
CIVIL RIGHTS DEVELOPMENTS IN CONNECTICUT, 1980

February 1981

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--A clearinghouse report of the Connecticut Advisory Committee to the U.S. Commission on Civil Rights, published for the information of the Commission and the people of Connecticut. The contents of this report should be attributed to the Connecticut Advisory Committee rather than to the Commission.

UNITED STATES COMMISSION ON CIVIL RIGHTS

NEW ENGLAND REGIONAL OFFICE

55 Summer Street
8th floor
Boston, Massachusetts 02110
(617) 223-4671

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Dear Friend:

The U.S. Commission on Civil Rights was established by Congress in 1957 as an independent, bipartisan factfinding agency to investigate complaints, study legal developments and appraise Federal laws and policies with respect to discrimination, and serve as a national civil rights clearinghouse. In turn, State Advisory Committees were formed to assist the Commission in these responsibilities.

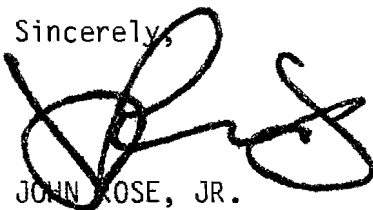
Over the past year the Connecticut Advisory Committee has been monitoring civil rights developments in our State as well as providing the U.S. Commission on Civil Rights with specific information within the agency's jurisdiction. That jurisdiction now includes discrimination because of race, religion, national origin, sex, age, and handicap.

As an outgrowth of our monitoring efforts, we have prepared this brief report on civil rights developments in Connecticut 1980. It does not claim to be a comprehensive statement, but we do believe it can serve as a bench-mark, identify problems and progress, add to our understanding of the status of protected groups, and help refine our concept of civil rights.

We have also included a short statement on the activities of the Connecticut Advisory Committee. If you would like to recommend ways in which we or the Commission might improve our work, please write to us at the above address. Certainly, the work ahead for all of us will be great.

We hope that you will find this review useful. Additional copies are available from the New England Regional Office as are the other publications of our Advisory Committee and the Commission.

Sincerely,



JOHN ROSE, JR.
Chairperson
Connecticut Advisory Committee

CIVIL RIGHTS DEVELOPMENTS IN CONNECTICUT, 1980

Introduction

To most Americans, the phrase "civil rights" brings to mind the quest of black Americans for freedom and equality: images of lunch counter sit-ins, freedom rides, and the National Guard escorting black children during the desegregation struggles of the 1950's and 1960's. We recall the reaction to the quest for civil rights in threats, violence, bombings, and murders.

The Nation then entered a period of legislative and judicial activity; increasing concern with de facto as well as de jure school segregation; growing emphasis on housing and employment discrimination; and a broader definition of "protected" groups. Most of us recognized that discrimination was being experienced by other racial groups including Asians and Native Americans; by groups identified by national origin, especially Hispanics; by religious groups; and by women, the elderly, and the handicapped.

Efforts were made on the local, State, and national levels to address these problems, with varying degrees of effectiveness. Even with growing resistance in the 1970's, there was progress.

However, 1980 has seen a resurgence of the Ku Klux Klan and other hate groups, an attempted assassination of a major black leader, urban riots, and political attacks on programs that blacks and other minorities regard

as crucial to their hopes. The year ended with black Americans not only fearful that the political tide had turned against them, but with the evidence of race-motivated murders in a number of cities.

The U.S. Commission on Civil Rights believes that the 1980's will be a critical period for civil rights. In a year-end report to the President and Congress, the Commission observed that hate group activity, racially motivated violence, and the rising number of civil disorders all have contributed to "an atmosphere that impedes civil rights progress."

The Commission called for a strong, well-coordinated Federal response, led by the Attorney General or another designated official, to deter violence, and it urged the President to appoint a senior White House advisor responsible for improving and directing the Federal civil rights effort.

The past year also saw a hardening of opposition to measures that actively seek to advance equality of opportunity not only for racial minorities, but for women, the handicapped, and the elderly. In response, the Commission urged Congress to support the strengthening of fair housing legislation, and to provide the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs with the resources to combat job discrimination. The Commission reaffirmed its support for the Equal Rights Amendment and affirmative action, and recommended changes in Federal law to prosecute police officers who violate the civil rights of those they are charged to protect.

Although many of these concerns bring to mind distant communities-- Miami, Greensboro, Chattanooga, Buffalo-- as this report shows, they are not so far removed from our lives here in Connecticut.

We have transmitted this information to the U.S. Commission on Civil Rights as its Connecticut Advisory Committee, and now are pleased to share it with you.

Legal, Policy, and Institutional Developments

Connecticut has a tradition of progressivism on social issues, and its State civil rights agency, the Connecticut Commission on Human Rights and Opportunities (CHRO), can trace its history to 1943 when it was created as the Inter-Racial Commission. In the past year, Connecticut expanded its tradition of State protection of rights in a number of ways.

1. Legislative Activity

In the 1980 elections, seven women were elected to the State senate and 32 to the house, giving Connecticut one of the highest proportions (20.9 percent) of women legislators in the nation.

The Connecticut Legislature, in a housekeeping effort, consolidated into a single chapter of the Connecticut code the scattered statutes comprising the jurisdiction and mandate of the Connecticut Commission on Human Rights and Opportunities. The action should make civil rights protections more comprehensible to citizens.

In an effort to deal with a rash of cross-burnings and cemetery and religious site desecrations the State had experienced in the past year, the legislature passed a "Desecration of Property" law. The law makes such acts illegal, and provides for civil complaints to the CHRO as well as for criminal sanctions of up to a year in jail. The law permits cross-burnings on property where the owner has given permission for such an event.

For 11 years, Connecticut's Racial Imbalance Law was not much more than a symbolic gesture because there were no regulations to enforce it. On three occasions, the State legislature's regulations review committee had rejected proposed regulations to implement the law. Finally, in March the General Assembly reversed the disapproving action of the Committee, accepting the State department of education's implementing provisions.

Imbalance exists if minority enrollment in a particular school is 25

percentage points higher or lower than the systemwide minority percentage. A school system cited for imbalance is largely left to develop its own methods for correcting the problem. The State department of education provides technical assistance to desegregating districts to help them meet the State mandates.

A defect of the regulations of the Racial Imbalance Law, according to some critics, is that it requires only balance within individual school systems. There is no legal imbalance, for example, where a central city school system has a very high minority enrollment and surrounding suburban systems are almost entirely white. While the law has limitations, the fact that it now has implementing provisions means that seven cities now face a State mandate: Hartford, Meriden, New Britain, Norwalk, New Haven, Stamford, and Stratford. Meriden and Norwalk already have had plans approved by the State board, Meriden having been under order of the Federal Office for Civil Rights since 1978.

Another new law, effective July 1, mandates that all textbooks used in the public schools must represent all racial and ethnic groups and both sexes. This protection had previously applied only to social studies materials, and did not include the requirement for the representation of both sexes.

In February, co-chairs of the appropriations committee of the general assembly announced their intention to eliminate the Permanent Commission on the Status of Women (PCSW) and merge its functions with the Connecticut Commission on Human Rights and Opportunities. No additional staff or funds were to be provided to CHRO for these functions. A broad cross-section of civil rights and women's rights groups quickly mobilized to save the agency, arguing that the PCSW is needed to provide a focus on sex discrimination issues through public education and technical assistance to public and private agencies. Eventually, the legislature appropriated funds for the continued existence of the agency, though it did cut \$12,000 from its original request, leaving it with \$110,500 for fiscal year 1981.

The legislature also amended a law making sexual harassment in employment illegal, effective October 1. The Senate chair of the

Legislative Joint Standing Committee on Labor and Public Employees considering the amendment said that he had received more communications favoring the bill than any other measure. A provision was stricken from the original bill that would have made the protection applicable only where an employee had actually been fired. The Connecticut Commission on Human Rights and Opportunities, while supporting the bill, expressed the belief that the prohibited practices were already included under existing nondiscrimination protections, and said that it had successfully processed several sexual harassment complaints.

An act empowering municipalities to establish equal rights and opportunities commissions was passed by the legislature. It authorizes any municipality to adopt by charter or ordinance a code of prohibited discriminatory practices, and enables the municipality to establish a board or commission to investigate any allegation of discrimination. The law validates the existence of any local agency created prior to the law's enactment. This assures the existence of the New Haven Commission on Equal Opportunities, which had been effectively terminated in December 1979 by a Connecticut Superior Court ruling that that city's board of aldermen had exceeded their authority by creating the commission 15 years ago. The new law provides that anyone aggrieved by a local agency order may appeal to the Connecticut Commission on Human Rights and Opportunities, which will also have precedence if the same matter is being considered at the local and State level.

The legislature also passed a law prohibiting landlords of most multi-family apartments (non-owner-occupied) from refusing to rent because prospective tenants have children. The law differs from the State's other open housing provisions in that victims may sue in superior court rather than complain to the CHRO.

Another new protection prohibits discrimination in insurance rates on the basis of physical disability or mental retardation absent actuarial documentation. The law is to be enforced by the State department of insurance rather than by the CHRO.

The legislature also passed an exemption to the law outlawing age

discrimination in order to permit discounts for older persons in sales and services.

In February, the State House of Representatives found it necessary to censure one of its own members who had used a racial slur in a response to a UPI survey on State taxes. While some legislators urged that the offending member's statement of apology ought to be sufficient, a black delegate termed the action as "no more than a slap on the wrist."

2. Agency Activity

A fair housing program of the Hartford Area Office of the U.S. Department of Housing and Urban Development has been adapted by HUD for national use. The New Horizons program provides Federal assistance to towns for the establishment of task forces of business persons and residents to promote compliance with fair housing laws. Participating towns also are to have an improved chance of obtaining neighborhood revitalization funds.

The U.S. Department of Education has issued a "letter of finding" to the effect that Connecticut law excludes emotionally disturbed and handicapped students from appropriate education and "related services" that are required by Section 504 of the Federal Rehabilitation Act of 1973. The Federal agency is negotiating a settlement that will bring the State into compliance. Several complaints had been made to the Department by parents of children in school systems operating under the State law.

The U.S. Department of Justice and the Department of Education's Office for Civil Rights are jointly reviewing all of Connecticut's vocational education programs. The State is somewhat unusual in that all such programs are administered by the State rather than local school systems.

The U.S. Department of Justice joined a suit brought by the Hartford Legal Aid Society charging the town of Manchester with racial bias. The trial will begin on March 10, 1981, in U.S. District Court in Hartford. In a referendum in April 1979, Manchester residents voted to withdraw from the Community Development Block Grant program rather than accept fair housing

requirements and meet goals for low-income housing. In a second referendum in November 1980, Manchester residents reaffirmed their earlier vote to withdraw from the CDBG program.

In December 1980, the Justice Department filed suit against the town of Glastonbury, Manchester's neighbor, charging the town with violating the Fair Housing Act of 1968 by blocking development of racially integrated low- and moderate-income housing. The Federal government has charged Glastonbury with racial bias in housing and land use.

The U.S. Office of Revenue Sharing (ORS) has made two preliminary investigative findings of noncompliance on charges of race and sex discrimination in municipal employment against the city of Waterbury, the town of Greenwich, and the Greenwich Board of Education. Additionally, ORS made investigative findings of noncompliance on charges of race, sex, and national origin discrimination against the Wethersfield Board of Education, Glastonbury Public Schools, West Hartford Board of Education, and the South Windsor Board of Education. A complaint against the city of Meriden was dropped when the city rescinded a proposed move of its Health Department to a location which would not have been accessible to minorities and the handicapped. A race discrimination complaint against the city of Danbury's Parks and Recreation Department was dismissed for lack of sufficient evidence, but a charge of sex discrimination was upheld against the Danbury Police Department on the basis of unwarranted delays in the appointment of a female officer.

The Connecticut Commission on Human Rights and Opportunities (CHRO) responded to reports of cross-burnings in the State by holding a series of hearings on the subject around the State. The Commission found that there had been 17 recent cross-burnings, but that these had been the result of random rather than organized activity. The Commission forwarded its findings and a dozen recommendations to the Governor in a 134-page report entitled, Incidents of Cross-Burnings and Vandalism Motivated by Racial and Religious Prejudice in Connecticut.

During the summer and fall of 1980, Commission staff met with the heads of all State agencies with respect to their affirmative action plans,

conducted a program performance evaluation, and discussed with individual agency heads problems of implementation and ways of making affirmative action an agency priority and a management tool. The Commission's report on the status of affirmative action in Connecticut State Government issued in April concluded that the State has an uncoordinated approach to the problem and that all segments of State government have given affirmative action a low priority.

The Commission's role in reviewing (pursuant to Federal Office of Management and Budget Circular A-95) applications for Federal funds received a number of challenges in 1980. For example, in June, the town of Westport filed suit against the State A-95 clearinghouse and the Commission seeking an order to have the Commission's adverse A-95 review comments removed from the Clearinghouse file, claiming it would suffer irreparable harm if the Commission did not withdraw its comments. Westport has challenged the Commission's authority to delegate the A-95 review function to agency staff. Westport had applied to the Department of the Interior for open space acquisition funds, and the Commission had recommended against funding based on a finding that the town is not meeting the regional need for housing for persons of low and moderate income, and that it lacks affirmative outreach to minorities and low-income persons in neighboring cities.

The Hartford Human Relations Commission emphasized police-community relations during the past year. In July, the Commission called for changes in the complaint procedure and for the establishment of a permanent board composed of police, city residents, and management personnel. In January, in an earlier phase of the same year-long study, the Commission reported that racial discrimination exists in the police department. Among its recommendations concerning the complaint procedure are: complainants should be given access to all findings of the police department's internal affairs division; complainants should have the chance to seek a resolution at an informal hearing with the accused officer; complainants should have a right of appeal to the department's investigation review board; and the existing criminal liability of the complainant if the complainant's statement is found to be untrue should be replaced by a form stating, "This statement is true to the best of my knowledge." One novel recommendation is that courses in law be added to the city's sixth-grade curriculum to

prevent complaints from arising from misunderstandings of personal or police rights and responsibilities. The Hartford HRC's report distinguishes its proposed board from "citizen review boards," which the HRC's report says have failed in most cities.

A private agency in Stamford, the Hispanic Center, has undertaken a program to make the Stamford, Greenwich, and New Canaan communities aware of the job needs of Hispanic youth and adults. It also plans to work more closely with the Haitian community in areas of mutual concern.

3. Judicial and Criminal Justice System Activity

The U.S. Second Circuit Court of Appeals has ruled in a Connecticut case (North Haven Board of Education v. Hufstedler) that the U.S. Department of Education has authority to promulgate broad regulations under Title IX prohibiting discrimination in employment. The action places enforcement officials in Federal Region I in a bind, because the First Circuit Court of Appeals has taken an opposite position on the same issue, ruling that Title IX protections apply only to the beneficiaries of the services funded.

In July, a U.S. District Court judge in Hartford gave his approval to an agreement strengthening bilingual education assurances the city made in response to a Federal class action suit in 1978. The city must test students for English deficiency and move them more gradually than in the past from bilingual programs to English ones. The city currently offers bilingual education in French, German, Greek, Italian, Polish, Portuguese, Spanish, and some Southeast Asian languages.

In May, a U.S. District Court issued a desegregation order for the Bridgeport Public Schools. The order called for 400 students to be bused during the 1980-81 school year, and for magnet schools, district mergers, and bilingual programs to be set up. Blacks, Hispanics, and Portuguese are the minorities involved, and they account for 70.9 percent of the system's enrollment. In addition to matters affecting school and class composition, the court was or is involved with development of a disciplinary code, teacher transfers, and access to extra-curricular activities.

In a complaint filed with CHRO, a female supernumerary officer alleged that the East Windsor Police Department discriminated against her in employment on the basis of sex. The Commission found that the respondent had violated the Fair Employment Practices Act and had discriminated against the complainant on the basis of her sex. In January 1980, the State Superior Court ordered the respondent to cease and desist from discrimination on the basis of sex; to reinstate the complainant as a supernumerary with the seniority she would have earned if her service had been continuous; and to provide back pay.

Social Conditions and Controversies

In Hartford, the wounding of a black man by a white police officer led an ad hoc citizens committee to call for the creation of a citizens review board. This proposal differs from one developed by the Hartford Human Relations Commission during its lengthy study of police-community relations (see above).

The incident involved the wounding of the man in the back by a blast from the white officer's shotgun. The police department judged it accidental, occurring as the officer backed away from the victim's car, which had been mistakenly stopped. The committee alleged that the shooting occurred when the officer panicked because he thought the youth was reaching for a weapon. The group believed the officer would not have made such an inference if there had been whites in the car. The citizens committee also complained to the U.S. Department of Justice that the Hartford Police Department has not abided by a 1973 lawsuit settlement intended to improve police community relations.

The Invisible Empire of the Ku Klux Klan, with much advance publicity, held a rally and cross-burning on September 13 near the small town of Scotland, Connecticut, the Klan's first public meeting in the State in 75 years. The media was criticized for its role in publicizing and therefore promoting the rally. The University of Connecticut Committee Against Racism and the Coalition Against the Klan mustered their own demonstrators at the site, and there was some violence between the two elements.

In Manchester in early October, a black family's home was firebombed causing substantial damage. Two white teenagers, one from Manchester, the other from West Virginia, were charged in the firebombing. A third suspect in the case has not been charged. Since the firebombing, there have been several incidents in which black individuals have been subjected to unprovoked attacks and verbal harassment.

Advisory Committee Activity

As followup to its 1979 report and film, Battered Women in Hartford, the Advisory Committee monitored the Hartford City Council's efforts to implement the report's recommendations. The council requested the city's hospitals, courts, and police to review the recommendations and respond with regard to their implementation. The Advisory Committee's film was used for training in such diverse locations as Texas and Maine, and Advisory Committee members have been involved in meetings and conferences on battered women and sex equity issues.

Early in the year, the Committee monitored equal employment in hiring for the 1980 Census as part of a national project of the U.S. Commission on Civil Rights. The Committee wrote to the Governor to learn whether the State would include part-time Census earnings in calculating benefits of Aid to Families with Dependent Children.

On May 28, the Advisory Committee culminated several months of preliminary research with a day-long factfinding meeting on the Community Development Block Grant program in Bridgeport. More than 20 participants, including the mayor, met with the Committee. The inquiry emphasized fair housing issues, including displacement of low-income persons by Block Grant-funded projects, as followup to the U.S. Civil Rights Commission's national fair housing report. Information was also obtained about employment, contracting, and social services.

In November, the Advisory Committee participated in a U.S. Commission on Civil Rights national project on local compliance with the Voting Rights Act of 1965. The Committee monitored polling practices in jurisdictions covered by the Act, including Bridgeport and Mansfield.

In conjunction with the Permanent Commission on the Status of Women and the Human Relations Commission of the Connecticut Education Association, the Advisory Committee is distributing an information kit on sexual harassment in employment to private and public employers in Connecticut. The kit is intended to help employers establish policies against sexual harassment to comply with State and Federal law. A news conference was held on December 12 in Hartford to announce its publication.

The Advisory Committee has turned its attention to gathering information concerning the status of civil rights in various Connecticut communities, a project which will take Advisory Committee members into cities and towns all over the State for meetings and discussions with appropriate agencies and individuals. The meetings will focus on civil rights progress and problems, and will give the citizenry an opportunity to be heard concerning the current state of civil rights in their areas.

The Connecticut Advisory Committee also intends to respond to topical issues and problems. It will participate as well in the national projects of the U.S. Commission on Civil Rights, which in 1981 will examine racial violence, the activities of hate groups, discrimination in health care, and religious discrimination.

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U.S. COMMISSION ON CIVIL RIGHTS

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--The U.S. Commission on Civil Rights is an independent factfinding agency which investigates issues related to discrimination or denial of equal protection of the laws because of race, color, national origin, religion, sex, handicap and age. The Connecticut Advisory Committee is one of 51 such bodies composed of private citizens who advise the Commission on civil rights developments in their States.