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VIRGINIA ADVISORY COMMITTEE  
TO THE UNITED STATES COMMISSION ON CIVIL RIGHTS

HOLIDAY INN-WATERSIDE, PORTSMOUTH, VIRGINIA

August 19, 1985

2:45 p.m.

PANEL ON CIVIL RIGHTS DEVELOPMENTS AND ENFORCEMENT IN HOUSING

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1 PANEL ON CIVIL RIGHTS DEVELOPMENTS AND ENFORCEMENT IN  
2 HOUSING:

3 (2:45 p.m.)

4 MS. RATTLEY: My name is Jessie Rattley,  
5 a member of the Advisory Committee for the Civil Rights  
6 Commission for the State of Virginia. I have been  
7 asked to chair this particular panel. You have, I  
8 believe, in front of you a list of those persons who  
9 are supposed to appear. I'm not certain that they are  
10 all here, so I am going to ask each member to introduce  
11 himself or herself to you. We will have, I believe, an  
12 hour for this panel but we do want to save time for  
13 your questions and you may direct those questions at  
14 the end of the presentation to any member of the panel.

15 We have not rehearsed this presentation.  
16 In fact, I didn't know that I was supposed to chair it  
17 until just a few days ago and I don't think the  
18 panelists knew they were supposed to be here, maybe  
19 some of you, until a few hours ago if that long.  
20 So you're going to hear some original comments, sincere  
21 comments and comments I'm sure made out of experience  
22 in dealing with this whole subject of housing.

23 I have been very interested in this

1 subject for many years because I feel that every person  
2 should have the right to decent, safe and sanitary  
3 housing, and I know from working in my community that  
4 this is not so. Although things are supposed to be  
5 better now, we still find discrimination in housing. I  
6 feel very proud that I was able to introduce and  
7 finally got my city council to approve an ordinance  
8 setting up a Fair Housing Committee for the City of  
9 Newport News and I'm very pleased to have as one  
10 panelist, Mr. Bigelow, who is the Executive Director of  
11 Office of Human Affairs for my city who is in charge of  
12 this Fair Housing Commission for that city.

13 I'm very pleased that he's going to be  
14 able to tell you something about what we're trying to  
15 do in the City of Newport News. I think you will be  
16 interested in noting some of the ways we have  
17 discovered that there are some who are still  
18 discriminating in housing, even through the way they  
19 advertise, by the names given to projects, for example  
20 ---and the one thing that I would like to learn some  
21 more about this afternoon is they have what they call  
22 Adult Housing in the state of Virginia now. I'm not  
23 certain as to what that means---where they can

1 discriminate against families, mothers with children--  
2 all adult homes, and I hope they will tell me something  
3 about that.

4 So I will ask the young man to my right  
5 to begin with the introduction and we'll go right down  
6 the line.

7 MR. CHERRY: I'm B.T. Cherry from  
8 Newport News. I'm on the Board of the NAACP in Newport  
9 News. I also serve as a volunteer on the Housing  
10 Committee that is managed by Mr. Bigelow, and my  
11 concerns are also around housing discrimination in the  
12 Newport News area and how to address those issues about  
13 discrimination. Of course, I have had an opportunity  
14 to work with, to carry on Ms. Rattley's Fair Housing  
15 Ordinance for Newport News and we're working on that  
16 now. That is my involvement. Having said that I'll  
17 pass the mike down to Mr. Bigelow.

18 MR. BIGELOW: My role with the  
19 Committee is technical assistance, so to speak. Mr.  
20 Turner, who is Chairman, was not be able to be with us  
21 but we do have several members with us: Ms. Beveridge,  
22 in the audience, is Vice Chairman.

23 I'm not quite as unprepared as Ms.

1 Rattley. I wrote some speech words yesterday so I  
2 would like to use this just a few minutes to say  
3 something about housing in Newport News. I didn't know  
4 we were going to be pretty heavy on Newport News  
5 participation today. But I became involved and  
6 concerned with housing in Newport News about 15 years  
7 ago. At that time it was a ghetto situation that had  
8 been compounded by the deletion of 5,000 units of low  
9 cost housing in the late '60s. People had been driven  
10 into an area already with high density. There was  
11 unsafe and unsanitary housing and some blocks could  
12 well qualify as slums. Little was being done and there  
13 was a Housing Authority which neither cared nor was  
14 capable of doing anything.

15                   Fortunately, due to vigorous and  
16 forceful action by Ms. Rattley and others, the Housing  
17 Authority was changed and programs pursued, leading to  
18 the production of low cost housing. Dispersal of this  
19 housing to other parts of the city then followed, and  
20 there began to be equal housing opportunities in other  
21 parts of the city.

22                   There was resistance by some of the real  
23 estate industry but Title VIII was on the books and was

1 being enforced and Virginia passed its Fair Housing Act  
2 in '74, I believe, and set enforcement procedures in  
3 motion.

4           The Office of Human Affairs with its  
5 housing counseling service received discrimination  
6 complaints. We investigated; we helped complainants to  
7 file with HUD or the state, and in quite a few cases we  
8 referred them to one of the best voluntary citizen  
9 groups that I've known, the Social Concerns Covenants.  
10 Over the years that group has tested, conciliated,  
11 helped clients to file and gone to the Justice  
12 Department when there was a pattern or practice of  
13 discrimination.

14           In the mid- and late '70s until now  
15 there has been steady progress in fair housing and  
16 fairly wide acceptance in the real estate industry.  
17 Over 80 of the 140 member firms of the Board of  
18 Realtors have signed the affirmative marketing  
19 agreement. There has been a determined effort to  
20 inform the public of the right and remedies available  
21 when encountering discrimination.

22           As we heard earlier, Ms. Rattley  
23 sponsored and council approved a Newport News ordinance



1 last year. Under that ordinance the committee was  
2 formed and the seven members are knowledgeable,  
3 concerned, capable and ready to assure fair housing.  
4 Much progress has been made. Newport News is certainly  
5 a changed place but there's no room for complacency.

6 Population increase and inflation have  
7 again created a shortage of affordable housing.  
8 Steering and other tricks of discrimination are still  
9 occurring. Unfortunately, most victims just need a  
10 place to live and don't or can't take time to stand and  
11 fight.

12 I think our committee agrees one of our  
13 biggest problems is that a lot of people will not come  
14 to us when they have need of help, so our job is to  
15 reach those citizens who need help and provide them  
16 with speedy and effective action with our local  
17 ordinance and the committee and a state law that is  
18 effectively in force, and the federal law, we must  
19 convince aggrieved citizens that help is available now,  
20 that it is not some expensive time consuming pie in the  
21 sky.

22 In summary, I'm confident that we have  
23 the tools to assure housing rights. I'm not

1 comfortable that all those needing our help know that  
2 it's available, and I will submit to to submit Ms.  
3 Rattley some of the exhibits of our outreach efforts in  
4 trying to get people to come forth.

5 I will submit them to the Committee.

6 MRS. RATTLEY: Could you just comment  
7 briefly on a few of them.

8 MR. CHERRY: Everyday in the daily  
9 paper, of course, there is an ad at the beginning of  
10 the real estate section which assures people of their  
11 rights, and tells them what to do and who to contact to  
12 obtain help. That's the first article and has the  
13 local phone number as well as the state and others.

14 We put 40,000 of these fliers in the  
15 water bills that were sent out throughout the city,  
16 assuring, telling citizens about the new Fair Housing  
17 Ordinance and what to do to get help.

18 We have a folder, a flier here that's  
19 been used many places, including every one of the  
20 community development meetings.

21 We've put on a Fair Housing theme song  
22 and skit type program at one of the high schools a  
23 month or so ago.

1           Another pamphlet that's circulated  
2 widely in all kinds of civic meetings, telling people  
3 where to get help if they have a problem.

4           We have a poster which has been placed  
5 in most of the housing offices around the city,  
6 including a goodly number of the real estate offices.

7           And we have advertised other programs in  
8 other places. As I said before, I'm confident we have  
9 the tools to enforce them. I'm very impressed with our  
10 Community Relations Committee. They are knowledgeable  
11 and they are dedicated. They will do what needs to be  
12 done if the cases come forth. The rest I'd save for  
13 questions and answers, don't want to start talking  
14 about numbers an what we received an so forth.

15           MRS. RATTLEY: Very good. Thank you.  
16 Pass to Mrs. Burks.

17           MS. BURKS: Are we still introducing and  
18 talking now?

19           MS. RATTLEY: We're doing both.

20           MS. BURKS: I'm Sue Burks. I'm a  
21 resident of Newport News and I work with Mr. Bigelow in  
22 Newport News on the Community Relations Commission  
23 since we got our Fair Housing Ordinance very recently.

1 I also have been working since the early '70s with a  
2 private nonprofit Fair Housing Group called Social  
3 Concerns Covenants.

4 Thank you, Mr. Bigelow, for your kind  
5 remarks about our organization. I was told when I was  
6 asked to come and appear on the panel today that  
7 perhaps people would be interested a little bit in the  
8 origins and history of this private group that I work  
9 with. We have a rather unique origin, I think.

10 We grew out of an ecumenical discussion  
11 group which met in the early '70s in churches in the  
12 northern part of Newport News, and because people who  
13 were active in that ecumenical discussion group decided  
14 they would like to put their faith into action and saw  
15 a need for some agency to address fair housing needs or  
16 housing discrimination needs. We begin to work with  
17 that issue.

18 In 1973 we incorporated to serve the  
19 Virginia Peninsula, including the cities of Newport  
20 News, Hampton, Williamsburg, and the counties of York  
21 and James City.

22 We have a very low profile because for  
23 one thing we operate with volunteers and with voluntary

1 contributions. We don't have any federal or state  
2 grants or any of those good things. Most of our  
3 clients are referred to us by other agencies in the  
4 city or in the peninsula area, agencies such as Office  
5 of Human Affairs, legal aid, social services, that kind  
6 of thing, of many knowledgeable concerned individuals  
7 in the community.

8 We have advised approximately 65 persons  
9 who felt that they had possibly experienced housing  
10 discrimination problems over the years, and of that  
11 group of 65 we consider that about almost two-thirds of  
12 that number have really involved landlord tenant  
13 disputes or areas of possible discrimination in which  
14 we could find no real evidence or probable cause that  
15 discrimination had occurred, but about 25 of our cases  
16 we feel have been valid fair housing cases involving  
17 civil rights issues and the vast majority of that 25  
18 has involved black complainants and white respondents.

19 We've had very few cases involving sex,  
20 religion, or handicap. Most of our cases have involved  
21 rental housing or rental units, most of them have been  
22 apartments, a few houses. We've had very few cases  
23 involving private single family housing.

1 Overall, in the approximate 12 years  
2 that we've working with this issue, we've seen quite a  
3 change in the overall pattern of housing  
4 discrimination. It is much more subtle now; much less  
5 overt and therefore it is much harder to recognize for  
6 the applicants going in to rent or buy housing. It is  
7 also much harder for us and for the administrative and  
8 judicial agencies to prove when housing discrimination  
9 has indeed occurred.

10 In the past, it was not unusual for our  
11 testers or our white testers to be given either overt  
12 or very thinly veiled racial comments when they went in  
13 completely unprompted by them. It was also not unusual  
14 for our black testers to receive rather shoddy  
15 treatment when they went in to inquire about similar  
16 type opportunities.

17 We find this is no longer the case; very  
18 rarely has this happened. In the past, most of our  
19 cases involved false availability information. Just to  
20 explain that phrase briefly I think it is fairly  
21 obvious, but a black would be told that no housing was  
22 available when in fact would be available; a white  
23 would inquire about the same type of housing and would

1 be told it was available or soon would be available.  
2 We're finding now that that is happening less and less  
3 and more of our cases are involving credit and  
4 eligibility requirements.

5 I'd like to say just a little bit about  
6 our general procedures. Usually when someone contacts  
7 us, feeling that he or she has been discriminated  
8 against in a housing transaction, we interview that  
9 client very carefully and determine what the specific  
10 circumstances of their encounter were and also  
11 determine what their qualifications to rent or buy the  
12 type of housing that they are interested in.

13 Then we explain their options under the  
14 law as we understand them. We offer testing when it is  
15 appropriate and testing is simply sending out  
16 volunteers of different races or sexes or whatever the  
17 circumstances may require to inquire about a similar  
18 type of housing that the original applicant has  
19 inquired about.

20 We help the applicant file an  
21 administrative complaint if we feel there is evidence  
22 to support discrimination, and we also help them follow  
23 up with that complaint, and we help the clients find a

1 willing and capable attorney to represent them if it is  
2 necessary after the course of the administrative  
3 investigation.

4           Generally, we do advise that our clients  
5 follow administrative channels in pursuing their  
6 housing discrimination complaints rather than going to  
7 court at least initially, because usually we find that  
8 they need the evidence that can be turned up as a  
9 result of the administrative investigation which, as  
10 you probably know, the state of Virginia does now or  
11 the locality, depending on whether the person is  
12 fortunate enough to live in a county or a city which  
13 has a Fair Housing Ordinance.

14           I'd like to go back a minute. I was  
15 talking a while ago about in the past most of our  
16 complaints involved false availability information and  
17 more currently they usually tend to involve credit or  
18 eligibility or qualifications.

19           We find that many times landlords and  
20 agents have very imprecise requirements in the line of  
21 credit and income qualifications. That creates a lot  
22 of confusion. Whether it is deliberate discrimination  
23 on their part or not, we're not able to judge their



1 intent, but it certainly creates a lot of confusion in  
2 the mind of the public, in the mind of someone who is  
3 going to apply for housing.

4           We also find that exceptions are common.  
5 The rental application may say that four credit  
6 references are required, but sometimes, if our testers  
7 or an applicant will say, "Well, do you really require  
8 four credit references?" the agents or owner may say  
9 "Well, that depends on the circumstances. We can talk  
10 about it. We can negotiate" and this is where  
11 sometimes discrimination does creep in, whether it is  
12 intentional or not, when people start making exceptions  
13 to what they claim to be their written requirements.

14           I'd like to touch on a couple of the  
15 major problems that we have encountered in our work  
16 with the fair housing issue. The main problem that we  
17 see is public ignorance of what the Fair Housing Laws  
18 are. This means that applicants often are not alert to  
19 their rights and are not alert to circumstances which  
20 might possibly be discriminatory. You really almost  
21 have to have a sixth sense to know sometimes when your  
22 being discriminated against.

23           Sometimes I wonder what makes people

1 suspicious because they really are not terribly overt  
2 there but, if people are aware of what their rights are  
3 under the law and if landlords and agents and owners  
4 are aware of what the laws are and how they can clarify  
5 these issues to keep themselves in compliance with the  
6 law, it would make our job a whole job easier and I  
7 think make the public's job of finding housing, easier,  
8 too.

9           The second problem that we're aware of  
10 is a lack of assertive enforcement on the part of the  
11 Virginia Real Estate Commission. We feel there is  
12 often an unacceptable time lag by the Commission in  
13 investigating complaints that are filed with them. As  
14 you may know, there is a 180-day or approximately  
15 6-month timeframe within which a person must file a  
16 complaint after he or she has encountered an alleged  
17 incident of discrimination in housing, and also in  
18 order to file under Title VIII in court, one must do  
19 that within 180 days of the alleged incident, also, and  
20 frequently it has taken the Commission six months to  
21 conduct their investigation and send a report back to  
22 the complainant, and that leaves very little time for  
23 administrative actions such as the conciliation hearing

1 and leaves very little time for the complainants to  
2 make a decision as to whether he or she wants to file  
3 in court under Title VIII, so this we see as a problem.

4 Another thing in regard to the Real  
5 Estate Commission is sometimes we felt that they have  
6 failed to give sufficient weight or consideration to  
7 testing evidence which we may, as an organization, have  
8 developed and have submitted to them in written form  
9 and which has been included in the report but has been  
10 given, we feel, insufficient consideration when they  
11 are conducting their investigation and making their  
12 decision about the specific case.

13 I think that's all I have in the way of  
14 prepared remarks, but I'll be glad to entertain any  
15 questions from you when that is appropriate.

16 MS. BINGHAM: I'm Principal City Planner  
17 with Norfolk Department of City Planning. I've worked  
18 for the city for 16 years and I'm the city's designated  
19 Housing Coordinator for the Regional Planning Agency.  
20 I'm also a member of the city's Fair Housing  
21 Coordinating Committee which is an in-house  
22 coordinating committee dealing with fair housing within  
23 the city, and I'm Secretary of the Tidewater Community

1 Housing Resource Board.

2 If I have any remarks, they are very  
3 extemporaneous. I didn't realize I would be asked to  
4 speak today and, if I kind of jump around a little bit,  
5 please forgive me.

6 The city of Norfolk is organized to take  
7 complaints under the Department of Community  
8 Improvement and Division of Consumer Protection. I  
9 think Hap is going to talk about that a little bit, so  
10 I'll just say that's where that function lies at this  
11 point in time.

12 We have a Fair Housing Coordinating  
13 Committee which has representatives from the Department  
14 of Community Improvement, Department of City Planning,  
15 the City Manager's Office, the City Attorney's Office,  
16 the Housing Authority, the finance people. It's meant  
17 to be an in-house coordination device by which we can  
18 look at the data take that we collect and decide where  
19 we need to spend energy.

20 We also report on an annual basis to  
21 City Council on complaints that are received. We also  
22 work closely with the City Council's Housing  
23 Subcommittee which is the mayor and vice mayor.

1           Two years ago the city proposed a Fair  
2 Housing Ordinance, which, at the public hearing,  
3 was opposed by some of the residents in Norfolk as not  
4 being broad enough and it was our delegation that went  
5 to the state and proposed a broader coverage of the  
6 Fair Housing Law at the state level. That was passed  
7 last September which parallels that new expanded state  
8 law. That, as I said, is in force with the Department  
9 of Community Improvement.

10           We also primarily try to work in Norfolk  
11 in changing attitudes and showing the positive effect  
12 of housing, although we also deal with knowledge of  
13 what the Fair Housing Law is and what the rights are.  
14 We also like to do this in a regional context and are  
15 very supportive of regional efforts for fair housing.

16           The two most visible types of activities  
17 that have occurred are two Fair housing Workshops that  
18 we have held: one was in 1983 in which Jim and Patti  
19 Rouse came and spoke at a luncheon entitled "Fair  
20 Housing is Good Business" in which Jim Rouse talked  
21 about his experiences at Columbia, Maryland, in  
22 maintaining an open community and how that was good for  
23 business. Patti talked about her experiences as well.

1           This summer we did another one called  
2 "Invest in Fair Housing" which was aimed at the  
3 financial community and the speaker was Ronald  
4 Ryczwynski, who is the Chairman of the South Shore Bank  
5 in Chicago, and he was talking about investing in  
6 areas, more or less an anti-redlining type of talk.

7           We have also developed a brochure called  
8 "Welcome to Norfolk" which is an effort to show the  
9 positive aspects of all of Norfolk's neighborhoods and  
10 the experience of living in Norfolk and to show that  
11 Norfolk is open to everyone. We have a brochure on  
12 Fair Housing Rights which is currently being updated to  
13 reflect the broader nature of the new law.

14           We have endorsed fair housing and  
15 integrated neighborhoods in various plans, the first of  
16 which was neighborhood plan for Colonial Place  
17 Riverview in which it was a specified goal to maintain  
18 an integrated neighborhood.

19           We also have goals and objectives for  
20 housing that specifically state that fair housing is a  
21 goal of the City of Norfolk.

22           We have a Speakers Bureau that can speak  
23 on fair housing and I'm sure—maybe I'm not sure—it

1 operates out of the Department of Community Improvement  
2 and perhaps Hap will know how many speeches they've  
3 given in the past year.

4           The other thing we have done is we have  
5 looked at census data for the City of Norfolk between  
6 1950, '60, '70 and '80, and it is apparent that all  
7 portions of the area are open to everyone, although the  
8 main discrimination, if there is any, are related to  
9 economics. Offhand, that's about all I can remember  
10 right now. I'll be glad to answer any questions you  
11 might have.

12           MS. BENJAMIN: My name is Claudia  
13 Benjamin Gooche. I'm the Chief Resources Planner for  
14 the Southeastern Planning District Commission and also  
15 Chair the Tidewater Community Housing Resource Board.  
16 That Board was appointed by HUD several years ago to  
17 work with the Tidewater Board of Realtors in  
18 implementing their voluntary affirmative marketing  
19 agreement and recently the Portsmouth Chesapeake Board  
20 has also signed that agreement and they have joined in  
21 the representation on the Community Housing Resource  
22 Board.

23           The Board has 11 members and they are

1 representatives from local governments, housing  
2 authorities, a bank, a local university, and some civic  
3 groups. Our main function is in working with the Board  
4 of Realtors is to educate people and about fair  
5 housing, what it is, and to promote housing  
6 opportunities. We have received two grants from HUD;  
7 the first one we use to run a major publicity campaign  
8 about fair housing and we developed a poster which we  
9 had placed in walls of various places, billboards; it  
10 was on busses and in newspapers.

11 We have, over the past years, sponsored  
12 several workshops. We have co-sponsored the workshops  
13 that Mary Lou talked about in Norfolk. We had  
14 workshops also in Virginia Beach and Chesapeake and we  
15 have one coming up in Chesapeake in September. The  
16 workshops have each had a different orientation and  
17 have included citizens, businesses, local elected  
18 officials and realtors.

19 In response to a couple of the points  
20 that we were asked to address, number four was "other  
21 groups that are involved in collecting data." The  
22 Planning District and the Housing Resource Board  
23 together operate a housing information lab which we



1 advertise in the yellow pages. We get all kinds of  
2 questions including those on fair housing and those are  
3 referred to the appropriate agency for investigation,  
4 usually the Virginia Department of Commerce.

5           There is also a local advocacy group  
6 known as Tidewater Fair Housing Inc. and also the  
7 cities, through their block grant programs, usually  
8 have some kind of mechanism for receiving complaints.  
9 The two problems that we encounter are, first of all,  
10 lack of knowledge about what fair housing is, what the  
11 protected classes are and a lot of misinformation about  
12 what people are protected classes and are not, really.

13           The second thing is that the funding for  
14 the administration of Community Housing Resource Boards  
15 at the federal level has only allowed for one or two  
16 people, and there are several hundred of these boards  
17 across the country, and it is not always the response  
18 time that we need but that I feel it shows a certain  
19 lack of commitment to the program. Those would really  
20 be the only two places that I would have comments on.  
21 I'll be happy to answer questions afterwards.

22           MR. WHITE: I'm Forest "Hap" White,  
23 Department of Community Improvement in Norfolk. I am

1 identified as Director of Housing Services. I'm in the  
2 Consumer Protection Division, and, as Mary Lou said,  
3 that is our enforcement arm in Norfolk for Fair  
4 Housing. As Consumer Protection we have been  
5 investigating and assisted in fair housing complaints  
6 for 11 years, the 11 years that Virginia has had a  
7 statute. I think I need to emphasize what Mrs. Burks  
8 and what Mrs. Gooche said about complaints.

9           We get about 25 complaints a year and  
10 most are because fair housing is a misnomer. The  
11 statute is an antidiscrimination law and really has  
12 very little to do with landlord/tenant practices that  
13 may or may not be unfair. So a large percentage of our  
14 complaints--only about a third really even allege  
15 racial or illegal discrimination. Most have to do with  
16 pets or with deposit fees or some other type of problem  
17 of this nature; landlord/tenant problems which we can  
18 handle through the Consumer Protection Division, the  
19 landlord/tenant rights section.

20           Two-thirds of our complaints are filed  
21 by whites--actually it is 71 percent of our complaints  
22 are filed by whites. I don't know why that is but I  
23 think that's part of why fair housing is a misnomer

1 because this is an antidiscrimination statute that we  
2 enforce in Virginia.

3 Most of those that they are filing  
4 complaints are not really aggrieved parties. In fact,  
5 even more than a third of complaints of racial  
6 discrimination are filed by whites who are not the  
7 aggrieved party themselves but wish to report an  
8 incident or their feeling that they had a friend or  
9 roommate or someone else that was experiencing a  
10 discriminating incident.

11 So we've had a tough time in getting  
12 certifiable enforcement cases; a third of the racial  
13 complaints consequently from whites who are not the  
14 aggrieved party and we can't get the aggrieved party to  
15 file the complaint. Another half to two-thirds of the  
16 complaints that come to our office do not allege  
17 discrimination in anyway.

18 A Handful of other complaints, the  
19 complaints we have had, unlawful discrimination are by  
20 and large in housing that's exempted for a few units  
21 where it is owner-occupied housing that is exempted on  
22 both laws.

23 An owner-occupied duplex or triplex,

1 we've had a number of instances where people have  
2 reported discrimination to us in these type of housing  
3 but they are exempted from enforcement under the law.  
4 I guess the last group that falls out here is we've had  
5 very few complaints against licensed realtors, real  
6 estate brokers or real estate companies in fair housing  
7 abuses, and I think it's what Mrs. Burks says, it is a  
8 lot more subtle than it used to be.

9 I heard a speech in Richmond in a fair  
10 housing conference which they said "we are not dealing  
11 with Jim Crow anymore; we are dealing with James Crow,  
12 Esq. who is a lot more subtle in his dealings. We  
13 haven't had a complaint of racial steering. I'm sure a  
14 certain amount of it goes on.

15 The few cases we have had of an  
16 allegation of unlawful discrimination in real estate  
17 communities were outside the city limits, and we had to  
18 refer those to the Virginia Fair Housing Real Estate  
19 Commission, and to my knowledge there has been no  
20 enforcement of those cases.

21 MS. RATTLEY: We now have the  
22 representative from Virginia Real Estate Commission  
23 from Richmond who is here with us.

1 MS. BRASSIER: First of all, I apologize  
2 for being tardy. I was actually in Portsmouth. I was  
3 in Portsmouth from 2:00 o'clock until the time I walked  
4 in here. I was in three different gas stations.  
5 Anyway, I got exceptionally lost based on directions I  
6 got from a dispatcher with the city government, so I am  
7 going to call them tomorrow.

8 MRS. RATTLEY: The Mayor is here.

9 MS. BRASSIER: Anyway I did get here.  
10 The Old Town is pretty. It is the first time I've ever  
11 been in Portsmouth and I won't get lost again. I have  
12 a lot of things that I want to say so I hope someone  
13 will hold up their hand if I take too much time, but I  
14 regard this as an excellent opportunity to answer a lot  
15 of questions and also above all to deal with giving you  
16 correct information how to make use of the state system  
17 and, after I do that, I then would like talk a little  
18 about some of the problems that have existed with that  
19 system and how we might be able to work together to  
20 deal with those.

21 MRS. RATTLEY: Could we take maybe five  
22 minutes so they will have time for questions?

23 MS. BRASSIER: Let me just say one thing

1 about where I come from. I've been in the job of the  
2 State Fair Housing Administrator since February 1985.  
3 Before that I worked for Housing Opportunities Made  
4 Equal, a private fair housing organization in Richmond  
5 doing essentially the same kind of thing that Mrs.  
6 Burks does, and that includes running a testing  
7 program. So my background is, shall we say, very  
8 sympathetic to private fair housing activities and I  
9 hope that can help with some of the problems that have  
10 been encountered with the state process.

11           Basically, the first message I want to  
12 leave with you is I hope you will encourage anyone who  
13 complains to one of your organizations or agencies of  
14 housing discrimination to file that complaint with the  
15 state, and it is very, very simple to do that. All  
16 they have to do is call the 800 number on this brochure  
17 within the state of Virginia. It is a free phone call.  
18 For those of you who are taking notes, what you need to  
19 tell your complainant is not to ask for me but to ask  
20 for the Enforcement Office?

21           The function of fair housing at the  
22 state level in Virginia comes under the Virginia  
23 Department of Commerce. You know what the Virginia

1 Department of Commerce does? It's a regulatory  
2 agency. It has over 20 boards and commissions and  
3 engaged in regulatory activities, and I think it is  
4 important that those of you who are local government  
5 particularly and in local groups understand that that's  
6 what you're dealing with, because I've learned just in  
7 the time that I've been there that's a special kind of  
8 organization with a special kind of function and  
9 administrative way of doing things.

10 It is by and large an agency then that  
11 deals with all kinds of complaints as well as licensing  
12 procedures for boards and commissions ranging from  
13 accountants to contractors to athletic commissions,  
14 librarians, cosmetologists, barbers and so on.

15 What that means is that the procedure  
16 for handling the fair housing complaints is like other  
17 complaints; it goes to the Enforcement Division  
18 initially, and that's the best way to get it  
19 efficiently treated. It used to be that a fair housing  
20 complaints came to my office. There is one fair  
21 housing administrator for the whole state, that's me.  
22 That meant that the administrator would get the  
23 complaint, review it, look at the law, decide whether

1 it was a violation of the law and then send it to  
2 Enforcement.

3           Guess what that does? makes a delay.  
4 We have six months, 180 days from the time of the  
5 alleged incident. So time is of the essence, Ms. Burks  
6 is absolutely right about that. So, complainants  
7 should call in and ask for Enforcement. As soon as  
8 that telephone call is received, what happens is that  
9 the intake person will actually fill out a complaint  
10 form while the person is on the telephone, and the  
11 complaint gets docketed in the computer and assigned to  
12 an investigator.

13           The investigators for the Department of  
14 Commerce, there are 16 of them throughout the state of  
15 Virginia; they are divided into regional offices. Your  
16 regional office is in Virginia Beach. There are six  
17 investigators, I believe, in this region, and the  
18 supervisor of the Regional Office is a man named Bob  
19 Harp. So if you want to know who to talk to is another  
20 person in charge in this part of the state of the four  
21 regions the others are Roanoke, Richmond and Northern  
22 Virginia.

23           When the complaint has been assigned to



1 the investigator, it is treated within the Department  
2 as a very high priority complaint. All complaints are  
3 placed in different priority categories. The only  
4 thing that goes ahead of a fair housing complaint is a  
5 contractor's complaint which is life-threatening as in  
6 the building is going to fall in on you folks, so we  
7 try to get out before that happens.

8           So I want you to know that that's the  
9 approach of the agency, and I'm not just saying this  
10 because I'm there, because I used to be on the outside  
11 looking in with some of these same concerns and I know  
12 that is the case. In a little bit I'll talk about  
13 where the delay is. Encourage your complainants to  
14 call. Even if you have doubts, if you think it is a  
15 complaint, I know,, you believe it is landlord/tenant  
16 complaint or it is marital status complaint and you  
17 know that's not a protected class but if you have  
18 doubts, go ahead and encourage the person. It's a free  
19 telephone call and let us look.

20           Now once the investigator gets the  
21 complaint, first step is interview the complainant, get  
22 any documentation that person may have, get the names  
23 of witnesses, get information about testing. Since I

1 came to the Department, the first thing I did when I  
2 had a chance to meet with the investigators for their  
3 quarterly meeting, that was everybody from all over the  
4 state, was to tell them to specifically ask every  
5 complainant in a fair housing case whether they dealt  
6 with a private agency, and what the name of it was, and  
7 whether or not there was a test, so that we will get  
8 the evidence from testing and it will be used, because  
9 obviously I have a lot of respect for that kind of  
10 evidence. I hope that is now being done and I'm  
11 watching closely to see that it is done by the  
12 investigators.

13           Second step is to interview the  
14 respondent, and to get any appropriate documentation or  
15 written evidence, policies and procedures and so on and  
16 so forth; interview witnesses from both sides. When  
17 the investigation is all over, it comes to my desk, and  
18 I am the person who reviews the evidence to determine  
19 whether or not there is reasonable cause to believe  
20 that the law has been violated.

21           Now, I can also send the case back to  
22 Enforcement if I think there is not enough evidence. I  
23 can send it back for particular things that I see are

1 missing or I can send it back with general questions.  
2 I tried very hard since I've been there and I think the  
3 investigators and I are doing pretty well, on the  
4 channels of communication between the investigators and  
5 me. I've encouraged them to call me during  
6 investigations and say, "Do you think you will need  
7 this?" or "What do you think you will need? This is  
8 the nature of the case."

9           Understand, our investigators are  
10 exactly that. They are majority of the people who have  
11 background in police work and I--there is no delicate  
12 way to put it, when I started with the state I had a  
13 lot of doubts about the investigative process at the  
14 state level. I would say 99 percent of them have been  
15 erased.

16           I think we have very professional  
17 investigators and they have a great deal of interest in  
18 fair housing. In fact, we are about to do a four-day  
19 session in fair housing training for our investigators  
20 in conjunction with the Fair Housing Consortium which  
21 is an organization that received HUD funding that  
22 involves the Maryland Commission on Human Rights, the  
23 D.C. Commission on Human Rights, the Virginia Real

1 Estate Board, and by the Board that's what it is called  
2 now, and several local human rights commissions from  
3 Maryland and Virginia. So we're going to do this  
4 training in Northern Virginia with those members of the  
5 consortium and also I believe with the D.C. Real Estate  
6 Commission is starting to train their investigators in  
7 fair housing. So I'm very pleased with those things.

8           Once the determination is made, just so  
9 you know the whole story, if it is reasonable cause for  
10 termination, then I'm going to try to get the parties  
11 to conciliate. Would I be correct in assuming everyone  
12 is familiar with that process of conciliation?

13           The advantages for the complainant in  
14 conciliation are that it is an opportunity for  
15 injunctive relief, that is, a signed agreement which  
16 requires the respondent to do certain things in order  
17 to educate himself and his staff about fair housing  
18 practices in order to engage in affirmative action,  
19 such as the use of the logo in advertising, and  
20 placement of fair housing literature in the real estate  
21 company's office and this sort of thing, and also in  
22 order to see to it that damages are paid to the  
23 complainant.

1           The state does not sign conciliation  
2 agreements which do not include damages to the  
3 complainant. So you should know that. The state does  
4 not tell the respondent how much to pay, either. There  
5 is a negotiating process, but the position of the state  
6 is very firm that a conciliation agreement not only  
7 includes relief for the consumer in general, which  
8 means we are going to teach the respondent not to do  
9 this again in the future but also relief for the  
10 complainant.

11           I spend a lot of time at that point  
12 telling the complainant about how to figure out what  
13 your damages should be, which is a very difficult  
14 process. But from our point of view, the damages  
15 should include two things: actual costs that the  
16 complainant has suffered, days off from work, higher  
17 rent being paid, that sort of thing, and compensation  
18 for pain and humiliation because that's what  
19 discrimination is. So we don't sit down at that table  
20 with the state running a conciliation without expecting  
21 that to be part of the deal.

22           What if we have a failure to conciliate?  
23 The respondent won't sign the agreement, won't come to

1 the table, won't talk to me, hangs up on the phone on  
2 me, tells his attorney to hang up on me, whatever.

3 That's called a failure to conciliate.

4 When that happens there are in fact two options  
5 remaining to the state. For HUD, with whom we are  
6 skipping hand and hand down this path most of the time,  
7 unless it a parenthood, handicap or elderness  
8 complaints, with HUD, failure to conciliate, even down  
9 the road, unless it is a pattern of practice case, that  
10 is a big case that affects a lot of people and is  
11 referred to the Justice Department.

12 You and I both know the Justice  
13 Department, when it takes people to court, doesn't get  
14 damages for the victim; the money goes to the  
15 government. To HUD failure to conciliate, that's  
16 pretty much it. For us, the case will then go to the  
17 Virginia Real Estate Board. Two things can happen: if  
18 the respondents are licensees of the state, the Board  
19 has the power to act upon their licenses—suspension,  
20 revocation, and fines are all possibilities.

21 Now, this is new. The Virginia Real  
22 Estate Commission thought that the original fair  
23 housing law gave them the power to do that. They tried

1 to do it. They were taken to court and they lost. In  
2 1984 they fixed that by amending the law to  
3 specifically state that in a failure to conciliate they  
4 have the power to do this. So this, by the way, I  
5 happen to think is one of the best things we have. The  
6 real estate industry does pay attention to the thought  
7 or the threat of action upon the license, taking  
8 somebody's livelihood.

9           Now I know you're probably all sitting  
10 there wondering if the Real Estate Board would ever do  
11 such a thing. I invite you to attend a meeting. I've  
12 sat here. I've never been to a board meeting until  
13 February 1985. Now I've been to a lot of them. They  
14 meet every month, all day; sometimes they meet the next  
15 day, too.

16           Ladies and gentlemen, I will assure you  
17 there is nothing hesitant about the ladies and  
18 gentlemen on the Board, and I have every confidence  
19 that when I take a case in there where I found  
20 reasonable cause and the complainant has refused to  
21 conciliate, if it is a licensee, something will happen.  
22 There are going to be two of them that are going to be  
23 before the Board this month.

1           Furthermore, it has been the decision of  
2 the Board that such regulatory actions should be made  
3 public. So watch your local papers. You will see the  
4 names of people who have had action on their licenses.  
5 I've already seen a few of them. This is not fair  
6 housing but the ruling is going to be same for our  
7 cases.

8           In addition to that, if we don't have  
9 licensees and if we do, the Board can choose to refer  
10 the case to the Attorney General's office to ask that  
11 they review it for possible prosecution in the courts;  
12 that, I would suggest, is rare. When we go to court, I  
13 think we have to be dealing with the case that is very  
14 air tight legally and that is of some significance, but  
15 I don't know because I've never tried it. So we'll  
16 see. Maybe I'll take one to the Board and they say  
17 let's go. This is only one. There are lots of cases  
18 from your area,

19           MRS. RATTLEY: That was in Newport News.

20           MS. BRASSIER: That is under appeal.

21 It is the Virginia Real Estate Board who voted to  
22 appeal. They are real mad about that. That "Thank You  
23 Lord for Victory over the State of Virginia" didn't go



1 over too well in my agency. I think there is a  
2 commitment and that's a message that I want to give  
3 you.

4 I want you to be know about the  
5 procedures. Please take these with you, and if you  
6 have any questions, you can reach me at the same 800  
7 number. I have some cards with me that I'll be glad to  
8 give to people as well. The most important thing from  
9 my point of view is to let as many people know as you  
10 can that this procedure is available to them. It is  
11 free, and it is produces a detailed investigation which  
12 in the hands of a private attorney could cost a  
13 fortune.

14 So I agree again with what Ms. Burks has  
15 said, it is good to advise a client, and obviously the  
16 choice belongs to the complainant. But it is a good  
17 thing to advise the complainant to take advantage of  
18 the administrative process; that's what it is for.

19 I'm looking at the clock and I'm going  
20 to quit. We have 180 days and that's all we have.  
21 There are significant problems with delays in the  
22 system. Let me tell you about a change in HUD  
23 procedures which was just announced to me last week.

1 We operate under substantial equivalency with HUD which  
2 means we receive complaints that are deferred to us by  
3 them. They have a 800 number for complainant calls.  
4 Cases in Virginia, HUD sends them to us.

5           They have decided that they will not  
6 defer a complaint to us until they have a signed HUD  
7 form. Now you understand what that means? I'm here in  
8 Virginia. I experience discrimination. I call HUD's  
9 800 number. They say, "Good, Ms. Brassier, we'll mail  
10 you a form and you sign it and by the way, it has to be  
11 notarized and send it back and then we'll send it down  
12 to Virginia to be investigated. Just met with the  
13 Director and the chief enforcement about this this  
14 morning. We are very unhappy about this. It looks  
15 like an additional delay in the process. So please  
16 encourage your complainant to file directly with the  
17 state. They can file with HUD, too, but if they just  
18 get it to us on the telephone, then we can go ahead.

19           The reverse will also be true that when  
20 we refer a case up to HUD for a dual filing, they won't  
21 accept that referral from us until we have a signed  
22 complaint form, which means that we get a telephone  
23 complaint we're going to have to go to the complainant,

1 get our forms signed, and then mail it up to HUD and  
2 then they'll docket the complaint.

3           It takes a little of the heat off of  
4 them in terms of the time but as far as we're  
5 concerned, what it does, it puts a delay in the process  
6 that we don't need. So we're going to ask HUD to have  
7 their intake people who receive complaints from  
8 Virginia as part of the intake to tell the complainants  
9 to go ahead and file directly with the state and give  
10 them our 800 number and then we won't have to wait for  
11 the referral because we get a significant number of our  
12 complaints through HUD's receiving them and deferring  
13 them back to us.

14           The other suggestion I would make about  
15 the delay is that, if you are a private or local agency  
16 working with the complainant, please do not fail to do  
17 what I used to do when I was one of those people, keep  
18 your eye on the calendar, and if you see that your  
19 pressing the 180-day limit, call me, complain, ask me  
20 what's going on. I have a lot of cases and a lot of  
21 other things I'm expected to do and I may not be aware  
22 that the delay has occurred, so don't be afraid to  
23 call. Thank you

1           MRS. RATTLEY: I thank you very much.  
2 You referred to the Civil Rights Commission in the  
3 different cities throughout Virginia. Do you think it  
4 would be helpful if we had a State Human Rights Law?

5           MS. BRASSIER: You're going to put me on  
6 the spot here. I guess I could answer the question by  
7 expressing a personal opinion or by speaking on behalf  
8 of the state. If I speak on behalf of the state, I  
9 don't know what the state's answer to that question is.

10           To tell you what you probably already  
11 know is that the Committee which was funded in the last  
12 session of the legislature to study that very question  
13 had its first meeting last week and that was an  
14 organizational meeting, and there are public hearings  
15 that are scheduled. If my memory serves me correctly,  
16 the public hearing in this area, I believe, will be on  
17 September 17th in the evening. I think their intention  
18 is to have one in morning in Richmond and one that  
19 evening here.

20           Now, let me say something about the  
21 communication part of that. One of the things I'm  
22 happy to say I have is a person, intern who is graduate  
23 student in planning from Virginia Commonwealth

1 University and the first assignment I have given him is  
2 creation of the directory of all local agencies that  
3 work with fair housing, whether they are private  
4 agencies or government agencies. You're all going to  
5 get questionnaires. We sent about 300 of them this  
6 morning. The purpose is to create a directory which I  
7 can use and you can use to know who's out there at the  
8 local level, and this is something I've been wanting to  
9 take, handicap, and Northern Virginia has been talking  
10 about this for two years, so I'm very excited about  
11 we're going to make that kind of connection.

12 I hope that through that connecting  
13 process we're also going to do better about educating  
14 each other back and forth about what procedures are  
15 available. Now, for the umbrella agency I will tell  
16 you that at the meeting last week, it was Friday  
17 morning, one of the delegates said what the issues are.  
18 For me, personally, I have some questions about that.

19 If you look at human rights commissions  
20 across the country, both local and state level human  
21 rights commissions, one of the concerns I have is many  
22 times the function of equal employment sort of sexual  
23 lose up the function of fair housing because employment

1 cases are so numerous and so complicated and staffing  
2 and resources tend to go toward employment, so that is  
3 a concern, and I want it to be understood having said  
4 that; it is a concern.

5 MRS. RATTLEY: The reason I raised the  
6 question, it seems to me we are so fragmented and we  
7 have a problem with communicating what's out there,  
8 and also what procedure do you follow. Because many  
9 people give up out of total frustration with the system  
10 on which you heard, the bureaucracy.

11 MS. BRASSIER: Let's say, I don't think  
12 there is anyone in this room that does not also  
13 recognize there is a concern that must be addressed  
14 about the fact that Virginia is one of either four or  
15 six, states keep getting changed, states that does not  
16 have a umbrella human rights agency. I understand how  
17 that sounds.

18 MRS. RATTLEY: I would like to hear  
19 from some of the other panel members on that  
20 particular question as to the needs. Who wants to go  
21 first?

22 MR. BIGELOW: We've discussed this.  
23 There is a Fair Housing Liaison Committee that works

1 with the state and Department of Commerce. We've  
2 discussed this issue and expressed the same concern--I  
3 don't remember how the vote went. We did vote on it  
4 one day.

5 MS. BRASSIER: The committee voted to  
6 support, to ask the Board to take a position about it.  
7 As I understand it, that was before I was there and I  
8 don't believe that the Board agreed to do that.

9 MR. BIGELOW: But there was very  
10 considerable concern, the same thing, that the  
11 employment problems and whatever would overwhelm the  
12 Committee and the relatively fewer cases of equal  
13 housing opportunity or fair housing would be put on the  
14 back burner.

15 MS. BRASSIER: It's been a problem.

16 MRS. HOFFMAN: Could we also direct that  
17 question to the audience? Perhaps there might be  
18 someone here who would have some feeling about that.

19 MRS. RATTLEY: If you do have feelings  
20 about that, would you please make those feelings known  
21 at this time, not all at one time however.

22 MR. MASON: W.T. Mason, Jr. I'm from  
23 Norfolk, Virginia. I'm with the Tidewater Fair Housing

1 Inc. I have some concerns with regard to the areas  
2 that have been mentioned with regard to a Statewide  
3 Human Relations Commission. I'm unaware of any similar  
4 organization in the state that is now dealing with  
5 employment discrimination that is equivalent to the  
6 fair housing.

7 MS. BRASSIER: The only fair employment  
8 activity at the state level has to do with equal  
9 employment grievances of state employees, that is  
10 correct.

11 MR. MASON: That's the only one I've  
12 heard about. If they are going to create a state  
13 agency that is going to, or commission, or board that  
14 will deal with employment discrimination and give it  
15 proper funding and staffing and sufficient authority,  
16 fine, but if they are not going to do that, then I  
17 would think that at this time the creation of a super  
18 agency wouldn't aid the cause but would rather defeat  
19 it.

20 A lot of us have deep concerns over the  
21 failure—not only failure but of the complete  
22 turnaround by the activities of the Department of  
23 Justice in this employment area and as well as in fair



1 housing. The statistics show that they have filed  
2 practically no cases in the last four years, and they  
3 changed their positions in the courts, so that we  
4 certainly can't look to the federal agencies as now  
5 directed. So I would say I am not in favor of it at  
6 this time.

7 MR. BINKLEY: For the record, I'm John  
8 Binkley, Regional Director for the Mid-Atlantic Regional  
9 Office, staff of the Commission, Washington but on  
10 behalf of the Committee members who are here, I want to  
11 learn about concerns, issues and problems from the  
12 area, and in housing since that's the panel before us,  
13 I'm sure they are pleased and I'm pleased as a citizen  
14 of Virginia, although from Northern Virginia, to hear  
15 there is kind of resource in the Virginia.

16 Someone on the panel did make reference  
17 to statistics. At this point we don't have the problem  
18 identified: are there problems? how many complaints get  
19 filed? how many reconciled? are minorities being denied  
20 housing? Maybe you have reports and data you can  
21 submit to us later on for the record. I don't have a  
22 sense or feeling of the problem. Maybe there isn't any  
23 and, if there isn't any, I'm very pleased to hear

1 that.

2 Can anybody comment briefly on that or  
3 some of the other people from the audience who  
4 represent private organizations who represent minority  
5 constituencies?

6 MRS. RATTLEY: Anyone from the audience?

7 MR. BOSTIC: I would just like to echo  
8 Mr. Binkley. I would like a comment about the panel  
9 redlining. You mentioned anti-redlining. Is a problem  
10 of redlining right here in the Tidewater Area.

11 MS. BINGHAM: I was the one that  
12 mentioned it. We did, in conjunction with SEVPDC back  
13 in '78 we looked at the reports that were filed on new  
14 mortgages and on the basis of those it looked at first  
15 like there might be some discrimination that there was  
16 in grouping of data, but I analyzed it further in terms  
17 of housing turnovers within those areas and the data  
18 were so inconsistent I couldn't draw too much from it.

19 We're trying right now to do another  
20 study to try and see if it exists. I think that there  
21 are problems. I know in the Hunters Village Section of  
22 town here there is; it's not so much problem of getting  
23 the mortgage money but it is the insurance problem, so

1 if somebody wants to build a home or do some extensive  
2 renovation, the contractor can't really work.

3 We have Community Development  
4 Corporation that's having that difficulty right now;  
5 they have money from the banks but they can't get the  
6 insurance, and they are having a difficult time  
7 organizing the project. It has the same effect as  
8 redlining.

9 MR. WHITE: A lot of the elements that  
10 caused redlining 10 years ago, 15, 20 years ago in the  
11 financial community really aren't present today.  
12 Central city housing is increasing in value probably  
13 more rapidly than its suburban counterparts, so a lot  
14 of the economic impetus for housing that didn't change  
15 in value whereas others have changed there. We're  
16 seeing a lot more investment in our impacted areas. We  
17 see a lot more new housing going up and other types of  
18 things like this going on.

19 However, I will say that the second  
20 mortgage industry is not as much the mainline financial  
21 institutions. It is, in many cases, offbeat, higher  
22 rate financial institutions, not your banks and savings  
23 and loans. It's other types of mortgage companies.

1 That's a consumer problem that we've identified in  
2 Norfolk.

3 MR. BOSTIC: Could I follow up with  
4 that? The problem--a new word has come to my  
5 vocabulary--is gentrification. Do you encounter? Is  
6 that something of a problem in the Tidewater Area where  
7 younger Yuppies, whites, primarily are moving into the  
8 innercities and moving out blacks an all that kind of  
9 thing and creating housing problems?

10 MS. ANGUS: Phyllis Angus. I just want  
11 a definition for redlining. What is that?

12 MS. BINGHAM: Redlining is where usually  
13 a financial institution would draw a circle, a red line  
14 around an area and say no loans in this area.

15 MS. ANGUS: How would the public know?

16 MS. BINGHAM: You don't.

17 MRS. RATTLEY: Redlining, by way of  
18 explanation, has been taking place for a long time, and  
19 is still taking place and we all know that. For  
20 example, in Newport News we have a section of the city  
21 called the "Southeast Community" and it's difficult to  
22 get mortgage money to buy houses in that area because  
23 they are considered to be high risk. For a long time

1 it was difficult for homeowners to buy insurance, fire  
2 insurance, because in 1968 we had what the newspapers  
3 called "a riot", so this is a carryover from the '60s  
4 really, and not only that, we start talking about  
5 terminology.

6 We used to say redlining; then we went  
7 to gentrification and I'm sure there is another term  
8 that could be applicable today as to how they get  
9 around it, and many times it takes different forms, and  
10 I think what we're trying to get the panelists to say  
11 what trends are you experiencing now, and we haven't  
12 heard an answer yet.

13 MS. BRASSIER: I would like to address  
14 the gentleman in the back there.

15 MRS. RATTLEY: Does that answer your  
16 question?

17 MS. ANGUS: It answers my question  
18 because I still feel a little awkward, you're asking us  
19 to feed information to you and we're really not aware  
20 of anything to tell you. You get the impression that  
21 everything is fine and dandy in Portsmouth, yet we  
22 don't know that to be a fact. We are not familiar with  
23 your terms, at least I'm not, and whether or not there

1 is redlining, I don't know. I don't know whether I can  
2 tell you or not. I'm a little frustrated. Maybe it is  
3 my personal frustration.

4 MRS. RATTLEY: Maybe you have not had  
5 the experience, and maybe you don't see a problem  
6 existing in the city of Portsmouth. If so, we think  
7 that's good.

8 MS. ANGUS: I'm not sure that is the  
9 case because I don't know everything you're saying.  
10 redlining doesn't mean anything.

11 MRS. RATTLEY: Let me say this to you:  
12 some people cannot find adequate housing. They have a  
13 job. They make enough money; they have the desire to  
14 live in that particular dwelling. They meet all the  
15 requirements on the surface, but now that the credit  
16 restrictions, they look at the credit. You know  
17 something about credit, don't you?

18 MS. ANGUS: A lot.

19 MRS. RATTLEY: You know, if you have a  
20 MasterCard or a an American Express and if your limit  
21 is \$2,000, that's considered as a debt that you have  
22 even though you haven't charged it. You know that,  
23 don't you? So they say you have overextended yourself

1 and maybe you don't think that you have, but you're  
2 denied. Your application is denied based on your  
3 credit.

4           How many of you know that? I have  
5 talked with people who don't even know that the credit  
6 is being checked. For years they have inspected the  
7 police record of some applicants but now it's mostly  
8 credit, and you'll find that a lot of people that we  
9 are talking about who have been discriminated against  
10 historically have a bad credit record based on what the  
11 computer puts out. Credit now is keeping you from  
12 getting a house, buying, or renting in some  
13 neighborhoods. It's keeping you from getting a job,  
14 and a lot of other things, and we don't talk much about  
15 credit. I think one panelist mentioned that credit  
16 check. Many of us don't know what is being said about  
17 us on that computer.

18           Every time you miss a payment, every  
19 time your account is 60 days—30, 60, 90 days past due,  
20 it's there, and for some of us it seems to stay there  
21 forever. I think at best the credit law says how many  
22 years, six to ten years, that it will stay there, and  
23 many people have been denied applications to purchase

1 homes or to rent homes and they don't really know why  
2 they have been denied.

3           That's one reason is the credit check.  
4 There are others, and I think that's what we're trying  
5 to get from the panel. Not that you can prove in many  
6 instances that this is the reason, but we look at  
7 certain trends. So that's what we are trying to  
8 determine if you have any of those adverse trends in  
9 the city of Portsmouth that will cause you to believe  
10 that X family has not been able to find suitable  
11 housing simply because of credit.

12           As someone has said (b) economics, if  
13 you want to list that.

14           MS. LUCAS: Louise Lucas. In the  
15 absence of that information, how could a complainant go  
16 forth to file a complaint with the State Enforcement  
17 Office and be able to establish a prima facie case of  
18 discrimination when in fact they don't know that they  
19 have been discriminated against because unless a person  
20 has some reason to persevere they've been discriminated  
21 against; they are likely not to go forward and file  
22 that.

23           MRS. RATTLEY: In a few words...very



1 difficult.

2 MR. CHERRY: One of the things extremely  
3 difficult unless a person has some knowledge about  
4 credit and credit reports go to the credit bureau, gets  
5 a copy of the report and evaluates it themselves or  
6 keep one on hand, like some of us do and know that it  
7 is good and then you can build a case from that.

8 What's on this that the person turned me  
9 down for—turned my application for a loan, but the  
10 people that get ripped off are, that are turned down,  
11 don't know that, and they don't have the time, the  
12 money, or usually or the knowhow to go through that and  
13 so they come to an organization or come to the city  
14 folks or come to the NAACP and ask for help, and you  
15 can talk to them.

16 I think another area—I use the term  
17 being ripped off—is that applications for mortgage  
18 loans, or even for rent, the credit report itself and  
19 the evaluation of that report is very subjective; that  
20 is, that an application for B.T. Cherry might be  
21 approved because he don't live in an innercity but  
22 another person who probably make at least as much money  
23 as I do in the innercity that the evaluation of their

1 credit report could be different.

2 How do you build a case around that?

3 You need \$10,000. When a person comes to you with that  
4 kind of complaint, what they want to do is find out  
5 "how do I get a house today? how do I get this done?"  
6 rather than build a case. So it makes it very  
7 difficult. And nobody likes to talk about the credit.

8 You have to come up with a list of how  
9 many credit cards and those kinds of things, and they  
10 really don't like to talk about those.

11 MS. BRASSIER: Speaking from my past  
12 position, although it affects my current one as well,  
13 one of the ways in which you can help your client, if  
14 someone calls you and says "I think I've been  
15 discriminated against," and I'm sure other people on  
16 this panel who play the same role would agree with me  
17 is that to go through with the complainant before the  
18 complaint is filed with the state or anyone else, a  
19 specific discussion about, you know, "What were you  
20 told was the reason you were rejected? What other  
21 reasons can you think of?" and be sure that you raise  
22 the issue, "Was your credit discussed?" and you can be  
23 nice about this. As people have already indicated,

1 nobody likes to talk about these things but it is  
2 important to say to the complainant up front "these are  
3 relevant concerns for an agency that is going to rent  
4 you housing selling you a house, they are represented  
5 to have an interest in your credit history but you also  
6 have the right to know whether they checked your  
7 credit, what their standard is and if they are smart  
8 and was the business professional."

9           They'll have a written standard they use  
10 for everybody. Lots of places don't, but that's the  
11 kind of information you want to get at. Help your  
12 complainants by explaining that whatever credit record  
13 or history is available to your respondent, that is the  
14 party who is renting the property, making the inquiry  
15 is also available to the individual for free, and he  
16 has a right to say, you know, "If you made a credit  
17 check on me, I want the name of the credit bureau you  
18 called" one, because of the things we find in  
19 investigating these sometimes the call was never made,  
20 you see, so being rejected on the basis of your credit,  
21 if an agency really has legitimate standards and they  
22 apply them to everyone, it is not a violation of the  
23 Fair Housing Law.

1           But if somebody told you you were  
2 rejected on the basis of your credit and then an  
3 investigation proves that they never called, or wrote,  
4 or made any inquiry about your credit, then you know  
5 something else is going on. So I think one of the most  
6 difficult areas in fair housing is the intake of a  
7 complaint, and it takes a lot of skill and a lot of  
8 knowledge of the housing market and the generally  
9 accepted practices and what kinds of policies and so on  
10 a person might expect to encounter and how to check up  
11 on whether really what happened. It takes all of  
12 things when you're intaking the complaint to know which  
13 direction you're going.

14           MRS. HOFFMAN: Before going on to our  
15 next panel—we're a little bit behind here—it would  
16 appear then that the subtlety of discrimination in  
17 housing may be different from the discrimination that  
18 we sometimes surface in employment because employment  
19 is something we do everyday; housing is something you  
20 do maybe once in a lifetime for a house and less  
21 frequently for renting.

22           MRS. RATTLEY: You see the area is so  
23 broad. We didn't get into a lot of it. Just by the

1 name of the development may promote segregation. For  
2 example, I could build a development and call it Dr.  
3 Martin Luther King Townhouses, and I'm saying right out  
4 front that--I don't have to say, you know.

5 MS. BRASSIER: George Wallace Gardner.

6 MS. RATTLEY: Or if I say that or either  
7 Robert E. Lee. I don't have to say anything else.  
8 That will take care of itself, and I can advertise with  
9 that little logo, and I could say Equal Opportunity,  
10 anything I want to say, but the location many times,  
11 the naming of it, and a lot of other conditions--

12 MS. BRASSIER: Directions, giving names  
13 of streets in the surrounding area that also have  
14 identifiable racial association.

15 MR. CHERRY: I would like to add on to  
16 that, is not name of a neighborhood, not anything else  
17 other than price, and the explanation of how to get a  
18 mortgage. "The price of a house is a hundred thousand  
19 dollars in this neighborhood," but it depends on who is  
20 applying for the mortgage is how that mortgage is going  
21 to be explained and the qualifications as to where that  
22 person is going to live.

23 If they are going in live in that

1 neighborhood or not and that goes a long way. I don't  
2 have to discriminate against you because you are short,  
3 tall or anything else, but the houses here are \$150,000  
4 and the mortgage company could put this activity into  
5 the evaluation of an application and you will or will  
6 not get a house based on their standard.

7 MR. BIGELOW: Over and beyond the  
8 credit thing that we're just talking about is the  
9 checking with your previous landlord. You know that's  
10 a closed fraternity, so to speak, and a lot of people  
11 have stubbed their toe once. That haunts them. They  
12 keep checking, the prospective landlord checks with the  
13 old one and who knows what they are told and sometimes  
14 it is accurate and sometimes it is not. I think our  
15 housing counsellors run into this many times.

16 MR. CHERRY: If I can choose to, I can  
17 find something in just about everybody sitting in this  
18 group. I can find something in your history around  
19 credit if I choose to dig for enough and use that to  
20 qualify you or disqualify you for property, for  
21 housing, for credit.

22 MR. O'ROURKE: I'm a little bothered  
23 about the way the credit issue has been raised. It

1 seems to me three are three issues: one is whether the  
2 landlord has checked your credit—may not have.

3           The second is whether the landlord has a  
4 consistent credit policy and, third, is whether the  
5 computer firm that stores credit records on all of us  
6 has a defensible policy.

7           Now, if the problem rests primarily  
8 with the computer room, it seems a very inefficient way  
9 to check on the computer firm to depend upon the  
10 complaints brought by individuals who may have been  
11 denied the right to rent a particular unit. Is the  
12 state doing anything to monitor the policies of the  
13 computer firms that prepare the credit records on all  
14 of us that banks and other lending institutions will go  
15 to?

16           It seems to me that's a more pervasive  
17 problem. That may be one that crosses racial and  
18 economic lines, and I think there is fairly good  
19 information in many of these computerized firms do is  
20 inaccurate.

21           MS. BRASSIER: I have to tell you that I  
22 do not know of any state regulatory process that deals  
23 with that. I would guess, and I'm guessing, that you

1 will more likely find a federal procedure or statute  
2 that would deal with the regulation of the activities  
3 of these agencies.

4 MR. WHITE: Standard Credit Reporting  
5 Act.

6 MS. BRASSIER: I don't know the answer  
7 to the question in terms of what the state does or  
8 doesn't do. But I will find out. I think that's a  
9 legitimate question but it is important at least in the  
10 meantime to let your complainant know the he can go get  
11 that information and set those people straight and go  
12 back and check and make sure there is.

13 MR. O'ROURKE: What I'm saying, much of  
14 the problem rests with the computer firm that has a  
15 flat rule of making decisions. We're addressing  
16 problems by complaints brought against landlords. Then  
17 you're going about it in a very indirect way.

18 MS. FAZEMORE: I'm Louise Fazemore. I'm  
19 with the Newport News Community Relations Committee.

20 MS. RATTLEY: You notice how they called  
21 it "Community Relations Committee"? My ordinance says  
22 "Fair Housing Commission", but that's okay. It does  
23 the same thing, but it was more palatable to call it



1 "community relations"; all right, sir. So that's an  
2 indication of what we are facing in this whole area.  
3 Ms. Fazemore?

4 MS. FAZEMORE: It is easier to say than  
5 Fair Housing. I'm a young person. I've just got a job  
6 and I have not been working long enough to establish  
7 any credit by I am ambitious and I want to buy a home.  
8 I have applied for a house. I said two bedroom homes  
9 and I have been turned down. Where do I phone? I'm  
10 single. I haven't established any credit and I want to  
11 buy a home but I've been turned down. I have no  
12 credit—most of the time because of credit.

13 MS. BRASSIER: Did they tell you they  
14 turned you down because of a hypothetical?

15 MRS. RATTLEY: This is a hypothetical.

16 MS. BRASSIER: That's what I would ask  
17 the person up front, what was the reason for turning  
18 you down. If they said "you have no credit history".  
19 Then the appropriate thing for the complainant to do is  
20 go back and say "how do I establish one? Tell me what  
21 you need."

22 Again, it may be a legitimate reason. I  
23 had the exact same problem 15 years ago when my first

1 husband and I tried to buy a house because we had no  
2 credit. We never bought anything on time. We didn't  
3 have a credit history. We had no credit cards. We had  
4 nothing.

5 MS. FAZEMORE: That would be--

6 MS. BRASSIER: That really happens.

7 MS. FAZEMORE: You have to work enough  
8 to establish this.

9 MS. BRASSIER: What you do is try to get  
10 a credit card at the department store usually and you  
11 use it. I'm answering the question as practically as I  
12 can. It has nothing to do with discrimination. That  
13 is where the focus--try to nail down when somebody is  
14 rejecting you; what do they tell you is the reason.  
15 Look behind that and see if there are other reasons  
16 operating.

17 MR. WHITE: One of the things you asked  
18 us to do as part of the panel is to try to point  
19 directions that you all can take, and there is a  
20 tremendous opportunity coming up. The Virginia Fair  
21 Housing Statute, in addition to providing penalties for  
22 discrimination for race, color, sex, creed, religion,  
23 national origin, also provides penalties for handicap,

1 parenthood and elderness; however, the term  
2 "parenthood" is not defined in the law, and I have a  
3 feeling that are large number of people, some of the  
4 same people that you all are thinking about  
5 hypothetically, that have economic discrimination that  
6 are really discriminated for reasons of parenthood.  
7 They are either single females with a couple of kids  
8 whose income is divided by the number of people in the  
9 family in figuring things or they have a tough time  
10 renting.

11           Establish--the term parenthood is not  
12 defined in the law and the law is pretty much  
13 unenforceable. Our city has gone a few rounds with the  
14 Attorney General to get a definition.

15           Try to present hypotheticals that have  
16 to do with economic discrimination on parenthood but I  
17 think there is an opportunity there for this group to  
18 try to help the legislature to define that, what do  
19 they mean by it.

20           MRS. RATTLEY: The question of  
21 parenthood, I think most of us have heard or read that  
22 almost 50 percent of all families now are headed by a  
23 single female, and many of these females with children

1 are finding difficulties renting a suitable property,  
2 housing.

3 So the reason he is suggesting may not  
4 be credit in some instances; it could be parenthood,  
5 and that particular word has not been defined.

6 MS. BRASSIER: Except do understand what  
7 you're dealing with here. There are exceptions to that  
8 part of the law, and the exceptions say that it is  
9 legal to maintain an all adult or all elderly housing  
10 community or section of a housing community.

11 That last part that I just quoted is not  
12 in here because it was passed in the most recent  
13 session of the legislature, went into effect July 1 of  
14 '85 so, if you have a complainant who is applying to a  
15 place which is an all adult community or which is a  
16 place that has an adults only section over here and  
17 families with children section over there and there  
18 were no vacancies with the children for family  
19 sections, you're going to have to a tough time because  
20 that's the way the law was written. I don't say that--  
21 I'm being careful not to express my opinion about that  
22 but that's what the way it is.

23 MRS. RATTLEY: Let me express mine.

1 MS. BRASSIER: Let me explain one other  
2 thing for a complainant individually. I just dealt  
3 with one of these from your area. It is legal, and I  
4 can do nothing about it: if a rental management company  
5 says "I don't want to rent to singles, any kind of  
6 singles," and if the record shows they don't rent to  
7 any kind of singles, whether male, female, with or  
8 without children, it's not discrimination under the  
9 Virginia Fair Housing Law, and I will tell you that  
10 that is a problem. That is a problem.

11 MR. WHITE: that's exactly the question,  
12 parenthood needs to be defined.

13 MRS. RATTLEY: I have it addressed it  
14 many times in my introduction. I stated I would like  
15 for somebody to touch on the issue of adult homes.  
16 When this law was passed, it was really shocking to me  
17 personally, because I didn't think that I would ever  
18 see that, because once you approve and make legitimate  
19 all adult homes, then you are discriminating in my  
20 opinion against mothers with their children or fathers,  
21 with their children--have to look at both sides--and it  
22 is real frightening. I know that's against the federal  
23 law but I was told no, it is not.

1           So if someone wants to have an all adult  
2 home, he or she may have that, and then when you talk  
3 about young kids getting married and whether or not the  
4 law would say they have been emancipated by virtue of  
5 taking on the responsibilities of marriage, so if two  
6 17 year olds get married, they also would be excluded  
7 from that home even though they don't have children  
8 because they are not yet adults.

9           FROM THE FLOOR: What all adults?

10          MRS. RATTLEY: Adulthood in Virginia is  
11 18.

12          MS. FAZEMORE: Single or married.

13          MRS. RATTLEY: I think the cite for  
14 Virginia, the lawyers can tell you better than I, I  
15 think you're emancipated through Virginia, in the state  
16 of Virginia.

17          MS. BRASSIER: But there are no specific  
18 definition of the word "adult" or the word "elderly" in  
19 the Virginia Fair Housing Law.

20          MS. RATTLEY: Or condition of  
21 parenthood.

22          MR. WHITE: 60 or over.

23          MR. BIGELOW: I asked Delegate

1 Diamonstein to define it for my committee and he gave  
2 me five different definitions depending on which act  
3 we're talking about, and, basically, we decided to let  
4 the courts decide, which is no guidance at all.

5 MRS. RATTLEY: I'm sorry, Wanda, we  
6 have gone over and may I thank the panelists. Let's  
7 give them a big hand.

8 (Applause).

9 (Subject panel concluded at 4:20 p.m.)

10

11

12

13 PANEL ON CIVIL RIGHTS DEVELOPMENTS AND ENFORCEMENT IN  
14 VOTING REGISTRATION IN THE TIDEWATER AREA:

15 (4:25 p.m.)

16 MR. O'Rourke: In the interest of time  
17 I think we ought to begin at least with the  
18 introductions and we'll hold off a bit on the  
19 substance, but for the sake of our recorder could I ask  
20 the panelists to introduce themselves beginning on my  
21 far left?

22 MS. WRIGHT: Pat Wright Director, Young  
23 Democrats of Virginia.

1 MR. TAYLOR: Richard Taylor and I am  
2 staff attorney and Director of ACLU voting rights  
3 project.

4 MS. DOXEY: Mary Doney, Newport News  
5 Registrar's Office for the City of Newport News.

6 MS. MERCER: Lillian Mercer. I'm  
7 Registrar for the City of Chesapeake.

8 MR. O'ROURKE: My name is Timothy  
9 O'Rourke and I'm a member of the Commission.

10 MS. WASHINGTON: I'm Ann Washington, the  
11 Registrar for the city of Norfolk.

12 MR. O'ROURKE: We are running late, and  
13 just as we are supposed to be finishing, we are  
14 starting, so if I might focus, the real purpose of this  
15 panel is to identify problems that exist in voter  
16 registration in the Tidewater Area. Let me make that  
17 instruction to the panelists, if you could keep your  
18 remarks to the identification of problems beginning on  
19 my far left.

20 MR. TAYLOR: With the voting rights  
21 project of the ACLU, the voting rights project is  
22 located in Richmond which is the state office for the  
23 American Civil Liberties Union, but we've had several



1 opportunities to work in the Tidewater Area.

2 I'm from Norfolk, and in the past have  
3 had opportunities to work on at least a couple of  
4 political campaigns in the City of Newport News and am  
5 somewhat conversant with some of the activities going  
6 on there.

7 I think that when you talk about  
8 problems, the Tidewater area is not unique  
9 The problems that one has with registration in  
10 Tidewater, the problems that one has across the entire  
11 state they often have nothing to do with the vigor or  
12 the aggressiveness of the registrar or the electoral  
13 board to try to make sure people are registered. The  
14 ACLU, in a '1984 study of Virginia voting practices,  
15 discovered there is very little rhyme or reason in the  
16 pattern and practices and procedures for which local  
17 registrars and electoral boards govern their practices  
18 and procedures.

19 What this means in a nutshell is that  
20 you can go from jurisdiction to jurisdiction, you can  
21 go from Norfolk to Newport News, you can go from  
22 Norfolk to Portsmouth, from Portsmouth to Hampton, or  
23 Newport News, and find that there are different rules

1 governing the procedures for voter registration every  
2 time you want to conduct a voter registration.

3 We see the type of discretion which is  
4 in the hands of the registrars and the local electoral  
5 boards as being one of the type that is open to  
6 widespread abuse without disparaging any of the  
7 character or of the people who tend to be some of the  
8 better registrars of the state, period.

9 We find that because of a lack of  
10 uniformity groups who want to register people are  
11 confused as to when they have to submit applications  
12 for registration, how many people they should suggest  
13 should be there. They don't always understand the  
14 concept of volunteer registrars, what that entails, or  
15 why you can do something in one place and can't do  
16 something in another place.

17 We tend to think that type of lack of  
18 uniformity encourages some disillusionment and  
19 discussed apprehension and outright apathy from  
20 participating in the process. There is another factor,  
21 also, to consider when you talk about the problems of  
22 Tidewater and the problems of the state as a whole and  
23 that is when it comes to the actual process of an

1 individual going to a registrar's office to register  
2 and you talk about yourself or Ms. Wright or Ms. Belli  
3 or Ms. Mercer, perhaps the problem doesn't seem to be  
4 too great.

5                   But when you talk about those people  
6 who are traditionally unregistered and when you talk  
7 about under registered people have been a part of the  
8 system, truly I can't understand, either. In may  
9 elections we tend to send the same old people and  
10 people who are apathetic and when you talk about the  
11 people and talk about people desirous to come together  
12 for purposes of registering those people to vote, then  
13 we have massive problems in Virginia, because a  
14 registrar can say, "I've set a certain number of  
15 registrations sites and I think this is adequate."

16                   "I had one meeting this year and I  
17 invited people to come. You weren't there, so that's  
18 the end of it", or it takes 60 days for me to get  
19 Justice Department approval, so we don't have enough  
20 time".

21                   You think the best way of registering  
22 people is to have registering stations and one says,  
23 "But I know we do registration in Norfolk. No, we

1 don't do it in Hampton," so that is a big problem.

2           We think if there is not some type of  
3 uniformity in limiting the discretion in which  
4 registrars and local electoral boards exercise, as I  
5 said, an event sponsored by the Young Democrats a  
6 couple of weeks ago, Virginia is going to be doomed to  
7 be the Sisyphus of state agencies. In other words,  
8 keep pushing the registration ball up the hill and  
9 pushing and panting and the registrars are pushing,  
10 and no sooner you start to reach the top, the ball  
11 starts to role backwards again.

12           We think that is just tragic. To the  
13 Tidewater's area credit, the lack of uniformity in  
14 practice and procedure, I think, is probably one of the  
15 more outstanding problems. Most of the registrars in  
16 this area have gone way beyond the spirit of the law  
17 and any reasonable sense of accommodation in making  
18 sure that those who want to come together for purposes  
19 of registering people are able to register them.  
20 However, sometimes the situation has not come about  
21 without sizable amount of frustration.

22           I give you two examples: not meaning to  
23 pick on anybody, especially in Virginia, the registrars

1 are not only accountable to two masters--and I say the  
2 Bible says it is impossible to serve two masters but  
3 registrars do in Virginia--the registrar is accountable  
4 not only to her or his electoral board but they are  
5 also accountable to the State Board of Elections.

6 We find it as not an unusual situation  
7 for a registrar to be willing to go one way to  
8 accommodate you and for an electoral board to go  
9 another way. We found that when the electoral board  
10 does not give full cooperation to the efforts of the  
11 registrar, then the registrar's efforts are hampered  
12 and thus the registration efforts in the communities as  
13 a whole are hampered.

14 To be more specific. In the city of  
15 Newport News not too long ago the since resigned  
16 Electoral Board Chairman Mr. Davis insisted that those  
17 groups who wanted to register people to vote after  
18 making application for a site had to pay a certain fee  
19 to pay for the legal advertising which is clearly the  
20 job and legal responsibility by statute, by the code of  
21 Virginia, of the registrar.

22 In Newport News there were at least two  
23 examples where people were asked--one is 7-Eleven; I

1 don't think Southland had any problem coming up with  
2 \$25 but the NAACP might have been a different case.  
3 Their efforts were challenged.

4 I worked registration in Newport News  
5 and I had no problems at all working with Ms. Doxey.  
6 She had two masters; she had her electoral and perhaps  
7 she had another. For legal reasons she couldn't do a  
8 lot of talking about those. I think she was  
9 compromised in a way that was tragic, the end results  
10 being the State Board of Elections and the Attorney  
11 General who had to take the incredible action of asking  
12 that a cause hearing be held to show why the members of  
13 the Electoral Board should not be removed.

14 One of the other more regrettable  
15 incidents there was that after a registration took  
16 place at a church facility where food was being given  
17 out, not in the same place but at the same time, in the  
18 same proximity. There was a threat made by the  
19 Chairman of the Electoral Board to take those ballots  
20 and to take them to a federal marshal. That's what can  
21 happen when a system runs amuck and there are no  
22 clearly delineated lines between electoral board and  
23 registrar.

1           That's clearly in this area, whereas, on  
2 the other hand, where you have an electoral board which  
3 is interested in turning around the registration  
4 numbers, you find yourself perhaps in a situation such  
5 as the one that Mrs. Washington has in Norfolk where,  
6 if they given her a hard time, it is hard to tell by  
7 her efforts because she will go anywhere, anyplace  
8 that's legal to register those people; exudes that type  
9 of authority and willingness to register people that  
10 has helped to do some really incredible things that  
11 turned around jury registration figures in Norfolk.

12           So those are at least a few areas that  
13 are problems. But as a bottom line--and then I'm going  
14 to shut up--as a bottom line, the Tidewater leadership  
15 for councilmanic members, house delegates, state  
16 senators and the state house, and the general assembly  
17 are going to have to take the bull by the horns here.

18           For years and years and years and years  
19 far too many to be counted here, registration groups,  
20 such as Project Vote, such as the NAACP, such as SCLC  
21 have labored in the streets doing those things which it  
22 take under Virginians restrictive laws to register  
23 people to vote; League of Women Voters, also, and to

1 put it simply, they are tired time and time again of  
2 lifing that ball up the hill only to find it fall down  
3 again.

4           The purge last year after the general  
5 election wiped out 131 to 150,000 people from  
6 Virginia's registration rolls and why? Because in  
7 Virginia, if you don't vote within a four-year period,  
8 your name is wiped off the rolls. Fortunately, in the  
9 General Assembly this year legislation was passed, that  
10 Constitutional Amendment, so that if you haven't voted  
11 in four years or, if you're going to lose the right to  
12 vote if you don't vote, the registrar will send you a  
13 little notice, "Hey! you're going to lose your right to  
14 vote unless you are at this location unless you want to  
15 stay."

16           It has to be passed again by the General  
17 Assembly and it goes on to a referendum. Those type of  
18 efforts tend to turn things backwards.

19           If the leadership doesn't take the bull  
20 by the horns, then I really don't think things are  
21 going to be turned around and Virginia will, as I say,  
22 be doomed to its low registration status which is  
23 approximately 45 to 46 out of the 50 states in the



1 nation. In any other sense we want the best for  
2 Virginia. Virginia prides itself on fiscal sanity.

3 They say, if you find a Virginian who  
4 had been sleeping for 200 years and you would wake him  
5 up, the first two words he would shout would be fiscal  
6 sanity. Tom Jefferson said there were two types of  
7 government, one that is afraid of the people and one  
8 that's not. I think Virginia has got a people that's  
9 afraid of the government, and I see nothing but the  
10 best when we look for improving voter registration.

11 As a footnote, you talk about Virginians  
12 and voting and we tend to tie in registration with  
13 voting, and we say these people need to register but  
14 these people will they vote. Last year and the facts  
15 and figures vary, but from the 1984 general election,  
16 depending on whose statistics you look at, the League  
17 of Women Voters or the U.S. Census Bureau, Virginia is  
18 in a three-way tie for the highest turnout per  
19 registered voter or number one all by itself, so what  
20 we find at least in the presidential elections when  
21 Virginians become registered they do vote.

22 MR. O'ROURKE: I understand Pat Wright  
23 is going to talk about proposals before the General

1 Assembly for registration reform.

2 MS. WRIGHT: Hi! I's Pat Wright and  
3 although living in Richmond currently I am a resident  
4 of Portsmouth, Virginia. Again, I'll limit my remarks.  
5 I won't discuss the specifics of voter registration  
6 problems. Mr. Taylor has done that for us. Instead,  
7 I'll look more at the reform measures which are  
8 supported by Coalition of Virginians from Tidewater to  
9 the western part of the state. Coalition is chaired by  
10 Richard Taylor, and the Young Democrats are members of  
11 the Coalition.

12 Voter registration reform is the number  
13 one priority for the Young Democrats Association in  
14 Virginia. The Coalition serves not to put forth any  
15 partisan points of view but rather to put our efforts  
16 together on an issue which is essentially nonpartisan,  
17 an effort to secure for all Virginians what we feel is  
18 the basic right for participation in the system.

19 Over the last few years numerous studies  
20 have been commissioned by the Governor's Commission to  
21 Increase Voter Registration, chaired by Lieutenant  
22 Governor Davis of Portsmouth, the ACLU, League of Women  
23 Voters. All these studies have found as Virginia ranks

1 at opr near the bottom in terms of people registered to  
2 vote.

3           Since Virginians once registered tend to  
4 lead the nation in voter participation, the problem to  
5 attack would seem to getting people to register, and  
6 the way to attack this problem was to become more  
7 involved than conducting traditional massive voter  
8 registration drives, although such drives are crucial  
9 to the electoral, the overarching way, instead of  
10 salvaging this problem outside of such drives was  
11 seemingly to be a reform of existing state laws and  
12 practices, laws which hinder registration and some  
13 practices which are at best inconsistent and at worst a  
14 serious abridgement of reported civil liberties.

15           As a result of such study, the  
16 Governor's Commission had its proposals incorporated in  
17 to two bills which were put forth in the General  
18 Assembly by Delegate William Robinson of Norfolk. This  
19 legislation was HB 1707 and SJ Regs 341 comprised of  
20 three proposed constitutional amendments.

21           The first would lift the ban in Virginia  
22 on the use of state federal or local employees serving  
23 as registrars. This was passed for the first time in

1 the General Assembly last year; has to be passed again.

2           The second piece of legislation within  
3 this package would allow the General Assembly to devise  
4 a method to allow persons who have not voted for four  
5 years to certify that they remain at the same address  
6 and wish to remain registered. Again, this was passed  
7 for the first time last year by the General Assembly  
8 and must be passed again.

9           One constitutional amendment that did  
10 not pass last year was a removal of the ban on in-  
11 person registration. Members of our Coalition are  
12 supportive of the removal of this ban so as to allow  
13 the opportunity for mail registration as I means by  
14 which to increase registration and thereby  
15 participation of all citizens in the voting process.

16           As for the second piece of legislation  
17 proposed by Delegate Robinson, HB 1707, there were  
18 numerous provisions which were discussed on the floor  
19 of the General Assembly but not actually passed. These  
20 included the elimination of what is seen to be an  
21 anachronistic ban on registrars actively soliciting  
22 registration.

23           Second opponent was a requirement that

1 office space be provided to registrars by local  
2 governments for handicapped people to make the office  
3 accessible for handicapped people. Another provision  
4 was statewide registration which would allow Virginia  
5 citizens to register anywhere in the state with the  
6 form being sent to his or her local registrar for  
7 completion.

8 Another requirement proposed but not  
9 passed was that registrars appoint assistant registrars  
10 as needed. Also, proposed was an allowance for an  
11 extra ten days of registration before closing of the  
12 books prior to an election. And proposed but not  
13 passed was a requirement that registration be  
14 maintained at the highest possible level.

15 The only provision which passed out of  
16 the massive piece of legislation HB 1707 was the  
17 provision which indicated that there will be extended  
18 hours for registration. Although we are not here to  
19 advocate that this group lobby on this legislation, we  
20 are indicating that the Coalition, the working group of  
21 voter registration, will be pressing forward full force  
22 to make sure that many of the provisions proposed last  
23 year by Delegate Robinson are indeed enacted into law.

1           We see this as crucial so that, again,  
2 all Virginians maintain what is their basic right, full  
3 participation within the system.

4           MR. TAYLOR: I'm going to have to leave  
5 in two seconds. Can I say two other things that just  
6 came to my mind? One problem that I neglected to  
7 mention is that the Voting Rights Act, by statute,  
8 mandates that any change affecting voting, whether it  
9 is positive or negative, be submitted to the Justice  
10 Department for preclearance. That requirement is there  
11 basically to protect minorities, and one of the ways  
12 that they implement this change is by requiring that  
13 they at least registrars be given 60 days to preclear  
14 whatever change it is that is submitted.

15           The Justice Department has said on any  
16 number of occasions, however, that if the change which  
17 you seek to have precleared is a registration, for  
18 example, NAACP wants to hold a registration three weeks  
19 from now but the rules says 60 days they have to look  
20 at it, the Justice Department has made it very clear  
21 that, if the registrar picks up the phone and says  
22 "Hey! I want to do this and I'm sending the paperwork",  
23 the will say, "okay, stay out of our buildings; don't

1 do anything we wouldn't do and go ahead.

2 But we have found across the state we  
3 have not heard the complaints here in Tidewater,  
4 registrars have said in the past and getting much  
5 better about this now about "we can't do this because  
6 it takes 60 days to process the paperwork." That's just  
7 not true.

8 The second mention we said that Bill  
9 Robinson was the sponsor and patron of legislation that  
10 was gutted. It was a joint gut effort, and it was led  
11 by some of the more prominent persons of delegations  
12 here. I would say that the first one recommendation  
13 that registration be maintained at the highest possible  
14 level, that was killed by a Newport News delegate Mr.  
15 Morrison who explained that, if we passed anything  
16 which maintained that we had to have registration at  
17 the highest possible level, that meant that the  
18 registrars are going to have to go out and knock on  
19 doors to get people to register and pull them out of  
20 their doors.

21 Shameful, absolutely shameful. The  
22 second point is that when introduced HB 1707, the  
23 Governor did not have any patron to introduce this

1 legislation. He found a patron but that patron would  
2 only be a "if only two or three provisions of our bill  
3 was gutted." It is just unfortunate. I'm going to  
4 leave when I'm usually drinking with the boys. I'm  
5 afraid to take off.

6 MR. O'ROURKE: Have any questions from  
7 the audience?

8 MS. RATTLEY: Before you leave may I ask  
9 you a question? Did I hear recently that the state is  
10 now prohibiting registration in churches because of  
11 separation of church and state? I heard that within  
12 the last couple of days.

13 MR. TAYLOR: That has been--ACLU, in  
14 typical fashion, didn't go through the press and I can  
15 send you something from Susan Fitzhugh. Basically,  
16 what happened was on April 12 Miss Fitzhugh sent a memo  
17 to all the registrars across the state reminding them  
18 that since this was the season to rev up for satellite  
19 registration she wanted to explain to them and give  
20 them her interpretation of the Virginia statute  
21 regarding satellite registration and one of the things  
22 she said was in a second subpart, I think it was C or  
23 D, that register--a church building or synagogue



1 building was not a public place before, during or after  
2 a service.

3           So we had several complaints that were  
4 sent to us, were called in to us, and I had a meeting  
5 with Ms. Fitzhugh in which she explained she wasn't  
6 prohibiting Sunday registration, even though the words  
7 did do just that, very stark and to the point. What  
8 she was saying was that a church facility was no longer  
9 a public place. If a person felt uncomfortable with  
10 coming into that facility because he were a Catholic  
11 and it was at a Baptist Church or something like that,  
12 so, if the person felt uncomfortable it lost its public  
13 status.

14           In Virginia you can only register people  
15 at a place which is public at that time for that  
16 purpose. Anyways, what we found out, there were  
17 registrars circulating memos saying "we can no longer  
18 have Sunday registration" and as pretext she gave her  
19 memo. I take that word back; she is her boss.

20           We asked her to show any type of support  
21 whatsoever for making that type of assertion and we  
22 requested information, any information, data, research,  
23 memos, speeches, anything that she relied on pursuant

1 to the Freedom of Information Act.

2 Miss Fitzhugh, in a memo, referred me to  
3 the entire Virginia Code and seven opinions of the  
4 Attorney General. I sent her back a memo, indicating  
5 to her that we felt that her proposed change was just  
6 that, a proposed change, that had to be precleared  
7 under Section 5, or we would sue under Section 5 and  
8 she should comply.

9 So what she did was ask the Attorney  
10 General for direction, not for an opinion: you got to  
11 publish an opinion. You don't ask for that when you're  
12 going to lose. She asked more his guidance and opinion  
13 and direction, although we don't have a opinion.

14 My resources indicate she was told she  
15 could not do that, that it was a change; that it would  
16 have to be precleared and there was no basis or context  
17 for which she could make that type of interpretation.  
18 The result was that not too long ago she sent out still  
19 another memo, indicating "there has been some confusion  
20 about my April 12 memo and what I want you to know this  
21 was just the Board's view, the last Electoral Board,  
22 that the local electoral boards and the registrar, by  
23 statute, sets the time and place for registration and,

1 therefore, if you want to conduct this, I am not  
2 prohibiting you from doing so." So that was the long  
3 way of saying, Sunday registration is not prohibited.

4 MS. RATTLEY: Okay. All right. I got  
5 that, but I'm talking about the church.

6 MR. TAYLOR: the use of the church  
7 facilities is fine, whatever local rules have been set  
8 and precleared by Justice.

9 MS. RATTLEY: You're saying they can  
10 still use the church?

11 MR. TAYLOR: You should not conduct  
12 registration in the sanctuary. Of course, they say  
13 that, but we're back to the status quo I guess is the  
14 bottom line answer. However, she did promise me, if I  
15 pushed the matter, that she would ask the AG for an  
16 opinion on the separation of church and state.

17 She didn't do that. What she wound up  
18 doing was asking the Attorney General for an opinion as  
19 to whether a church or synagogue building constituted a  
20 public place for purposes of registration during a  
21 church service. I might add that it is not just a  
22 racial question here, although in many places the  
23 motivation is racial because of Black Baptist being

1 perceived as democrats and so any registration there  
2 being democratic registration.

3           The problem in part exists because the  
4 problems you had even in this area with people desirous  
5 of carrying on a registration in churches and I was  
6 told by a high state official, "You know, Richard, they  
7 are going to register a lot more white Baptist  
8 Fundamentalists in those churches than you're going to  
9 register black Baptist democrats," and so I think what  
10 you have here, also, is impermissible political  
11 motivation coming into the process, and, of course,  
12 that's just a shame.

13           MR. O'ROURKE: Before you go, let me  
14 take the Chairman's liberty of asking a question.  
15 There was a study done a few years ago that said if we  
16 had national election day registration uniformly across  
17 the country, the turnout in presidential election would  
18 go up perhaps in 10 percent.

19           What is being proposed in Virginia falls  
20 far short of that, and, in fact, this is a problem I  
21 have and, if you can educate me, I would appreciate it.

22           There is a difference between  
23 identifying inconsistencies in registration from one

1 jurisdiction to another. The pointing out of problems,  
2 like the registrar can't shift a registration site.  
3 Difference between identifying problems and explaining  
4 why Virginia ranks in the bottom ten among the states  
5 in registration.

6 I'm not so sure that, if you eliminate  
7 the problems that you talk about, or that if you get  
8 postcard registration, that it's going to make much  
9 difference in the level of registration in Virginia. I  
10 say that basically because the available evidence  
11 indicates that national election day registration  
12 wouldn't make much difference, and there was a trend  
13 among the states to adopt postcard registration and the  
14 trend stopped because postcard registration proved not  
15 to be particularly effective.

16 MR. TAYLOR: The problem is as long as  
17 you have to have this in-person registration  
18 requirement in our opinion, as long as you've got that  
19 requirement, the best that you can do in the state of  
20 Virginia is just chip away at this or that, and hope  
21 that it can make some dramatic turnaround in  
22 registration level.

23 I'll give you an example: I've heard

1 this before with other reforms. For example, people  
2 suggested to have banks as permanent sites and  
3 registration sites in the black communities,  
4 registration in churches, registration of food stamp  
5 sites and what people always said the problem is so  
6 much bigger than this, we're not sure that is going to  
7 work. You're talking about the little things, but what  
8 we found was that, for example, the little bank in  
9 Newport News East End traditionally outregistered a lot  
10 of the other permanent institutions.

11           Anyway that you looked at it dramatic  
12 numbers of people can be registered at places where  
13 particular assistance was being given out, and  
14 instances where voter groups were highly organized.  
15 Sunday registration could also prove productive. So I  
16 guess what I'm saying to you is whether the vitality  
17 and the work that we have seen, the voter registration  
18 groups displayed in Virginia so far, if they didn't  
19 have the added restrictions that we would like to see  
20 changed, we think we could even go so much further.

21           If you take a look at what has happened,  
22 if you take a look at the improvements and increases in  
23 variety registration in Virginia and look at it by

1 county and by city, by practice and procedure of  
2 registrars, you'll see there is a direct correlation  
3 between improving and lessening those restrictions on  
4 voter registration and increasing voter registration.  
5 I would suggest that other things like that purge which  
6 knocks off a 134,000 every four years because someone  
7 thinks they ought to have voted and didn't vote so they  
8 want to take them off, that might be a much larger  
9 culprit.

10 MR. O'Rourke: Okay. I'm going to let  
11 you go. Perhaps you're staying.

12 MR. TAYLOR: I hope I get invited to  
13 make more public record. We haven't had an opportunity  
14 to say much in Virginia, the last forum and changed the  
15 meeting room on us four times, including a vote to  
16 scuttle the legislation on the pretext that the patron  
17 wanted it that way and he didn't. He was lost getting  
18 back and forth between the meetings. So any time I'm  
19 invited back to give a more complete and thorough  
20 presentation, not only of the problems but of some of  
21 the great things that the Tidewater registrars are  
22 doing, I'll be more than glad to do so.

23 MS. WRIGHT: I just want to mention one

1 thing more, that is a recent court decision that was  
2 handed out in Judge Turk's courts in Blacksburg. It  
3 dealt with a class action suit which extended from a  
4 suit originally filed by a plaintiff by the name of  
5 DeGreggorio. This plaintiff was a student in Virginia  
6 who had been denied the right to register because she  
7 received some financial support from her parents even  
8 though she lived in the state of Virginia and paid  
9 taxes here herself.

10 As a result of the original suit decided  
11 last fall dealing with that individual case, and the  
12 class action suit which extended from it, it was  
13 determined that any citizen in Virginia would be  
14 treated like any other citizen in terms of  
15 registration. You know, this is a hallmark decision  
16 and I think one we can all apply.

17 MS. DOXEY: I'm the registrar for the  
18 city of Newport News, the same one that Richard was  
19 talking about just a few minutes ago. A couple of  
20 years ago we had some have interesting episodes that  
21 occurred in our city but luckily are all behind us, and  
22 at the present time we have more than 67,000 registered  
23 voters in the city of Newport News, and this is about



1 4,000 or 5,000 more than we had at the beginning of  
2 1984.

3 At the beginning of our registration  
4 season in 1984 we registered about 11,000 new voters  
5 last year in 1984 and we've managed to keep a good deal  
6 of those. We are fortunate in Newport News that as  
7 Richard was talking about, Newport News exemplifies  
8 this. We may not have the highest percentage of  
9 registered voters but we have a very good percentage of  
10 voting voters. We voted over 80 percent of other  
11 registration in the presidential election.

12 Unfortunately, as with all communities,  
13 those figures don't hold up when you get to the city  
14 and local elections. We wish that they would but  
15 that's just the uniqueness in voting for presidential  
16 elections. People sometime fell like that's most  
17 important.

18 A Couple of things I'd like to say about  
19 Newport News, my city in particular, that makes it  
20 unique to other Virginia cities. We are a city about  
21 23 miles long and we're 5 miles wide at its widest  
22 point, so we have geographic problems to deal with as  
23 well as concentrations of people.

1           There seemed to be three major cities in  
2 our area and since I've been registrar, not to blow my  
3 own horn it was my major goal when I became registrar  
4 to establish a personal registration site and  
5 additional office in each of these three major  
6 localities in the city.

7           With the understanding of the city  
8 management who granted the funds to do this, we have  
9 established these three offices, and these offices are  
10 open one day a week which includes evening hours, and  
11 also every Saturday. This is in addition, of course,  
12 to the regular office we maintain five days a week.

13           Now I'm pretty pleased about that and I  
14 think that for a city of our size, about 150,000, I  
15 think we offer a fairly good registration distribution  
16 that we sponsor and that taxpayers' money pays for. In  
17 addition to that, you heard Richard mention a couple of  
18 things about banks being used as voter registration  
19 sites.

20           I don't know of any other city in the  
21 Commonwealth of Virginia that uses private industry to  
22 the extent that the city of Newport News does. We have  
23 23 additional sites in our city that are owned by

1 private industry and they and allow us to use their  
2 working personnel; they are banks, savings and loans,  
3 credit unions and one boys' club. These people allow  
4 us to use their employees and we do get registrations  
5 from these places.

6 I understand that not everybody has a  
7 bank account, not everybody goes to the bank, but the  
8 other places that I mentioned are additional offices  
9 and could satisfy the needs of the people who don't  
10 have contact with banks or credit unions. So I think  
11 we really do have a good distribution of registration  
12 sites in the city of Newport News.

13 The one thing that is the enemy of all  
14 voter registrations—and I'm sure it is not only our  
15 enemy but the housing people were talking about the  
16 very same thing a few minutes ago and that's why I put  
17 it in my notes—is lack of education. People don't  
18 realize that, if they go for more than four years and  
19 don't vote, that their name is going to be taken off  
20 the registration records.

21 When we register someone to vote, we  
22 give them a piece of paper and it tells them all this  
23 stuff and they have to change their name in person or

1 in writing, and all the other things that talk about  
2 voter registration in Virginia. They are the good  
3 positive things.

4 Like we don't have party registration in  
5 Virginia. That is something I'm tickled to death about,  
6 I think it is grand. We Virginians would drop dead in  
7 our tracks if they had to identify their party if they  
8 do to vote. Problem is education. People don't stop  
9 and read that little piece of paper when you hand it to  
10 them when they register to vote.

11 Just as education is your enemy,  
12 education I think will be one of the things that will  
13 help the registration process and we've just—other  
14 registrars had been at a seminar recently sponsored by  
15 the State Board of Elections where they talked quite a  
16 bit about a program that is to be instituted in  
17 Virginia schools. It is being started as a pilot  
18 program where voter education and participation will be  
19 taught K through 12, and our School Board  
20 Superintendent has already responded very favorably to  
21 having this included in the Newport News schools and  
22 possibly having Newport News as one of the areas that's  
23 chosen for the pilot project. I think that would be a

1 very positive step toward voter registration and the  
2 increase of voter registration.

3 Another thing that hampers us and takes  
4 away our ability to be spontaneous in our reaction to  
5 the needs of the communities is the things we have to  
6 satisfy the Justice Department about. And that does  
7 take some consideration. We do have to satisfy the  
8 Justice Department because Virginia is under the Voter  
9 Rights Act and you've got to satisfy the Justice  
10 Department. That is just something you have to do.

11 I'm sure I can speak for the other  
12 registrars that are here. Back to my point about  
13 education is that we're grateful for the opportunity to  
14 come and talk with you and to have our views aired, and  
15 we're also most grateful to speak to anyone at any time  
16 in our own community. Thank you very much.

17 MS. MERCER: I'm Lillian Mercer from  
18 Chesapeake. Our problems are very similar to Tommy's  
19 in that we all spread around. Many of you in this area  
20 realize from our office in Great Bridge to the  
21 Churchland area is 25 miles one way, so that does  
22 present a problem, but we are trying to help that area  
23 by having more registration. We established a new site

1 there this year. We also have established a new  
2 registration site at the Division of Motor Vehicles in  
3 Chesapeake, and we really believe this is going to be  
4 one of the better sites that we have.

5 We have seven permanent offices,  
6 including the DMV and the new sites that we have in  
7 Churchland. In Chesapeake, prior to each election, we  
8 are open at these sites eight nights prior to the  
9 closing of the books from 5:00 and until 8:00 and we  
10 feel that does give that person that works an  
11 opportunity to come in and register.

12 As far as the Justice Department, I have  
13 found that they have been most cooperative when I have  
14 called for immediate registration at a certain site.  
15 They usually will give you permission over the phone  
16 and that has not been a problem.

17 One of the things that has helped us in  
18 Chesapeake, several years ago the law was changed to  
19 say that the Electoral Board previously had set all  
20 registration sites in time but the registrar was also  
21 given that authority and at that time we were able then  
22 to start going in the schools. A year after we  
23 started, it was mandated that we go in the schools but

1 we were very proud that we had been able to do that and  
2 we find that helps with registration a great deal in  
3 Chesapeake.

4           We do have a voting population. We  
5 voted in the presidential election 83 percent of those  
6 who were registered and we think that's very good,  
7 too. I won't say the purge doesn't hit us; it does. We  
8 took over a thousand people off in January, and perhaps  
9 if this new law goes in I would be particularly in  
10 favor of a person who was still at the same address,  
11 had not moved, being able to just say they'd like to  
12 stay on the books. But the purge does serve a purpose  
13 in that it helps keep your records clean by getting rid  
14 of that person who no longer lives at a specific  
15 address, and people just do not—it is one of the  
16 things they don't call you up and say we're going to  
17 leave.

18           A lot of localities—I'm not talking  
19 about Virginia localities; I'm talking about out of  
20 state localities—do not cooperate in notifying you  
21 when people register in their area. Virginia does ask  
22 us to notify people out of state, and I think most of  
23 us do try to do that.

1           On the qualifications for special  
2 registration, we have also been granted that privilege.  
3 We do try in all instances to honor any requests for  
4 registration. We will have, of course, the 20 sites;  
5 we'll have 29 sites prior to this election where we are  
6 required to have 20, and that's in addition to our  
7 regular sites. They will be at supermarkets and stores  
8 and malls and that type of thing. We'll be cooperating  
9 with the other registrars in the area on a special  
10 registration that WVEC will be promoting on the 21st.

11           On that particular day I have five other  
12 places on that Saturday we'll be registering as well.  
13 So, we are trying to bring registration to the people.  
14 That's just about all I have to say. We are proud of  
15 the fact that we think it has been improved in  
16 Chesapeake, and I think you will see that it will  
17 continue to improve.

18           MS. WASHINGTON: Well, I will speak very  
19 briefly for Norfolk. We still have the lowest  
20 percentage of registered voters in the state of  
21 Virginia. I'm not proud of that. We are working and  
22 it makes us work harder. One of the reasons, I think,  
23 that we can attribute to this percentage, though, it is



1 the Navy.

2 I have now concluded that is a  
3 legitimate concern, but I've stopped worrying about the  
4 numbers so much. I've decided last year that the  
5 numbers will come if we're willing to be out there to  
6 the people, where the people are, and afford them this  
7 opportunity, this right, this privilege, this beautiful  
8 right we have to register. I'm glad you came back Ms.  
9 Rattley because I want to ask you a question.

10 MS. RATTLEY: Very good.

11 MS. WASHINGTON: Why do you tell people  
12 they should vote? Why would you tell them?

13 MS. RATTLEY: Well, first of all, I feel  
14 that it is one of the rights and also responsibility as  
15 a citizen. And I also tell them, if you really want to  
16 know--

17 MS. WASHINGTON: I do.

18 MS. RATTLEY: Stop bitching about what  
19 should be if you don't have enough concern to register  
20 so you can vote because it does make a difference. I  
21 have--and you heard this many times "my one vote  
22 doesn't count." I have specific examples that I use  
23 when I talk with them. I tell so and so lost by one

1 vote, and we have had several close elections where  
2 they had to go back and had a recount, and this could  
3 have happened if you had voted.

4 I put them in the picture. Because it  
5 has bothered me that for years the NAACP, the SCLC,  
6 many of the ministers and civic leaders have tried to  
7 increase the voter registration rolls, year after year  
8 after year, and it has gotten so when you stand up and  
9 you speak to a group and you talk about the importance  
10 of registering to vote, we began to feel that nobody is  
11 listening. We've said it so many times and people have  
12 heard it so many times and they are immune.

13 I have something that has been very  
14 effective. What I do when there is a need, I write to  
15 every registered voter in the city and I simply say to  
16 them that "I need your help. I need you to register  
17 five people by a given date. Do this for me."

18 Do you know many of them will do it and  
19 they will get on the phone and call me and give me the  
20 names of their five. It's a personal involvement.

21 I don't know how you can extend that,  
22 and if it will even work in other situations, but  
23 people just put it off, forget about it; they don't

1 feel that it is really that important. Some people are  
2 afraid, believe it not, and some people still say it is  
3 going to affect them on the job, it is going to affect  
4 their obligations, somehow, that someone in the family  
5 will lose his or her job if they register, and somehow  
6 we have to get this fear out of people.

7           If I had a simple solution, I certainly  
8 would be broadcasting it throughout the state of  
9 Virginia. I think you have to make it very personal.  
10 When you get people all stirred up with that, you know,  
11 rousing speech and how important it is, if you had  
12 somebody there on the spot at that moment they would  
13 register but, if you give them until tomorrow and say  
14 go down and register, it's not so pressing tomorrow.

15           I think you're most effective  
16 registration drive was when we had runners and we would  
17 talk to someone and find out they were not registered;  
18 we would put them in the car and carry them to the  
19 registrar at that time.

20           We wouldn't say, "I'll pick you up at  
21 2:00 o'clock or at 5:00 o'clock". We say, "Come on, go  
22 with me now." When you walk in with them, many times  
23 we are much more relaxed; they don't want to go by

1 themselves.

2 I don't know if that tells you anything  
3 but I have a very strong appeal I make and I try to  
4 show them real examples because they are still saying  
5 they are going to do what they want to do, whatever  
6 they are, and when you really start talking sometimes  
7 about the ability to change things and give them  
8 illustrations, they will believe you.

9 MS. WASHINGTON: Well, I will just echo  
10 two of your points: I think the one that you mentioned  
11 that people still have a fear—there is no question in  
12 my mind. We had, before the presidential election,  
13 telephone calls asking "how much is it going to cost me  
14 to register?"

15 One person called and says "I just heard  
16 it is going to cost me \$50 to register." But if that  
17 information is there, we have to deal with it. I don't  
18 think we can ignore that. I have heard for years the  
19 fact that a lot of people feel their social security  
20 benefits will be taken away, Medicare and so forth. I  
21 really maintain that those are fears that we need to  
22 address, and I hope through this education project  
23 these things are going to be addressed.

1 MS. RATTLEY: Sometimes people become  
2 very hostile and they will ask you "why should I  
3 register? What's in it for me?"

4 MS. WASHINGTON: The other point you  
5 mentioned, and I made a note to bring it out, I do feel  
6 everyone has something, some personal concern in life  
7 and if we can identify that or help them what that  
8 personal concern is—I tell groups that, if you don't  
9 believe that your vote isn't important, examine the air  
10 you are breathing now and the roofing structure that  
11 holds this building up and this U.S. Civil Rights  
12 Commission and the fair housing, all of the things  
13 we've been talking about this afternoon—these things  
14 are in place because of legislators who have voted on  
15 these various statutes and we are voting on them.

16 Again, I do feel everyone has some  
17 particular issue that will concern them and maybe get  
18 them involved. Again, the numbers do not concern me  
19 now as much as helping people to realize it's their  
20 right to be involved and have a voice in their  
21 government. It's so basic and so simple.

22 One last point I'd like to mention to  
23 pick up on something that Tim mentioned. In today's

1 Virginia Pilot, David Broda had an article there  
2 concerning the Democrats' failure during the  
3 presidential election to register voters; that it  
4 turned on them, and he was talking about the human  
5 services movement to register people in various human  
6 services organizations, and the fact that it was not  
7 nearly as successful as the Republican efforts to  
8 identify unregistered voters and register them.

9           A couple of years ago Jimmy Carter spoke  
10 to a conference symposium, I believe it was at Harvard,  
11 and he was talking about his efforts in 1977 to  
12 institute election day registration. What he found,  
13 and what David Broda was saying today was, that one of  
14 the biggest problems we have in registering voters is  
15 that our own incumbents are reluctant to register  
16 voters or support a lot of these measures in the  
17 General Assembly and in Congress because it unravels  
18 their constituency, their baselines; they are not sure  
19 if they are registering large segments of people from  
20 this community or from this community. They are not  
21 sure where their constituency might be for the next  
22 election.

23           MS. RATTLEY: That's a problem. I know

1 Clarence Mitchell who is in the state house in  
2 Maryland. He's one of the, you know, reknowned  
3 Mitchells from Maryland, Karen's nephew, I believe--and  
4 he told me the way he handles his voter registration.  
5 I don't know if really I could do what he does but it  
6 makes a lot of sense.

7 I get calls around the clock. I don't  
8 care what time of night, someone will call you from  
9 jail or somewhere, and you can't go in the bathroom or  
10 in the shopping centers, people want you to do  
11 something, and everybody is looking for something, so  
12 he told me what happens when all these people would  
13 come to him to do this, that and the other, he said,  
14 "Are you registered?" If they said, no, he said, "I  
15 can't help you. Show me your registration card. Now,  
16 I'll help you if you go down and register and bring me  
17 the card back."

18 You will get some people registered. If  
19 you are an elected official, would put some importance  
20 behind registration at other times other than election  
21 time. I think it would help but a lot of them, as you  
22 say, don't want to increase the voter registration  
23 rolls simply because they feel they'll lose the

1 election. So that's another problem.

2           You don't hear that addressed very much  
3 as to the role of the elected person to increase voter  
4 registration. But I think Clarence's idea makes a lot  
5 of sense because people want to feel, if they register,  
6 they are going to get something for it. So, if they  
7 are asking you to do something because you have been  
8 elected, it seems as though they should be registered.  
9 But you know you don't have the nerve to do that  
10 because you're there and you can't turn down anyone.  
11 But if you will a way of identifying, if we had  
12 identification, which we don't, a card, to show that I  
13 am a registered voter the same as I have a driver's  
14 license, so when you go into certain places you will be  
15 asked to show your registration card and it will go up  
16 automatically because people feel, if I hold this card,  
17 it's going to benefit me. A lot of people don't see  
18 that it is a benefit to elect somebody else to office.  
19 I hate to say it but we live in a society where people  
20 want something for everything they do. When they buy  
21 food, they want something, they want a discount or a  
22 coupon or a green stamp.

23           It is sad we had to go that far to have



1 people feel that they are getting something for that  
2 card and they really don't feel that now, except for  
3 special elections, special people they want to see  
4 elected. Just because they know them or they like  
5 them. Because, you know, politicians have it pretty  
6 rough, you know—"what have you done for me recently."  
7 Even though they voted for you four years ago and you  
8 did all right first year but you haven't done anything  
9 for me this year. So that's a problem I don't know how  
10 to combat but that's the attitude on all levels,  
11 believe it or not.

12 MS. WASHINGTON: Thank you.

13 MR. O'ROURKE: I'm going to let that be  
14 the last word so we can find room for the other  
15 panels. Thank you all.

16 (Applause).

17 (Panel adjourned at 5:22 p.m.)

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1 PAENL ON CIVIL RIGHTS DEVELOPMENTS AND ENFORCEMENT IN  
2 SPECIAL EDUCATION IN THE TIDEWATER AREA:

3 (5:26 p.m.)

4 MR. RING: Let me introduce myself. I'm  
5 Carlyle "Connie" dRng. I'm a member of the Advisory  
6 Committee and reside in Alexandria and have a special  
7 interest in the topic that we are about to undertake.  
8 I served for nine years on the Alexandria School  
9 Board, two years as its Chairman, and I think I can  
10 say for most Virginians and certainly for Thomas  
11 Jefferson, that there is nothing more vital to the  
12 success of democracy than education, and, therefore, I  
13 think it is most fitting that we spend a few moments  
14 to talk about education and, in particular, special  
15 education for the handicapped in the Tidewater Area.

16 We have two speakers here, and I don't  
17 know if you have any particular order in which you  
18 would like to speak. Why don't we just go down the  
19 table sequentially. Then Irma Delauri is here on  
20 behalf of Mr. Guidt who will speak about special  
21 education in the Portsmouth Public Schools.

22 MS. DELAURI: Thank you very much, Mr.  
23 Ring. Mr. Guidt has asked that I extend his apologies

1 for his not being able to be here but he did have a  
2 previous commitment.

3 I am a principal at a local center for  
4 the handicapped. We provide services for the preschool  
5 ages 2 through 4 and then for the school aged child  
6 ages 5 through 22 who are physically handicapped. I'd  
7 like to just briefly respond to a couple of these  
8 questions.

9 In reading them, the type and frequency  
10 of reported incidents of discrimination. I called Mr.  
11 Guidt and asked him how many we had. I'm happy to hear  
12 we had zero to his knowledge, so it is difficult for me  
13 to answer the questions as presented in this paper  
14 because we have not had any known complaints regarding  
15 discrimination because of a handicapping condition.  
16 I'd like to tell you just briefly what we do in  
17 Portsmouth and perhaps that's why we haven't had a  
18 complaint.

19 We do have a comprehensive program of  
20 special education offering alternative placement from  
21 center base, considering the least restrictive  
22 environment, to being housed in the mainstream which is  
23 called "regular education" in a regular grade and being

1 monitored. We have a lot of variables in between that,  
2 from a couple of periods a day in special education,  
3 and the rest of the time now to maybe one period in  
4 special education and the rest of the time in regular  
5 education.

6 Each of the times are developed when a  
7 committee sits down and develops a child's individual  
8 educational program. The parents are apprised of their  
9 legal right through brochures and through a state  
10 handbook that is given to them. We seek out and find  
11 children through the news media, through cooperative  
12 agreements with surrounding school systems, in TV  
13 announcements, and we put out the news release at least  
14 two or three times.

15 We have letters that we send to  
16 hospitals, to ministers, to child care centers, trying  
17 to search out and find out the handicapped child and  
18 provide the services. We have brochures that we give  
19 out on what services are offered for the various  
20 handicapping conditions.

21 We also, in our preschool program, have  
22 two models: a home based model and a center based  
23 model, and, again, whether they go home based or center

1 based is dependent upon the development of their I.E.P.

2           Our medical services for special ed as  
3 well as for regular ed children in Portsmouth is quite  
4 comprehensive. We have a full staff of nurses. Not  
5 quite all the schools have a full-time nurses. Many of  
6 the small schools do share a nurse, but there's always  
7 a nurse on call for even a school that does not have a  
8 nurse. All of your schools who have special education  
9 students housed within those schools do have a full-  
10 time nurse.

11           That, in kind of eye nutshell, is what  
12 we try to do to help the handicapped children in  
13 Portsmouth. I'm not saying that we have not had  
14 concerns because we have. But we have an internal  
15 structure called a Local Advisory Committee to Special  
16 Education, and when there is a concern expressed by a  
17 citizen, if it is not routed through our superintendent  
18 or our school board, where the issue is resolved  
19 internally, it might go to the Local Advisory Committee  
20 and then it is brought to the attention of the school  
21 board or the superintendent and the issue is resolved  
22 at that level.

23           We have interested citizens serving on

1 this Committee as well as parents, and retired  
2 educators. It is a Committee of 13 at the present time  
3 but they are looking into expanding that Committee. In  
4 addition to the overall Local Advisory Committee, each  
5 school has their own advisory committee.

6           Each school has their own child study  
7 committee so that any child suspected of being  
8 handicapped, not maybe identified but suspected, can go  
9 through a study or a screening process to see if there  
10 is a need for services. So we feel in Portsmouth that  
11 we're practically well organized and hopefully we're  
12 not discriminating against anybody because of their  
13 handicapping condition. I'll be glad to entertain any  
14 questions.

15           MRS. HOFFMAN: Could you leave the  
16 brochures with us?

17           MS. DELAURI: Yes. I will leave those  
18 with you.

19           MRS. HOFFMAN: Thank you.

20           DR. UNDERWOOD: I'm Shirley Underwood.  
21 I'm Director of Special Education for the City of  
22 Norfolk and in the Norfolk Public Schools. We  
23 have 4,401 handicapped children that we serve in the

1 Norfolk schools, through what we call a full cascade of  
2 services from the least restrictive environment to the  
3 very most restrictive. The least restrictive being  
4 children who are served in regular educational classes  
5 with a resource teacher that comes either into that  
6 room or the child might go out to work with the  
7 resource teacher to the very most restrictive  
8 environment which is residential placement. Children  
9 who simply cannot be educated within the school system  
10 or are a danger to themselves or others or have such a  
11 severe health condition that they must be hospital-  
12 treated. We have very few children who are served in  
13 that manner but, let's face it, some children are that  
14 severely handicapped.

15                   We have approximately 300 special  
16 education teachers in the Norfolk schools. We have  
17 programs for learning disabled which makes up the  
18 largest handicapped group in every one of our schools,  
19 so that a child does not have to be transferred from  
20 their home school because they have a learning  
21 disability.

22                   In the lower incidence programs, mental  
23 retardation, emotionally disturbed, vision--well, the

1 vision children are all in their home schools, also,  
2 but hiring impaired children, we have schools at  
3 selected sites for those particular problems.

4 We have 19 center based preschool  
5 programs for children who are 2 to 4 years old within  
6 the city of Norfolk with the MHMR Division, we have an  
7 interagency agreement that allows us to serve children  
8 from zero. In other words, as soon as the baby is born  
9 and is identified as a handicapped child they will  
10 begin this program, which is in our Lakewood School,  
11 which is our one alternative site school. It is a  
12 school for severely profoundly handicapped children.

13 Physically handicapped children in the  
14 Norfolk Schools are throughout the schools that are  
15 barrier free. Norfolk have some very old schools that  
16 are not all barrier free, so, therefore, a student is  
17 assigned to the most barrier free school that is  
18 available.

19 For example, our Lake Taylor High School  
20 has an elevator in it so physically handicapped high  
21 school students go to that program and are intergrated  
22 with the rest of the students, except that they must be  
23 at that particular site because that way they can get



1 to any class that they want to go to and take any class  
2 they want to take.

3 We have, to my knowledge, not had any  
4 cases of discrimination within the Norfolk Schools that  
5 have, you know, been filed with the Office of Civil  
6 Rights but that's kind of a dangerous thing to say  
7 because you don't really always know all the cases that  
8 are filed an that come back. I remember a number of  
9 years ago the OCR came down about discipline and they  
10 were very interested in how handicapped students were  
11 disciplined. After we went through this whole  
12 discussion of what our procedures are, what we do, they  
13 were very well satisfied with the procedures in the  
14 Norfolk Schools.

15 I will be glad to entertain any  
16 questions but, in general, that is what the program is.

17 MR. RING: Yes.

18 MS. RYAN: I'm Martha Ryan with the  
19 Independence Center of Hampton Roads. How many schools  
20 do you have that you consider to be barrier free and  
21 does the city somewhere have any plans to make all  
22 schools barrier free?

23 DR. UNDERWOOD: At the high school level

1 is just one: Morey High School is the school that is  
2 going to go under renovation in the next couple of  
3 years. When that school is renovateed, it will be fit  
4 with an elevator and everything to also make it  
5 possible for handicapped students to attend there.

6 We have many elementary schools. I  
7 couldn't even tell you the elementary schools, and I  
8 believe there are three of the middle schools and what  
9 our approach has been, for example, last year we put  
10 some physically handicapped kindergarten aged children  
11 out at Eastland Elementary School and we chose that  
12 school because I could have physical therapists and  
13 occupational therapists to work at that school.

14 I also have a class out there for  
15 multi-handicapped children. So the maintenance crew  
16 went in and fixed the bathrooms, they put ramps, you  
17 know, at all the doors and that's really been the  
18 procedure. I have a really good story about how  
19 principals in the Norfolk Schools have kind of changed  
20 their thinking over the years.

21 We had some--last summer we had an error  
22 in the data processing of the class lists that go out  
23 to all the principals. An assistant principal called

1 our office and said to Carol, one of the secretaries in  
2 the office, "Ms. Gregory, I have my class list. I  
3 notice that I have a MH student on there. Now, I've  
4 checked for multi-handicapped students; I've checked  
5 about that child and find that the child has to be  
6 catheterized and we do have to have some modifications  
7 for getting the child in and out. Now, does Dr.  
8 Underwood make arrangements for those modification or  
9 do we could it?" It wasn't a barrier free school.  
10 That was not where the child was going to go but I  
11 think it certainly shows that an attitude is there or  
12 wanting to be able to accommodate the students.

13 We are limited with the one high school  
14 because, you know, we have about 16 wheelchair children  
15 in there at the present time and that is too many  
16 really in that one building.

17 MR. BOSTIC: You mentioned the learning  
18 disabled. Do they go to their assigned schools if they  
19 did not have that disability or are they also sent to a  
20 special school?

21 DR. UNDERWOOD: The learning disability  
22 students go to their home school, whatever school is  
23 in--I don't know, you probably are all from this area.

1 Norfolk is under a bussing decree, so, therefore, when  
2 you say—you can't say the school closest, their  
3 assigned school. When I say "chose", that means I  
4 didn't assign the school but that comes under the  
5 bussing plan, so they are in their school.

6 MRS. HOFFMAN: My question is have you  
7 had any problems or complaints related to the  
8 transportation of the handicapped to the school? Is  
9 that something that falls under your programming?

10 DR. UNDERWOOD: Yes. Norfolk has a  
11 bussing agreement for regular education students. They  
12 own their own busses for special education students  
13 and when you say do we have a complaint, well, I'll  
14 tell you where the complaint comes from, and that's  
15 adolescents who don't want to be on a mini-bus, but as  
16 far as complaints about time, distance, service, no, we  
17 have none.

18 MS. DELAURI: We had a problem last year  
19 with the transportation because we didn't have enough  
20 busses, but this year we do have enough busses and  
21 there were some children that had to be shuttled but  
22 they won't be shuttled this year. That problem was  
23 rectified, but strangely enough there were really no

1 complaints.

2           There was a concern expressed by a  
3 parent about a child not getting a full day  
4 instructional program because she had to leave the  
5 class a little early. She was concerned about it. She  
6 said she understood the problems of the city with the  
7 transportation and gave us time to rectify that  
8 situation.

9           MRS. HOFFMAN: I have one question. In  
10 terms of children coming in to your jurisdiction who  
11 are handicapped, do you feel that when you have a very  
12 good program that the word gets around so that you're  
13 getting an increased number of special education  
14 children or children who need special education?

15           DR. UNDERWOOD: Sure. It says it right  
16 in the Naval brochure "for compassionate placement, ask  
17 for Norfolk."

18           MR. BRINKLEY: What do you have for the  
19 severely handicapped?

20           MS. DELAURI: We took what we call  
21 administrative assignments and these are children from  
22 bona fide programs outside of the city, people who have  
23 moved in. We took in last year over 125. Now, this is

1 125 children that were not budgeted according to our  
2 budget. We do our budget; our budget cycle starts in  
3 September, and you project how many kids you're going  
4 to have, and that was 125 over our projections coming,  
5 125 coming from bona fide programs and coming from as  
6 far away as Hawaii.

7 DR. UNDERWOOD: Like in the Norfolk  
8 Schools I intimately know the Director of Special  
9 Education, Jacksonville, San Diego, because that seems  
10 to be the areas that we keep switching our children  
11 back and forth.

12 MR. RING: They are Navy personnel?

13 DR. UNDERWOOD: They are Navy children.

14 MR. O'ROURKE: I had one question. Do  
15 you get impact aid for that? Do you get federal impact  
16 aid for that, for those kids coming in?

17 MRS. DELAURI: No. We get just as if  
18 like we get for the other federal students.

19 MR. O'ROURKE: The state aid for each  
20 each handicapped is pegged to the nature of the  
21 handicap. For the severely handicapped is the state  
22 aid adequate for the local school system?

23 DR. UNDERWOOD: Okay, I just did a

1 financial study working on that kind of thing, and  
2 actually the local school division is still paying  
3 about 60 percent, even with the federal and the state  
4 taking off of it. Our local taxpayers pay about 60  
5 percent, and it's a--

6 MR. RING: May I interrupt and ask you  
7 what the average is per student?

8 DR. UNDERWOOD: I didn't do it that  
9 way. I was doing it by student.

10 MR. RING: Have you ever done it that  
11 way?

12 DR. UNDERWOOD: I think they would tell  
13 you that the average, if you take all of special ed is  
14 the average about two and-a-half times regular  
15 education.

16 MR. RING: That's an important figure  
17 for you to keep in mind because special education is  
18 extremely expensive and Alexandria, for special  
19 placement registrations, we can spend up to \$30,000 per  
20 child. Those that are accommodated within the school  
21 system, it's easily doubled the cost of a student that  
22 is normal. That compared that to private schools and  
23 tuitions which frequently is done, and the invidious

1 kind of comparison, and as rural private schools do not  
2 take any handicapped youngsters with special needs,  
3 they take only regular students, and, therefore, an  
4 extraordinarily heavy financial burden falls upon the  
5 public school system in providing education as indeed  
6 they should, but I think it is important thing to bear  
7 in mind.

8 MR. O'ROURKE: The reason I ask the  
9 question, the way I did it makes a great deal of  
10 difference whether a child in speech therapy where the  
11 cost is modestly higher than for a regular student or  
12 if a child is severely handicapped. Norfolk, by virtue  
13 of its excellence, is being singled out which is a  
14 highly mobile area by people coming here and putting  
15 kids into school. I'm just wondering if that is  
16 showing up in the budget.

17 DR. UNDERWOOD: They always fight about  
18 impact aid; they want to take it away. To be honest,  
19 in Norfolk we don't have a lot of Navy housing but we  
20 have some, but still there are a lot of Navy families,  
21 so I always thought it would really be a good argument  
22 to get more impact aid for those military children, but  
23 the truth of the matter you really can't fight about



1 that very much when you're still fighting to get the  
2 impact aid at all.

3 MS. DELAURI: That or the problem our  
4 per pupil pay for the severely handicapped in  
5 Portsmouth. I think the per pupil costs for the  
6 regular child is \$900 and for the child at the DAC  
7 Center it ran over \$4,000.

8 MR. RING: Are there others questions?

9 MRS. HOFFMAN: Are the special  
10 educational teachers solely for special education or  
11 do they also have regular school room requirements?

12 MS. DELAURI: In Portsmouth, special  
13 education teachers are strictly special education  
14 teachers. They are endorsed in the area. The state  
15 says "if you're going to teach the mentally retarded,  
16 you must be endorsed in mental retardation." We have a  
17 few problems there because they have categories without  
18 endorsement as of January of '85, but that's their sole  
19 responsibility.

20 DR. UNDERWOOD: Agreed.

21 MR. RING: Dr. Underwood, you said you  
22 had 4,000 students. What percentage does that  
23 represent of the total student body in the Norfolk

1 area?

2 DR. UNDERWOOD: A little better than 12.

3 MR. RING: 12 percent.

4 MRS. DELAURI: We're running about the  
5 same.

6 MR. O'ROURKE: That's much above the  
7 state average. Isn't the State about 9 percent?

8 DR. UNDERWOOD: Yes. It is above the  
9 state average, but we are an innercity school system.  
10 It would not surprise me if Norfolk went over that 12  
11 percent but I've been in the Norfolk system six years;  
12 the last three years it's pretty much than that 12  
13 percent.

14 MR. RING: Another question, Dr.  
15 Underwood. Of your total school budget what is the  
16 budget for special education if you know?

17 DR. UNDERWOOD: One-tenth.

18 MR. RING: And with respect to  
19 placement, do you have any figures as to the kind of  
20 increased productivity and job opportunities for  
21 handicapped youngsters who complete the full program in  
22 the Norfolk schools?

23 DR. UNDERWOOD: I hope he's got a lot of

1 tape on there because that's one of my exciting things  
2 I like to talk about. We have gone to a very heavy  
3 vocational program, especially for the genuine  
4 retarded.

5           This term we had 90 children employed  
6 where they were getting credit and money both, where  
7 you take part in the MacJobs program which is something  
8 that MacDonald's offers. We have a man who goes out on  
9 the job working with the students and that's beside all  
10 the special vocational programs that are going on. We  
11 are also working in- the staff is working very hard  
12 over at the Lakewood School for the severely profoundly  
13 handicapped children, working on vocational, and job  
14 attitude, work attitude. That kind of thing seems to  
15 be one of the most important kind of things for these  
16 students to first get that solidified, then from there  
17 going into the program.

18           But we do have a really, really wide  
19 variety of programs. I know that Portsmouth also has a  
20 wide variety and they were ahead of us on the  
21 vocational programming, and we're just catching up with  
22 them. But, really, it's very, very exciting all the  
23 vocational opportunities that are available. Strangely

1 enough, you know, people talk about unemployment, but  
2 it just seems like we keep getting jobs and jobs and  
3 more jobs for these students. One thing, they're good  
4 workers, the handicapped kids, and when they go out on  
5 a job—

6 MS. DELAURI: There is a concern in  
7 Virginia Beach that makes a bicycle part that's very  
8 difficult to put together, and the gentleman hired  
9 several of our mentally retarded students because they  
10 tend to persevere and they will do a repetitive type  
11 job which they were excellent at this. He got rid of  
12 his other employees and all of his employees turned out  
13 to be students from our MR program.

14 We have had, as Dr. Underwood said, a  
15 very successful vocational program in Portsmouth.  
16 There was a study done several years ago and 85 percent  
17 of those students that we placed on the job were  
18 retained by their employers to full-time employment.  
19 The work study program is where they go to school a  
20 week and they work a week, and they are paid a small  
21 stipend for uniforms and transportation the week they  
22 are in school, not the week they work, and then the  
23 coordinator goes out and talks to the employer and

1 finds out what the problems are and then works on them  
2 the week they are in school. That's probably the  
3 reason for the success in employers wanting them.

4           They work. You say, "You might go to  
5 Phillips for the summer." There is one machine in  
6 Phillips that only one of our boys know how to work,  
7 chucking oysters or something like that. Many of them  
8 are working over at Waterside right now. We are very  
9 proud of our vocational program. It's been going on  
10 since 1972, I believe.

11           MR. RING: One last question for both  
12 of you: you've already touched on one area of need  
13 which is increased funding from the state and federal  
14 government. Is there any requirement or need for  
15 additional legislation or administrative changes with  
16 respect to your programs?

17           DR. UNDERWOOD: Well, I tell you when  
18 they set out to change 91142 the last time they made  
19 such a mess of it I'm not so sure I want them to do  
20 anything with it this time. I spent an awful lot of  
21 time in Washington trying to talk people out of what  
22 they were doing.

23           Education after the Handicapped Act is a

1 fair law when you consider how very long we went  
2 without. You know, I've been around a very long, long  
3 time and have always been in special education. That's  
4 all I've ever done, and the changes that have come  
5 about, you know, from the law--because I've gone  
6 through the period when handicapped children were just  
7 in the schools because nobody knew what else to do with  
8 them, so they just put them there.

9           Then we went to the point where, if the  
10 children wet their pants, they weren't allowed to come  
11 to school. Education of the handicapped is a wonderful  
12 wonderful law, I'm not having problems administering  
13 it.

14           MS. DELAURI: The only concern I have, I  
15 wish that the Bureau of Education of the handicapped  
16 and the State Department of Education and the state  
17 certification of teachers would get together with the  
18 terminology. When we have to do reports, we spend lot  
19 administrative time. One time they are going to call  
20 the preschool children "noncategorical" and next time  
21 they were going to call them "developmental delay" and  
22 we get a report from Washington saying we have to  
23 categorize them. If the paperwork could be consistent,

1 it would save a lot of our time. I think the funding,  
2 thus far, has been appropriate.

3 MR. RING: I want to, on behalf of the  
4 Advisory Committee, thank you very much for patiently  
5 waiting for the delay in beginning and what you had to  
6 say was well worth your wait and our wait and we deeply  
7 appreciate having you here.

8 (Applause)

9 (Panel concluded at 5:54 p.m.)

10 (Dinner break).

11

12

13 PANEL ON CIVIL RIGHTS DEVELOPMENTS AND ENFORCEMENT IN  
14 EMPLOYMENT IN THE TIDEWATER AREA:

15 (7:00 p.m.)

16 MR. BOSTIC: Good evening and thank you  
17 very much for returning. My name is Benjamin Bostic,  
18 and I'm chair of the State Advisory Committee. Our  
19 panel is on Civil Rights Developments and Enforcement  
20 in Employment in the Tidewater Area. And we have two  
21 persons that will sharing information with you.

22 I will mention their names and they can  
23 expand upon that when they began to talk. We have Ms.

1 Marilyn Booker of the U.S. Equal Employment Opportunity  
2 Committee from Norfolk and Mr. Jack Yeager the EEO  
3 Specialist of the Tidewater Area Virginia Employment  
4 Commission.

5           This particular panel grew out of last  
6 year's discussion in the areas of employment. As a  
7 matter of fact, I think it perhaps established some of  
8 the bases for the study on the Human Rights Committee  
9 legislation that was discussed with the last State  
10 Advisory Committee.

11           Much of what we talked about earlier  
12 today ties in with this whole area of equal employment,  
13 and I think that we might find some--what we're trying  
14 to do is to get is as many kinds of concerns or  
15 problems that you as an audience, participants, as well  
16 as our panelists, might perceive as problems that  
17 prevent individuals from having an equal employment  
18 right. I suppose it's all right if we want to go first  
19 Ms. Booker. Will you start out for us, please, and you  
20 may tell us anything you want to tell us about  
21 yourself?

22           MS. BOOKER: Thank you, Mr. Bostic, and  
23 good evening ladies and gentlemen. My name, as Mr.



1 Bostic indicated, is Marilyn S. Booker. I'm a  
2 Supervisor with the Rapid Charge Unit of the Equal  
3 Employment Opportunity Commission, Norfolk area  
4 office. We're located in the Federal Building in the  
5 downtown section of Norfolk, 200 Granby Mall.

6 I've been with the EEOC for a total of  
7 11 years and I've worked with the compliance side as  
8 well as the litigation side. Litigation for a period  
9 of about five years and on the compliance end for six  
10 years.

11 On behalf of the Area Director of the  
12 Norfolk office, Mr. Thomas McPhearson, Jr. we are very  
13 pleased to be here tonight and very happy to have input  
14 into this very important and timely meaningful event.

15 As you all probably know EEOC  
16 administers three EEO laws: Title VII of the Civil  
17 Rights Act of 1964 as amended, the Age Discrimination  
18 In Employment Act of 1967 as amended, and the Equal Pay  
19 Act of 1963.

20 In addition to those three, all  
21 enforcement and related functions regarding federal  
22 employment of handicapped individuals under Section 501  
23 of the Rehabilitation Act are handled by the Equal

1 Employment Opportunity Commission as well as all  
2 functions previously carried out by the Equal  
3 Employment Opportunity Coordinating Council,  
4 specifically assisting federal agencies in enforcing  
5 equal employment opportunity without regard to race,  
6 color, religion, national origin, age and handicap  
7 within the federal sector.

8           In preparing for this event tonight, I  
9 understood that the group was primarily interested in  
10 trends and statistics in the area of EEO in employment.  
11 What I have for you are statistics over a four-year  
12 period and primarily for this fiscal year the period of  
13 October 1, 1984 through August 9, 1985, and that's two  
14 weeks ago these figures cut off.

15           Between October 1, '84 and August 9,  
16 1985, the Norfolk area office received a total of 809  
17 charges of employment discrimination from people  
18 throughout our geographical area. Of these 809  
19 charges, 64 percent, or 677 charges, were filed under  
20 Title VII. 14 percent or 116 were filed under the Age  
21 Discrimination in Employment Act. I'll refer to it  
22 throughout my talk as the AH charges or ADEA. 3 percent  
23 or 21 charges were filed under the Equal Pay

1 Amendment. I'll refer to that as equal pay or EPA.

2 Now, that percentage breakdown in terms  
3 of statute was pretty much consistent over the last  
4 four years. In other words, during fiscal year '84  
5 there were 962 charges filed, 84 of which were for  
6 Title VII, 15 percent for age, one percent EPA.

7 Fiscal year 1983 there were 86 percent  
8 Title VII charges, still in the 80 percentile, 12  
9 percent age and one percent EPA.

10 In fiscal year '82 out of 790 charges  
11 filed, 87 percent were for Title VII, one percent for  
12 age and one percent EPA and that same identical  
13 percentage breakdown came about at the end of fiscal  
14 year 1981.

15 Now, even though the percentage  
16 breakdown by statute is pretty consistent, over those  
17 areas, the Norfolk area office anticipates receiving  
18 more charges this fiscal year than it did in 1984, 1982  
19 and 1981. In 1983, for some reason or another, we had  
20 a tremendous influx of charges; 1149 specifically were  
21 filed. We contribute that to the fact that the Rapid  
22 Charge Process that was proposed and implemented  
23 under Eleanor Holmes Norton administration was in full

1 swing then and we just had a lot of charges during that  
2 year.

3           The guideline sent to me in presenting  
4 this information concentration appeared to be limited  
5 to the local city or the Tidewater Area. Our  
6 boundaries extend far beyond Norfolk and the Tidewater  
7 Area. It includes the entire Virginia Eastern Shore,  
8 and, if the Eastern Shore was to my left, to your  
9 right, this would be the Virginia Eastern Shore. Our  
10 boundaries through the entire Eastern Shore, crossing  
11 over to the state of Virginia at the North Cumberland  
12 County, Westmoreland, King George, and Caroline  
13 Counties down towards the eastern side of the state or  
14 the city, pardon me, of Richmond including King  
15 William, New Kent, and Charles city.

16           Then that line swings slightly westward,  
17 picking up Prince Georges County, the independent city  
18 of Colonial Heights, Dinwiddie, Nottaway, Londonburg  
19 and Mecklenburg County, hitting the bottom state line  
20 of Virginia it comes back towards the east to the  
21 Atlantic Ocean. That area includes 29 counties and 14  
22 independent cities. So the statistics that I'm sharing  
23 with you this evening encompasses a great area, larger

1 than Norfolk and Tidewater.

2 Many of the charges that are filed in  
3 our office contain multi-bases and multi-issues. That  
4 is more than one type or more than one form of  
5 discrimination is on a single charge. For example, the  
6 female may come in and allege she was denied equal  
7 wages and when she complained she was subsequently  
8 discharged. There she might opt to include two  
9 statutes, being Title VII as well as EPA and she may  
10 well include the basis of wages, and discharge and she  
11 would also include retaliation.

12 There were 968 different types or bases  
13 of discrimination contained in the 809 charges. 968  
14 bases or types of discrimination contained in those 809  
15 charges. Women filed 201 or 231 percent of those  
16 charges. Those charges were based on sex or EPA  
17 violation. Specifically, 184 were for sex  
18 discrimination and the 17 remaining were under the  
19 Equal Pay Amendment Act.

20 Blacks filed 459 charges or 46 percent  
21 of the actions. That was the largest percentage  
22 alleging racial discrimination. There are 111 or 11  
23 percent claiming age discrimination. Age

1 discrimination is one of the fastest growing forms of  
2 discrimination that is now coming before the Equal  
3 Employment Opportunity Commission. There are 104 or 11  
4 percent actions having complaints of retaliation for  
5 opposing or participating in an investigation of any  
6 kind of action considered unlawful by the statutes EEOC  
7 administers.

8           There are 18 or 2 percent charges that  
9 conclude included allegations of discrimination due to  
10 national origin, only percent. There was only .5  
11 percent or 5 actions filed containing allegations of  
12 religious discrimination. Here again, I'm talking  
13 about the period October 1, '84 through August 9, 1985.

14           Incidentally, I might add at this point  
15 that 40 men filed charges of sex discrimination and 25  
16 whites filed against of racial discrimination. Of  
17 the 809 charges filed, 48 were against state and local  
18 agencies, 7 were against private colleges, 2 against  
19 public colleges, 11 were filed against public  
20 elementary/secondary schools and one against private  
21 elementary secondary schools.

22           We had 36 charges filed against unions.  
23 Virginians, that is within the Norfolk area office

1 geographical boundaries, have complained about 1293  
2 forms or issues of discrimination. Discharges headed  
3 the list. It seems as though individuals will wait  
4 until they are out the door before they want to come in  
5 and seek some help.

6 Terms and conditions of employment was  
7 the next form of discrimination and that type of  
8 discrimination includes many things--job assignments,  
9 working conditions, the environment, the working  
10 environment, a host of different terms that one must  
11 perform under in order to eastern a living.

12 Then we have layoffs next at 111;  
13 hiring, 71; promotion also 71; wages, 65; demotion 35;  
14 sexual harassment, 35; union representation, 34. ,  
15 intimidation, 28; pregnancy, 24; and then there are a  
16 host of other ones that I just sort of combined into  
17 one category. There were 4 percent out of all the  
18 1293.

19 To set Title VII aside and the EPA and  
20 the Age Discrimination in Employment Act for a while,  
21 there have been approximately 72 matters referred by  
22 various federal agencies to our Hearings and Appeals  
23 unit in Baltimore. These matters were generated or

1 referred from various Norfolk area offices, federal  
2 agencies. Again, these are EEO matters that are within  
3 the federal sector that have progressed through the  
4 administrative level but for some reason or another  
5 were unresolved. I think that I've far past my ten  
6 minutes and, Mr. Bostic, I'll turn this over.

7 MR. BOSTIC: You may pass it on to Mr.  
8 Yeager, and afterwards we'll take questions, so please  
9 have your questions ready so we can answer

10 MR. YEAGER: I'm going to take ten  
11 minutes and that will save a lot of time. First, to  
12 set the record straight, I think I was listed as being  
13 an EEO specialist for the Tidewater area. I work  
14 primarily within the entire state of Virginia. I  
15 happen at that particular time to be located in the  
16 Tidewater Area, but my job consists of EEO officer for  
17 the entire state.

18 We have approximately 45 local offices  
19 throughout the state. When I say approximately, we  
20 have some areas where we might have an itinerant shop  
21 that is only opened one or two days a week. But in  
22 each local office we have assigned a local office EEO  
23 representative as we would an older worker



1 representative or situation like that. These people  
2 are just primarily trained to handle a complaint or to  
3 notify the state EEO Officer within the agency if we  
4 would have a problem. Now, I won't get into  
5 statistical thing as Ms. Booker did. I think we would  
6 indicate two different things to do, so maybe it might  
7 work out a little bit better that way.

8 I'll try to give you some idea exactly  
9 how we operate as far as handling complaints are  
10 concerned. Our complaints are handled, as far as  
11 external complaints—when I say external, this consists  
12 of people that are applying for unemployment insurance  
13 or applying for a job, or actually looking for a job.  
14 If these people had a problem, a complainant or  
15 applicant for a job had a problem with our agency, they  
16 could go the following avenues: they could file a  
17 complaint through my office; they could file a  
18 complaint through the State EEO Office; they could file  
19 a complaint with the Federal EEOC Office; they could  
20 also file a complaint through our regional office, our  
21 Regional Office of Civil Rights which we come directly  
22 under the U.S. Department of Labor, and, contrary to  
23 popular belief, we are a totally federally funded

1 agency and we answer directly to the U.S. Department of  
2 Labor, Office of Civil Rights as far as the agency is  
3 concerned.

4           Now, our complaints, the way that these  
5 complaints are fed into our agency, the complainant  
6 filing a complaint with EEOC we would have to supply  
7 the necessary information through EEOC, file with the  
8 State EEO Office; we would have to do the entire same  
9 thing. If a complaint came directly through my shop, I  
10 would have to forward, after having taken care of the  
11 complaint on the local or state level, that complaint  
12 to our Philadelphia Regional Office and then they  
13 would, in turn, if it warranted, forward that to our  
14 national office.

15           To try and make sure that we don't run  
16 into major problems as far as complaints are concerned,  
17 the agency—we have set up within the Virginia  
18 Employment Commission or with all state employment  
19 security agencies throughout the country, compliance  
20 reviews that we conduct, and we conduct these  
21 compliance reviews in Virginia on a monthly basis.

22           Once a month I, myself, and our EO, UI  
23 liaison individual will go out to individual offices

1 preplanned and will conduct a compliance review on that  
2 particular local review. In conducting a compliance  
3 review it consists of handicap accessibility, making  
4 sure they have the proper posters that they are  
5 supposed to have, making sure the job standards are  
6 standard, not substandard orders, also making sure that  
7 these particular local offices have some type of  
8 community network, some community involvement. We call  
9 them the CBO, Community Based Organizations, that we  
10 stop and discuss.

11                   Now, this is all done—I'll just show  
12 some of you these things; can't put these on the tape.  
13 (Displaying). These are guidelines for reviewing  
14 employment insurance programs for equal opportunities  
15 compliance; also a separate booklet for regular job  
16 service offices.

17                   These compliance reviews I think are as  
18 important as EEOC in handling complaints. They have  
19 very, very large number of complaints that they handle  
20 basically because that's what they're in the business  
21 for. We are not in the business for that. We're in the  
22 business to get jobs and to supply unemployment  
23 insurance for people that are out of work, but we also

1 happen, and we are mandated by statute, to handle  
2 complaints based on what may happen as far as  
3 complainants is concerned.

4           So in turn, we try not to deal with the  
5 complaint as such; we try moreso to deal with a  
6 preventative mechanism in conducting these compliance  
7 reviews and in conducting them—I'll give you an  
8 example of the amount of complaints. How many did you  
9 indicate you had, 809? We have not had a complaint in  
10 the Tidewater Area in this past year.

11           Mostly, our complaints are referred to  
12 EEOC, you see, because what happens, a person might  
13 come into our office. If the complaint doesn't involve  
14 us as an agency, if it's not against our agency, then  
15 we'll have to refer that individual to the local or to  
16 the EEOC. So the only complaints that we are mandated  
17 to handle by statute are complaints that involve our  
18 agency.

19           Now, there could be an instance where an  
20 individual would come in and file a complaint with our  
21 agency that we possibly sent to a job. If we sent that  
22 individual to a job, and it was a substandard order,  
23 then we could become involved because that could be

1 considered a job service related complaint. That's the  
2 only way or only instance that we get involved with the  
3 complaint process as far as private industry is  
4 concerned.

5 We have no jurisdiction at all as far as  
6 private industry is concerned. So we can only be a  
7 referral agency and we do this on a day-to-day basis,  
8 and the bulk of our complaints—I don't have a list  
9 statistically, basically, because we don't—these  
10 aren't written up. These people are just referred  
11 either by phone or from our front counter or if they  
12 are getting some services from us in one way or another  
13 we will tell them that portion of it will have to go to  
14 another compliance agency which would be EEOC or if its  
15 is another state agency our State EEO officer and  
16 that's done and we are not required by statute to log  
17 these in or do anything other than to make sure these  
18 people are trained to send these individuals to the  
19 other offices. That's the only requirement that we  
20 have.

21 We also have within our agency a monitor  
22 advocate. The monitor advocate works primarily with  
23 the migrants and seasonal farm workers and her job—her

1 name is Jeffers Hudson. She's set up to deal primarily  
2 with MSFWs and to make sure that all the complaints  
3 coming through that particular area are handled through  
4 the Department of Labor to make sure that--we also have  
5 in our areas of where we have a large area of farm  
6 workers or farmlands, let's say, these people are  
7 handled in our local offices. I think we have one in  
8 places like Winchester, Eastern Shore, which is over  
9 next to Moore, I think some down in our southwest  
10 area. We also have farm worker representatives in  
11 those areas. They handle complaints basically from, as  
12 far as housing and things like that, for MSFWs.

13 Most of the complaints that we receive  
14 from applicants and claimants would be complaints  
15 dealing with wages, and we've had quite a few as far as  
16 sexual harassment is concerned. We're lately, as you  
17 indicated, Marilyn, we've will a quite a few with age  
18 also. People are saying, "Well, I'm being laid off my  
19 job. I think it is based on age" or whatever, so  
20 that's something that is on the rise now, but prior to  
21 that it was wages and sex. That's all I have.

22 MR. BOSTIC: Thank you, very much, Mr.  
23 Yeager. Now we'll stop for questions. Yes?

1                   MRS. HOFFMAN: I wanted to ask a general  
2 question about farm workers, which is the subject of  
3 one of our reports. My question is directed to Ms.  
4 Booker, if someone who is in farm work and migrates  
5 from area to area and therefore is a migrant worker  
6 files a claim or files a charge of discrimination with  
7 EEOC, would you be able to accept that as a charge or  
8 as a formal complaint if the worker has worked less  
9 than 20 weeks with an employer?

10                   MS. BOOKER: The worker? The worker  
11 need not have any prolonged period of employment with  
12 an employer; however, in terms of the migrant worker,  
13 he or she would have to be a U.S. citizen. That, first  
14 of all, would be the point of questioning by our intake  
15 staff--the moment he or she comes into the door, but an  
16 employee need only be employed for a day, not only even  
17 a full day and still have grounds to file a complaint  
18 under any statute, Title VII, EPA or age.

19                   MRS. HOFFMAN: Would be there anyway for  
20 you to know from your files if a migrant farm worker  
21 has ever filed a complaint from the Eastern Shore of  
22 Virginia?

23                   MS. BOOKER: In terms of our workload

1 now, I can pretty well say that we don't have any such  
2 charge

3 MRS. HOFFMAN: Thank you.

4 MR. CHERRY: I want to direct my  
5 question to Ms. Booker. You gave me a lot of  
6 statistical data about the number of complaints that  
7 are filed. My question is two-pronged, the time it  
8 takes, if I file a complaint with you or the Title VII,  
9 the average time, if there is an average time for me to  
10 get some words, some redress for that complaint and the  
11 level of people, I mean, when I say level, income level  
12 of the people that usually file complaints—two-pronged  
13 question.

14 MS. BOOKER: Okay. Your first concern  
15 is quite legitimate. Many of our calls relate to "when  
16 Ms. Booker, will there be some type of disposition on  
17 my case?" It varies, Mr. Cherry, from case case.  
18 Oftentimes an individual will come in to our office  
19 and given the nature of the complaint and the parties  
20 involved, we can institute immediate settlement and  
21 oftentimes that happens. This happens so quick that  
22 the matter is almost resolved before it gets to a  
23 processing units.



1           Other times, normally, it can extend a  
2 couple of months including and up to a year. The  
3 second part of your question it's difficult to say the  
4 what the average salary is of our complainants.  
5 Recently, there was an age matter that came in and the  
6 gentleman was earning \$123,000 a year. That was quite  
7 surprising to us. Oftentimes, however, we see minimum  
8 wage somewhere around \$5.75, but that might be an  
9 interesting study to sort of compute the average income  
10 level of our workers.

11           But I would venture to say it is toward  
12 the lower wage end of the scale.

13           MS. LUCAS: Louise Lucas, Councilwoman  
14 City of Portsmouth. Obviously, the reason I ask my  
15 question is because I'm also Deputy Equal Employment  
16 Opportunity Officer to the Newport News Shipbuilding  
17 and Drydock Company, and that is a Tenant Act which  
18 makes me a federal employee in the naval shipyard.

19           I'm curious as to whether or not you  
20 have had any complaints received in your office which  
21 federal employees may perceive that they have been  
22 threatened, coerced, whatever, based on their political  
23 involvement and by threatened I'm talking about with

1 their job security.

2 MS. BOOKER: I don't know if I can  
3 complete--

4 MS. LUCAS: Federal employees are  
5 subjected to the statute of the Hatch Act. There are a  
6 lot of federal employees who feel threatened to being  
7 involved politically because of whatever, you know,  
8 consequences they may suffer as a federal employee.  
9 I'm just wondering if anything like that has ever come  
10 to your office?

11 MS. BOOKER: Not to my knowledge;  
12 however, I am not at the intake stage of the process. I  
13 am further down the line to process the complaint.  
14 Needless to say, that would not come under the  
15 jurisdiction of our office but whether or not that type  
16 of inquiry would come through our office for referral  
17 I'm not able to respond.

18 MS. LUCAS: I'm just curious because I  
19 know there is a minimum amount of participation in the  
20 political process by federal employees and, inasmuch as  
21 I am a federal employee and also been an elected  
22 official, oftentimes federal employees will approach me  
23 with "how do you manage to do that? Aren't you afraid

1 to get fired?" and because so many of them have come to  
2 you, I was just curious as to whether or not those kind  
3 of inquiries or complaints had ever reached your  
4 office?

5 MS. BOOKER: I'm not aware of any.

6 MS. RYAN: Martha Ryan from the  
7 Independence Center. You did not mention it, but I'm  
8 real curious as to whether or not you have received any  
9 complaints of employment discrimination on the basis of  
10 the disability?

11 MS. BOOKER: Of a disability? Those  
12 would go directly to our Baltimore office. Those  
13 complaints would have been in the '72 statistics that I  
14 gave earlier. Those also would have to progress  
15 through the the federal administrative stage before it  
16 would come to the EEOC. We only handle handicapped  
17 within the federal sector.

18 MS. RYAN: So there is an entirely  
19 different process for that?

20 MS. BOOKER: For private?

21 MS. RYAN: For that complaint.

22 MS. BOOKER: Yes. It is an entirely  
23 different process in that it would have to be addressed

1 at the federal agency first before it comes to the  
2 EEOC. Yes, there is a different process.

3 MS. RYAN: You know the statistics on  
4 that, by any chance?

5 MS. BOOKER: For handicapped alone, no,  
6 I don't.

7 MR. BOSTIC: Any other questions?

8 MR. YEAGER: Wouldn't that have to be  
9 filed with the U.S. Department of Labor, that  
10 handicapped in the private sector?

11 MS. BOOKER: For the private sector?

12 MR. YEAGER: Yes.

13 MS. BOOKER: I think so.

14 MR. YEAGER: All 504 complaints would go  
15 through U.S. Department of Labor.

16 MS. RYAN: So, if I wanted the  
17 statistics, I could get it from the Department of  
18 Labor.

19 MR. YEAGER: Yes, or I could put you in  
20 touch with someone in our state office, and I'm sure  
21 that she would be able to get the necessary  
22 information. Betty Matthews, Public Rehabilitative  
23 Services. She'll get the information for you.

1 MS. LUCAS: I wanted to piggyback on her  
2 question because I was of the opinion that even when  
3 you process it in the private sector, that handicapped  
4 charges are also filed under Title VII.

5 MS. BOOKER: No, ma'am.

6 MR. BOSTIC: Any other questions? Or  
7 comments?

8 (No response).

9 There was one thing that you mentioned  
10 Ms. Booker, and I might not have heard you correctly.  
11 You said that you gave the number of charges of  
12 discrimination from 10/1/84 to 8/9/85, and you also  
13 cited a couple, two or three years ago that number was  
14 in excess of that and you attributed that, I believe,  
15 to some degree to the chair of the Commission at that  
16 time. I think you mentioned Mrs. Norton's name. You  
17 said you will receive more charges of discrimination in  
18 FY 86. Why do you anticipate more charges?

19 MS. BOOKER: Because now we have 809 and  
20 the monthly charge intake until the end of the fiscal  
21 year, which is September 30th, will undoubtedly surpass  
22 962. We receive about 70 to 80 charges a month, so we,  
23 based on that rate, anticipate we'll receive more than

1 1984, 1982 and 1981. In 1981 there were 700 somethings  
2 in 1982 there was 700 something and 1984 there were  
3 962.

4 MR. BOSTIC: Were these charges—you  
5 have to educate me, in a sense—from medium size, large  
6 size employers who are federal or state employers or  
7 were these from more than 25 employees, or do you have  
8 a sense of the kinds of employers that these charges  
9 might have come from?

10 MS. BOOKER: Outside of the state and  
11 local breakdown that I provided, no, I don't have an  
12 idea, where they were generated. There were a number  
13 from small employers and some from some of the larger  
14 ones, but I have no breakdown in terms of bulk of them  
15 coming from larger companies as opposed to the smaller  
16 ones.

17 MRS. HOFFMAN: Since Virginia does not  
18 have a State Commission to which you can refer  
19 complaints, where would you say would be the impact  
20 upon the EEOC budget? Let's say for those states that  
21 do not have such a commission in comparison with, let's  
22 say, Maryland, Pennsylvania, where they would? Would  
23 you say that Virginia would require a larger

1 appropriation of the federal budget, of your budget?

2 MS. BOOKER: I understand some monies  
3 from our budget are appropriated to the 706 agencies.  
4 How much I'm not sure. The Baltimore district has 706  
5 agencies in Northern Virginia.

6 MRS. HOFFMAN: There are two, Alexandria  
7 and Fairfax County.

8 MS. BOOKER: Exactly.

9 MRS. HOFFMAN: For this area you would  
10 not have an agency to which to refer charges?

11 MS. BOOKER: We don't have one, and I'm  
12 not sure—I'm not aware of whether or not the EEOC  
13 would be willing to appropriate funds. I know we're  
14 short on funds now. I don't know if that's answering  
15 your question, but I just don't have the information in  
16 terms of monies that are available at the national  
17 level.

18 MS. LUCAS: Mr. Cherry and I was just  
19 talking about how the federal government could  
20 virtually wipe out an employee if they decided they  
21 didn't want to be involved politically. How could the  
22 Virginia Advisory Commission assist in helping to  
23 provide information such that persons who felt a need

1 to pursue a complaint--since there is no basis for it  
2 in the Title VII--how would a person get a complaint  
3 like that in the system if they perceived they were  
4 being harassed because of their political involvement?  
5 There are a lot of activities that are exempt that in  
6 fact political involvement is not possible. How would  
7 I assist?

8 MR. BOSTIC: You're addressing that to  
9 the Advisory Committee?

10 MS. LUCAS: Yes. How could we assist  
11 persons in knowing what route to follow if they wanted  
12 to pursue a complaint of that nature?

13 MR. BOSTIC: Would there be a Advisory  
14 Committee member that would like to respond?

15 MS. RATTLEY: It would take the same  
16 route as other complaints, the very same route because  
17 the Hatch Act is explicit. The problem is many people  
18 are afraid of it. They don't understand it. There are  
19 some supervisors who may make comments, for example,  
20 "What do you with your bumper sticker on that car?" and  
21 the federal government cannot tell you you can or  
22 cannot put a bumper sticker on your car. It is your  
23 property. They can control federal vehicles but, if a



1 person has been harassed, they will follow the same  
2 complaint.

3 MR. BOSTIC: Mr. Cherry, did you have  
4 any statement?

5 MS. BOOKER: File a complaint with the  
6 EEOC?

7 MS. RATTLEY: Yes, for any form of  
8 harassment.

9 MS. BOOKER: Not unless it relates to  
10 an individual's race, their national origin, their  
11 religion or sex would we accept a charge.

12 MS. RATTLEY: For harassment?

13 MS. BOOKER: The harassment would have  
14 to be as a result of that individual sex, race,  
15 religion, national origin. That would have to be the  
16 basis.

17 MS. RATTLEY: You don't have a  
18 harassment right under your law?

19 MS. BOOKER: When I gave my talk—Mr.  
20 Binkley?

21 MR. BINKLEY: Don't cite this as  
22 complete reply or accurate but I think harassment under  
23 the Hatch Act or any other kind of harassment that

1 doesn't come under EEOC race, creed, color, age, sex--  
2 all that goes to the Merit Systems Protection Board of  
3 the OPM in Washington, and I don't know the route.  
4 Write to the Executive Director or OPM or write to the  
5 Merit Systems Protection Board. There is certainly an  
6 avenue of relief, and I think from what I read and  
7 heard that is what it is.

8 MS. BOOKER: It is not Title VII; it is  
9 not EEOC.

10 MS. LUCAS: I just did not feel  
11 comfortable giving any advice or guidance to anyone  
12 because I don't know of anyone who has pursued a  
13 complaint along those lines. But I know especially  
14 with this area being heavily populated with civilian  
15 employees who work for the federal government, there  
16 has been a hesitancy on the part of persons who are  
17 federal employees in this very city to participate in  
18 the political process in anyway. I mean, even to the  
19 point that some of them won't even go out and vote for  
20 candidates. If they do, they say it is going to get  
21 back to their supervisors. So, in essence, what I'm  
22 saying is because of their fear of losing employment a  
23 lot of persons who are federal employees don't even

1 exercise their constitutional right to vote.

2 FROM THE FLOOR: Is there a difference  
3 to participate in a campaign than to go and vote for  
4 the person? That is a right of every citizen.

5 MS. LUCAS: I understand what you're  
6 saying but because people are not aware of what is  
7 going to happen to them in terms of their employment,  
8 they choose to stay out of the process altogether.

9 For example, when I was a candidate in a  
10 local election, and top vote getter, obviously, a lot  
11 of persons would not come out and support me even  
12 though it was a nonpartisan election because they were  
13 afraid. They were afraid, and just Friday one of the  
14 military officers just happened to be a female and, of  
15 course, she is Hatched over her head. She says, "How  
16 do you manage to do this?" She said, "What's going to  
17 happen?" Just complete total ignorance, fear. f

18 FROM THE FLOOR: Ignorance, you have to  
19 be educated and understand the law how it is, then.

20 MS. LUCAS: I'm talking about even  
21 military officers. The person I'm talking about is one  
22 who supervises a group of civilians. That person is  
23 not knowledgeable and then obviously brings unnecessary

1 pressures on the people that work for her.

2 MS. RATTLEY: When they went to EEOC,  
3 whether they went or whether they referred it to  
4 someone, I know that was the agency they first started  
5 with to get the complaints in the right basket, but it  
6 was resolved and that was at Fort Eustis maybe some 15,  
7 16 years ago. The person was harassing people for  
8 political involvement as far as using a bumper sticker  
9 on their private automobile.

10 MR. BOSTIC: One more comment.

11 MRS. ZEAVIN: I want to make a comment  
12 Mr. Bostic. Do you think there is more fear in this  
13 area? I mean, just listening to talk from registration  
14 and now on the Hatch Act and another thing, up in  
15 Northern Virginia I don't notice this fear that I'm  
16 just getting from this conversation from this area in  
17 registration, voting, and active in politics. I mean  
18 I'm picking this one.

19 MS. RATTLEY: I'm not sure that it is  
20 just in this area. I don't think it is peculiar to  
21 this area. Your advantage is you live near Washington.  
22 Most of your civil servants are working for the federal  
23 government but at the level, many of them, are not

1 Hatched because when the President runs for reelection,  
2 he has everybody working for him.

3 MR. RING: That is not factually true.  
4 There are very few Schedule C jobs.

5 MS. RATTLEY: You didn't let me know.

6 MR. RING: 95 percent or under the Hatch  
7 Act.

8 MRS. ZEAVIN: I didn't want to change  
9 your line.

10 MS. RATTLEY: Although they are Hatched.

11 MRS. ZEAVIN: I just feel this area has  
12 fear.

13 MR. BOSTIC: I think perhaps it's a  
14 perception, I think, that you alluded to in the sense  
15 of and it really involves education, simply just has  
16 to educate all of the citizens, nonfederal as well as  
17 federal employees, about the Hatch Act and all of its  
18 ramifications.

19 MRS. ZEAVIN: Also go back to the  
20 registration conversation we had on voting before. We  
21 had this same conversation is why I'm picking it up  
22 again.

23 MS. RATTLEY: I would like to finish my

1 statement that in Northern Virginia, since they live  
2 close to Washington, they know that many of the federal  
3 people at the higher levels will complain. They don't  
4 have that pressure and fear because the Hatch Act is  
5 very seldom an issue. It doesn't come up. It is not  
6 used as a deterrent.

7 MRS. ZEAVIN: We have a lot of local—  
8 Arlington is local and Falls Church, so I don't  
9 believe—I don't want to argue with you but I don't  
10 believe that's quite true, that statement, because we  
11 have a lot of people that have to know what is Hatched  
12 and what is not Hatched.

13 MS. RATTLEY: I'm not saying they don't  
14 know. But they know that nobody pays any attention to  
15 it. Wouldn't you agree to that?

16 MRS. ZEAVIN: Right.

17 MS. RATTLEY: That's what I meant, and  
18 I'm saying they don't pay attention to it because they  
19 see what is happening in Washington.

20 MR. RING: What do you mean by "pay no  
21 attention?" Don't comply with the Hatch Act or realize  
22 that the Hatch Act—

23 MS. RATTLEY: They know that the Hatch

1 Act is much broader than the average person who works  
2 where you work would understand. They know the  
3 coverage. They know how to protect themselves from any  
4 charges that anyone wishes to bring. It is even  
5 discussed in their workshop as to how they can get  
6 around having a legitimate charge brought against them  
7 based on the laws under the Hatch Act.

8 MR. BOSTIC: With that I am sorry we're  
9 going to have to cut our discussion off because we are  
10 just about on target in terms of the time that we  
11 started.

12 I would like to make a suggestion,  
13 particularly in the areas right here, say, in the  
14 Tidewater Area, you might consider running some type of  
15 open forum or workshop on the Hatch Act and its  
16 implications as it relates to your voting rights and  
17 educate the people and see how—you now, there are lots  
18 of ways to attack this.

19 There is that apprehension or that  
20 misunderstanding of the Act perhaps and a lot of it has  
21 to do with a lot of things that people, you know, have  
22 in their bags so to speak with reference to values; it  
23 is a whole bag of things there that cause individuals

1 to feel the way you are expressing, and the same thing  
2 with the people up in Northern Virginia. But we had  
3 two super panelists. We want to thank you very much  
4 for such a great job and we'll take a break to allow  
5 the other panel to assemble.

6 (Applause).

7

8

9

10 PANEL ON CIVIL RIGHTS DEVELOPMENTS AND ENFORCEMENT IN  
11 THE ADMINISTRATION OF JUSTICE IN THE TIDEWATER AREA:

12 7:47 p.m.)

13 MRS. ZEAVIN: Hi, everyone. I'm Naomi  
14 Zeavin. I'm the Advisory Committee member here, and we  
15 are now on the last but not least panel on Civil Rights  
16 Developments and Enforcement in the Administration of  
17 Justice in the Tidewater Area. We are going to be  
18 reporting on bigotry and violence in relationship to  
19 law enforcement and how it reflects in the Tidewater  
20 Area.

21 I did a little research before I came  
22 and I called the Human Relations Council in Fairfax  
23 County so I can tell you about the Human Rights



1 Commission in the end of what they're doing in  
2 comparison, and I spoke to someone from the Catholic  
3 Council. We're going to start off with Miriam  
4 Seeherman, Vice President of the Anti-Defamation Board  
5 in Virginia Beach. We're happy to have you here.

6 MS. SEEHERMAN: Thank you. I serve on  
7 the Regional Board as the Regional Vice Chairman of the  
8 Anti-Defamation League and as a member of the Community  
9 Relations Council of the United Jewish Federation of  
10 Tidewater. What I'm doing this evening is actually to  
11 demonstrate that we have a problem in the community of  
12 bigotry and prejudice that affects all of the citizens.

13 I'm going to give to you a couple of  
14 articles, one of which came from the Richmond Times  
15 Dispatch of October 13, 1984, and it shows a picture of  
16 a statue at the Blessed Sacrament Church which was  
17 defaced; Blessed Sacrament Church is one block from my  
18 home in Norfolk. Recently, it was reported to me that  
19 there were also acts of vandalism at Norfolk Catholic  
20 High School which is two blocks from my home in  
21 Norfolk.

22 On Wednesday, July 31, 1985, "Norfolk  
23 Church Desecrated By Vandals." This was the Glad

1 Tidings Church, and actually after some investigation  
2 it was discovered that this was the work of young  
3 people that had gone into the church and just ran  
4 amuck.

5 I have two more pieces here to  
6 demonstrate to you. They were printed and have been  
7 distributed by the Alamo Christian Church out of Alma,  
8 Arkansas, defaming the Catholic Church, the Pope,  
9 anybody that would have anything to do with the  
10 Catholic faith, including the President.

11 Actually, on this one has a big headline  
12 about genocide and actually genocide refers to the  
13 holocaust. I think that was when the word was first  
14 coined.

15 Another one on "The Pope's Secrets."  
16 These two were found on the door of my car in the  
17 College Park area of Virginia Beach in the latter part  
18 of July or the beginning of August and somebody  
19 reported, also, that this material had been found one  
20 block from the Ocean Front on 25th Street, so this is  
21 very recent. I know that there were some people in  
22 Portsmouth that had been arrested for putting up  
23 billboards of this ilk.

1           I want to go on and talk a little bit  
2 about one more incident, I guess, that I ought to  
3 mention because I said it affects everybody. There is  
4 an Orthodox Jewish Cemetery in Norfolk that was  
5 defamed. Vandals in the cemetery turned over and I  
6 wouldn't say destroyed but certainly defaced, the  
7 stones and the graves, so it does affect everybody.

8           Now, I do want to go on to one other  
9 thing that had been brought to my attention. There is  
10 a problem with the hate groups and groups of the sort  
11 of the Arian nation or the Alamo Christian Church which  
12 are national organizations, this Alamo Christian Church  
13 has an 800 number for people to call and that is that  
14 there is a ripple effect when they get undo notariety.

15           For example, on a recent program, the  
16 program 20/20, there was a report on far right groups  
17 that espoused their being a Jewish conspiracy, Jewish  
18 bankers that will take over farms of people in trouble,  
19 and the group that was singled out to me is called the  
20 Posse Comitatas out of Wisconsin.

21           They are promoting violent means of  
22 handling a problem, arming themselves. They appeal to  
23 people who perhaps are vulnerable, perhaps are looking

1 for a scapegoat for their problems, and it really is a  
2 dangerous situation in that, if you have splinter  
3 groups elsewhere, there is always the fear that some  
4 crazies will go ahead and go ahead and take that  
5 doctrine for their own and believe what they are  
6 hearing.

7           The United Jewish Federation has had  
8 several telephone calls after that magazine program  
9 because there were people who were fearful that they  
10 would be the target of that kind of hate.

11           I guess I really brought it up to say  
12 that even though it may not be something that is  
13 spotlighted right here in the Tidewater community, we  
14 are affected by the national organizations and what  
15 they do elsewhere.

16           I think that I'll turn this over to  
17 somebody else right now.

18           MRS. ZEAVIN: Thank you. I just want to  
19 add this: Pat Garter, who is the Director for the State  
20 for the Catholic organization, this is what she told me  
21 has been plastered all over at the same time they were  
22 here. I don't know if Connie saw these. They were all  
23 over Alexandria, she said, thousands of them and they

1 have gone into the bookstores and they were pasting  
2 things in the bookstores. It was in Washington and  
3 Montgomery County, and Fairfax County, she said, were  
4 very good in Alexandria cleaning this up but she said  
5 Washington ignored it.

6 Now, Senator Joe Canada.

7 SENATOR CANADA: Thank you very much.

8 You know the problem of balance in the context of  
9 racial and religious bigotry is one that government  
10 alone cannot solve in my opinion. We should look at  
11 new laws to see if there is something that we need to  
12 do in the state of Virginia, or on a national level,  
13 but I think we have to do more than that.

14 I think our leaders on a national, state  
15 and local level have to speak out and become more vocal  
16 in expressing their outrage over criminal acts that  
17 deny any citizen the right to exercise their right  
18 based on religion, color, creed or national origin. I  
19 think the leadership of this country needs to speak out  
20 on these issues. I think we as a legislative body on a  
21 state and local and national level must look to see if  
22 there are any laws that would help, but I think the  
23 people are really the ones who have to speak out on it,

1 because people are really what makes our country go  
2 around.

3 In our area of Tidewater there have been  
4 a number of instances that has already been mentioned,  
5 some of them about churches being vandalized. In many  
6 of the cases it's pretty clear that it was a religious  
7 situation where there was discrimination. Some of the  
8 vandalism could have been merely teenagers, I don't  
9 know, but there certainly is ample evidence that there  
10 is religious bigotry in our area.

11 In trying to get ready for this meeting  
12 night I talked with the Virginia Beach Police  
13 Department, trying to find out what had happened over  
14 the last few years in terms of things that had been  
15 reported to our area. I found that we have had some  
16 reports.

17 For example, about four to four and-a-  
18 half years ago, Ku Klux Klan was in Virginia Beach on  
19 the boardwalk and had a great big meeting down there  
20 and there were scuffles and they had--nobody was  
21 injured but it was a very unpleasant situation. There  
22 had been posters that have been recently found and  
23 turned into the Virginia Beach Police Department

1 comparing the Pope to Hitler and other anti-catholic  
2 material, some of which has been mentioned here night.

3 I was apprised of the fact that at the  
4 time the Beth Shalom Home right off Military Highway in  
5 the College Park area had things written on the walls  
6 out there and there have been complaints about  
7 vandalism and things of that nature, so we have had  
8 incidences in other area of antisemitic and anti-  
9 catholic things that have taken place.

10 I think it is incumbent upon this  
11 meeting—I don't know if there is any press here, but  
12 we need to get the leaders, I think, to speak out more  
13 on these things because certainly this is not something  
14 that our country was founded on; it is not something  
15 that anybody that I know of condones, and we ought to  
16 do more to try to discourage it and get those people  
17 that are responsible put where they should be, in jail.  
18 If they violate the law, by gosh they ought to be put  
19 behind the bars and maybe that would stop some of  
20 crazies.

21 I was coming out of the Norfolk Circuit  
22 Court about a year ago, and there I was stopped by  
23 someone giving out these pamphlets. It was a different

1 name. It was some kind of an anti-catholic group that  
2 had the word Baptist in their name, and I don't recall  
3 the name of it, but I didn't want to get into a long  
4 discussion with this person but there is obviously  
5 enough crazy people in this world that we need to do  
6 something with some of these people. I don't know what  
7 you do with them, because we have freedoms that  
8 everybody has, but we have to figure out a way to  
9 discourage this type of conduct.

10 I think that, of course, any religious  
11 leader in my opinion that advocates hatred of anybody  
12 is not only not a religious leader but is certainly  
13 dangerous, dangerous to everyone's rights, because we  
14 know and we see oftentimes people in the name of  
15 religion will do a lot of things which are detrimental  
16 to the rights of every person.

17 I for one would like to see that this  
18 Commission look into any uniform state laws that might  
19 help in this situation and pass it on to the various  
20 states. I'll be glad to answer any questions after we  
21 get moving a little bit.

22 MRS. ZEAVIN: I'll introduce Mr. Paul  
23 Lipkin, attorney and Vice President of the



1 Anti-Defamation League of Norfolk.

2 MR. LIPKIN: I'm kind of superfluous  
3 here with Mariam serving in the same capacity as I on  
4 the Anti-Defamation League. I have been involved in  
5 Anti-Defamation League work both in the Anti-Defamation  
6 League and the Jewish Community Relations Council.

7 Like Joe I am somewhat afraid of laws  
8 that are put into effect that may over react through  
9 acts of bigotry because first and foremost I'm a  
10 believer in the Bill of Rights. I'm a card carrying  
11 member of the ACLU and I fear over-compensation or  
12 overreaction to certain actions.

13 For example, the problem with the Alamo  
14 Foundation and their pamphlets could lead to laws that  
15 we could regret as American citizens. The way that it  
16 has been handled in the Norfolk area, or not being  
17 handled, the way it has been suggested is when it was  
18 discovered these pamphlets were being passed out at the  
19 Beth Shalom Home and placed on windows like Mariam's,  
20 the Director of the Jewish Community United Jewish  
21 Federation of Norfolk contacted the Regional Director  
22 of the Anti-Defamation League whose headquarters is in  
23 Richmond, and his suggestion by letter of August 9th

1 was, first, he acknowledged that the Anti-Defamation  
2 League was familiar with these pamphlets and their hate  
3 and their handing out.

4 In fact, he said in this area during the  
5 past 18 months it has been distributed in Richmond,  
6 Charlottesville, Northern Virginia, and various cities  
7 in North Carolina. The National Office recommends that  
8 local anti-littering ordinances be invoked to combat  
9 such things, not to create new laws against; they may  
10 impinge upon our freedoms of speech and ability to go  
11 to the public, but to use existing laws where they are  
12 placed on your windows and you don't want them on your  
13 window. This is a violation of the law and that the  
14 use of the laws that are in effect would be most  
15 appropriate.

16 I will say this for the Norfolk police  
17 and the Virginia Beach police, when acts of violence or  
18 bigotry are called to their attention, they act  
19 vigorously and act well. I attended that Ku Klux Klan  
20 parade at the Beach several years ago on behalf of the  
21 Anti-Defamation League. I was an observer and I  
22 thought the police handled it very, very well,  
23 restricted them to a narrow area of Atlantic Avenue and

1 a very close, confined at the Holiday Inn or the Ramada  
2 Inn and kept them from getting the publicity there was  
3 and kept it from creating a fight because there were  
4 many, many, anti-Ku Klux Klaners there who would like  
5 to have mixed it up with them but the police handled  
6 the beautifully.

7                   The Jewish Community Center of Norfolk  
8 once had an outreach program with a little house on  
9 Holland Road and there was some acts of desecration  
10 there with swastikas and other things placed on them.

11                   The Virginia Beach police acted in a  
12 commendable manner and came and investigated as best  
13 they could. Similarly, the Norfolk police have been  
14 sensitive to these acts of violence of bigotry when it  
15 is called to their attention.

16                   Another way we have handled matters in  
17 this area without legislation is sometimes with  
18 pressure, with, say, economic pressure. Two weeks ago  
19 I received a call from Ira Gissin, again the same ADL  
20 Director, that he had received a phone call from  
21 reporters on the Norfolk Virginia Pilot who said that  
22 the following Sunday there was going to be an ad in the  
23 Green Section of the newspaper section, the TV section,

1 by the Ku Klux Klan advertising for membership, and  
2 what is he going to do about it. It was a provocative  
3 type of a phone call.

4 Well, he contacted--this was a reverse  
5 call--he contacted the Director of the Tidewater United  
6 Jewish Federation, and several of the advertisers,  
7 heavy advertisers of the Pilot were called and were  
8 told that this was going to appear and did they have  
9 any concerns. They, in turn, placed a call to the  
10 Pilot, and the answer was, "No, we never were going to  
11 publish it. It hadn't been approved."

12 It was baloney, because the newspaper  
13 reporter called back to the Director of the ADL and  
14 asked him what happened, how did it happen? But that  
15 was an effective way to combat it, we think.

16 Mariam has spoken of the various  
17 desecrations and the bigotry that is exhibited here.  
18 We are in the Jewish community sensitive of it, find  
19 swastikas on overpasses and new construction of houses,  
20 and it hurts us, and we don't like it, and our reaction  
21 is to call the police and have them look into it and,  
22 of course, it is eliminated and we try to handle it as  
23 quietly as possible.

1           Also, the courts around this area are  
2 vigorous in defense of minorities or any—in punishing  
3 those who commit acts of desecration. I think that  
4 some of the people who have committed the desecrations  
5 at the Catholic church were apprehended; I'm not sure.  
6 My recollection is they were, and I believe that they  
7 were severely dealt with in the criminal courts in  
8 Norfolk. The problem of legislation, again, I say, it  
9 is a two-edged sword, and if we take away the liberties  
10 of one group, we could be taking away our own  
11 liberties.

12           MRS. ZEAVIN: Thank you very much. I  
13 just would like to say that the Chief of Police was  
14 here from Portsmouth, Joseph Kodeal, and he couldn't  
15 stay but I would like it to go into the minutes that he  
16 was nice enough to come. Also, since the Human Rights  
17 Commission in Fairfax County were kind enough to give  
18 me a report, they thought we wanted it but I see we're  
19 really talking about Tidewater here, so I would like to  
20 say he explained to me in this here.

21           If anyone is interested to see later how  
22 they make their reports for harassment, vandalism and  
23 trespassing, and how the Human Relations Commission

1 works, first usually it goes to the police department  
2 and then comes to the Human Rights Commission, and they  
3 work together and also with the county schools and the  
4 fire department.

5 He said they had 49 incidents in '83 and  
6 45 in '84. So I just want that in the minutes. Now  
7 we'll go on with the questioning.

8 I would like to ask the Senator one  
9 question how he feels about the Human Rights Commission  
10 Bill that is before the Assembly for the state.

11 SENATOR CANADA: Let me ask you a couple  
12 of questions about that before I answer it. What  
13 happened in the 45 cases do you know?

14 MRS. ZEAVIN: I wish I could say he was  
15 supposed to break it down but he didn't. He just said  
16 there--what he sent me, also, were from Virginia, all  
17 the different state laws which I showed you. I think I  
18 will follow that up when I go back. Would you like me  
19 to?

20 MRS. HOFFMAN: I'm not able to break  
21 all 45 down for you, but I do know that there have been  
22 some reported incidents in the schools.

23 SENATOR CANADA: Of what?

1           MRS. HOFFMAN: Primarily, problems  
2 between Asian Americans or those who are recent Asian  
3 Americans, and some high schools. There have been some  
4 usual things like swastikas; there was a cross put on a  
5 lawn, literature has been handed out; in other words,  
6 about a year ago there was sort of an informal task  
7 force established in the Northern Virginia area and, as  
8 a result of that—I'm going to be very brief—but as a  
9 result of that, what they wanted to do is have a  
10 central place where any report of bigotry or violence  
11 could be documented, could be kept, so it was the  
12 Fairfax County Commission that undertook that role.  
13 It's the only agency that I know of is trying to keep a  
14 record.

15           SENATOR CANADA: Is that the primary  
16 purpose of the Commission or what else do they do?

17           MRS. HOFFMAN: Virginia has two  
18 commissions in Northern Virginia, the Alexandria Human  
19 Rights Commission and the Fairfax County Human Rights  
20 Commission, and the role of those two Commissions would  
21 be to handle complaints of discrimination on the basis  
22 of race, color, religion, which is how this comes in,  
23 religion, handicap, I think, and I think in some cases

1 they are handling marital status and political  
2 affiliation. Local ordinances are sometimes a little  
3 broader than federal laws which would not include  
4 marital status or political affiliation.

5 By the way how these Commissions became  
6 involved was because they are in the habit of  
7 collecting information about discrimination?

8 SENATOR CANADA: What authority do they  
9 have other than collecting the information?

10 MRS. HOFFMAN: They have the same kind  
11 of authority that the U.S. Equal Employment Opportunity  
12 Committee would have that we heard from here earlier  
13 to handle employment discrimination. They receive  
14 money from EEOC to handle employment. They also have  
15 authority to handle housing discrimination and they've  
16 applied for equal status under the law with HUD. I'm  
17 not sure whether you gotten that yet, have you?

18 MR. RING: Maybe I ought to elaborate on  
19 that, Joe, a little bit. Alexandria has a Human Rights  
20 Ordinance. There is a substantial legal question under  
21 Dillan's Rule as to whether or not the ordinance has  
22 legal validity. No one has challenged it, and it has  
23 been recognized under, I think it is, Section 706 of



1 the EEOC as a designated agency to handle complaints of  
2 equal opportunity and to handle complaints from HUD  
3 with respect to housing discrimination. They are  
4 reimbursed by the federal government at the standard  
5 rate for those investigations.

6 They follow due process procedures  
7 including hearings. There is a heavy stress upon  
8 mediation and conciliation.

9 SENATOR CANADA: Do they have subpoenae  
10 powers?

11 MR. RING: They are granted subpoenae  
12 power but it has never been exercised. If it were,  
13 there might be difficulty in terms of being able to  
14 implement it. It would require a court order,  
15 obviously, to secure the judicial enforcement of the  
16 subpoenae if it were issued.

17 To date, people would voluntarily comply  
18 without the necessity of getting a formal subpoenae. It  
19 is in this context that both the Alexandria Human  
20 Rights Commission and the Fairfax Human Rights  
21 Commission have sought and supported the effort to have  
22 state legislation which would clearly legitimize their  
23 role.

1           The feeling is that there is an  
2 opportunity for local people to deal locally with  
3 matters of discrimination; it has the advantage just  
4 cited that you frequently can do this on a low key  
5 basis and achieve more than is sometimes achieved by  
6 open confrontation and, lastly, it is faster and  
7 quicker and less expensive than going either through a  
8 state agency or to the federal government.

9           The average delay in the EEOC is in the  
10 neighborhood of 18 months to two years. Matters are  
11 resolved by the Alexandria Human Rights Commission  
12 normally within a 60- to 90-day period of time.

13           SENATOR CANADA: Thank you. I think  
14 that was very helpful to us.

15           I think I need to hear more about it.

16           MRS. ZEAVIN: Would anyone like to say  
17 anything, any questions of this panel? Mr. Mason?

18           MR. MASON: W.T. Mason, Jr. I'm from  
19 Norfolk and I'm an attorney. I do not have the benefit  
20 of the prior discussion because of my time of arrival.  
21 There are two or three areas of concern that as a  
22 citizen I'd like to touch upon and, if any of the  
23 panelists would care to address any of those areas, I

1 think it would be helpful.

2           One of the areas that I--and I think a  
3 number of areas that I am concerned about--is the  
4 inequality of sentencing for people who appear to have  
5 somewhat similar backgrounds and records that seem to  
6 most heavily fall on minorities. I understand that  
7 there is a committee of the legislature--and I don't  
8 know whether it is House or the Senate or a joint  
9 committees, I've forgotten which now--that has in  
10 affect been looking into that matter and has been  
11 holding hearings around the state; however, as far as I  
12 know, I have not seen any report that they have issued  
13 as a result of their hearings, so I don't know what the  
14 status of that matter is. I suspect that as with many  
15 of those committees of that type, they'll come out with  
16 certain findings and with certain recommendations with  
17 regard to possible legislation.

18           Another area of concern is the fact that  
19 in so much of the judicial system there are so many  
20 areas where the judicial system touches on people's  
21 lives and the need to be certain that there is complete  
22 and full integration not only in terms of minorities  
23 and blacks but of women, and this goes from the bench--

1           SENATOR CANADA: You're talking about  
2 the selection of judges, the way the system--

3           MR. MASON: Not only judges but I'm  
4 talking about probation, your parole system, your  
5 prison, administrators and--they don't call them  
6 guards--correctional officers, and the fact that they  
7 need training, but that is a different subject. That  
8 is another area of concern.

9           A third area of concern is this whole  
10 problem of the fact that there seems to be a much  
11 greater, much higher, much disproportionate number of  
12 minorities who end up in the penal system much greater  
13 than their representation in the overall population,  
14 and, of course, many of these problems are related.

15           But a second part of that problem is the  
16 fact that it seems to be a revolving door. Once you  
17 get into the system, the system does not seem to be  
18 designed to rehabilitate people, but it seems to be  
19 designed to put them in a revolving door situation;  
20 release people from prison--and I'm not even talking  
21 about whether they should be there or not, but the fact  
22 is they come out and they don't have jobs. You haven't  
23 done the work and the kind of program that is designed

1 to have these people get out of there revolving door  
2 situation. It is almost self-perpetuating and those  
3 are three areas of concern that I would like to  
4 mention.

5           SENATOR CANADA: I think that you put  
6 your finger on an area that a lot of people are very  
7 concerned about, and let me just expand upon that for a  
8 minute. The first, about the sentencing inequality,  
9 and I fully agree with you. I'm a lawyer, as you know,  
10 also, and prior to being a defense lawyer I was a  
11 prosecutor in Virginia Beach for a little over two  
12 years.

13           So I've seen firsthand both sides of the  
14 fence, you may say, trying to put them in jail and now  
15 trying to get them out. I have been in every jail in  
16 the Tidewater Area and most of the road camps, but only  
17 as a visitor. I would say there is an inequality and  
18 the inequality, in my opinion, has a lot to do with  
19 many factors that probably we have no control over, but  
20 some of the factors we have control over.

21           It is my fervent belief that, if we had  
22 a change in other sentencing structure, that we  
23 would have less people in the penitentiary, that we

1 would have less drug problems, that we would have less  
2 murders. I feel very strongly about mandatory  
3 sentences, because when you have a mandatory sentence  
4 and it says "if you do this, you get so many years," a  
5 minimum mandatory sentence. Whether you're rich or  
6 poor or black or white you're going to be treated the  
7 same way to some degree and it doesn't happen now. We  
8 all know there is discrimination and I think there is.

9           So I believe that we need mandatory  
10 sentences and that would hopefully have some impact on  
11 the inequality you pointed out.

12           Your second point was the selection of,  
13 in essence--I interpreted your remarks to be the  
14 selection of judges and related personnel. I feel very  
15 strongly in Virginia we need to change our system of  
16 selecting judges, and I believe that we need to have  
17 judges selected on the merit system, somewhat modeled  
18 after what they do in Missouri.

19           In Missouri they have citizen  
20 commissions that sit in the community and they  
21 recommend in Hampton or Newport News or Virginia Beach  
22 or wherever you may be two or three names that go to  
23 the Legislature and these people can be screened at the

1 local level.

2 I think in Northern Virginia it is my  
3 understanding that the delegation from that area does  
4 something similar to that but it doesn't happen to this  
5 state as a rule. I believe that, if you had more  
6 citizen input, that we would see a broader  
7 representation of women and minorities in our judicial  
8 system.

9 I first introduced that bill which was a  
10 Modified Missouri Plan about six years ago in the  
11 Virginia General Assembly and it didn't get very far  
12 but the State Bar Association came out in favor of it  
13 and many other groups—and the chairman of the Courts  
14 of Justice Committee introduced it and it got out of  
15 the Senate, but it got killed in the House. So there  
16 is some hope for that bill. We have to keep pushing  
17 and I think that would have an impact and the things  
18 that I mentioned will not be a perfect solution to any  
19 of the problems that you pointed out.

20 The third is a very good point about  
21 prisoners who go to the penitentiary and what do they  
22 learn. Oftentimes they learn how to make license  
23 plates and where can you get a job making license

1 plates? There's not but one place, back in the  
2 penitentiary.

3           In my opinion there needs to be more  
4 emphasis on programs, and if we had--this is my theory,  
5 anyway, for whatever it is worth and I guess  
6 everybody's theory is worth about as much as anybody  
7 else's theory--but I believe very strongly that the key  
8 to try to do something about the crime problem is  
9 mandatory sentences so we tell a drug dealer from out  
10 of state or in state, if you are involved in a large  
11 quantity of drugs in Virginia, you are going for a  
12 minimum mandatory time, because drugs reach down  
13 everywhere. Rhey are hurting this community. They are  
14 hurting that community and tearing down our society and  
15 perhaps we would have less people eventually in our  
16 judicial system, and we could spend more of the dollars  
17 we have on trying to rehabilitate people, because right  
18 now we don't have enough money, and a state is not  
19 unlike anybody else in this room and your own budget  
20 at home. You have so much money. You can't buy a new  
21 car, and if you save for it, you're lucky you can do it  
22 in 10 or 15 years.

23           The state is like that. We have so many



1 dollars and we have to decide how we are going to  
2 allocate those dollars, where it is going. The more  
3 noise that is created, that's where the money usually  
4 goes. Prisoners--who is going to make noise about the  
5 prisoners. They have a riot; what happens? the public  
6 doesn't really want to spend the money there, but it  
7 needs to be spent. We need to do something and you  
8 pointed out a very good point, Mr. Mason, in your  
9 comments.

10 I think we've got to do something to  
11 help try to rehabilitate people who are going to come  
12 out of the penitentiary and they are going back to the  
13 communities and, if we don't do something, revolving  
14 door as you pointed out, turns again and they go right  
15 straight back in there or they hurt somebody in the  
16 interim.

17 MR. BOSTIC: Senator, just piggybacking  
18 on your comments, sir, it's fine to suggest that we  
19 have this training for them in other areas, but is  
20 there any kind of way that the state can come up with  
21 some type of compensation or whatever for employers  
22 that might hire them because that's really where the  
23 problem is, that the person that goes in prison has

1 been stigmatized, and those of us who have not been in  
2 prison we tend to treat them a little different, too,  
3 and the employer is less likely to hire—perhaps if we  
4 could start something by subsidizing an employer.

5                   SENATOR CANADA: Or tax break or  
6 whatever.

7                   MR. BOSTIC: Tax break or whatever to  
8 get a model and let them prove that it is productive  
9 to hire a person, that this person has been  
10 rehabilitated. I'm not about to say you know it is a  
11 hundred percent kind of thing, but is there any kind of  
12 thinking like that, sir, in the State Legislature?

13                   SENATOR CANADA: We've discussed this,  
14 and I would say each month I have at least two people  
15 who have been in the penitentiary that come into my  
16 office and try to get some help in getting jobs, and  
17 I've almost decided to go into the employment business,  
18 but the pay isn't too good, really, but it is good in a  
19 way because I've been able to get some jobs for some of  
20 them who come out of the penitentiary. It is very  
21 hard. You put your finger on it.

22                   If an employer hires someone that has  
23 been in the penitentiary, right away they're afraid to

1 do it because of liability problems or whatever and  
2 they are afraid to take the chance when they can find  
3 someone that hasn't been in. I think your comments are  
4 very well received and I think we need to look into  
5 some type of tax incentive or something to get the  
6 persons back in a job situation that can be productive  
7 because, if we don't, we find that they end up, when  
8 people get hungry, they are going to steal and if  
9 anybody says they aren't is a liar, because they do  
10 steal when they get hungry.

11           If you don't have a job, you're going to  
12 get hungry at some point and are going to get into  
13 trouble. Again, I want to say something again about  
14 drugs. I feel that the drug problem we have in this  
15 country is the greatest threat to our future of any  
16 problem we have, and I see it everyday. I think that  
17 the Russians or whoever they are over there that are  
18 trying to take us over don't have to worry about guns  
19 and nuclear weapons; that the drugs are going to take  
20 care of it if we don't do something about it.

21           MR. LIPKIN: I'd like to take a shot at  
22 Bill Mason's question and I don't agree with Joe  
23 Canada but that doesn't surprise me,. I think Joe is

1 too severe and his program is too severe for mandatory  
2 jail sentences. I believe that there are other things  
3 that should be done.

4 First, Virginia is one of only two or  
5 three states where the jury sets the sentence as well  
6 as convicts, and it is used as a weapon by prosecutors  
7 very often to make a defendant plead guilty rather than  
8 face a jury on very unpopular type of things—drugs,  
9 pornography, because they feel that the jury will try  
10 to set an example for that person in that community and  
11 that sentence will be disproportionate to sentences  
12 elsewhere.

13 I believe that the judge should do the  
14 sentencing like in the federal system and in 90 percent  
15 or more of our states. I think this, I think that  
16 there should be legislative appropriate sentences for a  
17 crime and any deviation from the appropriate sentence  
18 by the judge he would have to explain in writing.

19 I think he would have to give his  
20 reasons for deviating from the appropriate sentence. I  
21 don't believe in mandatory sentencing. I've been at  
22 this for 34 years practicing law. I've never  
23 prosecuted, Joe, but I just think that is the wrong

1 tact to take.

2 I also think that this should be  
3 legislated, that an appeal can be taken from the  
4 sentence. Right now, if the sentence is within the  
5 range and the range is 10 to 20 and the judge puts 20  
6 on, and everybody else, or the average in the state,  
7 had been 15, there is no appeal from that sentence  
8 because it is within the permissible range. I believe  
9 with our new Court of Appeals there is room for appeal  
10 from harsh sentences and should be.

11 As far as the minorities in the  
12 administration of justice, I think that will be  
13 corrected, Bill. I think it is being corrected. I  
14 think it is slow but laws have always been slow. I  
15 think that the legislature where Joe Canada sits is the  
16 ultimate selector of the judges and that's where the  
17 correction will come. Now the people, the pressure  
18 groups who nominate or bar associations—but no  
19 legislator is bound by the bar association's choice.

20 As far as the revolving door, I don't  
21 know how to answer that. We know that rehabilitation  
22 is not an appropriate reason for sentencing anymore;  
23 that rehabilitation is a myth. It's society's need to

1 protect itself is what punishment is about, and as far  
2 as someone being rehabilitated in prison, I haven't  
3 seen that person yet. So I don't know how to answer  
4 it.

5 I think a lot of it is economics. I  
6 think things change because of the economy. I think,  
7 if the minority that you are talking about, Bill,  
8 black, I think it is because of their economic status  
9 as Joe said that people hungry will steal, and I think  
10 that's just part of it, but I think it has to do with  
11 the economics rather than the other.

12 MR. CHERRY: It is a hard act to follow.  
13 I think that something that also deals with the  
14 administration of justice is catching whatever it is  
15 that allows people to get into the system, into the  
16 jail system that get into the revolving door that  
17 continue to go around and end up wherever.

18 I think that is the condition that  
19 allows a person to go to jail, those young people.  
20 There are enough studies around, enough statistical  
21 data and enough experts around to say these are the  
22 changes that encourage or push people into that  
23 system.

1 I'm thinking that at the legislative  
2 level or where you are that's the kind of thing that  
3 could be addressed in keeping with issues that  
4 encourage or push people into the system that  
5 eventually end up in front of a judge and the prison  
6 into the revolving door.

7 So I would encourage you and others and  
8 myself, also, to take a look at what it is that getting  
9 people into that system and preventing that or cutting  
10 it off at the pass.

11 SENATOR CANADA: I think your exactly  
12 right. One of the things--I was chairman of a task  
13 force on missing children last year, missing and  
14 exploited children in Virginia and we had public  
15 hearings all over the state and so forth and we're  
16 looking at that problem, but you couldn't help seeing  
17 other problems when you look at that problem.

18 If you have a runaway, that runaway is  
19 gone for more than six weeks, there is a very good  
20 chance that that child will really be either killed or  
21 messed up for life and they end up in this revolving  
22 system of justice if they live because of prostitution,  
23 child pornography and the rest of it.

1           My friend Paul Lipkin and I do disagree  
2 on various things in the criminal justice system but  
3 one of the worst things that can ever happen if the  
4 legislature changed the law like he says and allows the  
5 judge to do all the sentencing. I think Virginia has  
6 the best system. You have a hanging judge or get a  
7 weak judge, you're stuck with him. We have a judge in  
8 Danville, gave 125 years for possession of marijuana.  
9 If you have a judge like that, you have no alternative  
10 but to be tried in front of the same type of sentencing  
11 day after day after day.

12           In Virginia we say you can take a jury  
13 and we fought that battle every year that I've been up  
14 there, and I think Virginia system is good. You get no  
15 uniformity when you get federal judges. They send out  
16 questionnaires to federal judges with the same case on  
17 it, and you got anywhere from probation to 20 years on  
18 the result that would come under the same set of  
19 facts. So I think that the Virginia system is good. I  
20 think it allows for flexibility and I think it allows  
21 communities input into the system.

22           MRS. ZEAVIN: One more.

23           MRS. HOFFMAN: The question that I have



1 is whether or not we have the need to know about  
2 problems as they develop and time to prevent people  
3 from getting into that system, of being the missing  
4 child, or being the inmate and so forth. What do we  
5 have available, for example, that would bring  
6 information together so that you as an elected official  
7 would know about it, that the teacher would know about  
8 it, the professor would know about it and so forth?  
9 You would know about it in time.

10 In other words, do we have an on-going  
11 task force? Do we have an agency? Do we have a  
12 commission? Do we have anything that lets us know  
13 about all these problems in some systematic way that  
14 would lend itself to strategies to deal with it?

15 SENATOR CANADA: I'll speak since I'm  
16 from the state. I don't want to say everything,  
17 monopolize this thing, but—

18 MR. LIPKIN: Mariam has a talk on what  
19 we have in the Jewish communities.

20 MS. SEEHERMAN: I can talk about a  
21 couple of things because I've been very involved in the  
22 United Way of Tidewater as well as the social service  
23 agencies in the Jewish communities.

1           Right now, in Norfolk there is a  
2 planning committee as part of the United Way and each  
3 of the communities has these planning committees--  
4 Virginia Beach, Chesapeake, Portsmouth--in trying to  
5 determine what the biggest needs are to study, and a  
6 panel of people who have looked into some of the  
7 problems and each community will have their own study.  
8 They have looked at "latch key" children; they have  
9 looked at the homeless, those people that may suddenly  
10 find themselves without jobs, without having any  
11 recourse to the social service agencies because they  
12 have too much money but they don't have enough money to  
13 hold on to their own homes, lose the homes because they  
14 can't pay the mortgages.

15           They are looking at problems of the  
16 elderly and so on. There is no organized effort that I  
17 know of except in cases like this where each community  
18 looks at its own constituency to see what the needs  
19 are. Once they find out what the needs are, I guess  
20 the best way to describe it is to go into some long-  
21 range planning to try and find how to meet the needs  
22 and then have plan A, B, and C; if you can get the  
23 money, this is what you can do. If you can get the

1 resources and the people and the food bank and so on,  
2 this is what you can do, and if you don't get it, then  
3 you have to try and find the means to satisfy the  
4 solutions or the best solution for those needs.

5           There are family service agencies here.  
6 The Navy has its own family service agency on Hampton  
7 Boulevard in Norfolk. I think because of the transient  
8 nature of the community and because we are not an  
9 industrial community, the availability of making  
10 changes economically is very limited. There are—let  
11 me give you an example, maybe it will help.

12           Several years ago when my children were  
13 in the public school system, they became friendly with  
14 a little boy who was a stepson, stepfather was in the  
15 Navy. The little boy was about eight years old and was  
16 getting in trouble in school.

17           When I had reported back that this child  
18 was really very good when he was in our neighborhood,  
19 when he was in my home, the principal had said, "You've  
20 got enough problems. Maybe you'd better leave this one  
21 alone." Maybe that's part of what we have to look at,  
22 if there are problems being reported, is someone saying  
23 "maybe you'd we are leave it alone" or is somebody

1 saying, "Hey, we've got some means to counsel, to help  
2 this family or this child to grow up so he doesn't or  
3 she doesn't get in that revolving door".

4 Sometimes you've got to spend money to  
5 save money.

6 MRS. HOFFMAN: More or less what I had  
7 in mind we have the gray-haired legislature, for  
8 example, that will go to the General Assembly with a  
9 nice slate of things that they want, but do we have  
10 something that is called "The Legislature for  
11 Discrimination Based on Race" or "The Legislature for  
12 Bigotry, Violence," or a task force, or do we have any  
13 means of really knowing and having the interest of  
14 people represented in the General Assembly, except  
15 through special groups lobbying for special things?

16 I don't think you're going to have drug  
17 addicts or other people coming, saying, "I'm into this  
18 problem because I was discriminated against on the  
19 basis of race." I am really seeking, therefore, an  
20 approach that would allow people to talk about  
21 discrimination when it occurs in kindergarten, when the  
22 mother can't find housing because she has children.

23 If you don't tackle all those problems

1 that we call discrimination based on race, national  
2 origin, handicap, sex, and so forth, as they occur  
3 throughout the life cycle, then it seems that we're  
4 going to continue this process that we have now of  
5 saying "how do you rehabilitate the person after  
6 they've ended up in prison?" Well, maybe they never  
7 were rehabilitated in the first place. Maybe they  
8 always had that problem.

9 FROM THE FLOOR: That's when you need a  
10 Civil Rights Commission.

11 MR. LIPKIN: Again, I must go back to  
12 why I'm here—that's as an Anti-Defamation League  
13 member. I remember a kid in the Martha Washington  
14 Hospital at the Beach someone having a sign on the  
15 lawn, "White Christians Only." I grew up with that.

16 The Anti-Defamation League very quietly  
17 had a law passed which prohibited that some years and  
18 years ago before the Civil Rights Commission, so I  
19 guess what I'm saying is that the the Jewish people  
20 have formed a defense agency because of their concern  
21 with discrimination, and it's not just limited to  
22 discrimination against the Jews as I have demonstrated  
23 by the Ku Klux Klan which is probably anti, certainly

1 is anti-Jewish, anti-black. They try to fight  
2 discrimination wherever it is because, if it is not  
3 against one group, it is going to be against another.

4 We know that discrimination,  
5 antisemitism especially, is intricately involved with  
6 the economy. When things are bad there is more  
7 discrimination, and we, through our Anti-Defamation  
8 League, lobby. We have ways of introducing bills  
9 because, basically, when you show a senator like Joe  
10 Canada or a member of the House of Delegates unfairness  
11 of what it is, which he may not be aware of at the  
12 time, but you show it to him, demonstrate, there is no  
13 problem of getting a Joe Canada to sponsor a law that  
14 fights that discrimination. Again, as I say, you've  
15 got to watch out for your laws because it could be a  
16 whiplash effect.

17 MR. KRUMBEIN: Charles Krumbein. With  
18 all due respect, Paul, the individual members of the  
19 Anti-Defamation League may communicate with legislators  
20 but the Anti-Defamation League does not lobby.

21 MR. LIPKIN: Very good. Save our tax  
22 status, right.

23 MRS. ZEAVIN: Any other?

1           MR. MASON: One small comment. I think  
2 sometimes, as I think some people have indicated, many  
3 of these problems are sort of entwined with one  
4 another, and we have a tendency to try to segment these  
5 problems and deal with them as a separate problem.  
6 Sometimes you can do that; sometimes you can't.

7           The revolving door situation I think is  
8 one that you might tie that in with the problems that  
9 youngsters have. Those of us who have occasion to see  
10 the operation in the juvenile courts, and it doesn't  
11 matter where they are, you can see budding prospective  
12 guests of the state right there in juvenile court.  
13 It's just a question of time before they get to be  
14 adults and they'll be going either to our local jails  
15 or they'll be headed for the penitentiary.

16           That's a serious problem, and it  
17 deserves our attention as you pointed out and as others  
18 have pointed out. Part of the problem, if you just are  
19 going to focus on that for a moment, is what resources  
20 are available to the juvenile authorities in dealing  
21 with a serious problem that a youngster has. It could  
22 be for a lot of reasons.

23           Ultimately, the strongest thing they

1 have is to commit that youngster, but, short of that,  
2 they have certain community resources that are  
3 available, and it just seems to me that we may need to  
4 strengthen these resources. I hate to suggest that  
5 there are times when a youngster needs to be removed  
6 from his environment but not necessarily committed to a  
7 state institution. There should be this halfway  
8 situation.

9           With regard to the revolving door as a  
10 applies to adults, while we cannot neglect the  
11 potential criminals that we see among our youth, we've  
12 still got to do something with those who are already  
13 adults, who are already in the system, and there are  
14 programs which have been tried on a limited basis,  
15 perhaps on a demonstration basis, and I believe they  
16 have one in Virginia Beach if the senator--

17           SENATOR CANADA: Diversion program?

18           MR. MASON: Diversion program. Now  
19 they've got facilities here in Norfolk which the feds  
20 use upon 20th Street, and they use it two ways: to send  
21 people there in lieu of sending them to a federal  
22 facility, and on the way back to have them assigned to  
23 one of these houses for three months as part of their,



1 shall we say, preparole activity, and they are to be  
2 helped to get a job--very important thing that was  
3 mentioned--and do other things that are designed to  
4 make it less likely for that person to get enmeshed in  
5 the system again.

6 We're not making very much use of that  
7 here in Virginia, the diversion program, and I  
8 certainly think that is an area that deserves a great  
9 deal more attention. It is a heck of a lot cheaper to  
10 send somebody to one of these programs than it is to  
11 spend \$50,000 per cell to build another prison. If  
12 you're going to be on the cost benefit ratio on just on  
13 that factor alone, it would demand that we spend and  
14 use the monitor conversion where appropriate. Thank  
15 you.

16 MRS. ZEAVIN: I think it is late and I  
17 think everyone did a wonderful job and you kept your  
18 eyes on to the end. It shows what a good panel we had  
19 here. Thank you very much. I think we'll have a lot  
20 of good points to go on to on this panel next time. I  
21 think that there helped us with some questions, don't  
22 you think, Mr. Bostic? Thank you everybody.

23 (Applause).

8:48 p.m.