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**VIRGINIA ADVISORY COMMITTEE  
TO THE U S COMMISSION ON CIVIL RIGHTS**

**HOTEL ROANOKE  
SEPTEMBER 30, 1985  
ROANOKE, VIRGINIA**

**APPEARANCES:**

**MR. BENJAMIN BOSTIC, Chairman  
Virginia Advisory Committee**

**MR. CARLISLE C. RING, Member  
Virginia Advisory Committee;**

**MS. JESSIE M. RATTLEY, Member,  
Virginia Advisory Committee;**

**DR. TIMOTHY G. O'ROURKE, Member  
Virginia Advisory Committee;**

**MR. CHARLES KRUMBEIN, Member  
Virginia Advisory Committee;**

**REV. CURTIS W. HARRIS, Member  
Virginia Advisory Committee;**

**DR. DAO THI HOI, Member,  
Virginia Advisory Committee;**

**MR. JEFFREY A. NORRIS, Member  
Virginia Advisory Committee;**

**MR. JOHN I. BINKLEY, Regional Director  
Mid-Atlantic Regional Office (MARD);**

**MRS. WANDA HOFFMAN, Civil Rights Analyst  
Mid-Atlantic Regional Office (MARD).**

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## 1 P R O C E E D I N G S

2 CHAIRMAN BOSTIC: We were waiting for  
3 the mayor; however because of the tight schedule of  
4 panelists we're going to proceed, and when the mayor  
5 comes, we will allow him to greet us and participate.

6 Good morning, I'm Benjamin Bostic.  
7 I'm chairperson for the Virginia Advisory Committee  
8 to the U S Commission on Civil Rights.

9 Other members of the Advisory  
10 Committee present today are Dr. Hoi, of Springfield,  
11 Reverend Curtis Harris of Hopewell, Mr. Krumbein, who  
12 will be here shortly; Mr. Jeffrey Norris of Reston,  
13 Virginia; Dr. Timothy O'Rourke, Charlottesville, and  
14 Mrs. Jessie Rattley of Newport News.

15 Other members of the Virginia Advisory  
16 Committee who are not present today are Dr. James  
17 Holley Mayor of Portsmouth, Mr. Carlyle Ring of  
18 Alexandria, and Mr. Naomi D. Zeavin of Falls Church.

19 The U S Commission on Civil Rights is  
20 a temporary, independent, bipartisan fact finding  
21 agency authorized by Congress to study and collect  
22 information concerning legal developments  
23 constituting denials of voting rights and equal  
24 protection of the laws under the Constitution because  
25 of race, color, religion, sex, national origin,

1 handicap or age, or in the administration of justice.

2 Each state and the District of  
3 Columbia has an Advisory Committee that has been  
4 established by the U S Commission on Civil Rights to  
5 advise the commission concerning civil rights matters  
6 within their perspective jurisdiction. Members now  
7 serving on the Advisory Committee of the Virginia  
8 Advisory Committee were appointed by the Commission  
9 April of 1985. Members are to serve without  
10 compensation for a two-year period.

11 Since the first of the year the  
12 Virginia Advisory Committee has been holding meetings  
13 in various parts of the state for the purpose of  
14 obtaining a current assessment of civil rights  
15 complaints and concerns in the areas of employment,  
16 education, voting, housing, and the administration of  
17 justice. Meetings have already been held in  
18 Alexandria, Leesburg, and Portsmouth.

19 Today we are meeting in Roanoke, an  
20 Advisory committee has not met in recent years. It  
21 is the goal of the Virginia Advisory Committee to  
22 analyze the information obtained from the series of  
23 meetings and present our findings and  
24 recommendations to the U S Commission on Civil Rights  
25 and others in the public and private sectors before

1 the end of this year.

2 The format for our meeting today in  
3 Roanoke is the same as that for other meetings we  
4 have held recently. There will be five panel  
5 discussions, one each on employment, education,  
6 voting, housing, and the administration of justice.  
7 As time permits, members of the audience will also be  
8 given an opportunity to provide information to the  
9 Virginia Advisory Committee at the conclusion of each  
10 panel discussion. The types of information being  
11 sought from each panel and the audience are all  
12 follows:

13 1) The number of complaints of  
14 discrimination that have been handled on the basis of  
15 race, color, national origin, religion, sex, handicap  
16 and age and the types of issues involved in the areas  
17 of employment, education, voting, housing, and  
18 administration of justice.

19 2) The types of resources available to  
20 handle such complaints for example, local  
21 discrimination ordinances and agencies.

22 3) Views of panelists and members of  
23 the audience concerning the need for Virginia Human  
24 Rights Act that would prohibit discrimination on the  
25 basis of race, color, national origin, religion, sex,

1 age and handicap for areas such as employment,  
2 education, and public accommodation, housing and  
3 voting, and their views on the need for a Virginia  
4 Human Rights Commission to enforce such a conduct of  
5 anti-discrimination.

6 Panelists knowledgeable concerning  
7 these issues have been invited by the Virginia  
8 Advisory Committee to participate in today's  
9 proceedings. Panelists will take five minutes each  
10 to present their information and views.

11 A court reporter is available to ✓ ✓  
12 record the proceedings. While the Advisory Committee  
13 will have a transcript of the meetings, we will also  
14 welcome any written or written materials that  
15 panelists and members of the audience wish to submit  
16 as part of the record. ✓

17 On the top is a sheet entitled  
18 "Privacy Act of 1974: Information Collected for The  
19 State Advisory Committees To The U S Commission On  
20 Civil Rights. This provides information on the  
21 authority of the Virginia Advisory Committee to  
22 collect information and the address to which to write  
23 if you wish to obtain a copy of any of the  
24 information you have provided and contained in the  
25 files of the mid-Atlantic Regional Office or the U S

1 Commission on Civil Rights.

2 The U S commission on Civil Rights and ✓  
3 its advisory committees are required by federal law  
4 to request that all persons must refrain from  
5 degrading or defaming any other individual who  
6 provide information. Federal law also provides that  
7 anyone who presents information today has the right  
8 not to be either reported or photographed by the  
9 press or other media in the room.

10 If you wish to exercise this right, ✓  
11 please contact the Virginia Advisory Committee of the  
12 mid-Atlantic Region to let them know in order that  
13 this can be arranged. Persons from the mid-Atlantic  
14 Regional Office here today are Regional Manager Mr.  
15 John Binkley, who is the Regional Office Director,  
16 and Ms. Wanda Hoffman, the Civil Rights Analyst who  
17 handles this in the Regional Office. ✓

18 Before proceeding with the scheduled  
19 panel discussion, we wish to thank Dr. Noel Taylor,  
20 the Mayor of the City of Roanoke for being with us  
21 today to comment on the proceedings. Mayor Taylor,  
22 we are very pleased to have this opportunity to meet  
23 you and hear your thoughts. Mayor Taylor?

24 MAYOR TAYLOR: Thank you very much,  
25 and good morning, ladies and gentlemen. It's a real



1 pleasure and honor to be here with all of you this  
2 morning and to extend greetings from the elected  
3 officials, our administrators, and more than 100  
4 thousand citizens that make up this community that we  
5 refer to the Star of the South. We are honored by  
6 your presence. We trust that your deliberations here  
7 today will be fruitful of good to all those in  
8 attendance and that you will return to your  
9 respective communities with very pleasant  
10 recollections of what you have heard and experienced  
11 here.

12 As a black mayor in a predominantly  
13 white community, I am interested in the progress of  
14 civil rights that have been accomplished across this  
15 nation. In this city, I could not have registered in  
16 this hotel as a guest 20 years ago, although at that  
17 time the church I served was half a block from the  
18 main entrance gate.

19 In this hotel, I could not have sat  
20 down in the dining room for breakfast 20 years ago.  
21 Today I come as mayor and as a mayor, elected at  
22 large by the voters of all the citizens in the  
23 community, a mayor who is presently in his fourth  
24 term of service--and I will admit that perhaps I have  
25 overstayed my time--but I am privileged and honored

1 to come to welcome you and to say that I am proud to  
2 be a Roanoker; therefore, I can bring you greetings  
3 from the total population, and I can say to you that  
4 I know that this forum today will focus on progress  
5 as well as problems.

6           As I look at your agenda I see  
7 housing, education, voting, employment, and  
8 administration of justice. These are your areas of  
9 concern today as the areas of your panels meet.  
10 These are the areas which our community has addressed  
11 and continues to address. Now, I do not want to  
12 mislead you.

13           Of course we have problems in Roanoke,  
14 but I also do not want you to learn only of the  
15 negatives. For a start, we know how to talk to each  
16 other. I think we have developed the fine art of  
17 communication, that we've learned how to have  
18 positive dialogue to ask the difficult persons and we  
19 know how to listen. I think we reached the point  
20 where the common concerns and the human values form  
21 the touchstone of community improvement and I know  
22 that you will help for us to take a progressive step  
23 further as you engage in your dialogue today.

24           I know that the best guarantee of our  
25 civil rights is the Bill of Rights, which is the

1 foundation upon which our democratic process works.  
2 We have opened a path to the future that continues to  
3 widen to accommodate the young, the old, the rich,  
4 and the poor, the black, and the white, male and  
5 female, handicapped and advantaged.

6 Liberty and justice for all continues  
7 to be our objective and we continue to work toward  
8 it, day by day for this and for future generations.  
9 So today I want to tell you that we're honored by  
10 your presence. We are here to serve you and make  
11 your stay a meaningful experience, and I want you to  
12 know that we welcome you to our hearts with that same  
13 fervor that we would accord a homecoming of our own  
14 sons or daughters, among whom you are numbered during  
15 this time of your visit.

16 If there is anything that I can do to  
17 make your stay a more pleasant and meaningful  
18 experience, I'm yours to command. I will say finally  
19 I think I am committed to the only progress of civil  
20 rights in this community. Perhaps when I walked in  
21 city hall for the first time, Noel Taylor and the  
22 person who was administering the custodial services  
23 might have been the sum total of the persons of color  
24 who were working there. Today that's very different.

25 We represent some 2 percent of the

1 population. We represent an equal amount of the work  
2 force. When I walked into city hall the first time  
3 there were persons who said they thought minorities  
4 were not too welcome in the employment office.  
5 Today, both the head of the Roanoke City Personnel  
6 Department and the assistant are both here and they  
7 have the same identity that I had. But they are not  
8 the only ones. There are other department heads, and  
9 I think that tells us something about our commitment  
10 to on-going progress.

11           When I went to city council for the  
12 first time I asked them to repeal ordinances that  
13 required blacks to be seated on the back seat of the  
14 bus. Now, blacks and whites both ride because of the  
15 bus deficit. I remember that as we have come across  
16 the years perhaps the most significant progress of  
17 all has been in the area of person to person  
18 relationships, and I guess, if I had made any  
19 contribution, it's that of trying to create a  
20 positive atmosphere in the City of Roanoke where all  
21 individuals can work together across many lines,  
22 democrat and republicans, labor and management, black  
23 and white, the young and old, private and public  
24 sectors. So, thank you for being with us today to  
25 help us continue that progress, step forward. I trust

1 that you will have a rich day and we're honored by  
2 your presence. Thank you and God bless you all.

3 (Applause).

4 CHAIRMAN BOSTIC: Thank you very much,  
5 Mayor Taylor. We will continue now with our agenda  
6 and the first panel will be the panel on employment  
7 discrimination complaints/concerns and will be  
8 chaired by Mr. Jeffrey Norris who is a member of the  
9 Advisory Committee.

10 MR. NORRIS: Good morning, my name is  
11 Jeff Norris and I will be chairing the first segment  
12 of our program today which, as Mr. Bostic has already  
13 indicated, will be focusing on employment and the  
14 problems of discrimination in the area of  
15 employment.

16 As our panelists are well aware, we  
17 would like you to focus your remarks this morning on  
18 three primary areas.

19 1) The number of complaints of  
20 employment discrimination of which you are aware;

21 2) The resources available to handle  
22 those complaints; and,

23 3) and perhaps most significant, your  
24 views concerning the current need for a statewide  
25 Virginia Human Rights Ordinance. We would like to

1 ask you confine your remarks to approximately five  
2 minutes and at the conclusion of all your  
3 presentations, we'll be taking questions from the  
4 Advisory Committee and the audience. So without any  
5 further delay why don't we get into our first  
6 presentation which will be Ms. Marilyn Tate who is an  
7 attorney in Abingdon.

8 MS. TATE: Thank you, Jeffrey. Thank  
9 you for the opportunity to share my views. It's very  
10 dangerous to give a lawyer a microphone, a court  
11 reporter and five minutes, but I'll attempt to stay  
12 within that timeframe and give you some views on the  
13 civil rights issues that are outlined.

14 I've been in private practice in  
15 Abingdon, Virginia, since 1976. Over that nine-year  
16 period I have advised and consulted hundreds of  
17 persons who have discrimination complaints or  
18 circumstances that might contain colorable complaints  
19 under Title VII and the Civil Rights Act. Most of  
20 the cases I have handled have been limited to race,  
21 sex, age and religion. I have not dealt with the  
22 handicap cases, so my comments will be limited to  
23 those other areas.

24 I see approximately four persons per  
25 week who say they've been discriminated against

1 because of some impermissible reason under the law.  
2 Of those, one half are normally colorable complaints  
3 under the Civil Rights Act; the other one-half are  
4 normally fair treatment issues which are not yet  
5 cognizable completely under Virginia laws.

6 Of those persons I see and advise, I  
7 accept only about ten percent for litigation  
8 purposes. The reasons for those are numerous, and  
9 I'll mention those when I talk about my views on the  
10 need for Virginia Human Rights Act.

11 The second area of concern is what  
12 types of resources are currently available to handle  
13 those complaints. There are, in general, three  
14 resources:

15 1) the Equal Employment Opportunity  
16 Commission;

17 2) Federal courts

18 3) There are some additional  
19 procedures, administratively, that can be taken by  
20 employees who happen to be state or municipal  
21 employees under Virginia's Statutory Grievance  
22 Procedures.

23 The most meaningful of those three  
24 resources at this point in time in the western  
25 district in Virginia in my opinion is the federal

1 court.

2                   The Equal Employment Opportunity  
3 Commission has, in my view, become the imposer of  
4 what I will call "a forced holding pattern". The  
5 EEOC, as you know, by regulation, must have a  
6 complaint within its jurisdiction for 180 days before  
7 a Notice of Right To Sue is issued. During that time  
8 the purpose for which they have the complaint is to  
9 attempt resolution or reconciliation between the  
10 parties.

11                   In my experience over nine years of  
12 practice, I have had EEOC schedule and conduct only  
13 one fact-finding conference. My experience has been  
14 that their efforts were limited to two or three phone  
15 calls to each of the parties involved and when there  
16 is an impasse, no resolution is effected.

17                   Having EEOC as the only resource to  
18 attempt mediation leaves the individual claimant in  
19 my view virtually helpless and on hold for six  
20 months. The delay causes numerous problems  
21 logistically for the claimant, for attorneys.  
22 Witnesses lose interest; witnesses move; witnesses  
23 get promoted or get pay raises that make them very  
24 unwilling and hesitant to testify in a proceeding  
25 that takes place six months to two years down the



1 road.

2           The delay also causes problems for the  
3 claimant because the claimant sometimes loses the  
4 resolve to move to righting the wrong that took  
5 place.

6           The federal courts are certainly here  
7 and, if the claimant can sit through the Equal  
8 Employment Opportunity Commission process, the  
9 federal courts are the only ultimate remedy resource  
10 that I found in my experience, though very few claims  
11 reach that point. Most of the claimants have limited  
12 resources to pay attorneys' fees and cost. It takes  
13 almost a sure thing in terms of a case to have an  
14 attorney willing to invest the time and resources of  
15 their own necessary to prosecute the cases to  
16 conclusion and then be able to petition for fees  
17 under the Attorney's Fees Act.

18           As you know, that's available only if  
19 you're the filing party. Lack of resources, then  
20 lack of willingness on the part of most attorneys to  
21 make that kind of investment in a claim that is not  
22 almost a sure thing, limits the relief that can be  
23 obtained in this area.

24           The final question, is there a need  
25 for a Virginia Human Rights Act that would contain a

1 comprehensive anti-discrimination statutory scheme  
2 and a commission to enforce it?

3 My view is definitely, yes, there is a  
4 need. I'll give you a couple of examples. It  
5 appears that discrimination has gone underground in  
6 the past decade, and what I mean by that is that it  
7 is very subtle but still very much there. It is no  
8 longer socially acceptable to verbalize  
9 discrimination or discriminatory motives but those  
10 motives do exist.

11 Several years ago my partner and I  
12 practiced in a building that my partner owned and we  
13 shared space in that building with another group of  
14 lawyers, young professionals, I might add. We had  
15 used up to that point a joint receptionist. We were  
16 in the process of hiring a new receptionist. The  
17 most qualified person to come to interview for that  
18 position was a black woman.

19 We now own the building because the  
20 other attorneys refused to hire a black woman as a  
21 receptionist, and one of those attorneys actually  
22 said "I do not want"—and I apologize for his but—"I  
23 do not want a nigger to greet my clients." That  
24 motive still exists.

25 Another example, a person still tells

1 what he thinks is a very funny story about some  
2 people at a tobacco market who clapped when the news  
3 came over the intercom that Martin Luther King had  
4 been assassinated. The man that tells that funny  
5 story is now a judge. As late as last year,  
6 Washington County Virginia, which is the county that  
7 sits adjacent to the city of Bristol, and where  
8 Abingdon is the county seat, had a life safety crew  
9 that would not admit women. I recently concluded a  
10 case in which I represented two women who were  
11 licensed emergency medical technicians, certified CPR  
12 instructors and they could not get on a voluntary  
13 life saving crew.

14 We need the Act and we need the  
15 Commission desperately in Virginia. One of the key  
16 factors that I would request be placed in the Act for  
17 consideration is a specific provision for the  
18 protection of witnesses. There is a fear psychology  
19 that is rampant in employment situations. Nobody  
20 wants to testify because their job is in jeopardy.

21 Now, courts already have contempt  
22 powers that can remedy certain problems of that sort  
23 but it's very difficult to explain to a prospective  
24 witness that the court can handle the problem. It  
25 would facilitate adjudication of claims if a specific

1 provision is included that you can agree to read to a  
2 witness and read to a claimant, and say, "Here is the  
3 protection you will receive if you're willing to  
4 testify and your job might be in jeopardy." Thank  
5 you.

6 (Applause).

7 MR. NORRIS: Our next panelist is Art  
8 Strickland, an attorney from Roanoke.

9 MR. STRICKLAND: Thank you, Jeffrey.  
10 I have been practicing law in Roanoke for some ten  
11 years, and before that I was a law clerk and  
12 magistrate in the federal court. I do a very general  
13 practice, which includes civil rights work. I would  
14 say most of the firms won't even take civil rights  
15 cases. The types of cases that I have any  
16 familiarity with are age, sex and race cases.

17 I very much enjoyed listening to Ms.  
18 Tate's comments from Abingdon. The perspective that  
19 I bring from Roanoke is a little different. In my  
20 experience the most common types of civil rights case  
21 that we have are age, and sex after that and race  
22 much less.

23 Now, I don't know that necessarily  
24 reflects that there is less racial discrimination  
25 than there is sexual or age-based discrimination. It

1 may reflect the fact that the black community is less  
2 litigious, less aware of its rights or whatever, but  
3 in my experience, it seems to me that there has been  
4 a very dramatic shift in the area of civil rights  
5 litigation away from race and more into the areas of  
6 sex and age, particularly age. It seems like there  
7 is an awful lot of those cases and an awful lot of  
8 them have merit.

9 I would agree wholeheartedly with the  
10 comment that discrimination has gone underground.  
11 It is no longer socially acceptable to discriminate  
12 overtly but it certainly still exists, particularly  
13 now I see it in the areas of sex discrimination, and  
14 the sexual harassment cases, and in the cases that  
15 pretty much mirror a cultural attitude of women  
16 having certain jobs and roles and places in the work  
17 place. That seems to me more on the cutting edge of  
18 litigation here in the Roanoke area moreso than race  
19 discrimination.

20 The areas in which I perceive--and  
21 again let me say this is not based on litigation; it  
22 is based on perception of a person who spends a lot  
23 of time going to courts--but the area in which I  
24 perceive racial discrimination is in the, to broadly  
25 describe it, administration of justice. What I see

1 is a different attitude in responding to crime in the  
2 black community.

3           Roanoke is no different than most  
4 other urban areas. There is de facto segregation.  
5 There are black sections of town, white sections of  
6 town and it seems like the process of integration is  
7 somewhat slow, but when there is a crime in the black  
8 community, it seems like there is just less  
9 enthusiasm on the part of the police in responding to  
10 it.

11           When I'm involved in a case and I want  
12 information, I want results from the police  
13 department, much different than if that crime occurs  
14 in one of the more exclusive white neighborhoods.  
15 The South Roanoke area, you get the response and I'll  
16 tell you an area where anyone who reads the Roanoke  
17 News is reflected, the amount of, if somebody gets  
18 shot over in South Roanoke it's big news for a long  
19 time and makes the front page.

20           If someone gets shot in the northern  
21 area of the city, it is third-page news. Does that  
22 reflect the fact that the life of the victim is less  
23 available? Certainly not. It reflects and again as  
24 Ms. Tate reflected, the underground racial attitudes  
25 that persist. I find that disposition of cases in

1 court—again, I'll qualify that by saying certainly I  
2 have done no systematic study. This is kind of a hip  
3 pocket reaction to what I see on a regular basis—the  
4 black defendant and a black victim of crime tends to  
5 have less pressure for a severe punishment than if it  
6 is a black on white crime. That's a carryover to the  
7 more overt discrimination of the past but it still  
8 exists.

9           You just don't—those attitudes have  
10 changed very slowly. I find it is reflected in the  
11 courts and in the police departments as well.

12           But as far as the actionable cases,  
13 the cases that are colorable, that have merit, that  
14 you want to go to court, you feel like you can do  
15 your client some good, I have simply, in my  
16 experience, not had, in the Roanoke area, a lot of  
17 racial discrimination cases. I think in the last  
18 year I have had one that had some merit. After  
19 having put a little pressure on the employer, it was  
20 satisfactorily resolved without the need for  
21 litigation. It involved a situation in which a  
22 middle-level supervisor had clearly exhibited the  
23 race-based decision affecting an employee. When this  
24 was brought to the attention of the higher  
25 supervisor, he immediately stepped in and corrected

1 the situation.

2 I don't think you'll find that  
3 sensitivity so much yet in the areas of sex and age  
4 discrimination.

5 Now, as to resources available, I  
6 certainly am going to echo the attitude of my  
7 colleague at the bar here and that is the EEOC, Equal  
8 Employment Opportunity Commission, in my experience,  
9 is a waste of time and money as far as an individual  
10 litigant needing help. If they come to me and they  
11 have a colorable claim, the first thing I tell them,  
12 I say, "Well, unfortunately, you're going to have to  
13 go through a waste of time through administration  
14 procedure, file a complaint and let them sit on it  
15 for six months." I say "They will not send an  
16 investigator down to Roanoke to go into the matter.  
17 They'll make a few phone calls and unless their phone  
18 calls have the effect of causing the employer to  
19 gratuitously change whatever it is you're complaining  
20 about, you might as well just sit back and wait." In  
21 the meantime, the consequences to the individual can  
22 be devastating.

23 This person may have been fired for  
24 racial or sexual reasons, for example, and be unable  
25 to find another job. Meanwhile, the case is going to



1 to languish at the EEOC. I have on occasion gone  
2 through a reconciliation conference. At some point  
3 after they do their so-called investigation they will  
4 call the parties together, usually in Baltimore,  
5 which is real convenient for people in Roanoke to go  
6 up to Baltimore and have a reconciliation conference.  
7 So we pack up and drive up there, figuring you shoot  
8 a day.

9 I can't--in fact, I've never charged  
10 clients with these types of cases on an hourly basis  
11 because you simply can't afford it, and, as Marilyn  
12 says, what you're doing is hoping at the end of a  
13 long tortuous process you're going to win the case  
14 and the court will award attorney's fees. There is  
15 limited number of types of cases that you can take in  
16 a small practice. You go up to Baltimore and sit  
17 down, in my experience, with a person who is  
18 unqualified at crisis resolution, and the whole thing  
19 can be better handled in a telephone call without the  
20 intervention of the EEOC.

21 So, again, it's a limited perspective  
22 but it is one that I feel like the EEOC does very  
23 little in the way of dealing with individual  
24 complaints. What they may do well, based on  
25 newspaper articles I read, is they handle the class

1 action case well. Every now and then you'll read  
2 about the EEOC works out some sort of a consent  
3 agreement involving a large corporation, AT&T or  
4 something, where they are going to set up a  
5 multi-million dollar fund to compensate their female  
6 employees or something. Maybe that's the area they  
7 function best in. I don't know.

8 All I'm saying is when you get the  
9 individual case in Roanoke, Virginia, I wish the EEOC  
10 were not a hurdle we had to overcome. I'd much  
11 rather handle it as I would any other tort case,  
12 namely, write the employer a letter and, if we don't  
13 work out something within a couple of weeks, go ahead  
14 and file a suit.

15 As to the need for a Virginia Human  
16 Rights Act, my perspective is a little different on  
17 that. Probably it is borne of a certain cynicism of  
18 the Virginia political process. I think it is like  
19 no-fault insurance. In theory, it would work  
20 wonderfully. You would end up compensating a lot  
21 more people and the only people that would get hurt  
22 would be the plaintiff and the defense attorneys who  
23 make a lot of money doing tort litigation.

24 But by the time no-fault bill goes  
25 through, not just in the Virginia legislature, any

1 legislature that the ever considered it, it is so  
2 riddled with holes it never works. I think what  
3 would happen as a practical matter is that any  
4 general civil rights act in Virginia would go through  
5 the political process and we would have a hurdle  
6 similar to what I perceive the EEOC to be right now,  
7 not something that is going to be particularly strong  
8 and effective in enforcing civil rights.

9 I think the tension that exists  
10 between human rights and free market business  
11 interests in Virginia are always, at this particular  
12 time in our political history in Virginia, going to  
13 be resolved in favor of the free market business  
14 interest. As a result, I don't think that you would  
15 end up as a practical matter with a strong Virginia  
16 Human Rights organization that would would solve the  
17 problems that I see need to be solved. Thank you.

18 MR. NORRIS: Your next panelist is Mr.  
19 Eric Turpin, Personnel Manager with city of Roanoke.

20 MR. TURPIN: Thank you. Again, I'd  
21 like to welcome you to Roanoke and southwest  
22 Virginia. Also, I'd like to thank Mrs. Hoffman, Mr.  
23 Norris, Mr. Bostic and members of the Virginia  
24 Advisory Committee for inviting us to participate in  
25 this fact-finding commission.

1           As your aware, panelists were invited  
2 to address three areas, number of discrimination  
3 complaints handled on the basis of race, color,  
4 national origin, et cetera, and the types of issues  
5 involved. The resources available to handle such  
6 complaints and, last, our views concerning the need  
7 for a Virginia Human Rights Act and establishment of  
8 the Commission to enforce the Act.

9           Again, by addressing the number of  
10 complaints that had been handled, I might point out  
11 that the city of Roanoke is the fifth largest  
12 employer in the Roanoke Valley, and given that, I  
13 think it is safe to say that our organization has had  
14 its share of complaints. It comes with the  
15 territory.

16           Being more specific, having been an  
17 affirmative action officer and employee relations  
18 supervisor and current personnel director, I'd say  
19 most complaints will generally fall into three areas,  
20 three of the seven covered areas. I agree with the  
21 attorneys there that sex is probably the most  
22 prevalent that you see nowadays, along with age and,  
23 of course, I think, racial discrimination, although  
24 it may exist, I haven't seen very many complaints in  
25 our organization.

1                   Currently, we do have four active  
2 charges that would be, one, on the basis of sex, two  
3 on the basis of race, and one on handicap.

4                   In my experience, very few, if any,  
5 will be in the other covered areas. The issues  
6 generally allege discrimination based on hiring,  
7 promotions, or terminations, or the application of  
8 some organizational policy.

9                   Looking at the types of resources  
10 available to handle these types of complaints,  
11 specifically, in our organization, we have two major  
12 resources. The Roanoke City Personnel Employment and  
13 Practices Commission, and internally the Affirmative  
14 Action Officer, and, of course, as the attorneys have  
15 mentioned, there are the courts and, of course, the  
16 EEOC.

17                   The Personnel Employment and Practices  
18 Commission was established by Roanoke City Code, and  
19 consists of nine members selected by City Council.  
20 These members are sworn in to serve three years. By  
21 law, at least three shall be protected class members  
22 as defined by Title VII of the 1964 Civil Rights Act,  
23 two members shall be city employees, city classified  
24 service and, of course, the balance to the extent  
25 practicable, represent a cross-section of persons

1 employed.

2           The Commission's duties are, through  
3 public hearings, to advise the City Manager on rules  
4 and policies and procedures, to hold grievance  
5 hearings as established by the State's Statutory Law  
6 on Grievance Procedures, on the issues such as  
7 discrimination complaints, arising through the  
8 grievance procedure, investigation of all matters  
9 relating to conditions of employment in the service  
10 of the city.

11           Affirmative action officer is also  
12 established by the Roanoke City Code, appointed by  
13 the City Manager and primary duties consists of  
14 developing and maintaining an affirmative action  
15 program. In our organization, each department has an  
16 affirmative action representative, and most recently  
17 we just completed training these individuals on EEO  
18 procedures.

19           Additionally, affirmative action  
20 officer resolves impartially all difficulties  
21 relating to EEO in the employment relationships.

22           Of course, through personnel  
23 management, the affirmative action officer can stop  
24 employment certification if an individual comes  
25 forward and contends that some means of

1 discrimination has occurred. This certification  
2 process can be stopped. It will be investigated and  
3 a recommendation will be made to the City Manager for  
4 further action.

5           These tools have helped the City of  
6 Roanoke significantly in resolving any complaints  
7 that may have arisen out of the employment process.  
8 Of course, these tools were established by our City  
9 Council to address any and all complaints that may  
10 exist, and it appears to work quite well. Of course,  
11 it is your goal to analyze the information presented  
12 here and make recommendations to the U S Commission  
13 on Civil Rights concerning the establishment of the  
14 Virginia Human Rights Commission.

15           I personally feel that any  
16 organization that has a mechanism such as I have  
17 described should cover discrimination issues in  
18 employment well. On the other hand, I know that  
19 there are many organizations throughout the  
20 Commonwealth, both public and private, that are not  
21 large enough to have such a mechanism. There the  
22 need would exist to establish a mechanism to enforce  
23 anti-discrimination law. I know that these  
24 organizations may need some help. I would support  
25 any solid mechanism that would be provided through

1 such a Commission to provide broad coverage to extend  
2 to all individuals that are covered. Thank you.

3 MR. NORRIS: Okay, thank you, Mr.  
4 Turpin. Mr. Beatty accompanied Mr. Turpin this  
5 morning. Does he have anything he would like to add  
6 to the comment?

7 MR. BEATTY: Basically, I would echo  
8 the things that Mr. Turpin has said. I've been in  
9 the Roanoke City Personnel Department for the past 13  
10 years, and I think that we've come a long way in that  
11 period of time. I feel that any employment process  
12 we've been able to handle most of the problem that  
13 has arisen out of employment policies and so forth.

14 I think by having minorities within  
15 the personnel function has certainly enhanced black  
16 participation in city government and we are very  
17 proud of that, and I, too, would support a Civil  
18 Rights Commission in the State of Virginia if it was  
19 void of the political ties and so forth that would  
20 tend to hamper its progress. If we could have that  
21 kind of commission with teeth that would help us to  
22 do a better job in the area of civil rights, I would  
23 be very much for it. Thank you very much.

24 MR. NORRIS: Thank you Mr. Beatty.  
25 Your next panelist is Mr. Al Holland. Mr. Holland?



1                   MR. HOLLAND: It is with great  
2 pleasure that I sit here this morning and happy that  
3 I have been invited to sit on this panel. I come to  
4 represent a type of discrimination that is hidden.  
5 It is very hard to see. That deals with the elderly  
6 citizen. If you'll pardon me for looking just a  
7 moment at this printout that came from mid-Atlantic  
8 Regional Office, the report says the subcommittee to  
9 the Commission by the Virginia Advisory Committee for  
10 the past several years have indicated that Virginia  
11 does not have a state or local civil rights law and  
12 aid adequate to address the variety of civil rights  
13 problems encountered by most of its citizens.

14                   Virginia, Louisiana, and Mississippi  
15 are the only states in the nation that have not  
16 passed a state law and established an agency to  
17 enforce it with authority similar to the Title VII of  
18 the Civil Rights Act of 1964, which prohibits  
19 employment discrimination in both the public and  
20 private sectors on the basis of race, color, national  
21 origin, religion, sex. Other federal laws prohibit  
22 employment discrimination based on age and handicap.

23                   The age is where I'm looking at today.  
24 As I stated earlier, it is the type of discrimination  
25 that is hid. Let us look at a few of these parts of

1 discrimination that is hid. Recalling one enterprise  
2 in this Valley that was closed known as Yale, Eaton  
3 and Townssend, they closed down and a lot of good  
4 employees in that--in turnover, when this place was  
5 closed down and the 55 to 58 age brackets could give  
6 a full day's work, could give an adequate day's  
7 work. They had to be retrained. Some, as we would  
8 look at, time to train would be too long for them to  
9 go out and work in a different trade because of the  
10 fact that they were the bread winners of the family.

11 The League of Women Voters would come  
12 through and see the jobs; they would try to replace  
13 the various jobs. Sometimes they would be sent to  
14 various employers and the moment that they saw their  
15 age, conveniently the job went out of existence.

16 One case that we did see here in the  
17 Roanoke Valley was against a drugstore where a lady  
18 at the age of 58 years old at the time of evaluation,  
19 prior to this evaluation she had a very high  
20 evaluation. At 58 her evaluation went down very  
21 low. Conveniently, they let her go.

22 But seeking help down the line  
23 somewhere, this case had to go to court and it is my  
24 understanding that she did receive adequate  
25 compensation for the time that she was off. How many

1 more elderly people will we see in that Valley that  
2 would have the time or would have the place to go to  
3 find out about their rights? We realize that in  
4 employment we look at the fact that, if you're not in  
5 early enough, you do not put enough into the  
6 retirement coffer that would adequately justify  
7 making the employer hire you at the age of 55, but,  
8 still, these people have to go somewhere.

9 I think that it would be behoove this  
10 Commission, if possible, that they could get with the  
11 employer and see if the employer could give these  
12 people some type of jobs that would let them feel  
13 that they are profitable citizens because of the fact  
14 that, if a man or a woman that's 55 years old has  
15 been laid off from work because of the closing of a  
16 plant, then they are out there looking for a job.

17 We may as well face it, all people  
18 working do not have tax shelters, et cetera. By the  
19 time they reach the age of 60 they will have enough  
20 to cover themselves in case they are out of  
21 employment.

22 I heard from a couple of the lawyers  
23 speak about human rights. Sure, I feel that we  
24 should have the Human sRights Commission or Human  
25 Rights Law that would look after people. If you'll

1    pardon me I'm looking at a article that came out in  
2    the September 27th edition in Roanoke Times  
3    concerning Medicare.  It came through Washington.  It  
4    reads thusly:

5                    "Thousands of sick and elderly  
6    Americans have been kicked out of hospitals too soon  
7    or given bad medical treatment because of the  
8    Medicare cost-cutting in their program" and this is  
9    being looked into because, if, at the time that our  
10   Medicare that has been set aside to take care of them  
11   and, if Medicare is going down this route when a  
12   person reaches a certain age and goes into the  
13   hospital, knowing that there will be a limited amount  
14   of money placed into this, then they would be just  
15   run through like a conveyor and out the hospital;  
16   then this is a human rights issue.

17                   Again, I think that the senior  
18   citizens are those that are approaching the senior  
19   citizen age more especially than employment.  We will  
20   have to look at this, because if a plant closes by no  
21   fault of these persons, they are placed out in  
22   unemployment, then their needs to be something to  
23   look to some agency that would look and go with the  
24   employer to see if there is a possibility that these  
25   people can do a creditable day's work because they

1 want to work.

2 We have them coming through the legal  
3 old Americans quite often looking for jobs, ready to  
4 work, and sometimes we send them, but the minute they  
5 see that they are 55 or 56 years old, conveniently,  
6 this job is moved out. Thank you for listening to me  
7 this morning and I hope that we can find some method  
8 of look at these type of discriminations. Thank you.

9 MR. NORRIS: Thank you very much, Mr.  
10 Holland. The next panelist this morning is Mr.  
11 Junius Allen Haskins, Jr. Is Mr. Haskins here?

12 MRS. HOFFMAN: No.

13 MR. NORRIS: Then we'll move on to  
14 Reverend Lavert Taylor. Rev. Lavert Taylor?

15 REV. TAYLOR: Mr. Moderator, Chairman  
16 of this Advisory Committee and members of the  
17 Committee: I am here today for two reasons basically,  
18 the first being the fact that I have known several  
19 members of this Advisory Committee for many years,  
20 and have nothing but the highest degree of regard and  
21 hold them in the highest level of esteem.

22 The second reason is that Mr. Wanda  
23 Hoffman presently occupies the position that I once  
24 held with the United States Commission on Civil  
25 Cights and I consider her to be a very dear friend.

1 Those two reasons are the motivating factors for my  
2 being here today.

3 I consider this hearing to really be  
4 an exercise in futility when I look at the current  
5 administration and its views on the issues of civil  
6 rights and that attitude being reflected in the  
7 current structure of the United States Commission on  
8 Civil Rights. I really consider this be an exercise  
9 in futility but because of my feeling for the  
10 individuals in the area I am here and I shall make  
11 some comments regarding my views of employment in  
12 Charlottesville and discrimination that I see  
13 presently in existence in the Charlottesville area.

14 In January of this year, Reverend  
15 Alfred Edwards, Reverend Reginald Johnson and I  
16 formed what is now known as the "Charlottesville/  
17 Albemarle Commission on Fair Employment." We noticed  
18 that the unemployment rate for blacks in the city of  
19 Charlottesville was double that of whites in the  
20 community and those blacks who were employed were  
21 employed in positions of menial labor rather than in  
22 higher employment within city government and  
23 elsewhere.

24 We launched a campaign to ask every  
25 business concern in the city to hire at least one

1 additional black to impact upon the unemployment rate  
2 in the city. During the period of time, from January  
3 to the present, we have received, we being the  
4 Charlottesville/Albemarle Committee on Fair  
5 Employment have received an average of two complaints  
6 a week from individuals alleging employment  
7 discrimination. Those complaints have come basically  
8 from persons who are employed with small business  
9 firms in the city, with chain business operations,  
10 such as Food Lion, Safeway.

11 We received several complaints from  
12 city employees, but the areas of employment were  
13 mostly in the area of low level employment. There  
14 are very, very few blacks employed in high level  
15 positions within the city of Charlottesville. We  
16 received numerous complaints from the sacred cow of  
17 Charlottesville, the University of Virginia complex,  
18 that is the university at hospital. I refer it to  
19 the "sacred cow" because it is something that no one  
20 in Charlottesville chooses to talk about, nor file  
21 any meaningful complaints against.

22 The problem centered around the areas  
23 of underemployment and what we would label as unfair  
24 labor practices. We also in January submitted a  
25 proposal to the city of Charlottesville and County of

1 Albemarle requesting that they would form jointly a  
2 City/County Commission on Human Rights, that that  
3 Commission would be given subpoenae powers and a full  
4 staff to do what needs to be done to investigate  
5 complaints of civil rights within the area of the  
6 county and the city.

7 We have a copy of that proposal which  
8 I will get to Wanda as soon as I return to  
9 Charlottesville. We have heard absolutely nothing  
10 from the city or the county regarding our proposal  
11 other than a letter from the mayor stating that it  
12 would be a matter that would have to go before city  
13 council and he would get with us at a later date to  
14 discuss the formation of such a commission with us.  
15 He has not done so to this date.

16 My views concerning the need for  
17 Virginia Human Rights Act is, well, I have mixed  
18 emotions regarding that. I think it is necessary; I  
19 think it is important. I can see the benefit of such  
20 an act; however, I am of the same persuasion, I  
21 think, as the attorney who spoke earlier. I think  
22 once we did get such an act formulated in the state,  
23 it would be so watered down that there would be very  
24 little impact.

25 Now, I may have a different attitude



1 on that depending on who is elected governor, if  
2 people will show enough interest to get out and vote  
3 for a governor this year.

4 But at this point in time given the  
5 current administration in the state of Virginia and  
6 their alleged efforts to move the state from under  
7 the desegregation guidelines as relates to schools, I  
8 am very doubtful as to whether an act will have any  
9 impact in Virginia at this time. Given the right  
10 administration, I think it is possible. I think it  
11 is worthy. I think it is absolutely necessary.

12 Thank you.

13 MR. NORRIS: Thank you very much.  
14 Reverend Taylor. Our final panelist for this  
15 session is Dr. Doyle Thomas, Jr.

16 DR. THOMAS: Mr. Moderator, members of  
17 the panel: thank you for inviting me to this hearing  
18 and giving me an opportunity to express my views. I  
19 come from Danville, Virginia where I'm president of  
20 the Danville Branch of the NAACP. I've been  
21 President of that branch now for 16 years.

22 I'm also a minister, pastor of the  
23 Loyal Baptist Church in Danville where I've been  
24 pastor for 40 years, so I've been in Danville and  
25 Pittsylvania County long enough to have a good view

1 of what has been going on, what's going on now, and  
2 what we can sort of project unless there is going to  
3 be some radical changes, particularly in the matter  
4 of discrimination.

5 As far as the number of complaints of  
6 discrimination that I could give testimony to in  
7 Danville and Pittsylvania County, the area where I  
8 say I've been active in civil rights for a long time,  
9 I have no number to give you but I can say that there  
10 have been a large number of complaints of  
11 discrimination. If I were to put them in categories  
12 and number them, I would say that we have more in  
13 discrimination because of color and race than we have  
14 because of age and because of sex and what have you.

15 The thing that worries me more than  
16 anything else is that, if I look at our situation  
17 there in sort of three periods and three phases, as  
18 Dr. Taylor mentioned, I know something of those days  
19 before '63 in Southwest Virginia where there was not  
20 only discrimination in public facilities and  
21 opportunity, but insofar as employment was concerned  
22 was a problem.

23 After the '63 and '64 and '65, '66  
24 when the Civil Rights Bills came in and changes took  
25 place, the matter of affirmative action was

1 introduced.

2           As one of the attorneys stated, it  
3 seems as though there was a willingness on the part  
4 of people to accept the emblem of equal employment  
5 and affirmative action than to sort of work together  
6 in the community to improve the situations. I have  
7 noticed in this second development or second period  
8 that this is beginning to wane. There is not that  
9 enthusiasm; there is not that interest on the part of  
10 many of the employers in our community to give any  
11 kind of support to affirmative action. Many times it  
12 is even difficult to talk to them.

13           So all this particular time we have  
14 one case that involves sex discrimination with a  
15 fertilizing plant. There was a woman that worked  
16 there, black woman that worked there for six years on  
17 a certain job, and, of course, the plant changed  
18 hands from Smith Douglas to another company that  
19 bought it out and this woman, of course, was not  
20 asked to come back.

21           When she asked why, they said that  
22 she, being a woman, was not able to do the work.  
23 Here she had been doing it for seven years and it  
24 hadn't bothered her, it hadn't bothered the plant but  
25 then after the new employer came in, for some reason

1 or another she came disabled, and we are in the  
2 process of getting that resolved.

3 We have had many, many, many  
4 complaints in Danville. Our largest one right now is  
5 in the health field with the nursing homes and with  
6 Memorial Hospital where there is a very serious  
7 situation. Memorial Hospital in Danville has 37  
8 departments and as of now there is not a black person  
9 head of one department in that hospital nor is there  
10 a secretary in any of those departments. We have one  
11 man, a black man, well qualified, head of purchasing  
12 and distribution, and under the pretext of organizing  
13 the department, he was demoted and three more jobs  
14 were created in this reorganization and he was not  
15 given any one.

16 So as of now we don't have a black  
17 head person heading any department, not in pharmacy,  
18 not in admissions, not in social service. I could go  
19 down the whole 37. We have now four complaints that  
20 we are getting ready to file in Memorial Hospital  
21 where we have a young man with a college degree that  
22 has been in the system for nine years and applied for  
23 a job in admissions. It ended up that a woman who  
24 lost her job in Corning Glass, it was she or her  
25 husband had to go, and her husband chose to stay, and

1 she left, and she has no experience in hospital work  
2 at all. She worked in the office in Corning Glass  
3 but when this young black fellow who has been in the  
4 system nine years applied for the job, he was denied  
5 and this woman was hired from Corning Glass who had  
6 been laid off.

7                   Yet, they stand there looking for the  
8 best qualified person and anyone with any sense would  
9 know that a person that works in a system for nine  
10 years would be more qualified to fit into a job in  
11 that system or in that place than someone that you  
12 would bring in from another place.

13                   Here you you have people that are sick  
14 and you are dealing with possible sickness and you  
15 bring someone who has worked for Corning Glass.  
16 There are four others in Memorial we have seven all  
17 together at this time.

18                   As far as the city is concerned, we do  
19 have an affirmative action officer, Reverend Robert  
20 Johnson who will be here this afternoon to speak on  
21 housing later on today. We have made great progress  
22 in the city of Danville insofar as affirmative action  
23 is concerned.

24                   Now, as far as the second question is  
25 being asked about the type of resources available to

1 handle such complaints, there is quite a little  
2 history in that.

3           Back some years ago when these  
4 complaints came up, a letter from the attorney of the  
5 NAACP, or a call from me, many times, was enough to  
6 sort of get the thing settled because I've been in  
7 Danville so long and most of the people running these  
8 plants, Dan River Mills, Disston, Corning Glass, and  
9 Good Year knew me because we served on boards in the  
10 United Way and others, and I had spoken to the  
11 Kiwanis and all these other clubs. They accused me  
12 of practicing law without a license because I could  
13 make a phone call to these people and we could work  
14 it out.

15           I knew the day had to come some time.  
16 A lot of these members had left and new people have  
17 come to Danville into these jobs don't know me that  
18 well. Some don't care, so a letter from my attorney  
19 now or call from me will not resolve these situations  
20 as they did seven or eight years ago. I agree with  
21 the attorneys as far as EEOC is concerned, it is a  
22 just simply a waste of time to even make a phone call  
23 to that crowd because the administration has so  
24 watered it down through cuts and through directives  
25 that have been sent from the administration to the

1 Commission that by the time they finish sitting on it  
2 and having people drive all the way from Danville to  
3 Norfolk to sit up all day to have a hearing everybody  
4 is worn out and the case goes down the drain. The  
5 only thing I get back now from any case that I refer  
6 to EEOC after about six months, I get a letter back  
7 from them saying "we give you the right to sue", and  
8 the person that gets the right to sue, many times  
9 they don't have the money, and many times the  
10 attorneys, as has been said here, are not willing to  
11 take the cases. Unless they are almost satisfied in  
12 their minds that they're going to win in the courts,  
13 it is just going to be a waste of time.

14 One thing that has amused me, and I'll  
15 say a word on the third category and I'll be through.  
16 We have had this, I don't know whether it has been in  
17 other sections, but we have had difficulty with some  
18 of our employees not upgrading blacks or hiring them  
19 because they say they are over-qualified. I heard of  
20 under-qualified a long time, but I had never been  
21 able to digest yet what it means to be over-qualified  
22 for a job, but we have one case of that in Memorial  
23 Hospital right now where we know the person is  
24 qualified but he is over-qualified for that job  
25 according to the person in the department in Memorial

1 Hospital.

2 I agree that, if there is going to be  
3 some teeth in it and it is going to be impartial, and  
4 it is going to be handled without any political  
5 strings, that we certainly need in Danville and we  
6 need in the state of Virginia the Civil Rights  
7 Commission, for we are not going to be able to depend  
8 on EEOC. The spirit of affirmative action is in the  
9 hospital in very bad shape, intensive care, I  
10 believe, and unless something happens and a new  
11 injection comes along or something, I think it is  
12 going to die. We need something that is going to put  
13 the spirit of equality, even though we are in a time  
14 of economic recession somewhat, factories are  
15 closing, automation is taking many jobs that people  
16 had in tobacco in Danville and we got that problem,  
17 but we do need something that is going to give some  
18 relief for these persons who are suffering from  
19 discrimination. Thank you.

20 MR. NORRIS: Thank you very much, Dr.  
21 Thomas. Mr. Chairman, that concludes the formal  
22 presentations for this segment. We have  
23 approximately 15 minutes left--

24 CHAIRMAN BOSTIC: That's right.

25 MR. NORRIS: --to take questions, so I



1 think--

2 CHAIRMAN BOSTIC: Panel members?

3 MR. NORRIS: If you're looking for  
4 volunteers, I have a couple of questions I'd like to  
5 ask of the panel.

6 CHAIRMAN BOSTIC: Okay.

7 MR. NORRIS: It has been said here  
8 this morning that Virginia is one of three or four  
9 states that does not have a comprehensive Human  
10 Rights Statute which would seem to indicate that  
11 perhaps Virginia is not doing its homework. but the  
12 good side of it, if Virginia, at this point,  
13 considers a State Human Rights Ordinance, it has  
14 years of experience that other states have the drop  
15 on us so can perhaps put together an enforcement  
16 mechanism that will work and build upon the statutes  
17 which are already on the books rather than  
18 duplicating them.

19 As I'm sure most of you know at the  
20 federal level know, you have not only Title VII but  
21 you have the Age Discrimination Employment Act, Equal  
22 Pay Act for Federal Contractors you have Executive  
23 Order 11246. The state of Virginia also has a series  
24 of statutes already on the books which address some  
25 of the issues that we've talked about today, although

1 I think that there are some questions as to how  
2 efficient those statutes have been. So that in our  
3 considering recommendations regarding a Human Rights  
4 Statute, it seems to me this there are three  
5 questions which we as a Commission need to look at.

6 1) Are there any classes of persons  
7 who should be covered by an nondiscrimination statute  
8 or not currently being covered?

9 2) Are there any substantive areas of  
10 the law of discrimination which are not adequately  
11 being dealt with by the existing statutes?

12 3) And I suggest this is probably the  
13 one where the greatest benefit can accrue is in the  
14 areas of procedures. We've heard about the  
15 deficiencies of EEOC this morning. Are there ways in  
16 which the state of Virginia can enact a statute which  
17 procedurally will provide relief more expeditiously  
18 and more equitably than have been done up to this  
19 point? I think there are three areas we would like  
20 to focus on. First of all, are there any classes  
21 from your experience that are not being covered by  
22 current statute that should be? I open this up to  
23 the entire panel.

24 MS. TATE: In terms of Virginia  
25 statutes?

1           MR. NORRIS: In terms of both the  
2 federal and the Virginia statutes, in other words,  
3 are there groups of Virginia citizens who are not  
4 being protected by a Virginia or a federal statute at  
5 this point that should be?

6           MS. TATE: I think the federal  
7 statutes cover almost every category to some extent.  
8 Virginia, in my opinion, does not have a statutory  
9 scheme that would protect from discrimination on the  
10 basis of sex and age. There is a constitutional  
11 provision that makes a reference to sex but it has a  
12 very limited application, and I think Virginia needs  
13 that, and I think needs an age discrimination  
14 prohibition.

15           In terms of procedures, I think  
16 whatever procedure might be adopted for filing a  
17 claim and going through the administrative process on  
18 the state level in Virginia should not contain a  
19 prohibition against filing suit for some period of  
20 time. If it does have a prohibition against filing  
21 suit for a period of time, it should be a short  
22 prohibition. In some cases the threat of filing the  
23 lawsuit and having it a public record is the best  
24 leverage I have in terms of conciliation.

25           Six months, which is what EEOC is has

1 is entirely too long and sometimes I can't help but  
2 think it was not intentionally placed in there  
3 because of all the delay problems I mentioned  
4 earlier.

5           So I think the time period should be  
6 shorter. I would also like to see a statute that did  
7 not limit damages to back-pay only. In construing  
8 Title VII courts have held, and the statute to some  
9 extent provides, that you're limited to reemployment,  
10 back-pay, and any direct or compensatory damages that  
11 are happening. There are no provisions for what we  
12 call in tort "pain and suffering" from having gone  
13 through all the anguish.

14           Lots of people during a time period  
15 after losing a job for discriminatory lose their  
16 home, go through bankruptcy; they suffer just extreme  
17 financial stress, yet the only thing they can get, if  
18 they win, is back-pay computed at the rate of pay for  
19 the time they were out of work. There are no damages  
20 for the anguish they have gone through either  
21 financially or emotionally, so I think there should  
22 be something for damages.

23           MR. STRICKLAND: I was going to agree  
24 again with Mary Tate on that. I think that, if there  
25 is going to be a Virginia Act, it ought not to be too

1 the exclusion of allowing litigation. There is a  
2 certain number of claims that can be handled very  
3 well administratively provided that the  
4 administrative machinery you set up has the subpoenae  
5 power and has some enforcement power, fines,  
6 requirements that employers do certain things, back  
7 fining that has some effect in a court if  
8 administratively they make a finding of fact of  
9 discrimination, the person doesn't have to relitigate  
10 that whole finding of fact over again in court. The  
11 mind of man can set up a very effective  
12 administrative machinery. I happen to think that  
13 Virginia politically will never do that, at least not  
14 in the near future, but it certainly could be done.  
15 I would like to see it be done.

16 The only other area that really is not  
17 covered, I think, is an area of people, a group of  
18 people that is discriminated against not only the  
19 basis of something they've done but on the basis of  
20 something that they are--sexual preference  
21 discrimination. I happen personally to think that  
22 should be covered by civil rights laws, much in the  
23 way we do handicapped and race and age and so forth.  
24 That's the only other area that I think probably  
25 requires some inclusion.

1           REV. TAYLOR: I am of the opinion that  
2 the only other area there is presently a weakness in  
3 terms of is the whole issue of sexual discrimination.  
4 You are familiar with the history of Virginia and its  
5 efforts to pass an Equal Rights Amendment in the  
6 state. I think that on the federal level and  
7 obviously on the state level that is an area of very  
8 severe weakness. I have some reservations about the  
9 inclusion of the whole issue of sexual preferences  
10 within that basically because I'd like to see it  
11 passed. If we are going to get to that point, and  
12 given the sense of religious conservatism in the  
13 state of Virginia, I think that that is one area that  
14 may hamper passage rather than aid passage, and that  
15 makes me rather leery.

16           In terms of litigation, I agree  
17 wholeheartedly with what has been said in that area.  
18 The area that I would like to see included, however,  
19 is litigation against the state of Virginia.

20           Many of our large employers, larger  
21 employer, I should say, in the state are under state  
22 control, particularly I'm speaking of U.Va., the  
23 hospital and university. They must go through a very  
24 lengthy kind of rigorous procedure for employees even  
25 to get a hearing in that system, and there are

1 provisions that would prevent them from filing suit  
2 against the state in terms of discrimination, and I  
3 would like to see folks be able to take the state on  
4 when they feel they have been and in fact when they  
5 have been discriminated against in employment.

6 CHAIRMAN BOSTIC: Mrs. Rattley and  
7 then the other person.

8 MS. RATTLEY: I simply wanted to ask  
9 you to explain what you mean by discrimination having  
10 gone underground?

11 MS. TATE: I think I used that term  
12 first. What I mean is that there are persons who  
13 behave in employment situations and other situations  
14 with a discriminatory motive in mind but do not  
15 verbalize it. In other words, they will think up  
16 excuses to give an employee a warning for something  
17 under perhaps the employment policy that is in  
18 existence, when the true motive is not that the  
19 person should be given a warning but they don't like  
20 the fact that the person is black or they don't like  
21 the fact that the person they are having to work with  
22 is a woman. That's what I meant. It still exists  
23 but it is more subtle.

24 MR. STRICKLAND: Let me elaborate on  
25 that just a minute. In my experience it oftentimes

1 is not even a conscious discrimination but it's still  
2 a discrimination. I think that in this society from  
3 day one we pick up cues that affect our expectations  
4 of, for example, blacks or women, and when we get  
5 into a position of authority and we're making a  
6 choice as to who to promote and you have a white  
7 person and a black person, oftentimes those subtle  
8 expectations that have been built into our  
9 consciousness cause the provider to favor the white  
10 over the black, the man over the woman, and that  
11 particular person may not think that he's  
12 discriminating, but I think in fact it is.

13 Now, that is the very, very difficult  
14 area of civil rights that perhaps takes literally  
15 generations to overcome, but that's an underground  
16 form of discrimination, also. Rev. Taylor what  
17 you're talking about is institutional racism.

18 REV. TAYLOR: Absolutely, that's  
19 another way of putting it. It is institutional.

20 MR. STRICKLAND: It starts at the  
21 earliest grades in school. I have small children in  
22 school and they are already picking up cues from  
23 their teachers, from their classmates that are going  
24 to affect their consciousness in the way they deal  
25 with people of other races and also sexual causes.



1                   CHAIRMAN BOSTIC: The lady in the  
2 back. Would you address the panelists and give us  
3 your name and the organization you represent,  
4 please. You want to come to the microphone?

5                   MRS. WILSON: I want to thank both of  
6 the attorneys. I thoroughly--

7                   CHAIRMAN BOSTIC: Your name again?

8                   MRS. WILSON: Perneller Chubb Wilson  
9 Chairman of Labor and Industry, Life Member,  
10 Executive Board, Court Hearing for NAACP. One of the  
11 reasons why I received so many reports is because  
12 NAACP, Roanoke branch, have been solving our problems  
13 locally with the help of Senator Tribble and the  
14 President of the United States who gave full support  
15 of the Labor Department. There are a lot of problems  
16 that I want to ask. I have some answers to some  
17 questions. I would like to ask both of you that I  
18 really feel that our witnesses in court definitely  
19 needs to have protection in court because a lot of  
20 people would come in and save a lot of people's jobs  
21 if they would come in to court and testify.

22                   They know once they go back and  
23 testify, two or three months later they are  
24 terminated or they are suspended on trumped up  
25 charges. I have been doing this for the past year

1 and I do follow my cases from the Roanoke area since  
2 I am an advisor and observer for Norfolk, Virginia  
3 Beach and Maryland, and not merely from the Roanoke  
4 area to Richmond and sometimes to Washington, and I  
5 feel that, as you say, EEOC I feel it is a waste of  
6 time. I also feel that we definitely need to do  
7 something about this area of discrimination  
8 especially with EEOC, how long it takes. But our  
9 witnesses do need to be covered in court.

10 MR. STRICKLAND: I say this much,  
11 there is a statute that prohibits discriminating  
12 against a witness on the basis of testifying in  
13 court. Again, you have all the problems inherent in  
14 litigation time, like you say wait three months to  
15 take action against the person who testified against  
16 them. It is oftentimes virtually impossible to prove  
17 that there is a direct relationship between the  
18 testimony they gave and the discrimination they  
19 suffer somewhere down the road, but there are  
20 statutes that are designed to protect those people

21 CHAIRMAN BOSTIC: One question from  
22 Reverend Harris and I must try to move along, please,  
23 so Reverend Harris and then well move to the next  
24 panelists.

25 REV. HARRIS: The question I have to

1 the panel has to do with affirmative action. As you  
2 know, federally we are reversing the whole trend or  
3 forum as regards affirmative action. I saw it as a  
4 positive move or move into the right direction to  
5 equalize opportunity. Some have opposed it and some  
6 federal agencies have gone against it completely.  
7 What is the feeling of the panel on affirmative  
8 action as a resource for solving the problems of  
9 discrimination in employment?

10 CHAIRMAN BOSTIC: Who would care to  
11 tackle that first from the panelists?

12 REV. TAYLOR: When you say affirmative  
13 action, I suppose you're talking about that phase of  
14 it or the whole broad sense?

15 REV. HARRIS: When I talk about  
16 affirmative action, I'm talking about dealing with  
17 number of blacks employed in a given situation,  
18 proportionate number of females employed as relates  
19 to the appropriation of that protected class in that  
20 SMSA or in that general area.

21 MR. TURPIN: I can answer that from  
22 the perspective that my organization takes--of  
23 course, when you speak of SMSA, one of the things  
24 we've done with our affirmative action plan is to try  
25 to have a work force that is representative of the

1 percentages of minorities in the available work  
2 force. Of course, from an organizational standpoint  
3 we've done well but when you go into the various  
4 departments at the different levels, it does become a  
5 problem.

6 One of the things that we've  
7 instituted in our employment process is a format that  
8 requires the person or the appointing authority that  
9 is making the selection for a job to justify any job  
10 related reason that any individual is turned down or  
11 not selected.

12 MR. STRICKLAND: I was going to  
13 simply say that I think when you get into the area of  
14 quotas you're inviting some serious constitutional  
15 problems that the Supreme Court has not addressed  
16 very well perhaps as directly as I think they will  
17 very shortly, and affirmative action should not be  
18 put in terms of quotas, or I think that they are  
19 going to get slapped down in a way that is going to  
20 create a very bad precedent for creative affirmative  
21 action later on.

22 REV. TAYLOR: One comment in regards  
23 to that. I think that if we are going to move  
24 towards the development of human relations commission  
25 or whatever we choose to call it in the state of

1 Virginia that the philosophy of such must be  
2 undergirded with the whole concept of affirmative  
3 action. I don't think that we need talk quotas but I  
4 do think we need to talk goals. I do think we need  
5 to talk proportional hiring. I think we need to talk  
6 equal pay for equal work. I think that whole  
7 affirmative action philosophy, preReagan philosophy I  
8 should say, must undergirded or be the basic  
9 operating philosophy of whatever we choose to design  
10 in the state.

11                   CHAIRMAN BOSTIC: Thank you very  
12 much. Thank you Mr. Norris, the moderator for that  
13 panel, and thank you panelists for participating very  
14 much, and we appreciate your coming. Thank you .

15                   The next panel will be chaired by Dr.  
16 Hoi a member of the Virginia Advisory Committee.

17                   DR. HOI: Good morning ladies and  
18 gentlemen: my name is Dr. Hoi. I'm with the Virginia  
19 Advisory Committee to the U S Commission on Civil  
20 Rights. I'm going to chair the panel number two on  
21 education today. We have with us today two  
22 panelists, Dr. Julian Moore, Ombudsman of the Roanoke  
23 Public School System and the Reverend James Ephraim  
24 of the Roanoke Fifth Avenue Presbyterian Church.

25                   I would like to introduce them to you

1 and listen to their views. The procedure for the  
2 this panel will be the same as the previous panel;  
3 each of the panelists would give their views in five  
4 minutes and we would like to hear from them on three  
5 areas.

6 First, we would like to know the  
7 number of complaints of discrimination that have been  
8 handled on the basis of race, color, national origin,  
9 religion, sex, handicap and age and the types of  
10 issues involved in the area of education.

11 Number 2, we'd like to hear from them  
12 the types of resources available to handle such  
13 complaints, and, also, thirdly listen to their views  
14 and your view concerning the need for a Virginia  
15 Human Rights Act—discrimination on the basis of  
16 race, color, national original, sex, age and handicap  
17 in three areas, including education and also whether  
18 there is a need for the establishment of a commission  
19 to enforce the act.

20 DR. MOORE: Mr. Chairman, ladies and  
21 gentlemen of the Advisory Committee of the Commission  
22 and moderator, ladies and gentlemen. My first  
23 comments will be directed to a little historical  
24 perspective of the Roanoke Public Schools since  
25 that's where I work. I know more about the school

1 systems than I do other areas, although I am very  
2 much interested in the comments made by the past  
3 panel.

4 I must also say that we interrelate  
5 with all of these areas. Education does not stand  
6 alone. It involves housing, where people live, where  
7 they come from, the total community; what are the  
8 incomes of the parents and everything else that sets  
9 forth the characteristics of our population. But  
10 historically Roanoke City, as many other communities  
11 across the state and nation, was desegregated first  
12 totally in the secondary schools in the fall of  
13 1970. In 1971 the elementary schools followed.

14 We were around 19,000 strong in school  
15 population at that time. We lost a lot of students  
16 in the ensuing years due to people moving to suburbs  
17 and so forth, and another little bit, in 1977, we  
18 went through an annexation process where we had 17  
19 square miles that were taken in by the city, and we  
20 expected something like 3500 students to be added to  
21 the population. We never saw the 3500. We may have  
22 gained somewhere around 1500.

23 Shortly thereafter the decline of  
24 population has continued until this year the total  
25 population has decreased. We have steadily increased

1 with black population to about 32 to 35 percent in  
2 the city, and the population shift of the students  
3 from where they come, the communities, has been real  
4 significant in relation to persons who were once  
5 residing in the inner-city of Roanoke, the areas that  
6 are being rebuilt, revitalization of downtown Roanoke  
7 and so forth, some of the housing has been depleted  
8 completed; communities disappeared and the  
9 unfortunate thing for the school system is that black  
10 population is concentrated in a kind of a fan-shaped  
11 area in northwest Roanoke.

12           The court orders, of course, existed  
13 in Roanoke following on up until about 1980. I think  
14 at this point we figured we are not under the court  
15 order, but the attitude of the school board and the  
16 administration of the Roanoke City schools has been  
17 one that we try to maintain as much as possible the  
18 population in each of the schools that we had in  
19 1970-'71. Of course, that cannot exist because of  
20 the population shifts, where people live.

21           So we are constantly changing lands  
22 and trying to maintain that pattern that was set  
23 in '70-'71, although it has never been perfect because  
24 of the housing.

25           I might say this that you can make all



1 of the laws that you can make. It is important that  
2 the laws exist on the books because they can be  
3 enforced if that attitude exists but you can't  
4 legislate human behavior.

5 Human behavior in the population of  
6 Roanoke as it relates to education is what undergirds  
7 the success of our children and those who will become  
8 citizens of this Roanoke Valley and the greater  
9 community. We do need community support. We need  
10 support through the laws and the Commission to keep  
11 people aware of the fact that we are moving in the  
12 area of human rights. We had a honeymoon period from  
13 about 1970 to about 1975 with act of desegregation.  
14 We have not yet arrived at integration. We are still  
15 in the process of becoming integrated in the schools  
16 as well as in some parts of the community. We have a  
17 long way to go.

18 So I guess I will say that we do need  
19 the legislation. We do need a commission to make  
20 people more aware that this is the direction that we  
21 need to move in. As far as numbers are concerned, we  
22 have had internally a lot of complaints from parents  
23 that we have dealt with in terms of we have  
24 committees within school system. We work with the  
25 Civil Rights Act.

1 I happen to be the specialist that  
2 works through the desegregation period with teachers,  
3 parents, and other members of the community. Roanoke  
4 City was very much ready for desegregation because of  
5 some very fast work that had been done by human  
6 relations committees throughout the city, but we were  
7 lulled into complacency, and about five years we  
8 began to have some problems because we felt like it  
9 had happened all at one time and we didn't need to  
10 doctor that. It is a continuous process.

11 The commission, I think, could keep  
12 that continuous process moving, so that members of  
13 the community, those who do not have children in  
14 school, that they be involved, not just the people in  
15 the school because the school is only a part of the  
16 greater community, and, therefore, we need that  
17 continued effort, and I think that effort could be  
18 involved, could assist in keeping going that positive  
19 direction.

20 The school board, of course, needs  
21 some help and assistance in that regard. School  
22 boards may wonder, and I'm talking about across the  
23 state, what our position is today. They need to  
24 establish a position. What are the guidelines for  
25 this particular school board? What are we trying to

1 do? Are we trying to maintain desegregation at the  
2 level that it was started in 1970-'71 or are we still  
3 required to keep schools at the balance, same balance  
4 that we had in '70 and '71?

5 I think those questions need to be  
6 kept up front so that those issues can be dealt  
7 with. Yes, I think we do need a commission. Thank  
8 you very much.

9 REV. EPHRAIM: As I look at the  
10 situation as it exists within the city of Roanoke,  
11 there in terms of the guidelines as they are outlined  
12 here, number one, a number of complacent conditions  
13 for me personally I don't think it can be limited to  
14 the number of complaints because a lot of complaints  
15 come in in terms of what has been going on for any  
16 number of times and what we have is the snowball  
17 effect that after it has reached a certain level,  
18 then you don't get one complaint, you begin to get a  
19 multitude a complaints echoing the same problems.

20 One of the problems, as I see it, and  
21 the complaints that we've had to address is the  
22 situation that exists in the structuring, the  
23 gerrymandering of lines of a school district, as to  
24 having a high concentration of persons of a lower  
25 income being concentrated in a certain school

1 district which in turn gives the semblance of that  
2 school and that district being one that is not up to  
3 par, which, again, places us into the same realm of  
4 but separate but equal but then—it is separate but  
5 it is not equal because your having persons on a  
6 lower economical level being restricted to that  
7 environment in which they are in, and as a result  
8 that within itself began to create other problems,  
9 which mean that you are having a high number of  
10 ethnic minorities being suspended for offenses that,  
11 again, in appearance that others are not suspended  
12 for. When these persons are suspended, it appears  
13 as if they are suspended for a longer length of time.

14 I think a lot of this, too, is a part  
15 of the structure, racism that exists within the  
16 system. Along with that, we are finding that there  
17 are any number of persons when they move into the  
18 extracurricular activities that they are having, in  
19 terms of the positions that they are awarded, in  
20 terms of captains of cheerleading squads, in terms  
21 and even being on the squad, that these persons are  
22 dealt with unfairly. Here again, the semblance,  
23 even appears to be one of discrimination where,  
24 again, when it comes down to punishment for things  
25 that have gone wrong that these persons oftentimes

1 have the feeling that they are punished because of  
2 their color and they feel as if the types of  
3 punishment that is handed out to them is one that is  
4 much harsher than other persons because of the same  
5 offense.

6 Yes, in terms of my view for a  
7 Virginia Human Rights Act, I do think that we need  
8 one because what it does, it always keeps the issue  
9 before us. If we had no standards by which we are to  
10 judge or to look at things, it would appear, again,  
11 that anything would go. I think one of the things  
12 that we need to be doing is dealing with the  
13 conscious and the unconsciousness of racism has and  
14 exists for us within our society. Thank you.

15 DR. HOI: Thank you. Anyone from the  
16 Advisory Committee have any questions? I have some,  
17 too.

18 MS. RATTLEY: I think you mentioned  
19 something about trying to balance your school  
20 district. You indicated then, I guess, that you have  
21 segregated housing by and large?

22 DR. MOORE: Yes.

23 MS. RATTLEY: How severe is that  
24 segregation?

25 DR. MOORE: I think we made

1 improvement, I'll say that, in housing. Ten years  
2 ago we did not have minorities living in certain  
3 sections of the city where they live now and it is  
4 growing, but it its still miniscule, I guess,  
5 compared to what we are talking about on housing.  
6 Some areas minorities reside there.

7 MS. RATTLEY: Could you use numbers?  
8 You say 22 percent hike in population. Of that 22  
9 percent blacks, would you say 90 percent of them live  
10 in--

11 DR. MOORE: I would say between 80 and  
12 85 percent probably live in almost total black  
13 neighborhoods and others are disbursed throughout  
14 certain areas. Maybe the predominant desegregation  
15 in housing takes place in the Housing Authority with  
16 the Federal Housing Programs, and that has assisted a  
17 great deal in getting some balance in areas where we  
18 did not have black students in 1970-'71. It was a  
19 snorkel effect for the city. Draw a little circle,  
20 take so many black children from here and move them  
21 over to this particular area or out at that area,  
22 and, of course, the problem was that the black  
23 community did have to do, a lot of transportation as  
24 it is just about typical of all of the state of  
25 Virginia. That's what happened.

1 MS. RATTLEY: Did you have closing of  
2 schools in the black area?

3 DR. MOORE: Yes. There were a number  
4 of inner-city black city schools closed which caused  
5 that one-way busing.

6 MS. RATTLEY: One-way bussing, bussing  
7 out?

8 DR. MOORE: Right. One thing I did not  
9 mention, the loss of black teachers in the city of  
10 Roanoke and, of course, surrounding areas.

11 The Roanoke City has developed a  
12 minority recruitment program to try to get at that.  
13 We've been recruiting all over the state and all over  
14 the country trying to recruit black teachers because  
15 I guess it is rather typical. We have a fairly old  
16 population, middle aged, as far as teachers go,  
17 population when desegregation took place and all of a  
18 sudden black teachers were, turnover from black  
19 teachers had not been great at all so we had a loss  
20 of a lot of black teachers.

21 MS. RATTLEY: How many schools do you  
22 have?

23 DR. MOORE: 29.

24 MS. RATTLEY: How many black  
25 principals do you have?

1 DR. MOORE: We have about eight black  
2 principals. Let me say as far as the women  
3 administrators are concerned, since 1979, '80, we  
4 have probably increased by about 40 percent among  
5 women administrators. In fact, probably now have  
6 eight or ten administrators in areas where no one  
7 existed seven or eight years ago, so there's been  
8 quite a improvement.

9 MS. RATTLEY: Also you indicated that  
10 after integration of the schools many of the whites  
11 moved into suburbia.

12 DR. MOORE: Yes.

13 MS. RATTLEY: Do you still have that  
14 outward flow? What about private schools?

15 DR. MOORE: Well, private schools have  
16 taken their toll. The Christian schools, the home  
17 schooling is beginning to give us a little problem.  
18 We probably got about eight or ten families that are  
19 doing home schoolings. That's based on religious  
20 conviction in most cases, but we follow the state  
21 guidelines in implementing those programs.

22 The flight to the suburbs was really  
23 cut tremendously because of the recession and the  
24 shortage of mortgage money and the interest rate.  
25 That has leveled off and I think that is one reason



1 our population has leveled off, too.

2 Of course, we've had some other  
3 factors that played a role in that but that flight,  
4 in fact, we are seeing even a little reverse because  
5 of the programs considered. I have to say that the  
6 programs have improved tremendously over the past  
7 four years under the new administration, and we have  
8 a large number of people coming back to the city and  
9 people asking to come back into city programs.

10 MR. BINKLEY: John Binkley, Commission  
11 Staff. Do you have any figures to show what percent  
12 of the total school population in your district  
13 attend private schools?

14 DR. MOORE: No, I don't.

15 MR. BINKLEY: Do you have a guess?

16 DR. MOORE: I guess since I work with  
17 the census, I guess somewhere in the neighborhood of  
18 ten percent. I'd say ten percent of the student  
19 population, including Christian schools, private  
20 schools, of other private schools, maybe ten  
21 percent.

22 CHAIRMAN BOSTIC: To follow up on Ms.  
23 Rattley's comment earlier about the number of  
24 administrators, beyond the level of principal of  
25 schools, what percentage or how many other role model

1 minorities black persons do you have in positions  
2 number one question; number two question, do you have  
3 a census as to the dropout rate as far as minorities  
4 kids are concerned?

5 DR. MOORE: As far as beyond the  
6 principal level, we've just recently had a deputy  
7 superintendent assigned to the city schools who is a  
8 minority, and another assistant superintendent  
9 promoted. We have about five minority supervisors  
10 that were appointed within the last two years. That  
11 has been very—that's been a great deal of progress  
12 in that area.

13 As far as dropout rate is concerned, I  
14 would have to say, I don't think there is a  
15 significant difference between the dropout rate of  
16 black and white students and that's predominantly  
17 what we have in the Roanoke City schools. We do have  
18 other races but predominantly it is black and white.

19 We have a dropout rate this year of  
20 5.2 percent. In 1978-'79, we had a dropout rate of  
21 9.6 percent and in one year we cut that dropout rate  
22 down to 4.2 in 1981, but we went back up to 4.6 in  
23 '83. We now have gone to 5.2, but there was some  
24 inside reasons as to why we went up. We did have  
25 some problems in that a lot of kids were suspended

1 for the remainder of the year, a number of them, say  
2 8 or 10, and we had some number that had problems and  
3 were incarcerated.

4 As far as it relates to race, I think  
5 there is not a predominantly larger number of black  
6 percentage to white, because of the poverty level,  
7 and there is a correlation between the poverty level,  
8 what happens to kids in schools. The poverty level  
9 in Roanoke is somewhere around 65 percent white, 35  
10 percent black and, of course, that 35 percent for  
11 black only constitutes about a 22 percent population  
12 is pretty large, but there are a large numbers of  
13 white students who live in poverty and who have  
14 problems and so we lose a lot of white students; so  
15 there really isn't that distortion between those  
16 numbers.

17 MR. NORRIS: The minority recruitment  
18 program that you referred to for faculty, do you  
19 establish objectives for that program and, if so, are  
20 those objectives keyed to the minority representation  
21 and the student population?

22 DR. MOORE: No.

23 MR. NORRIS: Or the minority  
24 representation in the labor force or is there a  
25 difference?

1 DR. MOORE: I think you're looking at  
2 both. You're looking at SMSA as well as the school  
3 population. To tell you what they've done, there  
4 have been incentives that have been given. We had a  
5 large number of teachers who came this summer to do  
6 internships in the summer, even some who have not  
7 graduated from college. I interviewed a young lady  
8 in Nashville, Tennessee and a young man who came here  
9 this summer to work in the school system.

10 Others interviewed them throughout  
11 North Carolina, Kentucky, went all over through the  
12 states to try to find people. I think we did  
13 increase by about 20 through the recruitment this  
14 past year, and I think they have other members. I'm  
15 not just building this to be positive.

16 We were in trouble. We really were.  
17 We let it get to the point where the black teachers  
18 that were retiring, large numbers that we were down  
19 below where we should have been. But it is tied in  
20 with objectives. The personnel department has  
21 objectives; I can't quote all the numbers but the  
22 affirmative action policy was developed in 1980,  
23 redone in 1980, they finished in '78. 1980 revised  
24 and revised upwardly every year.

25 MS. THOMPSON: I'm Hazel Thompson.

1 I'm a product of the Roanoke public schools. I grew  
2 up in the city, not only did I grow up in the city  
3 but I became a teacher and taught for 47 years, so I  
4 can tell you I have lived through those changes. I'm  
5 retired and have been since '69, but I have lived  
6 through those changes and I have seen, well, if I say  
7 I started back when we used to pay poll tax, you'll  
8 know where I am and where I'm coming from.

9 I've seen some unfairness, I consider,  
10 lately, unfairness when you demote people who have  
11 served for say ten years or more, and they are  
12 demoted from supervisors down to principals and to  
13 deans, so they just walk the hall to keep the  
14 children out of the hall and out the lavatories and  
15 things of that sort (laughter). I think that's  
16 unfair. I'm just—I don't know whether I'm stepping  
17 on Mr. Moore's toes or not.

18 DR. MOORE: Don't worry about it, Ms.  
19 Thompson.

20 MS. THOMPSON: I'm just telling you  
21 like it is. When you have children who are teaching  
22 in the system and see them snatched up from one  
23 position and just put down at another position, and  
24 they are not told why they are moved or what the  
25 circumstances are or anything of that sort, it makes

1 you wonder what is the world coming to? What are we  
2 coming to? We talk about education. We talk about  
3 improving our children. How are we going to improve  
4 them when they see us doing the things that we  
5 shouldn't be doing? Maybe I'm talking too much but I  
6 just had to put that into the record.

7 CHAIRMAN BOSTIC: Thank you very  
8 much.

9 MS. WILSON: Perneller Wilson. I'm  
10 Chairman of Labor and Industry, Roanoke NAACP. I  
11 have visited last week. I am the mother of seven  
12 children and all of my children have been in the  
13 local high schools here in the Roanoke area. My  
14 question is, as a high paying taxpayer in the city of  
15 Roanoke, I'd like to know why we have to go outside  
16 the city of Roanoke to get applicants for jobs when  
17 we have qualified applicants here? I'm tired of my  
18 tax dollars going to say everything is fine if we do  
19 not have anyone here qualified for these positions to  
20 go out an get someone else in.

21 Secondly is, I visited Patrick Henry  
22 School last week and I will be visiting all the  
23 schools for my own personal reasons and for  
24 complaints that we have seen here lately in the last  
25 four weeks. Paperwork, I feel, is a lot of joojosh.

1 The teachers I notice now that used to go over the  
2 homes and visit the parents and see why the children  
3 are not in school--and somehow I know two particular  
4 people, and Ms. Thompson used to be one of them, used  
5 to come into the homes and see why the children  
6 weren't coming to school today.

7           If they didn't have a pair of shoes,  
8 they would put them on their feet. I know of two  
9 people who are coming; I know two people like at  
10 7:00 or 8:00 o'clock trying to do what they used to  
11 do and got all this paperwork to do. Since I've had  
12 these complaints, I am out checking these complaints.  
13 I don't like to say this because this is going on  
14 hearsay; I like to go out and see what is going on,  
15 so I will be going to all the schools visiting, and  
16 this is the only concern I have because I am a  
17 concerned citizen as well as lots of parents in the  
18 Sydnor Circle and Willow Road come to me and we have  
19 been discussing with all of them, although all of my  
20 children have graduated from high school. I do have  
21 grandchildren that are going to school now but I have  
22 noticed a change with the assignments?

23           I have noticed that teachers walk in  
24 fear on their jobs, afraid of what's going to be said  
25 if a parent reports them, will they lose their job if

1 they open their mouth, so it is best to go out and  
2 see what's going on than to say that hearsay; it is  
3 better to go out.

4 I'm going to go out myself as well as  
5 other parents in the Willow Road section and we are  
6 going to monitor the teachers, because a lot of them  
7 feel like they are walking in fear, scared to open  
8 their mouth. They don't even want to talk to me. I  
9 don't know what that problem is going on.

10 DR. MOORE: First of all, let me say  
11 no organization is devoid of problems and I did not  
12 intend to sit here and say all is peaches in the  
13 Roanoke City high schools. That is not my purpose.  
14 I think the realities are we need the community to  
15 help us to even see what is happening, so I'd say  
16 voice whatever those concerns are, voice them with us  
17 and with the administration; make sure we know about  
18 some of these people so we can deal with them.

19 The superintendent and his staff is  
20 very accessible to talk and open to try to make those  
21 corrections. As far as going out and hiring other  
22 people, you know, you may have read nationally that  
23 science and mathematics teachers are at a premium  
24 right now; it is just hard to find them, and I don't  
25 care where you look, Roanoke or anywhere else, they



1 are laying off teachers right now.

2           They are putting in \$30,000 without  
3 question in science and math. I say \$30,000; in some  
4 areas that is not very large. In Roanoke that sounds  
5 big. It is a difficult thing to find teachers. Those  
6 teachers that we have that are available, resource  
7 teachers we have in the area, a lot of them do  
8 substitute work but they cannot qualify on the basis  
9 of endorsements and we get gigs on endorsement.

10           If we are not endorsed, then we lose  
11 rating. We have problems. We lose money at the  
12 state level if we have too many teachers that are not  
13 endorsed or teaching in their field. So, if we do  
14 have a lot of teachers, I would like to know. I will  
15 work in trying to get some minority teachers hired or  
16 majority teachers if we've got some good ones,  
17 whoever they are; if they're good teachers, I will  
18 try to work and get them inside.

19           I do that a lot, work with them and  
20 talk with other supervisors and locate those who will  
21 be favorable to the school system. Not all people  
22 will seek you out; some will. An empty wagon makes  
23 more noise. We have some people who will have other  
24 problems who will not reveal those problems with  
25 you. There is a reason, some background or some

1 problem they cannot fit the situation. I'll just use  
2 that as one explanation.

3           However, if there is discrimination, I  
4 think that ought to be voiced, if you feel that;  
5 suggest those people come in and talk with personnel  
6 or talk with someone. Bill Hackley, who has been  
7 recently appointed as assistant secretary at the  
8 secondary and elementary level, not in instruction,  
9 he's in charge of the high schools and the junior  
10 high schools, refer people to him and others in that  
11 administration.

12           I'm just saying that right up front,  
13 don't let something bother you, and fester until it  
14 gets too big. Go in and make a complaint.

15           MS. ELAINE LORITTA: I'm Elaine  
16 Loritta. I'm with the NAACP, Roanoke. My question  
17 is twofold and it's a comment: Virginia is under  
18 indictment, and that's a commentary from me. As far  
19 as I'm concerned, education in public education is on  
20 trial in the U S A. We have problems in Virginia.  
21 We're talking about correcting teachers, getting  
22 qualified teachers.

23           I've been looking at the problem for  
24 the past year, talking to students, picking them up  
25 at college. Virginia says, if you want to be a

1 business major, we're talking about a \$2,000  
2 computer. We're talking about a new testing to  
3 qualify.

4 I have a question: when you have a  
5 university or state system that turns out teachers  
6 and you have them in your top ten percent of the  
7 class but they cannot pass to teach or be  
8 certified in the course, I have a question on who is  
9 going to administer and write the test.

10 A lot of people hear quotas but the  
11 basic facts are, can we read? can we write? We have  
12 a panel today that is going to hear a lot of people  
13 talk, but will it, at the end of this session, have  
14 some teeth and some meat and go back and correct the  
15 problem tomorrow?

16 You've had students out here that  
17 have no role models, even as a parent, to look at  
18 with respect; a lot of people don't know them. In  
19 Virginia, when you go across the state, you feel that  
20 legislation is necessary.

21 We hear politics. I vote for politics  
22 for being a legislator and not in the classroom. You  
23 hear Mrs. Thompson talk about fairness. I ask the  
24 question about who does the paperwork? I have a  
25 friend that spent all last night to try to get their

1 lessons. When you got 35 children in a classroom,  
2 how do you teach one on one and when do you recognize  
3 a child has a mental problem? When it has the  
4 dyslexia? How can you get the child that is very  
5 fast? how to start to create a program in  
6 kindergarten? creative children that had gone passed  
7 kindergarten?

8 They were bothered. We have teachers  
9 still sitting in 1950s, thinking civil rights, blacks  
10 are dumb, and classify that child and admit that  
11 child for not going to them. We have the arguments  
12 of getting teachers with decent pay. Maybe I am  
13 wrong in bringing up this topic but I'm wondering.  
14 I'm scared.

15 In 1986 what kind of high school  
16 education will we have? Are you going to lose the  
17 child that is graduating? He goes and he thinks he's  
18 an A student. His parents think he's doing fine.  
19 When he graduates and he's told that he can't go to a  
20 college in Virginia, that's a different thing. What  
21 are you going to do then? The program is going for  
22 the lower grades now but who is addressing the child  
23 that deserves that same fervent program.

24 I'm wondering where is it going to  
25 lead? Everybody hollers about change, but are we

1 responsible for the after-effect, the before effect?  
2 Because we have a whole society of youth that reflect  
3 your teachings, your wisdoms, and I'd like to see the  
4 problem addressed today or tomorrow with some  
5 substance, not walk away and talk about this, but  
6 let's put some teeth into addressing our youth in our  
7 tomorrow?

8                   The space age, as Julian Moore said  
9 all run around here trying to pay \$30,000 for our  
10 teachers, but teaching is not something you can just  
11 put a price on. I believe, if you are going to be a  
12 teacher, teach. You take a child's mind which is  
13 something that you can destroy in five hours and we  
14 have a responsibility and, if education is supposed  
15 to be addressed, then let us address it now. Thank  
16 you.

17                   CHAIRMAN BOSTIC: Reverend Harris?

18                   REV. HARRIS: Thank you very much. I  
19 believe we've talked some about institutionalized  
20 racism, and somebody said you can't legislate human  
21 behavior, and the selection process is carried on by  
22 humans, and, if we are dealing with underground  
23 racism, it seems to end up that we are going to have  
24 segregation in employment, even in the school  
25 system.

1                   My question has to do with how much  
2 involved is the black community in the selection  
3 process of those persons who make the decisions,  
4 again, with school board, again with going to the  
5 administration. Is there a black organization that's  
6 consulted? Are we dealing with Thomism across the  
7 board in terms of who gets the job?

8                   When you're talking about to have some  
9 things that are not generally known, is it because  
10 they got a big mouth? because they talk? because they  
11 raise questions? Is that one of the problems? Are  
12 you stigmatized because you raise those questions  
13 and, therefore, you don't fit in the system because  
14 we are dealing with institutionalized racism and  
15 unless you can fit, then you can't get the job, even  
16 if you're qualified?

17                   Is it a fact that consideration for  
18 loyalty to the system and on-going of the system, one  
19 of the items that is used in determining who gets the  
20 jobs in administration and who makes the decisions  
21 about who goes where?

22                   DR. MOORE: I must respond to that.  
23 As I said a few minutes ago, no organization is  
24 pure. We're talking about institutions. The school  
25 has been institutionalized for many, many years and

1 it continues to roll and it continue to be awed, and  
2 continues to be awed. Own of the objectives school  
3 board in Roanoke has is to involve the citizenry in  
4 the decisions that are being made. There are groups  
5 of people who are called "key communicators"  
6 throughout the area. I don't know whether we have  
7 been anybody who--

8 REV. HARRIS: Who picks them?

9 DR. MOORE: The communities, various  
10 organizations. The superintendent sent out  
11 invitations to organizations and had people to call,  
12 presidents of these organizations to appoint people.  
13 In fact, I played a real part of that role in  
14 identifying some people who would come in to talk  
15 with the administration and every so often they have  
16 these meetings, and they call them "key  
17 communicators", and I happen to know a lot of them by  
18 name. They come in and talk and from their  
19 communities they give feedback. That's not enough.

20

21 REV. HARRIS: I'm a "key communicator"  
22 in my school system and I communicate with the school  
23 system and they do want what they want to do.

24 DR. MOORE: You can't help that. You  
25 can do those things but that is an effort to try to

1 open the flow of communication. As far as hiring is  
2 concerned, as far as community's involvement, each  
3 school, when a principal vacancy is open, the PTA and  
4 all those persons who work with that school get  
5 involved in talking about who the candidate is for  
6 that particular place. The panel selects the  
7 principal. The principal is not selected by an  
8 individual; they have a panel made up of parents,  
9 administrators, and other people in the community and  
10 they help make that decision. They are in the  
11 process.

12 I mean, the process is there but I  
13 don't know, you know, any time there can be some  
14 things that happen that are not designed to happen,  
15 but I know the mechanism is there for fairness in  
16 employment and input from the community. As far as  
17 Thomism is concerned, I really think we got away from  
18 that a number of years ago when--and I'm sure you  
19 know when a black person, in a segregated school  
20 system, was given some power to make some decisions  
21 about the people in the community, well that is not  
22 done anymore. The school board, within its  
23 framework, has the responsibility to feel what is  
24 happening out there in the community.

25 We have two minorities on the school



1 board at the present time. We have had in the past a  
2 school board chairman; that input is supposed to be  
3 there. Now I say "supposed to". That is the way it  
4 is built. Whether it happens or not all the time, I  
5 know that doesn't happen all the time because all the  
6 voices don't get heard and those voices don't become  
7 involved.

8 I think that school board has to be  
9 involved and the people have to involve themselves  
10 with the school board to get things to happen, and it  
11 is not set up such that a black person has to go to a  
12 black school board member. I know that there are  
13 connections that are made across the racial lines  
14 that are sometimes very, very positive, and a person  
15 may feel they can talk to another individual much  
16 better.

17 I just say the school board is open.  
18 They are responsible. They are appointed by City  
19 Council and, of course, that is political in nature.  
20 You couldn't get anymore political, but I think,  
21 also, that City Council needs to hear these comments,  
22 you know, because they do the appointing of school  
23 board. I think that's open and clean, that  
24 communication should be open, and, again, I keep  
25 saying "should"; it has to be made that way.

1                   CHAIRMAN BOSTIC: Mr. Norris and then  
2 Mrs. Hoffman.

3                   MR. NORRIS: Dr. Moore, we've heard a  
4 good deal in the past couple of years with regard to  
5 the wage gap between males and females in the labor  
6 market. And one reason for that has been that women  
7 in the past have not been encouraged or been trained  
8 to seek nontraditional higher paying jobs, and a  
9 number of school systems in the country are  
10 developing programs which address that issue  
11 specifically, giving women the skills to go into the  
12 nontraditional jobs.

13                   Does the Roanoke Central School have  
14 any program of that sort for the women and are they  
15 indeed aimed at minority population?

16                   DR. MOORE: They have programs placed  
17 and aimed at placing women in positions, on a scale.  
18 We have a tier salary scale. The salary is based  
19 like three years, from two to five years, five to  
20 seven years, where that level gives the  
21 superintendent and others in the school board an  
22 opportunity to raise these levels of those persons  
23 who are capable and who have demonstrated that they  
24 could make it. The affirmative action program I  
25 mentioned a while ago is what has happened to bring

1 these more women into administration.

2 For example, two junior high schools  
3 this past year are now staffed by women principals  
4 because they had served in other administrative  
5 positions but that increased tremendously. It has  
6 only been a few years ago that we didn't have a  
7 minority principal in secondary level. Of course,  
8 there were a few EEOC cases that preceded this, and,  
9 of course, now it is not EEOC. It is a matter of who  
10 is capable and moving within that program.

11 Programs for youngsters, we have some  
12 pretty strong counselling programs which doesn't  
13 always get--it's just credit because counseling is a  
14 tough area. If one child fails, then the counsellors  
15 get blamed for it. It does need to be shored up some  
16 in some areas, but they have now begun with students  
17 in groups moreso than they ever had in the past where  
18 they are working with students, helping them in the  
19 affected area but the very weak area--and I might say  
20 that--that brings to my mind the weak area is in the  
21 area of the gifted programs where not enough minority  
22 students are being selected or meeting the criteria  
23 that has been cited to get into gifted programs.  
24 That is an area of concern.

25 CHAIRMAN BOSTIC: Mrs. Hoffman.

1                   MRS. HOFFMAN: I wanted to speak to  
2 Mrs. Wilson's comment that she is interested in  
3 trying to get people who are qualified teachers in  
4 Roanoke area to be hired within the Roanoke system.  
5 My question is one directed in that direction.

6                   If there are is a pool of workers in  
7 Roanoke who are mathematicians, who are scientists,  
8 working in private industry or otherwise, are they  
9 prevented from being teachers in the classroom on a  
10 part-time basis, to bring their expertise into the  
11 classroom, not being full-time teachers but being  
12 hired for one hour for three days a week, that sort  
13 of thing?

14                  DR. MOORE: Yes, we do. We have a  
15 school right down here in the Dominion Bank Building;  
16 it is called City School. Bankers, lawyers, others  
17 who are in business and capable of teaching those  
18 kids. They spend half of the day down there and half  
19 at the schools. They end up working the summer as  
20 interns in finance offices, banks, et cetera, et  
21 cetera.

22                  That program does exist, and we also  
23 have them in the schools that teach, one—we call  
24 them five-fifths: one-fifth teacher, two-fifths work.  
25 It depends on the number of periods. The physicist

1 teachers. I think we've had people from General  
2 Electric, a number of people in the community that do  
3 serve as part-time teachers.

4 DR. HOI: Along this same line is a  
5 program use the term "recycling" some of these people  
6 or upgrading the people that would be used to teach.

7 DR. MOORE: I hate to keep saying it.  
8 This is very, very positive. They are. We've got  
9 some teachers in the program where they bring courses  
10 to Roanoke, some teachers who did not have enough  
11 courses to teach the math and science. They have  
12 retooled; they have given them another degree and  
13 there is a push to get a pure, be a degree in subject  
14 matter rather than to mix it with education. For  
15 example, an English teacher who does not have a  
16 degree in education, but pure English major, has a  
17 master's degree.

18 DR. HOI: Also, you mentioned earlier  
19 that the number of the plans-- what kind of  
20 complaints--has anything to do with the cause of the  
21 desegregation is a complaint about the level and  
22 standard of instruction or anything like that?

23 DR. MOORE: Yes. Let me talk about  
24 two or three types of complaints. One complaint may  
25 come from a section where a school had been an all

1 black school in the past, and now it is desegregated;  
2 you have white and black students. The image of the  
3 former all black school, in some parents minds,  
4 continues to be in a neighborhood where a black  
5 neighborhood and white parents tend not to want to  
6 send their children to that school, so they apply for  
7 transfers and those requests are either denied or--  
8 most are denied at the secondary level. Some people  
9 can get transfers for babysitting reasons. A lot of  
10 them do get them for babysitting reasons and they are  
11 not necessarily for babysitting reasons but because  
12 we do have a lot of parents who happen to have a  
13 sitter that lives in another area, we do provide  
14 those transfers.

15 Other problems are from fears, and  
16 some fears which really should not be, person has in  
17 their own mind because this child is going to this  
18 school and the kids, if it happens to be a large  
19 number of black students in that school, then some  
20 parents feel that they don't want their children to  
21 go there. They'd rather go somewhere else. Of  
22 course, predesegregation, you know, students who were  
23 in an area designated go to a school that was  
24 predominantly of their race, could make the choice to  
25 go to another school, but that doesn't exist today.

1 We have that kind of problem.

2 We do have behavior problems. As I  
3 hear principals say, if this is happening today, what  
4 would have happened five years ago would have been a  
5 black/white problem. Today it is beginning to be a  
6 problem, period, between a black and white student;  
7 yet, in some instances, it depends on the case.

8 Every case has its own personality.  
9 It depends on who the people are that are involved.  
10 Some parents who are black and some parents who are  
11 white parents whose children get into a fracas, for  
12 example, a black parnt can be very upset that the  
13 white student is taking advantage of him or vice  
14 versa, the black student is taking advantage of the  
15 white students. These things still exist.

16 These are people problems, very, very,  
17 strong; some people are very emotional about it.  
18 They haven't arrived. Of course, what we're trying  
19 to teach our students--we are a public school system  
20 and we are talking about living in a society that is  
21 desegregated, working on jobs and all. As I said, we  
22 are just a microcosm of the community and living  
23 together is one of our objectives to teach people,  
24 help them to learn to live together and live in  
25 harmony.

1                   CHAIRMAN BOSTIC: Thank you very much,  
2 Dr. Moore. We are just about on schedule, perhaps a  
3 little bit behind and then we'd like to try and  
4 finish.

5                   DR. HOI: You mentioned that besides  
6 the bright students, there are other minority  
7 problems. Is there any kind of programs, any  
8 specific kind of program that has been done for them  
9 to help them?

10                  DR. MOORE: Yes. The refugee program  
11 is probably the most significant problem we've got  
12 and why I failed to mention that, English is a second  
13 language. Just recently in the past two years we've  
14 increased the number of students who had been in  
15 camps, and they've been there for a number of years,  
16 who did not have some of the educational advantages  
17 that others had when they came to us.

18                  We have had some money problems.  
19 We've had some people problems, but it is very good  
20 we have some advocates in the area that are concerned  
21 about the Cambodian and Vietnamese children. They  
22 assist us. They help us to move in the right  
23 direction, but we still have a long way to go with  
24 that. We need better teachers. We need teachers who  
25 can cross the language barriers whereas we've got



1 some students that help, student to student, but we  
2 do have problems there, and I think some things are  
3 being done. A proposal was written to try to get  
4 some more funds to help.

5 Of course, somebody says funds don't  
6 always make it. You could have all the funds we want  
7 but if you don't have the right kind of program, then  
8 it doesn't do any good. We are working on improving  
9 that program.

10 CHAIRMAN BOSTIC: Thank you very  
11 much. Dr. Moore and Dr. Hoi, thank you very much for  
12 this panel. Go ahead, Dr. Hoi, you wanted to say  
13 something?

14 DR. HOI: No.

15 CHAIRMAN BOSTIC: This concludes panel  
16 number two, and now we'll move on to panel number  
17 three with Dr. Timothy O'Rourke who will chair the  
18 panel on denial of voting rights. Dr. O'Rourke?

19 DR. O'ROURKE: My name is Timothy  
20 O'Rourke and I'm chairing the panel of which you may  
21 notice by its characterization, the other panels are  
22 referred to as discrimination complaints. This panel  
23 speaks of the denial of voting rights, and the two  
24 panelists today are here to talk about the denial of  
25 voting rights to persons who left prison.

1                   Essentially, it has to do with the  
2 restoration of voting rights. The two panelists are  
3 Mr. Corelli Rasheed, and Tom Kerfoot and I'll turn to  
4 Mr. Rasheed first and ask him to address the three  
5 issues that, I think probably is a part of the the  
6 record already, but for the sake of this particular  
7 presentation, I would request him to address the  
8 issue of restoration of voting rights to people who  
9 left prison and then, if he has comments, to talk  
10 about his views on the Human Rights Act for Virginia.

11                   MR. RASHEED: Good morning. First of  
12 all, I want to state that the issue of voting rights  
13 concerning convicted felons is one that is not a  
14 popular one which I understand but also to get right  
15 to the point, one conviction of felony with all the  
16 circumstances for anyone in the state of Virginia the  
17 right to vote is taken away, and that's not the issue  
18 which I'm really concerned about at this meeting.  
19 The issue that I'm concerned about is the procedure  
20 for getting his rights back upon completion of the  
21 sentence that is issued by the particular judge in  
22 whatever area it is.

23                   Some of the issues around getting  
24 those rights back are completion of sentence, number  
25 one, the paying of cost costs and fines, which are

1 tacked on to that at a 12 percent interest rate that  
2 begins upon conviction of anyone of a felony, so 12  
3 percent interest rate is tacked on that and most  
4 people who, I will state, in the state of Virginia  
5 who is convicted of a felony that is in turn sent to  
6 prison, given a prison sentence, is not in position  
7 to pay court costs and fines at that particular time  
8 but while they are serving that time there is a 12  
9 percent interest that has been being tacked on to the  
10 court costs and fines which they are no position to  
11 pay at the time. That is accumulated.

12 So, if someone is in prison for ten  
13 years that 12 percent interest rate is tacked on to  
14 his court costs and fines. By the time this person  
15 is released, he has an enormous court costs and fines  
16 to pay off in turn to get his voting rights back in  
17 which most people, very few people in the state of  
18 Virginia get their voting rights back after being  
19 convicted of a felony.

20 This brings up another issue that I am  
21 concerned with and that is the fact that the majority  
22 of people that are convicted of felonies in the state  
23 of Virginia are from the black community. That's an  
24 known fact, from the black community.

25 What it in turn does to the community,

1 what it turns out to do to the community as far as  
2 having some political strength as far as majority of  
3 black men are to have convicted felonies and can't  
4 vote, what turns out for the voting strength of those  
5 communities?

6           What I'm saying is that I feel like  
7 voting is a responsibility moreso than a privilege, a  
8 responsibility of every citizen. Voting is a  
9 responsibility and that the issue of whether to vote  
10 should not be attached on to whether or not a person  
11 is convicted of a felony, because in turn I think  
12 that retroactive, as far as the rehabilitation  
13 process, when you talk about rehabilitating someone,  
14 I think the main issue concerning rehabilitating  
15 someone is getting them involved into the  
16 communities, getting them involved in doing something  
17 positive, opposed from keeping them away from  
18 something positive, getting them involved maybe in  
19 the mainstream of American life. That's the whole  
20 issue that I'm concerned with, is what this does to  
21 the black community by not allowing this great  
22 majority of people not to participate in the  
23 political process of voting.

24           So we should say something when we  
25 reflect on the number, more than 65 percent of the

1 people in the prison system in the state of Virginia  
2 are black. More than 65 percent are black, and it's  
3 is way less than that as far as percentage of black  
4 people versus other people as far as racial  
5 percentage. It is very low than that when we look at  
6 the population itself. The population of blacks in  
7 Virginia is probably, my guess, it is below 25  
8 percent, but in our prison system we have above 65  
9 percent blacks in the prison system and all these  
10 people that is getting out of the prison system, very  
11 few of them getting their voting rights back.

12 When we look at that over a number of  
13 years, we look at the Virginia prison system today  
14 and we have better than 10,000 people incarcerated,  
15 so 65 percent of is black. Then we look at what  
16 happens when we add up the years. We add up the  
17 years 15 years, 20, 30, 40 years, we have 45 percent  
18 of 65 percent of our communities not being able to  
19 vote.

20 I had the opportunity of meeting a  
21 gentleman who had been incarcerated over 40 years  
22 ago, and he never got his rights back because it is  
23 such a tedious procedure that you must go through in  
24 order to get your rights back. First, you got to  
25 make sure your court costs and fines are paid; then

1 submit a petition to the Governor in which you must  
2 get a lot of references from so many people in the  
3 community to send along with this petition, and very  
4 few people that's being incarcerated can go through  
5 that process, because, if we look at the education,  
6 number one, of those people who are incarcerated, the  
7 education level of the majority of people who are  
8 incarcerated falls between 7th and 9th grade.

9           So we are asking these people with the  
10 education level of 7th and 9th grade to go through  
11 the process that, in turn, which I called several  
12 lawyers and they don't know anything about as far as  
13 how to go getting rights back. So it becomes, I  
14 think, a very important issue that may cross over to  
15 the racial issue. Because of so many people from the  
16 back communities being denied the rights to vote and  
17 not having any political power, it makes me wonder  
18 whether there is some underground scheme or something  
19 that is going on to keep the black communities, the  
20 leaders of the black communities, keep them out of  
21 the political process.

22           A good way to do that is not allow  
23 them to vote. I'm not advocating the issue of  
24 placing convicted felons in political office. I'm  
25 advocating the issue of providing them with the right

1 to participate in the political process by voting,  
2 and from what I understand, Virginia is behind as far  
3 as a lot of the states of the United States because  
4 upon completion of a sentence in a lot of the states  
5 in the United States your rights are automatically  
6 given back to you. You don't have to go through any  
7 of those processes in that long process like we do  
8 here in the state of Virginia.

9 So I want to conclude with that.

10 DR. O'ROURKE: Next speaker is Tom  
11 Kerfoot.

12 MR. KERFOOT: Restoration of political  
13 rights for ex-offenders in Virginia is indeed a  
14 cumbersome and difficult task. Last year in Virginia  
15 between January 13, 1948 and January 18, 1985 only  
16 434 offenders had their political rights restored.  
17 All court costs, fines and interest must be satisfied  
18 before an offender can petition for restoration.  
19 Offenders given suspended sentences must wait until  
20 those times expire before they can petition for  
21 restoration of rights.

22 For example, an offender given a ten-  
23 year suspended sentence as part of his sentence must  
24 wait ten years after his release before he can  
25 petition for his political rights. Interest accrues

1 on costs and unpaid fines during incarceration and  
2 can be a form of additional barrier for an offender  
3 when released; most earn less than a dollar per day  
4 while incarcerated.

5 Trying to find a job and re-establish  
6 themselves with their families and communities is  
7 difficult enough after release.

8 Their financial burden along with the  
9 \$15 monthly parole supervision fee creates a form of  
10 financial servitude for the defendant. It seems that  
11 the denial of these political rights after offenders  
12 have completed their time they need constitutes form  
13 of cruel and unusual punishment. Perhaps at the very  
14 least it places an offender in a possible disloyal  
15 and punitive environment that could resist  
16 individualism. I'm not saying these costs shouldn't  
17 be satisfied but let's give the offender an  
18 opportunity to pay while incarcerated than after  
19 release.

20 If he's making payments in good faith,  
21 should he then be allowed to petition for his rights?  
22 It is unfair for him to have to pay all costs fully  
23 and wait until all suspended time elapsed before he  
24 can participate again as a full-fledged citizen. Is  
25 this extended punishment rehabilitative or does it



1 create an environment for future crimes? Is he a  
2 greater cost to societny? It's time that the process  
3 be changed for the benefit of all.

4 DR. O'ROURKE: As a follow-up to the  
5 two presentations, do either of you have an idea of  
6 how large the number is of ex-prisoners who are out  
7 there but not presently able to vote?

8 MR. KERFOOT: I couldn't get those  
9 figures. I tried to get those latest figures. I  
10 couldn't get the release figures either, but I know  
11 in terms of Penal Law, 434 is a very small number of  
12 offenders as compared to the number released.

13 DR. O'ROURKE: How many are released  
14 each year?

15 MR. KERFOOT: I couldn't get those  
16 figures. Corelli may have an a figure.

17 MR. RASHEED: I could make an educated  
18 guess as to how many are released. My assumption  
19 would be that there are probably close to 1500 people  
20 being released from the Department of Corrections a  
21 year.

22 MR. KERFOOT: A lot of these people  
23 whose rights were stored were released in the '60s.

24 MS. RATTLEY: Released when?

25 MR. KERFOOT: Released in the '60s so

1 they've been out for a long time before their rights  
2 were actually restored. Many of them had suspended  
3 sentences is part of the problem.

4 DR. O'ROURKE: Is there legislation  
5 proposed to deal with this problem?

6 MR. RASHEED: Not that I'm aware of.

7 MR. KERFOOT: Not that I'm aware. My  
8 understanding there is a local attorney working on  
9 that at this time but it is just in the beginning  
10 sort of the incipient stages, and nothing has yet  
11 been finalized as far as a petition is concerned for  
12 restoration of rights.

13 MS. RATTLEY: I have a question.  
14 First of all, you have to be convicted of a felony to  
15 have your rights removed? That is still the law  
16 before you lose your rights to vote?

17 MR. RASHEED: Right.

18 MS. RATTLEY: Are we to assume that  
19 most of the felons leave the court owing money?

20 MR. KERFOOT: Yes.

21 MS. RATTLEY: This is what, the fine  
22 and court costs?

23 MR. KERFOOT: Fines and court costs  
24 which can accrue while being incarcerated.

25 MS. RATTLEY: You are saying each

1 felon who is serving time, he would have some  
2 financial obligations so he would come under this  
3 particular law?

4 MR. RASHEED: Right, each felon that  
5 is released from the Department of Corrections from  
6 Virginia has court costs and/or fines.

7 MS. RATTLEY: None of them pay that  
8 court costs before they serve, so we can assume that  
9 everyone would come under this restriction?

10 MR. RASHEED: Right. I don't know of  
11 any case--and I work with ex-felons getting out of  
12 prison--and I don't know of anyone that I've worked  
13 with in the last five years who did not have court  
14 costs, and I worked with roughly 2500 people in the  
15 last five years. I don't know any that didn't have  
16 court costs.

17 MS. RATTLEY: And the state law is  
18 that they pay 12 percent?

19 MR. RASHEED: Yes. 12 percent that is  
20 tacked on to that that starts as soon as they are  
21 convicted. So you can imagine what it would be if  
22 they got \$2,000 in court costs and incarcerated for  
23 ten years and interest and making a dollar a day, so  
24 you're in no position to pay, number one, and when  
25 you get out, they are still in no position to be of

1 having to take up responsibilities of supporting  
2 themselves and, if they have a family, support their  
3 family and this proves an astronomical strain on  
4 them.

5 MS. RATTLEY: This is the first time I  
6 heard it expressed this way. What happens to the  
7 money that is supposed to be earned while the person  
8 is incarcerated?

9 MR. RASHEED: While the person is  
10 incarcerated, the monies that are earned, so much is,  
11 from what I understand, taken off to pay for their  
12 bed space, to pay for the food, and to pay for their  
13 guards and those types of things, and the dollar a  
14 day that is left after is change, I guess, from what  
15 they earn.

16 MS. RATTLEY: That goes to the  
17 prisoner?

18 MR. RASHEED: Right.

19 MS. RATTLEY: So none of that money  
20 can go to that pay court costs?

21 MS. RATTLEY: I think the impression  
22 that I've had, I thought the pay was coming from  
23 whatever they earned, you know, while they are  
24 serving.

25 MR. KERFOOT: The average annual cost

1 I think as reported by the Governor's Office in  
2 February for food, security, clothing for prisoners  
3 in the state institutions is \$20,000 a year, so that  
4 would not really serve to mitigate that cost, such a  
5 small sum.

6 DR. O'ROURKE: What is the average  
7 court costs? What kind of money are you talking  
8 about?

9 MR. KERFOOT: I think it depends on  
10 the nature of the crime and sentence, that kind of  
11 thing.

12 DR. O'ROURKE: Give me a ballpark?

13 MR. RASHEED: The average court cost  
14 from my experience is anywhere from 1500 to \$2,000.

15 CHAIRMAN BOSTIC: Mr. Norris has a  
16 question.

17 MS. RATTLEY: That interest is  
18 compounded for the term?

19 MR. RASHEED: Right.

20 MR. KERFOOT: I think it is compounded  
21 annually but I'm not sure.

22 MR. NORRIS: Just a point of  
23 clarification. I assume we are talking about the  
24 restoration of voting rights with respect to state  
25 and local elections. What is the rule with regard to

1 federal elections?

2 MR. RASHEED: It is my assumption the  
3 rule is the same, because, if there is any  
4 difference, go ask particularly these people who  
5 don't have the rights.

6 DR. O'ROURKE: I don't know of any  
7 aspect of the federal voting rights laws that make an  
8 exception for the rights of ex-felons.

9 MR. NORRIS: Federal law allows the  
10 state to determine eligibility of voting in federal  
11 elections with regards to convicted felons.

12 MR. RASHEED: I know once they get the  
13 rights--

14 MR. NORRIS: Until that time, they  
15 have to be released and cannot file a federal  
16 lawsuit.

17 DR. O'ROURKE: Basically, state law  
18 determines who votes, absent the federal exceptions.  
19 Of course, the federal government has carved a large  
20 area, but to my knowledge it hasn't touched this  
21 area.

22 MR. KERFOOT: It's an interesting area  
23 for a federal lawyer. The other decision to restore  
24 political rights is an executive part of government  
25 as parts of the clemency and things of that nature

1 area. That could change with a new administration or  
2 new philosophy but the interest itself is mandated by  
3 law.

4 DR. O'ROURKE: Are there any comments  
5 from the audience on this issue? If not, I would ask  
6 are if there any comments either from the audience or  
7 the panel on voting rights matters generally?

8 MS. ARLENE STOLLER: My name is Arlene  
9 Stoller and I have a question. My question is among  
10 the persons who are released from prison who have  
11 this tremendous debt and are unable to vote and so on  
12 and so forth, do many of these persons exhibit a  
13 genuine desire to be able to vote?

14 MR. RASHEED: Yes, they do. There's  
15 a great number of people who in these circumstances  
16 exhibit a desire to vote to me, and also to their  
17 probation and parole officers, into which a majority  
18 of them are disappointed when they find out the  
19 facts. The fact of the matter is that they don't  
20 have the privilege to participate until court costs,  
21 fines, and a petition is submitted to the Governor to  
22 have his rights back.

23 MS. RATTLEY: I should like to speak  
24 from experience that there are a great number of  
25 ex-offenders who would like to exercise their rights

1 to vote. They come out into the community and most  
2 of them are not knowledgeable as to how to go about  
3 it. Many of them still feel that it is for life, and  
4 many of them are very, of course, embarrassed, too,  
5 if the NAACP or some lawyer were to ask as to what he  
6 or she can do in order to have these rights  
7 restored.

8           It appears to me that we overlook the  
9 fact that we have some very intelligent young men, in  
10 particular, in the jails of Virginia and, of course,  
11 in other states, also. Apparently, they have a great  
12 deal of time that they spend reading and writing and  
13 many of them become pretty good lawyers during the  
14 time they are incarcerated.

15           I receive tremendous amount of  
16 correspondence from inmates in the city jail, the  
17 city farm and penal institutions and federal  
18 institutions and state institutions, and most of  
19 these letters are written on legal sized paper, the  
20 yellow pads, and they are about six to eight to ten  
21 pages long, and they can state the law better than  
22 most attorneys that I know, so I would like to  
23 emphasize the fact that because they are  
24 incarcerated, many of these young people are very  
25 alert as to what's going on around them and would



1 like to participate. Not enough attention is paid to  
2 this matter.

3 A lot of people, I think, wish it  
4 would just go away, but we have so many of our young  
5 people who are now serving time for drugs and  
6 depending on the quantity of drugs you have on you at  
7 the time will determine your classification as a  
8 felon. Many come back when they are able to kick the  
9 habit and are spending their time for what they have  
10 done; they have not harmed anyone in society for the  
11 most part but themselves, many of them, so you have  
12 all classifications of offenders coming back. We  
13 tend to look at them as the stench of the earth and  
14 all bad guys. I think we need to rethink that  
15 because it gets into every area of discrimination and  
16 this is especially true of the black community.

17 I say this because I had the privilege  
18 of serving on the Jail Task Force some years ago and  
19 had an opportunity to visit almost every jail in  
20 Virginia, and I can tell you some stories of what I  
21 saw and observed, and there are some very creative  
22 individuals there, but we tend to avoid discussing  
23 this issue and other issues associated with these  
24 people who are coming back into society.

25 We talk about rehabilitation and I

1 wonder if we are really interested in rehabilitation  
2 because this whole matter of qualifying to have your  
3 rights restored could be a tool to help rehabilitate  
4 many of these young people who come back to our  
5 communities.

6 MS. STOLLER: My interest in this was  
7 prompted partially by the fact in our local papers in  
8 the last few days we've had several articles on how  
9 slow the registration is and we've had extra hours  
10 and on Saturday there was a sort of a voter  
11 registration festival at one of the shopping malls  
12 an so on and I was truly delighted to learn that  
13 there is somebody out there who wants to register and  
14 vote.

15 MS. RATTLEY: Human nature tells you  
16 people like to do what they are barred from doing,  
17 and that's regrettable.

18 CHAIRMAN BOSTIC: One final question  
19 over here, please.

20 MS. LORITTE: A quick overview. I  
21 know working with Carlyle two years ago, I helped  
22 three guys and myself learn how to petition for the  
23 rights to vote. But I think in answer to the comment  
24 about the slow voter registration, that last year  
25 Virginia said we were going to help registration. We

1 have to educate ourselves to the fact that we do in  
2 the state of Virginia have some problems to address,  
3 but the rights have gone astray.

4 I come from a civil rights background  
5 and I remember teaching how many granules of soap was  
6 in a box of Tide and saying the Preamble of the  
7 Constitution and I wasn't able to vote. You had to  
8 be 21 at that age and I was only 18.

9 But I think the issue of not only  
10 denied rights for my brothers that are incarcerated,  
11 but the denied rights of any citizen not to use and  
12 not to be able to go and vote, and really the  
13 question is why has Virginia been under federal  
14 observation? why must we as American citizens, the  
15 rights that we earn--these are rights--why can't we  
16 go to a polling place and vote? What is being done  
17 about the registration?

18 I question both political parties.  
19 They didn't assert this year like they did the year  
20 before in getting the mass of people out. News media  
21 will say one thing and I know when I get finished,  
22 somebody will say, she didn't say it.

23 But my question is where have we  
24 failed to present the facts and back people up going  
25 to the ballot?. They don't feel secure. When you

1 see people not coming out, then the question is, what  
2 are we doing and where is the reason? We must  
3 address this. If we can put any kind of law--and I'm  
4 saying community law--not talking about federal laws,  
5 because you have some people who will lose and that  
6 makes people address the issues that are performed  
7 now. Thank you.

8 DR. O'ROURKE: Mr. Chairman, if I  
9 could ask some questions to sort of fill out this  
10 record. How is the money that the court costs, how  
11 is that recovered by the state? I don't believe the  
12 state denies the right to vote with the hope that's  
13 going to deprive people to pay their court costs.  
14 What is the alternative mechanisms? Are wages  
15 garnisheed or--

16 MR. RASHEED: Well, they are  
17 threatened with being reincarcerated by their parole  
18 officers if they don't pay the court costs and fines.  
19 If the issue is voting as this one, as far as whether  
20 or not the person is going to pay because they are  
21 threatened by the court to be reincarcerated if they  
22 don't pay the court costs and fines. The issue of  
23 voting is never even mentioned by the court or the  
24 parole officer, so it is not an issue to the courts,  
25 I don't think; it is not an issue to the courts

1 whether or not a person pays court costs and don't  
2 get the rights back.

3 I think very few judges and parole  
4 officers are even aware of the fact that a person can  
5 get their rights back once they pay the fines and  
6 court costs, so I don't think that is an issue.

7 DR. O'ROURKE: That's really the point  
8 I'm trying to make, that the voting rights should be  
9 separated from the payment. After all, we don't deny  
10 voting rights to people who are overdue on their  
11 property taxes or owe money to the state for income  
12 taxes?

13 MR. RASHEED: I think if there was a  
14 look at the records as far as court costs and fines  
15 being paid in the state of Virginia, I think the  
16 state of Virginia has probably a very good record  
17 because these people are never left off probation if  
18 they don't pay the court costs and fines, and these  
19 people are getting off probation. It says something  
20 for that.

21 They are paying the fines and court  
22 costs but in turn they don't get their rights back.

23 MR. KERFOOT: I think one other point  
24 I want to make about the \$15 monthly parole  
25 supervision fee. That fee goes to the general fund,

1 so it doesn't necessarily support probation and  
2 parole.

3           One other comment I wanted to make to  
4 this lady over here. It is probably true that a lot  
5 of offenders are not interested in restoration of  
6 rights but, if you pardon the analogy, I think it is  
7 a little bit like your health: you don't appreciate  
8 it unless it is gone.

9           I think they are enlightened but are  
10 incarcerated and understand the process a little  
11 better and many of them are encouraged about having  
12 their rights restored. But I don't think the fact  
13 whether they want their rights restored or not should  
14 be a criteria for that right is what I'm basically  
15 saying. I don't think there has to be a huge  
16 interest for it to be a right or wrong issue.

17           DR. O'ROURKE: One other question.  
18 I'm trying to remember my Virginia Constitution but  
19 this can be corrected by statute or would it require  
20 a constitutional amendment?

21           MR. KERFOOT: As far as what, the  
22 restoration of rights themselves?

23           DR. O'ROURKE: Yes.

24           MR. KERFOOT: My understanding, it is  
25 a function of the Governor, executive function much

1 as a pardon or any form of clemency. I think  
2 interest itself is mandated by--interest on the court  
3 costs and fines.

4 DR. O'ROURKE: Could the Governor  
5 simply suspend the requirement?

6 MR. KERFOOT: That's my understanding,  
7 yes.

8 DR. O'ROURKE: Are there any other  
9 comments?

10 (No response).

11 I'd like to thank the panel, certainly  
12 I for one, and appreciated it very much, and I would  
13 like to thank the members of the audience for  
14 commenting.

15 CHAIRMAN BOSTIC: Thank you Mr.  
16 O'Rourke and members of the panel. We will adjourn  
17 very shortly. This morning you heard from three  
18 panel groups, the first being on employment  
19 discrimination, the second one being on education  
20 discrimination, and just recently the denial of  
21 voting.

22 This afternoon we will hear two of the  
23 final two panels, one on housing discrimination, and  
24 a panel on administration of justice complaints. We  
25 will reconvene at about 2:15. Thank you all very

1 very much for your participation. We are adjourned  
2 for lunch thank you.

3 (Luncheon recess taken at 12:04 p.m.  
4 and reconvened at 2:15 p.m.)

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## 1 AFTERNOON SESSION

2 CHAIRMAN BOSTIC: Good afternoon, and  
3 again welcome to the second half of our activities to  
4 the State Advisory Committee to the U S Civil Rights  
5 Commission. I'm Benjamin Bostic, chair of the State  
6 Advisory Committee. I introduced to you our members  
7 this morning and one of our members had not come in  
8 who was not here, that's Mr. Charles Krumbein who is  
9 to my right and your left.

10 This afternoon we're going to be  
11 focusing on housing discrimination and administration  
12 of justice complaints. The first panel, Ms. Rattley  
13 has been indicated as the person to chair that. She  
14 had to leave for other commitments in order to get to  
15 them on time. In her stead, Reverend Curtis Harris  
16 will be the moderator for this panel.

17 Just one little housekeeping thing.  
18 This is for our Advisory Committee. Our October  
19 meeting will be in Charlottesville on the next date  
20 but you will be getting communications on the time  
21 and, of course, the location of the meeting in  
22 Charlottesville.

23 Without further adieu, I will now turn  
24 these deliberations over to Reverend Curtis Harris  
25 who will be chairing this committee. Reverend?

1                   REV. HARRIS: Thank you very much, Mr.  
2 Chairman. I'm delighted to have this privilege to  
3 substitute for Ms. Rattley who had to leave. I  
4 believe she has a council meeting in Newport News  
5 tonight. We will look at this particular concern,  
6 having to do with housing and discrimination.

7                   This panel that has been selected will  
8 address this subject and hopefully will give some  
9 indication of the number of complaints that have been  
10 filed in recent times, some indication of resources  
11 now available to address those complaints, and they  
12 will also address the subject of a Human Rights  
13 Commission, whether or not they feel that it would be  
14 helpful in eliminating discrimination in housing.

15                   We have three persons present for the  
16 panel. There were four persons listed. One is not  
17 present, so we will begin as they are listed on the  
18 program.

19                   We will have Mr. Robert Johnson,  
20 Director of Danville Fair Housing Board to speak  
21 first.

22                   MR. JOHNSON: Thank you. Good  
23 afternoon. My name is Robert E. Johnson. I'm the  
24 Fair Housing Officer for the city of Danville. In  
25 1982 the city of Danville, City Council, enacted and

1 amended the ordinance to include fair housing. We  
2 presently have five members on the Board from the  
3 community who serve as persons on that particular  
4 Board.

5           The Fair Housing Law, as passed by the  
6 City Council, gives the Fair Housing Board and its  
7 Fair Housing Officer the authority to investigate  
8 housing complaints of alleged discrimination. The  
9 Fair Housing Officer is responsible for investigating  
10 to determine whether or not complaints are valid,  
11 finding the complaints valid or invalid.

12           The Secretary, or, as I'm sometimes  
13 called, Secretary, Fair Housing Officer will then  
14 convene the Board and advise the Board to take  
15 necessary action. Our only purpose, as the Fair  
16 Housing Board, and the authority given to us, is that  
17 of conciliatory. In other words, we cannot require  
18 any realtor, bank, or persons who discriminate to  
19 cease and desist.

20           Again, it is gentle persuasion that we  
21 attempt to conciliate problems. The Board and its  
22 Fair Housing Officer have actually been active about  
23 two years. My coming from Connecticut and working  
24 with the Fair Housing Board was in August of 1983.

25           Once upon my entry into working with

1 the Board, one of the things that I had to do was to  
2 promulgate procedures to in fact make this Fair  
3 Housing Ordinance effective.

4 This being done and approved by the  
5 Board and the City Council, we now are very active in  
6 attempting to seek out and address complaints of  
7 discrimination based on race, color, creed, national  
8 origin, sex and handicap.

9 At present we have reviewed and  
10 received nine complaints, two complaints pending.  
11 The resolvment of those complaints is simply that  
12 when we address the defendant and advise him that  
13 there was a possibility of the alleged discrimination  
14 being remedied and somehow the individual respondent  
15 advised that no, there was no discrimination and we  
16 resolved the complaint at the level before taking it  
17 to the Board.

18 Now, as I indicated that we have only  
19 the authority of conciliation. If it is found that a  
20 defendant does discriminate and we, in turn, after  
21 review, have fact findings that there is  
22 discrimination and the respondent decides that he  
23 does not wish to resolve the complaint at that level,  
24 our next step is that we notify the state of  
25 Virginia, the Fair Housing Commission, which is a

1 part of the Real Estate Commission, we, in turn, turn  
2 our findings over to the Commission to take effective  
3 action.

4           One of the things that we have  
5 attempted to do is to notify the Fair Housing  
6 Commission immediately once a complaint is alleged.  
7 We notify them immediately. We are then working in  
8 tandem with them and we are the ones who do the  
9 background investigation. Having one person on a  
10 Board to do this investigation has not been  
11 necessarily effective. However, we are working very  
12 closely with the State Fair Housing office.

13           The state has the authority to come in  
14 to the area. If we cannot resolve the complaint,  
15 they then can come in with the power of cease and  
16 desist. We have tried to use gentle persuasion  
17 through public notices, through spot radio  
18 announcements, et cetera. We have tried to make the  
19 community aware that there is a Fair Housing Board in  
20 the city of Danville who will listen to their  
21 complaints, accept their complaints and investigate  
22 their complaints.

23           We found out through the number of  
24 complaints that we have received individuals are  
25 reluctant to file complaints because there seems to

1 be the feeling that nothing will be done. We do not  
2 have the power and authority to take action of cease  
3 and desist for a person or persons who violate the  
4 Fair Housing Ordinance.

5 Most of our complainants will, after  
6 filing, and the long process which takes  
7 approximately anywhere from two months to six months  
8 to resolve the complaint, will then just decide that  
9 they do not have the financial resources to continue  
10 to address this complaint. Sometimes individuals,  
11 especially the renters, are intimidated to the fact  
12 that they could possibly lose the lease on their  
13 particular property that they are renting and,  
14 therefore, it is a financial hardship and emotional  
15 burden.

16 I could go on and talk about some of  
17 the things that have happened and planning  
18 procedures, but I think most important, one of the  
19 things that seems to be is that not only in our  
20 locale we need that power of enforcement. We need  
21 the authority to take action to a cease and desist.  
22 We need the resources which we can investigate a  
23 complaint and come to an early conclusion to rectify  
24 the situation.

25 Most of our complaints have been

1 regarding race discrimination. There are very few  
2 complaints on age discrimination. We've had a  
3 couple of complaints regarding nationality, national  
4 origin, but most of the complaints are racial in  
5 nature and are very subtle, which requires an awful  
6 lot of time and wherewithal to investigate the  
7 complaint.

8 I think one of the important things,  
9 if I might talk about it, the city of Danville's view  
10 on the need for a Virginia Human Rights Act. The  
11 city of Danville has gone on record that they are in  
12 favor of a strong Virginia Human Rights Act,  
13 realizing that the state of Virginia is probably one  
14 of three or four states in this nation that do not  
15 have state human rights laws or acts.

16 I think it is very important the  
17 legislature take that concern and realize that  
18 persons will not necessarily, out of good will, give  
19 equal treatment. I think it is important for that  
20 the law is there, does not change a person's attitude  
21 but it certainly gives that person the knowledge that  
22 he or she is in violation of the law.

23 Our resources, again, as I indicated  
24 is through our local ordinance and that we have on  
25 board one staff person to handle all of the

1 complaints that are presented to our Board of Fair  
2 Housing. Thank you very much.

3 REV. HARRIS: Thank you very kindly,  
4 Mr. Johnson for your presentation. The next we will  
5 hear from Mrs. Dolores Daniels, Fair Housing  
6 Administrator, Citizens Requests For Services, City  
7 of Roanoke. Mrs. Daniels?

8 MRS. DANIELS: Thank you. I'm Dolores  
9 Daniels with the city of Roanoke Fair Housing  
10 Administrator. My office handles the fair housing  
11 complaints as they are received.

12 The city of Roanoke's Fair Housing  
13 Ordinance was enacted in 1973, March 3, 1973; the  
14 first ordinance was passed at that time. The second  
15 ordinance was passed April 15, 1974 when age and  
16 marital status were added to the Housing  
17 Discrimination Ordinance.

18 Since that time the city of Roanoke  
19 has received some but not a lot of fair housing  
20 complaints. As a city employee I act as the Fair  
21 Housing Administrator. We have seven members of our  
22 Fair Housing Board that serve in an advisory or  
23 capacity to help with any type of fair housing  
24 complaints if we need it.

25 The Administrator, as my job entails,



1 receives the complaints that are processed in our  
2 office and we process the complaints within 30 days  
3 after the alleged discrimination. We investigate the  
4 complaints to determine whether discrimination has  
5 occurred, and, of course, we work very closely with  
6 our city attorneys' office in regards to this.

7           We will attempt to eliminate the  
8 discriminatory act through a conference, persuasion,  
9 or conciliation if that is the case. Any type of  
10 conciliatory agreement that is entered is enforceable  
11 in the court. If there is a problem, we can talk  
12 with the Commonwealth Attorney's Office and have an  
13 injunction brought against the landlord or whomever  
14 the complaint might be against.

15           I might say that the type of complaint  
16 that we have processed in our office pertains to  
17 race. We have not had any other type of complaints,  
18 national origin, sex or marital status or any other  
19 of the others. We have had a few complaints in  
20 regard to bi-racial marital couples who have had  
21 problems renting property, but most of the complaints  
22 we have processed in our office have been in regards  
23 to race.

24           We have had some inquiries or calls  
25 from citizens who are landlords per se but they do

1 not fall under the Fair Housing Ordinance in that  
2 they do not own enough real estate, so it's like a  
3 single residential person who is interested in  
4 renting out a room or their house to a person and  
5 they want to make sure that they are not  
6 discriminating against someone if they turn someone  
7 away. So we have had some calls in regards to that.

8           The numbers of our complaints have  
9 been kept at a minimum. We would like to think that  
10 education has helped. We do provide pamphlets and we  
11 also have an educational program that we started five  
12 years ago in that we were able to go out to a lot of  
13 the apartment complexes to check to see that they  
14 were complying with rental standards and had the  
15 Anti-Discrimination Fair Housing Law posted. We were  
16 able to do that with staff that we had at that  
17 particular time.

18           Recently, with staff cuts we have not  
19 been able to see that is carried out in new  
20 apartments that are in Roanoke City are complying  
21 with that.

22           We have, also, been on TV and included  
23 housing discrimination as part of the function of our  
24 Citizens Requests for Services office. Also  
25 pamphlets and brochures that are passed out we do

1 include that with it, hoping that, if there are  
2 complaints, citizens will feel free to call upon the  
3 city of Roanoke with their particular complaint.

4 Thank you for your time this  
5 afternoon.

6 REV. HARRIS: Thank you very much,  
7 Mrs. Daniels, for your presentation. Now, we'll hear  
8 from Ms. Hazel Thompson, Housing Activist in Roanoke.

9 MS. THOMPSON: Good afternoon. I'm  
10 Hazel Thompson. Most of the people here in Roanoke  
11 know me. I'm almost the grandmother of all of you  
12 here, so that let's you know how young I am.

13 I would like to say as a little girl I  
14 was born where our Civic Center is and I played where  
15 the new post office is, which isn't about two blocks  
16 from here. And I was living at my grandfather's at  
17 that time and they decided the house was getting too  
18 full, so my parents decided that they would move  
19 around the corner, either to the left or we would go  
20 down on the corner on the right.

21 At the time we moved, didn't have much  
22 to move but we moved, and when we got there, the city  
23 sergeant came and said, "We're very sorry but you  
24 can't live here because this is a segregated area,  
25 and those folks who live in here can stay, but no new

1 families can come in."

2 I said, "Well, that's my grandfather  
3 up the street and I've been here all my life  
4 nearly."

5 He said, "Well, I'm sorry. You tell  
6 your parents when they come in this evening that  
7 they'll have to move." So that's how I got from  
8 northeast to northwest. We moved.

9 Well, that didn't seem much of  
10 anything, but, of course, that was, as I said, back  
11 in the days of segregation. A little later then I  
12 attended an old brick school that was down the hill  
13 from the Catholic Church, Saint Andrews, and I had  
14 gotten into the seventh grade then and our parents  
15 went to the school board and the city council and  
16 asked for a school because a seventh education was  
17 all that a black child could receive at that time.

18 So they promised us they would give us  
19 a school. That was in 1916 and in 1917 we left the  
20 old brick school with the pot belly stoves and the  
21 outdoor bathrooms and went into a brand new school on  
22 Harrison Avenue with radiator heat and indoor  
23 bathrooms, and slick brick walls and were we happy!

24 Well, you say I'm an activist and I  
25 have to tell my story for you to see where I'm going,

1 and if I take a little more time, why, just allow me  
2 the whims of an older lady.

3 I might say that I went through  
4 Harrison School and then I went to Virginia State and  
5 was trained as a teacher, and I came back and taught  
6 in that Harrison School, and we were so proud of it.

7 I taught there until we had a  
8 population explosion about the time that World War I  
9 ended, and the soldiers came back and, of course,  
10 there were more children and we had children coming  
11 from southwest and children coming from northeast,  
12 and looks like they were just coming out of the walls  
13 there were so many of them. So they built the  
14 Addison School where the administration building is  
15 now, and I was carried from Harrison over to Addison  
16 as a faculty member.

17 Well, you say, "Well, weren't you  
18 satisfied?" Yes, because, again, I went into a brand  
19 new school. But the terms of teaching and the aim of  
20 education you had was climbing, and so then we had to  
21 go to summer school in order to improve ourselves.  
22 And they only paid us nine months of the year, so you  
23 had to save on that little bit of money that we  
24 received.

25 And by the way, when I look at the

1 salaries that people are receiving today, I think a  
2 long way back when we were making \$65 a month and we  
3 had to live the whole year on it and go to summer  
4 school, so you see where I'm coming from, don't you?

5 Well, from that I taught on in Roanoke  
6 City for 47 years and I taught 4,000 children right  
7 here in Roanoke. I can hardly go out the door that I  
8 don't see some of them. In the last few years that I  
9 taught, integration came in, and I have to tell you  
10 that integration helped us in some ways and it harmed  
11 us in other ways. It whetted our appetites for  
12 better things along the way of life, and then in many  
13 ways bars were thrown across our pathways to handicap  
14 us in employment, in education, and, of course, we  
15 had been voting because, if you didn't pay that poll  
16 tax, you couldn't vote; in housing, and in some  
17 instances discrimination in justice.

18 Well, you say "what affect does that  
19 have on housing?" It has a number of effects because  
20 the children who were able through our parents  
21 working at the N&W Railroad and the viscose plant,  
22 they were available to purchase homes and to send us  
23 because they had something called "passes" then. We  
24 could get a pass and go from here to Petersburg to  
25 the State College and get our education.

1           And then when we came back, if we were  
2 able to pass the state examination that they had,  
3 why, we became teachers. But with all of that, a lot  
4 of children couldn't find jobs in Roanoke because  
5 times were changing, and, as the times changed, these  
6 old parents were still here with the homes but the  
7 children had to go elsewhere to gets a job. When  
8 they went elsewhere to get a job, they settled down  
9 where they were, and that left the parents here and  
10 many of them have died out and left the homes that  
11 they had worked so hard to have for their children to  
12 hand down to their children.

13           That happened in so many cases, and as  
14 that happened, we find that it's caused our  
15 neighborhoods to become rundown because there was  
16 nobody there.

17           The older people had died out, and  
18 there was nobody there to look after the home. You  
19 say, "Well, yes, but it was our property." Yes, but  
20 "what do you mean by our property?" The parents  
21 bought it and they left it to the children but the  
22 children didn't want it now because they had  
23 established themselves in whatever city they were  
24 working in, or living in.

25           So that is one of the problems that

1 Roanoke has had. We have a lot of our property that  
2 has deteriorated, and nobody can have it because  
3 nobody knows where all the heirs are. Is that a  
4 problem? It is.

5 Now, not only that, but just this week  
6 we had a neighborhood fair here in Roanoke and we had  
7 buses to tour the city and we had speakers to come in  
8 and I can say that under Mayor Taylor's leadership  
9 and under our neighborhood partnership organization,  
10 whites and blacks have worked together to pull up our  
11 neighborhoods. We have joined and gone to the  
12 Roanoke Redevelopment and Housing body, whatever it  
13 is here. It's located at one of our housing projects  
14 and we have several of those in the city. Well, when  
15 we go up there. They tell us what the government  
16 says the amount of money that the city has so that  
17 some of these homes can be improved.

18 Well, some of us have gotten loans on  
19 our homes to improve them. Others of us have gone to  
20 back to our neighborhood organizations and to the  
21 people now you can go up to the Roanoke Redevelopment  
22 Housing Authority and get a loan but you have to tell  
23 them how much you are making, what you're making and  
24 all of that.

25 Some of the folks are afraid to do



1 that. They've lived there all their lives and they  
2 know they have such a little bit now, having retired  
3 and all that they don't see how they can pay a loan  
4 and continue to live.

5 That's another problem. Well, not  
6 only that, but in some instances, we have worked  
7 together. I go to southeast to their meetings, and  
8 they come to northwest to my meetings and we discuss  
9 our problems. One of the problems I found was that  
10 this school that I told you I attended, that Harrison  
11 School, well, I'd like to tell you in '79 the city  
12 engineers said they were going to bulldoze that  
13 school down and I told them they couldn't do it. He  
14 said, "What you mean, can't do it? It belongs to  
15 the city."

16 "No, it belongs to the people because  
17 it was built with the people's tax money."

18 He said, "Well, you have to go further  
19 than me." So I went first to the City Manager, then  
20 to the Mayor, then to the City Council. So when you  
21 want to do something in your neighborhood, you've got  
22 to take those steps and go with those people and go  
23 to them and present your problem. I presented my  
24 problem. I told them as a little girl that's how  
25 proud I was to go to that school and through the

1 years what it had meant to all the black children and  
2 how we had had concerts and had our graduation  
3 exercises and all of that, and how we had young men  
4 now who are judges and who were doctors and who were  
5 lawyers and all of that, and how they represented  
6 Roanoke City and America wherever they were. Many of  
7 them had even lost their lives through the wars and  
8 so forth.

9 I said "that's the reason you can't  
10 tear it down." So they told me that they would see  
11 about working with me, and with that school as our  
12 project, the Northwest Neighborhood Improvement got  
13 busy then and went to the historical society to be  
14 made into a historical landmark.

15 They told us that school isn't old  
16 enough to be a historical landmark. It would have to  
17 be so many years old before it could be that. I  
18 said, "Yes, but it is a historical landmark as far as  
19 the black children and the black citizens are  
20 concerned, as it was the first black high school  
21 built in all southwest Virginia."

22 So they said well, they couldn't do  
23 it.

24 Then I went to our city legislators,  
25 and I'll name some: Mr. Chip Woodrum, Mr. Vic Thomas,

1 and I told them, I said, "They just can't do that to  
2 us".

3 I talked to them and they agreed and  
4 they passed a resolution that was sent to the  
5 Virginia Legislature and it is a historical landmark  
6 in Virginia today. Well, then I had to find out if  
7 we could get any money to have the building done over  
8 because with integration they closed the building  
9 down and they were going to bulldoze it down, so,  
10 again, I said, "Well, I've got to go again  
11 somewhere."

12 So I worked with TAAP, Total Action  
13 Against Poverty, and we made it to Washington, D.C.  
14 And there I went to see our senator, Senator Caldwell  
15 Butler, and I had notified him we were coming. So  
16 they made a place for us to speak on the the Public  
17 Relations Committee. We spoke on that Public  
18 Relations Committee and when we spoke there, Mr.  
19 David Stockman spoke on the same program along with  
20 me. He said he didn't have time to answer any  
21 questions when I got through talking.

22 So I told them, when I got through,  
23 that I felt that every senator and every house of  
24 representative member, when he came back each year,  
25 should read the Preamble to the Constitution and I

1 quoted that Preamble of the Constitution:

2 "We, the people of the United States,  
3 in order to form a more perfect union, establish  
4 justice, ensure domestic tranquility and provide for  
5 the common defense and promote the general welfare of  
6 this United States of America..."

7 Well, I didn't get the last two lines  
8 in there but you know it. So, anyway, when I got  
9 through, the TV media was there and the folks stood  
10 up and they applauded, and Mrs. Collins was the  
11 Chairperson for that day, and they turned to our  
12 senator who was on one end of the table and said,  
13 "Senator Butler, if she ever decides to run for  
14 Congress, don't you run against her". (Laughter).

15 Well, then I went to the HUD Office  
16 and I had our proposal all written up and they told  
17 us that they didn't think we had enough in our  
18 proposal. I said, "I bet you when I come back the  
19 next time I'll have enough in it." So it was about a  
20 month later, and I was back up there. So when I went  
21 back the second time, they said, "You're back?" I  
22 said, "Yes, I'm back."

23 So they started to reading through  
24 it. They said, "Well, you'll hear from us in about  
25 two weeks." So, in about two weeks the mayor called

1 me and said, "Mrs. Thompson, can you be in our office  
2 tomorrow at 10:00 o'clock?"

3 I said, "Yes, I'll be there."

4 He said all right. So when I got  
5 there, they had this news release from HUD stating  
6 that we got our funds to repair the Harrison School.  
7 So they repaired Harrison school and it's made into  
8 28 apartments for the elderly and the handicapped and  
9 on the basement floor they only gave us ten percent  
10 of the basement and we been fighting now for two  
11 years to get that ten percent of the basement  
12 increased for our Heritage and Cultural Center, and  
13 since the IRS hasn't given us anymore yet, we're  
14 going to open on October 26th and 27th of this month  
15 our Heritage Center.

16 We've had our dedication, and the HUD  
17 came from Richmond, Mr. William Thomas, and presented  
18 us with a plaque stating that we believe in fair  
19 housing, and no discrimination and an improvement of  
20 neighborhoods. We have that to prove along with it.  
21 I might tell you, in the meantime, in '83 they made  
22 me the Citizen of the Year. I don't know for what  
23 but I was.

24 So housing, though, that isn't all of  
25 it. Housing is an important part of every man, woman

1 and child's life. The things that that child grows  
2 up with, the type of home that that wife provides for  
3 the husband, the type of home that that husband  
4 provides for that wife, makes things that help those  
5 families to have their true values and to be better  
6 citizens and that is what America needs to work for  
7 today.

8 We need to work to get these children  
9 into homes that will not make them ashamed, homes  
10 where they are taught the values of life and they are  
11 given faith in the Almighty, and when we get those  
12 things, you won't have your jails and your prisons  
13 filled with offenders. When we do those things, your  
14 girls will be respected. When we do those things,  
15 some of these things that you see advertised in the  
16 magazines won't be before the people. Thank you.

17 (Applause).

18 REV. HARRIS: Thank you very much.  
19 Next time I get ready to run for office, you will be  
20 the campaign manager. We have heard from the three  
21 panelists. Now we are ready to entertain questions  
22 and comments from the Advisory Committee and from  
23 members of the audience. We'll hear from the  
24 Advisory Committee first.

25 MR. KRUMBEIN: Mr. Chairman, Mrs.

1 Thompson, I don't know who made you Citizen of Yhe  
2 year in 1983 but I believe after what little I heard  
3 today, they made a good choice. That's all I got to  
4 say.

5 DR. O'ROURKE: I wanted to correct  
6 something you said, Rev. Harris, I think you would be  
7 the campaign manager.

8 CHAIRMAN BOSTIC: There is one  
9 question that I would like to ask Mr. Johnson. I  
10 believe just recently a Housing Consortium Committee  
11 was formed, or something of that sort, and I believe  
12 you are a member of that committee.

13 I would like to ask if there is  
14 anything the committee is now confronted with or  
15 might be under study that you think this ASC, State  
16 Advisory Committee could be of assistance to you?

17 MR. JOHNSON: The city of Danville has  
18 joined the Fair Housing Consortium six months ago.  
19 The Human Relations Commissions from the various  
20 states, state of Virginia, state of Maryland, and the  
21 District of Columbia, with other advisory or  
22 associate memberships, which the city of Danville is  
23 an associate member of the consortium.

24 One of the things that we are working  
25 diligently is to provide not only information but

1 resources to the various housing committees, boards  
2 throughout the locales that we might do effective  
3 investigation so that we might bring about changes in  
4 terms of the recognition of housing discrimination  
5 and the subtle manner in which it operates.

6           So we consistently have trained with  
7 various states on how they in terms through their  
8 commissions tackle the problem of housing  
9 discrimination. We look at what is the best methods  
10 which we can pursue this type of discrimination,  
11 subtle discrimination.

12           We found out that the best method is a  
13 testing. Testing simply means that you have two  
14 individuals go to a rental agency which has a vacancy  
15 and what we are testing to see if the same type  
16 services are provided for a black applicant versus a  
17 white applicant. If this is found that there is  
18 disparity in the services, then this gives us the  
19 indication of some type of discrimination. This is  
20 one of the things that the courts have recognized  
21 that this is a true and tested method of finding  
22 discrimination in housing.

23           What can the Commission do? I think  
24 that the Commission, if they were to go on record  
25 that testing ought to be an integral part of any kind



1 of housing organization, the ability to develop their  
2 testing mechanisms, the ability to have adequate  
3 staff and financial resources to do this--and one of  
4 the things that we are trying to do is we use  
5 volunteers but it is difficult with volunteers  
6 because volunteers volunteer at their discretion.

7           Testing in housing discrimination,  
8 individuals have to be available at a time when it is  
9 not necessarily convenient for them but it is  
10 important that an ad comes in the paper about housing  
11 and we know that there might be some possible  
12 disparity in the services provided; then we have to  
13 testers available, black and white, go in and do the  
14 testing. Then that's where we find out. After the  
15 testing, we are able to talk then to the real estate  
16 agent, the broker and advise them that this is the  
17 result of what test we run.

18           Now, I think all over the country that  
19 is attempting is being done, and I would say to the  
20 Advisory Committee that ought to be a part of any  
21 kind of report, that you recognize that testing has  
22 been validated by the courts, and you go on record as  
23 requiring any kind of human relations, fair housing  
24 aspect of their board to be involved, be trained, to  
25 have the resources to do testing for housing

1 discrimination because housing discrimination is very  
2 subtle.

3 No one, no landlord, no bank is going  
4 to come out and say "we don't rent to blacks" or "we  
5 will not lend blacks money." It is the subtle type;  
6 the sophistication that any housing group must be  
7 trained, must be educated to the type of  
8 sophistication that, if the commission can go on  
9 record to endorsing that, will be helpful to the fair  
10 housing groups throughout this state, throughout the  
11 region.

12 MS. THOMPSON: One other question I  
13 would like to ask, is there anything that could be  
14 done to prevent people, realtors and people with a  
15 good sum of money, coming in, buying up houses that  
16 the taxes haven't been paid on? They buy them up in  
17 the black neighborhoods but they won't fix them up  
18 but they'll rent them to the people who have the  
19 least amount of money for just whatever they can get  
20 out of those people without fixing those houses up  
21 and those houses got to continue to deteriorate? If  
22 there is anything that you all can do to help that,  
23 I think it would help a whole lot in not only Roanoke  
24 but every where.

25 CHAIRMAN BOSTIC: Reverend Harris?

1           REV. HARRIS: There are local offices  
2 that deal with standard housing, plumbing,  
3 electrical, and the structural, and those ordinances  
4 would have to be enforced. Sometimes it requires  
5 some outside pressures. If you're talking about no  
6 doubt absentee landlords who buy up slum property and  
7 rent it to low income people, the best way to  
8 approach that is from a local level where local  
9 citizens will expose the condition.

10           If they are as bad as you are saying,  
11 obviously, they are in violation of some local  
12 ordinances. When that is exposed, then you see  
13 certain things start happening.

14           MS. THOMPSON: Thank you.

15           MR. NORRIS: I have a question of Mr.  
16 Johnson. If I understood what you said correctly,  
17 since the Danville ordinance was amended to include  
18 fair housing, there have been nine fair housing  
19 complaints filed, two of which currently are pending?

20           MR. JOHNSON: That is correct.

21           MR. NORRIS: So there have been seven  
22 that have been resolved?

23           MR. JOHNSON: That's correct.

24           MR. NORRIS: Did you say you were  
25 successful in resolving them through conciliation

1 persuasion?

2 MR. JOHNSON: More per situation than  
3 conciliation.

4 MR. NORRIS: But they have been  
5 resolved without the necessity of doing anything  
6 further, at the lowest level?

7 MR. JOHNSON: Yes.

8 MR. NORRIS: Under the structure, if  
9 you cannot conciliate successfully, you then make a  
10 recommendation to your local board and, if that  
11 proves unsuccessful, you then go to the state of  
12 Virginia Fair Housing Authority?

13 MR. JOHNSON: Right.

14 MR. NORRIS: And ask for their  
15 insistence with their cease an desist powers and so  
16 on, but haven't had to go to that extreme?

17 MR. JOHNSON: No, we have not.

18 MR. NORRIS: So your local structure  
19 is then supplemented by the state enforcement  
20 mechanism. That's the way it works out?

21 MR. JOHNSON: I think one of the  
22 problems that we have encountered is the intimidation  
23 moreso than resolving complaints. I said I have two  
24 pending. Time is going to run out because the  
25 complainants refuse--I have one sitting in my office

1 that the complainants refused to sign the complaint  
2 form.

3 Now, we cannot—I cannot go in and  
4 advise that complainant that "you must file; you must  
5 sign this complaint form", but I think it is  
6 important that, if we had the authority to initiate  
7 the various complaints, we could then, in this  
8 particular case of a person not wanting to actually  
9 file a complaint, that we could go in and initiate  
10 the complaint, do the background fact-finding, and  
11 then attempt to conciliate the problem.

12 If this is not at the same time, as I  
13 said, we notify the state and the state is aware that  
14 we are investigating a complaints, et cetera.

15 MR. NORRIS: So what you're  
16 suggesting, maybe your local ordinance can be amended  
17 to provide for Commission-activated investigations as  
18 opposed to complainant-activated investigation?

19 MR. JOHNSON: Yes.

20 MR. NORRIS: If there is a state  
21 statute passed and state commission I'd be interested  
22 in knowing your views what the relation between your  
23 organization and that organization would be. Would  
24 you give a complainant the right to file a complaint  
25 in both forums? Would you suggest that any complaint

1 that's filed with the State Commission be deferred to  
2 you for resolution?

3           What do you see as the relationship  
4 between your organization and any state organization  
5 which might be created?

6           MR. JOHNSON: I think the important  
7 thing is that any kind of passage of law defer to the  
8 local, give that local the opportunity to strengthen  
9 their Fair Housing or any Human Rights Laws and  
10 develop that, let it be initiated at the local level  
11 to investigate, to attempt on conciliation, to  
12 empower them to have cease and desist authority.

13           I think that's important, because we  
14 are close to the problem. We know the  
15 neighborhoods. And the time factor is very  
16 important. If a person has the complaint, that  
17 person is apt to deal with us locally and realizing  
18 that there is a local agency that can address the  
19 problem, once that's developed, then you'll find that  
20 more complaints come locally, and individual  
21 complainants would rather resolve it at the local  
22 level if we have the power and the authority.

23           MR. NORRIS: How does that differ then  
24 from what exists today? because the complaints are  
25 first investigated at the local level and then, if

1 they aren't resolved, they go to the Virginia Fair  
2 Housing Commission?

3 Is it the major decision in the  
4 current system as you see it, the fact that the local  
5 ordinance doesn't give you enough authority as  
6 opposed to there not being a state law?

7 MR. JOHNSON: The local authority does  
8 not give us enough power. I think that a strong  
9 state law then deferring that authority.

10 MR. NORRIS: Giving you power to  
11 enforce the state law?

12 MR. JOHNSON: Right. Exactly.

13 MS. THOMPSON: One other thing I  
14 would like to say that is in the defense of the  
15 neighborhood organizations, if you can get your  
16 neighborhood organizations, say every 20 or 30 blocks  
17 to organize and regardless of what race or color or  
18 creed lives in that area, if you can get those folks  
19 working together so that they will see that the weeds  
20 are cut in an area, they will see there is an old  
21 lady over here who has a house that hasn't been  
22 painted and needs painting, they will see that  
23 certain things need to be done in certain areas, and  
24 have those things checked in that particular block,  
25 that will help a lot in cutting down some of the

1 problems that are created in the city, too.

2 MRS. HOFFMAN: I wanted to state to  
3 the issue of local Human Rights Commissions, the  
4 proposed legislation to create a Virginia Human  
5 Rights Act and Commission presently includes a  
6 provision that would enable local governments to  
7 establish Human Rights Commissions. The state now  
8 has three: Alexandria, Fairfax County, and  
9 Richmond.

10 Of the three locals, only two are  
11 considered to have employment laws and housing laws  
12 that are equivalent to Federal Fair Housing and, the  
13 Fair Housing and Fair Employment Laws.

14 The problem, however, is that these  
15 local agencies do not have subpoenae power. They  
16 don't have subpoenae power because the state has not  
17 passed legislation enabling them to have such  
18 authority because we work under the Dillon's law of  
19 principle in the Commonwealth of Virginia. You have  
20 at the local level only the power that is delegated  
21 to the localities. Virginia has not passed a law  
22 enabling local commissions to have the authority that  
23 Mr. Johnson is speaking about?

24 MR. JOHNSON: The Human Rights Act  
25 would as now written provide for that authority if it



1 were passed.

2 MR. BINKLEY: I'd like to ask Mr.  
3 Johnson and Mrs. Daniels if the motivating factor to  
4 pass a fair housing ordinance in each of your cities  
5 was to be eligible for housing grants from HUD so  
6 that people who had complaints would have a place to  
7 file a complaint of discrimination? Do you follow my  
8 question?

9 MR. JOHNSON: I believe your question  
10 and perhaps your statement is fairly correct. The  
11 fact that the position of the Fair Housing Officer  
12 was funded through HUD through its Community  
13 Development Block Grant Award to the city of  
14 Danville.

15 Yes, I am a Fair Housing Officer and I  
16 indicated that I'm the only staff person but I hold a  
17 dual role. I'm not only Fair Housing Officer; I'm  
18 the Director of the Personnel Department of the city  
19 of Danville which indicates that it is difficult for  
20 me to function totally 100 percent of my time just  
21 investigating the complaints.

22 I see the Office of Human Relations,  
23 if it is developed at the local level, will encompass  
24 not only housing but employment and so forth, and  
25 give us more financial resources, staff resources to

1 attack such a problem as housing discrimination, but,  
2 in essence, it was out of the federal funds coming in  
3 and one of the requirements is that we had to develop  
4 a Fair Housing Office.

5 MRS. HOFFMAN: Could we find out from  
6 Roanoke?

7 MRS. DANIELS: The only thing I can  
8 address to that particular question, our ordinance  
9 was passed in '73 prior to my coming on board, and I  
10 am not aware of there being the implications in  
11 that. Of course, I would have to go back and do some  
12 checking into it to really answer your question, so I  
13 am not able to really give any answer to that at this  
14 time.

15 MR. BINKLEY: I'd like to have one  
16 more question either from Mr. Daniels or Mr. Johnson  
17 to answer just as an estimate, how many cities in the  
18 state of Virginia do have a Fair Housing Ordinance  
19 like Danville or Roanoke? Mr. Johnson is a member of  
20 that Consortium and I thought through that connection  
21 he might have some knowledge of that number.

22 MS. THOMPSON: I don't think all of  
23 the cities have it. I'm pretty sure all of the  
24 cities do not have it.

25 MR. JOHNSON: Most of the--there are

1 perhaps, I would say, about 12 that have some type of  
2 fair housing, not necessarily have a fair housing  
3 office. We did a survey last year, trying to find  
4 out exactly how many locals have some type of fair  
5 housing ordinance or office, and I believe we came up  
6 with something like 12 at this moment.

7 MRS. HOFFMAN: In that regard, do you  
8 think those 12 would also be areas that have received  
9 Community Development Block Grants?

10 MR. JOHNSON: Yes.

11 CHAIRMAN BOSTIC: Does the local  
12 newspapers in their advertisement for housing include  
13 in that the announcement anything about the Federal  
14 Fair Housing Act, that any properties for rent or  
15 sale listed in this paper are subject to the Federal  
16 Fair Housing Act?

17 MS. THOMPSON: Mr. Johnson?

18 MR. JOHNSON: The city of Danville,  
19 our major newspaper does list it at the very  
20 beginning through the nondiscriminatory policy  
21 according to not only the Federal Fair Housing, but  
22 the local ordinance. We run, the Fair Housing Office  
23 runs a notice every month, at least once a month and  
24 we do spot announcements, advising the citizens that  
25 it is against the law, state, federal and local laws.

1                   MR. TINSLEY: I'm Carl Tinsley,  
2 citizen here in Roanoke, Virginia, minister. Also,  
3 I'm a NAACP representative on the state level. Fair  
4 housing discrimination is one of the areas that we  
5 find ourselves caught in a lot. When we talk about  
6 fair housing how can we we know it is not enforced?  
7 If we look at the makeup of the city, 24 percent  
8 black, 80 percent live in one area, primarily  
9 northwest.

10                   There have always been a trend and  
11 still is to segregate housing and people. The only  
12 thing that's published in the newspaper concerning  
13 the nondiscrimination in houses has been repossessed  
14 by the federal government or Housing Authority that  
15 they must remain in there, but the local realtors  
16 don't run it. We don't have anyway of testing in  
17 Roanoke to prove that there is discrimination.

18                   If you don't believe it, all you got  
19 to do is just go in certain sections of Roanoke.  
20 This is not particularly of anybody in Roanoke; this  
21 is by the whole state.

22                   Primarily, we are faced with house  
23 discrimination, and as long as we don't have laws to  
24 enforce them, or the staff, or the ordinance, they  
25 are going unenforced. One lady nearly froze to death

1 in a house in southwest, tenant slum. Only then did  
2 the city enact the power they already had in the Fair  
3 Housing Law.

4 See, it takes something to happen  
5 before something is done, and we need some kind of,  
6 you know, vehicle to motivate this before something  
7 really takes place--riot, somebody dies, somebody  
8 gets killed or somebody is hurting, but poor people  
9 have nowhere to turn. Low income people have nowhere  
10 to go. Even when they make their reports, depending  
11 on who they are, where they are, little is done or  
12 said about it.

13 The fact still remains, ladies and  
14 gentlemen, we still have discrimination. I would  
15 like to know how the Advisory Committee or how the  
16 State Human rights Committee can implement laws and  
17 ordinances with some kind of power structure that  
18 would help each locality and maybe some group within  
19 the locality to monitor and make sure that is being  
20 enforced? Today it is not.

21 REV. HARRIS: That's a good question.  
22 Any time you raise a question and the respondent  
23 starts off by saying "that's a good question", you  
24 know that he's not going to answer you. We do have  
25 serious problems and a part of what we are about is a

1 part of a process to address the problem of  
2 discrimination. It is just a part of a process.

3 We do not have enforcement powers so  
4 that we can implement any of our feelings or  
5 thoughts. After we gather the information, we  
6 transmit it to the U S Commission on Civil Rights and  
7 that Commission reports to the Congress and to the  
8 President periodically. We hope that some of the  
9 information that we gather will become a part of  
10 their report. We are advisory, also.

11 So in that capacity, we cannot demand  
12 anything but we can strongly advise the Commission  
13 and we hope to avail to the Commission a full blown  
14 report from these sessions that we're having around  
15 the state and we keep hearing the same things  
16 everywhere we go. So there must be some truth in  
17 what we're hearing. Hopefully, the Commission will  
18 see what we're trying to say and that will become a  
19 part of our report to the Congress and to the  
20 President of this country.

21 I'd like to probe a little further  
22 into Wanda--or, Mr. Binkley raised a question about  
23 the establishment of the fair housing programs in the  
24 various areas. HUD has been dumping money into a  
25 program called the Community Development Block Grant

1 program for a number of years now, and one of the  
2 requirements of the recipient of the funds is that  
3 they develop a housing assistance plan so that they  
4 could provide sufficient standard housing for the  
5 area. In that process, they also address the  
6 question of fair housing.

7 HUD then said everybody has to have  
8 some type of fair housing program. But it was left  
9 to them voluntarily to institute their own kind of  
10 program. In Hopewell, where I live, we instituted a  
11 program called "A New Horizon". It's a volunteer  
12 program. Out of the Community Development Block  
13 Grant money they gave money to the local  
14 Redevelopment Housing Authority and that staff  
15 administers the program, so we have no comparable  
16 person to Mr. Johnson or Mrs. Daniels but we do have  
17 a program.

18 Everybody is supposed to have some  
19 kind of a fair housing program. The question is  
20 what's going to happen when the Community Development  
21 Block Grant money dries up? What's going to happen  
22 to Mr. Johnson's salary and Mrs. Daniels' salary if  
23 she's on soft money. We call it soft money.

24 If that's gone, who is going to be  
25 there to call together the commission commissioners?

1 So we are kind of on shakey grounds in the State of  
2 Virginia when we have fair housing programs that are  
3 put together simply in response to a commandment from  
4 the federal government, "This is what you have to do  
5 to get the money." When the money dries up, then you  
6 don't have to do it anymore; then they have an  
7 ordinance on the books that will not be enforced even  
8 though it is a weak ordinance, will not be enforced  
9 because there is nobody there to enforce, no staff,  
10 no commission, that can be active.

11 I don't know how many cities or  
12 counties receive any money, however implemented the  
13 requirements, such as has been stated by Mr. Johnson  
14 and Mrs. Daniels, but I do know that everybody is  
15 supposed to have something on a volunteer basis to  
16 ensure fair housing in their area.

17 The question was raised how the state,  
18 the proposed legislation we've been talking about,  
19 Human Rights Commission, will relate to the local  
20 fair housing program or Equal Employment Opportunity  
21 program, and it is strange; I don't know of any local  
22 Equal Employment Opportunity Commission other than  
23 the three that were mentioned, were encompassed in  
24 the three that were mentioned by Mrs. Hoffman  
25 anywhere in the state. So you can gather from that,



1 all these fair housing programs are there because HUD  
2 said "if you want my money, this is one of the things  
3 you got to have. When that money runs out, we won't  
4 have it anymore."

5 So I think finally, that it is  
6 absolutely imperative that we do something on a state  
7 level so that we can help to empower the local  
8 commissions, the local fair housing boards, to do  
9 something locally with some teeth in it. I thought--  
10 I'm not on the panel. I'm the moderator but I wanted  
11 to get that in. I didn't know how else to get it in.

12 Do we have any other questions or  
13 comments?

14 (No response).

15 MR. TINSLEY: I was late getting here  
16 and, of course, I'm pretty sure you've been through  
17 the unemployment session, have you?

18 REV. HARRIS: Discrimination in  
19 employment.

20 MR. TINSLEY: There is one area, I  
21 don't know if somebody mentioned it to you, but I  
22 have been doing a little investigation myself. I  
23 work for the Norfolk and Southern Railway Company.

24 REV. HARRIS: Is this on employment?

25 MR. TINSLEY: Yes.

1 REV. HARRIS: We've done that.

2 MR. BINKLEY: There will be time for  
3 me at the end?

4 CHAIRMAN BOSTIC: We are going to have  
5 an open time at the end for additional participation  
6 for those things that we did not hit on this morning  
7 with the panelists. It should come at about an hour  
8 from now if you can be with us at that time.

9 MR. TINSLEY: Good.

10 CHAIRMAN BOSTIC: We'll welcome your  
11 remarks. Mr. Harris?

12 REV. HARRIS: Thank you very much.  
13 Are there any other questions or comments either by  
14 the Advisory Committee or others in the audience?

15 (No response). Thank you, Mr.  
16 Chairman.

17 CHAIRMAN BOSTIC: Thank you, Mr.  
18 Harris and thank you, panel members, for your  
19 participation.

20 At this time we'll take just a very  
21 short break because we do have the gentleman here who  
22 has requested a statement and another person who has  
23 requested participation so that we can get into our  
24 final panel on administration of justice. All right,  
25 let's take a five minutes break, please.

1 (Recess taken at 3:32 p.m. and  
2 reconvened at 3:40 p.m.)

3 CHAIRMAN BOSTIC: I believe now we are  
4 ready to begin this panel on administration of  
5 justice complaints and concerns which is chaired by  
6 Mr. Charles Krumbein a member of the Virginia  
7 Advisory Committee. He will explain to you his  
8 panelists and all of that. We're sort of expanding  
9 here to another arena. Mr. Krumbein?

10 MR. KRUMBEIN: Thank you. My name, as  
11 already stated, is Charles Krumbein and with me today  
12 is Evangeline Jeffrey and she's President of the  
13 Roanoke Chapter of the NAACP and Gloria H. Helsley of  
14 the Alliance of the Mentally Ill of Roanoke Valley,  
15 Aftercare Mental Health Services and Extended Care of  
16 Mental Health Services.

17 To begin, the official title of our  
18 panel is "The Panel on the Administration of Justice  
19 Complaints/Concerns" and we've expanded that because  
20 Mrs. Helsley was kind enough to come by and give us  
21 the benefits of her thoughts. Let me start now with  
22 Ms. Jeffrey from the NAACP.

23 MS. JEFFREY: First of all, let me  
24 rephrase my remarks by saying my being the only  
25 panelist here I don't think this is a very popular

1 area and, of course, it is a very sensitive area.  
2 I've been with the NAACP for three years working  
3 actively as an officer of NAACP as president. And  
4 during my time, I have been averaging about 50  
5 complaints a year which equates to about one  
6 complaint a week, a little less than one complaint a  
7 week. So you can see there is a problem with the  
8 justice process and the justice process I'm speaking  
9 of encompasses the arrest procedures throughout the  
10 court system.

11 So my first remark would be to the  
12 number of complaints that is being very numerous in  
13 this area for a city of this size. I think the  
14 number of complaints are on the up rise. Sometimes  
15 we've had a lot of group complaints and some of those  
16 complaints are classified as one because of the  
17 purpose behind those complaints or the inconsistency  
18 behind those complaints.

19 As far as the resources for complaints  
20 here in Roanoke, I think basically NAACP is the most  
21 visible organization. I receive complaints  
22 concerning the process of justice. I do know that  
23 there are members of the Bar Association present here  
24 in Roanoke. Visibility is not that high. There are  
25 other agencies, such as the Civil Liberties Union

1 which are not visible in Roanoke, and I'm not sure if  
2 there are intake persons for those organizations  
3 here, so I can state that the NAACCP is one of the  
4 most visible and most readily accessible  
5 organizations here.

6 I think, as far as I think, that  
7 there should be a law or Civil Rights Commission here  
8 in the state of Virginia that's affirmative, because  
9 with the incidences involved in the complaints that  
10 we had handled, it is very hard for people, everyday  
11 people, to really stand up for themselves because  
12 they are intimidated by the system itself.

13 The system of justice is very awesome  
14 to the everyday person, and they feel like that  
15 efforts would be exhausted before they could make any  
16 kind of impact. So you don't see a lot of complaints  
17 readily visible here in this area. I think a  
18 commission of sorts and laws on the books to enforce  
19 the institution of laws, the institution of laws and  
20 a commission to enforce those laws, is very necessary  
21 because that would take away from some of the  
22 intimidation that a person feels when he makes a  
23 complaint concerning an agency of justice.

24 Let me state that we have here the  
25 NAACP has entertained complaints concerning police

1 harassment, police brutality. We have entered  
2 complaints concerning just a lack of respect for the  
3 citizens of Roanoke by policemen. We have complaints  
4 of lawyers not doing their jobs. We've had  
5 complaints concerning excessive punishment given to  
6 blacks in cases equated with nonminority persons.  
7 They have received excessive sentences.

8                   So we've had whole gamut of things to  
9 contend with. I think that a commission of sorts  
10 would take on the brunt of some of these things, and  
11 maybe help to rectify them. Of course, we have the  
12 option of going to the local police and complaining  
13 about incidences in which people have said that the  
14 police have been excessively brutal or mishandled  
15 them, but then you're talking about in-house  
16 resolution of those complaints, and in-house  
17 resolutions in my mind, and in a lot of other  
18 persons' minds, means that a coverup could take  
19 place, so an in-house resolving of problems and  
20 complaints is not a solution to trying to handle the  
21 problems of dealing with police harassment or dealing  
22 with cases in which the police have not acted in a  
23 proper manner.

24                   I can cite instances myself of which I  
25 can sort of give you an example of how this type of

1 intimidation can take place. My home is in Bedford  
2 County and Bedford County is not heavily populated by  
3 blacks.

4           There have been rumors that there is a  
5 lot of Klan activity in Bedford County, so people in  
6 that area--this is just to give you some idea of the  
7 type of county Bedford County is, at an accident in  
8 Bedford I started to write down the name of the  
9 policeman. This was not a case in which a person was  
10 battered or beaten or anything of that nature. I was  
11 just an observer on the scene and I started to write  
12 down some policeman's name, badge number and this  
13 type of thing just for my own references.

14           Before I left Bedford I was stopped by  
15 this policeman to check my registration, my car  
16 registration and my driver's permit, and I think this  
17 is the kind of thing that people foresee when they  
18 confront the system of justice, that little things  
19 will be used to get them. So they do not speak out  
20 and are not willing to come forward and stand up for  
21 themselves or when they feel like they have not  
22 received justice because they feel like this is the  
23 authority figure and there is no use challenging the  
24 system.

25           Now, had I been--and I'm not saying

1 I'm not the everyday citizen—but had I not had the  
2 stamina to resist this kind of intimidation, I would  
3 not have wanted to aid the people that were there,  
4 that were involved with the police, because that, to  
5 the everyday person, would be very intimidating and  
6 they would not come around again or to help anybody  
7 else if they were confronted with the same type of  
8 situation. That's just an example.

9 We've had problems with the attitude  
10 of policemen—I'm using a coined phrase—a Rambo  
11 attitude, that they can break in and exert any  
12 authority; they can stand over you, gestapo  
13 techniques, and we've had some of those cases in  
14 Roanoke, but you're not going to find a lot of people  
15 that would give us the information to stand up and  
16 say what happened to them; they will not.

17 I feel that, if there is an agency  
18 that is not locally based that these individuals  
19 could go to, they would feel a little bit more  
20 comfortable in coming forth. I think an agency with  
21 some laws behind it on a state level would be apropos  
22 the situation. So these are just some of my thoughts  
23 and some of the findings that I have, working with  
24 these cases in my three years as President and before  
25 I was actively involved in the NAACP and I have seen



1 no change.

2 We have a lot of cases in which  
3 persons have come to us and said that you know I  
4 have--something has happened to me, or I've had  
5 property stolen or whatever; I don't feel comfortable  
6 going into the justice system and trying to pursue  
7 justice for myself. The system will turn on me.

8 So when you got that kind of situation  
9 and attitudes being generated, I think taking  
10 authority out of the local level solely and putting  
11 them up so people can really think they are going to  
12 get somebody to look at their situations that are not  
13 involved with the people locally is a very good  
14 remedy for the type of complaints that we're getting  
15 here. Thank you.

16 MR. KRUMBEIN: The next speaker is  
17 Gloria Helsley.

18 MRS. HELSLEY: Mr. Chairman, members  
19 of the Advisory Committee. It's been very  
20 enlightening for me to be here. I am here for my  
21 husband who is in his office and can't come. This is  
22 what he sent me to say to you all.

23 "My concern is probably the most  
24 discriminated against members of our society today,  
25 they are rejected by over 50 percent of their own

1 families, one in every 100 Americans are in this  
2 category. They make up the large segment of our  
3 street people without homes, without jobs, without  
4 hope. To protect individual rights, most state laws  
5 prevent any assistance to a mentally ill person to  
6 obtain medication unless the mentally ill person  
7 executes some act to threaten the life of another  
8 person or to take their own life. These laws act to  
9 prevent caring families from helping their loved ones  
10 that also deprives the mentally ill further from the  
11 mainstreame of society and the end result is more  
12 discrimination because of a person's inability to  
13 think logically.

14 "Our government, both federal and  
15 state, adopted a policy of the institutionalization  
16 in the 1960's. The plan was that the dollar saved by  
17 this policy would follow the aftercare and it quite  
18 clearly did not happen and that discrimination has  
19 followed. The mentally ill have no political clout.  
20 They have only unmet needs which, with proper  
21 medication and social opportunity, can mean in many  
22 cases a vastly improved quality of life. We would  
23 recommend that the definition covering discrimination  
24 include the mentally ill. Richard A. Helsley,  
25 President of the Alliance of the Mentally Ill in

1 Roanoke Valley."

2           As a concerned mother, I like for this  
3 Committee to know that Dick and I have four children:  
4 two of them are nurses and doing wonderfully. Our  
5 eldest daughter and our son, the third are  
6 schizophrenics. We have had no help since 1970. We  
7 are railroad people. We are from the Shenandoah  
8 Valley in Virginia.

9           We've been all over the southeast and  
10 when the railroads merged, the Southern and Norfolk  
11 and Western, we had to come back to Roanoke. In  
12 Chattanooga, Tennessee, Northern Georgia, Dick and I  
13 found no help whatsoever. We were by ourselves. We  
14 had a crisis over Christmas for over 40 years for  
15 adult children, the girl has a 9 year old grandchild.  
16 We take care of them. We had to move them both with  
17 us when we came back to Roanoke in 1982.

18           We have found no help here in  
19 Roanoke. We have not found housing for the daughter  
20 and her child anywhere in the area. Dick and I have  
21 her in Vinton with a son going to school, which is in  
22 the Mountain Club House, county. We live in the  
23 county. We have we purchased a nice home in the  
24 county with three and-a-half acres. We went to the  
25 zoning board and asked that we put a mobile trailer

1 home to keep the daughter and the son in. They would  
2 not allow us to do it. We tried to get them housing,  
3 I believe it is Section 8.

4 We have had no results from that  
5 whatsoever. Our daughter gets \$214 a month from Aid  
6 to Dependent Children. Her rent is \$225. She gets  
7 about \$119 in food stamps. Dick and I have to  
8 support her otherwise and have the grandchild to take  
9 care of, and our son is in the Mountain Club House  
10 which is what I call halfway house from the mental  
11 hospital, state hospital.

12 Our son has been in the hospitals  
13 here, doing very well now on medication and in an  
14 apartment of his own and doctors said he could get  
15 out of the hospital, is able to get SSI. He cannot  
16 work. He had schizophrenia diagnosed since about  
17 1976. This clubhouse that Alliance has, we work for  
18 the clients. I work with two of the clients we  
19 have. They do very well to help. We ask for help  
20 from the Mentally Ill Services and the Department and  
21 we are getting some, but we have to come out of the  
22 closets with our mental illness and we're hoping to  
23 get help from the people that understand; last  
24 generations don't know anything about it.

25 Dick and I work with the State

1 Alliance out of Richmond, also the National Alliance  
2 in Arlington, and we're hoping that through the help  
3 of all of our organizations and our departments here  
4 that we can get something done.

5           You all just understand what we have  
6 to do and Dick and I will have our children the rest  
7 of our lives. We do not think they will progress  
8 back into society. But I just want to come and let  
9 you all know that we are working hard, but we need  
10 all the help we can get. Thank you.

11           MR. KRUMBEIN: Thank you, Mrs.  
12 Helsley. I wanted to make some comments that are  
13 particularly appropriate for what I would like to  
14 call Southside Virginia. This summer in this area, a  
15 little further west of here we will have had two Klan  
16 rallies, whatever you want to call them, and I've  
17 been very concerned about this. One of my principal  
18 concerns is what appears to me to be a lack of  
19 understanding on the part of city attorneys, county  
20 attorneys, whether full or part-time, in the  
21 relationship between the constitutional rights of  
22 assembly and the interest of the state in maintaining  
23 peace and order, and let's just call it the police  
24 power.

25           There are some good uses of police

1 power and there are some bad uses of police power.  
2 It's fairly well clearly established that just  
3 because an organization, whether well meaning or ill-  
4 meaning--in this particular point I don't which one I  
5 think of the Klan--they do not have the absolute  
6 right of assembly. That right is, let's say,  
7 inferior to the interest of the state in maintaining  
8 peace and tranquility.

9                   Where it is obvious to reasonable  
10 state authorities that a particular assembly might  
11 not be peaceful, the state has reasonable powers to  
12 join with that organization in determining the safest  
13 place for all concerned for that assembly to take  
14 place and the time of that.

15                   The State Highway Department, in a  
16 most recent instance, and previously a city in  
17 Southside Virginia, dealt with Klan meetings on the  
18 basis of the Klan's absolute right to have a meeting.  
19 I would hope for--we prepared memos and provided it  
20 to the Attorney General's office and numerous state  
21 organizations, but I believe more needs to be done to  
22 publicize the ability of a governmental authority to  
23 choose the time and place for a potentially dangerous  
24 meeting to take place.

25                   I think it really is in the best

1 interest of all of our citizens to (a) allow groups  
2 of any nature to have a public meeting but to do so  
3 in a nonconfrontational situation where the fewest  
4 number of citizens are potentially injured or  
5 whatever.

6 I want to applaud personally the state  
7 NAACP in the most recent instance for deciding not to  
8 have a counter-rally at the same time as the Klan  
9 meeting. It's my personal feeling that all we can do  
10 is publicize what doesn't need to be publicized by  
11 having that kind of confrontation. Thank you for  
12 listening to those documents on my part.

13 I had some questions for Ms. Jeffrey.  
14 In listening to the number and the kind of complaints  
15 that you had during the year about the police  
16 department, the first question entered my mind was  
17 the Roanoke Police Department, the various counties  
18 around here, were they open to listening to the needs  
19 of all the citizens and the way those citizens are  
20 treated? Were they open to minorities? were  
21 minorities members of the police department in  
22 supervisory positions? What's the general situation  
23 regarding police departments?

24 MS. JEFFREY: Okay, concerning blacks  
25 in supervisory positions, there are not a large

1 number of black policemen in Roanoke and there is not  
2 high visibility of blacks on the police force. We  
3 had meetings with the chief of police when there were  
4 major concerns, group concerns, to address some of  
5 these problems.

6 But there again, you have those  
7 persons not wishing to stand up and give their names  
8 and incidences they are involved in. They are not  
9 willing to let that information be publicized for  
10 fear of reprisal by the policeman supporting a fellow  
11 policeman; so we run into that problem.

12 They are saying to us "what can you do  
13 without further endangering or subjecting us to  
14 intimidation?" And based on that, it's kind of hard  
15 for us to proceed, because they feel like, too, we  
16 are in the communities and can't offer them that kind  
17 of security, protection that an agency outside of  
18 this local could offer, so I think we have some  
19 dialogue going, but then you've got to deal with the  
20 feelings of the people that are complaining.

21 MR. KRUMBEIN: Is there evidence that  
22 a percentage of the Roanoke City--the figure I heard  
23 is approximately 22 percent of the--citizens of  
24 Roanoke are minorities. Is there evidence that the  
25 police establishment is sensitive to that level of



1 minority population and is there evidence that there  
2 is discrimination in employment hiring, et cetera,  
3 within the police department?

4 MS. JEFFREY: There is evidence.

5 We've had a number of complaints from  
6 applicants, persons who have applied to be policemen,  
7 and the scrutiny that they are subjected to and the  
8 reasons for their being rejected as policemen are  
9 subjective. One complaint I think a person had been  
10 called in twice to be interviewed and scrutinized and  
11 the only reason that he could obtain for his being  
12 rejected as a policeman was that when he was about 15  
13 or 16 years old he threw a bottle through a window or  
14 something and had that on his record.

15 Now, whether a 15- or 16-year old  
16 throwing a bottle through a window may have been part  
17 of an incident in which he was not totally  
18 responsible for but was involved in, is that a reason  
19 for rejecting a person from being a policeman? These  
20 kinds of things, subjectivity of applicants. I know  
21 that there are policemen on the force that must have  
22 some kind of smut in their background but--

23 MR. KRUMBEIN: I think we all do.

24 MS. JEFFREY: But there are policemen  
25 but if you are black and have any kind of smut in

1 your background, you are not going to be a policeman.

2 MR. KRUMBEIN: What information has  
3 the NAACP provided you that other similarly situated  
4 groups have been able to do in the similar situation?  
5 Certainly, someone else has faced this kind of  
6 situation.

7 MS. JEFFREY: Like I say, I'm sure  
8 there are other agencies that are involved with these  
9 kinds of problems, but I'm speaking in terms of  
10 living and working in Roanoke. I'm not aware and I'm  
11 not saying there aren't any agencies dealing with  
12 this kind of problem but I am not aware of how  
13 visible agencies are dealing with the problem.

14 We get complaints from nonminorities  
15 who feel like they have not received justice, so we  
16 feel that, if there were other agencies there, the  
17 nonminorities would probably not come to the National  
18 Association for the Advancement of Colored People, so  
19 that's a premise that I'm operating under, too.

20 CHAIRMAN BOSTIC: Mr. Norris has a  
21 question.

22 MR. NORRIS: I just wanted to explore  
23 in a little bit more detail the claims we have heard  
24 today from a number of the panelists that there is a  
25 need for a statewide commission and law because

1 citizens are concerned about the process, that they  
2 are concerned about retaliation. I think I can  
3 understand the claim a little bit more in the context  
4 that we're talking about during this panel than in  
5 others.

6 But how does the existence of a  
7 Commission or an agency going to make people feel any  
8 less intimidated about initiating a complaint when in  
9 virtually all cases, if the Commission investigates  
10 it, during the course of the investigation the  
11 identity of the complaining party is going to be made  
12 known in any event? So I don't understand how the  
13 Commission can lessen the fear of intimidation.

14 MS. JEFFREY: Maybe I didn't make  
15 myself clear. When you're dealing with local people  
16 and local people looking at the problems of local  
17 people, that is a deterrent for a person making a  
18 complaint. For those persons that are just totally  
19 fearful of the system, you're not going to get them  
20 to really follow through on complaints anyway, but  
21 for those persons who feel like "if I could talk to  
22 somebody who would be objective, I maybe would get  
23 some justice", but when you're having to deal with  
24 people that may play golf together, or that may have  
25 other social ties together within their area, you

1 don't feel comfortable coming to them, and I think an  
2 objective, distant committee or commission which  
3 would objectively look at the situation without  
4 saying, "Well, oh, yes, I know you from way back  
5 when", because you have some kind of personal  
6 reference with those people. So I think that's what  
7 I'm looking at, distance; distance would make for  
8 objective handling of situations.

9 MR. TINSLEY: May I just add a comment  
10 to that? Also, most localities don't want other  
11 outsiders to know what's going on, what they're doing  
12 sometimes inside, so rather than leave the kind of  
13 mentality they have get out, they would rather keep  
14 it on a local basis, so if there is nobody in here  
15 who can do bring pressure from outside, then they  
16 don't have anything to worry about. In other words,  
17 if you're looking at my dough, I'm going to be nice,  
18 this kind of process.

19 MRS. WILSON: One of the things is  
20 monitoring our courts, and I feel, if we had  
21 ministers, blacks and whites, that would go into our  
22 courtrooms and call in and ask questions, a lot of  
23 these problems would be solved. I call it. I am a  
24 person and I don't care where I am, if I see justice  
25 is not being established, I will call it. I called a

1 decision in court whereas a black girl received 30  
2 days for the first offense of shoplifting, and a  
3 white girl got only 2 days.

4 Mr. Craig looked at me. I went to  
5 directly to the Commonwealth Attorney's office and  
6 asked them are they having outright discrimination  
7 and this was a judge that did it. I also wrote him  
8 up and I also complained, and I feel that, if we had  
9 more people that would monitor our court cases and  
10 see whether—I don't know what color you are, anybody  
11 know me I don't quote blacks, white, greens, purples,  
12 I don't care what color you are, if you are not being  
13 treated fairly in a courtroom.

14 I feel a lot of people, especially  
15 retirees, should monitor our courtrooms more  
16 frequently and see if a fair decision or justice  
17 being established in that courtroom. A lot of times  
18 I don't have the time but when I do, Mr. Craig  
19 usually go, or I go or some of my other people in the  
20 committee call and I do call it outright. And I'm  
21 one of those people that will do it, and you might  
22 see me in jail any day and they both working  
23 together. We're friends, I want you to know that.  
24 They both were friends, and this decision that this  
25 judge came down with—there are other problems.

1                   Personally, I will say for myself, I  
2 feel that we do have a lot of incompetent lawyers.  
3 I'm not saying only on behalf of the NAACP. I'm  
4 saying personally with myself, there are incompetent  
5 lawyers and I do believe in calling them down. A lot  
6 of people do not believe that it is statutory, most  
7 feminists. It is 3 to 5 years for acts of negligence  
8 and any time you feel, God give you a feeling when  
9 something is wrong and I will have that feeling for a  
10 long time about the death of my husband where two  
11 lawyers, and I didn't find out about it until I heard  
12 it all the way up through, but sometimes you get that  
13 gut feeling you better start thinking.

14                   When you think there is a problem, you  
15 can ask for your court transcript. A lot of people  
16 don't realize they can ask for a court transcript.  
17 That's yours. You have a right to it. So I had to  
18 sue two lawyers for the incompetent work. But that's  
19 another thing. You never hear about it when a lawyer  
20 is being sued, but you can always hear about it when  
21 a doctor is being sued, plastered right across the  
22 paper. But you never hear about a lawyer being sued.  
23 This was done last September.

24                   So it, as far as justice, sometimes it  
25 makes me sick to just go into the courtroom to listen

1 to it. As to judges, in my opinion--and I do have a  
2 civil race trial coming up. I have already asked to  
3 in January to tell my lawyer that this is the Western  
4 District Court of Virginia and don't expect them to  
5 hand down a favorable decision in my case because for  
6 the last ten years and for the last six years I have  
7 not seen justice in that court for nobody black,  
8 period. And that's my case. I'm not talking about  
9 NAACP. I'm talking personally, and I have not seen a  
10 fair trial or hearing in there, not for black man or  
11 white man, race, age sex, age discrimination.

12 MR. KRUMBEIN: Thank you. Are there  
13 other comments from the panel or from the audience?

14 MR. TINSLEY: I just want to make one  
15 comment. Ms. Jeffrey made reference to there and I  
16 don't know how strong you feel about it but it is  
17 quite a problem bi-racial marriages. I have  
18 witnessed a few incidents where police have been  
19 involved with people who have black married whites  
20 and so forth, and the kind of treatment they get is  
21 really horrible. It is usually done in the place  
22 when there is not many witnesses or people can see it  
23 or somebody is going to talk about it, but this type  
24 of harassment the people have to deal with because  
25 they are married to someone of a different race is

1 really tremendous.

2           Unless we can perhaps have kind of law  
3 or legislation that is going to determine the  
4 capability of people that is hired on the police  
5 force, then we're going to always have these. One of  
6 the things that we done, Chief Hoover--was the fact  
7 to try to psychological training for the police  
8 officer so they know how to handle themselves in a  
9 black and white situation.

10           But we have a chief of police who has  
11 a mind of his own and who is kind enough to a few  
12 years ago to hear from the whole public. Nobody knew  
13 who he was other than the name, so these are the kind  
14 of things that we are faced with and what Ms. Jeffrey  
15 says concerning the brutality. It only represents  
16 the person that is in charge. Until we get some kind  
17 of laws or get the mentality changed on local levels  
18 that policemen to be a good policemen, to be a good  
19 peace officer, I feel is called, just like being a  
20 minister. You can't take everybody out here and give  
21 them a badge and gun and tell them they're a  
22 policeman. For years that's been done in most local  
23 areas that I know of, especially in this area. The  
24 employment she spoke of is right.

25           We have never and probably never will



1 as long as we have our former chief, never will have  
2 the percentage of black on the police force that we  
3 ought to have compared to our population. We never  
4 are going to have that. The one that is hired from  
5 out of town--and I've had several meetings with them  
6 while they're working and why they left the police  
7 department, because they were subjected to abusive,  
8 derogatory remarks by the white officers with whom  
9 they worked. When they went to commanders to make a  
10 report about this, it was washed over and they were  
11 told, you know, "You're just imagining things".

12 But let me tell you people that is not  
13 imaginative. These things are actually happening.  
14 Now not everybody is a bad policeman. I don't want  
15 to give you that idea. We have some good policemen  
16 but we have a whole lot that should not be on the  
17 force, and until we have some way to deal with that,  
18 we're going to have problems, big problems, and  
19 sometimes they going to explode into large problems.

20 MR. BINKLEY: Mr. Chairman, could  
21 somebody respond to the question, is there a Citizens  
22 Review Committee or a committee of the police  
23 department in Roanoke to deal with complaints of  
24 brutality or harassment?

25 MS. JHEFFREY: I think there is a

1 procedure that you can make application and you can  
2 submit your complaint to the police department.  
3 We've had cases in which people that have gone down  
4 to the chief's office have been told they don't know  
5 anything about complaints, this kind of thing, but  
6 there is a process by which you can submit a  
7 complaint.

8 CHAIRMAN BOSTIC: But there is no  
9 Citizen Review Board per se?

10 MS. JEFFREY: Not that I'm  
11 knowledgeable of per se.

12 CHAIRMAN BOSTIC: Just to follow up on  
13 that particular area of a review board as an idea,  
14 one way to resolve some problems in the community is,  
15 and we all know about coalitions, to form a coalition  
16 and sometimes that coalition does consist of your  
17 adversaries but you do have one thing in common and  
18 that is a concern that affects the quality of life of  
19 the entire community.

20 This is just a personal thought and  
21 observation that you might want to think about  
22 talking to other groups, such as NAACP, that  
23 ministerial association, or any other adversarial  
24 group for that matter and simply suggest that the  
25 quality of life or these kinds of things, let's get

1 together and see what we can do and out of it could  
2 come the kind of thing that Mr. Binkley has just  
3 mentioned, a Citizens Review Board which in itself  
4 breaks down that feeling of intimidation by a person  
5 who has to fill out an application.

6 If you have to fill out an application  
7 to get a hearing before a police board, you feel  
8 intimidated from the very beginning, so that is just  
9 a comment in passing that you might want to take a  
10 look at. As I said, this coalition could consist of  
11 some of your adversaries as well, but as long as they  
12 understand what these objectives are.

13 MS. JEFFREY: Let me comment to that  
14 because we have entertained that idea in going back  
15 to what the moderator said concerning the Klan. When  
16 we had that threat in Roanoke, and we did have that  
17 threat about three or four years ago, we formed a  
18 coalition. In fact, I was the Founding President of  
19 a group called "Roanoke Valley Together" and we  
20 incorporated the group at the time that the Klan came  
21 to Roanoke, and subsequent to that my own home was  
22 vandalized, and racial slurs were painted on the  
23 walls and that kind of thing.

24 Through the linkage of that group, we  
25 were able to develop a sort of liaison between the

1 people in Roanoke and when the impact of the Klan was  
2 felt here, or their presence was here that we were  
3 able to minimize any kind of a publicity that they  
4 might get and try to make a more united front for my  
5 people here in Roanoke.

6           However, to address your comment, we  
7 have tried to institute a type of review board that  
8 would help to deal with some of these problems, and I  
9 think that's something that City Council has not  
10 passed on. It was staffed in the past but something  
11 has not yet to seem to take hold yet.

12           CHAIRMAN BOSTIC: Mr. Moderator, I'd  
13 like to ask Mrs. Helsley a question. With respect to  
14 the mentally ill and their employment situations,  
15 those that are capable of working, does the city of  
16 Roanoke have any kind of facility or do they receive  
17 any kind of state aid? I've heard something about  
18 Chapter 10 and perhaps there are members of this  
19 panel that could, or the committee that could,  
20 enlighten me on Chapter 10? I'm not quoting, but  
21 could you comment on that for me, please?

22           MRS. HELSLEY: Mr. Bostic, I do not  
23 know the ins or outs of the Mental Health  
24 Association. Dick and I have just been in this area  
25 for two years next month. We are reaching out more

1 to the National Alliance for help. The Hinkleys,  
2 whom you all know, whose son shot the President,  
3 we're trying to get into our area; we are trying to  
4 get help that way. Remember, this is the  
5 schizophrenic that we're talking about, the mentally  
6 ill.

7 Yes, there are handicaps. Money is  
8 allocated from United Way. I know that. This  
9 Mountain Clubhouse we're trying to get off of the  
10 ground by any means and, yes, there is money  
11 allocated. I do not know where that comes from, Mr.  
12 Bostic. The group that's down there runs from about  
13 17 to 28 classes we call them. They are from our  
14 mental hospitals for the mentally ill. They do  
15 well. They are trying to get them out on jobs. How  
16 successful hired workers are from the Mental Health  
17 Department is taking of that I do not know. We're  
18 grasping, trying to help the clients help themselves  
19 to get a foot in the outside world society and to  
20 live on their own. Kind of depend on what the  
21 families are around that are here to help them. Does  
22 that help you any?

23 CHAIRMAN BOSTIC: Yes, it does. I  
24 just wondered if there are usage of the Chapter 10  
25 monies. I do know that Chapter 10 monies are used,

1 at least in my part, our part of the state, northern  
2 part there, for the supervision of mentally  
3 handicapped persons in working in minimum wage  
4 situations, and these are persons who are supervised;  
5 they are capable of functioning at levels but with  
6 supervision.

7 MRS. HELSLEY: I understand this is  
8 what is supposed to be done in this area. Like I  
9 said, all I know is through the Mountain Clubhouse.  
10 And Dick and I are sort of real close, try to be real  
11 close with the clients and also work with supervisors  
12 of that clubhouse. We get the effort put forth that  
13 should be to help our adult clients to get them out  
14 into a part time job. At the same time, we have to  
15 be careful that their SSI checks and so forth are not  
16 taken away from them so, if they can't make it, they  
17 have nothing to live on and nowhere to go. The  
18 churches do help some. Our Episcopal Church, I  
19 understand here, has 13 to 15 apartments for our  
20 clients to go into, which is wonderful.

21 MRS. HOFFMAN: I wanted to point out  
22 the fact that in trying to get people to come to this  
23 meeting today, I made numerous calls. Among those  
24 calls that I made were to groups that service the  
25 handicapped. What my finding was in that regard is

1 that the groups were not able to tell me about  
2 discrimination against the handicapped, so if I had  
3 gone merely on the basis of what I was getting from  
4 these groups, one could assume there is not any  
5 discrimination occurring against the handicapped  
6 because no one seemed to have any information about  
7 discrimination.

8           What I was getting was that our group  
9 is formed to obtain funds to service the handicapped  
10 but in trying to get to a source, some group that  
11 would be able to collect complaints and to do  
12 something about those complaints, I was not able to  
13 identify such a group. Maybe because of your  
14 interest in this area, you could help me identify  
15 such a group, but, until then, it would seem that we  
16 need at least a state agency. Maybe under the  
17 Handicap Act we might get at that. My understanding  
18 of the Virginians With Disabilities Act that was  
19 passed in January is that most of the services are  
20 directed toward physically handicapped rather than  
21 the mentally handicapped, so I would think that would  
22 be at least an area for inquiry by your Advisory  
23 Committee in terms of why there is not a resource  
24 available for those who are mentally handicapped.

25           Also, another thing that I ran into

1 was people who knew about discrimination but were not  
2 willing to come forward and be identified in public  
3 and in some instances were not willing to tell me  
4 specifically about a complaint because the school  
5 involved, or the employer involved, would be readily  
6 recognized if it were made public.

7           A woman, for example, not in this area  
8 but in another area of the southwest section, told me  
9 she was teaching in practically an all black school;  
10 she pointed out gross deficiencies in the kinds of  
11 services they were able to provide for students  
12 because they didn't get the same amount of money in  
13 that particular school that they were getting in  
14 other more predominantly white schools, but she was  
15 not able to come forward with that because she  
16 laughed and said "I would be fired in a minute  
17 because as soon as I spoke, they would know exactly  
18 who I am and what school I'm talking about".

19           I feel, based on what she told me,  
20 that if there had been a forum that she could have  
21 gone to, an agency in which confidentiality was  
22 assured, I think that she might have been willing to  
23 talk about some of the complaints. So, I really got  
24 two messages: one, we don't have any discrimination,  
25 and then the other one, yes, there is discrimination



1 out there but I'm not talking about it. So I feel  
2 that those were my two overall impressions in trying  
3 to get people.

4 MRS. HELSLEY: Could I share an  
5 incident that happened to me Saturday with you all?  
6 One of our clients at the clubhouse, three weeks ago,  
7 hits his mother, who was a good friend of mine and I  
8 tried to help her. He put 13 stitches in her head  
9 and she spent two nights and three days in Lewis-Gale  
10 Hospital. Wednesday, when she called me in the  
11 evening, I went over Thursday, she is under  
12 counselling as the family at the clubhouse, supposed  
13 to be under counselling.

14 We have two wonderful "advocates" as  
15 we call them in Alliance, volunteer workers and they  
16 go lobbying down Richmond for bills to be passed  
17 which, by the by, we did get some of our bills passed  
18 in January that you're talking about. She spent  
19 Friday night with me because her husband was out of  
20 town in Staunton on a Lions' convention or something.  
21 She's afraid she couldn't stay with the son.

22 Saturday morning she tried to call him  
23 and he wasn't at the home where he was staying, so  
24 1:30 we started hunting for him and we hunted all  
25 afternoon over at Caves Spring area and at about 6:15

1 I was coming around to come back to the market to  
2 pick up another client, go back out to the home with  
3 him. We saw this client walking down the middle of  
4 419 which is a four-lane highway, in the middle of  
5 the road. A police car was in front of him and I  
6 asked him his mother "what do you want me to do? Do  
7 you want me leave things go or go back and check?"

8 She said, "Please go back and see  
9 what's happening"

10 So when I got the car turned around at  
11 the light and turned, one of the police had him in  
12 the car and I pulled in front of them and I said, "Go  
13 back people with your policeman and your son". She  
14 tried to and by that time another police car had just  
15 pulled up. I don't know--by the way, they were  
16 wonderful. I don't know what I would have done  
17 without them. I believe that's the county. The  
18 police had gotten four or five calls in the last 30  
19 minutes that this client or this person was walking  
20 down the middle of the road.

21 I begged the mother, I said, "Well,  
22 you'll have to sign a petition or a warrant to put  
23 him in a rehab or get him over to KATAVA or they will  
24 put him in a jail cell".

25 She says, "I can't do that."

1 I said, "You'll have to do that.  
2 That's what Dick and I had to do with our children to  
3 get hope for them. They wouldn't accept help on  
4 their own."

5 I spent from about 6:15 to 10 minutes  
6 after 9:00 in the Roanoke County Courthouse.

7 My feeling is I was not qualified to  
8 do what I was doing. The counsellors and the paid  
9 help from the Mental Health Services should have been  
10 the ones that was taking care of that boy before this  
11 happened. With counseling they should have known  
12 that boy and he had gone off his medication by the  
13 way. They found out about a month before, so you see  
14 we do not have the paid help doing the jobs that we  
15 think they ought to be doing to protect the family as  
16 well as the client himself. That happened to me  
17 Saturday afternoon, and the mother did sign him in  
18 and, as of this day, sometime this afternoon, they're  
19 in a hearing. We are hoping that the police, the  
20 judge, will send him to KATAVA so he can have the  
21 correct medication and get back out in the world and  
22 so we can do something important. That happened to  
23 me Saturday afternoon. Thank you.

24 MR. KRUMBEIN: If there are no further  
25 comments now--I'm not saying to cut comments off--

1 then I'd like to thank our panel members, Ms. Jeffrey  
2 from the NAACP and Gloria Helsley representing the  
3 Alliance for Mentally Ill and other worthwhile  
4 organizations. Thank you for coming and sharing  
5 those thoughts with us. I want to thank the  
6 Committee members and audience for their comments and  
7 we thank you very much.

8                   CHAIRMAN BOSTIC: Thank you very much,  
9 Mr. Krumbein. Thank you panelists. Now, we will  
10 turn our efforts to comments from the audience and we  
11 will listen to some of your concerns that you were  
12 not able to address in the panel situation.

13                   I think we have persons here from each  
14 that is on our Committee that represent the areas  
15 that we talked about this morning and this afternoon.  
16 So please feel free, and I believe Reverend Tinsley  
17 was about to address us with some concerns about the  
18 employment issues and certainly our moderator for  
19 that panel is here so we will hear you now sir.

20                   MR. TINSLEY: I wasn't able to get  
21 here this morning. I thought perhaps you would cover  
22 the discrimination as far as employment is concerned  
23 and that's one of the areas that I'm interested in.

24                   I'm the area Chairman for the State  
25 NAACP State Conference and, as such, I'm responsible

1 for support to those local branches in several  
2 counties surrounding Roanoke City and Roanoke County  
3 and one of the things we have, a lot of this  
4 unemployment and one of the things that concerned  
5 about is employment.

6           When you have unemployment especially  
7 the black community or in the white community and any  
8 large number you tend to have many minor criminal  
9 acts and things that people get into, so I have been  
10 very concerned about unemployment but moreso recently  
11 about the discrimination in employment. From the  
12 standpoint of being involved in employment for the  
13 past 35 years of my life working and being involved,  
14 I know now that discrimination is more prevalent now  
15 today in 1985 than it has been at any other time in  
16 my life.

17           There was a time when blacks and  
18 whites in certain jobs that were set aside for them  
19 and usually low paying and labor jobs that you know  
20 were always available. As a matter of fact, they  
21 worked in the hotels, dishwashers and this kind of  
22 thing, even picking up trash for the city. But we  
23 are living in a time now where we have 7 times the  
24 unemployment in the black community than we have in  
25 the white. We have 7 times the black crime black on

1 black in the black community simply because we have a  
2 high rate of unemployment. This is brought about the  
3 attitudes of many employers and tactics they use  
4 today.

5           There were laws put on the books that  
6 says you must be an equal opportunity employer. You  
7 cannot discriminate against people, but you know and  
8 I know, ladies and gentlemen, that there are ways  
9 that you still discriminate. Discrimination is in a  
10 subtle point now.

11           There used to be a sign over this  
12 office where I work at right across the street that  
13 had two water fountains, one was on this wall and one  
14 was on the other wall; one said "white" and one said  
15 "black". You knew where you had to drink.

16           When I came here, I couldn't come to  
17 this hotel but I came in the back door and I worked.  
18 Well, we are changed to a situation where I can go--  
19 where I may even buy a house in some part of the  
20 community, but one way to keep me down is to make  
21 sure that I do not have competent employment even  
22 though I may be qualified. I'm not going to get the  
23 employment.

24           There was a test case and I hear Mr.  
25 Johnson talk about the test case in the housing test,

1 two people came from out of town. Identically there  
2 was black who was highly trained moreso than the  
3 white and they went around the Roanoke Valley and put  
4 in application for employment, and nine out of ten  
5 times in each case the white was employed and the  
6 black was turned away.

7                   Even in the company I work with  
8 Norfolk Southern, which is one of the largest  
9 railroad companies in this world, in the United  
10 States, not the world, but we have incidents that I  
11 monitored not too long ago where a white young lady,  
12 several white young ladies and several black young  
13 ladies, equally qualified, passed the test through  
14 the discriminatory system that they had; were given  
15 opportunity to be interviewed for a position with the  
16 company.

17                   No black was hired even though they  
18 were well qualified in some points and better  
19 qualified than those whites. This brings me to the  
20 leaders who know from my experience and what I see  
21 here and not only in Norfolk Southern but  
22 Appalachian, the large industries around Roanoke,  
23 coal industry, one that brought in that is supposed,  
24 one that is spot, all of these areas practice  
25 discrimination in employment.

1           Now Ms. Jeffrey received perhaps like  
2 I do a number of complaints everyday. We don't have  
3 the manpower--because most of our work is volunteer  
4 work--to go out and investigate it. When we do, we  
5 get no results, but now we're learning how to do it  
6 real nice. We using the state organizations to do  
7 it. We're using VEC and we're saying we have closed  
8 down the employment offices and we don't have  
9 applications anymore; Norfolk Southern, you must go  
10 to VEC and there VEC will determine whether I are  
11 qualified, if you are qualified. You will be sent  
12 out on the job and you'll get a job. That doesn't  
13 work. It hasn't worked.

14           If you think I'm exaggerating, you get  
15 VEC to show you their records of the people that are  
16 given employment even though they are qualified. In  
17 one instance I hear--and one of the workers shared  
18 this with me because they would fire him, I know--  
19 they sent some black down, and this was really a  
20 lady, to a place and the man in every case when the  
21 young people got there said "we don't need you" and  
22 then they'd call us and say "send us some whites."

23           They sent blacks three times and three  
24 times they were turned back, so they had to send  
25 someone white and they were hired. I'm saying, well,



1 why would you support a system like this" As long as  
2 they have that kind of support, as long as it is done  
3 by state monies, as long as Norfolk Southern can do  
4 it, C&P can do it, all of the large industries then  
5 you are going to be out, too. You're going to take  
6 discrimination. We're not doing it. You're doing  
7 it, but you and I know that's not so.

8 I have seen employment figures rise  
9 here momentarily. I've seen and I've witnessed today  
10 the number of black men and women who are walking the  
11 street and, gents, I'd like to take you through the  
12  
13  
14  
15 neighborhood if you would care just to show you.  
16 Now, the records that VEC have and the records that  
17 they use for the national statistics never have  
18 reflected the true unemployment number, and that's  
19 the truth. I know it and you know it. Because the  
20 only numbers they keep in records are the ones that  
21 are laid off, drawing unemployment where they get  
22 another job.

23 What about the hundreds of millions  
24 who never had employment, who never been given a  
25 chance and then this statement is still true. In

1 fact, it is more true now than it was 20 years ago,  
2 last hired, first fired. We have been investigating  
3 discrimination in employment for the past seven years  
4 with all of the time that we have, yet we can't get  
5 any help or support because even, if you can prove  
6 it, you got to go into court and you must have money  
7 to go into court and, of course, the present  
8 administration has tried its best to eliminate the  
9 Legal Aid Service and they help the domestic areas.

10  
11  
12  
13  
14 They can't deal with unemployment or they don't deal  
15 with it, so people have no way to turn, have become  
16 disgusted. They know they have nowhere to turn  
17 because no one is going to help.

18 If we don't have some kind of laws  
19 that have teeth that are real, there is going to deal  
20 with mentalities and attitudes of our employers, then  
21 we're going to always have this situation. I wish to  
22 God and I pray that men would want to do right but  
23 people are not going to do right simply because in  
24 most instances where we have our investigation those  
25 who are in supervisory positions are unqualified and

1 these are the people who have the mentalities of  
2 segregation, and they are going to maintain it.

3           So we are at a disadvantage. We need  
4 your help. We need some type of recommendation. We  
5 need some type of legislation that's going to help  
6 eliminate discrimination in employment. I came to  
7 work for this railroad 1956. In my position where I  
8 been promoted. Everybody who was hired in front of  
9 me I've been promoted.

10           I'm not going to mention statistics  
11 what it is doing and even though I'm able to do the  
12 work and I know what I face and I know whom I face,  
13 and I know that you can't change attitudes. You  
14 can't make somebody love you, but I think through a  
15 better education system we can overcome some of these  
16 things.

17           It is going to have to start at home,  
18 in churches, and we are trying to work together in  
19 order to make this a great American city. As a  
20 matter of fact, we've got a couple of awards of  
21 modern cities but it is tainted because there is  
22 discrimination. In every segment of our community  
23 there is discrimination. Now, I wouldn't want you to  
24 think that, in fact, there is not because there is,  
25 from the hospitals to the restaurants, from the large

1 industry to the very small retail stores. Roanoke  
2 Valley, Roanoke Memorial Hospital is one of the  
3 largest hospitals of Southwest Virginia. I dare you  
4 to go over there and ask because blacks are working  
5 since I can remember to see how many blacks  
6 supervisors you have in positions.

7 I dare you to go to Lewis-Gale, any  
8 large hospitals simply because one of the large  
9 companies in our society today they make a lot and  
10 take a lot of government and federal money, but you  
11 will not find equal opportunity there. There are  
12 some on the lower level but nobody is going that way,  
13 believe me.

14 This railroad where I work has never  
15 had a black vice-president of anything, probably  
16 won't be in my lifetime, but these are the things  
17 that are important. These are the things we must  
18 address and, if you're talking about it and you're  
19 telling people to come out and you are advising them  
20 them you must tell the truth, and you must tell it in  
21 such a way that it is going to cause something to be  
22 done because, if you don't, the NAACP and other  
23 organizations like ours, are going to be out there  
24 still fighting.

25 Someone has said "we don't need the

1 NAACP". We need it more today than we needed it in  
2 the history of our life. I am a witness to that  
3 fact. My business not only as a worker, but as a  
4 minister, to preach the gospel, the gospel of love.  
5 I also do preach truth because "...to know the truth  
6 sets you free." I hope you help me. Because if the  
7 state legislators don't understand--and I know the  
8 national don't because of the things that have  
9 happened in the past year or so, then we are in  
10 trouble. Thank you for allowing me to say that.

11 CHAIRMAN BOSTIC: Thank you very  
12 much. I will turn to members of the committee, Mr.  
13 Krumbein?

14 MR. KRUMBEIN: Reverend Tinsley,

15

16 MR. KRUMBEIN: Reverend Tinsley,  
17 pretty soon Elizabeth Hapford Dole--a person from  
18 what I read in the newspaper--I admire here--she's  
19 done a lot in her life--is going to make a decision  
20 about who buys Conrail. Might not it propitious for  
21 you or some organization that you might find that  
22 raise the issue that you've suggested as part of the  
23 decision process about who gets to buy Conrail  
24 because Conrail now is part of the government?

25

I don't know, but I would like to

1 think that something that's part of the government  
2 had less discrimination than something that wasn't  
3 parts of the government. If this is the time to  
4 raise the conversation about that, there are people  
5 here from the NAACP Local Chapter that can take it to  
6 the Virginia Chapter; they can take it to the  
7 National Chapter. There are other people that are  
8 concerned about this issue that aren't NAACP, and it  
9 doesn't take much, a press release, a little  
10 investigation, a few facts, a few figures, a report,  
11 and it makes things very uncomfortable and I've just  
12 got to believe because I'm an incurable optimist  
13 that Norfolk and Southern would be very upset if all  
14 of a sudden a press release came out that they  
15 shouldn't be able to buy Conrail because they didn't  
16 treat all the citizens of country the same.

17 CHAIRMAN BOSTIC: Yes, Mrs. Wilson?

18 MRS. WILSON: Relating it to Norfolk  
19 and Southern Railway, last year Norfolk and Southern  
20 was investigated 12 times by the United States Labor  
21 Department, Frederick Eisler and Jim Thorpe. What I  
22 understand here why should--well, in other words,  
23 people who have filed discrimination charges about  
24 N&S, it appears to me that the courts are afraid to  
25 hand down correct decisions when these cases do come

1 up in court in the Western District Court.

2 There was a class action suit in  
3 October where these men over a seven-year period  
4 filed a charge, not only this group, I mean on  
5 numerous occasions and once they go into federal  
6 court they hand down a \$16,000 verdict for a group of  
7 Americans over a seven-year period who had been  
8 discriminated against.

9 Then you look into the paper where  
10 Leavenworth, to see the same discrimination case was,  
11 \$40 million decision, so what I am stating now, why  
12 even bother about filing a discrimination charge if  
13 you've been discriminated and take it into federal  
14 court here, because the decision is always  
15 practically favored Norfolk and Southern Railroad.  
16 Okay, and it is not because people have not filed  
17 discrimination charges about the N&S; it has been  
18 continuously for years, if the men cross the picket  
19 line, just like this American did, refuse to pay  
20 union dues, he was fired, still out of work. Once  
21 his case goes to court, Western District Court here,  
22 if he gets ten cents, I'll be surprised.

23 CHAIRMAN BOSTIC: As Mr. Krumbein  
24 suggested, by taking it to the state and then to the  
25 national, it's possible that out of the national it

1 might not end up in the Western District. I think  
2 that might be a possibility. Mrs. Helsley?

3 MRS. HELSLEY: I'm going to have to  
4 put on another hat on for Southern. My husband is  
5 General Manager Freight Claim Service for Norfolk and  
6 Southern Corporation. You know when I said came up  
7 about three years ago, we had about ten black people  
8 in our department that we love and they do a  
9 wonderful job.

10 It isn't in the hands of Elizabeth  
11 Dole. It is in the hands of Congress right now. One  
12 of our black women we couldn't bring up to Roanoke;  
13 we sent her out to a real good job in Texas. Dick  
14 has just sent one of his favorite people who is a  
15 woman, black woman, first one in the history of the  
16 railroad, to Atlanta, Georgia to be a supervisor over  
17 automobiles in that area of our railroad.

18 MR. TINSLEY: Praise the lord!

19 MRS. HELSTY: I will say this, I know  
20 that at least 10 or 12 years ago when we were with  
21 Southern, the word came down from high up that Dick  
22 had to hire a ratio of blacks with whites. For three  
23 or four years my husband hired black competent good  
24 people and we have them with us today. We have moved  
25 27 families up here from Chattanooga, Tennessee, at



1 least 8 or 10 of them are blacks and we love everyone  
2 of them and they do a wonderful job and Dick wouldn't  
3 have them there if they couldn't do the work that  
4 could be done in the Southern.

5 CHAIRMAN BOSTIC: Thank you very  
6 much. I would ask is any Advisory Committee member  
7 would like to make a comment of any sort, any  
8 advisor, any staff person?

9 MR. BINKLEY: Our audience and  
10 participants have dwindled considerably but we would  
11 invite you again that, if you have anything that  
12 occurs to you after this meeting, based on the  
13 subjects that we discussed, to submit to us, Reverend  
14 Tinsley especially has already given information  
15 that perhaps he could supplement.

16 We also are interested in the stories,  
17 of success states. We can learn from that and we can  
18 refer that to our organization Business and Industry.  
19 Unfortunately, in the field of Civil Rights that is  
20 not always possible, but when there are success  
21 stories, we like to hear them, the point being, if  
22 you have information or acquaintances here earlier  
23 today that has information to submit, if you got a  
24 copy of the panelists or something, to write to Wanda  
25 Hoffman or me or the U S Commission on Civil Rights

1 Washington, D.C. and we will get it. Thank you all  
2 for coming. Mr. Chairman may want to say a few  
3 words.

4           CHAIRMAN BOSTIC: Yes, thank you.  
5 Just to echo Mr. Binkley's last comments here,  
6 information that you have given us has just been more  
7 to add to what we've been gathering around the state  
8 to assist us in our job because we are the eyes and  
9 ears of the U S Civil Rights Commission for the state  
10 of Virginia. And we're going do those things that we  
11 are supposed to do so that you can realize the kinds  
12 of things that you've addressed here today.

13           MRS. WILSON: I would like to state  
14 here in the Roanoke area if you ever have time or any  
15 of you all around, there are three other places that  
16 I feel is very discriminatory and needs to be  
17 investigated and it is a shame to say our Veterans  
18 Administration in Salem, for hiring and promotion of  
19 blacks, minorities. ITT who also receives federal  
20 contracts, and Roanoke Memorial Hospital.

21           I feel they do receive government  
22 funds and that place needs to be investigated. They  
23 do not have any blacks in personnel, Roanoke Memorial  
24 Hospital. They also do not have any black head  
25 nurses, and it is very hard to get in their pool of

1 professional nurses. They always state the fact that  
2 they do not pass the test. So strange they go to  
3 U.Va. and pass, they can't pass in Roanoke.

4 I do feel that one hospital that  
5 receives so much government attention they definitely  
6 need to be investigated because they are using our  
7 tax dollars as well as Veterans Administration and  
8 ITT.

9 CHAIRMAN BOSTIC: Thank you very much  
10 and we have that and, as Mr. Binkley has said, if you  
11 have additional information that you would like this  
12 Committee to have, address it to our Committee in  
13 Washington, D.C. and it will get to us. Again thank  
14 each of you for coming. Thank you for participating.  
15 Especially thanks to the Advisory Committee. Thank  
16 you. The meeting is adjourned.

17 (Meeting adjourned at 4:56 p.m.)

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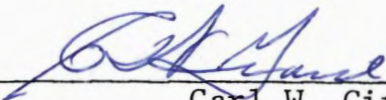
25

C E R T I F I C A T E

1  
2 State of Virginia, )  
3 County of Henrico, ) SS:  
4 )

5  
6 I, Carl W. Girard, C.M., do hereby certify  
7 that the foregoing pages numbered 4-211  
8 constitute a full and accurate transcript into English  
9 text of the stenotype notes transcribed under my  
10 supervision.

11 Witness my hand this 10<sup>th</sup> day of October,  
12 198<sup>5</sup>.

13  
14   
15 Carl W. Girard, C.M.

16  
17 Signed before me this 10<sup>th</sup> day of  
18 October, 198<sup>5</sup>.

19 Denise M. Whitehurst  
20 Notary Public within and for the  
21 State of Virginia

22 My commission expires  
23 September 1, 1987  
24  
25