
THE STATUS OF CIVIL RIGHTS IN RHODE ISLAND

August 1981

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

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ACKNOWLEDGEMENTS

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ATTRIBUTION:

The findings and recommendations contained in this report are those of the Rhode Island Committee to the U.S. Commission on Civil Rights and, as such, are not attributable to the Commission.

This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

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LETTER OF TRANSMITTAL

Rhode Island Advisory Committee
to the U.S. Commission on Civil
Rights, August 1981

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Sirs and Madames:

The Rhode Island Advisory Committee to the U.S. Commission on Civil Rights, pursuant to its responsibility to advise the Commission on civil rights issues in Rhode Island, submits this summary of comments made at the Advisory Committee's Consultation on the Status of Civil Rights in Rhode Island.

The consultation was conducted after surveying over 200 private and public, State and local civil rights related agencies to determine their perceptions of civil rights issues in the State. The Advisory Committee heard from over 30 of these organizations during the day-long consultation.

In reviewing the transcript of the consultation, the Advisory Committee noted that participants seemed to agree that the legal structure to ensure civil rights exists in Rhode Island, but that the failure to provide adequate funding for agencies charged with enforcement is a major obstacle to the realization of full civil rights for citizens of Rhode Island. In addition, the consultation produced persistent expressions of concern over police practices in the city of Providence; concerns which tend to underscore the Commission's recommendations in its published statement on *Police Practices and Civil Rights*.

In the months since the consultation occurred, several related developments have taken place which are discussed in an "Afterword." The Advisory Committee will continue to monitor these issues as further developments take place.

Respectfully,

DOROTHY D. ZIMMERING, *Acting Chairperson*

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Introduction

Compared to some of its New England neighbors, Rhode Island may seem a small and less illustrious State. Ocean Staters know, of course, that ours is a state rich in history, opportunity, and diversity. What even many Rhode Islanders may not know, however, is the extent of the State's diversity and the ways in which this diversity creates for Rhode Island problems as well as richness.

Rhode Island is the Nation's smallest State in terms of geographical area, and 1980 census estimates show it to have fallen from 39th to 40th in population. In fact, Rhode Island is the only State in New England to have experienced a decline in its population between 1970 and 1980. According to preliminary data released by the Census Bureau, the State's population fell from 948,844 in 1970 to 947,154 in 1980 (a decrease of 0.3 percent).¹

At the same time the minority populations showed some remarkable increases. The Spanish origin population rose from 6,921 to 19,707 (183 percent); the black population from 25,259 to 27,584 (9 percent); the American Indian population from 1,441 to 2,898 (101 percent); and the Asian-Pacific Island population from 1,856 to 5,303 (184 percent). The combination of the fall in the State's overall population with the minority increase of 56 percent (from 35,487 to 55,492) means that the minority percentage of the State's population has risen from four percent in 1970 to six percent in 1980.²

As of this writing, detailed census data are not yet available, but it is doubtful that the State's other demographic characteristics have changed much. In 1970, Rhode Island was the second most urbanized, third most densely populated, and third most "ethnic" State in the Nation (32.8

percent of the population was then of "foreign stock").³ The high density and urbanization reflect the overwhelming presence of the Providence-Pawtucket-Warwick Standard Metropolitan Statistical Area (SMSA). Only the District of Columbia, itself a city, is more urbanized than Rhode Island. While the minority population of the State is only six percent, the city of Providence has a minority population of nearly 25 percent (1980 census estimates show 12 percent black, 10 percent Spanish origin, and 3 percent Asian-Pacific Islanders).

A survey conducted by the Governor's Committee on the Handicapped estimates that there are some 166,200 disabled persons in the State.⁴ If correct, this means that an estimated 17.6 percent of the State's population suffers from some form of disability. In addition, a 1976 census study estimated that Rhode Island has the seventh highest proportion in the Nation of persons over 65 years of age, 12.8 percent compared with a national average of 11 percent.

The State's population therefore includes a large number of persons who have "protected status" under the many civil rights laws which have been enacted in recent years. These laws, several of which are mentioned in this report, are designed to end historical practices of discrimination against, and denials of equal protection of the laws to, groups that historically have been victimized by these practices. They prohibit discrimination in employment, housing, education, and other areas for reasons of race, religion, sex, national origin, age, handicap and sometimes other categories. In addition to the anti-discrimination laws, there are legal requirements in the area of affirmative action. Affirmative action can be defined as "those measures that consciously use race, sex and national origin as criteria to dismantle the process of discrimination."⁵ Affirmative action is undertaken as the means to end present discrimination and remedy the residual effects of past discrimination.

Given these aspects of the Ocean State's demography the Rhode Island Advisory Committee to the U.S. Commission on Civil Rights felt that there was a need to explore the status of civil rights in the State in 1980. A consultation was held on September 30, 1980, in the State House in

Providence to explore just such issues. That consultation, during which the Advisory Committee heard from over 30 Rhode Islanders, is summarized in this report.

One purpose of the consultation was to provide a forum for a broad cross-section of knowledgeable persons and representatives of organizations and agencies to discuss civil rights issues in the State. Furthermore, it was designed to provide the Advisory Committee with information it could use as the basis for future program planning.

By means of a questionnaire, the Committee surveyed civil rights-related organizations throughout the State about their activities, purposes, and perceptions in civil rights-related areas. Information obtained from the survey guided the Committee in deciding the civil rights issues in Rhode Island which should be addressed in the consultation. The questionnaire also informed civil rights groups of the consultation and invited their participation (see appendix for the questionnaire and related documents), and was a first step toward developing a directory of civil rights agencies. That directory is also included in the appendix.

Readers of this report should note that the participants were sharing their own opinions and ideas about current and future civil rights matters in Rhode Island. The Committee has thought it useful to summarize and publish their observations as part of the Commission's and Advisory Committee's clearinghouse function. However, this report should not be construed as an endorsement of the positions taken by the participants. We have attempted only to identify themes that provide the basis for followup activities either by the Committee or other interested parties.

The Committee hopes that this report to the U.S. Commission on Civil Rights will be of use and interest as well to private citizens and public officials, legislative and executive. The utility of this assessment of "The Status of Civil Rights in Rhode Island" will be measured by the degree to which it promotes increased dialogue and commitment to the legacy of Roger Williams -- the creation of a free and equal society in which all citizens participate.

I. EMPLOYMENT AND TRAINING

Employment discrimination based on race, religion, sex, handicap, age and national origin is illegal under Federal⁶ and State⁷ law and Providence city ordinance.⁸ These laws cover employers, labor unions and employment agencies. Illegal actions include refusal to hire, termination, and discrimination in compensation and terms and conditions of employment for the reasons stated above. Complaints of violations of the Federal laws should be directed to the U.S. Equal Employment Opportunity Commission office in Boston.⁹ If handicap discrimination is alleged, the Federal handicap discrimination law is enforced by the Office of Federal Contract Compliance Programs of the U.S. Department of Labor in Providence¹⁰ for those employers who are government contractors. The Rhode Island Commission for Human Rights¹¹ enforces the State fair employment law and the Providence city ordinance is enforced by the Providence Human Relations Commission.¹²

The mass of minorities in Rhode Island has not benefitted from the equal opportunity laws of the 1960's and 1970's. Minorities were generally poor then, and they are poor today. There is more unemployment among blacks today than 10 years ago.

So spoke James Warrick, director of the Rhode Island Commission for Human Rights, charging continued employment discrimination in Rhode Island. The unemployment rate has not only increased for minorities, it has increased for everyone, and there is now a higher unemployment rate in the State, and indeed in the Nation, than has been true for the past two decades.

The situation is all the more troublesome given the status of the labor force. Ironically, antidiscrimination laws which have removed barriers may have also encouraged greater numbers of minorities and women to enter a job market providing fewer jobs. Added pressures have developed from the success of activities which eliminated barriers to the employment of older workers and the handicapped. All of this occurred in a decade (1970 to 1980), which saw the State's economy undergo dramatic fluctuations,¹³ unemployment rise from 5.6 percent of the labor force in 1970 to a June 1980 figure of 7.3 percent.¹⁴

Mr. Warrick noted that "full participation of minorities and women in Rhode Island's economy requires a firmer commitment to affirmative action." Such a commitment, according to Warrick, "must be demonstrated by managers and administrators in their continued vigilance to implement the affirmative action plans already in place throughout the State." Warrick was particularly concerned about the failure to implement fully the Governor's executive order on affirmative action, Executive Order 19, the State's major affirmative action policy document (see appendix). He went on to say that there is an urgent need for data "on the statewide results of affirmative action programs -- data on the private and public sectors." These data are essential for comparison and a reasonable assessment of progress in either sector.

Onna Williams, the Affirmative Action Officer for the city of East Providence, presented a written proposal developed for the city which she felt could assist in overcoming the "systematic discriminatory personnel policies that tend to shut out minorities and handicapped people." The specific mechanism proposed by the East Providence plan is to add a section to the Civil Service Ordinance, which would "give the appointing authority flexibility and increased opportunity to appoint qualified employees from an eligibility list." (See appendix for the entire proposal.)

Under this "three plus three" proposal, a hiring authority would receive two lists of three candidates who had passed the Civil Service exam; one list would contain only names of members of protected classes. This would effectively double the potential candidates and facilitate affirmative action. The use of the "three plus three" provision would not be automatically invoked, but would be activated by the affirmative action officer when statistics reveal that women and/or minorities are underrepresented in the job category to be filled.

Ms. Williams stressed the fairness and feasibility of the East Providence proposal and recommended it for the entire State. Other States, including Massachusetts, have such mechanisms which apply statewide.

Discussing employment for women, Bonnie Cimino, executive director of

the Advisory Commission on Women (ACW) in Rhode Island, reported that her group received complaints about sexism in the civil service application and exam process. Said Ms. Cimino: "There are changes in the civil service system which we would like to see. We feel some of the questions on certain exams are outdated and not job related." She noted that her office continues to receive complaints "from women who go out on job interviews and are asked if they have children and how they plan to take care of them. This puts most women in an uncomfortable situation." She said that she advises the women to contact the Commission for Human Rights "to make sure employers are made aware that such questions are against the law."

Ms. Cimino also provided the SAC with her Commission's anniversary tenth annual report, which included the finding "that less than five percent of the construction industry required to meet Federal guidelines successfully met their [employment] goals [for women] during the last half of 1979." She also reported that "very few women are actively involved in unions today and when we get them in, particularly in the non-traditional fields, we have even more of an uphill battle."

Employment discrimination concerns were also expressed by the representatives speaking for the elderly and handicapped. Anna Prior, chairman of the Governor's Committee on Aging, remarked:

There is a law passed recently in Rhode Island which prohibits discrimination because of age -- up to 70. On paper, we consider that to be a milestone in civil rights. Yet there is a need to break down subtle barriers that have been built up over the years. The code which says that older workers should step aside to make way for younger ones. 15

Prior called for an amendment to the age discrimination in employment law to prohibit discrimination "at any age" (rather than the current specific limit of 70).

Handicapped persons in Rhode Island share the same problems confronted by the aged: despite the legal prohibitions against job discrimination, the employment rate among the handicapped was estimated at "only 20 percent employed either full-time or part-time." This figure, according to Robert Cooper of the Governor's Committee on Employment of the Handicapped,

reflects "that the State and Federal governments' legal programs, as such, have not been adequate in providing education and rehabilitation programs for employment and placement." In response to a question from a Committee member, Cooper stated that only 6 percent of the handicapped were not employable.

Ronald DeWillis, the employment specialist for the Rhode Island Indian Council, told the Committee that that organization has had problems establishing job training contracts with private industry or finding employment for Native Americans. The businesses should be in compliance [with the Federal regulations] but they don't seem to be complying," DeWillis observed.

In a similar vein, Ernestina Koetting of SER-Jobs for Progress spoke of the needs of minority youth with a limited command of English whom she said will face severe obstacles in the 1980s. "According to the State Division of Labor, the dropout rate for minority youth at the high school level is twice as high as for non-minority students, and, of those dropouts, 40 percent are Hispanic. The number of jobs requiring high school diplomas is rising tremendously. In 1956, 35 percent of all jobs did not require a diploma; in 1970, only 10 percent were available to those without diplomas," said Koetting.

William Shuey, director of Project Persona, stressed the fact that as many as 100,000 people in Rhode Island have "such limited ability to speak, read, or write English as to make them unemployable." He charged that not nearly enough is being done to assist these people.

Employment disparities may be symptoms of other problems. That is to say, for the aged, handicapped and non-English speaking portions of the labor force, many factors apparently outside the work place impinge upon their chances of obtaining employment commensurate with their abilities and desires. Participants indicated that attitudinal factors remain which prevent full compliance with existing regulations and law; refusal on the part of employers to undertake affirmative action, training, and education programs. However, though attitudes take time to change they can no longer be tolerated as obstacles to equal protection under the law.

Ray Rickman, executive director of the Providence Human Relations Commission, recounted a conversation he had with a factory owner in Cranston. The factory had some 50 employees when it opened in 1970, but the employer did not hire a black worker until 1974. This worker was later caught stealing and was fired. When Rickman asked if the firm had an affirmative action plan, the owner responded that he had but he had encountered a problem of stealing. Rickman asked how many whites had been caught stealing and was told of 11 such incidents. Rickman then inquired if he was still hiring white people.

II. EDUCATION

Discrimination in education is the subject of the Federal Equal Educational Opportunities Act of 1974, which prohibits State and local government from denying equal educational opportunity to students because of race, sex, or national origin.¹⁶ Title IX of the Education Amendments of 1972 prohibits sex discrimination in any educational program receiving Federal funds¹⁷ and Title VI of the Civil Rights Act of 1964 prohibits race and national origin discrimination in any programs (including educational programs) receiving Federal funds.¹⁸ In addition, Title VI has been interpreted by the U.S. Supreme Court as requiring Federally assisted school systems to provide programs for students non-proficient in English to overcome their language deficiencies.¹⁹ The Age Discrimination Act of 1975²⁰ prohibits discrimination based on age and Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against handicapped persons in any education programs receiving Federal funds.²¹ Complaints that any of the enumerated Federal laws have been violated should be directed to the U.S. Department of Education Office for Civil Rights in Boston.²²

While the Rhode Island Commission for Human Rights has no jurisdiction in the area of education, the Providence Human Relations Commission is empowered to take complaints alleging that private or public educational institutions discriminate in admissions or in the provision of educational services on the basis of race, sex, religion, marital status, age, handicap, or country of ancestral origin.²³

The pattern which developed in the comments on education paralleled those on employment: a reiteration of well-documented grievances of some groups (racial minorities and women) combined with newer concerns expressed by and for those social groups whose circumstances have only lately been recognized as meriting protection by civil rights law (the handicapped and limited English-speaking). In addition, employment issues were linked to education and several participants focused on the American public school as a cultural institution.

Surprisingly to some, the bulk of the comments on education centered

around the need for programs aimed specifically at adults. This reflected the composition of the participants, most of whom represented community groups and agencies whose constituents are primarily adults. It also reflects the changing and expanding nature of education in modern society in which the ability to gain and retain employment increasingly requires life-long education. Many workers receive such education as part of their employment, but for the unemployed, such ongoing, on-the-job training is precluded. This shuts out disproportionately larger numbers of women, elderly, handicapped, and minorities.

This is most clear in the case of the elderly, many of whom were employed for many years, then retired, but now, as Ms. Prior noted, have been forced by society back "into the market." "It is a strange commentary on the American system," noted Ms. Prior, "that hundreds and hundreds (of elderly) are told that we are eligible to do all kinds of volunteer work -- patted on the head for a job well done, but at the same time we are screened out of the same kind of work with pay." She continued, "The popular notion is to train young persons as they seem 'more needy'. We suggest that more older persons receive training for good jobs."

According to Erroll Hunt, executive director of the Urban League of Rhode Island, "Blacks still have the highest dropout rate of all minorities in the State. Those who drop out from high school do so with an increasing illiteracy rate." As was indicated in the employment section of this report, such a fact does not bode well for the future. And in addition to shortchanging black youth with regard to literacy, the schools have neglected black culture, Hunt charged.

Barbara Goldberg of Project RATE, the largest adult education academic program in Rhode Island, sketched the following portrait of the dropout problem in today's job market:

Dropouts face a job market which demands increased vocational skills and academic abilities while it simultaneously offers decreased opportunities. . . Barriers such as day care and transportation cannot be accepted as excuses which deprive our people of their constitutional right to 12 years of education. Financial status is likewise unacceptable as a criterion by which education in survival and life-coping skills is made available.

Ms. Goldberg continued, "I submit that the question is rather, can we afford to deny any longer the rights of those individuals who have been disenfranchised from the educational system?"

Balbina Young of South Providence Tutorial, which provides counseling and tutoring to students and families in South Providence, told the Committee of a fight involving three white girls and four black girls in a private school. All seven girls were expelled, according to Ms. Young, without procedural safeguards or parental conferences. According to Ms. Young, the school has no minority personnel and has a minority student enrollment of approximately five percent. Asked whether such problems were limited to a few schools, Ms. Young responded that there were problems in quite a few private schools which had been brought to her attention by black parents.

Ms. Cimino also told the Advisory Committee of several new projects being undertaken by the Governor's Advisory Commission on Women. These include projects on improving the status of women in higher education and women in daytime secondary education. Ms. Cimino expressed concern about sex discrimination, particularly in regard to vocational training. According to Ms. Cimino, whose staff is investigating the program:

High school students still seem to be directed toward sex stereotyped roles in the vocational education skills, with the exception of computer programming and computer service. The opinion of the Commission is that perhaps the reason that the computer classes are almost 50-50 is because society has not been able to sex stereotype those particular roles.

Vocational education represents an important aspect of the long-standing function of the American educational system of preparing students for the labor market.

For many persons, both education and training require the acquisition of English language skills. The process by which such acquisition takes place has become the subject of intensive debate among educators and policymakers. The consultation heard from several participants who believe that the popular current approach of "bilingual education" is inappropriate for certain segments of the population.

Ms. Goldberg, who is also involved with programs for the non-English-speaking, asserted that:

Bilingual education for adults cannot meet the needs of our diverse non-English-speaking population and to impose this ideology on adult education is to deprive whole multi-ethnic populations of their right to such education. The implications of bilingual education extend beyond the academics of communications, into vocational training, career/life planning, and employability.

In response to a question, Ms. Goldberg said that for on-English-speaking adults, English as a Second Language (ESL) was a more appropriate and cost-effective means of language skill acquisition. The questioning centered around the possible destruction of culture under such an approach. Ms. Goldberg emphasized that it is more important for "a child who has been brought up in a particular cultural environment to be able to fit into society and to be able to speak and communicate with others."

Goldberg's point of view was echoed by Jose Gonzalez of the Urban Education Center, which according to Mr. Gonzalez does "pre- and post-secondary training." Mr. Gonzalez raised the issue of "linguistic handicap" and expressed concern for "adults who are often discriminated against because of their lack of ability to communicate in the primary language of the United States -- English." Mr. Gonzalez claimed that "the rate of dropouts in secondary school is quite high but you should take a look at how many Hispanics or non-English speaking or limited English-speaking individuals stay in post-secondary or vocational schools." Mr. Gonzalez concluded:

I feel that ESL is an appropriate method of reaching a number of these people. They don't need to worry about their culture because they have their culture all around them while they're learning English, whereas children would have a loss of culture if they were to be taught only in ESL.

William Shuey of Project Persona offered an example of the problem when he described a "bookkeeper from Peru, who was considered a very good bookkeeper in his own town but could not get a job here because he could not read or write English."

Despite the apparent consensus among participants in the consultation that ESL was more appropriate in adult education, there was also a consensus that the right to maintain cultural distinctiveness for children must be protected. Mr. Gonzalez stated that it is "unreasonable to assume that you can place children in an ESL program and only teach them in English five days a week or say six hours per day. I don't think that's fair to the bilingual child."

Language is not the only barrier to a full and useful education. As Robert Cooper noted for the physically handicapped, the barriers can be structural. "The right to an appropriate free public education is not enforced in Rhode Island; not once has the Rhode Island Department of Education withheld funds or used any other sanction against a school district for not following the letter of the law."

Gerard Lobosco, executive director for the Rhode Island Developmental Disabilities Council, was even more critical of the failures to protect the rights of handicapped children. Said Lobosco:

The Federal Office of Special Education, formerly the Bureau of Education for the Handicapped, has not been effective in enforcing Federal statutory and regulatory requirements for appropriate individualized educational programs and procedural safeguards relating to disputes concerning the programs.

State and local educational agencies have contributed to delays in the provision of services by failing to resolve expeditiously questions of the division of funding and programming responsibilities. The last five years have been a period of rapid growth in both the sophistication and level of activity of legal advocacy organizations and parent groups concerned with the education rights of handicapped children. It is, thus, unlikely that continued failure to implement the clear mandate of laws such as the Education for Handicapped Children Act, will go unchallenged in political and judicial forums.

III. HOUSING

The major Federal law covering discrimination in housing is Title VIII of the Civil Rights Law of 1968, which prohibits discrimination because of race, national origin, religion, and sex in the sale or rental of most residential units.²⁴ This law is enforced by the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity in Boston.²⁵ Both the Rhode Island Commission for Human Rights and the Providence Human Relations Commission also may take complaints of housing discrimination based on marital status, age, and handicap as well as the classifications covered by the Federal law. In addition to discrimination in the sale or rental of housing, it is also illegal for financial institutions to discriminate in the provision of mortgages and for real estate brokers and agents to discriminate under Federal, State, and city laws.

We have Federal legislation on the books. We have State legislation on the books and the results [of the legislation] have not provided the degree of housing opportunity increase [one would expect]. The minorities, particularly, are more segregated in the State of Rhode Island in terms of housing than any other group.

James Warrick went on to specify that most of the complaints received by his agency "center around rental denial" and that of these cases most are cases based "on race and color, followed by sex." Mr. Warrick further specified his concerns by noting the need "to determine to what extent equal opportunity in housing is being afforded by those who receive Federal monies to construct housing in this State, with special emphasis on multi-unit apartment developments." According to Warrick there are 130 such projects in Rhode Island. Warrick also called for a review of the "real estate industry's compliance with the concept of equal opportunity and the actions they are taking to create the affirmative marketing of housing to benefit our citizens." Warwick noted that although his agency is mandated to enforce the State's antidiscrimination in housing law, he has no staff to carry out the mandate.

Wilbert Fleming, Manager of the Chad Brown Housing Project in

Providence, echoed Mr. Warrick's concern about the failure to enforce or monitor Federal guidelines. Mr. Fleming noted that the Federal funding for Chad Brown included specific goals for obtaining a social and economic mix, which "did not materialize because of the lack of monitoring by the Federal Government and the Providence Department of Housing heads."

According to Mr. Fleming, during 1976 and 1977 some \$3.2 million were allocated to Chad Brown, including \$595,000 for "social services designed to promote social change and economic mobility." Mr. Fleming noted that there were "13 residents employed by the project in 1977," but when the funding ended, "they all went back to welfare. There was no upward progress from the \$3.2 million to change the economic situation in the Chad Brown Housing Project." Mr. Fleming concluded that "public housing projects cannot operate without a real social and economic mix."

Debra Gomez, housing specialist for the Rhode Island Indian Council, questioned the procedures used to fill available space in public housing. She charged that "many Native Americans have been on the public housing waiting list for years, but they never get to their names. There is apparently no way to monitor the rental placements or the waiting list." Ms. Gomez noted that "there should be some way for persons to find out whether or not they are really moving up the ladder." Ms. Gomez also alleged that she had been told by "a public housing official in East Providence" that there was one slot for a Native American."

Al Sisti, a retired steel worker, summarized the housing issue and provided a telling example of a particular deficiency in the administrative procedures he encountered:

When it comes to housing...we do know there's a growing problem of discrimination in public housing when it comes to the elderly, Spanish-speaking, Indian and right on down the line. I work with the Hartford Park Housing Project and when we try to [get them to work with the Spanish-speaking] we find no bilingual person on staff.

Erroll Hunt, executive director of the Urban League, expressed concern about a pattern developing in previously neglected areas of low-income minority neighborhoods: "a pattern of developing new projects for

non-minority purchasers and developers" at a time when "a black homeowner cannot get home improvement loans because of the fact that he or she is considered to be a bad risk." This pattern of "gentrification" is resulting in the displacement of low- and moderate- income minority families from inner city neighborhoods across the country.

Mr. Hunt's concerns combine with those of Mr. Warrick, Ms. Gomez and Mr. Fleming to establish the complexity of the problem of housing opportunities for low-income and/or minority persons. On the one hand, there is a need for socio-economic mix in housing projects. On the other hand, there appears to be some movement into "once neglected areas" by upper-income persons, generally displacing lower-income minorities. These transitions cannot be equated with the "mix" discussed by Mr. Fleming.

Warrick noted that "single woman heads of household are suffering from [housing] discrimination" in Rhode Island and Leslie Richardson, of the Women's Resource Center of Wood River and the Rhode Island Council on Domestic Violence, noted that "currently in Rhode Island, a woman with children has no protection under the law from landlords who refuse to rent apartments to families with children." The Committee heard similar comments from Ms. Gomez and Ms. Cimino.

Robert Cooper reported a finding by the Mayor's Advisory Commission on the Handicapped that one of the most pressing problems for handicapped persons is the lack of adequate, accessible, and affordable housing.

At present, the handicapped person on a fixed/low-income with children has no place to live. That person, whether physically, mentally, or emotionally handicapped, wants to raise their children in an integrated world, not in a government-constructed ghetto for the handicapped and elderly.

The severely handicapped person, in need of some "independent living" support services cannot, for the most part, find a facility within Rhode Island to live in. Group homes for the mentally, emotionally, or physically handicapped run into serious neighborhood opposition.

The government needs to put less effort into the construction of ghettos and more into the construction/renovation of scattered sites and greater options ranging from family dwellings to single apartments, totally independent locations, facilities that provide a great deal of "alarm clock" support services.

Here again we see not only the need for housing but a call for an appropriate "mix," echoing Mr. Fleming's comments.

IV. ADMINISTRATION OF JUSTICE

Persons who believe that they are the victims of police abuse may bring a suit for damages in Federal court charging the police with deprivation of rights provided by the Constitution.²⁶ They may also file a complaint with the Providence office of the Federal Bureau of Investigation²⁷ or with the local police department.

By far one of the most consistent concerns expressed by participants at the consultation was police practices, particularly the excessive use of force by police officers. The concern was expressed by the first speaker, James Warrick, who remarked that there appears to be an increasing disregard by police for the physical safety of members of minority groups during arrest and incarceration. "This fosters," according to Warrick, "considerable antagonism in our [minority] communities and generates intense resentment and conflict."

This issue was addressed by Steven Kohn of the American Civil Liberties Union who provided the Committee with a copy of a report he prepared on the 107 alleged cases of police abuse filed with the Providence Police Department. The report charged, "Certain patterns continually come up." Kohn presented the following example of one of the complaints filed by a man charging abuse.

Mr. X, a black male, with no former criminal record, charged police with excessive force, verbal abuse, discrimination, destruction of property, and false arrest. Mr. X had returned from work. While entering his home, he engaged in a brief conversation with an off-duty police officer who accused Mr. X of casing houses in a white neighborhood. While talking with this officer, Mr. X was surrounded by approximately ten Providence police officers who had arrived on the scene. Mr. X described what followed:

"I was told to put my hands against the police car. I followed this order, as I followed every order given to me by the police. Suddenly I was struck very hard across my shoulder blades with a night stick or flashlight. I was tightly handcuffed, which cut off the blood circulation to my hands and cut my wrists. I turned my head to see who hit me, when an officer ran up to me and struck me in the face. The officer said, "Nigger when a policeman tells you to do something, you do it." At this point approximately four officers proceeded to beat me, mostly across the back and occasional blows to the

head. The officer who initiated the beatings continually stated, "Nigger, when a policeman tells you to do something, you do it." I was thrown forcefully against the paddy wagon, and beaten again. While in the wagon, I was hit again. At no time did I orally or physically provoke this attack or offer any form of resistance. I was released at approximately 7:30 p.m. (Mr. X was never charged with any crime) and it was found that my car had been towed. My car was legally parked at the parking lot in which I rent space. My car was entered into without a warrant. My front and rear seats were cut apart, my lighter and pipe cleaner were missing."

According to Kohn, "The majority of the 107 complainants are black and are law-abiding citizens who have no crime record." Kohn further charged that the internal review system of the Providence Police Department is next to meaningless; that the Providence police use excessive force as a means of criminal control; and that the State law which provides for detention without charge for up to two hours has been misused and abused. He concluded that police abuse increases crime and corrodes police-community relations.

Rev. Janet Aquavella of the Capital Hill Interaction Council also spoke to the Committee about "the abusive behavior of police officers." Rev. Aquavella stressed that her organization is a multi-service agency that does not concentrate on these matters, but they came to her attention as an outgrowth of her organization's community involvement. She stated that in most cases racial tensions gave rise to the abusive actions directed against minority victims by white police officers. According to Rev. Aquavella, an officer may take out frustrations caused by the perceived breakdown of the criminal justice system on an innocent person who "may end up hating the police for the rest of his or her life." She also called for a civilian review board to review complaints against police officers and for more effective supervision of officers.

Ben Washington, director of Challenge House, Inc., a half-way house for ex-offenders, provided the following example of the institutional and legal problems Challenge House confronts:

We had an individual who was trying to make a successful readjustment. He was employed full-time and was a part-time college student...We were trying to get him employed at the postal service, but just because he was a convicted felon he

wasn't even allowed to fill out an application, and I think this was an injustice to him and a form of discrimination. He didn't kill anybody, he didn't rape anybody, and he had served his time, and he should have been allowed to at least take the exam for that particular job.

To Mr. Washington this was a double-penalty: "A system which institutionalizes persons convicted of crimes and then continues to punish them after deinstitutionalization." He urged that ex-offenders who have been rehabilitated and who were not incarcerated for violent crimes be eligible for civil service employment.

V. SEX DISCRIMINATION

The Advisory Committee was informed of a wide variety of discrimination perpetrated against women. Earlier in this report it was noted that women confront discrimination in employment, in education and training, and in housing. Society has only recently begun to come to grips with other problems of special concern to women, frequently violence-related.

Jodi Glass of Women Against Violence Against Women (WAVAW) began her comments by recounting the origin of her organization:

In 1976, a billboard advertisement for the "Rolling Stones" record, *Black and Blue*, was put on Sunset Boulevard, in Los Angeles. This ad pictured a woman sitting with legs apart on top of a record album which had four male faces on it. The woman's hands are tied above her head, and she is beaten and bruised. The copy reads, "I'm black and blue from the Rolling Stones and I love it."

Feminists from the area gathered at the foot of the billboard and held a press conference. They demanded that the advertisement be removed, on the grounds that this ad campaign promoted acceptance and even encouragement of violence against women. In addition, this ad helped perpetuate the myth that women seek out and enjoy pain. Within 32 hours the billboard was removed. Following this incident, Women Against Violence Against Women was born.

The first major action was a nationwide boycott of approximately 120 record albums, with covers promoting violence against women. Three years after the boycott began Women Against Violence Against Women announced that Warner Communications, Inc., had agreed to cease and desist with the use of images of violence against women and sex-violence as an advertising gimmick.

The incident which led to the creation of the organization makes clear that practices which are either directly or indirectly harmful to women abound in media practices often taken for granted by those who control the media and by those at whom media efforts are directed. The incident also indicates the effectiveness of organized action. Researchers, according to Ms. Glass, are "finding solid evidence that certain types of sex-violence in media is responsible for attitudinal and behavior changes that result in increased aggression by men towards women."

Leslie Richardson of the Women's Resource Center and the Rhode Island Council on Domestic Violence discussed the critical problem of spouse abuse. Last year "[Center] hotlines in the State received over 9,200 calls from battered women, and the centers housed 416 women and their 549 children." National statistics are all the more shocking. According to Ms. Richardson, "the FBI has estimated that a woman is beaten somewhere in the United States every 18 seconds. Forty-one percent of the women murdered in this country are killed by their husbands. The FBI calls woman-beating the most frequent, yet least reported crime in America."

Ms. Richardson perceives in these statistics a basic civil rights issue, "that is, an issue of discrimination and unequal access." She spoke of the physical and psychological isolation of victims of domestic violence. Beyond these factors, however:

Economic inequity is another haunting reality for the majority of battered women. Our society does not value the work of the women in the home; the majority of women who work in the home must depend upon their husbands' incomes for support. For a battered woman in this situation, asking for money for groceries or shoes for the children can be a treacherous undertaking. The insecurity which faces most battered women because they have no money or no access to the family's money is only compounded by welfare regulations which include their husbands' incomes in the calculations to determine their eligibility for public assistance. Unless there can be created some equitable, reasonable, and realistic method of dealing with this situation, many women will be forced to remain in what are often life-threatening situations.

The problems victims have obtaining housing are related to these economic matters. Beyond housing needs, economic vulnerability is often complicated by the fact that, according to Ms. Richardson, "day-care facilities which are affordable and reliable are rare in Rhode Island and those which exist have prohibitively long waiting lists."

Finally, Ms. Richardson offered an analysis of a general social trend which is having an effect on the life chances of women in American society:

There is a strong movement in this country to revert to a definition of the family as the "traditional nuclear family" -- father working outside the home, mother maintaining the home and raising the 2.3 children. This is a powerful image, but we need to recognize that it is also a false image. Only 15.9

percent of American households are comprised of what we think of as the traditional family unit. So when we design public policy to address the needs of families, we need to make sure that those needs are of the family in all of its diversity and variety of forms.

For Ms. Richardson, the general social pressure, translated into certain policies, to maintain the "myth of the traditional family" can often be "dangerous and frequently life-threatening to many women and children. Only by creating public policy which does not impose this cruel stereotype can we hope to solve the long-term problems of victims of domestic violence."

In addition to the specific concerns of Ms. Glass and Ms. Richardson, Ms. Cimino of the Governor's Commission on Women also emphasized the need for a "stronger child support procedure so that once a case is settled and the parent is granted support, that amount of money be paid to the parent." And in another issue which pertains singularly to women, Ms. Cimino indicated that though maternity benefits had recently been raised from \$50 to \$500, "this payment, in fact, is insubstantial because it does discriminate against women" by not accepting and treating pregnancy-related disabilities as payment for "an illness as the law states it should be."

VI. AGE

Several participants spoke specifically concerning civil rights developments affecting the aged. Elizabeth Jutras of the Rhode Island Department of Elderly Affairs recounted the findings of a major study of age discrimination undertaken by the U.S. Commission on Civil Rights in 1977. That study, mandated by the Age Discrimination Act of 1975,²⁸ concluded that:

- 1) Barriers have been erected by both public and private administrators between persons falling within particular age groups -- especially children and older persons -- and services which are financed in whole or in part by the Federal Government.
- 2) Erection of these barriers has had and is having a serious adverse impact on the lives of children and older persons who need these services. It is a depersonalized approach which is in direct conflict with the concept of dignity and worth of the individual.²⁹

Ms. Jutras reported that she had reviewed several Federal programs including: the Food Stamp Program, Community Mental Health Centers, Legal Services programs, Basic Vocational Rehabilitation Services Program, Community Health Centers, Social Services to individuals and families, Title XX, CETA, Medicaid, and the State Vocational Educational Basic Grant Program. She found that:

These programs had no basic age eligibility built in when enacted or established, but in some instances, age was used as a criterion for screening out older persons. This was done by administrators at the local level who cited the scarcity of resources as the reasons for using age as a factor in eligibility.

The Age Discrimination Act of 1975 provides that "No person in the United States shall on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

I have followed with great interest as each Federal Department or agency has published their regulations in the *Federal Register*. These regulations obviously represent a great deal of staff time and legal knowledge. However, I do not see any change in programming. No law or regulation is any stronger than its enforcement. And I must go along with James Warrick that the laws are not being enforced.

Anna Prior of the Governor's Committee on Aging noted that:

The Social Security System is facing a financial crisis of significant proportions. We feel that it should not be solved at the expense of the older population. There are those in pre-retirement years who fear that the Government will not pay the full benefits which have been promised and have been paid for. Such cuts have been discussed. We label such proposed changes as discriminatory. In private business the contract for insurance endures for the life of the contract. The government should not do less.

The elderly are not the only "age group" whose rights were discussed during the consultation. Mary Davy, President of the Rhode Island Children's Rights Coalition, stated:

We are very concerned that the children are being tossed aside. It's so easy, they're so small. We push them aside in an institution or in a foster home and forget their needs. We are very concerned that every child have a right to a continuous, consistent relationship with a caring adult in a secure, nurturing setting. And our children in need are usually children who do not have this. We must live up to our obligations and encourage the State to try to make this available to them.

Ms. Davy further emphasized that "one of the very severe problems in Rhode Island is the needs of our adolescents." Ms. Davy further noted that:

Some 18 percent of our State's population is between the ages of 10 and 19, but 50 percent of the cases that are referred to the Department of Children...This is a group that really has grown [because] of our negligence. Of the 79 deaths in this State between the ages of 10 and 19 in 1975, 10 of them were suicide. In New England 48 percent of all births to unmarried women are to young women under the age of 20, and of the 3,200 abortions in 1976, one third of them were to women under the age of 19. We've neglected this area of our population. I'm trying to say to you today that every child has rights and we have not been paying attention to them.

John Regan, Program Administrator of Junction Human Service Corporation, a drug and alcohol rehabilitation center, noted a problem which confronts adolescents seeking treatment or counseling for illegal substance abuse:

According to the laws of Rhode Island, parental consent is still required to treat someone who is a minor by law. We're the only State or one of two States not to administer treatment to children down to the age of 12 or 13. We're not advising

undermining the family structure. What we're trying to do is open the doors for young adolescents who have problems, especially drug abuse and alcohol problems. We would like to see 15- 14- and 13-year olds be able to use outpatient and/or ambulatory service and be treated or have the right to be treated without parental consent. We would like to see some movement in that area. We feel that it's an adolescent's civil rights to be able to walk into a clinic and receive treatment.

VII. HANDICAPPED

As we have noted elsewhere in this report, the handicapped experience many of the problems experienced by other Americans -- in housing, employment, or educational opportunity. The civil rights of the handicapped and disabled is at present an emerging area. Although there have always been persons with physical disabilities, only recently has their condition begun to command the attention of our society and social policymakers.

There are at present several Federal and State statutes which prohibit discrimination against the handicapped as well as mandate barrier-free construction and provisions for the blind and hearing-impaired.³⁰ A paper prepared by the American Civil Liberties Union provides a brief and useful account of the emerging civil rights issues in this area:

The American public policy toward handicapped people has in the past been paternalistic and ostensibly directed toward providing humane care for those persons. One legal writer has commented that the intention was to allow handicapped persons "to live in seclusion and with as little pain or discomfort as possible." While Federal and State legislation provided programs to rehabilitate handicapped persons for employment, the power and resources of government were rarely marshalled to protect them from discrimination.

Handicapped persons were trained for various jobs and professions but have found little support from government when they encountered bias in the job market, inaccessible work places and public transportation systems, or exclusion from advanced educational and training programs. Even with the enlistment of civil rights protection authorities in the handicapped rights cause in the 1970s, the old attitudes remained deeply entrenched. One Federal judge, as late as 1976, interpreted a major handicapped civil rights provision (Section 504 of the Rehabilitation Act of 1973) as merely "precatory," a legal term meaning to entreat, request, or recommend, in contrast to directing or commanding. Indeed, the major shift in policy has been an end to the old beseeching and pleading by and on behalf of handicapped persons and the beginning of assertive advocacy in the implementation of civil rights.³¹

Robert Cooper speaking for the Governor's Committee on Employment of the Handicapped, the Rhode Island Handicapped Action Committee, the Rhode

Island Coalition for Equality of the Disabled, and the Mayor's Advisory Commission on the Handicapped from the city of Warwick, discussed the broad spectrum of handicap discrimination issues.

According to Mr. Cooper, "The most basic of civil rights is the right to vote," and handicapped persons are disenfranchised in various indirect ways. The most basic problem is the physical accessibility of polling places. Persons unable to gain access to polling places are allowed to use mail-in ballots, but said Cooper:

You have to get a ballot back to the State Board of Canvassers by noontime on the day of the election... If it does not reach the Board by the appointed time, whether it was mailed three weeks in advance, you lose your right to vote until the next election. If the polls were made accessible to the handicapped, this would eliminate a large part of the problem.

Mr. Cooper noted an alternative solution: that each voting station have mail-in ballots on hand so that even if the polls are not accessible, an official could come out and hand a ballot to a handicapped person who can get transportation to the polls. This is done in some parts of the country.

With respect to public transportation, Mr. Cooper charged that:

The Rhode Island Public Transit Authority (RIPTA) has deliberately set out to deny access to public transportation to the 11,365 Rhode Islanders that use walkers to move about. They have decided to restrict the ridership of another 11,300 Rhode Islanders in wheel chairs. It is no wonder that only 20 percent of the handicapped are working, since there is a deliberate policy on the part of the agency of State Government to undermine every attempt on the part of the handicapped person to find a means to go to work.

Mr. Cooper also noted that the Rhode Island Coalition for Equality of the Disabled "is working for the enactment of a comprehensive human rights act for the disabled in Rhode Island and for an amendment to the Civil Rights Act of 1964 that would include the disabled."

David Boaz, president of the Mental Health Association of Rhode Island, noted three perspectives for thinking of civil rights for the mentally ill: "the right to due process, the right to treatment and the right to live a normal life after treatment." He observed:

In the seventies the major issues facing advocates for the civil rights of the mentally ill were focused in the area of appropriate protections against abuse and clarification of commitment procedures. In the eighties we face a deinstitutionalized population of vulnerable, stigmatized individuals who are in need of assistance in maintaining their civil rights in all aspects of daily living.

Mechanisms to provide special safeguards for the civil rights of the mentally ill in community living areas such as education, employment, housing, etc., are not keeping pace with deinstitutionalization. There are Federal guidelines in these areas contained in the Rehabilitation Act which apply only when employers receive substantial Federal funds. The offices charged with monitoring these guidelines are located in Boston, and for the mentally ill there are no local administrative mechanisms to intercede and assist with the Federal appeal process.

The Rhode Island Commission for Human Rights' mandate includes handicapped people, which in Federal language includes the mentally ill, but the Rhode Island legislature specified that its intended services are to be provided for the physically handicapped only. In the one instance where discrimination complaint services are offered, the Providence Human Relations Committee, they have not been accessed by mental health consumers. This is most likely due to a lack of community outreach.

Gerard Lobosco, executive director for the Rhode Island Developmental Disabilities Council, addressed a similar issue when he noted the "inappropriate and unnecessary institutionalization of developmentally disabled residents of Rhode Island." According to Mr. Lobosco:

At present 250 to 300 of the 600 residents of Ladd Center, a State institution for mentally retarded persons, have been identified as ready for placement in communities around the State; they remain at Ladd only because the State and local governments have failed to develop adequate alternatives, group homes, supervised apartments, etc. We have an institutional system identified as outdated and ineffective at the beginning of the last decade.

In the face of abundant evidence that even severely disabled individuals can benefit from educational, rehabilitative, and support services delivered in less restrictive settings, the continued maintenance of segregated facilities, such as Ladd Center, constitutes a major violation of the disabled individuals' freedom from unnecessary government intrusion and to equal protection under the law.

And echoing Mr. Boaz's assessment, Mr. Lobosco concluded:

Other issues which developed more slowly during the 1970s can be expected to experience more rapid growth in the next few years. Such "second generation" issues as employment discrimination, access to public buildings, access to public transportation systems, and freedom from unnecessary guardianship will come under increasing scrutiny as more and more disabled persons leave isolated institutions, achieve better educations, and enter the life of communities. It is difficult, of course, to predict what the limits of progress will be, but the legal foundation for significant change has been laid by court decisions and statutory reform over the past decade, and the momentum for continued development can be expected to increase.

VIII. RELIGIOUS DIVERSITY

In April 1977, the U.S. Commission on Civil Rights held a consultation on religious discrimination and, according to Commission Chairman Flemming, the two-day consultation was "concerned with those acts which deprive individuals of certain rights because of their religious beliefs and practices, rights which are part of the equal protection and due process clauses of the 14th Amendment to the Constitution." The Commission limited its concerns to employment and the administration of justice and heard from representatives of Seventh Day Adventists, Scientologists, Black Muslims, Native Americans, Humanists, Jews, and Catholics.

To most Americans, Rhode Island and religious tolerance have long been synonymous. Roger Williams founded Rhode Island as a reaction to the intolerant Puritanism of Massachusetts, and the 17th century saw a variety of religions as well as free-thinkers flourish in Rhode Island. This diversity continues to the present day but there is an increasing concern with what the Rev. Paul Gillespie termed "the growing intolerance of diversity." Rev. Gillespie, representing the Rhode Island Council of Churches, was one of two Rhode Island consultation participants who addressed religious issues. He asserted that:

The close identification of organized religious groups with the... "new right" bodes ill for the civil rights of children, women, blacks, other minorities, those living in decaying urban settings, poor women seeking to terminate a problem pregnancy, even the public schools and State universities and colleges. We seem to be evidencing a growing intolerance for diversity in our society, whether it is intolerance for religious sect groups outside our established religious traditions or lack of tolerance for those who order their lifestyles or express a sexual orientation that offends our beliefs and values.

Rev. Gillespie also indicated his concern over the entry of "fundamentalist religious" groups in partisan politics, targeting public officials for defeat because of their views on subjects where there is not social or religious consensus. He warned that people are looking for simple answers to complex questions which may lead to scapegoating. The phenomenon of bigotry by a religious group or groups directed against another religious (or non-religious group) is not unusual. From time to time, acts of discrimination and violence have been perpetrated in the name of religion.

But when they have occurred, they were violative of the spirit of America and now of its laws. It was in August 1790 that George Washington in his letter to the Hebrew Congregation of Newport, Rhode Island wrote:

The citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy; a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support.

Exactly 190 years later Elliot Cohan, executive director of the Jewish Federation of Rhode Island, observed:

Although anti-Semitic incidents continued to plague some local Jewish communities during the past year, they have raised no doubts about the basic security of Jews as a group in the American society. Most Americans continue to reject overt forms of anti-Semitic activity. Steady progress is being made in the fight against religious discrimination in employment, housing and educational opportunities. We regard the social climate in our country as inhospitable to anti-Semitism and perceive no likelihood of its imminent eruption on any considerable level.

Cohan went on to acknowledge "that anti-Semitism is latent in a substantial part of the population" and that our society is susceptible to outbreaks of anti-Jewish hostility under pressures of adverse economic or political conditions.

According to Cohan:

Manifestations of organized anti-Semitism were somewhat more numerous than in the year before and were somewhat more often marked by violence or incipient violence. On the whole, however, organized anti-Semitism remained at a low level of incidence and import.

Concern was also expressed by Cohan for the growing activity of organized hate groups -- the American Nazis and the Ku Klux Klan -- but he felt that the publicity given to them was out of all proportion to their

numbers or importance. Cohan explained that Jewish community relations agencies will continue to monitor all incidents of vandalism and will work with the police to achieve more effective protection of property. He concluded that "we shall continue to join with others of like conviction to increase understanding among the public at large that individuals, organizations or movements equating a specific doctrine with Americanism are a threat to the important process of increasing interreligious harmony."

IX. POLICY IMPLICATIONS

In attempting to review and evaluate the information presented to the Rhode Island Advisory Committee to the U.S. Commission on Civil Rights at its consultation, it became clear that several concerns recurred throughout the day. It is important to keep in mind that these concerns do not necessarily represent documented facts but are the opinions of the participants. Nonetheless, these recurring concerns of the consultation participants suggest certain courses of action. The Committee has discerned three major themes which might be usefully pursued by concerned groups and individuals.

I. Enforcement

The first theme which ran through the comments of many speakers was stated initially by James Warrick, executive director of the Rhode Island Commission on Human Rights. Mr. Warrick asserted that legislation and regulations existed which protected the rights of citizens in the areas of housing and employment, but they were either not being implemented or not adequately enforced. Similar assertions were made regarding discrimination in other areas as well.

These are serious assertions, assertions which require investigation to document and possibly action to correct. The Committee believes that such investigation is necessary and has formed a subcommittee to explore this issue. At the national level, the U.S. Commission on Civil Rights has undertaken such studies since 1970.

A. Data

A related theme which the Committee heard, concerned the deficiency of available demographic and economic data to evaluate programs currently in force and to assess the need for possible new remedies. This theme, too, requires more in-depth followup, and the Advisory Committee is considering a series of meetings with public officials as well as concerned members of the community to obtain a more complete picture of data needs.

B. Resources

The alleged disparity between the funding of agencies charged with enforcing civil rights laws in Rhode Island and changes in their mandates was still another theme of the consultation. The Rhode Island Commission for Human Rights and the Providence Human Relations Commission have experienced increases in their mandates without commensurate increases in their budgets or staffs. The Committee intends to look into this matter and make recommendations to the appropriate branches of government.

II. Police

Another major theme addressed by several participants during the consultation was concern for the performance and composition of the Providence Police Department. Some rather serious charges were made during the consultation which the Committee believes should be investigated and resolved. Since the consultation was held changes have taken place in the Providence Police Department. The Committee endorses neither the charges nor the changes. It has established a subcommittee to followup on this theme and interview community members, Providence Police officials, City Council members, and relevant Federal officials.

Although the Committee is not in a position at this time to make specific recommendations, it does believe the following recommendations of the U.S. Commission on Civil Rights' statement on "Police Practices and the Preservation of Civil Rights," issued July 9 1980, are particularly noteworthy:

1. The Federal Bureau of Investigation be directed to collect, compile and make available statistics and information regarding assaults on and shootings of civilians by law enforcement officers. This data should be reported and analyzed by city, circumstances and characteristics of parties involved.
2. [The Congress should] enact legislation specifically authorizing civil actions by the Attorney General against appropriate government and police department officials to enjoin proven patterns and practices of misconduct in a given department.
3. [Local] law enforcement officials [should] work toward developing a police force that is reflective of the racial and

ethnic composition of the community it serves, including persons who can speak the major languages spoken in the community.

The Rhode Island Advisory Committee believes that even the slightest suspicion of misconduct by the police undermines their effectiveness and creates the potential for future outbreaks of violence such as occurred in Miami.

The themes treated here are matters which the Advisory Committee intends to address through its programs of study. However, many other questions were raised during the course of the consultation which require attention by public officials and the public at large. It is our hope that concerned citizens, public and private, will persevere in the struggle to end discrimination against minorities, women, the aged, and the handicapped in employment, housing education, and the administration of justice. The Advisory Committee will continue its effort to obtain input from knowledgeable persons on the status of civil rights in Rhode Island and will continue to evaluate its programs in accord with such input.

AFTERWORD

Several developments have taken place in the State since the consultation which are of importance and should be noted:

I. Rhode Island Advisory Commission for Minority Affairs

On April 15, 1981, Governor J. Joseph Garrahy issued Governor's Executive Order No. 81-5, which formed the Rhode Island Advisory Commission for Minority Affairs (see appendix for the text of the order). This Commission is to be comprised of the Director of the Department of Community Affairs, ex-officio; the Executive Director of the Commission for Human Rights, ex-officio; the Administrator of State Equal Opportunity Programs, ex-officio; and seven other members from the public who shall be appointed by the Governor and who shall have experience and/or interest in one or more aspects of minority affairs.

While the Advisory Committee lauds the Order's preamble that "there are concerns common to persons from the State's minority community which ought to be addressed by the citizenry as a whole through their elected officials," the Committee offers the following suggestions: that the process of filling the seven public positions includes comprehensive input from the affected communities and that the recommendations which flow from the body be given full and public disclosure.

II. State Data Center Program

A State Data Center Program (SDC) has been created as part of the joint statistical agreement between the U.S. Bureau of the Census and the State of Rhode Island. As formulated, the SDC will include the Rhode Island Statewide Planning Program, the Rhode Island Department of Library Services, the Social Science Data Center of the Department of Sociology at Brown University, Rhode Island Health Services Research, Inc., and the State Department of Community Affairs.

The center and this core group will be responsible for maintaining inventories of census-related data files, publications, maps, and computer software. In addition the SDC will be responsible for training and technical assistance to users throughout the State, and preparation of indicators and general analyses of demographic and economic characteristics of the State's population.

The Advisory Committee urges the SDC and its core group to pursue actively relationships with various civil rights related agencies within and outside government. These relationships should include dissemination of information on available data and training in the use of data for program development and evaluation. The formation of the SDC seems to be a step toward resolving one of the recurring themes (lack of data) expressed by participants in the consultation, and the Committee hopes that the Center will be attentive to this need for efficient distribution and analysis of data.

III. Providence Police Department

On May 8, 1981 Colonel Anthony J. Mancuso was appointed Chief of Police for Providence. The same day, he and Commissioner of Safety Sanford H. Gorodetsky issued a general order on the use of force by Providence Police. This general order included a review of Rhode Island law and Providence Police Department Rules and Regulations. Colonel Mancuso's order augments the State's "fleeing felon" law and offers the following specific standards of reasonableness for the use of fatal force:

1. That the crime in question is a violent felony, as opposed to a lesser grade of offense.
2. That the severity of the situation demands the apprehension of the offender as rapidly as possible.
3. That all other reasonable avenues of apprehension have, in fact, been exhausted.

4. That the offender has been given every reasonable opportunity to surrender himself or herself, and by his or her continued fleeing from justice or other substantial form of resistance, have given the officer only the options of using force dangerous to human life or to allow a violent offender to remain at large.

5. No action may be taken which will, in and of itself, place the life of a police officer or other person, at unnecessary hazard, either by the use of force dangerous to human life, or by the lack of such action where such action was demanded by the totality of the circumstances.

6. No member of this department will utilize a firearm for the purpose of firing a "warning shot."³²

IV. The Rhode Island Commission on Human Rights and the Providence Human Relations Commission

As was noted in the text of this summary and in the final section on policy implications, changes in the mandates of the Rhode Island Commission on Human Rights and the Providence Human Relations Commission are not always met with increases in staff or budget. This is a matter of grave concern to the Advisory Committee, particularly to the extent that such disparities may inhibit the ability of either agency to enforce the applicable laws. Several developments since the consultation have heightened these concerns.

Both agencies have been affected by cutbacks in Federal funding, particularly in the area of enforcement of anti-discrimination regulations in housing. Both agencies will suffer cuts and lose staff which, according to an agency official, will "diminish the quality and level of service being provided and are likely to have a disproportionately detrimental effect on those in greatest need of services and protection."³³

The Advisory Committee urges the executive and legislative leadership to consider alternative sources of funding to ameliorate the potentially disproportionate effects of the cuts on protected classes of citizens in Rhode Island.

FOOTNOTES

1. U.S. Department of Commerce, Bureau of the Census, *Census of Population and Housing, 1980, Final Population and Housing Unit Counts* (Advance Reports), *Rhode Island*, PHC80-V-41, Table 1, page 4, 1980. Though details are as yet unavailable, the bulk of this decline is probably the result of the loss of military personnel during the decade.
2. *Ibid.*, *General Population Characteristics: Rhode Island*.
3. U.S. Department of Commerce, Bureau of the Census, *Statistical Abstracts*, 1979, Table 44, p. 38. "Foreign stock" means those persons who have at least one parent not born in the U.S. The National foreign stock percentage for 1970 was 16.5 percent.
4. Governor's Committee on Employment of the Handicapped, *Rhode Island Census of Disabled Persons*. This survey was a 20 percent random-cluster survey of Rhode Island households and used the following statutory definition: any person who "(a) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (b) has a record of such an impairment, or (c) is regarded as having such an impairment." [29 U.S.C.A.S. 706(7B) (Supp. 1981)].
5. U.S. Commission on Civil Rights, *Affirmative Action in the 1980s: Dismantling the Process of Discrimination* (1981), p.35.
6. Some of the major Federal laws prohibiting discrimination in employment are Title VII of the Civil Rights Act of 1964 [42 U.S.C.A. 2000e et seq. (1974 and 1980 supp)] Equal Pay Act of 1963 [29 U.S.C.A. 206(d) (1978)], Section 503 of the Rehabilitation Act of 1973 [29 U.S.C.A. 793 (1975 and 1981 supp)], Age Discrimination in Employment Act of 1967 [29 U.S.C.A.621 (1975 and 1981 supp.)].

7. Rhode Island Fair Employment Practices Act 28, Rhode Island General Laws sec. 5 *et seq.*
8. City of Providence Ordinance, Ord. 1979, Chapter 79-1 sec. 1 *et seq.*, (1-22-79), amending Ord. 543, Chapter 1570 (9-23-63).
9. U.S. Equal Employment Opportunity Commission
150 Causeway Street
Suite 1000
Boston, Massachusetts 02114 (617) 223-4535
10. Office of Federal Contract Compliance Programs
U.S. Department of Labor
Mason Building
169 Weybasset Street
Providence, Rhode Island 02903 (401) 838-4641
11. Rhode Island Commission for Human Rights
334 Westminster Mall
Providence, Rhode Island 02903 (401) 277-266;
12. Providence Human Relations Commission
40 Fountain Street
Providence, Rhode Island 02903 (401) 421-3708
13. For detailed analyses see "Rhode Island Economic Trends," published annually by the Rhode Island Department of Economic Development.
14. Rhode Island Statewide Planning Program, Rhode Island Department of Administration, *Annual Report: Fiscal Year 1980* (Table C-10, p. 118).
15. 1980 Rhode Island Laws, Chapter 245.
16. 20 U.S.C.A. sec. 1701 *et seq.* (1978 and 1981 supp.).

17. 20 U.S.C.A. sec. 1681, 1684 (1978 and 1981 supp.).

18. 42 U.S.C.A. sec. 2000d (1974 and 1980 supp.).

19. *Lau v. Nichols*, 414 U.S. 563 (1974).

20. 42 U.S.C.A. 6101 *et seq.* (1977 and 1980 supp.)

21. 29 U.S.C.A. 794 (1975 and 1980 supp.)

22. U.S. Department of Education
Office for Civil Rights
140 Federal Street, 14th Floor
Boston, Massachusetts 02110 (617) 223-4282

Complaints pertaining to the Equal Educational Opportunities Act of 1974 are handled by the U.S. Department of Justice.

23. Ord. 1979. Chapter 1 S. 6 (1-22-79).

24. 42 U.S.C.A. 3601 *et seq.* (1977 and 1980 supp.).

25. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
John F. Kennedy Building, Room 510
Boston, Massachusetts 02203 (617) 223-4317

26. Civil Rights Act of 1971, 42 U.S.C.A., 1983 (1974 and 1980).

27. U.S. Department of Justice
Federal Bureau of Investigation
210 P.O. Annex
Providence, Rhode Island (401) 272-8310

28. 42 U.S.C.A. A6101 *et seq.* (1977 and 1980 supp.) Other laws prohibiting discrimination on the basis of age are cited in previous chapters.

29. U.S. Commission on Civil Rights, Letter of transmittal for *The Age of Discrimination Study*, December 1977, p. III.
30. The major laws prohibiting discrimination against the handicapped in education, employment, and housing are cited earlier in this report.
31. Kent Hull, "Rights of the Physically Disabled" (discussion paper prepared for Biennial Conference of the American Civil Liberties Union, Mount Vernon College, Washington, D.C., June 16-19, 1979).
32. Providence Police Department, General Order No. 22, Series of 1981 (May 8, 1981).
33. Jack Berman, Providence Human Relations Commission, staff interview, April 14, 1981.

DIRECTORY OF CIVIL RIGHTS AGENCIES

This directory lists the civil rights-related organizations which responded to the Advisory Committee's questionnaire of August 1980. Organizations which participated in the consultation are indicated by an asterisk (*).

The directory is organized to provide citizens of Rhode Island with information on organizations whose activities include some aspect of civil rights. The entries are broken down between public and private organizations as well as between statewide and local service areas.

In addition, each entry is accompanied by numeric and alphabetical codes which describe the organizations' activities and concerns. These codes conform to the categories used in the questionnaire and reported by each agency. The coding scheme precedes the listing.

The Advisory Committee has limited this directory to those organizations for which it has information. The Committee has initiated a series of annual reports and as part of these reports the directory will be updated.

The following letters and numbers represent the codes used to categorize each of the following organizations.

Type of organization:

- 1 Advocacy
- 2 Community Service
- 3 Educational
- 4 Political Action
- 5 Referral Agency
- 6 Other

Activities of organization:

- A Anti-Poverty
- B Community Center
- C Education and School Desegregation
- D Employment and Training
- E General Social Services
- F Health Services
- G Housing
- H Legal Services
- I Media and Information Dissemination
- J Multi-Service Center
- K Voting and Registration
- L Youth Services
- M Other

Public Agencies -- Statewide:

Agency Name	Code
Childrens Rights Coalition*	
84 Ravens Wood Avenue	
Providence, RI 02908 (401)751-0571	
Governor's Advisory Commission on Women*	
220 Elmwood Avenue	
Providence, RI 02907 (401)277-2744	1,M
Governor's Committee on Employment of Handicapped*	
150 Washington Street	
Providence, RI 02903 (401)277-3731	1,2,3,4,5,D

Rhode Island Commission for Human Rights*
 334 Westminster Mall
 Providence, RI 02903 (401)277-2661

6,D,G,L

Rhode Island Commission for Indian Affairs
 150 Washington Street
 Providence, RI 02903 (401)277-3698

1,2,3,4,5,G,I

Rhode Island Department of Elderly Affairs*
 79 Washington St.
 Providence, RI 02903 (401)277-6880

1,6,A,D,E,F,G,H

Public Agencies -- Local:

Blackstone Valley Community Action Program, Inc.
 129 School Street
 Pawtucket, RI 02860 (401)723-4520

2,A,D,F,L

Chad Brown Housing Project*
 285F Brown Street
 Providence, RI 02908 (401)421-3127

2,6,G

City of East Providence*
 Affirmative Action Office
 145 Taunton Avenue
 E. Providence, RI 02914 (401)434-3311 ext286

1,2,5,D,G

Providence Community Action Program (Pro-CAP)
 310 Elmwood Avenue
 Providence, RI 02907 (401)331-9400

2,A,B,E,J

Providence Human Relations Commission*
 40 Fountain Street
 Providence, RI 02903 (401)421-3708

6,C,D,G,M

South County Community Action, Inc.
 706 Kingstown Road
 P.O. Box 173
 Peace Dale, RI 02883 (401)789-3016

1,2,5,J

Woonsocket Council of Community Services
 285 Main Street
 Woonsocket, RI 02895 (401)765-1873

2,D,M

Woonsocket Head Start Child Development
Association, Inc.
2 Bourdon Boulevard
Woonsocket, RI 02895 (401)769-1850

2,3,A,C,D,E,F,M

Private Agencies -- Statewide:

Center of Assistance for the Immigrant, Inc.
658 Main Street
Pawtucket, RI 02860 (401)723-4220

1,2,3,5,D,E,H,J

Challenge House, Inc.*
359 Blackstone Street
Providence, RI 02907 (401)751-7577

6,M

Coalition of Women Lawyers
2000 Hospital Trust Tower
Providence, RI 02903 (401)

1,2,H,M

Community Affairs Vicariate
Catholic Inner City Center/Project Hope
Pawtucket Inner City
Broad and Stewart Streets
Providence, RI 02903 (401)421-7833

1,A,E,G,K

Easter Seal Society of Rhode Island, Inc.
667 Waterman Avenue
E. Providence, RI 02914 (401)438-9500

3,M

Episcopal Diocese of Rhode Island
275 North Main Street
Providence, RI 02903 (401)274-4500

2,5,M

Jewish Federation of Rhode Island*
130 Sessions Street
Providence, RI 02906 (401)421-4111

6,M

League of Women Voters of Rhode Island
41 Seekonk Street
Providence, RI 02906 (401)274-5822

3,K

Mental Health Association of RI*
57 Hope Street
Providence, RI 02906 (401)272-6730

1,2,3,4,5,6,M

National Conference of Christians and Jews
221 Waterman Street
Providence, RI 02906 (401)351-5120

National Multiple Sclerosis Society
Rhode Island Chapter
31 No. Union Street
Pawtucket, RI 02860 (401)724-3240

1,2,3,5,E,F,J

New England Fellowship for
Rehabilitation Alternatives, Inc.*
157 Adelaide Avenue
Providence, RI 02907 (401)781-5662

1,2,E,M

New England Gallaudet Association of the Deaf
19 Edgemere Drive
Cranston, RI 02905 (401)781-2934

6,M

Paraplegia Association of Rhode Island
126 Dudley Street
Providence, RI 02905 (401)331-4447

1,E,G,M

Project R.A.T.E.*
34 East Avenue
Pawtucket, RI 02860 (401)725-5554

3,D

Providence Ambulatory Health Care Foundation, Inc.
469 Angell Street
Providence, RI 02906 (401)861-6300

2,F

Recruitment and Training Program, Inc.
200 Cranston Street
Providence, RI 02907 (401)274-2250

6,D

Rhode Island ACLU*
235 Promenade Street
Room 203
Providence, RI 02908 (401)831-7171

3,H

Rhode Island Association for Retarded Citizens
2845 Post Road
Warwick, RI 02886 (401)738-5550

1,C,E,F,G,H

Rhode Island Chapter National Multiple Sclerosis Society 31 No. Union Street Pawtucket, RI 02860	(401)724-3240	6,F
Rhode Island Coalition for Equality of the Disabled* 150 Washington Street Providence, RI 02903	(401)277-3731	4,J,L
Rhode Island Conference United Church of Christ 2 Stimson Avenue Providence, 02906	(401)421-5633	6,M
Rhode Island Developmental Disabilities Council* 600 New London Avenue Cranston, RI 02920	(401)464-3191	6,M
Rhode Island Handicapped Action Center, Inc.* 622 Charles St. Providence, RI 02904	(401)521-1300	1,A,D,E,F,G,I,K,M
Rhode Island Indian Council, Inc.* 56 Washington St. Providence, RI 02903	(401)521-5750	6,A,B,C,D,E,G,L,M
Rhode Island Legal Services, Inc.* 77 Dorrance Street Providence, RI 02903	(401)274-3140	1,A,H
Rhode Island Ministerial Alliance Free Will Baptist Church 25 Chester Avenue Providence, RI 02904	(401)274-9518	
Rhode Island NAACP 131 Washington Street, Room 302 Providence, RI 02903	(401)272-4400	2,3,4,A,C,H,K,L,M
Rhode Island Rape Crisis Center, Inc. 235 Promenade Street, Room 202 Providence, RI 02908	(401)861-4040	1,3,6,C,D,F,H,I,M
Rhode Island State Council of Churches* 2 Stimson Avenue Providence, RI 02906	(401)861-1700	2,A,B,E,J,K

Rhode Island Working Women

100 Washington Street

Providence, RI 02903

(401)331-6077

3,M

Senior Community Service Employment Program

American Association of Retired Persons

80 Boston Neck Road

No. Kingstown, RI 02852

(401)849-2710

6,D

Urban Education Center*

126 Somerset Street

Providence, RI 02907

(401)456-8185

3,C,I

Urban League of Rhode Island*

246 Prairie Avenue

Providence, RI 02905

(401)351-5000

1,2,6,E,G,J,L

Vietnam Era Veterans Association

242 Prairie Avenue

Providence, RI 02905

(401)521-6710

1,B,C,D,E,F,G,H,I,J

Women Against Violence Against Women*

22 John Street

Providence, RI 02906

(401)272-5341

3,4,I,M

Women's Liberation Union of Rhode Island

P.O. Box 6583

Providence, RI 02940

(401)942-7347

1,2,3,4,5,6,A,E,F,G

Private Agencies -- Local:

Capitol Hill Interaction Council*

420 Smith Street

Providence, RI 02908

(401)521-3300

1,2,5,6,A,B,G,J

Chad Brown Health Center

285 A Chad Brown Street

Providence, RI 02908

(401)274-6339

1,2,3,5,F

Community Housing Resource Board

10 Equality Park Place

Newport, RI 02840

(401)849-3046

2,G,H,I

CODAC III 174 Bellevue Street Newport, RI 02840	(401)846-4150	2,6,F
East Providence Community Center, Inc. 912 Broadway E. Providence, RI 02914	(401)438-5285	2,B,D,G,I,J,L
Harvey Clements Center 208 Prairie Avenue Providence, RI 02905	(401)861-3950	1,2,3,5,A,B,G,J
Hope Neighborhood Association Silver Lake/Annex Center, Inc. 529 Plainfield Street Providence, RI 02909	(401)944-8300	2,J
John Hope Settlement House 7 Burgess Street Providence, RI 02903	(401)421-6993	2,A,B,E,G,J,L,M
Junction Human Service Corporation* 1910 Westminster Street Providence, RI 02909	(401)272-5960	2,3,5,6,A,B,D,E,F,J,L,M
National Organization for Women Central Rhode Island Chapter 54 Clyde Street Pawtucket, RI 02860	(401)781-5337	1,4,I,M
New Visions for Newport County, Inc. 50 Washington Square Newport, RI 02840	(401)847-7821	1,2,A,D,E,F,G
Newport County Chapter, NOW Box 45 Middletown, RI 02840	(401)846-2516	1,3,4,5,M
Newport County Women's Resource Center P.O. Box 151 Broadway Station Newport, RI 02840	(401)847-2533	1,2,3,5,I
Parents Against Drugs, Inc.* 6 Washington Street West Warwick, RI 02893	(401)828-6373	2

People's Redevelopment Corporation 503 Prairie Avenue Providence, RI 02907	(401)781-8310	6,G
Progreso Latino 478 Dexter St. Central Falls, RI 02863	(401)728-5920	A,B,D,E,G,H,I,K,L
Project HOPE 769 B Hope Street Providence, RI 02906	(401)331-5500	1,2,M
Project Persona* 160 Broad Street Providence, RI 02907	(401)831-1460	2,3,C
Providence Adult Education 396 Smith Street Providence, RI 02908	(401)456-9241	3,A,C
St. Martin de Parres* Multi Serivce Senior Center 160 Cranston Street Providence, RI 02907	(401)274-6783	2,J
Self-Help, Inc.* 100 Bullocks PT Ave. Riverside, RI 02915	(401)437-1000	1,2,A
Senior Citizens of Providence, Inc. c/o Pro-CAP 310 Elmwood Ave. Providence, RI 02907	(401)331-9400	1,2,5,A,B,E,G,H,I,J,K
SER - Jobs for Progress 1165 N. Main Street Providence, RI 02904	(401)331-1140	2,D
Smith Hill Center 110 Ruggles Street Providence, RI 02908	(401)331-4290	6,J
Sophia Little Home 135 Norwood Avenue Cranston, RI 02905	(401)457-2410	2,G,L,M

So. Providence Tutorial, Inc.*
One Louisa Street
Providence, RI 02905 (401)785-2126

1,3,M

Transportation, Outreach, Communication
and Technical Assistance
565 No. Main Street
Woonsocket, RI 02895 (401)765-1120

2,E

Washington County Health Center
580 Main Street
Wakefield, RI 02879 (401)783-1923

2,F

Women's Resource Center of Wood River, Inc.*
P.O. Box 18
Wood River Junction, RI 02894 (401)539-2028
(hot line) (401)539-2569

1,2,5,6,A,B,E,G,H,I,J

,K

APPENDIX

NEW ENGLAND REGIONAL OFFICE

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

July 7, 1980

Dear Friend:

The Rhode Island State Advisory Committee to the U.S. Commission on Civil Rights is in the planning stages of a consultation on "The Status of Civil Rights in Rhode Island." This consultation, to be held in late September 1980, will be an informal meeting in which the Committee will receive information from persons and organizations involved in and knowledgeable about civil rights issues in the State. We are contacting you now in order to identify the major topics to be covered during the consultation and hope that you will spend a few minutes to answer the enclosed questions.

As a result of this effort, the Advisory Committee hopes to publish a brief report which will summarize the consultation and include an appendix containing a comprehensive list of civil rights groups in Rhode Island (indexed by location and issues of concern). We intend to distribute the report throughout the State as a resource for civil rights and community organizations.

The Advisory Committee also hopes that by providing a forum for civil rights groups we can pave the way to re-establishing structural links among them. The information we obtain from the consultation on the status of civil rights will also serve as the basis for our own indepth factfinding projects.

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, national origin, religion, sex, handicap and age. The Rhode Island Advisory Committee is one of 51 such bodies composed of private citizens who advise the Commission on civil rights developments in their States.

We look forward to hearing from you and to your participation in the consultation in September. Enclosed is some more information on the Commission and its activities. If you have any questions, please feel free to contact David Harris, the field representative for Rhode Island (he is available at the New England Regional Office of the Commission).

Sincerely,

MIRIAM SATTERFIELD
Chairperson
Rhode Island Advisory
Committee

Enclosures

RHODE ISLAND STATE ADVISORY COMMITTEE
TO THE
U.S. COMMISSION ON CIVIL RIGHTS

SURVEY OF CIVIL RIGHTS-RELATED ORGANIZATIONS

1. Please give the official name, address, phone number and officers of your organization:

Name: _____

Address: _____
(Street)

_____ (City) _____ (Zip)

Phone: _____

Officers: _____
(Title)

_____ (Title)

_____ (Title)

2. What geographic area is serviced by your local organization?
(e.g., Providence, Pawtucket, statewide, regional, national)

3. How would you characterize your organization? (Check one)

_____ Advocacy

_____ Political Action

_____ Community Service

_____ Referral Agency

_____ Educational

_____ Other (please specify) _____

4. Which of the following topic areas best characterizes the activities of your organization? (please check)

_____ Anti-Poverty

_____ Housing

_____ Community Center

_____ Legal Services

_____ Education & School Desegregation

_____ Media & Information Dissemination

_____ Employment & Training

_____ Multi-Service Center

_____ General Social Services

_____ Voting & Registration

_____ Health Services

_____ Youth Services

_____ Other (please specify) _____

5. Does your organization concentrate on problems of discrimination based on:

_____ Age _____ Race
 _____ Handicap _____ Religion
 _____ National Origin _____ Sex
 _____ Other (please specify) _____

6. Please indicate what you consider to be the leading civil rights issues for your organization: _____

7. Would a member of your organization be willing to make a presentation at the consultation? _____yes _____no

If yes, please give the name of the person and the topic:

8. Would a member of your organization be willing to serve as community liaison?

_____yes _____no

9. Would your organization assist in publicizing the consultation and encouraging attendance? _____yes _____no

10. Please list other names or organizations that would be interested in receiving information about the consultation:

Name: _____

Address: _____

Name: _____

Address: _____

11. Would you agree to the listing of your organization in a directory to be published in the appendix of the consultation report? _____yes _____no

12. If your organization issues a publication or newsletter, please send us a copy. Thank you.

Rhode Island Advisory Committee
 U.S. Commission on Civil Rights
 55 Summer Street, 8th Floor
 Boston, MA 02110

(617) 690-1675



State of Rhode Island and Providence Plantations
EXECUTIVE CHAMBER, PROVIDENCE

J. Joseph Garrahy
Governor

RECEIVED
DEC 23 1977
41040

EXECUTIVE ORDER

NO. 19

DECEMBER 15, 1977

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION POLICY

WHEREAS, historically the State of Rhode Island and Providence Plantations has been the cradle of religious liberty and freedom; and people from all over the world have come here to live and work in hopes of a better life for themselves and their children.

WHEREAS, our state government bears a unique responsibility in demonstrating to all people the goals and values of our common life.

WHEREAS, the underachievement and underutilization of disadvantaged persons, through either the conscious or unconscious attitudes and policies of elected and appointed leaders, must not be condoned.

WHEREAS, the removal of all barriers to equal opportunity for all of our state's citizens requires the concentrated and continued attention of our state administration.

WHEREAS, it is not a task for any one year, and it should be an ongoing task for every year, despite the directions of the winds of popular sentiment.

WHEREAS, we should not wait for judicial action as a guide for policy. Litigation in this area can be costly, time-consuming, disheartening, and most important of all, divisive.

WHEREAS, the General Assembly of this state has long been active in protecting the civil rights of our citizens. To wit, in 1949, we were the fifth state in the Nation to enact a Fair Employment Practices Act.

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December 15, 1977

To wit, in 1951 we were the second state in the Union to enact a Public Accommodation Law. To wit, long before the federal government could mobilize itself to act, Rhode Island had moved against religious and racial injustice.

WHEREAS, the enactment of legislation alone can never be enough.

WHEREAS, law enforcement is important, but alone cannot lead the way.

WHEREAS, statistics and our own personal experiences have shown us that racial minorities, women, and handicapped persons have not always enjoyed fully the fruits of this state's bounty.

WHEREAS, Equal Opportunity is a matter for which the state as a major employer has a distinct responsibility.

WHEREAS, all powers, functions, and duties granted to the Rhode Island Commission for Human Rights under Chapter 28-5 of the General Laws of Rhode Island, 1956, as amended, apply also to this Code of Affirmative Action and Contract Compliance, and shall be construed liberally for the accomplishment of purposes thereof.

NOW, THEREFORE, I, J. Joseph Garrahy, by virtue of the authority vested in me as the Governor of this state, in full support of the goals of Equal Opportunity and the necessity for Affirmative Action, hereby adopt the following Code of Fair Practices, and order and direct this Code to be the governing and guiding policy of the government of the State of Rhode Island and Providence Plantations.

L DECLARATION OF POLICY

Equal Opportunity and affirmative action toward its achievement, is the policy of all units of Rhode Island state government. This policy shall apply in all areas where the state dollar is spent, in employment, public service, grants and financial assistance, and in state licensing and regulation. All policies, programs and activities of state government shall be periodically reviewed and revised to assure their fidelity

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to this policy. Each department head shall make a report not later than June 30 of each year on the statistical results of the implementation of this Order to the State Equal Opportunity Officer.

2. STATE EQUAL OPPORTUNITY OFFICER

There shall be a State Equal Opportunity Officer assigned to the Department of Administration. This person shall report on state equal opportunity programs directly to the Governor, but shall be under the administrative supervision of the Director of Administration. The State Equal Opportunity Officer shall be responsible for assuring compliance with the requirements of all federal agencies for equal opportunity, and shall provide training and technical assistance as may be requested by any company doing business in Rhode Island and all state departments as is necessary to comply with the intent of this Order.

The State Equal Opportunity Officer may issue such guidelines, directives or instructions as are necessary to effectuate its responsibilities under this Order, and is hereby authorized to investigate possible discrimination, hold hearings, and direct corrective action thereto.

3. AFFIRMATIVE ACTION

The State Equal Opportunity Office shall assign an Equal Opportunity Officer to agencies of state government. Each department shall prepare each year an Affirmative Action Plan for that department in accordance with criteria set forth by the State Equal Opportunity Office and deadlines established by the State Equal Opportunity Office. All such plans shall be subject to review and comment by the State Equal Opportunity Office and approved by the Governor. Any plan deemed unsatisfactory by the State Equal Opportunity Officer shall be redrawn according to Equal Opportunity Office criteria, in order to attain positive measures for compliance. The State Equal Opportunity Office shall make every effort by informal conference, conciliation and persuasion to achieve compliance with Affirmative Action requirements.

The State Equal Opportunity Office is hereby authorized to initiate complaints against those agencies, administrators, agents or employees

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of any department or division within state government who willfully fail to comply with the requirements of the Affirmative Action Plan or of this Executive Order.

Standards for review of Affirmative Action Plans shall be established by the State Equal Opportunity Officer, except where superseded by federal law.

4. EMPLOYMENT POLICIES OF STATE AGENCIES

Each appointing authority shall review the recruitment, appointment, assignment, upgrading and promotion policies and activities for state employees without regard to race, color, religion, sex, age, national origin or physical or mental handicap. All appointing authorities shall hire and promote employees without discrimination. Special attention shall be given to the allocation of funds for on-the-job training, the parity of civil service classes doing similar work, and the training of supervisory personnel in Equal Opportunity principles and procedures. Annually each appointing authority shall review their EEO-4 reports and include in their budget presentation such necessary programs, goals and objectives, as shall improve the equal opportunity aspects of their department's employment policies. Each appointing authority shall make a monthly report to the State Equal Opportunity Officer on persons hired, disciplined, terminated and vacancies occurring within their department.

5. DEPARTMENT OF ADMINISTRATION

Each division of the Department of Administration shall prepare a comprehensive plan indicating, in the light of present court decisions, the appropriate steps necessary to maintain and secure the equal opportunity responsibility and commitment of that division. Each plan shall set forth attainable goals and target dates based upon a utilization study for achievement of such goals, together with operational assignment for each element of the plan to assure measurable progress. The Division of Personnel shall take positive steps to insure that the entire examination and testing process, including the development of job specifications and employment qualifications, is free from

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either conscious or inadvertent bias. The Division of Budget shall indicate in the annual personnel supplement, progress made toward the achievement of equal employment goals. The Division of Purchases shall cooperate in administering the State Contract Compliance Programs. The Division of Statewide Planning shall cooperate in assuring compliance from all recipients of federal grants.

6. COMMISSION FOR HUMAN RIGHTS

The Rhode Island Commission for Human Rights shall exercise its enforcement powers as defined in Chapter 28-5 of the General Laws of Rhode Island, 1956, as amended, and in this Order and shall have the full cooperation of all state agencies. Wherever necessary, the Commission shall, at its own initiative or upon a complaint, bring charges of discrimination against those agencies and the personnel thereof who fail to comply with the applicable state laws and this Order. This Commission shall also have the power to order discontinuance of any departmental or division employment pattern or practice deemed discriminatory in intent by the Commission, after a hearing on the record, and may seek court enforcement of such an order. The Commission shall utilize the State Equal Opportunity Officer as its liaison with state government. The Rhode Island Commission for Human Rights is authorized to make such rules and regulations as it deems necessary to carry out its responsibilities under this Order, and to establish with the approval of the Governor such sanctions as may be appropriate within the rules and regulations of the State.

7. STATE SERVICES AND FACILITIES

Every state agency shall render service to the citizens of this state without discrimination based on race, color, religion, sex, age, national origin or physical or mental handicap. No state facility shall be used in furtherance of any discriminatory practice nor shall any state agency become a party to any agreement, arrangement, or plan which has the effect of sanctioning such patterns or practices.

At the request of the State Equal Opportunity Officer, each appointing authority shall critically analyze all of its operations to ascertain

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possible instances of noncompliance with this policy, and shall initiate sustained, comprehensive programs based on the guidelines of the State Equal Opportunity Officer to remedy any defects found to exist.

8. EDUCATION, COUNSELING, TRAINING AND APPRENTICESHIP PROGRAMS

All educational, counseling and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which state agencies participate, shall be open to all qualified persons, without regard to race, color, religion, sex, national origin or physical or mental handicap. Such programs shall be conducted to encourage the fullest development of the interests, aptitudes, skills, and capacities of all students and trainees, with special attention to the problems of culturally deprived, educationally handicapped, or economically disadvantaged persons.

Those state agencies responsible for educational, counseling, training and apprenticeship programs shall take positive steps to insure that all such programs are free from either conscious or inadvertent bias, and shall make quarterly reports to the State Equal Opportunity Officer with regard to the number of persons being served, and to the extent to which the goals of the Order are being met by such programs.

Expansion of training opportunities under these programs shall also be encouraged with a view toward involving larger numbers of participants from those segments of the labor force where the need for upgrading levels of skill is greatest.

9. STATE EMPLOYMENT SERVICES

All state agencies (including educational institutions) which provide employment referral or placement services to public or private employees, shall accept job orders, refer for employment, test, classify, counsel and train only on a nondiscriminatory basis. They shall refuse to fill any job order which has the effect of excluding any person, because of race, color, religion, sex, age, national origin or physical or mental handicap, unless a preference, limitation, or specification based upon age or sex is deemed to be a bona fide occupational qualification of employment.

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Such agencies shall advise the Commission for Human Rights promptly of any employers, employment agencies, or unions suspected of practicing unlawful discrimination. They shall assist employers and unions seeking to broaden their recruitment programs to include qualified applicants from minority groups. In addition, the Department of Employment Security, the Department of Labor, the Governor's Office of Manpower Affairs, and the Governor's Council on Youth shall fully utilize their knowledge of the labor market and economic conditions of the state, and their contacts with job applicants, employers, and unions to promote equal employment opportunities and shall require and assist all persons within their jurisdictions to initiate actions which shall remedy any situations or programs which have a negative impact on protected classes within the state.

10. STATE CONTRACTS

The Purchasing Agent shall prepare such rules, regulations and compliance reports as shall require of contractors of this state the same commitment to equal opportunity as prevails under federal contracts controlled by Federal Executive Orders 11246, 11625 and 11375. Affirmative action plans prepared pursuant to such rules and regulations shall be reviewed by the State Equal Opportunity Office. The State Equal Opportunity Office shall prepare a comprehensive plan to provide compliance reviews for state contracts. A Contractor's failure to abide by the rules, regulations, contract terms and compliance reporting provisions as established shall be ground for forfeitures and penalties as shall be established by the Governor in consultation with the State Equal Opportunity Office.

11. LAW ENFORCEMENT

The Attorney General, the Department of Corrections, and the Governor's Committee on Justice shall stress to state and local law enforcement officials the necessity for nondiscrimination in the control of criminal behavior. These agencies shall develop formal procedures for the investigation of citizen complaints of alleged abuses of authority by individual peace officers. Employment in all state law enforcement and correctional agencies and institutions shall be subject to the same

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affirmative action standards applied under this Order to every state unit of government, in addition to applicable federal requirements.

12. HEALTH CARE

The State Equal Opportunity Office shall review the equal opportunity activity of all private health care facilities licensed or chartered by the state, including hospitals, nursing homes, convalescent homes, rest homes and clinics. Such state licensed or chartered facilities shall be required to comply with the state policy of equal opportunity and nondiscrimination in patient admissions, employment and health care service. Such compliance shall be a condition of continued participation in any state program, or in any educational program licensed or accredited by the state, or of eligibility to receive any form of assistance.

13. PRIVATE EDUCATION INSTITUTIONS

The State Equal Opportunity Office shall review all private educational institutions licensed or chartered by the state, including professional, business and vocational training schools. Such state licensed or chartered institutions shall at the request of the Board of Regents be required to show compliance with the state policy of nondiscrimination and affirmative action in their student admissions, employment, and other practices as a condition of continued participation in any state program of eligibility to receive any form of state assistance.

14. STATE LICENSING AND REGULATORY AGENCIES

State agencies shall not discriminate by considering race, color, religion, sex, age, national origin or physical or mental handicap in granting, denying or revoking a license or charter, nor shall any person, corporation, or business firm which is licensed or chartered by the state unlawfully discriminate against or segregate any person on such grounds. All businesses licensed or chartered by the state shall operate on a nondiscriminatory basis, according to equal employment, treatment and access to their services to all persons, except unless otherwise exempted by the laws of the state.

Any licensee, charter holder, or retail sales permit holder who fails to comply with this policy shall be subject to such disciplinary action as is consistent with the legal authority and rules and regulations of the appropriate licensing or regulatory agency. State agencies which have the authority to grant, deny, or revoke licenses or charters will cooperate with the State Equal Opportunity Office to prevent any person, corporation, or business firm from discriminating because of race, color, religion, sex, age, national origin or physical or mental handicap or from participating in any practice which may have a disparate effect on any protected class within the population. The State Equal Opportunity Office shall monitor the Equal Employment Opportunity activities and Affirmative Action Plans of all such organizations.

15. STATE FINANCIAL ASSISTANCE

State agencies disbursing financial assistance, including but not limited to loans and grants, shall hereafter require recipient organizations and agencies to undertake affirmative action programs designed to eliminate patterns and practices of discrimination. At the request of the State Equal Opportunity Officer, state agencies disbursing such assistance shall develop, in conjunction with the State Equal Opportunity Office, regulations and procedures necessary to implement the goals of nondiscrimination and affirmative action and shall be reviewed for compliance according to state policy.

16. MISCELLANEOUS

A. Executive Orders 8 (Governor Licht), 14 (Governor Noel), and 32 (Governor Licht) of the previous administrations are hereby superseded.

B. All implementing directives of Executive Orders 8, 14, and 32 shall, to the extent that they are not inconsistent with this Order, remain in full force and effect.

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C. Copies of this Code shall be distributed to all state officials and appointing authorities and posted in conspicuous locations in all state facilities.

This Executive Order shall take effect on the date hereof.

Respectfully yours,


Joseph Garrahy
GOVERNOR

"THREE PLUS THREE"PURPOSE

To eliminate the overall adverse impact the Civil Service Ordinance, section 23.17 and 23.18 have on the employment of minorities and other protected classes. Section 23.17 (D) shall be added to and made a part of the Civil Service Ordinance.

INTENT

The intent of 23.17 (D) of the Civil Service Ordinance is to provide the appointing authority the necessary flexibility to remedy the effects of systematic discriminatory practices. Section 23.17 (D) of the Civil Service Ordinance does not guarantee employment of protected classes; however, it guarantees the appointing authority increased opportunities to appoint qualified employees from an eligibility list.

WHEN TO CALL FOR SECTION 23.17 (D)

Section 23.17 (D) may be called for and applied to any Civil Service classification in the City of East Providence. Such action may be taken whenever the Affirmative Action Officer and the Personnel Director have determined the particular classification in question has had an adverse impact on the hiring and promotion of protected classes. In such cases the use of section 23.17 (D) would modify the usual selection procedure to eliminate adverse impact. The use of section 23.17 (D) will be in accordance and consistent with the personnel utilization analyses and numerical hiring goals. The use of section 23.17 (D) will provide the appointing authority safe measures to ensure affirmative action throughout the City of East Providence.

PROCEDURES TO CALL FOR USE OF SECTION 23.17 (D)

When the Affirmative Action Officer wishes to call for 23.17 (D), the request must be submitted to the Personnel Hearing Board as a formal request to certify an additional list of eligibles ("3 + 3"). The request must be signed by the Personnel Director before being submitted to the Personnel Hearing Board. The request will contain the following:

-2-

- (A) A request that certification be made under section 23.17 (D) of the Civil Service Ordinance.
- (B) The protected class(es) that will be certified.
- (C) Assurance that there is an absence of the protected class(es) located in the portion of the eligibility list that will be certified. (Adverse impact has been determined.)
- (D) The current Affirmative Action profile of the classification in question. This will include statistical data to show evidence of past and/or possible pattern of discrimination, or sufficient data to base a decision on.
- (E) The names and rank of the eligible candidates that are members of a protected class.
- (F) The number of such positions that are authorized and funded.

INSTANCES WHEN THIS PROCEDURE WILL NOT BE CALLED FOR

- (A) Absence of statistical data or reasonable evidence to show significant past discrimination or patterns of possible discrimination and/or adverse impact on the protected classes.
- (B) The presence of sufficient protected class members ranked at a reachable level in the classification that is in question.
- (C) When no members of a protected class are on the eligibility list.
- (D) Any instance where the department or division is subjected to court-ordered remedies.

AFFIRMATIVE ACTION OFFICER'S RESPONSIBILITIES

- (A) Review the city's Affirmative Action Plan, specifically the portion relating to statistical data and numerical goals.
- (B) Review the Affirmative Action profile and confirm or disprove past and/or possible patterns of discrimination regarding the classification in question.
- (C) The Personnel Director's responsibility will include a review and evaluation of the statistical data presented by the Affirmative Action Officer and approve or reject use of section 23.17 (D). This evaluation will take into consideration the attrition rate for the classification in question.

- (D) When the Personnel Director rejects use of section 23.17 (D), he/she will demonstrate in writing why section 23.17 (D) is considered inappropriate for the particular classification.

WHEN SECTION 23.17 (D) IS REJECTED

- (A) The Personnel Director will submit in writing his/her evaluation and determinations on which he/she based the rejection of section 23.17 (D) on.
- (B) If implementation of section 23.17 (D) is rejected, the Affirmative Action Officer may appeal the rejection directly to the Personnel Hearing Board.

PERSONNEL HEARING BOARD'S RESPONSIBILITIES

- (A) To review the recommendations and evaluations of the Personnel Director to implement section 23.17 (D).
- (B) The Personnel Hearing Board may request additional statistical data or evidence to justify implementation of section 23.17 (D).
- (C) The Personnel Hearing Board may certify the names of three additional candidates who are members of a protected class and appear on the eligibility list. The rank order of these names will not change.
- (D) The Personnel Hearing Board may reject the use of section 23.17 (D). If such a rejection is made, the board will submit in writing the basis for rejection.
- (E) The decision of the Personnel Hearing Board is final.

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AFFIRMATIVE ACTION CERTIFICATION FORM

TO:

FROM:

SUBJECT: Use of Section 23.17 (D)

Department _____ Division _____

Position _____ No. of Vacancies _____

Salary _____ Affirmative Action Goal _____

Current Work Force Analysis: _____

Protected Class:

American Indian _____ Female _____

Asian American _____ Handicapped _____

Black _____ Spanish Speaking _____

Cape Verdean _____

Name of Candidates _____ Rank No _____

Affirmative Action Officer _____ Personnel Director _____

Authorized _____ Denied _____ Signature _____



J. Joseph Garrahy
Governor

RECEIVED
APR 17 1981
R. I. C. H. R.

EXECUTIVE ORDER

NO. 81-5

APRIL 15, 1981

RHODE ISLAND ADVISORY COMMISSION FOR MINORITY AFFAIRS

WHEREAS, minority citizens have contributed to the welfare of all citizens in Rhode Island; and

WHEREAS, there are concerns common to persons from the State's minority community which ought to be addressed by the citizenry as a whole through their elected representatives;

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, it is hereby ordered as follows:

A Commission to be known as the "Rhode Island Advisory Commission For Minority Affairs" be created as follows:

1. The Rhode Island Advisory Commission for Minority Affairs shall consist of the Director of the Department of Community Affairs, ex-officio; the Executive Director of the Commission for Human Rights, ex-officio; the Administrator of State Equal Opportunity Programs, ex-officio; and seven (7) other members from the public who shall be appointed by the Governor and who shall have experience and/or interest in one or more aspects of minority affairs.
2. The seven (7) public members of the Commission shall be appointed for terms of three (3) years with initial appointments staggered on one, two, and three year terms.

The Governor shall fill all vacancies in the like manner as the original appointments. Any member chosen to fill a vacancy occurring otherwise than by expiration of a term shall be appointed only for the remainder of that unexpired term.

All members of the Commission shall be eligible for reappointment.

3. Five (5) members shall constitute a quorum for conducting the Commission's business.
4. The public members of the Commission shall serve without pay, but shall be entitled to incidental expenses necessarily incurred in the performance of their duties upon authorization of such expenses by the Director of the Department of Community Affairs.
5. The Governor shall appoint the Commission chairperson; and the members may elect such other officers as are deemed necessary to conduct the business of the Commission.

Each member-officer may be re-elected to an office at the expiration of his or her term.
6. The powers and duties of the Commission shall include the following:
 - A. To meet and function at any place within the State.
 - B. To explore problems common to minorities who are residents of this State.
 - C. To provide assistance to minority organizations and individuals in their dealings with agencies of federal, state, and local government.
 - D. To create such sub-committees from the membership as the Commission members deem necessary.
7. The Department of Community Affairs, subject to the approval of the Governor, may accept grants from any source to assist in the operation of the Commission. Any grants so received must be expended by the Commission subject to any limitations imposed in such grants.
8. From time to time, but not less than once a year, the Commission shall report to the Governor, advising on programs affecting minority affairs and describing the efforts and work performed by the Commission, its programs and policies, and the results thereof.

This Executive Order shall take effect on the date hereof.

Respectfully yours,

J. Joseph Garrahy
GOVERNOR