that you  
8 were asking are more probably in my area than Mary's. I  
9 deal with personnel, one of the things I do is personnel  
10 related for the department.

11 Personnel does, we have to go through them as a  
12 merit agency, we have to accept the top seven names which  
13 come to us on a list of eligibles and they --they screen  
14 them as far as getting them on to the register to give  
15 to us.

16 In addition to that, they tell us that they are  
17 sending job announcements and so forth to, that when we have  
18 jobs opening in nursing and any other position in the  
19 department, that these do go to minority organizations.

20 If you're not getting them, then I wish you'd, you  
21 know, please tell us and we will see that you get announcements  
22 because we certainly want to see that everyone is apprised  
23 of what jobs we have open and what the qualifications are  
24 and how to apply.

25 And if they can't get it from the state personnel

1 office, we'll be glad to do it from our end and get it  
2 through the state personnel office as far as getting the  
3 paper work done.

4 Q (By Mr. Duran) I was trying to be last because  
5 I have a number of questions. I guess I can pretty much  
6 talk to all of you.

7 First of all, you know, I really feel sorry for you  
8 that you are hiring people just based on paper work, okay?  
9 I really think maybe you ought to talk to your counselor  
10 here to see if maybe in the future they can give you some  
11 personal interviews with the people.

12 A (By Ms. Cassidy) We do try, but when they're from  
13 out of state we have no funds for an interview.

14 Q Well, then, I'm sure that we probably should have  
15 been able to find somebody in state so that we would have  
16 some funds to make application.

17 And I guess maybe out of curiosity I heard you say  
18 that none applied and then earlier in your presentation  
19 you had shared with us that you had no criteria by which  
20 to judge whether or not they were minority applicants, okay?

21 That suggests to me that maybe somebody does know  
22 who those applicants are. In terms of the job promotion,  
23 or the job announcements, I guess, am I accurate in assuming  
24 that the state first announces the positions in-house and  
25 within state government before it's made public?

1       A.     (By Mr. Nelson) It depends on the position, there  
2     are some positions which are open continuously for public,  
3     to the public, in other words, personnel will accept  
4     applications any time for those classes of positions.

5             Clericals and then other positions.

6             There are some positions which they will only announce  
7     on a job by job basis, the job has to come open before it  
8     will be announced. It's up to the agency, then, to determine  
9     whether they would like to announce that internally first  
10    or go to all state employees or announce it via what DAFC  
11    calls the DAFC 54, which is a general vacancy announcement  
12    and which anybody can apply.

13    Q.     Okay, I would assume that the job by job announce-  
14    ments rather than, you know, the clerical or the standing  
15    positions where you can always file application, I would  
16    assume that those probably are in some form of management  
17    level. Because that's usually when you have the job by job  
18    announcement occur within state government.

19            But I also would suggest that in that respect,  
20    that you see the percentages of minority in state government  
21    employment right now are very limited and if you're keeping  
22    them in-house, in terms of the announcements, then you have  
23    some further difficulties in recruiting from outside,  
24    that maybe -- that maybe could be occurring and why we  
25    have difficulty in trying to get other people involved

1 with state government.

2 I just wanted to make that point to, you know, get  
3 it off my chest, I guess.

4 With the health and social services, and the Title XX  
5 program, I have a couple of questions. One, I don't  
6 necessarily agree with you, Janet, when you talk about  
7 discrimination in behalf of the poor, okay? And there's  
8 a couple reasons why I don't agree with it, first of all the  
9 hard core poor are even less than the median income  
10 guidelines and the percentage of the median income guidelines  
11 that Title XX now operates under, okay, so that in essence  
12 the hard core poor was initially established by the depart-  
13 ment of commerce and the ten or 11% or whatever it is in the  
14 State of Wyoming has been increased by Title XX program in  
15 terms of those eligible for the services, which suggests that  
16 maybe there isn't enough money to go around, and we all  
17 know that to be a fact.

18 But I also want to suggest that the discrimination,  
19 if it should occur, we must, we must remember that when  
20 the services are provided and the dollars are being made  
21 available, those dollars don't stay with that household  
22 because if they did stay with that household then we won't  
23 have the problem of them being poor, you see, and if you give  
24 them a dollar for child care services, it means they're  
25 purchasing that child care service from some business and if

1 you give them money for public assistance, that means  
2 they're buying food and they're buying these other things  
3 and you know, I just ask the question as to who's really  
4 getting the money, so if we want to talk about dis-  
5 crimination, just say, you know, the fact our poverty, or  
6 the reason you are poor is you don't have any money and  
7 maybe this government ought to start considering putting up  
8 the money whereas we own our own businesses and those  
9 kind of things. So we can then help this and get as  
10 to whether we disagree or disagree with the social thrust.

11 We can get, you know, part of the take. You know,  
12 people very seldom talk about that kind of thing. Y 2

13 You talked about the advocacy thing. And I think  
14 that's supremely important except that what are the  
15 possibilities of the expansion of advocacy in terms of, you  
16 know, what I heard you saying is that it's done in isolated  
17 cases where somebody needs a particular service and then  
18 they, you know, you try to assist them in securing that ser-  
19 vice. What are the possibilities of expanding the advocacy  
20 role?

21 A. (By Ms. Lane) I think your first comment, Al,  
22 related to, we serve not only the hard core poor and that's  
23 absolutely true in half of our program. Our income main-  
24 tenance program, of course, does serve only the hard core  
25 poor. How poor is poor? YOu can't get any poorer than when



1 you qualify for income maintenance in this state, and in  
2 almost all states.

3 Our social service programs, we have been of  
4 the desire to make it available to more than just the  
5 poorest poor. People who are very, very marginal and yet could  
6 in no way be considered middle class, we've attempted to  
7 be of assistance to them in somewhat of a prevention kind  
8 of an atmosphere.

9 Often times our agency only reacts to things that  
10 have happened to people, and it's been the desire of the  
11 people involved in the planning for Title XX to get  
12 into some kind of preventative things and therefore we're  
13 serving a few more people.

14 Other than those that are just so poor that they  
15 qualify for our public assistance programs.

16 I'm trying to think of your next question. You  
17 related to advocacy. It's a dilemma to us. We want people  
18 to be aware of what services we have available, where we  
19 can help, where we can be of assistance.

20 We have been trying desperately for three years to  
21 make people aware. We're about to take on PR campaign  
22 in this state which will be a first for welfare, we're  
23 going to be letting people know via every means we can think  
24 of of the services that are available.

25 We want people to have a say as to what's available and

1 use it and we've not been very successful, as I know Al  
2 is aware.

3 But you had another question, Al, what was it?

4 Q That was basically what I was looking for is in  
5 terms of the expansion of advocacy and I guess I can pose  
6 this to the entire panel, you know, it's easy enough to  
7 follow regulations and try to deliver service with limited  
8 money and all of you are going to, you know, all of us agree  
9 we don't have enough money to go around to try to get the  
10 job done, you're given a mission and not given any money  
11 to do it with or to carry it out with.

12 But in particular with the ~~\$advocacy~~ thing, is it,  
13 you see what bothers me about that is that too oftentimes  
14 we sit back and allow the programs to be developed and  
15 regulated before we even start the conversation as to  
16 what's going to occur with them, okay?

17 And what I'm driving at in terms of advocacy, if  
18 we really are concerned about civil rights and things, you  
19 know, I pose this very simple question to you, you know  
20 that your money is tied up in the labor HEW appropriations  
21 bill and we also know that that appropriations bill is  
22 tied up on the abortion issue and I'm asking you what's  
23 the state's position on abortion?

24 A Which of us would like to answer?

25 THE MODERATOR: Excuse me, as far as the abortion

1 issue, let's let that go for this morning.

2 Answer any other questions.

3 Q Let's let the abortion issue go?

4 THE MODERATOR: Yes, because that -- would you  
5 answer that, Bill?

6 MR. LEVIS: If the state wants to give its position  
7 on abortion I don't think there's any problem.

8 MR. NELSON: Well, Janet, would -- I don't know,  
9 in the health division, I personally don't get involved  
10 with that, so --

11 A (By Ms. Lane) I can give you my understanding of  
12 it unless there is an objection.

13 THE MODERATOR: No objections, it's just that it's --  
14 it's in the courts, you know, we'd rather not discuss it  
15 right now if -- unless you really -- if you'd like to have  
16 someone give you a statement.

17 Q (By Mr. Duran) Yes, I guess what I'm driving at  
18 and what my concern is is that here we are sitting around  
19 talking about civil rights, and here we are talking about  
20 the delivery of services to the poor, and sitting in Washington,  
21 D.C. is all of the money that very directly affects every  
22 single program that we're discussing, and indirectly is  
23 going to come down and the people that are going to suffer  
24 are the poor, and the reason that they're -- we're in this  
25 dilemma is because those of us that have, you know, the

1 information available to make a decision one way or the  
2 other, okay, are not saying anything.

3 Roger, it was a perfect answer of what most people  
4 I was telling you, no, I don't get involved in that, it's  
5 not in my job description, okay? And I'm saying, you  
6 know, when are we going to start promoting the real  
7 aspects of advocacy on behalf of the poor?

8 It's easy to say we're delivering services, that's  
9 fine, if you don't want to deal with the abortion issue  
10 that's fine too, I didn't really expect you to. But I  
11 was trying to make the point.

12 In terms of the health services for the Indian,  
13 there's some things that I've been wondering about, I  
14 attended a public forum a couple of weeks ago in Denver  
15 and it was a poor people's forum for the federal government  
16 and you probably saw the example of it with President  
17 Carter in Detroit when he sat around with poor people and  
18 talked to them, but you know what's happening and you know  
19 people are saying we're poor and he's saying yes, I under-  
20 stand, and you know, we're going to do something about it.

21 Well, this forum in Denver was similar to that. As  
22 a matter of fact, it was orchestrated in the very same  
23 manner. And one of the testimonies, the majority of  
24 testimony coming from the Indian representatives that were  
25 there, was in health care, and in particular those that

1 testified from the State of Wyoming were asking how come  
2 we have to get sick from 8:00 to 5:00 on weekdays?

3 And the questions that were asked what does that  
4 mean? And we understood the answer to be that they could  
5 not receive the payment factor, whatever that means, to  
6 whoever is delivering that particular service and so I'm  
7 asking the question now, you know, what are you going to  
8 do about that?

9 A (By Mr. Naugle) Actually, I don't have the benefit  
10 of being there when that question was raised or full  
11 knowing the context in which it was presented. But if the  
12 question itself dealt with the issue that health care  
13 services to Indians were available in Wyoming only 8:00  
14 to 5:00, that's the only time you could really get sick  
15 and expect to receive care, that's totally incorrect and  
16 inaccurate.

17 Health care on an emergency basis is available to the  
18 extent that the services and resources permit, not only  
19 at our outpatient clinic but at the local hospitals  
20 situated in Riverton and Lander and in the other immediate  
21 communities.

22 Obviously in emergency, accidental or illness or  
23 attempt at self-destruction receives immediate medical care.  
24 The point of intervention is going to be at the closest  
25 health care facility. Our clinic hours are from 8:00 to 5:00,

1 but we do have doctors on call by designation every day  
2 of the week, holidays included, so that any time there is  
3 a medical need, that person can call a number which is  
4 manned 24 hours a day, make contact with a physician.

5 At that point the physician determines whether to  
6 see the person at the clinic or if it is an obvious  
7 emergency, based on information presented to him, a medical  
8 referral with ambulance service is made to the nearest  
9 hospital.

10 THE MODERATOR: All right, we're just, it's about  
11 time we're closing so Mr. Levis would like to ask a couple  
12 questions of the panel.

13 Q (By Mr. Levis) Mr. Nelson, does each department have  
14 to have an EEO plan?

15 A (By Mr. Nelson) You mean each one of our divisions?

16 Q Each department within the state government?

17 A I don't believe so, at the present time. All merit  
18 agencies are in it, I know, either have or are developing  
19 an affirmative action plan, but there's only about six  
20 departments that are under merit.

21 Now, other departments have developed them, highway  
22 department, ESC have them, but I can't really say that I  
23 know that every department is required to have them.

24 There is in the process of being developed, right now,  
25 a statewide affirmative action plan which I assume one of

1 the things will be to make sure that any agencies that  
2 couldn't have one will have one very soon.

3 Q That's a statewide plan for state government?

4 A Yes, for the entire state government, this, there  
5 has never been in the past a statewide plan, you know,  
6 all encompassing or the entire state government, it's been  
7 more of an agency by agency sort of setup as federal re-  
8 quirements dictate usually.

9 Q What kind of support did you get in developing that  
10 plan, was it from other state agencies, the federal govern-  
11 ment or did you just have to do it on your own?

12 A Well, it started out it was a state initiated thing  
13 several years ago, we had a state EEO coordinator appointed  
14 for the state, this person's name is Danny Romero, by the  
15 way, and it's been a process of getting the money to  
16 develop a plan mostly, they're just now through the, I  
17 think it's the intergovernmental personnel act, have  
18 received money to engage a consultant to assist a state  
19 committee consisting of state EEO officers and Mr. Romero  
20 to develop this state plan and that's in the process  
21 right now.

22 Q One other question, is there any cooperation between  
23 Indian Health Service and Wyoming Public Health?

24 A (By Ms. Cassidy) Yes, in Fremont County, the Indian  
25 Health Service nurses carry White persons that are on the

1 reservation and persons that live off -- the Indians that  
2 live off the reservations are carried by the public health  
3 nurses, our public health nurses.

4 Q And are there public health centers in each county?

5 A Well, there are four uncovered counties now, Johnson,  
6 Converse, Niobrara and Crook. Johnson has come up with the  
7 money but we don't have the nursing position available,  
8 we hope we will by July 1st. And this ~~budget~~ is a  
9 cooperative budget, 50% county and 50% state, so if a county  
10 doesn't have the nursing service it's because they haven't  
11 raised the funds.

12 MR. LEVIS: You have another question?

13 Q (By Ms. Chavez) My name is Betty Chavez.

14 Mr. Nelson, how many affirmative action plans in the  
15 state are headed by White, Anglo Saxon men, do you know?

16 A (By Mr. Nelson) How many? As far as I know, I think  
17 I'm the only one.

18 MS. CHAVEZ: Thank you.

19 MR. BURRY: Make it two.

20 MR. NELSON: Okay, Ray Burry said make it two.

21 THE MODERATOR: Are there any more questions?

22 If not we shall recess until 1:30.

23  
24 (Luncheon recess)  
25



## AFTERNOON SESSION

1:30 p.m.

(The following was moderated by Mr. Harold Meier)

THE MODERATOR: Good afternoon, Ladies and Gentlemen. If you will all take seats, we'll start this afternoon's panel which is the civil rights in education.

My name is Harold Meier, I'm an attorney in Casper, Wyoming, and a member of the state advisory committee and I'll be moderating this panel.

To introduce the panel members at this time, first starting on my extreme right is Celeste Wadda, who is the chairperson of the Fort Washakie School Board, Fort Washakie, Wyoming. Dr. Don Lucero, on Wyoming Advisory Committee. Dr. Gil Roman on my immediate right is from the Office of Civil Rights, HEW.

You've met Bill earlier so I won't have to go through him each time.

Bill Hesson, from the Wyoming Education Association, is next on the left, Ray Burry, from the Employment Practices Office of the University of Wyoming, and on the extreme left is Lyall Hartley, the personnel of the Wyoming Department of Education who will talk basically about Title IX.

1 I think to start this afternoon one of the easiest  
2 methods might be to do, we're going to talk several things  
3 and we have a two-hour panel this afternoon, would be to  
4 start with Dr. Romero, who, will talk a little bit about the  
5 federal office of civil rights and what schools must do  
6 to insure equal education opportunity to all students.

7 So, Dr. Roman, I'll start with you and then we'll  
8 go over and start down the line.

9 Roman, I'm sorry.

10  
11  
12 GIL ROMAN

13  
14 A. (By Dr. Roman) I kept looking around for Dr. Romero.  
15 I know most of us look alike but our last names  
16 are different. I can't tell you guys apart either.

17 No, on the way down here I was, it's quite a long  
18 trip if you drive, it's kind of a pleasant trip, though,  
19 when it's not snowing, I guess.

20 I had a little time to think about what I was going  
21 to say here today and I usually prepare, what is the word  
22 you used earlier, prodigious or what was the -- he used  
23 some word like that, a statement, prepared statement.

24 I am going to do both, I'm going to kind of wing it  
25 and I'm going to read from some of my prepared text.

1           Before I do that I'd kind of like to share with you  
2 a little introduction to what an American is that I stole  
3 from the federal record some time ago. And bear with me  
4 because I think it's worthwhile.

5           An American is a man who, yells for the government  
6 to balance the budget and then takes his last dime to  
7 make a down payment on a car. He whips the enemy nations  
8 and then gives them the shirt off his back. Yells for  
9 speed laws that will stop fast driving and then won't  
10 buy a car if it can't make 100 miles per hour or better.  
11 He knows a lineup of every baseball team in the American  
12 National League and doesn't know half the words in the  
13 Star Spangled Banner.

14           An American is a man who will fall out with his wife  
15 over cooking and then go on a fishing trip and swallow  
16 half-fried potatoes, burned fish, drink creek water coffee  
17 made in a rusty gallon bucket and think, it's good.

18           An American will work hard on a farm so he can move  
19 into town where he can make money so he can move back to  
20 the farm.

21           When an American is at work, he talks about baseball,  
22 football and fishing, when he's out at the games or on the  
23 creek bank he talks about his work. He's the only fellow  
24 in the world who will pay 50 cents to park his car while he  
25 eats a 25-cent sandwich.

1           An American likes to cuss at government but gets  
2 fighting mad if a foreigner does it.

3           I'm wondering, I know we don't have a large audience  
4 but the audience that's here I think is good. I wonder if  
5 these characteristics adequately describe minority people?

6           The first reaction might be yes, the minority people  
7 are very much like the average American, but I want to know  
8 if these characteristics fully describe us and more  
9 importantly, is this the way the predominant society looks  
10 upon the minority or the Mexican-American?

11           I submit to you that this does not accurately  
12 describe all minorities. Contrary to the general pattern  
13 of ethnic minority in the history of the United States, we,  
14 as Mexican-Americans, or Chicanos if you prefer, and I prefer  
15 Chicano myself, have retained a distinct identity and have  
16 not dissolved into the so-called great American melting pot,  
17 which doesn't really exist.

18           And not having the good grace to disappear, many of  
19 us have then compounded our guilt in Americans' eyes by  
20 committing the additional sin of being glaringly poor, in  
21 the midst of affluence and abundance.

22           I think rather than try to go into each ethnic  
23 group that the U.S. Civil Rights Commission protects or  
24 works with, let me just simply clarify for you what a  
25 Mexican-American is. Or a Chicano.

1           The laborer, Ben Salada, (Phonetic), from Los  
2 Angeles once said, a Chicano is a Mexican-American with  
3 a non-Anglo image of himself. He resents being told  
4 Columbus discovered America, when the Chicanos' ancestors,  
5 the Mayans and the Aztecs, founded highly sophisticated  
6 civilizations centuries before Spain financed the Italian  
7 explorer's trip to the new world.

8           The Chicanos resent also Anglo pronouncements that  
9 Chicanos are culturally deprived or that the fact that they  
10 speak Spanish is a problem. Chicanos will tell you that  
11 their culture predates that of the Pilgrims and that  
12 Spanish was spoken in America before English.

13           So the problem is not theirs, but the Anglos who  
14 don't speak Spanish.

15           Having told you that, the Chicano will then contend  
16 that Anglos are a Spanish oriented at the expense of  
17 Mexicans. They will complain that when the governor  
18 dresses up as a Spanish nobleman for the Santa Barbara  
19 Fiestas in California, he's insulting Mexican-Americans  
20 because the Spanish conquered and exploited the Mexicans.

21           It's as if the governor dressed like an English  
22 Redcoat for Fourth of July parade, Chicanos say.

23           What, then, is that Chicano? Chicanos say that if  
24 you have to ask, you'll never understand, much less become  
25 a Chicano. It's not simple.

1           On a lighter note, my little boy, who plays football,  
2 recently was given a physical. And I took him to the  
3 doctor because you know, you have to have a physical  
4 before you can play football and he was asked by the  
5 doctor, who I've known for a long time, to strip to the  
6 waist. So we left the room, Doctor and I discussed other  
7 matters and when we came back my little boy was standing  
8 there naked. And the doctor asked him why are you naked?  
9 I told you to strip to the waist.

10           And he said yes, Doctor, but you didn't tell me from  
11 what end to start.

12           You see, so he stripped both ways.

13           Okay. Well, that's just simple communications and  
14 I guess this is what this conference is about, communications  
15 and I'm very happy to be here.

16           I'd like to talk a little bit about civil rights  
17 now, if I may. And I'll toss out my prepared text, I was  
18 going to use that but I'm not given generally an hour, is  
19 that it, or ten minutes?

20           THE MODERATOR: Hour less 50 minutes.

21           A. Okay. The Office of Civil Rights was founded about  
22 1965, I want to give you a little background because I  
23 think it's important that you understand what we're coming  
24 from.

25           About 1965 after 1964's Civil Rights Act. It was

1 first located in the office of education. Which was a mis-  
2 placement, by the way.

3 It ended up in, they created a new agency called  
4 the Office of Civil Rights. The first stage of the civil  
5 rights office were mostly mainly, whatever the word might  
6 be, dedicated towards putting out fires in the south and  
7 segregation was the issue then. Segregation remains an  
8 issue, by the way. But at that time that was the focus  
9 of the civil rights program.

10 It did not do a lot of other things, really,  
11 except concentrate on the Black, south problem until about  
12 1970, when all of a sudden civil rights people began to  
13 notice that there were a number of other problems that were  
14 also facing this country and that they should move into  
15 them, particularly in the north.

16 The shift, then, began to move from the south to the  
17 north and at that point in time, about 1970, there was a,  
18 a thing called the May 25th Memorandum, which kind of turned  
19 the things around in terms of bilingual education  
20 or towards other minorities in this country.

21 That May 25th Memorandum said, in effect, that if  
22 language were not -- if language would not be taken into  
23 consideration in the schools, and were not being taught  
24 or used particularly, if language was different than the  
25 English, then the schools were in noncompliance or the schools

were not educational equal. That led to the 1973 decision called Lau versus Nichols which you've all heard of.

The point I'm making is that this began a turnaround in terms of what the Office of Civil Rights was doing, was putting out fires, mostly in the south.

It now moved to the north, put out fires in the north, put out fires all over the country. Still the Office of Civil Rights, and I can say this and I hope you all understand what I'm saying, bumbled along from 1970 to 1975, '76, in terms of what it was really doing. I think I could be very candid about the Office of Civil Rights because I've been with them since 197 -- late '72.

In terms of what we are currently doing, we're charged with the 1964 Civil Rights Act, Title VI of that act, we're charged also with the executive order, Executive Order 11246 and 375 as amended, which is for contract compliance, mostly in institutions of higher education.

We're also charged with Title IX, which as you all know deals with sex discrimination, both male and female, by the way. And with 504, Section 504 of the Rehabilitation Act, which we've been charged with most recently in enforcement compliance of the handicapped, the language, by the way, in Title, ~~section 504 of Title VI~~ is very much the same as in section 504, or vice-versa, but it deals specifically with the handicapped.



1           We are enforcement compliance agency, the kinds  
2 of problems that we have to give you a kind of a background  
3 on our office, and we have six states in this region, are  
4 mainly focusing on the school districts in terms of  
5 segregation, in terms of bilingual education or lack of it,  
6 student discipline, push out problems. I was talking to  
7 Dr. Lucero earlier, I firmly believe that many of the  
8 dropouts in our schools in this region are not necessarily  
9 a dropout but a pushout by the system itself. Because  
10 of many factors."

11           We're also dealing with the higher education  
12 systems and with affirmative action plans in higher educa-  
13 tion. And with the kinds of programs that receive federal  
14 funds other than universities as well.

15           Section 504 is a new thing with us, we have only  
16 recently begun to enforce it, we have already resolved  
17 a small number of 504 complaints. They are coming in at  
18 an increased rate as when Title IX first came in, a few  
19 years ago, and we don't expect a decrease in section 504  
20 complaints.

21           We're not ready to answer all the questions yet,  
22 by the way, in terms of policy, we are referring many of  
23 those questions into Washington.

24           In a nutshell, that's what the Office for Civil  
25 Rights does do. Of course with compliance, we respond to

1 people who have complaints and we do comprehensive compliance  
2 reviews of universities and school districts in the region.

3 I'll be happy to answer questions after you say I  
4 can.

5 THE MODERATOR: Thank you, Dr. Roman.

6 The general theme this afternoon is as I indicated  
7 earlier, is how the educational needs of minorities and  
8 women are being met in the State of Wyoming and so I think  
9 we'll start with that general theme now and we'll start  
10 down at my right and I'll pass the microphone down to  
11 Celeste Wadda and let her give you her thoughts.

12  
13  
14 CELESTE WADDA

15  
16 A. (By Ms. Wadda) Thank you.

17 Well, I'm the chairperson from Fort Washakie School  
18 and we're a small school compared to some in the state.  
19 But I think we're kind of a unique school, for one of the  
20 reasons we're like 99% Indian, so the non-Indian is the  
21 minority there. And I feel like this is where our problems  
22 begin as far as, like civil rights, I don't believe that,  
23 like some of our graduates, I don't believe that education,  
24 statewide, nationwide, meets the needs of the Indian  
25 person. For the one reason is because Indian people are new

1 to education, very new.

2 I think the non-Indian has had education for hundreds  
3 of years. Ourselves, our people have had it only for  
4 maybe 50 years? And so I, like Fort Washakie School, we  
5 became a district, I mean a public school only about 15  
6 years ago. Before then we were a federal-funded school.  
7 And I graduated from there and the biggest percentage of  
8 Indian children went away to boarding schools, we didn't  
9 have much access to public schools because this wasn't  
10 the thing to do.

11 You went away to where you were just more affiliated  
12 with Indian people and I think there is where prejudice  
13 is born, for one of the reasons the dictation of what type  
14 of education we're to receive you weren't to take your  
15 culture with you, you weren't to speak the language,  
16 and I feel like at Fort Washaki School in the past few  
17 years, I would just say in the past year, we've come along  
18 ways even as far as civil rights is concerned, specially  
19 as new as we are to education.

20 And I, for one of the things that we have, that we  
21 do have in our school now, that is probably history in Fort  
22 Washaki School is we have a woman administrator. Our  
23 principal is a woman, also another thing that we have at  
24 Fort Washakie School is we have an Indian superintendent,  
25 which we have never had, and we've had a Title IX meeting

1 early this spring, and our hiring practices have all  
2 changed around, there are no -- we ask no -- the race or  
3 anything like that is asked on our applicants.

4 As far as our -- our curriculum and stuff is offered,  
5 I mean like our -- like in home ec., and shop is offered  
6 to both boys and girls. We don't use, and like in football,  
7 which we're just new to that, we just started a team last  
8 year, and in place where the girls can't play football,  
9 if they could if they wanted to, we don't object to that,  
10 so we put volleyball in place of that. In place of wrestling,  
11 we replaced that with baseball, softball or as far as  
12 that goes, wrestling if the children want.

13 And a lot of the old policies and stuff that were  
14 probably born with the school were revised, specially as  
15 far as long hair was concerned, we had a very staunch policy  
16 on that.

17 And it was real discriminating as far as I was con-  
18 cerned. And it was the boys must cut their hair, must be  
19 above the ears and off the collar.

20 The girls, it was it must be clean and neat and out  
21 of the eyes. And so we took this, formed a parent  
22 committee and took this before the school board, said it  
23 was very discriminatory, long hair was in, and we felt  
24 that if the boys chose, also this is an Indian custom to have  
25 long hair. And if they chose to have long hair, they could

1 not be discriminated by saying you can not play the game  
2 unless you cut your hair.

3 And so I think that as far as Fort Washakie School  
4 being a very, very small school, I think we only have like  
5 364 students there, that we really, you know, have really  
6 came a long way in just one year.

7 Thank you.

8 THE MODERATOR: Thank you, Celeste.

9 If you'll just pass the microphone down to Don here,  
10 Dr. Lucero, we'll turn the microphone over to you.

11  
12  
13 DON LUCERO

14  
15 A. (By Dr. Lucero) Okay, I realize I only have ten  
16 minutes so that I'd like to focus maybe half of the time  
17 just sharing my personal feelings what the causes to failure  
18 are and then maybe spend about half the time as what we're  
19 trying to do at High School Three, which is an alternative  
20 educational program here in Cheyenne.

21 I'd like to start out with the remark that I hope  
22 makes a tremendous impact and this is just from personal  
23 observation. I'm going to be getting with, I'm going to be  
24 talking basically about the Chicano students but many of the  
25 things that I'm talking about or the strategies or the

1 reasons are certainly applicable to all minorities and in  
2 many, in most, in a lot of cases applicable to students  
3 in general.

4 In Cheyenne, I think that the dropout rate for  
5 a Chicano student is about 80%. This doesn't account for  
6 the student that gets his diploma as was mentioned pre-  
7 viously, that you know, we graduate lots of students whether  
8 minority or nonminority that have the diploma but they  
9 aren't really being prepared for adulthood, we're not  
10 really doing a job in preparing them for the daily world of  
11 living.

12 But anyway, I think the dropout rate here in  
13 Cheyenne is 80%, and the figures in the southwest are  
14 approximate to that, anywhere between 40 and 80%, that  
15 is a serious concern.

16 I've been in education for 20 years, and of course  
17 I'm always concerned with how we can provide better services  
18 for students, for minorities, for Chicano students so that we  
19 can try to deal with this problem.

20 One of the biggest difficulties in talking about  
21 reasons for failure is that many times people want to  
22 come up with the sequential listing on the board as to what  
23 are the reasons for failure. It's an abstract type of thing.  
24 And the best way that I can explain that is that the  
25 reasons for failure are numerous factors, and they are in

1 constant interaction with one another and to what degree  
2 does one factor influence another factor is really dif-  
3 ficult, so the reasons for failure are many, it just isn't  
4 one reason, it's a combination of lots of different  
5 factors and that's why it's so difficult to deal with.

6 Because in order to try to address to this, we have  
7 to kind of address to all the factors at the same time. And  
8 sometimes it's impossible in most cases it is. I think  
9 that also that we as educators, and I'm throwing  
10 criticisms at myself also, is we spend too much time dealing  
11 with symptoms. It's a good thing that we educators are not  
12 in the medical profession. We usually wait until there's  
13 a crisis or after the fact, and then we try to cope with  
14 the problem. But I would think if I tried to list these  
15 down, and I don't like to get into a confrontation as to who's  
16 to blame, I think we all have our personal biases for that,  
17 I kind of like to end that by just saying we, as a society,  
18 are to blame for the failure of education and especially  
19 for the failure of minorities and especially for the  
20 failure of Chicano students.

21 If I had to prioritize them and this is just my  
22 priority list, and you may agree or you may not agree,  
23 I would say that it's the inability of schools to conform to  
24 the changing times.

25 And I think that this is applicable to just lots

1 of students but moreso with the minority student. I would  
2 say that another reason for failure or causes for failure  
3 is a meaningless curriculum. And we're all adults and I  
4 think that we all well know that if we get involved in some-  
5 thing that is very irrelevant or doesn't have any meaning  
6 or we engage in some kind of leisure activity and it  
7 doesn't turn us on, we're going to -- we're going to forget  
8 about it, we're going to try to do something else.

9 I think this is also applicable to that student in  
10 school. I think one problem is also our insensitive  
11 teachers.

12 Times are changing, I agree to that, there's a lot  
13 of progress that has been made in the last five years, in  
14 the last ten years, but I still think these are just some of  
15 the primary reasons. .

16 Teachers are not being sensitive, not being aware,  
17 not being knowledgeable, that people are different. That  
18 people come in with perhaps a different lifestyle, a dif-  
19 ferent culture, and so forth, and teachers being insensi-  
20 tive to that, I guess what kind of blows my mind is that a  
21 lot of teachers and a lot of people equate that to being  
22 un-American. And I suppose we could give you all kinds of  
23 statistics as to how loyal the minority has been in this  
24 country.

25 So, to equate that to being un-American, in order to



1 be a good American you just speak English, just imagine  
2 what that does to my selfconcept that I've been speaking  
3 Spanish or that my grandmother speaks Spanish and all of  
4 a sudden I am kind of told it's un-American to speak that  
5 way so I could belabor that but I won't, I only have ten  
6 minutes.

7 I think another real major problem also is that  
8 teachers, and we turn them out just like we turn out  
9 automobiles in the factory, they are not really being  
10 trained to cope and to address to the problems that we  
11 now have.

12 To a pluralistic society which we have always had  
13 but it's always been just addressing ourselves in school  
14 to just one culture, the dominant culture. And that does  
15 a lot for selfconcept.

16 And of course I think that we all agree that dis-  
17 advantaged student, socially disadvantaged students. Minority  
18 students, poor selfimage of self.

19 And in all honesty, I really have to blame the schools  
20 for that. For strengthening or initiating that positive  
21 concept of self.

22 I think most youngsters have a very positive  
23 concept of self when they first go to school. And little  
24 by little that seed of negativism is planted, and first  
25 of all you have a teacher that may be pronouncing your name

1 differently or changes it to what he or she is accustomed  
2 to, and then you learn, then you get into the history and  
3 you talk about one dominant culture, and this compounded  
4 with all the other factors that I haven't mentioned, I  
5 think it's, you know, it's easy to understand why when a  
6 student turns 16 they just have one thought in their mind,  
7 boy, I can't wait until I'm 16 so that I can drop out of  
8 school.

9           Anyway, certainly socioeconomics is a factor. You  
10 know, there's a high correlation between economics and  
11 success in school. Home environment has to be a factor.  
12 And I'm talking about reasons now that are applicable  
13 to all students.

14           You know, personal problems, boyfriends, girlfriend  
15 problems, language barrier, can be a factor, a cultural  
16 barrier.

17           All of these are reasons why students are failing and  
18 I think that, I'm sure there's many more that I could name  
19 but these are the primary reasons as to why a student is  
20 failing in school.

21           Okay, so rather than dwell on this, then, what I  
22 think what we as educators have got to do is that we've got  
23 to look at these and hopefully make an effort to deal with  
24 the causes rather than just focus all our efforts on the  
25 symptoms.

1 I'd like to spend a few minutes talking about High  
2 School Three and it kind of deals with my philosophy and  
3 maybe there are some strategies here that could be  
4 utilized.

5 High School Three is an alternative program, it was  
6 started last year here in Cheyenne, and it was basically  
7 set up for the dropout or for the potential dropout.  
8 We had an enrollment of 90 students last year and we have  
9 1744 students that were admitted for the fall term. We  
10 don't have 170 students enrolled right now, the term is just  
11 about over. So we have prospective dropouts, we have  
12 dropouts, we have students who have a poor selfimage, we  
13 have students, and I don't like to use the word who have  
14 failed in school, I'd rather say the schools have failed  
15 these students, their needs were not being met, so rather  
16 than using the term that we have 180 students who failed  
17 in a conventional or traditional setting, we have 180  
18 students whose needs were not being met.

19 Okay. So what are some of the strategies that  
20 we're using? One of the uniquenesses that we have at High  
21 School Three and a tremendous advantage is the size. I  
22 have 180 students and I have 22 staff. This means that  
23 we have small class sizes, this means that we can have a  
24 lot of individualized instructions, this means that we can  
25 have, we can do away with a lot of unnecessary rules and

1 provide, hopefully, an atmosphere that is friendly and  
2 congruent and where the student feels comfortable and so  
3 forth.

4 So individualized instructions, personalized, our  
5 total approach and really what educators ought to be doing  
6 and many are and many aren't, is humanizing your total  
7 approach in your involvement with students.

8 And I think that's a key, key factor. And I under-  
9 stand that if you have a high school that has a 1,000  
10 students, 2,000 students, or 3,000 students, it is very  
11 difficult, it's an advantage to have a small class enroll-  
12 ment like we have which means that we can do all the  
13 different kinds of things that I'm talking about and I  
14 think that's the key.

15 If I had to use one word to describe what's the best  
16 strategy in trying to reach students, it would be involvement,  
17 involvement with students..

18 And not only have interaction as a teacher-student  
19 relationship.

20 So I think we have to have, serve many roles in High  
21 School Three, a friend, a counselor, a teacher and so  
22 forth and just a lot of interaction with students.

23 But there's no matching curriculum that I can give  
24 you that is going to tell you how you can solve the  
25 problems that I've talked about. It's a day by day thing.

1 And it's just, it just takes a lot -- it takes a lot of  
2 work and there's a lot of frustrations but it is exceedingly  
3 challenging, I thoroughly enjoy my job.

4 But anyway, we have a lot of interaction with  
5 students and I think that is extremely important. Students  
6 are not pressured or -- into getting assignments, we have  
7 very little homework, it's all done right in class and I  
8 think that's a key.

9 Students are encouraged to go at their own pace, we  
10 don't use letter-grades and I think that could also be a factor.  
11 We try to let students get involved in the decision making  
12 process at High School Three, we haven't had a lot of  
13 success with that yet but you have to keep in mind the  
14 type of student that we have, they aren't ready for it yet,  
15 some are, some are not.

16 I think parental involvement is extremely important  
17 and we've had, I would say very good success with getting  
18 parental involvement.

19 Okay, our ethnic breakdown at High School Three  
20 right now is about close to -- it's about 48% minority and  
21 most of those students are Chicano students. And there  
22 are about 33% Anglo students.

23 Okay, so if I am -- say what can I do to try to meet  
24 the needs of students? How can I address to this developing  
25 concept of self, aside from the things that I talked about?

1 I think some of the curriculum, our staff is 30%  
2 minority out of 22 staff members and when we talk about  
3 building curriculum, I also think that part of that curriculum  
4 which is extremely vital is also having role models.

5 I'm not assuming that only Brown can serve as a role  
6 model for Brown, that isn't true, but it does help to /  
7 have a diversified teaching staff because we have a diversi-  
8 fied student population.

9 We don't have a lot of Blacks in our program, we  
10 don't have a lot of Asian-Americans, and we don't have a  
11 lot of Native Americans at this time. But this is basically  
12 the makeup going in.

13 We offer some classes that hopefully can turn some of  
14 these students on and there's arguments for and against  
15 whether you should have a separate Chicano studies class  
16 because then they tend to segregate and so forth, but, and  
17 I don't know, I agree with that sometimes and sometimes  
18 I don't, but we do offer Chicano studies.

19 I have a Chicano studies one class, I have a Chicano  
20 studies two class, we have a folklorico dance class that  
21 we're trying to get these students involved, so my main job  
22 is if I can get these students to feel good about being in  
23 school and I think I can honestly say with a lot of our  
24 students I've seen a change in their attitude 180 degrees.

25 The other students we haven't reached yet. And in

1 being, realistically there's, a lot of these students that  
2 come in with a tremendous burden and it's going to be  
3 extremely difficult to reach students.

4 Students have a tremendous burden on their shoulders.  
5 And usually the last thing on their mind is how many credits  
6 do I need to graduate or I have to write this essay on  
7 this particular class when they've got all these different  
8 problems.

9 But if they have someone that they can talk to, and  
10 I think that we have that at High School Three, and though  
11 it were a new program I am extremely pleased with the  
12 progress that has been made, we've got a lot of learning  
13 we have to do yet, we've got some wrinkles to get ironed out  
14 and so forth, but with the progress that we've made in  
15 the short time I am real pleased with that progress.

16 There's a lot that I could say, but I think that I  
17 will just stop there. Thank you.

18 THE MODERATOR: Now I'd like to skip down to Mr.  
19 Hartley, because he may have to leave early and he's with the  
20 Wyoming Department of Education and will talk a little bit  
21 about Title XIX.

22 Lyall Hartley.  
23  
24  
25

LYALL HARTLEY

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2  
3 A (By Mr. Hartley) I'd like to begin my remarks  
4 by suggesting that the Wyoming State Department of Education  
5 functions primarily to provide education, service and  
6 leadership. And contrary to popular opinion, we are not  
7 an enforcement agency, even though there are areas of  
8 enforcement because of state statute that we have to provide  
9 for.

10 We see ourselves primarily in the role of educational  
11 leadership and service. We've taken this position, I  
12 suspect primarily because of a phenomenon in our state  
13 called local autonomy, and school districts look jaundiced  
14 upon any agency that comes in spawing service, but providing  
15 enforcement at the same time.

16 So we've really had to take a very serious look  
17 at that kind of posture and we've opted primarily for  
18 service and educational leadership as opposed to enforce-  
19 ment except in those areas where by state statute or federal  
20 mandate we've had to be enforcement oriented.

21 There are some state statutes where we are en-  
22 forcement oriented in terms of needs assessment, in terms  
23 of the yearly census, in terms of determining classroom  
24 units through our foundation program, which is the state  
25 support for education across our state.



1           We walk a tight rope many times, particularly as we  
2 try to mediate between the federal government and some of  
3 the mandates that they have or requirements that they have  
4 with regard to Title IX, Title IV, Title VI, the vocational  
5 education amendments, etcetera, because we're having to  
6 work with the federal government on the one hand and the  
7 local school district on the other, and sometimes we appear  
8 to be enforcement oriented to them and sometimes we're not.

9           With regard specifically to Title IX, and in the  
10 area of enforcement, I think it needs to be said over and  
11 over again that the state department of education is not  
12 enforcement oriented with this particular federal mandated  
13 program.

14           First place, there are no monies attached to Title  
15 IX, with regard to state funding. Whatever monies have  
16 been allocated have come through special grants or  
17 awards, Women's Educational Equity program, etcetera.

18           That limits us, then, in terms of staff as well as  
19 program monies for dissemination purposes, and we don't  
20 want to become involved in enforcement as such. Partly  
21 because of that.

22           Second, because the Office of Civil Rights out of  
23 Denver is primarily responsible for enforcement of  
24 Title IX.

25           Now, some of you may not be aware what Title IX is

1 all about, we discover periodically, for instance, that  
2 the average person, parent adult within a school district  
3 is not aware - that Title IX is alive and well, doesn't  
4 know the implication that that has, either for their child  
5 or their grandchild, so let me share briefly what this  
6 amounts to.

7 First of all it means that each school district  
8 within the State of Wyoming has to have appointed a Title  
9 IX contact person who is responsible for disseminating  
10 Title IX information across the district, and for pro-  
11 viding technical assistance wherever that's required  
12 within the district.

13 Second, that they're to provide a grievance pro-  
14 cedures or process, not only for their staff or their  
15 employees -- excuse me, their employees but also for students.

16 We discovered with many school districts that they  
17 had it for employees but did not have a grievance procedure  
18 for students and we've encouraged them to split those grievance  
19 procedures out because some of those processes as they  
20 apply to employment or the employee are not adequate for  
21 student grievances.

22 School districts are also supposed to be notifying  
23 at least once a year through local newspapers or whatever  
24 kind of media that they have, the fact that they are not  
25 discriminating based on sex. They are to have completed

1 a selfevaluation, the Office of Civil Rights in Washington,  
2 because of some problems, not only within the state but  
3 also perhaps nationally, revised the Title IX assurance  
4 form called 639, it has now become 639A, and they have  
5 requested that all school districts across the United  
6 States resubmit assurances if in fact they were in a category  
7 that was not acceptable according to the Office of Civil  
8 Rights, either they didn't fill the form out right or  
9 they didn't send it in at all.

10 Lastly, based on the selfevaluation, they're not,  
11 the school districts are not only supposed to provide  
12 remedial and in some instances affirmative action, but supply  
13 to the federal government statements of assurances, which  
14 form 639A represents.

15 One of the problems that we've had with this par-  
16 ticular program, Title IX across the state, is that we've  
17 been hard pressed to provide interpretation to some of the  
18 school districts who are raising questions about implementation.

19 There is or was at one time, a difference of opinion,  
20 for instance, how we determine the parity of salaries  
21 between men and women in the same curricular area.

22 The Office of Civil Rights, out of Denver, in early  
23 '76, came out with some criteria, then in the summer of '76  
24 had to withdraw that in light of a mandate that came out  
25 of Washington, the Office for Civil Rights in Washington,

1 saying that there would be no interpretive comments  
2 except as they came out of Washington.

3 That leaves us in the lurch as a state department  
4 because we want to be equitable and we want to insure equita-  
5 bility in terms of education, but the fact of the matter  
6 is that the particular mandated program does provide for some  
7 implementation problems particularly with the small school  
8 district whose facilities are short, whose staffs are  
9 short, whose budgets are short because of a low tax base.

10 Because of these problems, we are having to consis-  
11 tently request interpretive information from Washington  
12 which is just now beginning to trickle down and we thank  
13 God for that.

14 So our hope is that we, we, by we I mean not only  
15 HEW and the Office for Civil Rights, but we as a state agency  
16 working with local education agencies, we hope that some of  
17 the wrinkles in this federal program can be ironed out in  
18 the immediate future.

19 So that equitable education can be provided for  
20 everybody, regardless of sex.

21 Thank you, Mr. Moderator.

22 THE MODERATOR: Thank you very much.

23 I think we'll just continue down, then, working from  
24 my left to my right and ask Ray Burry and the Employment  
25 Practices Office from the University of Wyoming.

RAY BURRY

A. (By Mr. Burry) Thank you.

I'm Ray Burry, Employment Practices Officer at the University of Wyoming.

The question is how are we involved in civil rights enforcement? And I think the answer is we're not.

The fact is that as a recipient of federal funds and one of the largest employers in the State of Wyoming, we're subject to many federal rules and regulations.

Just briefly, they are the 1963, the Equal Pay Act, which guaranteed that all employees, for doing the same kinds of work, would receive equitable salaries, which, an act which was designed to protect women, primarily.

I believe most people think of this legislation as equal pay for equal work. And of course there was the Title VI of the Civil Rights Act of 1964, which dealt with outlawing discrimination on the basis of race, color or national origin in projects receiving federal assistance.

Naturally, as a major university we receive lots of federal funding, and we are obligated not to discriminate on the basis of any of these -- not to discriminate on the basis of race, color or national origin in any of these programs which affect students or employees.

Title VII of the Civil Rights Act is the one which is

1 most commonly known and prohibits in addition to the, those  
2 previously mentioned, they've added sex as well.

3 Nineteen-sixty-five, the Executive Order 11246 came  
4 into being, signed by President Johnson, which not only  
5 restates nondiscrimination but also provides for affirmative  
6 action.

7 There's an age in discrimination act also, which  
8 protects those between the ages of 40 and 65 in employment,  
9 there is also the most recent one being your antidiscrimina-  
10 tion regulations relative to handicapped employees.

11 Now, what does this all mean in terms of an educa-  
12 tional organization like the University of Wyoming? I  
13 think basically what we're talking about is really treating  
14 people fairly.

15 Looking at the kind of organization we have, seeing  
16 where we are in terms of our minorities, how we're treating  
17 people in terms of employment practices, how we're treating  
18 students in terms of accessibility to programs and so  
19 forth.

20 We're really saying that now that every individual  
21 has a right to be treated fairly, that they have a right  
22 to compete equally, they have a right to education, they  
23 have a right to be fairly paid, they have a right to be  
24 advanced equitably, in any organization and the university  
25 in particular, because I think a university needs to exercise

1 leadership in terms of these areas.

2 In terms of civil rights, and basically being --  
3 treating people as they are, as individuals.

4 At a recent conference in Denver I think that point  
5 was very accurately made by those people who have some  
6 kinds of handicaps, who have knocked on doors for a long  
7 time. And who really feel that they can adequately perform  
8 in society.

9 But who feel they've been systematically denied  
10 the opportunity to perform.

11 Well, the question becomes how do you -- how do you  
12 implement these kinds of programs, the paper work problems  
13 in themselves are enormous.

14 In a large institution with 2,000 employees, how do  
15 you just get basic data? And I think the answer to that is  
16 it needs an effective program, effective affirmative action  
17 program.

18 It means that you know exactly where you're staying  
19 in terms of your data base. It means that you have people  
20 who are actively interested in these federal regulations  
21 and the concepts which they embody.

22 It means also that perhaps the way you've been doing  
23 things over several years needs to be changed. This pre-  
24 sents a very difficult problem, because most people don't  
25 think of themselves as discriminating in any way.

1           So we get into the problems of attitudinal changes  
2 which are very, very difficult ones to cope with. My  
3 own feeling is that the only way you handle something  
4 like that is by involving as many responsible people in  
5 the process as possible. This means that those who are  
6 charged with making selections in terms of employees, who  
7 are in charge of admitting students or administering funds  
8 have an active role in what goes into an affirmative  
9 action program.

10           It's a very difficult thing to do at a large  
11 university because you, the kinds of people there range  
12 all the way from people with Ph.D's who have had 20 or 30  
13 years experience in the field, to people who do nothing  
14 more than perhaps work in a food service area. And yet  
15 the laws apply to everyone.

16           If it can be appropriately organized, involve  
17 responsible people, make people aware that this is some-  
18 thing which everyone has a stake in, I think it's possible  
19 to make reasonable gains and this is our objective at the  
20 University of Wyoming.

21           THE MODERATOR: Thank you, Ray.

22           Next panelist is Mr. Bill Hesson with the Wyoming  
23 Education Association.  
24  
25



BILL HESSON

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2  
3 A. (By Mr. Hesson) Okay, just a few introductory re-  
4 marks about what the Wyoming Education Association is.  
5 And then I think I'll pick on Dr. Lucero a little bit and  
6 about some of the things that he said or not pick on him  
7 but question them.

8 First of all the Wyoming Education Association is  
9 made up of all of the member or affiliates throughout the  
10 state, and each district or each community actually has an  
11 HR&R committee. And this is designed for problems that  
12 develop among teachers, among students, among anyone in  
13 that educational area.

14 If the problem is not resolved there, then they  
15 come to my committee which is the HR&R Commission for the  
16 Wyoming Education Association. And primarily we are, of  
17 course, advocates for teachers' rights.

18 We do deal with students, we are concerned about  
19 student rights, but basically it is a teacher organization.  
20 And so I will be coming at you from that direction.

21 As a teacher advocate, and the teachers' rights  
22 within the districts and within the state.

23 Now, as I talk about rights I'll be talking about  
24 everything from constitutional rights, I guess, to what I  
25 would call just personal rights of teachers. They are

1 quite often violated and for years now, nothing has been  
2 done about it.

3 I think it's more and more things are happening,  
4 it's becoming more equitable, and I think things are  
5 looking up for teachers or at least I hope so.

6 Last year and the year before or I guess each time  
7 that I've attended a national convention for human rights  
8 and responsibilities, I am usually the token person from  
9 Wyoming. I'm usually the only one there, and time and  
10 time again I hear, well, in Wyoming you have no problems.  
11 A small state like that, rural people, conservative, really  
12 why are you here?

13 And I agree with them somewhat. We really do not  
14 have many problems. But we do have some, and I think  
15 at times it begins to get worse. But the purpose of the  
16 HR&R Commission is to kind of try to communicate, to work  
17 with administrators and teachers and students to see that  
18 those problems do not develop to the degree that they have  
19 developed in more populous areas.

20 They have terrible problems, of course, last year  
21 I attended a convention on violence, and the stories were  
22 like nightmares that I heard of things that went on in  
23 the schools with locked doors and guards and police escorts  
24 to the cars and all of the things that I'm just not familiar  
25 with having taught in Wyoming and in Las Vegas, Nevada.

1           So I did kind of agree that we do not have too many  
2 problems.

3           Okay, the first part I would like to deal with,  
4 really deals with what the HR&R Commission is doing right  
5 now. And if you've been reading the papers, you have seen  
6 some of the cases that have been resolved, sometimes in  
7 favor of the teachers, sometimes in favor of the school  
8 boards. But just a couple of them, first of all the legal  
9 defense of members who's human rights have been violated for  
10 one reason or another is becoming a very large item.

11           It's a very expensive item. And more and more we  
12 are having trials, court cases dealing with those teachers'  
13 rights. In the past we almost never had a court case. It  
14 would be resolved usually by the teacher quitting or the  
15 teacher being fired.

16           Now we are beginning to protect them a little more.  
17 We have now a case going on with participation in the  
18 association, it is not rare in Wyoming for a school dis-  
19 trict to essentially fire a teacher for active participation  
20 in a local association.

21           I'm a member of the Cheyenne Teachers Education  
22 Association, it would be like my principal telling me that  
23 I should either drop my membership in that or I should find  
24 a job elsewhere. And that is not too unusual.

25           And there are some districts that are pursuing that

1 yearly, if they can get away with it, and we have one,  
2 at least one case dealing with that and of course will win  
3 any that come up because you can not do that, you can not  
4 deny a person membership in a professional organization.  
5 Free speech has been a common problem. The \$95,000.00  
6 judgment that was issued to a teacher this last year was  
7 basically a problem of free speech.

8 He told people that he thought the superintendent  
9 was doing a lousy job. And the reason he said that was  
10 because the superintendent was doing a lousy job. But the  
11 superintendent didn't agree, it went through the courts,  
12 clear up through the appeal level, eventually cost that  
13 district \$95,000.00 in a judgment.

14 That's not only harassment for the teacher, but  
15 that creates a real problem for a school district that is  
16 battling for funds to maintain an adequate program. I  
17 think school boards have to stop now, look and see what the  
18 case really entails and should it be supported, should  
19 we take this to trial or not.

20 Too often school boards or superintendents merely  
21 say he did something wrong, let's fire him. Without  
22 realizing that they do need to stop and consider some of  
23 the facts. In that same district now, if some of you  
24 are familiar with it, they have elected a new, two new  
25 members to the school board, and the first order of business

1 was to call the superintendent in and tell him that he  
2 might have his bags ready because he was just not handling  
3 the job in an adequate manner.

4 Teachers that support teachers that are in problems,  
5 in this very case a teacher testified for the teacher that  
6 was on trial, that teacher was fired. The very first  
7 court situation awarded an \$18,000.00 judgment to that  
8 teacher. So that brings that particular case or related  
9 cases to over \$100,000.00 that will be paid for that one  
10 particular mistake.

11 Another teacher was fired because his car was parked  
12 in front of his girlfriend's house all night. Now, that  
13 may imply something, I'm not really sure, but it really  
14 doesn't matter what it implies, the teacher was fired on  
15 that basis. It never went very far at all and he was  
16 awarded a \$16,000.00 judgment. And these are all just  
17 within the last, oh, year or so.

18 The one that was just settled in Rock Springs, Rock  
19 Springs is popular for a lot of things now, but this  
20 particular case, if you read the Bruce Lee (Phonetic)-case,  
21 where the art teacher was fired for speaking out, and the  
22 basic premise for his being fired was that he had given  
23 a student a grade, the principal changed that grade and the  
24 teacher protested that particular change. It then got  
25 involved in several other things such as dirty pictures in

1 the faculty lounge and marijuana and some other items,  
2 but anyway, the case was not substantial and as you probably  
3 read, he was awarded a judgment of \$35,000.00. For that  
4 particular one.

5 We had a PE teacher that was fired last year for  
6 being too fat. And received a judgment finally of  
7 \$43,000.00.

8 I could go on and on, basically the problem comes  
9 down to, that administrator quite often will fire teachers  
10 or harass teachers with no real justification. Any teacher  
11 in Wyoming can be fired and should be fired, if, you know,  
12 if there is a reason there.

13 The WEA is aware of that, and we're not only aware of  
14 it but in some instances I think I can go so far as to  
15 say that we would support that, that bad teachers should  
16 be fired, and they can be fired, it doesn't matter if  
17 they're tenured teachers, continuing contract teachers,  
18 whatever term you might want to use.

19 They can, through due process, certainly they can be  
20 terminated. And many are each year, and nothing is ever  
21 done.

22 In my own school in Cheyenne, we essentially  
23 terminate teachers every year because they are not -- not  
24 good teachers, but again their rights need to be protected,  
25 if it's just merely a matter of their rights being violated.

1 I think it was Dr. Hartley said something about  
2 salaries. Someone, did we have almost no problem with  
3 salaries in Wyoming except that they're too low, I would  
4 say, but as far as equal pay for equal work, that really  
5 has not been a problem, at least not a problem that has  
6 been presented to the HR&R Commission.

7 In other words, a woman who is teaching English  
8 will receive the same salary as a man that teaches English,  
9 if she has been there the same amount of time and quali-  
10 fications, degrees, hours beyond the degrees.

11 I really do not see that as a problem. It may be  
12 in extracurricular activities or extra duty-assignments  
13 but as I say, if, it's not been brought to our commission,  
14 and we've had no cases on it, and we've had nothing even  
15 into, on first or second level grievance on that particular  
16 problem.

17 So perhaps we are doing well as far as equal pay  
18 for equal work.

19 The legal defense of teachers is one of the main  
20 purposes of the HR&R Commission, to protect their rights,  
21 but also it is communication with the locals. We try to  
22 communicate with the locals, communicate with the teachers,  
23 to point out ways that they can protect their rights  
24 without having to let it go so far as to wind up in a  
25 court case.

1           What rights do they have? How can they work with  
2           those? The federal laws, the Titles, VIII, IX, so forth,  
3           we try to inform them as to their rights under those titles.  
4           To let them remind the districts that they are under these  
5           programs and that they do have certain rights.

6           We ask them that if there is an obvious violation of  
7           any of the federal titles, that they notify the HR&R Com-  
8           mission so that we in turn can communicate with that  
9           district before a serious problem occurs. And quite often  
10          we can do that in just a letter or a call from the attorney  
11          and the problem is taken care of, which later, if it hadn't  
12          been handled, might develop into a serious violation and a  
13          court case.

14          We do work with affirmative action, we encourage  
15          each district to have affirmative action plans, the teachers  
16          organizations, we ask to have affirmative action programs  
17          as far as involvement in the association is concerned, and  
18          I have found sometimes as I stand and speak for affirmative  
19          action, I guess I would feel like maybe Neil Compton telling  
20          Mendocino (Phonetic) that it's really all for his own good  
21          or something, because get a very severe backlash that, is  
22          this going too far?

23          Are we going to have the Bakke kind of a thing....  
24          thing, are we going to have a reverse discrimination because  
25          of an affirmative action program? Are we going to hire



1 Blacks, are we going to hire Mexican-Americans because  
2 they are Black or because they are Mexican-American or  
3 because they are Indian or they are anything else, not be-  
4 cause they're qualified?

5 And this is a fear that I sense sometimes as I speak  
6 to affirmative action programs. Perhaps it's an unfounded  
7 fear, but still I can sense that, I can feel it as I  
8 talk to teachers groups or to locals or to other areas about  
9 affirmative action programs. And that is something we need  
10 to work on. It's a problem and I think we can perhaps  
11 overcome it.

12 Now, we're having local in-service on rights and  
13 responsibilities of teachers, the nontenured teacher, I  
14 think, in Wyoming, if you are not a continuing contract  
15 teacher, which means you've not started your fourth year,  
16 you can be terminated with no explanation of why. In  
17 other words, you're just told that you are no longer an  
18 employee of school district number so and so, and there  
19 has to be no reason given for that.

20 Consequently, several rights have been violated,  
21 whether it be a minority right or what, and the person  
22 has been dismissed for no cause.

23 That no longer is the case, we have one now, one  
24 court case for a non-continuing contract teacher, because  
25 the rights have been violated, and I think that will set a

1 precedent to where teachers who are not on continuing  
2 contract will have some basis to go back and say now why  
3 was I fired? What is the reason?

4 And if the reason is just and is based on that per-  
5 formance, that person's performance, fine. If there's  
6 some discrimination involved, then action would have to  
7 be taken.

8 Free speech, teachers, I think, are learning now that  
9 they can criticize without being terminated or without  
10 being at least, have the implication that they'll be  
11 terminated, they can speak up for their rights.

12 We do have still some discrimination against women,  
13 against minorities, there still are school districts in  
14 Wyoming that will not hire a Black and as far as they're  
15 concerned they will never hire a Black. They may not hire  
16 a Mexican-American. They're going to have to, you know,  
17 the courts are going to force this, but we still do have  
18 that kind of administration, and the real problem is that  
19 in Wyoming it is not an exception, in Cheyenne, as far  
20 as at least as I'm aware, we do not have that problem.

21 In several other areas we do not but there are  
22 areas where it is a basic problem and of course that is never  
23 the reason given, that no, I can not hire you because you're  
24 a Black, I can't hire you because you are this or that.

25 Basically that, at least I assume, is the reason

1 quite often.

2 Women's rights we're working on, and women are  
3 becoming more and more involved on my own commission  
4 which we have six out of the -- five out of the nine  
5 members are women, and as a minority group I think in  
6 education at least they are becoming more and more power-  
7 ful, we still have few women administrators.

8 When they are in administration they are almost  
9 always in the position of an elementary principal. Very  
10 few high school administrators are women. We have some in  
11 the, oh, superintendent's cabinet, I guess you would call  
12 it, in some districts, but still we have a lot of work to  
13 do in that particular area, because they are not yet  
14 accepted, that's sometimes the fault of the district  
15 but quite often it is just that women are not striving  
16 to achieve those particular positions.

17 They still feel uncomfortable. And they're not  
18 going after the positions as men are, and I'm sure that  
19 will be changing very quickly, because more and more women  
20 are becoming career oriented, professional minded and are  
21 trying to seek the goals that will improve their status.

22 The other thing that we're dealing with right now  
23 is corporal punishment, I think many of you read in the  
24 paper last April when the supreme court made its decision,  
25 I know the Cheyenne paper had headlines saying teachers can

1 hit kids. And that was so misleading, that I am now busy  
2 trying to educate teachers to the fact that they can't hit  
3 kids, that the National Education Association is against  
4 corporal punishment.

5 From a meeting in 1971 and a study that they con-  
6 ducted in 1972 and they came out with the flat statement  
7 against corporal punishment. The case that was, the  
8 Ingraham versus Wright case was based on constitutional  
9 violations, the Eighth and Fourteenth Amendment, and all  
10 that court decided was that those rights had not been  
11 violated.

12 And I find that interesting because I want to talk  
13 a little bit about student rights and I think Dr. Lucero  
14 mentioned student rights and I agreed with him that some-  
15 times we just overlook the student.

16 But according to that supreme court decision, that  
17 there is no uncruel and just punishment for a student,  
18 according to the Constitution, at least, that if you are  
19 going to have your constitutional rights violated, the  
20 Eighth Amendment I think it is, I probably have the wrong  
21 amendment, you have to be a criminal. You can not be  
22 a student. So, if you're going to have your rights violated  
23 that particular one in school you have to go out and commit  
24 a crime first and then come back and have them violated.

25 I would like to read just a little bit from that case

1 to give you an idea of why I'm trying to work with it. And  
2 I'll read just a couple of examples.

3 Student was on his way to class. He still had time  
4 to get there or he thought he had time to get there. But  
5 the bell had not yet rung. Administrator stopped him in  
6 the hall and told him that he didn't have time to get  
7 there. Student told him that he did.

8 The administrator sent him to a bathroom where  
9 there were about 15 other boys, lined them up against  
10 urinals and began hitting them. Administrator pushed  
11 them against the urinals, hit his buttocks, his leg, his  
12 arm and the back of his neck.

13 The same boy was paddled at least twice for not  
14 wearing PE clothes after they had been stolen.

15 Another time the principal wielded his paddle on  
16 Andrew's wrist, causing painful swelling that required  
17 medical treatment, couldn't use his arm for about a week.

18 Another boy was hit four or five times on the hand,  
19 the blows caused a bone fracture and painful swelling.  
20 They were told to hook up from time to time for paddlings.

21 That is to bend over the back of a chair and hold  
22 the front of the seat. If a blow disturbed this posture  
23 it would cause the pupil to move the chair, he received  
24 extra blows.

25 Another student was hit so often -- about 50 times --

1 that his buttocks were black and blue and swollen and re-  
2 quired medical attention and ice pack treatments. He  
3 couldn't sit down for about three weeks. Which sounds  
4 funny when he can't sit down unless it would happen to  
5 you or I and then it wouldn't be, you know, so funny.

6 He was punished like this for making an obscene  
7 phone call to a teacher which he denied, and later another  
8 boy confessed to making that call.

9 Another boy was hit in the head five or ten times  
10 with a paddle and then hit with a belt. He needed an  
11 operation to remove a lump that developed where his head  
12 was struck, he lost about a week of school. His offense  
13 was that he wiped off his seat in the auditorium before  
14 sitting down.

15 On another occasion beatings by a principal and  
16 assistant principal caused Williams to cough up blood. The  
17 boy was sickly and on one occasion required hospital  
18 treatment after a ten-stroke beating left him shaking all  
19 over.

20 Now, in this particular case the court accepted  
21 all of these as fact, ~~that every one of these things did~~  
22 occur, but it was not cruel and unjust punishment because  
23 the student was not a criminal. And under the Constitution,  
24 the court said in this split decision, that the constitutional  
25 rights were not violated. Nor were the due process clause

1 of the Constitution, because the student doesn't have to  
2 be told or come under that same clause that a criminal  
3 would.

4 And you know, this is not the kind of thing that  
5 the Wyoming Education Association or National Education  
6 Association wants people to think we're in support of.  
7 We're not in favor of corporal punishment, it's a last  
8 resort and almost any school district has requirements  
9 on corporal punishment to where this couldn't happen. But  
10 I think the headlines were misleading.

11 The last thing WEA does have quite a few resolutions  
12 dealing with minority participation in the association,  
13 minority problems in school districts, hiring, firing,  
14 sexism, not only in hiring and firing but in materials.  
15 To try to select materials that are not sexist. That have  
16 stereotypes that we've seen so often.

17 The human rights of the -- the legal rights of  
18 minorities and other rights, student rights, we're working  
19 on, we do have a resolution guaranteeing students certain  
20 rights to be enforced by the Wyoming Education Association  
21 and hope to set up as was mentioned by another speaker,  
22 a grievance procedure for students so that they can have  
23 some rights.

24 The basic problem, as I see it in education, is  
25 finance, and I don't know if there's any answer to that.

1           In closing, I would like to come to the defense  
2 of teachers somewhat, I don't think Dr. Lucero was really  
3 attacking teachers, but he did make a point, the class  
4 size makes a big difference. Teachers throughout Wyoming  
5 which is a small area, of course, small population, are  
6 teaching in classes of 30, 35, 40 students in some areas.

7           And I think the idea of teachers being insensitive  
8 perhaps is true, but every day I see teachers counseling  
9 students, working with students, taking time out before  
10 school and after school to talk to students, to work with  
11 their problems. And they certainly can not reach every  
12 student, but a majority of Wyoming teachers are not  
13 insensitive, they are sometimes perhaps forced into a  
14 kind of insensitivity because of the environment which  
15 surrounds them but basically I think teachers are looking  
16 out for students.

17           They have the welfare of the student in mind, at  
18 least the teachers that I see working on a day to day  
19 basis. And I am a full time teacher, the HR&R Commission  
20 is just extra, I teach five classes a day in East High  
21 School here with 1,500 to 1,600 students, and I do see some  
22 insensitivity, but I see a lot of teachers with great  
23 concern for students and I would hate to leave the impres-  
24 sion that it is the fault of an insensitive teacher that  
25 students drop out.



1           The ~~irrelevant~~ curriculum I think is a valid point,  
2   and I think he explained later that if you're going to  
3   have quite relevant curriculum, whatever that might be,  
4   because it will be relevancy depends on the student, what is  
5   relevant to one student may not be relevant to the other  
6   1,500 at East High School.

7           We are talking about millions upon millions of  
8   dollars in developing complete programs for individualized  
9   instruction, and that's an ideal thing which I would  
10   certainly like to see, but I think that's the only way to  
11   handle an ~~irrelevant~~ curriculum.

12          Student selfconcept is the priority of the Cheyenne  
13   District this year, and I think that is the basic problem.  
14   Students have to see themselves in a better light or they  
15   can not be successful, and quite often with the minority  
16   student this really is a problem, and I don't know how  
17   you work with selfconcept in too large of a class.

18          We're trying to develop methods now to do that.  
19   And I hope we can.

20          Teacher training, I think will help, WEA is working  
21   on that also, university is trying to develop new  
22   methods, I know, of better teacher training but we're  
23   like all education, it doesn't matter what state you're in  
24   we have an abundance of problems.

25          WEA needs to work together with administrators, faculty,

1 staff, minority representatives, to see that the rights  
2 of each individual, I think, is adequately protected.

3 Thank you.

4 THE MODERATOR: Thank you, Bill.

5 We have some time now that we will entertain  
6 questions, I know some of the panel members themselves have  
7 questions, I would ask first if any member of the audience  
8 has any question to address to any member of the panel  
9 or the panel in general?

10 And as this morning, I would like if you would  
11 come to the microphone, give your name, occupation and  
12 address so we have that down, Ma'am?

13 Q (By Ms. Morrow) I'm Meredith Morrow, Shoshone,  
14 Wyoming. I have some questions for Mr. Hartley.

15 One, how many school districts are there in the  
16 State of Wyoming?

17 A (By Mr. Hartley) Fifty-two.

18 Q How many of these school districts are in compliance  
19 with Title IX?

20 A I can't answer that in light of the fact that we're  
21 not an enforcement agency and therefore do not track  
22 compliance efforts by the school districts.

23 Q Where would this information be available?

24 A Office for Civil Rights, Washington, D.C.

25 Q And they should also be able to tell us how many

1 school districts are not in compliance?

2 A. That's correct.

3 Q. You have no list of either one?

4 A. I have a list that was dated, current as of April  
5 5, 1977. However, in tracking that particular list, we  
6 found that there were some problems with the list that  
7 they had as we doublechecked with the school districts.  
8 And the list from our point of view is incorrect and  
9 inappropriate, the hope is that the Office for Civil  
10 Rights in Washington, D.C., has a more appropriate, up to  
11 date list in terms of the action taken by school districts  
12 with regard to compliance.

13 Q. Okay, thank you.

14 THE MODERATOR: Thank you, next?

15 Q. (By Ms. Holcomb) My name is Betty Chavez Holcomb,  
16 Rawlins, and I must say, Mr. Hesson, that today this  
17 morning's portion of this meeting, the panelists did not  
18 have answers to problems, but the one thing that I think  
19 everyone agreed on is that there were problems, many  
20 problems, and your first statement that we do not have  
21 problems, I thought is a large, it's deplorable.

22 To begin with, Dr. Lucero points out that the  
23 dropout rate among Chicanos in the school system is 80%  
24 here in Cheyenne. Doesn't that touch you? Is that not a  
25 sufficiently deplorable problem?

1           Additionally, I have learned that at the University  
2 of Wyoming, there are 8,900 total population, out of that,  
3 there is 129 minorities attending.

4           Is that -- doesn't that move you? Is that not a  
5 problem?

6           A.     (By Mr. Hesson) Do you want me to answer each one  
7 or wait until you're through?

8           Q.     I'm finished.

9           A.     All right. I hope at least when I began that I  
10 said after attending the national conferences that I kept  
11 hearing that we did not have problems, and I think, or I  
12 hope I said that in comparison to the problems that I had  
13 encountered in the areas back east and in larger districts,  
14 that in comparison that our problems were small, yes.

15           And that's -- no, I would agree with you. I'm not  
16 sure about the 80% but regardless of the percent the  
17 dropout among minorities is too high. And I would not,  
18 you know, quibble with that a bit.

19           If I left the impression that I was not untouched  
20 by that, I apologize. Because it is a severe problem, it  
21 is something that we have to work with, I respect Dr.  
22 Lucero and High School Three for their attempts to help  
23 solve that problem and I think it is a severe problem,  
24 absolutely.

25           And I -- we do have problems but in comparison, and

1    this is why I say that the HR&R Commission and WEA is  
2    hoping that we can work to avoid the very severe problems  
3    that would go even beyond what we have now.

4           And the second part of your question? Is? The  
5    University of Wyoming --

6       Q     The enrollment at the University of Wyoming.

7       A     The small numbers of -- can you restate it for me?

8           THE MODERATOR: I think I might paraphrase and I'm  
9    at the mic. there was a question that at the University  
10   of Wyoming with approximate enrollment of 8,900 there's  
11   only about 129 minority students enrolled, if I was correct  
12   and doesn't that indicate a problem?

13       A     It certainly does, and I assume that you're working  
14   with the idea, then, of special requirement for minority  
15   students or -- but at that university, if they are high  
16   school graduates, I assume they are accepted. Is it a  
17   matter of minorities applying or not being accepted,  
18   would be my question.

19           THE MODERATOR: We'll go to the next questioner.

20       Q     (By Ms. Mercado) I'm Oralia Mercado, from Casper,  
21   Employment Security Commission.

22           I'd like to compliment Dr. Lucero, I think ten years  
23   ago or more than ten years ago when OEO started the SR  
24   program, one of the concepts was parent involvement and now  
25   I think it's finally coming to the public school system.

1           At that time that was not acceptable in the public  
2 school system, I think that's really a neat thing.

3           Secondly, I'd like to make a comment to Mr. Bill  
4 Hesson about his problem with affirmative action planning  
5 or affirmative action plans, and your fear that we will  
6 run into a reverse discrimination.

7           I think that you're -- you're assuming that the  
8 White person who would have qualified for the jobs in  
9 the educational system, you're assuming that they are  
10 qualified and you're assuming that the minority person is  
11 not qualified, that's at least the connotation I got from  
12 your statement.

13           And then I'd also like to ask the question about  
14 recently HEW issued, I don't know whether it came through  
15 Congress or what but they did want Dr. Slader's office  
16 to supply information on discipline records in Wyoming  
17 as far as the number of students being disciplined, their  
18 ethnic background, the type of discipline administered,  
19 who was present at the time that the discipline was  
20 administered and I just wondered what happened to that,  
21 and why weren't those things supplied to HEW?

22       A.     (By Mr. Hartley) Okay, I'm off my turf. That has to  
23 be said right off the bat because I do not, I'm not  
24 involved with the civil rights from 101 and 102 and that's  
25 what you're referring to. My understanding is that we were

1 not to compile those records but that we were to avail  
2 ourselves as a collection agency and to send those reports on  
3 to the Office for Civil Rights in Washington.

4 If that's the case, and -- we would not have access  
5 to those, we would have access but we would not have had  
6 the records on hand for, in terms of public information.

7 But I don't know that for sure so I would suggest  
8 at this point if you have a major concern with that, that  
9 you call the state department of education and that you  
10 talk to a gal by the name of Pat or Patricia Winneke  
11 (Phonetic), because she worked with those forms.

12 Q And my last statement is, I can assure you corporal  
13 punishment is still going on in the school system.

14 MR. LEVIS: I just wanted to note that we did meet  
15 with Dr. Slader and he apologized that the people responsible  
16 for the programs you're mentioning could not be here  
17 today, but there was testimony they had to present  
18 before an interim committee of the state legislature at  
19 1:30 this afternoon.

20 Q (By Mr. Adachi) Adachi from the University of  
21 Wyoming. And I'm the chairman of student education  
22 opportunity. I guess I'd like to direct this at one or  
23 more of you, I guess, and I have some real grave concerns.  
24 I've been teaching at the university for about four years  
25 in mathematics. And I'm having some problems teaching

1        college level material because the material that these  
2 students come in with, their backgrounds are very, very poor.

3            A lot of the students come in and can't do story  
4 problems because they can not read. Okay. I mean Don, here  
5 talks about dropout rates and all this, these are the  
6 students that are making it through, and they're not  
7 doing very well at all and I would say that probably  
8 over half the students come are very, what they call  
9 functionally illiterate.

10           And I would like to have some comments on that.

11           THE MODERATOR: Throw that out to the general panel,  
12 is there anyone would like to comment?

13           Lyall?

14           A        (By Mr. Hartley) At the last state board of  
15 education meeting there was a policy passed with regard  
16 to minimum competence levels across the State of Wyoming.

17           Leaving the determination of those minimum competencies  
18 basically up to the school districts in terms of implemen-  
19 tation but that they had to be responsible and responsive to  
20 functional needs upon graduation in four areas, mathematics,  
21 reading, I think English was one, language arts, and citizen-  
22 ship.

23           I don't think -- I don't know if that's going to resolve  
24 the problem because it's a complex problem. But at least  
25 it's an attempt by the state department of education to



1       come to grips with it.

2       Q     Fuji Adachi again. I went down to Laramie High and  
3       talked to one math teacher and I think this is one of the  
4       problems that really affect this is that I asked one of  
5       the teachers how he taught how to divide two fractions and  
6       he said, well, it's simpler to multiply, I said that's  
7       fine, that's sort of a cookbook method of doing this, okay,  
8       but how do you really teach them how to understand why  
9       you invert, multiply and he gave me the answer, it's by  
10      definition. By God, it's not by definition, okay?

11           There is actually proof of that and I think that  
12      some of the teachers are incompetent, I guess, and Bill's  
13      defending them, I guess, and I'm going to say there should  
14      be more evaluation on teachers.

15           THE MODERATOR: Dr. Roman had a question.

16      Q     (By Dr. Roman) Rather than a question, I have a few  
17      comments, if I may.

18           Take the prerogative of a panel member to question  
19      other panel members and also make comments on other panel  
20      members, I shall do so.

21           Dr. Hartley, I, with all due respect, I believe  
22      you may be a compliance agency, even though you said three  
23      times you weren't. If you'll check your files you will  
24      probably find that there is an agreement between your state  
25      office of education and the Office of Civil Rights entered

1 in 1965 --

2 A (By Mr. Hartley) That's right.

3 A (By Dr. Roman) Which assures internal  
4 and external compliance in civil rights both through  
5 services and employment. We're still holding you to that.  
6 Dr. Hartley, and the superintendent.

7 We can assure you that we will be working with you  
8 in your requests for equitability.

9 Dr. Burry, University of Wyoming, Dr. Burry, I  
10 believe what we wanted to know or hear from you was that  
11 you did have problems at the University of Wyoming, do you  
12 in fact have problems at the University of Wyoming, your  
13 profile is not reflective of a good minority or women's  
14 hiring factor. I am familiar, by the way, with the concept  
15 of attitude in terms of hiring, change in behavior, change  
16 of attitudes, the only way you can change behavior is,  
17 seemingly, is to have enforcement compliance agency like the  
18 civil rights office come in and do a little soulsearching  
19 with you.

20 Not just picking on the University of Wyoming, that's  
21 a problem that we have throughout the country, by the way,  
22 so the University of Wyoming is not being singled out but I  
23 happen to be Cheyenne.

24 Dr. Hesson, it's your turn. I urge you to hire the  
25 qualified teachers, I would commend you for your organizational

1 stand on affirmative action, I, too, would urge you not to  
2 worry about a reverse discrimination suit, in Wyoming  
3 you have a long, long ways to go before you reach parity.  
4

5 (Applause)  
6

7 A Also the Office of Civil Rights will be happy to assist  
8 your office in enforcing compliance in the hiring of  
9 minorities and women, hire the qualified.

10 And finally, I'd like to set the record straight.  
11 Title IX compliance in the state can be gotten through the  
12 Office of Civil Rights in Denver, my office, I'd be happy to  
13 give you a card when this is over, the 101 and 102 forms  
14 that were talked about can also be gotten from the Office  
15 of Civil Rights in Denver. We have those as well. The  
16 Office of Civil Rights in Denver stands ready to serve you,  
17 I'm ready for you gentlemen to take me on.

18 THE MODERATOR: We have another panel member had  
19 a question at the end, Celeste, would you like the mic?

20 Q (By Ms. Wadda) I just want to make a comment on  
21 achievement level. Last -- well, this spring we done a --  
22 the Iowa Basic Test, we came out 6% above the normal level  
23 from the year before, so we done another one this fall, on  
24 all students, and we found out that we were 5% below the  
25 national on achievement level. In our school alone. So, now

1 this is what we're working on, we're trying to find out  
2 why. Why.

3 THE MODERATOR: Yes?

4  
5 Q. (By Ms. Dowler) Sue Dowler, unemployment commission.

6 I have a question for Dr. Roman and that is have  
7 funds been withheld from the school district in Wyoming  
8 for noncompliance with Title VII? Title IX?

9 A. (By Dr. Roman) You meant Title VI, did you not?  
10 Title VI or IX. Funds have never been withheld from any  
11 school district in Wyoming for Title VI or Title IX. That  
12 does not mean that they may never happen, the sanction is  
13 surely there, we hate to wield that kind of an axe, the  
14 Congress, in its wisdom, imposed that requirement, however,  
15 that we advice school districts that there is a sanction  
16 in control of all funds from a federal -- from a school  
17 district or from a university but the answer is no.

18 A. (By Dr. Lucero) I guess I'd like to make a few  
19 comments also, if I may.

20 One of the most difficult things for me is to  
21 interact in a professional manner and I'm not making any  
22 effort to be facetious or anything and I mean the  
23 Chicaness in me and so forth, but I'm still an emotional  
24 individual.

25 And I guess it kind of blows my mind when a person,

1 as I understood also Mr. Hesson to say that he didn't  
2 really think there was that many problems here in Wyoming.  
3 And that really bothers me, number one because this school  
4 district is in noncompliance by OCR, I think that is, that  
5 says something.

6 And sometimes I think that the biggest problem, and  
7 I don't mean this in a facetious manner, I think that one  
8 of the problems is that we have too many individuals that  
9 do not think that there are any problems, and that's the  
10 problem also.

11 And I'm not trying to be facetious, I really think  
12 it's a true fact.

13 I could talk on and on about education and I agree  
14 with the comments that you know what I'm talking about the  
15 dropout rate, I would hope that the district would challenge  
16 me to prove me wrong and if I am wrong, then I'll eat  
17 humble pie or I'll eat crow but no one has challenged me  
18 yet, but I still, I would stake my job on the dropout rate  
19 here in Cheyenne for the Chicano student.

20 You know, even the comment that was made that there  
21 just aren't a whole lot of females that have those kinds  
22 of aspirations, that's kind of a mind blower also, and I  
23 think because there are lots of females that have those  
24 kinds of aspirations, like sometimes it's a copout, we're  
25 hiding behind, it's either the constitutionality or national

1 security we hide behind both of those.

2 The thing that blows my mind the most, probably is  
3 the affirmative actions. I was involved a great deal with  
4 affirmative actions at CSU, it's probably one of the  
5 reasons why I'm at Wyoming instead of CSU now, but what it's  
6 really become is just a checklist and this is true at CSU,  
7 it's true at probably at the University of Wyoming and  
8 perhaps many, many other universities, and seven years that  
9 I was at CSU, once they implemented affirmative action,  
10 they hired fewer minorities than the time before they had  
11 affirmative actions.

12 Because usually all that we expect departments to  
13 comply with is there's a checklist and they just check it  
14 off and that's it. I wish that we could do something with  
15 affirmative actions that would address to the changing of  
16 attitude and that's the whole thing.

17 It was mentioned by one of the panelists, you know,  
18 the biggest problem is changing attitudes, it's definitely  
19 true. We're so concerned about the injustice of reverse  
20 discrimination, I just wish that we had more concern about  
21 the injustices that had been done up to this present time.  
22 And if we had that much concern about both of them, then I  
23 think we might have a better opportunity for parity and so  
24 forth.

25 I don't think it was ever meant to be that we should

1       qualify a Chicano or a Black or a Native American or an  
2       Asian American because of the color of their skin, cer-  
3       tainly there's lots of qualified people but who's to say,  
4       what do you mean by qualified, who evaluates the evaluator  
5       and those kinds of concepts?

6               So I just think it's a copout when people say, we musn't  
7       get into the trap of reverse discrimination. Because we've  
8       got a long way to go before we can reach parity.

9               It reminds me this might be a poor analogy, you  
10      know, it's like running a four-mile race, and then you've  
11      got the dominant ethnic group way up at the front and  
12      the minorities way at the back and then you stop the  
13      race and they say, okay, we're going to be still affirmative  
14      action but in order to be equal everyone has to run at  
15      the same rate.

16              And who's going to finish first in that contest?  
17      And that's kind of the analogy that I use with affirmative  
18      action, right now it may be a poor analogy and I hope that  
19      I got my message across.

20              Thank you.

21  
22              (Applause)

23  
24              THE MODERATOR: Do you have a question?

25              MR. LEVIS: First I wanted to make a statement, that

1 Mr. Hesson was talking about the corporal punishment  
2 decision of the supreme court, and I think it's got to be  
3 clear that the Eighth Amendment applies to punishment for  
4 conviction of a crime and that's what the supreme court  
5 found, that since student hadn't been convicted of a crime  
6 the Eighth Amendment didn't apply, yet if there is corporal  
7 punishment, the teacher may still be responsible for a  
8 criminal action in the individual state.

9 So that doesn't mean that a teacher can hit a  
10 student just to hit a student, it still may be assault  
11 charges and other charges if it's more severe.

12 The other question I have for Mr. Hesson was, what,  
13 if anything, can the WEA do to increase the numbers of  
14 minorities and women who are in positions as teachers and  
15 administrators, is there anything that you have done?

16 A. (By Mr. Hesson) All the WEA can do is to encourage,  
17 as I mentioned before, the affirmative action programs.  
18 My commission now, the HRH Commission, each member is going  
19 to district meetings trying again just as I have to  
20 encourage affirmative action programs.

21 The WEA can not, on itself, require a district to  
22 do anything, we are a teachers organization and we can not,  
23 you know, tell a district that they have to do anything,  
24 we can encourage them to, and we can ask teachers to report  
25 to us any violations of any kind of discrimination, but beyond



1 that, really no, there is nothing we can do as far as  
2 districts' hiring practices, but we can defend people who have  
3 been discriminated against if they feel their rights have  
4 been violated.

5 But no, there is essentially nothing the WEA can do  
6 in a legal manner at least as far as that's concerned.

7 Q (By Mr. Duran) My name's Alfredo Duran and I'd  
8 like to ask the WEA how can you negotiate for higher  
9 salaries all the time, you try to tell the school district  
10 that you have to have better working conditions, I don't  
11 understand why you can't tell them of the same conditions  
12 for affirmative action.

13 You know, your position seems to contradict itself.

14 A Okay, usually we can not tell the school board to  
15 negotiate, the school board in Wyoming negotiates because  
16 they -- they have a local agreement, but if they do not want  
17 to abide by that negotiation procedure, surely they do not  
18 have to.

19 Cheyenne School Board just recently refused an impasse  
20 report and said that they would pay the teachers this,  
21 and that is their legal prerogative, and the Cheyenne  
22 Teachers Education Association or the WEA has no legal  
23 recourse again because we do not have a negotiations bill.

24 So we can't tell them.

25 Q I've heard rumors that there's going to be, you know,

1 that there's a lot of potential for a strike or a boycott  
2 by the teachers and you know, whether or not that's true,  
3 but that's always been a very powerful lever by the unions  
4 in any form of negotiation --

5 A Right.

6 Q -- and it's important, you know, to protect those  
7 that are members of that union but I guess, you know, if  
8 you're willing to do that and stand up for the economic  
9 base that you feel you have to have in order to provide  
10 that particular service, it does not make sense to me that  
11 you could not use the same lever to promote affirmative action.

12 A I could not argue with that, I think you're right,  
13 yes. And that is the comment that I made when I approach  
14 teachers groups that I get this feedback, this fear, and  
15 that's what I say we have to overcome that and perhaps  
16 someday we will get to the point to where we will do that.

17 And it is a problem right now, that's why the, again  
18 we have members in each district trying to initiate affirma-  
19 tive action, to get some kind of feeling for it, and I  
20 think once we can get it started they will find that the  
21 fear is unfounded, or perhaps we will become strong enough  
22 to do that. I would hope so.

23 THE MODERATOR: We have still a few minutes, are  
24 there other questions from the audience or other panel  
25 members?

1 Dr. Lucero.

2 A. (By Dr. Lucero) I'll just go ahead and make some  
3 more comments since no one else volunteered.

4 You know, if I'm going to be throwing criticisms  
5 and so forth, I'd like to just at least conclude by just  
6 offering what I think are recommendations where we can  
7 improve the situation. And I think number one it has to,  
8 you know, it has to begin, well, naturally at the state  
9 level it has to begin at the state level, there begin with  
10 minimum competency and so forth, and that's okay for the  
11 cognitive things, the school district here does have  
12 two priorities which I think is a plus, the back to basics  
13 concept and improving concept of self.

14 I think the fact that this school district has  
15 implemented an alternative program is a plus and in all  
16 honesty, I can really say that I've had just a lot of  
17 cooperation with all the people that I've worked with.

18 Contribution, I think that's a key also. But I  
19 really think that we have to start looking at what the  
20 universities are doing in turning out teachers.

21 I talked about this mass production concept, we've  
22 got to start training teachers at the university level  
23 so that they can deal with the problems that we have, the  
24 minority and just, you know, just everything is just changing.

25 I think there ought to be something from the state

1 department that could help by making a requirement, if I'm  
2 going to be a teacher and I'm going to be in the southwest  
3 I should take X number of classes dealing with minorities.  
4 So I can at least have some degree of sensitivity.

5 We've got to do the same thing with our counselors.  
6 We've got to provide a lot of in-service training with  
7 those that are presently teaching and that's tough, because  
8 once you have a -- you're conditioned to a certain pattern  
9 it is really difficult but I think that we have to make  
10 some effort to educate the teachers that we now have  
11 present.

12 I don't believe in the tenure concept but nevertheless  
13 I guess teachers have to have some kind of support, but I  
14 don't believe in tenure concept, it ought to just be a year  
15 by year-type of thing.

16 I really think that we have to seriously start  
17 looking at the curriculum, and certainly it's an enormous  
18 task and I've been involved with it for two years and the  
19 answers aren't that easy. It's an enormous task and I think  
20 that we have to take a multi-ethnic, multi-cultural approach.

21 And I think that that can deal with the conflicts  
22 themselves, I think that can also deal with the human  
23 relations and everything else, but there's a lot of resis-  
24 tance to this. I think that we have to deal also in school  
25 board elections, you know, I think that we have to elect

1 so that we have representatives from sections of the  
2 community rather than the -- than the at-large elections.  
3 Because what usually happens I don't know if Cheyenne has  
4 ever had a minority on the school board, or if the whole  
5 State of Wyoming for that matter, so you know, I think  
6 that, for example taking the school district here, I  
7 think if we just divided it up by districts and had one  
8 person from each district, then I think that we could get  
9 equal participation.

10 I think what really has to happen is that we, minorities,  
11 and women, have got to be given more opportunities to be  
12 involved in the decision making process.

13 I'll just shut up there.

14 THE MODERATOR: According to my watch we are at the  
15 3:15 break, so if there are no further questions, we'll  
16 adjourn this panel and the next panel will meet in 15  
17 minutes.

18 MR. LEVIS: Just one note that we'll be discussing  
19 affirmative action plans and I think some specific plans  
20 will be discussed tomorrow morning.

21  
22 (Short recess)

23  
24 (The following was moderated by Mr. Fuji Adachi)  
25

1 THE MODERATOR: Would you please take your seats?

2 Please take your seats for the start again?

3 I'm Fuji Adachi, student education officer at the  
4 University of Wyoming.

5 I thought, I'm going to do something a little bit  
6 different, all the problems seem to start at the grass  
7 root level, I guess, and so I'll introduce the people in the  
8 order they're going to speak and the grass root, you can't  
9 get any closer to the problem than a handicapped student,  
10 I guess, right?

11 And that's Tim Ullrich, sitting on the end down  
12 there, he's the president of Walk and Roll Alliance at the  
13 University of Wyoming and this is the handicapped club  
14 on campus, and they're doing a lot of progress as far as  
15 getting the university to comply with 504.

16 Next will be Bernie Giese, who's right here, and he's  
17 from the DVR, Wyoming DVR, and will talk about his concerns.  
18 And third will be speaking Ellen Crowley, she's to my  
19 right, hold your hand up, she's a state representative.

20 And then fourth will be Marian Yoder, and she's the  
21 protection and advocacy program for the disadvantaged or  
22 disabled, and then last, but not least, is Hal Rosen, he's  
23 the, in the federal level he's developmental disabilities,  
24 HEW, okay?

25 Oh, Howard Rosen: Oh, Bruce, okay, Bruce is sitting

1 to my right here, he'll be talking fifth, okay? He's the  
2 Legal Center for Handicapped Citizens in Denver, and I  
3 guess he's been around for quite a while.

4 So we're going to start from the grass roots level  
5 and move up to the federal level. Okay? So I'll give it  
6 over to Tim.

7  
8  
9 TIM ULLRICH

10  
11 A. (By Mr. Ullrich) Thank you, Fuji.

12 My name is Tim Ullrich, as Fuji mentioned, I'm  
13 the president of the Walk and Roll Alliance at the Uni-  
14 versity of Wyoming.

15 Now, I believe you'll find that my presentation will  
16 indeed be very much like a grass roots presentation would,  
17 if a grass roots could talk, they'd be rather dirty and the  
18 sun wouldn't get down there much. I think we'll have to  
19 depend on some of the other panel members for more detailed  
20 information that will shed a little bit more light on the  
21 issues that I will speak to.

22 The Walk and Roll Alliance is a new organization on  
23 campus at the University of Wyoming, our primary objective  
24 is to support the legal and basic human rights of disabled  
25 people everywhere.

1           The motto of the Walk and Roll Alliance, is, and  
2 this is a quote of one of our members during a discussion  
3 one time, if it's physically accessible, it's socially  
4 accessible.

5           And our task at this point is to cooperate with  
6 the university administrators and to make the university  
7 and community facilities accessible.

8           Our purpose, however, is not limited to the removal  
9 of barriers that are physically obstructive, there are  
10 many other kinds of barriers that must be overcome before  
11 the disabled person can make the contribution to society  
12 that he or she is capable of.

13           The organization also provides a social and  
14 recreational outlet for its members, and December 10th in  
15 case you're interested, we're going to have a little tour  
16 of the campus on wheelchairs, President Carlson will be  
17 there, and several other individuals that you might be  
18 familiar with, one way or another.

19           It starts early in the morning, 8:00 o'clock, and  
20 we'd like to see some interested people there, if possible.

21           Also, I have a little sheet here that pretty much  
22 says what I just said and if you're interested in the  
23 organization, please feel free to come up and take one of  
24 these, it's got our address on it.

25           We'd like to encourage you to become a participator,



1 if you feel like you'd like to.

2 We, in fact, like to encourage you to become members,  
3 I'll just use this as a little preface to my statement,  
4 you don't have to be a student, you don't have to be dis-  
5 abled, I think all of us here have been a student at  
6 one time or another and I would suggest that maybe we've  
7 all been disabled at one time or another in one way or  
8 another.

9 Pregnancy can be disabling for a time, an injury  
10 can be. I think that's all you need, maybe more than you  
11 need to acquire a little affinity for some people who are  
12 running their chairs against curbs where ramps are non-  
13 existent in frustration.

14 Or you might be able to empathize with a student  
15 who's looking down a class schedule and looking in vain for  
16 a course he can get to.

17 That will conform with his assigned curriculum. These  
18 are just a few of the kinds of problems we'll have and  
19 if you're -- if you can feel anything for this and if  
20 you're interested in it, gosh, we appreciate any kind of  
21 help you could provide and also we have people who know how  
22 to express their appreciation for this kind of attention.

23 So here are the, little sheets, I'd like to pass  
24 these down the line.

25 In case some of the panel's interested.

1           As I said, we're interested in removing barriers  
2 from the entire community. However, right now we've got  
3 our hands full at the University of Wyoming. If you're  
4 familiar with Title 504, you will recognize the  
5 following statement in a location is 84.4, under discrimina-  
6 tions prohibited, no qualified handicapped person shall  
7 be excluded from participation in, be denied of or other-  
8 wise be subjected to discrimination under any program or  
9 activity which receives or benefits from federal financial  
10 assistance.

11           At this moment, I would have to say that the  
12 University of Wyoming is not in compliance with this  
13 regulation. All programs and institutions at federal --  
14 that receive federal funding were to have been accessible,  
15 that is if structural changes were not required to make these  
16 programs accessible, by August 2, 1977. That was the dead-  
17 line, the University of Wyoming, however, unintentionally,  
18 is in violation of this regulation.

19           A few of the examples I would like to provide are  
20 following, bear in mind that these are not only legal  
21 problems, you know, doesn't quite fit legally, there is  
22 some -- some practical and personal kinds of issues involved  
23 here too.

24           Okay, first example is an education major at the  
25 University of Wyoming who is a quadriplegic, that is she

1 hasn't got use of four limbs, and she's doing great in her  
2 classes, she's really bright, she types 20 words a minute,  
3 she's getting A's on her compositions in English class,  
4 but the thing is she's an education major and she can't  
5 get into the education building. You see, she can try  
6 all day and there's no way to get in there.

7 Programs can be brought to her and now this is --  
8 this is legitimate, that's very legal for this sort of thing  
9 to go on, section 84.21C of 504, will indicate this.

10 However, that regulation goes on to state that these  
11 programs that are made accessible in this way or the pro-  
12 grams in any way made accessible in any way should be an in --  
13 in as integrated a setting as possible.

14 The thing is there's a teacher training program up  
15 on the third floor of the education building, it's the only  
16 school in the State of Wyoming as far as I know, there .  
17 might be an exception here, I just have been made aware of  
18 today in Cheyenne, where some of the philosophical recommen-  
19 dations that the education fundamentals department of the  
20 University of Wyoming offers are demonstrated in a class-  
21 room situation. She can't get up there, and she's denied  
22 some of the benefits that her classmates will have because  
23 she can't get up there.

24 This really, I think, is denying her access to parts  
25 of the program and the program must be accessible as a whole.

1           That's a quote from the regulation there.

2           We have a paraplegic student who was enrolled in a  
3 language course, but see, the lab is on the basement of an  
4 inaccessible building. He -- we made a reasonable accomo-  
5 dations through SEO, Fuji's department, and got some  
6 tapes to him, so he could listen to the same material that  
7 his classmates got.

8           But I don't know how much this had to do with it,  
9 he dropped the course, it may have had nothing to do with  
10 it, nevertheless this was not education in an integrated  
11 situation.   Whatever.

12           The regulation I'm referring to here so regularly  
13 is this, recipients, that's the UW, shall give priority  
14 to methods of providing program accessibility which offer  
15 programs and activities in the most integrated setting  
16 appropriate.

17           I think we can see that this was not an integrated  
18 situation at all, setting.

19           In a related incident that I was just made aware  
20 of yesterday, another education major has to use some  
21 audiovisual equipment, we don't have anything for him to  
22 set the AV stuff on. I suggested a chair but that gets in  
23 the way somehow and there's just not much we have to  
24 accomodate him.

25           This is only the beginning of the trouble, though,

1 because the, what is it, audiovisual department is on the  
2 fourth floor of the education building, that's heavy  
3 equipment, he has to take this AV course next semester.  
4 They've got to bring all this heavy equipment down to him,  
5 and I can't help but think that maybe this, he might have  
6 a little better chance at learning some of the material if  
7 he were taking the course with the rest of the students and  
8 interacting with them as able-bodied students will.

9 The education or the, rather the engineering building  
10 is also inaccessible. I know of people who have come to  
11 the campus on wheelchairs hoping to become engineering  
12 students and just having to either leave or change majors,  
13 the one I'm aware of left school, I think this happens  
14 a lot, I think a lot of people come to Wyoming University  
15 or would like to come to Wyoming University, people who are  
16 Wyoming residents, that is, and they have no accessibility  
17 to the program.

18 They are the -- the individuals who'd like to be a  
19 part of.

20 The journalism department requires a minimum skill in  
21 typing, we have, oh, multiple sclerosis students, for  
22 instance, who with any amount of practice could no way meet  
23 this minimum standard, yet the department requires this.

24 This is a sort of an unintentional discrimination, no-  
25 body had these people in mind when they made the regulation,

1 obviously a person can be a competent journalist, maybe  
2 even an exceptional journalist, without a typing skill.

3 We got a kid there at the University of Wyoming, I  
4 think could become the second Paul Harvey if he ever got  
5 a chance, but he's not going to, he's not going to type  
6 20 words a minute.

7 Well, I'm not advocating Paul Harvey, incidentally.

8 All right. The Dean of Students at the University  
9 of Wyoming has been really cooperative and many other  
10 members of the faculty committee that are concerned with  
11 the accessibility to the campus to disabled people have  
12 been cooperative. I'd like to commend them now. Fuji  
13 has started the organization, and so I don't want anyone  
14 to have the notion that everyone is against us, no way,  
15 that's not it at all.

16 Ray Burry has attended many a meeting and he's  
17 given us some sound legal advice, I don't know that we  
18 would necessarily conform to the advice, but we appreciate  
19 it, and Dean Matthews, as I've mentioned, is very concerned  
20 with this, the campus planner, Morris Jones, has helped us  
21 a lot.

22 However, we have made recommendations to this  
23 faculty committee and that was what, five weeks ago, I  
24 still haven't heard anything about them, nothing has been  
25 done so far as I know, I rather expect that nothing has

1       been done.

2               They had a meeting, but one of the members spaced  
3       it out so none was, as far as I know it's not been re-  
4       scheduled, and so far no one has responded to our recom-  
5       mendations.

6               It makes us feel rather useless. We're -- we're  
7       complying with this regulation here of the university  
8       as is a matter of fact the language is, participate with  
9       them in affecting changes in campus and that can be found  
10      in the title too, and we appreciate this, of course, but  
11      it makes us feel like maybe we're a token perhaps.

12              I hope this isn't the case, and -- we're  
13      cooperating also very closely with vocational rehabilitation,  
14      so we're getting a lot of support from them, they'd like  
15      to see a lot of changes done on campus too.

16              If you have any questions about accessibility of  
17      the campus, maybe the best place to go would be to a DVR  
18      agent.

19              That pretty much concludes my statement, and I'd  
20      like to restate my invitation, if anyone is interested in  
21      involving themselves with the organization, please speak  
22      with me.

23              THE MODERATOR: Thank you, Tim.

24              I will now go to Bernie here.

25

BERNIE GIESE

1  
2  
3 A. (By Mr. Giese) Well, I'm glad to hear that Dave  
4 has been cooperative, I hope he's provided some information  
5 too.

6 I am going to spend a little bit of time, not really  
7 reviewing the laws or the regulations but talking a little  
8 bit about what vocational rehabilitation is doing.

9 I do that with a great deal of, oh, kind of humility  
10 and trepidation, because the task really seems kind of insur-  
11 mountable sometimes.

12 I suppose where vocational rehabilitation felt that  
13 they should start, having been in the working with disabled  
14 people for a long, long time, was with ourselves.

15 We tried to develop some meaningful personnel re-  
16 cruiting practices ourselves, and actually do some re-  
17 cruiting. It's kind of difficult, we're a small agency,  
18 we found out we could do some recruiting actually for dis-  
19 abled people and minorities without spending too much money.

20 I found a lot of colleges were really willing to  
21 cooperate. And we started that and we tried to make our  
22 recruiting system perhaps a little bit more equitable  
23 for all people.

24 We've had a lot of help from the state personnel  
25 division, that's the first and last compliment I give them,



1 but they really have been very, very helpful in developing  
2 this.

3 I really expect to see some changes there, and we  
4 committed ourselves to making some changes.

5 The next thing we did personally, as an agency, is  
6 recognize that perhaps all of our offices were not  
7 accessible. And sure enough, upon a little examination,  
8 and blushing a little bit, they were not. Not accessible  
9 the way that we think they ought to be anyway, and that's  
10 cost us a little bit of money for the last year.

11 And we're pretty close to having everything accessible  
12 and fairly ideal. The only trouble is is that landlords  
13 kick us out then and we have to start all over, but I  
14 think we're making a great deal of progress in that  
15 direction.

16 The only thing that we probably did, I just mean  
17 personally as an agency, is to try to really get ourselves  
18 to understand even more what kinds of problems were faced  
19 by handicapped people as far as employment is concerned.  
20 And that sounds kind of silly since we've been in this  
21 business for 62 years or something, but sometimes I think  
22 a new law, an act sort of force you to reexamine yourself.

23 Since we tried to look at what we felt some of the  
24 roadblocks to employment in our agency as well as in a lot  
25 of other places, what the roadblocks were. And came up

1 interesting, a lot more -- different than what we  
2 originally anticipated and I'm going to get into that a  
3 little bit later.

4 I talked about some of the things we've done,  
5 personally, ourselves. The next steps that we've taken is  
6 to try to serve as a consultant and who knows what to a  
7 lot of other agencies and industry.

8 In the accessibility line, for example, we've had  
9 a tremendous amount of requests and I wonder if any of my  
10 counselors are working with any disabled individuals or  
11 if they're just doing surveys, right now as somebody's  
12 already mentioned, there's a great rush to get surveys  
13 done to see whether, especially educational institutions,  
14 are accessible. And we've been doing a lot of those.

15 We also, have functioned for a long, long time and  
16 perhaps not publicized this enough, that we have a great  
17 deal of information available to architects, builders and  
18 so on and so forth, as to what standards actually are and  
19 how they can practically be employed.

20 We've had that for a long time.

21 We've had an awful lot of requests lately and for  
22 not having anything, any requests or maybe you know one  
23 or two a year for the last three years, this year has been  
24 a real barn burner, let me tell you. We can hardly keep up,  
25 every one of our staff is out surveying or advising somebody.

1           This goes a little bit beyond just accessibility.  
2       There are parts of the 500 surveys that deal with, of  
3       course, some of the things that you mentioned, accessibility  
4       to programs, and services goes beyond just being able to wheel  
5       a wheelchair into a building.

6           Involved, for example, are how do you question such  
7       as how do you provide equal opportunity for a blind indi-  
8       vidual, for somebody who's deaf, for somebody who has a  
9       degenerative neurological disorder of some kind, and one  
10      of the things that we're trying to do is to provide specialists  
11      that can advise or actually provide some of these services  
12      for people that will need them.

13           I'll try to put this into the concrete. For example,  
14      this year one of my personal things is a commitment to  
15      the deaf in this state and to get a variety of services  
16      available so that if a deaf individual goes to the University  
17      of Wyoming, they can have access to interpreters and  
18      things like that. All of these social services programs,  
19      of course, are obligated to provide the same kinds of  
20      things. Most of the state government is.

21           The problem is that there is no meaningful amount  
22      of registered and trained interpreters in this state. I'm  
23      just using this as one illustration. And to get that accom-  
24      plished, you have to go back really two more steps, if you  
25      have to get sign language taught in the state, in a meaningful,

1 consistent manner, and it has not been.

2 The next thing is to get, you know, enough people  
3 that know sign language that are interested in becoming  
4 interpreters because a lot more is involved than just  
5 being able to sign in actually being a good interpreter.

6 You're all invited to my meeting as long as I'm  
7 selling things, the 17th of this month, to try to discuss  
8 this problem with a wide variety of agencies and individuals.  
9 And I must say that I'm really very happy with the response.

10 I'm just using this as one illustration of all of the  
11 difficulties that are involved in, you know, trying to make  
12 these services available to a specific disability group.

13 The other thing that the agency has committed  
14 themselves to is establishing at least a minimal TTY system  
15 in this state. And as soon as I get the responses back  
16 from the deaf organization, and put that with a few other  
17 responses that I've asked for, we will try to establish  
18 a minimum TTY communication system in the state.

19 That's a start. It's not, believe me not every deaf  
20 person is going to have a TTY machine, but they will be able  
21 to have access to services that perhaps because of the  
22 telephone communication problem, they were not able to get  
23 before.

24 At least they are entitled to that opportunity, both  
25 according to what I think are personal rights and law.

1           Those are some of the things we're doing for one  
2           disability group. As I said, the first rush for consul-  
3           tation services and actual performing of surveys, if I  
4           seem a little dingy it's because I just came back from  
5           one, that's an awful lot of measuring involved, the --  
6           is perhaps consultation in the area of -- that hasn't  
7           been addressed yet, I think it probably was this morning,  
8           and that is reasonable accomodation in industry and other  
9           aspects of government between the science, education,  
10          health and social services.

11           We have hired specialist and written a special  
12          grant to just work on those aspects, our specialist is in  
13          the process of becoming trained now so that he will be  
14          valuable, I hope, to industry, and when he's ready we will  
15          advertise that service to industry and government. And  
16          he will help with job modification, reasonable accomodation  
17          in industry and help industry to unintentionally, as you  
18          gave an example of, perhaps screen out handicapped indi-  
19          viduals.

20           And I think some of this is unintentional. You know  
21          by making a job requirement that doesn't really fit with  
22          what is necessary for the job.

23           And we think that our specialist has had good  
24          experiences in the little bit that he's done, he's had a  
25          great deal of experience in doing this in another state.

And I think with the other training that he'll be quite valuable to industry or to anybody. And then I don't know we've got involved in a lot of, maybe not strange things but things that we haven't always been involved in. Like we've had a request from four cities now on how to set up a system to make parking available for handicapped individuals, you know, special parking. That seemed like a simple enough thing when we first looked at it, said put up some signs, get some stickers and it got a little bit more complex but anyway, those guidelines are going out to municipalities.

There's all kinds of things involved like that. And I guess some of it's been kind of fun for us.

Have I gone over my time? Okay, I'll shut up.  
There's a lot more fun things.

THE MODERATOR: Thank you, Bernie.

Let's go on to Ellen, down on your right?

ELLEN CROWLEY

A. (By Ms. Crowley) Thank you, Fuji, and I don't think I need that thing. Do I -- I don't need that, do I?

When I have that I feel like I'm in a tunnel and then I can't think and I can't talk and I'd hate not to be able

1 to talk since I'm here today.

2 Thank you very much for your patience and endurance  
3 to last until the late hour of four-plus, because I know  
4 that you must be tired, but I also know you must be  
5 interested, else you wouldn't be here.

6 When Fuji said that he was going to start this  
7 program at the grass roots, I was certainly glad he didn't  
8 say the square root because sometimes as a novice in this  
9 area, I feel like I'm a little bit square.

10 I am impressed with all the experts who have spoken  
11 today and I want to assure you that I am not an expert. I'm  
12 reminded of during the war, during World War II, when the  
13 security out at the base was so severe, naturally, that  
14 it was quite a hardship on some of us who then were young  
15 to try to get out to the base and see our friends, and one  
16 night I was in a car with another girl and we went through  
17 and the guard stopped and said, halt, who's there, and she  
18 said, oh, it's just me, and that's the way I feel today,  
19 I'm just me.

20 Public Law 94103 is probably the most unusual, far  
21 reaching, innovative passage of legislation that has ever  
22 come out of the United States Congress. It mandated for  
23 the first time that all the United States, all the states  
24 in these United States, have statewide system for the pro-  
25 tection and advocacy of persons with developmental disability.

1           It said to the State of Wyoming, for example, you,  
2 the State of Wyoming, shall have a system for the protection  
3 and advocacy of rights for persons with developmental dis-  
4 abilities, do it your way but do it. And do it by October  
5 1, 1977.

6           As you might expect, there was an or else. If you  
7 don't do it, the State of Wyoming will not receive its  
8 formula grants and it is suspected that it might not  
9 receive its discretionary grants.

10          Congress, however, did provide a great deal of flexi-  
11 bility in the passage of 94-103. In effect, it said to  
12 each state, develop a plan, implement a system that is  
13 appropriate to the people in your state, necessary to meet  
14 their needs and fitting for their potential and their, the  
15 population in your state.

16          There are two conditions only that were expressed  
17 in 94-103, one, that the P and A system will have authority  
18 to pursue legal, administrative and other appropriate  
19 remedies to insure the protection of rights of persons  
20 with developmental disabilities.

21          Secondly, the system will be independent of any  
22 state agency which provides treatment, services or habili-  
23 tation to persons with developmental disabilities. This was  
24 really pretty important because it means we do not have to  
25 wait for any rules and regulations, we don't want any rules



1 and regulations out of Congress because we're going to do  
2 it our way, we know what the people in Wyoming need, we  
3 know what they want, we know -- we think we know that they  
4 need us. And we are at the grass roots, we are on the  
5 ground level and we're going out to them.

6 For the purposes of 94-103, developmental dis-  
7 abilities had a very, what I consider a very good definition.  
8 I will read my notes because I don't want to be extravagant  
9 in expressing what a person with developmental disability  
10 is.

11 A developmental disability is attributable to mental  
12 retardation, cerebral palsy, epilepsy, dyslexia or autism,  
13 resulting in impairment of general intellectual functioning  
14 or adaptive behavior, similar to that of a mentally retarded  
15 person, and requiring treatment and services similar to  
16 those required for mentally retarded persons.

17 The developmental disability originates before the  
18 person attains the age of 18 years, it can be expected to  
19 last indefinitely and it constitutes a substantial handicap  
20 to such person's ability to function in society.

21 The purpose of the protection and advocacy system  
22 in Wyoming is solely for the benefit of people with develop-  
23 mental disabilities.

24 We hope to promote the benefit of these people by  
25 advising them, informing them, talking with them, about their

1 rights, their civil rights, and their personal rights.

2 People with developmental disabilities have every  
3 single right that you and I have. We think we have a viable  
4 system prepared. We are brand new, there are no standards,  
5 there is no model after which we can fashion ourselves.

6 The protection and advocacy system is governed by a  
7 board of directors, there are five directors, they are,  
8 because of financial problems they are situated in the  
9 southeastern part of Wyoming, the state is represented in the  
10 system by nine advisory board members, the people who have  
11 been asked and are serving as advisory board members  
12 represent the nine judicial districts in the State of  
13 Wyoming.

14 We used the judicial districts because many of the  
15 commissions and committees and boards in the state allocate  
16 their memberships by the districts in Wyoming. The nine  
17 advisory board members are selecting task forces in their  
18 districts to cover the various counties in their districts.

19 The protection and advocacy system coordinates and  
20 cooperates very closely with the development disabilities  
21 planning council. And there are 29 members on that council  
22 representing people and professions and expertise throughout  
23 the State of Wyoming. Julie Robinson is the full time staff  
24 member for the planning council and for the Wyoming Associa-  
25 tion for Retarded Citizens, so you see, our team is developing.

1 Julie's over there, and without Julie, we wouldn't  
2 be. We feel that we're developing a network that will help  
3 us in many respects, one, we will meet the people in their  
4 own backyards. Because we're not in -- centered in the  
5 one place in the state, we're all over the State of Wyoming.

6 Secondly, when or if it is necessary to have legis-  
7 lation, just think of the number of people who are going to  
8 know about us and who are going to know about the people  
9 who need the legislation, people who are going to want the  
10 legislation.

11 That network can not fail and it really won't fail.  
12 The -- I think it's pretty well known that the delivery  
13 of human services in Wyoming is fragmented. We believe and  
14 we certainly hope, that when the P and A system succeeds,  
15 we will be an instrument in bringing together the various  
16 service providers, program providers in the State of Wyoming.

17 We propose to link ourselves with the components of  
18 local groups, by disseminating information, by knowing the  
19 needs, and by communicating with the state, local, public  
20 and private agencies, and the people in -- who want and need  
21 these services.

22 One of the most crucial variables in the workable plan  
23 is informing the consumers of their rights and of the  
24 remedies to protect those rights, and that is what it's  
25 all about.

1           We have no intention and we can not and we will not  
2 interfere or compete with any of the presently existing  
3 services. We need to build on them. We are talking with  
4 them, we are saying let's do this together.

5           We're getting magnificent cooperation, a great deal  
6 of interest in the State of Wyoming with already existing  
7 services.

8           Today Stan Torvik talked about Wyoming legislation  
9 and I think Bill Levis did also, because Wyoming really is  
10 a leader in equal rights legislation.

11           This past session, 1977, the legislature, for the first  
12 time, put the words developmental disabilities into our  
13 statutes. We feel it was a great victory. The developmental  
14 disabilities planning council worked hard, talking with  
15 people, informing the legislators, informing them, the  
16 people throughout the State of Wyoming helped advise the  
17 legislators in telling them how necessary it was.

18           Let me read how we got in the law. Oh, it's really  
19 great. The department is the state mental health authority,  
20 developmental disability authority and alcohol and drug  
21 abuse authority. The developmental disabilities authority  
22 shall provide a coordinated network of programs basic  
23 and specialized services and facilities, best suited to  
24 meet the needs of each person with developmental disabilities  
25 attributable to mental retardation or neurological handicapping

1 condition which constitute a substantial handicap.

2 It shall assess the existing network and future  
3 needs of developmental disability services and facilities,  
4 and shall assist the director in the establishment and  
5 operation of community based comprehensive programs,  
6 services and facilities, and in the coordination of all  
7 state and local developmental disabilities services and  
8 facilities.

9 That piece of legislation passed the House as a  
10 result of the Speaker breaking a tie vote to delete that  
11 provision from the bill. It survived by that one vote.

12 Then it went over to the Senate and thanks to John  
13 Boyle, who is here, and is a Senator of many terms and much  
14 experience, and a great deal of interest in human services  
15 in Wyoming, it survived the Senate far better than it did  
16 in the house.

17 But we were there, we are going now to be able to  
18 say to people with developmental disabilities, now is  
19 your chance, you are going to be able to participate in the  
20 reorganization of the department of health and social  
21 services, you are going to have a piece of the pie, you  
22 are going to be recognized, your importance is recognized  
23 and your rights will be protected.

24 We are starting at the ground level, and we are  
25 starting with the people. We are not starting with the

1 organization.

2 Don Nelson, who is the new director of the depart-  
3 ment of health and social services, has said, let's look at  
4 human services through the eyes of the people. That's what  
5 we're going to do, and thank you very much for listening.

6 THE MODERATOR: Thank you.

7 Let's go to Marian now.

8  
9  
10 MARIAN YODER

11  
12 A (By Ms. Yoder) Ellen is a member of the board of  
13 directors of the protection and advocacy system and I've  
14 been hired by that board to implement the plan that Ellen  
15 wrote with Julie's help.

16 As Ellen told you, we're a federally mandated organi-  
17 zation designed to protect the rights of the developmentally  
18 disabled and every state has got a counterpart to our  
19 organization.

20 The question put to the system in Wyoming now as it  
21 is in every state, is how to fulfill the duty to protect  
22 the rights of the developmentally disabled most advantageously  
23 to them, and as Ellen outlined to you, we are approaching  
24 the people themselves first and I plan, we plan to do  
25 this in two basic ways.

1           First we'll acquaint the public at large and the  
2           developmentally disabled public in particular, with the  
3           rights of the developmentally disabled, as outlined to you  
4           and as you know, their civil rights and human rights are  
5           just the same as ours.

6           Stimulating a general heightened public awareness  
7           will result in more equitable everyday treatment of those  
8           people with developmental disabilities, we hope, and also  
9           encourage those people with developmental disabilities to  
10          act as their own advocates and of course, that is a very  
11          desirable means to an end.

12          And that end is, of course, to provide each person  
13          with a developmental disability the opportunity to lead  
14          a dignified life.

15          Secondly, we will continue to create an interest  
16          among lawyers in this state and also further negotiate  
17          commitments of legal time and services from them in key  
18          areas throughout the state, to provide on-the-spot legal  
19          advocacy where the need arises during the course of our year.

20          We have one year beginning October 1st of 1977, in  
21          order to put this system into functional shape. And it is  
22          our hope to create a legal system to which people may turn  
23          for information and referral and also to create a system  
24          that is capable of perpetuation at the end of our year.

25          We hope that we will be perpetuated, we can't tell

1 right now exactly how we will be perpetuated, if we are  
2 thinking of -- of inserting ourselves into legal aid,  
3 perhaps, or maybe into the DD council, we can't tell at  
4 this point what our future will be, but during this year,  
5 we will be serving as an outlet to which all people, those  
6 with -- those people with developmental disabilities, their  
7 parents, their associates, their lawyers, may turn for  
8 information and referral as to their legal rights.

9 Providers and planners of services for the develop-  
10 mentally disabled may look to us as well and we definitely  
11 will be looking at them during the course of this year.

12 They are rapidly learning of our existence and in my  
13 first month on the job I have been introduced by Ellen to  
14 many of the planners and providers of services for develop-  
15 mentally disabled, and in the process of being introduced  
16 by them, by Ellen to them, and explaining to them what my  
17 role is, I've been received almost as an investigator in some  
18 degree.

19 The mere presence and recognition of the fact of  
20 protection and advocacy systems existence, whose history  
21 is still in the making and our future is still an unknown  
22 quantity, brings planners' and providers' attention to  
23 the fact that the federal government is locally interested  
24 in the enforcement of civil rights legislation in this  
25 state, and especially interested in the area of developmental



1 disabilities.

2 As you have probably gathered by listening to the  
3 other people already, the federal government has passed  
4 comprehensive legislation dealing particularly with  
5 the disabled, and regulation 504 you've heard about of Public  
6 Law 94-142 seems to be striking terror to the hearts of  
7 those people who must comply with it, and in checking around  
8 a little bit, it became apparent to me that the people  
9 who must comply with regulation 504, that is assuring  
10 accessibility to those organizations which receive HEW  
11 funding, is a problem that very, very, very many agencies  
12 and organizations are going to have to be dealing with  
13 very soon.

14 And some of them are aware that they -- that they  
15 will, many of them, especially the state is most aware that  
16 they will have to be complying with this but I also under-  
17 stand from the governor's commission on the employment  
18 of the handicapped, that many, many private organizations  
19 are still totally unaware of the existence of the regulation  
20 itself and this implies that a great deal of awareness  
21 needs to be accomplished.

22 I represent an organization whose status is definitinally  
23 separated from planners and providers of services, and we  
24 as Ellen told you, have the capacity and the authority to  
25 sue on behalf of those people with developmental disabilities,

1 should the need arise.

2 Both the spirit and the letter of the law that  
3 created the protection and advocacy system throughout the  
4 country is to assure each person with a developmental  
5 disability the opportunity to lead a dignified life.

6 And the protection and advocacy system addresses  
7 itself to asserting a legal and sociolegal problems con-  
8 fronting people with developmental disabilities throughout  
9 the state, and I, at this time, can't tell you exactly  
10 what our future will be, but we have one year in order to  
11 assess the situation, facing people with developmental  
12 disabilities across the state, and provide advocacy  
13 services to those people where and as needed.

14 THE MODERATOR: Thank you, Marian, I guess her counter-  
15 part in Colorado is Bruce.

16

17

18

BRUCE BERNSTEIN

19

20 A. (By Mr. Bernstein) My name is Bruce Bernstein, I'm  
21 an attorney and I'm the executive director of Legal Center  
22 for Handicapped Citizens, located in Denver, Colorado.

23 I am, to a degree, Marian's counterpart in Colorado,  
24 in that the legal center is the P and A implementer, pro-  
25 tection and advocacy system implementer, for the State of

1 Colorado. However, the legal center goes far beyond  
2 protection and advocacy system, in that we serve not only  
3 developmentally disabled persons, but any handicapped  
4 child or adult who has a legal problem relating to or arising  
5 out of their handicap.

6 The legal center was established or grew out of a  
7 branch office of the Colorado Association for Retarded  
8 Citizens and was established in 1974.

9 In early 1976, the legal center was incorporated  
10 as a separate, nonprofit corporation, which enjoys tax  
11 exempt status under internal revenue service rules as a  
12 public interest law firm.

13 We serve handicapped people anywhere in the State of  
14 Colorado, we do not charge any fees, and we represent  
15 persons without regard to income, location, race or type of  
16 handicap. The function of legal center is really a three-  
17 part function. First of all we deliver individual legal  
18 services to handicapped persons or advocates for handicapped  
19 persons, including associations and organizations who have  
20 legal problems related to the handicapped.

21 And we do both civil and criminal work although  
22 most of our work is done in the civil area.

23 In addition, our second major function is an educational  
24 function, in which we provide our expertise by way of  
25 education programs and training seminars to client advocacy

1 groups, handicapped persons, state government, private  
2 industry, anyone who wishes to listen to us, we provide a  
3 speaker for their group on topics dealing with law and  
4 the handicapped.

5 Our third major function is to analyze and consult  
6 with regard to proposed legislation, namely on the state  
7 level, although we will be getting involved in federal  
8 legislation, both on the request of the state government  
9 or state agencies and/or advocacy persons.

10 In the past we've worked with a number of departments  
11 of government in the State of Colorado and we're presently  
12 working with the Colorado State Department of Education.

13 I'd like to take just maybe five minutes, if I can,  
14 and give you law on the handicapped in a five-minute  
15 summary. There are three federal laws to be concerned  
16 with, all of which have been mentioned to one degree or  
17 another. 94-142, which is the Education for All Handicapped  
18 Children's Act, is a federal act which provides states with  
19 certain funding monies for special education programs for  
20 handicapped children, and in return, in order to get the  
21 money, state must file state plan setting forth certain pro-  
22 cedures and assurances to be given within the state.

23 Basically, the act covers children between the ages  
24 of five and 18, and children between the ages of five and  
25 18 and 21, if to cover those children is not contrary to

1 state law.

2 The act has a number of provisions but the most  
3 important provisions are as follows: First of all, the  
4 act requires the state to aggressively seek out all handi-  
5 capped children, handicapped includes developmental dis-  
6 abilities, visual impairment, hearing impairment, mobility  
7 problems, learning disabilities, any other handicapping  
8 condition which would prevent the child from benefiting  
9 in the regular school program without special aids or  
10 special skills or special attention.

11 After the children are located, the law requires  
12 that the child be individually evaluated as to his strengths  
13 and weaknesses and an individual program be prepared to  
14 prepare that child to reach whatever educational goal is  
15 possible for the child to achieve given his handicaps.

16 The individualized nature of the program is probably  
17 the most important provision of the law. Each handicapped  
18 child must be evaluated and a program with specific short and  
19 long range goals for the child must be established.

20 Some of the other important provisions of the act  
21 are that the educational services must be developed -- must  
22 be delivered in what's called the least restrictive alter-  
23 native, which long and short of means that a child is  
24 entitled to attend a regular school in a regular classroom  
25 setting with all non-handicapped children unless the child can

1 not benefit from those services even with special aids and  
2 attention.

3       You take that as the starting point, and in order  
4 to take away any of that, move the child out of the special --  
5 out of a regular classroom to a special classroom, move  
6 the child out of regular activities to special activities,  
7 can be done only when the school district or implementing  
8 agency can establish that the child needs the special  
9 separate services, so we can have the so-called separate but  
10 equal concept only on an individualized basis.

11       Long range implication of that means that special  
12 schools for the handicapped 20 miles out of town, hidden  
13 away from the world, where these mentally retarded children  
14 or physically handicapped children were locked away for  
15 years, almost of the fear that if someone saw them or  
16 touched them it would become catching and they, too, would  
17 become afflicted, are really gone by the wayside.

18       The biggest problem in implementing these programs  
19 is the response from the implementing agency, usually the  
20 local school board, which is often an honest response,  
21 we'd like to do what the law requires but we don't have the  
22 money.

23       Now, in reality, like many federal programs, including  
24 the P and A program, the goals are great and the money is  
25 just not there. However, as an advocate for the children and

1 for those of you who are here who are advocates for handi-  
2 capped people, we have to put a stop to that sort of  
3 talk right away and get across to the implementing agencies  
4 the lack of money will not be accepted under any circum-  
5 stances as any kind of long range solution to the problem.

6 On occasion on a short range basis, a compromises  
7 may have to be reached and developed in order to see the  
8 program implemented on longer range basis.

9 But when push comes to shove the implementing  
10 agency must realize that non-legally-required programs  
11 such as band, football, advanced math or whatever, are  
12 finally going to have to fall by the wayside so the handi-  
13 capped children have the same opportunity to achieve their  
14 maximum as the non-handicapped students.

15 Now, the other two laws which we're really concerned  
16 with are section 503 and 504, the Federal Rehabilitation  
17 Act of 1976. I won't dwell on them too much but I want  
18 to bring out a couple of points.

19 The first is the definition of handicapped. The  
20 definition of handicapped under these federal laws is  
21 really a three-part definition, the first probably everyone  
22 would acknowledge and accept and basically says a handi-  
23 capped person is someone who has a mental or physical handi-  
24 cap which substantially affects his substantial life functions  
25 such as walking or earning a living or dressing or caring

1 for himself, this is the person that we can probably  
2 generally recognize right off the bat or after talking  
3 to him for a little while.

4 The statutory and rule definition goes on, say it's  
5 a rule definition, not a statutory definition, goes on,  
6 however, to add to that individual the handicapped individual,  
7 a person who has been identified as being handicapped,  
8 whether or not he actually is handicapped.

9 That is a person who perhaps at one time had a handi-  
10 cap, has a record, so to speak, of being handicapped,  
11 even though perhaps he has overcome that handicap, he  
12 is also protected under the law.

13 And the law sweeps even broader by adding within  
14 the definition of handicapped individual, a person who is  
15 considered to have a handicap whether he's ever had a  
16 handicap or not.

17 So, the law strikes extremely broadly in these areas,  
18 and the fellow sitting next to you who you might not at  
19 all consider handicapped, might very well be covered under  
20 this particular -- these particular laws.

21 The word under 504 and 503 is reasonable accomodation.  
22 If a handicapped person can participate in federally funded  
23 program under section 504 with reasonable accomodation,  
24 reasonable accomodation must be made for that person.

25 What, exactly, reasonable accomodation is no one



1 knows, it's decided on a case by case basis and as the  
2 case law grows, we'll have better ideas of what reasonable  
3 accomodation is, but reasonable accomodation may include  
4 such things as changing of work schedules for the person,  
5 changing of types of furniture or equipment used to raise or  
6 lower it to accomodate someone in a wheelchair or not in a  
7 wheelchair, it's rescheduling of work where a job has many  
8 aspects or facets to it and the handicapped person can  
9 maybe do eight out of the ten tasks, perhaps reasonable  
10 accomodation would include assigning eight, those eight  
11 tasks to that person and the other two to somebody else in  
12 the particular employment.

13 Section 503 is applicable to federal contractors  
14 and requires that every federal contract of a value of \$2,500.00  
15 or more contain a clause in which the contractor agrees not  
16 to discriminate in hiring and advancement or placement on  
17 the job of qualified handicapped individuals.

18 There is a provision which requires affirmative  
19 action program for large contractors, over \$50,000.00,  
20 and over 50 employees.

21 Basically, section 504 is enforced by the Office of  
22 Civil Rights of HEW and has also been determined in the  
23 courts to be enforceable by the handicapped individual  
24 himself, bringing an action to secure his rights.

25 Section 503 is currently enforced by the U.S.

1 Department of Labor, Office of Federal Contract Compliance  
2 Programs, the regional office is located at the federal  
3 office building in Denver.

4 One of the problems with federal enforcement of  
5 federal legislation is one word, it's slow. Takes many,  
6 many months, many, many years and many cases in order to  
7 accomplish anything, especially with the U.S. Department of  
8 Labor, which has acknowledged that it is badly understaffed  
9 and underpaid and undermanned and can not handle the vast  
10 number of 503 complaints in reasonable periods of time,  
11 though some improvement is being made on that.

12 The question exists whether a handicapped individual  
13 who's been discriminated against from section 503 can  
14 bring his own right of action as he can under section 504  
15 and as time drags on, and unless the federal department of  
16 labor gets enough manpower to process the complaints quickly,  
17 or more quickly than presently occurring, litigation  
18 will probably be enacted on that question and hopefully will  
19 end up with the handicapped citizen being able to protect  
20 his own rights by his own right of action.

21 Thank you.

22 THE MODERATOR: Thank you, Bruce.

23 I guess we've been moving up from the grass roots  
24 and now we've arrived at top and that's Howard. Okay?  
25

HOWARD ROSEN

1  
2  
3 A. (By Mr. Rosen) Well, we're getting to the top, and  
4 everything that I wanted to say was said and was said very  
5 eloquently, really, and I want to thank Ellen and Bruce  
6 for their excellent presentations.

7 I want to speak very briefly a little bit on 504  
8 and how it came about to become enforced. It was passed  
9 by Congress in 1973 and nothing happened. And in 1977,  
10 as you may remember, there was a White House conference  
11 for the handicapped and also that was the time when the  
12 handicapped coalition became militantly strong and decided  
13 to make a national effort to get 504 enforced.

14 What happened was that our offices in Denver, the  
15 original HEW office in Denver, was occupied for 24 hours  
16 by handicapped. We opened the doors for them, we provided  
17 coffee and donuts for them, but nevertheless I want you to  
18 know that in our offices, we had crowds of people in wheel-  
19 chairs, even in beds which had wheels on them, and some of  
20 these people stayed overnight, were fed, the nursing home  
21 staff came to bring medication and hot food. It was an  
22 amazing demonstration.

23 This took place all over the country, in all ten  
24 regional offices and in Washington. And whether that had  
25 anything to do with that the secretary decided to issue

1 regulations, I don't know, but regulations came.

2 And we now have a law which I think provides legal  
3 support to the handicapped movement which we have never  
4 seen before.

5 While I don't want to add to what Bruce shared  
6 with you, I do want to tell you that the complaint route is  
7 really a simple one. Anyone can write to the Office of  
8 Civil Rights in Denver at the regional office, 19th and South  
9 Streets, Denver, 80294, and can make a complaint in relation  
10 to his handicapped child or to his own handicapped condition  
11 and discrimination which is coming his way as a result  
12 of this, and the complaint will be investigated.

13 And I think this is a new door which opened, and it  
14 has to be used and it has to be tested, but I think the  
15 law is on our side, there's no question.

16 Thank you.

17 THE MODERATOR: Thank you, Howard.

18 I guess we're open for questions and if you have  
19 any questions, please come to the mic. and give your name  
20 and your association and your address.

21 Yes? Yes, Al?

22 Q (By Mr. Duran) I guess I'm the only one that has  
23 the capability of formulating questions around here. An  
24 observation that I see a lot of people participating in this  
25 conference and very few are asking questions and I know

1 there's questions out there because as soon as you break,  
2 you know, there's, what do you think about this, what do  
3 you think about that.

4 I really wish people would open up with their  
5 thoughts while the panel's sitting up there so everybody  
6 can share with the information.

7 I'm impressed with what I'm hearing in terms of the  
8 laws that are being passed, and I think that those of you  
9 that have been working in that area are to be commended  
10 with what you've been able to do, or those from the grass  
11 root level that have been able to accomplish that, okay?

12 But I remember other days of jubilation in this  
13 country as well and particularly in 1968, when the Supreme  
14 Court said there will be equal education for everyone.

15 And then in 1964, when the Civil Rights Act was  
16 passed, and again in 1964, when the Economic Opportunity  
17 Act was passed and now I hear in 1973, and eventually we're  
18 in 1977.

19 I guess my question to you is what are you going  
20 to do when somebody files reverse discrimination?

21 THE MODERATOR: Do you want to direct that at any  
22 particular panel member?

23 Q I'd like to direct it to a lawmaker, Ms. Crowley.

24 A (By Ms. Crowley) I was just about to say I just  
25 left. Give me a for instance.

1       Q     Well, okay, I'll try to put it in some kind of  
2 language.

3             You had a law passed that said we no longer can  
4 discriminate against the handicapped, okay?

5             And now you're working very hard to get some dollars,  
6 you don't have enough, and that's understood and you're  
7 working hard to get dollars to promote that equality. Okay?

8             And as a result of that, you see, if you compare  
9 that with the civil rights movement in terms of minority  
10 groups, we also have been through that. We have been  
11 working to try and get dollars to create the equality as  
12 well. Only most of our equality is coming in terms of  
13 executive orders that say, please comply with this, whereas  
14 your approach, I think, is a very strong approach, writing  
15 it into law and specifically, you know, mandating that with  
16 a particular program, X percent will be made available to  
17 make sure that the handicapped are involved, to make sure  
18 that they have the equal opportunity, those kind of things.

19            Just like the public works bill now has said, you  
20 know, 10% of money will be earmarked for minority contractors.

21            You know, it's just a matter of time because when  
22 you're talking about money, you know, morally everybody is  
23 saying you're right, but when you start talking about money,  
24 then somebody is going to feel that they are being pinched,  
25 and somebody's going to want that money back, just like the

1 AGC has filed a reverse discrimination suit, I think it  
2 was filed last week, okay?

3 I guess that's -- that's most interesting to me,  
4 you see Judge Kerr (Phonetic) a couple of years ago I guess  
5 it was, about a year ago, said that there was no discrimina-  
6 tion with public funds and it was relating to a particular  
7 minority corporation.

8 Now, you know the AGC has said, well, there's  
9 reverse discrimination and Judge Kerr did not even bother  
10 to review the case but simply kicked it into the tenth  
11 district.

12 But you see, if he had to take the other position,  
13 I probably assume he would have to take the position of  
14 AGC so is not going to deal with that, okay? He'll have  
15 somebody else make the decision, but what I'm saying to you  
16 in terms of the handicapped, is, it's just a matter of  
17 time before somebody says you're taking my money and it's  
18 costing me too much money to promote the fact they should  
19 have a ramp instead of stairs, that I should have to  
20 reconstruct my toilets, okay? And you know, what are you  
21 going to do when that occurs, when somebody says you can't  
22 do it anymore?

23 A. I'm speaking for myself because I don't know how  
24 the others would answer it. I learned a lesson from Wanda  
25 McCue, who is a volunteer to sell all volunteers, and the

1 groups in Cheyenne who are -- who volunteer their services  
2 in various and sundry ways, start with the need and the  
3 remedy, and then, if they get any money, fine.

4 But they don't say first give us a grant and we'll  
5 satisfy this need.

6 I am going to be more optimistic than you, sir,  
7 because we have to succeed. The people with developmental  
8 disabilities can not afford to have us fail, and so we are  
9 going to protect their rights, we are going to advocate  
10 their interests in every respect possible and I believe that  
11 at the end of this year, the visibility of the rights of  
12 people with developmental disabilities, will be just so  
13 impressive that we're going to -- it will mushroom, we're  
14 not going to worry about will we fail or when will we fail.

15 A. (By Mr. Bernstein) Let me respond to your question  
16 too, if I can. I think the real problem or danger, if I  
17 can use those terms, I don't know if they're the proper  
18 terms, in reverse discrimination with regard to the  
19 handicapped is with regard to required affirmative action  
20 programs, such as under 503 for large contractors.

21 And I think probably or at least I hope probably  
22 when the Supreme Court rules in the Bakke case, the  
23 case for those of you who are not familiar with it, the  
24 medical student in California who was a White who claims  
25 he was discriminated against and couldn't get admitted to



1 a medical school because they had a number of class  
2 places reserved for minority students, when a ruling comes  
3 out on that I think that will be, hopefully somewhat defini-  
4 tive of this whole problem and I see it as a potential  
5 problem and we hope that we'll have a beneficial decision.

6 This 10% minority contractor rule statute which  
7 I'm not particularly familiar with, has been tested  
8 recently, I believe in California, it was struck down as  
9 unconstitutional.

10 That will probably stand or fall depending on how  
11 the Supreme Court rules with regard to the medical student's  
12 case.

13 MR. LEVIS: Could I just say one thing? Ray Burry,  
14 Tim Ullrich and myself attended a two-day session on the  
15 handicapped last week, and it was pointed out there's a  
16 difference between the civil rights laws which say there's  
17 to be no discrimination, everybody's covered by that because  
18 everybody has a race, sex, national origin, the handicapped  
19 law specifically talks about the rights of the handicapped,  
20 not the rights of the non-handicapped.

21 So there is a difference, in that this law speci-  
22 fically talks about in the fact the handicapped and gives  
23 the three definitions have been denied equal access in  
24 employment and education, this law says that they have to  
25 have equal access and talks about the handicapped specifically,

1 so there is a little difference.

2 Also there's a difference possibly under the Fourteenth  
3 Amendment, because you have to show a compelling interest  
4 for a race or a sex classification, at least for a race  
5 classification.

6 Q (By Mr. Duran) Well, if I might, you know, when  
7 you're going through the description of the law, and you're  
8 describing what a handicapped person, theoretically is  
9 supposed to be within the boundaries there were a couple  
10 areas there that attracted me to your presentation.

11 One is that my color is a handicap, and two, my mind  
12 has been raped by this system, so that I, in the assimilation  
13 process, my pride and my feelings and my emotions don't  
14 count in terms of how I am to promote myself in this society,  
15 so I also, you know, in trying to make the distinguishment --  
16 I don't see a distinction, I think we're all in this ball-  
17 game together, and I, you know, I like the answers I'm  
18 hearing in terms of this is what we'll do and we're not  
19 going to give up and those kind of things and I just, I  
20 issue the invitation that we also need you in terms of  
21 these other things, you know.

22 Let's not be so selective about what we're doing in  
23 civil rights.

24 Q (By Mr. Dover) I'm Sleeter Dover, EEO officer for  
25 the Wyoming State Highway Department.

1           My question sort of parallels what Al just said.  
2       Quite frankly, I think that 504 regulations do indeed parallel  
3       the Civil Rights Act. I can foresee a day and directing this  
4       mainly, I guess, to Mr. Bernstein, since you brought up the  
5       issue of reasonable accomodation, I can foresee the  
6       example you gave of maybe an individual has eight talents  
7       that he can perform but there's two that he can not, and  
8       somebody else is going to have to do those two, and I know  
9       exactly what's going to happen, somebody's going to come  
10      to me and say, well, now, wait a minute, Dover, you've  
11      been preaching equal opportunity here, you know, no special  
12      treatment for anybody, now how am I going to justify that?

13      A       (By Mr. Bernstein) I think you're going to pull out  
14      your May 4th decision of the federal register and read him  
15      the regulations and hope that that satisfies him, which may  
16      well not satisfy him.

17           The whole problem in this area, specially with  
18      regard to union input and the clash of one, quote, minority  
19      against another minority, is a really -- is just a staggering  
20      problem.

21           We were involved in a 503 case in which basically there  
22      was no admission officially but an unofficial admission that  
23      a handicapped person was discriminated against, there was  
24      an agreement that he would be put on the job and given a  
25      certain apprenticeship opening as soon as the next one came

1 along.

2 One of the contractor's problems or one of the prob-  
3 lems that he raised was that he was in the same boat with  
4 regard to hiring of minority persons and that he was  
5 supposed to make or should be making available or could  
6 foresee having a problem coming up that he would also  
7 have to give the next opening to a qualified Black or a  
8 qualified woman, qualified Chicano or qualified minority of  
9 some other size, shape or color, whatever.

10 And I do see some real problems involved in that.  
11 That one was never settled because the whole settlement blew  
12 up in the middle for other reasons. But in the answer  
13 to your question, I think what you'd have to do is interpret  
14 the law as it's written until someone successfully  
15 challenges and changes it.

16 You're the man or one of the men that's caught in  
17 the middle here, you're damned if you do and you're damned  
18 if you don't.

19 If I'm on the other side you better be on my side or  
20 you're going to be having some real problems.

21 Q I know exactly what I would do because I've done it  
22 before, but you know, the parallel, Bill, I think, said  
23 that there was no parallel, but I think there is definitely  
24 so, let's look at sex.

25 I've had a heck of a time in the last year trying

1 to convince the highway patrol, that females could per-  
2 form patrol duties. I think I've gotten over that hump and  
3 the way I got over it was I kept espousing the equal  
4 opportunity aspect, was that there will be no special  
5 treatment.

6 And then again, I'm not going to turn around under  
7 the 504 regulations and say we're going to have to make  
8 some exceptions.

9 I do all right until I start making exceptions.

10 MR. LEVIS: I think the key is reasonable accommodations  
11 Bruce is talking about before, you're not really making  
12 exceptions, you're making it accessible.

13 Everyone should have an opportunity, I think, is  
14 what Tim was talking about earlier.

15 Q (By Mr. Dover) But that's a great concept, the  
16 problem I'm going to have is not with making the reasonable  
17 accommodation, the problem I'm going to have is somebody's  
18 going to have to take up the slack and whoever that  
19 individual is he's the one I'm going to have the problem  
20 with.

21 A (By Mr. Bernstein) Okay, I disagree with you a  
22 little bit on your comment somebody's going to have to  
23 take up the slack. If you take my example of a ten-unit  
24 job, let's take an auto mechanic, you know, he tunes up and  
25 he does oil changes and he does major engine overhauls and

1 he does this, that and the next thing, but let's say he's  
2 disabled to the point that he can't do heavy lifting or  
3 heavy handling of things.

4 The way you reasonably accomodate is you assign him  
5 to tuneups and oil changes and you assign somebody else  
6 to other types of work within that job description and  
7 that person doesn't take up the slack because that person  
8 is not doing the tuneups and the oil changes and some of  
9 the other things, they're just doing other types of work  
10 within the same job description.

11 Q That's great in a union situation, but you know,  
12 I'm at the highway department, we get some pretty isolated  
13 shops out in the field, you know, and job descriptions are  
14 great but we've got people who drive, you know, dozers  
15 in the winter time to clean streets, you know, that maybe  
16 don't do anything but wash windows in the summer, but that's  
17 not on the job description but you've got to do something  
18 and we've got to get whatever comes up we've got to do it,  
19 you know, we're getting out some of these isolated areas  
20 and here's where we're going to have the problem.

21 A Well, I think your job description puts you right  
22 back between a rock and a hard place, if your job descrip-  
23 tion fits in my man's skills I'm going to say by God that's  
24 the job description he can meet the job description you're  
25 going to hire him. If the job description, my man can't

1 meet the skills of the job description but in reality what  
2 the job does he can fit, then I'm going to say don't read  
3 the job description. Because I'm an advocate. So you're  
4 going to be stuck either way.

5 Q (By Ms. Gonzales) I'm Pauline Gonzales from Rawlins,  
6 I'm really impressed with the rights of the handicapped and  
7 really impressed with the laws that are being passed for  
8 handicapped people.

9 My question to whoever would like to respond, is,  
10 who enforces these laws? We are right now not only Uni-  
11 versity of Wyoming in violation, we have public schools  
12 that do not provide educational opportunities for kids,  
13 they can't even get in the bathrooms because the doors  
14 are small. We can pass a million laws which is tremendous  
15 but who is going to enforce them?

16 And also, how long do public facilities have before  
17 they comply with all of the regulations that are set for  
18 them as far as handicapped people in terms of the elevators,  
19 whatever it is, who complies, how long do they have to comply  
20 and who's going to enforce it?

21 THE MODERATOR: Howard, I think has answered some  
22 of the questions already but finish the rest of them.

23 A (By Mr. Rosen) In relation to the deadline, . . .  
24 June 2, 1980, is the deadline for structural changes to be  
25 made in existing facilities where necessary to achieve

1 program accessibility, so seemingly they will have until  
2 June, '80, and here's another date here, December 2, 1977,  
3 which is just a month off, three weeks off, in the event  
4 that structural changes in existing facilities are  
5 necessary to make programs accessible, recipients of HEW  
6 funds shall by this date develop a transition plan, that  
7 is in a matter of two, three weeks, these facilities  
8 have to submit a plan, outlining the steps needed to  
9 complete these changes, and a copy of the plan would be  
10 made available for public inspection, and the deadline,  
11 as I mentioned before, for the actual structural changes,  
12 is June, 1980.

13 Q In all buildings?

14 A In all buildings, which receive HEW funds like  
15 school buildings, social service buildings.

16 Q How about cities and counties that receive federal  
17 money?

18 A I can't answer that. Can you, Bruce?

19 A (By Mr. Bernstein) The, for new construction,  
20 there's a federal law which the name of which escapes me at  
21 the moment, which is not going to be too helpful to you,  
22 I suppose, but there is a provision for new construction  
23 using federal funds must be barrier free, accessible to the  
24 handicapped.

25 Under section 504 for existing facilities, one of the



1       outs, shall we say, in the law for existing facilities  
2       provides that existing facilities when viewed as a whole, as  
3       an entirety, like one building or one program or whatever,  
4       must be accessible but not every nook and cranny therein.  
5       So, we're not necessarily going to get everything corrected.

6               For new facilities there are requirements under 504  
7       and this federal act that deals with federally funded  
8       building that will presumably correct every nook and cranny.

9               As for enforcement, I think Mr. Rosen indicated under  
10       504, the department of civil rights in HEW is the enforcing  
11       agency, but also laws established that the injured individual,  
12       the handicapped person who can't get into the building,  
13       or can't get into the program or whatever, has a right of  
14       action in his own name, which, I don't want to say anything  
15       about the Office of Civil Rights, because we haven't used it  
16       lately, and I don't know what their performance record's  
17       going to be, but if it's anything like some other govern-  
18       mental programs, you're going to be a lot quicker just doing  
19       it yourself than waiting for them.

20               Because they will be besieged with requests, and  
21       like I think someone mentioned earlier in the day, the  
22       laws are great but the money isn't there, and if you don't  
23       push yourself, nobody's going to push for you.

24       A.       (By Mr. Rosen) In regards to what Bill said before,  
25       accessibility at the University of Wyoming, one of the

1 recommendations I heard was, if there's a lab on the  
2 third floor and a wheelchair person can't get up there,  
3 there's no elevator, why can't the lab be transferred  
4 to the ground floor?

5 You know, this is a suggestion in order to save  
6 money. If the university has no money to make structural  
7 changes, could the program be put on the floor which is  
8 accessible or into a building which is accessible?

9 Q Which is ideal, but is it being done?

10 MS. WRIGHT: There's an easy answer to that because  
11 if you move the lab on the first floor, maybe you have to  
12 move out something that the handicapped person's already  
13 going to.

14 MR. LEVIS: The only other thing is that section 504  
15 refers to federal contracts, and that is enforced by the  
16 department of labor, office of federal contract compliance,  
17 programs, and Millard Neal from that office will be here  
18 tomorrow.

19 THE MODERATOR: If you need the phone number of  
20 HEW Office of Civil Rights in Denver, it's area code 303,  
21 837-2025 and every other governmental agency that gives  
22 federal monies to cities, states and universities, have to  
23 come out with their own regulations which have to meet  
24 HEW guidelines, HEW published, I think, some broad guidelines  
25 about two months ago that all other federal agencies have

1 to meet in issuing their guidelines under 504.

2 THE MODERATOR: I guess I'd like to direct a question  
3 at Howard.

4 I think the University of Wyoming had to take this  
5 line of making programs accessible rather than making  
6 buildings accessible and they're going to have to do sort of  
7 a moveable university if a student needs something, they'll  
8 move it and I don't know if this is correct or not, can you  
9 speak to that?

10 A. (By Mr. Rosen) I, from what I hear, that's going  
11 to be done by most people, by most institutions, because  
12 it's affordable in terms of money.

13 And at this point, there's no money allocated to  
14 bring about such changes.

15 THE MODERATOR: Okay, are there any more questions?

16 It's going to reconvene tomorrow at 9:00 o'clock  
17 and make sure you're back here at 9:00 o'clock and we'll  
18 go about it some more.

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20 (Adjourned until 9:00 a.m. on November 11, 1977)

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