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EMPLOYMENT OF MINORITIES AND WOMEN

IN ALABAMA STATE GOVERNMENT

Alabama Advisory Committee

to the

U.S. Commission on Civil Rights

June 23, 1988

HEARING OF THE U.S. COMMISSION ON CIVIL RIGHTS, taken in the conference room of the Montgomery Civic Center, 300 Bibb Street, Montgomery, Alabama, before Anita D. Wall, Reporter and Notary Public in and for the State of Alabama at Large, on June 23rd, 1988, commencing at 9:00 a.m.

COMMITTEE MEMBERS

MR. RODNEY MAX, CHAIR

MS. ODESSA WOOLFOLK

MS. CHARLENA BRAY

MS. ABIGAIL TURNER

MR. WILLIAM MULDROW

MR. LAWRENCE HANKS

MS. BARBARA LUCERO

MR. WENDALL PARIS

MR. ELBERT MEANS

MR. MELVIN JENKINS

* * * *

1 MR. MAX: This meeting of the Alabama
2 Advisory Committee of the United States
3 ~~Commission on Civil Rights shall come to order.~~

4 For the benefit of those in our
5 audience, I shall introduce myself and my
6 colleagues. My name is Rodney Max, and I'm the
7 Chairperson of the Advisory Committee. We have
8 with us today Charlena Bray. Jerome Gray is not
9 here at this time. Dr. Lawrence Hanks, Barbara
10 Lucero, Elbert Means, Wendall Paris, Abigail
11 Turner, Odessa Woolfolk. George Lynn could not
12 be with us today nor could William Bernard.
13 Also present with us are Melvin Jenkins,
14 Director of the Central Regional Division of the
15 Commission. William Muldrow, the Civil Rights
16 Analyst on the regional office staff.

17 We are here to conduct a
18 community forum for the purpose of gathering
19 information on the employment of minorities and
20 women in Alabama State Government and their
21 appointment to boards and commissions.

22 The jurisdiction of the
23 commission includes discrimination or denial of

1 equal protection of the laws because of race,
2 color, religion, sex, age, handicap, or national
3 origin, or the administration of justice.

4 Information which relates to the topic of the
5 forum will be especially helpful to the Advisory
6 Committee.

7 The proceedings of this forum,
8 which are being recorded by a public
9 stenographer, will be sent to the Commission for
10 its advice and consideration. Information
11 provided may also be used by the Advisory
12 Committee to plan future activities.

13 At the outset, I want to remind
14 everyone present of the ground rules: This is a
15 public meeting open to the media and the general
16 public. We have a full schedule of people who
17 will be making presentations within the limited
18 time we have available. The time allotted for
19 each presentation must be strictly adhered to.
20 This will include a presentation by each
21 participant followed by questions from committee
22 members. To accommodate persons who have not
23 been invited but wish to make statements, we

1 have scheduled an open period from five p.m. to
2 six p.m. today. Anyone wishing to make a
3 ~~statement during that period should contact~~
4 William Muldrow for schedules. Written
5 statements may be submitted to committee members
6 or staff today or may be mailed to the United
7 States Commission on Civil Rights at the
8 following address: 911 Walnut, Suite 3100,
9 Kansas City, Missouri, 64106. If you need that
10 address again, I can give it to you later.

11 The recording of this meeting
12 will close on July 15, 1988.

13 Though some of the statements
14 today may be controversial, we want to insure
15 that all invited guests do not defame or degrade
16 any person or organization.

17 In order to insure that all
18 aspects of the issues are represented,
19 knowledgeable persons with wide varieties of
20 experience and viewpoints have been invited to
21 share information with us. Any person or
22 organization that feels defamed or degraded by
23 statements made in these proceedings should

1 contact our staff during the meeting so that
2 they can be provided a chance for public
3 ~~response; alternatively, such persons or~~
4 organizations can file written statements for
5 inclusion in the proceedings.

6 I urge all persons making
7 presentations to be judicious in their
8 statements.

9 The Advisory Committee
10 appreciates the willingness of all participants
11 to share their views and experiences with the
12 committee.

13 At this time, Mr. Jenkins will
14 now share some opening remarks with us.

15 MR. JENKINS: Thank you, Rodney.

16 This is the first in a series of
17 community forums being sponsored by the Central
18 Regional Division of the State Advisory
19 Committee. These community forums will be held
20 concerning minority and female representation in
21 State Government. In the last few years, quite
22 a few of the states in our region have held
23 community forums or have issued reports

1 . concerning minorities and females in State
2 Government and also appointments to major boards
3 ~~and commissions within State Government; with~~
4 these reports, we will be advising the
5 commissioners up in Washington concerning the
6 progress of minorities and females over the
7 years.

8 In addition to this meeting,
9 community forums also serve as a briefing forum
10 to conduct more intense studies concerning this
11 particular topic.

12 What we hope to do today is to
13 take the information of progress that's been
14 made, provide that to the commissioners, and
15 also for the consumption of the rights of the
16 committee members. At some later date, we will
17 issue a report; it may be in the form of a
18 complete transcript or a summary report to the
19 commission. However, the local press will be
20 advised as to the appropriate apparatus that
21 will be issued concerning the meeting today.

22 MR. MAX: Is there anyone from the
23 Attorney General's office here with us at this

1 time?

2 GENTLEMAN: I'm here.

3 ~~MR. MAX: We were anticipating someone~~
4 from the Attorney General's office giving us a
5 legislative overview beginning at nine o'clock.
6 Are you or someone from the office prepared?

7 GENTLEMAN: I'm not here to speak.

8 MR. MAX: We will proceed, then, on our
9 agenda with Dr. Halycon Ballard, Director of the
10 Alabama Personnel Department, to talk to us
11 about employment policies and statistical
12 analysis.

13 DR. BALLARD: Good morning. I'm Hal
14 Ballard. I am currently and have been Director
15 of the Alabama State Personnel Department since
16 1981.

17 With the diligence of the
18 committee, I'm going to ask that our overhead
19 projector be moved up here in front of me so
20 that I can point to some of the slides as I
21 speak.

22 (Presentation by overhead
23 projector.)

1 MR. MAX: Dr. Ballard, in making your
2 presentation, due to the fact that we are trying
3 ~~to record it, to the extent that you could make~~
4 it clear on the record.

5 DR. BALLARD: I will.

6 MR. MAX: Thank you.

7 DR. BALLARD: You are each being given a
8 folder, which is a complete verbatim copy of my
9 presentation. Since you'll be left with my
10 remarks, you will have to follow along with me,
11 except at the point where I want to show you
12 graphs and charts.

13 The figures that I will be
14 talking about are also listed in the narrative
15 of the presentation for clarification, so we'll
16 be sure to go through with that.

17 It's an honor and a pleasure to
18 be invited to address this Alabama Advisory
19 Committee to the Commission on Civil Rights.

20 On behalf of the State Personnel
21 Department, it is fitting to recognize the debt
22 of gratitude all citizens owe to the Civil
23 Rights Commission and its Advisory Committee in

1 leading the way for more than thirty years in
2 securing the rights of all Americans the equal
3 ~~opportunity in every field of life.~~

4 The State Personnel Department,
5 of which I've had the privilege of being
6 director since 1981, is invested with the
7 responsibility of administering the State Merit
8 System Law. These responsibilities include
9 receiving and processing applications for all
10 Merit System jobs in all departments. An
11 insight into the magnituded of this role is
12 illustrated by the fact that in the last fiscal
13 year, we received a total of seventy-eight
14 thousand five hundred and seven applications for
15 State Merit System jobs, both from applicants
16 seeking employment with the State and from
17 employees applying for promotions.

18 We are further responsible for
19 establishing registers for the jobs for which
20 applicants and employees apply. There are more
21 than thirteen hundred Merit System jobs in the
22 State, each with its own register. So, also, as
23 job openings occur, it is our responsibility to

1 certify the names of persons on the register in
2 accordance with the Merit System Law. In all of
3 ~~the phases of the day-to-day operations of the~~
4 State Personnel Department, we are committed to
5 the goal of equal employment opportunity in
6 State Government, and the facts will, I submit,
7 bear out that this goal is being fulfilled in
8 significant ways.

9 Now, it's not my intention to
10 bore the distinguished committee and audience
11 with the details of every step which is being
12 taken and the accomplishments which are being
13 achieved in promoting equal opportunities in
14 State Government. It will suffice to
15 concentrate today on several points -- three
16 major ones: First, the significantly increased
17 representation and role of black persons and
18 females in State employment at the current time,
19 compared to the situation which existed when the
20 1979 report of the Alabama Advisory Committee
21 was issued. And I believe all will agree that
22 the gains have been substantial indeed.

23 Second, the steps which have been

1 and continue to be taken by the State Personnel
2 Department in the area of recruitment by making
3 ~~minorities aware of the employment opportunities~~
4 available in State Government and to carry forth
5 the sincere message that they are welcome and
6 sought after for employment in State jobs.

7 The third topic which I will
8 discuss concerns the highlights of the steps
9 which the State Personnel Department has been
10 and is taking to insure that the procedures used
11 in advertising of job opportunities and in the
12 register and certification process are free from
13 any trace of racial or sexual inhibitors.

14 Mindful of the constraints of
15 time, let us now briefly consider each of these
16 points: To begin with, the most vivid measure
17 of the accomplishments of the last decade is
18 provided by comparing the Employment Profile of
19 Alabama State Government today with that set
20 forth in your 1979 Advisory Committee report.
21 The 1979 report pointed out that, quote,
22 Although the State has begun to move toward
23 equal opportunity in employment, Blacks

1 represent only fifteen percent of the State's
2 employees; they comprise twenty-two percent of
3 the State work force. ~~The situation then was~~
4 that while Black persons comprised twenty-two
5 percent of the employment force available in the
6 State, a so-called availability pool, Black
7 persons comprise fifteen percent of the
8 employees in State Government. This meant a
9 shortfall between the twenty-two percent
10 employment availability and the fifteen percent
11 representation in State jobs.

12 Today I'm proud to say the
13 employment profile reveals quite a different
14 picture reflecting the accomplishments of the
15 past decade.

16 For comparison purposes, we've
17 used the employment figures for 1986, since
18 complete statistics for that year are
19 available.

20 The situation is that in contrast
21 of the fifteen percent representation of Black
22 persons in State Government, as set forth in the
23 1979 report, the representation of Black persons

1 in State Government as of 1986 was twenty-seven
2 point one percent. As you can see, this
3 ~~represents a gain of seventeen point one percent~~
4 over the fifteen percent figure recorded in
5 1979.

6 Moreover, the gain is even more
7 significant when analyzed in terms of the State
8 employment force availability figure, as was
9 done in the 1979 report. The overall
10 representation of Black persons in the civilian
11 labor force in the State as of 1986 was nineteen
12 point nine percent. The result is that with
13 Black persons comprising twenty-seven point one
14 percent of State Government employment,
15 representation in State employment is
16 substantially in excess of the labor force
17 representation, twenty-seven point one percent
18 in State employment compared to nineteen point
19 nine percent in the State labor force.

20 It is equally important to point
21 out that this increase in the representation of
22 Black persons in State Government employment
23 encompasses all occupational categories. We at

1 the State Personnel Department are very
2 sensitive to the importance of Black citizens
3 ~~being fairly represented at all levels of State~~
4 Government work.

5 So that you can have the figures
6 on the representation of Black persons at all
7 levels of State employment, I would invite your
8 attention to the table in your handout, which is
9 identified as Tab A. I also will put on the
10 screen at the same time a graphic representation
11 of the figures that you are looking at in Tab
12 A.

13 The striped column is the
14 percentage of Blacks employed by the State of
15 Alabama by EEO occupational categories.

16 The white lines are the percent
17 of Blacks employed in the labor market.

18 The table, Tab A, and in graph
19 form on the screen, sets forth the percentage of
20 Black persons in State employment compared to
21 the labor force and the ratio between these two
22 figures, with this data being presented for each
23 EEO occupational category. As an example, on

1 your table, Black persons comprise eight percent
2 of the jobs in the Officials and Administrator's
3 ~~occupational category of State employment.~~ This
4 representation exceeds the labor force
5 percentage of seven point five percent, which
6 produces a ratio in excess of a hundred and six
7 percent.

8 Likewise, Black persons comprise
9 eighteen percent of the jobs in the professional
10 category of State Government employment. This,
11 again, exceeds the fifteen point five percent
12 representation in the labor force and produces a
13 ratio of a hundred and sixteen point three
14 percent.

15 Of the six EEO occupational
16 categories, there is only one in which there is
17 a shortfall; this is the Technician category,
18 where twelve point five percent of Black persons
19 in State employment is less than the fourteen
20 point three percent labor force figure. In each
21 of the other occupational categories, the
22 situation today is that Black persons hold a
23 higher percentage of the jobs in State

1 Government than the labor force figure for that
2 EEO category.

3 ~~The gains which have been~~
4 achieved in this period since the 1979 report
5 are further illustrated in a table comparing the
6 employment profile as of then with the profile
7 as of now; this comparison is presented in the
8 table identified as Tab B. I will also show you
9 on the screen a graphic representation of the
10 figures contained in Table B. The occupational
11 categories, of course, read from top to bottom;
12 I will obscure those in order for you to see the
13 percent figures. What you are looking at
14 compares the employment profile in 1978, the
15 last full year proceeding your 1979 report, with
16 the employment with the most recent figure of
17 1987.

18 The easiest way to analyze the
19 data on this table and on the screen is by
20 considering the last column to the right on
21 Table B, which sets forth the percentage
22 increase in the employment of Black persons in,
23 say, jobs by occupational category, and that is

1 compared to the next to the last column on that
2 page, which shows the general increase, total
3 ~~employees in that category.~~

4 To illustrate, there has been an
5 increase of two hundred and twenty-six point
6 five percent in the employment of Black persons
7 in jobs in the Officials and Administrator's
8 occupational category; compare that to the
9 forty-seven point three percent increase in the
10 growth of that job category in State Government
11 total.

12 Overall, it will be noted that in
13 each occupational category, there has been an
14 increase in the employment of Black persons. No
15 occupational category has shown a decrease, nor
16 has it been at a standstill; each has had a
17 significant increase.

18 We are pleased with these
19 results, which have been achieved in a dramatic
20 manner in the period since the 1979 report was
21 issued. But I want to assure this committee
22 that we have no intention in resting on the
23 accomplishments which have been achieved. We

1 fully intend to continue to strive to increase
2 even further the employment opportunities and
3 ~~representation of Black persons in State~~
4 Government employment.

5 Turning, now, to the subject of
6 the employment of females in State Government,
7 the 1979 report made the point that while there
8 are a substantial number of female employees,
9 they were concentrated in the lowest level jobs
10 in the occupational Clerical category.

11 Alabama is no exception to the
12 situation of the applicants for clerical jobs
13 being predominately female. Some would say that
14 this is attributable to the desire of the
15 applicants themselves, but I think that debate
16 can best be left to the social scientists.

17 Whatever the reason, it is a fact
18 that the overwhelming majority of the applicants
19 for office clerical jobs in State Government are
20 females. It follows that the persons, then,
21 that are employed for these job are principally
22 composed of females. Obviously, it would be
23 both in violation of the Merit System Law and

1 unfair for us to fail to certify or refuse to
2 certify female applicants for these jobs or to
3 give preference to male applicants for these
4 jobs.

5 The important area of increase is
6 what has been accomplished in bringing females
7 into higher level jobs. The gains achieved in
8 this respect, while significant, have not been
9 as much as we had hoped for and have not matched
10 the substantial increases in the employment of
11 Black persons. In evaluating the situation of
12 female employment, however, it is necessary to
13 recognize the role of the self-selection
14 factor.

15 The State Personnel Department
16 cannot certify persons for jobs which they have
17 not applied for, nor can we force anyone to
18 apply for any job. In our democracy, with all
19 of our individual freedom, each person has the
20 right to apply for such jobs as attract their
21 interest. The fact of the matter is that the
22 representation of females in State employment is
23 directly related to the applicant interest

1 factor. .

2 Still, I'm pleased to report that
3 ~~gains have been achieved in the employment of~~
4 females in the higher salary jobs in State
5 Government.

6 In this regard, I invite your
7 attention to the table identified as Tab C.
8 This table compares the percentage of females in
9 occupational category in State employment and in
10 the labor force. It is indential to the first
11 chart I showed you for Black employment. Again,
12 this time as before, the striped line represents
13 the percent of females employed by the State of
14 Alabama, and the white lines represent the
15 percent of females employed in their
16 occupational category in the labor force. It
17 can be observed from the chart on the board and
18 from the table in your book, Tab C, that the
19 representation of females in State employment
20 exceeds the labor force percentage for that
21 category. For example, in the Officials and
22 Administrator's occupational category, there is
23 a shortfall of twenty-seven point five percent

1 in State Government employment compared to
2 twenty-nine point nine percent in the labor
3 ~~force. There is also a slight shortfall in~~
4 Protective Service category of eight point one
5 percent compared to eight point four percent in
6 the labor force. With these two exceptions,
7 every other occupational category has a higher
8 percentage of female employees than in the labor
9 force. In the Professional category, for
10 example, females comprise nearly fifty-one
11 percent of the professional jobs in State
12 employment compared to the thirty-eight point
13 nine percent in the labor force.

14 It is also worthwhile to compare
15 the employment profiles regarding female
16 representation at the time of the 1979 committee
17 reports with today. This data is presented in
18 the table at Tab D, which compares the
19 situation, by occupational category, as of 1978
20 on the one hand and 1987 on the other. It is
21 identical, also, to the chart I showed you with
22 regard to Black employment. You can observe
23 from this table that there has been an overall

1 increase of twelve point three percent in the
2 employment of females in State Government;
3 ~~that's your last line.~~

4 The significant fact, however, is
5 that the preponderance of that increase has been
6 in the higher level occupational categories.
7 This reflects the State's efforts to achieve the
8 goal of increasing the representation of females
9 in the jobs once considered in this country, as
10 a whole, to be traditional male jobs.

11 It can be seen from the table in
12 Tab D, and on the screen, that the increase of
13 females in the Office Clerical category has not
14 been substantial, constituting only six point
15 four percent. The reason is that most of the
16 overall increase has been in the higher level
17 jobs. For example, the representation of
18 females in the Officials and Administrator's
19 category has shown an increase over the period
20 of time, since the last committee's report, of
21 more than forty-eight percent. Likewise, female
22 employment in the Professional category has
23 increased twenty-four percent in the last

1 decade.

2 It's a truism of life that we
3 ~~cannot accurately judge the present stage of any~~
4 journey without recalling where the journey
5 started. Neither can we hope to avoid the
6 mistakes and shortcomings of the past until we
7 resolve that we will never turn back or slow
8 down on that journey. This is the reason that
9 we consider it so important to compare the facts
10 and figures regarding State employment today
11 with the situation which was the subject of the
12 committee's 1979 report. The results of this
13 comparison are extremely encouraging to us. We
14 do not, in any way, suggest that nothing more
15 needs to be done. Rather, we at the State
16 Personnel Department regard the accomplishments
17 of the past decade as an incentive to continue
18 to exert our best efforts to provide full and
19 fair equality in all aspects of employment
20 opportunity in State Government.

21 The second topic which should be
22 briefly addressed at this meeting is
23 recruitment. The accomplishments of the past

1 decade, that I have shown you on the chart and
2 in the tables, have not just happened. They
3 ~~have, in our view, been the result of the~~
4 efforts of dedicated career personnel in State
5 Government. High on the list of persons in
6 State Government to whom tribute should be paid
7 is Rosemary Harmon, who is a member of the staff
8 of the State Personnel Department and is here
9 with me today.

10 Rosemary, stand up and be
11 introduced.

12 Ms. Harmon has the responsibility
13 for recruitment for the State Personnel
14 Department, and she has developed what I
15 consider to be a very effective program.

16 Thank you, Rosemary.

17 A cornerstone of this program is
18 active recruitment with potential sources of
19 minority applicants. It's not enough for any
20 employer, public or private, to proclaim itself
21 an equal opportunity employer; those can be
22 judged as just meaningless words.

23 What is important, in our

1 opinion, is to take forward the message that
2 Black persons and females are being actively
3 sought after for State employment and are
4 encouraged to join the State's career employment
5 force. For this purpose, our recruitment
6 program is designed to convey this message on a
7 widespread scale. This can be illustrated with
8 several examples: For one, we maintain and
9 constantly update a list of Black persons
10 throughout the State who are regarded as leaders
11 in their community and who have an active
12 interest in promoting the employment opportunity
13 of Black persons in State Government. We
14 regularly send to these community leaders
15 notices of job opportunities in State Government
16 so that they may convey that message by word of
17 mouth in their communities.

18 Secondly, Ms. Harmon maintains an
19 active recruitment program at all levels of
20 educational institutions, which may produce a
21 source of minority applicants; this includes
22 high schools, trade schools, and the colleges,
23 which have a substantial enrollment of Black and

1 female students.

2 In the last fiscal year, as an
3 ~~example, on-campus recruiting was conducted at~~
4 such colleges as Alabama A&M, Alabama State,
5 Tuskegee, Stillman, and Talladega College, all
6 of which have enrollments composed principally
7 of Black students.

8 Similarly, our recruitment
9 program includes colleges with a substantial
10 representation of female students, such as
11 Judson and the University of Montevallo.

12 So that you can have an insight
13 into the substantive nature of our recruitment
14 program, I've also included in your folder
15 samples of the recruitment materials which are
16 used -- a new brochure talking about the
17 benefits of State employment, and what we call
18 the green book.

19 We are proud of our recruitment
20 program for the achievements of the past decade
21 to which our recruitment program is a
22 significant contributing factor. At the same
23 time, there is room for improvement in every

1 aspect of the EEO program in State Government,
2 and we will welcome any recommendation that this
3 ~~committee has as to how we might improve our~~
4 recruitment program.

5 The third and final topic that I
6 want to address to you today concerns the steps
7 which the State Personnel Department has been
8 and is taking to insure fairness and equality in
9 the procedures and standards followed in the
10 application and certification process.

11 To begin with, it should be
12 pointed out that we go to substantial lengths to
13 disseminate informatin regarding the job
14 opportunities in State Government. Notices of
15 job opportunities are provided by us to every
16 State department and agency for posting on their
17 bulletin boards. They are posted on the
18 bulletin boards in the Personnel Department, and
19 anyone is welcome to view the notices on any of
20 the bulletin boards. Similarly, notices of job
21 opportunities are provided by us to all offices
22 of the State Employment Service for the benefit
23 of persons seeking employment through that

1 source. In addition, we publish a booklet
2 listing most of the State Merit System jobs;
3 ~~that's the green book in your folder. You'll~~
4 note that there's a card -- My presentation says
5 there's a card in there; there's, in fact, not a
6 card in there.

7 On the booklets that we give to
8 applicants, there is a card which can be mailed
9 back in to the State Personnel Department; the
10 applicant lists on that card the jobs in which
11 they have an interest. We maintain a list of
12 the persons who take advantage of that offer,
13 and we mail directly to them notices of job
14 opportunities in the field in which they have
15 expressed an interest. By this procedure, it's
16 unnecessary for anyone to have to go to any
17 bulletin board anywhere to check on notices of
18 job opportunities because the notices are sent
19 directly to them at their home.

20 Another subject concerns the
21 steps taken to have a fair method of evaluating
22 and ranking applicants for jobs. Keeping in
23 mind that we received over seventy-eight

1 thousand applications in the last fiscal year,
2 it's obvious that there has to be a method of
3 ~~evaluating applicants for placement on the~~
4 registers. We are committed to the goal of
5 doing so on the basis of job-related
6 qualifications without any bias on the basis of
7 race, sex, age, handicap, or any other
8 consideration that is irrelevant to abilities
9 and qualifications.

10 Referring to an order entered in
11 the Frazer case in 1976, the 1979 report of this
12 Advisory Committee expressed the following
13 conclusions: Quote, All in all through
14 implementation of the 1976 court order, Alabama
15 probably is on its way to having one of the most
16 racially bias-free sets of employment tests in
17 the country, certainly in the South.

18 In the past decade, the State
19 Personnel Department has continued its efforts
20 to reserve that recognition by a substantial
21 expenditure of time and effort. For example, in
22 the stage of constructing any tests, we insure
23 the job-relatedness of the questions by the use

1 of so-called Subject Matter Experts; these are
2 not persons who deal in theory of how the job is
3 performed. Subject Matter Experts, which we
4 assemble and use, are employees in the job who
5 in day-to-day practice perform the duties of the
6 job and who know the skills and abilities, which
7 are essential to job performance. This program
8 further encompasses attempts to include Black
9 and female employees in those Subject Matter
10 Experts.

11 Another step which is followed
12 consists of analyzing the racial impact of
13 testing, not merely of the test itself, but down
14 to each question on each test. Then, if any
15 individual question seems to have any racial
16 impact, it's eliminated from the test, both for
17 grading purposes and for future use.

18 Furthermore, the State Personnel
19 Department continues on an on-going basis to
20 work with professional industrial psychologists
21 to insure the proper validation of the tests.

22 In all aspects of this program,
23 we adhere to the uniform guidelines of Employee

1 Selection Procedures promulgated by the Equal
2 Opportunity Commission, the Department of
3 Justice, and the Department of Labor.

4 Where it is practicable to do so,
5 we've also discontinued written testing in favor
6 of evaluating applicants on the basis of
7 job-related training and experience and job
8 performance.

9 In concluding this presentation
10 to the committee, there is a point of overriding
11 importance, which should be stressed. On any
12 question there will be some persons who take
13 rigid views both ways; that's a price we pay for
14 the privilege of living in an open and
15 democratic society which protects freedom of
16 speech. But the vast majority of the citizens
17 of this State are fair-minded, and I believe
18 sincerely want to follow the Golden Rule in
19 their relationships with all other citizens of
20 this State. They've long ago buried the sins of
21 the past, and they have sincere desire to see
22 everyone treated with respect and accorded the
23 equality to which all citizens of this nation

1 are entitled. In that spirit, we are committed
2 to the goal of providing full equality in
3 employment opportunities, and we take pride in
4 the accomplishments of the past decade.

5 It has been and is my privilege
6 to serve as the Director of the State
7 Department, which, in my opinion, has made a
8 substantial contribution to the accomplishments
9 being noted today. And this committee has my
10 assurance that we'll continue forward on the
11 journey which has brought us to this point.

12 Thank you.

13 MR. MAX: Thank you very much.

14 Before we go to these particular
15 questions, let me just ask one more time if
16 anyone from the office of the Attorney General
17 has come, other than the gentleman that spoke up
18 before?

19 (No Response.)

20 MR. MAX: To your knowledge, does anyone
21 from your office intend to make a presentation
22 to the commission?

23 GENTLEMAN: I was unaware that the

1 Attorney General's office was to make a
2 presentation.

3 MR. MAX: I ask that question with regard
4 to our timing, and with that, you will see,
5 those of you that have the agenda, that this
6 presentation was to start at nine-thirty and end
7 at ten. With the absence of the nine-fifteen
8 presentation, it will give us a little more
9 flexibility.

10 With that, I'll open up the
11 questions.

12 MS. WOOLFOLK: Dr. Ballard, would you
13 describe the procedure by which a list of
14 certified names is given to a department head
15 telling us how many names are on that
16 eligibility list and how can they be selected.

17 DR. BALLARD: Yes, ma'am. I don't know
18 how much detail you want, so I'll tell you in
19 general and then let you ask questions.

20 When there is a vacancy in a job
21 of State Government, the department mails to our
22 department, or brings to our department, what's
23 called a Request for Certification of

1 Eligibles. There is a register in our
2 department composed of applicant names in score
3 ~~order from high to low.~~ That employment
4 register may contain tens, hundreds, thousands
5 of names, depending on how much interest there
6 was in the job. Our State Law says that the top
7 ten people are certified on that register to the
8 appointing authority, and he has freedom of
9 choice of those top ten. However, the top ten
10 may not be just ten names; it could be as many
11 as several hundred names because it's the top
12 ten scores that are really certified with some
13 variation.

14 MS. WOOLFOLK: He or she can choose
15 from --

16 DR. BALLARD: With certain restrictions.
17 We have a federal court order which specifies
18 that a lower ranking White cannot be employed
19 instead of a higher ranking Black, which we call
20 this the No Pass Over Rule; that means that if a
21 Black is number one on that register, an
22 appointing authority has the choice of one
23 person that he can have to fill that job. If a

1 Black person is number two, he can have a choice.
2 of two. If a Black person is number ten, he has
3 a choice of ten. But he cannot go lower than
4 that Black showing up on that register.

5 MS. WOOLFOLK: Does he have to give a
6 reason for refusal if he goes to number five or
7 number six?

8 DR. BALLARD: No. He has freedom of
9 choice, with the only provisions or stipulations
10 in law or federal court order. The federal
11 court order requires no pass over of Blacks, and
12 then we have a law for veterans that says you
13 cannot pass over veterans without giving a valid
14 job-related reason; that reason is mailed in and
15 reviewed by the State Personnel Department, but
16 those are the only two restrictions on it is
17 freedom of choice.

18 MS. TURNER: I have some questions about
19 females being in non-positional positions. You
20 stated in your testimony that your selection
21 figures were hardly a reflection of the market.
22 I'm a Civil Rights lawyer and have represented
23 women in Protective Service litigation, and I'm

1 wondering a couple of things: In your testing,
2 with respect to testing issues, you state that
3 ~~you do a racial impact analysis on testing; do~~
4 you do that with respect to adverse impact on
5 women?

6 DR. BALLARD: No.

7 MS. TURNER: We had been provided some
8 figures by the Highway Department, for example,
9 that suggested that the contrast to the other
10 State agencies, which have fifty percent women,
11 they only have fifteen percent women. What, if
12 any, type of special efforts are you taking to
13 move women into non-positional occupations?

14 DR. BALLARD: I think some of the efforts
15 were invited in the text of my presentation --
16 the emphasis on recruitment, the emphasis on
17 lectures being given to advise women of career
18 choices that they have. For example, if I go
19 out and talk to a women's group, it is my
20 personal gender to always try to steer women
21 into the non-traditional higher-paying
22 categories -- get quantitative-based education,
23 get into engineering, get into medicine; things

1 like that.

2 In addition, each of the State
3 ~~departments is required to have an affirmative~~
4 action plan and will carry on, in addition to
5 those overall measures that are going on in the
6 State Personnel Department, specific programs
7 within their own department designed to have
8 affirmative action for females and Blacks and
9 all minorities.

10 MS. TURNER: Other than recruitment, are
11 you doing anything in looking at selection
12 procedures and how they select women for those
13 positions?

14 DR. BALLARD: Yes. There have been
15 recent modifications made, for example, in
16 physical agility tests recently to make sure
17 that those were not discriminatory against
18 women, particularly for federal Law enforcement
19 jobs.

20 We go through a practice every
21 time a selection procedure is developed to
22 screen for anything that might have an unfair or
23 unlawful impact on any of the protective

1 classes. It's part of our general selection
2 device development technique.

3 ~~MS. TURNER: In the same vein, with~~
4 respect to skill craft positions, I notice that
5 the percentage of women is low; does the State
6 have its own apprenticeship programs to increase
7 opportunities for women and Blacks, for that
8 matter, to gain those skills?

9 DR. BALLARD: I think that that figure is
10 quite interesting, and I've analyzed it quite a
11 bit. If you will notice, there was a general
12 decrease in skill craft positions in state
13 Government, and the rate of decrease in those
14 positions for women has been even faster than
15 the general decrease for the occupational
16 category. My speculation is that there are some
17 interesting things going on here.

18 When I first became Personnel
19 Director, we did an in-depth look at the salary
20 scales for all jobs in State Government. We
21 found that ones that were, in fact, White
22 positions were in the area of skilled craft;
23 that may have hurt us some in the past in

1 attracting people in the skilled crafts area. I
2 also think that you are seeing, as a general
3 phenomenon there, ~~the effective technology on~~
4 that category in general. I think that there
5 are some jobs, which when mechanical in nature,
6 requires skilled craftsmen for the repair, but
7 now those same people who come in to repair
8 digital computers or laser technology printing
9 equipment are in the Technician category.

10 MS. TURNER: Do you have or can you
11 provide us information about salaries by race
12 and sex? You didn't present us with any of that
13 this morning.

14 DR. BALLARD: No. I don't have that
15 readily available.

16 MR. MAX: Let me pick up on that one
17 thing. We have been provided a copy of the Horn
18 project that gave us a breakdown of the numbers
19 of Blacks and Whites in employment; it also gave
20 us a category of Blacks earning over twenty
21 thousand dollars and Whites earning over twenty
22 thousand dollars; while the general numbers were
23 very impressive, I was struck by the disparity

1 of Blacks earning over twenty thousand dollars,
2 versus Whites earning over twenty thousand
3 ~~dollars. I just happened to turn to page~~
4 twenty-five of the report where it has Public
5 Service Commission, where it has six Blacks,
6 versus sixty-six Whites.

7 DR. BALLARD: I have not seen a copy of
8 that report; I do not have the benefit of
9 looking at that report. I have no idea as to
10 the force of the data, whether it's even
11 correct. You know, if the commission would like
12 for us to respond to it, we will most definitely
13 respond to it, but I just can't comment because
14 I don't know what you're talking about.

15 MR. MAX: I think what we would like, if
16 it is possible, number one, to give you an
17 opportunity, if we could make available to you
18 the Horn project, if you don't have that.
19 Number two, allow you to give a response to that
20 as it pertains to the salaries, the
21 discrepancies that appear current.

22 DR. BALLARD: All right.

23 MR. JENKINS: In response to the

1 information on salary levels, would it be
2 possible for us to get copies of your EEO-4 data
3 ~~that you provided to the EEOC, which will~~
4 contain the salaries as they are analyzed?

5 DR. BALLARD: Yes, sir. I notice my
6 attorney over here furiously writing all the
7 data you want. That's quite voluminous, but we
8 will provide it.

9 MR. MEANS: In addition to the comments
10 you made in the course of your presentation,
11 overall, the figures look good from what you
12 were saying about the State Government, but can
13 you key in on certain departments that are doing
14 great and those that are not doing quite well,
15 which departments, in your information, are
16 doing an outstanding job in EEO affirmative
17 action, and which departments need work?

18 DR. BALLARD: I would not feel
19 comfortable commenting on that because I'm not
20 sure that I feel confident that I know enough
21 about each individual department. Our view at
22 State Personnel is the system as a whole, and we
23 look at the job categories and talk about the

1 employment of minorities in the setting up of
2 registers that span across all the departments,
3 ~~so my view is a system-wide review.~~ I know,
4 just from the analysis of adverse impact on
5 tests items, that there are some job
6 classifications in State Government, for
7 example, that have a lower applicant flow of
8 minorities and females than others. I just
9 don't have a good enough grasp of all of those
10 that are fourteen hundred classification plan to
11 be able to comment on it. I think you are
12 having various departments speak to you today,
13 and those questions could be addressed to them.

14 I will say this, that it takes a
15 cooperative effort on the part of State
16 Personnel and the individual departments. State
17 Government is very large; we are one of the
18 largest, perhaps the largest, cooperation -- if
19 you wanted to entitle it that -- or organization
20 in the State. We are very decentralized and
21 have a lot of different kinds of jobs being
22 performed. It's unrealistic to assume that the
23 State Personnel Department can bear the total

1 responsibility for affirmative action in equal
2 opportunity; it takes a cooperative effort with
3 ~~the departments, and they should speak on that~~
4 to you themselves.

5 MR. MEANS: You also mentioned that
6 various departments have pulled together similar
7 affirmative action plans. Is there some
8 coordinating area of counsel within State
9 Government or personnel to review these plans to
10 see whether or not the particular agencies are
11 on course in fulfilling affirmative action
12 plans?

13 DR. BALLARD: The personnel board
14 fulfills that role; although, they do not sit
15 down and read each individual plan; they require
16 the departments to have individual plans. And
17 what we have found is that by monitoring
18 progress over an extended period of time by EEO
19 category, we can tell collectively how those
20 plans are concerning the interests of minorities
21 and females and other protective classes. Now,
22 we have found it to be more effective to put
23 pressure on each department to work in their own

1 areas to increase the representation that it has
2 been just for the State Personnel Department to
3 do it alone.

4 MR. MEANS: Do you have a carrot stick
5 mechanism for department heads to insure
6 compliance with the affirmative action?

7 DR. BALLARD: Yes, sir. One of the
8 biggest carrot sticks is the federal court order
9 and the fact that we have this no pass over
10 rule. And we found that minorities and females
11 do quite well on our selection devices. And
12 when Blacks, particularly, get on these
13 registers, appointing authorities have no
14 choice; they are employed.

15 MR. PARIS: Is that the carrot or the
16 stick?

17 DR. BALLARD: It depends on how you look
18 at it. I think it's a carrot.

19 MR. HANKS: I have a question concerning
20 job-relatedness of the questions. I'm concerned
21 -- or I'm interested in --

22 DR. BALLARD: On our examinations?

23 MR. HANKS: Exactly. I'm concerned as to

1 whether you have. -- What is the percentage of
2 job-related questions that have a racial bias?
3 Do you keep records of that?

4 DR. BALLARD: I have no earthly idea. I
5 would have to look at each examination. And the
6 system that we use to construct written
7 examinations itself works against there being a
8 large percent of unjob-related questions because
9 we use Subject Matter Experts. What we are
10 focusing on are the specifics -- knowledge,
11 skills, and abilities -- required to perform
12 those job tasks for which people in that
13 category are held accountable, so this procedure
14 itself mitigates against a lot; and since we go
15 back and check each examination, it will vary on
16 those questions that have adverse impact. When
17 a question has an adverse impact, we don't stop
18 to ask whether it's job related; we just kick it
19 out.

20 MR. HANKS: That was my concern because
21 if a question is truly job-related, it
22 shouldn't have a racial impact; it seems like if
23 anybody who does that job and you are supposed

1 to know it, that was -- I guess that's the
2 professor coming out in me, but that was my
3 concern that ~~if a question was truly~~
4 job-related, I don't see it having a racial
5 impact.

6 DR. BALLARD: Theoretically, I think you
7 are correct. What happens, though, between
8 theory and application, is a human being touches
9 that, and there may have been a way that he
10 worded it or --

11 MR. HANKS: It's probably more cultural
12 than racial.

13 DR. BALLARD: It very well may be.

14 MR. PARIS: Can you give us an indication
15 of how your labor market statistics, where they
16 come from?

17 DR. BALLARD: Yes, sir. That
18 documentation is very easy to obtain. It comes
19 from the Department of Industrial Relations, and
20 it is the 1987 update of the 1980 census, the
21 State of Alabama Manpower Information for
22 Affirmative Action Programs. You should know
23 that the figures in my report are pulled

1 directly from this, and in the cases of the
2 Black figures, for example, we used as
3 ~~comparison to State employment, the broadest~~
4 categories that we could. The questions were
5 actually compiled by a Dr. Beafem Asher,
6 Florida State University.

7 MR. PARIS: My specific concern is, do
8 you have any way of including in the statistics,
9 that you have provided us, those folks who have
10 just become so despondent not being able to find
11 employment that they don't go into employment
12 offices any more?

13 DR. BALLARD: From a statistical
14 standpoint, I'm not even sure at this point how
15 I would go about getting that. Anytime you
16 tamper with figures that are verifiable, they
17 get into being questionable, and it becomes
18 somebody's interpretation. We felt like that
19 the safest way to provide this committee
20 statistics would be to get with those that were
21 recognized.

22 MR. PARIS: I'm an accountant; in 1986,
23 we had an average of twenty-two percent

1 unemployment; we are down considerably. That
2 does not mean that folks aren't going to work;
3 ~~that simply means that they are no longer coming~~
4 into your offices to seek employment. Have you
5 found any way to maybe get around that?

6 DR. BALLARD: No. I would be interested
7 in that, quite frankly, hearing the suggestions
8 of the committee. Like I said, it becomes very
9 difficult to quantify with integrity. It
10 becomes -- the verification of those figures --
11 I know what you are talking about very well, but
12 it becomes almost an individual assessment of
13 when a person becomes so despondent that they
14 don't try, and that can vary from individual to
15 individual, and I don't know how to go about
16 collecting that data. Do you know of anybody
17 else that's done it?

18 MR. PARIS: I noticed you are sending out
19 information to the community leaders. I would
20 like to know who gets that information for the
21 black belt counties.

22 DR. BALLARD: Rosemary, would you like to
23 answer that question?

1 MR. PARIS: I don't have to have it now;
2 you can provide me with that later.

3 ~~Is there some way that the~~
4 community leadership could be included
5 identifying those folks that can have a level of
6 despondency that no longer feel comfortable with
7 applying for a job?

8 DR. BALLARD: One of the things that
9 Rosemary has done that I think has been very
10 effective, and she noticed it in her own
11 community -- she came up with this idea that in
12 the Black community, the church and the minister
13 in that church is an extremely significant
14 person, a significant other, to that community,
15 and she has worked out a system whereby the
16 churches receive our job placement information
17 and publish it in the church bulletin, to where
18 these individuals may not go to the employment
19 offices, but they may very well go to Sunday
20 school or church or a social and see it there.

21 MR. MULDROW: You touched on this,
22 Dr. Ballard, but would you just clarify a little
23 bit on how the implementation of the court order

1 works. Who is responsible for assuring its
2 implementation? Is that your department?

3 DR. BALLARD: Yes, sir.

4 MR. MULDROW: How do you insure its
5 implementation in each department?

6 DR. BALLARD: We have two mechanisms, and
7 they work very effectively. One is that we are
8 the agency that certifies names to fill
9 vacancies; therefore, we know who is under
10 formal consideration for any job on any given
11 day. And as I told you, those certifications
12 are documents that are listed in rank order,
13 and, therefore, prevent the passing over of a
14 Black. The certification actually comes back in
15 to our department when the job is filled, and
16 noted out by the side of the name is the person
17 who was appointed and the rate of pay that they
18 were appointed at. If we notice any
19 irregularity on that, it is our responsibility
20 to get with the department and have it
21 clarified. For example, if we know a deviation
22 from the court order -- If it seems that a Black
23 has been passed over, then our control mechanism

1 kicks in, which is the certification of State
2 payroll; nobody gets paid in the State of
3 Alabama until our signature goes on the bottom
4 of the payroll and is sent to the State
5 Comptroller. You would be surprised at how
6 quickly people move when we call them and tell
7 them, You are not going to get your paychecks
8 Friday unless this aberation is cleared up.

9 MR. MULDROW: For example, if one
10 department is extremely low in their hiring in
11 certain categories, statistically would you --
12 is that cause for questioning about the
13 implementation of the order? Would you
14 investigate that or analyze that situation?

15 DR. BALLARD: We would analyze it from
16 the standpoint of applicant flow and our
17 recruitment objectives. Now, we know that the
18 aberation is not coming from the violation of
19 the court order because that's so rigidly
20 controlled that we know that no available and
21 qualified Blacks are being passed over on the
22 registers, so where we have that -- you know, if
23 we are looking at it by classification

1 statewide, it would feed back into our
2 recruitment program.

3 MS. BRAY: ~~Tab A and Table C, would you~~
4 tell me the understanding of the data? My
5 assumption is that the racial exceeds a hundred
6 percent, that that would be considered good or
7 very good.

8 DR. BALLARD: It would be considered that
9 our rate of employment, for example, on Table A,
10 Officials and Administrators, Blacks employed by
11 State Government in Officials and Administrators
12 are eight percent of that group. The Blacks
13 employed in the State of Alabama market figures
14 are seven point five percent of that group, so
15 it means that we are over what the market place
16 has in Alabama.

17 MS. BRAY: Which would generally be
18 considered very good; right?

19 DR. BALLARD: I wouldn't say good.
20 Again, I wanted to make clear in my presentation
21 that what we are measuring here is progress. It
22 doesn't mean that now we sit down and say we
23 achieved what we wanted to. We still have a

1 long way to go, but what it says is that
2 compared to what's going on in the labor market,
3 Blacks are more represented in that category in
4 State Government than they are out there in the
5 labor market.

6 MS. BRAY: Okay. How do you take data
7 like this and how are these data translated into
8 policies, rules, and regulations for the State
9 Department?

10 DR. BALLARD: Your question is so broad,
11 I'm not sure how to answer it. Of course, I
12 keep up with the figures, and we use it to
13 monitor in a general way the success of our
14 recruitment program. If it seems that our
15 applicant flow is down in any one category and
16 we're not making progress, then we simplify our
17 recruitment in that area. It also feeds back
18 into our testing program so that we are sure
19 that we are asking job-related -- you know,
20 non-biased questions on our tests. I don't
21 think I'm addressing your question, but I'm not
22 sure that I understand it either.

23 MS. BRAY: I guess where I'm going with

1 this is if one looked at any category, for
2 example, Officials and Administrators, Table A,
3 ~~with the ratio of one oh six point nine, to be~~
4 exact, if you take the data, and you say that
5 this is considered to be good, therefore,
6 translate it into policy, there's no great need
7 to increase what we are doing -- there's no need
8 to look at department by department?

9 DR. BALLARD: No, ma'am.

10 MS. BRAY: In other words, we have data
11 that suggests that all is well?

12 DR. BALLARD: No. And I tried to make
13 that very clear in my speech, both in my spoken
14 comments and in writing. The way we want to
15 look at these figures, and the way I look at
16 these figures is that we are doing some things
17 right; some of the things that we are doing,
18 obviously are working to improve the
19 representation of females and Blacks by
20 occupational category in State Government. I
21 want to look at these as incentives to keep on
22 doing what we do and to start new initiatives to
23 improve that. I want us to be better than the

1 labor market and continuously better than the
2 labor market. I don't want these to be seen as,
3 ~~now we sit down; boy, we've reached the end~~
4 point; I don't see that as the question at all.
5 I would think that what I would be concerned
6 about, if these figures were different, it would
7 not be that we were doing some things right, but
8 what are we doing wrong.

9 MS. BRAY: Finally, in response to that,
10 if these figures were given in isolation of any
11 other data, then that certainly does open up --
12 increase the possibility of assumption being
13 made which would get translated into policy and
14 into regulation that would suggest that there's
15 no real need to increase our efforts or enhance
16 our efforts.

17 DR. BALLARD: Well, let me disagree with
18 you, Ms. Bray, for just a minute. I think
19 anyone who sits in my chair recognizes that they
20 have to come before this committee again at some
21 other point in time. Where I'm proud of the
22 progress that we've made since 1979, I certainly
23 don't want to come before you in the next few

1 years and have to account for why the figures
2 now look bad and they looked good in 1988, so I
3 don't see that happening as realistic. There
4 are too many people, too many groups, too many
5 concerned parties nowadays -- and I myself is
6 concerned with it -- are looking at the status
7 of women and Blacks and all minorities in State
8 Government saying, How can we do better. It's
9 not realistic that we are just going to stop and
10 sit down -- not while I'm the person over it.

11 MS. WOOLFOLK: I want to make a short
12 observation. We are very concerned about the
13 differential between departments in terms of
14 their hiring, promotion, wage rates, and so on,
15 of Black minorities, blacks and other minorities
16 and women. It appears to me that your
17 department has an efficient, well-run system
18 overall. What bothers me is that I don't see
19 how your department or what your department is
20 doing to remedy the discrepancies that we see
21 between and among the departments. We ask you
22 about the names, but we can name names of
23 departments from this report that are not doing

1 as well as others. Is there anything in what
2 you do that will remedy this?

3 ~~DR. BALLARD:~~ I think, ultimately, it
4 relates back to our testing program and our
5 recruitment program. For example, I have known
6 -- I know this because some of the members of
7 the Black Legislative Caucus in Montgomery have
8 called me about it, and it caused me to look
9 into the figures. There's a Conservation
10 Enforcement officer job, and there's relatively
11 low Black representation. When you go back and
12 study the applicant flow figures, the
13 conservation officers, percentage wise, very few
14 Blacks apply for that particular job class.
15 Then it becomes a matter of speculation as to
16 why, and that's probably best left to a social
17 scientist, and I'm not one; I don't know, but
18 I'm not real concerned with why. What we do is
19 target that and say, Well, let's see if we can't
20 get our recruitment and applications up. If our
21 recruitment and applications are up for that job
22 class and if our testing program is fair, Blacks
23 will begin to show up in appointable positions

1 in that job class, and then the court order will
2 force their hiring.

3 ~~MS. WOOLFOLK:~~ MS. WOOLFOLK: My position is a zero in
4 itself is the problem, and I'm not sure how to
5 deal with it.

6 MS. TURNER: I wanted to ask: To your
7 knowledge, has any department implemented a goal
8 system in terms of hiring Blacks or women that
9 is targeted to a specific position where they
10 are under-represented? Apart from recruitment,
11 are there any specific positions that are
12 targeted with some enforceable goals to increase
13 the number of Blacks and women?

14 DR. BALLARD: The one that I am the most
15 familiar with is the one that was just set up
16 for the Highway Department, and he has
17 representatives.

18 MS. TURNER: I'm not talking about a
19 court order; I'm talking about a voluntary
20 program.

21 DR. BALLARD: I just don't know. I would
22 have to gather that information and report back
23 to you.

1 MR. MAX: Thank you for your
2 presentation; it was most complete with the
3 additional information.

4 Our next presentation is that of
5 Mr. Joe Dickson, Administrative Assistant with
6 the office of the Governor.

7 MR. DICKSON: We appreciate the
8 opportunity to come before this Advisory
9 Commission to speak with regards to the
10 Governor's office in doing about the
11 appointments of Blacks, women, and other
12 minorities.

13 The Governor has continued the
14 initiative that was put in place several years
15 ago -- the equal treatment and appointment of
16 Blacks, women, and other minorities -- and will
17 continue to support equal employment
18 opportunities and affirmative action programs.

19 The State Government's view as a
20 whole, or as a single entity, has made dramatic
21 progress in hiring and upgrading the Blacks,
22 women, and other minorities in all levels of
23 State Government. And as I appeared before this

1 commission in Birmingham, we pointed out that
2 the policy of the Hunt administration to, from
3 ~~time to time, review its needs for hiring people~~
4 to fill positions and appointments within the
5 administration and also to make sure that the
6 appointments of Blacks and women to boards shall
7 not be reduced from the level that it was before
8 this administration was put in place. As an
9 example, we have attempted, in our appointment
10 of Blacks and women to the institution of higher
11 learning, to continue the efforts of appointing
12 Blacks to the non-traditional places, at the
13 White colleges, and appoint whites at the Black
14 colleges. This was one of the contentions in
15 the lawsuit that whenever an appointment was to
16 be made, that traditionally if there were a
17 Black involved at the presidential level, that
18 every attempt was made to -- if it was a Black
19 school, to appoint a Black; a White school, to
20 appoint a White. We looked at the boards at the
21 University of Montevallo where there was no
22 Blacks involved and made certain that that board
23 received appointment from Blacks -- from the

1 Black community. Also we looked at other boards
2 that would be of significant value in having a
3 ~~Black appointed, and that board was the Southern~~
4 Development Corporation, and we made sure that
5 there was Black representation there.

6 And we have further attempted to
7 get legislation through the House wherein Blacks
8 would be allowed the opportunity to do a great
9 degree of business with the State of Alabama.
10 Of course, we all know the results of what
11 happened in the last session of the
12 legislature.

13 Also, the Governor has appointed
14 a task force to go into the Black belt
15 communities and other communities and see what
16 it is that we can do to bring industry and
17 business into this community to raise the
18 quality of life because these are the
19 communities where the population, the Black
20 population, is highest.

21 We have also, from the Governor's
22 office, initiated -- went ahead and had
23 initiated an order that we could do something

1 about the high rate of immortality from the
2 Governor's office.

3 ~~We have attempted to work with~~
4 private foundations to attempt to get help into
5 these areas where there's high employment, and
6 the health and the safety of the Black community
7 is at risk. The Kellogg foundation moved into
8 the Wilcox County area. We have received a
9 grant from the Robert Wood Johnson foundation to
10 deal with the health of the future babies.

11 And, also, in our office, we are
12 continuing to see to it that Blacks do receive a
13 fair shake in the appointment to boards and in
14 hiring opportunities. As I pointed out, we will
15 review our needs, and we will appoint Blacks
16 based on our needs.

17 MR. MAX: We appreciate your coming
18 before us this morning.

19 We are interested in the House,
20 the procedures that can assure that Blacks and
21 women find their positions on these boards. Can
22 you present to us, provide us with, the
23 procedures, the standards by which the

1 administration brings Blacks and women on these
2 various boards?

3 ~~MR. DICKSON:~~ We use the same procedures
4 that was used by the previous administration, as
5 I pointed out. For example, if Mr. Cosmetology
6 board, the people who are in that profession
7 normally makes the recommendation to the board
8 -- to the Governor, and the Governor picks from
9 that group of people. If it's the Credit Union
10 board, the Credit Union board is made up of a
11 group of credit unions, and they nominate to the
12 executive director who they would like to have,
13 and that name is submitted to the Governor, and
14 we follow that policy throughout. And there are
15 some instances where concerned groups in the
16 community submit names to the Governor for
17 appointment.

18 MR. MAX: For instance, you've got
19 twenty-five percent of the population as Blacks,
20 fifty-two percent of the population is females.
21 What percentage of your department heads are
22 Black or females? When I say department heads,
23 I mean boards.

1 MR. DICKSON: I have to get that
2 information; I don't have that.

3 MR. MAX: Can you tell us what percentage
4 of Blacks and women are on boards as far as your
5 appointments are concerned?

6 MR. DICKSON: I have to get that
7 information for you. I didn't bring it by
8 numbers.

9 MR. MAX: Is it fair to say that the
10 Governor's office doesn't keep statistics on how
11 many have been appointed thus far and where we
12 need to go with the next appointment?

13 MR. DICKSON: That's right.

14 MS. TURNER: I'm sorry; I'm not sure I
15 understood that. In our invitation, we asked
16 you to join us today and provide us with
17 information. We asked you to bring statistics,
18 and let me make sure I understand you: You are
19 telling our Chair that the Governor does not
20 keep --

21 MR. DICKSON: I didn't receive the notice
22 that said bring statistics; it just says they
23 wanted to talk about the policies that we use.

1 MS. TURNER: The staff has informed me
2 that we asked for you to bring statistics.

3 MR. DICKSON: I don't know.

4 MR. MAX: I think the point is that he
5 doesn't have them here, nor from your answer, I
6 don't think that any are kept.

7 MR. DICKSON: We don't keep any, so if
8 you are asking for it, we would certainly look
9 for it.

10 MS. WOOLFOLK: Let me raise a question.
11 Are you suggesting that there are probably so
12 many Blacks and minorities recently appointed in
13 the past year of current administration, that it
14 would be unfair for you to guess a percentage of
15 the total number that has been appointed.

16 MR. DICKSON: No.

17 MS. WOOLFOLK: We are under the
18 impression that the number is so small that you
19 can give it to us; we may be wrong.

20 MR. DICKSON: I think you may be wrong in
21 your assumption.

22 MS. TURNER: I'd like to ask about one
23 specific group of appointments.

1 I'm sorry our colleague,
2 Mr. Gray, is not here; he had an appointment;
3 he's going to be late.

4 As you know, Jerome Gray has
5 discussed with you appointments to the Board of
6 Registrars, and last night he informed us that
7 the Governor had made an appointment of one
8 Black to the Board of Registrars. In your
9 testimony, you stated that it was part of your
10 procedure to look at boards where it would be a
11 value to have Blacks appointed. And my question
12 is, is it your testimony that it is not a value
13 to have Blacks appointed by the Governor to the
14 Board of Registrars?

15 MR. DICKSON: First, I'd like to question
16 Mr. Jerome Gray's statement. The Governor has
17 appointed one Black to the Board of Registrars.
18 I think he may mean one Black as a chairman; he
19 may have meant that. I don't think he meant
20 that the Governor has appointed one because I
21 know in Selma, Opelika, and Tuskegee the
22 Governor has appointed Blacks because I saw to
23 it that they were appointed. I think I talked

1 to them about it..

2 MS. TURNER: Can you tell us how many of
3 the Governor's sixty-seven appointments to the
4 Board of Registrars is Black?

5 MR. DICKSON: I can't tell you, but I can
6 get it for you. But I know this: It's more
7 than one.

8 MR. PARIS: I was trying to follow your
9 analysis on the appointment to the Board and
10 that perhaps in the case of the credit union
11 board, it would be those in the credit union
12 field, whatever board, the appointments are made
13 for folks from that particular --

14 MR. DICKSON: First, the Board of Nursing
15 -- that professional group, normally, within
16 that group chooses the individual that they
17 would like to serve on that board. The Board of
18 Morticians is the same situation. I would
19 assume that the interest of the group would
20 dictate that they would want somebody that would
21 have their interest at heart on the board.

22 MR. PARIS: I asked that because I heard
23 you say that there were no Blacks on the board

1 at the University of Montevallo, and you looked
2 into that program, and now, perhaps there are
3 Blacks on the board at Montevallo.

4 MR. DICKSON: Yes.

5 MR. PARIS: I live in the black belt, and
6 we have two Blacks on the board, but not a
7 single one that represents the black belt area,
8 where most of the student population would come
9 from. Is there some means of your office to --

10 MR. DICKSON: Are you asking that
11 whenever the appointments are made that it's
12 relevant to geographic location? Is that what
13 you would like to see done?

14 MR. PARIS: Perhaps eighty percent above
15 the student population coming from the
16 geographical population location, West Alabama,
17 in this instance, it would appear that at least
18 some of the board members should be from the
19 same location, since it also would follow that
20 folks who live in the area would be more
21 familiar with the problems that pertain to a
22 particular situation.

23 MR. DICKSON: This is a way of looking

1 into it, but if you are talking about the
2 governor of the board and the carrying out of
3 the admission of the institution, I don't know
4 if -- I just don't know if that's really
5 germane. I'm thinking that what we are looking
6 at and what this Advisory Commission is looking
7 at at this point in time is, in fact, do we have
8 Black representation on these boards. Of
9 course, we can look into that, and I think it's
10 something that the representation from that area
11 should bring to the attention of the University.

12 MR. PARIS: I believe that this committee
13 is certainly concerned with the quality of
14 representation of the Blacks that we have on the
15 board.

16 MR. DICKSON: I'm sure that if there's
17 individuals on there, I'm sure he has been
18 scrutinized, and I don't know if quality would
19 be lacking in the two individuals; I don't know
20 them.

21 MR. PARIS: Okay.

22 MS. WOOLFOLK: I just wondered,
23 Mr. Dickson, just from your own sense of

1 procedure, would you think it fair to have a
2 policy, formal or informal, saying that there
3 would be a minimum percentage of Black
4 minorities and women on boards appointed by the
5 Governor? Are you philosophical to such a
6 policy?

7 MR. DICKSON: As a matter of fact, from
8 the outset, when Governor Hunt came to
9 Montgomery, the statement that he made in his
10 inaugural address, we would not be looking at it
11 in terms of quarters; we would not be looking in
12 terms of really numbers because we feel that
13 it's in the best interest of the State that we
14 appoint the best qualified people; and if we
15 just look totally at quotas, we are going to be
16 in trouble. So we do appreciate, and we do look
17 to get Blacks appointed to boards. By the same
18 token, we aren't just looking at numbers and
19 quotas; this is the policy of the administration
20 to look at the people in Alabama and try to move
21 it along from that level.

22 MS. WOOLFOLK: The other side of it,
23 obviously, would be an assumption that when we

1 see zero, we assume that there are no qualified
2 Black minorities, and I'm sure you're not saying
3 that.

4 MR. DICKSON: No, we're not saying that,
5 not if you see zero. One of the things that you
6 also have to take into consideration is -- and I
7 think I pointed this out before when I was
8 before the board -- we are dealing with a
9 political process also, and the political
10 process takes it toll; it happens. It's not
11 that there are no Black qualified questions;
12 there have been instances where people have been
13 asked to make recommendations that have been
14 working in the Black community, White people,
15 and they never -- they've been working side by
16 side with Blacks, and they've never recommended
17 any of them. And there have been Blacks who
18 never recommended any of them, but what we are
19 doing, as I pointed out, we are looking at the
20 boards. And if you see a zero, it's not because
21 -- we aren't saying that there aren't qualified
22 Blacks, but you know, we have four million
23 people here in the State of Alabama, and we want

1 to make sure that all of them are treated
2 fairly.

3 MR. MEANS: I'm concerned about the
4 unemployment in the black belt area. When the
5 administration starts looking for jobs to come
6 in those areas, what type of jobs do they
7 consider for the black belt area? High tech,
8 skilled labor, or what type of jobs do they
9 usually look for in those areas?

10 MR. DICKSON: Mr. Means, one of the
11 things that you have to take into consideration
12 is that the State provides the leadership that
13 the community, the local community, has to bring
14 a suggestion to the APO, ADECA, as to what they
15 would like to have in the community. What we
16 have done thus far is gone and applied, going
17 into the community, to assess the need.
18 Immediately after that assessment, the State of
19 Alabama had already passed an Enterprise Zone
20 Act. The Governor appointed an advisory
21 committee to set up the implementation of the
22 Enterprise Zone Act, and what we have asked the
23 community to do is to set aside ten thousand

1 acres in these communities and determine what
2 they want in the Enterprise Zone. We don't
3 necessarily tell a community what they should
4 have in it; what we do, we try to assist and
5 work with that community. But the underlying
6 factor in the black belt, I think, is the
7 problem that could be said of all Alabama, and
8 that's our educational system. What we are
9 attempting to do there also is to buffer that
10 education system in order that we can bring in
11 jobs that are other than minimum-wage jobs. As
12 an example, the people that came into GE, and
13 when they came into GE, the people that the
14 plant was supposed to help was kind of left out
15 of it because they had to go in and do some
16 things about education, and GE, as a result, has
17 put in a million dollars to build up that
18 education for us. So ours is a two-pronged
19 thing -- to get the education where it needs to
20 be and the work with the local community.

21 MR. MEANS: In follow-up on that, I live
22 in Lowndes County, and I'm familiar with the
23 problems we have at GE down there. In the

1 Government, as you were talking about the
2 educational level, is that you have White people
3 going to GE to work that have a high school
4 education, and you have Blacks come up with a
5 college education, and yet the salary doesn't
6 pay well in these areas. Knowing that ADECA and
7 the administration is directly linked with GE
8 down there, what are the steps that you are
9 taking to make sure that this doesn't happen?

10 MR. DICKSON: Well, you are back to a
11 local matter; you are back to a situation where
12 -- Are you asking me if the Governor's office is
13 saying to the people at GE, You are not paying
14 Blacks on the same level as you are paying
15 Whites? Are you asking me, Does the Governor's
16 office go to GE and say that, You need to hire
17 more Blacks? Is that what you are asking me?

18 MR. MEANS: I'm asking you, when these
19 industries are coming into the area, when you
20 are locating these industries, why is it that
21 you are having a high tech industry coming into
22 the black belt areas and knowing fairly well
23 that you are saying that the educational system

1 is not adequate, so that means that our people
2 don't get high paying jobs in those areas. In
3 Lowndes County, the local people don't have
4 anything to do with GE; Montgomery County took
5 over this, and this is what I'm saying;
6 basically it's all over. In the black belt
7 areas, you are talking about the local people
8 being involved, yet when the appointments come
9 to those boards, you don't have local people
10 making the decisions in those areas.

11 MR. DICKSON: Let me deal with that. One
12 of the things is that you have reasonable
13 commissions that are set up, and I guess Lowndes
14 may be in that -- that comes under the
15 Montgomery board. And, also, you have to
16 understand that GE was here when Guy Hunt came
17 and Joe Dickson came down; and as a result, I
18 would like to think that the people in Lowndes
19 County had more of an opportunity to have
20 influence during the prior administration than
21 they had in the new administration; that's
22 number one.

23 Number two is, even if you bring

1 .into Lowndes County that type job, I would think
2 that any industry that comes in has a spin-off,
3 and ~~the people of that community~~ would benefit
4 by the spin-offs from whatever comes in there.
5 For example, if GE is making widgets, and they
6 have to put the widgets on pallets, it would be
7 becoming, very becoming, of the people in the
8 local area to make a contact with GE and say,
9 Hey, we want to build the pallets, and that
10 doesn't take a high school education to do that;
11 that's just a matter of following the pattern.
12 So I'm thinking that what you are saying does
13 have some merit. I would like to think -- We
14 want you to know that we would be happy to work
15 with that community over there, but it's a
16 situation where the community has to get a
17 little more involved.

18 MS. LUCERO: Because I hold offices of
19 the republican party, I'm very familiar with the
20 idea book. And in my county, those ideas were
21 made up primarily of old-time republicans and
22 certainly Guy Hunt supporters. How effective
23 have they been in giving you ideas for people to

1 be appointed, and how important is it to you
2 that the appointees be republicans?

3 ~~MR. DICKSON:~~ MR. DICKSON: - Let me say that I am glad
4 to know that you are republican because I'm
5 looking at this committee, and it looks like
6 everybody up there that I see is democrat; thank
7 you; that's one.

8 Two, I don't know how well the
9 friends of Guy Hunt feel about the appointments
10 either. I feel that some of the appointments
11 that have been made are friends of Guy Hunt.
12 I've been asking the same questions that this
13 panel has been asking: How are they made and
14 da, da, da, da, da. It's a situation where the
15 process is basically back to square one where it
16 was -- the normal process that you use in
17 appointing people to boards. The friends of Guy
18 Hunt, they try, but I point out that it's a
19 political process, and it's not so much that the
20 Governor is attempting to build a party through
21 the friends of Guy Hunt, and all of the friends
22 of Guy Hunt are republicans -- all of them are.

23 MS. LUCERO: That's true.

1 MR. DICKSON: So, you see, that makes for
2 good if we do take recommendations from these
3 people because it's a dichotomy of the total
4 community.

5 MS. LUCERO: But, Joe, we don't have that
6 many Blacks appointed.

7 MR. DICKSON: Well, you know, I was with
8 some guys late last night until late; that's why
9 I look funny today about that. I told them that
10 -- Nobody is going to mail it to them; you know,
11 they didn't mail it to me. You have to go and
12 decide that you want to be a republican or be a
13 democrat, and the doors are open.

14 MR. MAX: Mr. Dickson, I've got to say
15 that I'm not here to discuss republicans or
16 democrats, but what I'm impressed with is the
17 lack of sensitivity at the office of the
18 Governor to provide the leadership for the State
19 in setting examples to bring Blacks and women
20 into a position where they have an opportunity
21 to where it can be mirrored back to the private
22 sector of, look at the qualified number of
23 Blacks, and look at the qualified number of

1 women who are helping run this Government. It's
2 not an issue of politics to me, and I think it's
3 an opportunity for the leadership of this State
4 to say that we have confidence in the Blacks,
5 and we have confidence in women to bring them in
6 regardless of their political affiliation; bring
7 them into the leadership. And I'm hearing from
8 the administration that there's no concern over
9 even keeping statistics or having a standard by
10 which we can measure the flow of minorities and
11 women into the political process.

12 I would encourage you to go back
13 to the Governor's office and to see if some
14 standards -- not quotas, but standards -- can be
15 set by which we can then be able to measure
16 these increases.

17 I was very impressed by the data
18 brought to us by the Personnel Department;
19 though there are things that have to be done
20 there, at least there are attempts to set
21 standards. And I think it's only when we say
22 standards that we can then be able to measure
23 the successes or see where we have got to

1 improve, and I would urge you to have the
2 Governor do so.

3 We have asked for other things in
4 other forums, as you know, from Confederate
5 Flags to Civil Rights Commissions at the State
6 level, and there's been an insensitivity.

7 I hope that the Governor will
8 hear what we are saying today, and perhaps the
9 next time we come and visit, we can be given
10 statistics. And if between now and then you can
11 encourage him to do so, we are receptive to
12 getting those statistics.

13 Any other questions?

14 MR. PARIS: I have one.

15 We have information from the
16 legislators saying that previous administration
17 used to provide to them, on a monthly basis, the
18 names and race and sex of appointments that were
19 made, and we understand that that is no longer
20 the case with the Hunt administration. Can you
21 help us with that, if that is the case, and who
22 gets that information?

23 MR. DICKSON: One of the things that --

1 You have to request the information; I know of
2 no request for this information. And in the
3 transition, there was no mention of the fact
4 that the administration provides this to the
5 legislators.

6 Since you mentioned it, let me
7 just say this for purposes of this commission:
8 Governor Hunt, as soon as he was elected,
9 immediately met with the conference, the Alabama
10 Conference of Black Mayors, and agreed to work
11 with them in any way that he could to help their
12 cities and their constituencies, and they gave
13 him a resolution, and the Black community was
14 upset, and they came down to Montgomery to --
15 the Governor invited them down when the Black
16 legislators were arguing and worried about the
17 number of Blacks that were appointed. They came
18 down, and each one of the Black mayors, which
19 out of thirty-two, you are talking about
20 thirty-two cities, the Governor went down the
21 row and asked each one of them what concern did
22 they have and what is it that they wanted him to
23 do. John Smith, the Mayor of Prichard, Alabama,

1 read a long list of things that he wanted the
2 Governor to do. And one of the things that they
3 wanted to do, they wanted the Governor to
4 provide some type of training for youths during
5 the summers, and as a result, Alvin Major wrote
6 a proposal and a forty thousand grant was given
7 from the JTPA to do entrepreneur training among
8 Blacks during the summer, and there's a
9 follow-up on that. And then the Governor went
10 down that same panel and asked each one of those
11 Black mayors sitting there, what did they think
12 about the people he had appointed to as
13 candidates -- the people in his administration,
14 and each one of those gentlemen said, Governor,
15 you have the best staff that's been put
16 together. And Dick Anderson from Birmingham
17 said, I envy your staff. Now, these are --

18 WOMAN: He did.

19 MR. DICKSON: Ma'am?

20 WOMAN: I believe he did say that.

21 MR. DICKSON: And Dick Anderson said
22 that. Now, here's the thing: What I'm trying
23 to say to you is that these people have good

1 constituencies; they did not raise the issue
2 with the Governor about the number of Blacks or
3 whatever we had; that's one thing.

4 The other thing was, the Governor
5 attempted to meet with the Black Caucus to
6 discuss with them some things that they felt
7 that were important to them, and the first
8 meeting was called off; then the second meeting,
9 they did come. They came in and told the
10 Governor, What we want you to do, Governor, is
11 we want you to do something about -- something
12 about infimortality (sic); he has done that.
13 Alvin Holmes, Senator Holmes -- I mean,
14 Representative Holmes said, Governor, we want
15 you to come over to Lilly Baptist Church and
16 talk to some Black business folks because they
17 are interested in business, they want you to
18 help them, and the Governor went over there.

19 What I'm trying to say to this
20 commission is that wherever Blacks have asked
21 the Governor for help, he did it.

22 Now, with regard to Mr. Max's
23 comments about the Confederate Flag and/or the

1 the Human Relations Committee, we have attempted
2 to work on that, and I've been in touch with
3 ~~him, and he's been in touch with Jim, and what~~
4 happened with regards to the Confederate Flag
5 was a situation that came up out of nowhere.
6 When we knew anything -- There was a speech made
7 in Greene County that somebody was going to go
8 up on the flagpole and take the flag down, and
9 the Governor says, Well, you know, we can't let
10 that man go up there and fall down and hurt
11 himself; so we'll deal with it. There's some
12 people that called us and said, Tell Tom that we
13 can deal with this, and the night -- the day
14 that they marched, the representatives
15 introduced into the legislature a resolution
16 asking the state legislature to take the flag
17 down. That resolution failed; I think it was
18 seventy to twelve. Well, we've nineteen members
19 of the House, Black members of the House. And
20 so what I'm saying is that some of the stuff
21 that we are dealing with can be dealt with in
22 another form and in another manner, but we are
23 attempting to work with the Black Caucus; we are

1 attempting to work with the Black mayors; we are
2 doing all humanly possible that we can, but as I
3 pointed out, some initiative has to come from
4 the Black community; they have to come and say,
5 We want to be a part.

6 MR. MAX: We look forward to the
7 Governor's leadership.

8 Thank you very much.

9 Our next speaker will be the
10 honorable James Buskey, discussing with us some
11 legislative issues.

12 MR. HOLMES: Chairman and Members of the
13 Committee, Representative Buskey, who is
14 Chairman of the Legislative Black Caucus, could
15 not be here. And I'm the Vice Chairman of the
16 Legislative Caucus, and he's asked me to come
17 and represent the Caucus of which consists of
18 nineteen members in the House of Representatives
19 and five members in the Senate.

20 MR. MULDROW: Would you give us your
21 name, please, sir.

22 MR. HOLMES: I'm Alvin Holmes, and I
23 represent the seven-eighth district here in

1 Montgomery County.

2 I want to thank the commission for having
3 the opportunity, you know, to come before you.

4 This is briefly; I'm not going to take a lot of
5 your time, but I, perhaps, have been involved in
6 the circumstances of employment as it relates to
7 the State of Alabama probably as much or more
8 than anybody in the State; for one reason, many
9 of the other legislators have asked me to do it
10 because I'm still in Montgomery and the State
11 Personnel Department is here. And I can say to
12 you that the State of Alabama, as it relates to
13 the employment of Blacks, overall has grossly
14 discriminated against Blacks. You might answer
15 the question: The proof of the pudding is in
16 the eating. There's various departments in the
17 State of Alabama can wash his hands of
18 discriminating against the Blacks. And not only
19 the departments in the State help discriminate
20 against the Blacks numerically, but also as it
21 relates to the kind of jobs they hold and also
22 the salary that they make. I'm going to give
23 you just a few statistics, and, of course, you

1 know, and I understand, that they perhaps have
2 reached a consent decree on the State Highway
3 Department in the State of Alabama; there was a
4 lawsuit, Reynolds versus, I believe, Governor
5 Hunt or the State of Alabama -- I don't recall
6 the exact style of the lawsuit -- but I gave
7 testimony; they took my deposition last week in
8 this particular case.

9 The State Department of Highway
10 and the State of Alabama has approximately four
11 thousand employees, and out of that four
12 thousand employees you have approximately seven
13 hundred and fifty that are Black, and out of the
14 seven hundred and fifty that are Black, is those
15 people, when you ride down the highways, and you
16 see them picking up paper, using a shovel,
17 pouring some tar over here -- over half of that
18 seven hundred and fifty are Black. Out to the
19 State Highway Department building out here on --
20 well, it was Federal Drive, and I guess it's
21 Congressman Bill Dickinson Drive now -- but you
22 walk through there, and the proof of the pudding
23 is in the eating, and the lawyer kept asking me,

1 he said, Why do you say the Highway Department
2 discriminates against Blacks; I said, Where are
3 they; where are they employed. You got about
4 three or four Blacks in the entire Highway
5 complex out there on Federal Drive. I said,
6 where are they employed. You wouldn't have over
7 -- in that seven hundred and fifty, over three
8 or four making more than twenty thousand dollars
9 a year. Now, that's a different category. The
10 category of discrimination against Blacks and
11 then the category of discrimination against them
12 in salary.

13 Let me give you some other
14 statistics here in the State of Alabama. In
15 your court system, now, I know the judge is
16 supposed to be administering justice. We have
17 one of the most racist courts anywhere in the
18 country -- the court of civil appeals, all
19 White; the court of criminal appeals, all White;
20 the State Supreme Court of Alabama, all White,
21 except -- I'm talking about the employees --
22 except Oscar Adams, our secretary. The only
23 Blacks you find working there are janitors and

1 maids -- those that are cleaning the restrooms
2 -- and we shouldn't discriminate in that area.
3 You know, you should give White people some of
4 them jobs, too, now.

5 The Military Department is
6 approximately -- and I'm talking about State
7 employees; I requested the federal employees,
8 and they sent me a letter -- I sent a letter to
9 the pentagon, and I got a letter from the
10 Pentagon stating that on a certain act that they
11 cannot release it like that; I have to pay for
12 it. They'll let me know, so I don't have those
13 statistics as of now, but they have a hundred
14 and fifty -- approximately a hundred and fifty
15 State employees, in which the State Military
16 Department, a hundred and eighty employees,
17 thirty-five Blacks. And out of that thirty-five
18 Blacks, sixteen of them are laborors, and those
19 are janitors and maids; there's nothing wrong
20 with the job of being a janitor or a maid, but
21 you know, we qualify to hold some of the other
22 jobs also.

23 The Alabama Development office,

1 and this is bringing in industry, they have
2 approximately thirty-four employees, three
3 Blacks. ADECA, which is a part of the Alabama
4 Department office, and I'm going to tell you,
5 not only do they discriminate, but under the
6 federal court order, the United States register
7 ballot, is that, you know, they say that if a
8 Black is on the top of the list, you can't skip
9 over the Black and pick a White. In other
10 words, if you want to pick number five, and a
11 Black is number four, you can't skip over number
12 four. So what they do -- and I've talked with
13 the State Personnel Department about them --
14 we've got some representations from the State
15 Personnel Department -- and I talked to Dr.
16 Ballard. They had a young lady -- and if y'all
17 are interested in the young lady's name, I won't
18 give it to you; you can call my office, and I'll
19 give it to you -- out to ADECA, and they took
20 her resume and wrote the job discription, so
21 they had to be in with somebody with the State
22 Personnel Department to do this. In other
23 words, they wanted to hire this particular young

1 lady. I got a copy of her resume. They took
2 her resume and wrote the job description around
3 ~~her resume to make sure that no one else in the~~
4 State, you know, qualified for the job -- that
5 you must have attended junior college for one
6 year and eight months in the Southeastern part
7 of the State, and then you must have taken at
8 least one course in anatomy and kinesiology; I'm
9 just using an example of some of the things they
10 had in the resume to make sure she qualified for
11 the job. Now, this happens not only in -- that
12 was one that was brought to my attention, and it
13 just so happens, a White employee out there
14 brought it to my attention. Came by my office
15 -- I won't call a name -- anonymous -- and
16 brought the resume by there. Of course, I
17 talked to the people in the Personnel
18 Department, and they said, Well, we don't know
19 anything about it.

20 What we have here is the
21 Department Parole Board and that the department
22 has very, very few Blacks.

23 And I'm going to give you some

1 other statistics here. The Alabama Commission
2 on Higher Education; this is Dr. Joe Sutton,
3 ~~who, in my opinion, runs one of the most racist~~
4 departments in the State. Now, he has
5 approximately seventy-eight employees up there,
6 and he has fifteen Blacks, but all of the Blacks
7 are in small categories making nine thousand
8 dollars a year, eleven thousand, and twelve
9 thousand dollars a year. And with the exception
10 of Dr. Malberry, who is now the President at
11 Alabama A&M -- he was working with them -- is
12 that he was the only person that was making a
13 salary of any respect with the Alabama
14 Commission on Higher Education. So they used to
15 give me, they say, Well, we have fifteen; that's
16 a pretty good number. And I'd say, Well, let me
17 see the salary. So he would look at the
18 salaries and the salaries are very, very low.

19 I'm going to give you another
20 one: The administrative Officer of Court. Now,
21 this is Bo Thomas, who is the Chief Justice of
22 the Supreme Court. He's supposed to be
23 administering justice. He's over the

1 administrative office of the court. He's leader
2 in the courts now, and the greatest contribution
3 has been made toward justice in that State -- is
4 for him to leave as the State Supreme Court.
5 He's head of the Administrative Office of
6 Courts. They got eighty-four employees over
7 there, and they have -- they told me that they
8 had ten Blacks, and they had this young fellow
9 named Renaldo Lopez, and I said, Is he Black.
10 Said, Yes, he's Black. And so I started to, you
11 know, question him; well, he was Hispanic. He
12 said, Well, that's the part of you-all, and I
13 said, No, it's not.

14 You know, in the State of Alabama
15 they've got two things on a driver's license --
16 they have B-L-K and C-A-U. Now, you think Hose'
17 Napoleon Dawantail El Salvadore was here in the
18 United States, and he gets an Alabama Driver's
19 License, you think he's going to put B-L-K on
20 his driver's license? He's going to have the
21 same thing you have on your driver's license,
22 which is C-A-U; so you got to group him with
23 us.

1 The Department of Conservation
2 and National Resources, over eleven hundred
3 employees, only fifty Blacks.

4 The State Department of Insurance
5 in the State of Alabama, you have sixty-five --
6 approximately sixty-five employees, two Blacks.

7 The Public Service Commission,
8 which is Jim Sullivan and Lynn Grear -- and this
9 other gentleman; I can't recall his name now --
10 you only get employed up there unless you are a
11 friend of a friend of a friend of some
12 politician. I invite you to go up there just
13 for the summer, to see the people they have
14 hired. They hire political friends, and not
15 only discriminate against Blacks in that way,
16 but they discriminate against White people
17 also.

18 The Department of Agriculture,
19 approximately four hundred and fifty-five
20 employees, and twenty-eight Blacks. Now, these
21 numbers of Blacks that I am listing, all of them
22 are in the low income, and they are janitors and
23 maids, and they are holding a professional job,

1 those jobs are basically a clerk typist I, a
2 file clerk, or something of that kind.

3 Now, let me say this to the
4 commission -- and you-all was established by the
5 Congress of the United States, I understand --
6 not withstanding, what the politicians here in
7 the State might say, not withstanding to what
8 the Speaker or the Lieutenant Governor might
9 say, that this State grossly discriminates
10 against Blacks in employment. They discriminate
11 in the State Legislature, the State Senate.
12 McDonald Lee, some of you recall on the press,
13 not too long ago he had forty people for the
14 past legislative session, all White, not one
15 Black. He has approximately forty something
16 full-time employees up there, three Blacks. Of
17 course, he didn't only hire two because one was
18 hired by Senator Fred Horn, who is Chairman of
19 the Senate Finance and Taxation Committee. And
20 then you have across the hall, a young lady,
21 like Joyce Bicksby, who is over the Legislative
22 Physical office, who has thirty-six percent
23 Blacks in her office -- just hired one Black, a

1 man, as a budget analyst, making thirty
2 something thousand dollars a year.

3 Not all department heads are
4 racists towards Blacks in the State of Alabama.
5 Dr. Brenner, who is the head of the Retirement
6 System, he came to the State of Alabama and was
7 lilly white over there, but in a short period of
8 time, he had probably thirty or forty percent of
9 Black employees over there in that particular
10 department, but you have, in most departments
11 here in the State of Alabama, that they grossly
12 discriminate against the Black people in
13 employment, and something has to be done.

14 I will say this in closing, that
15 I serve in the State Legislature, and that's an
16 honor; very few people ever have that honor.
17 And I'm a part of the upper middle class, and I
18 have a daughter, who has never been hungry a day
19 in her life and who has never been denied
20 adequate medical or dental care, but I represent
21 thirty-seven thousand people in the State
22 Legislature, and for me to walk through a
23 housing project in my district and see a little

1 seven-year-old girl, and she walks up to me and
2 says, Hi, Mr. Holmes. And I pick her up and I
3 says, It's four o'clock in the evening; when did
4 you eat today. And she says, Mr. Holmes, I
5 didn't eat today, but I ate yesterday morning
6 breakfast. I said, what did you eat. She said,
7 I had a biscuit and some jelly. Well, that's
8 inhumane because those little kids' momma and
9 daddys cannot get adequate jobs and provide for
10 them, as men of us can provide for our
11 children. And those of us that the Lord has
12 blessed to help and those of us in positions who
13 has authority to help, and we must do that. I
14 have been criticized for doing it because they
15 say I always bring up the race issue. But I
16 have praised those who have tried to do right
17 and tried to treat Black people right in this
18 State.

19 And I call upon this commission
20 to examine the State of Alabama closely as it
21 relates to the employment situation, and you
22 will find gross discrimination still existing in
23 employment numerically as well as salaries.

1 Thank you very kindly.

2 I'll be glad to answer any
3 questions that anyone might have.

4 MS. WOOLFOLK: Representative Holmes, I
5 asked Dr. Ballard what could the State Personnel
6 System do with departments that don't seem to be
7 measuring up. We have information that
8 indicates, as you have given us, that
9 departments -- that there are differentials
10 among the departments.

11 Would you tell me what is it that
12 the Personnel Department, in your view, should
13 do that they don't seem to be doing?

14 MR. HOLMES: Well, I know, under the
15 federal order, the State Personnel Department
16 has the responsibility of enforcing the
17 provision of the court order, is that when a
18 list, in most instances a list, and we go by the
19 rule of ten if it comes over. The court says
20 you can't skip over a Black to pick a White, but
21 you might have a Black number nine that he can
22 be picked. And that, in my opinion, the State
23 Personnel Department should inform those

1 departments that you do not have enough of Black
2 employees, so you have a Black on the list, and
3 ~~you need to select that Black off that list,~~
4 whether he's ten, nine, or eight. But in my
5 opinion, and I say this, and this is sort of sad
6 to say, you know the department that has the
7 most Black employees of any department in the
8 State of Alabama? The Department of Public
9 Safety. We have more Black state troopers in
10 Alabama than you have in the State of New York
11 and the State of California; you know the reason
12 why? Because they was on a quota system;
13 because Judge Frank Johnson said, You maintain
14 two lists, and when you hire a White over here,
15 you hire a Black until you get twenty-five
16 percent of employees. In my opinion, the only
17 way the employment problems in the State of
18 Alabama is going to be solved is that you are
19 going to have to have a quota system and
20 maintain two lists. We are not talking about
21 hiring people who are not qualified. I'm not
22 going to hire a secretary that can't type. But
23 we are talking about qualified people on both

1 sides; in my opinion, that's going to be the
2 solution to the problem here in the State of
3 Alabama.

4 MS. WOOLFOLK: What authority does the
5 legislature have over the Personnel System?

6 MR. HOLMES: Has complete authority. We
7 can introduce a bill tomorrow that says the
8 State Personnel Department is hereby abolished.
9 And believe me, I have introduced many similar
10 bills and resolutions in the State Legislature,
11 but I never got them passed.

12 MS. TURNER: Representative Holmes, we
13 have not been successful in getting data by
14 departments; you seem to have better successes
15 than we. Would you share that data with us?

16 MR. HOLMES: I'll be glad to.

17 And let me say this: I have an
18 attorney general's opinion that if they are not
19 sharing information with you, they are in
20 violation of law; is that you are entitled to
21 ask the State Insurance Department -- I want the
22 name of all of your employees by name and by
23 race and by title and by salary. And the

1 attorney general's opinion says that that cannot
2 be denied, not only to a member of the State
3 Legislature, but an ordinary citizen, as long as
4 they are paid with public funds. And I'd like
5 to -- you don't have to give it to me now, but I
6 would like to know the names of the departments
7 that have denied you information.

8 MR. MAX: I don't know that we have any
9 public departments that have denied us. I think
10 when we were asking for the personnel
11 representative to give it to us department-wise,
12 she was not able to do that; that's our
13 problem. We do have the Horn report that gives
14 us department listings.

15 MS. WOOLFOLK: Eighty-three.

16 MR. HOLMES: Do y'all get a copy of the
17 compliance report that they have to submit to
18 the federal courts every six months?

19 MR. MAX: I don't believe we've gotten
20 that one.

21 The Horn report, if it is an
22 eighty-three, that certainly could be the basis
23 to update that same information that we have

1 there. If those statistics are available, we
2 would like to have them.

3 MR. HOLMES: Well, I'll get a copy of the
4 compliance report. Dr. Ballard is required by
5 federal law to submit to the federal courts,
6 under the United States versus Ballard, every
7 six months, the names of every employee by
8 departments in the State of Alabama and race and
9 salary. They are to submit that every month;
10 all you have to do is get your copies, about
11 that big (indicating), but they are separated by
12 departments; just go through them and look at
13 them. You know, that's public information, and
14 we are not in the Soviet Union, you know, where
15 you operate in secrecy.

16 MR. MEANS: You've made serious
17 allegations concerning some of the major
18 departments within State Government. In making
19 those allegations, have you had an opportunity
20 or have you visited with these department heads
21 in trying to see why minorities have not been
22 hired or what some of the obstacles are, instead
23 of making these allegations; and if so, what has

1 been the response of those department heads?

2 MR. HOLMES: Well, I'm glad you asked
3 that question. You know, I've served in the
4 legislature for fifteen years, and ever since
5 I've been in the State Legislature, I've been
6 calling department heads and asking them for
7 information, and they submit the information.
8 The State Insurance Department has no Black
9 employees, and I said, It's wrong for y'all to
10 have a department over there and everybody's
11 White. Do you know what he said to me? He
12 said, Well, Representative Holmes, I can tell
13 you, we don't discriminate against Blacks. He
14 says, As a matter of fact, he said, you know, I
15 grew up with the Blacks. And he wanted to give
16 me a long story about it. Do you want to know
17 their response? I'm giving you their response.
18 You know, I have had one yet that -- there are
19 many departments with no Blacks. Now, there are
20 small departments with twelve employees, fifteen
21 employees; they are all White. I didn't mention
22 those; I gave you the large ones. I haven't had
23 one yet to say, Yes, we discriminated against

1 Blacks and was wrong. It's wrong to have all
2 White employees.

3 McDonald Lee, Secretary of
4 Senate, employees all White; do you know what he
5 said to the President? That he was satisfied
6 with his employment record.

7 MR. JENKINS: What can the State
8 Legislature do to monitor his own hiring
9 practices?

10 MR. HOLMES: Defeated by the White
11 majority in the House and the Senate on each and
12 every occasion, and they would come to me and
13 say, Alvin, you were right; you were right, but
14 I can't publicly vote for you because I'm afraid
15 that I might get defeated in the next election.

16 MR. JENKINS: Is there a mechanism within
17 State Government to address the grievances of
18 employment discrimination, not only by the State
19 Legislatures, but within State Government?

20 MR. HOLMES: The only thing we have as of
21 now is the federal court order. Representative
22 Buskey, our Chairman, had a bill several years
23 ago, I believe, to set up an EEOC in the State

1 of Alabama with enforcement authority -- just to
2 have EEOC with no enforcement authority doesn't
3 mean that much -- but that was defeated, and we
4 need that on a bill, an EEOC but with
5 enforcement authority, but we don't have that.
6 The only thing we have now for protection in the
7 State of Alabama is the federal Court order, and
8 it's so broad because at the time it was issued,
9 and all, and we have to repeatedly go back to
10 court just like with the State Highway
11 Department. And I understand it's a class
12 action suit, a consent decree on it. I don't
13 know the provision of the consent decree; Julian
14 McPhillips was the lawyer that was handling it.

15 MR. PARIS: I have one question,
16 Representative Holmes. As you know, Dr. Ballard
17 was with us this morning, and in her conclusion,
18 she said that the vast majority of the citizens
19 of this State are fairminded and sincerely want
20 to follow the Golden Rule in our relationships
21 with all the citizens of this State. They have
22 long ago buried the sins of the past, and they
23 have a sincere desire to see everyone treated

1 with respect and accorded the equality with
2 which all citizens of this nation are entitled.
3 How would you comment on that?

4 MR. HOLMES: Dr. Ballard is T-totally
5 wrong. She's just saying something that sounds
6 good to the press and the young lady here taking
7 the dictation so when they read it -- it's for
8 that purpose. Now, Dr. Ballard is a nice lady,
9 a very sweet lady, but if she told y'all that,
10 she misled you.

11 This State is -- not every
12 department, but overall, is dripping with
13 racism. And the proof of the pudding is in the
14 eating. And I can take you to someone that
15 says, Well, Alvin Holmes is wrong. If you are
16 wrong -- when y'all leave here, I'll be glad to
17 take you to my car, and I'll walk through the
18 State Insurance Department and ask the Insurance
19 Commissioner, Now, besides these two, do you
20 have any other Blacks working, if so, we would
21 like to see them. You know, it's also -- and
22 the only thing about it, we have to pay the same
23 thing when we go to Winn Dixie or Big Bear for a

1 loaf of bread and a dozen eggs as anyone else,
2 and they don't treat us right, and we want y'all
3 to help us too.

4 MS. BRAY: Where did the data in the Horn
5 report come from?

6 MR. HOLMES: From various departments.

7 MS. BRAY: State departments?

8 MR. HOLMES: Right. It came from each of
9 the departments.

10 MR. JENKINS: One final question. In
11 your remarks a few seconds ago, you indicated
12 that the departments were dripping with racism.
13 The federal court order requires reports to be
14 submitted. If progress had not been taken
15 place, then what would have been -- what is the
16 response of the federal court order? Would the
17 departments not be held in contempt of Court?
18 What is the status on that?

19 MR. HOLMES: That's very important. I
20 just want to say this: Judge Varner had this
21 court order, and some of you probably know
22 Varner. I'm sure he was a good lawyer in law
23 school, but his thinking on this civil rights

1 issue is a little different from Frank Johnson
2 or Myron Thompson and probably some of the other
3 fellows here, so the court order -- the lawsuit
4 was originally brought by the Justice
5 Department, and it's weak -- I mean, it's
6 exceptionally weak. In other words, what the
7 Justice Department has to do, or the plaintiffs,
8 the interveners in the lawsuit, on each and
9 every occasion, they have to go back to court
10 and ask that a department be held in contempt of
11 court. And the last eight years, you know, the
12 Justice Department has been under the control of
13 President Reagan, and you know, they hadn't been
14 too good in filing motions answering that the
15 departments in the State of Alabama and
16 Mississippi be held in contempt of court for
17 discriminating against Blacks. Does that sort
18 of answer your question on that?

19 MR. JENKINS: Not really. If departments
20 were so terribly so, then you could have
21 interveners coming in -- the NAACP or --

22 MR. HOLMES: We do. We do. In other
23 words, what we do -- The State Highway

1 Department is an example. I told -- Ray Bass
2 was out there; I said, Ray, it's unfair what
3 y'all are doing toward the Blacks. Man, you got
4 to hire more Blacks; you got to have more Blacks
5 working in the departments besides out there
6 picking up paper. So nothing happened, so we
7 filed a lawsuit; the Justice Department wouldn't
8 do it, so that's what we have to do. We are
9 going to file some more lawsuits. I'm going to
10 sue -- I'm going to file a lawsuit against the
11 State Legislature for not hiring -- and I'm a
12 part of the State Legislature -- as they should.
13 I would be glad for some of y'all to join in
14 too; I don't know whether y'all can be
15 Plaintiffs or not. Can the Civil Rights
16 Commission be plaintiffs? Y'all would probably
17 make some good ones; I can tell you that.

18 MR. MAX: Thank you, Mr. Holmes.

19 The next speaker is Susan Reeves.

20 MS. REEVES: Good morning. I'm Susan
21 Reeves, and I practice law in Birmingham,
22 Alabama, and around the State.

23 It was my understanding that I

1 was asked here to speak about the employment of
2 women and minorities in State Government and on
3 appointments to boards and commissions. In that
4 respect, I thought that my personal views would
5 be of some interest, but I also thought it would
6 be important to give you the views of other
7 women about these issues, particularly, the
8 appointment of women in boards and commissions.
9 And so I began to call all of the women that I
10 knew who deals in politics, who deal in
11 government, who have businesses, and who have
12 served, to my knowledge, on public service
13 boards -- boards like United Way, and do-good
14 boards -- and I asked them about the
15 appointments of women to State boards. I
16 thought that I would get a lot of juicy
17 information to tell you here, but the answer was
18 resounding silence.

19 There are no women who know
20 enough about the situation about how women get
21 to State boards and commissions so that they
22 have an opinion or they even have a circumstance
23 to tell you about.

1 We are so shut out of the process
2 by which vacancies are known and by which
3 appointments are made that it is really
4 impossible, or virtually impossible, for women
5 to get into the inside and do the work that is
6 necessary to be done.

7 What I can tell is that, for what
8 it's worth, there is an Alabama Women's
9 Appointment Coalition, and it's sole purpose was
10 to try to make women available and the knowledge
11 that there are women available to those who do
12 the appointing, that would be particularly the
13 Governor and those who assist the Governor in
14 identifying people.

15 What we have always been told is
16 we would love to appoint women if we just knew
17 some who would qualify. The obvious here, not
18 just with the Women's Appointment Coalition, but
19 through the League of Women Voters and through
20 any other channels known to women, and including
21 individual efforts, resumes have been gathered.
22 I can tell you that the situation has improved
23 to the extent that from time to time for various

1 appointed positions in the State, women are
2 asked to submit resumes; after that, there's a
3 thundering silence. . .

4 I spoke with an editor at a
5 newspaper this morning and said, Give me an
6 overview of how it is that you involve women in
7 the political process other than by election,
8 which I understand is not the charge of this
9 commission. What can we do? And the answer
10 was, it really is a political process that when
11 you have a governor, who a democrat, you expect
12 him to select people who are consistent with his
13 views and principles; when you have a governor
14 who is a republican, you expect him to select
15 those people around him who are to agree with
16 his views and principles.

17 I'm here to tell you, ladies and
18 gentlemen, we come in all political
19 persuasions. There are women in the republican
20 party; there are women in the democratic party;
21 whatever way you want to cut it, we are here,
22 and we are available to you.

23 I finally gave up on asking women

1 how they knew how to get appointments to boards
2 and commissions because it was clear that we
3 didn't know anything, so I began to call what I
4 thought would be the most knowledgeable men, men
5 who get on boards and commissions, who actually
6 serve there, and say, Okay, now, you tell me how
7 it's done. And the answer is, Somebody knows
8 you. Somebody knows you, and they tell the
9 somebody who is going to do the appointment, or
10 his chief staff officer, that they've really got
11 a good person on their team, and you really
12 ought to give this guy a look over -- let me
13 tell you about it -- so that by the time that
14 the appointments are known, if they are known
15 before they are filled, the commitments have
16 been made, regardless of whether the vacancy is
17 actually existing or not. So when you don't
18 have women who are at the staff level, you don't
19 have women who are participating in the
20 decision-making jobs in the political process,
21 which we don't in this State, then you may have
22 sincere fellows sitting around who simply can't
23 think of a single woman.

1 What also happens, I will agree
2 with you, with white men, those who are asked to
3 serve on boards are identified as those who
4 serve on boards; that does not take a rocket
5 scientist to figure that out. Therefore,
6 service on boards qualifies you to serve on
7 other boards; therefore, if you serve on one
8 board, you serve on another board.

9 We are all familiar with the
10 success of some people who prove the exceptions
11 to what I'm telling you about today. That is to
12 say a particular Black man we are very proud and
13 lucky to have, Lou Willie, for example, in the
14 City of Birmingham, but he is not the only Black
15 man in the City of Birmingham qualified to serve
16 on a board. He has more than he can handle.

17 I present that to you in the same
18 situation with respect to women. There are many
19 qualified women who would love the opportunity
20 for service. We are, as I have told other
21 groups to which I have spoken, just like the
22 guys; some of us want to serve on boards because
23 we think we can make the State better or we

1 contribute to a better nation. Some people want
2 to serve because they think there may be
3 something in it for them. Some people want the
4 publicity; some people want the money. We are
5 all different, just like the guys are. We
6 serve, and we ask to serve for different
7 reasons. I suppose you asked me here because
8 I'm a lawyer who's done some employment
9 discrimination litigation. I should tell you a
10 couple of instances of the kinds of problems
11 I've run into because Mr. Jenkins asked me to
12 testify -- specifically requested that I do so.

13 In a lawsuit involving the City
14 of Birmingham for race and sex discrimination,
15 we were concerned about the fact that there were
16 very few women in the police department; in
17 fact, it used to be a requirement that all
18 police officers be male. And at some time ago,
19 that requirement, as did the racial requirement,
20 fell. We knew when we signed the consent decree
21 with the City of Birmingham that all police
22 officers have to be qualified; that is, they go
23 and they get specific training, and that

1 training is preconditioned to them being
2 permanent police officers; that is to say,
3 having a permanent position. If you don't pass
4 your training, you don't serve in the police
5 department. We had no reason to believe that
6 any of the training that had been given to women
7 and for police officers, for everybody, we had
8 no reason to believe that women were
9 unsuccessful in that training; they were
10 completing the training just fine. As soon as
11 our consent decree went into effect, every
12 single one of them washed out of the police
13 academy in Selma. None could pass, and so a
14 team, somebody from the Justice Department and
15 I, went down there to the Selma academy to find
16 out what was happening to women. And we went
17 through the physical training. There is
18 physical training that's required to be a police
19 officer, and there's no doubt one needs to be
20 qualified in that respect. They changed the
21 test. I will not take you through the whole
22 test, but I will tell you the time test that
23 involved picking up -- at the first part of the

1 test, picking up the front-end of a car and
2 moving it so many feet into a white line, and
3 then you begin to run into a series of barriers,
4 the last of which was to take a running leap,
5 grab to a bar, and pull up ten times; that was
6 not a difficulty. You could get to the bar any
7 way you wanted to; you did not have to take a
8 running leap, but if you had to shinny up the
9 bar, like short people do, you couldn't do it in
10 the time. And they increased the height of the
11 bar so that I, who have approached five-nine
12 flat-footed, could not get up and hold on to the
13 bar without literally hand-over-hand getting up
14 there, to which the academy officers responded,
15 Well, it screens out short men too. This
16 response was totally in disregard to Tolpher
17 versus Rolinson, where in the prison system in
18 Alabama they had adopted a height and weight
19 requirement; it did screen out some of the men,
20 but it also screened out something like
21 ninety-eight percent of the women. This is just
22 one small example of the difficulty of the
23 barriers that we face. And I must point out to

1 you that this was a barrier that was erected
2 after the settlement of a specific
3 discrimination lawsuit in which we were trying
4 to achieve the goal of putting women in law
5 enforcement jobs in Jefferson County at a State
6 academy.

7 At State universities and
8 colleges, we know that there are women in
9 education. I will tell you, based on litigation
10 that I have done, that there's an inverse
11 relationship between money and women. The less
12 the money, the lower the prestige, the less the
13 power, the greater number of women who do the
14 job. The greater the prestige -- take for
15 example, the top of the line, president of the
16 universities, State universities -- the greater
17 the prestige, you approach, as Judge Johnson
18 called it, the inexorable zero.

19 How is it for women on boards and
20 commissions. I have not tried to do a whole
21 scale of discovery, as I would to prepare a
22 case, in which I would go out to the numbers on
23 every commission that exists that's run by the

1 State, every board that's run by the State, but
2 I have done a review of all of the commissions
3 and boards that existed under the Wallace
4 administration and also under the Hunt
5 administration, and I will tell you, there are
6 certain boards and commissions on which women
7 and minorities have no difficulty serving; they
8 are this commission, the Cosmetology Commission,
9 and the Nursing Commission. There are certain
10 jobs in the State, elected jobs, which have
11 traditionally been women's jobs, and I can offer
12 you no explanation for that. State Auditor,
13 State Treasurer, and Secretary of State, until
14 Don Siegelman decided to run for Secretary of
15 State. There are some exceptions -- Sybil Pool
16 has served as Commissioner on the Public Service
17 Commission, so for those of you who do know your
18 facts about the service of women in State
19 Government, I can acknowledge to you that there
20 are some rare exceptions, but these exceptions
21 are so rare as to justify my telling you that
22 there is a problem. What can you do about it?
23 In my humble judgement, I receive the reports of

1 the United States Civil Rights Commission; from
2 time to time, I try to use your data for
3 whatever purpose I can in my practice, and what
4 I think you can do is you can issue a report.
5 You can also gather statistics that would be
6 useful to us and perhaps to our State leaders.
7 I'd like to take those two parts separatly.

8 Now, to our State leaders, and
9 why does that matter? Assuming the most good
10 faith that we could possibly assume, that is,
11 our State leaders do not know that there are
12 qualified women, and they don't realize that
13 there are not qualified women serving in
14 positions in the State and for the state on
15 boards and commission. You could gather that
16 data, which I -- at least in my survey, and
17 trying to prepare for this presentation, does
18 not exist. Of all of the boards and commissions
19 that existed, how many have ever had a woman
20 serve, and when, how many are minorities. You
21 could also, because this information is
22 available, if you would just use the statistics
23 that are available from the State of Alabama,

1 they publish by county the number of people who
2 work in industry, the number of people who work
3 for State Government and the number of people
4 who work in other types of enterprises. If you
5 could do that and then tell us on a ten thousand
6 dollar increment level and break it down by sex
7 and race, that would be a tremendous
8 contribution to the efforts of increasing our
9 knowledge of the problem; that is to say, take
10 for example, Autauga County -- because it is
11 alphabetically first -- I cannot tell you, but
12 you can gather that data -- I hope you have the
13 resources and energy to do it -- of how many
14 women in Autauga County work for State
15 Government that make ten thousand dollars or
16 less and then twenty thousand dollars or less, or
17 between ten and twenty, and so on up the ladder
18 until we get to the highest ranking State
19 official in Autauga County; that, ladies and
20 gentlemen, is something important to do.

21 The second part was how can we
22 use that data. Obviously, it has -- statistics
23 have long been recognized by reports as having a

1 great deal of means, and without trying to be
2 too much of a lawyer here today, that's called
3 District Impact Data; that is to say that when
4 you look at some statistics, they are just so
5 overwhelming that the individual explanations are
6 why those statistics exists, just don't make
7 sense. In other words, if we could find -- in
8 every county should we find that at the fifty
9 thousand dollar and above level, there are no
10 women who appear in any county, or at the forty
11 thousand dollar level, or at the thirty thousand
12 dollar level, there are no women, there are no
13 Blacks who appear; then we know that we have
14 difficulties. Perhaps some counties would be
15 better than others. Perhaps, if we assume the
16 most good faith from the Governor and his staff
17 to have, he could know that and direct his
18 attention towards particular counties with
19 problems.

20 I hope that you will use your
21 efforts and energy here to compile that data.
22 I'll also tell you that I served on a task force
23 of Don Siegelman to look at the problems of

1 women in State Government, and one of the first
2 things that we discussed was the fact that
3 Alabama has never had a State law that prohibits
4 discrimination of any type, with the exception
5 of handicaps; I must tell you that there was a
6 non-discrimination provision in the Career
7 Ladder Bill; it was specific to the Career
8 Ladder Bill, and the Career Ladder Bill is not
9 something we are dealing with any more. So,
10 therefore, in Alabama discrimination is not a
11 violation of the law unless it's a violation of
12 a federal law. It means where we have, for
13 example, in the area of voting been successful
14 in sharing political power -- Whites have been
15 successful in sharing political power or being
16 forced to share political power with Blacks;
17 that has not happened with women, but we are
18 going to see State judges, we are going to see
19 Black State judges -- and it would be a grand
20 thing to be able to have a State statute where
21 we could utilize the State courts as well as the
22 federal courts. I frequently hear in Alabama
23 complaints about the federal court running our

1 lives. It's an embarrassment to the State of
2 Alabama. It means we lack leadership, and we
3 do. We have so many power brokers in this
4 State, and we have so few leaders.

5 What we would really like to do
6 is those of you who are in a position to point
7 out these facts and to gather these facts, to
8 tell these facts to the State of Alabama, to
9 give us an opportunity to suggest that we in
10 Alabama could have a Civil Rights statute. I'm
11 not going to tell you that laws cure the
12 problem. I don't really believe that laws do
13 solve the problems. The fastest, most
14 efficient, most cooperative way to solve the
15 problem is to have good leadership. If you have
16 a corporate head and he decides that he wants to
17 have a fair policy, a fair work force, whether
18 it be unions, minorities, women, it will happen;
19 it does get done. Mayor Aryton has no trouble
20 finding qualified Blacks in his administration,
21 as a case in point.

22 What we have done is defer to the
23 federal courts to solve our problems in the

1 environment where we don't have the courage to
2 fund prisons and we overcrowd them, and they are
3 unconstitutional, then we let that go back to
4 federal court because we don't have the courage
5 to solve our problems. We have done that in the
6 Mental Health System; we defer to the federal
7 courts because we don't have the courage to
8 straighten that out. We didn't have the courage
9 to desegregate our schools, so that goes to
10 federal court.

11 We have a lot of problems here we
12 defer to the federal courts, and then we crucify
13 them for failing to solve our problems, or
14 solving problems in ways that we don't like
15 because we don't have the leadership. And the
16 most embarrassing opinions to the State of
17 Alabama, the Eleventh Circuit Court of Appeals
18 wrote, in the desegregation cases involving
19 schools and colleges, that we urge you to try
20 and settle this case; your failure to settle
21 this case means a lack of leadership in the
22 State of Alabama. How embarrassing to have a
23 court of appeals write that about the citizens

1 of Alabama. We don't take charge of our
2 problems; we leave them up to, in Alabama, one
3 man or three men on the court of appeals.

4 Well, I started off by saying I
5 didn't have all that much to say because I
6 didn't know much, and like most lawyers, I took
7 a lot of time saying what I didn't have to say.

8 Are there any questions?

9 MR. MAX: Are there any questions?

10 MS. TURNER: Susan, there was discussion
11 before you came in that Alvin Holmes introduced
12 -- or Representative Buskey introduced a bill to
13 set up a type of new mechanism with the State,
14 and you mentioned that there are no State laws
15 forbidding sex or racial discrimination. Have
16 you given any thought as to whether we should
17 have a state enforcement mechanism with regard
18 to racial or sex laws?

19 MS. REEVES: In employment law, probably
20 one of the very few things that the plaintiff
21 and defense bar agree on, is the inability of
22 EEOC to handle its job. I realize that's strong
23 language, but I will tell you, we all agree,

1 perhaps for different reasons. If we had -- I
2 don't know what you are referring to. If you
3 are talking about an administrative agency that
4 would issue cease and assist orders that would
5 creat another bureaucracy or would be like a
6 State agency to which the EEOC refers because
7 you have a longer period of time in which to
8 file charges. I would hate to see another layer
9 of bureaucracy added to the process. For those
10 of us who do employment law, sometimes it's just
11 faster and more efficient to get into State
12 court and not have to end up with years of
13 litigating over whether the EEO charge was
14 signed or whether it was sworn to or whether it
15 covered promotions, since the person wrote in on
16 the complaints about hiring, and you end up
17 litigating the manusha of the charge. I know
18 politically it's not going to happen; EEOC is
19 going to be abolished. I think it would be very
20 efficient to have a State law that allowed
21 individuals to have the option of going directly
22 to State court. It used to be that Blacks were
23 afraid of State court; the fear being, they

1 would not be treated fair there, and that was
2 the conventional reason in the sixties. You
3 could only get fair treatment in federal court
4 because you had these elected judges who were
5 going to go with the majority. But the
6 political power of Blacks in the State means
7 that that is not such a threat, and so it would
8 be nice, I think, to have the option. Women
9 have the numbers to be a political power, but as
10 a matter of fact, women in State and in the
11 country have never had a constituency. They do
12 not vote together, they are more likely to see
13 themselves as Whites or as Blacks or as
14 hispanics than they are as women. So,
15 therefore, in my practice, I will frequently
16 have a Black woman who comes to me and who will
17 identify her problem as, I am not being treated
18 like the white women in the office. She does
19 not compare herself to the White men in the
20 office. Her goal is to be treated like the
21 white woman in the office, who are not being
22 treated so hot themselves. To point out the
23 fact that if you have this time in the company

1 and this kind of experience, this kind of
2 education, this kind of background, why are you
3 not the administrative assistant. It doesn't
4 seem, for some people, to make that connection.
5 That's not discrimination. There are still
6 employers who, for legal reasons, would never
7 say, I'm sorry; we don't hire Blacks, but who
8 will say to women applicants, This is not to
9 hurt your feelings, but we are just not hiring
10 women. So, you see, it's all equal. I don't
11 think we need another bureaucracy. I would like
12 to see some State laws. I must tell you, I hope
13 that this commission can change things, but it
14 took Alabama fifty years to radify the
15 Fourteenth Amendment. We've never passed an
16 equal rights amendment, and my hope is that we
17 would come forward with an equal opportunity
18 statute that would provide another remedy; it's
19 not very large.

20 MR. MAX: Let me just make one comment.
21 This committee cannot act as a group in a
22 legislative process, but individually, we have
23 recommended the adoption of a State Civil Rights

1 Committee for the enforcement of employment,
2 housing, public accomodations, and I would urge
3 you with your interest to seize that. And we
4 have the data from other states with similar
5 type statutes that we have recommended. Thus
6 far, the Governor's office has not pushed that,
7 but with interested citizens, maybe we can see
8 that through.

9 MS. TURNER: This morning, the Govenor's
10 assistant on minorities affairs spoke with us,
11 Mr. Dickson, and he said they did not compile
12 information about women and Blacks appointed to
13 boards. In your investigation, and I don't mean
14 to put that formally, did you find anybody or
15 any woman who was reported to be advising the
16 Governor about appointments of women?

17 MS. REEVES: No. And nobody knows
18 anybody, and nobody even has been asked, as far
19 as I know. I'm not trying to tell you I know
20 every -- I certainly have no connections with
21 the Governor's office to what they have done,
22 and they should speak for themselves, but there
23 are certainly a lot of women who would be

1 willing and delighted to offer suggestions and
2 names for available women, if they would like to
3 be considered. If ignorance is supposed to be a
4 protection, perhaps this committee could
5 enlighten all of us in the State so that we may
6 enlighten choices when we vote, since it's the
7 leadership that we need to solve the problems
8 and not continue lawsuits.

9 MR. MAX: Thank you very much,
10 Ms. Reeves.

11 We will take a five minute break
12 and reconvene then.

13 (At which time a recess was
14 taken.)

15 MR. MAX: Our next speaker will be Ms.
16 Lillian Jackson, President of the Montgomery
17 NAACP.

18 FOR MS. JACKSON: Members of the
19 commission, Ms. Lillian Jackson, who is the
20 President of the local Montgomery branch of the
21 NAACP, thought she was going to be here; she's
22 not, however; and I'm not certain exactly which
23 direction she was going to go in talking about

1 this particular topic of employment of
2 minorities and women in Alabama State
3 Government. I would, however, like to make a
4 few comments as I've listened to a couple of the
5 speakers, and of course, you know that the NAACP
6 has always been in the forefront of the fight
7 against racial discrimination, and that is the
8 State NAACP, particularly, has been involved in
9 several lawsuits concerning unemployment, and so
10 forth, in State Government, and there's no doubt
11 in my mind -- I'm sure there should be no doubt
12 in anybody's mind -- that Blacks and women are
13 discriminated against in State hiring. We
14 regard unemployment as one of the greatest
15 threats to Blacks in this State. And if I may,
16 Mr. Speaker, just a few comments on what I heard
17 Mr. Dickson -- some of the things he said as I
18 came into the room.

19 Of course Mr. Dickson was hired
20 by the Governor when he was elected, of course,
21 and we expect him to say basically what he's
22 told to say. I don't know of any other way to
23 put it, other than that, and I believe that's

1 exactly what happened.

2 The legislative Black Caucus --
3 and by the way, I'm a member of the legislature
4 represented in district seventy-seven in
5 Montgomery, and John Bessemer from Montgomery, a
6 lot of folks get us mixed up. My brother,
7 James, is from Mobile.

8 The Legislative Black Caucus
9 requested a meeting with the Governor when he
10 was first elected, and we were consistently told
11 that the Governor wouldn't meet with the
12 Legislative Black Caucus. We wanted to talk
13 with the Governor about the unemployment
14 situation, among other things in the State, and
15 he had indicated that he would meet with all of
16 the members of the Legislature individually.
17 Even after the Legislature came into session, we
18 persisted in asking for a meeting with the
19 Governor, and contrary to what Mr. Dickson said,
20 the Governor didn't initiate the meeting that
21 finally took place with the Legislative Black
22 Caucus. It was only after he ran into some
23 problems and found that he was not getting any

1 support from members of the Legislative Black
2 Caucus that he thought it was a good idea to sit
3 down and talk with us at that point, which he
4 did. We have discovered that the Governor has
5 not worked well with the Black legislators. We
6 have made requests of the Governor's office on
7 certain things; we have been given a deaf ear.
8 As an example, we send persons, who are asking
9 for employment, to the Governor's office, and of
10 course, they are usually Blacks, they are
11 usually referred to Mr. Dickson. I'm told that
12 Mr. Dickson's questions to these persons are,
13 Who did you vote for during the last election,
14 and will you vote for the Governor during the
15 next election. I submit to you that Mr. Dickson
16 may be in a position to determine who is
17 employed by the Governor's office, but I don't
18 think these are the kind of questions you want
19 to ask a potential job applicant. And of
20 course, Mr. Dickson makes it a point of telling
21 persons that we send to the Governor's office
22 for employment, or to any office that is
23 referred to him, that certain members of the

1 Black Caucus do not support the Governor's
2 programs, and on this basis, he will tell the
3 person that you may need to look elsewhere for
4 employment. Now, just -- Well, I think what I'm
5 saying is that all the Governor's efforts in
6 helping Blacks seem to be geared toward gaining
7 publicity and support for another term of
8 office. He mentioned the appearance at one of
9 the local churches here at the request of
10 Representative Holmes. We had been asking the
11 Governor to -- this was during the time that the
12 Caucus was asking the Governor for a meeting, of
13 course, employment and support for small
14 businesses, mostly Blacks, Black businesses, and
15 this kind of thing. And of course, he
16 determined that this was going to be, in my
17 opinion, good publicity for him. He agreed to
18 the meeting and had a number of Blacks to meet
19 with him there at Lilly Baptist Church here in
20 Montgomery. Got good publicity, but to this
21 date, nothing has been done from the Governor's
22 office to help those small Black businesses.

23 Now, you are familiar with the

1 case of U.S. versus Frazier, of course; it was
2 mentioned several times here, and I had an
3 occasion to meet with -- not meet with but sit
4 in on a meeting -- with the State Personnel
5 Board, and I think there was some questions as
6 to what the State Personnel Board can do about
7 the discrimination in these various state
8 agencies. And in my opinion, the problem is not
9 so much with the State Personnel Board or the
10 department; even though, I do feel that they can
11 make stronger policies and come up with some
12 procedures and require these agencies to follow
13 them; of course, the department would have to
14 have the backing of the board in order to do
15 this. And of course, the board, here again, is
16 appointed by the Governor, and this could create
17 a problem. And of course, most of the state
18 agencies they have is appointed by the Governor,
19 and this may create a problem in trying to tell
20 an agency head that he needs to hire more Blacks
21 because political appointees usually don't
22 listen to that kind of thing.

23 But I do feel that more an effort

1 needs to be made by these agencies to employ
2 additional Blacks, as Representative Holmes
3 said, and in my opinion, this is where the
4 problem lies in these various agencies because
5 even though there may be twenty-seven percent
6 Blacks employed in State Government, I think we
7 are going to find that, for the most part, they
8 are employed in janitorial and low-paying
9 positions, the non-professional positions, and
10 very few are going to be at the higher levels
11 making the big bucks, and this is where the
12 problem is, as I see it.

13 So with that, Mr. Speaker, I
14 would conclude, but I feel that there is no
15 doubt, again, that there is discrimination
16 against Blacks and women in employment in State
17 Government.

18 MR. MAX: We have ten minutes for
19 questions.

20 I'd like to open with this:
21 We've heard today -- and I don't know that we
22 had an answer to it -- discrimination as it
23 relates to salary levels. I don't think there's

1 any question that Blacks and women are the lower
2 end of the salary scale. We may see equal
3 numbers overall of the salaries, but what, if
4 anything, is the NAACP doing or the legislature
5 doing to try to rectify that situation?

6 FOR MS. JACKSON: Well, the only thing --
7 and of course, several other speakers hit on it
8 -- there isn't a whole lot to be done through
9 the agencies themselves. I think the only
10 remedy would be an additional lawsuit or the
11 intervention in some of the prevailing lawsuits
12 to make -- really I use the term make, but
13 that's about what will have to happen -- You are
14 almost going to have to force these department
15 heads to put Blacks and women in the
16 higher-paying positions or at least offer some
17 type of training program so that those persons
18 who are not at that level are required that they
19 can reach that level at some point. As Holmes
20 indicated, we can pass legislation, or we can
21 attempt to pass legislation that would correct
22 some of these things, but we can't get it
23 through the predominately White legislatures who

1 always feel that it's in their best interest to
2 oppose these types of measures because they feel
3 that this is what their constituencies wants
4 them to do.

5 MS. TURNER: I don't mean to put you on
6 the spot: You mentioned the Personnel Board, in
7 your view, that perhaps they could do more. Do
8 you know the racial composition of the Personnel
9 Board?

10 FOR MS. JACKSON: Yes. I believe it's
11 one Black on the personnel board and three
12 Whites.

13 MS. TURNER: Three Whites?

14 FOR MS. JACKSON: Yes, three Whites.

15 MS. TURNER: Is there a woman on it?

16 FOR MS. JACKSON: I don't believe so.
17 The director of the department is a woman, but
18 there's no woman on the board as far as I know.

19 MS. WOOLFOLK: It seems that we are
20 frustrated in terms of where there can be
21 pressure that's effective. It looks like we are
22 saying that the legislature cannot do anything
23 about the Personnel Board to insure that they

1 are going to come down hard on department heads
2 -- we are saying that as far as department
3 heads, but they are appointed by the Governor,
4 so it looks like outside of the system, pressure
5 has to come, and your organization represents an
6 organization that has put pressure. Are you and
7 the NAACP contemplating -- are you still
8 handling cases dealing with issues of this
9 type?

10 FOR MS. JACKSON: Yes, we are. We are in
11 the process now of looking at some things that
12 perhaps will result in a lawsuit at a later
13 point, and I don't want to get too far into that
14 at this point, but we are still working and
15 looking into situations of discrimination, and
16 we do plan to stay involved, and there's very
17 likely to be additional lawsuits, since this
18 seems to be the only way we can correct some of
19 these situations.

20 MR. JENKINS: You mentioned in your
21 presentation about the widespread discrimination
22 within State Government. Realizing that in
23 order to pursue a remedy, often times we depend

1 on individuals to file complaints. Is there a
2 mechanism within State Government to file a
3 complaint of discrimination as opposed to taking
4 a look at class twenty-three B federal lawsuits,
5 and all this type of things? If you don't have
6 a mechanism, would that address concerns that
7 you have because what you are doing, you are
8 making allegations, but we need to know whether
9 or not there's real discrimination? What's the
10 mechanism? What would be a good mechanism to
11 address that?

12 FOR MS. JACKSON: I'm not sure that there
13 is a -- I don't believe that there is a
14 mechanism in place, and I'm not sure that -- I
15 really can't point out any one mechanism that
16 would probably work because the best mechanism I
17 see would be for these -- for the departments to
18 treat everybody fair and give everybody an equal
19 opportunity at jobs in State Government, but
20 absent that, I really don't think that they are
21 going to pay any attention to anything else,
22 other than a federal lawsuit. I don't think --
23 even though I think the Personnel Department is

1 doing an excellent job, I don't really feel that
2 they should have to bear the burden of these
3 agencies openly discriminating against Blacks
4 and women, but it may be that greater
5 enforcement of power could be given the
6 Personnel Board through some mechanism to
7 actually monitor what's going on in these
8 departments so that when instances of
9 discrimination are brought up, then they can get
10 involved and tell these department heads that
11 this is not right, this is the way it should be
12 done, and this is the way we expect it to be
13 done, and maybe something can be done there, but
14 I really don't know if they have the authority
15 at this point to do that.

16 MR. JENKINS: In some states, human
17 rights agencies with the authority to review
18 State Government affirmative action efforts --
19 first of all, you have to have a law. Second,
20 you have to have an implementation process. If
21 there were such a process in place in this
22 state, would it not be able to pursue -- having
23 to pursue remedies as opposed to waiting on the

1 federal court to act, which can take quite a bit
2 of time -- and I'm looking at, for a couple of
3 examples, states like Nebraska or Missouri, and
4 those places, where you have an implementation
5 process with state human rights agencies to
6 address concerns of State Government employees,
7 and this is what I'm looking at, and I gather
8 there's no such mechanism in this particular
9 State?

10 FOR MS. JACKSON: No, I don't believe
11 they have that. And of course, you say we would
12 have to have a law in order to do that, and I
13 agree that that would help a great deal, but
14 serving in the legislature and knowing how the
15 majority of the members think and feel about
16 that particular mechanism, I don't believe that
17 they would have any strong desire to help pass
18 such a law. I'm not saying that all of the
19 members of the legislature would oppose a
20 measure like this, but it would be very
21 difficult for us to pass such a law; and of
22 course, I agree that's exactly what we need.

23 MR. MAX: Thank you very much.

1 MS. BIGGERS: Good morning.

2 As you can see, I'm not Velma
3 Blackwell; I'm attorney Debra Biggers, a member
4 of the Coalition of 100 Black Women of the
5 Tuskegee, Alabama, Chapter. I am speaking on
6 behalf of Ms. Blackwell this morning; she had to
7 be out of town.

8 As an attorney practicing here in
9 Alabama, I have had an opportunity to represent
10 females as well as Blacks in employment
11 discrimination lawsuits involving the State of
12 Alabama. And if this commission is here this
13 morning to determine whether or not racial and
14 sexual discrimination exists in the State of
15 Alabama, I'm here to tell you, Yes, it does.

16 I have gathered some statistics
17 this morning regarding various State agencies,
18 the percentage of Blacks as well as women. And
19 in an August 1987 Montgomery Advertiser article,
20 based on our representative, Representative
21 Thomas Reeves, who had at that time drafted some
22 legislation for a Fair Employment Practices
23 Commission here in Alabama; I believe that

1 legislation did die possibly in committee. But
2 there were some statistics quoted regarding the
3 Department of Health -- of Mental Health and
4 Retardation here in Alabama, and I just want to
5 give you some examples of some statistical data
6 that I received, not only in the Department of
7 Mental Health and Rehabilitation, but in other
8 State agencies as well, to come to a conclusion
9 regarding my views of sexual and racial
10 discrimination in employment in the State of
11 Alabama.

12 For the Department of Mental
13 Health and Retardation, based on a report in
14 August, 1987, fifty point nine percent of the
15 department's employees were Black, but only
16 eighty-nine point two percent of these Blacks
17 were located or concentrated in the custodial
18 area in the Department of Mental Health and
19 Retardation, and eighty-eight point five percent
20 were females, Black females. Also concentrated
21 of the Black females employed by the department,
22 eighty-eight point five percent of them were
23 also concentrated in the custodial division of

1 the Department of Mental Health and
2 Retardation.

3 ~~For the Highway Department, at~~

4 that time, they had a total number of employees
5 of thirty-five hundred, and twelve point eight
6 percent were Black, six hundred and ninety-three
7 of their White employees were concentrated in
8 the engineering division, and thirty-seven point
9 five percent of the Black employees in that
10 department were laborers.

11 I just talked with, prior to
12 coming here this morning, one of the attorneys
13 for a lawsuit that had been initiated, a class
14 action lawsuit, that was initiated against the
15 Highway Department. They, just this past
16 weekend, entered into a settlement negotiation
17 to resolve this lawsuit, and one of the
18 requirements of that settlement is that the
19 Highway Department would hire in direct
20 proportion to the number of Blacks in the
21 applicant pool, and they have set a minimum of
22 twenty percent -- there has to be a minimum of
23 twenty percent of the applicant pool that has to

1 be Blacks; and if they find that that pool does
2 not contain twenty percent, then they have to go
3 ~~out and re-advertise and actively recruit~~
4 minorities before they can even pick or choose
5 an applicant from that pool. That is very good
6 because once you hear the other figures that I
7 am going to quote from other departments, what
8 we are finding is that it's easy to say that
9 there is a certain percentage of Blacks, whether
10 it's twenty-nine or thirty percent of Blacks in
11 the total employment pool, but what you are
12 going to find is that most of those Blacks and
13 most of those females that are included in that
14 percentage are located in your low-entry
15 positions, in your low-level entry positions,
16 where they have the minimum salaries. You'll
17 find that there are very few Blacks in your
18 professional positions and your high-management
19 positions. I used to work for the Alabama
20 Public Service Commission as a staff attorney,
21 and this was back in 1981. At that time, within
22 the whole department, there was only one Black
23 female head of the department. Today in 1988,

1 there are no Blacks, females or males, head of
2 any division within the Alabama Public Service
3 ~~Commission. I was hired on a statutory~~
4 provision of the Public Service Commission that
5 allowed the commission to go outside of the
6 Merit System and hire professionals, such as
7 attorneys and accountants. And they could
8 bypass the Merit System and hire these
9 individuals based on their qualifications and
10 assign them a reasonable salary that did not
11 have to be in line with the Merit System. But
12 even back in 1982 when I was an attorney hired
13 under Act 44, as of next year, the following
14 year, a White male lawyer was brought onboard
15 under Act 44 with less experience than I, and he
16 was brought in at a higher salary, so that was
17 the situation back in 1982. And I understand
18 now at the Public Service Commission, the
19 situation has deteriorated because now there are
20 no Black heads of any divisions, and I don't
21 even know if they have any Black attorneys in
22 their legal division now since I left back in
23 1982.

1 I also have some figures from the
2 Department of Health. Their work force back in
3 ~~1987, the total Blacks in the work force at that~~
4 time was twenty-six percent. The women was
5 seventy-nine point forty-nine percent, which
6 included Office Clerical; that's why that figure
7 is so high because you will find that most of
8 your female employees are concentrated in your
9 clerical positions. They had instituted an
10 affirmative action plan where the work force had
11 to reflect the population of the State -- the
12 Black total work force for the State of Alabama,
13 which was twenty-two percent. Now, in 1981, I
14 want to say, in the Department of Health the
15 minority composition of the work force was
16 nineteen percent, so they did make some
17 improvement in '87; they did get it up to
18 twenty-six percent. But what we found was that
19 most of the Blacks were concentrated still in
20 your low-entry level positions, your low-paying
21 positions, and Blacks were still
22 under-represented when you look at the division
23 heads, as well as females, I might add, were

1 under-represented when you look to your
2 professional-level positions as well as your
3 ~~management positions.~~

4 In '87, as far as the Department
5 of Health goes, the professionals were eleven
6 point ten percent, the paraprofessionals, which
7 is your non-skills, sixty-three percent are
8 Blacks. The lower down you go, the higher the
9 percentage is. And in your office clerical,
10 Blacks were nineteen percent. So your
11 professionals and your office administrators,
12 Blacks only were nine point four percent of the
13 total work force for the Department of Health,
14 and these are based on figures from 1987. So as
15 you see, even with this department, Blacks still
16 were under-represented in your professional and
17 your upper-management positions.

18 So, basically, I also requested
19 some information, which, unfortunately, I don't
20 have this morning, from the Equal Employment
21 Opportunity Commission in Birmingham -- one of
22 the reasons I was late, I had requested the
23 information last week, and they were trying to

1 run it off of their computer and was still
2 running it while I was travelling here this
3 ~~morning because I was even curious to see how~~
4 many complaints had actually been filed with
5 EEOC regarding sexual and racial discrimination
6 involving State Government. I wanted to share
7 that with you this morning, but unfortunately
8 they were unable to get it to me for whatever
9 reason; they had a problem with the secretary
10 that was supposed to do it. But I still think
11 that the figures that I have quoted here for you
12 this morning are representative of the other
13 agencies in State Government. You will find
14 that there are blacks employed; you will find
15 that there are females employed, but what you
16 will find is that they are unfortunately still
17 concentrated in your low-entry level positions
18 in the lowest paying jobs in that department.
19 And we definitely need -- in Alabama we have no
20 agencies at this point in State Government to
21 oversee whether or not the State is meeting its
22 responsibility as far as affirmative action goes
23 in insuring that Blacks as well as females have

1 equal employment opportunities for all levels of
2 employment in State Government. And
3 ~~unfortunately, even today in 1988, we are still~~
4 concentrated in your clerical positions, your
5 laborer positions and your low-paying jobs.

6 Thank you very much.

7 MR. MAX: Can I ask you the source of
8 your information? Where did you get your
9 information?

10 MS. BIGGERS: The information that I
11 referred to, in a Montgomery Advertiser article
12 in 1987 regarding the Department of Mental
13 Health and Rehabilitation, these figures
14 Representative Reeves from Tuskegee, Alabama,
15 was looking at -- had drafted some legislation
16 for a Fair Employment Opportunities Commission
17 here in Alabama, and these were some statistics
18 that he had gathered for that legislation.

19 As far as the Public Service
20 Commission, that's based on my own experience,
21 and then I did talk with a recent employee -- a
22 former employee, more recent than myself -- who
23 had been contemplating filing a lawsuit on

1 behalf of some Blacks at the PSC, and that's the
2 source of my information regarding the Public
3 Service Commission.

4 An attorney here in Montgomery
5 provided me with the information regarding the
6 recent settlement the Highway Department had
7 entered into regarding the number of Blacks that
8 had to be included in the applicant pool, which
9 was twenty percent; that was the floor before
10 they would even consider the pool to select a
11 person to be employed. I received that
12 information from her this morning as well as
13 information that she had in her files on the
14 Department of Health and the statistics that I
15 provided you regarding the department's work
16 force comparing their statistics of 1981 where
17 minorities made up nineteen percent of their
18 total work force. In '87, they comprised
19 twenty-six percent where they were trying to
20 meet an affirmative action goal of the work
21 force reflecting the total work force in the
22 State of Alabama, which was twenty-two percent
23 at the time they entered into this agreement.

1 So they did, in fact, meet that goal because in
2 '87 it was twenty-six percent, and it was up
3 ~~from nineteen percent to twenty-eight percent,~~
4 and the goal that had reached, from my report,
5 was twenty-two percent, but the problem was the
6 concentration of the minorities and the females;
7 they were in your low-entry positions.

8 MR. MAX: I take it from your response
9 that you don't know of any of the sources where
10 you can go to, departments or State agencies,
11 and get those statistics?

12 MS. BIGGERS: No, there is none,
13 unfortunately. Unless the only place that could
14 possibly gather that information is the
15 Personnel Department. What I was looking for
16 was trying to make comparisons now of how many
17 Blacks and how many females are heads of
18 agencies now, and then I think those figures
19 would speak for itself because you will find
20 that there are very few. Now, I understand that
21 that information has been given to someone --
22 let me see if he's on the program. I was told
23 that Mr. Gerome Gray had those figures; I don't

1 know if he's testifying or not.

2 MS. WOOLFOLK: You referred to, I guess,

3 ~~this Act 44, which refers to hiring outside the~~

4 Merit System --

5 MS. BIGGERS: For the Public Service
6 Commission only.

7 MS. WOOLFOLK: Okay. Can you comment on
8 to what extent departments have latitude in
9 hiring outside of the Merit System, and does
10 that have some bearing on the numbers of women
11 and minorities here involved, especially at
12 higher levels?

13 MS. BIGGERS: Now, I'm familiar with the
14 Public Service Commission; that's a statutory
15 authority that is given to the Public Service
16 Commission, and I don't know if there are any
17 other State agencies who have comparable
18 statutes which allow this. But that particular
19 provision of that Act gives the Public Service
20 Commission, if they had the incentive, or wanted
21 to do so, the authority to go out and actively
22 recruit members in the private sector to bring
23 into State Government at a comparable salary, a

1 competitive salary, but they have not utilized
2 it for that purpose. And while I was there, it
3 ~~was utilized to pay off campaign debts, for~~
4 people to bring in relatives or friends and give
5 them positions who were not Black and not
6 females.

7 MS. WOOLFOLK: Mr. Chairman, I realize
8 that as one issue, but we might want to look at
9 how that's used for other departments.

10 MS. BRAY: Debra, what role do you see
11 organizations, such as the Coalition of 100
12 Black Women, community organizations, assuming
13 as it relates to addressing the problem of
14 this?

15 MS. BIGGERS: I think it's the
16 responsibility of organizations here in the
17 State to put pressure on, number one, the
18 Governor, when appointments become available for
19 directors of various agencies to put pressure on
20 the Governor to appoint qualified minorities,
21 females as well as males. If they need
22 suggestions, I think we should even suggest
23 names to them. I think we also should put

1 pressure on our legislators to enact legislation
2 creating a Fair Employment Commission. We have
3 ~~no one here in the State that is monitoring the~~
4 situation that you could even go to to get any
5 kind of statistical data as to what the State's
6 responsibility has been and what the State is
7 actively engaged in in this effort of
8 affirmative action; there's no one even
9 addressing that, not the legislature, not the
10 Governor -- no State agency. And basically,
11 what has happened up to this point is that even
12 State agencies are only reacting to litigation
13 to come up with an affirmative action plan; they
14 are taking no initiative on their own or have no
15 affirmative action person within those agencies
16 monitoring it. So what we have seen up to this
17 point is departments only reacting to litigation
18 in coming up with some kind of plan to address
19 this issue in that regard.

20 MS. TURNER: Ms. Biggers, this morning we
21 heard from Susan Reeves, a woman attorney from
22 Birmingham, and I asked Susan a question, I'd
23 like to ask you: What I asked her, and her

1 answer was no, did she know anyone who was
2 providing information or consulting with the
3 ~~Governor about appointments. Do you know or~~
4 have you heard of anyone?

5 MS. BIGGERS: No, I have not.

6 MR. HANKS: Just a basic question,
7 Attorney Biggers: For the Advertiser article,
8 do you have a month, date, and year for it?

9 MS. BIGGERS: No, I don't, but I can get
10 that to you. I can possibly get you a copy of
11 the article.

12 MR. HANKS: You also talked about the
13 other statistics. I think the file on this
14 meeting is open until July 15th. You can still
15 send the information up until July fifteen.

16 MS. BIGGERS: I appreciate you telling me
17 that, so I will go ahead and get the information
18 that I have requested from the EEOC, because
19 they do have some data, and submit that to you.

20 MR. MAX: That would be great.

21 We will now take a break for
22 lunch, and we will reconvene promptly at
23 one-fifteen.

1 (At which time a recess was
2 taken.)

3 ~~MR. MAX: We will go ahead and reconvene~~

4 at this time, and due to the fact that Dr. Joe
5 Reed is not here, we will proceed with Frances
6 Strong of the Alabama Women's Political Caucus.

7 MS. STRONG: Thank you very much.

8 It's a pleasure to be here with
9 you-all today and to talk about something that
10 is very near and dear to my heart, and that is
11 women.

12 I am Francis Sister Strong from
13 Demopolis, Alabama, and I am the State Chair for
14 the Alabama Women's Political Caucus.

15 And in your letter inviting me to
16 address you-all, I was requested to tell about
17 our organization and the function of the
18 organization so that each of you I gave a
19 pamphlet about Women of America in Politics and
20 Government, Join the National Women's Political
21 Caucus and Get Involved. It says, Why get
22 involved? Women are essential to good
23 Government and a healthy strong America. They

1 offer a wide range of talent, experience, and
2 understanding that our nation must draw upon if
3 ~~we are to deal effectively with the challenges~~
4 that confront us at home and abroad. Women,
5 therefore, must be willing to assume political
6 power and responsibility, not just as informed
7 voters and community activists, but as
8 candidates for local, State, and federal
9 office. As legislators and members of the
10 judiciary and as high-level appointees and chief
11 executives, we will see significant progress
12 along the path to parity, only when women have
13 achieved a true partnership with men in our
14 society. And only when women enter the
15 political arena in numbers too large to ignore,
16 will we be able to guarantee pay equity, access
17 to adequate and affordable day care, enactment
18 and enforcement of laws against discrimination
19 and employment, insurance, education, housing,
20 and credit, the right to reproductive freedom
21 regardless of economic status of women, the
22 Equal Rights Amendment to the United States
23 Constitution, protection against spousal abuse

1 and other crimes of violence, social security,
2 merital property, inheritance and child support
3 ~~laws that do not discriminate against women --~~
4 much has been accomplished in these fields, but
5 much more needs to be done.

6 Although women are a majority of
7 the population, they are less than five percent
8 of congress and only sixteen percent total of
9 the State legislatures; this is not enough.
10 More women must take their place as lawmakers
11 and decision makers in all levels of
12 government. Women do make a difference.

13 The logo for the National Women's
14 Political Caucus is a Greek symbol for women.
15 It forms five circles, and it represents the
16 five races -- Black, Brown, Yellow, Red, and
17 White. We are all sisters regardless of the
18 color of our skin. Intertwining of the circle
19 means unity -- working together, we can achieve
20 anything.

21 At this point in time, there are
22 more women registered to vote in this country
23 and in the State of Alabama than there are

1 males. So, earlier today, something was said
2 about this, about women voting together. Women,
3 ~~if we get our act together, we can achieve most~~
4 anything we want to.

5 We are multipartison, and we are
6 of all ages, lifestyles, economic, and ethnic
7 background.

8 Our grassroot members throughout
9 the country are united in their commitment to
10 equal rights and equal opportunity for all.

11 It was founded in 1971 by three
12 hundred women. The NWPC has grown into a
13 powerful political organization comprised of
14 thousands of members, working with is three
15 hundred State and local affiliates throughout
16 America.

17 In Alabama, we were organized in
18 the latter part of 1971, the early part of
19 1972. At this point in time, we have a Caucus
20 in Montgomery, one in Jefferson County, one in
21 Madison County, and I must say that the one in
22 Madison County is one of the most active groups
23 and most progressive groups I've seen lately.

1 We also have statewide at large
2 membership, and if any of you would like to
3 ~~join, you have it on there, and we also allow~~
4 gentlemen to join us. See, we are not biased at
5 all -- we are interested, as I said, in
6 opportunities and equality for all.

7 You also have an article, More
8 Women in Top State Posts. This is a survey that
9 was done last year in the latter part of '87
10 through commission by the National Women's
11 Political Caucus, entitled the Appointment of
12 Women, a Survey of Government Cabinets, 1981
13 through '88, which was released on January the
14 21st in Washington, D.C. It says that the study
15 should service another reminder that women are
16 in the political process to stay. The trend
17 toward more women in the highest levels of
18 government not only parallel the growing number
19 of elected women officials across the country,
20 it is also a testimony to the increasing size
21 and growing clout of the women's vote. It goes
22 on to say that there are more women -- eleven
23 new democratic governors elected in 1986, eight

1 improved on the record of their predecessors as
2 far as women appointments to their cabinet. The
3 ~~survey found that the majority of these women~~
4 officials were still clustered in social service
5 agencies, other than in agencies or executive
6 positions that were decision-making positions.

7 Women appointees are also
8 breaking new ground, the survey indicated,
9 pointing to the appointment to head the
10 Wisconsin Department of Revenue and another
11 woman to head the Nebraska Director of Banking
12 and Finance, the political realities that women
13 are no longer going to be content with token
14 representation in the lower and middle levels of
15 government.

16 We have earned the ropes; we've
17 paid our dues, and we are here to stay.

18 I'd like you now to look at the
19 next chart that I gave you, and this is the
20 results of the appointment survey, and it is
21 done statewide. It shows women in State
22 cabinets, and I want you to find Alabama --
23 Alabama is the next to the bottom. We have one

1 out of twenty-one -- this is women. This is
2 results of a survey by the National Women's
3 ~~Political Caucus of Women in State Cabinet Level~~
4 Posts. States with elected or non-cabinet
5 governmental structures were excluded from the
6 survey, but that, even so, that still puts
7 Alabama next to the bottom with one out of
8 twenty-one women serving in the cabinet. It is
9 a drop from about four that we had before this
10 administration came in, so that we have four
11 point eight percent. The only state that is
12 lower than we are is Kentucky, and they have
13 zero; they have none. I find this inexcusable
14 that instead of my going forward, we are backing
15 up -- we are going backwards, and we have earned
16 our dues.

17 Unfortunately, this survey found
18 that a majority of the republicans that were
19 elected in 1986 appointed fewer women than their
20 predecessors, so we see what is happening.

21 Earlier this morning, there were
22 questions talking about appointments and
23 appointees to boards and commissions, and I hate

1 to dispute the people from the Governor's
2 office, but as the first and only democratic
3 ~~woman to ever serve in the Alabama State Senate,~~
4 there is a list of boards and commissions and
5 appointments; it stands about this high, and I'm
6 awfully sorry I did not bring mine with me.

7 At the very end -- or I guess at
8 the very beginning of 1986 one was compiled. It
9 gave a list of every board and every commission
10 in this State. It gave a legislative act that
11 mandated the formation of this board of
12 commission, it gave the members on the
13 commission, how they were to be appointed and by
14 whom, how long their terms were; in other words,
15 it also gave the lifetime tenure of that board
16 or that commission.

17 Now, for them to tell you that
18 there is no record, I stand here, and I'm so
19 sorry I didn't bring mine with me, but it would
20 have been like picking up this table or two
21 because it is big, and it is thick, but I do
22 have one. Now, I don't have one for this new
23 administration, but I have one from '82 through

1 '86. So for them to tell you that they don't
2 have a record of it, somebody somewhere is not
3 ~~doing their job; that's all I've got to say.~~

4 But I can also tell you, because I have been
5 through this process, and I've been through the
6 process of trying to get people appointed to
7 some of these boards and commissions, and I
8 represented a very rural area, six rural
9 counties, but just because we are rural, we are
10 not second-class citizens, and we are tired of
11 being treated that way. We demand our rights,
12 and we demand to be recognized as citizens of
13 this State, whether we live in a metropolis or
14 whether we live in hodunk.

15 Now, the process is -- the only
16 way that I had access to it in the beginning was
17 that when I went down to ask about some
18 appointments, the secretary of the appointment
19 person happened to be an ex-student of mine --
20 see, I'm a public school teacher and have been
21 for twenty something years -- and she went to
22 school with one of my daughters, and she showed
23 me the list of appointments; it's done

1 quarterly. Every three months various
2 commissions and boards would come up, and they
3 ~~would review these, and names would be turned in~~
4 to them. They would take these names, and they
5 would submit three in to the Governor.

6 Now, Susan was right about you
7 had to know somebody that knew somebody because
8 by golly you did. You had to practically lay
9 your life on the line even to get a name
10 submitted to them for them to even consider
11 taking it in to the Governor, and then after
12 that, you didn't know what happened.

13 The only thing I know about this
14 administration is that I've been taken off of
15 every board that I was on except one, and they
16 have no control over that, and I don't know if
17 it's because my party affiliation is very well
18 known or the fact that I'm an outspoken woman,
19 which is unheard of in this good-old-boys jock
20 society that we live in. And so in the rural
21 areas, I am considered a radical because I stand
22 up for women's rights and for human rights, and
23 I don't take no very easily for an answer. But

1 that is just to give you a little bit of the
2 insight into how appointments to boards are
3 ~~made. And like I said, I was told to hold an~~
4 appointment on one of them, which was the
5 Alabama Woman's Commission that they didn't even
6 know that I wanted to be re-appointed to it, so
7 I would have to write a letter. So I wrote a
8 very nice letter stating the fact that I had
9 been invited to various states to represent
10 Alabama and to speak on behalf of the Alabama
11 Woman's Commission and participated in their
12 programs, and that what my hopes and dreams and
13 ambitions were for the Alabama Woman's
14 Commission for the women and families of the
15 State of Alabama. And I got a very nice note
16 thanking me for the letter and I would be
17 considered and they would write; that's it.
18 They never even said, We did not appoint you. I
19 just went to the next Alabama Woman's Commission
20 meeting, and I was told, I'm sorry, Sister,
21 you've been replaced. That's no way to do
22 business; you don't win friends and influence
23 people like that. But the thing is, it appears

1 to me from the looks of things around the State
2 is that the people who will stand up and who
3 ~~will work and is not afraid to work and not~~
4 afraid to be heard and will call right -- what
5 is right and what is wrong -- are the ones that
6 they don't want to represent. They don't want
7 you out there calling and reminding them of the
8 right things and the wrong things and what
9 should be done; but that's an overview of your
10 appointment process here.

11 There's no way I can tell you
12 because you heard it this morning, and I have
13 been told that they don't know how many women,
14 how many Blacks, how many other minorities, or
15 how many White males have been appointed to all
16 these boards and commissions, but I can tell
17 you, it is way out of line. There was one thing
18 about the past administration, that Governor,
19 and I never could quite understand it, and he
20 always told me, Those people belong to the other
21 party or they oppose you -- they stand up every
22 chance they get and oppose you. He said,
23 Sister, you must be nice to your enemies, plus

1 we represent the whole State. And I said, Okay,
2 Governor, I got it. I wish this one would
3 ~~practice a little bit of that.~~

4 Now, I would like to tell you a
5 little bit more about your jobs within this
6 State. We know that women of the minorities
7 make up over fifty percent of the population in
8 the working force within this State. And in
9 employment, though, women hold the jobs that are
10 the lowest-paying jobs within our State.
11 Unfortunately, they are put aside into
12 low-paying jobs that have deadends to them.
13 There are no promotions for them, or either they
14 are doing the menial jobs. Most of them are
15 doing the lowest clerical work that has the
16 lowest pay. And so you will find that over
17 fifty percent of your single families, single
18 heads of household, are women, and they are in
19 these low-paying jobs so that our women and
20 children are down below the poverty level
21 because of this.

22 In Alabama, in the governmental
23 positions, women are rigidly restricted,

1 especially in certain fields. If you would like
2 to, I'd like to take you into my field of
3 ~~education, and I've got you some interesting~~
4 statistics there, but first I want to start with
5 this: We say that there are certain
6 female-dominated professions -- teaching is one,
7 nursing is one, secretarial work is one.
8 Basically, these have always been.

9 From the beginning of our public
10 education, in this great country that we live,
11 women were basically the majority in the
12 education. We have more female teachers in this
13 nation -- if you will look at the bottom of
14 that, you will see that the percentage of
15 teachers that are men in the nation comprise
16 twenty-one point twenty-seven percent. In the
17 State of Alabama, it's even more than that. But
18 let's look first, we have twenty-four four-year
19 colleges in this State; there is not one single
20 female that is the president of one. We do have
21 one vice president at Auburn. Of the
22 forty-three two-year schools -- which are made
23 up of your junior colleges, your community

1 colleges, and your tech schools -- we have two
2 female presidents. At this point in time, I
3 ~~believe there are three vacancies that are open~~
4 for presidents, and we do have some women that
5 have applied for these positions. But the
6 system is made up of males, basically White
7 males, because there's only one black male
8 president in your forty-three two-year schools,
9 and he laughs, and he says, They call me their
10 token, Sister. The system was devised by the
11 good-old-boy system. They appoint three or four
12 -- I think it's three men -- or three
13 presidents, let me put it that way -- three
14 presidents to go through the applicants for the
15 presidencies of these two-year schools, and then
16 they turn in a list, I believe, I'm not sure
17 whether it's three or five that they turn in,
18 and your post-secondary chancellor approves
19 them. And by the way, we have made a giant step
20 forward because we do have a black chancellor of
21 our two-year schools. So not only do we have
22 one president of a tech school in Mobile, but we
23 also have -- well, I take that back -- one of

1 the women presidents is a Black woman, Evyonne
2 Kennedy, Dr. Kennedy, and she's a wingding. But
3 now we have the head of the two-year school
4 system, a chancellor, is black; so we are making
5 some progress, slowly but surely.

6 Then you have a hundred and
7 thirty public school systems within this State.
8 Now, according to this, it says that out of
9 those a hundred and thirty school systems, if
10 you will look there, we have how many women
11 superintendents? It says six. I have to
12 believe it because I just received this
13 yesterday in the mail, so I guess that it's
14 up-to-date. But it doesn't ring true because it
15 only says we have a hundred and twenty-one
16 males, but there are a hundred and thirty
17 systems, so maybe their math is as bad as mine.

18 What I'm trying to say to you is
19 that this is a predominately female profession,
20 but yet the females are not in the
21 administrative positions. Now, why? We are
22 good enough to do the important job of training
23 and teaching our young people who are our

1 citizens of tomorrow, but why can't we
2 administer and run the schools as well.
3 ~~Basically, if any of you know anything about~~
4 schools, you'll find out that your teachers,
5 mainly, are doing this for your principles, they
6 said, several years ago in A Nation at Risk,
7 because of our public school system. If you
8 will look at these statistics, you will see
9 because we still have the good-old-boy jock
10 syndrome that is running our schools,
11 particularly in the State of Alabama. If
12 there's a coach, then he can be hired anywhere,
13 regardless, because coaches don't have to have
14 any particular requirements and specifications
15 -- I know; I've been there; I took it to court,
16 but I won it.

17 But what I'm saying is that you
18 can look at your figures and you can see that it
19 is not right. This does not break it down as to
20 White or Black; it breaks it down into male and
21 female because what I'm trying to get over to
22 you is that there is discrimination. How do we
23 stop it? How do we get them to evaluate and

1 hire these people on subjective matters? How do
2 we do it? For what they can teach and the job
3 ~~that they do, other than the fact that they~~
4 coach or whether you are my good buddy or their
5 good buddy; our schools are suffering, and
6 that's part of why our schools are suffering
7 right here. I would hate to think that we would
8 have to move so far as to affirmatiave action
9 plans into our schools and into our State
10 agencies, but evidently, we are going to have
11 to.

12 I do have a recommendation, and I
13 know that I will probably be tarred and
14 feathered and ridden out on a rail, but I make
15 this recommendation, but when it comes to your
16 State jobs and your State agencies, do you
17 realize that we have what is called a veteran's
18 preference in the Merit System? And they are
19 given preference points because they were a
20 veteran of military service. Now, I am just as
21 patriotic as anyone else, and I believe in
22 patriotism and my country, but we are not in an
23 all-out war. We don't have a compulsory draft;

1 we have a volunteer military service that pays
2 well, and there is no reason to continue these
3 ~~preference veterans points for State jobs within~~
4 the State of Alabama. It could be phased out
5 gradually if you don't want to just cut it off
6 completely. It could be worth -- say, within
7 four years after a conflict, then you do away
8 with them. But what I'm saying is that women
9 and minorities will never be able to take their
10 places and have decent jobs and salaries within
11 our agencies unless something is done. You can
12 look in any and all of your State agencies here
13 and you will find numerous military retirees.
14 And another thing, a lot of them are not even
15 native Alabamians that are taking up these
16 executive high-paying jobs in our State
17 agencies. They just happened to retire at
18 Maxwell or Gunter and are sitting here and
19 either they jump in and are either building up
20 retirement in another sense; they have their
21 military retirement, and now they are going for
22 State retirement; some have National Guard
23 retirement too. So what I'm suggesting to you

1 is that there is a way that this can be
2 approached. And my husband is a veteran of two
3 ~~wars -- the Korean War and World War II -- but~~
4 what I'm saying is that this does need to be
5 looked at, and this is a method that is used to
6 discriminate against women and minorities.

7 Thank you.

8 MR. MAX: Any questions?

9 MS. TURNER: Sister Strong, I'm real
10 interested in these public school administrative
11 statistics. Would you tell us the source of
12 them?

13 MS. STRONG: This came from the State
14 Department of Education, and you'll see the date
15 is 6/21/88.

16 MS. TURNER: Is this regularly compiled,
17 or did you --

18 MS. STRONG: I requested it and got a
19 friend of mine here in Montgomery to call over
20 and get it and mail it to me because I've been
21 out of town for the last two weeks.

22 MS. TURNER: Have you seen this type of
23 report before at all?

1 MS. STRONG: No, I have not.

2 MS. TURNER: Not at all?

3 ~~MS. STRONG: Not quite this complete,~~

4 Abigail. I've seen some of them because I've
5 asked for them before, but I've never seen this
6 quite a breakdown like this, and I guess they
7 had to because the Civil Rights probably
8 required them to do it.

9 MS. TURNER: Probably not.

10 MS. STRONG: Well, aren't they on a court
11 order injunction, so to speak?

12 MS. TURNER: That's for States; this is
13 local.

14 MS. STRONG: No, these are all over.

15 Another thing, too, there may be
16 hope -- I guess Dr. Teague heard me go around
17 the state all last year giving the speech about
18 no women, and you know we never had a woman
19 State Superintendent, and it's no longer an
20 elected position; it's an appointed position.
21 And he's had five assistant superintendents, and
22 up until last year, we never had a woman, but he
23 finally saw the light with Dr. Barton. He was

1 one of our superintendents of the public school
2 system.

3 ~~MS. TURNER: Let me make sure I~~
4 understand what you're saying: Is this local
5 school systems, or does this also have the state
6 -- would that person you just spoke about be
7 included in the school superintendent line?

8 MS. STRONG: It, evidently, is down here
9 on the bottom on the summary of it. It must
10 include -- because it's superintendents and
11 assistants because there are a hundred and
12 thirty public school systems.

13 MS. TURNER: Are you familiar with, other
14 than you going around educating people about
15 this problem, is there any other group that has
16 addressed this? Has AEA raised these concerns?

17 MS. STRONG: I had been speaking to these
18 genda equity conferences that had been put on by
19 your two-year school systems, the grants that
20 came from Washington, and those were the ones
21 that I was speaking to when I was giving this
22 talk on the lack of women in administrative
23 positions. I do know that Dr. Hubert came up,

1 and in fact, I had asked for his statistics that
2 he came out with within the last six months
3 ~~about the lack of women in administrative~~
4 positions in our public school system. And this
5 did not come from him; this came from the State
6 Department of Education as a more up-to-date
7 piece of information. Like I said, I didn't
8 receive it until yesterday afternoon, and then
9 this morning when I got over here, I went and
10 had you-all copies made, so I haven't had an
11 opportunity to really discuss this with anyone
12 in the State Department of Education. But it is
13 interesting to look at to see that in your
14 principles, like K through 12, you've got two
15 hundred and fifty-five male principles as
16 opposed to forty female principles. Now, it's
17 unreal.

18 MR. MAX: Let me bring something to your
19 attention. I'm aware of people who have been
20 here today, that is, the audience at one time or
21 another, who would love to come to that
22 microphone and talk about the discrimination
23 that they have seen, but the problem is that

1 they are in the process, and for fear of what
2 would happen to them if they got to that
3 ~~microphone and made it public, they do not make~~
4 it public. Is there anything that you are aware
5 of that can be done? We see the principle
6 category; we see the various categories that are
7 out of sync, but yet we don't see those people
8 who we would think would be the ones who are
9 interested in a change doing something about it,
10 and it seems to me that there's something not in
11 place within this system that would allow them
12 to rise up and say, What about me.

13 MS. STRONG: Well, you lose your job.

14 MR. MAX: Exactly.

15 MS. STRONG: The thing is is that you
16 look at your school boards, and I wanted to get
17 some breakdown on that, and they didn't have any
18 as such, but your school boards hire you, and
19 the majority, I would say a minimum of probably
20 seventy-five percent of the school boards,
21 members of the school boards, in the State of
22 Alabama are males; and I think that's a low
23 percentage.

1 MR. MAX: Is there nothing in place in
2 State Government to allow employees to seek
3 ~~alternatives other than going to federal court~~
4 to seek changes?

5 MS. STRONG: Unfortunately, the only
6 advances that women have made, as far as this is
7 concerned, has either been through the federal
8 courts and the ballot box. They were talking
9 this morning about passing laws -- we've got
10 laws on the books galore, and there is no one --
11 unless these laws are enforced, you can forget
12 it. It was just like I told my school board,
13 Title 9 and Title 7 are the laws of the land,
14 and gentlemen, I believe right is right and
15 wrong is wrong; and within a year, I filed suit
16 against them, and I won it on sex
17 discrimination. And it's a shame that we have
18 to go to that because then I was branded a
19 liberal troublemaker.

20 MR. MAX: It would seem to me that there
21 is -- Through the State Attorney General's
22 office there ought to be a means of protecting
23 against that type of discrimination. I know we

1 have someone here from that office today, and
2 they are not prepared to make a presentation. I
3 ~~will say that, in conference with that office,~~
4 they are going to try to make a presentation
5 before July 15th. I would ask that that be one
6 of the things that is addressed by the Attorney
7 General's office; and that is, where
8 discrimination may be placed within departments,
9 agencies, school systems that the Attorney
10 General's office look into ways for which there
11 can be, first, voluntary compliance, and if not
12 voluntary compliance, what can be done legally
13 to stop some of this and allow avenues of
14 dissent or allow for avenues of someone to say,
15 Hey, what about me, and how come some have been
16 passed over. And if nothing else, we've talked
17 a lot about new legislation and things for the
18 Human Relations Commission -- the Attorney
19 General's office may be able to do something
20 about that.

21 MS. STRONG: Here are two figures that I
22 didn't give, which is statewide for Alabama as
23 to females in administration and education: We

1 have thirty point eighty-two percent female
2 administrators in this State in public education
3 ~~as opposed to sixty-nine point one eight male~~
4 positions; I say that that is a very bad
5 discrepancy.

6 Thank you very much.

7 MS. WOOLFOLK: Before you leave, Sister
8 Strong, I am concerned that neither the
9 executive nor the legislative branch of
10 government in the State of Alabama is all that
11 concerned about the issues we are talking
12 about. From your experience in the legislature,
13 would it make sense if that body were to put in
14 place a mechanism -- I use the word we used
15 earlier -- to call attention, somehow, to the
16 absence of Blacks and minorities and women in
17 Government and State agencies? Is that an
18 appropriate thing for the State legislatures to
19 be concerned about? It's my understanding that
20 there are such watchdog committees in state
21 legislatures.

22 MS. STRONG: We have had commissions and
23 boards all the time that are set up to oversee.

1 We have one on contract, Oversight Committee,
2 that looks over all contracts that come out of
3 ~~agencies. Why in the world couldn't you have an~~
4 employment oversight committee to look at that
5 and to call attention to the fact that, you
6 know, you got them mopping the floors and
7 sweeping and doing windows, and this sort of
8 business, and typing. Let me tell you
9 something, Representative Holmes was saying
10 something this morning about the clericals that
11 they had -- my secretary that I had as a senator
12 couldn't take shorthand or type very well. In
13 fact, she couldn't switch the phone in to my
14 office; I had to go out to her desk to take my
15 calls most of the time. She was drawing -- It's
16 the truth. It took me twenty to thirty minutes
17 to give a letter; by then, I had forgotten what
18 I wanted to say and didn't care anyway.

19 MS. WOOLFOLK: Was that Civil Service?

20 MS. STRONG: She was retired Civil
21 Service. She's sitting up there as a secretary
22 right now for one of the senators.

23 MS. WOOLFOLK: So the legislature, then,

1 could be more active on behalf of these issues?

2 MS. STRONG: Certainly, they could. They
3 ~~should; let's put it that way -- they should.~~

4 But the people that run that have a strangle
5 hold on it. I'm very fond of both of the
6 gentlemen, but they are in command.

7 MS. WOOLFOLK: On the executive side,
8 what would you think that the personnel office
9 should do, or are we dumping too much on
10 Dr. Ballard's office to be the watchdog for
11 these remedies?

12 MS. STRONG: Basically, these people that
13 are on that board are elected and some of them
14 are appointed.

15 MS. WOOLFOLK: The personnel board?

16 MS. STRONG: Yes -- well, you have two
17 different parts; you have one which is the
18 grievance committee, and then you have another
19 one that hires and fires, so to speak. But I
20 don't feel that possibly they check it as well
21 as they should. I was in the Senate at the time
22 we passed the bill to expand the list from three
23 to ten thinking that would help. Well,

1 according to females and minorities, it did not
2 help that much because it just put that many
3 ~~more men on the list. But when you have that~~
4 veterans preference points -- I mean, you could
5 have been working there for twenty years and be
6 tops on the list, and then that knocks you
7 down. So like I said, I don't want to sound
8 like I am anti-veterans, but this is something
9 that does need to be looked into. And like I
10 said, I know I will catch it, but that's okay.

11 MR. MAX: Before you leave, I have one
12 more question. You indicated that there is a
13 list of boards and commissions.

14 MS. STRONG: It's about that long
15 (indicating).

16 MR. MAX: And for the record, I think you
17 have about a foot and a half. But let me ask
18 you this: Do you think that you can get us a
19 copy of the most updated recent list?

20 MS. STRONG: If they have one. Like I
21 said, the one that I got was done the latter
22 part of '85, the beginning of '86.

23 MR. MAX: We don't have even that, so I

1 would ask that if there is a more recent one --

2 MS. STRONG: Every legislator has one.

3 - - MR. MAX: ~~Could you tell us where we~~
4 could get that information?

5 MS. STRONG: You could go to the
6 Secretary of the Senate -- of the House. Johnny
7 Crawford, who is the Assistant Secretary of the
8 Senate, was the one that compiled it and gave it
9 to all of the senators.

10 MR. MAX: Thank you, again.

11 MS. STRONG: My pleasure.

12 MR. MAX: We will now go to Leon Kennedy,
13 who is a representative of the Equal Employment
14 Opportunity Commission.

15 MR. KENNEDY: Members of the committee,
16 unfortunately, I am not the Deputy Director of
17 the Birmingham office of the EEOC. I am,
18 rather, Leon Kennedy, and I'm Senior
19 Investigator in that office. I'm representing
20 the Deputy Director, Mr. Thomas Gibbons, who was
21 unable to attend; he asked me to come instead.

22 I have been able to sit in on
23 some of the hearings here and to listen with you

1 to some of the comments that have been made to
2 you by the various presenters of information.
3 ~~As such, I have restructured my comments. And~~
4 in line with your indication that there is a
5 time limit concerned, I will be brief.

6 EEOC, as you know, enforces Title
7 of the Civil Rights Act of 1964, as it was
8 amended in '72. We also enforce the Age and
9 Discrimination Employment Act and the Equal Pay
10 Act. I think these are the areas of my
11 enforcement that's primarily with concern to
12 this committee.

13 The Birmingham district office is
14 staffed by -- I'm not sure of these figures --
15 less than one hundred individuals. About
16 forty-five of those individuals -- and this is a
17 guesstimate again -- are investigators, actual
18 enforcement personnel, who go out and
19 investigate cases. Much of the criticism I
20 think that has been directed toward the
21 commission by my friend, for example, Susan
22 Reeves, whom I've worked with on several
23 occasions, and I understand her frustration on

1 some of the things that she's encountered in
2 terms of the EEOC's compliance efforts. But
3 ~~much of that results from the fact that I think~~
4 our agenda in investigating charges is a bit
5 different than those of an attorney or those of
6 you in this commission.

7 We are operating primarily on a
8 case-by-case basis. Over eighty percent of our
9 efforts is directed towards charges based on a
10 case-by-case basis, and this is a slow groundout
11 process. But that's enough for those comments.

12 There was much concern, also, I
13 think, about statistics from the Birmingham
14 district office. I, too, was concerned about
15 statistics, and so I sought to get some when we
16 were asked to attend this meeting.

17 Let me explain that we
18 computerized about two weeks ago, and I asked
19 for the statistics for just the first six months
20 of this year in terms of the number of charges
21 filed, whether they were based on race or sex,
22 and a number that involved State Government. I
23 think those figures are accurate; in some

1 regards, are not accurate with others. I'll
2 share them with you: The total charges filed in
3 the first six months of 1988, I have a figure of
4 one thousand one hundred and ten. The number
5 that was alleging race as a basis, I have six
6 hundred and ninety-nine. The number alleging
7 sex as a basis, I have two hundred and
8 twenty-six. Age, one of the other areas we
9 enforce, I have a hundred and eighteen. Now,
10 those figures sound like they may be okay or
11 fairly in line with what may be accurate. I
12 think we have a problem, though, when I asked
13 for the number against government -- that was
14 not just State Government; that was against
15 local government, cities, municipalities,
16 townships, whatever, in Alabama, including the
17 State of Alabama; and the figure that I was
18 given on the computer printout is four, and I
19 know that's not accurate. So I would ask you to
20 forgive and understand that we are just
21 computerizing. I assume that either the
22 operator asked the wrong question or that
23 something in the system is not yet corrected. I

1 will endeavor to obtain that information and to
2 supply it to you, since I understand we have a
3 July 15th deadline on this information.

4 I would imagine from my
5 experience as an investigator that the State of
6 Alabama -- State Government in Alabama, being
7 the largest employer in the State of Alabama,
8 that a great majority -- a great number, if not
9 a majority number -- of the charges filed
10 against -- with our office in Alabama would be
11 against the State; I just assume that that would
12 be mathematically sound. I don't know the exact
13 number, as I've indicated. The --

14 MR. MAX: May I interrupt you?

15 MR. KENNEDY: Sure.

16 MR. MAX: Are these numbers out of
17 Birmingham, or are these statewide numbers?

18 MR. KENNEDY: The Birmingham district
19 office is the State office.

20 MR. MAX: So these are state numbers?

21 MR. KENNEDY: Yes, these are State
22 numbers for the State of Alabama from the
23 Birmingham direct office.

1 And again, I apologize for the
2 fact that we don't have accurate figures. If
3 you add those up, I don't think mathematically
4 they come out to jive, so I'm going to have to
5 try to get some correct figures.

6 One other area -- I think that it
7 goes without saying that everyone here has
8 acknowledged that there is discrimination in the
9 State of Alabama and in State Government in
10 Alabama. I don't think that it would be useful
11 to repeat that. I think that what has been a
12 problem is trying to decide how to approach and
13 how to deal with that problem in the State of
14 Alabama. The Equal Employment Opportunity
15 Commission, based on its congressional agenda,
16 can only deal with certain aspects of that
17 problem.

18 First of all, in the areas of
19 appointments to boards and appointments to
20 various committees, and so forth within the
21 State, Congress specifically excluded political
22 appointees from the range of our authority and
23 jurisdiction so that the Equal Employment

1 Opportunity Commission has no authority to renew
2 the appointments, political appointments, of
3 elected officials, so that that area is
4 completely outside our jurisdiction. We are
5 left, then, with the Civil Service Merit-type
6 positions within the State where our
7 jurisdiction is clear. And that's where I would
8 imagine, and I'm positive, most of our charges
9 are centered in that area, which is a vast area
10 of concern for you-all.

11 So what to do, again, is the
12 question; what is the answer? I'm inclined to
13 believe that the solution lies somewhere in the
14 political process -- that as women and
15 minorities become more involved in the political
16 activities and in the political process they
17 will become more visible in the higher ranking
18 State positions in State Government. The Equal
19 Employment Opportunity Commission, again, as I
20 said, is limited to reviewing those charges on a
21 case-by-case basis primarily. We do have a
22 systemic unit that deals with systemic
23 discrimination, but that's not the primary

1 thrust of our office. Our people are engaged in
2 investigating individual charges of
3 discrimination.

4 I think that's most of the
5 comments that I have. I want to leave some time
6 for questions, and so forth, if you like.

7 MR. MAX: On the statistics, do you have
8 any statistics with you on the results of these
9 charges, those of which you did include and
10 those which you did not?

11 MR. KENNEDY: I don't have those figures;
12 I saw those figures. I do have -- When I first
13 asked for the information, she gave me some
14 different information. I have the figures on
15 the total charges pending in our office, and
16 that's two thousand three hundred and
17 twenty-four. And again, against Government,
18 they say one hundred and ninety-nine, and I'm
19 just sure that that figure is all off in the
20 computer.

21 To respond to your particular
22 question, though, in terms of how many cause
23 determinations, as opposed to no cause

1 determinations, I don't have that information.
2 I would suggest that those figures in terms of
3 cause determinations are low, but I think that
4 is misleading. Many of our cases are settled
5 prior to determination, so that the percentage,
6 if you looked at the number where cause was
7 determined, you wouldn't get a real picture of
8 actually how many cases where perhaps there was
9 a valid complaint being filed.

10 MR. MAX: Do you have statistics on the
11 cases that have been settled? --

12 MR. KENNEDY: I don't have that
13 information with me.

14 MR. MAX: Could you get it for me?

15 MR. KENNEDY: I believe I can; I think
16 so.

17 MR. MAX: It seems to me that we could
18 get cause and no cause statistics. If we could
19 get those settled, and by settled, I guess I'm
20 concerned with settled where the employer
21 admitted discrimination or made some sort of --
22 or there was some sort of bringing it back on
23 employment. Just statistically break it down

1 without giving us each and every one that was
2 settled. I'd like to have something meaningful
3 out of that.

4 MS. TURNER: That should be related to
5 State Government.

6 MS. WOOLFOLK: My question, to be
7 specific, is what we really -- the only thing we
8 are concerned about here, so we don't get
9 information that's not useful, is to identify --
10 I think because under government, you have the
11 instrumentality. It would be very important
12 that you name for us what it is that that
13 governmental unit does, if it's city, county, or
14 state because, otherwise, what we get will be
15 applesauce, so to make sure that you do give us
16 categories of government because state
17 government in and of itself is misleading --

18 MR. KENNEDY: Let me respond to that
19 while I still have it on my mind; I have a
20 response for that that I think is important.
21 There may be a problem with identifying the
22 charges, as such, against the State of Alabama
23 and that may stem from our confidentiality

1 requirements that are also in the Act. The
2 State of Alabama, from our perspective, is
3 merely another employer. And we couldn't just
4 give you the number of charges that we have
5 against U.S. Steel, and so I'll check on that,
6 but I think I may run into some problems because
7 of confidentiality. But again, because of who
8 you are, there may not be a problem.

9 MR. JENKINS: We are asking for figures
10 purely for government, State Government only,
11 and you'll find out that you will be able to
12 provide to us that under your Statute of
13 Confidentiality.

14 MS. WOOLFOLK: And the other thing I'm
15 concerned with is the cause of the charges,
16 whether by race or sex -- the allegations.

17 MR. KENNEDY: Many of the charges come in
18 that way -- race and sex.

19 MS. WOOLFOLK: Make sure you include
20 that.

21 MR. KENNEDY: Okay. I will make that
22 effort.

23 MS. WOOLFOLK: I would like to see the

1 numbers as far as the reasons for
2 discrimination, if possible.

3 MR. KENNEDY: They may explain why some
4 of the things don't balance out in terms of
5 numbers because some of them would be age, race
6 charges, some would be equal pay, sex, Title 7
7 charges, and so the figures may not actually
8 mathematically match up because of that.

9 MR. JENKINS: Mr. Chair, if I may -- what
10 we will do to make your job easier, we will send
11 you a letter outlining the data that we want,
12 from the chair to your director, to make it
13 simpler for you.

14 MR. MAX: Let me ask the committee,
15 earlier today we had from personnel, we were
16 given the state private population as compared
17 to the public population. I'd be interested to
18 see how the cause determinations, statewide,
19 also compared how they are being handled
20 publicly.

21 MR. KENNEDY: The percentage of cause
22 against the public employers as opposed to the
23 state?

1 MR. MAX: Just to see how the statistics
2 vary. I think that a comparison may be somewhat
3 meaningful.

4 MR. KENNEDY: If you will include that in
5 a letter to either myself or to Mr. Thomas
6 Gibbons, the Deputy District Director, I'm sure
7 that we will make an endeavor to respond as
8 accurately as we can.

9 MR. MULDROW: Basically, I guess I'd be
10 interested in how the EEOC stacks up as a viable
11 avenue of recourse for people who feel that they
12 are discriminated against; involved with that,
13 would be the ability to file complaints with
14 you. Another factor would be the process or
15 time and framework which is required to follow
16 through in resolving to the person's
17 satisfaction, a particular complaint. Could you
18 give us some idea, first of all, the time frame
19 that we are talking about? How long after it is
20 filed and what happens to it, how long would it
21 take to act upon -- just the overall?

22 MR. KENNEDY: Okay. When the complaint
23 is filed, it is assigned to an investigator.

1 the filing of the charge to closure. You have
2 administrative closure, settlement, whatever the
3 closure may be.

4 MR. MULDROW: If you determine there is a
5 finding of cause, what happens to that kind of
6 thing?

7 MR. KENNEDY: We make a finding of cause,
8 we attempt to conciliate. Conciliation is a
9 form of settlement of the charge. The
10 conciliation, the commission's thrust is that if
11 we find cause, we insist on full relief. The
12 commission is a party to those settlement
13 discussions, and we insist on full relief for
14 the aggrieved person. If that effort fails,
15 then we turn the case over to our legal
16 department, and they will make the determination
17 as to whether or not to bring suit -- excuse me
18 -- the legal department gets the case if it is
19 against a private employer. Your concern is
20 with public employees. When the conciliation
21 fails with public employees, like the State of
22 Alabama, then the case is sent to the Justice
23 Department because Justice has the enforcement

1 authority as regards to state and local
2 government. The seventy-two amendment to our
3 act gave us enforcement authority, but only in
4 terms of private employers. We can sue private
5 employers, but Justice has to do with public
6 employers.

7 MR. MULDROW: Is there a rare occurrence
8 with control as to after processing public
9 cases, and if so, what happens after that?

10 MR. KENNEDY: After it goes to Justice?

11 MR. MULDROW: Yes.

12 MR. KENNEDY: I have no idea. I assume
13 they bring suit, or they make a determination as
14 to whether or not they would bring suit by
15 whatever process they use. Our charge where we
16 make cause and conciliation fails is that the
17 case is forwarded to Washington, D.C., after
18 conciliation fails and the commission makes the
19 decision on whether or not to bring suit. The
20 thrust of this chairman is to bring suit on
21 every case where there is a cause determination
22 and there is a failure of conciliation.

23 MR. MULDROW: It's out of your hands and

1 . you don't monitor it or follow through on it?

2 MR. KENNEDY: We don't monitor it or
3 follow through on it. We have a transition of
4 authority in the Birmingham district office, the
5 last director we had in before the current
6 director, and that's about maybe a two-month
7 period of time that this transpired that
8 indicated that there would be some sort of
9 feedback to the investigative staff on what
10 happened to your case after it left you, but
11 generally that doesn't happen.

12 MR. MULDROW: Is it a rare thing that it
13 goes to the Justice Department, or is it a
14 common occurrence?

15 MR. KENNEDY: Well, if it's a cause
16 determination, it goes to Justice. The
17 percentages are part of the numbers --
18 statistics that I have to get you.

19 MS. TURNER: Mr. Kennedy, how long have
20 you been an investigator for the Birmingham
21 office?

22 MR. KENNEDY: About seventeen years,
23 since 1971.

1 MS. TURNER: To your knowledge, has the
2 Justice Department filed suit against any State
3 of Alabama agency for sex discrimination?

4 MR. KENNEDY: For sex discrimination?

5 MS. TURNER: Yes.

6 MR. KENNEDY: I'm not aware. I couldn't
7 say that it has not, but I've just not monitored
8 that, but I'm not aware of any suits.

9 MS. TURNER: Other than the U.S. and
10 Frazier racial case, do you know of any other
11 racial cases?

12 MR. KENNEDY: I was going to respond to
13 your question by saying that U.S. beat Frazier.
14 But I'm not aware of any other race suit that
15 was filed by the Department of Justice.

16 MS. TURNER: Do you know whether your
17 systemic unit has done any investigative work or
18 conciliations with respect to State Government
19 discrimination?

20 MR. KENNEDY: I'm not aware, and again,
21 I'm a foot soldier in the office, and I'm sure
22 that that information is easily, readily
23 available, but we are sort of just doing our own

1 thing in the areas we are concentrating on. I'm
2 not aware but I'm not surprised that I'm not
3 aware of it because I'm just not that involved
4 in what systemic is doing.

5 MS. WOOLFOLK: I have a question with
6 concern to the variety of cases that you have
7 had to investigate. What percentage of them
8 would you say were really State issues?

9 MR. KENNEDY: Do you mean in my seventeen
10 years?

11 MS. WOOLFOLK: Yes. Just a percentage of
12 how many cases get to your office.

13 MR. KENNEDY: Against state agencies, I
14 would imagine that twenty percent of my -- I'm
15 guessing again, but twenty percent of my
16 individual investigations have been against
17 State Government -- twenty, twenty-five percent,
18 I would think.

19 MR. JENKINS: One question. The question
20 we have asked several participants today
21 concerning State and local human rights
22 agencies: Although we don't have statistics for
23 reading, we have EEOC authority 706 referrals

1 status with some State agencies and some local
2 agencies. If you had that in this State, what
3 would that do, one, to your backlog; two, to
4 your ability to process complaints in a timely
5 fashion -- we are talking about in less than a
6 year from the time the person walks in your
7 door, if you had that intact with a state
8 agency?

9 MR. KENNEDY: I've never worked with that
10 situation. Hypothetically, I would think it
11 would greatly enhance our abilities to deal with
12 the current case load because generally they
13 filter through the state agency first and then
14 some are filtered out through that process.
15 That would reduce the inventory cases, and
16 naturally, that would have a great effect on our
17 ability to concentrate in on this individual
18 one-on-one investigation that we have to do.
19 The fewer the cases, the more effort we can put
20 into that number of cases. So, yes, a state
21 agency would be of assistance in the State of
22 Alabama.

23 MR. PARIS: In recent years, you've

1 changed your intake process?

2 MR. KENNEDY: Yes.

3 MR. PARIS: And what we are finding is
4 that now for someone to file a complaint,
5 someone from your agency makes the determination
6 as to whether this person has a legitimate
7 complaint.

8 MR. KENNEDY: I can respond to that. I'm
9 currently assigned to intake. We are rotating
10 in and out of intake. In addition to my
11 investigative duties, I'm two weeks in intake,
12 and it's horrible. But anyway, in response to
13 your question, if anyone is turned away from
14 that office who believes they have a complaint
15 who wants to file a complaint and Leon Kennedy
16 or anybody else who's currently the investigator
17 did that, they should file something or get in
18 touch with someone in our office and report to
19 Leon Kennedy because the basics of the statute
20 say that you have a right to file a complaint if
21 you believe you were discriminated against
22 because of race, sex, religion, national
23 origin. The intake person, he or she, rotating

1 in or permanently assigned to intake should
2 always make it clear to that individual that I
3 don't believe based on my experience and based
4 on what you are saying that you have anything
5 you -- television, telescope type means looking
6 down the road based on experience where we would
7 be able to prove discrimination; you have a
8 right to file a complaint if you desire to do
9 so. So even if they come in and tell you the
10 facts and those facts do not support what you
11 believe to be an action in discrimination, you
12 still have to allow them the right to file the
13 complaint. So that happens; though, I
14 understand it may happen, but it shouldn't.

15 MR. MAX: You have forty-five
16 investigators; how many are women?

17 MR. KENNEDY: Quite a few; quite a few.
18 I would think that we have one female -- we have
19 one female supervisor on a staff of five
20 supervisors. We have -- I would venture to say
21 that the staff is maybe 40/60, forty percent
22 women, sixty percent men.

23 MR. MAX: Thank you very much.

1 Let me mention at this point, if
2 you recall that in our opening remarks we
3 mentioned that if any of you who are not
4 scheduled to speak, desire to speak, that you
5 could see one of our staff. And I would say at
6 this time that if any of you in the audience who
7 are not scheduled, do want to have a moment to
8 talk, we can allow you five minutes per
9 individual. You are welcome to see Joanne out
10 at the desk outside, and we'll schedule you to
11 have a few minutes to talk to us.

12 At this time, I'd like to invite
13 to the podium Mr. Silvester Smith, the
14 Department of Human Resources, to talk about
15 State Government agencies.

16 MR. SMITH: I'm Silvester Smith. I
17 appreciate you-all inviting me here.

18 I'm with the Department of Human
19 Resources; I'm with the Civil Rights and Equal
20 Employment Opportunity office. The Department
21 of Human Resources has a Civil Rights Equal
22 Opportunity Employment office. We have a staff
23 of six -- three compliance analysts, an

1 assistant analyst, and a secretary. We report
2 directly to the commission. I'm going to give
3 you a brief overview of some of our --
4 responsibilities.

5 We are responsible for insuring
6 civil rights compliance in all programs of the
7 department; that includes all programs of the
8 department; that includes employment.

9 In relationship to employment,
10 what you are all concerned with, we annually do
11 an audit of the department -- of our department
12 to see what progress has been made from the
13 previous year. We have plans in which we
14 conduct an audit of the county departments based
15 on their size. Small county departments are
16 audited every other year unless they have a
17 twenty-five percent turnover. If there is a
18 twenty-five percent turnover, they will be
19 audited that year. Each county department is
20 sent a copy of their report, and they are
21 requested to send back to us corrected actions
22 outlining any deficiencies.

23 Let me give you a few figures of

1 progresses made within the department: The
2 department work force fluctuated from 1980 to
3 1987; however, despite the fluctuation in the
4 work force, the minority percentage of
5 employment increased each year. From 1980 to
6 1987 our department minority work force
7 increased seven point three percent. In 1980
8 minorities represented twenty-two point
9 eighty-five percent of the work force. Today,
10 which is based on June the 14th figures,
11 minorities represent thirty point seventeen
12 percent of the work force.

13 The percentage of females in the
14 work force from 1980 to 1983 increased, also,
15 but it decreased in 1984, '85, and '86. Today
16 female percentage in the work force is less than
17 one percent below what it was in 1980. But
18 despite the decrease in female percentage in our
19 work force, females still make up seventy-five
20 percent -- over seventy-five percent of our work
21 force.

22 The next area I'm going to
23 briefly speak to is utilization of the work

1 force by race and sex. The department has shown
2 some improvement in the utilization of
3 minorities in the work force from 1980.
4 Starting with 1983, the department
5 administrators, managers, and supervisors,
6 minorities represented twelve point fifty-five
7 percent. Professionals, minorities represented
8 twenty-eight point sixty-three percent.
9 Technicians, minorities represent seventeen
10 point seventy-six percent. Administrative
11 support and clerical staff, minorities
12 represented twenty-three point twenty-two
13 percent. Today minorities constitute fifteen
14 point thirteen percent of administrators,
15 managers, and supervisors. They constitute
16 thirty-three point ten percent of the
17 professional staff. Twenty-five point
18 eighty-two percent of the technicians. And
19 twenty-nine point nineteen percent of
20 administrative support and clerical staff.
21 Females, however, has decreased in all of the
22 same categories; their utilization decreased.
23 But, again, despite the decrease, females still

1 continue to represent seventy-five percent of
2 each one of these categories.

3 - I have briefly given you some of
4 the strengths of our department. We feel that
5 we have made progress in a number of areas. But
6 at the same time, we also recognize that we have
7 some problems and that we need to work on
8 correcting them. Some of those problems are
9 black employees in the executive administrative
10 managerial categories continue to stagnate at
11 the entry level. There's a lack of equality of
12 opportunity. There were forty-one
13 classifications used in our department with the
14 start in salary of nineteen thousand annually.
15 Twenty-eight, which is sixty-nine point three
16 percent, had no black employees. And of the
17 thirteen with black employees, seven had less
18 than twenty-five percent.

19 The department welfare accountant
20 directors and welfare administrators total a
21 hundred and fifty-four employees. Four of the
22 sixty-seven county directors were black. And of
23 the individuals in the welfare administrative

1 category, five were black. Even though males
2 represent forty-one percent of the welfare
3 administrators and thirty-five percent of the
4 county directors classification, department
5 heads, no black males employed as welfare
6 administrators and only one as a welfare county
7 director.

8 Females: Females who make up
9 over seventy-five percent of our work force
10 count for only twenty-five percent of our top
11 level managers; that is, divisions -- state
12 office division directors.

13 Also, during our last audit, we
14 found that there was a disproportionate number
15 of females promoted to salary ranges, '74 to
16 '81, compared to their representation in the
17 work force when they were compared to males.

18 The next question I guess you-all
19 may have is if we identify these problems, what
20 are we doing about them. We have established
21 mechanisms to monitor the progress. As I
22 stated, each county and each state office
23 division is sent an individual report; in that

1 report, by EEO category, and not only by EEO
2 categories, we take the EEOC category, we break
3 it down by race, by sex, we break it down by
4 black males, black females, within that
5 category. We compare their utilization to the
6 civilian labor force. Any area that has point
7 seventy-five percent underutilization is
8 required to set a goal. This is not in terms of
9 quotas. When I say goals, we are not talking
10 about a quota. We are pointing to the fact that
11 if your underutilization is point seventy-five
12 percent, is equal to one person. We are asked
13 that you tell us -- We ask each program director
14 to send us a report telling us what they plan to
15 do to correct the problem, what type of
16 variables they have run up against in terms of
17 trying to correct their problems. In another
18 area of addressing it is that our commissioner
19 each year -- I know you all know that the
20 commissioners change according to the
21 administration, but I'm speaking now in terms of
22 the current commissioners -- our commissioner
23 this year sent a policy statement to every

1 employee of the department and all managers, not
2 asking for their participation in correcting the
3 underutilization of minorities and females or
4 any other problem in the work force, but
5 demanding that they all must take responsibility
6 and that he would vigorously enforce. How will
7 he enforce that? It is known now that every
8 manager evaluation will include, What is he
9 doing in terms of civil rights and equal
10 employment opportunity. We have regional
11 coordinators responsible for supervising
12 counties, and it's their responsibility,
13 including their evaluation of county directors,
14 their affirmative action in civil rights
15 progress. Also he gave directions to our
16 Personnel Department to look into establishing
17 training programs that can be used on an ongoing
18 basis to familiarize agency managers,
19 supervisors, board members -- that is, county
20 board members and state board members -- with
21 equal employment opportunities practice. He
22 gave directions to require all managers to
23 consult with our personnel director before

1 making a final decision in selecting any
2 individual in any classification that shows
3 statistical parity data with underutilization of
4 minorities or females. He required all managers
5 to review their hiring and selection procedures
6 to remove any barriers identified that adversely
7 impact individuals to have an equal opportunity
8 progress. He required all managers in
9 coordination with our office to participate in
10 the recruitment of staff of any classification
11 that shows underutilization. In other words, we
12 will not -- we have made the decision that we
13 will not rely on the fact that individuals are
14 not on the register; therefore, we cannot -- is
15 a barrier to hiring. If any manager utilizes a
16 register and shows representation is
17 underutilized by any group, then they are
18 required to notify our office in writing and the
19 personnel office, and we will provide them with
20 assistance in recruitment in that area. Another
21 thing that we do, on a six month basis by each
22 classification we look at the percentage of
23 minorities and females and individuals in each

1 classification; that is by all classifications
2 used within the department.

3 I'm open for any questions that
4 you-all may have. I know that's a quick
5 overview.

6 MR. MAX: Do I understand that you, with
7 the Department of Human Resources, have a civil
8 rights division within this agency?

9 MR. SMITH: That's correct.

10 MR. MAX: Is that unique with your
11 commission, or is this in all other agencies?
12 Do they have such a civil rights department?

13 MR. SMITH: I can't speak in relation to
14 all other programs. I don't know whether or not
15 the other agencies are involved in it as ours,
16 but we have a full office responsible for civil
17 rights. To my understanding, some other
18 programs do have equal EEO offices or EEO
19 coordinators.

20 MR. MAX: Could you identify what other
21 agencies would have it other than yours?

22 MR. SMITH: I think the Highway
23 Department has an EEOC representer. Public

1 Health has a person responsible, I think, for
2 EEOC. The Industrial Relations Department and
3 the Medicaid Department, and that's about as far
4 as I know that are active.

5 MR. MAX: One last question; that is,
6 what you have found in the disparity of salaries
7 for blacks and females, what has your department
8 actually done to rectify those disparities; that
9 is, I noted the nineteen thousand dollar level
10 and how few blacks, if any, there were in
11 certain areas, or females, and that is the
12 facts, isn't it?

13 MR. SMITH: Yes.

14 MR. MAX: What has your agency done to
15 rectify that?

16 MR. SMITH: Those findings were in our
17 last audit -- our 1987 audit. To correct that,
18 the department -- the commissioner required that
19 all managers must coordinate with the Personnel
20 Department before appointing any person in any
21 areas where disparities exist. In order to
22 correct disparities in the salary range, you
23 have to correct disparities as you know in terms

1 of EEOC categories. When you correct those
2 disparities in the EEO category, you will
3 correct disparities in the salary range. And
4 what we would do is at the end of this year, we
5 would audit, again, the department to see what
6 progress has been made in those areas and see
7 whether or not the method for which we
8 established this past year was effective; if
9 not, then we'll look at other methods.

10 MR. MAX: What methods do you now have in
11 place to insure that the next person that comes
12 into a nineteen thousand dollar salary or above
13 is a Black or a female?

14 MR. SMITH: The next appointments have to
15 be made in accordance with the Personnel
16 Department. If the manager, who is selecting
17 the person in that particular area, would
18 coordinate with our Personnel Department their
19 selections. In other words, in turn, again,
20 going back to the fact that the no pass over
21 rule, which is the Frazier court order, taking
22 into consideration it does not violate the Merit
23 System policy, then we would in turn -- let me

1 back up. If there is a nineteen year annual
2 salary job, it would be posted that there is a
3 vacancy. Any minority or any other person in
4 the department will have an opportunity to
5 submit applications for that particular
6 position. The next thing, if there is a
7 minority on the register or a female -- if it
8 involves females on the register -- and it's not
9 violating the Merit System policy, then the
10 department would take aggressive action to see
11 that that person is employed.

12 MR. MAX: Do you know if that has
13 actually happened -- do you know what has
14 happened since 1987 in terms of that nineteen
15 thousand dollar salary level?

16 MR. SMITH: No. We would not know the
17 progress that we have made in that until the end
18 of this year when we monitor.

19 MS. TURNER: Mr. Smith, thank you for
20 that presentation. You are the first person
21 that we have heard that's even considered a kind
22 of goal, and I'm real encouraged. From what
23 I've heard this morning, that seems to be a

1 foreign idea.

2 I'm curious when you were
3 describing how the system works partly in
4 response to Rod's question: You stated, if I
5 understood it, that where there's
6 underutilization, they are required to report
7 efforts to correct that. Who, in the process,
8 is it, your office or the personnel office, that
9 reviews those reports to see if they have
10 complied with the commissioner's requirements?

11 MR. SMITH: Our office is. They will
12 send back to us their corrected action plan.
13 They will not wait until the end of the year to
14 make corrections. When they get the report, we
15 give them a date, generally thirty days from the
16 date of the report to reply back, setting out a
17 plan to correct any deficiencies, and our office
18 is responsible. Generally, the goals to the
19 counties is set-up on a two-year period of time;
20 some are set-up on a three-year period,
21 depending on the turnover rate.

22 Our office monitors all
23 promotions, transfers-in, re-allocation. We

1 monitor all phases of employment activities in
2 terms of civil rights. We would know whether or
3 not there were opportunities available to
4 correct any deficiencies in terms of
5 classifications.

6 MS. TURNER: According to your analysis
7 of underutilization, are Blacks underutilized as
8 administrators and managers?

9 MR. SMITH: In the overall category, no.
10 Compared to the civilian labor force, they are
11 not. In fact, there are utilizations above the
12 civilian labor force. However, again, as I
13 mentioned, we not only just stop with the
14 overall utilization; we break ours down to look
15 at it in terms of given levels in each category
16 starting with executives and administrators. We
17 break those down into two or three different
18 levels.

19 MS. TURNER: I don't recall -- I know
20 that at least in Mobile County, where I'm from,
21 there's a welfare board; does the State name the
22 welfare county director, or is there a local
23 process that's involved in that?

1 MR. SMITH: Currently, the law requires
2 that each local county department -- each local
3 county commission appoints their county
4 director. Each county -- there's a county board
5 in all sixty-seven counties. We have a State
6 board; each local county board appoints the
7 director in that particular county. To correct
8 the problem in the areas relating to county
9 directors, we have coordinated that with county
10 boards, and there's an ongoing thing now with
11 our Personnel Department. Regional coordinators
12 who are in the counties at all times report
13 directly to the commission to work with county
14 departments in selecting individuals for county
15 directors.

16 MS. TURNER: Do you have with you the
17 information about how many county directors are
18 women?

19 MR. SMITH: Give me just a moment.

20 MS. TURNER: You can give it to me
21 afterwards if you like.

22 MR. SMITH: Okay. If I don't have that
23 figure with me here, I do have the figure in the

1 office.

2 MS. WOOLFOLK: I have a question. It
3 does appear that your system is working well
4 with respect to pointing out and tracking
5 minorities and women in the work force and that
6 that system is imposed in-house; that is, your
7 director and staff has assigned this system and
8 monitored it. Where internal, to you, is there
9 any accountability or any pressure -- suppose
10 you didn't want to carry out the duties that you
11 are now carrying out in your EEO plan, is there
12 anybody else to tell you what sort of plan you
13 have to impose?

14 MR. SMITH: Well, the only thing I say in
15 relationship to my office is that that is my
16 job; if I don't, then that means I will no
17 longer be employed.

18 MS. WOOLFOLK: So in your department,
19 it's Commissioner Hornsby's assistant, so it's
20 coming from commissioner Hornsby, and it isn't
21 coming from external sources to your
22 department?

23 MR. SMITH: I understand, now, what you

1 are asking. Right. In other words, the
2 directions that I receive come from Commissioner
3 Hornsby. Speaking in relationship to whether or
4 not he gets any direction from the State board,
5 I don't know.

6 MS. WOOLFOLK: Because the curious thing
7 is that you are a department with a bunch of
8 others, and yet, you have a very sane approach
9 to looking at the problems, and the others
10 apparently don't, and that's intriguing. I
11 don't know what to make of it.

12 MR. PARIS: It appears here -- perhaps
13 it's been addressed by Odessa -- that your
14 department is head and shoulders above the rest,
15 and the information and processes and
16 experiences that you have gained here, is that
17 knowledge being transferred to other State
18 agencies so that they could maybe do a similar
19 thing or the same thing that you are doing?

20 MR. SMITH: We are open to share with any
21 agency what we are doing; at the same time, we
22 are also open to get from other agencies, which
23 we attempt to do, including the federal

1 government, information that can enhance our
2 program, so at anytime we are open -- that is my
3 goal commitment, and I have gotten support from
4 the commissioner that he is fully in support of
5 my contact and any source that I can to improve
6 the program in any area. So we are open to
7 share information as well as to receive
8 information that can enhance our program.

9 MR. PARIS: Is there a structure that you
10 know of that would mandate some type of action
11 response from agencies at your same level to
12 implement a program similar to yours?

13 MR. SMITH: Other than the requirement in
14 each department to have an affirmative action
15 plan; and in having an affirmative action plan,
16 it means that you must monitor -- they have
17 mechanisms to monitor that plan. In terms, if
18 there's another State agency that says to Human
19 Resources, You must do this; no, not to my
20 knowledge. Again, I will say, unless it's
21 coming from our board, it would be the
22 commitment of our commissioner. And I guess the
23 department commissioner would have to make that

1 commitment. I couldn't address the other
2 program areas.

3 MR. MEANS: Mr. Smith, I keep hearing
4 today that each department is talking about
5 private sector and they are measuring how many
6 Blacks, how many females is in these positions.
7 Is that the only criteria that you are using to
8 determine the private sector?

9 MR. SMITH: Do you mean the civilian
10 labor force?

11 MR. MEANS: Yes.

12 MR. SMITH: Yes. You have the civilian
13 labor force data. However, we use the civilian
14 labor force data -- again, our goal is not to
15 reach what is required by the civilian labor
16 force and stop there. It is required that each
17 year there be an audit of the progress that is
18 made. In other words, if you meet the civilian
19 labor force requirement, and there are so much
20 turnovers in our department, we monitor the
21 individuals who are certified and appointed from
22 the register; we come back with re-employment --
23 who transfers in, who's upgraded. If adverse

1 impact is shown in any of those areas, then we
2 address it, despite the fact that you may be
3 above even civilian labor force. We monitor
4 what you do that year in terms of whether or not
5 there is adverse impact in your selection
6 range.

7 MR. MEANS: So what you are telling me
8 now is that your department is taking the lead
9 in implementing these --

10 MR. SMITH: I don't want to say that we
11 are taking the lead. What I would like to say
12 is because not knowing exactly what's going on
13 in the other departments -- what is actually
14 going on in the other departments, I'd like to
15 say that we are committed -- our department is
16 committed, and we have also made it known that
17 we are committed to working with any other
18 department in terms of enhancing our -- in
19 working with other departments, we will enhance
20 our program, and we don't make that a secret in
21 terms that we are willing to work with any other
22 department, let them share our ideas -- share
23 the ideas that they might have, and we'll share

1 the ideas that we have.

2 MR. JENKINS: Just a couple of questions
3 to follow up on Mr. Paris's comments. As a
4 measure, quite a few State agencies -- states in
5 the region that encompasses my areas have by
6 executive order to coordinate affirmative action
7 coordinating committees, and those affirmative
8 action officers and civil rights analysts from
9 various State agencies to come together once or
10 twice a month to come in and talk about various
11 problems, has a way of networking to see what's
12 working with the agencies, whether or not that
13 could be transferred to other agencies; and that
14 could be something that you could take on as an
15 initiative with the other states. But as a side
16 to that, in talking about your compliance
17 efforts and paper compliance with some of the
18 State directors, the county directors, and the
19 various divisions within your State agency, have
20 you met with resistance from some of the top
21 level executives in trying to get cooperation,
22 and whenever you file a deficiency by
23 departments, how much paperwork goes back and

1 forth until you finally get that department of
2 that particular division into paper compliance?

3 MR. SMITH: The degree of resistance -- I
4 guess it's a little hard for me to measure there
5 in that my office reports directly to the
6 current commissioner, and because I report
7 directly to the commissioner, efficiency seems
8 to be filing our reports to the commissioner.
9 And after reporting it to the commissioner,
10 corrected action that we set out for each
11 manager goes out under his direction; and,
12 therefore, the resistance that a manager would
13 have would be like a supervisor telling his or
14 her boss that they are not going to go along
15 with what he has given. I don't know what kind
16 of resistance; maybe if it was coming from me
17 without his support, maybe there would be some
18 strong resistance.

19 MR. JENKINS: When you notify your
20 commissioner that X division is not in
21 compliance, then it goes over that person's
22 signature back to that division. What comes
23 back to you to insure that that particular

1 division that you found had deficiencies was in
2 compliance then?

3 MR. SMITH: When we find the
4 deficiencies, when it goes to them, they get a
5 corrected action -- we give them the response
6 back with a corrected action plan. In other
7 words, all deficiencies that we found this year,
8 we sent to them, and we will give them the date
9 that they must respond back.

10 MR. MEANS: Now, in following that, each
11 year you conduct an audit. How many of those
12 divisions that you found the same deficiencies
13 year after year, after you come back to paper
14 compliance, Sure, we will take corrective
15 action, do you begin to monitor or do you go on
16 to other divisions to take a look to see what's
17 going on as opposed to sticking with that
18 department and working with that department?

19 MR. SMITH: Any program that we monitor,
20 if there is a deficiency, we stay with them
21 until it's corrected. In other words, each --
22 the analysts are assigned counties; and if, for
23 some reason, their goal is two years to have a

1 particular deficiency corrected, if not
2 corrected in those two years, there must be
3 valid reasons, barriers, that prevented it -- no
4 turnovers. If that is not the case, then we
5 take the next step, I guess, in terms of
6 progressive discipline.

7 MR. JENKINS: Has that ever occurred?

8 MR. SMITH: Yes.

9 MR. JENKINS: What happened?

10 MR. SMITH: In terms of those areas for
11 which we have found the deficiency corrections
12 have been made?

13 MR. JENKINS: Any disciplinary action
14 against a particular supervisor for not going
15 through with a good-faith effort.

16 MR. SMITH: We have not had one to do
17 that. I could not get into the mind of an
18 individual, and as you know, civil rights laws
19 only tell you what is right and what is wrong.
20 Attitudes really make the progress, and I don't
21 know whether we are making our progress because
22 the attitude is that everyone wants to
23 cooperate. When you are dealing with a large

1 number, I doubt you will have a hundred percent
2 of everyone that wants to cooperate. But the
3 fact that we can achieve our goals, then if it
4 means that we have to put the pressure there,
5 then the pressure will be put, but, hopefully,
6 we try to get cooperation through other
7 channels. We will sit down and work with you
8 and try in every way; that means training with,
9 if necessary.

10 MR. JENKINS: Do you have a standard
11 training program for supervisors and managers
12 regarding affirmative action requirements?

13 MR. SMITH: We do not have one -- we do
14 not have one right now in-house, other than
15 general civil rights training -- we train in
16 areas of general civil rights in-house, but our
17 managers are required to participate in outside
18 training. Now, that is one of the goals that we
19 have also set for this year because we saw a
20 slack in terms of participation in those types
21 training.

22 MR. MAX: Thank you, Mr. Smith. Now, we
23 will hear Jane Weeks, Director of the Indian

1 Affairs Commission.

2 MS. WEEKS: Thank you.

3 I'm going to tell you some
4 interesting things today and some startling
5 things, and then I'm going to raise some issues
6 with you.

7 I will begin by giving you my
8 foremost credential in Indian country is that I
9 am now a grandmother, an Indian's rever elders,
10 so watch it, group.

11 The other thing you need to know
12 is that my commission did not discriminate
13 against me; I did not go to college until I was
14 forty. I went to the school under the federally
15 insured student loan and raised four children
16 and sent three of them to college, and Odessa
17 was one of my mentors. And I was recruited to
18 UAB because I was a female, and I was an old
19 lady with children and had never been to college
20 before. I married when I was sixteen; I married
21 my high school sweetheart and then got traded
22 for a newer model when I was thirty-five. Now,
23 if you want to know what this has to do with

1 Indians, it has to do with the fact that when my
2 commission was formed, they did not discriminate
3 against me, the minority vote on my commission
4 is eight Indian, and I am a White female, and
5 I'm at the present time fifty years old, and
6 they have retained me for the last four years.
7 And for all practical intents and purposes, I am
8 the second female department head in Guy Hunt's
9 administration. They don't call me a department
10 head because he didn't appoint me; the Indian
11 did. I serve at the pleasure of my board. I
12 was appointed in the middle -- I was chosen in
13 the middle of Governor Wallace's administration,
14 and I'm still there. And I'm a commission and
15 not a department of government, and thank you
16 for not listing me as the Bureau of Affairs.
17 They tried to kill all my people, and I'm trying
18 to save them.

19 I'll give you some basic
20 statistics. When Europeans first arrived on
21 this continent, as now known, the United States
22 of America, approximately one million human
23 beings, who became known, and thus named, as

1 Indians. By nineteen hundred, due to disease
2 and warfare, they were on a high count -- and
3 those of you who are historians know about this
4 -- the high count is approximately three hundred
5 thousand of our people left. Only today with
6 the last census do we document, again, about a
7 million and a half people. Indians live in
8 every state in the union and only less than
9 twenty-five percent live on reservations. Most
10 Indian people do not live on reservations, and
11 almost half of all of the Indians in the United
12 States today live in urban areas.

13 In 1984 the Alabama legislature
14 established the Alabama Indian Affairs
15 Commission to serve the needs of the Indian
16 community of the State, and what I believe might
17 have been one of the most important acts of
18 state government in the last fifty years. You
19 see, American Indians in Alabama are Alabama's
20 invisible minority. I came to this conclusion,
21 not because of the history of the State in
22 dealing with its minority population, but
23 because of the history of this State in dealing

1 with one of its minority population.

2 When I came to Montgomery to
3 establish the office of Indian Affairs, I
4 naturally turned to the following areas to
5 correlate data about the people that I had been
6 chosen to represent: The Census Bureau, the
7 Department of Education, the Personnel
8 Department, and the office of the Secretary of
9 State; that was just a few. You can imagine my
10 amazement when I was advised that the census
11 listed the number of persons in Alabama in 1980
12 that were American Indians and slightly less
13 than eight thousand. Ladies and gentlemen, my
14 tribal roles have over fourteen thousand Indian
15 families.

16 Because of the mandate that the
17 federal court orders targeting the maltreatment
18 of Black citizens, the only records kept by the
19 Personnel Department and the Secretary of State
20 -- and of course, the Secretary of State would
21 be registered voters -- about minority persons
22 with the numbers of Black citizens that had been
23 accommodated by their respective groups. Please

1 understand that they weren't singling out the
2 Indians; they were simply ignoring their
3 existence. And because of the laws of the
4 nation and of this State and the court order, I
5 cannot, as the director of Indian Affairs,
6 request and receive an all-Indian for staff the
7 service of Indian people. In fairness, since
8 the time in this system -- since that time, the
9 system and I have both learned to cope with the
10 presence of American Indians in Alabama, but as
11 I continue this presentation, I'm sure that you
12 will understand much, much more needs to be
13 addressed. Because you may not be familiar with
14 the peculiar manner in which our local, State,
15 and federal governments deal with Indian people,
16 let me give you a quick lesson. American
17 Indians, ladies and gentlemen, are the only
18 minority, to my knowledge, in the United States
19 of America, who, in order to claim their
20 minority status, must complete a geneology
21 report that's known as a pedigree chart -- does
22 that sound animalistic to you? And they must be
23 certified by a tribal government. In other

1 words, to claim their minority status, they must
2 be card-carrying Indian. This one fact affects
3 all aspects of their life, and most
4 particularly, their employment. For, you see,
5 no minority preference can be extended without
6 this card and this certification. And because
7 of the fact that many of them do not look Indian
8 enough to satisfy an interviewer, they cannot
9 avail themselves of what is theirs by their
10 birth. The premise here is that if you are
11 Black, anyone can tell by looking at you; and if
12 you are hispanic, anyone can tell by looking at
13 you -- or by the funny way that you talk.
14 Ladies and gentlemen, I am repeating to you
15 words that have been repeated to me or to the
16 persons that I represent; in other words, what
17 you know and I know as discrimination.

18 With small business
19 entrepreneurs, who are American Indian, apply
20 for certification from the government for
21 minority contracting privileges. It becomes
22 almost impossible to document social and
23 economic disadvantage because in that arena it

1 must be, quote, personal; and I have a copy of
2 that form for you to see.

3 ~~Ladies and gentlemen, it has been~~
4 the official policy of the United States
5 Government in Washington since 1830 that there
6 are no Indians east of the Mississippi River. I
7 don't know how much more personal you can get
8 than that. And, of course, I know that you, in
9 your position, know that American Indians did
10 not have the vote until 1924, two years after
11 women got it.

12 Another important fact to know is
13 that the government in Washington does not
14 afford equal status to the tribal governments of
15 our people. American Indian governments fall
16 into two very distinct categories: The
17 federally recognized tribal government, which
18 was assigned in the federal arena as sovereign
19 dependent nations. They enjoy a special
20 government-to-government relationship with the
21 U.S. Government. Their lands are generally
22 small islands of tribally administered
23 communities where local and state laws seldom

1 apply except by the consent of the tribal body.
2 The pointing case is the South Alabama Bingo
3 ~~Operation, and that's operated because they are~~
4 as a tribal reservation, and there are no gaming
5 laws in the federal arena; we have no oversight
6 on that. Alabama has one such tribe which was
7 granted this unique status after thirty-five
8 years of applying -- petitioning -- and was
9 finally recognized in '84, about four months
10 after the formation of our commission.
11 State-recognized tribal Government's are
12 considered sovereign governments by the State of
13 Alabama only. Many states do afford this status
14 to tribes; Alabama recognizes seven such tribal
15 governments. Now, in that count, folks, I'm
16 including the Porge Creeks, the federal people,
17 because they were recognized first by the State
18 of Alabama and then achieved federal status. In
19 special instances, most notably in the field of
20 education, recognition is granted from the
21 federal arena for special programs to the state
22 recognized tribal bodies. Just over eight
23 thousand Alabama children are educated in

1 special Title 4 Indian education programs in
2 eleven educational systems in Alabama. That is
3 ~~federal money that goes to a local education~~
4 system specifically to service Indian children
5 who are being taught in the public arena; and
6 that is a very unique situation.

7 There is no one definition of
8 what is an Indian. Each piece of federal
9 legislation carries with it upon its passage of
10 what will be an Indian for the purpose of that
11 particularly legislating program. This isn't
12 in the printed things some of you are reading
13 with me, but I want you to understand something,
14 too, that an American Indian person is an
15 American Indian person. The term Native
16 American is no longer a good designation to use
17 for the American Indian person; Native American
18 is too generic a term. In 1974, by an act of
19 Congress, the term Native American was broadened
20 to include all persons of aboriginal extraction,
21 and that meant the persons of Hawaii and
22 Alaska. You know, when I was a little girl and
23 we studied geography, Alaska and Hawaii were not

1 States; they came into being, what my children
2 like to tell me, in the dark ages. Anyway,
3 ~~prior to that time, all legislation was~~
4 beautifully called, and I'm sure that the
5 persons of color on this Commission can relate
6 to this because as a young, young girl my
7 grandmother had me to address the Black people
8 that we knew as Negroes because she thought that
9 was the preferred term. Well, it used to be
10 that you called Indians Native Americans; that's
11 too generic because Native American means more
12 than Indian now, and I only represent American
13 Indians. I wouldn't turn away a Native American
14 person, though; I want to assure you.

15 Now, how does all of this affect
16 Indian minority employment rights? Because some
17 of the programs established in the federal
18 government target only federally recognized
19 people. In other words, no state recognized
20 tribal people are expected for the special
21 federal contracting programs and so forth. Many
22 times American Indian people find themselves in
23 competition, not only with their Indian

1 counterparts, but with other minority persons,
2 most notably Blacks and Hispanics. I do not
3 believe this was ever the intent of the law,
4 which was passed to overcome the inequities of
5 our system of government. When I cautiously
6 explored the possibilities, I was told that the
7 quickest remedy was to sue in a federal court
8 because without the mandate of a court order,
9 preference would only be given to Blacks, other
10 minorities, because they were being acommodated
11 under prior federal court orders. Indian people
12 have no such resources, and they do not believe
13 in opposing the system to receive what is theirs
14 by legislation.

15 Not the least of their employment
16 problems and certification problems is their
17 identity -- their birth record. It must be
18 remembered that it was perilous to admit to an
19 Indian identity in the face of the prospect of
20 force removal to Indian territory, which was the
21 thrust of the Indian Removal Act of 1830. As a
22 result, many Indians avoided removal and did so
23 by retreating to isolated settlement, which

1 escaped the attention of federal authorities
2 charged with their banishment from this area.
3 ~~Still, others remained on marginal lands and~~
4 because of the racial attitudes of their White
5 neighbors, were racially reclassified using such
6 terms as Malatoes, Mixed, and Persons of Color;
7 a few properous and other less properous, Mixed
8 Bloods or Half Breeds, who resembled their White
9 neighbors, melted into the dominant society of
10 the time.

11 Records of the state and federal
12 authorities, following Indian removal, offer
13 rugged disparate characterizations of this race
14 of Indian people. The problems created by these
15 characterizations continue to be present today.
16 These Indian families, and we have some in South
17 Alabama and all over, but, particularly, I am
18 reminded of that because we have one tribe that
19 has just gone for federal certification, and in
20 filling out the pedigree charts, this is what
21 they found -- I'm going to tell it to you
22 because it was hard to write it to you to make
23 you understand -- and I ask if I could make a

1. case of this, and the mothers here will
2 understand why not -- An Indian man and woman
3 ~~came to see me when I was doing some field work~~
4 in South Alabama. They have been married for
5 almost sixty-five years. Three of their
6 children have Black on their birth record.
7 Three of their children have White on their
8 birth record, and three of their children have
9 Indian, and that is not a particularly
10 promiscuous group of people, no matter what you
11 have read in dime-pocket novels.

12 The problem you see was the fact
13 that in certain areas, because of the bigotry of
14 administrators and even doctors who delivered
15 babies, babies didn't get identified correctly;
16 and, so, if a baby looked dark and had very
17 curly hair, he was labeled a Negro. And if he
18 was light-skinned and was acceptable to the
19 person that was making out the birth record, he
20 became White. And later, as things began to get
21 better, because of commissions like yours, they
22 could claim their Indian identities. I have
23 lots and lots of Indian people who have White on

1 their birth certificate and cannot get Indian on
2 their driver's license.

3 ~~In summary, let me tell you quite~~

4 frankly that I have all of the questions and
5 very few of the answers. A person with a higher
6 education, who is a parent, and what I think is
7 a productive member of American society, and a
8 new grandmother, I have been appalled at the
9 level of non-existence of American people in
10 Alabama government and the experience that I
11 have found in the national arena as well. I
12 don't understand when an Indian entrepreneur
13 calls me to tell me that a field representative
14 for a federal certification program has told
15 them that only Blacks will qualify for this
16 program, and this has been reported as said by
17 both Black and White field personnel. Now, the
18 next question is, Why didn't I do something
19 about it? Because nobody was present to hear
20 the conversation except the two parties. I
21 don't understand that after meeting with the
22 department of State Government in Montgomery,
23 that it was created to help minority business

1 men and women, no invitations or inclusions are
2 made for Indians routinely when minority
3 ~~conferences are held. I don't understand when~~
4 newspapers and news media cast out on the
5 identity of the citizens of Alabama because they
6 have recently documented a heritage which was
7 theirs by their birth right and denied them
8 because it was hazardous to their health to do
9 so. That's right; there was a time in our
10 nation's history when it was legal to kill
11 Indian people. And if they were found, they
12 were dispossessed of all they owned. You know,
13 of course, that the original Indian territory,
14 which became the United State of Oklahoma, the
15 largest populations of Indian people there are
16 Cherokees, Choctaws, Chickasaws, Creeks, and
17 those are the native peoples of the State of
18 Alabama. Tribal governments continue to
19 identify and prove heritage for Indian citizens
20 of Alabama because it is a privilege under the
21 legislation that we have and because it is their
22 birth right. The 1980 census document was
23 flawed and data gathered from its use was highly

1 inaccurate, not only for Alabama, but for all of
2 the southeastern states. The entire Nookasuiki
3 ~~reservation in Florida was never counted and is~~
4 not included in the 1980 census document. We
5 are working presently with the U.S. Census
6 Bureau, not only to educate our State, our
7 educational systems will help us there with the
8 children by sending information home, and our
9 own people will know how to identify in the 1990
10 census. A report just released from the
11 National American Indian Counsel in Washington
12 reveals that the 1980 census document, entitled
13 Ancestry of the Population by State, comma,
14 1980, lists Alabama as having one hundred and
15 sixty-five thousand four hundred and sixteen
16 persons in her boundaries in 1980 who identified
17 themselves as persons of Indian ancestry. This
18 means that the potential for an organized Indian
19 community to reclaim their lost members is quite
20 high; this does not mean that these are new
21 Indians, nor does it mean that the persons who
22 wish to claim their ethnic heritage have lied.
23 It simply means, thanks to this commission, and

1 other people like you, that our people can now
2 claim their birth right, establish their
3 ~~cultural and social ties, and move into the~~
4 twenty-first century with many of their unique
5 privileges and customs reclaimed. This also
6 means that in all of the many hundreds of years
7 in which the Indian community has interacted
8 with European communities, who came to this new
9 and wonderful country, who enter a marriage,
10 many of our people are not likely to look
11 Indian, and because of their blood quantum being
12 diminished for the several hundred years of the
13 interaction, it does not diminish their need to
14 claim their ethnic heritage, their pride, or
15 their rights.

16 I've given you a lot of
17 information. I've given you some statistics
18 behind the yellow page in the document that I
19 handed you, and I have affixed this appendices
20 with present data. I make no apologies for the
21 lack of data; I tried to get it. There simply
22 isn't any except for what I know by word of
23 mouth and through the tribal interviews. But

1 I'd rather stand here today as an indignant
2 representative of the original citizens of this
3 state and nation, of minorities, who is less
4 than one percent of the total population of this
5 State, and I ask that you document my words and
6 some of the information that I have brought you
7 with the sure promise that the next time you
8 meet, both you and I will have more to share.

9 I will tell you that I made an
10 index of the appendices because there is
11 something here that is very interesting, and I
12 would also share this with you. I probably
13 would not have made this presentation myself. I
14 have a young lady on my staff who is a Choctaw
15 Indian from Alabama, who was educated in
16 Oklahoma, but came home to help her people. She
17 works for me. She is the Tribal Development
18 Coordinator in my office, and she runs a program
19 that I love; it's called TERO, and people with
20 EEO and the Civil Rights Commission should know
21 about that because it is a Tribal Employment
22 Rights Specialist, and we renamed it, so it
23 wouldn't seem so threatening to potential

1 employers -- we called them Tribal Economic
2 Resource Officers. Alabama runs the only
3 ~~program in the nation with volunteer TERO~~
4 officers. Six tribes participate and they are
5 volunteer officers. And when you get to that
6 section back here, you will find that we took a
7 thirty-five thousand dollar federal grant,
8 stretched it nineteen months, and produced
9 almost a hundred thousand dollars in
10 statistically provable economic development,
11 including some jobs and a tribal development
12 project in South Alabama. We also got a
13 livestock program going with the Coalition for
14 the Hunger -- the National Coalition for the
15 Hunger.

16 I've also given you statistics
17 about Indian children and a little map where
18 some of our Indian people.

19 In doing what we have done,
20 although we have been in place four years,
21 please understand for good reason that Indian
22 people are very fearful of government; it is not
23 easy to accumulate word-of-mouth data from

1 them. We have just now really begun to get
2 statistics that I feel very comfortable giving
3 you. ~~Nobody, not even me for sure, but mostly~~
4 me, if there is anything close to an Indian
5 expert about modern day Indians -- I'm not an
6 archeologist -- in Alabama, I probably am it.
7 And I probably have the closest count to how
8 many people we have presently enrolled in
9 Alabama. We are presently forming, and you'll
10 see this in the appendices, a small business
11 association for Indian entrepreneurs and have
12 identified about a hundred and eighty-five small
13 business operators who are Indians, who are
14 card-toting Indians, and who operate within
15 Alabama. Our goal is to eventually expand this
16 so that they can meet and hold workshops, and so
17 forth, as you will see this in the
18 presentation.

19 We began by holding a lot of
20 hands and feeling very bad. We feel pretty good
21 about what we've done. We always sweat the
22 legislative agreement because we are never well
23 funded. And you have to know that when we apply

1 for grants in the federal arena, the old hoof
2 that there are no Indians east of the
3 ~~Mississippi always comes back to haunt us.~~

4 I'll be glad to answer
5 questions. You've been very patient, and I
6 thank you.

7 MR. MAX: Thank you, Ms. Weeks.

8 Any questions?

9 MS. WOOLFOLK: I was talking briefly to
10 Jane about employment and about the Merit System
11 and wanted you to comment on the conversation
12 that we had about how you can bring people into
13 the system without violating --

14 MS. WEEKS: If you remember, I made a
15 very definite statement that I am specifically
16 prohibited from exercising any preference in my
17 office; in other words, restricting my office
18 staff to Indians. You understand that some of
19 our people are quite elderly, and they respond
20 easier to other Indians.

21 There is in place in the State of
22 Alabama a mechanism that -- the reason I hate to
23 mention it is because it gets misused; everybody

1 . knows it gets misused -- but it is a wonderful
2 mechanism, and I hope to goodness that it is
3 ~~never taken away because it helps small boards~~
4 and commissions like mine. It is the right to
5 have a Personal Service Contract. I could not
6 look at the register and pull an Indian from the
7 register; not because I wouldn't. I mean, I
8 want y'all to know I tried. I won't even tell
9 y'all the funny things that happened to me on
10 the way to here four years ago. But what I
11 discovered was that by utilizing a Personal
12 Service Contract that I could have an Indian
13 person, and Darla Gray is the young woman we
14 spoke of, who, in fact, is this week in Denver,
15 Colorado, attending an EEO conference for the
16 TERO program, is the young lady that I chose;
17 and I interviewed only Indian applicants -- you
18 need to understand that -- for the very reason
19 that I have given you. And I was allowed to
20 give her a Personal Service Contract, and that
21 allowed me to bring her onboard with this
22 federal funding. Now, we are not using State
23 dollars for that; it was federal money. But I

1 was allowed to bring her on and have
2 subsequently discovered some other funding and
3 ~~have been able to keep her on in a little better~~
4 than two years now, so I do have her. And last
5 year, because the needs of my commission are
6 very peculiar, you can't just walk out there and
7 say, Give me a grant writer, because Indian
8 grants are not like -- believe me to God, they
9 are not like anything you have ever seen -- so I
10 needed somebody with the expertise, and the Good
11 Lord just sort of let little Russell wander my
12 way, and so I have a cultural specialist that I
13 have under one-year contract, and I got him that
14 way. They are not on the register, and there
15 was no intent of me to avoid, if I could some
16 day call and say, I want to do a register for a
17 tribal government specialist and they can give
18 me one who knows about Choctaws, Chickasaws
19 Cherokees, et cetera, then, you know, we'll all
20 know that you have done your job, and I will be
21 in hog, heaven. But until that time, I have used
22 some Personal Service Contracts, and that's the
23 way -- and I understand that others do it, and

1 they do it in a much more grandiose scale than I
2 do.

3 ~~MS. LUCERO: Do you have any information~~
4 whether any Native Americans have been appointed
5 to boards of commission?

6 MS. WEEKS: No. Nobody can tell me --
7 the way I know about anything that happens to
8 American Indians is -- oh, I do want to tell you
9 that I have one lady chief -- that will save me
10 -- we do have one lady chief; the Mosheese Creek
11 is a female.

12 The answer is no. I do know that
13 during the Wallace administration, Mrs. Wright
14 served on the Advisory Committee for the
15 handicapped, and I do know that all Indian
16 persons who have ever been appointed that I know
17 anything about were appointed as advisory
18 members and were never in decision-making
19 capacities on boards or commissions. They were
20 never in what you call the mainstream. They
21 were window dressing because somebody called and
22 complained.

23 MR. MAX: Thank you very much.

1 MS. WEEKS: Thank you.

2 MR. MAX: The next speaker is Colonel Tom
3 ~~Wells, Director of the Department of Public~~
4 Safety.

5 MR. WELLS: Thank you. I spoke briefly
6 on the phone once or twice, or maybe more than
7 that, in previous months with Mr. Muldrow; it's
8 nice to see you in person.

9 I wanted to talk with you a few
10 minutes about the Alabama Department of Public
11 Safety, in which I'm the Director.

12 The Department of Public Safety
13 is a service organization of approximately
14 twelve hundred and fifty personnel, both
15 civilian and sworn officers. It's a department
16 that's divided into five main divisions; the
17 three most visible, from the public standpoint,
18 are the Alabama Highway Patrol, the Alabama
19 Bureau of Investigation, and the Alabama
20 Driver's License Division, where all of the
21 licensed drivers' records and testing are
22 handled.

23 The Alabama Department of Public

1 Safety is very positive and progressive at this
2 time in our employment and future career
3 ~~opportunities for women and minorities in both~~
4 law enforcement and civilian career tracks. We
5 are proud to reach the advancements that we've
6 made and our continuing efforts in this area,
7 and I welcome the opportunity to share some of
8 these with you today.

9 Since February of 1987, the
10 Department of Public Safety has taken a very
11 positive and aggressive attitude towards
12 employment of minorities. Since that time, we
13 proposed a settlement in the sixteen year old
14 federal lawsuit regarding minority hiring, and
15 the court accepted this settlement. Now, the
16 court's consent decree is in effect, and we are
17 well in the early stages of implementation of
18 that. This resolution, the court decree, has
19 been a major step forward in the department's
20 fulfilling its mission due to the overwhelmingly
21 positive result for individual officers and for
22 the department as a whole, as we move into this
23 decree and settlement.

1 The promotions that have followed
2 have unclogged the works and have set the wheels
3 of career development in motion once again. We
4 now can make the necessary promotions to fill
5 our supervisory positions that have been vacant
6 for extended periods of time over recent years.
7 This is a real benefit, not only to the
8 department, but to all of those on boards who
9 are looking for and desire a promotion as they
10 carry through in their careers. The effects of
11 the entire department's moral has been immediate
12 and positive as we move into this decree, or
13 settlement decree, and we believe that the
14 attitudinal factors that this has created cannot
15 be under-valued for all personnel in the
16 department.

17 The major objective of this
18 department regarding the careers of minorities
19 is not to deal simply with reaching a certain
20 numerical goal, but rather it deals with
21 enhancing opportunities for training and career
22 development that will provide all minority
23 employees the opportunity to reach their full

1 potential as employees of this department. We
2 believe the procedures are working, and we are
3 ~~approaching this objectively. We also believe~~
4 that it will be longstanding and will continue
5 on, once we get on the way and to the point
6 where we are able to ask the court for relief
7 from the court suit and that we have carried out
8 all of the objectives in the settlement. We
9 don't believe it's a temporary fix; we believe
10 it is permanant and ongoing; it will remain that
11 way.

12 Until the settlement decree of
13 February the first, 1988, this department had
14 few supervisory employees that were a minority,
15 primarily Black, that we deal with in this State
16 as far as minorities. We have no Black
17 lieutenants. Now we have Black officers filling
18 the supervisory ranks of corporal, sergeant, and
19 lieutenant. This has all come about within the
20 last three or four months. We anticipate seeing
21 Black officers in the higher ranks as we move
22 through the next two-year period. More than
23 thirty-five percent of the arresting officers in

1 the entry level are Black; that means troopers
2 that are non-supervisory. There are more than
3 ~~twenty-nine percent of all Alabama State~~
4 Troopers that are Black.

5 The training and career
6 development programs that we are developing and
7 implementing will enable these entry level
8 officers, as well as all other officers, to
9 reach their potential and fill future
10 supervisory and leadership roles within the
11 Department of Public Safety. Complementing
12 these programs is a newly updated and expanded
13 equal employment opportunity effort that is
14 coordinated by a State trooper sergeant with
15 executive oversight by the assistant director of
16 this department. The EEO program has been
17 extended department-wide to serve and provide
18 training for all employees, both arresting
19 officers and civilian, and operates with the
20 guidance of a departmental advisory counsel. I
21 might back up just a moment, and you may say,
22 Why is this coordinated by a sergeant and not a
23 higher rank. In our department, the rank of

1 sergeant is a high rank. The sergeant position
2 among our troopers actually is a commander of a
3 ~~post in the field, so he actually occupies the~~
4 rank, that in many States, would be either a
5 lieutenant or a captain.

6 Among the department, five
7 hundred and forty-eight civilian personnel,
8 three hundred and forty-seven are women who are
9 employed throughout the department's five
10 divisions. More than forty-four percent, or one
11 hundred and fifty-four, of these women employees
12 occupy professional positions of crucial
13 significance to the daily operations of our
14 department. They include police communications
15 officers, fingerprint classifiers, latent print
16 examiners that work at the crime scenes,
17 information specialists, driver's license
18 examiners, who I might say have a very hazardous
19 job -- truthfully so -- accountants, and
20 computer programers and analysts. The remaining
21 female civilian employees occupy clerical
22 positions. In what is usually considered a
23 non-traditional female role, the department

1 currently employs eleven female State troopers.
2 We recently lost two -- one through a death in
3 ~~the line of duty and a second who resigned due~~
4 to a marriage and her husband residing in
5 another state. One state trooper corporal, who
6 is a Black female with eight years' experience
7 in patrolling and criminal investigation, is the
8 department's recruiter for both arresting
9 officers and civilian employees. Our recruiting
10 officer is assisted as needed by twelve other
11 officers who are assigned to our Public
12 Information and Safety Educational Unit. This
13 fledging recruitment program began several
14 months ago as part of the coordinated
15 departmental effort to attract the best
16 qualified troopers and civilian applicants
17 available among both sexes and all races.

18 It is the objective of the
19 Department of Public Safety to recruit, hire,
20 and train the best qualified applicants for all
21 departmental positions, and further to
22 facilitate and enable the career development of
23 departmental members to maximize their potential

1 and to fulfill our public safety needs.

2 I began by telling you that the
3 ~~Department of Public Safety is proud of the~~
4 progress that we have made in employment and
5 career advancement of minority employees,
6 particularly within the last eighteen months or
7 two-year period, but we have had significant
8 employment progress in the recent years also.

9 We have good reason to be proud
10 of what we've accomplished, and the benefits
11 gained from our work in this area continually
12 reinforce our ongoing efforts.

13 As we look around us at other
14 states, both border states and in the South and
15 in the United States, we see that we are on the
16 point. We are out front with our other states
17 as far as their state police organizations and
18 departments of public safety, and we believe
19 that we are outdistancing them in our efforts
20 and the results from our efforts.

21 And without pointing fingers at
22 anyone, let me give you a quick comparison of
23 minority employment among other state police

1 agencies in the country -- not all of them, but
2 just to pick out a few -- and these are the
3 higher percentages for the most part. These
4 minority figures also include, not Blacks, but
5 others -- Hispanics, Indian, whatever the other
6 minority members of that department would be --
7 but in speaking to their arresting officers, we
8 see that Kentucky has a total of four percent;
9 Virginia, a total of eleven percent; Tennessee,
10 six percent; Louisiana, ten percent; Florida,
11 seventeen percent; New York, fifteen percent;
12 and California, fourteen percent. I would
13 remind you that our department has twenty-nine
14 percent of our arresting officers that are
15 Black, and we have some other minorities. I
16 would say it's a very small amount, but we do
17 have Indian representation. We do not have
18 Asian at this time or Hispanic, but we are
19 recruiting in all fields. And I believe, as I
20 said, that we are really on the point, as far as
21 state police organizations, from what we are
22 accomplishing and will be in the future.

23 I won't bore you with other

1 statistics as far as the percentages in these
2 particular states or others as far as their
3 ~~command level personnel or supervisors, but I~~
4 can tell you very honestly and up front that we
5 are in the lead there also, maybe not equal on a
6 per level supervisors, like sergeant and
7 lieutenant; there's a variance in what a
8 sergeant or lieutenant or captain means in the
9 various states. But, as we move along, we are
10 already moving out front, and we are very proud
11 of that.

12 This concludes my prepared
13 remarks, and I will try to answer any questions
14 that you might have.

15 MS. TURNER: Do you have with you some
16 overall statistics that you can give us, like
17 total employees with a breakdown of positions
18 and race and sex and civilians in each of those
19 categories?

20 MR. WELLS: Yes, I can get them for you
21 -- be glad to.

22 MS. TURNER: Mr. Wells, how long have you
23 been in your position?

1 MR. WELLS: February the 1st, 1987.

2 MS. TURNER: We have heard discussion off
3 ~~and on during the day about some of the~~
4 departments who are behind who were
5 underutilizing women and minorities, and your
6 department through -- as you said, through the
7 court order has a history of resistance, and
8 there's been a change in stance as you've
9 outlined today. Can you give us -- and this is
10 probably -- clearly not statistical -- can you
11 give us any information or give us an impression
12 of what brought about the department finally
13 deciding to abandon its policy or restrict its
14 resistance to change and moving into more active
15 recruiting, or not into recruitment, but
16 affirmative statements and policies to hire
17 Blacks?

18 MR. WELLS: I cannot address all of the
19 history involved where you are talking about the
20 resistance in the past years. I can tell you
21 that there was probably some misunderstanding --
22 not misunderstanding so much as maybe a little
23 extra black eye that the department got in the

1 most recent years because of the appeal of one
2 of the actions in the federal case -- it went
3 ~~all the way to the supreme court, but I'd like~~
4 to add in the defense of the department in that
5 particular situation that once the decision was
6 made -- in that instance, in the lower Court --
7 it had to do with some of the mechanics of how
8 the case was being processed and went to the
9 appellate court that our department and the state
10 rested. In other words, the appellate court
11 affirmed the lower court's decision, and the
12 department accepted that. The federal
13 government chose to take it to the supreme court
14 so we, then, were in a tagalong situation until
15 that was resolved. So in the defense of the
16 department, I would say possibly and most
17 probably there was some feelings that were kind
18 of pent-up that it's time to get things moving.

19 Now, on top of that, I would say
20 that the leadership that's been brought forward
21 at the present time through the Governor and
22 some support that we did not have from the
23 legislature and the leadership in the

1 department, I believe, is the difference. The
2 Governor, before he took office, in the
3 ~~transitional period, Governor Hunt, one of the~~
4 things that was subject to review in our
5 department was the status of this case, and he
6 wanted something positively done as far as
7 approach, and there were a lot of nay sayers
8 that said, You can't do anything; and I might
9 say, most of those nay sayers were outside of
10 the department; they were the voices of
11 innerlinks, and saying, you know, you get so
12 bogged down so far and what have you. Well, we
13 didn't believe that, and we worked very hard the
14 first year with all the parties -- the other
15 state departments, the plaintiffs in the case,
16 and our department, we spent a lot of hours in
17 the day and the evening, and we worked together,
18 and I believe that all the parties now are
19 really working as a team for the plaintiffs and
20 us to get the accomplishments and to get to
21 where we should be.

22 MS. TURNER: Were these nay sayers
23 employees or the department?

1 MR. WELLS: No. I said that most were
2 outside of the department. People hear, whether
3 ~~it was an attorney here or a bureaucrat here or~~
4 what.

5 Within the department, you must
6 realize that the department had come to a
7 standstill for career development for all
8 employees. As the years went on, this thing
9 bogged down further and further. And I think an
10 example of that is since February the first that
11 there have been over one hundred promotions that
12 were backlogged, and the department was
13 suffering considerably from that backlog when we
14 had people who were acting two supervisory
15 levels above what they were for us to conduct
16 the business of the department. So there was a
17 lot of sentiment to, Getting the show on the
18 road is move, and I think that what we have seen
19 is a -- I'm not telling you -- standing here, to
20 begin with, doesn't make you believe that
21 there's a hundred percent on any side, but I
22 would say the overwhelming sentiment in the
23 department is that we have got a good settlement

1 decree. And as I've mentioned in my prepared
2 remarks, the moral situation throughout the
3 ~~department and the attitudinal change is very~~
4 positive, and it looks very good.

5 MS. TURNER: We were provided a copy of
6 the concent decree and the record, and there's
7 an entry level that's tied to the time when
8 valid selection procedures are developed. What
9 is the progress on that?

10 MR. WELLS: That is in the process at the
11 present time. There is a company that we refer
12 to as OPR, Organization on Personnel Research,
13 that is the contract company that's involved
14 with developing those prcedures, and they are in
15 the early stages of their reviews, survey work,
16 study, and so forth.

17 MS. TURNER: Would that be monitoring or
18 designed to address the problems of sex
19 discrimination and protecting civil rights?

20 MR. WELLS: Yes.

21 MR. PARIS: Let me understand your
22 classification: Your entry level is considered
23 arresting officer, then you move to corporal,

1 then to sergeant, then to lieutenant, and then
2 captain. Is there a ranking above captain?

3 MR. WELLS: Major, lieutenant colonel,
4 and colonel. The colonel rank is the director
5 of the department; lieutenant is the assistant
6 director, and they are appointed positions by
7 the Governor.

8 MR. PARIS: Do you have any statistical
9 information for the positions above sergeant?

10 MR. WELLS: Yes, sir. We have -- I can
11 give you all of them: Corporal positions at the
12 present time is thirty point two six percent
13 Black; sergeant is ten point seven percent
14 Black; lieutenant is nine point six eight
15 percent Black; and to date, we do not have any
16 Black captains or majors. As you would surmise,
17 there are fewer of the higher ranks as we go
18 along, however, with our procedures that we are
19 using as those vacancies come up. And we have
20 rosters that are fresh with all the people who
21 are at the next lower rank who are qualified.
22 As we move through our settlement decree period
23 of some three years, or slightly under that now,

1 because the court. -- we had three years to work
2 with when we submitted it, but the court -- for
3 about six months before they acted on it, so it
4 kind of compressed our window. But as we move
5 through that period of time, then we'll see,
6 from the lieutenant ranks, that that figure will
7 climb, and so will the captains.

8 MR. PARIS: Based on the system that you
9 are presently using, when do you envision Blacks
10 getting into the rank of major and above?

11 MR. WELLS: I can't answer above; that's
12 an appointed position. I have no idea of what
13 would happen there. We believe that by the end
14 of three years that ten percent of the captain
15 rank will be Black. And I really, because of
16 the attrition rate with majors, I can't answer
17 that; with only five majors, it depends on one
18 of them retiring or resigning before we would
19 have a selection potential to make that. So
20 there's no reason that there will not be any
21 whatsoever. There would be, I'm certain, in the
22 years ahead. And I can't project -- in three
23 years, I feel sure we'll have captains; that

1 means that those captains will be, within a
2 short period of time, on the eligible list for
3 major, so there's no reason that they would not
4 be majors.

5 MS. TURNER: Are you subject to the no
6 pass over rule that exists in Frazier, or are
7 you under a totally different court order?

8 MR. WELLS: I'm not sure we are ever
9 exempt from anything. Are you talking about the
10 selection process?

11 MS. TURNER: Yes, sir.

12 MR. WELLS: Basically, I think I can best
13 answer and explain in saying that we, under our
14 previous law of the court, use a rule of ten;
15 that allows us -- we work in a bracket of ten.
16 Now, the position for the rosters, or the
17 registers, the promotion registers, are grouped
18 in that from one hundred. If you had a test
19 score -- we don't deal with a test score; the
20 department personnel formalizes that, and they
21 send us the registers. But the register will be
22 in three sections, and it will be the highest
23 qualified and the next most qualified. They are

1 in alphabetical order; in other words, all the
2 top group is ninety-five, and all the next group
3 ~~is eighty-five, and all of the next group is~~
4 seventy-five, as far as the grades are
5 concerned; and then we work in the top group.
6 We cannot come out of the top group until -- to
7 select out of the next group until there are
8 only nine people left in the top group. So the
9 rule of three, is what I think, over the years
10 has been the norm, at least in my experience
11 with the federal government and other states has
12 been, but we use the rule of ten, and that's
13 based on prior court involvement.

14 MS. TURNER: Thank you very much.

15 MS. STRONG: Could I please say one more
16 thing before you-all adjourn?

17 MS. TURNER: Sure.

18 MS. STRONG: I'd like to say that there
19 are fifteen members of the Alabama Women's
20 Commission, and on that it is set up, one from
21 each congressional district that the Governor
22 has the right to appoint, and then there are
23 three at large. Then the speaker of the House

