Civil Rights Developments in Connecticut, 1981

March 1982

--A clearinghouse report of the Connecticut Advisory Committee to the U.S. Commission on Civil Rights, published for the information of the Commission and the people of Connecticut. The contents of this report should be attributed to the Connecticut Advisory Committee 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 Connecticut Advisory Committee is one of 51 such bodies composed of private citizens who advise the Commission about civil rights developments in their respective States.

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CIVIL RIGHTS DEVELOPMENTS IN CONNECTICUT, 1981

Preface

Nationally, many observers characterized 1981 as a year of setbacks and retrenchment in the area of civil rights. The resurgence of organizations such as the Ku Klux Klan, Federal budget cuts in social programs, and changes in the Federal civil rights enforcement structure created fears that, instead of efforts to bring groups that have been discriminated against into the mainstream, the government might be ready to accept a return to neglect and separatism. For example, on the bellwether issue of school desegregation, congressional proposals virtually to eliminate school busing for desegregation and to concentrate instead on "the quality of education" raised the spectre of a return to the days of "separate but equal" schooling for black children.

Concern about these trends was expressed on a number of occasions during the past year by the U.S. Commission on Civil Rights. Among the reports issued by the Commission in 1981 are three that particularly underscore both the progress that has been made and the necessity for continued vigilance in civil rights. The Voting Rights Act: Unfulfilled Goals assesses the importance of this legislation and documents the need for the Act's renewal. With All Deliberate Speed: 1954-19?? draws its title from the second Supreme Court decision of Brown v. Board of Education (1955). It provides a legal and policy history of desegregation and asserts, "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 1980s: Dismantling the Process of Discrimination in 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.

Many national civil rights leaders fear that a retreat from integration of schools, housing, and the workplace will lead to increasing misunderstanding, fear and hostility between racial and ethnic groups across the country.

The Commission, which examines not only racial discrimination but also discrimination due to religion, gender, age, and handicap, noted that national developments during 1981 also included much that was disturbing to women, the elderly, and the handicapped. These groups, like racial minorities, are the direct beneficiaries of many of the programs, such as job training and food stamps, whose budgets have been cut sharply. They are also jeopardized by the curtailment of Federal civil rights enforcement activities.

Yet, to the members of the Connecticut Advisory Committee to the

U.S. Commission on Civil Rights, the picture in Connecticut is less bleak than for the country as a whole. In a year during which the United States Congress took steps to cut back existing civil rights protections, the Connecticut Legislature passed laws giving women increased protection against domestic violence and against sexual harassment in the workplace. The legislature also responded to hate group activity by passing laws which prohibit the establishment of paramilitary training camps and the burning of crosses on public property.

The Advisory Committee is mandated to monitor civil rights developments in the State, and this brief report summarizes those issues and events for 1981. It also includes a description of the Connecticut Advisory Committee's own activities, and a brief assessment of emerging issues, including the possible effects in Connecticut of Federal actions. The effects of many of last year's national developments will only be felt at the State and local levels in 1982, and the Advisory Committee intends to examine and comment upon these as the year progresses.

I. "PROTECTED GROUPS" IN CONNECTICUT

The term "minority" and the factors that cause a group to receive special treatment by the government have been the subject of considerable controversy and confusion. The U.S. Commission on Civil Rights addressed this matter in 1981 in its statement, Affirmative Action in the 1980s: Dismantling the Process of Discrimination. (See Appendix.)

The Commission's statement carefully sets forth the role and limits of statistical disparities in documentung discrimination. This clarification, and the availability of new Census data, should lead to more appropriate use of quantitative information in the analysis of whether discrimination is occurring and whether groups merit special protection.

New statistical profiles of minority groups began to emerge in 1981 as data from the 1980 Census were issued. The 1980 Census for Connecticut shows a population of 3,107,576, which represents a 2.5 percent increase from the previous census. The 1980 Census also shows racial minorities in Connecticut to be about 10 percent of Connecticut's population: blacks (7 percent), Asian/Pacific Islanders (1 percent), Native Americans (0.14 percent), and "Other Races" (2 percent). Hispanics were found to total 4 percent of the population, so the aggregate of racial minorities and Hispanics is probably in the vicinity of 14 percent.

The Hispanic count of 124,499 represented an increase of about 70 percent, and the black count of 217,433 represented a 20 percent increase since 1970. There was a very large percentage increase in the number of people that the Census terms "Asian/Pacific Islander" -- Japanese, Chinese, Filipino, Korean, Asian Indian, Vietnamese, Hawaiian, Guamanian, and Samoan. The number climbed 200 percent from 6,329 to 18,970. The Census category "Other" also includes some Asian peoples (for example, Cambodian and Pakistani), and this classification jumped more than 2,000 percent, from 3,071 to 67,220. (The 1980 counts are not strictly comparable to 1970 since the classifications have changed somewhat.)

The increases in the Asian American and "other" populations are probably due to improved Census counting procedures, and also to an increase in the number of Vietnamese, Cambodian and Laotian refugees who have settled in the State in recent years.

The overall minority growth rate was 62 percent, compared to a general population growth of 2.5 percent. This gave Connecticut 432,655 minority residents in 1980 out of a State total of 3,107,576. The white population declined by 1.3 percent from 2,838,762 in 1970 to 2,799,420 in 1980.

The Advisory Committee expects that the 1980 Census eventually

will provide portraits of Connecticut's white ethnic groups. However, profiles of ethnic groups and of age groups have not yet been released by the Census Bureau and neither have income, education, or housing data that would reveal disparities between groups. Federal budget cuts are delaying the process.

The delay also hampers analysis of gender disparities, but last year did see the publication of one new estimate of the status of women in the United States, by State, developed by Murray A. Straus and Kersti Yllo. ("Patriarchy and Violence Against Wives: The Impact of Structural and Normative Factors." A paper presented at the Johns Hopkins Symposium on "Feminism and the Critique of Capitalism," Baltimore, Md., April 25, 1981) In the economic status of women, Connecticut was ranked in the lower third of the State; regarding educational status, Connecticut ranked third; for political status, Connecticut was sixth; legal status, fourth; and overall, Connecticut ranked second of the 50 States. Among New England States, this placed Connecticut first.

While the 1980 Census should add significantly to an understanding of the status of racial and ethnic groups, women, and the elderly, it will not add much to the profile of the handicapped. A "disability" item on Census questionnaires was distributed on a sample rather than a complete-count basis, and it does not distinguish types of disabilities. Fortunately, last year Connecticut did receive a framework to assist the development of policy toward the handicapped. The State Office of Protection and Advocacy for Handicapped and Developmentally Disabled Persons (OPA) submitted its fourth annual report to the Governor and to the Joint Committee on Human Services of the 1981 General Assembly. The report outlines the issues of concern to handicapped persons in the areas of health care, voting rights, housing, vocational and public education, employment and transportation. (See Section VI.)

II. ADMINISTRATION OF JUSTICE

Police-Community Relations

Whether police protect and treat members of all groups equally was the subject of the U.S. Commission on Civil Rights' 1981 report, Who Is Guarding the Guardians? It was also an issue in a number of cities in Connecticut.

In East Hartford, the police administration has been criticized by civil rights groups because the police chief upheld the action of an officer who drew his gun as he approached an unarmed black woman and four children who were in a car that was erroneously listed as stolen. A suit was filed in Federal court in February 1981 charging that the civil rights of the woman and children were violated by the action of the officer.

A U.S. District Court jury awarded punitive damages in a police brutality case in New Britain. The judge ordered the fine to be paid by the officer, but the city attorney is exploring whether the city or its insurer can pay instead. (Insurance does not cover "willful or wanton conduct," and the jury was not clear whether the misconduct was of this type.) Police officials have stated that the ruling is likely to deter officers from making many routine arrests. City officials noted that there has been an increasing number of police misconduct suits against the city; six are now pending.

In January, the Danbury Police Department instituted civil rights seminars for all department members. The Mayor requested the seminars which are intended to brief the police officers on current civil rights legislation and recently enacted State legislation concerning the desecration of religious property.

Sex Discrimination Issues

Amendments to Connecticut's domestic violence statute which provides temporary protection for persons suffering abuse, expands coverage to help prevent abuse among a wider range of persons. The law, originally enacted in 1977, had defined spouse abuse and provided for judicial relief in the form of an ex-parte restraining order to protect spouses who are subject to threat of physical pain or injury. The ex-parte restraining order now includes not only the spouse, but also family members, former spouses, and the parent of an applicant's child. The initial restraining order covers a 90-day period and provides for an automatic 90-day extension. The amended law allows the court to extend the protective order beyond these time limits. The amendment also establishes specific language to be included in the restraining order. The language covers the time extension allowed and states that violation of the order constitutes criminal trespass in the first degree, punishable by imprisonment of up to one year and/or a fine of $1,000.

Policymakers concerned about domestic violence have come to recognize that legal protections form only a part of a successful strategy. The Connecticut Department of Human Resources prepared a comprehensive written plan for determining and meeting the needs of victims of household abuse. The Connecticut Advisory Committee to the U.S. Commission on Civil Rights had recommended such a plan in its 1979 report, Battered Women in Hartford, Connecticut. The 16-page plan includes discussions of various models for shelters and types of support services. It lists seven performance standards for evaluating shelters, calls for shelters to have written services plans, and requires monthly statistical reports on usage and characteristics of users. The legislature's Human Services Committee appropriated $500,000 -- a substantial increase -- for funding of such services.

New sexual assault legislation makes forcible sexual intercourse

between spouses and cohabiting couples a Class B felony. Previously, State law defined sex crimes in such a way so that these acts could not be prosecuted if they occurred between spouses. The new law repeals these provisions and makes it possible to bring a charge of sexual assault against a marital or cohabiting partner.

III. EDUCATION

In its November 1981 report, With All Deliberate Speed, 1954-19??, the U.S. Commission on Civil Rights characterized school desegregation as "the single most important task confronting the Nation in the field of civil rights." The Commission expressed deep concern about Congressional efforts to restrict the Federal role in implementing desegregation.

Closer to home, a report issued by Hartford's Equal Education and Racial Balance Task Force recommended that the Hartford Board of Education halt efforts to comply with the State's Racial Imbalance Act because it was unrealistic and impractical to implement. The law requires that integration plans be submitted to the State for any school where the minority population is 25 percent higher or lower than the overall minority population in the school system. Since the majority of Hartford's schools are already imbalanced, compliance with the act would require Hartford to correct racial balance at five elementary schools. The Task Force recommended that the courts or the State Legislature address the reality that 83 percent of Hartford's student enrollment is minority. The report also recommended expanding Project Concern, the school system's voluntary desegregation program, urging the State Department of Education to implement an aggressive program to increase the numbers of integrated schools in the region, and distributing information to inform parents of "their right to an integrated education."

The Joint Committee on Intergroup Relations, which was established by law to help develop pre-service and in-service training of teachers in intergroup relations, improve awareness about the diversity of American society and counteract bias, was expanded to include a representative of the Permanent Commission on the Status of Women. The Joint Committee had previously been composed of representatives of the State Department of Education, the State Board of Higher Education and the State Commission on Human Rights and Opportunities.

In April 1981, the Bridgeport-based Spanish American Coalition filed a suit in U.S. District Court charging the State Department of Education with discrimination against Hispanics in the State's vocational and technical schools and with violating State and Federal civil rights laws. The suit was filed on behalf of 12 Puerto Rican students who were denied admission to the Bullard Havens Regional Vocational-Technical School in Bridgeport. The

Coalition said that of the 12,527 students enrolled in the State's 17 vocational schools, only 460 are Hispanic, and fewer than a dozen teachers are Hispanic out of a total of 959. A month later, a tentative out-of-court settlement was reached which calls upon the Department to: allow 15 Spanish-speaking students to enter the ninth grade at Bullard-Havens; hire Spanish-speaking counselors and offer bilingual instruction; use English and Spanish to inform seventh and eight grade students about Bullard-Havens, and add an additional Hispanic member to the school's Admissions Advisory Committee.

According to the State Office of Protection and Advocacy for the Handicapped and Developmentally Disabled Persons (OPA), many of the State's school systems have segregated classrooms, lack essential services, and do not provide summer programs for the handicapped. OPA urged rigorous monitoring by the State Department of Education in order to ensure that disabled children receive the education that they are entitled to under existing State and Federal civil rights laws.

IV. EMPLOYMENT

Police Employment

An investigative report by the Connecticut Commission on Human Rights and Opportunities (CHRO) indicated that there is reasonable cause to believe that the State police and State personnel officials have discriminated against minority State troopers and minority group members seeking positions as troopers. The Commission found "discrimination and harassment in the areas of hiring, the examination process, promotions, and assignments to special divisions." The Commission's investigation came as a result of a complaint filed with the Commission by Men and Women for Justice (MWJ), an organization of minority State troopers. MWJ's complaint alleges that minorities are underrepresented in the State police in proportion to their numbers in the population. Minorities comprise 3.3 percent of the department, but 14 percent of the State's population. The group contemplates seeking an injunction to nullify last January's State police exam because of its adverse impact on minority applicants.

The CHRO also found reasonable cause to believe that Bridgeport's Police Department discriminated against minority police officers, following the investigating of a complaint lodged in April 1978 by a Bridgeport police officer who charged the city and police department with unfair labor practices and civil rights violations. Among provisions of a proposed agreement are: the development of a uniform departmental policy on discipline that would define specific violations and penalties, and the establishment of a sensitivity training program in which all Bridgeport municipal employees,

mayoral staff members, as well as police officers, would be required to participate. The sensitivity program would be designed to deal with alleged stereotyping and discrimination against blacks, Hispanics and females employed by the city.

The Town of Manchester has been criticized by minority and civil rights groups not only for its housing policies, but also for its hiring policies and affirmative action efforts. The town has no minorities on its 115-member police force and only 2 blacks on the entire city payroll of 430. The minority population of Manchester is 3 percent. The town recently had 4 vacancies in its police department but failed to appoint a minority because only 3 minority members passed the written exam and 35 white candidates scored higher. Minority group leaders are considering court action or public pressure to generate minority hiring.

Nontraditional Careers For Women

In 1981, the Permanent Commission on the Status of Women (PCSW) released its second edition of Nontraditional Jobs for Women: A Resource Guide for Connecticut Women and Career Counselors. The 80-page guide is an attempt to fill the information gap that exists about nontraditional jobs. The guide provides information on nontraditional employment in craft and technical occupations requiring skills that can be learned on-the-job, in job-related training, or in vocational/technical programs. Information on how to prepare for nontraditional jobs and access routes to these fields is also included in the guide, as well as lists of resources, applicable laws, vocational and technical schools, CETA prime sponsors, and a bibliography.

The PCSW is undertaking a 12-month technical assistance project, funded through a grant from the State's Office of Policy and Management, to facilitate the entry of women into nontraditional jobs. Emphasis will be placed on recruitment and retention of low-income women, AFDC recipients, and minority women. The project will conduct workshops with job service offices and construction trades councils, and will provide technical assistance to training and apprenticeship programs in Connecticut. A manual will be developed for future use by employers and program operators seeking to recruit and retain women in nontraditional fields.

Child Care and Employment

Another crucial element of employment opportunity for women is child care, as the U.S. Commission on Civil Rights noted in its June 1981 report, Child Care and Equal Opportunity for Women. The report asserted that "women are often kept in poverty and dependence by the absence of adequate child care services."

The General Assembly last year passed a measure submitted by the PCSW in cooperation with the Office of Child Day Care and the

Department of Economic Development to provide a tax credit for employer-sponsored child care. The Act Concerning Industry Based Child Care provides a 25 percent tax credit (up to $10,000) to employers for the cost of planning, renovation or acquisition of child care facilities to be used primarily by their employees.

Two other proposals passed the legislature which will help establish alternative worksite child care programs. The proposals were recommended by the PCSW in cooperation with the Congress of Connecticut Community Colleges, District 1199, and the New England Hospital and Health Care Workers Union. An Act Concerning a Laboratory Day Care Center at South Central Community College appropriates $40,000 to cover the initial costs of expanding the laboratory school program (a training program in a child care center on campus). An Act Concerning Day Care Centers at Connecticut Valley Hospital and Norwich Hospital appropriates $75,000 to establish a child care facility at one of these sites. Also, a 7 percent increase was appropriated in 1981 for State-funded child care centers.

Other Employment Issues

At the request of CHRO, several State agencies have issued policy statements which address the problem of sexual harassment and recognize it as an unlawful labor practice. The statements outline intervention, prevention, and grievance procedures, and resources available to deal with the problem, and indicate that CHRO has jurisdiction concerning sexual harassment complaints.

The CHRO's April 1981 report, Status of Affirmative Action in State Government, indicates that agencies that receive several consecutive unsatisfactory ratings for their Affirmative Action Plans are subject to enforcement proceedings. In 1981, the CHRO reported that it had complaints pending against the Department of Correction and the Department of Agriculture for noncompliance with their conciliation agreements.

The PCSW Minority Women's Task Force has been established to advocate and make recommendations to the Commission on issues of particular concern to minority women and is working on a special project to inform minority women about employment and training opportunities. The task force will also attempt to address legislative issues and proposals which have implications for minority women.

The legislature appropriated $80,000 for the adoption and implementation of a system utilizing objective, job-related criteria to evaluate job classifications in State government. An Act Concerning Objective State Job Evaluation is a followup to a 1979 PSCW-sponsored study which evaluated State service jobs on the basis of skill, effort, education, responsibility, and other areas, in order to determine sex-bias with respect to salaries.

Despite some progress, the PCSW noted that "there were also some significant failures which suggest areas where continued efforts are needed." Bills that were not enacted would have provided appropriations for training for nontraditional employment for women in technical and trade areas, funded special programs for displaced homemakers, prohibited discrimination in insurance, and promoted marital property partnership reform.

An Act Concerning the Protection of Workers from Reproductive Hazards was passed by the legislature. The new law defines discrimination on the basis of sex and prohibits employers from asking questions relating to child-bearing age or plans, pregnancy, birth control methods, function of the reproductive system or familial responsibilities of the employee or job applicant. Employers are required to inform prospective employees about job-connected hazards to reproductive health or to a fetus. In addition, employers are prohibited from making sterilization a required condition of employment. These provisions will be incorporated into Connecticut's Fair Employment Practices Act, adminstered by the CHRO.

Prior to its demise, the Federal Community Services Administration conducted an affirmative action compliance review of Action for Bridgeport Community Development, Inc. (ABCD), and found that it had not implemented its affirmative action plan, nor had it hired an Equal Employment Opportunity Officer as called for in its 1978 plan. One curious feature of the ABCD plan was that whites and Hispanics were classed as "minority employee groups" because the State Department of Community Affairs defined a minority as "a group of individuals with a common language or background who make up a small segment of the overall population." The racial composition of ABCD's staff was 60.6 percent black, 16.8 percent white and 13.6 percent Hispanic.

During 1981, the International Association of Machinists received over 200 grievances from female and minority union members charging job discrimination by their employer, Pratt and Whitney, and the parent corporation, United Technologies; about 30 cases are before CHRO. The union's efforts to document discrimination have been frustrated by United Technologies' refusal to release its affirmative action plan or its records of the number of female and minority employees. The U.S. Office of Federal Contract Compliance Programs upheld the refusal.

In February, representatives of the Office of Revenue Sharing met with Bridgeport's Mayor and City Attorney to discuss a proposed agreement to promote equal employment in the city's police department and prevent the city from losing nearly $3.5 million in Federal revenue sharing funds. The agreement calls for implementing job-related employment applications, establishing a plan to allow females and minorities to be represented in each police division, and developing a nondiscriminatory disciplinary procedure.

V. HOUSING

The racial climate in Manchester was the major focus of a 6-week trial in U.S. District Court concerning Manchester's withdrawal from the Community Development Block Grant (CDBG) program, after disputes with HUD over fair housing requirements. In October 1981, the Court ruled that the town did not violate Federal civil rights laws when it withdrew. The suit, which had been brought by three low-income minority persons after the withdrawal in April 1979, and was later joined by the U.S. Justice Department, claimed that the city withdrew from the CDBG program because of racial discrimination. The Court's decision marked the first time that the U.S. Justice Department lost a housing discrimination case since the Fair Housing Act was passed in 1968.

The General Assembly strengthened the previous housing law which prohibits landlords from discriminating against persons with children. The new law, which took effect in October, eliminates several loopholes and strengthens the enforcement mechanism. A landlord who violates the law will now be required to pay monetary damages and may be subject to imprisonment of up to 30 days, or both. Under the old law, the aggrieved family could only file a complaint in Superior Court and ran the risk of having to pay the landord's attorney's fee if the landlord won the case. The new law enables the aggrieved family to file a complaint with CHRO and follow an administrative process without cost. The family also has the option to pursue legal remedies through the courts.

Housing of all types remains a critical need for people with disabilities. Article 21 of the State Building Code requires accessible and usable units in all new residential units. However, as the OPA noted in its 1981 report, there is a loophole which allows developers who renovate existing buildings to omit the provision of accessibility: conformity to the accessibility code is only required if alterations or repairs are made which cost in excess of fifty percent of the physical value of the building.

VI. PROTECTION AND SERVICES FOR THE HANDICAPPED

Treatment of disabled persons by the State was criticized in the annual report of the OPA and specifically the State's noncompliance with Section 504 of the Rehabilitation Act of 1973. State agencies that receive Federal funds are required by the Act to develop and implement a plan with all due speed, to ensure that State services are accessible to the handicapped and that discriminatory policies and practices are eliminated.

OPA also charged the State with failing to provide quality care and adequate programming to meet the needs of people in State

residential facilities. Training schools, psychiatric hospitals, regional centers and nursing homes all present special problems in the care and treatment of disabled persons. These facilities should be monitored more closely by responsible State agencies to ensure compliance with acceptable standards of care and treatment.

The OPA's report also highlights other problems experienced by the handicapped including difficulties with mass transit; a severe lack of accessible, affordable housing; insufficient post-secondary career and vocational education programs; and a total absence of any program to assist hearing-impaired people who have a psychiatric difficulty. (Subsequent to the release of the OPA report, the General Assembly passed legislation which provides $114,000 for the funding and staffing of a program for deaf and hearing-impaired persons at the Connecticut Valley Hospital.) OPA reported a 7 percent increase in cases during 1981 compared to 1980, from 764 to 814. The cases by number and percent, fall into the following categories:

OPA CASES - 1981

Category	Number	Percent
Educational	183	22%
Financial Entitlements	122	15%
Employment	108	13%
Housing	80	10%
Rehabilitation Services	70	9%
Architectural Barriers	55	8%
Transportation	40	5%
Other	156	19%
TOTAL	814	100% (rounded)

OPA believes that shortcomings in State services cannot be successfully resolved without a greater commitment from the Executive Branch and the State Office of Policy and Management. And progress in implementing the civil rights laws with respect to handicapped persons will depend largely on the response of local communities; only 25 communities have active bodies to deal with the concerns of disabled persons. In order to implement the provisions of Section 504 of the Rehabilitation Act of 1973 and other statutes concerning the handicapped, the OPA urges each of the 169 cities and towns to establish such offices.

The progress of disadvantaged groups has often been linked to the ballot. Although the State Election Commission's 1981 Annual Report to the Governor described investigations of complaints and proposed election law revisions, it made no mention of accessibility of polling places to the handicapped. The 169 town clerks in the State were surveyed by the OPA to ascertain their familiarity with

Section 9-168d of the Connecticut General Statutes, that requires accessibility of polling places to physically disabled voters. The number of accessible polling places were counted, and the OPA requested the towns to explain how they would make inaccessible polling places accessible.

The survey revealed that approximately 10 percent of Connecticut's polling places were inaccessible to physically disabled voters according to the statute's standards: stairs without ramps, doorways less than 32 inches wide, curbs that would obstruct the path of a wheelchair user, etc. At the present time, the State law mandating accessible polling places does not contain an enforcement mechanism in order to guarantee that accessibility standards are met. The OPA will submit its findings to the State Elections Commission and recommend that an enforcement mechanism be included in the law during the next legislative session.

Although their access to the polls has been uncertain, handicapped groups have been politically active nonetheless. The Legislative Coalition for Handicapped People, with representatives from service providers, advocacy organizations and interested individuals, developed a five-bill priority package including proposals for personal care assistance, parking privileges, housing, door-to-door transportation, and access areas. The legislature passed the personal care assistance proposal and appropriated $35,000 for the program. (The coalition had requested $50,000.) The parking privileges proposal passed the House with three amendments which set up a table for calculating the number of parking spaces a private lot is required to have. The other three proposals were defeated. In addition to the five-bill package, the Coalition also endorsed 16 bills which were introduced by other groups, and saw the successful passage of nine bills.

VII. SPOTLIGHT ISSUE: HATE GROUPS

Racial and religious hatred took both overt and clandestine form in Connecticut last year.

At a rally called by the Klan in Meriden on March 21, 1981, 21 persons were injured when anti-KKK protesters assaulted demonstrating Klan members. The Klan called the rally to support a suspended local police officer who had shot and killed a black shoplifting suspect. Twenty-two robed and hooded Klan members marched, while members of the International Committee Against Racism and others, opposed the demonstrations. On June 23, the Klan announced plans for a second rally in Meriden, and in the ensuing weeks Klan members met with police officials to discuss the event. The rally was to initiate a recruitment drive and protest handling of the earlier march. On July 11, the KKK again marched in Meriden, and again was assaulted by opposing groups. The Klan vowed to march

again unless anti-Klan demonstrators were prosecuted. On the next day, there were recruitment activities by the Klan in Cheshire, Ansonia, Naugatuck, and Seymour, without incident. On July 21, Scotland which had been the site of a rally in 1980, was again the site of a rally with a cross-burning and racial slurs. Several dozen persons attended. On August 11, Klan leader Bill Wilkinson announced plans to demonstrate again in Meriden because the individuals arrested for assaulting Klan members at the March rally had not been prosecuted.

The Connecticut Legislature has responded to hate group activity by passing two laws: an act concerning the desecration of property, after a number of cross-burning and swastika-daubing incidents occurred in the State, and a ban against the organization of paramilitary camps to instruct in the use of firearms and explosives for the purpose of carrying out violent public disturbances.

At a September 24 factfinding meeting on Governmental Response to Racially and Religiously Motivated Violence, sponsored by the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights, Lt. Governor Joseph Fauliso announced that Governor William A. O'Neill had established a Commission on Racial Harmony. Its purpose is to look at human relations issues and to develop and recommend policies and programs. The Governor appointed the Lieutenant Governor as Chairman and the CHRO as secretariat to the group. At its first meeting in November 1981, the "Task Force" on Racial Harmony, with 23 members, formed subcommittees on State and local governments, community programs, and educational films.

When it was revealed that the head of the Connecticut KKK chapter was a Boy Scout Troop leader, he was dismissed by State Scout officials.

In response to the increase in Klan activity in Connecticut and nationally, and its possible impact on children, the Connecticut Education Association (CEA) created a special task force on the KKK to develop a teaching guide including lesson plans. The guide was released at a conference sponsored by the CEA in cooperation with the National Education Association in Hartford on September 26. The 72-page informational and instructional kit for teachers, entitled "Violence, the KKK and the Struggle for Equality," will be distributed by the Council on Interracial Books for Children. It has received widespread attention in the media and the U.S. Army is considering using the guide for training its military personnel.

The defendant in the firebombing of the home of a black family in Manchester last year was acquitted of civil rights and weapons violations by an all-white jury in U.S. District Court in Hartford. According to news reports, the jury doubted the credibility of two witnesses with prior felony records who testified against the defendant in exchange for lesser charges in the same attack. The verdict was followed by expressions of outrage on the part of the victims, black State legislators and groups concerned with justice.

The defendant still faces trial on State arson charges.

VIII. ADVISORY COMMITTEE ACTIVITY

In February 1981, the Connecticut State Advisory Committee released its first annual report, Civil Rights Developments in Connecticut, 1980. The 12-page report summarized legal, policy and institutional developments in civil rights during 1980, and identified emerging issues.

In March 1981, the Advisory Committee held a public forum on civil rights issues in Stamford. Local officials, community leaders, and private citizens described problems in the areas of housing, employment, and education. With respect to housing, the Committee was told that low- and moderate-income persons are leaving the city because they can not afford the high cost of housing. The city's fair housing efforts and Community Development Block Grant program activities were criticized by the Urban League, which had filed a complaint with the U.S. Department of Housing and Urban Development alleging noncompliance with the citizen's participation and fair housing provisions of the Federal program. The Hispanic Interagency Task Force was also critical of the city's public housing authority because of the lack of bilingual personnel and alleged irregularities in the processing of applications.

With regard to employment, participants charged that the city had a poor record of minority hiring and a weak affirmative action program. The city's minority population is 24.5 percent: 15 percent black, 6 percent Hispanic and 3.5 percent other minority groups. The municipal work force is 9.5 percent black and 1.5 percent Hispanic. In the area of education, the committee was informed about the school district's weak minority hiring and promotion policies; the high percentage (67 percent) of minority student suspensions; segregated classrooms and tracking of minority students; and the lack of minority guidance counselors, particularly Hispanic.

The Connecticut Advisory Committee, in cooperation with the PCSW and the Human Relations Commission of the Connecticut Education Association, developed and issued an Information Kit on Sexual Harassment in Employment. The kit was disseminated to major employers statewide.

As previously indicated, the Advisory Committee conducted a factfinding meeting in Hartford in September on governmental response to racially and religiously motivated violence. The factfinding meeting was the culmination of six months of interviews and research into the activities of organized hate groups, incidents of vandalism and violence and responses of government officials. The Advisory Committee's preliminary findings indicate that there

has been a marked increase in the amount of vandalism directed at racial and religious minorities, but it appears to have stabilized in the last two years. There has also been a marked increase in the visibility and activity of the Klan, and though hate groups may not be directly responsible for these acts, their emergence and the publicity given to them may be indirectly responsible for their perpetration. Finally, public officials at all levels have been unanimous in condemning such acts.

IX. EMERGING ISSUES AND PRIORITIES

National Issues

National decisionmakers will face a number of critical civil rights issues in 1982. Congress will act on renewing the Voting Rights Act of 1965, judged by many to be the most significant civil rights law in history. Some who have stated support for the bill in fact have proposed changes that would weaken it. Even as the Voting Rights Act is debated, State legislators will be re-drawing Congressional Districts, and there have already been allegations in some States that some of these new districts may reflect racial discrimination.

Congress will likely be considering whether it should outlaw tax-exempt status for racially discriminatory private schools. And, this will also be a year of decision on the Equal Rights Amendment (ERA), which must be ratified by three States by June if it is to become part of the Constitution.

In addition, 1982 will also see how effective new Federal civil rights enforcement strategies are. The U.S. Commission on Civil Rights plans to monitor State enforcement of civil rights, as well as enforcement in block grants and in programs experiencing funding cuts. The Commission also plans to conduct projects on minority economic development and community leadership responses to hate group activity, based on studies similar to the one conducted by the Connecticut Advisory Committee.

State Issues

Connecticut also has its agenda of State civil rights issues to address. Some of these matters involve the progress or outcomes of processes begun last year or earlier. However, there are also opportunities to choose and initiate new policy directions.

Considerably more information from the 1980 Census should be available for Connecticut during the coming year, giving a better profile of the relative earnings, educational attainment, occupational status, and housing quality of different race, ethnic, gender, and age groups.

In view of the fact that, according to the Connecticut Civil Liberties Union, 61 percent of the inmates awaiting trial are black and Hispanic (although these groups represent only 11 percent of the population) civil rights groups are pressing for a more liberal bail release bill. It would require courts to review bail set for persons awaiting trial in State jails after 30 days. The current law allows, but does not require, courts to review cases after 45 days.

The OPA anticipates that vocational rehabilitation services will face severe budgetary problems over the next few years as a result of Federal cutbacks. This will have a significant effect on disabled people seeking employment training and educational assistance. A means test and an order of selection may have to be instituted by the State Division of Vocational Rehabilitation to ensure that the federally mandated requirement (service to severely disabled persons as the first priority) is met. This change may mean that people with less severe disabilities may be ruled ineligible for vocational services.

Another problem involves the eligibility of people with learning disabilities for vocational rehabilitation services. Unless there is medical evidence of a disability, or the disability is psychiatric in nature, a person is not eligible for vocational services. The State Division of Vocational Rehabilitation has formed a study group to examine the problem. The OPA recently received information indicating that Federal officials are considering ways to include people with learning disabilities in the scope of vocational rehabilitation services, but a solution has yet to be reached.

Disputes continue between local educational agencies and the Department of Children and Youth Services (DCYS) regarding which agency will pay the cost of residential placement for a child who cannot be educated in the local school system. Local education authorities have claimed they will pay for the educational costs of placement, but that it is the responsibility of DCYS to fund the residential costs. DCYS claims that the local school system should fund the total program cost. At the present time, such disputes can only be resolved through State hearings. Consequently, the children are often left with an inadequate educational program until a hearing is held and a decision has been reached, which often takes months.

State Agencies

The subcommittees of the Task Force on Racial Harmony have undertaken several research projects concerning intergroup relations issues, and in March 1982, the Task Force will issue a status report summarizing their activities and plans for the coming year. One area of concern is the role and influence of the media on intergroup conflict.

The State Civil Rights Coordinating Committee, reactivated in November 1981, serves as an advisory group to the CHRO and functions as a statewide facilitator and coordinator of information on civil rights and human rights issues. The Coordinating Committee's membership includes Connecticut Advisory Committee members, government officials, private individuals and representatives from organizations who have an expressed interest and commitment to human rights and intergroup relations. The Committee focused its attention on equal opportunity in apprenticeship programs sanctioned by the State Labor Department. As a result, the Commissioner of Labor issued equal opportunity regulations for apprenticeship programs, effective February 1982.

Revisions in the affirmative action law which took effect in January 1981, mandate each State agency to develop an affirmative action plan for equal employment opportunity, and to submit it semiannually to the CHRO for review and approval. The CHRO is required to monitor the activity of the plans and to report its findings to the Governor and General Assembly. The revisions also require the CHRO to adopt regulations in order to monitor the plans. The CHRO is planning to issue affirmative action regulations in the summer of 1982.

Access of the handicapped to public services is a growing municipal concern. As required by Section 504 of the Rehabilitation Act of 1973, the Federal Office of Revenue Sharing's current regulations stipulate that by March 1982, municipalities that receive such funds must determine possible discrimination against the handicapped by: completing, with handicapped involvement, self-evaluations of the accessibility of their programs and employment; preparing a transition plan for handicapped accessibility to public buildings; and completing non-structural program accessibility changes. If municipalities have more than 15 employees or more than $25,000 in Federal Revenue Sharing funds, they must also designate a Section 504 coordinator and establish a grievance procedure. These activities are similar to the Age Discrimination Act self-evaluations that were to have been completed by the start of 1981. Municipalities can be sued by individuals for violations.

Federal Funding

The Reagan Administration proposed early in 1981 that Federal aid to State and local governments be funded at far lower levels and administered much differently than previously. In June, the U.S. Commission on Civil Rights expressed its concern about the civil rights implications of these proposals in a report, Civil Rights: A National, Not a Special Interest, which outlined the effects of the changes in several major programs.

Congress subsequently enacted many of the President's proposals. However, as 1981 ended, specific funding levels and

program responsibilities still were not altogether clear. That this is an area of domestic policy still prone to change is suggested by the budget revisions during 1981 and by the President's call for a "New Federalism."

Nonetheless, several features of this new landscape are clear:

-- 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 is altered.
-- Most block and categorical programs are operating at lower funding levels in 1982 than in 1981.

For those concerned about the status of minorities, women, the aged, and the handicapped in this new situation, two questions have been and will remain paramount:

Are the types of aid being cut the very ones that have assisted protected groups in their quest for equal 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?

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 (in reality, a group of acts) provides only broad purposes and goals for the block grants. The States have great discretion in deciding how block grant 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 previous programs.

The program guidance roles of the Federal agencies from which the funds originate are minimal. The U.S. Commission on Civil Rights has pointed out that studies of previously existing block grant programs, such as Revenue Sharing and Community Development Block Grants, have found that this relaxation of Federal oversight

can lead to failure to comply with nondiscrimination requirements. Although nondiscrimination requirements governing the use of Federal funds continue to apply, implementation of those protections has not been very effective in existing block grants programs. Discrimination may occur more easily when there are such administrative defects as failure to collect data about the clients and beneficiaries of the programs, absence of adequate onsite reviews, and reliance on complaints rather than systematic enforcement mechanisms to remedy discrimination. Lack of effective administrative enforcement puts the full burden of pursuing relief on the victims of discrimination.

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.

The administration of this huge range of services crucial to minorities, women, the elderly, and the handicapped will be at issue during 1982 as policymakers consider the "New Federalism." Civil rights groups will be studying the implications of this proposal both for the quality of civil rights enforcement and for the feasibility of funding the programs.

APPENDIX A

Excerpt from, U.S. Commission on Civil Rights, Affirmative Action in the 1980s: Dismantling the Process of Discrimination (1981).

"Group Entitlements"

Race, sex, and national origin statistics in affirmative action plans do not mean, as some have alleged, that certain "protected groups" are entitled to have their members represented in every area of society in a ratio proportional to their presence in society.[44] As this statement has repeated, numerical data showing results by race, sex, and national origin are quantitative warning signals that discrimination may exist. While highlighting the effects of actions, they cannot explain the qualitative acts, much less their motivation, that cause those effects. The Commission shares the frustration of Supreme Court Justice Thurgood Marshall, who set out similar distinctions in a dissenting opinion in a recent voting rights case:

> The plurality's response is that my approach amounts to nothing less than a constitutional requirement of proportional representation for groups. That assertion amounts to nothing more than a red herring: I explicitly reject the notion that the Constitution contains any such requirement. . . .[T]he distinction between a requirement of proportional representation and the discriminatory-effect test I espouse is by no means a difficult one, and it is hard for me to understand why the plurality insists on ignoring it.[45]

We reject the allegation that numerical aspects of affirmative action plans inevitably must work as a system of group entitlement that ignores individual abilities in order to apportion resources and opportunities like pieces of pie.

Individuals are discriminated against because they belong to groups, not because of their individual attributes. Consequently, the remedy for discrimination must respond to these "group wrongs." The issue is how. This statement has argued that when group wrongs pervade the social, political, economic, and ideological landscape, they become self-sustaining processes that only a special set of antidiscrimination techniques—affirmative action—can effectively dismantle. Such group wrongs simply overwhelm remedies that do not take group designations into account. Affirmative action is necessary, therefore, when two conditions exist: when members of identifiable groups are experiencing discrimination because of their group membership *and* the nature and extent of such discrimination pose barriers to equal opportunity that have evolved into self-sustaining processes.

These are rational, factually ascertainable conditions, not arbitrary value judgments or unthinking entitlements to statistically measured group rights based on statistically measured group wrongs. The first condition exists when evidence shows that discrimination is occurring. The second condition is more difficult to determine, but it is still a factual matter. We suggest that discrimination has become a self-sustaining process requiring affirmative action plans to remedy it when the following four characteristics are present:

1. *A history of discrimination* has occurred against persons because of their membership in a group in the geographical and societal area in question;
2. *Prejudice* is evident in widespread attitudes and actions that currently disadvantage persons because of their group membership;
3. *Conditions of inequality* exist as indicated by statistical data in numerous areas of society for group members when compared to white men; and
4. *Antidiscrimination measures* that do not take race, sex, and national origin into account have proven ineffective in eliminating discriminatory barriers confronting group members.

These four categories of evidence focus on the time, depth, breadth, and/or intransigence of discrimination. Their presence demands that concern about discrimination extend beyond the more palpable forms of personal prejudice to those individual, organizational, and structural practices and policies that, although superficially neutral, will perpetuate

[44] Those who stress this view range from the most vocal opponents of affirmative action to those who claim that they, too, should be counted. *See, e.g.*, Brief of American Jewish Committee, American Jewish Congress, Hellenic Bar Association of Illinois, Italian American Foundation, Polish American Affairs Council, Polish American Educators Association, Ukrainian Congress Committee of America (Chicago Division), and Unico National, Amici Curiae at 32–33, in Regents of the University of California v. Bakke, 438 U.S. 265 (1978).

[45] City of Mobile, Alabama v. Bolden, 446 U.S. 55, 122 (1980) (Marshall, J. dissenting). The plurality opinion was written by Justice Stewart, who was joined by Chief Justice Burger and Justices Rehnquist and Powell.

discriminatory processes.[46]

The Federal Government, based on its experience in enforcing civil rights laws and administering Federal programs, collects and requires that others collect data on the following groups: American Indians, Alaskan Natives, Asian or Pacific Islanders, blacks, and Hispanics.[47] It is the Commission's belief that a systematic review of the individual, organizational, and structural attitudes and actions that members of these groups encounter would show that they generally experience discrimination as manifested in the four categories set forth above.

The conclusion that affirmative action is required to overcome the discrimination experienced by persons in certain groups does not in any way suggest that the kinds of discrimination suffered by others—particularly members of Euro-ethnic groups[48]—is more tolerable than that suffered by the groups noted above. The Commission firmly believes that active antidiscrimination efforts are needed to eliminate all forms of discrimination. The problem-remedy approach insists only that the remedy be tailored to the problem, not that the only remedy for discrimination is affirmative action to benefit certain groups.

Arguments against affirmative action have been raised under the banner of "reverse discrimination." To be sure, there have been incidents of arbitrary action against white men because of their race or sex. But the charge of "reverse discrimination," in essence, equates efforts to dismantle the process of discrimination with that process itself. Such an equation is profoundly and fundamentally incorrect.

Affirmative action plans are not attempts to establish a system of superiority for minorities and women, as our historic and ongoing discriminatory processes too often have done for white men. Nor are measures that take race, sex, and national origin into account designed to stigmatize white men, as do the abusive stereotypes of minorities and women that stem from past discrimination and persist in the present. Affirmative action plans end when nondiscriminatory processes replace discriminatory ones. Without affirmative intervention, discriminatory processes may never end.

Properly designed and administered affirmative action plans can create a climate of equality that supports all efforts to break down the structural, organizational, and personal barriers that perpetuate injustice. They can be comprehensive plans that combat all manifestations of the complex process of discrimination. In such a climate, differences among racial and ethnic groups and between men and women become simply differences, not badges that connote domination or subordination, superiority or inferiority.

[46] The Small Business Administration (SBA), pursuant to congressional directive (15 U.S.C.A. §637(d)(3)(c) (Supp. 1981)), has developed a similar four-point test. In ascertaining whether a group has suffered chronic racial or ethnic prejudice or cultural bias, the SBA applies the following criteria: (1) if the group has suffered the effects of discriminatory practices or similar invidious circumstances over which its members have no control; (2) if the group has generally suffered from prejudice or bias; (3) if such conditions have resulted in economic deprivation for the group of the type that Congress has found exists for the groups named in Pub. L. No. 95-507; and (4) if such conditions have produced impediments in the business world for members of the group over which they have no control that are not common to all business people. 13 C.F.R. §124.1-1(c)(3)(iv)(B) (1981).
The test is used to determine whether members of a minority group, not specifically designated by Congress as socially disadvantaged, qualify for the section 8(a) program of the Small Business Act (15 U.S.C. §637(a) (Supp. 1981)). This program fosters business ownership by socially and economically disadvantaged persons. 13 C.F.R. §124.1(b) (1981). The groups specifically designated by Congress as socially disadvantaged are black Americans, Hispanic Americans, Native Americans, and Asian Pacific Americans. *See* 13 C.F.R. §124.1-1(c)(3)(ii) (1981), pursuant to 15 U.S.C.A. §637(d)(3)(c) (Supp. 1981).
For another four-point test to determine whether certain groups should be included in affirmative action plans, *see* Daniel C. Maguire, *A New American Justice: Ending the White Male Monopolies* (Garden City: Doubleday, 1980). pp. 129-68.

[47] Directive No. 15, Race and Ethnic Standards for Federal Statistics and Administrative Reporting, Statistical Policy Handbook, *reprinted in* 43 Fed. Reg. 19,269 (1978). The data collection, of course, also includes whites and women within each category. The directive is careful to note the following: "These classifications should not be interpreted as being scientific or anthropological in nature, nor should they be viewed as determinants of eligibility for participation in any Federal program."

[48] The term "Euro-ethnic American" is an umbrella term including persons from the various and unique ethnic, religious, and nationality groups of Eastern and Southern Europe. In January 1981 the Commission issued a "Statement on the Civil Rights Issues of Euro-Ethnic Americans" based on a consultation on this subject matter held a year earlier. In that statement, the Commission observed that due to the lack of statistical data of all kinds on Euro-ethnics, it has not been possible to assess the extent of the discrimination they may be experiencing, much less its varied forms and dynamics. The Commission urged appropriate Federal agencies to explore ways of gathering appropriate employment data. The Commission currently is doing research on Euro-ethnics in its "Ethnicity in Employment Study."

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 Connecticut 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 Elpidio Collazo, 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.