

# Civil Rights Developments in Rhode Island, 1981

March 1982

--A clearinghouse report 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 and not to the U.S. Commission on Civil Rights.

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--The U.S. Commission on Civil Rights is an independent, factfinding agency of the Federal Government which investigates issues related to discrimination or denial of equal protection of the laws because of race, color, national origin, religion, sex, handicap and age. The 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.

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## CIVIL RIGHTS DEVELOPMENTS IN RHODE ISLAND, 1981

### INTRODUCTION

*The 13th, 14th and 15th amendments to the Constitution, passed at the close of and in the years immediately following the Civil War, are the keystone in the arch of freedom we call civil rights. They were the embodiment of the promise of emancipation. These constitutional guarantees not only ensured the abolition of slavery and the acquisition of legal rights, they also led to the enactment of legislation and the establishment of programs to overcome the vestiges of slavery and effectuate the promises made by the Civil War amendments. They not only created new civil rights for all people, they empowered the Federal Government with the authority and responsibility to enforce them.*

*The historical record of preserving, protecting and defending these three amendments -- and Federal court decisions and congressional legislation based upon them -- remains at best, uneven. But one thing is clear: civil rights leadership has been provided by Presidents representing both of our great political parties. Congressional leadership for civil rights legislation has been bipartisan.*

*...The proposed revisions to the Fiscal Year 1982 Federal budget...would have significant impact on civil rights. As they now stand, these specific proposals would reduce certain Federal civil rights enforcement efforts, weaken or eliminate several social and economic programs essentially related to providing equal opportunities in our society, and expand the block grant approach without adequate Federal guidelines.*

These passages, from the preface to the U.S. Commission on Civil Rights' Statement Civil Rights: A National, Not a Special Interest (June 1981), provide an appropriate frame for a discussion of civil rights developments in 1981. The Commission's statement documents not only the constitutional mandate for Federal civil rights involvement, but the effects of proposed budget cuts on the government's ability to carry out this mandate. In many respects those changes in the Federal funding picture, proposed and accomplished, have dominated civil rights in Rhode Island and across the country.

The Commission's concern has been echoed in a statement released

by the Rhode Island Commission on Human Rights:

Sharp budget cuts have been engineered that have significant impact upon the civil rights of racial minorities, women, older workers and the handicapped. In its attempt to balance the budget, the administration has accomplished an ideological shift in social policy, as well.

The year 1981 also saw a resurgence in organizations such as the Ku Klux Klan. While for many the Klan serves as a barometer of potential danger, executive and congressional equivocation over affirmative action, school desegregation and the Voting Rights Act, create equal if not greater concern among civil rights leaders about the future course of the Nation.

The Commission published three other landmark documents during 1981, each of which underscores both the progress made and the necessary continued vigilance in civil rights activity. A detailed study, The Voting Rights Act: Unfulfilled Goals assesses the importance of this piece of legislation and documents the need for the Act's renewal. With All Deliberate Speed: 1954-19?? which draws its title from the second Supreme Court decision of *Brown v. Board of Education* (1957), is a monograph which provides some legal and policy history of desegregation and finds that: "There is no middle ground. Either we are for desegregation and a system of education that provides equality of opportunity, or we are for a system of education that makes a mockery of our Constitution." Affirmative Action in the 1980's: Dismantling the Process of Discrimination Affirmative Action applies a unifying 'problem-remedy' approach to affirmative action. The statement's objective is to provide useful guidance to those in business, labor, education, government, and elsewhere who must carry out a national civil rights law and policy."

In Civil Rights Developments in Rhode Island, 1980, the Advisory Committee observed:

The past year (1980) also saw a hardening of opposition to measures that actively seek to advance equality of opportunity not only for racial minorities, but for women, the handicapped, and the elderly. In response, the U.S. Commission on Civil Rights urged Congress to support the strengthening of fair housing legislation, and to provide the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs with the resources to combat job discrimination.

Not only have the Commission's recommendations not been acted

on, but opposition became even more hardened in 1981. Funding to enforce fair housing laws has been cut. The Equal Employment Opportunity Commission's future is in doubt, and efforts have been made to weaken OFCCP's mandate.

State and national civil rights leaders are concerned that the gains achieved in the 1950's, 60's and 70's are seriously threatened. The fears are not only for racial minorities, but also women, the aged and handicapped, all of whom have been beneficiaries of Federal programs from job training to social security.

As was true last year, the picture in Rhode Island is not as bleak as that for the Nation as a whole. For instance, in a year which saw increased activity by hate groups, State elected officials, both executive and legislative, reacted strongly against such activities in Rhode Island. And in a year during which the future of the Voting Rights Act was in doubt, the entire Rhode Island congressional delegation supported renewal of the act. Both of these issues have generated considerable controversy, however, as shown in sections on "political participation" and "hate group activity" below.

The U.S. Commission on Civil Rights has long felt that one of the most important factors for the promotion and preservation of civil rights is effective and forceful leadership. Signs of such leadership are apparent in Rhode Island. However, the future demands even firmer commitment from the State's leadership.

The Rhode Island Advisory Committee is indebted to several organizations for their reviews of, and contributions to, this report: the Rhode Island Commission on Human Rights, the Providence Human Relations Commission, the Rhode Island Affiliate of the American Civil Liberties Union, the Urban League of Rhode Island, the Rhode Island Governor's Committee on Employment of the Handicapped, the Providence Police Department, the Governor's Federal Coordinator, the League of Women's Voters, the Rhode Island Department of Employment Security, and the Rhode Island Department of Community Affairs. Also, included in the appendix is a list of reports referred to or used in this report. Interested persons are encouraged to obtain these reports for more detailed information on topics covered here. This report is designed to provide the citizens of Rhode Island with information which will enable them to understand and assess the civil rights picture in our State.

## OVERVIEW

An important development during 1981 was the release of preliminary census figures for the State's population. Rhode Island was the only State in New England to experience a net loss in population (0.3 percent), falling from 948,844 in 1970 to 947,154 in 1980. As the Advisory Committee noted in its consultation report,

## The Status of Civil Rights in Rhode Island:

...the minority populations showed 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 population from 1,866 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 6 percent in 1980.

The census data are important to States for several reasons. The census itself is mandated by the Constitution in order to apportion seats in Congress equally. (A discussion of State redistricting appears below.) Aside from this constitutional mandate, the census provides data used by a number of programs as the basis for allocations of funds. On the one hand the overall loss of population means a decline in certain funding, while the growth of minority populations should result in the increase of certain funds.

The Reagan Administration proposed early in 1981 that Federal aid to State and local government be funded at lower levels and administered differently. Congress subsequently enacted many of the President's proposals. As 1981 ended, specific funding levels and program responsibilities still were not altogether clear. However, some features of the outlook for the future appear to be as follows:

--Many familiar Federal aid programs have been combined into "block grants."

--Many remaining "categorical grant" programs have been modified--e.g., eligibility of clients or scope of legitimate activity.

--Most block grants and categorical programs will operate at lower funding levels in 1982 than in 1981.

--Indian tribes are eligible for a wider variety of forms of Federal aid.

Of particular concern to the status of minorities, women, the aged, and the handicapped in these developments, are two pervasive questions:

Are the types of aid being cut the very ones that assist protected groups in their quest for access to jobs, housing, the legal system, etc.?

Will the "block grant" arrangement for administering Federal Aid permit effective enforcement of the laws prohibiting discrimination in the use of Federal funds?

These questions and others were addressed by the Commission for the Nation as a whole and will be discussed below as they affect Rhode Island.

As indicated in the Advisory Committee's consultation report, a State Data Center Program (SDC) was created "as part of the joint statistical agreement between the U.S. Bureau of the Census and the State of Rhode Island." The center includes 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 Advisory Committee urged that the SDC work with various civil rights related agencies to disseminate information on available data, and train people in the use of data for program development and evaluation. In light of changes in the Federal funding picture and cuts in the Census Bureau's budget, the SDC's task is greatly enlarged and thus far the Center seems to be functioning quite effectively.

The consultation summary also reported that a Rhode Island Commission for Minority Affairs was formed by Executive Order of the Governor in recognition of "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 Commission is to be composed of the heads of several State agencies, ex officio, and seven public members. The Advisory Committee recommended "that the process of filling the seven public positions include comprehensive input from the affected communities and that the recommendations which flow from the body be given full and public disclosure." At this time, the seven members have not been appointed and the Commission, first ordered on April 15, 1981 has yet to meet.

#### ADMINISTRATION OF JUSTICE

In the U.S. Commission on Civil Rights report Who is Guarding the Guardians? distinction is made between the police in Britain and the United States. While the British police "do not, as a general rule, carry guns... (i)n this country of frontiersmen and immigrants, the police often had to maintain order and enforce law by applying summary justice on the spot. This practice led to early justification of the use of force by police."

With a U.S. Department of Justice investigation of the Providence Police Department stalled by the transition between principle investigators in Washington, Providence Mayor Vincent A.

Cianci and Public Safety Commissioner Sanford Gorodetsky replaced Police Chief Angelo Ricci with a State police colonel as the new head of the department.

The new chief, Anthony J. Mancuso, launched what the local press referred to as a "shakeup" of the department. He transferred several high ranking officers and organized an Internal Affairs Unit to report directly to him. The day after his appointment he issued new regulations on the use of deadly force by his officers which vastly restrict the State's fleeing felon law.

The Rhode Island Civil Liberties Union filed suit to obtain the records of complaints against the police for the past five years and the disposition of such complaints. The city argued that to submit the information would violate the rights of complainants to privacy. The court ruled in June that the city must make the records available with the names deleted. The city is appealing and thus far has not complied with the court's decision.

According to information provided to the Advisory Committee by Chief Mancuso, "a total of 125 complaints have been handled" since his administration's Internal Affairs Unit has been in place. Of the 125 complaints, about 13 a month for the eight month period, 36 were formal and 86 were not. According to the chief, the formal complaints are those which are pursued through the entire process according to an earlier consent decree, while the remainder are resolved or dropped without need of the "full process of hearing, etc."

Chief Mancuso indicated that for a comparable period during the previous year, there were twenty-eight official complaints, and "that any change in any type of complaint system which generates increased confidence in the clients that utilize the system will inevitably result in an increased utilization of the system."

The Department provided the following breakdown regarding the resolution of the 39 complaints (as of the first week of February 1982).

Officially Withdrawn	12
Hearings-Officer Guilty	2
Hearings-Officer Not Guilty	1
Hearings - Not Guilty	
Complainant no-show	4
Dropped - (Directed at Civilian	1
Still Pending	19

It was reported late in 1981 that the Grand Jury had requested an investigation by the U.S. Attorney into charges of misconduct against certain members of the Providence Police Department. The charges were initially referred to the Grand Jury after preliminary investigations by the Internal Affairs Unit.



Chief Mancuso told Rhode Island Advisory Committee members that in a hypothetical situation "where, as a result of an investigation by this department, there emerges material which because it appears to amount to probable cause that a crime was committed, and the nature of the matter is such that it is best presented and decided by a grand jury, said information will be presented to a grand jury by this department."

Further, according to the chief: "In the event that the grand jury deemed it inappropriate for action within that body, I would presume that it would, in its report, refer that material it had gathered to the appropriate source of potential action, one of which is, obviously, the United States Attorney."

### AGE

The legislature overrode a veto of a bill to require State licensing and inspection of shelter homes which house elderly and handicapped persons. The bill followed a symposium on the plight of the elderly addressed by, among others, U.S. Commission on Civil Rights Chair Arthur S. Flemming. A central issue at the forum was the need for such procedures given the growing number of such institutions.

Laws affecting children passed by the legislature are included in the summary of legislation passed by the General Assembly appended to this report. The General Assembly also passed legislation which provides for free tuition at State colleges for residents 60 years of age or older.

### EDUCATION

Again in 1981, bilingual education was an important educational issue in Rhode Island, and was affected by Federal developments. Early in the year the new Secretary of Education withdrew previously proposed regulations which would have largely codified the "Lau Remedies." Under the withdrawn proposal, school districts with 25 or more foreign language students in consecutive grades of a single school would be required to provide bilingual instruction. This proposal is slightly more strict than the Lau remedies which require only 20 students of the same language per district. Despite the withdrawal, however, other long-standing Federal and State requirements regarding language minority students remain in effect.

Although Pawtucket resolved its problems with the Office for Civil Rights (OCR) of the Department of Education regarding noncompliance with guidelines for bilingual education (see 1980 report), a new complaint was lodged against the Warren School District which triggered another OCR investigation. In June, OCR issued a report which found that the Warren School system had failed

to (1) determine the primary or home language of its students born outside the United States; (2) take steps to assess the linguistic dominance, proficiency and academic achievement of its minority students born outside the United States; (3) provide adequate bilingual education programs and staff to meet the linguistic needs of its non-English-speaking students; (4) install adequate procedures to transfer students out of the bilingual program into regular programs; and (5) establish an adequate and effective method for notifying parents.

As part of its effort to upgrade its bilingual education programs as ordered by OCR, Pawtucket undertook a study of the language proficiency of its students. Some 1,651 of the city's approximately 8,500 students were tested for proficiency; these students were selected on the basis of screening by teachers and parents. Of those tested, preliminary results found 794 students who might benefit from either instruction in their native language or specialized help such as English as a Second Language program (ESL).

The Pawtucket school department qualified for a grant to cover expenses of specialized instruction for Indochinese refugee students. The grant of \$1,500 is part of a \$23 million national appropriation. Statewide, Rhode Island is eligible for some \$265,000 in reimbursement for such students. Under another program, West Warwick will receive funds earmarked for Cuban and Haitian refugees.

The Providence School System has been affected by the city's fiscal crisis and was forced to lay off or demote many newly appointed administrators and counselors. A large percentage of those affected are minorities recently promoted to the posts. Efforts to develop alternatives to the seniority provisions in the union contracts have failed though a Providence School Committee member expressed the belief that some alternative may be forthcoming to protect affirmative action gains.

In October, the Commissioner of Elementary and Secondary Education proposed changes which would have weakened the State's special education regulations. Included among the proposed changes were: the elimination of step-by-step timelines for identification, referral evaluation and planning for individualized education of children believed to have a handicap; and lengthening from 15 to 60 school days the overall time for evaluation prior to placement. Under another provision of the proposal, the Commissioner would be empowered to waive a school district from any special education regulation if the district demonstrated a more cost effective means for providing services. Over 1,000 persons attended the public hearings conducted in December over the proposed changes and 100 persons including members of the General Assembly testified. Most of the testimony opposed some or all of the changes. As of this writing, the Regents have yet to make a final decision on the proposals.

## EMPLOYMENT

"Last Hired, First Fired" has re-emerged and descended upon the several groups which have in recent years, benefited from affirmative action. The effects of such precarious positioning have been noted in its application to the Providence schools. Because of it, members of affected groups stand to suffer disproportionately from economic recession.

Statistics compiled by the Department of Employment Security (DES) underscore this problem for blacks in Rhode Island. According to DES's "Manpower Information for Affirmative Action Programs 1981," labor force characteristics indicate "the percent distributions. . . were the relatively greater employment problems of minorities and women." The following table summarizes DES findings for 1981.

	<u>Percent Unemployed</u>	
<u>Both Sexes</u>	<u>Statewide</u>	<u>SMSA*</u>
TOTAL	7.1	7.2
White	7.1	7.2
Black	9.7	9.4
Other Races	5.7	5.6
Spanish American	7.2	7.2
Minority Group**	8.6	8.4
<u>Female</u>		
TOTAL	8.3	8.3
White	8.3	8.3
Black	10.9	10.5
Other Races	8.5	4.2
Spanish American	15.5	15.4
Minority Group*	11.2	10.6

\*Providence-Warwick-Pawtucket Standard Metropolitan Statistical Area

\*\*Sum of Spanish American and all races except white.

While these data clearly show that minorities and women experience higher rates of unemployment than white males, the picture is even bleaker when it is noted that these figures are only these who are presently in the labor force. The data do not include those who have ceased looking.

Although there is a growing threat to the Federal commitment to affirmative action, the Governor's Executive Order regarding affirmative action in State government remains in effect. A representative of the State Affirmative Action Office indicated that

regardless of changes at the Federal level, the State remains fully committed to affirmative action.

As part of a nationwide Equal Opportunity Day observance, the Urban League held a conference in November which drew over 200 participants. Representatives of EEOC and OFCCP stated that no changes had been formalized regarding Federal nondiscrimination and affirmative action policies and that existing guidelines continue to be enforced. Providence Mayor Vincent Cianci announced at the conference that two of every three police officers hired will be minority group members. There had been several years of criticism over the racial and sex composition of the force; and Mayor Cianci noted that "of 411 policemen on the force only about 15 are from minority groups." He promised to continue to build a supply of minority candidates with the help of the Urban League.

Early in the year a U.S. District Court ruled in favor of five minority men who had charged that the hiring practices of East Providence's fire department were discriminatory. After initial uncertainty, the city moved to hire four of the men still seeking membership on the force. The suit was originally filed in 1978 and the department's ability to hire new workers was frozen pending resolution. The court also ordered the department to use the city's "three plus three" affirmative action plan in its hiring practices until between 5 and 6 percent of the department was composed of minority group members.

East Providence's "three plus three" plan had been developed by the city's affirmative action office and an affirmative action committee. It stipulates that when a job is available two lists of candidates who have passed the civil service exam be submitted to the city manager. One list would contain the top three minority candidates while the other would be a standard list. The plan is designed to increase the minority percentage of the city's work force. (The plan was passed by the City Council in early 1982).

The State legislature passed two bills which affect discrimination in employment. The first bill expanded the definition of handicap to include mental handicap and places enforcement in the hands of the Rhode Island Commission on Human Rights. The second bill also affects the Rhode Island Commission and provides for the reimbursement of attorneys' fees incurred by successful complainants in bringing charges against employers.

#### HANDICAP

1981 was the "International Year of the Disabled" and it too was a year of mixed results. While the 1980 Census data will provide some information on the handicapped, the data are derived from a "disability" item on a questionnaire distributed on a sample rather than complete-count basis. In addition, the data will not

distinguish between types of disabilities, which is important for determining certain program orientations and priorities.

On the State level, the legislature passed a bill prohibiting health, accident, life, automobile, liability and marine insurance companies from discriminating in rates on contracts on account of disability. Another bill requires that gas stations offering both self-service and full-service pumps charge the self-service price to autos with special handicapped parking plates.

These are 2 of 18 handicap-related bills identified at the beginning of the legislative session by the Rhode Island Governor's Committee on the Employment of the Handicapped (RIGCEH) which were passed. A bill which passed only one house and is likely to be reintroduced in the next session would raise the fine from \$25 to \$100 for drivers not yielding the right-of-way to the blind.

RIGCEH has also been forced to reduce its staff by four teachers, an interpreter, a program director and a clerk typist. The cuts, necessitated by the decline in Federal support, became effective October 1, 1981 and leave only the executive secretary on staff. According to RIGCEH, 2 million dollars and 73 staff positions in 7 jurisdictions are threatened by the consolidation and block granting of programs for the disabled.

During the 1970's one of the landmark pieces of legislation was the Rehabilitation Act of 1973. Section 504 of this law requires that all Federally subsidized programs be accessible to persons with handicap. According to regulations promulgated by the U.S. Department of Health, Education, and Welfare in 1977, Sec. 504 reviews were to be completed by June, 1980 and all federally funded programs were to be "barrier free" by that time.

Part of the Governor's Executive Order 19, "Equal Opportunity and Affirmative Action," centralized section 504 compliance under the newly formed Office of State Equal Opportunity. Since that time responsibility has been transferred to the State Building Code Commission (in 1979), which, along with an architectural firm, developed cost estimates to render all State programs accessible. The General Assembly generated a bond issue to raise the funds and in June 1980, \$5.25 million of a projected total of \$14.5 million was approved by voters. As part of the bond issue there was a requirement that the final plan be developed by a "panel of handicapped persons or their representatives. . .The RIGCEH's subcommittee on Environmental Barriers was selected" as this panel.

In May, 1981, the subcommittee submitted its review which included 11 recommendations to resolve what were termed "problems of a systemic, not departmental nature," as well as structural changes. The specific findings and recommendations are contained in the appendix to this report.

In general, implementation of those recommendations of a systemic nature are lagging behind. However, by the end of 1981, architectural and engineering studies had been completed on 117 buildings that will be renovated in 1982 and the State ordered 30 telecommunication devices for the deaf. (The devices arrived in late January, 1982 and are scheduled for installation during the year). On a less positive note, six of Rhode Island's 39 municipal governments have failed to replace their Sec. 504 coordinators when the original part-time coordinators resigned this past year.

Finally, litigation over the Rhode island Public Transit Authority (RIPTA) buses continued through 1981. The suit, filed by the Rhode Island Handicapped Action Committee and the Paraplegia Association of Rhode Island, charges RIPTA and the U.S. Department of Transportation (DOT) with discrimination. The charges are related to the purchase, with DOT funds, of public buses not accessible to the semi-ambulatory impaired and which decrease available wheel chair space by 50 percent. The case continues in district court.

#### HATE GROUP ACTIVITY

Across the Nation concern is growing about the rising number of incidents attributed to, and higher visibility of, hate groups such as the various factions of the Ku Klux Klan and neo-Nazi organizations. Advisory Committees to the U.S. Commission on Civil Rights conducted factfinding meetings in four locations to investigate effective responses to such activities. Although the results of the meetings have not been released, preliminary indications are that appropriate legal action and public denunciation of acts such as cross burnings and swastika-paintings do serve to limit the success of organized efforts to promote hatred.

Incidents of desecration and mailed "sympathy cards" to Jewish mourners bearing Nazi symbols continued on a limited scale in Rhode Island. As indicated earlier, leaders in the State of Rhode Island have been quite outspoken in condemning these groups and their activities; and elected and police officials have initiated actions designed to place limits on the ability of groups to promote hatred.

In February Attorney General Dennis J. Roberts II told a conference sponsored by the Anti-Defamation League (ADL) that his staff would conduct a survey of existing State laws limiting racist and anti-Semitic incidents.

The Rhode Island Coalition Against Bigotry (RICAB) was established in the spring of 1981 in response to an increasing number of neo-Nazi activities in the State. The coalition includes representatives from some 30 organizations across the State ranging from public agencies such as the Rhode Island Commission on Human

Rights to private organizations such as the Rhode Island Council of Churches. The Rhode Island Advisory Committee to the U.S. Commission on Civil Rights serves as an observer.

RICAB has six stated goals: information gathering; analysis and dissemination; encouraging State and local officials to condemn racist and anti-Semitic activity and harassment; development of standardized responses to such activities; enlistment of educational and religious institutions for statewide activities to combat racism and anti-Semitism; enlistment of news media to provide unsensational coverage of such activities; and encouragement of the promulgation and enforcement of legislation to prohibit such acts.

During its 1981 session the Rhode Island Legislature passed the Governor's bill making the defaming or terrorizing of another or of another person's property a felony. Chapter 1153 provides that any person who so terrorizes or threatens injury or burns or desecrates or displays a sign or symbol with the intent to terrorize shall be punished by not more than two years in prison or fined not more than \$5,000 or both.

Since passage of the law the attorney general's office has been investigating several incidents to build cases for prosecution. They report difficulty obtaining usable testimony and to date no charges have been filed.

The legislature also established a 15-member Rhode Island Commission on Religious, Racial and Ethnic Harassment. The membership of the Commission is established as "three members appointed by the Senate majority leader, three members appointed by the Speaker of the House, three members appointed by the Attorney General, one member of the State police, one member of a municipal department and four members of the community at large appointed by the governor." The Commission met several times in the closing months of 1981 in an attempt to define its role and map strategy for meeting its general mandate to investigate current and proposed statutes, to educate the public and to monitor incidents of harassment. It is also mandated to report each January to the Governor, the Attorney General and the General Assembly.

According to the Commission's report, while the "framework from which the Senate is presently combating harassment" is "generally strong, the Commission has identified several weaknesses which allow clearly reprehensible conduct to go either unpunished or inadequately punished." The Commission plans to introduce three pieces of legislation during the 1982 session to address these weaknesses.

Providence Mayor Cianci and Public Safety Commissioner Gorodetsky announced the formation of a special Terrorist-Extremist Suppression Team (TEST) within the Providence Police Department. Asked about its makeup, Police Chief Mancuso stated that the team,

headed by a former narcotics team leader and organized in part in response to the new State statute, would be better able to perform its task of investigating the Klan and neo-Nazi organizations if its exact composition was not fully known. It functions as an independent unit within the department to investigate all complaints of harassment which fall under both new and old laws and is under the direct supervision of the Chief of Police. Thus far TEST has generated evidence which has been presented to the grand jury. In June it was reported that 15 to 20 indictments were being sought against five suspects based on evidence gathered by the team.

The Rhode Island Affiliate of the American Civil Liberties Union (ACLU) has been highly critical of both the new State law and TEST. The ACLU feels the law is overly vague and unconstitutional and it sees the Unit as a threat to the civil liberties of any group which seeks to exercise its Constitutional right of free expression with which TEST might disagree.

The ACLU's fears have not been allayed by the news that the team was instrumental in the arrest of a man charged with contributing to the delinquency of a minor. The man is reportedly a communist and it was that membership which led to the involvement of the team, though the eventual charges were totally unrelated.

In a letter to Providence Mayor Cianci, the ACLU expressed its belief that TEST posed "a great threat to the First Amendment rights of all Providence residents." The ACLU called on the mayor to disband the team, whose activities it characterized as "nothing less than political intelligence gathering" which "inevitably has a chilling effect on citizens...Of course, since the work of the police team will largely be secret and undercover, opportunities for abuse of these intelligence powers become very tempting." The letter also voiced "uncertainty of who the targets of this new team will ultimately be," and noted that "lawsuits against the intelligence departments of various police departments throughout the country in the past five years show clear evidence of such abuse."

In response to an Advisory Committee inquiry into the operation of TEST, Chief Mancuso wrote that:

The work of this unit has resulted...in the return of four indictments which relate to the damaging and painting of Nazi swastikas on a Jewish temple and the Jewish Community Center. It is my belief that this has made an impact on the terrorist activities of both the Nazis and Ku Klux Klan in this area.

Mancuso added that "because of the extremely tight operating restrictions under which this unit operates, the return of these



indictments is a major operational result." The chief expressed his pride in the fact that his is the only department in the Nation with such a squad and that it was created because of the "strong commitment of this department to the protection of civil liberties particularly as they relate to the exercise of First Amendment guarantees."

In October 1981, the ACLU made a formal request under Chapter 2 of Title 38 of the general laws of Rhode Island for documents and guidelines for the conduct of TEST activity. Commissioner of Public Safety Gorodetsky responded on November 13, 1981 citing general order #30 and standard police reporting forms as the only written records kept .

In August a man claiming to be the leader of the Pawtucket Klavern of the Invisible Knights of the Ku Klux Klan was joined by seven others, including the Connecticut based tri-State KKK leader, in distributing literature in the parking lot of a Pawtucket supermarket. The eight men were dispersed by police for obstructing traffic. The Pawtucket man, who reportedly asked journalists not to print his name and address, noted some difficulty recruiting new members after the outbreaks of violence surrounding Klan activities in nearby Meriden, Connecticut.

As noted above, indictments were returned against four local residents including a former local Nazi leader and a man claiming leadership of another Ku Klux Klan faction in Rhode Island. The four were charged with malicious destruction of property for defacing the walls of the Providence Jewish Community Center in 1979.

#### HOUSING

In January, the House passed a bill supported by several women's rights organizations to prohibit discrimination in rental housing against single parent families. Opponents of the legislation have prevailed thus far in the Senate arguing that such legislation was unnecessary. The bill remains in a Senate Committee.

The Rhode Island Commission on Human Rights received HUD funding for a project director to develop a statewide housing compliance program. According to Commission Director James Warrick, the project director has begun developing a statewide housing enforcement program. Staff investigators have received HUD training in the conduct of housing investigations.

The Providence Human Relations Commission charged with enforcing the city's antidiscrimination laws, conducted a series of "housing outreach programs" through the city. The purpose of the programs, which were conducted in 11 sites was to promote awareness of the law and allow citizens to lodge complaints.

Both the Providence Human Relations Commission and the Rhode Island Commission on Human Rights have been or anticipate being affected by Federal cuts. Federal funding obtained early in the year was cut and the State Commission was forced to eliminate several newly hired investigators. The loss of investigators by the State Commission will have an impact on housing enforcement efforts. Charges are increasing, but the number of investigators is declining. The picture at the Providence Human Relations Commission is equally bleak. According to its acting director, the agency has experienced a 34 percent reduction in funding (from \$118,086 to \$78,744, and has lost 10 positions including a bilingual staff member. The local agency has a current staff of 5.

#### POLITICAL PARTICIPATION

As noted earlier, political participation was an important issue in 1981. On the national level there was heated debate over extension of the Voting Rights Act. The House passed a bill which would extend the special provisions and strengthen the law by providing for intervention where plans had the effect of diluting minority voting strength. Such a provision would mitigate the effects of the prevailing Supreme Court holding in *Mobile v. Bolden* that complainants must demonstrate intent. The Senate failed to act on an extension and debate continues into 1982 with both Rhode Island senators among 60 who sponsored a bill similar to that passed by the House.

Rhode Island and all States are now engaged in the redistricting process. As required by State law, the Speaker of the General Assembly and President of the Senate appointed a commission to reapportion the State's 100 Assembly and 50 Senate districts. For Rhode Islanders, the 1980 attempt to gerrymander several Providence districts demonstrated that plans can have a deleterious effect on minority groups even when the intent is "purely political."

The subject of redistricting was the focus of an October 5 forum at the State House co-sponsored by the Rhode Island Advisory Committee, the Rhode Island Women's Political Caucus, the Rhode Island League of Women Voters, the ACLU, the Urban League and Project SER. Joining keynote speaker Dr. Mary F. Berry, Vice-Chair of the U.S. Commission on Civil Rights, were leaders of the Democratic and Republican parties and the Chair of the Redistricting Commission. While Dr. Berry offered an analysis of, and explained the continued need for the Voting Rights Act, the other panelists, discussed the process of redistricting. Population shifts within the State are such that the city of Providence is likely to lose a seat in the State Senate. The audience seemed quite concerned that the 1980 gerrymander attempt not be repeated and that minority voting strength not be diluted.

As pledged at the forum, meetings to hear from the public have

been conducted at five Rhode Island locations in the closing months of 1981. These meetings have been monitored by SAC members and attendance has been moderate. The meetings were not well publicized and as such had limited input.

The Commission was due to submit its proposed redistricting plan to the legislature and the public in January, but it has been postponed subject to further public scrutiny. The Advisory Committee and other concerned groups will closely study the plan, and the Advisory Committee intends to issue a brief report on reapportionment and voting rights later in the year.

The State is not the only jurisdiction undergoing redistricting. The city of Providence has altered its charter so that the former 13 ward, 26 member City Council will be replaced by a 15 ward, 15 member Council. The city has considered several plans thus far. Given the high proportion of the city's minority voters, the redistricting has been much more attentive to the racial composition of the new districts. Unlike the State Commission, the city's Ward Boundary Committee, responsible for creating the new plan, includes several black members.

Black candidates are gaining election to local offices. Newport councilman Paul Gaines was reelected by the voters and was designated mayor when he was elected chair of the Council. In addition, Newport's second black school board member was elected.

#### WOMEN'S RIGHTS

During 1981, the Rhode Island chapters of the National Organization for Women (NOW) devoted considerable energy in support of the Equal Rights Amendment. As 1981 closes passage of the Amendment, also strongly endorsed by the U.S. Commission on Civil Rights, seems in doubt.

Representative Claudine Schneider served as a member of a presidential task force to review Federal civil rights regulations. Noting that "we do, in many instances, have a problem of regulation," she also echoed a concern of the U.S. Commission on Civil Rights:

Women and minorities have long borne the responsibilities of our society, but it is only in recent history that we have had the privilege of reaping many of the benefits of our labors.

Representative Schneider pledged to "vigorously oppose any initiative to weaken or eliminate the intent of these vital civil rights regulations (which)... represent the Federal Government's assurance that women and minorities receive fair and equitable

treatment in the job market as well as in daily life."

While the past decade has seen the increasing participation of women in the work force, this participation also highlighted discriminatory practices and differential treatment. Women continue to be clustered in lower-paying jobs, and are in industries and occupations hardest hit by economic downturns. These tendencies have contributed to the "feminization of poverty."

In June 1981, the U.S. Supreme Court ruled in favor of a group of Washington State jail matrons who sued to allow the introduction of evidence showing they received 70 percent as much as their male counterparts although county officials had determined they should receive 95 percent of the men's salaries. The decision is likely to have an effect on pending and future litigation relating to "comparable worth." This concept is based in part on the fact that sex-segregated jobs may not have direct equivalence but require comparable training, skill and experience. The decision affects several pending Rhode Island cases.

Sexual harassment, coercion and intimidation have long been serious concerns of women in the work place. Freedom from such abuses has become a goal. The Providence Human Relations Commission has approved regulations designed to protect employees and students from sexual harassment on the job and in school. The regulations specify unlawful behavior and provide for remedies.

Nationwide, one of the most gender-segregated areas of employment has been law enforcement. Rhode Island is no exception, and on May 15 Federal funds allocated to Rhode Island through the New England State Police Administrators Conference were cut off because of a suit filed by the U.S. Justice Department which charged that the State police hiring policies discriminated against women.

Two State agencies agreed that part of the State's worker compensation law discriminates against women. The law allows disabled workers to receive an extra six dollars for each dependent, while providing such extra compensation only for women who are the main family "bread winners." The Labor Committee of the General Assembly is considering a legislative remedy.

Several factors have historically served to diminish the participation of women in the labor force. There have been prevailing norms that "a woman's place is in the home." These norms are slow to change. In addition to such norms, other factors limit women's participation. One is the need for child care, which falls disproportionately on women. As the U.S. Commission on Civil Rights documented in its June 1981 report, Child Care and Equal Opportunity for Women, "women are often kept in poverty and dependence by the absence of adequate child care services." Rhode Island continues to suffer from inadequate child care facilities.

A State law was passed which laws were peculiar concern to women. Temporary disability expanded to cover pregnancy in the same fashion as other illnesses.

A U.S. magistrate ruled unconstitutional a State common law doctrine that allowed husbands, but not wives, to collect damages for loss of spouses' services.

The General Assembly also passed a bill which required that word titles in statutes conform to the gender of an individual and that inclusive pronouns be used when gender is unknown.

### FEDERAL FUNDING

Throughout this report, publications of the U.S. Commission on Civil Rights have been cited for analyses of civil rights developments on the national level in 1981. The link between civil rights and changes in Federal funding was also noted early in this report. In some respects this national issue is a State issue. Changes in Federal funding for social programs may well become the major State issue for 1982. As such, while reference will be made to specific Rhode Island responses, these responses will be the subject of monitoring throughout the year and will be discussed in the "prospectus" with which this report concludes.

There have been two forms of Federal funding for social programs in the States -- block grants and categorical grants. One of the major transformations which occurred in 1981 was the consolidation of several programs into block grants (transfers of funds, the use of which is largely determined by the States). The use of categorical grants is specified in enabling Federal regulations. Historically, civil rights activists have been skeptical of the discretion allowed under block grant approaches.

The U.S. Commission on Civil Rights has pointed out that studies of long-standing existing block grant programs (such as Revenue Sharing and Community Development) have found a relaxation of Federal oversight leading to failure to comply with nondiscrimination requirements. Discrimination may occur more easily when there are such administrative failings as noncollection of data about the clients and beneficiaries of the programs, absence of adequate onsite reviews, and reliance on complaints rather than systematic enforcement mechanisms. Lack of effective administrative enforcement puts the full burden of pursuing relief on discrimination victims.

The Omnibus Budget Reconciliation Act of 1981, passed August 13, combined 57 Federal programs with specific goals or target groups in the fields of education, health, community development and welfare into nine "block grants." The Federal legislation provides only broad purposes and goals for the block grants. The States have

great discretion in deciding how the funds will be used.

The States must apply for the grants, but this is not a competitive process. The size of a grant is not linked to the merit of the State's program but is set by a national allocation formula. The State must indicate in its application the services and benefits for which it will use the money from a particular block grant, must meet certain requirements about public comment on the plan, and must provide certain assurances that it will comply with Federal laws in administering the grant. Consistent with the Administration's intention of reducing regulatory requirements, these funding conditions are generally less thorough and detailed than in the previous programs.

The Budget Reconciliation Act called for all States to assume responsibility for block grants in social services and low-income energy assistance as of October 1, 1981. The act also offered the States the option to assume control of several of the remaining seven grants at the same time, or to defer responsibility for a year. Rhode Island, along with most other States, chose to accept control of four optional block grants -- community services; maternal and child health; preventive health care; and alcohol, drug abuse, and mental health.

The nine block grants vary greatly in content. For instance, two of the programs (community development and social services) involve programs which have been block grants for some time. Further, four of the new "block grants" contain only one former categorical grant program (home energy assistance, community development, community services and primary health care). There are in fact, only four programs which involve consolidation of more than two previous categorical grants - alcohol, drug abuse and mental health (3 programs); maternal and child health (6 programs); preventive health and health services (9 programs); and elementary and secondary education (33 programs).

The social services and low-income energy assistance programs have been and will continue to be administered by the Rhode Island Department of Community Affairs (DCA). According to the agency director, the effects on his agency are greatest not in terms of added responsibility but level of funding for the programs.

The act, also offered the states an option of assuming control of the remaining seven grants or deferring responsibilities for a year. The State has accepted four of these optional programs, and decisions concerning the remaining programs are still pending.

Both the director of DCA and the Governor's Federal Coordinator have expressed grave concern over certain aspects of the block grant procedure. While both officials indicated their confidence in the State's capacity to administer the funds and provide the services to the State, they also expressed concern that the funding cuts will

diminish any possible benefits of local control. The Governor's Federal Coordinator noted, for example, that the State has been forced to lay off 44 social workers and cut back on support for day care facilities.

Of the nine block grants, four that have been of particular importance to disadvantaged groups serve to illustrate some of the potential civil rights enforcement problems. These programs are social services, community services, community development, and education. Although the Federal funding agencies legally continue to have the oversight responsibility regarding discrimination, it seems likely that in practice the states are inheriting a significant new increment of responsibility--perhaps the key responsibility--to see that the money is used nondiscriminantly.

Six of the grants contain provisions which prohibit discrimination based on race, color, national origin, sex, religion, age and handicap. The CDBG grant expands its existing nondiscrimination provision to prohibit discrimination on the basis of age under the Age Discrimination Act of 1975, and on the basis of handicap as provided in section 504 of the Rehabilitation Act of 1973. The Elementary and Secondary Education Act and the Social Services Block Grants Acts contain no specific provisions prohibiting discrimination, though existing laws prohibiting discrimination apply.

Several programs targeted at disadvantaged groups continue to bear their familiar names but are undergoing important changes. The coming year will show whether these changes have eroded the equality of access of such groups to housing, employment, or legal services. Several of the key categorical programs are: aid to families with dependent children (AFDC), food stamps, low income housing and legal services. The Community Affairs Vicarate has analyzed the changes taking place in these and other programs and provides more comprehensive treatment than is possible here.

Budget cuts seem to have received even more publicity in 1981 than administrative changes, if only because the estimated levels of the cuts were modified so frequently. The exact losses to Rhode Island are not yet entirely clear, but national figures suggest the scope of the changes.

Cuts in the funding of those programs now supplanted by block grants are deep. For example, the Appropriations Committee of the U.S. House of Representatives estimated that in comparison to Fiscal Year 1981 budget authority for the supplanted categorical programs, the FY 82 reductions for the comparable block grants are: Community Services, 33 percent; Education, 9 percent; Social Services (Title XX), 20 percent. The cut in the already existing Community Development Block Grant is 6 percent. The New York Times calculated in November, after the "first-round" cuts, that the block grants represented a 25 percent lower level of funding than the previous year's programs.

The Wall Street Journal put the overall decline in direct Federal grants to State and local governments in the first round of cuts at 14 percent. The American Federation of State, County and Municipal Employees calculated that the cuts proposed by The Reagan Administration as of November 1981 would cost Rhode Island the following losses in 1982:

<u>PROGRAM</u>	<u>LOSSES</u>
General Revenue Sharing	9.8
CETA	20.3
Education	2.6
Child Nutrition	4.7
Dependent Children	7.3
Social Services	3.5
Medicaid	3.4
Highways	1.3
Total Cuts to States, Localities and Individuals	98.0

The civil rights implications of these projections are difficult to pin down. Some cuts have already had an impact on certain civil rights agencies (The Governor's Committee On The Employment of The Handicapped, The Providence Human Relations Commission, The Rhode Island Commission On Human Rights). Beyond staffing reductions, however, it is difficult to say with clarity what the programmatic effects of the cuts and block grant changes will be. Several studies of this problem are under way in Rhode Island.

#### ADVISORY COMMITTEE ACTIVITY

During 1981, The Status of Civil Rights in Rhode Island, a summary of the Advisory Committee's 1980 consultation was published and the Committee's followup activities concentrated on two issues raised during the consultation: police practices and the "growing intolerance of diversity," or hate group activity.

The Advisory Committee held a forum on hate group activity February 11, 1981. Representatives of the Providence Police Department, the Rhode Island Council of Churches and the Providence Human Relations Commission presented information on Klan and neo-Nazi activity in the State. A member of the Advisory Committee participates as an observer with the Rhode Island Coalition Against Bigotry (RICAB), and the Advisory Committee continues to monitor hate group activity in Rhode Island.

Consultation remarks on police practices centered around "police brutality" and failure to engage in affirmative action hiring policies. Committee members met with the Urban League's "Test Strategy Center" staff and a member of the Rhode Island Minority



Police Officers Association to assess the latter situation. A meeting was held in early September with Police Chief Anthony Mancuso which established a set of mutual concerns and served as the basis for continued communication. The issues of minority recruitment, complaint processing procedures and guidelines on the use of deadly force were discussed. It was as a result of this meeting that the data on complaints were obtained for this report.

In addition the Committee co-sponsored the forum on Voting Rights and Reapportionment discussed above. As followup to this activity, SAC members and Regional Office staff have monitored the progress of the reapportionment commission and will report to the U.S. Commission on Civil Rights on the process and the final plan.

### PROSPECTUS

On the national scene 1982 will witness several critical decisions in civil rights. The future of both the Voting Rights Act and the Equal Rights Amendment will be determined. Congress is likely to consider whether racially discriminatory private schools will be granted tax exemptions. The year will provide some indication of how effective new Federal civil rights enforcement strategies will be.

The Advisory Committee shares with other Rhode Islanders a sense of urgency and concern about the effects of any possible dilution of enforcement of civil rights laws and regulations. As we have seen in 1981, the elected leadership of the State and localities of Rhode Island will be tested in its continued commitment to civil rights in 1982.

There are several matters which continue unresolved at this time and their resolution will go a long way toward defining civil rights for the next few years. The following does not comprise an exhaustive list but are significant issues which will be monitored by the Advisory Committee during the coming year.

1. "The New Federalism:" According to the initial outline, the Administration is proposing that a fund be created from Federal excise taxes and that each state receive a portion of the funds based on its share of the cost for programs to be "turned back" to the states. The dollar difference between the trust fund allocation and cost of the programs would be matched by a "swap" in which the Federal government would assume the costs of medicaid and the States would finance food stamps and Aid to Families with Dependent Children.

Figures released by the White House indicate that Rhode Island would receive 124 million from the trust fund and 95 million in medicaid "savings," while it would assume

"turnback" costs of 141 million and 78 million in public assistance costs. The plan is designed so that costs and savings both total 219 million dollars.

One of the most important tasks before the State in 1982 and over the next few years will be to determine the effects of the new funding procedures on social programs. While it cannot be assumed that budget cuts or changes in the delivery of services will violate the civil rights of any person, efforts must be made to ensure that this does not happen. Discussions with the director of the Rhode Island Department of Community Affairs indicated that the State would maintain nondiscriminatory provisions for any programs transferred to the State under block grant programs or a "swap" with the Federal Government. To insure the fulfillment of this preliminary pledge seems to be a clear responsibility of the Rhode Island Advisory Commission for Minority Affairs.

2. Reapportionment: As this report is prepared the submission of the State Reapportionment Commission's plan has been postponed. (A similar delay has occurred on the Federal level with regard to the Senate hearings on the Voting Rights Act) The Advisory Committee looks forward to the release of the Reapportionment Commission's plan and understands that alternative plans have been submitted. The Committee hopes the plan will provide equal and just representation, will be reviewed by the public, and will be passed more expeditiously than the last plan. Ideally, passage will occur by the end of the legislative session and will allow for Fall elections under the revised districts. Several organizations have expressed concern that the need for expediency not limit opportunities for public input.
3. Police Practices in Providence: The litigation over the Providence Police Department's complaint records continues. At the same time the record of the department for 1981 shows a commitment to remove or discipline individuals who do not conform to the standards of conduct set forth by department leadership. These two facts require resolution. The data on complaints provided to the Advisory Committee by the department are a positive step toward public discussion. There remain 19 unresolved complaints; and the Department has expanded the staff of its Internal Affairs Unit to process the complaints. However, as long as questions exist about the conduct of the police, their ability to provide much-needed services is endangered.
4. Hate Group Activity: As noted above, the Rhode Island Commission on Religious, Racial and Ethnic Harassment's

annual report indicates that several pieces of legislation will be introduced this year. The first bill will make it a felony to "vandalize, deface or destroy institutions which are symbols of a racial, religious or ethnic group." The second bill will provide "specific authorization for a civil action by the victim" of harassment. The third piece of legislation recommended by the Commission would be designed to "prevent the establishment or maintenance of paramilitary training camps" in the State.

The Commission also plans to continue its educational and investigatory functions during 1982. The Advisory Committee is interested in evaluating responses, proposed and in effect, to hate group activities, including the role, function and accountability of the Terrorist Extremist Suppression Team.

Efforts must continue to create an unfriendly environment for hate group activity. Indications that State and local leaders are committed to maintaining civil rights enforcement are encouraging. The coalitions formed, the actions of the Governor, the legislature, State and local law enforcement agencies and the public at large bode well as do the apparent commitments to affirmative action in Providence and East Providence. Finally data from the 1980 census will be released, giving a fuller profile of the relative earnings, educational attainment, occupational status, and housing quality of different racial, ethnic, gender and age groups. As these data emerge they will help us understand the changes which have and have not occurred in the relative status of the various groups.

Reports and Sources Used:

"First Annual Report", the Rhode Island Commission on Religious, Racial and Ethnic Harassment.

"Annual Report 1981," of the Governor's Committee on Employment of the Handicapped.

"After the Fall: Program Changes Enacted by Congress in the Omnibus Reconciliation Act of 1981", The Dollar and the Scale.

"A Preliminary Assessment of the Impact of the Reagan Economic Recovery Plan on Minorities and the Poor," National Urban League.

"Reaffirmation of Civil Rights in Rhode Island," Rhode Island Commission for Human Rights.

U.S. Commission on Civil Rights Publications, 1981

Civil Rights: A National, Not a Special Interest (June)

The Equal Rights Amendment: Guaranteeing Equal Rights for Women Under the Constitution (June)

Indian Tribes: A Continuing Quest for Survival (June)

The Voting Rights Act: Unfulfilled Goals (October)

Who is Guarding the Guardians? A Report on Police Practices (October)

With All Deliberate Speed: 1954-19?? (November)

Affirmative Action in the 1980's: Dismantling the Process of Discrimination (November)

Chapter 182 - S 801 - Requires school committees to include agenda in notice of their public meetings.

Chapter 214 - S 212A - Requires applicant to the Rhode Island Housing and Mortgage Finance Corporation to provide detailed plan of security for the safety of inhabitants when facility is to be located within the City of Providence.

### Statutes

Chapter 278 - H 5009 - Provides that if applicable word titles in statutes shall suit the gender of an individual; and provides that when the gender is unknown that nouns or pronouns that are used shall be sex inclusive.

### Special Commissions

81-S-794 am - Legislative Commission on Child Abuse - nine members, Report by February 2, 1982.

81-H-5175 am - Legislative Commission on the feasibility of establishing mobile markets for the elderly - nine members, Report by January 12, 1982.

81-H-5431 - House Commission to study the existing laws on domestic violence - five members, Report by April 1, 1982.

81-H-5493 am - Legislative Commission to study the present welfare system and recommend ways for improvement - fifteen members, Report by January 15, 1982.  
(Chap. 291)

81-H-5952 am - Legislative Commission on home health care needs - nine members, Report by February 19, 1982.

81-H-6060 - Legislative Commission on the operation and funding of community health centers - nine members, Report by April 2, 1982.  
(Sub A)

# SELECTED SUMMARY OF LEGISLATION PASSED IN 1981

## GENERAL ASSEMBLY

### Delinquent and Dependent Children

Chapter 82 - S 785 - Provides a foster family the right to a hearing before a foster child can be removed from their home.

Chapter 84 - S 828 - Requires a hearing prior to placement of a child in an out of state facility.

Chapter 184 - S 845A - Allows commitment of children alleged to be delinquent to training school or custody of DCF, but requires a probable cause hearing within ten (10) days.

Chapter 285 - H 5273 - Requires all state and private agencies licensed to place children in homes or institutions to examine criminal records of present and prospective foster parents in determining suitability.

Chapter 317 - S148A - Provides that Family Court may divulge the home and address of a juvenile accused of committing a crime to the victim.

### Domestic Relations

Chapter 143 - S984 - Requires parents of children in custody of state or private agencies to pay their support, and places enforcement thereof in the Family Court Reciprocal Division.

### Education

Chapter 174 - S 52 - Provides for free tuition at state colleges for residents 60 years of age and older.

Chapter 291 - H 5493 - Amends provisions of Chapter 32 of the 1981 Public Laws relating to special services for equal educational opportunity.

## Health and Safety

Chapter 212 - S 738 - Provides for the definition and licensing of homes for the sheltered care of adults and lists rights of residents of sheltered care facilities.

Chapter 226 - S 1174 - Provides for the licensing and regulation of sheltered care facilities for adults and a patient's file of rights; provides an appropriation of \$125,000 for implementation of the act.

## Labor

Chapter 167 - S 436A - Amends Fair Employment Practices Act to prohibit discrimination against the handicapped as defined in federal law.

Chapter 211 - H 350A - Provides additional benefits for persons who have been discriminated against by unfair employment practices. Allows an employee to proceed in the Superior Court if after 120 days of the filing a conciliation agreement has not been entered into.

Chapter 340 - S 134 - Makes an employee imprisoned as a result of a conviction of a crime ineligible for workers' compensation; provides for payment of compensation to dependents of such employees.

## Social and Rehabilitative Services

Chapter 324 - S 423 - Provides for the appointment of a special advocate on behalf of an abused or neglected child on the discretion of the Family Court.

Chapter 355 - S 857A - Establishes an "early intervention program" to provide developmental services to significantly developmentally disabled children up to three years of age; appropriates \$45,000 to carry out the program.

## State Government

Chapter 69 - S 305 - Requires the report of abuse of any elderly person to the Director of the Department of Elderly Affairs.

Chapter 136 - S 809 - Creates the minority Group Advisory Commission.

Chapter 155 - H 5736A - Established the Commission on religious, social and ethnic harassment.

## THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, age, handicap, religion, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

## THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105 (c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters which the Advisory Committee has studied; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

## ACKNOWLEDGMENTS

The Rhode Island Advisory Committee wishes to thank the staff of the Commission's New England Regional Office, Boston, Massachusetts, for its help in the preparation of this report.

The preparation of the report was the principal assignment of David J. Harris, with the assistance of Larry Riedman, and support from Marilyn Kittle, and Sylvia Cooper. The project was undertaken under the overall supervision of Jacob Schlitt, Director, New England Regional Office.